UNIVERSITY OF STRATHCLYDE

DEPARTMENT OF GOVERNMENT

THE GOVERNANCE OF A COMMON IN THE EUROPEAN COMMUNITY: THE COMMON FISHERIES POLICY

by

MIREILLE THOM

A thesis submitted for the degree of DOCTOR OF PHILOSOPHY

1993

THE GOVERNANCE OF A COMMON IN THE EUROPEAN COMMUNITY: THE COMMON FISHERIES POLICY.

This thesis investigates the variables that explain the behaviour of States in their national arenas regarding the implementation of collectively agreed measures within the framework of fisheries regimes. According to orthodoxy, States set up regimes to manage fish exploitation and subsequently fail to implement the policies they have devised. Overexploitation and scarcity are said to follow. Using the first ten years of the twenty year common fisheries policy, agreed in January 1983, this thesis examines and compares implementation of Community measures in France and in the United Kingdom. Two competing conceptual approaches are tested: the sectoral policy approach and the national policy style approach. In the policy sector approach, public policy is said to show variation across sectors within countries and similarities across countries. In such a model, policy determines politics. The national policy style approach, on the other hand, predicts that policy will be shaped by national characteristics and variations in policy processes.

The study demonstrates that, despite contrasting traditions, patterns of interest representation, policy making processes, ideological background of government in power in France and the UK and timing in compliance, the substance of policy, in the implementation of fisheries measures, was strikingly similar in the two countries. Sectoral imperatives determined States' decisions more than any other variable. It was also found that the normative dimension within the European Community, absent in other arenas, made States comply in a way, which, although unsatisfactory, was still better than had been the case with the CFP's predecessor, the North East Atlantic Fisheries Commission.

ACKNOWLEDGEMENTS

So many people have helped me with the realisation of this thesis that I could not name them all. Several, indeed, would rather remain anonymous. My sincere thanks go to officials in the various national Fisheries Departments, especially in Paris and Edinburgh and in the Directorate General XIV in Brussels, to regional and local officials, to national and local fishermen's representatives in France and in the UK and, indeed, to fishermen themselves who were always willing to give freely of their time and knowledge. I am also grateful to scientists and gear technologists for providing me with much information. Librarians in various departments and institutions also offered willing assistance. Thanks are also due to my supervisor, Dr Wolfgang Rüdig. Last but not least, I wish to express my gratitude to my family and friends for their support, encouragement and assistance.

CONTENTS

ABBREVIATIONS

ACFM	Advisory Committee on Fisheries Management
ANOP	Association Nationale des Organisations de Producteurs (National Association of Producers' Organisations)
ARDECOM	Association Régionale de Dévelopment de la Coopération Maritime (Regional Association for the Development of the Maritime Cooperation
CAP	Common Agricultural Policy
CCPM	Comité Central des Pêches Maritimes (Central Committee for Sea Fisheries)
CFP	Common Fisheries Policy
CLPM	Comité Local des Pêches Maritimes (Local Committee for Sea Fisheries)
CNPM	Comité National des Pêches Maritimes (National Committee for Sea Fisheries)
COREMODE	Commission Régionale de Modernisation de la Flotte Artisanale (Regional Commission for the Modernisation of the Artisanal Fleet)
COREPER	Committee of Permanent Representatives
CRIPA	Commission Régionale d'Investissement dans la Pêche Artisanale (Regional Commission for Investment in Artisanal Fisheries)
CROSS	Centre Régional Opérationnel de Surveillance et de Sauvetage des Affaires Maritimes (Regional Surveillance and Rescue Centre)
DAFS	Department of Agriculture and Fisheries for Scotland
DANI	Department of Agriculture and Fisheries for Northern Ireland
EAGGF	European Agricultural Guidance and Guarantee Fund
EC	European Community
ECSC	European Coal and Steel Community
ECU	European Currency Unit
EEC	European Economic Community
EEZ	Exclusive Economic Zone
EFTA	European Free Trade Association
ENIM	Etablissememt National des Invalides de la Marine
EP	European Parliament
FCC	Fisheries Consultative Committee
FEDOPA	Fédération des Organisations de Producteurs Artisanales (Federation of Artisanal Producers' Organisations)
FEOGA	Fonds Européen d'Orientation et de Garantie Agricole
FIOM	Fonds d'Intervention et d'Organisation des Produits de la Pêche et des Cultures Maritimes
GATT	General Agreement on Tariffs and Trade
GNP	Gross National Product
GRT	Gross Registered Tonnage
HIDB	Highlands and Islands Development Board
ICES	International Council for the Exploration of the Sea
ICNAF	International Commission for the North West Atlantic Fisheries
IHC	International Halibut Commission
IWC	International Whaling Commission

JORF	Official Journal of the French Republic
KW	Kilowatt
MAFF	Ministry of Agriculture, Fisheries and Food
MAGP	Multi Annual Guidance Programme
MEY	Maximum Econmic Yield
MOD	Ministry of Defence
MSY	Maximum Sustainable Yield
NAO	National Audit Office
NEAFC	North East Atlantic Fisheries Commission
NFFO	National Federation of Fishermen's Organisations
OECD	Organisation for Economic Co-operation and Development
OJEC	Official Journal of the European Communities
POs	Producers' Organisations
RAF	Royal Air Force
SFA	Shetland Fishermen's Association
SFF	Scottish Fishermen's Federation
SFIA	Sea Fish Industry Authority
SFO	Scottish Fishermen's Organisation
SFPA	Scottish Fisheries Protection Agency
SIA	Société Interprofessionnelle Artisanale
SOAFD	Scottish Office Agriculture and Fisheries Department
STFC	Scientific and Technical Fisheries Committee
TAC	Total Allowable Catch
UAPF	Union des Armateurs à la Pêche de France (Union of French Boat Owners)
UN	United Nations
UNCLOS	United Nations Conference on the Law of the Sea
WFA	White Fish Authority

FIGURES AND TABLES

Figures

Tables

INTRODUCTION

In June 1992 the United Nations Conference on Environment and Development gathered heads of States in Rio de Janeiro in Brazil to "take the decisions required to effect the transition to environmentally sustainable development". Among other things the Earth Summit, as it was described, was to produce the Earth Charter, a definition of principles to govern the economic and environmental behaviour of people and nations and Agenda 21, a blueprint to achieve sustainable exploitation in the twenty first century by examining the links between environment and economy. The remit of the Summit extended to problems of pollution, the preservation of biological diversity and poverty. What was significant about the Earth Summit was the official acknowledgement that future survival depended on sustainable exploitation of natural resources and the prevention of pollution. The issue of population growth, overexploitation of natural resources and poverty are acquiring greater saliency as they are being viewed as a global issue. At the heart of the problem is the sustainable exploitation of natural common resources which neither the market nor State regulation seems able to achieve. Who decides who owns what, who gets access to the resource and who is excluded are questions at the core of politics and need to be studied. Indeed, resource allocation and exploitation represent "...the issue of the future, perhaps replacing military security or economic development as ***the*** issue of the global community" (Fiske and Schuler, 1990:176). Yet, academic interest in this area is relatively recent and although it represents "an emergent interdisciplinary field" (Berkes and Kislalioglu, 1991:568) it has, hitherto, been neglected by political science (Young, 1981). This thesis aims to contribute to the interdisciplinary research on the governance of natural common resources by studying the variables that influence the implementation of common measures by States in their domestic setting. According to orthodoxy, intergovernmental commissions only produce very timid measures to

achieve sustainable exploitation which States subsequently ignore. Two variables are said to explain this state of affairs - the ownership pattern of the resource and the lack of political will on the part of States to impose constraints on their resource users. These variables need to be investigated.

Examples of overexploitation and concomitant scarcity abound - overgrazing, tree felling, overfishing, hunting - some small scale, others of global dimension. Scarcity and depletion occur despite the various regimes that generally regulate access and exploitation of natural resources. Such regimes can be operated at several levels: that of the users where they can be informal and involve only the community of users, that of national Government or even at the international level where administrative and legal rules and penalties may be provided. Depending on the resource base a management regime may involve from a few people to several States. However, as they increasingly view resource exploitation as a global issue, States increasingly seek to find international, and, even in some cases, global responses. The search is on, at all levels of interaction, for the ideal institutions that can reconcile economics and sustainable development. However, such apparent desire for intergovernmental cooperation is overshadowed by the limited achievements of international regimes and agreements which seek to govern common resources. International organisations and international regimes are said to be ineffective in altering State behaviour (Strange, 1983). So, is there any hope that States can overcome their egotistic tendencies and produce solutions that can promote justice, sustained exploitation and economic development? Indeed, can these basic objectives be simultaneously achieved?

A global problem: overfishing

One of the most cited sectors suffering from overexploitation is fishing. It is also a sector from which valuable lessons can already be learned, since management of fisheries has a long history of international management. Indeed, it could be argued

that, in Western Europe, the management of the exploitation of fish stocks has essentially been an intergovernmental business. This is far from exceptional and international fisheries commissions are to be found all over the world (Koers, 1973). Studies of fisheries regimes are not encouraging, however, as they seem to converge on negative outcomes such as overexploitation and concomitant scarcity (Driver, 1980; Driscoll and McKellar, 1979; Troadec, 1989a). As with the exploitation of other resources, the main explanations given for their failure to sustainably manage stocks are the common ownership of the resource which, it is said, equates with open access, and the lack of political will on the part of States to enforce commonly agreed measures. These variables deserve attention as they represent two important components of any global solution to sustainable development of ***any*** common natural resource.

Such findings raise a series of important questions. Why do States seek international measures if they are not prepared to enforce them? Does the exploitation of a common resource generate similar patterns of interest representation across nations? What are the variables that determine the behaviour of States in their domestic arenas towards measures they have agreed to implement? Unless these variables are understood there is little hope of devising effective structures and policies to manage common resources.

As well as seeking international cooperation, coastal States may also attempt to extend their control over the high seas. The international Law of the Sea was reformed in the Seventies, as an increasing number of States were unilaterally extending their fisheries zones from twelve to two hundred nautical miles from their coasts. Prior to the 1992 United Nations Conference in Rio, 66 States plus the EC met in Cancun in Mexico in May 1992 to discuss the issue of "responsible fishing". At this conference the Food and Agriculture Organisation (FAO) of the United Nations explained that overexploitation and overcapacity characterise world fishing. From 20 million tonnes in 1950 world production reached 85.7 million tonnes in 1989 and fell slightly to 82,8 million in 1990. Fishing operated in a regulatory vacuum or where

regulations existed they were insufficient or not enforced. Fisheries Commissions had proved ineffective in controlling fishing effort (Cancun, 6-8/5/1992). There is a drive, therefore, to extend national exclusive economic zones (EEZ) beyond the existing 200 nautical mile zone and the Cancun Conference was to prepare the ground for the Earth Summit, where the fishing issue was part of Agenda 21. 'Responsible fishing' and extension of EEZ were raised again in September 1992 in Rome at a technical consultation organised by FAO and are to be discussed in the future. Yet, were States to obtain control over greater expanses of water, international agreements would still be required with straddling and highly migratory stocks and the principle of traditional rights of migratory fishermen. Fisheries regimes, which, in many cases predate economic and security regimes and hold valuable lessons for international management of natural resources, have been largely ignored by political scientists. This thesis focuses on the common fisheries policy of the European Community.

The common fisheries policy of the European Community

Studies of fisheries regimes generally concentrate on the behaviour of States in the international organisations and then examine policy outcomes in terms of the biological state of commercial stocks. A whole process between policy formulation at the international level and outcomes at the peripheral level, where fish producers operate, is missing. Yet, this process holds invaluable lessons as to whether negative outcomes result from non-implementation, poor implementation, from the inadequacy of the policies or from sectoral imperatives which dictate outcomes, for example. Political scientists have often stressed the need to abolish the conceptual boundaries that exist between comparativists and international relations scholars since such divisions do not exist in politics (Caporoso, 1988:4). However, responses to such exhortations are thin on the ground. This study will use the common fisheries policy of the European Community to

establish an interactive model linking transnational, national and peripheral structures, actors and processes. It will also be comparative as implementation of EC fisheries measures will be examined in France and in the UK, and to embrace the peripheral dimension the focus will be extended to Brittany and Scotland, the dominant fishing 'regions' in their respective countries.

In order to assess implementation, objectives have to be identified. In this case it may be that the EC, France and the UK have different goals regarding the fishing sector. If such were the case, it is possible to imagine outcomes which are analysed as policy failure by observers, but as successes by those involved in the process. Implementation instruments must be examined at the national level, not in isolation but in their normative environment, as policy does not evolve in a vacuum (Jobert, 1989; Jobert and Muller, 1987). Finally, outcomes must be tested against objectives and instruments. Such a comparative examination should be both synchronic and diachronic.

This thesis examines the first ten years (1983 to 1993) of the twenty year fisheries regime of the European Community (EC), the Common Fisheries Policy (CFP). Its predecessor, the North East Atlantic Fisheries Commission (NEAFC), is generally acknowledged as having been ineffective because of constitutional weaknesses (Driscoll and McKellar, 1979; Holden, 1984). Member States had ensured that they could not be bound to measures they did not want. The common fisheries policy is different from other fisheries regimes in that it evolved in an organisation with a normative function - that of integration - as compared to other fisheries organisations which have no such aim. However, this dimension does not prevent generalisation of the findings. On the contrary, it allows for a comparison between the two regimes - NEAFC and the CFP. It also examines Member States in what should be the more constrained framework of the EC, since it possesses institutions and coercive instruments not available to other fisheries commissions. Variables identified as responsible for regime failure in international fisheries commissions appear to be duplicated in the CFP, as do negative outcomes. In a comparative

study of the politics of fishing in France and Britain from 1976 to 1983, Shackleton (1986:332) concluded that "What determined national policy were domestic, economic and political considerations, not a supranational authority".

It is not surprising, therefore, that the 1991 EC Commission's report on the first ten years of the CFP noted overcapacity and overfishing resulting in a latent sectorial crisis" (Commission, 1991b:ii-iii). Weak management mechanisms and lack of political will in Member States are identified as the main causes.

In studies of fisheries regimes States, are conceptualised as cohesive units who resist all measures which would impose costs on their fishing fleet. Such behaviour is explained in terms of agency capture by domestic fishing interests who are only interested in short term gain regardless of the long term consequences on the resource. This model fits the Realist model of international relations and of international regimes wherein States are conceptualised as self maximising, whose behaviour is not altered by regimes (Krasner, 1983a). While this conceptual model may provide an explanation for overexploitation of some fish stocks, albeit worrying for future cooperation in other areas of international management, it is incomplete and generates more questions.

Does the model of States in fisheries management mean that the underlying imperatives of fish exploitation determine politics? Is it the case that despite different traditions, approaches and institutions policies and outcomes are the same? What does this indicate about fisheries policies? What about fishing interests in a marginal industry whose members are scattered at the peripheries? Do States lose control to their peripheries in this area of resource exploitation? What are the implications for the first, and, hitherto, sole EC policy governing a common resource?

These questions cannot be answered without examining the various levels of interaction, from the users at the peripheries to the transnational arena where decisions are made to the national level where Member States decide on how to implement and enforce those

decisions before returning to the world of resource users again. The interactive model will allow such research. Since the behaviour of States in international arenas and in the European Community has been investigated in policy formulation, this study focuses on the implementation of EC measures at the national level, but also embraces the transnational and regional dimensions. Taking fisheries measures, which are mostly in the form of regulations, the focus will be on the meso level, that of interaction between governments and their fishing industry, to discover the variables that influence Member States' choices of responses. As the implementation of some fisheries regulations require a national policy process decisions will be examined using the three criteria of aims, instruments or outputs and outcomes. This examination will be carried out on France and the UK in order to test and compare variables. Assessments of fisheries regimes seldom begin with an examination of the aims of the various participants and almost invariably use biological criteria as the yardstick to establish the degree of success or failure of the regimes. This is a major shortcoming which must be overcome. In this study, three sets of objectives must be uncovered - the EC's, and those of France and those of the UK. In fishing, as in any other policy area, there are hidden agendas. Moreover, it would be surprising if the objectives of the three main parties in this study converge across issues and time. The aim of the thesis, therefore, is to discover the variables that determine Member States' decisions to implement regulations or to ignore them.

This study should make a contribution to the understanding of the variables that influence States' choices in the implementation of measures formulated in the European Community. Caught between transnational and peripheral forces, as well as sectoral and territorial interests, which represent an increasing feature for EC Member States, what are States' choices? The findings should also be of interest to students of international regimes, of European integration and for those interested in implementation in general. It is also hoped that this thesis can contribute to an understanding of the complexity of fisheries management in an

international setting and of the importance of variables beyond that of the ownership pattern of the resource.

Plan of the thesis

After a brief examination of the common under study - fish stocks - Chapter one will examine the various theories and concepts that help explore the world of the resource user, that of States in the international system and in the EC, and of States in their domestic environment in order to link the various levels of interaction. Concepts of implementation will be described along with a study of the many variables that influence implementation. Two independent variables will be detailed before describing the research strategy and formulating hypotheses.

Chapter two will place the management of European fisheries in its historical and policy context. The legal changes in the international Law of the Sea will be described and analysed before looking at the development and evolution of the common fisheries policy. Policies in the form of Community law, processes and actors at the Community level will be examined.

Chapter three will concentrate on the two Member States, France and the UK and their peripheries, Brittany and Scotland. Their respective organisational frameworks and fishing industries will be described and compared before identifying processes and actors at the national levels and linking them with those at Community level.

Chapter four will examine the structural policy of the common fisheries policy, study and compare its implementation in the two member States from January 1983 to January 1991.

Chapter five looks at the implementation of the conservation policy and more particularly at national quota management in the

two Member States, before studying enforcement and controls in France and the UK.

Chapter six completes the study of the structural policy from 1991 to 1993, before establishing a balance sheet of the past ten years and examining the situation in 1993. The new regulation for the next ten years is assessed before pulling together the various strands to produce a critical comparison of implementation in the two Member States and comparing outcomes to objectives.

In the conclusion, the hypotheses are re-examined and assessed before formulating some prescriptions regarding fisheries management in the European Community.

CHAPTER 1

MANAGEMENT OF A COMMON: LITERATURE SURVEY AND THEORETICAL FRAMEWORK

A recurrent theme in all research on common resources and their management is its multidisciplinary dimension. More and more, scholars stress the need for interdisciplinary cooperation, not only in investigation terms, but also in the devising of prescriptive policies if common resources are to be managed with minimum conflict and in sustainable fashion.

Choices had to be made with regard to the organisation of literature, as to whether it should be structured around disciplinary background, level of interaction or theoretical approach. The methodology adopted organises the literature according to levels of interaction : that of the resource users at the peripheries, then of States in the international system before moving to the national level to observe Member States in their national environment. This decision is justified in terms of the analytical strategy that is adopted in the study and that focuses primarily, though not exclusively, on the meso level. An additional factor that guided such a choice is that the literature surveyed at times deals with management of common resources in general, while, at other times, it focuses on fisheries in particular. Some of the theories are applicable across levels of

interaction, while others highlight the idiosyncracies of the fishing sector in its various settings. Moving from level to level also shows the inescapable links between the actions of the producer at the periphery and decisions and interactions from the peripheral to the national, transnational and international world and, in the process, provides a picture of the action arena where the dynamics of fisheries management operate. Finally, such a technique provides insights into the different priorities of the various actors according to the level of interaction. One more decision remained to be made regarding the order of the levels. It was decided to start with the micro level, that of the producer. This decision does not necessarily suggest a bottom-up approach - indeed, in the study itself the strategy is resolutely top-bottom - nor can it be explained in chronological terms, but results from a desire to establish the context of fisheries from the start of the analysis. After looking at the theoretical world of the resource users or producers, the focus will move to the macro level of States in the international and transnational environment. Fisheries management is essentially an international and regional process and States are at the core of such a process. The literature survey will then move to the meso level, that of interaction between government and industry. It will set the scene for the study to uncover the variables that determine Member States' responses to EC measures.

In the course of the literature survey, terms such as maximum sustainable yield (MYS) and economic rent, among others, are commonly used. It seems logical, therefore, to provide a brief introduction to the resource base before beginning the survey. Additionally and more importantly, such understanding is crucial if the intergovernmental links as well as the various theories in the literature are to be understood, and this will be greatly helped by defining the biological, economic and political characteristics of the resource base.

The next part, therefore, will detail the characteristics of fish as a natural resource.

SPECIFYING THE COMMON : FISH STOCKS

After a brief examination of the biological limit of fish exploitation a more detailed analysis of the common will be undertaken using concepts from a model devised by Oakerson (1986). His analytical framework is constructed around four component parts beginning with the technical and physical attributes of the resource, then the decision arrangements between users, followed by the patterns of interaction and, finally, outcomes (Oakerson, 1986:20). Only the first element of the model will be borrowed here along with its three subsets.

Relation between exploitation and stock

Fish are a natural, biological, migratory and renewable resource. Fishing is a hunting activity and fishermen do not bear any production costs - fish regenerate and grow at no cost to users - except that related to harvesting the resource. Scientists have established that a certain amount of fish can safely be removed from a given stock while allowing it to retain its biomass and its capacity to reproduce itself. This amount is expressed in terms of Maximum Sustainable Yield (MSY). The evolution of a stock will be affected by a wide range of factors such as the number of young fish entering the stock, or recruitment, climatic changes, the presence and density of predator species, diseases and, in the case of an exploited stock, fishing. Where fisheries management exists scientists generally seek to establish the ideal rate of mortality due to fishing as this is the only element man can control. A simple model of the relationship between the maximum sustainable yield and fishing effort is shown in Figure 1.1. As the curve shows, when the death rate from fishing becomes greater than the stock can safely sustain the MSY decreases as the size and composition of the stock is negatively affected. Overfishing leads to scarcity, and, in the long term, can result in the total collapse of the stock.

Technical and physical attributes

Three concepts are examined here : jointness of consumption or supply, exclusion and indivisibility, in order to analyse the environment of fish exploitation *in the absence of regulations.*

Jointness: Jointness relates to the concept of externalities in that jointness expresses the total absence of externalities. There are variations in the definition of the term (Dorfman, 1974:5), but a working definition such as that given by Loehr and Sandler seems adequate here:

"An externality exists whenever the consumption or production activities of one individual affects, either positively or negatively, the economic activities of another individual and where no mechanism exists to compensate (charge) those bearing external costs (benefits)." (Loehr and Sandler, 1978:22).

Limitations to jointness must be defined, but exclusively in terms of its relation to the intrinsic qualities of the resource or to the technology used in its exploitation (Oakerson, 1986:15). Jointness is absent in fisheries and externalities are high since every fish caught by any one user is subtracted from the common pool. The technology available to producers increases the level of externalities in that it is highly performant and allows users to travel great distances in pursuit of the resource. It is difficult to think of a community of users immune to the effects of outsiders' activities. Similarly, the combination of sophisticated electronics and highly performant fishing gear aboard fishing vessels allows producers to locate shoals and to capture them. Thus, the intrinsic quality of the resource and the existing technology do not promote jointness.

Exclusion: The potential for exclusion, again, must be examined exclusively with regard to the opportunities and constraints that emanate from nature, and/or technology alone. In fishing, the scope for exclusion is extremely limited. Bad weather, stock depletion and altered migration patterns are the main natural factors that could deter potential users. Technology alone, without a regulatory framework to direct its use would not

contribute to excludability (Oakerson, 1986:16). Indeed, in a regulatory vacuum, on a scale running from open access to total exclusion fishing would be situated on the point of open access. Access to technology can be limited by availability of capital. The range and catching power of small vessels severely limit their operators' choices and opportunities. However, in the case of the North sea, for example, even small units can operate outside national waters. Except for small scale schemes where regulatory factors intervened, the policy of open access was, until very recently, part of international customary law. Where it was explicitly expressed this regime was justified in terms of the nature of the resource, the vastness of the sea and the lack of extractive technology capable of leading to stock overexploitation. The resource has remained the same but technology has made, and continues to make, access to almost all stocks increasingly easier. Moreover, storing, freezing and processing equipment on board vessels grants producers ever greater autonomy. Thus, nothing can be expected from the nature of the resource or from technology, alone, to limit access to the fish stocks.

Indivisibility: Indivisibility seeks to show the potential for sharing the resource between users. It is important to establish the boundaries of the resource, especially those determined by physical, and/or technological factors. The mobility of fish and the environment in which they evolve do not promote the scope for divisibility. In the case of trees, or acres of grazing land or of a given amount of water units, allocation schemes can be devised to divide them. With fish stocks the best that can be achieved is an allocation of *rights* to a given quantity that the beneficiary may or may not be able to *catch*. However, such a scheme can be devised. Operationalising it is a more difficult exercise. First, maximum sustainable yields must be established for every stock to set up total allowable catches (TACs), which are then divided in the form of quotas between users. Further agreements must be found in the case of straddling and migratory stocks between the various States in whose waters fish evolve. These States may have

different management objectives and policies thereby further complicating matters.

An additional constraint is introduced in the case of mixed species sharing the same grounds as with demersal or bottom species such as cod, haddock and whiting for example. Fishing gear, especially the most popular, towed gear, does not discriminate between species. It means that agreements on total allowable catches for the targeted species have to be complemented by further figures on the quantities of incidental catches, or by-catches that are allowed. Mixed species evolving in the same environment create a further problem when the resource is divided among users. When the TAC has been reached for a specific stock in a specific zone all landings of such stock become illegal. However, to ensure that no overfishing of a demersal stock occurs, all fishing in the zone must be stopped for all demersal species. This is hardly tenable for all beneficiaries still in possession of *rights* to quantities of fish or quotas. The alternative is for fishing to be continued until all demersal TACs have been harvested and then all fishing stopped. However, since in the meantime landings of some stocks will have become illegal and by-catches are regulated in percentages of the main landings and that discrimination at the time of capture is very limited producers have no choice but to discard all fish they are forbidden to land. These fish are dead by the time they are thrown overboard. The discard of fish raises many ethical, economic and biological questions that further constrain the potential of divisibility of the resource. Thus, the nature of the resource and technology in fishing severely limits capacity for divisibility.

A need for management?

Externalities are high, exclusion difficult and divisibility extremely complex and costly. The intrinsic qualities of the resource and its natural environment on the one hand, and technology on the other, do not promote jointness, excludability or divisibility. The result of high externalities exacerbated by

unregulated access is *rent dissipation* (Gardner et al, 1990). The notion of economic rent applies to the income individuals draw from exploitation of a lasting resource, "it refers to net income or excess revenues over costs" (Clark, 1973:85). Fishing, therefore, needs to be regulated if interuser conflict, scarcity, overexploitation and rent dissipation are to be avoided and some kind of justice ensured. Measures to minimise externalities will necessarily affect the other two dimensions examined and are generally sought through conservation measures. Policies to regulate exploitation of fish can be divided into two subsets: input and output regulations.

Input regulations seek to control the level of production through conditions of access to a vessel, its tonnage and engine power, equipment and gear. It can also take the form of a licence stating a given number of days at sea, authorised zones etc.

Output controls are linked to stated total allowable catches and quotas, along with the imposition of minimum sizes under which various species cannot be legally landed.

Conservation measures have the potential to severely constrain the activities of producers, which are by definition, economic activities. As such, regulations are highly controversial as they determine who gets what and how much.

CONCEPTUAL MODELS IN COMMON RESOURCES

Three models or games relating to individual choices can be used to conceptualise the actions of resource users and outcomes at the level of production: Hardin's tragedy of the commons, the prisoner's dilemma game and Olson's model of collective action (Ostrom, 1990). These conceptual tools can also be used at meso and macro levels but are particularly pertinent here. The three will be briefly examined before moving on to the analyses that are organised around, or were evolved as a reaction to, these models.

The tragedy of the commons

Hardin's model of what has been termed "the tragedy of the commons" has been rehearsed many times over the past twenty years (Hardin, 1968). Addressing the problem of exploitation of the world commons and the pressures arising from such exploitation by an increasing population Hardin reflected on the nature of a problem to which there existed no technical solution. To avoid ruining the commons, man had to look for a solution within the framework of collective action and not, as modern man had grown to expect, in the technical sphere. For Hardin, the tragedy could be symbolised by a common pasture with open access. Herdsmen could enjoy the benefits of grazing their cattle without bearing the costs. Each herdsman, acting rationally, deduces that he could increase his profit by adding more cattle. The benefits to be derived from such behaviour accrue entirely to the herdsman alone, while the perverse effects that result from the overgrazing of the common are to be borne by all. This rational process being adopted by all, however, leads to "the tragedy. Each man is locked into a system that compels him to increase his herd without limit - in a world that is limited. Ruin is the destination toward which all men run, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a common brings ruin to all" (Hardin, 1968: 1244).

Hardin believed that coercive measures, to be mutually agreed, had to be installed to avoid such tragic outcomes. Since the problem stemmed from the common property of the resource, he advocated privatisation (Hardin, 1978) though, aware of the difficulty with some resources, he seemed to favour - especially in international fisheries - cooperation and coercion (1972; 1976).

The prisoners' dilemma game

The dilemma is expressed in terms of the preference of two prisoners constrained by the structural rules of the game. They find themselves in custody on account of a minor charge. The

Attorney believes that they have committed a serious crime but has no evidence to offer. An important component of the game is that the prisoners are unable to communicate with each other to explore their tactical strategies. Consequently, the Attorney offers them individually the following choices : if they do not confess to the major crime, he will have to convict them of the minor charge and they both will receive a light sentence. If both confess, they will be given a lighter sentence than the one normally in force. Alternatively, if one confesses, the other not, the former will be rewarded for his cooperation by receiving a lenient sentence while full punishment would be administered to his counterpart. Given the structure of the game, it is argued, the only rational choice is to defect. Ostrom (1990) has applied this strategy to the Hardinian model. Two herdsmen can satisfactorily put x cattle to graze on a common pasture. If both cooperate, they will each put $x/2$ cattle in the field. If they defect and fulfil the tragedy predictions, they will add as many animals as are economically viable to a number greater than $x/2$ and, inevitably, will come to the point when they see their profits disappear. In the case of one of the two keeping to $x/2$ and the other one defecting, the benefit to the defector would be $x/2 + 1$ while his counterpart's profit would be - 1. As Ostrom puts it, "If each chooses independently without the capacity to engage in binding contract, each chooses the dominant strategy which is to defect. When they both defect they obtain zero profit" (1990: 4).
This game is said to be helpful in conceptualising the problem of collective action in large common pool situations, such as fisheries in the high seas, where externalities are high, where communication between users is inexistant and where users are impervious to the consequences of their actions.

The logic of collective action

This model seeks to address the perverse effects of the individual rational choices on the group. It challenged, among others, Truman's assumptions (1951) that if individuals, by getting

together in a group, and by contributing to its provision, could obtain a collective good, then the incentive existed for collective action without compulsion. Olson (1965), on the contrary, argued that in the case of a collective good, whose provision cannot discriminate between contributors and defectors, it makes economic sense for the individual to opt out of the financing scheme. This defection and the problem it creates for society is expressed as the free rider syndrome. Groups that continue to exist do so because individual group members have more to lose by being outside the organisation than inside. Thus, according to Olson, group membership and cooperation cannot be assumed as an automatic choice whatever the benefits, but will depend on the penalty for defecting (Olson, 1965:2). This model adds to the previous two predictions of perverse collective outcomes as a result of rational individual decisions. Moreover, it shows that even in conditions of organisation which are a step further on than the previous two models, which related to individuals not communicating, there can still be conditions when defection offers more attraction than cooperation. In fisheries the free rider syndrome manifests itself through disregard by fish producers for all conservation measures regulating fish exploitation. The literature relating to these models will now be examined around three broad groups : neo-classical economists, rational choice theorists and sustainable development empiricists.

NEO - CLASSICAL ECONOMISTS AND BIO - ECONOMIC MODELS

The original economic approach in the exploitation of fisheries found its genesis in the neo-classical school of economics (Meuriot, 1987; Reveret, 1991). Its positivist approach sought to demonstrate the perverse effects of common ownership and of its concomitant - open access - on the economic optimum in fishing. This school conceptualises the individual producer as Hardin's herdsman or as the prisoner who cannot communicate with his co-accused, thus the *homo-oeconomicus* who self-maximises without regard for the outcomes.

Bio-economic theory in fisheries

Bio-economic theory in fisheries is the result of the combination of the biological nature of the resource and the property right pattern that governs its exploitation along with economic theory within the same model. To the biological concept of maximum sustainable yield (MYS) was added that of maximum economic yield (MEY). MEY represents the level at which "the value of the fish caught by the last unit of effort is just equal to the cost of producing that effort" (Anderson, 1975: 164). Beyond that point the economic rent (financial benefits in a common) can decrease to zero. Economists had to consider two specific characteristics in fisheries. First, the renewable nature of the resource, and second, its common property nature. On the first point, economists knew from biological studies that stock depletion was to a great extent linked to overfishing. This aspect and that of free access had to be entered into a theoretical model that would show the economic optimum of the exploitation of a given stock. When revenue and cost are equal, fishing is said to be in a situation of bio-economic equilibrium : E be. Equilibrium at this stage, however, does not mean what it suggests, that this is the optimum situation. It may be that other various maximum yields have been overtaken and that the whole fishery is threatened, but this will depend on a number of other factors. As Figure 1.2 shows effort E > Emsy (See Kearney, 1983: 7-9). Gordon (1953; 1954) showed that MEY occurs at a lower point of production than MSY (Figure 1.3). When fishing goes on beyond the MEY point, rent dissipation occurs since costs are greater than returns. This situation, it is argued, is due to property rights in fisheries. In a situation of open access and in periods of good returns from fishing, the number of vessels automatically increases as more people are attracted to the industry. The cost of exploitation rises in consequence because of the investment necessary and the corollary is a decrease in the economic rent which has to be divided between a greater number of producers until it reaches zero (Gordon, 1954). This equation between open access and rent

dissipation had already been suggested before, for example by Warming in 1911; however interest in this paper began to manifest itself only recently (see, for example, Hannesson and Anderson, 1981; Munro, 1982). Another economist, Scott, subsequently compared two systems of ownership in fisheries: sole and common property rights (Scott, 1955). He contrasted the decisions made by a sole owner with those of a user in an open access situation. He found that the economic and biological outcomes were more favourable in the case of a sole owner and argued in favour of privatisation of fishing rights. As had been the case with biological research before, increasingly sophisticated models were produced by economists (Beverton and Holt, 1957; Smith, 1968). The first bio-economic models that were devised presented a static analysis of fisheries, based on a number of assumptions regarding stocks, fishing effort, investment, producers' attitudes etc. Others were evolved, introducing further variables, such as population dynamics, relations between investment, fishing effort and revenue over time (Clark and Munro, 1975; Congar, 1977; Andersen, 1982). This dynamic approach has given rise to extremely complex mathematical models whose complexity seems to increase with their comprehensiveness. More recently, stochastic models have been developed to embrace the uncertainties and chaotic circumstances which are inherent in fisheries, varying from stock recruitment to market fluctuations (Wilson et al, 1990).

Although the first economic analytical models appeared almost thirty years ago, their influence in fisheries management is only beginning to make inroads in decision making (Pearse, 1981; Gates, 1989: 464-5). Moreover, despite the comprehensive models that have been, and still are being, produced decision makers are more inclined to turn to the initial static frameworks. This is explained in terms of the esoteric complexity of both the dynamic and stochastic models (Reveret, 1991: 64-5). Economics are but one of the variables to be considered in management decisions (Stockes, 1986). Economic theory in fisheries is intrinsically linked to biological theories of stock dynamics and other factors related to capital, fishing effort, markets and, perhaps, above

all, producers' attitudes to fishing. Each of these variables is still being researched itself. This explains, therefore, why economic theory in fisheries is still, in a sense, in its infancy.

The problem of common property

The points to retain from the economic literature reviewed so far are three: its neo-classical approach, its prescriptions and its caveats. First of all, the behaviour of the individual producer who in this approach belongs to the Hardinian model. In the presence of a common resource, to which there exists common access there is only one rational type of behaviour for the *homo-oeconomicus* and that is to exploit the resource without regard to the potential tragic outcome. This approach is, under some conditions, justified both theoretically and empirically (see, for example, Gardner et al, 1990). In an ordinary market situation these rational choices would not translate themselves into a tragedy. However, for economists, "fisheries present, in one form or another, all the major causes of market-mechanism failure..." (Crutchfield, 1972:75). The main factor that accounts for this failure, it is argued, is the property right system attached to fisheries. To work successfully in a market situation, any enterprise must be able to ensure some control, at least, over capital, the resource and labour. However, in a common property situation this cannot be the case as regards the resource (Pearse, 1981:137). In this context, and this is the second aspect to remember, some form of privatisation of fishing rights is seen as desirable in order to ascertain a higher degree of control over access to the resource (Christy, 1973; Scott and Neher, 1981; Singer, 1986; Keen, 1988). This prescription for institutional change is generally accompanied by a series of suggested regulations which would lead to restricted access and quasi-privatisation of the resource. These proposals will be studied later. Finally, the third point to remember is that economists are aware that economic optimum is not necessarily the objective of decision makers. As was suggested earlier, and as shown in Figure

1.3. economic optimum is only one of a number of criteria that can be selected as management objectives. However, bio-economic models helped conceptualise another dimension beyond the biological one, another objective, another constraint in decision making.

RATIONAL CHOICE THEORISTS

So much has been written about rational or public choice theory that it is difficult to define it briefly without controversy. Rational choice is a normative and parsimonious theory of human behaviour (Ostrom, 1991; Dunleavy, 1991). Dunleavy's distinction of the two components of the rational choice literature is helpful. The more abstract mathematical form is not considered here, rather the focus is on the institutional rational choice theories (Dunleavy, 1991: 1-2).

Some rational choice theorists have turned their attention to the management of common resources. Such scholars are interested in the theory of collective action and the importance of institutions in common pool resources. Their definition of common resources generally include public goods from which exclusion of potential beneficiaries is problematic (see, for example, Gardner et al, 1990: 335). The resource base is conceptualised as a 'resource system' and the benefits that can be appropriated from the use of the system represent 'resource units'. (Ostrom, 1990: 30). Thus both fish stocks and bridges are resource systems that provide *x* tons of harvested fish and crossings respectively every year, and these represent resource units. In the case of a renewable resource, the resource system can be further identified as 'stock' and the units it produces as 'flow'. The rate of renewability of the stock should provide a guide as to the safe level of harvestable flow (Ostrom, 1990). Translated into biological terms, the flow here is expressed as the maximum sustainable yield or the quantity of fish that can, from a biological standpoint, be safely removed from a stock. However, if the problem of excludability represents a common characteristic in the provision

of the two sets of goods, a difference arises on the point of subtractibility. Thus the protection one individual receives from a defence programme does not subtract from the same protection of other individuals. However, fish taken from a stock, or water from a groundwater basin result in a subtraction from the available flow. Although this also occurs to an extent with the appropriation of resource units flowing from the use of a public highway, since the greater the use by cars the more congested it gets and the quicker the degradation of the road, it is still not the same phenomenon.

"Thus, propositions derived from a theory of public goods that are based on the nonsubtractive attributes of those goods are *not* applicable to an analysis of *appropriation* and *use* of subtractable resource units" (Ostrom, 1990: 32).

For public choice scholars, here is the first theoretical difficulty: to analyse precisely the nature of common resources which exhibit a mixture of characteristics pertaining to public and private goods (see, for example, Ostrom, 1986; Oakerson, 1986). Thus the appropriation of flow units has more in common with the world of private goods, while the arrangements that govern the exploitation of a common resource can be said to belong to that of public goods. This analytical difficulty has theoretical implications. Rational choice scholars believe in the value of the market for the production of private goods. In the provision of public goods, they argue in favour of decentralisation of responsibilities to small local units best designed to possess first hand information relating to the resource to be managed (Ostrom et al, 1961). The first point that can be made, therefore, is that they seek to extend this analysis to the governance of common natural resources (Ostrom, 1990).

To justify this position, they cite the models of collective action as being correct in predicting tragic outcomes within the structural situation suggested by the models (Ostrom, 1990: 183). The individual is conceptualised as acting rationally to maximise his self interest. However, rational choice literature is characterised by a certain number of factors such as disagreement

with the prescriptions generated by the conceptual models and by its search for an alternative solution. Rational choice scholars disagree on privatisation of resources such as fish stocks as a solution on account of the major physical and material problems it poses. Moreover, it cannot, of itself, exclude overexploitation by owners of fishing rights (Clark, 1977; 1980). The second prescription, that advocates outside intervention by central authorities, triggers the same distrust towards governments' ability to set up structures likely to be successful in governing management of natural resources as in the case of public goods (Ostrom and Ostrom, 1977: 161). The second characteristic of this literature is, therefore, as already is the case in the provision of public goods, the search to reconcile individual economic rationalism and collective action in governing a common.

The third aspect follows from the first two. In the presence of goods that not only exhibit mixed characteristics, but also high externalities, and keeping in mind the rational dimension of man which determines his choices, what are the best institutional structures and collective arrangements that will be both economically rational *and* will protect the resource system? The main focus of attention for rational choice scholars are the institutions that regulate the provision and distribution of resource units in common resources. Their approach determines their methodologies. Thus any analysis of collective action at the level of appropriation must not only examine that 'world' but also extend to the three worlds of action (Kiser and Ostrom, 1982). The aim is to discover the institutional framework that shapes individual choices in a given context. Individual choices will be influenced by a desire to maximise benefits and factors such as the resource system, norms, information and evolution over time. However, the paramount variable is the nature of managing institutions (Buchanan and Tollison, 1972; Kiser and Ostrom, 1982; Oakerson, 1986; Ostrom, 1986, 1990). The tragedy as expounded by the three models is *structurally* determined. Therefore, by changing the rules of the game individual choices can be altered.

These choices can be predicted by using the model of the economically rational individual, *homo-oeconomicus* as we saw earlier.

Discovering the ideal institutions

Reflecting on the great many variations that exist between similar common pool resources in size, nature of the resource system and exploitation frameworks, and the fluctuations in their rate of success and failure, rational choice scholars want to use the growing body of interdisciplinary material to attempt to discover institutional and interactive patterns. Thus, empirical studies by anthropologists, sociologists, economists, administrators, political scientists are examined. (Ostrom, 1990 is the best and most recent example.) Rational choice scholars reject the prescription that help must come from a central authority exogeneous to the community of users or appropriators. They are not against privatisation, but acknowledge that in some instances there are goods for which the market cannot operate. They see more harm than good coming from the first prescription. In the tradition of rational choice, they advocate small managing units ideally at the level of the community of users (Ostrom, 1974). That is where the information and the knowledge are and where individuals have the greatest interest in ensuring the proper use of the common resource concerned. Individuals are not helpless and can organise themselves both to prevent and to remedy the tragedy. They acknowledge that there is no universal institutional framework but several possible arrangements. This is why alternative structural games are drawn up in order to see how users can make decisions and ensure among themselves proper implementation of these decisions. Government intervention is not totally excluded but should act mainly as a deterrent against potential users from outwith the community of users (Ostrom, 1990).

THE RADICAL INSTITUTIONALIST THEORISTS

This label is not entirely satisfactory. However, this subgroup gathers together scholars who stress the importance of institutions on policies and outcomes but differ from neo-classical economists in that they *do not see maximisation of individual benefit as the overriding determinant of individual behaviour within extant frameworks* . One of the first scholars to draw attention to the importance of economic institutions on the use of, and outcomes in, CPRs in any country in the world, was Ciriacy-Wantrup (Ciriacy-Wantrup, 1969). In the sphere of common resource exploitation the criteria used to analyse their rate of success or failure were expressed in terms of economic efficiency. In the case of a renewable resource such as fish, the biological dimension could not be ignored because fluctuations in fish stocks have repercussions on the economic rent that is derived from fisheries. These analyses are biased, some analysts argue, not only because they choose to assess one optimum to the exclusion of others, but also because they fail to acknowledge the in-built bias of institutions themselves in policies and outcomes. Thus, Bromley (1989:2) first draws attention to the value-laden approach in appraising performance. Reflecting on the problem of assessing Pareto optimality in public policy, he argues that criteria such as efficiency are not value free. Moreover, "...efficiency, however, defined, is dependent upon the institutional structure that gives meaning to costs and benefits, and that determines the incidence of costs and benefits" (Bromley, 1982:32).

Of importance too, is individual behaviour. While accepting the impact of structural factors, they do not view them as deterministic as neo-classical economists. They seek to show the shortcomings of the models of collective action. In the case of the prisoners' game, Bromley (1989) points out that its whole *raison d'être* is to make the prisoners confess. Without plea bargaining there is no incentive for them to confess. Prisoners' preferences in both cases remain the same - presumably they both want to minimise their jail sentence. What is different is the

range of available strategies. To him, this shows that in the prisoners' dilema game "it is the institutional structure that defines the environment of choice" (Bromley, 1989:87). Furthermore, even within these structural constraints, he argues that a variable such as altruism is traditionally excluded. Thus, it may be that the prisoners will not confess out of concern for the other. This is an important aspect. In fisheries, it has always been assumed that fishermen's actions are exclusively aimed at maximisation of their catch. This rational behaviour leads to overfishing and stock depletion. However, the notion of altruism, which Bromley evokes in his critique of the prisoners' dilema model, can be compared to recent research which seeks to show that considerations, other than purely economic, such as family, or potential conflict with other users, influence fishermen's behaviour (see, for example, Hanna, 1989; Valatin, 1990; Johnson and Orbach, 1990; Reveret, 1991). This type of research suggests that skippers consider a range of factors beyond economic considerations and that the latter is not automatically the dominant one. Such research, though still in its infancy, offers interesting perspectives which should be explored further. Thus, focusing on institutions is important, insofar as the role of economic institutions influence the policy process and the outcomes of common resource management. It is the lack of acknowledgement of this role in the assessment of efficiency of resource exploitation that radical economists want to emphasise. They also want to extend political research beyond economic criteria, usually restricted to monetised outcomes to include the role of conflicting interests in societies.

SUSTAINABLE DEVELOPMENT EMPIRICISTS

The literature emanating from these scholars is substantial and expanding, especially in Canada and the United States. It spans several disciplines. There is no common methodology but a broad empirical approach to investigating exploitation and use of common resources. It often results in an empirical rejection of the

Hardinian model and consequently of the prescriptions that such a model generates: privatisation or centralisation of control. This literature shows that communal management in very diverse communities can be successful, both in terms of sustainability of the resource base and of the management schemes. The literature survey, in this section, will be brief because, although of great value to all common resource management scholars, in fisheries, such studies usually relate to coastal and artisanal schemes (for a comprehensive review of the existing literature on CPRs see, for example, Tepper, 1991). While some of the problems encountered by coastal fishermen are broadly similar to those of the fishermen under study here, the organisation, rules and regulations, exchange of information, patterns of exploitation and control of policy enforcement are naturally different in an international context. An interesting feature to note about some of this literature, too, is its evolution. Born from a desire to contrast the tragic normative models evolved from the neo-classical school of economics with empirical evidence from successful communally managed schemes, part of the literature became a little over enthusiastic in emphasising the success of the latter (see, for example, Feeny et al, 1990). However, it would appear that some scholars have recognised the danger of 'romancing the commons' along with an acknowledgement that not all communal management is successful, and that communities of users are far from homogeneous (McCay, 1992). What is particularly interesting to note and holds great promises for the future is that public choice scholars, with their individualistic approach, and communal management empiricists, with their focus on the communality dimension, are coming together, both sets acknowledging that the two approaches must be complementary. As this development is only at its nascent stage, no model has yet been elaborated, although the various games devised by Ostrom can be viewed as a step in that direction (Ostrom, 1990). It would appear, therefore, that the rational choice approach will not only continue to be part of the academic landscape in the foreseeable future, but will expand to new areas (Dunleavy, 1991;

McCay, 1992). The next section will look at the literature on communal management by focusing on the various aspects around which arguments regarding management schemes are generally organised: regulated access within common ownership, critiques of Hardin's tragedy, to be followed by a brief examination of the two prescriptions - privatisation and governmental management and their shortcomings.

Common ownership pattern and regulated access

Studies that focus on the successful management of commons vary from fisheries in Japan's coastal waters (Ruddle, 1987, 1989; Nagasaki, 1988; Royce, 1988), to communities along the coasts of Canada and the US (Pinkerton et al, 1989; Berkes et al, 1989) and in the Western Pacific (Ruddle and Alkimichi, 1984); to communal pastures and agricultural lands in Switzerland (Netting, 1981), and in Japan (McKean, 1982, 1986). These investigations show that common ownership cannot automatically be equated with open access. Indeed, there are very few cases where access is not regulated through traditional rules and norms generally adhered to by the community of users (McCay and Acheson, 1987). Access is generally linked to residence and family ties. What is of particular interest is that this informal pattern of controlled exploitation can operate on its own or within the constraints of a national framework. Thus, Acheson (1987, 1988, 1989) has shown that such regulatory schemes are not the preserve of Aborigenes or Indians but operate successfully among the lobster fishermen of Maine (USA). Local fishermen have evolved an informal system that controls access and discourages some fishing practices in 'their' territory, unhindered by state authorities.

The tragedy of the tragedy

Arguing that the Hardinian model assumes that common ownership is synonymous with open access, some scholars use their empirical studies to dispel this 'myth' (Rees, 1990:266). Contrasting the

theory issued from the neo-classical conception of man with communal resource management, it is argued that the former is "Western ethnocentric...emphasising competition rather than cooperation" (Berkes, 1989:2). Moreover, "The idea that common property causes trouble is an old and persistant part of Western culture" (McCay and Acheson, 1987:2). Open access is one of a number of assumptions which underpin the model and that empiricists wish to dispel. The tragedy is said, for example, to be tautological. Although the tragedy has many detractors, the main criticisms can be addressed through Stillman and Berkes' arguments (Stillman, 1975; Berkes, 1987). They reject the first assumption that is implicit in the model, that common ownership is synonymous with open access and where exclusion is not considered as an option. Secondly, users show themselves impervious to their community's best interests and to peer pressure. Finally, the level of exploitation is greater than the maximum sustainable yield. Given these three characteristics, the tragedy is, indeed, unavoidable. The main characteristic that determines the outcome is the absence of communication between the users and the concomitant regulatory vacuum in which they operate. Other authors point out that the setting in which the users evolve, in Hardin's tragedy, is not only a regulatory but also an economic vacuum, since the cost of adding cattle is not considered (Dasgupta, 1982). Just as with the prisoners' dilemma game the Hardinian tragedy is said to be structurally constructed and no other outcome is possible. The first assumption regarding open access has been examined and Hardin's critics use this evidence to argue that examples of untrammelled resource exploitation are not very common. Users do generally communicate either directly in small scale schemes or through intermediaries in larger ones. In the case of international fisheries, for example, regional or single species organisations have been operating for a long time in order to regulate fisheries activities (Koers, 1973). Anthropologists argue that on the topic of relentless exploitation evident in Hardin's tragedy their research shows that in most communities, insulated from outsiders and governmental

intervention, resource exploitation is generally carried out in such a way that harvest does not exceed the renewable rate of the resource. This is not to deny that tragic outcomes, as depicted by Hardin, do happen. However, scholars see the causes elsewhere, at the macro and meso levels of politics. Thus, colonialist and capitalist forms of exploitation are blamed (Acheson and McCay, 1987:9) along with government intervention in various forms (Anderson, 1987: Feeny 1988; Jentoft, 1989). On the whole, therefore, the Hardinian model, which became short hand in many spheres for projected outcomes in common resource exploitation schemes (McEvoy, 1988:214), is not adopted by sustainable development scholars who say their empirical evidence does not back the conceptual model.

THE PRESCRIPTIONS IN THE LITERATURE

Privatisation

The argument in favour of privatisation of common resources is mainly couched in economic terms. As we saw earlier, it does not generally pretend to achieve social or biological Pareto optima. However, some scholars have sought to show that privatisation does not universally ensure efficient exploitation, nor is it always politically feasible. In the case of a slow growth rate as with whales, it can make more economic sense to exploit stocks to the point of extinction than to preserve sustainability (Clark, 1973). The current move towards the allocation of individual fish quotas in several coastal States is not resolving problems, in that fishermen discard substantial amounts of fish in order to retain the most commercially valuable and, equally, it does not eliminate the problem of fraud and illegal landings (Jagot, 1993). Moreover, what is theoretically possible is not always automatically politically acceptable. Two cases in fisheries illustrate this point. The allocation of rights to oyster beds in the US has proved highly difficult and conflictual, despite the evidence that it would be a logical step to take (Agnello and Donnelley, 1984;

McCay, 1987). Similarly, the setting up of individual transferable quotas, which is viewed by authorities as the rational device of the future, faces strong hostility in many EC coastal States (Shetland Conference, 1993). This is seen as ultimately leading to the concentration of fishing rights to fish stocks in the hands of a few companies (Jagot, 1992; Weber, 1992). Moreover, it is also argued that the resources that would be required to ensure a smooth transition to such a system, as well as its enforcement, would be greater than they are at present (Allen, 1986; O'Malley, 1986; Reifsnyder, 1986).

Centralisation or State governance

Open access and privatisation relate to property systems in that open access pertains to *res nullius* and privatisation to private property or in the case of fiseries private ownership of *rights* to a given quantity of fish. Government management generally relates to state property or *res communes*. While greater central coercion and control are seen as the best way to manage common resources by many, especially among managers, such a solution has also shown its limitations. Scholars have found that government intervention has more often than not resulted in adverse outcomes for the community of users concerned (Hannesson, 1985). Empiricists, along with rational choice scholars, do not believe that a central authority removed from the community of users can realistically be expected to acquire the knowledge that is required in successful management. They point to the mistakes that are made in promoting the interest of one group of users against another (Anderson, 1987), or in the proliferation of regulations that emanate from bureaucracies (Smith, 1988; Ostrom, 1990). Withdrawal of community control through nationalisation can create an institutional vacuum, wherein unregulated and uncontrolled exploitation can take place. This happened in Thailand after forests were nationalised and is resulting in overfelling, land clearing and overall degradation of the environment (Feeny, 1988). Such state generated crisis is often described as the tragedy of

the *commoners*, that is users who have found themselves caught in a spiral of overexploitation but without the means to halt it (McCay, 1992).

Users' involvement in management

Thus, some resource bases present sizeable difficulties regarding privatisation, and intervention by governments has seldom resulted in desirable outcomes. As evidence begins to accumulate there are more and more calls from scholars and users alike for mixed management schemes (Ostrom and Ostrom, 1977: 172; Proceedings of NRC Conference, 1986; Pinkerton et al, 1989; Jentoft, 1989; Berkes et al, 1989b; Baines, 1989). In fishing, fishermen's participation in decision making and enforcement is a recurrent prescription in most studies of fish stock exploitation. Given the vastness of the sea and all the opportunities that exist to cheat, users' involvement in the policy process is seen as crucial for *any* policy to acquire the legitimacy that will ensure its success (Cushing, 1975; Stiles, 1976; Pringle, 1985; Anderson, 1987; Pinkerton, 1987; Jentoft, 1989). Moreover, lack of information on the part of users of authorities' decisions results in an inability to plan fishing patterns, and in itself forces producers to maximise their catches as quickly as possible (Troadec, 1989b: 5 0-1). A growing number of communities, which lost control of fisheries through State regulations during the past decades, are increasingly demanding that their traditional rights be reinstated. Using principles of human rights and citing provisions in the international law of the sea, indigeneous coastal populations "throughout the Pacific and the Northern waters" are demanding official and legal recognition and protection of what they consider as their natural and traditional rights to coastal resources (Valencia and Vanderzwaag, 1989: 125; Bergin, 1991). These demands for control are being echoed in some EC Member States, too, which would like to see control devolved from Brussels, not to the national capitals but to the regions. Co-management will be examined in detail later. However, it can

be defined as "a middle course. It is a meeting point between overall government concerns for efficient resource utilization and protection, and local concerns for equal opportunities, self-determination and self-control" (Jentoft, 1989:144; see also Berkes, George and Preston, 1991). Increasing interest in co-management "is perhaps related to the resurgence of interest in grass root democracy, public participation, and local-level planning" (Feeny et al, 1990:13). Thus, prescriptions from this last subset favour nested relationships between communities of users and government. Such a preference echoes that of rational choice economists, in contrast to the first subset which view privatisation of fishing rights as the answer.
In the case of European fisheries in this study, co-management is extremely limited. Transnational and national authorities make and enforce policies. The focus will, therefore, now move from the level of the individual to that of corporate actors, from the peripheries to the international and transnational arenas.

INTERNATIONAL MANAGEMENT OF FISHERIES

States are the decision makers in the internationl fisheries organisations. This section looks at States in international arenas and at the theories that seek to analyse State behaviour and policy making in intergovernmental organisations and in the European Community. Then, attention will shift to the national level, that of the State and its relation with the fishing sector, before examining the variables that are said to influence implementation of fisheries measures. A brief definition of the State will be provided first.

The State: a definition

It seems important to define what is understood by the word 'State' before using it to describe the State as an actor. When the State is placed within the context of international relations as an actor it may implicitly indicate that a realist or modified

structural approach is adopted (see below). It is, however, also a useful methodological device to deal with behaviour in international organisations. Nonetheless, when the word "*State*" is used in studies of domestic politics it immediatly attracts different connotations. It suggests that a statist understanding of politics underpins the analysis. This is not surprising in an era which has witnessed the return of the State as a focus of theoretical and empirical research (Caporaso, 1988). The temporary absence of the State from academic research (at least in the Anglo-Saxon world - it has remained a focal point in French political science), as well as its return, have been explained in terms of philosophical, conceptual and methodological factors (Leca, 1980; Nordlinger, 1981; Evans et al, 1985; Katzenstein, 1985; Caporaso, 1988; Rosenau, 1988; Meny and Thoenig, 1989). However, the proliferation of literature has not cleared up the ambiguity that surrounds the concept itself. As well as ideological differences the focus chosen by scholars also has its importance. Thus Rosenau, using four different perspectives found that:

"If m thodology seems paramount, then the state emerges as a wavering concept. If the domestic scene is treated as preeminent, the state is posited as having an ever widening competence. If stress is placed on the consequences of the world growing interdependence, the state appears as a withering colossus. If adaptive capacities are highlighted, then the state is seen as weathering change" (Rosenau, 1988: 15).

His argument is helpful in conceptualising the State as having various capabilities depending on the environment in which it evolves and on the nature of its activities. However, such an approach, as any other, can only be helpful if observers know what is embraced by the word "State". Rosenau (1988: 15), mindful of the many definitions, nevertheless, formulates his own. He views States as,

"consisting of the norms governing relationships, the habits of voluntary and coerced compliance and the practices of cooperation through which large numbers of people form and sustain a

collectivity that possesses sovereign authority with respect to them".

Those norms and patterns are operationalised by,

"those individuals who act on its behalf, employing its force and applying its laws so as to preserve and enhance the norms, habits and practices of the collectivity in its entirety (what I also call the whole system)" (Rosenau, 1988: 15).

The approach in this study, which is not about the nature of the State, will adopt Rosenau's definition. Thus, individuals are empowered to use the State's capabilities (Rockman, 1990: 30) and are acknowledged as representing it in the various intergovernmental organisations. This allows for the use of the word State in various international and domestic settings without the suggestion of coherence and omnicompetence that the word can imply.

INTERNATIONAL RELATIONS AND ORGANISATIONS

This section will study the various theories pertaining to international relations, organisations and regimes. Concepts of interdependence will also be adressed before looking at policy making in the European Community and examining the issue of implementation of policies.

International Relations

"By theory of international relations I mean ... the body of general propositions that may be put forward about relations among states or generally about world politics" (Bull, 1975: 277).

Theories of international relations have, naturally, evolved as scholars sought to interpret world events. Various classifications can be made depending on the paradigm or the theoretical variables the analyst chooses to use (Bull, 1975; Korany, 1987). Three main stages can be identified in this evolution. The Idealist phase describes the period ewhen scholars believed that the world system would evolve towards an ordered structure of negotiation between

States in intergovernmental organisations in order to agree on international law. Negotiations and cooperation would gradually triumph over war as a way of settling interstate disputes. The Realist school, which followed, argued, on the other hand, that military might as compared to international law was the stronger determinant in international relations. Its scholars conceptualised a world made up of competing States in their quest for domination and supremacy. They viewed international politics as cyclical and their theoretical dominance reached its peak in the United States after World War II. Finally, a third group of scholars sought to combine the two approaches, a movement which gave rise to various theories. The main two can be labelled as Functionalist and Modified Structural (Krasner, 1983a). The former, echoing the Idealists of earlier years, saw the development of networks at all levels of human interaction across the world system as diminishing the centrality of the State. To such scholars, the State would become redundant in a world where economies were increasingly interdependent and integrated. This normative approach viewed such development as desirable as a guarantee against war. Acknowledging the increasing interdependence of States, modified structuralists argued that such interdependence was essentially asymmetrical, which, in itself represented a form of power. Control over the exploitation and distribution of natural resources, crucial to the economies of industrialised countries, was in many instances weakening the hegemony granted, hitherto, by military supremacy (Keohane and Nye, 1977). This interpretation of international relations earned its scholars the label of modified structural theorists (Krasner, 1983a). The main difference between the two component groups of the third approach is their different conceptualisation of the State. The modified structural school perpetuates the concept of the State as the dominant actor in the international system, while Functionalists hoped to see a shift in this focus. This very brief survey cannot reflect the many variations and nuances in these various approaches which have given rise to many competing intra- as well as inter- school theories. However, they

are constituent parts of the broad canvas to which international fisheries organisations and regimes belong.

International organisations

In order to coordinate collective action, for whatever purpose, at the international level, States generally set up organisations. The creation and proliferation of international organisations represents something of a paradox. The collapse of empires due to decolonisation after the second world war, or the more recent changes in Eastern Europe, have led to an increase in the number of international organisations. It appears that the centrifugal momentum is matched by a number of centripetal moves in the creating, or the joining up of existing international, transnational and regional organisations. Thus, from the 199 intergovernmental organisations that had been created up to 1966, the number almost doubled to 378 in 1988 (Cohen-Jonathan, 1988: 177).

Observers converge on five elements to provide a definition of IOs which Virally summarises thus

"...an organisation can be defined as an association of States, established by agreements between its members and endowed with a framework of permanent instruments, for the realisation of common objectives through cooperation between them" (Virally, 1980: 52).

Whether objectives are always 'common' is debatable, but organisations do institutionalise policy networks (Keohane and Nye, 1987: 738). A distinction must be made between organisations whose objective is integrationist and those which do not seek to change States and, by extension, do not attempt to alter the international system. Integrationist organisations are endowed with special characteristics and prerogatives that make them, in certain areas, resemble States, "... since it can be said that they have a population and a territory, even if it is strictly from a functional standpoint" (Virally, 1980: 56). This aspect is worth emphasising as it underlines an important distinction between international fisheries organisations, such as the North

East Atlantic Fisheries Commission (NEAFC), for example, and the European Community. The latter possesses instruments in its fisheries policy which were not available to NEAFC in the policy process or at the enforcement stage. Whether this apect leads to differences in objectives and policies in fisheries managment will be analysed in the course of the study.

National self-interest and international organisations

Many researchers have argued that little progress can be made in understanding the behaviour of States in international and transnational arenas without a comprehensive knowledge of their domestic politics. Similarly, States' choices in domestic issues are both influenced and constrained by international factors (Gourevitch, 1978; Katzenstein, 1985). While this may appear self-evident now, it was not always so. Thus, Keohane and Nye, whose Power and Interdependence (1977) is still considered as the classic exponent of the concept of interdependence, acknowledge that they deliberately chose not to examine domestic conditions in their case studies. The authors wanted to understand international politics at the systemic level. However, they were puzzled by changes in States' priorities. For example, in a subsequent study of their work (Keohane and Nye, 1987: 739), they wrote, "...changes in definition of self interest by the United States and other countries kept appearing ... - both in ocean politics and monetary relations - without adequate explanation".

Promoting national interest in international organisations

Analysing States' politics in IOs is no easy task, mainly because of the secrecy that surrounds negotiations and policy making. Officials texts in most cases reveal nothing of the deliberations Simon, 1988). However, two sets of strategies can be identified. Member States can exercise control, firstly, over the nature and composition of the organisation and, secondly, over its functions

(Simon, 1988).

A - Structure and nature of the organisation

Several methods can be used to control both its size and composition. One of the most obvious examples is French president De Gaulle's opposition to UK's membership of the EC, on the grounds that Britain was more committed to its alliance with the US than to the Community (See de la Serre, 1987: 15). States can seek institutional reform to shape the organisation into an entity more congenial to their own interests. The EC offers a perfect example of the constant jostling for influence and of the conflicting priorities between large and small member States, for example, in either initiating or blocking institutional reforms (Financial Times, 6/8/1990). Threats to withhold fees to the organisation is also another way of exerting pressure. This is a tactic well known to various United Nations agencies which have seen some of their projects jeopardised for lack of financial support (Simon, 1988: 153). The EC is not immune to such threats from its member States, as Mrs Thatcher's stance against the UK's contribution indicated. Finally, in the panoply of tactics, States can seek to influence the administrative staff, an activity more visible, perhaps, in the UN scretariat and which is well documented (Simon, 1988: 126-7).

B - Pressure on the functions or influencing the outputs.

'The national interest' in any given issue will vary according to domestic vagaries and international events. The intensity of commitment and degree of activity of individual States will also be determined by the importance the actors attach to the issue. Their behaviour will further be influenced by the degree of control they exerce over the inputs. If it is, low then the principle of sovereignty can become a useful tool. According to Simon (1988: 130-135), internal pressure can be applied to either retain or reject the status-quo. Or States use external pressure which can adopt various forms. One of these is to attempt to withdraw some prerogative from the organisation, or to set up alternative frameworks to deal more freely with contentious issues. The setting up of the European Council of heads of

governments demonstrates such an attempt at interaction outwith the more formal structures devised by the Treaties of Rome. A further form of pressure is withdrawal, although this process is gradual, and generally carried out in the hope that, ultimately, the State will manage both to influence the outcomes and remain a member. One of the firt steps is temporary withdrawal and De Gaulle's policy of the empty chair remains one of the most flagrant cases of pressure tactics in the EC (de la Serre, 1971).
A further way of ensuring control is to ensure that weaknesses are built into the organisation's constitution by insisting on a unanimous vote before policies can become binding. This provision was particularly common in fisheries organisations (See Chapter two).
We have looked very briefly at international relations and organisations as well as States' behaviour in the world system. As the basic theories were refined and their paradigms extended scholars felt that despite the fruitful insights they provided they did not really explain reality in a satisfying manner (See Korany, 1987). The perceived decline of the US and the events of the seventies led to a revision of the various theories. A similar process took place following the lack of integration progress within the EC (Haas, 1975; Merle, 1983, Strange, 1983). Scholars searching for new paradigms focused their attention on international regimes as a field that was at the crossroads between the broad systemic approach and the more specific study of IOs (Krasner, 1983; Haggard and Simmons, 1987). This shift was less the beginning of a new subdiscipline than "a return to traditional concerns of international law and political sociology on the formation, evolution and disbanding of rules that order the games of social actors" (Smouts, 1987:158). However, one of the questions at the heart of the international regime (IR) approach is crucial here: do regimes alter States' behaviour? This next section will look at definitions of IR before briefly examining the conflicting approaches of the three schools identified earlier Then concepts of interdependence will be addressed,

before looking more specifically at the EC as a transnational organisation and at implementation of EC measures.

Theories of international regimes

Not surprisingly, consensus is difficult to achieve on the ideal definition of a regime. However, the definition generally referred to is that of Krasner who views regimes as "... sets of implicit or explicit principles, norms, rules and decision making procedures around which actors' expectations converge in a given area of international relations" (Krasner, 1983b: 2). For him regimes stand between the basic causal variables - military, economic and political - and behaviour and outcomes. While theoretical differences arise from this definition of regimes (see for example Haggard and Simmons, 1987) the crucial disagreement revolves around the assumption that regimes alter behaviour. This dimension is of particular interest and importance in natural resource regimes as it is often argued that, in the domain of fisheries, regimes do not affect behaviour. The methodology adopted for the examination of international regimes follows that of Krasner (1983a) and that already used in international relations earlier.

The realist analysis

For realists the main actor, the State, is an egoist, rational and coherent unit whose actions are permanently guided towards self-maximisation, not only in the spheres of security and politics but also in the economic and social domains (Aron, 1962; Morgenthau, 1975; Dussault, 1987). States are vulnerable to others in the "anarchical society" (Bull, 1977) as man in the Hobbesian state of nature, and, as such, are involved in a dynamic process of protecting their self-interest. There is no place in such a system for effective regimes as behaviour and outcomes depend exclusively on causal variables. Changes in the latter will lead to altered behaviour regardless of the regime. This interpretation is also

shared by structuralists who broaden it to include multinationals and individuals in the world of rational, self-seeking actors (Strange, 1983). (For critiques of this and other approaches see Haggard and Simmons, 1987).

The Liberal analysis

This school has attracted several labels such as Grotian (Krasner, 1983), and its proponents called, "cobweb theorists" (Webb, 1983), because it views the world system, not in terms of distinct, hostile and cohesive units but as a pattern of myriads of networks linking international elites. These elites interact in the pursuit of their multifarious interests. In such a world, regimes are ubiquitous elements in international relations. This utilitarian analysis of regimes covers several functionalist and neo-functionalist approaches. For some, principles, norms and procedures do not necessarily require to be explicit to affect behaviour. Puchala and Hopkins (1983) apply this principle to colonialism where, they argue, norms and principles remained implicit but where colonialism as a regime did exist, and elites accordingly adapted their behaviour. For liberals, regimes would lead to increasing integration and their functionalist analysis was particularly predominant after the s cond world war.

The modified structural or interdependence analysis

Beginning from a perspective close to that of the realists, this approach posits that, in some instances, regimes can, and do, affect behaviour. Unlike liberals, they conceptualise States as the main actors in the international system despite growing interdependence and complex interdependence. States' inherent concern remains their self interest and not some normative goal. However, when this cannot be achieved by individual, unhindered action, States will modify their behaviour in line with the corresponding regime in order to minimise the impact of negative outcomes (Keohane, 1983). In this world, regimes can, in some

circumstances, have an impact.

Various methodologies are used to analyse the approaches and their subsets. However, these are not going to be examined (see, for example, Strange, 1983; Haggard and Simmons, 1987; Smoults, 1987). The aim of this review is not to opt between divergent analyses but to place international fisheries in a theoretical context that will facilitate both an examination and an understanding of the arguments. It seems important to point out, however, that the Realist approach has made a return in international relations. As Smouts points out, scholars tried very hard to move away from the restricted realist paradigm but it appears that the State is back 'with a vengeance' carried along by "the triumphant neo-realism" (Smoults, 1987: 158). Thus functionalism, integration and interdependence are said to have shown their limits in explaining international relations. In this context the international organisation is "... used exclusively as an instrument of foreign policy at the service of the states" (Smoults, 1987: 160).

Concepts of Interdependence

Interdependence is not a new phenomenon. States have always been affected to varying degrees by the actions of other States. As a concept, it borrows elements from the liberal approach that emphasise the effects of technological advances and the growing integration of international economies and politics. And from the realists, they adopt the rational characteristics of the State. The seminal work on interdependence was written by Keohane and Nye (1977) who sought to show that the realist approach of interstate relations was not satisfactory. The traditional link between military hegemony and bargaining power was being altered by the distribution of raw resources which militarily weak countries could control. War was no longer an option and this interdependence was resulting in asymmetrical patterns of power. Keohane and Nye identified two degrees of interdependence: sensitivity and vulnerability. The first stage is reached when States feel the effect of other States' policies in a way that is

inimical to their interests before they take measures to remedy these effects. Vulnerability represents the second stage and conceptualises the potential costs to a State after it has adopted policies to correct the adverse effects. In order to minimise costs, States are compelled to work together in order to alleviate their interdependence. Most fishing industries generally experience both sensitivity and vulnerability. As one coastal State's industry begins to suffer from reduced catches because of overfishing, it can move to exclude foreign vessels or promote the catching capacity of its own fleet for example, in order to reduce its own sensitivity. This, in turn, compounds the degree of overfishing and, in the process, other industries' vulnerability (Driscoll and McKellar, 1979: 127). The concept of interdependence is not uniformely valid across sectors but, as biologists and economists have shown, the various elements contained in the concept of interdependence are salient in the fishing industry. Externalities inherent in fish exploitation lead to sensitivity and vulnerability, not only in economic, but also in political terms. Similarly, the concept of asymmetrical sources of power is illustrated in the so-called cod wars between UK and Iceland. They signalled the end of gun boat diplomacy. Following Iceland's successive unilateral decisions to extend its exclusion zone in the Sixties and Seventies, British vessels were expelled from their traditional fishing grounds. Despite military and economic superiority, Britain could do little but engage in a few token gestures, such as sending a few Navy vessels to the disputed zones. Pressure was applied on London to accept Reykjavik's decision, by NATO members anxious to retain influence in such a strategic location. The EC Commission, too, applied pressure, during the last 'war' in the mid-seventies, as the international mood was evolving towards extending fisheries zones, and also because the European Commission hoped some agreement could be reached between its Member States and Iceland on the retention of historical rights (Gilchrist, 1978; Barston and Birnie, 1980; Farnell and Elles, 1984; Jonsson, 1985).

THE EUROPEAN COMMUNITY

The normative principles which guided the founders of the various European communities were those of functionalism. Functionalism can be described as a philosophy that aims to reduce sources of conflicts between States (Mitrany, 1966). Such an objective can be achieved by providing for the social and economic requirements of mankind across State boundaries (Frankel, 1975). As Wallace (1990: 1) pointed out, such principles were clearly enunciated in the Treaties creating the successive communities. The aim was "to substitute for age-old rivalries the merging of (the European peoples') interests, to create, by establishing an economic community, the basis for a broader and deeper community among peoples long divided by bloody conflicts; and to lay the foundations for institutions which will give direction to a destiny hence forward shared". Political integration was initially seen as the natural result of economic integration. Political scientists theorised on the projected evolution of the European Economic Community and predicted that the integration of one sector would lead to integration in other sectors. A process of 'spill-over' from one area into another would gradually result into an integrated technical and political entity (Lindberg, 1963, Linberg and Scheingold, 1970). However, in the Seventies and Eighties, specially in the early Eighties, pessimism dominated among the early proponents and analysts of European integration (Haas, 1975, Tsoukalis, 1983, Wallace et al, 1983). The pattern mapped out by neo-functionalists had not been realised. The multilevelled networks of relationships and economic and technological interdependence between governmental and nongovernmental actors had become a reality but without the projected concomitant political integration. Some scholars saw events vindicating their predictions regarding 'the obstinacy of the nation-state' (Hoffman, 1966). Integration theory was criticised, not least by one of its 'fathers'. Thus, Haas (1975: 6) described the theory as "obsolete in Western Europe, obsolescent elsewhere and ripe for reconceptualisation on a global scale".

Yet, it was not all setbacks as Greece in 1981, then Spain and Portugal in 1986 joined the EC. The setting up of a common fisheries policy for a twenty year period in 1983 was interpreted by some as a further step towards integration (Leigh, 1983). Progress was registered, too, in the signing and implementation of the Single Act that abolished frontiers within the EC. More problematic, however, was the ratification of the Maastricht Treaty on political union signed by the heads of States which ran into trouble in some Member States.

Scholars eager to fill a theoretical gap argued that empirical research of specific fields of policy making was necessary. A concerted effort was conducted by Wallace et al (1983). Their findings r inforced the pervading feeling that domestic conditions were the determinants of EC policy making, rather than any normative guiding principle of integration. Studies at the domestic level also showed that, in the case of specific common and regional policies, national governments effectively acted as 'gate keepers' between the Commission and their peripheries (Keating and Jones, 1985; Meny, 1985). These studies also showed that, when there was conflict between the Community and a national government's interests on a proposed policy, Member States would flout EC regulations for as long as possible while they sought readjustments at home (see, for example, Germany and the common agricultural policy (CAP) in Hendricks, 1989). Not surprisingly, scholars struggled to define the nature of the EC. Wallace (1983:403) analysed it as "less than a federation and more than an international regime".

Recent studies show that analysts are still struggling with "the anomalous situation of the Community (which is) stronger than a mere international organisation (yet) weaker than a state" (Keohane and Hoffmann, 1990: 279); see also Wallace 1990; Laffan, 1992).

There is a consensus, howeve , on the nature of policy making within the Community that was labelled intergovernmentalism (Webb, 1983). Intergovernmentalism characterises interaction between States which fits within the vision of the modified structuralist

concept of the State. In such a context, bargaining becomes a "zero-sum game in which governments are inclined to define their positions in rigid terms" (Webb, 1983:25).

Although the intergovernmentalism label is said to describe *policy making* it only describes the behaviour of Member States during *policy formulation*. Knowledge of what happens at the implementation and enforcement stage of EC policies remains very limited. Such lack of evidence can only compound the problems encountered by analysts. Keohane and Hoffmann's (1990) difficulty underscores the need to investigate the whole policy process across all Member States. In matters such as fishing, the Community, in contrast to international organisations, has been endowed with *sovereignty* from Member States who must, for legal and political reason , implement them. The next section will focus on implementation of EC measures.

NATIONAL IMPLEMENTATION OF EC MEASURES

The management of fisheries in the European Community is essentially co-management between the European Commission and Member States. EC policies are formulated at the transnational level and are implemented by Member States. Some EC measures require no intervention by Member States as they automatically acquire their legal status in national settings. Others, however, require a response which may involve a whole policy process in Member States. Before examining the variables that influence Member States' responses, it seems useful to look at the concept of public policy and its various components.

Public policy

A striking feature of policy analysis is the multifarious uses of the term *public policy* (Hogwood and Gunn, 1988: 13-19). In French, there is the added difficulty of one word *politique* describing both politics and policy (Thoenig, 1985:7). The lack of clarity extends to policy analysis, where Thoenig (1985:3), noted over

forty definitions of what the exercise entails. The definition of public policy which is provided here largely follows that of Hogwood and Gunn (1988: 19-24) with adaptations to acknowledge the EC dimension. Policy encompasses decision. It represents a series of interactions between organisations and actors; it contains sets of decisions about action and/ or inertia. Inertia may be the aim and result of a policy. A policy generally contains intentions, outputs and outomes. Subjectivity is an inescapable dimension of policy analysis as the scholar establishes an analytical framework that will divide processes and decisions into sequences of actions. In this context, intentions or objectives have to be explained, not only in terms of what specific EC texts state in order to justify the measure, but also in terms of what the Commission actually *expected* it to achieve. In some cases, perhaps in all, intentions may converge, in others the Commission's objectives may be more modest than those stated in the introduction to the regulation. However, the yardstick in this top - down study has to relate to the official texts, a strategy which does not exclude an examination of the Commission's unstated objectives. In the analysis of States' responses - which include inertia - individual Member States' objectives have to be studied, too. They may or may not converge with those stated in official texts. Policy must also include outcomes, intended or not. Thus, the empirical analysis will begin with the EC text and its stated objectives. The focus will then move to Member States to study their responses which will be analysed in terms of Member States' objectives, the instrument, if any, that were used and outcomes.

The implementation process

Political scientists' interest in implementation of policy as an intrinsic part of the whole process is relatively recent. Yet, it is already said to be decreasing as a focus of attention in improving public policy (May, 1991: 187). As was noted earlier, there remains a dearth of research on implementation of EC policies in Member States. Consequently, the literature examined

here substantially relates to implementation of national policy in unitary States and federal policy principally in the United States before looking at the implementation of EC policy and the problems that may occur.

To implement is to "put (a decision, plan etc.) into effect" (Oxford Dictionary, 1991: 592). In France, implementation is translated as 'la mise en oeuvre d'une politique'. At the EC level measures are adopted which Member States have to implement. Their legal importance may vary according to their source (see Chapter two). Some automatically become law in Member States without any national political or administrative intervention. Others require a policy process in order to provide the conditions that will allow the Community's objectives to be met. Moreover, even regulations that acquire the force of law in Member States can have an impact only if penalties are either already available or are provided for infringements. In the case of fisheries, management is an on-going process with annual measures regarding TACs and quotas, multiannual programmes regarding fleet development and permanent measures such as technical regulations and also in the domain of control and enforcement both at port and at sea.

Studying implementation

The first point to note is that some scholars object to the subjective distinction made between policy *formulation* and policy *implementation* since they form part of the same process. However, as Sabatier (1986: 31) points out, if no distinction is made between decision and execution, between those who decide and those who implement, then the bureaucracy cannot be made to account for its actions. Additionally, a process as "a seamless web of flows without decision points precludes policy evaluation... and the analysis of policy change" (Sabatier, 1986: 31). A second point particularly pertinent in this study is that implementation of some EC measures does require the inputs, decisions and outputs of a national policy making process (Meny, 1987: 280).

As Hogwood and Gunn (1988: 197) point out, it is important to make a distinction between "***non-implementation***" and "***unsuccessful implementation***" (emphasis in the original). Non-implementation can describe a process wherein the policy intended by policy makers is not implemented in the way decision makers planned it (Hogwood and Gunn, 1988: 197). It can also mean complete inertia on the part of Member States in response to an EC measure which requires a national policy process of some kind. In contrast, unsuccessful implementation suggests that attempts at putting into effect legislation failed to achieve its objectives. Thus, Member States may have taken steps to put into effect a measure which in practice proves unenforceable.

Various methodologies have been used to study implementation. Two competing methods are the 'top-down' and the 'bottom-up' strategies. Top-down studies can be seen as a linear process from the centre where decisions are made towards the periphery where they are implemented (Pressman and Widalsky, 1973; Sabatier and Mazmanian, 1979, 1980; Sabatier 1986). These studies show how the content of decisions can undergo adaptation and alteration in the hands of those endowed with implementation, using various tactics and thus introducing a new dimension to the process (see, for example, Bardach, 1977). The findings generated recommendations on ways to bridge "the implementation gap" (Dunsire, 1978). The policy process had to be rationalised in order to remove all opportunities for alteration. However, some scholars, unhappy with the assumptions of the top-down scholars, used an alternative strategy to show that decision makers were not always the hapless victims of administrators. Many policies lack clear objectives and carry inherent contradictions resulting in a wide range of choice at the implementation level (Padioleau, 1982; Barrett and Hill, 1982). Using the reverse process, the bottom-up strategy, scholars analysed the actions of individual actors seeking to influence the process in their favour (Elmore, 1978, 1979; Hjern and Hull, 1982). Focusing on those affected by the policy, these scholars sought to show the variables that decision makers failed to take into account when formulating policies. Their explanation was, in

turn, criticised for its reductionism and for attributing normative values to what are seen as empirical problems experienced in implementation (Linder and Peters, 1987). In recent years attempts have been made at combining elements from both competing methods to produce a more satisfying understanding of implementation (Sabatier, 1986; Goggin et al, 1987). However, no overarching theory of implementation has been evolved and a parsimonious explanation of the variables that influence that process is still to be formulated (Lester et al, 1987).

Variables affecting the implementation of EC policies

In this case study the top-down strategy will be used. Policies having been made at Community level, it is Member States' duty to provide the necessary environment for the measures to achieve the intended objectives. A major and comprehensive study initiated by the Commission to examine the implementation of seventeen Community directives in Member States concluded that the dominant variables were the resources allocated to the process and the politico-administrative tradition of the national implementing agencies (Siedentoft and Ziller, 1988). Consequently, implementation of EC legislation suffered from the same shortcomings as national legislation (see also Siedentoft and Hauschild, 1988; Meny, 1988). A study by Rasmussen (1989) shows that as many violations of EC law appear to be committed in good faith as violations deliberately carried out by Member States. Language can be a limiting factor in the translation of ideas and legal concepts which vary so much within the Community of Twelve (Derham, 1987). Institutions, principles and processes can also impede the correct application of Community measures as jurisdictional difficulties emerge. The independence of some institutions *vis à vis* the State, such as the judiciary for example, can limit the action of EC law. As was pointed out earlier, however, policy formulation may be responsible for some degree of confusion that can, inadvertantly or deliberately, lead to infringements. Thus, a policy drawn up without due attention to

economic and social factors in the various Member States often provides the opportunity for adjustments at the national level. Similarly, policy formulation which ignores the practicality of enforcement at sea in the case of fisheries can lead to failure (Munro, 1984; Sutinen and Hennessey, 1986). The lack of coordination between officials involved in the process of policy formulation and the agencies in charge of its implementation is also identified as a contributing factor in failure (Carnuletti, 1988:15). Finally, the nature of Community law itself, which is evolutionist, can create difficulties. Rasmussen (1989:41-44) also identifies cases of collusion between the Commission and Member States, when the Commission chooses to 'ignore' unsatisfactory implementation. France is identified as a Member State which used EC money under the guise of national funds with the tacit blessing of Brussels (Meny, 1985:196). Member States have also developed an arsenal of tactics that is growing in sophistication to hide improper implementation. New areas of Community responsibility in less economically visible sectors, such as the environment, natural resources and consumer protection, provide opportunities for camouflage of unsatisfactory implementation (Rasmussen, 1989:49). Finally, cases of non-implementation or inertia also occur. Member States' justification for non-enforcement vary from a heavy parliamentary agenda to forthcoming national legislation not dissimilar to the Community law concerned. General elections or governmental instability can genuinely hamper implementation. As suggested earlier, implementation must provide for penalties for offenders. Such penalties must also act as an effective deterrent if the legislation is to have any effect (Commission, 1986a; 1992a).

Enforcement in fisheries is particularly difficult because of the physical environment in which it takes place. To enforce, which is "to compel observance (of a law etc,.)" (Oxford Dictionary, 1991:388), "to achieve by force" (Penguin Dictionary, 1973:251) remains the prerogative of Member States. It is incumbent upon the prosecution to provide proof of infraction which is no easy task given the vastness of the sea. A further important dimension

is the attitude of the Courts towards infringements of fishing regulations as it determines the level of penalties that are imposed on those convicted of an offence.

If implementation is judged to be unsatisfactory by the European Commission, it has at its disposal a number of instruments to seek redress. Three stages can be identified. The first step is the sending of an administrative letter known as a notice of infringement with a request for explanations. The second step, should the Commission remain unhappy, is the sending of a reasoned opinion which states the Commission's case against the offending Member State with a time limit for correcting the situation. Finally, if the recalcitrant State does not mend his ways the Commission refers him to the European Court of Justice. However, compromise is often reached. "Gentlemen's agreements" are struck between transnational and national authorities to give offending Member States time to comply. These unofficial agreements are not easily identifiable and Rasmussen does not offer any illustration of such a case, but, according to him, "they exist" (1989:53). Another alternative is to appease the Commission with excuses and promises in order to gain time. However, as Carnuletti points out, in up to between 80 and 90 per cent of cases the first step, which is the sending of a notice of infringement by the Commission to the offending Member State, procedures are immediatly started to rectify the situation. Additionally, about half the cases referred by the Commission to the Court are usually settled before the case reaches the Court (Carnuletti, 1988:16). Such figures suggest that despite a number of variables, which ultimately can impede implementation, the behaviour of Member States is the main determinant as to whether implementation procedures are initiated or not.

Modes of policy-making

Measures, whose implementation requires action in Member States, will involve one of two patterns of policy making. A rational method would entail the clear identification of the measure to be

implemented and the selection of distinct stages from deciding on the best measures to their implementation and evaluation. Such a rational model emanates from classical economics, a school mentioned earlier in the context of economic approaches to fisheries management. The concepts are, therefore, familiar and need to be repeated only briefly. In the rational model concept, individual and corporate actors will organise objectives and means of optimising outcomes in a rational fashion (Simon, 1959). However, the importance of variables such as knowledge and information and the subjectivity of all actors' interpretation of rationality in any situation limit the practicability of the model (Simon, 1957). The impact of political, economic, institutional and social factors may force actors to make decisions which are the result of a compromise within a very limited range of choices (Bromley, 1989). Such a process is described as incrementalism. The best known exponent of what Hogwood and Gunn (1988:52) describe as a "positivist theory" is Lindblom (1959; 1968). In the incrementalist framework, decision makers have a limited range range of options. They often choose not to set objectives and instead select from the small range of alternatives available to them. In such a context, the policy process is characterised by modest adjustments to existing policies. Policy innovation, which would entail conflict and cost, are avoided. In the incrementalist process, the main constraint is the power that societal groups wield and which forces mutual compromise on the various actors. As Thoenig (1985:xvi) points out, policy analysis in the national arenas provides a picture of States broken up into myriads of actors and processes. Such an image contrasts sharply with that of the homogenous and cohesive entity observed in international and in the EC arenas.

The importance of the level of analysis

Theories that are appropriate at a specific level of interaction can be inadequate, unsatisfactory or irrelevant when

applied to another level. Such an example is said to be provided by the concept of strong and weak States (Wilks and Wright, 1987). Comparative research in political economy led some analysts to use the concept of strong and weak States depending on their capacity and propensity to intervene in economic matters. Thus, Japan and France were categorised as strong States, while the United States and the UK belonged to the group of weak States (Dyson and Wilks, 1983; Katszenstein, 1977). Research in other spheres, such as planning, reinforced the idea of the strength of some States as opposed to others. Thus, Hayward and Berki (1979) described France as a State led-society while, in contrast, the UK was a society-led State. Shackleton (1986) examined and compared fishing policies in France and in the UK and found that this model was helpful in understanding public policy in that sector in the two States. However, it appeared, from other studies, that there existed variations between economic sectors regarding the autonomy of States in their national setting (Hall, 1986; Cawson et al, 1987; Atkinson and Coleman, 1989).

The variations between strong and weak States were associated with three different general models of policy making: pluralism, corporatism and concertation. Schmitter defined the different models thus: "Pluralism can be defined as a system of interest representation in which the constituent units are organised into an unspecified number of multiple, voluntary, competitive, non-hierarchically ordered and self determined (as to type or scope of interest) categories which are not specially licensed, recognised, subsidized, created or otherwise controlled in leadership selection or interest articulation by the state and which do not exercise a monopoly of representational activity within their respective categories, (Schmitter, 1970: 85-86).

Comparing the other two modes of interaction - corporatism and concertation - Schmitter (1989: 64-65) expects, with regard to the former "monopoly of representation; hierarchic coordination across associations, functional differentiation into non-overlapping categories; official recognition and semi-public status; involuntary or quasi-compulsory membership; and some degree of

heteronomy with regard to the selection of leaders and the articulation of demands". The characteristics of concertative policy making on the other hand are "regular interaction in functionally specialised contexts; privileged, even exclusive, access; consultation prior to legislative deliberation; parity in representation; concurrent consent, not majority vote, as the usual decision rule; and devolved responsibility as the usual mode of policy implementation".

These models have generated much debate and research which are still in progress. However, the various arguments will not be reviewed here. Just as with the strong and weak States analysis, these models were seen as relevant at the macro level but did not necessarily apply uniformly across sectors (Suleiman, 1987:303).

Two competing variables, the policy sector analysis with the two conflicting patterns of policy making that the fishing sector is supposed to generate and the concept of policy styles will be contrasted. The testing of the the policy sector approach is justified by the literature that shows similarities in fishing policies and outcomes. Are there sectoral imperatives that determine institutions, patterns of interaction, choices, behaviour and outcomes? Or do policy styles and national characteristics influence fishing policies? Policy styles, as noted earlier, were said to have shaped fishing policies in France and in the UK over the period immediatly preceding that in this study (Shackleton, 1986).

As all the strands from the various theoretical levels will have to be pulled together, the concept of policy network and policy community will be used as a methodological tool. This and attendant concepts have the merit of bringing together elements from various approaches. Then a synthesis of the various theories will be established, before looking at the elements that will assess implementation. The research strategy will be described before formulating hypotheses.

THE POLICY SECTOR APPROACH

Could implementation of fisheries regulations either be similarly poor or produce the same negative outcomes because of the underlying imperatives in this sector? According to the sector policy model of public policy, policies and politics would show "*differentiation* within individual countries across sectors and *convergence* across nations within sectors" (Freeman, 1987:486; emphasis in the original). Some scholars defend the value of "sectors" as an explanation of policy choices. Specific sectors would experience different types and degrees of international and national pressure and would consequently lead to responses exhibiting similarities which owed more to the dynamics of the sector concerned and less to the national contexts wherein they evolved. In short, policies would shape politics. As we saw in the analysis of the resource base using Oakerson's model (pp. 13-15), sectoral constraints on policy makers are remarkably similar. The biological, renewable and migratory characteristics of the resource, the ownership pattern, the level of externalities in fish exploitation leading to sensitivity and vulnerability at the level of States appear to dictate policy responses. Do fishing policies vindicate the policy sector approach? Some scholars explicitly express such a belief (Cox, 1989:128). Students of federalism found that, in the management of ocean resources, its nature varied according to the "unique" characteristics of "the resource and its management requirements" (Rieser, 1986:105); see also Cici-Sain, 1986; and for the EC Parrish, 1988). The ownership pattern which holds fish stocks as a common pool resource is mirrored in most States the world over. For centuries States have engaged into agreements with other States to prevent inter-user conflict. States responses appear to have been the same to new challenges and pressures - pragmatic and ad-hoc (Farnell and Elles, 1984; Silva and King, 1986; Reveret, 1991; Hoel et al, 1991). The European Commission repeatedly deplores the absence of political will in *all* Member States regarding fishing.

There are other examples. Thus, Grant et al (1988:314), in their

comparative study of the relations between Government and the chemical industry in Britain and West Germany argued that "in many industries sectoral variations do at least modify national characteristics, and..., in some cases, they produce a more convergent outcome than a simple reading off of national characteristics would suggest". Thus, the response of the chemical industry to overcapacity, for example, differed from that observed in other sectors such as steel (Grant et al, 1988:312). The sector which is, probably, the closest to fishing is the agricultural sector. Comparisons of studies made in France and in the UK also lend support to the policy sector analysis. In France, corporatist arrangements were consciously established after the war to transform and develop the rural environment (Keeler, 1985; 1987; Jobert and Muller, 1987). Grant (1983; 1987) also describes relationships between Government and farming interests, in the UK, as corporatist. Smith (1992:27) disputes this description since the National Farmers Union is not involved in the implementation process, nor were the authorities seeking to arbitrate among competing groups. He prefers to label the relationship as a closed policy community. While, admittedly, there are a few differences between the two arrangements they appear to be more of degree than of substance. The interesting point to note is that farmers' special relationships with the authorities have survived well the series of challenges in the last decade. It must be remembered that the Conservative Government in the UK and the Socialist Government in France came to power "with a reliable parliamentary majority and an announced objective of effecting fundamental change in a wide range of public policies" (Ambler, 1987:85). The French Agriculture Minister, Edith Cresson, immediatly set out to break up the corporatist relationship in her ministry between officials and the Fédération Nationale des Syndicats d'Exploitants Agricoles (FNSEA). She wanted a pluralist set-up by including three smaller left wing unions. This and other moves to impose the new order to the FNSEA led to unrest and very soon Madame Cresson had to abandon her efforts and return to the previous situation (Keeler, 1985; 1987; Jobert and Muller, 1987;

Muller, 1990). There were also challenges from GATT, and, in turn, from the reform of the common agricultural policy (CAP). Yet, in both Member States, one finds authorities and farming interests still immerged in the expectations of the past. Thus in France, according to Muller (1992), the normative environment of the policy community is that of the 1960s. Similarly, in the UK, the impact of both challenges and opportunities has been very modest. "'There remains a deep rooted agricultural fundamentalism' in policy making which largely ignores the non-agricultural rural population..." (Arkleton Trust, 1992:68). Authors explain such a phenomenon in terms of the patterns of interest representation and involvement in the policy process (Muller, 1992:290; Smith, 1992). Paradoxically, in the literature on the fishing sector, two conflicting models of policy making are said to be produced by fish exploitation. One that excludes users from decision making to the benefit of scientific communities and the other, the agency capture model, wherein fishing interests control policy making. It must be remembered that these two competing analytical models mirror the opposing prescriptions already observed at the level of the users - mainly that of centralisation of decision making on the one hand and the establishment of co-management, of users' involvement in policy making and implementation on the other. The two models need to be examined only briefly.

Users' exclusion

The crux of this argument is that, despite structural reforms to extend consultation, fishing policies are ultimately made by the Council of Ministers or the Commission in the case of the EC, by federal authorities in Canada and the USA and in State ministries in national arenas. The complexity of fisheries management and the conflictual demands of a divided industry would lead authorities to rely on scientists' recommendations and adopt a heroic style of decision making. In this model, States are unwilling to delegate responsibility for management decisions to coastal authorities, decentralised administrations or fishing organisations. Some

scholars see such a pattern as desirable so that experts can make rational, scientific decisions shielded from political pressures (Bradley and Ingram, 1980). Experts can form "epistemic communities" or "networks of knowledge", which are said to be acquiring greater prominence especially in environmental matters (Haas, 1992: 1). Thus, in a comparative study of the risks of dioxins, Harrison (1991: 385) underlines the potential power of such communities, especially when all scientists are unanimous on an issue. It is also felt that central authorities are the only ones who can arbitrate between the various groups who compete for a common resource. Thus, examples abound where the US government has to step in to arbitrate between various states (Bradley and Ingram, 1980). The problems regarding management in the Chesapeake Bay between the States of Virginia and Maryland (Cox, 1989) or between Louisiana and Texas over the shrimp fishery (Rieser, 1980) illustrate this point. Scholars who are critical of State dirigism in the fishing sector denounce decentralised management frameworks, such as the US Councils, as federal instruments (Silva and King, 1980), while Reveret (1991) views any devolution of power to the Canadian provinces as granted grudgingly and parsimoniously.

Should the empirical research show that users, their professional and elected representatives are excluded from the policy process in France and in the UK in the implementation of EC fishing measures, it could not be automatically deduced that this aspect supports the policy sector approach. Such a strengthening of the centre has been observed in many other sectors which have come under the control of the EC. This move has resulted in a transfer of responsibility from national agencies and local authorities to national governments (Bray and Morgan, 1985; Haig, 1986; Keating and Jones, 1985; Meny, 1985).

An alternative interpretation of the pattern of policy making generated by the fishing sector views the institutional framework as the cause of fragmentation in the decision making process (Leschine, 1988: 144) and ultimately of overfishing (Gutting, 1986). This competing analysis is examined next.

Agency capture

It cannot be denied that the number of participants in the formulation of fishing regulations both among representative assemblies and industry representatives is growing. The US Congress which, until recently, had no involvement in ocean politics has been increasingly involved in the past two decades (Silva and King, 1980; Gutting, 1986). Similarly, the European Parliament which initially had little influence and involvement has been acquiring a greater role over the past ten years. Particularly critical of commercial fishermen's domination of management agencies, both directly and through congressmen, MPs and MEPs, are environmentalists and sport fishermen. These two groups have begun to see each other as potential allies against commercial fishermen (Chandler, 1988). Both groups are now seeking, and, in some cases, gaining access to the various consultative councils, especially in the United States and Norway (McCay, 1991; Hoel et al, 1991). Moreover, some conservation organisations are taking various agencies to court for failing to protect the resource. Angry about continued overfishing, they point to several reports to argue that it is the result of agency capture by resource users. (For a review of the reports, see McCay, 1991.) Thus, commercial fishermen would use their institutional involvement in fisheries management agencies to promote their short term interests and prevent the formulation of policies potentially costly to them. In this model, only incremental measures can be produced that cannot be expected to achieve proper management.

The implementation of EC fishing measures represents an ideal case to test the validity of the policy sector approach. Admittedly, the sectoral approach generates methodological difficulties in a comparative context. How can a sector be defined? How far should the breakdown into subsectors go? What is the yardstick to be used in assessing the degree of similarity in apparently similar policy responses across nations? The difficulties met by scholars attempting to apply Lowi's typology in empirical studies have

demonstrated this problem. Lowi (1964; 1972) classified policies into four types - distributive, constituent, regulative and redistributive - whose outcomes, he predicted, would be determined by the level of conflict they generated. Reviewing the efforts made by several American and European scholars using Lowi's categories of policies, Heidenheimer (1987:455) remarked that the conclusions were usually that "the schema was interesting but empirically difficult to apply". He cites the provisions in drug abuse policy which "were distributive in Sweden but more regulative in Britain and Germany " (Heidenheimer, 1987:455). Yet, these difficulties must not lead to a wholesale rejection of the approach and it will be particularly interesting to test it in the context of the implementation of *common* measures in two Member States. To avoid needless repetitions, these problems will be adressed in the description of the research strategy before the formulation of hypotheses. The concept of policy styles will be studied next.

POLICY, BUREAUCRATIC AND REGULATORY STYLES

In contrast to the concept of sectoral similarities across national boundaries is that of national styles across sectors. Thus, policies would be influenced by the national normative environment in which they are devised. The normative environment is shaped by historical, cultural, political and social factors (Castles, 1989; Jobert, 1989). In this analytical approach, policy is the dependent variable and the normative environment the independent variable which should figure in research paradigms (Meny and Thoenig, 1989; Ostrom, 1991). The most cited work adopting this approach is that of Richardson et al (1982) who use the concept of a policy style. The authors define policy style as the "interaction between (a) *the government's approach to problem solving and* (b) *the relationship between government and other actors in the policy process*" (Richardson, 1982:13). These norms and processes would influence the policy making process in such a way that a style could be identified. The authors established a

basic typology containing four styles: active-consensual, active-impositional, reactive-consensual and reactive impositional (Richardson, 1982: 13). In the empirical studies that test this theoretical approach, the UK's style is seen as one of extensive consultation and of bureaucratic accommodation in a pluralist system (Jordan and Richardson, 1982). Hayward (1982) believes that France exhibits two policy styles, one that is reactive, ad-hoc and incremental while the second is active and heroic. Hayward (1982) underlines the constitutional and institutional potential of the executive for planning, deciding and acting when it is felt necessary. However, while French society still regards an interventionist State as legitimate and, indeed, desirable (Machin and Wright, 1985b: 32), the years of Socialist Government have shown the limitations imposed on the State in a democratic society (Ambler, 1985a; Mazey, 1986, Ross et al, 1987). It is generally agreed that concertation describes best the relations between the French Government and the various sectors (Ozenda and Strauss, 1985; Muller, 1992). Muller links such a pattern to sectoral corporatism which he finds particularly relevant in the case of unwaged categories such as the professions and the self- employed - doctors, farmers and shopkeepers - who wield power unrelated to their economic weight. This is facilitated by the notorious fragmentation of French trade unions (Wilson, 1985; Eisenhammer, 1985) and the absence of a global bargaining framework (Jobert and Muller, 1987). As with the farming sector, previous arrangements seem to have survived attempts by the Socialists to 'pluralise' them and trade unions, for example, remain as alienated from the policy process as before (Wilson, 1985; 1987). In the UK the most common industrial pattern has been reactive, one of *laissez faire*, towards business whereby companies are left to make their own decisions (Atkinson and Coleman, 1989: 60). Yet, the Conservative Governments, guided by the New Right thinking, repeated *ad nauseam* the need to liberalise and deregulate business, while at one and the same time relentlessly increasing regulations. (For the pharmaceutical industry, see Macmillan and Turner, 1987). The concept of policy styles was adopted in a comparative study

of fishing policies in Britain and France. Policy styles were explained in terms of the divergence that exists between strong States and weak States (Shackleton, 1986). France and the UK were contrasted as "a State-led society" and a "society-led State" respectively (Shackleton, 1986:10). The empirical study covered the 1975 to 1983 period, which was marked by regime turbulence and uncertainty among the various EC industries. The author's main findings were that policies conformed to the respective dominating styles (p. 330). Relations between State and Industry were found to be stable despite strong international pressures for change (p.330). The transnational dimension did not significantly alter national policies. Brussels could be used as a scapegoat when unpopular measures were taken, however, "What determined national policy were domestic, economic and political considerations, not a supranational authority" (p.331). Thus, faced with conservation measures and urged by scientists to act, French authorities would tip in favour of national production despite the risks of overfishing. Britain, on the other hand, was prepared to restrict entry to fishing, a point which fits in with the long term approach adopted in this country for most of the century (Brown, 1972).

Bureaucratic styles

As was noted earlier in the comparative study on the implementation of EC directives, variations were explained in terms of styles again, though in this case they related to bureaucratic styles. Once legislation had been passed to the bureaucracies to be implemented, it experienced the same fate as national legislation. Thus, the British civil servants were anxious to implement, while in France the approach was pragmatic as accommodation was sought between agencies and groups (Dutheil de la Rochère, 1987; Meny, 1988). Britain gained a reputation as a tough negotiator in Brussels because policies, once adopted, were faithfully implemented. France, however, exhibited a more pragmatic attitude, expecting to introduce some degree of

flexibility during the implementation process (Meny and Thoenig, 1989:358).

Regulatory styles

Vogel (1986) compared national styles of regulation and identified three types: British, US and Continental. He found that UK had a more open approach to environmental' regulations which relied on nongovernmental agencies in implementation and where consultation was extended beyond industrial interests before policy was formulated (p. 268).

Limitations and potential of the concept

As was suggested by the two styles identified in the French case, the concept of national policy styles generate a number of problems (Meny and Thoenig, 1989:357). In the French case, it does not allow one to predict when one style would dominate over the other. Neither does it explain changes in styles. Thus, proponents of the approach studied the "changing style" under successive Conservative governments, in the UK, in the eighties, that was exhibiting "dirigist characteristics" (Richardson, 1991:26). A French scholar remarked that the heroic style had crossed the Channel (Meny, 1989:399). One of the most important reforms undertaken by the French Socialists was the decentralisation process which granted local authority status to twenty two regions, with the setting up of elected councils, with their personnel and resources. This reform has, above all, been marked by pragmatism and mutual accomodation on the part of the various national and local authorities (Ashford, 1983; Meny, 1984; 1987; 1992; Thoenig, 1992). An important element which is missing from the concept is the challenge that the international, transnational and regional dimensions represent. The weakness of the model stems from its over deterministic assumptions and its insulation from endogeneous and exogeneous contingencies. It is valuable, however, in identifying the *normative* context within

which the policy process evolves (Jobert, 1989; Muller, 1992)

POLICY NETWORKS AND COMMUNITIES

In the examination of the variables, mention was made of policy networks and policy communities to describe a pattern of relationships between Government and interest groups. These along with related concepts will be briefly described. The interaction and linkages between the various participants in the policy process - organisations, agencies and individuals - are generally conceptualised as a policy network (Jordan, 1990). Policy network is the generic term that embraces issue networks and policy communities (Marsh and Rhodes, 1992: 249). This focus on interactions between the various participants was used as a research strategy in the relations between Government and industrial sectors in the UK (Wilks and Wright, 1987; Grant et al, 1988). The concepts adopted here follow Marsh and Rhodes' (1992: 250-1) definition and typology. They belong to a paradigm in which a restricted number of individuals or organisations will feel sufficiently affected by policies to expend time and effort in an attempt to influence policy making (Walker, 1989). As governments extend their intervention into increasingly complex and sophisticated areas they require specialist knowledge which groups can provide. Policy making becomes segmented and sectorised (Richardson, 1982: 200; Jobert and Muller, 1987). Resources and access are unequal and communities' ability to control access makes them "means of mobilizing bias" (Smith, 1989). Marsh and Rhodes place issue networks and policy communities at opposite ends of the spectrum of policy networks. In their typology of policy networks they list a certain number of characteristics for a policy community. They include a restricted number of participants in the community which can exclude potential actors. Linkages between participants are close and interaction is frequent. Participants share norms and do not contest the legitimacy of policy (Rhodes, 1986). Power, within the policy community, is not necessarily equally distributed but the dynamic

of interaction should lead to a positive sum game (Marsh and Rhodes, 1992:251). In comparison, an issue network has a wide membership whose pattern of interaction varies. There is a degree of consensus but it does not exclude conflict. Unlike policy communities, which are dominated by economic or professional membership, issue networks will contain participants beyond such interests. Similarly, while access to a policy community remains stable to its members, in the long term, the opposite is true of an issue network where participation can show wide variations. Consequently, the balance of power fluctuates constantly resulting in a zero-sum game (Marsh and Rhodes, 1992:251).

The presence of policy networks cannot automatically be equated with any particular theory of state-society or state-industry relation, as they can be found in political systems as divergent as China, Japan, France and the UK (Walker, 1989). Thus, Richardson and Jordan (1979), Jordan and Richardson (1987), link them with pluralism in the UK while for Marsh and Rhodes (1992:264), they represent "a pattern (which is) essentially elitist". Muller (1992), associates them, in France, with sectoral corporatism. The concept of policy networks is particularly interesting here because it allows an identification of the organisations and individual actors involved in the policy process from the macro to the meso and micro levels (Peterson, 1992:229). In the course of the empirical study, the presence or absence of policy communities should appear, along with their impact, if any, on national policy in implementation of EC legislation.

ASSESSING IMPLEMENTATION OF EC FISHING MEASURES

How can 'successful' implementation of EC measures be assessed both in methodological and sustantantial terms? In the top-down procedure which is used here, the exercise should begin with the identification of the objectives of decision makers, before proceeding with an examination of the outputs and outcomes in order to test them. In the case of fisheries measures within the

CFP, the objectives are those of the 'Community', expressed in the official texts. As the policies are a compromise between the Commission's proposals and Member States' objectives the Commission's unstated goals will have to be taken into account. As the various actors are aware of objectives other than those publicly expressed, they adopt this dimension in the parameters they consider. Consequently, implementation cannot solely be assessed on exclusively normative criteria, such as the legal obligation on Member States. The identification of objectives is always problematic in policy analysis. Objectives in fisheries have not been adressed so far, except occasionally and partially. What has become apparent, however, is that many competing objectives can guide fisheries management but no one specific seems to be clearly selected by decision makers.

Objectives in fisheries management

Two broad approaches are generally identified - the ichthyocentric, which favours the protection of fish stocks and the ethnocentric which gives priority to human welfare at the expense of the animal kingdom. Objectives can be biological, economic or socio-political. In the Sixties and Seventies, as new regimes were set up, a new concept appeared. To notions of Maximum Sustainable Yield and Economic Sustainable Yield succeeded that of Optimum Sustainable Yield (OSY) which sought to combine all the various biological, economic and social elements. The problem is that no one defined the meaning of optimum in fisheries. Some statements related to OSY were made in policy documents in the United States but instead of defining the meaning of the concept they "only expressed the relevance of political, social and economic criteria for decision making" (Nielsen, 1976: 21). The American case is also repeated in Canada, where some objectives were identified in the Policy for Canada's Commercial Fisheries (1976), but in so abstract a fashion that they cannot represent a blueprint for action (Reveret, 1991). In the EC, the situation is even worse in that the objectives are those of the common

agricultural policy and are vague and inconsistent when applied to a renewable and migratory resource such as fish (see Chapter Two). Objectives can be viewed as constraints, as in the case of aiming at optimum economic efficiency within limits imposed by considerations such as labour or geographical protection (Cushing, 1972: 77). Objectives must also take into account all the potential effects of policies. Thus, checking effort in one area or stock through capacity contraction will be successful if such policy has not resulted in a shift of effort to another area or stock (Cushing, 1972: 78). Lack of clarity in objectives can only compound difficulties in international arenas. Moreover, even if, for example, the same economic efficiency objectives were favoured by all, disparities "in per capita income" would still make management extremely difficult (Cushing, 1972: 79). Similarly, national variations regarding production costs, consumers' tastes and markets influence fishing effort. Should another common objective be selected then similar problems would appear.

In this study, the yardstick will be the objectives stated in the EC regulatory texts. The methodology used is the top-down strategy. Once the contents of the regulations under study have been examined, the focus will then move to the national arenas to study the existing situation and the political, legislative and administrative initiatives, if any, taken in response to EC legislation. Processes will be analysed along with resources devoted to enforcement. Outcomes will also be described. Additionally, where knowledge of double agendas, whether at the Commission or/and governmental levels, is available, responses and outcomes will also be tested against these unofficial objectives. Other factors will also be taken into account such as the nature of the EC legislation, subsequent decisions and agreements between the Community and Member States. Finally, the policy processes will be compared and tested against the variables described above.

A SYNTHESIS OF MACRO, MESO AND MICRO LEVEL THEORIES

Fish stocks are a common resource. Externalities are high in

fish exploitation as the activities of one producer affects the fortunes of all of them. In a regulatory vacuum, the sum of rational decisions by individual resource users leads to interuser conflicts, rent dissipation and resource scarcity. Technology has compounded the problem by increasing access and by perfecting harvest performance. The sum of externalities at the peripheries has resulted in sensitivity and vulnerability, two degrees of interdependence identified at State level. One of the ways sought by States to lessen sensitivity is through the setting up of fisheries regimes in order to agree on common policies to regulate exploitation of fish stocks. States, however, are self-maximisers and their behaviour in policy formulation is said to mirror that of the producer at the micro level, wanting as big a share of the resource without the constraints necessary to protect it. Such policy making is described as intergovernmental and has not been altered by the change of regime from an international organisation to the EC. Such a label, it must be said, applies to the behaviour of States in *policy formulation*. Subsequently, the orthodoxy holds that States fail to implement commonly agreed measures. Three main theoretical approaches of States in the international system emerge. The realist model that conceptualises States as self-maximisers, who have no interest in international regimes and do not expect changes in behaviour from agreed rules. The modified structural or interdependence approach which again sees States as self maximisers but prepared, under certain conditions, to cooperate and comply with regimes. Finally, the neo - functionalist model which expects States' cooperation to increase under relentless integration and pressure from transnational elites. This analysis conceptualises States as modifying their behaviour in response to regimes. Empirical studies that have been made at the macro level, as well as analyses of world events, have led to a consensus that policy making in the world system remains intergovernmental. As with fisheries regimes, such a finding relates to *policy formulation*. Precious little is known about *implementation* at national levels. States use a number of devices to retain control over decision making in international and

transnational arenas. We shall see how the various tactics are used in fishing policy making.

It would appear that, at the international and transnational levels at any rate, States all behave in the same way regardless of the sector or issue. States are conceptualised at the macro level as similarly cohesive units. Yet, at the meso level States appear highly fragmented into sectors, subsectors and policy networks. Concepts of strong and weak States, of different models of interactive relationships between Governments and Industry, of policy making styles appear, all supposed, to some degree, to influence the substance of public policy. Other analyses point to the concept of sectors as being more helpful in understanding public policy, as comparative studies seem to show that sectoral imperatives dictate politics and outcomes across States. A survey of the literature also shows that implementation is seldom a straightforward process and that many factors influence its fate. However, in this study, implementation covers a ten year period. It should be possible, therefore, to assess what measures were taken to minimise the number and nature of hurdles to correct implementation.

Thus, two meso level analyses compete to explain implementation of fishing measures in Member States. Do sectoral constraints dictate similar responses across Member States, regardless of national characteristics? This analysis is rejected by scholars who detect different policies according to States' traditional approach to the sector and their dominant policy style. Political contingencies, they argue, influence the decisions. Sectoral imperatives are said to produce two competing patterns of interests' involvement in fishing policy making. This study should show which model applies or models apply in France and the UK.

Since the ownership pattern and the governance of fish exploitation are identified as the main causes of perverse outcomes, privatisation, centralisation of management and co-management are prescribed to achieve Pareto optimum. The nature of the prescription varies according to the nature of the objective as several have been identified in fishing management.

Defining the sector

This study focuses on the catching sector of the fishing industry, that is, on fish producers, be they individual fishermen or fishing companies, and their representatives. It could be argued that they represent a subsector, with fish merchants and processors forming further subsectors. However, those who exploit the resource base are identified as a specific sector by EC and national authorities because of the specificity of their task. The constraints on the sector are those identified using the Oakerson's model and apply equally to both sets of French and British fishermen. Their activities are regulated by the same fisheries regime, the CFP, as are marketing norms and conditions guiding national subsidies. EC regulatory and redistributive policies apply equally to both sets of fishermen since they operate in the same environment. They are equally represented on EC various consultative committees and enjoy the same degree of informal access to the various actors at Community level. Both sectors are situated at the peripheries. The weight of the sector is negligible, both in terms of labour and of contribution to the GNP. However, this is compensated by their contribution to the socio-economic structure of many regions both in terms of capital and labour. Thus, the core - periphery dimension will have to be kept in mind.

HYPOTHESES

Before the formulation of hypotheses, two caveats should be mentioned. Theories and concepts applying to the various levels of interaction in the fishing sector have been examined. The exercise was justified in terms of understanding the environment of implementation of EC fisheries measures. The validity and relevance of the various theoretical propositions cannot all be tested here, and indeed, this is not the aim of this thesis. General observations can, however, be made. The empirical study is firmly focused on the meso-level of Government - Industry and

the interactions between the two in order to discover the variables that determine implementation of EC fishing measures. The second point relates to the centre-periphery dimension suggested throughout this chapter. In this study, the centre-periphery variable is confined to the intergovernmental structure and does not include the 'ethno-nationalism' dimension or the fluctuations in the electoral fortunes of nationalist parties (Rhodes, 1985).

Sectoral explanations

Fish exploitation compels users to adopt a behaviour wherein individual rational decisions lead to tragic outcomes. Even at the level of States in the international and transnational system, and despite communication between actors, the nature of the resource and the environment in which users operate, leads to situations where altruism does not pay. Unsure that others States will impose costs on their national industries, each State makes the rational choice to minimise the degree of constraints on theirs by opposing the formulation of drastic conservation measures. It does not make economic, political or social sense to adopt measures to preserve the resource for the benefit of those industries which are not subjected to the same degree of constraint.

This reasoning would also apply at the meso level where the national resource base is also the common EC resource. Thus States would, again, be compelled to resist implementation of the agreed measures. Legal and political pressures from the Commission and other Member States to enforce EC measures can be expected to be the same in France as in the UK.

It would appear that fisheries management produces two types of policy making. However, if the policy sector approach is correct this dichotomy should not affect Member States' decisions regarding implementation since, in this approach, politics is a dependent variable. Should the policy sector analysis be correct, the UK and France's response to EC fishing measures can be expected to show similarities. in areas as diverse as fleet

structures, management of quotas and control and enforcement at sea and ashore, this regardless of the differences in tradition, institutions and political parties in Government.

National characteristics and policy styles

Institutional arrangements, relations between Government and Industry and policies are not determined by sectoral constraints but by national political and cultural factors which shaped them. The interaction of these factors produces a normative environment which leads to the development of national styles of policy making. Thus national factors shape the structures of the policy making process which, in turn, influence policies. Political contingencies also have an impact on policy decisions. Thus, the State's traditional approach to its fishing sector, to the resource base, the pattern of relations between Government and industry and political contingencies would influence Member States' responses to implementation of EC fishing measures.
Should this analysis be correct major variations can be expected between the response in the UK and in France as contrasting policy and bureaucratic styles have been identified in these two member States. It should be possible to explain these differences in terms of different national characteristics and politics which will be examined in the study. Similar outcomes may mask different responses.

Policy networks and policy communities

Although he did not use the concept, Shackleton (1983) had identified policy communities in both France and UK. What are their impact on implementation of EC legislation? They are usually associated with resistance to change and inertia (Marsh and Rhodes, 1992). As regulations in fisheries management generally seek to curb effort, fishing groups usually oppose them. If inertia or incremental measures were the response in Member States it could perhaps be due to the presence of policy

communities. However, it is conceivable that different policy communities, even in the same sector, but in different Member States, have different priorities. Moreover, the presence of epistemic communities could counter the power of the fishing policy communities and allow governments to adopt the rational model of policy making, by selecting biological objectives, for example. This is why each set of regulations will have to be related to its national context, and the interests of the various parties clearly identified, in order to assess the impact of each policy community on States' responses.

CHAPTER 2

MANAGEMENT OF INTERDEPENDENCE: EUROPEAN FISHERIES IN THEIR INSTITUTIONAL AND POLICY CONTEXT

Two complementary and overlapping strands can be observed in fisheries generally and in European fisheries in particular. There is a legal evolutionary process linked to systemic changes, and a utilitarian process expressed in the creation of fisheries organisations. Before describing these institutional processes, fisheries management will be observed in its historic context. This examination will link institutional development with specific policies. It will begin with the first decisions to prevent overfishing which will consider the involvement of biologists and gear technologists in management, before focusing on international fisheries commissions. International legal developments will next be studied, before examining the two fisheries regimes in the North East Atlantic. The aims and policies of the CFP will also be detailed, and the nature of EC

law, especially in fisheries, will be analysed. Finally, actors and processes at the EC level will be identified.

OVEREXPLOITATION AND REGULATION

Biologists were the first to realise the importance of studying the impact of fishing on stocks. Indeed, it was the concern they conveyed to policy makers on the effects of fishing on some stocks that led to the creation of the International Committee for the Exploration of the Sea (ICES) in 1902 (Koers, 1973; Parrish, 1988). This is not to say that central and local authorities had hitherto been oblivious to the consequences of their fishermen's activities. Many regimes and agreements existed along the littoral but the conflicts they sought to avert were conceptualised more as the product of technological constraints than as the potential effects of man's activities on the total fish biomass (Hoel et al, 1991:5). The quantity of fish available to coastal communities was seen as limited by the restricted numbers which frequented the littoral. The aim was to develop technology that would allow fishing further from the coasts (Andersen, 1974:25). Indeed, a Royal Commission that was set up in the UK in 1864 to explore the effects of fishing on stocks concluded, through one the leading scientists of the time, that oceans were so abundant that commercial fisheries had no significant effect on fish stocks (T.H. Huxley cited in Gordon, 1954; Nielsen 1976). However, these beliefs were soon challenged by technological advances. Two intertwined developments are said to have taken place in the exploitation of fish stocks following industrialisation. Overfishing and stock collapse on the one hand (Cushing 1975) and the introduction of capitalism which transformed the nature of fish exploitation on the other (Ostenjo, 1963).

First international commissions

Britain was not alone in setting up commissions. Research and enquiries were underway in other coastal states such as Russia,

Germany and the United States (Nielsen, 1976). Scientists sought to exchange information which, in turn, led to the creation of international organisations.

ICES first developed three committees, one of which was to study overfishing. It soon focused its attention on the depletion of small plaice in the Southern North Sea where British fishermen were discarding 6 times the volume they landed. Some scientists argued that, by allowing juveniles to grow before capture, producers would increase their profits. The practice to avoid, therefore, was termed recruitment overfishing, recruitment representing the juvenile fish that were joining the existing stocks (Cushing, 1975). Gear technologists attempted to develop fishing gear that would allow smaller fish to escape and began to explain the need to protect young fish, both to the industry and to governments. Similar developments were taking place in North America, where shared stocks of halibut on the Pacific coast were showing signs of overexploitation. Canada and the United States agreed to set up the International Halibut Commission (IHC) in 1924 after catches off British Columbia had fallen by a half. Scientists urged the commissioners to cut fishing effort. This was duly achieved by delivering fishing licences, thus controlling access, and closing the fishery for some months during the year. The IHC's policies worked effectively and stocks began to increase steadily. This is one of the few success stories among international fisheries commissions. Meanwhile British biologists were gathering evidence of the effect of overfishing on demersal stocks. They contrasted pre-1914 landing statistics, which showed a steady decline over almost ten years, then a lull of four years in fishing activities due to the war, with the landings increasing once fishing resumed. Post-war landings were more than three times those of pre-war. However, the pre-war pattern was soon repeated and by the mid-thirties stocks were showing signs of overexploitation and depletion (ICES, Reports, Vol CX, 1939; Russell, 1942; British delegation, London 1946). By the 1930s, ICES scientists had convinced the British government that technical measures were needed to protect fish stocks, and in 1933

minimum mesh sizes for nets and minimum landing sizes for fish were instituted. However, the problem in the North sea was not quite the same as that experienced off the Canadian-US coasts. The gear used was the trawl which, unlike the lines used for halibut, is unselective. Also, fishing in the North Sea takes place in a "complex, multi-national, multi-vessel and multi-gear" environment (Parrish, 1988:247). This explains why a system of licences and closed seasons was not considered as a realistic option. The focus was therefore on developing selective gear. As is often pointed out, scientists and governments were responding to the effects of already over-exploited stocks, thus looking for measures of a reactive nature. ICES is said to have inspired the creation of four commissions: the North East Fisheries Commission (NEAFC), the International Commission for the Northwest Atlantic Fisheries (ICNAF) the Baltic Convention and the International Whaling Commission (IWC) (Cushing, 1975:49). However, these regimes and others were ineffective in preventing the collapse of several stocks such as that of the herring in the North Atlantic and the North sea in the 60s and 70s.

Concepts of maximum sustainable yields and total allowable catches

As scientists acquired more information, they were able to devise biological models showing the relationship between stocks and fishing efforts. In the thirties, scientists sought to establish an equation linking "stock abundance to additions via growth and recruitment and to losses via natural and fishing mortality" (Nielsen, 1976:18). As we saw in Chapter one, concepts such as maximum sustainable yield (MSY) were developed (see Anderson, 1975). Many sophisticated relations of these models have been produced since but, it is argued, still using the same analytical paradigms (Larkin, 1977). Stocks had to be given the opportunity to renew themselves and, in order to realise that goal, scientists argued that a level of total allowable catches (TACs) could be set to provide international commissions with safe levels of catches. In order to remain within safe limits, fishing had to be

controlled through either inputs or outputs. These could include various technical measures, such as an increase in mesh sizes, the setting of minimum landing sizes that would discourage the catching of juveniles, the prohibiting of specific fishing techniques, the closing of spawning zones, or of specific fisheries at specific times. Measures could also target outputs by setting quotas and limits on the volume of various by-catches (accidental catches of species other than those targeted). Thus, alerting the authorities about the danger of overfishing on stocks and ultimately on the fortunes of fishermen, scientists were soon confronted with rapidly dwindling stocks, fishermen's calls for action and pressure from the authorities for answers. The solutions they advocated, therefore, must be analysed in their proper context to understand the long-lasting influence of scientists over the content of policy making (Holden, 1991:3; Reveret, 1991). As scientific knowledge increased through technological advances, international cooperation and greater resources, so the limitations of the early biological models have been exposed. Parameters which only embraced fish stocks and fishing are being extended to allow for the consequences of atmospheric changes, pollution, the effect of one fishery on another, variables which are also known to affect fish stocks (for a critique of restricted biological parameters and their effects on policies, see Rigler, 1982). However, this is a most complex exercise which is only beginning to emerge and which will involve many years of research (Dickie, 1979; Troadec, 1989a). Indeed, the same phenomenon can be observed in the field of gear technology. Thus on the issue of selectivity in towed equipment, fishing gear technologists are still emphasising the need for more research and trials to understand the behaviour of fish (see, for example, Commission, 1991a).

Biologists' and gear technologists' influence over policies

The influence of natural scientists over policy is, therefore, understandable. It was overfishing that triggered the first

research efforts into the dynamics between fish stocks and fishing. The sole objective of these studies was conservation. Scientific advice influenced decision makers in identifying the maintenance of fish stocks as the dominant objective in fisheries (Miller and Gale, 1986). The adoption of MSY as a management objective is explained by the fact that biologists were among the only members of fisheries commissions who had knowledge of the dynamics of fish stocks; MSY appeared as an "objective criterion, free of other considerations and there was a universal acceptance that protein needs could be met through fishing" (Dickie, 1979: 19). It must be remembered that regardless of the substantive value of their prescriptions scientists have no control over the use that policy makers decide to make of them. However, a few remarks must be made on the implications of the events reviewed so far.

Implications for fisheries management

Today, scientists are still strongly implanted in fisheries management the world over and little in the decision making process proceeds without, at its source, scientific advice regarding the stocks to be managed (Holden, 1991; Reveret, 1991; Brainerd, 1991). Another consequence of the historical development of fisheries research is that most of the studies were focused on stocks in Northern Europe. Consequently, while a comprehensive body of information has been built up on the commercial stocks exploited by Northeners, in contrast, data is very patchy for Southern Europe (Le Pape, 1989). This imbalance helps to understand why only 39 of the 103 stocks for which the Community fixes TACs are based upon assessments which permit catch possibilities for the coming year to be calculated (Commission, 1991b). The UK's dominant position as a pioneer in research gave the British the edge in shaping policy in international and EC arenas. Other Member States are now involved, but the UK still remains at the forefront of scientific and technological research. Disagreements within the scientific communities often delay

urgent action when some stocks reach crisis point (Cushing, 1975; Le Marin, 21/09/1979; Reveret, 1991). These elements, however, have to be placed in the wider issue of ocean politics.

EVOLUTION IN THE INTERNATIONAL LAW OF THE SEA: AN ANALYSIS

The constraints of interdependence in ocean issues, beyond fishing, dawned on States at a very early stage in the history of man. As Koers (1973: 15) put it, "The exploration and exploitation of the sea and its resources has a long history of international conflict, as well as a long history of cooperation". Western Europe is no stranger to this cycle of competition between States threatening, and sometimes generating, strife along with attempts at preventing or resolving conflict (Boardman, 1976: 183). Ocean issues embrace sectors such as security, freedom of movement on the sea, territorial sovereignty, oil and gas resources, metallic nodules and, more recently, the issue of pollution. They involve complex questions on how to promote some sectors without harming others.

Freedom of the high seas

Until very recently, States applied the principle of freedom of the high seas, or *Mare Liberum*, as formulated by a Dutchman Hugo Grotius in 1604-5. His interpretation was challenged in 1635 by John Selden, an Englishman, who argued in favour of States' appropriation of territorial seas. However, this temporary concern in order to counter Dutch sea superiority in North Sea fisheries never challenged the *de facto* regime which favoured colonial expansionism and international trade. Thus, States settled for a three mile territorial band along their coasts and, until recently, the Law of the Sea was the acceptance of the custom "evolved from the practice of States" (Sibthorp, 1975: 86). However, industrialisation, scientific advances and technological progress, combined with demographic growth and the concomitant greater use of natural resources, gradually undermined the *status*

quo (Knight, 1975:3). States had already established a few organisations for research and cooperation in fisheries, but, responding to sensitivity, the first degree of interdependence, they sought to cooperate to achieve an international legal agreement. It took three international conferences to achieve an acceptable compromise between the extant customary law and the growing demand for an extension of territorial waters (Johnston, 1976; Barnston, 1980). This "revolution" (Apollis, 1981:9) in the Law of the Sea resulted from unilateral extension of economic zones by some coastal States. This meant that foreign fleets were considering themselves as operating in international waters in what the concerned coastal State regarded as its economic exclusion zone (EEZ). Some US naval vessels were arrested in Korea and Cambodia, while the UK was engaging in a series of so-called cod wars with Iceland (Birnie, 1980:171-4; Driver, 1980:12; Apollis, 1981:126). The effects of the dynamics in national group intermediation were felt as States modified their choices at the successive conferences. Eventually, a consensus seemed to emerge and most coastal States extended their EEZs to 200 nautical miles. This move had profound repercussions on fisheries regimes which had proved to be mostly ineffective during this period of turbulence. Fisheries management became the prerogative of coastal States and the reform generated great hopes that national management could succeed where international management had failed. Analyses of the nature of the mutation are mixed. For some observers, the negotiations and their outcomes, if imperfect, allowed for a peaceful and comprehensive transition. For others, the new law was the result of messy and ill-thought-out actions which led to a process that evolved outside "the usual frameworks of cooperation" (Apollis, 1981:126).

Analysing regime transition

Using a model devised by Keohane and Nye (1977), Mason (1979b) has argued that the transition from open to enclosed coastal seas could be understood through the economic process model.

Technological changes induce shifts in States' economic interdependence that lead them to set up structures better adapted to their individual needs. States are aware that no framework can cancel all new costs and they also know that international interaction will constrain their choices. However they also realise that the costs of not cooperating would be even higher. In turn, this process contributes to the dynamic of change itself (Mason, 1979b: 11-4). While supporting the economic analysis, some analysts also believe that ideology and politics played a part in the reform. Thus for Apollis (1981: 254), the change was the result of shifts in the wider ideological environment, from the liberal economic to a neo-nationalist order which claims "the right of peoples to self determination regarding themselves, their economic wealth, their pattern of development and of the right to avail themselves of the necessary means to protect their vital interests". Thus the behaviour of States, the reform of the Law of the Sea and the setting up of coastal jurisdiction on the continental shelf can be explained in terms of interdependence theory. Responding to sensitivity in the economic sphere, induced by technological change and directed by an ideological shift in the post colonial era, States seek to minimise costs by ensuring greater control over natural resources. In their attempts at minimising sensitivity, they compound other actors' vulnerability which, in turn, can accentuate their own. In such a situation, while banning foreign fleets from what became EC waters, Member States could not prevent their own distant fleet losing access to their traditional fishing grounds which, in turn, led to overcrowding in the North Sea and to the demise of UK freezer trawlers.

THE EVOLUTION OF EUROPEAN FISHERIES

The first major conference that took place in response to a messy process of extending national baselines was the North Sea Fisheries Conference in 1882. This convention gathered eight States: Belgium, Britain, Denmark, France, Germany, Holland,

Norway and Sweden. The Convention "established 3-mile territorial and fishing limits off the North Sea coasts of signatory countries" (Wise, 1984:69). However, some members refused to ratify the agreement, and insisted on a 4-mile limit, while others, though accepting the principle, did not apply it equally in their territories. These legal and political moves were in response to socio-economic pressure from the peripheries on national governments, in reaction to technological changes and the effects of overfishing. Invoking principles of extreme economic dependence of such communities on fish resources and historical tradition, Norway unilaterally extended its limits which resulted in the exclusion of foreign fishermen who had, hitherto, fished these grounds. The International Court of Justice, to which the UK had complained in 1935, found in favour of Norway in 1951. The Court's findings were important because they were to shape the framework of fisheries management. Arguing that the North Sea Convention agreement could not be equated with international law, the Court believed that Norway could not be regarded as having contravened it. The Court accepted the principle of allowing coastal States a degree of freedom in deciding on the extent of their baselines. More importantly, perhaps, the Court acknowledged the validity of the socio-economic argument to justify unilateral action. Communities heavily dependent on fish resources were to have priority in the exploitation of coastal stocks even if it were to be detrimental to the interests of outsiders who had a tradition of fishing these same grounds (Wise, 1984:70-1). This outcome represented a logical continuation of an evolutionary process in the sphere of ownership of ocean resources. Following U.S. acquisition of the Pribilov Islands from Russia, the Americans argued that Pribilov seals found outside the 3-mile territorial sea still belonged to them. Canada successfully challenged this intepretation before the Court of Justice. However, "The interesting point...was that it was the first statement over the proposition that a stock belongs to the state in whose waters it is found" (Cushing, 1975:43). The Norwegian example, strengthened by the Court's findings, was inspiring

coastal States all over the world to follow suit. In Europe, the situation was confused and potentially conflictual since there was no uniform law, and long distance fishermen saw themselves excluded from grounds where they had traditionally fished. Incidents between the UK and Iceland were developing in a series of cod wars (Gilchrist, 1978; Jonnsson, 1982). States were being confronted by conflictual demands from their in-shore and long distance fishermen. In-shore fishermen were in favour of an extension of fisheries limits to keep outsiders out, while long distance fishers saw their interests increasingly threatened by such demands. However, an inexorable process had begun that was to end in the legal recognition of a 200-nautical mile economic exclusion zone. (The negotiations and the successive United Nations conferences on the law of the sea are well researched, see, for example, Knight, 1975; Johnston, 1976; Apollis, 1981; Dupuy, 1979). This process, under the auspices of the United Nations, was to take some 20 years to complete. In the meantime European States were attempting to reach a compromise among themselves. A conference took place in London from December 1963 to March 1964. This conference developed interesting points which had been raised at the United Nations Conferences on the Law of the Sea (UNCLOS) in 1958 and 1960. Thus, territorial sea was to be extended, from the 1882 three mile agreement, to twelve nautical miles. This band would allow for a six mile zone exclusively reserved for the coastal communities, while the outer six mile belt would remain open to foreign fishermen with a tradition of activity in this zone; the reference period was to be between 1 January 1953 and 31 December 1961 (Articles 2 & 3 of the European Fisheries Conference, 1964). This evolution towards coastal States' expansion over territorial seas firmly reflects the prevalent international mood of the times. However, the 1964 Convention met with the same opposition from the Nordic States as had the 1882 Conference. The main bone of contention was the principle of historic rights for foreign fishermen in the six to twelve mile zone. Iceland and Norway did not ratify the Convention, while Denmark did not include Greenland and the Faroe

Islands in the agreement (Brown, 1972; Wise, 1984). The next major move in Europe came in the form of the common fisheries policy of the European Community in October 1970, and, internationally, by the widespread application of the 200 mile EEZs in the mid to late seventies. Fuelling legal moves then were concepts of coastal States' rights to the resources in their adjoining waters, with special recognition of the special importance of fishing to peripheral communities heavily dependent on this industry. This approach favoured coastal communities while penalising long distance fishermen. In a situation such as that of Western Europe, contradictions abounded, not only on the point of discrimination over access, but also at the commercial level regarding the various trade barriers in fish products.

Overfishing and conservation regimes in Western Europe

Just as Western European States sought to coordinate legal moves on the question of access, so did they too on the level of conservation measures. An important development took place in the shape of the 1946 London Conference on overfishing. This conference attracted 12 countries. Its outcome was a "Convention for the regulation of the meshes of fishing nets and the size limits of fish". The resolutions of the conference were binding on the signatories and a joint commission was to be set up to oversee the application of the Conference. However, it took years to come into force and, because of its weaknesses, pressure was soon building up for a more effective regime. This came in the form of the North-East Atlantic Fisheries Convention (NEAFC) in 1959 which was more comprehensive than the 1946 convention (See Brown, 1972; Cushing, 1977; Driscoll and McKellar, 1979; Farnell and Elles, 1984; Wise, 1984). However, NEAFC had hardly come into being when, in 1963, States were already setting up the London Convention which agreed on an extension of fisheries limits (Farnell and Elles, 1984:5). Regime weaknesses identified in the literature on fisheries organisations were amply illustrated in NEAFC where "almost as much attention was given to the objection procedure as

to any other subject in the Convention, including the conservation measures" (Driscoll and McKellar, 1979:130; see also Wise, 1984:82). The inadequacy of the technical measures on mesh sizes and minimum landing sizes agreed by the Overfishing conference which NEAFC had adopted immediately became obvious. The option of setting up total allowable catches that would subsequently be divided into national quotas had been considered at the setting up of NEAFC. However, States had ensured that this measure could not be taken lightly. "Its exercise required the approval of two-thirds of the delegations in the Commission (not just the usual plurality) and also the consent of all the contracting states, so that an objection by even a single state, rather than three, would be enough to invalidate a recommendation" (Driscoll and McKellar, 1979:131). Thus, despite the critical decline in herring stocks, NEAFC remained powerless because of the failure of some States to ratify the recommendations. Denmark and Norway, for example, questioned the soundness of the scientific evidence on which NEAFC based its proposals to curb fishing effort on herring and flatfish respectively and refused to agree to conservation measures. As it happened, the delaying tactics resulted in the collapse of both stocks (Driscoll andMcKellar, 1979: 131-4; Cushing, 1977).

Unfortunately, the tragedy of the North Sea herring was not an isolated case and the failure "was repeated *mutatis mutandis* with the other stocks most in need of conservation" (Driscoll and McKellar, 1979:133). As had happened to other agreements and conventions, NEAFC was overtaken by changes in the wider environment as well as overcome by its own shortcomings. One of the elements that should have helped NEAFC to be more efficient was the proper implementation of the rules on which agreement had been achieved. However, even this did not prove possible. The closest NEAFC came to installing an effective monitoring system was by getting its Member States to agree on mutual inspection. However, the risk of detection can only play a deterrent role if the person committing the infraction risks being penalised. This did not always appear to be the case, and accusations and counter accusations of violations abounded. Even if the system of mutual

inspection failed to deter infractions, it nonetheless offers an interesting insight (Table 2.1) into the low priority of some coastal States in ensuring that their national fishermen respected NEAFC regulations (Driscoll and McKellar, 1979:135-7). By the time the last UN conference on the law of the sea took place, NEAFC had been totally discredited as a conservation regime. NEAFC's demise eventually came when the EC Member States withdrew from the Convention and the USSR, still refusing to recognise the legitimacy of the EC, vetoed its participation as a partner at the beginning of 1978 (Farnell and Elles, 1984:44). A new NEAFC was constituted in 1980 under the title: the Convention on future multilateral cooperation in the North East Atlantic Fisheries. Its scope is much more modest. It has joined forces with ICES, which had stepped in to set up a series of dialogues, attracting representatives from all spheres of fisheries management (Parrish, 1988).

Thus, NEAFC suffered the same fate as many international fisheries organisations. There are two ways for coastal States to defect. They can choose not to join the relevant organisation and benefit from the restrictions imposed on those who are members. Thus, as Burke (1967: 123) noted, in 1966, the number of States who participated in the Eastern Pacific tuna fishery but were not members of the regional Commission was "larger than that of Commission members". The second way is to join, but to use tactics that render the organisation powerless, as was the case with NEAFC. Such behaviour shows the limits of the influence wielded by epistemic communities, as States learnt to exploit scientific disagreement to justify their refusal to accept conservation measures. In some highly politically sensitive situations international scientific communities fail to provide advice which would favour one State over another. This was the case in a disagreement between France and the UK on net mesh sizes. Scientific recommendations in the two countries favoured the activities of their own fishermen. The Commission asked ICES for advice. ICES would not take sides, thus reinforcing the feeling that bias cannot be evacuated from scientific advice (Le Marin,

21/9/1979). More recently, in the early Nineties, the same phenomenon was observed as controversy raged around the alleged lethal impact of drift nets on marine life. FAO "could not provide conclusive evidence to support or discount claims that they were destructive" (Le Marin, 11/5/1990).

Table 2.1 "Percentage of fishery inspection visits resulting in reports of apparent violations of NEAFC mesh-size regulations"

	I 1964 - 1973 from visits by flag - state inspectors	II 1972 - 1973 from visits under the Joint Scheme
Belgium	8.8	6.0
Denmark	2.7	3.7
West Germany	.6	20.4
France	6.7	44.7
Iceland	29.0	0.0
Ireland	12.0	-
Netherlands	5.8	10.0
Norway	8.5	14.8
Poland	4.3	0.0
Portugal	5.9	-
Spain	2.5	10.3
Sweden	1.4	-
USSR	3.8	26.9
UK	3.6	24.5

Source: Driscoll and McKellar, 1979:137

THE COMMON FISHERIES POLICY

Legally, the CFP finds its justification in Article 38 of the Treaty of Rome which provides for the creation of a common agricultural policy and defines agricultural products as, "the products of the soil, of stockfarming and of fisheries and products of first stage processing directly related to these products" (European Documentation, 1985:27).
However, as Wise (1984:85) points out, there is no specific provision in the Treaty for the creation of a common fisheries

policy. Neither did there appear to be any calls for its creation as the common agricultural policy was being negotiated in the sixties. This is understandable since "nearly 90% of the fish produced by the original Six were taken outside what were then Community waters (even if extended to 200 miles) in what are now British or Norwegian waters" (Farnell and Elles, 1984: 10). However, the Commission produced a comprehensive package of proposals for a Community fisheries policy in 1966. Guided by the principles enunciated in the articles regarding the CAP, the Commission sought to develop a common policy which would embrace all aspects within the industry, not only in the fields of the exploitation and marketing of the resources, but also in the social sphere (Leigh, 1983: 25; Wise, 1984: 107). This first step marks the start of a long process that was to produce the CFP of 25 January 1983 for a period of twenty years. The main proposals related to markets and structures. It took the six member States four years to agree, ultimately spurred on by the necessity of having a policy before the four fish-rich States began negotiations. Norwegian and UK waters alone would contain 75% of the fish stocks within a Community of Ten (Farnell and Elles, 1984: 10). Besides the Commission, France and Italy were the main actors behind calls for a Community fisheries policy. France's industry was suffering badly from the abolition of trade barriers and the obsolescence of a section of her fleet. France sought to alleviate these difficulties through common action (Wise, 1984: 86-8). Other member States were more reluctant to add to the Community's financial burden and resisted French and Italian pressures.

The CFP of the Six

The CFP agreed in June 1970, which was more modest in scope than the 1966 proposals, adopted a dual approach: market organisation and structures. On the marketing side, it provided for measures to cushion the effects of trade liberalisation. Regulation 2142/70 principally provided for a uniform set of marketing standards,

the setting of guide prices for specific species, and agreed withdrawal prices. Many of these tasks were to be the prerogative of producers' organisations. However, the policy directed at the production level contained far-reaching measures (Regulation no 2140/70). Its provision for equal access for member States within Community waters was in keeping with the liberal approach that underpins the Treaty of Rome. However economically rational the concept of liberalism in trade is, it acquires a different dimension in fisheries. The principle of equal access also ran counter to the predominant thinking of that time which was evolving towards greater coastal exclusive control of fish resources, as was expressed in the resolution of the 1964 London Conference (Farnell and Elles, 1984:11). An aid package was also put together to help restructure some Members States' fleets, with the French as the principal benificiaries (Wise, 1984:103). Conservation was the neglected element in this first version of the common policy. Its mention as an afterthought "was in marked contrast to the resolute effort expended on the equal access, aid and market issues" (Wise, 1984:106). As Brown (1972:54) points out, the principle of equal access was qualified by the option opened to member States to set fisheries regulations in their own waters so long as measures did not discriminate "on grounds of nationality". In practice, of course, this provision provided a golden opportunity to exclude foreign boats, by simply banning a specific technique that vessels from another State happened to use, or by allowing only smaller vessels into certain zones. This ensured that only locally based boats could gain access to particular areas (Laing, 1971:9).

The CFP in the Treaty of Accession

The four candidate States, especially Norway and the UK, aware of the importance of access to their waters, were unhappy with the timing of the CFP agreement. The provision on access proved, as it had in previous negotiations, a serious hurdle on the way to finding an agreement. The outcome of the discussions was set in a

few articles in the Treaty of Accession, which Norway declined to sign. Thus Article 100 dealt with access, providing for derogations on the measure on common access till 31 December 1982. Article 101 established areas where the six mile exclusive fisheries zones could be extended to 12 miles. The Shetland and Orkney islands, along with the East coast of Scotland and most of the Breton coast would benefit from this special status. Article 102 paved the way for a future common conservation policy by stipulating that, "from the sixth year after accession at the latest, the Council, acting on a proposal from the Commission, shall determine conditions for fishing with a view to ensuring protection of the fishing grounds and conservation of the biological resources of the sea" (Treaties establishing the European Communities, 1973). Finally, Article 103 assigned to the Commission the task of preparing a report for the Council before 31 December 1982 on the situation of coastal communities and of fish stocks. In the light of the report and in keeping with the objectives of the CFP, the Council would study the provisions that could succeed the 10-year derogation term. Norway could not accept the agreement between the Nine. It argued bitterly in terms of 'its vital interest' and wanted its coastal waters to enjoy special status that could not be granted within Community policy. Ultimately, a majority of Norwegians voted against membership. It is generally argued that the fisheries issue played an important role in the Norwegians' decision not to join (Wise, 1984: 140).

Creation of 200-mile fisheries zones

History was repeating itself. One agreement had just been reached when events in the wider environment rendered it obsolete. Thus, the evolution of negotiations in the successive UN conferences on the Law of the Sea was soon moving towards the acceptance of the reality of a growing number of coastal States unilaterally extending their EEZ to 200 nautical miles. It was becoming increasingly obvious that this practice would be legalised. The EC Commission, therefore, had to turn its attention to the

consequences of such an evolution. This it did in 1975 (Churchill, 1979; Farnell and Elles, 1984:16; Wise, 1984:143). In the subsequent report presented to the Council at the beginning of 1976, the Commission examined the various prospects (Commission, 1976a). One of the first implications was the loss of distant fishing grounds to EC vessels with the concomitant redeployment of these boats in what would now be extended Community waters. However, the EC would have to act fast, if it did not want to find itself in a situation where its fleet was excluded from extended fisheries zones without being able itself to prevent overfishing in its own waters by foreign vessels. Moreover, Member States were already vulnerable because of the liberalisation of the market in fish products. There began a series of proposals by the Commission to the Council, the first of many over the six years that the negotiations were to last . In short, the Commission was in favour of Member States extending their exclusion zones. This new situation demanded a comprehensive approach to the management of fisheries. The principle of equal access was maintained but coastal communities had to be protected, and measures had to be taken. A new development was the specific mention that was made regarding the need to protect the resource (Commission, 1976b). Evidence of overfishing was there for all to see and the Commission wanted conservation policies to be installed. As Wise (1984:52) puts it, "These proposals emphasize how much the Commission's awareness of fishery management problems had evolved since the original formulation of the CFP in the mid-sixties". Finally, agreement had to be sought with third countries in order to negotiate access for EC vessels to some foreign fishing grounds.

Six years of negotiations

The successive proposals drawn up by the Commission and submitted to the Council do not require to be examined here. (For detailed accounts of the negotiations, see Churchill, 1979; Leigh, 1983; Shackleton, 1983; Farnell and Elles, 1984; Wise, 1984; for a

jurisdictional approach, see Martins-Ribeiro, 1982; Guernalec, 1983.) The main sets of proposals, "The Hague resolutions" and the 1978 Commission's proposals, will, however, be briefly described. The Commission's proposals mentioned earlier were submitted to the Council in September 1976. Unfortunately they resembled more a plan to be achieved over a number a years than a programme of action that should have reflected the degree of urgency that was required to implement it (Farnell and Elles, 1984:24). We saw earlier that the Commission wanted both to promote conservation and protect the interests of coastal communities, it also wanted to see a restructuring of the Community fleet towards an adjustment between resource and catching capacity (Commission, 1976b:14). This was a particularly sensitive point since it would inevitably penalise fishing communities with the concomitant socio-economic and political problems such measures would entail. No Member States would willingly go down that path. The Commission, mindful of this problem, proposed sweeteners in the form of decommissioning aid, a device "not available to international fishery management organisations" (Wise, 1984:156). This programme was possible within the framework of the structural policy. Moreover, financial aid would also be available for a programme of social measures directed at those affected by the restructuring policy. No consensus could be reached around the proposals, so a month later, EC foreign ministers met and agreed on a series of guidelines, known as "The Hague resolutions", that would form the framework of the future CFP. Member States agreed to extend their fisheries limits to 200 miles from 1 January 1977. They also acknowledged the authority of the EC to negotiate as a corporate actor in international fisheries organisations and in its search for fisheries deals with third countries. Authority was also granted in the drawing up of conservation regulations in Community waters. However, in the absence of such legislation, Member States could unilaterally adopt measures deemed necessary, on condition that they did not result in discrimination on the grounds of nationality. Additionally, Member States had to consult with the Commission prior to any such move. Negotiations

continued, but progress was slow and painful. It took Member States time to reconcile themselves to the need for a concerted approach to management. Moreover, the complexity of management issues in that sector compounded the problem. "The principal difficulty was the lack of experience and information in dealing with complicated problems of conservation and fishery management, which were linked to economic, social and political interests in member states. In addition, never before had the formulation of policy been so intimately linked with the policies of third countries (i.e. Norway)" (Farnell and Elles, 1984:71; see also Watt, 1977). The absence of clearly enunciated objectives also hampered the search for a consensus (Churchill, 1979).

The 1978 proposals

The Community decided, in November 1976, to leave NEAFC, which had become dormant. The Commission, on what scientific information was available, set up total allowable catches (TACs) for 1977 for a few stocks to be shared between EC and third country States. Allocation of quotas would be operated on the basis of historical catches. However, the stalemate remained. In a further attempt to draw up proposals that would combine a retention of the CFP principles with measures more acceptable to Member States, the Commission submitted a new document to the Council in January 1978 (Commission, 1978). In the field of conservation the main proposals related to reduced TACs, increases in the mesh sizes in some nets, the creation of 'boxes', i.e. zones where access would be controlled by the Commission. EC financial aid would be available, up to 50%, to Member States whose fleet was undergoing restructuring. TACs were to be divided on historical performance and, once set, were to be observed by Member States. However, this new set of proposals did not achieve consensus either. On the contrary, "By early 1979 the atmosphere in Council negotiations had become more strained than ever" (Farnell and Elles, 1984:98).

Compromise and final settlement

Incremental progress over the years, combined with a change of governments in the UK and France, who had been at loggerheads on the question of access, resulted in a change of mood in the early Eighties (Farnell and Elles, 1984: 101; Wise, 1984: 204). They settled their differences as a result of several bilateral meetings in the course of 1982. The fact that both sides were unhindered by electoral considerations perhaps played a part in the outcome (Wise, 1984: 228). The Danish government, on the other hand, was experiencing difficulties in Parliament, and was severely constrained in his dealings with the Community. This created some last minute difficulties, but, at last, on 25 January the common fisheries policy of the Euroepan Community was adopted by the Council.

THE CFP: AIMS AND POLICY INSTRUMENTS

There can be no doubt that the package that was ultimately produced by the European Community had evolved in an incremental fashion. Notions that were new and difficult to accept at the beginning, such as that of equal access, came to be central pillars of the policy. Similarly, concepts of conservation which were not introduced until the mid-seventies quickly became crucial to a comprehensive regime. The 1983 regime fulfils the various tasks that the Commission had set in its 1976 proposals. Although some areas of the fishing sector, such as social status for example, were not included, the CFP remains, nonetheless, a comprehensive fisheries regime. Indeed, it has been argued that "the CFP appears today as the most complete and integrated of common policies" (Hamon et al, 1988: 19). The regime can be divided in four component parts:

(1) a common market policy,

(2) a structural policy,

(3) a conservation policy and,

(4) a foreign policy which allows the Commission to strike agreements between the Community and third countries as well as to negotiate with international fisheries organisations.
The market policy and the foreign policy are generally considered to have worked well and have not caused much controversy. They obviously have an impact on the EC fishing industry. However, of particular interest are the structural and the conservation policies which seek to regulate access to, and exploitation of, the common resource. These two policies and their components will be examined after looking at the objectives of the CFP.

Objectives of the CFP

As we saw, the CFP was not guided by any great ideal regarding the exploitation of a common resource in the EC. It was more a pragmatic attempt to reconcile legal, political and practical factors. Naturally, this situation is reflected in the objectives of the CFP. A variety of Pareto optima can be adopted in fisheries management. However, as we saw, sectoral constraints imposed by the characteristics of the resource base and the geographical distribution of the producers mean that most objectives are mutually exclusive. To compound the complexity of the task, the stated objectives of the CFP were aligned with those of the common agricultural policy which relates to a totally different resource base. Ownership patterns differ between land and sea; farmers have control over the type of product they want to exploit and they incur expenses in land husbandry which is not the case for fishermen who are only concerned with harvesting costs. Yet the aims which were common to both sectors were defined as,
" (i) to increase productivity by promoting technical progress and ensuring rational development and optimum utilization of factors of production,
(ii) ensure a fair standard of living for the agricultural community,
(iii) stabilize markets,
(iv) ensure availability of supplies for consumers at reasonable

prices" (European Documentation, 1985:28).

Given the complexities of fisheries management and the number of aims that can be selected, objectives such as those of the CAP could hardly be used as guiding principles in the CFP. The objectives defined in 1976 were more explicitly stated as,

"1 - to ensure 'the optimal exploitation of the biological resources of the Community zone ' in the medium- and long-term interests of both fishermen and consumers;

2 - to ensure the 'equitable distribution of these limited resources between member states' while maintaining 'as far as possible the level of employment and income in coastal regions which are economically disadvantaged or largely dependent on fishing activities'" (Wise, 1984:149).

These statements are not dissimilar to those expressed in the American Magnuson Fisheries Conservation and Management Act of 1976 and in the 1976 Policy for Canada's Commercial Fisheries, in that all three are sufficiently vague to allow room for manoeuvre. The CFP is best seen as a compromise between the Commission's desire to introduce the Community's liberal ambition into an already existing fisheries regime, with its own principles, norms and processes, and its need to embrace the regional dimension of fisheries. Thus, the Commission wanted to maintain the principle of freedom of movement of people, goods and capital by instituting equal access to all Member States in Community waters. Also important was the regional dimension and the contribution that fishing could make to the economic harmonisation of EC coastal regions. For these aims to be achieved fishing stocks had to be protected by ensuring a balanced exploitation of fishing grounds. Article One of Council Regulation 170/83 states, "In order to ensure the protection of fishing grounds, the conservation of the biological resources of the sea and their balanced exploitation on a lasting basis and in appropriate economic and social conditions, a Community system for the conservation and management of fishery resources is hereby established". To this end, a series of conservation measures could be established. The main elements of the regime will now be examined.

Access

The liberal dimension of the Treaty on non-discrimination on the grounds of nationality is expressed in the principle of equal access. There is, however, a slight alteration to this measure in the coastal bands and 'boxes', where fishing is reserved for specific vessels. This situation reflects the concern expressed by Coastal States on the need to protect inshore fishermen. These derogations have to be viewed also as a compromise between the liberal forces within the EC and the prevalent mood for States' control over extended fisheries zones and the protection of their inshore fishermen's interests.

TACs and Quotas

Within the CFP framework, TACs and quotas were primarily political devices. They stem directly from similar conservation instruments in NEAFC, the regime the CFP replaced. It is important to understand that, during the period of regime turbulence in the seventies, a dilemma for the Commission was how to establish the Community's authority over what had become the Europond and where existing fisheries measures emanated from NEAFC. One of these was through the establishment of total allowable catches (TACs). The Commission, although aware of the measure's perverse effects and Member States' hostility to it, still chose to perpetuate it for symbolic, but also practical, reasons. Since the setting up of TACs is essentially a centralised process which requires expert information, the decision to establish them for the next year, along with their adoption by Member States, would legitimise the authority of the Commission with regard to the internal policy of the CFP. "Senior Commission officials believed that once this keystone of a common policy was in place, its other necessary components would follow" (Farnell and Elles, 1984:107). Moreover, TACs also represented a handy way of sharing resources among Coastal States. It allowed for the maintainance of the principle of 'relative stability' whereby a permanent (and complex)

framework was devised to share resources in a way that was supposed to reflect historic records for each Member State. Relative stability has been achieved even after Spain and Portugal's accession to the Community in 1986.

Technical measures

The distinction here follows that applied by the Community between the two sets of regulations: TACs and quotas, on the one hand, and measures that control zones, gear and minimum landing sizes. Again in this domain, the Commission was prepared to carry on with the measures installed by NEAFC with the possibility of adding EC designed measures when these were felt necessary (Farnell and Elles, 1984:76). Technical measures have multiplied since 1983 and the same regulation may be altered several times. Indeed, there can be so many adaptations and derogations that technical regulations are regarded "by both fishermen and enforcement officers" as "complex and difficult to understand, making compliance with and enforcement of them difficult or impossible" (WWF, 1992:6).

Evolution of the structural policy

Proposals regarding structural measures were included in the Commission's initial proposals that were submitted to the Council for a common fisheries policy (Commission, 1968). The CFP that was signed in 1970 contained a structural part, but on a more modest scale than the Commission would have liked, mainly because of Dutch and German objections to an added financial burden (Wise, 1984:99). Nonetheless, Regulation 2141/70 provided for EC intervention in the structural sector. This aspect was subsequently overshadowed by the disagreements over access and conservation proposals during and after the negotiations on the accession of the UK, Ireland, Denmark and Norway.
However, after the restructuring of the French salt-cod and tuna fleet, fresh challenges faced the Community as a consequence of

the extension of national exclusion zones in the mid-Seventies. Large vessels excluded from foreign grounds had become redundant. Again, the Commission drafted proposals (Commission, 1976b). Explaining the dysfunction between the structure of Member States' fleets and reduced opportunities, the document stressed the need for a contraction of catching capacity. This could be achieved through measures such as the destruction of older vessels, the decommissioning of the larger freezer-trawlers and the exportation or reconversion of newer vessels. Restructuring would have a financial and social cost which could be staggered over a five year period. Funds would be made available to help finance the various options suggested (Commission, 1976b). The Commission also saw the use of the structural policy as a way to promote coastal fishing which was seen as an instrument of peripheral development (OJEC, 19, C6, 10/1/1976: 2-10; Commission, 1976b; 1980b). Finally, it was argued that a uniform programme would ensure equity across Member States (Commission, 1980b).

In one of the piecemeal agreements that characterised the CFP negotiations, ministers agreed on various interim programmes of structural aids to the fleet in 1978 (Reg. (EEC) 1852/78, OJEC, 20, L48, 19/2/1978: 28). Grants would be targeted at the 12 to 24 metre vessels, in order to promote the inshore sector. Additionally, regions identified as being especially dependent on fishing were to receive preferential rates of grants. Building grants were to be doubled for Greece, Greenland, Ireland, Northern Ireland and Southern Italy. A breakdown of structural aids to regions shows that, by March 1981, Scotland and Brittany had attracted 12 and 7 per cent respectively of the structural budget (Commission, 1981).

Setting a pattern

Although the Commission justified the Community's financial support to the expansion of what had come to be regarded as the EC fleet in terms of reconversion and development of rural and peripheral areas, it also had ulterior motives. Most Member

States have a tradition of financial support, structural and ad-hoc, to their respective fishing industries (White Fish Authority, 1978; 1981; Meuriot, 1986; Shackleton, 1986; NAO Report, 1987; Catanzano, 1988). EC aid was, therefore, welcome at such crucial times of readjustment. It was also, and perhaps especially, a shrewd political decision. Structural grants represented the incentive ministers and fishermen alike needed to accept the gradual encroachment of Community institutions over national fisheries. As several Commission officials put it, aid to new constructions represented the "friendly" side of the Commission. This device was used again in 1986, both to help EC fishermen accept the arrival of Spain and Portugal's fishing fleets when the two joined the Community and to alleviate the tough conditions Spain had had to accept within the CFP. These considerations notwithstanding the Commission was still anxious to see a contraction of the EC fleet as its overcapacity was evident, as was the overexploitation of many stocks. Despite proposals to assist in the contraction of capacity, the Commission did not succeed in persuading ministers and nothing was done. However, once the CFP settlement materialised in January 1983, the Commission's proposals, supported by the European Parliament, were turned into legislation by the Council.

The measures in the structural policy

The cornerstones of the structural policy were to be multiannual guidance plans (MAGPs) which Member States were required to submit to the Commission. These plans - the first covering four years and the second five - had to detail the projected evolution of Member States' fleets. The Commission could set targets which Member States had to respect. Information was expected on withdrawals and new construction and on the administrative and legislative measures each Member State proposed to take to achieve their targets. MAGPs would be examined by the Commission and the Management Committee on Structures which would approve them by a decision. Applications for EC funds would be made in the context

of this agreement between the Commission and Member States. In the initial set of measures, decommissioning grants and subsidies for other schemes that alleviated fishing effort on EC stocks were made available through a directive. In the second set, all schemes for expansion and contraction came under the same regulation. The implementation of structural measures is examined in detail in Chapter four.

The conservation policy

The conservation policy which had been ignored in 1970 was very much a component part of the 1983 CFP. As we saw, Article 102 of the Accession Treaty stipulated that steps had to be taken to devise and implement a conservation policy. The policy contains measures to control inputs and outputs. One important control on input, which can be achieved through structural measures, is, of course, the size and nature of the fishing fleet. Yet, no moves were made to link the two strands - conservation and structures - till 1992. Other controls on inputs are technical regulations that control the type, size and selectivity of fishing gear. These are numerous and complex. Restricted access also exists in the Community in what has become known as 'boxes', such as the Shetland and Irish boxes, where fishing is limited to licence holders.

The principal instruments of control of outputs are the total allowable catches that can be set for any stock whose exploitation the Community seeks to control. There are analytical and precautionary TACs. Analytical TACs are those for which scientific data is available. To avoid a transfer of fishing effort from species under analytical TACs to others, the Commission chose to set precautionary TACs to control effort. It is interesting to note that analytical TACs represent less than 15 per cent of the total value of fish caught in EC waters (Commission, 1991b: 19). TACs are subsequently divided among Member States into national quotas. National governments must monitor

their uptake. A formula had to be devised. Various elements were entered into the calculations. The traditional activities of the various fleets represented the main criterion. These were established on the basis of national catches for the period 1973 to 1978. The provision regarding the protection of sensitive areas in The Hague resolution was also applied. Finally, the penalty incurred by EC vessels following their expulsion from foreign fishing grounds in the seventies was also taken into account (OJEC, C158, 27/6/1980:2). A 'common currency', called cod equivalent, which was negotiated with third countries, was used to ensure a fair allocation of the main stocks. Cod, haddock and plaice were given a value of one, redfish 0.87, whiting 0.86, saithe 0.77 and mackerel 0.30 (European Documentation, 1985:46). The complexity of the calculations that were used to produce the allocation formula is such that only a handful of people can understand the process. However, its application is simple enough, even if annual negotiations lead to heated bargaining between the various parties. EC skippers are required to complete log books, wherein they enter fishing zones, species and quantities retained on board. Such data is used, along with landing declarations and other available information, to monitor quota uptake and also for scientific purposes. The Commission also monitors landings and advises Member States when caution is required because their quotas for given species are almost reached. When a national quota has been caught, Member States are responsible for closing specific fisheries, thus making the landing of the related fish an offence. The capture of juvenile fish is discouraged through the use of selective fishing gear, reinforced by the setting of minimum landing sizes. Conservation measures would, in all probability, be of little value if steps were not taken to ensure that they were enforced. Consequently, controls form an intrinsic part of the conservation policy. Member States have retained responsibility for enforcement in waters under their jurisdiction. Enforcement requires political will, resources, personnel and legislative provisions to ensure that infringements are punished. Inspections at sea are essential if controls on gear, fishing

zones, minimum sizes and on species on board are to be carried out. Similarly, controls in port are important to check that skippers' documents correspond to their landings and that minimum landing sizes are respected. The structural and the conservation policies are examined and analysed in Chapters four and five. Policies are expressed in the form of Council regulations and directives. Community law in general and within the framework of the CFP will be studied next.

COMMUNITY LAW

Management measures are taken principally through regulations, directives and decisions which Member States are required to implement and enforce. The Treaties establishing the various European communities, the two sectoral Treaties relating to Coal and Steel and the comprehensive Treaty of Rome, departed in one important aspect from international regimes - they created a new legal framework different from that of international law. Member States were in effect accepting reduced sovereignty over some policy areas by endowing Community institutions with the legal right to formulate policies and ensure their implementation. More significantly, in this new framework, Community law acquired precedence over national law (Lasok and Bridge, 1982; Mathijsen, 1985). Once adopted into the corpus of national law, it still retains its independent legal status of Community law. Community law is derived from four sources of unequal importance. There are first the provisions in the Treaties, or primary sources, which once they have been ratified acquire legal status in Member States. Then there are the measures from secondary sources, that emanate from the Commission or the Council. This secondary legislation can adopt three forms: regulations, directives and decisions. There is also the jurisprudence established by the European Court of Justice and finally, agreements between the Community as a corporate actor and third countries (Documentation Française, 1982: 11).

The CFP is said to find its legal justification in article 38 of the Treaty of Rome. Most EC management measures take the form of regulations. Regulations which emanate from the Treaty "are binding in their entirety and are directly applicable in all Member States" (Treaty of Rome, Article 189). Consequently, regulations do not require any specific legal or administrative process to acquire force of law in national settings. This is why the regulation is said to be the demonstration *par excellence* of "European power" (Documentation Française, 1982:17). The usual process is for the Council to adopt a regulation on the proposal of the Commission and with the opinion of the European Parliament. Council regulations can be self-contained and directly applicable or they can be enabling regulations, allowing the Commission to decide on the operating conditions. Finally, there are regulations which are the prerogative of the Commission. The Council retains a degree of control over such regulations through management committees (Documentation Française, 1982:17). This latter form of regulation is of particular interest in the management of fisheries and is examined in greater detail below. Thus the legal nature of the regulation is particularly constraining in that there is no opportunity to 'nationalise' it in adopting it into national law. However, Member States still retain some room for manoeuvre in their choice of agencies and processes through which regulations are enforced (Collins, 1984:58-59).

Directives do not differ in their genesis from regulations in that they are adopted by the Council in response to a Commission proposal. The directive departs from the regulation, not in the obligation that it imposes on the recipient who must implement the directive, but in the choice of means to meet that objective (Treaty of Rome, Article 189). The legal content inherent in the regulation is absent from the directive which may require legislative action in targeted Member States. Unlike regulations which come into force from their publication in the Official Journal, directives are to be implemented from a given date which may be years after their promulgation. These distinctions must be qualified in the case of the regulations in the structural policy,

which require Member States to submit multiannual guidance plans and to implement the measures contained therein in return for structural aid. There may be cases where implementation requires regulatory or legislative measures. There has been an evolution in all Community institutions towards tightening the terms of the directive through wording and conditions of application in an effort to ensure better implementation in Member States.
Finally, there is the decision which was already a feature of ECSC. Again, according to article 189 of the Treaty of Rome, the application of the decision is compulsory in all its elements by the recipients whether they be individuals or States.

Executive and autonomous regulations and decisions in the CFP

These two forms of regulations are mainly used in the framework of the common agricultural policy and represent "an innovation from the original institutional framework of the Treaty" (Documentation Française, 1982:17). These types of regulations along with decisions are of particular interest here because they have been adopted in the CFP and represent the main form of EC legislation in the structural policy. Such legislation could have represented a complete departure from decision making in international fisheries regimes had the Commission been granted independence of action. However, Member States retain a degree of control at the level of policy formulation through management committees. These committees, which are made up of representatives from national administrations, have to be consulted by the Commission on its proposals for regulations. The Committee votes according to the same procedure as laid down for the Council. The Committee may approve or reject proposals. If the proposal meets with opposition, it goes to the Council which must decide within a month. Commission decisions in the domain of structures are adopted according to the procedure detailed above for regulations.

EC POLICY PROCESS IN FISHERIES

The policy process varies according to whether it stems from the Council or the Commission. Two sets of measures which involve different processes will be examined to identify participant organisations and groups and to compare them.

A Council regulation: the setting of annual Total Allowable Catches

As stipulated in regulation 170/83 (Article 2.1), proposals for conservation measures have to be based on available scientific advice. TACs, as the corner stone of the conservation policy, have their genesis in the recommendations of the International Committee for the Exploration of the Sea (ICES) (Table 2.2). Research undertaken by ICES' various groups allows its Advisory Committee on Fisheries Management (ACFM) to prepare a report on the levels of mortality by fishing it considers biologically safe for stocks of interest to the Community. On the basis of this advice, negotiations begin between the Commission and third countries, such as Norway, who share some stocks with the Community and international organisations, such as the North West Atlantic Fisheries Organisation, of which the EC is a member. ICES' advice is also the basis of negotiations on fishing rights with other countries, such as Iceland and the Faroes, in whose waters EC fishermen operate.

The ACFM's advice is examined by the Commission's own Scientific and Technical Fisheries Committee (STFC) which formulates recommendations for the Commission. In the Commission, there has been a Commissioner for fisheries with his cabinet, as well as a directorate (XIV), since 1976. The Commission can ignore STFC's recommendations since it is only of advisory status. STFC documents also go to the Fisheries Consultative Committee (FCC). Made up of representatives from Member States' fishing professional organisations, banks, processors and consumers, the

FCC, whose role is, again, advisory, only forwards its opinion to the Commission. Armed with these elements, Directorate XIV draws up proposals for the following year's TACs. First to examine these proposals is the internal working group on fisheries which comprises both representatives from the Commission and civil servants from Member States. The group can also call upon the services of scientific advisers. Consultations and discussions take place within the group, and between it and representatives of the professional associations. Once the group has reached an agreement, this is forwarded to the Committee of Permanent Representatives (COREPER), which prepares the resolutions to be submitted to the Ministers at their December meeting. The Commission retains the right to accept or reject the opinions of the Working Group and the decisions of COREPER. If no agreement can be found, discussions between the various parties take place. However, once participants have managed to find common ground, negotiations between Council ministers and the Commission will take place around those figures. After discussions, TACs and national quotas are published in the Official Journal of the European Communities and become the legal fishing rights of Member States for the following year. Neither the European Parliament or the Economic and Social Committee are involved in the process.

Participants

Scientists are very much part of the whole process which begins on the basis of the advice they provide. Scientists involved in the international organisation, ICES, in the Community's consultative committee and those consulted by Ministers before and during Council meetings may well be the same individuals. ICES does not have the means to employ the number of researchers that would be required to undertake the extensive studies needed in the field. Member States of the organisation, therefore, appoint some of their national scientists to work in the various groups. Similarly, the Commission cannot afford to avail itself of the services of a permanent research team and must rely on the

Scientific and Technical Fisheries Committee, which again is made up of national scientists. They meet for brief periods to examine ICES' advice before making their recommendations.

The Commission is involved in the process from beginning to end. It involves principally officials from the conservation division of the fisheries Directorate who, again, are scientists from the various Member States.

Member States' direct input intervenes via civil servants in the Working Group, ambassadors in COREPER and, of course, ministers at Council meetings.

The Fisheries Consultative Committee, which has 45 members, is divided into five working groups: structures, prices and market organisation, internal and external resources, structures in processing, marketing and aquaculture, plus two ad-hoc: one on Mediterranean affairs and the other dealing with socio-economic measures. Members, who are appointed by the Commission, are nominated by their organisation.

Finally, national fishing organisations are also present at almost every stage of the process, though not at the initial formulation of scientific advice. They seek to influence the process directly in the Consultative Committee and indirectly by lobbying the various participants right to the last decision in the Council. They cannot attend, however, meetings which take place behind closed doors. Most national federations send representatives to Brussels. There are two permanent Brussels-based organisations that represent both sectors of the industry: Europêche, which is the umbrella organisation for most, if not all, fishing vessel owners' associations in the Community and Cogeca, a branch of the Agriculture Cooperative pressure group which represents the interests of the artisanal producers organisations.

Presidency of the Community matters, as the skills of the Fisheries minister will often determine the speed and nature of the outcome.

A Commission Decision: the multiannual guidance plans

Since 1986, structural measures have been gathered under the same Council Regulation. In 1983, a Council Directive and a Council regulation were produced. The regulation contains a number of opportunities for Member States' fleets, in the form of decommissioning, construction and modernisation programmes, as well as funds for exploratory voyages and the setting up of joint ventures with companies outside the Community. The regulation also offers a partnership between the Commission and Member States to help fund individual projects. Thirdly, it requires each Member State to produce multiannual guidance plans detailing the state of its fleet, its projected evolution and the measures to be taken to contract it. These plans have to be forwarded to the Commission which examines them before producing a decision. The process involved is detailed in Article 21 of Regulation 4028/86. The chairman (who is a representative of the Commission) puts the proposals to the Standing Committee for Structures (made up of two civil servants from each Member State). The Committee examines the drafts before providing an opinion resulting from a majority vote. If the opinion is convergent with the Commission's position, the measure is immmediatly adopted. If not, the matter goes to the Council, causing the Commission to defer its decision, but for no more than one month. The Council might adopt a decision different from that of the Commission within one month of receiving the Commission's communication. Again, the fishing profession is consulted in the Structures of the Fishing Fleet section of the Advisory Committee on Fisheries.

Participants

Scientific advice once more must form the basis of the Commission's proposals. It does not necessarily have to come from ICES or the STCF but may be commissioned from other sources.
In the Commission, the Commissioner and his cabinet may have directed the Services to frame the proposals in order to achieve a

given objective. Officials from the division on structures will obviously be involved and the Chairman of the Management Group will be one of them.

Member States still retain a degree of control over what should be a Commission's prerogative, through the presence of their civil servants on the Management Committee. Discussions and negotiations spill over that structure and can involve fisheries secretaries and even ministers in bilateral discussions with the Commission.

Professionals use the same channels as in the process studied above. They are consulted in the Advisory Committee on Fisheries and, additionally, are actively involved in lobbying all participants.

Thus, organisations and individuals taking part in the main policy processes in fisheries are easily identifiable. Their interactions produce fisheries regulations that have to be implemented by Member States. Participants at national and peripheral levels, as well as processes, will now be studied in the following chapter.

CONCLUSION

This chapter shows the vulnerability of fishing as one of the many issues at stake in ocean and trade politics. Ideological and economic shifts in the world system affected coastal communities in a process over which their representatives had little control. Fisheries organisations and regimes had to operate under very turbulent circumstances in the Sixties and Seventies as they sought to adapt to the changing legal environment. So, although fishing was an important element in the negotiations, its vulnerable position within the global issue of international ocean politics must be remembered.

The characteristics of the resource almost compel States to seek a collective approach, if only to avoid interuser conflict. Although, such a phenomenon is not exclusive to fisheries, as Meny and Wright (1985b), have shown in the case of steel in Western Europe, collective management is unavoidable in the case of common

and straddling stocks. The objective of States in setting up fisheries organisations was exclusively utilitarian and not driven by any normative concept regarding conservation. This is also the case with the CFP which was initially set up to serve the interests of some of the first Six Member States. Subsequently, the reform of international law in the Seventies forced them to set up a comprehensive common policy in 1983.

States' behaviour in fisheries organisations is similar to that observed in other regimes. Member States ensured that NEAFC remained weak and that its activities were restricted to a minimum. Similarly, Member States fought against all potentially costly elements, regardless of the long term benefits to the EC during the protracted negotiations to reform the CFP. Subsequently, whatever power the Commission could have had to manage fisheries was circumvented by the management committees, made up of representatives from Member States. Thus States' tactics regarding the control of organisations through its structures and its operations studied in Chapter one are also observable in fisheries organisations. Such behaviour belongs in the realist model of international politics, wherein each State seeks to self-maximise without regard for the related outcomes. In the case of NEAFC, the three conceptual models examined to describe the world of resource users are useful in understanding State behaviour. Despite communication, tragedy could not be avoided, as each State chose to defect. There could be no assurance that costs would be shared equally by all. States chose to defect, ultimately causing the collapse of both, NEAFC and some fish stocks. In this case, "the sets of implicit or explicit principles, norms, rules and decision making procedures around which actors' expectations converge" (Krasner, 1983:2) did not alter States' behaviour in fisheries. Whether the CFP has been more successful and, if so, the reasons why will be investigated in the following chapters.

An important element is the uniformity of States' behaviour. It appears that actors behaved in similar fashion in defending what they saw as their self-interest. Differences in approach to the

exploitation of the resource, notions of strong and weak States or the importance of the fishing sector in the economy do not appear to influence States' behaviour in fisheries arenas. The empirical analysis of implementation of EC regulations will show whether such similitude persists at the national level.

Considering the intergovernmental mode of policy making, it is not surprising that processes in international fisheries organisations, and in the evolution of fisheries regimes, are dominated by incrementalism. However desirable rational plans would have been in fisheries management, such characteristics have been absent. Processes were above all pragmatic and piecemeal. This is particularly remarkable in the CFP negotiations from 1976 to 1983.

The EC Commission's pragmatism helped it to introduce some of the Community's guiding principles, such as open access and the promotion of peripheral regions for example. However, pragmatism and incrementalism have a price, too. In the CFP, the costs manifest themselves in some glaring contradictions in the regime. Thus, open access, which respects the liberal element in the Treaty of Rome, sits uneasily with national quotas which, to protect the principle of relative stability between Member States, discriminate on the grounds of nationality. The dichotomy at the heart of the structural policy, which provided EC funds for both the decommissioning of old vessels and the financing of new ones, presents potential dangers. The conservation policy also illustrates the price of incrementalism. In order to help Member States accept encroachment by the Commission in fisheries, discredited measures, such as TACs and quotas, were borrowed from NEAFC. As one administrator from the Fisheries Directorate put it: "We were fully aware of the shortcomings of TACs and quotas and of the perverse outcomes of such measures. Available analyses showed that control through such measures led to overcapacity and a race to catch quotas as fast as possible. However, we had no choice but to continue with policies which had already been accepted by the sector".

NEAFC was no more than the sum of its Member States, whereas, in

the case of the CFP, there is an additional actor in the form of the European Commission whose actions are guided, not only by utilitarian factors, but also by the normative goal of integration. In 1983, the Commission's objective had far more to do with consolidating the CFP than with any other single objective. What it wanted was to get Member States used to a pattern of Community management of fisheries. For Member States, the objective was to exploit the opportunities the settlement offered, through the agreement on allocation of national quotas and the restructuring programmes on the one hand, and decommissioning, on the other. To add confusion to the dissonnance, scientists, who had to provide scientific advice, were not given any guidelines as to what objective should frame their research. According to some former STFC's members, scientists specifically requested guidance in the early Eighties but did not receive any response. Naturally, they based all their advice on purely biological parameters.

Thus, when the EC began to manage fisheries, it did not innovate. On the contrary, Member States' behaviour linked to sectoral imperatives, tradition and extant policies, severely constrained new initiatives. The Commission had resources, which NEAFC did not have, to encourage Member States along during the long years of negotiation. It could attribute grant aid to restructure Member States' fleets and it could link fisheries issues with other policy areas to force compromise. Linkages were used by Member States, too, of course. Additionally, the Community, unlike NEAFC, has coercive powers. To assess the importance of these and other elements on the behaviour of States in implementation of regime measures, the focus will now turn to the UK and France.

CHAPTER 3

THE FISHING SECTOR IN THE UNITED KINGDOM AND FRANCE

This chapter looks at the two Member States: UK and France. Firstly the legal situation in the two Member States will be studied to see the mechanisms that exist to facilitate the adoption of EC measures into national legislation. Then, the organisational frameworks in the fishing sector, as well as the characteristics of the respective industries, will be examined. Finally, the whole policy process will be detailed using the concept of policy networks to identify both participants and processes at all levels of interaction before beginning the examination of the implementation of the structural policy in the next chapter.

National constitutional provisions for the adoption of regulations

Two characteristics regarding the instruments available for the translation of European legislation into national legislation can be observed. Firstly, where there are specific constitutional

provisions for the adoption of rules emanating from outwith the domestic institutions, there is no discrimination between the sources. EC legislation, therefore, belongs in the corpus of Treaties and Agreements that have been ratified by States' authorities and that are legally implementable. Secondly, States exhibit great variations in the way they translate these 'external' obligations into their domestic processes. The contrast between the UK and France illustrates the second point. In the UK two characteristics dominate: the unwritten constitution and the Westminster Parliament which represents "the supreme legal authority" (Punnett, 1984:230). This means that no international agreement or treaty can take precedence over Westminster legislation. Consequently, to become implementable any measure should have to be legally adopted by the "competent authority in the national legislation" (Documentation Française,, 1982:37). In France, on the other hand, the applicability of international rules, effectively ratified by the competent national institution, is a constitutional duty. This characteristic places France among the few States in which international law is "introduced into internal law, *de plano*, without intervention by the national legislature" (Documentation . Française, 1982:31). These legal differences could lead observers to expect a smoother implementation process in France than in Britain. However, while there appears to be a clash between the nature of EC law which takes precedence over national law and the legal situation in the UK, in practice devices have been found to overcome it. In the UK, the European Communities Act of 17 October 1972 allowed for the adoption of anterior legislation or *acquis communautaire* as well as for that of future regulations emanating from the EC. However, Parliament retains the right to debate proposals before negotiations take place in the EC arena. As we saw, EC regulations become law in the Member States from the date of their publication. No national process must be involved unless it is explicitely required by specific regulations. In such cases in the UK, regulations are adopted through the laying of a statutory instrument before Parliament. Statutory instruments can adopt two

forms - an affirmative resolution which allows the regulation to be put on the statute book without further ado. Or it can be a negative resolution which allows for a debate in the House of Commons should MPs lay down "a prayer". This device was used in 1991 regarding the EC regulation on compulsory tie ups affecting principally the UK fleet.

In France when a regulation requires national intervention the decree is the instrument that is used. The decree will refer to the Regulation it is supposed to operationalise (Documentation Française, 1982:41).

Implementation of EC legislation can pose some political problems. In France, policy formulation is considered as more important than policy implementation. This approach to policy making is translated into reality by the fact that the implementation mode is left to be settled through "ulterior decrees" (Documentation Française, 1982:16). The Law, which is the prerogative of the French Assembly is clearly detailed in article 34 of the Constitution of the Fith Republic. The rest, which represents the domain of the <u>règlement</u> belongs exclusively to the Executive (Lavroff, 1981:601-9; Quermonne, 1987).

Thus, a legal examination of the various national situations is necessary but not sufficient to discover variations in patterns of implementation.

THE CFP AND NATIONAL LEGISLATION

The reform of the Law of the Sea was acknowledged by the UK and France when they extended their fisheries zones on 1 January 1977. This evolution, along with the new constraints added by the emerging CFP, forced some Member States to update their legislative and jurisdictional arsenal. The automatic adoption of Community Law into national Law is not always sufficient. Provisions for penalties in case of infringements must be available. The UK, who had passed an important law in the 1967 Sea Fish (Conservation) Act, embraced the new elements in its Sea Fish (Conservation) Act in 1983. France, however, still operated

within a legal framework rooted in the customary regime of the High Sea enunciated in a Colbert ordinance of 1681 and updated in an 1852 Decree (Guernalec, 1990). The Law of 22 May 1985 (JORP, 24/5/1985) aimed to adapt the legal instruments to the new situation and to allow for future modifications as and when required by placing them in the domain of the règlement. Two decrees followed in 1990 to enable ministers to allocate licences and quotas. These legal moves stem directly from CFP regulations and more especially from the conservation provisions of Regulation (EEC) No 170/83, (Guernalec, 1990: 19). As for the programmes produced under the structural policy, the French government did not give itself the legal means to act in accordance with the successive targets set in multi-annual guidance programmes until 1991. It was able to act, prior to that, through the regulatory power available to the CCPM, as we shall see in Chapter 5.

GOVERNMENT AND FISHING INTERESTS IN FRANCE AND IN THE UK

A comparison of the French and UK fisheries frameworks immediately demonstrates contrasting State approaches to their Industry. In France, the old corporatist framework remains with its institutionalised relations between government and industry. In contrast, in the UK, relations between the two parties are informal and decentralised.

Administrative organisations

In France, unlike in many other countries, management of marine fisheries had not been linked, until 1993, to that of agriculture. Management has traditionally been limited to a Directorate within the Department of the Merchant Navy, itself placed under the umbrella of the Ministry of Transport. The maritime sector gained prominence in the Seventies and early Eighties. First an Interministerial Mission for the Sea (Mission interministérielle de la Mer) was established in 1978, illustrating the greater importance given to maritime matters. This movement was

strengthened in 1981 with the creation of a Ministry for the Sea by the first Socialist government of the Fifth Republic (Jegouzo, 1988:378). However, it soon lost part of its status, when it was downgraded to a Secretariat for the Sea under the authority of the Ministry of Transport again. The Secretariat has its own field services, the Maritime Affairs (les Affaires Maritimes). This administration is a distinctive entity, not only in administrative terms but also in its military status (Jegouzo, 1988:373-5).

In the UK, fisheries management is the prerogative of the Ministry for Agriculture, Fisheries and Food (MAFF), in London, which is the lead ministry. There are three other departments: the Scottish Office Agriculture and Fisheries Department (SOAFD), in Edinburgh, the Department of Agriculture in Northern Ireland (DANI), and a Fisheries section in the Welsh Office. Fisheries represents somewhat of an oddity in the UK in that the department with overall responsibility is MAFF in London, even though Scottish fisheries dominate with around 75 per cent of the total landings in weight and 65 per cent of the value. Yet, SOAFD remains the junior partner. This situation, as we shall see, creates tension and disagreements between departments as the perspectives and approaches are different. The main structural contrast between the two Member States however, lies with the degree of administrative centralisation. The French State is represented at the peripheries by the administrators from the Maritime Affairs who receive their authority from the Directorate in Paris, while in the UK, no such structure exists. Inspectors at the various ports ensure that fisheries regulations are respected. They do not, however, represent the State apparatus. Differences also arise in the prerogatives of the two ministries. In France, the Directorate is responsible for education, social security and pensions, that is, the complete social network in the maritime sector (Secrétariat d'Etat à la Mer, 1989). The maritime profession has enjoyed benefits not available to other sectors since Colbert (Shackleton, 1986:117-8). In effect the ENIM, Etablissement National des Invalides de la Marine, is the world's oldest social security regime. There is no such status in the UK, where these

social tasks are shared between the relevant ministries.
The French Fisheries Directorate has four divisions - one each for the industrial and artisanal sectors, a marketing division which exercises the right of 'tutelle' over FIOM, the Intervention and Market Organisation Fund and also liaises with Producers' Organisations and, last but not least, the legal and jurisdictional section whose head is also responsible for Community affairs in the fishing sector (Riou, 1990). The Directorate also has four bureaux: statistics, shellfish farming, aquaculture and one that coordinates planning and research. The Directorate employs some 25 people.
Fisheries is a small division in the larger MAFF structure in London. It contains three divisions and two further sections, one dedicated to inspection and enforcement, and the other to research. In the Scottish Office, fisheries is also part of the Agriculture Department. It, too, is divided into four bureaux. However, in common with MAFF and in contrast to the French set up, the Scottish department has a division dedicated to enforcement of regulations. Control activities can, therefore, be coordinated from London and Edinburgh, a structure absent in France. Another division looks after fish farming, while the other two deal with international and national regimes, fleet structure, fish stock management, fish marketing and trade.
Thus, there are some similarities between the two countries, but also quite important differences in the degree of administrative centralisation and the status granted to the fishing sector. An important difference also lies in the absence, in France, of a specific unit in charge of control and enforcement at the centre as is the case in the UK.

Professional organisations

The French industry is characterised by a complex organisational network more developed than that of the agricultural sector. The current framework owes its characteristics to the corporatist spirit of the 1930s. In response to the

economic difficulties of the time, a bill went before Parliament to allow for agreements to be struck in the various industrial sectors that would be binding over all economic agents involved. The bill was thrown out by the Senate, but the Vichy government was to find the principles behind the bill congenial and consequently established the Fisheries Corporation in March 1941 (Meuriot, 1986:21-2). This framework was dissolved after the War and replaced by a new organisation that still reflected the pre-war ideas. The Central Committee for Sea Fisheries (Comité Central des Pêches Maritimes - CCPM) was created by an ordinance on 14 August 1945. The Committee is said to be interprofessional, democratic and 'paritaire', that is all members have equal representation (Le Bihan, 1981:44). It represents all unionised branches of the industry, from the producers to the merchants, processors, fish and shellfish farmers, further sub-divided into employers and employees. A further element which has to be taken into account is the balance between the industrial and artisanal sector (Hennequin, 1989; Rabot, 1993). Its main task is to institutionalise the search for consensus (Hennequin, 1989:16). In practice "it is a buffer between Government and Industry and Industry and Government" (Rabot, 1993). The CCPM combines a consultative role with management tasks, for which it has been endowed with regulatory power "subordinated" to that of the State, but which allows for decisions from within the profession, which are "binding on all and enforceable" (CCPM, 1986:1). The CCPM's Board is made up of representatives from unions which must have national status. The minister informs each of the four national unions which defend fishing interests of the number of representatives they are entitled to nominate. These unions are the CGT, the CFDT, the CFTC and the Independents (Autonomes). This is to prevent local factions gaining a national platform. The CCPM is a semi public organisation financed partly by central Government, partly by compulsory levies on landings. Besides its central body located in Paris, it is complemented by subcommittees of single species, again representing the whole spectrum of the industry. These interprofessional committees can exercise control

on the marketing sector by regulating the production sector. The interprofessional committees operate in the industrial branch of the industry while adjustments by local committees are, of necessity, decentralised. At the territorial level, there are, nominally, five regional Committees, but only three are effectively active, and forty seven local Committees disseminated along the coasts (CCPM, 1986). Local committees have regulatory powers in their area. They must, however, submit their proposals for regulations to the local bureaux of the Maritime Affairs. This constitutes a State tutelle although it is justified by the fact that it is incumbent upon the Maritime Affairs to enforce Comités locaux des pêches maritimes (CLPM) regulations (Carval, 1989). The French State is assured access to the deliberations of the CCPM through a representative who can attend meetings (for a detailed examination of the structure, see Hennequin, 1989).

The CCPM employs some twenty people in accounting, information and statistics. It also funds a directorate of Social Services for the fishing sector which employs around forty social workers along the French coasts.

In the UK, no such organisation exists and, if there are a few derogations in the social status of fishermen, it is far from the comprehensive French pattern (Shackleton, 1986: 119-120). The economic and the representative structures have been kept separate in Britain, too. Two semi-public organisations were created at a time of hardship for the industry. The Herring Industry Board was set up in 1935 and the White Fish Authority in 1951. In common with the CCPM, they had semi-public status, statutory powers and benefited from a compulsory levy on fish landings. However, their roles were dissimilar. The British organisations had an exclusively economic remit, more comprehensive than that of the CCPM, but without the corporatist role. As a parliamentary committee pointed out, "Although (their officials) are appointed by Ministers, and although they consult the industry both through their statutory Advisory Councils and by direct meetings with various sections of the industry, they are in no sense organs of industrial self-governmnt on the lines of the agricultural

marketing boards" (Cmd, 1961:661).
The British agencies' tasks was to administer grant and lend assistance, carry out research and development and undertake publicity, promotion and information campaigns (Whitefish Authority, 1978). The two authorities were amalgamated in 1981 to form the Sea Fish Industry Authority which adopted the tasks of its predecessors.
Many of the prerogatives of the CLPMs, as well as those of the single species committees, were in direct conflict with EC regulations which promote voluntary associations (Hennequin, 1989:13). The CCPM underwent a reform and ended in the summer of 1992 to be replaced by the CNPM ("National Committee" was substituted for "Central Committee") which officially came into being at the beginning of 1993. However, during the period of the study the CCPM was as described above.

Marketing organisations

The French FIOM, the Intervention and Market Organisation Fund for Sea and Shellfish products (Fonds d'Intervention et d'Organisation des Marchés des Produits de la Pêche et des cultures maritimes) was set up in 1975 to help the industry through difficult times. Its establishment corresponded to a period of increasing State intervention in the sector. Thus, FIOM is a public organisation with both industrial and commercial characteristics. It plays a coordinating role in the regularisation and promotion of the market of sea products. It is active at the interface between the European Agricultural Guidance and Guarantee Fund (FEOGA) and Producers' Organisations in the subsidising of fish withdrawals. In 1985, the Commission ordered an end to subsidies provided by FIOM for species not covered by FEOGA. This aid was said to contravene Article 92 of the Treaty of Rome on national aids (La Pêche Maritime, January 1986; Battersby, 1987). FIOM receives half its income from government, half from trade subscriptions.
As FIOM was endowed with some tasks, which were already the

prerogatives of CLPMs, adjustment between the various structures has not been without problems in some ports.
The Sea Fish Industry Authority (SFIA) or Seafish, which replaced the Herring Board and the White Fish Authority, fulfils some tasks similar to that of FIOM. Unlike FIOM, Seafish has not developed close ties with producers' organisations (Shackleton, 1986: 143).

Producers' Organisations

Producers' organisations (POs) find their source in EC legislation. These groups are "established on the producers' own initiative to ensure fishing is carried out along rational lines" (European Documentation, 1985: 42). Some of the prerogatives that allow POs to meet their tasks, such as quota management and market intervention, happen to be the same as those the French State had given the single species and the local committees (see Chapter 5). This dichotomy has proved a constant irritant between the two sets of actors (Bru and Simon, 1982; Eco-Pêche, December 1988). Such frictions are absent in the UK since POs have not had to compete with State sponsored organisations. According to Shackleton (1986: 143), French POs, helped by the activities of the FIOM, developed into a coherent marketing body while in the UK their development was erratic. However, splits have appeared in recent years mainly between the industrial and artisanal sectors whose POs are now organised in two separate federations.

The Cooperative sector

The Cooperative structure has a long history in France. Begun in 1885 as an association of fishermen to end the merchants' monopoly, the cooperative framework set up its first savings union some twenty years later. This financial organisation, which had developed some regional agencies, was formally recognised by the French State in 1913, through the law of Institution of the Maritime Credit and its affiliated branches (Le Marin, 5/10/1989).

The State subsequently encouraged the movement to allow fishermen to unite in order to "defend their economic interests ashore while conserving the individuality of their businesses" (CCPM, 1986:3). From modest beginnings the Coopération, as it is now known, has grown to become one of the leading forces in the French fishing sector. It extends its activities into every area and has retained and expanded its specialised financial institution, the Crédit Maritime Mutuel, which has the monopoly of State sponsored loans at preferential rates (CCPM, 1986:3; Le Marin, 5/10/1990). The Coopération has progressively developed services which, among other things, provide help towards financing a vessel, towards co-ownership, a scheme which allows a young skipper to buy back shares over a ten year period. Profits from such programmes are re-invested in further ventures and are said to have allowed three hundred young skippers to build vessels in the 16 to 25 metre category. Once launched, such vessels can obtain all ancillary services, from gear to equipment, as well as insurances and marketing services from the same organisation. The framework has many detractors who argue that the Coopération belongs to another age, that its paternalistic approach is not suited to the reality of the times. It is also accused of having developed into a powerful organisation providing lucrative jobs for a chosen few at the expense of the members.

The Coopération has no comparable counterpart in the UK where the artisanal sector has not organised around a specific structure. Yet, in 1914 the British government attempted to create a structure similar to the French one in the Fisheries Organisation Society Limited. It was intended "to foster the propagation of cooperative principles amongst inshore fishermen" (Shackleton, 1986:130-1). Despite State financial aid, it failed to overcome the divisions within the inshore industry. However, cooperatives have been more successful in Scotland, especially in recent years. Many of the services offered by the Coopération in France are provided by fish selling companies in UK, a partnership especially popular in Scotland.

The Unions

Unionisation in the French maritime sector is as low as in other industries. The highly fragmented pattern at the national level is also mirrored in the fishing sector. A number of unions represent the catching sector alone. The various branches of the industry have representation and several unions again defend sectorial interests within the same professional groups depending on size of vessel, region, status or political inclination. Some are independent while others, especially those representing 'employees' are affiliated to the main French unions through maritime branches. Traditionally, in France, the UAPF (Union des Armateurs à la Pêche de France), the Union of Boat Owners has been, and remains, one of the most influential. It represents the interests of the industrial sector which has been declining for over a decade. This sector was also privileged in Britain, in its access to Government, till the changes that took place in the Seventies. It was divided into an English and a Scottish Federation: the British Trawlers' Federation (BTF) and Scottish Trawlers Federation respectively. Both amalgamated in 1976 to form the British Fishermen's Federation (BFF). This move made the BFF the most important structure in terms of catches in the EC. Its landings represented around 40% of the British landings and 60% of the value. However, its decline parallelled that of the long distance fleet and it was disbanded in 1984 (La Pêche Maritime, April 1984).

However, the upheavals in the fishing industry played a catalyst role in bringing together dissenting voices (Archer and Main, 1980). Thus in Scotland, the Scottish Fishermen's Federation (SFF) was established in 1973 and has remained the main representative of the Scottish industry. The Federation was closely involved in CFP negotiations and has retained close links with Brussels (Allan, 1991). According to a SOAFD (then DAFS) document, the SFF "is fully aware of the power and influence which it possesses". The differences between the East and West coast industries are

expressed in the existence of a small federation which groups four fishermen's associations from the Highlands and Islands. The English federation, the National Association of Fishermen's Organisations (NAFO) was created a few years after the SFF but it has managed to establish itself as the main industry voice in England and Wales. The incentive was "the growing influence of the Scottish lobby" through the SFF (Banks, 1993). Disagreements are frequent and disputes numerous, but the two British federations have, overall, achieved a degree of unity unequalled in France.

Local authorities and development agencies

The involvement of local authorities with the fishing sector has been growing in recent years. In France, Regional Councils were given the task of granting subsidies for construction and modernisation of the under 16 metre vessels. The State also established a regional consultative commission for awarding grants to the 16 to 25 metre vessels. General Councils, at the level of the départements can also contribute to the financing as can municipalities. However, ultimately, the total of national, regional and local grants cannot go above a ceiling established by the Community. In the UK, development agencies such as the Highlands and Islands Development Board (HIDB), now replaced by Highlands and Islands Enterprise along with the new Local Enterprise Agencies (LECs), allocate construction and modernisation grants within a programme of development. The HIDB played an important role in a depressed area where the two national agencies had a negligible involvement, since theirs was a policy of supporting developed areas. The Scottish Office had put in place a programme to provide 12 boats for investors in the Hebrides between 1959 and 1963. The HIDB, which was created in 1965, continued this programme by ensuring the construction of 5 new units per year for 5 years, again for the Western Isles. The scheme was subsequently extended to other areas and to the purchasing of second hand boats. Local authorities do not generally subsidise modernisation of the fleet and, unlike in

France, are certainly not required by central government to do so. All local authorities in both countries do help the sector, by lobbying on its behalf at the various levels, as well as sponsoring the development of infrastructure ashore that promotes production, marketing and processing. In England, coastal local authorities and representatives from the various sectors of the industry cooperate in Sea Fisheries Committees to manage fishing in the three mile coastal band. (In Scotland, such a prerogative belongs to the Secretary of State for Scotland. There are increasing calls for the setting up of committees similar to those in England, but, the Scottish Office seems hostile to a development of this nature).

Scientific establishments

Both States sponsor marine research centres which, among other activities, advise decision makers. Many scientists also sit on consultative and advisory committees. In France, the Ifremer is what is known as an EPIC - a Public Industrial and Commercial Organisation (Etablissement Public à Caractère Industriel et Commercial). It receives subsidies from the State and is paid for its commercial activities by those who commission studies. The Ifremer has several research laboratories in France and in her overseas territories. Ifremer scientists are consulted by several government ministries beside that for the Sea.

In the UK context, there are three fisheries laboratories in England and one in Scotland. These laboratories have pioneered many research projects and still allow the UK to be at the forefront of fisheries research and gear technology in the Community. Scientists from the various laboratories are consulted by decision makers at all levels as we shall see in the study of policy networks later in this chapter.

Other organisations

The French State encouraged the setting up of a further regional structure in 1971 the Interprofessional Artisanal Societies, SIAs (Sociétés interprofessionnelles artisanales). Their task was to bring together fishermen, Coopérative and boat yards' representatives to design standardised fishing vessels in order to lower the construction costs. Supplementary public grants were made available for multiple orders for new units, for first time investors, or, again, if investors joined a management group. All SIAs are in receipt of State subsidies. They also serve as intermediaries between investors, cooperatives and public authorities. The Coopération shadows SIAs with its own associations, the ARDECOMs (Regional Association for the Development of the Maritime Cooperation). It is not unusual to find the same individual representing the two associations at regional level (Vernier, 1993). There is no equivalent of the SIAs in the UK.

Recent developements

Pressures for change in the corporatist CCPM had been building up for several years. The Coopération, backed by artisanal producers' organisations, called for fundamental changes. There is a clash between the philosophy of the Coopération and the one which lay behind the creation of the CCPM. "The structure created by the 1945 Ordinance represents the dirigist State and the unions with the begging bowl, while, at the Cooperation, we believe in self-help" (Jagot, 1990). These divisions have led to difficulties at the practical level due also to the overlapping of tasks and prerogatives. Empirical studies showed that this aspect hampers the effective operation of regional or sectoral interests (Le Bihan, 1981; Bru & Simon, 1982). Following an audit of the CCPM and its territorial structures, a consultation document was submitted that proposed reforms to increase representativity and democracy inside the institution (Hennequin, 1989). Three main

ideas guided the proposals: the need to strengthen the Cooperative sector's representation, as well as integrate Producers' Organisations which did not exist when the CCPM was created in 1945; a desire to link regulatory (CCPM), marketing (FIOM) and mariculture organisations under the same umbrella; finally, to strengthen the regional structures in order to mirror decentralisation in all other sectors in France following the reform. The proposals were repeatedly watered down and it is doubtful that the reform will significantly alter the structure (France Eco Pêche, October 1991:76). The mini-reform, as it has been called, illustrates the conservatism and the divisions in the industry as well as the enduring pattern of relationships even under changing circumstances.

In Britain, there are sporadic calls for reform but at departmental level. MAFF is seen as unresponsive and fisheries' interests dwarfed by those of agriculture. Scots focus their demands on the tranfer of the lead department to Edinburgh, as Scotland dominates landings in weight and value. Thus, important variations exist between the organisation of fisheries management and interests. The next section will focus on Scotland and Brittany, as these two 'regions' dominate fishing interests in their respective countries and both are part of the peripheries that the CFP sought to protect. Then, actors and processes will be described in both countries and linked with those at the Community level.

FISH PRODUCTION IN THE UNITED KINGDOM AND FRANCE

The landings of the EC fishing fleets put the Community into fourth place in the world league table of fish producers. In the Community, France and the UK take second and third places respectively behind Spain (see table 3.1).

A recent report by the European Centre for Regional Development reveals the dominance of Spain's North-western communities, Scotland and Brittany among the Atlantic fishing regions. Their combined landings represent 60 per cent of the total catches of

Table 3.1 Fish Production, 1987 - 1989

Countries or zones	1987	1988	1989
USSR	11 159 617	11 332 101	11 310 091
China	9 346 222	10 358 678	11 219 994
Japan	11 848 582	11 967 051	11 174 464
EEC (12 members)	6 788 194	7 059 941	6 827 399
Spain	1 393 362	1 430 000	1 370 000
France	846 008	883 473	875 839
United Kingdom	665 046	937 066	822 953

(Adapted from Commission of the European Community, 1991b: 32)

Spain, the UK and France together (SGAR, 1992). In their respective countries, both Scotland's and Brittany's industries dominate. Thus, around 75 per cent of UK production in weight is landed in Scotland, representing 65 per cent of the value. Brittany accounts for 44.4 per cent of French wet fish landings, representing 49.3 per cent of the the national value (Table 3.2). This share increases when it comes to shellfish with a production of 65 per cent of the French landings for 69.3 per cent of the

value (Didou, 1987:14). A comparison of the two Member States' fishing fleets reveals how similar the distribution of types of fishing is. Thus, in France coastal fishing involves 77 per cent of the fleet, as compared to 72 per cent in the UK. Medium range fishing concerns 22 per cent in France and 28 per cent in the UK, and long range less than one per cent in both countries (House of Lords, 1992).

BRITTANY AND ITS FISHING INDUSTRY

Following the decentralisation reform of the Socialist Government in the early Eighties, Brittany has a regional council whose headquarters are in Rennes, in the Ille-et-Villaine department. Each of Brittany's four departments, Côtes d'Armor, Finistère, Ille-et-Villaine and Morbihan, have a General Council. Brittany's fifth department, the Loire Atlantique has been placed under the administration of the Pays de Loire Region. The Breton Regional Council, like other coastal Councils, is responsible for the allocation of aid to the under sixteen metre vessel category. It has, therefore, a role to play in the development and modernisation of the Breton fleet. It also allocates grants to larger vessels, as well as coordinating aid from the various Breton local authorities. Financial support to port infrastructure and buildings, such as public auctions, does promote fishing activities in the region. However, that is the limit of the Region's direct intervention in the financial sector which must always evolve within EC guidelines. The Council is not involved in the allocation or management of quotas, nor with surveillance and control of fisheries activities which are the responsibility of the Maritime Affairs and the maritime Prefect. The administration of the Maritime Affairs has been divided into twelve '*quartiers*' or areas, with the regional headquarters based in Rennes.

Brittany has two regional operational centres for security and rescue at sea, one in Brest and the other in Lorient. They also

coordinate surveillance and control operations in fisheries enforcement.

Brittany: Premier French Fishing Region

France produces around 800,000 tonnes of fish product a year. French production is highly diversified as it deals with over seventy species from mariculture to frozen tuna, though landings are dominated by wet fish (FIOM, 1992). Landings alone account for around 600, 000 tonnes. As we saw, Brittany's contribution makes it the dominant fishing region in France. Four Breton ports - Lorient, Concarneau, Douarnenez and Le Guilvinec - account for 37 per cent of the French production (Didou, 1987: 14). Lorient is the second French port after Boulogne with 80 per cent of the industrial landings, while Concarneau follows third in the national league (SGAR, 1992: 17) Northern Brittany vessels land 40 per cent of the national scallop production, and between 30 and 50 per cent of the edible and spider crabs (Didou, 1987: 14). The volume of Breton landings has declined by 11 per cent since the installation of the CFP. In 1990 fish landings still totalled 167,000 tonnes, representing a value of 2.57 billion francs - around £257 million - accounting for, respectively, 41 and 46 per cent of the national production of fish (SGAR, 1992: 18). Prices progressed by around 50 per cent since 1982, thus keeping some two points ahead of the overall inflation rate over the same period (SGAR, 1992: 18).

In France, the catching sector employs some 18,000 people. This number has been decreasing steadily over the years. It is difficult to establish precise comparisons as statistics show great variations according to criteria employed (SGAR, 1992: 26). However, it would appear that in 1985 Breton fishermen accounted for almost 40 per cent of the national workforce in the catching sector alone (CCPM, 1986: 6).

The Breton fishing industry is characterised by its diversity. It covers the whole fisheries spectrum from boats under twelve metres long to long distance tuna vessels or deep sea trawlers which fish

off the Canadian coasts and in the Indian ocean. In France, the industry is generally divided into four categories: 'la petite pêche' represents small vessels which go out to sea for less than twenty four hours; 'coastal fishing' is carried out by boats which are absent from port for trips lasting between twenty four and ninety six hours. 'La pêche au large' or off shore fishing relates to trips lasting more than four days. Finally, 'distance fishing' or 'la grande pêche', describes the larger vessels which go fishing for over twenty days without returning to port. They can vary in size from boats of over 1,000 Gross Registered Tonnes to more modest boats of over 150 GRT (CCPM, 1986:5). Since all four types of fishing are carried out from Breton ports, the fleet reflects this diversity. The importance of the Breton fleet in national terms is significant. In 1990, in number of vessels, Brittany's share was of the order of almost 30 per cent, its contribution to engine power, expressed in Kilowatts, amounted to 42.24 per cent while the gross registered tonnage represented more than 58 per cent (CAAM, 1992:24).

An examination of the vessels according to length, as is generally done for administrative purposes in France, exhibits variations in the importance of the various segments. In terms of number of units, the highest percentage of Breton boats is to be found in the over 38 metre category at 66 per cent, of the national total in that length in 1990. Next in line is the 25 to 38 metre section at 65 per cent. The 12 to 16 metre category comes third in the list with 42 per cent of all vessels of that length. The lowest representation is to be found in the under 12 metre section, where the ratio is still at 25 per cent (SGAR, 1992:24). The number of vessels has declined over the past ten years by some 40 per cent, only a few points above the national figure of 37 per cent (CAAM, 1992).

Fishing zones

Breton industrial and tuna fleets can operate as far afield as the Indian Ocean, Greenland and off the Canadian coasts. However, of

interest in this study are the vessels which carry out their activities in EC waters. Industrial and semi-industrial units fish on grounds around the British Isles, in the Celtic sea and in the Bay of Biscay.

The decentralisation reform in France

The main administrative development in France during the period under study has undeniably been the decentralisation reform of the Socialist government. The whole process has been characterised by pragmatism (Ashford, 1983; Meny, 1987; 1992; Thoenig, 1992). The reform can be analysed in ideological, symbolic and political terms. The Socialists had experienced the limitations of local authorities in their roles as elected representatives and had vowed to extend local democracy and to strengthen local power. The official cancelling of the tutelle constraint came after it had become obsolete in practice. For some authors, decentralisation in France belongs to the same principle as that which guided Reagan's New Federalism, which is a desire to hive off penury from the core to the peripheries (Meny and Wright, 1985:7). The desire of the Socialist Government to show pragmatism proved to be both a determinant in, and a result of, the lack of a clear framework for the sharing of prerogatives between the various structures (Rousseau, 1987:186; Mitterrand, 1990). Thus, in many areas, overlapping still occurs between various authorities. As Meny (1987:257) put it, "The 'layer cake' conceived by the Interior ministry was thus transformed into a 'marble cake'".
Besides pragmatism, the other element which helped the reform was the resulting strengthening of the position of the local 'notables', who have used the regional councils as another elective post to collect (Meny, 1987:257; Criqui, 1990). These various elements have resulted in an uneven distribution of prerogatives, whose pattern has been determined by elite accomodation (Mény, 1992).

Decentralisation in the maritime sector

The principle was the same as in other sectors - "whole transfers of prerogatives, cancellation of tutelle and compensation for decentralised tasks" (Jegouzo, 1988:372). There had not been calls for decentralisation in the maritime sector. Indeed, it was felt the sea represented a policy area where the State should retain overall control. The pragmatism observed in other sectors has also been noted in maritime matters. Thus, "an empirical sharing of prerogatives dominates" (Jegouzo, 1988:401).

Industrial and artisanal sectors: the problem of definition

One of the first characteristics of the French fleet is its division into two sectors: industrial and artisanal. Yet, definitions of the criteria that separate the two are few and far between (France Pêche, April 1989). However, the term 'industrial' does not describe, as in English, a method of fishing for processing into animal feed, but a pattern of fleet ownership. Industrial vessels are owned by companies and their fishermen are guaranteed a minimum wage complemented by a percentage of the production of the vessel. Artisanal, in France, generally describes a sector where the skipper owns or part-owns the vessel aboard which he works. This description extends to ownership by a cooperative. Unlike their counterparts in the industrial sector, the crews receive a share of their vessel's gross earnings which is divided according to an agreed system betwen the various members (CCPM, 1986:10). Placed between the two sectors there is a small 'semi-industrial' branch, often family owned larger vessels whose crews are exclusively paid on a share basis as in the artisanal sector.

The artisanal sector accounts for 53 per cent in weight and 60 per cent in value of French production in 1989. Its landings exhibits a great variety of species whose value per kilo is on average high (CCPM, 1986:10).

The main move evolution in Scotland over the past twenty years is

the decline of company-owned for share-owned vessels. As distance fishing dwindled, making larger trawlers redundant, many fishermen began to acquire vessels on a share based pattern. The industrial/ artisanal cleavage is not to be found in Scotland as most vessels are family owned. Remuneration is based on a share system, as in the artisanal sector in France (MacSween, 1983: 17). This pattern is not recent. Thus, the early 1950s witnessed a switch in fishing gear due to changes in boat ownership. Share owning partners could crew a trawler among themselves, allowing enterprises experiencing financial difficulties to operate with a reduced team and consequently reduced sharing of the income (DAFS, 1988). The Scottish artisanal pattern is similar to that of Brittany, whereby the skipper has the largest investment in the vessel providing him with a great degree of independence in his activities.

In France, the artisanal sector which is supported by the Cooperative Movement, is well represented in Brittany. Thus, the Breton Federation of the Maritime Cooperation set up in 1989 represented ninety coopératives, thirteen hundred people and revenues amounting to two billion francs (around £200 million) in 1989. This weight could only encourage the leaders to demand recognition from State authorities (Le Télégramme, 5/7/1989; Ouest France, 4/12/1989). Not surprisingly this evolution was not favoured by the CCPM and its committees. The competition and conflict that exists between the CCPM, CLPMs and the Coopération is especially acute in Brittany (Carval, 1989).

SCOTLAND: THE GROWING IMPORTANCE OF FISHING

The Scottish Office Agriculture and Fisheries Department

SOAFD is one of the five departments of the Scottish Office based in Edinburgh. "SOAFD is responsible for the implementation and administration of fisheries laws and regulations. It is helped at the local level by nineteen district offices and one sub-office providing cover for the whole Scottish coast" (Scottish Information Service, 1988: 11).

There are no structures comparable to the Maritime Affairs in Brittany, nor the interprofessional structure organised in CLPMs. SOAFD is involved in the implementation of all CFP policies. Thus, although grant applications are processed by the Seafish Authority, SOAFD retains control over all vessel licences. The Department is also involved in the allocation and management of quotas in Scotland. Finally, SOAFD has its own control headquarters within the Department with its staff and surveillance aircraft. Although SOAFD is closely involved in negotiations and policy making at UK level, ultimately decisions are made by MAFF. SOAFD cannot have a different policy from that decided in London. Its task is essentially to administer EC and UK legislation and its margin for manoeuvre is extremely limited.

The Breton Regional Council cannot be compared to the Scottish Office. The former is an autonomous authority with its elected representatives, while the other is a territorial department. Brittany and Scotland are both said to have a sense of territorial identity (Keating and Hainworth, 1986:40; Jones and Keating, 1988: 4). However, while France imposed uniformity over her various 'nations', the distinctiveness of Scottish civil society's institutions such as the legal system, Education and the Church were recognised in the 1707 Treaty of Union between Scotland and England. The Scottish Office is headed by a Secretary of State for Scotland who is a Cabinet minister. He has a small ministerial team who head the various Scottish Office departments. The Scottish Secretary always belongs to the party in Government in London, regardless of electoral outcomes in Scotland, whereas the Breton Council president belongs to the party in control of the Council. The Scottish Office, along with its Welsh and North Irish counterparts, differs from other UK ministries in that, instead of relating to specific policy areas at the UK level these departments are concerned with several policy sectors in a territorially based area of the UK (Keating, 1976). The preservation of separate legal systems requires separate legislation in a wide range of policies (Jones and Keating, 1987: 5-6). There is a debate as to whether such institutional

arrangements, and the concomitant processes they induce, constitute a political system (Kellas, 1986; Keating and Midwinter, 1983; Midwinter et al, 1991). Kellas (1986) argues that the concept can be applied to the political process in Scotland. Midwinter et al (1991), using Easton's (1965:57) definition of a political system as "a set of interactions, abstracted from the totality of social behaviour, through which values are authoritatively allocated", refute Kellas's analysis. While acknowledging the existence of separate civil institutions and of distinctive policy networks, they argue that Scotland does not make policy. The authoritative allocation of values takes place elsewhere, in the Cabinet and in Parliament. "Responsibilities" cannot be equated with "powers" (Midwinter et al, 1991:56). The Scottish Office is best seen as aggregating Scottish interests to defend them in London. Similarly, and perhaps more importantly, it must ensure that the British interest, as conceptualised by the executive, is promoted in Scotland.

Of importance to Scotland, amd in contrast to the decentralisation process in France, were the actions of the UK Conservative government in the Eighties, which sought to curb the power of local authorities. This represented a departure from the traditional Conservative approach to local government, generally viewed as a guarantee against the strong State (Jones and Keating, 1988; Crouch and Marquand, 1989; Travers, 1989). Instead, local authorities were viewed as hindering the workings of the free market economy and as standing between the centre and private citizens, seen as the surest guarantors against State tyranny. As Jones and Keating (1988:14) point out, such concepts "represent(ed) a new code of territorial management in which the party at the centre assumes a direct relationship with individual citizens. It is anti-corporatist, anti-institutional and anti-territorial because all of these have collectivist connotations and are obstacles to central control".

Scotland's dominance in UK fisheries

When the UK joined the European Community, Scottish landings accounted for 48 per cent of the national weight and 40 per cent of its value. Eighteen years later, in 1990, these percentages had increased to 75 and 63 per cent respectively (Table 3.3). Four Scottish ports dominate UK landings: Peterhead, Aberdeen, Lerwick and Fraserburgh. The first two accounted for just over half the weight and over 60 per cent of the value of white fish in 1988 (Scottish Information Service Office, 1988:3). Peterhead remains the biggest white fish port in Europe, despite drastic cuts in quotas and growing scarcity on the fishing grounds. Yet, as is the case in Brittany, Scottish landings have decreased over the last few years. Thus, in 1991 landings only represented 73 per cent of the 1985 weight (MacKay, 1992:1). Not all sectors have been affected uniformly. Worst hit was the demersal fleet with a drastic contraction of 41.8 per cent, followed by the pelagic sector with a decrease of 18.3 per cent. Shellfish production, on the other hand, experienced an expansion of 32.2 per cent (MacKay, 1992).

It is commonly argued that price increases compensated for smaller landings. However, this argument does not hold when value is measured in constant prices, as a decrease of 12.2 per cent is observed over the period 1985 to 1991, instead of the 24.0 per cent progression "implied by the current price statistics" (MacKay, 1992:4).

Fishermen

Despite the upheavals experienced in the industry, the number of UK fishermen has remained fairly stable over the last twenty years. Thus, the estimated figures in 1972 indicate a total of 22,703 fishermen divided into 18,413 full time and 4,290 part time workers. In 1990 there still appeared to be 22,500 fishermen with 17,000 full time and 5,500 part time crew members (House of Lords, 1992:43). The number of full timers seems to have slightly

decreased over the last thirty years in Scotland. Thus, in 1960 out of an estimated total of 11,246 there were 8,795 full timers and 2,451 part timers (Scottish Information Office, 1988:2). In 1990 the distribution of full timers was:

England and Wales : 8,467
Northern Ireland : 950
Scotland : 7,550 (House of Lords, 1992:43).

Thus, the decline was of the order of 14 per cent over the last thirty years in Scotland. However, Scottish fishermen still represent 44.5 per cent of all UK fishermen, a position slightly up from the late seventies (White Fish Authority, 1978).
Breton and Scottish fishermen represent the same force within the pool of full timers in their respective countries.

The Scottish fleet

The Scottish fleet has expanded both in tonnage and engine power over the last ten years. However, the evolution first began by a decrease of two per cent from 1983 to 1987, bucking the UK trend. Vessel numbers, then jumped by 8.5 per cent over the next four years, bucking the UK trend again (MAFF, 1989: SOAFD, 1990). One of its main characteristics is its versatility and most vessels can adapt to various fishing gears according to the needs. Fleet structure has undergone a change as large company owned trawlers were decommissioned and smaller family owned vessels were built. Thus, in Aberdeen only a dozen large trawlers remain out of 120 in the early Eighties. In contrast with the Breton fleet, which is new and highly performant, the Scottish fleet's age structure is high. Despite the new constructions of the last few years the average age of the fleet has remained at around 19 years, over the last nine years. In 1988, around 40 per cent are in the under forty feet category. Of the remainder of the fleet, 44.53 per cent were in the next group between 40 feet and 59.9 feet. These vessels operate in inshore waters and use a variety of gears from creels to trawls, dredges, seines etc. Bigger vessels in the 60 feet up to 79.9 feet, which represent the biggest section of the

over forty feet category and the 8 per cent of the over eighty feet are mainly engaged in demersal and pelagic fisheries (Commission, 1992c).

Fishing zones

Most of the Scottish production is caught in the North Sea and West of Scotland. Thus, in 1986, "(a)lmost three fifths of the Scottish demersal catch were taken from the North Sea...nearly all the rest coming from the west of Scotland grounds" (Scottish Information Office, 1988: 8). Pelagic species are also caught in these zones. Consequently, Scottish fishermen have more direct and quicker access to fishing grounds than many of their Breton counterparts.

POLICY NETWORKS IN THE FISHING SECTOR

This section will identify the organisations and individual actors just studied, who are involved in the implementation of EC fisheries measures in order to place them in the whole policy process. Some of the actors will also have been active at the EC level. Once all the processes and participants have been identified the focus will turn to the concepts of policy networks and communities to assess their relevance in the fishing sector.

Policy Process: the management of national quotas

Member States are free to choose the way they manage their quota uptake. There are variations between France and UK. However processes involve the following participants.

In France:

At the national level:
The Secretariat for the Sea, the Fisheries Directorate, the CCPM,

the two federations of Producers' Organisations and representatives from the industrial and artisanal sectors. A few scientists from the Ifremer are generally also involved. They meet in Paris to divide quotas on a regional and on a further industrial/ artisanal sector basis.

At the peripheries:
Management of quota uptake involves Producers' Organisations, CLPMs, as well as skippers themselves who have to keep logbooks or sheets with information regarding fishing zones and landings. Several agents are empowered in France to control fishermen's activities. The main services are, however, the Maritime Affairs, the field administration of the Secretariat for the Sea, which must monitor landings for quantities and minimum sizes. Their agents operate both at sea and ashore. The French Navy is also endowed with offshore fisheries protection and the Maritime Gendarmerie in coastal waters. The courts decide on penalties in cases of alleged infringements. Finally, the Administrative Centre of the Maritime Affairs collects and compiles all statistics regarding French quota uptake. The computer system is linked both to Brussels and Paris. Neither the French Assembly nor local authorities are involved in the process.

In the United Kingdom

At the national level:
In the UK, the territorial dimension has implications as the four departments MAFF, SOAFD, DANI and the Welsh Office are involved in an initial quota allocation at the national level. Parliament is not involved, nor are local authorities. Consequently, each department deals with Producers' Organisations and skippers' representatives for fishermen who are not PO members to subdivide quotas.

At the peripheries:
POs plays an important role along with port based inspectors;

sometimes both sets of agents share the same building. The enforcement agencies consist of the Fisheries Protection services both ashore and at sea, as well as some Royal Navy vessels commissioned to protect fisheries and enforce regulations. As in France, skippers must respect regulations regarding quotas and the reporting of information, and courts are also involved when skippers are reported to have broken regulations.

The structural policy

The main feature in the structural policy has been its evolutionary nature, from a partnership between the Commission, Member States and individual investors to a Community instrument to force cuts on national fleets. This new dimension has obliged Member States to engage in various policy processes.

In France

At the national level:
If active measures are taken to contract the fleet, then the minister and his cabinet have to initiate the process. The Directorate, with the Fisheries Secretary, as well as civil servants, will also participate. All of them may have already been involved, at various times and in various degrees of intensity, in the formulation of the structural measures at the Community level. Scientists from the Ifremer may participate but their role would be limited at this stage.
The CCPM would, of course, have an input. It must be remembered that, if the CCPM, as an organisation has no official representation in Brussels because only voluntary associations are recognised, many of its executive members are active in other organisations. This is also the case for union representatives, who can be active at the periphery, in the CCPM and on EC consultative committees. The Coopération is also a very active participant at all levels. The French Assembly would have to participate at some point to enable ministers to qualify

producers' freedom of establishment as provided for in the Constitution of the Vth Republic.

At the periphery:
Regional Councils are now endowed with the task of subsidising the under 16 metre vessels. They are also consulted, along with representatives from the various structures in the sector, on the selection of applications for the 16 to 24metre category. Regional Councils may, therefore, be consulted by Governments, but their input can only be limited. CLPMs would have an input through the CCPM.

In the UK

National level:
As in France, the ministers and their advisers would have to put measures leading to fleet cuts on the agenda. Fisheries Secretaries and civil servants would be involved in the whole preparatory process. Again, these individuals will have been active in the various groups and committees in Brussels. Scientists from the national laboratories may be consulted. The Scottish and English federations will be extensively consulted as will, in contrast to the French case, many peripheral groups such as Local Enterprise Agencies, marine environmental groups, local authorities etc. Producers' Organisations would not normally be directly involved, but some individuals can wear several hats. Thus, the chief executive of the National Federation of Fishermen's Organisations is also the chief executive of the Grimsby PO. Additionally, he chairs the committee on Structures in the Advisory Committee on Fisheries. As in France, Parliament would have to be involved to pass legislation enabling the Government to institute constraints on producers' activities.

At the periphery:
It is difficult to decide where to place the Scottish Office Agriculture and Fisheries Department. Insofar as it does not have

policy initiative or autonomy, its actors and processes could be placed under the 'periphery' heading. However, civil servants involved in the UK fishing policy process view their activities in this sector as different from other policy areas. The position of Scottish fishing in the UK gives them the feeling that SOAFD ought to be granted policy initiative. They believe that their input is more significant in fishing than in other policy areas. Local authorities and development agencies will make representations both to the various departments and to MAFF but they have no involvement in policy making.

Transnational policy networks and policy communities

Following Marsh and Rhodes' list of characteristics that indicate the presence of policy communities, two transnational policy communities can be identified. Actors from the French and UK communities interact in common processes at the EC level. French and UK ministers and civil servants interact in Council meetings and in work groups. Fishermen's representatives meet within the framework of the Fisheries Consultative Committee. Scientists are also involved and their influence is important. However, they are better conceptualised as belonging to the issue network as they do not have the autonomy to intervene freely and their role remains advisory. At the core of the policy are DG XIV and its services, national ministers and civil servants, fishermen's leaders and, to a lesser extent, representatives of the Producers' Organisations. In the issue network, groups such as local authorities, development agencies, consumers and environmental organisations participate according to the issue at stake. Fishing policy communities are insulated from other sectors. The main participants, except from those in the Commission, operate at least at two levels, some even at three levels of interaction.
One important characteristic that emerges is the limited involvement of the implementation agencies in policy formulation. The Scottish Office Fisheries Department presents a little difficulty on two points. Its classification under a national or

peripheral heading poses a problem which does not arise with the Breton Regional Council which is not involved at the national and transnational level as a matter of course. Additionally, SOAFD's input in policy formulation at the transnational and national levels is consistent and can be detected in some policies. It is also involved in the implementation of policy thus, again, presenting the case of an authority that is involved in the whole process. An important consequence of the territorial arrangement means that the Scottish Fishermen's Federation deals almost exclusively with SOAFD and direct contacts between the SFF and MAFF are rare. The situation is naturally reversed for the English Federation which interacts with MAFF. Contacts between the two federations take place in Brussels in the various committees, but only occasionally in the UK. Consequently, it is more accurate to speak of the existence of three policy communities in the UK: in England, in Scotland and in Northern Ireland. This contrasts with the set up in France which institutionalises the policy community. If Schmitter's definition of pluralism, corporatism and concertation is used to analyse the nature of the policy process in the two countries, the organisational frameworks and the characteristics of Government - Industry relations would suggest that France and the UK are closer to the corporatist and the pluralist models respectively. Should the analysis stop at the structures, the conclusion may be that these two types of policy making fit the wider national styles of policy making, and that the policy sector analysis does not fit the exploitation of a common resource, namely fishing. However, this interpretation may be too hasty. To discover whether it is correct or not, specific policy processes will have to be analysed and compared.

CHAPTER 4

THE STRUCTURAL POLICY

Introduction

One of the most advocated solutions to the problem of overexploitation is a reduction of fishing capacity to the point where a balance is reached between the available resource and catching power. In theory, the proposal appears most sensible and attractive. A formula could be devised using the volume of resource that can safely be subtracted from various zones and equating it with the total effort that is required to extract the corresponding fish, then dividing it by the unit chosen to measure catching power, be it number of vessels, tonnage, engine power or catching capacity. However, this option raises many difficulties for decision makers.

In chronological order, the first problem is to obtain reliable information regarding the state of the exploited stocks, intrinsically unstable, in the various zones managed by a given regime. This represents a complex and onerous task. Disagreements among scientists may result in conflicting advice to policy makers, conditions that seldom allow for rational decisions. The second hurdle is the identification of a unit of effort that can

be applied uniformly across vessels of various shapes, sizes, engine power, hours of activity, using different gear and employing varying numbers of fishermen, operating in various zones and prosecuting different fisheries. Moreover, even if and when these technicalities are resolved, the problem for decision makers is how to discriminate between those who will, through access to a vessel, be entitled to a share in the resource. Since all efforts to scale down a fleet will have been in vain unless entry is controlled, some kind of licensing system has to be installed. This is an intrinsically political question, as it determines who gets a share in a natural resource and who is excluded from that benefit.

When the CFP was settled in January 1983, an agreement had been found on an allocation formula which shared the resource within waters under EC fisheries juridiction for the next twenty years. Member States were free as to how their fleet caught their national entitlement. However, some common rules had to apply if the principle of relative stability was to be respected. It was important that a balance be maintained between the development of the various fleets to prevent unfair competition and the risk of overexploitation. At the same time, it was crucial to ensure that the resource was exploited as efficiently as possible for the EC fleet to remain competitive in world markets. To achieve this goal, structural aid was required from public funds to enable producers to renew and modernise their vessels. The European Commission, therefore, tried both to promote construction and modernisation on the one hand, and decommissioning on the other. Programmes to harmonise these two contradictory aims are not easy to devise. The task is rendered much more difficult when such programmes are operationalised at various levels and involve a series of actors with conflicting goals.

The history of the structural policy has been described in Chapter two. This chapter will examine France and the UK's traditional approach to their fishing fleets, then look at the nature and content of the EC legislation on structures. The focus will then move back to the two Member States, France and Britain, to study

their responses to the EC legislation within the structural policy. Processes and policies will be identified, analysed and compared.

TRADITIONAL APPROACHES OF FRANCE AND THE UK TO THEIR RESPECTIVE FLEETS

FRANCE

A comprehensive study of the French fishing fleet from the end of the war till 1983 was carried out by Meuriot (1986). Analysing the expressed objectives of French authorities regarding fisheries in the preparation of the successive French Plans, he uncovered a number of characteristics. From this study and recent developments, three overlapping phases can be identified in State intervention: the industrial phase, the expansion of the artisanal sector and regionalisation.

The industrial phase

As we saw in Chapter three, State intervention in all sectors of the fishing industry is extensive. State structural decisions were to be based on a number of variables, such as the existing catching power, the projected availability of the resource along with the expected level of demand for fish products. However, despite the recurrent rhetorical concern to integrate all of these parameters, the decisions that were taken were, ultimately, influenced by other factors. Among them. after the war, was a concern to ensure that the French fleet be favourably placed in the international competition for fish. The common property pattern of fish in the high seas meant that any national fleet that was not equipped to compete with foreign vessels ran the risk of becoming obsolete, to the benefit of its competitors. This analysis by the authorities was convergent with that of large vessel owners (Meuriot, 1986:32). Moreover, a bias towards large

units that could prosecute long distance fisheries also corresponded to the doctrine of the time, which viewed rapid industrialisation of all sectors and concentration of the means of production as the way ahead for the French economy (Muller, 1992). Consequently, the industrial sector was favoured while the artisanal sector was neglected. As Wise (1984) pointed out, France was anxious to restructure her fleet and replace the obsolete salt-cod trawlers and tuna vessels with cold store equipped units. Modernisation of existing boats and construction of new vessels equipped with the latest technological devices were encouraged. A ministerial directive requested that commissions which selected applications for structural assistance "reject dossiers relating to the construction of distant salt fishing trawlers, small coastal trawlers, tuna vessels without freezing capacity and crayfish vessels" (Meuriot, 1986:47). This bias was reinforced by Community measures which, initially, sponsored the transition from obsolete to more technologically advanced industrial vessels. Thus, although the Sixth Plan of 1971 to 1975 witnessed a less obvious emphasis on the industrial vessels, it still resulted in a financial ratio of four to one in favour of this group as compared to the artisanal sector (Meuriot, 1986:64). It meant that, by 1974, half the industrial tonnage had been renewed and its fishing capacity significantly increased (Meuriot, 1986:72). This effort was justified in terms of the 124 units in the 100 to 500 Grt which had been lost to the fleet between 1965 and 1968 and by the increasingly obsolete, though relatively new, middle water vessels technically overtaken by stern trawlers (Commission, 1980a:102). Different rates were applied to State grants to industrial vessels by dividing them into three categories in order to provide an impetus to the development of middle water stern trawlers. Rates were reviewed every year and suspended altogether in 1977 to be reinstated the following year. However, the steep increases in fuel prices, the extension of fisheries exclusion zones and the effects of overexploitation exposed the vulnerability of industrial interests. The difficulties they experienced led to an increase in State

intervention, not only in *ad-hoc* subsidies, but also in the creation of the FIOM in 1975 in order to alleviate some of the marketing problems. The balance sheet of the Seventh Plan from 1976 to 1980 showed an increase in the artisanal sector, contrasted by a contraction among industrial vessels. A three year plan was adopted by the French Council of ministers in 1980 to help the construction of new units. The decisions regarding the industrial sector remained (and remains) the prerogative of the Fisheries Directorate. Nonetheless, the tide had turned and the events of the Seventies combined with increased regionalisation were helping to shift authorities' attention towards the artisanal sector which had weathered the successive crises better than the more vulnerable industrial sector.

Expansion of the artisanal sector

State intervention in the artisanal world had been less consistent and meaningful in the successive Plans. When aid had been targeted at that section of the industry, conditions had been attached to encourage the development of bigger vessels as well as concentrating ownership in the hands of cooperatives or similar organisations. In short, the authorities wanted to see management structures in the artisanal sector reflect those in place in the industrial sphere (Meuriot, 1986:54). It was felt, too, that the best way to help the sector was by strengthening the whole marketing structure. Whether this analysis was correct is difficult to ascertain. The artisanal sector certainly expanded. Thus, under the Fifth Plan of 1966 to 1970, while the number of vessels registered a small growth from 11,834 to 11,997, engine power increased by almost 20% (Meuriot, 1986:60). In order to bring some coherence to the sector, the State created the SIAs or Interprofessional Artisanal Agencies. SIAs played an important role in the Sixth Plan. Unfortunately, the oil crisis of the mid-Seventies had a substantial impact, not only on operating costs, for which enterprises received fuel subsidies from the State, but also on the cost of construction. It was estimated that cost

increased by 20 per cent per year from 1973 to 1976, for both wooden and steel artisanal vessels (Commission, 1980a: 105). Nonetheless, continued renewal in the artisanal sector in the Seventies, especially in the smaller vessel section, combined with the unrelenting pressures on the industrial enterprises, led State authorities to "discover" the value of the artisanal fishing sector (Meuriot, 1986: 74). It was then realised what an ill-defined and unknown domain it represented. How could structural aid be sensibly targeted with so little knowledge? Scientific research had, hitherto, mainly been focused on stocks exploited by industrial boats. It was, therefore, difficult to enter the resource variable in any projection regarding the ideal fleet capacity. Nonetheless, as financial assistance was attributed with a view to shaping development in the industrial sector, so grants were aimed at 'rationalising' the artisanal sector. Thus, a 6 per cent grant was allocated if the vessel was one of the local SIA's prototypes, accompanied by a loan at preferential rates for up to 75 per cent of the remaining cost. An additional 4 per cent was available to the investor who was a member of a management group with, again, a loan for up to 85 per cent of the cost. Other incentives were established in 1978, such as a 5 per cent grant to young owners making their very first investment, with a loan of up to a staggering 90 per cent of the remaining sum if he belonged to a management group. Similar grants, without the accompanying loans, could also be obtained for a category of larger artisanal vessels and, of course, if the new construction was part of a SIA order to the same boatyard or if it involved new fishing techniques (Commission, 1980a; Vernier, 1993).

The proliferation of agencies that sought to subsidise artisans in the Seventies in the wake of the creation of French regions by the 5 July 1972 Law created problems for State authorities. The State took successive measures to bring some coherence to the sector and gradually, with the decentralisation reforms of the Eighties, a comprehensive framework was built up for artisans at the regional level.

Hiving off conflictual decisions

The French artisanal sector is highly diversified and inter-user competition and conflict are rife. Moreover, once local authorities had begun to view their fleet as a factor of economic expansion, competition between various areas became intense. It was logical for the State to decentralise some decisions because of its lack of information, but it made political sense to let the peripheries 'get on with it'. So the State would provide assistance to the over 16 metre vessels and the regions to the under 16 metre. Regional structures were set up. The most significant was the creation, by a ministerial circular of 4 April 1980, of COREMODEs (Regional Commissions for the Modernisation and Development of the Artisanal Fishing Fleet and Marine Farming). They represent the State's consultative commissions at the regional level for the allocation of funds to the sixteen to twenty five metre vessels. A second consultative commission, CRIPA, Regional Commission for Investment in Artisanal Fisheries, was set up for Regional Councils which assist the construction and modernisation of vessels under 16 metres. Decisions regarding the funding of over 25 metre vessels remained with the Fisheries Directorate in Paris. The regional prefect presides over bi-annual meetings of COREMODE where representatives from the Maritime Affairs, Regional and General (departments) Councils, from the various industry sectors and scientists examine requests for public assistance.

Regional Councils coordinate the various grants investors can attract from the various sources. Departments and municipalities can, and do, grant aid according to various criteria. Regions coordinate this aid to ensure equity and that Community regulations are respected. Understandably, it is difficult for the European Commission to ascertain whether this is strictly the case.

Although the procedure for examination of requests from investors for over 25 metre vessels is different, as it is undertaken by the Fisheries Directorate, these projects can still attract additional

assistance from the same local authorities within Community guidelines.

Finally, loans at preferential rates are available. An agreement must be reached first between the Treasury and the Secretariat for the Sea. The Crédit Maritime administers such loans. The OECD also made available preferential loans in 1983 (La Pêche Maritime, April 1985).

Structural aid in France in 1983

In January 1983, structural aid, in France, was guided by the national multiannual investment plan, which had been drawn up after several months of consultation between Government and industry between September 1981 and July 1982. This exercise followed the revision of the 1981 to 1985 Plan by the new Socialist Administration. The investment plan provided for "the renewal of the industrial and semi-industrial fishing fleets whose age structures remain(ed) a matter for concern" (Secretariat à la mer, March, 1983).

This was the situation in France when the CFP was agreed and the EC regulation on a common measure and the EC directive were produced in October 1983. The relations between Government and industry were, by all accounts, good and the mood reasonably optimistic.

The decision to endow regional commissions with responsibility for selection of requests can be viewed as a consequence of decentralisation as much as a desire to hive off conflictual decisions. However, in this sector, as in many others in France, politics and pragmatism, more than anything else, have determined what goes to the peripheries and what remains in Paris (Pouvoirs, 1992). This is illustrated by the fact that as late as 1993 responsibility for the declining industrial fleet still remained with the Directorate. The industrial ship owners believe that they cannot get a fair deal from the regions which are dominated by artisanal interests. At the beginning of 1993, the Secretariat for the Sea, along with other Ministries and Departments, received a

request from the Prime Minister's services, that any responsibility that could be decentralised, be transferred to the local authorities. The Directorate suggested to the Fisheries Minister's cabinet that control of the industrial sector could perhaps be one such area. As a higher civil servant put it, "Not surprisingly, the issue did not go any further and the industrial sector remains with us" [My translation, MT]

THE UK

Britain was one of the first countries to acknowledge the relationship between overfishing and scarcity. However, as we saw earlier, such a realisation was coupled with a reluctance to regulate fishing effort which was seen as incompatible with the *laissez-faire* economic approach of the time. Nonetheless, Britain declared itself ready to act, provided members of the international maritime community did the same. Thus, at the 1946 London Conference on Overfishing, Britain proposed to reduce overfishing through the control of fishing capacity. Since fishing fleets had been contracted because of the Second World War, there was a great opportunity to control the evolution of fishing capacity. The simplest way, according to the British delegation, was "to directly limit the number, size and tonnage and/or fishing capacity (for example through the size and number of trawl nets) of fishing vessels authorised to fish in a given area" (British Delegation, 1946). However, these suggestions were not adopted. From that period until the advent of the CFP in 1983, fisheries management in the UK was limited to quotas, closed seasons and gear restrictions. Although these measures suggest a degree of management, in practice they simply allowed the authorities to avoid tackling the real problem of "excess catching capacity" (Seafish Authority, 1982:20). In Britain, as elsewhere, the industry experienced difficulties due to the high risk and uncertainty that underpin fish production. The various documents available on the evolution of the British fleet since the war, report endemic problems experienced by the fishing industry.

Financial aid to the industry is seen as necessary and these themes are a consistent part of the literature in this field. Grants towards new constructions and modernisation and *ad-hoc* subsidies to meet running costs in periods of difficulties are a feature of the government-industry relationship from the early Fifties to the late Eighties (NAO, 1987). Indeed, *ad-hoc* assistance has a much longer history and goes back to the Middle Ages. Later, Adam Smith was to criticise it, accusing it of generating speculation and interfering with the normal marketing of fish (Cmnd, 1961:641-2).

Ad-hoc assistance

In contrast with France, who planned an initial budget and accompanied it with projections of categories of vessels to be helped, the UK's intervention in the fishing industry has adopted a much more *ad-hoc* approach. Most programmes of aid were said to be temporary and with no more ambitious objectives than to see the industry through a bad patch. Understandably, there were no attempts at shaping the size or nature of the fleet. Assistance was targeted at a section experiencing difficulties at the time. Thus grants and loans were provided to the inshore and herring fleet in 1944 and 1945 "as a resettlement measure" (Cmnd, 1961:654). State grants to help with the renewal of the British fishing fleet were allocated from 1951 and were administered by the White Fish Authority. Indeed, from that date two types of aid were available to the inshore, near and middle water fleets for vessels under 140 feet. Subsidies could be obtained towards running costs and grants for construction or modernisation of existing vessels. Larger vessels were excluded from the scheme. This division between the two sectors contrasted with that of France where the larger, industrial vessels were being favoured.
The British fishing fleet had been damaged by the effects of the war. Old steam trawlers received subsidies in order to encourage the consumption of coal. However, the combined effect of construction grants and a cut in aid given to the old steamers in

1958 resulted in a sudden renewal of the fleet in the late Fifties, and early Sixties. The English and Welsh industry rebuilt their fishing fleet at an earlier stage than the Scots (See table 4.1). Uncertainty, lack of capital, conservatism and economic difficulties were said to account for regional differences (Graham, 1963: HoC, Reports, 1969-1970). This evolution was accompanied by changes in the pattern of ownership which switched to "diffuse groups of small separate trawler owning companies" (Graham, 1963: 7). Shipbuilders were actively involved in initiating and supporting the development of such companies. In the Sixties, out of 28 grants allocated for near and middle water water vessels, 26 went to England and Wales and 2 to Scotland. In contrast, from 1963 to 1969, of the 490 new inshore aided vessels, 285 went to England and Wales and the remaining 205 to Scotland (HoC, Reports, 1969-1970). This predilection for inshore vessels remained during the Seventies, as up to 1980, 77 per cent of grants allocated to Scotland were for vessels under 80 feet (Commission, 1982: 100).

However, as the report by Graham (1963) demonstrates, difficulties continued to plague the industry, as it had to rely on State subsidies towards running costs as well. These subsidies were given to all trawler owners depending on the number of days at sea. Without these grants, described as "a subsidy to inefficiency" the trawlers would have been "operating at a loss before depreciation or loan interest" (Graham, 1963: 16).

Planning for the Eighties

The Seventies were a traumatic time for the distant fishing fleet as its vessels were chased from their traditional grounds. It encouraged the authorities to study the implications of the changes in the Law of the Sea and the evolving European common fisheries policy. In a report by the White Fish Authority (WFA), difficulties were identified and attributed to the loss of fishing opportunities, switches in the species available due to regime turbulence, increases in fuel prices and the property pattern of

fisheries. All these factors were beyond the control of Britain and beyond that of the industry (WFA, 1982:1). The resultant lack of investment meant that the British fleet was getting older, both in the deep sea and in-shore sectors. Concluding that "contraction and construction were required", the Authority recommended that financial inducements be introduced, along with the building of "a sizeable nucleus of multipurpose high technology vessels" (WFA, 1978:8). Vessels, both in the under and over 80 feet class, would be needed to exploit fishing opportunities that were expected from the CFP settlement. A five year plan was even drafted containing recommendations for, among other things, a lay-up scheme and an early retirement programme. More interesting perhaps, was the provision for a licensing scheme to be managed according to fishing opportunities. The report stressed that "without such a system the benefits expected from the expenditure of public funds would be rendered nugatory" (WFA, 1978:12). This warning was not heeded, but its validity was to be proved by events some ten years or so later. The call by the Authority for fleet contraction was attacked, however, as the Authority was seen as the main architect of fleet overcapacity, through its indiscriminate distribution of building and modernisation grants (MacKay, 1981:54). The regional development agency, the Highlands and Islands Development Board (HIDB), also played an important role in the development of the Scottish Highlands fleet. At one point, investors could expect to receive 95 per cent of the cost of a new unit between subsidies and loans from the HIDB, the White Fish Authority and local trusts (Lindsay, 1988). A moratorium on building was imposed by Government in 1974, as the Whitefish Authority was inundated with applications. Then grants were decreased in the mid Seventies, but the damage had been done "in the period 1965 - 75 and some of the expansion was little short of irresponsible" (Mackay, 1981:54).

Table 4.2. Rates of grants in the Seventies

Year	Under 80 feet	80 feet and over
To Oct. 1970	40%	35%
To March 1975	30%	25%
Thereafter	25%	25%

Source: Commission, 1982:100

However, it must be pointed out that in the absence of a licensing scheme investors can have vessels built without public aid or buy them from abroad. This aspect was underlined by the Whitefish Chairman when he remarked that pelagic pursers were being acquired without grants despite the fact that the UK had a pelagic fleet more than able to catch all the quotas available (WFA, 1978-9:3). Using a model developed by MAFF, calculations were made to predict the capacity necessary to catch any given tonnage in line with traditional effort. The exercise suggested that in 1979 the same landings could have been achieved with 33% fewer vessels (Mackay, 1981:59). There were increasing calls for a decommissioning scheme. The Commission had suggested decommissioning rates which the government was urged to improve (MacKay, 1981:60; Commission, 1982:188-193; WFA, 1978; Seafish Authority, 1982). As was suggested earlier, successive reports reiterate the same arguments on the importance of catching capacity and the dangers of *ad-hoc* State subsidies. They are seen as an inevitable, but essentially short term, solution.

On the eve of the agreement on the CFP, the new Seafish Authority revised the report that its predecessor had prepared. Using the existing state of the fleet, it attempted to forecast the ideal capacity according to two sets of projected catch opportunities. The trends produced by these calculations mirrored those of France in the same years. Thus, at best, an expansion in the smaller 40 to 65 feet and 65 to 80 feet classes of 15 and 5 per cent respectively were envisaged. The larger vessel category, on the

other hand, was expected to undergo contraction, with the most drastic cut in the 140 feet and over band. Moreover, in the second projection of opportunities, which was more modest, the contraction in the larger vessels showed a dramatic cut of 66 per cent among the 140 feet and over. There was also a cut envisaged in the smaller vessel bands, but on a more modest scale (Table 4.3).

This projected evolution in the shape of the fleet, viewed as desirable in the two countries, was logical as it mirrored the realities of the early Eighties. A decommissioning scheme was actively recommended in Britain, while stressing the need "for a modern, efficient and competitive fleet" to be achieved through a five year building programme. Again, the document detailed its construction programme, with the various grants and loans, according to the various length bands. The under 80 feet class was naturally favoured with 100 new vessels for both groups (40 to 65 feet and 65 to 80 feet) and 20 and 19 respectively for the 80 to 110 feet and 110 to 140 feet (Seafish Authority, 1982:5).

Thus, it could be said that both countries had to find ways of decommissioning their increasingly redundant distant fishing fleets (see table 4.3), while encouraging the development of multipurpose, medium sized vessels, better adapted to the emerging regime. Both had territories overseas where exploratory campaigns could be organised in the search for new species (Falkland Islands, Kerguelen Islands for example). Similarly, the setting up of joint ventures could also be attempted with third countries in order to alleviate the pressure on EC stocks.

Fleet ownership

The ownership pattern in the British trawler sector was still dominated by companies, while the near and middle water vessels were share-owned and the smallest category vessels were the property of individuals. Thus the industrial/artisanal dichotomy observed in France also broadly applied to the fleet in Britain. However, as ownership of the artisanal vessels often extends

beyond individuals in France, it involved the Cooperative sector, while in Britain fish selling companies often provided capital in return for a share in the vessel (Seafish Authority, 1982:22; Commission, 1992c).

Assistance without intervention

As suggested earlier, a consistent reluctance over time and across governments to make decisions that would favour one sector over another in fleet development can be observed. From the *laisser-faire* approach of the Nineteenth Century which influenced the recommendations of the Royal Commission to the economic liberalism of the Conservative governments of the Nineteen Eighties, the message remained the same. The Committee of Enquiry into the Fishing Industry in 1961 warned that the nature of the resource, the evolution in customers' demands and technological progress militated in favour of flexibility. "We do not think that anyone can predict in detail what will be the best size for the fleet in even five years' time and we do not, therefore, support the idea of a balanced fleet cut to a pattern imposed from above" (Cmnd, 1961:682). The Committee believed it best to leave to investors decisions as to the type of vessel best suited to exploit the available resource, and specifically recommended that "no artificial restrictions be placed on the operations of the most successful sectors of the fleet" (Cmnd, 1961:685). This is not to say that no selection at all operated in the allocation of projects. Thus, the two Authorities were said at some time to favour applications for replacement vessels "or by allowing aid only if a new vessel was necessary for the operations of a port or firm". At some times, selection aimed to encourage new skipper-owners, as well as giving priority to replacing vessels over ten years old (Commission, 1982:102-3). In the absence of an explicit official policy mapping out future developments and given fluctuating Government funds, such selection, where it applied, could only have a marginal influence on fleet evolution. Such a pattern was certainly favoured by Mrs Thatcher's

government as the CFP was settled. The market best of all would shape the fleet. *Ad-hoc* assistance continued too, as the Conservative government allocated some £57.2 Million to the fishing industry from May 1979, when it came to power, to January 1983 (HoC, 1983:col.32). Some of the aid represented subsidies towards the cost of fuel which operated from September 1980 to February 1983. (Battersby, 1987:11).

Construction and modernisation subsidies

Grants were available and were administered through the Seafish Authority. The rate was 25% of the cost in grants. Loans at preferential rates could be obtained up to 50% for the smaller vessels and 55% for the larger ones, through the Ship Mortgage Corporation. These loans were to be repaid over a period of seven years. For a longer repayment period, Seafish Authority also lent money at a higher rate. Selection was operated on the criteria of safety and economic viability. (Sea Fish, 1992).
In contrast to France, again, UK authorities did not seek to intervene to establish organisations, such as the SIAs or to involve local authorities or the industry in participating in the selection of applications for aid. Did these differences matter in the two Member States' responses to the first structural programme? This will be examined next.

1983-1993: RESTRUCTURING AND EXPANSION

The structural policy represents one of the four components of the common policy agreed on January 1983 for a twenty year period. Two legislative instruments, a regulation and a directive, were made available to provide grants for construction, reconversion and modernisation on the one hand, and vessel withdrawals through the various programmes on the other. The aim of the legislation was to ensure a planned and orderly restructuration and modernisation of Member States' fleets within the framework set by the CFP. These initial provisions were to be in force for a period of three years

but were subsequently extended to four years from 1 January 1983 to 1 January 1987. The second set of measures was more ambitious, as all the strands relating to structures were brought together under the same regulation. At the same time, the Commission decided on a plan for the next ten years, to be implemented over two five year programmes. The first was to cover the period from 1 January 1987 to 1 January 1992, and the second from that date to 1 January 1997. Funds for the various structural projects covered by the legislative instruments were conditional upon Member States providing the Commission with programmes that mapped out the planned evolution of their fleets during the period covered by the relevant regulations and directive. These were called Multiannual Guidance Programmes (MAGPs). At first, the Commission required an assurance that fleet development would be undertaken according to the projected resource available. However, by the end of the first MAGP, it was obvious that, with the entry of Spain and Portugal on the one hand, and the increase in catching power occasioned by restructuring on the other, some reduction was needed to ensure the protection and renewal of fish stocks (Commission, 1986c). Consequently, the Commission while maintaining, and even extending areas of support, requested a cut in tonnage and engine power in the EC fleet. Unfortunately, a combination of good production, lower exploitation costs and generous grants resulted in a sharp increase in most Member States' fleets. The Commission, considering that Member States had violated the partnership agreement by not keeping to the conditions attached to the MAGP, decided, as was its legal right, in 1988, to suspend aid to new construction and modernisation projects. This decision prompted many Member States into action but the effects of years of expansion could not easily be reversed and despite drastic measures in some States, the Commission was still looking for more reductions within the third MAGP, as the state of many commercial stocks was very worrying (Commission, 1991b). There was little disagreement among all concerned that the fleet was overcapacity for the resource available, but no consensus as to the degree of cut that was required. The gulf that separated Commission and

Member States was such that discussions lasted over a year, forcing the Commission to adopt an interim one year programme during 1992, the year of the CFP's mid-term review (see Chapter six). However, while negotiations were underway, the Danish and French referenda on the Maastricht Treaty had taken place. The Danish rejection and the French reluctant acceptance sent alarm bells ringing through the Commission and its services were instructed to let subsidiarity play wherever possible. As it happened, some Fisheries ministers had expressed their disquiet with what they saw as the Commission's intransigence and, at a Council meeting in November 1992, it was agreed that, in future, ministers, and not the Commission, would decide on the size of reductions required. The Commission also accepted smaller cuts than it had initially requested and an agreement was reached in early December. As this summary suggests, there was a progression in the Commission's thinking on the importance of fleet control as an instrument of resource management and on the need to respect development programmes. As output measures, such as Total Allowable Catches (TACs) and quotas, showed their inadequacy, increasing attention was focused on inputs such as fishing capacity and effort. Before examining the responses of France and the UK, the content of the three sets of legislation will be studied.

1983-1987 - Regulation and Directive

In October 1983, the Council adopted a regulation "on a common measure for restructuring, modernizing and developing the fishing industry and for developing aquaculture (Reg. (EEC) No 2908/83), and a directive "concerning certain measures to adjust capacity in the fisheries sector (83/515/EEC).

Justifying the need for Community support in restructuring following the uncertainties generated by the international legal changes, and the restrictions imposed for resource conservation in EC waters, the regulation underlines the conditions for obtaining aid. Grants could be obtained for new constructions, modernisation

and reconversion of vessels providing they met conditions set out in the regulation (Art. 1.3; Art. 2.(a)). Structural grants to Member States were made conditional on the forwarding to the Commission of MAGPs which were described as, "a set of objectives, together with a statement of the means for attaining them, designed to restructure, modernize and develop certain fishing fleets..." (Art.2).

Contents of the MAGPs

Article 3 explained the objective of harmonisation between resource and production capacity that should guide the measures to be taken, and article 5 detailed the information required by the Commission. Member States were requested to devise MAGPs detailing the situation of their fleet at the beginning of the programme and its projected evolution according to the expected resource available for it to exploit (Art.3 (a)). Projection had to be broken down into categories of vessels, detailing the numbers to be temporarily laid up, decommissioned, as well as those planned to enter the fishing fleet (Art.4. 3). Moreover, the MAGP also had to contain information regarding the social and economic effect of the projected evolution on the regions and of the likely economic perspectives of the enterprises, as well as the position of the MAGP itself *vis-à-vis* other regional development plans (Art.4 C 1 and 2). Additionally, MAGPs had to provide some time scale regarding the implementation of the various measures they detailed as well as the "laws, regulations and administrative provisions" Member States would use or pass to achieve such implementation (Art. 4 Par. 3 & 4).

MAGP was defined by a DG XIV official as "a descriptive contract ('contrat signalétique') between the Community, Member States and private investors". The Community confined itself to co-financing projects. In the absence of national funding to investors the Community could not do anything to help them.

The Commission would examine the proposed measures according to wide ranging parameters and would provide a decision within six

months of the forwarding of MAGPs by Member States (Art.5). An annual summary of the progress and the eventual modifications were to be sent to the Commission before the 30 September to enable its services to assess whether the evolution respected the objectives stated in the programmes (Art. 6). The Commission would announce its grant allocation twice a year and no later than 30 April and 31 October (Art.12). EC grants would not be more than 25% of the project, except in some regions where it could reach up to 50% (Art.15).

Art.21 detailed the procedure for decisions, as we saw in Chapter two. All national aid had to fit in with the objectives and framework set out in the regulation (Art.23).

Since the allocation of structural funds was made conditional on the provision of clear objectives and the identification of instruments to attain them, it is not surprising that article 18 specifies that, "After consulting the fund committee (EAGGF) ... the Commission may decide to suspend, reduce or discontinue aid from the fund..".

Thus, the regulation, which was a Council regulation, was organised around the formulation and implementation of a multiannual guidance programme to be approved by the Commission which would, subsequently, also oversee the implementation. Decisions would require the procedure detailed in article 21. MAGPs were not new devices as they had already been introduced in regulation 2141/70 and 101/76 on a model borrowed from the Common Agricultural Policy.

As well as this common measure to guide development of production capacity in the Community, a directive provided financial assistance to Member States wishing to reduce existing capacity.

Directive 83/515/EEC

The directive aimed to alleviate Member States' expenses in relieving pressure on EC stocks by financing the temporary and periodical laying ups of vessels or their decommissioning. Reiterating the argument that some of the EC catching capacity had

been made redundant by the recent changes, the Commission reaffirmed its desire to participate in the financial effort required to withdraw some vessels. Various programmes were envisaged with various rates of assistance. The legal nature of the measure was explained in terms of its "specific character", which meant that it could not "therefore be treated as a common measure provided for in the EAGGF, Guidance Section" (OJEC No L 290/16). The various programmes were detailed, along with the conditions that were attached. Article 6 required Member States to submit a plan with information similar to, though not as comprehensive as, that already identified in MAGPs. Indeed, article 6 requested Member States to "make clear the connection between the measure in question and the objectives of the other structural measures existing or anticipated in the fisheries sector" (OJEC, No L290/17). The procedure for the decision was similar in every point to that in respect of MAGPs.

Objectives of the Commission

It has often be said that the regulation and the directive were at odds. Aid was given to destroy vessels with the one hand, while, with the other, more money was made available to replace them with more technologically advanced, therefore more performing, boats. This is where the devising of MAGPs was supposed to ensure that restructuring, not expansion, took place. However, the objectives were still vague; the CFP, as a new and comprehensive regime, needed to be accepted; negotiations with Spain and Portugal had begun; and the Commission did not really have the material means to follow and control the evolution of the programmes in the various Member States. These restructuring measures had been proposed by the Commission for some years and the fact that the Council had been able to agree to pass them was seen as progress in itself. It has to be remembered that negotiations had lasted for seven years and the Commission felt it was wise to give fishermen time to adapt to the new conditions on access and to shift in focus from the national to the transnational arena.

Fishermen had agreed to manage fisheries together, and that was a huge success which had to be preserved. Thus, the unofficial aim of the legislation was to ensure the survival of the CFP.
The EC measures on structures were common measures. However, national environments exhibited many dissimilarities, as we saw. The next part will examine the implementation of the measures in the two Member States, France and the UK

FRANCE'S RESPONSE TO THE FIRST ROUND OF LEGISLATION

The 250 Million Ecus allocated by the Community, in 1983, to assist structural projects over the following three years, along with the French multiannual investment plan, led to a feeling of optimism within the industry. Reports from the CCPM annual general meeting show that satisfaction was expressed in a number of areas. Fears that the demotion in March of the newly created Ministry for the Sea to a Secretariat would lead to a loss of influence were said to have been proved unfounded. The future of the various fleets seemed to be secure, though the need for subsidies in general, and for the semi-industrial fleet in particular, was emphasised. It must be pointed out that, despite the rhetoric, over the decades, on the need to harmonise fleet to resource, the registering of vessels in and out the fleet had, hitherto, been rather patchy. The various agencies of the Maritime Administration did keep some record but in terms of number of vessels, not of catching power (Le Pape, 1989:75). Indeed, this becomes obvious when studying the evolution of the fleet over the past ten years, as records have been amended several times.

No special measure required

France submitted to the Commission, as required by regulation 2908/83 of 4 October 1983, its 1983-86 multiannual guidance programme (MAGP) on October 1984. The French MAGP, which was approved by the Commission (Decision 85/281 of 24/04/85) proposed to retain the estimated fleet capacity at its 1983 level of

914,000 Kilowatts. Thus, the French authorities were required to ensure harmonisation of fleet entries and withdrawals for the duration of the programme. As for modernisation, grants they would only apply to projects aimed at enhancing security, improving working conditions and cutting down on exploitation costs. Modernisation was not to increase existing catching power.

France felt there was no need for any special legislation or new administrative measure to ensure that construction and modernisation were balanced by the equivalent removal of fishing capacity, since old vessels were being withdrawn. French authorities acknowledge freely that the regulation and the directive were considered, at the time, only from the angle of providing structural aid. They did not feel legally obliged to keep a close eye on the evolution of the fleet. Moreover, they were conscious that any attempt by the Government to constrain fleet development at that time would have met with hostility. French fishermen, already worried by the forthcoming arrival of the Spanish fleet into the Community, would have accused the Government of sacrificing French fishing interests to the benefit of Spain. There was no legislative provision that could have been used to control access to a vessel, or to establish a decommissioning scheme, and none was initiated until the enabling law of 1985. Consequently, inertia was a policy choice to implement the two EC measures. However, it could be argued that it was an acceptable response, since France appeared to have met her objectives

Evolution over the first MAGP

The task of not exceeding existing capacity was, at first, greatly helped by the continuing difficulties experienced by both industrial and semi-industrial businesses, which were suffering from the combined effect of increased fuel prices and poor landing prices. Thus, the industrial sector saw a 31 per cent contraction in the number of vessels and 28 per cent in tonnage from 1979 to 1989. Most affected were long distant fishing vessels which

underwent a 71 per cent cut in their number and 66 per cent in tonnage (Table 4.5) (UAPF, 1990). As was described earlier, it can take years before the consequences of fluctuations in the fortunes of sections of the fleet are translated into observable effects. This is demonstrated in the French case (see Le Pape, 1989). Despite the reassuring effects of the legal settlement of the CFP, combined with the favourable aid packages available from EC, national, regional and local agencies, France could not immediatly replace the units that were leaving the industry. This contraction and the consequent job losses due to the laying-up of industrial and semi-industrial vessels were a contributing factor to the increase in demand for smaller vessels. The evolution of the coastal fleet, generally under 16 metres, was balanced between entries and withdrawals between 1975 and 1980. However, the years 1980 to 1986 saw an increase in their numbers. This evolution has been attributed, on the one hand, to sailors from the contracting merchant navy, tuna sector and industrial fishing industry buying up vessels and reconverting to inshore fishing. They were helped by government policy of the early Eighties, and specifically by that of the minister M. Le Pensec, who wanted to encourage local artisanal fishing. Additional help was available from départements which provided subsidies to the smallest units in order to satisfy the greatest number of applicants (CMCM, 1990). Grants made it possible for those who had lost their jobs to buy the smaller units allowing the sellers to renew the means of access to the resource (La Pêche Maritime, March 1987; Guellec, 1989).

By the end of 1986, France expressed its satisfaction with the first MAGP. Its fleet had evolved from 13,917 vessels, in 1983, to 13,089 on 31/12/1986. Engine power had remained more or less stable at 1,132,618 kWs, as compared to 1,125,372kWs in January 1983 (Direction des Pêches, April 1987). It must be remembered, however, that these figures were not altogether reliable and, by all accounts, it would be difficult to say how close to reality they were.

First MAGP in the regions

If central Government's first priority was not with controlling fleet development, the same could be said for the regions, which wanted to make the most of the structural funds. Indeed, decentralisation had given an impetus to the promotion of fishing activities, as local authorities competed to strengthen their own fleet. A region like Brittany, for example, took full advantage of the opportunities. Since the region's fleet covers the whole spectrum of fishing activities, from the smallest artisanal units to the industrial long distance vessels, the Council has developed an extended framework of aid. This was the situation in 1985, half way through the first MAGP:

For the artisanal sector, the Council's contribution was 8 per cent of the cost. Certain conditions had to be met with regard to age, professional qualifications, membership of a management organisation, or a producer's organisation etc. Additional aid could be received too, according to whether it was a first time investor, the type of gear to be used and the potential employment the enterprise represented. Grants from the departments' general councils were also available with varying rates from department to department. In the case of the semi-industrial and industrial sector, Brittany set up an innovative scheme. The Aredipeb, the Regional association for the development of fishing enterprises in Brittany, was created in December 1983. Its role was to be at the interface between the sector and regional, departmental and municipal authorities. The usual rates were 5 per cent from the region, 2 per cent from the department and, in some cases, 1 per cent from munucipalities, such as Lorient and Concarneau. The Breton Regional Council played an interesting role with the Aredipeb. The Council would forward funds to Aredipeb which would grant investors, who had applied to FEOGA for assistance, the amount of money they expected to receive from the European fund. The delay between the date of application and the actual decision could be as long as two years and many people went ahead with building or modernising without waiting for the decision. If the

investor was successful, he would reimburse the sum to the Regional Council. If his application was rejected, the Region would transform the bridging loan into aid. In effect, the investor received aid whether successful at Community level or not. The only constraint on this system, within budgetary limits of course, was that grants had to operate within the framework of EC regulations on national aid. The Breton regional council also examined applications with special attention given to the various grants the investor had attracted, before deciding on its own contribution. This would vary according to the rate of support the applicant had already received in order "to adjust the Council's support, so that there would be no great divergences between the level of public assistance to the various investors" (Legrand, 1992).

Selection in both consultative commissions, over the period was minimal. The process was limited to a listing of the requests and an approval of funding. Thus, the EC Commission's recommendation that national fleets be restructured within a controlled framework was ignored by France, both at the centre and at the peripheries. The consensus in France is that "the only part of interest to us in the first MAGP was the funding. We simply ignored the rest" [My translation, M.T.]. Nonetheless, the Commission estimated, in June 1986, that stabilisation of her fleet over the life of the first MAGP showed that France was meeting her projected targets. Still, it warned that attention would have to be paid to regional and sectoral evolution (Commission, 1986c: 28).

UNITED KINGDOM'S IMPLEMENTATION OF THE STRUCTURAL MEASURES

The relations which had developed between government and industry in the UK over the long years of negotiations with the Labour and Conservative governments between the mid-Seventies and the early-Eighties were, by all accounts, close and cordial (Cormack, 1991; Hay, 1991). The feeling, as in France, was that the CFP settlement had opened new opportunities that had to be exploited. Restructuring was required and the Government was prepared to

provide the right conditions for the market to play its part in order to allow the industry to exploit these opportunities. Following the "Council Regulation (EEC) No 170/83 of 25 January 1983, establishing a Community system for the conservation and management of fishery resource", the British Government submitted a consultation paper to the industry two months later. This consultation paper entitled "Structure and Management of the UK Fishing Fleet" was divided in two parts: one on restructuring and the other on quota management (MAFF, 30/3 1983). Basing its consultation upon the information provided in the Council resolution of 25 January 1983 on forthcoming legislation on fleet restructuring, the Government invited submissions on a wide range of issues. The paper did not contain any explicit guidelines as to the Government's position. Instead, it formulated a series of questions and recapitulated the potential perverse outcomes of the various schemes. It questioned "could or should the Government seek to identify an optimum structure for the industry...or should market forces do the job? Is there a half way house?" (MAFF, 30/3/1983).

There was a desire to allow market forces to shape the fleet, but the Government was aware of the specific conditions in the industry with a long history of *ad-hoc* assistance which it, too, had resorted to on three occasions since coming to office in 1979. Moreover, restructuring could not be isolated from quota management. The answer was a compromise between a long tradition of reluctance to shape the fleet, reinforced by the Government's commitment to economic liberalism, and the need to comply with EC legislation both on fleet and quota management on the one hand and to exploit the new opportunities on the other.

The fishing Vessels (Financial Assistance) Scheme 1983

The Government responded to the Directive and the Regulation by setting up a decommissioning scheme in December 1983 and a licensing scheme for a section of the fleet in February 1984. The Government laid before Parliament a statutory instrument entitled

"The fishing Vessels (Financial Assistance) Scheme 1983" which approved it. It represented a comprehensive package which provided for financial assistance for various schemes leading to the withdrawal of vessels from the fishing fleet.

The Fishing Vessel Scheme more or less mirrored the provisions detailed in Directive (EEC) 83/515 on decommissioning and laying up grants. It also provided for assistance for exploratory voyages and joint ventures "in pursuance of Council Regulation (EEC) No 2909/83)" (UK, 1983; 1883). The main programme was the decommissioning of vessels. Monies would be granted at a flat rate of £400 per decommissioned ton and would not vary according to the ultimate fate of the vessel - destruction, reconversion or exportation. In order to harmonise licensing conditions with decommissioning, the UK negotiated with the Commission in order to extend the grants to vessels from 10m in length, instead of 12m. as specified by the directive. There was no attempt at increasing incentives either directly or indirectly by enrolling financial support from the local authorities, as was to be the case some years later in France. The scheme would operate for three years. Selection of requests was to be carried out according to the criteria laid down by the Commission, namely that the vessel had to "have spent at least 100 days at sea on fishing voyages..." in the year prior to the application (Part III.20). The UK added that vessels in possession of a pressure stock licence (see below) would be required to surrender it to the authorities. The scheme became operational on 21 December 1983.

A licensing scheme

Using provisions in the Sea Fish (Conservation) Act 1967, and ignoring the recommendations submitted by the industry (see below) the Government installed a restrictive licensing scheme to complement the restructuring measures. The UK licensing scheme differed from the French PME which was installed in 1988. While the latter was an almost complete blanket programme, exempting only a fraction of the fleet, the UK's scheme exclusively targeted

vessels whose effort was directed at 'pressure stocks' (see Table 4.6). These stocks represented, after all, 80 per cent of the value of UK landings in 1985 (NAO, 1987: 10). In order "to throw a ring around the *number* of vessels prosecuting these fisheries", the number of licences were to be maintained at their 1984 level (Allan, 1992). Additionally, licences could not be transferred from an under 40 feet vessel to one above that size. (Subsequently, band lengths were introduced and transfers of licences had to operate within these bands).

UK's 1983-1987 MAGP

The UK authorities forwarded their first multiannual guidance programme to the Commission on 8 October 1984. Identifying the measures taken by the Government, it expected the fleet to contract slightly. The programme underlined the important contribution of large vessels in the country's fleet which had been made redundant by the legal changes in the international environment. These vessels were being withdrawn with the help of the decommissioning scheme and would represent an important contraction in production capacity. The UK identified a need for the modernisation of the inshore fleet with most of the vessels being over 20 years old. However, this renewal would be balanced and controlled through the licensing scheme. The UK's MAGP was accepted as meeting with the various conditions laid down, and consequently was adopted by a decision by the Commission on 24 April 1985 (OJEC, L 157, 15/06/1985).

The measures represented the UK's legal response to EC legislation. It seemed to depart quite considerably from France's decision not to act. The UK's measures will now be placed in their context, before examining their effects and providing an intermediate comparative analysis.

UK MEASURES IN THEIR CONTEXT

To help the sector through "the period of uncertainty", the Conservative Government had, by January 1983, allocated £57.2 M to the industry (HoC, 1983: col 32). The Government's view was that distant fishing vessels would have to be compensated for lost opportunities. Freezer trawlers were lying rusting in Grimsby and Hull with no fishing grounds to exploit. The government would provide public assistance to decommission them. Scotland was not particularly concerned by the scheme as it had so few vessels in that category. The EC Directive on measures to adapt capacity was, therefore, welcome. Quotas allocated to Britain under Council Regulation 172/83 offered new opportunities to the inshore fleet and the Government was anxious that these quotas be caught lest Britain be accused by EC partners of greed in the allocation between Member States. Though, through its policies, the UK encouraged both withdrawal and expansion of fishing capacity, the Government was determined to let the market influence individual decisions. This explains the flat rate in the decommissioning scheme, as instituting discriminations between categories of vessels would have been State interference in commercial decisions (Mason, 1988: 1449). The same logic was applied to fleet development as it was argued that investors would identify the avaibility of the resources and the type of vessel required to exploit them.

In contrast to the principle of liberalism, however, the introduction of the licensing regulation represented the beginning of what was to become an extensive regulatory network which, by the 1990s sat uneasily with the market philosophy that was being applied to the fishing sector. In favour of a comprehensive licensing system were the Scottish Fishermen's Federation and some development agencies, such as the HIDB for example and, of course, the Seafish Industry (Linsday, 1988). The SFF's reply to the consultation paper urged the Government to set up a National Licensing Authority, or three regional ones. The task of these authorities which would be to determine "the future shape and size

of the UK fishing fleet" and would involve decisions which "(would) not be appropriate for Government alone or for the industry or ...Seafish Industry Authority". They would be best carried out by "a free standing body with autonomous powers" (SFF, 25/5/1983: 3). The SFF also recommended that licences and vessels go together with the licence to be regained by the Licensing Authorities when a vessel ceased fishing in order to prevent the trading of licences. However, the Government felt that such a scheme would create political, economic and administrative difficulties (HoC, 1983 : col 100). MAFF explained that it did not have the money, nor did it want to create unnecessary layers of bureaucracy (Allan, 1992). It was felt that instituting licences for stocks most under pressure would be simpler and cost less, since it limited the scheme. Moreover, it had the advantage of facilitating quota management by granting a share of the national allocation to an identifiable body of producers. Additionally, it left other producers free to adapt capacity to the avaibility of non-pressure species and those whose exploitation was not regulated by TACs and quotas. Allocating a licence to a vessel along with a stated quantity of fish to catch is not very far from instituting individual transferable quotas. which is quasi-privatisation of the resource. The authorities had looked at this eventuality but had found it "unnecessarily restrictive" (NAO, 1987: 10).

Effects of the measures

Just like France's, the UK's objective was to maintain its fishing capacity more or less at its 1983 level. The objective of programme 2908/83 was a tonnage of 146,000 Grt for an aggregated engine power of 763,515 kWs. The actual situation on 1 January 1987 was a tonnage of 148,403 Grt and 759,953 kWs. The UK, like France, could be satisfied with the achievement of its first MAGP. The Governemnt had spent some £ 70.5 M over the three years on restructuring the fleet. The decommissioning scheme had led to the withdrawal of 225 vessels. The Fisheries Departments had expected

some 37,000 Grt to be removed from the register. In the event, they were pleased to see that it was almost 48,000 Grt that were decommissioned. The scheme had cost £17,5M. Half of this expense was to be met by the EC. Ministers felt that three years of market forces must have ensured that the fleet had reached its ideal capacity. However, as in the case of France too, raw figures may mask many characteristics whose effects are not visible in the short term.

The decommissioning scheme which had been hailed a success was to bring much grief to the Fisheries Departments, and especially to MAFF. The Fontainebleau agreement, which had been reached, meant that instead of receiving 50 % of the £17.5M, the UK had to provide £15M (NAO, 1987). Moreover, the National Audit Office, which carried out an investigation on financial help to the industry, suggested that freezer trawlers would have been decommissioned even without financial assistance. The Audit Office calculated that an average of 3.6 vessels were being decommissioned each year from 1974 to 1983 (Figure .4.7). It believed that the trend would have continued without any financial incentive. The Public Accounts Committee showed the same hostility to the scheme. It declared that "the scheme was grossly expensive for what it achieved (Public Accounts Committee, 1988:v). It further criticised the lack of proper scrutiny which had allowed laid-up vessels to be reactivated for the 100 days required only to qualify for the grants. Similarly, many decommissioned vessels were subsequently sold by their owners, after pocketing the grants, as the authorities had not made payment conditional on their being destroyed. Worse, no formal mechanism was put in place to ensure that these vessels could not regain entry onto the fishing vessel register at a later date (Public Accounts Committee, 1988). Technological advances also played a part in minimising the benefits of contraction. Thus, although the withdrawal of freezer trawlers had removed some 12 per cent of fleet capacity, their replacement with new vessels, which were estimated, size for size, to have a catching power some 60 per cent superior to that of 20 year old vessels, had resulted in an

important increase in fishing capacity. Nonetheless, despite its weaknesses, the scheme had helped remove redundant vessels.

However, the criticisms really hit a raw nerve. Mrs. Thatcher's Government, which was so committed to market forces, had intervened in a sector of the fishing industry and had been severely censored for it. It was a lesson that the Government was not going to forget in a hurry.

There were problems elsewhere too as the perverse consequences of the other policies were beginning to manifest themselves. Licensing the vessels over 10 metres resulted in the proliferation of so-called 'rule beaters', which are units marginally under 10 metres but generally high powered. This development was in direct response to the licensing rules (Rodgers, 1989:2). Additionally, regardless of the unit which is chosen to control access to a resource, such as redundant kilowatts in the case of engine power, pressure stock licences acquired a value, as they allowed access to a right to fish commercially attractive species. Thus the Scottish Fisheries Department (DAFS at the time) estimated the value of such licences as being between £ 5,000 and £10,000 (NAO, 1988:10).

The measures taken by the Government in response to EC legislation can be viewed, of course, as implementation of the structural measures. However, it must not be forgotten that these national measures were 'painless', in that their objectives coincided with the opportunities on offer from the Community. Pressure had been applied on the Government to compensate companies left with redundant vessels. EC funds were available for this purpose and it was felt companies had to be compensated for loss of fishing grounds. The industry had repeatedly warned of the danger of a partial licensing scheme, but the government chose to ignore it. It wanted to stabilise effort on stocks under quota only by freezing the number of vessels. Investors would decide according to available opportunities where and when to invest. As suggested earlier the licensing scheme did not prevent the building of vessels fishing for species not classified as under pressure. Moreover, it led to the proliferation of small units. No fishing

policy was evolved during the time. Nor was planning undertaken. It was felt, as with other governments in the past, that there were too many imponderables. However, participants in the process over that period, both in the administration and the industry, explain policy choices as a mixture of New Right ideology and a lack of interest in the sector. For the Commission the UK was meeting the objectives set in MAGP I (Commission, 1986c: 44).

An interim assessment shows that the structural measures appeared to have been successful in both Member States. The official objective to ensure controlled restructuring was met. The Commission's desire to strengthen the fisheries regime was also being fulfilled. One aspect that must be noted, however, is the difference between the amount of information requested in the MAGP to ensure that Member States plan the future development of their fleet and the paucity of information in their submissions. The French and UK's first MAGPs, which were adopted by a Commission decision, can hardly have been expected to frame fleet evolution. Such slackness on the part of the Commission and of the two Member States resulted from differing priorities: the Commission's concern with regime legitimacy, and States' desire to exploit opportunities.

Both Member States exhibit a similar lack of fishing policy. It is interesting to note that the UK responded to the legislation while France took no initiative. However, although they adopted different means, both appeared to meet the objectives they had set themselves in their respective MAGPs. Government/industry relations were generally good and except for a few warnings that more should be done to control the fleet, all parties were content to let things happen. London did not heed calls for a comprehensive licensing scheme or for linking licenses and vessels to prevent trading in licences. Neither France nor the UK consulted the industry prior to the drawing up of MAGP, and the input of the policy community was negligible on structural matters over that period. As there was no fishing policy, devised measures were *ad-hoc*. Consequently, their potential effect and unintended perverse effects were not assessed. It is difficult to

argue that the UK and France did not implement the EC legislation regarding structures in fisheries, especially when the objectives and the results are compared. However, after studying the events of the first four years, it becomes apparent that no party took the official objectives seriously.

SECOND MULTIANNUAL GUIDANCE PROGRAMME

The event which dominated the first MAGP was, of course, the accession of Spain and Portugal, making the EC one of the main world producers, along with Japan and the then Soviet Union (Battersby, EP, 8/12/1986:22). EC membership for these two fish producers had strong potential implications for fish resource exploitation, fleet capacity, markets, fish consumption and controls (see Guermeur Report, EP 1985). In fleet terms, their accession would result in an increase of 41 per cent in the number of vessels, a staggering 75 per cent in tonnage and 66 per cent in engine power. The number of EC fishermen was going to be doubled from 159,131 to 313,244 (Guermeur, 1985:4). Although Spain had to accept a tough settlement regarding access to Community waters - only 300 licensed vessels able to operate simultaneously in EC waters (excluding the north Sea) - their accession would have important consequences on the catching power of the EC fleet.
Similarly, internal developments had also led to an increase in catching power of the existing fleet, despite the 1983-1987 MAGPs. As we saw earlier, new vessels were much more performant than older units. Moreover, some Member States had not respected their MAGP. Overall growth between the previous nine, and with the addition of Spain and Portugal from 1 January 1986, appeared to be a modest 0.113 per cent over target in tonnage terms. Engine power, however, had overshot its target by 3.38 per cent. So instead of the projected contraction, the EC fleet had undergone expansion of catching power (Commission, 1986c). The European Parliament had, over the previous years, become more active in the fisheries sector. A report prepared by MEP Robert Battersby, on

structures and the prospects for EC fisheries, and unanimously adopted by Parliament in May 1986, was influential in shaping the next phase of structural legislation. The Commission, Member States and fishermen's representatives had been extensively consulted. Among the report's recommendations were "a demand for a ten year structural programme with compatible programmes for each Member State; abolition of the arbitrary 33 metre upper limit rule for vessels' finance ...; a Community register of vessels ...; a strengthening of the staff of DG XIV; more emphasis on surveillance" (Battersby, 8/12/1986:23). In the motion for a resolution, the Parliament called for the Commission to become stricter towards Member States who did not respect the objectives in their MAGPs. The Commission adopted most of the Parliament's proposals in its submission to the Council of Ministers (Commission, 1986b). According to Michael Jopling, the Agriculture and Fisheries Minister, Britain had been very successful in using her term at the EC presidency in the second semester of 1986, to influence regulation 4028/86 on structure and regulation 2241/87 on enforcement.

Tighter controls

Worry about the activities of the Spanish fleet led fishermen's organisations to call for stricter controls of fishing activity in the Community and of implementation of the structural measures. DG XIV did not have the resources to oversee the implementation of structural measures in Member States. (The information regarding the Commission was obtained from DG XIV.) Additionally, the quality of data available to the Commission was very patchy, as registration criteria can vary from State to State, and even within States, as in the UK, where England and Scotland still use two different Grts (SFIA, 1992). Additionally, the inclusion or the omission of a few large vessels, which can substantially alter national registers, are well known practices. Well aware of these problems, the Commission wanted to introduce a Community register of fishing vessels using common criteria in order to

harmonise data. It was felt that there was now a greater awareness of the need to check, and even reverse, fleet expansion and the Commission could propose that the overall EC tonnage should be cut by 3 per cent and engine power by 5 per cent from 1 January 1987 to 1 January 1991.

EC Legislation: 1 January 1987 to 31 December 1991

Council Regulation "on Community measures to improve and adapt structures in the fisheries and aquaculture sector" was a comprehensive legislative framework which gathered together the various structural strands ((EEC) No 4028/86 of 18/12/1986; OJEC, No L376/7). The regulation responded to experience gained in the past and to the new challenges in the future. It was ambitious as "...the structural policy must be primarily concerned with the balanced exploitation of internal resources in Community waters", but, since the Community retains a deficit in fish products, "it must endeavour to find new sources of supply, in particular by increasing its fishing possibilities ...These goals must be attained "in line with the provisions of Article 39(2) of the Treaty, the structural policy must take broad account of the economic and social environment...and must be capable of adjustment...in the light of the diversity or seriousness of certain structural problems at regional level (OJEC, No L376/7). Article 1 listed all the types of projects that could benefit from Community aid, from construction and modernisation to exploratory fishing voyages, temporary lay-ups and decommissioning. It also included aquaculture projects, port infrastructure and funds for the identification of new markets. Again, Member States were required to provide multiannual guidance programmes for the period from 1 January 1987 to 31 December 1991. The programme was defined, as in the 1983 regulation, as "a set of objectives, together with a statement of the means necessary for attaining them". This time, however, rather than defining the purpose as to "restructure, modernize and develop certain fishing fleets", the new regulation specified that it was to represent "a guide for the

development of the fisheries sector in the overall long term context" (Title 1, Art. 2). The list of objectives to be attained were, of course, those defined earlier in the introduction of the regulation. Member States had, again, to submit to the Commission comprehensive information on their fishing industry, its economic importance, a breakdown of their fleet by category and by region. Projections of resource avaibility were also required, along with figures regarding fleet development and contraction. Again, administrative and legislative measures to implement and monitor planned objectives were to be submitted, along with "a critical assessment of the implementation of the preceding programme" (OJEC, No L376/21). Each programme had to be received by the Commission by 30 April 1987 for the first five years and "not later than eight months before (its) expiry date" Member States would also have to submit to the Commission, their programmes for the following period, from 1 January 1992 to 31 December 1996 (Art. 3). If it was not satisfied, the Commission had the right to request additional information (Art.4). So that individual progress could be assessed, Member States had to send annual reports before 1 April. An element of flexibility was introduced by article 5.2 which stipulated: "At the request of the Member State concerned or the Commission, any approved programme may be reviewed and, if necessary, amendments made thereto". However, article 44 specified that "The Commission may decide to suspend, reduce or discontinue aid, in accordance with the procedure laid down in article 47 in the case of beneficiaries not respecting the regulation conditions". The regulation does not elaborate on this point. The procedure, when followed, was similar to that laid down in the previous regulation, that is with the Commission chairing meetings of the Standing Committee for the Fisheries Industry.

Regulation 4028/86 is a framework regulation, which defines a contract between the Community, Member States and private investors. It allows the Commission to set objectives and to propose various aid programmes to help States to reach the targets and Member States to choose how to honour these targets. Requests for aid are selected according to two criteria: eligibility and

conformity. Eligibility is straightforward - an application must meet the various security, licensing and other conditions in force. Conformity, however, depends purely on political decisions, as there are no legal documents on this criterion. The Commission chooses according to its analysis of elements contained in negotiations between its services and Member States and its information on the evolution of the various fleets. These elements are not registered. The Commission's choice has often been described as "a lottery", as two similar applications for the same vessel in the same port often resulted in one of the projects being accepted and the other rejected. However, applications had to be processed by fisheries departments in the coastal Member States, and a careful selection operated at that level. Thus, SOAFD prepared its dossiers very thoroughly. According to SOAFD, the Department "wanted to exploit grant opportunities to the full" and the rate of success is considered as "very good". As with MAGP I, the Commission decided on the conformity of the measures proposed by Member States using the procedure already observed for the adoption of MAGPs.

This regulation was amended by a Council Regulation (EEC) No 3944/90 of 20 December 1990 to strengthen and complement measures in order to achieve a more rapid contraction of the fleet. Some Member States were struggling to meet the objectives set in their MAGP II in time for 31 December 1991. Decommissioning programmes and conditions for joint ventures and exploratory voyages were made more attractive. Additionally, in response to pressure from Italy and Greece, the scheme was extended to under nine metre vessels, hitherto excluded from the scheme. Zonal Plans were required to be devised by Member States containing information along the same criteria as MAGPs. Zonal Plans related, however, to small scale fisheries and vessels.

Finally, the Council adopted a regulation establishing a Community register of fishing vessels on 24 January 1989 (Regulation (EEC) No 163/89). Member States had to forward their national register of fishing vessels before 30 September 1989.

According to EC officials, the cuts required were not very

significant but represented a transition "from irresponsibility to responsibility", a way "to oblige Member States to think about structures". The Commission would have liked to have introduced segmentation of the fleet at that point, in order to target cuts at specific categories of vessel, but felt that this was not possible on two counts: the dearth of reliable information, of course, but also because of the psychological effect it would have had on Member States, who were not ready for such a move.
France and the UK were required to cut back on their fleet capacities over the following five years. Moreover, rather than letting Member States manage the proposed cuts as they pleased, the Commission insisted on establishing annual targets expressed in percentages of the final objective. How both States fulfilled their task is now going to be studied.

FRENCH FLEET - 1 JANUARY 1987 to 31 DECEMBER 1991

National environment

France was satisfied with the evolution of its fleet during the first MAGP. The mood was buoyant in 1987, and emphasis was on the increased aid programmes available to the fleet, both from the Community and the French government.
It was widely felt that the climate was particularly favourable for both industrial and artisanal sectors, a view shared by the minister for the Sea at the beginning of 1988, just before the Commission suspended subsidies to new construction (La Pêche Maritime, February and April 1987). These were also exceptional years in fishing: landings were good, as were prices and fuel costs had gone down. France was governed, from March 1986 to May 1988 by a Centre-Right coalition with a Socialist president at the Elysée Palace. The fisheries minister, a Breton notable, had installed a generous expansion plan for the fishing industry. As Mayor of a small rural municipality close to the sea in the department of Finistère, he was well aware of the industry's

expectations and of the forthcoming presidential elections the following year.

French MAGP

As part of France's contribution to the contraction in fleet capacity, the Commission initially requested a 10 per cent reduction in tonnage and 5 per cent in engine power. France began negotiations with the Commission which resulted in an agreement to cut tonnage by 3 per cent instead of 10 and engine power by 2 per cent instead of 5. No written records of such negotiations are available but, according to French officials, they revolved around statistical data, as France claimed she was still in the process of tidying up her register. There were also adjustments made on tuna vessels, which did not fish in Community waters, and shellfish farmers, whose small craft had initially been included in the register. France would have to have achieved 10 per cent of the new objectives by the end of 1988, 30 per cent by the end of 1989 and 80 per cent by the end of 1990. The French administration calculated that these cuts represented a 2.7 per cent reduction on the 1987 capacity. As had been the case with the previous MAGP, France expressed confidence that this modest contraction would occur through natural withdrawals and, therefore, no specific measures needed to be taken to achieve the targets. France submitted its MAGP to the Commission which adopted it by a decision of 11 December 1987.

The only initial French response to regulation 4028/86 had been the production of a circular to ensure that investors could make the most of the financial incentives financed by the Commission. Thus, the circular of 28 April 1987 modified the circular of 14 January 1983 which had, hitherto, formed the legal document for harmonisation of national and EC grants.

Evolution of the French fleet

Events did not go the way projected in the French programme. The situation had changed and the factors that had allowed stability, at least in the figures, were no longer present. Moreover, the effects of the increased grants in this second programme were soon to become apparent. Instead of the required 2.7 per cent cut in 1987, fleet capacity leaped by 7 per cent! The mid-Eighties were 'good' years for the catching sector and, in a development predicted in the theory of fishing in conditions of uncontrolled access, new investors entered the industry, while vessel owners decided to expand. These events were repeated in other Member States. Member States were failing to send Brussels, as required by article 5 of the regulation, information regarding the evolution of the fleet. The Commission decided it had no choice but to suspend aid for all new building projects for all but Portugal and French overseas territories.

Explaining inertia

Although it was increasingly apparent that France was heading for trouble, the situation was neglected until the Summer of 1988. Political considerations beyond fishing ensured that inertia prevailed. The presidential elections in May 1988, which saw the return of M. Mitterrand as President and the consequent dissolution of the French Assembly, followed by legislative elections, brought to an end the two-year '*cohabitation*' government of a Socialist president and a Centre-Right coalition government. No official written document can be found on the need to contract the fleet or on the options to achieve it. Nonetheless, some hand written notes were produced in the Fisheries Directorate in late 1987, early 1988. Only two or three civil servants were involved. It was felt that uncertainty as to the outcome of the forthcoming election made the drafting of a programme superfluous. The Minister's cabinet was not involved at this stage. The fishing industry, though aware of the growth in

capacity, was anxious to make the most of it while it lasted. Moreover, fishermen's representatives knew that no action would be taken until after the elections so, although very critical of the freezing of aid, they, too, adopted a wait and see attitude. An internal document shows that the Coopération discussed the introduction of a "building permit" during its annual general meeting in May 1988. The industrial sector had warned, too, of the danger of expansion. However, industry's inputs in this sphere were negligible. Meanwhile. Brussels had been exerting pressure on France and requesting information. However, according to French civil servants, the French Directorate's main concern was not with its legal obligation, but with the drastic measures that would have to be taken to reverse the unrelenting growth in capacity if France was to meet her objectives in order to regain EC aid. The first official written records appeared in the Summer of 1988, dated 28 July. A member of the Minister's cabinet explained the delay, between the outcome of the elections and the first meetings on the need for fleet contraction, by blaming the reluctance of the industry itself to address the problem.

A new approach?

M. Mellick, the Socialist mayor of a non-fishing community, became minister for the Sea in 1988. M. Mellick, who knew nothing of the industry, was anxious to make his mark as a minister. His predecessor, M. Guellec, would be remembered for his profligacy which had led to legal and material problems. Now drastic action was needed and the Minister would not shrink from it. A minor revolution was about to take place in the French fishing industry with the introduction of a licensing scheme.

Starting from the principle that something had to be done quickly to appease the Commission and to stem growth which would, in the long term, lead to problems for French producers, the authorities looked for options. The Council of State, the Fisheries Secretary, representatives from the Minister's cabinet and the fisheries Directorate, the CCPM, the UAPF, the Coopération and one Regional

director from Maritime Affairs met together to draft a type of licence. A CCPM internal document containing minutes of a meeting, where the forthcoming measure was discussed, shows that there was some concern about the *principle* of a licence, but the main discussions centred on the modalities of the scheme. A feeling of inevitability is perceptible. The freezing of Community aid threatened the legality of national, regional and local schemes. It was argued that no aid meant no renewal of the fleet, resulting quite rapidly in obsolescence which could only serve the interests of competitors (especially Spanish).

FRANCE'S IMPLEMENTATION OF MAGP II

The environment

France installed a type of licence to control entry. However, because of a deep rooted and widespread opposition to the principle of a licence, the device had to play its role but without the privatisation elements it suggests. Some licensing schemes have been in operation in France but on a localised and limited basis (Weber and Antona, 1990: 4). However, there is a tradition going back to Colbert which promotes the principle of common property in fish resources (Weber, Levieil and Grimbert, 1990: 2). Indeed, the legal framework which regulated fish production in France was, until very recently, a decree dating back to 1852 organised around a Colbert ordinance of August 1681 (Guernalec, 1990). Speed was of the essence and, unlike Britain, who had had the legal provision since 1967, France could not set up a licensing scheme without the approval of Parliament. The Constitution forbids constraints on the freedom of establishment without parliamentary assent. There was no time to go through such a long process. The CCPM with its regulatory power, which had not previously been used, was the answer. The '<u>décision</u>' of the CCPM was, as a Regional officer put it "a panic measure, and no-one had a clue as to how it was going to work" (Le Grand, 13/11/1992). This was apparent not only in the way it was produced, but also in

the lack of clarity as to the respective responsibilities of the various organisations and agencies that were to be involved. Lack of knowledge and practice, pressure of time, pragmatism, but also a desire to hive off as much responsibility as possible for its management onto the industry and the peripheries resulted in a licensing scheme which had to undergo several *ad-hoc* modifications, especially during the first months.

INSTRUMENT: THE EXPLOITATION PERMIT

The policy instrument was a decision issued by the CCPM (Decision 1.88 of 22/9/1988). It derived its legal basis from the statutory power the organisation was given by the 1945 ordinance. Its legal validity was questioned a few times, but since the Council of State had declared the decision valid it remained operational until a law was duly passed in Parliament in 1991 and a decree adopted in January 1993 (Décret no 93-33 of 8/1/1993).
The decision stipulated that, from that day, 22 September 1988, an exploitation permit (PME) was required before a vessel could be built, or, in the case of an existing vessel, prior to increasing its engine power. A permit was also required if a vessel had not carried out any fishing activity in the previous nine months or had been engaged for purposes other than fishing, before it could resume fishing (Article 2). Permits would be delivered by the CCPM "within the limits of the objectives of modernisation and renewal of the fleet, determined annually by the Ministry of the Sea, within the framework of the Multi-annual guidance programme, on the advice of the National Fishing Fleet Commission" (CCPM, Article 3). The dichotomy in the management of the two segments of the French fleet was preserved in the scheme. Thus permit applications were channelled to the CCPM by the Regional director of Maritime Affairs for the artisanal sector, and by the Fisheries Secretary in the case of industrial vessels (Article 5). The fleet was divided into five categories according to length: under 12 metres, 12 to 16 metres, 16 to 25 metres, 25 to 38 metres and over

38 metres. Despite the fact that the under 9 metre vessels did not yet qualify for Community grants they, too, had to be brought into the scheme as the under 16m category represented the bulk of the inflation in capacity in the intervening years. Permits were conditional, in the case of construction and increased engine power, on the withdrawal of a related amount of fishing capacity expressed in KiloWatts (kWs). A penalty was imposed in order to build up a pool of public kWs to allow first time owners to start up and also to cut back on the existing capacity. The initial measure contained a penalty, varying according to the length category, with the highest applying to the under 12 metres, 10 per cent, 5 per cent for the 12 to 25 metre band and 0 per cent for the over 25 metre category). Aggregation of kWs was allowed, but only within the length bands from which old Kws were destroyed - except for the 16 to 25 and 25 to 38 metre classes where transfers were allowed. Finally, a provision, which led to perverse consequences, allowed those who had already entered into negotiations with a boatyard, prior to the introduction of the measure, to proceed with the project without the being penalised by the new constraints (Article 8).

The system thus devised was differentiated from a licence in that it was attributed to a person or company and applied to a specific vessel. The PME could not be transferred (Article 2).

The scheme was to experience three rapid adjustments as shortcomings were identified in the measure. Thus Decision of 22/09/1988 was amended successively by Decisions of 19/10/1988; 30/01/1989 and 30/06/1989. The main changes were in the level of penalty (Decision of 30/01/1989). After a few months of uncertainty the procedures were spelt out. Industrial applications would go to the CCPM via the Fisheries Directorate. Requests from the artisanal sector, however, would first go to local committees (CLPMs), then to COREMODEs before going through the Regional Direction of Maritime Affairs which would ultimately send the dossiers to the CCPM.

The PME was finally given its legal status in July 1991 (Law No. 91-627 of 3/7/1991; OJ 5/7/1991:8761). Mention is made again of

the need to adapt fleet to resources and it was stated that annual programmes will be set up by a decree which will specify objectives by regions and, in some cases, by types of fisheries. PMEs might even limit access to certain fishing zones. Finally, the notion of common resource is preserved in that "the conditions of award of PME are determined by decree in the Council of State". "...PMEs are under no condition transferable", as MPs wanted to "exclude all speculation and grandfathering" (Article 4). This is in contrast to the UK where licences can be traded.

As perverse outcomes became manifest the PME underwent a major review on 11 March 1991. Conditions of eligibility were tightened further. In a bid to end speculation on old kWs, the applicant had to prove that he had been the owner of the old vessel for at least two years and that he had used it for fishing activities for at least six months in the year preceding the application. It also cancelled the derogation which had allowed those who claimed to have been negotiating with a yard for the construction or remotorisation of a vessel in September 1988. It also ended automatic access to a PME for estuarian vessels, another derogation which had led to abuse, as we shall see.

The CCPM, which underwent a reform, officially ended its existence at the end of June 1992, to be reborn on 23 February 1993 under the title of National Committee for Sea Fisheries and Mariculture (CNPMEM). Yet, the PME was retained, even though the organisation from which it emanated was no longer officially in existence. In practice, however, nothing changed in the interim period. The PME eventually received its legal baptism on 8 January 1993, more than four years after its creation! It does not vary substantially from the 1991 reformed version. Article 2 stipulates that, each year, the fisheries minister will declare the amount of PMEs, expressed in kWs, that can be allocated within the objectives expressed in the existing MAGP. This amount will be divided into two categories: under 25 metre and those over that length. The number of kWs for the former group will be divided between the regions. Paris will still decide for the over 25 metres, while the regional Prefect will allocate the PMEs to the

under 25 metre category, after consultation with "representatives of artisanal fisheries" (Art. 3). The authorities would have liked the COREMODEs to have taken the decisions, but the Council of State refused, insisting it was a State prerogative which, therefore, should be the responsibility of the Prefect. The main change, according to the authorities, is the ending of an automatic PME to the owner of kWs. The decree sets out a number of criteria on which delivery of a PME should be made conditional, such as the economic viability of the project (Art. 4). However, it is unlikely to change much in the award of the PME.

THE PME AND ITS OUTCOMES

The setting up of the PME had various effects: there were political, economic, administrative and, although limited, structural impacts. The principle of the PME was, on the whole, well accepted by the industry. Its jurisdictional basis, along with some of the procedures involved in its award were bitterly contested by some sections of the industry. The old antagonism between the Cooperation and the CCPM re-emerged. The Government was also accused of hiding behind the CCPM and of having lost control over the whole scheme. However, overall, the PME, which introduced a totally new dimension in access to fishing in France, can be said to have been a political success. As a licence ultimately determines access to a common resource, the PME triggered speculation on old vessels. As soon as the first discussions started in the Summer, competition between all the various actors began. Every sector, region and port wanted to ensure that it had a pool of old kWs to renew its fleet. This also extended to some fishermen's organisations which, while criticising speculation, felt they could not remain idle if they were to ensure the future of their members. As happened in the UK with pressure stock licences, old vessels acquired a value according to the number of kWs they could provide for a new construction. Thus, the value of the kW reached 2700F

(around £270) in 1990 decreasing to 1700F (£170) at the end of 1990 (Weber and Antona, 1990:7). The derogation on so-called 'coups partis', led to an inflation of kWs, as an unexpected number of investors claimed to have been negotiating with boatyards. Another derogation that was exploited was in the sector of smaller vessels used in estuaries and lagoons, which were given an automatic PME on application. Informed of this decision, Brussels rejected the derogation. The CCPM services, which received applications from that category directly, were not informed and continued, for over two years, to grant PMEs. It was not until a CCPM official noticed a steady increase in the number of automatic PMEs that the situation was checked. A internal CCPM document shows that the average number of PMEs delivered rose from around 20 per month in early 1990 to over 30 at the end of the year. Many of these small craft probably found their way further out from estuarine waters, adding to the exploitation of coastal resources. The derogation was cancelled by the decision of 1 March 1991, as was the right to name a beneficiary to old kWs. Speculators could no longer buy a vessel the one day and apply to scrap it the next in order to apply for a PME (Art.7). Speculation was not completely stamped out as the delay between purchase and application for a PME was set at two years. This is what the 1993 Decree seeks to remedy, by saying that there is no longer an automatic right to a PME, kilowatts or not. The Coopération takes credit for the inclusion of that provision, as it claims speculation crippled young investors (Vernier, 1993).

Adjustments between the various levels and organisations evolved slowly and, as in many other areas, in a pragmatic and *ad-hoc* fashion, with varying degrees of coordination and success. The fisheries Minister M. Mellick proposed the setting up of interregional groups in order to discuss and make proposals regarding the management and coordination of the PME, but, in the absence of any guiding principles, the few meetings that took place proved disappointing (Le Pape, 1989:126). Thus, a year after the scheme had been set up, the Ministry acknowledged that, despite attempts at co-management between state and regions, there

had been little progress. As a regional official pointed out, "It is not particularly exciting for elected representatives to manage penury. And the sharing out is not easy to decide" (Le Grand, 1992). Uncertainty was not confined to intergovernmental institutions but also extended to economic organisations. Thus, it was only in May 1989, over eight months after the PME had been installed, that the Crédit Maritime was given any information from the Government regarding preferential rates for loans. Bank representatives expressed their concern and demanded that a coherent financial policy, adapted to the new climate, be devised (Ouest France 9/5/1989; Le Marin, 12/5/1989).

The Coopération, and especially its president, have argued that much of the fleet's overcapacity had been administratively generated by the PME, since the need for old kWs led speculators to keep old vessels 'active'. The register was consequently inflated by these old vessels and by the alleged contracts between would-be investors and boatyards (Vernier, 1993; see also Le Marin, 22/3/1992). Still according to the Coopération, the CCPM was responsible for this state of affairs. Had the State devised and managed the scheme, it would have been much stricter than the CCPM could ever be. The CCPM has a social role and its structure and composition made the organisation very sensitive to pressure.

Nonetheless, despite the perverse outcomes, the PME played a major part in halting expansion during the first year, and actually reversing it in the second. Thus, at the end of 1989, the increase in the fleet had fallen to +1 per cent, and by the end of 1990 it had actually decreased by 2 per cent. So over the two years the PME had helped to cut fleet capacity by an average of 1% a year. The contraction in the under 12 metre category was -10 per cent, while an 8 per cent increase was registered in the 16 to 25 metre band (CCPM, 1991).

Assessment

The PME was installed by a relatively small number of people. Except for a call from the Department of Industry, concerned at

the consequences of the scheme on shipyards, and asking for it to be postponed for a few weeks, there was no interference from other Departments. Despite recriminations, some genuine, others partisan, the degree of pragmatism and cooperation was quite remarkable. The Coopération, which is still very critical of the speculation that was generated, stands accused, by all other sectors, of having contributed to it itself by acquiring old vessels through its various structures. Although it represented a revolution in French tradition, the PME did not lead to any political or social upset, and is now very much part of the system. It must be stressed, though, that it was the French administration which drafted the scheme and, in effect, ran it. Although the CCPM ultimately sanctioned the allocation of a PME, it had practically no control over the fate of the applications. Some of the regional authorities from the Maritime Affairs cooperated with the Committee, but others kept the CCPM in the dark about the number of applications and rejections. CCPM officials did not feel they had the authority to refuse applications, even when they felt the case was most unsatisfactory, if it had been approved by the Regional Maritime Affairs. The Committee felt vulnerable in case the investor started proceedings against it for rejecting a dossier which had been accepted at regional level. There were some recriminations also towards the system which set up different channels for the treatment of dossiers. The CCPM claims that it had no means of checking that the industrial sector did really withdraw the kWs they were supposed to, since the whole case was processed in the Directorate. Brussels declared its satisfaction with the scheme. However, although it is generally said that the licensing scheme was a direct response to MAGP II (Guernalec, 1990; Weber, Levieil and Grimber, 1990), such analysis must be qualified. The Secretariat for the Sea did not take action primarily because the evolution of the fleet was contrary to the objectives agreed in MAGP II, or because there was pressure applied from other national sources to remedy a situation whereby the Government was, in effect, breaching an EC regulation which, otherwise, would have

constituted a direct response to EC legislation. The French authorities decided to act when aid was suspended, rendering all aid schemes at the national, regional and local levels illegal, and when there was much concern as to how to stem fleet expansion for fear of future economic consequences. The freezing of aid was the excuse the authorities needed to tell the industry that there was no other choice. They seized the right moment to force the industry to accept it.

AGREEMENT BETWEEN THE COMMISSION AND MEMBER STATES

The events that had taken place in France, leading to a rapid expansion of fleet capacity in 1986-1987, had also taken place in some other Member States. The Commission was anxious for the objectives to be reached. Additionally, the Commission had the full and active support of the European Parliament to force States to cut back their fleet. Some, like France, were conscious of the drastic need to act, even if for more egoistic reasons, and were prepared to cooperate. As provided in regulation 4028/86, the Commission entered into bilateral meetings with Member States. The Commission was anxious to see what could be done to help them meet their 1991 objectives. Revised programmes were drafted and these were endorsed by the Commission on 23 December 1988. The 1991 targets had been retained but the initial intermediate objective of 20 per cent of the target to be achieved at the end of 1988 was reduced to 10 per cent. Member States were allowed to exclude a few categories of vessels from their MAGP, such as craft used in aquaculture, bivalve production and transport. Member States also agreed to the setting up of a Community register of fishing vessels (Regulation (EEC) 163/89). Information would have to be forwarded to the Commission regarding Members' fishing fleets before 30 September 1989. According to a French official, the conviction that "all the others were massaging their statistics" helped Member States to agree to more openness. National registers should be there for all to see. Additionally, the Commission proposed not only to allocate subsidies for new vessels and

modernisation programmes but also to add the money unused in 1988. The 1988 events showed EC fishermen and national governments that things could not continue as in the past. The fleet was well overcapacity, the resource was showing signs of overexploitation especially white fish stocks in the North Sea. Just as the Commission's aid freeze had helped the new French minister to act, so were various events, not least the appointment of a new Fisheries Commissioner, to facilitate a tougher approach by the Commission.

BRITTANY AND THE PME

The relationship between the Regional Maritime Affairs and the Fisheries unit at the Regional Council, both located in Rennes, has been, and remains, close and cordial (Sanlaville, 1992; Le Grand, 1992). Thus, when decentralisation transferred some responsibilities to the Council, it was agreed that the Council would contract the Maritime Affairs to carry out the administrative task for it as it was felt unnecessary to duplicate the work. Indeed, the official, who has been in charge of fisheries in the Council these past few years, belongs to the Maritime Affairs corps himself and will return to that administration at the end of his stint with the Council (Le Grand, 1992).

Brittany made the most of the avaibility of grants in the good years. There was a desire to make the best of it while it lasted, so that when lean years came the Breton industry could weather the storm in terms of fleet renewal. As regional officials and industry representatives point out, these arguments were not explicitly developed but, ultimately, were part of the logic that guided the various actors. In the early eighties, the Breton COREMODE limited its intervention to listing the various applications for grants. Some kind of "socio-economic" selection began to operate when requests increased sharply. The COREMODE sought to maintain a geographical balance while at the same time favouring applicants with professional qualifications as well as

first time investors. CRIPA was said to operate its selection along the same lines (Le Pape, 1989:122; Le Grand, 1992). Grant assistance was refused to owners of vessels less than ten years old, built with public aid.

The freezing of EC aid and the introduction of the PME sent shock waves through the whole Breton sector. Brittany, the leading French fishing region, also represented the biggest part of French fishing capacity. However, who was to arbitrate and decide what category of vessels and from what area should or not receive a PME? MAGP was, after all, the responsibility of the centre, not of the regional authorities! It was difficult for the Bretons to accept that their region be penalised because of a problem always perceived to be elsewhere. An official from the Regional Council warned that the PME must not be used as an instrument to bring maritime regions to the same level. Brittany's dynamic position had to be preserved (Legrand, 1988). Ironically, dynamic regions were initially penalised in that they did not have redundant kWs to scrap for new. Thus, in Brittany 77% of the fleet was under 15 years old, two thirds were under ten and one third under five years old. The scheme also triggered intra-regional competition. Thus, Le Guilvinec division argued that, although the Breton fleet had seen its engine power increase by 5.2 per cent between 1983 and 1988, their own quartier had actually undergone a 2.1 per cent contraction. They now expected not to be penalised by the PME.

Managing scarcity

When the COREMODE met to examine requests in May 1989, the Prefect stressed the importance of working within the PME framework. He also pointed out, at the October session, that several fisheries were about to be closed because quotas were almost caught. There were signs of overexploitation that could not be ignored. Participants discussed the new environment to decide on the criteria that should guide the Commission's choice. It was decided that aid should be accorded first and foremost to investors most likely to obtain a PME. Some kWs from the public pool should be

used to allow new investors to enter the profession, according to what sector was in need of renewal, but where PME constraints were preventing it. Finally, no aid would be granted to investors offering to withdraw vessels of 10 years or less which had been built with public assistance (COREMODE, 9/5/1989). The amount of public kWs had not officially been granted, but in informal exchanges between Paris and Rennes a figure had been mentioned. In 1989, 13 applications were selected, including three new investors, all for new trawlers at a cost of 11,620,073FF. and totalling 1,495kWs from the public fund (COREMODE, May, October 1989). The Coopération expressed its concern, feeling that the licences threatened the renewal of the artisanal sector (Benoish, 1989; Vernier, 1993). Indeed, when, in 1989, the EC aid package was announced, which saw the industrial sector receive the lion's share, some described the PME as part of a plot "between the boat owners in the industrial sector, FEOGA (EC structural fund) and the French State" against the artisanal sector seen as the generator of overcapacity (Le Marin, 30/1/1989). The Regional authorities could only argue that it would be "difficult for the Regional Council (to have), in this field, a policy different from that of the State and of the EC" (Kervella, 1989:2). In 1990, 10 requests for construction and 8 for modernisation received aid (COREMODE, May, October, 1990).

While the PME managed to check expansion at the national level, this trend was not registered in Brittany. Indeed, statistics show that power continued to increase by some 6 per cent from 1987 to 1990. However, this increase owed more to loopholes in the Decision, coupled with perverse effects observed earlier, such as reactivating redundant vessels, than to any action by the Regional authorities.

A TOUGHER APPROACH

The Commission produced a report in November 1990 on the CFP and the mid-term review due in 1992 (Commission, 1990). The report stressed, yet again, the problem of overfishing in EC waters. TACs

and quotas had proved insufficient mechanisms to regulate fishing effort. Of the thirty five stocks under study some 90 per cent were threatened. The only answer was a contraction of the EC fleet, which an independent study, estimated to be 40 per cent overcapacity. It was argued, in the 1990 Commission report, that the objectives set in MAGPs had been too modest to deal with the situation. Moreover, only five Member States had met their targets: Denmark, Germany, Ireland, Italy, and Portugal. While France and Spain had registered a small, but insufficient cut in the power of their fleet, Belgium, the UK and Holland had not provided the required information to the Commission. It was obvious that the forthcoming 1992-96 MAGP would be much stricter than the previous two. France had managed to obtain some structural grants in 1989 and 1990. However, in December 1990, the Commission, unhappy with the lack of progress, suspended all aid until it could check the information on the EC vessel register.

This move was part of an overall tougher approach by the Commission. It was now obvious to all that, using an oft repeated expression, "too many boats were chasing too few fish". There were great divergencies: not all stocks were overexploited, not all fleets were overcapacity, not all fisheries suffered from resource scarcity, but overall EC fishing effort was undeniably too great for the available resource. TACs and quotas were being cut every year especially those relating to white fish stocks, first in the North Sea then in the West of Scotland too, and landings were declining. Thus, in France, in the top ten auctions, landings showed a decrease of 3.8 per cent between 1989 and 1990 (Secretariat à la Mer, March 1992). Technical measures, such as larger mesh sizes and the strengthening of controls were also being proposed by the Commission. M. Marin, the Spanish Commissionner, adopted a tough stance towards Member States whom he repeatedly accused of lacking in political will (Financial Times, 29/1/1991).

The Commission, in a well rehearsed process, set the stakes very high, in order to be able to make some concessions to Members while achieving some progress in the ultimate decision.

Drastic action required

As we have seen, the PME had reversed expansion but not to the extent that was required in the objectives. By this time, France had only a year to achieve a 10 per cent reduction in her fleet. Yet, instead of submitting its draft proposals for MAGP III, as she was required by article 3 of regulation 4028/86 France sent a series of "principles for discussion" to the Commission. This decision not to submit proposals for MAGP III was political manoeuvring. France had not met her intermediate targets and the Commission's drastic proposals had to be dampened somewhat. However, the freezing of aid again at the end of 1990 triggered French authorities into action. Negotiations immediately took place between the French fisheries minister and the Commission in December. Again these bilateral discussions revolved around an adjustment between the Commission's figures and those on the French register, as the PME was about to be tightened. France was also anxious to obtain some modifications to regulation 4028/86 in order to adapt the decommissioning provisions to the French fleet and introduce social measures to accompany the scheme. This was achieved in Council with the support of Spain, against the advice of North Sea coastal States. France and Spain had argued in favour of transforming frozen EC aid for modernisation of the fleet into decommissioning funds which could include social programmes.

FRANCE'S RESPONSE: A DECOMMISSIONING SCHEME

The PME had been a step in the right direction, but was insufficient to remedy overcapacity. Some kind of decommisioning scheme would be required to achieve a rapid contraction. France remained one of the few Member States (along with the UK and Ireland) who did not exploit EC funds available for this purpose. This situation corresponded to growing financial difficulties experienced by many vessel owners, along with an acceptance by the industry that the resource was overexploited. The Minister

obtained a budget for his scheme. According to officials in the French Directorate, it took a lot of explaining before the Treasury consented. The sum was divided by the number of kWs to be destroyed to set the unit price. As for the PME, M. Mellick sought the views of the industry through the CCPM. He had, in September 1990, submitted a few proposals to the Committee within the framework of a fisheries plan. The CCPM had sent its response in January 1991. Both the UAPF and Coopération agreed on the need for action, while the CGT and CFDT unions expressed their opposition to a scheme that would lead to the destruction of 'the means of production', a principle which was like that of the licence in 1988, alien to the French industry. M. Mellick presented his programme to the Council of Ministers in March 1991. He explained that overfishing had to be tackled through fleet contraction. It was EC policy and France had to subscribe to that process. The rhetoric of the Minister was strong: "I could have adopted the British way which is to ignore MAGP and consequently do without any community aid. To leave it to nature and ultra-liberalism means that the fisherman disappears at the same time as the resource...The French tradition is not that one, and being faithful to it, I have chosen a policy which contains measures to ensure that the market does not kill the small and allow only the strong to survive" (Secrétariat à la Mer, March 1991), [My translation, M.T.].

His aims would be achieved by adding a social programme to the scheme. The social measures would be funded by the EC and the French Government with a contribution from boat owners in receipt of decommissioning grants.

The Mellick Plan, as it soon became known, was rhetorically ambitious but left many grey areas. Thus, mention is made of stricter controls at sea for all EC vessels, of more power to the POs, but without any more resources or guidance on how these aims are to be achieved. The question of a regionalisation of the MAGP was left till later. Regions, however, were expected to play a role in making decommissioning a success, such as complementing State grants but were, obviously left to decide how best to

achieve this. It is interesting to note that it was the industry which took upon itself to go round regional and departmental authorities to tell them that the scheme could not work without their support. All but one coastal regional council were in the Opposition but they cooperated, except for Languedoc-Roussillon which had operated its own scheme earlier. Also expected to contribute to the success of the scheme were commissions, which were established in every port under the chairmanship of departmental prefects, in order to reinforce the network of social measures. These commissions made up of representatives from most administrative, economic and social institutions related to the fishing industry were given the task of finding solutions tailored to the individual needs of those affected by the decommissioning of vessels.

The instrument

The French decommissioning scheme was more sophisticated than that of the UK in its provisions. Decommissioning grants were made available to vessels over 10 years old, registered in a French port and actively engaged in fishing at the time of the application, or that ended its fishing less than 9 months prior to the request for a grant. To qualify, vessels had to have been active for at least one hundred days during 1990. Rates varied according to the ultimate fate of the vessel, which had to be removed from the register. Moreover, grants were to be greater if boats were decommissioned before 1st January 1992. The short life span of the programme was rather ambitious but necessary if a speedy cut of 100,000kW was to be achieved before the 31st December deadline. Decommissioning aid was made conditional on the financial participation of the recipient towards the cost of the social programme.

Applications for decommissioning grants had to be submitted between 15 April and 1 September 1991 (It was subsequently extended to 30/9/1991 in August).

The French Government was spending 230M French Francs (£23M) on

the scheme. 174MF was to be in decommissioning grants and 56MF to finance the government's social scheme. The cost of the whole programme was to be shared on a fifty-fifty basis between the EC and France.

The minister repeated on several occasions that regions would have to cooperate if the scheme were to succeed. Regional targets, varying according to capacity, were drawn up, but, as the scheme was entirely voluntary, the best way to reach targets was by making conditions as attractive as possible to potential candidates. As a French civil servant put it, "Local authorities did not like the Plan at all, but they played their part and it worked" [My translation MT].

THE MELLICK PLAN AND ITS EFFECTS

After a slow start, the decommissioning scheme was hailed as a success as it had, by December 1991, removed some 949 vessels from the register, representing 85 per cent of the targeted capacity. 94 per cent of all decommissioned vessels were destroyed. 22 vessels were exported to third countries and 33 were transferred to uses other than fishing. Almost 75 per cent of the vessels withdrawn from the fleet were over twenty years old. The bulk of the withdrawals, around 700 vessels, were small units of 9 metres or under. The under 12 metre category showed a contraction of 11.52 per cent from 1990 to 1991. This trend is particularly noticeable in Brittany, the Loire, the Vendée and the Aquitaine regions. A breakdown of financial incentives places Brittany in second place behind the Loire and Vendée regions. and shows the value of the Breton kW to be 2,399F, as compared to 2,558F for the other two. The average price for a kiloWatt came to 2,228 FF, of which state participation was 1,511F (Secretariat à la Mer, 13/3/1992; 11/2/1993).

The scheme had led to the removal of mainly small, old vessels. However, it had attracted owners in economic difficulty. Thus, out of the 949 vessels, 941 claims were registered (there may be more than one per vessel). 283 complete grants went to creditors and

211 partially. The ENIM, the maritime social security fund, was one of the creditors, which shows that many skippers had fallen into arrears with their social contributions. It could be argued, as in the British case, that economic factors would have driven these vessels out of the industry. However, social peace has a price French authorities were willing to pay. The Plan had cost 188.4 MF, of which the French State contributed 120.7MF, the Regions 46.3MF and the Departments 21.4MF. The EC reimbursed almost 70 per cent of the cost. The social plan had cost less than expected. (Information in this paragraph was received from the French Directorate, 1993). The Minister's message was loud and clear: "France was now in a better position to negotiate MAGP III in Brussels and the mid-term review of the CFP" (Secrétariat d'Etat à la Mer, 13/3/1992).

Again, outside events, like the freezing of aid, helped French authorities to tell the industry : "there is no choice" (French Directorate). However, domestic contingencies also helped them. Landings were down, prices, which had compensated the reduced landings for a few years, were falling and many ports were experiencing economic difficulty. The resource and quotas were also shrinking and the price of fuel was up, due to the Gulf war. To encourage the profession to accept the decommissioning scheme the Directorate, again, stressed that no EC aid meant no domestic assistance was allowed. Officials wrote to the Commission to check this point, as they wanted confirmation to add weight to the ominous prospect. The authorities knew that negotiations with the Commission regarding the third structural programme would be difficult and they wanted to be able to influence outcomes.

However, although the Mellick Plan was a means to reach MAGP II's objectives, the drive behind it was not a normative desire to respect a legal obligation. It was a means to several ends. Among these, to be in a better position to negotiate the future programme, to withdraw old units that were keeping capacity artificially high, to tidy up the register of fishing vessels and to offer a way out for those in economic difficulty. It was felt

by most actors concerned at the various levels that those objectives had been met.

SITUATION AT THE PERIPHERY: BRITTANY

Reactions varied from region to region. It was reported that some felt unconcerned by the scheme, others declared their hostility, while yet others declared their desire to cooperate. Brittany was in the last category (Le Marin, 24/5/1991).

Brittany Regional Council accepted the reality of overcapacity in the EC fleet and of the compelling need to reduce it. The authorities also realised that if Brittany were to retain her place among the European leaders, she had to be able to renew her vessels. To achieve this, her industry had to benefit from EC and national grants. Similarly, boatyards could not be allowed to disappear and they were experiencing extreme difficulties after the boom years. Since regions no longer had the power to allocate subsidies for new construction the only way to regain some autonomy was by cooperating with the Government. Political differences existed between regional and governmental administrations, but the analyses of the problem and of its solution roughly converged. Brittany made a deal with Paris and offered assistance within its available budget and, in return, asked to retain its subsidies to buyers of second hand boats and modernisation of existing vessels in order to allow Breton boatyards to weather the crisis. It was also agreed that the Breton Council would contribute an extra 50 per cent of what central government would allocate to owners of decommissioned vessels in the under 25 metre category.

As divergencies were noted between regions, so they manifested themselves between departments in the same region. Thus, while the department of Finistère expected to withdraw some 6000Kw, that of Ille-et-Vilaine expected to destroy only 550Kws. The Côtes d'Armor General Council decided to add 20 per cent of the sum allocated by government. Local authorities were to receive some 70 per cent of the cost of these complementary subsidies back from the European

Community. Reduced grants and lack of available kWs had ensured that in Brittany, as in the rest of France, new construction was reduced to a minimum. The number of vessels dropped from 3540 in 1983 to 2107 in 1991, while power felt slightly from 461,071 to 453,847Kws (CAAM, 1992). This contraction in engine power represented a cut of 1.57 per cent over the eight years, with a sharp contraction of 6.62 per cent achieved between December 1990 and December 1991. These followed the national trends: France's overall catching capacity decreased by 2.77 per cent from December 1983 to December 1991 with a cut of 6.79 per cent from 1990 to 1991. As we saw earlier, Brittany differed from the national trend, however, in 1989 and 1990. In 1989, the increase in national capacity was very slight and represented 1 per cent of the existing fleet or 11,264 KiloWatts. Brittany's fleet grew that same year by 9,884Kws, thus accounting for most of the national inflation. Moreover, in 1990, while France as a whole saw a 2 per cent cut in its fleet, Brittany saw its total engine power increase slightly by 5,068Kws (COREMODE, October 1991; CAAM, 1992). After the Mellick Plan, the overall evolution shows a decrease of 9.6 per cent between 1988 and 1991. There were 404 applications for decommissioning aid, 22 were rejected, 14 withdrawn and 368 accepted. Eighteen vessels were exported, the rest destroyed. 499 jobs were lost - 298 skipper/owners and 201 'employees', but most of them found employment in the maritime sector, again parallelling the national pattern. The Bretons felt their region had played their part in the success of the scheme. Representing 42 per cent of the national power in 1990, Brittany's decommissioned vessels represented 43 per cent of the kWs withdrawn (Durand et al, 1992). The result is that Brittany's remaining fleet is new, modern and highly performant (Le Grand, 1992).

PRELIMINARY CONCLUSIONS

The Hardinian tragedy

The first point to note is that the behaviour of the French administration, local authorities, corporate and individual investors appears to conform to the Hardinian model. In the presence of a common resource, and in a period of good returns from fishing, all behaved like the herdsman without regard for the consequences. Investors wanted to ensure they had access to the resource through the acquisition of a vessel and to maximise production through greater investment.

Subsidies from the Commission were provided in return for a promise to implement certain measures. However, the free rider syndrome is only too apparent here. The goods are taken without contributing to the cost, in this instance fleet contraction. Despite operating under a common policy, the French administration, distrustful of most Member States' willingness to meet their MAGP objectives, felt that the only logical attitude was to make the most of the opportunity of EC subsidies while they lasted. The lack of a national fishing policy meant that competition betwen regions and ports was unavoidable. The nature of the EC legislation did not seem to affect France's choices. Self-interest played a greater part than any normative notion, when painful measures were eventually taken to reduce the French fleet. Being able to to have some influence over the mid-term review, as well as needing to curb the growth of the French fleet for domestic reasons proved, to be the prime movers behind the measures. The suspension of EC aid was an added factor, but also a weapon which the French administration used to push its policies. The industry and the peripheral authorities had little influence over the event. Admittedly, they contributed to overcapacity but given the conditions any other choice would not have made sense.

Implementation of the structural measures in France

The French policy community was stable over the nine years. It was not challenged by other interests regarding structural measures. Pressure on Government from boatyards would be congenial with fishermen's interests in that both had an interest in the maintenance of structural grants. Inputs from the profession were very limited, *ad-hoc* and mainly reactive. The divisions between the two sectors and between the Coopération and the CCPM were exacerbated when aid was suspended and urgent action was required. The industrials blamed expansion on the cooperative sector, which, in turn, criticised the French Governmment's "liberalism in investment to create new companies on the semi-industrial model", easy credit and départements' predilection for backing small vessels (CNCM, 30/11/1990). The French model of concertation is very much in evidence in the policy processes. Told that there was no choice, the sector was then 'consulted', or rather, informed as to what the administration intended to do. The powerlessness of the CCPM was underlined as its prerogatives were used by the administration to set up and operate the PME. While the principles behind the creation of the CCPM were, undeniably, corporatist, the patterns of interaction between the two sets of partners are not so clear cut. The French State retains its independence which, in some cases, is reinforced by its use of EC constraints, as we saw. Similarly, interaction between Government and Industry, while formalised and explicitly mapped out in the case of the CCPM, does not exclude actors who may, or may not, be represented in the CCPM. Indeed, in the case of the Coopération, for example, access is guaranteed because its importance is acknowledged by the French authorities, as is the fact that it was not represented in the organisation set up in 1945. The two decisions that mattered, the PME and the decommissioning scheme, were taken and implemented by the administration. In the processes that led to their setting up, the CCPM certainly played the role of "a buffer between Government and Industry and between Industry and Government" (Rabot, 1993).

A striking characteristic throughout the period is the pragmatism of the authorities involved in the various processes. Backed by rhetorical and normative arguments, decisions were taken as to a course of action, leaving many aspects unformulated and details to be worked out at the implementation level. Such actions fit in with the wider model observed in the field of decentralisation in France.

The psychological evolution which operated in the French industry regarding licensing and the use of public money to contract the fleet is remarkable. It is too early to say, however, whether this change will be permanent or whether it will be seen by fishermen as a temporary aberration in the exploitation of fish stocks.

The analysis of objectives and outcomes will be carried out at the end of the chapter, after an examination of the implementation of MAGP II in the UK.

THE UK MULTIANNUAL GUIDANCE PROGRAMME II

A deteriorating relationship

The mid-Eighties were a prosperous period for the British fleet too. The value of UK production had increased by 50 per cent from 1983 to 1988. The Government decided to approach the second MAGP with the same principles as guided the first. The aim was not only to allow market forces to play their part in the fishing sector, but to increase them (Andrews, 1988:2). Mr Jopling, the Minister of State for Agriculture, Fisheries and Food, was delighted with the new structural measures and the forthcoming control regulation. However, the period covered by the second MAGP was to be characterised by a growing split between Government and the fishing sector. Moreover, the relationship between Brussels and London also progressively deteriorated and, by the end of 1991, the overall climate was strikingly bad. From a favourable structural balance sheet and an economically healthy fishing fleet at the end of the first multiannual programme (MAGP), the UK was

to evolve to a situation of overcapacity, overfishing and overregulation by the end of the second. The United Kingdom's MAGP II will first be examined within its contemporary context, before examining the measures taken to meet MAGP's targets and completing this part with a look at Scotland and an anlysis of the policies and processes.

Modest requirements

The UK was to cut its tonnage by 3 per cent from the 1986 objective of 146,00 Grt to 141,620 in December 1991, and its engine power from 763,515 to 748,245 kWs. However, since tonnage had been slightly over target, and engine power slightly under, the cuts represented an overall contraction of 4.6 per cent and 1.5 per cent respectively. The UK's effort would have to concentrate on cutting back in the 24 metre (80 feet) and over category, where tonnage and power would have to be dramatically cut by around 18 per cent. The smaller category would be maintained at its existing level, and both would be renewed and modernised. In its MAGP II, the UK proposed to encourage "the permanent lay-up of certain vessels" and "control of fishing *activity* in order to avoid overcapacity". Ten per cent of the objectives would have to have been met by the end of 1988, 30 per cent by 1989 and 80 per cent by the end of 1990 (Commission Decision of 11/12/1987; OJEC No L67/24).
Thus, the UK was, along with France, Spain and Portugal, in the group whose fleet required only modest decreases.

UK's implementation of its MAGP II

In order to cut back capacity over the four years, the Government legislated to exclude foreign vessels from its register and gradually tightened its licensing scheme. As EC aid was frozen, the UK ceased, in 1989, to grant aid through Seafish except in a very few cases. As overfishing occured, it sought to impose curbs on *effort* but these measures were, initially, tied to the

allocation of UK quotas and cannot be seen as implementation of MAGP. The Government consistently refused to provide for a second decommissioning scheme and the overall approach resulted in alienating most of Government's partners. The 1983 decommissioning scheme, which was to be effective for a period of three years, was closed in April 1987.

The licensing scheme

The licensing scheme installed in February 1984 was to be revised after a three year period. Three length bands were introduced in April 1987 - 10 to 40 feet, 40 to 80 feet and over 80 feet. Transfer of licences was allowed but was restricted within the various length categories. A consultation paper containing various proposals regarding further restrictions was submitted to the industry in July 1988. It was becoming obvious that the fleet was increasing. The Government was under pressure from the Commission and from the industry to take action to reverse the expansionary trend in the fleet. The UK was following a pattern not dissimilar to that already observed in France. The withdrawal of large distant fishing vessels had allowed for the entry of new smaller vessels without creating a big increase in tonnage and engine power in the first few years. However, by 1987, these withdrawals had more or less ceased while construction, encouraged by the generous quotas and increased grants from the Community, continued to generate more catching power. Various studies were made by SFIA on adjustments to licences and there are indications that research on structural modelling continued. None of these were pursued though because of "unavaibility of necessary data and priority being given to other tasks" (NAO, 1987: 13). Transfers of licences were banned in July 1988, except in cases where transfer did not lead to an increase in tonnage or engine power. In some sections of the fleet licences have been frozen. In this category are seven freezer trawlers, 51 purse seiners and around 170 beam cutters (SFIA, 1992).

Capacity aggregation

The rules regulating the under ten metre vessels were amended in November 1989. Then, in 1990, the Government introduced capacity aggregation which allowed fishermen to acquire licences from other fishermen and either have the combined fishing entitlements exploited on their existing vessel or transferred onto a new acquisition - second hand or new construction. A simple transfer from one vessel to another was not penalised, while a ten per cent penalty was applied to any aggregation. Restrictions regarding transfers between bands were removed. For the industry this move was less an attempt at cutting capacity and more a further step on the way to individual transferable quotas (Allan, 1992). By 1990 licences covered all species and all vessels over 10 metres in length.

The 1988 Merchant Shipping Act

The drafting of this legislative provision was a consensual process, characterised by very close interaction between the authorities and fishermen's representatives. However, it had to be suspended by Parliament, as it was found to contravene EC Law. The aim of this legislation was to expel foreign fishing vessels from the British register. Some Spanish fishing companies whose vessels had been expelled from their traditional grounds had found that they could easily enter their vessels onto the UK register, and, as well as acquiring British boats and licences, operate them from Spain and fish, in British waters, species not exploited by British fishermen (El Pais, 6/7/1989). They legally gained entry on the UK register many before 1983 and the sharing out of quotas (El Pais, 12/2/1989). The UK register is the responsibility of the Minister of Transport and, until recently did not distinguish between merchant marine and fishing vessels. In order to attract merchant navy companies to Britain, the register was open to anyone. This provision allowed Spaniards and others to register in the UK and subsequently to receive an

allocation of national quotas. In 1983, on the register there were 62 Spanish vessels which fished against British quotas but landed in Spain, thus beginning to cause some disquiet (HC, 1983:58). This number increased over the years and pressure grew from the industry to expel those vessels, which became known as 'quota hoppers'. The need to subtract capacity gave the Government the opportunity to introduce a provision in its 1988 Merchant Shipping Act. The register came under Part II of the Merchant Shipping Act which replaced the Sea Fishing Boats (Scotland) Act 1986 and Part IV of the Merchant Shipping Act 1894. All vessels had to re-register or face heavy fines. To be eligible, fishing vessels had to be owned by British citizens resident in the UK. In the case of companies, 75 per cent of shareholders as well as of directors had to be UK citizens. This Bill had the support of the industry as well as that of all parties in the House of Commons (HC, 1989:997). One hundred and fifty vessels were subsequently de-registered (House of Lords, 1992:225). Outraged, Spanish operators appealed against the legislation before a British Court and also to the European Commission. While the European Commission began proceedings against the UK, the High Court in London referred the case to the European Court in Luxembourg. After several appeals and referrals from the Department of Transport and Spanish companies, the Spaniards took their grievance before the House of Lords which ruled that it was for the European Court to decide, effectively suspending the activities of the flag of convenience vessels until the case was heard. On 10 October 1989, the European Court requested that the UK suspend the provision on nationality, while accepting the restrictions on residence. Parliament met on 25 October and duly voted to suspend the offending provision (HC, 1989:993-1015). This interim relief allowed some 53 vessels to regain registration. A preliminary finding by the Court, in March 1991, declared that the Act contravened the Treaty of Rome. This finding was vindicated in July 1991, when the European Court of Justice confirmed that the provision on citizenship was in breach of Article 186 of the Treaty of Rome on freedom of establishment.

2/8/1991). However, the Court declared that the conditions that vessels be controlled and managed from the UK were valid. By October 1991, sixty nine out of the one hundred and fifty vessels which had been suspended had not re-registered (SOAFD, 1991). The other vessels had re-entered the register at various stages of the legal proces.

Both Government and Industry were bitterly disappointed. The fishermen's federation representatives had worked closely with the Department of Transport, MAFF and their lawyers to draw up the legislation and, from all accounts, all parties expected the provision to hold. There were more problems on the way. Independently of the flagship issue, the UK fleet had been increasing in the meantime and, by 1989, tonnage had progressed by 10.5 per cent, while engine power had grown by 6 per cent. These events coincided with drastic cuts in quotas and landings.

Evolution of the UK fleet

Financial assistance for construction and modernisation of vessels continued to be administered by Seafish Authority at a rate of 25 per cent. Grant aid reached a peak in 1988 at £8.5 Million. It declined rapidly thereafter to £5 Million before almost drying up completely in 1990, except for vessels built to replace others accidently lost.

Investment was substantial in the Eighties. Almost a third of investment in England went into the construction of vessels over 80 feet, while, in Scotland, the 50 to 80 feet range accounted for half the total amount. As table 4.9 shows, Scotland's share of SFIA assistance is almost twice that of England's as a whole. As we saw, the Commission and Member States revised their MAGPs, which were adopted in December 1988. At this point, the UK hoped to see capacity substantially cut back through the expulsion of the flag of convenience vessels. The UK was late in forwarding information regarding its fleet to the Commission for a new Community register. The new UK register, that was closed at the end of April 1989 and the subsequent uncertainty due to court

Table 4.9. Investment in the UK from 1981 to 1989 (£ 000)

Size Vessel/ type investment	Total amount		Number		Amount/Project	
	England	Scotland	England	Scotland	England	Scotland
Over 80 ft						
New constr.	4236	440	8	1	530	440
New engine	672	632	11	10	61	63
Other	1628	5566	554	444	3	13
Below 80 ft						
new constr.	7350	23471	159	158	46	149
new engine	2328	2248	304	181	8	12
other	6579	12187	3974	4565	2	3
Total	22793	44544	5010	5359	5	8

Source: Sea Fish Authority, 1992; personal communication.

proceedings by the expelled companies played a part in the delay. However, the Commission and the UK Government agreed on a revised MAGP in August 1991. Hitherto, the UK had declared only the active fleet, as those fully employed in fishing. Using the criteria laid down by the Community, it produced the following figures (table 4.10).

Thus, a few months before the end of MAGP II, the UK's fleet was, on average, 12 per cent overcapacity, both in tonnage and power. Yet, throughout the period, the Government remained deaf to pleas from a wide spectrum of interests for a new decommissioning scheme and an extension of licensing to all vessels. The next part will look at the situation in Scotland before analysing UK's policy and comparing implementation in the two countries.

Table 4.10.

Comparison between the original and revised UK MAGP II

Original MAGP				Revised MAGP		
Objective	Situation	Objective	Situation	Objective	Situation	% diff.
31/12/86	1/1/87	31/12/91	1/1/87	31/12/91	1/1/92	
Tonnage (Grt)						
146,000	148,403	141,620	206,934	193,207	216,913	+12.26
Power (kWs)						
753,515	759,953	748,245	1,155,212	1,095,206	1,219,574	+11.36

Source: SOAFD, 1992.

SCOTLAND: THE TERRITORIAL DIMENSION

As we have seen, the Scottish fleet had been on a downward trend in the number of vessels for a quarter of a century prior to 1983. The effects of the CFP settlement did not make themselves felt during the first few years as the fleet remained stable, in contrast to England and Wales, where it progressed by 20 per cent. However, the trend was to be upturned as the number of vessels began to increase from 2,183 in December 1986 to around 2,364 four years later, representing a progression of 8.5 per cent (SOAFD, 1991). Again, this evolution contrasts with that of England and Wales and, consequently, that of the UK as a whole, as the number of vessels progressed by a modest 1.5 per cent (MAFF, 1990; SOAFD, 1991). Scottish tonnage also increased from 61,300 Grt to 76,100

Grt in 1991, reaching a peak of 78,454 Grt in 1989. In percentage points, tonnage progressed by 28.1 per cent. Instead of the contraction expected in MAGP II, engine capacity, expressed in kWs, shows an ominous annual increase of 3.87 per cent from 316,000 in 1983 to 413,000kWs in December 1990 (Commission, 1992c). Development has been uneven across areas. The number of vessels has gone down in Orkney and Shetland, but their average size has doubled during the same period with there being a marked preference for the over 24 metre vessels. The Western Isles and the West coast of Scotland display a different trend with increases both in number and size. The average Scottish vessel in 1983 had a tonnage of 27.4 Grt for an engine capacity of 142.9 kWs, while its counterpart in 1990 was bigger at 32.1 Grt for a capacity of 174.3 kWs (Commission, 1992c). Thus, the Scottish fleet underwent a growth of 8.5 per cent in numbers, 17 per cent in tonnage and almost 22 per cent in power.

This expansion in catching power could not fail to have an impact on fishing effort, fish stocks and earnings. Thus, a report prepared for the Commission on Scotland and Northern Ireland shows the effects of fleet expansion on productivity.

Table 4.11. Evolution of fleet expansion and productivity in Scotland and Northern Ireland 1983 - 1990.

Year	1983	1984	1985	1986	1987	1988	1989	1990
Landings, £m	189	209	227	250	289	266	264	290
RPI	84	89	94	97	102	107	115	126
Landings'90 £m	281	295	303	323	358	314	289	290
GRT, 000s	71	70	72	74	79	87	94	91
'90 £/GRT	3920	4200	4170	4310	4500	3610	3070	3160
kW, 000s	354	354	368	380	407	443	476	478
'90 £/kW	793	833	826	848	878	708	608	608
No Berths	9340	9280	9230	9280	9600	9770	9960	9550
'90 £000/man	30	31	32	34	37	32	29	30

(Adapted from Commission of the European Communities, 1992c: 41).

This evolution mirrors that of France where earnings were at their best in 1987 and 1988 and have subsequently declined.

Grants were available to Scotland through the same channels as for the rest of the United Kingdom. As table 4.9 shows, Scotlands' share of SFIA's aid was almost twice that granted to England over the 1981 to 1989 period. The Highlands and Islands Development Board helped investors in the islands and on the West coast of Scotland. From its inception to 1989, HIDB had helped almost 900 investors to acquire new or second hand boats or to modernise existing ones, at an average of 37 vessels a year. Islands, District and Regional Councils' support was targeted at infrastructure, such as the upgrading of fish markets or development of ports as in Kinlochbervie and Lochinver in Highland Region. Some contributions are more modest. Thus, the Western Isles Council has never provided grants for new vessels. It offered loans at competitive rates, but only to a maximum of £6,000. Indeed, the Western Isles failed to exploit the opportunities offered in the structural regulations, as the islanders did not feel concerned by the CFP in its early stages. By the end of Eighties, the Community dimension began to manifest itself through quota restrictions in the North Sea forcing more East coast fishermen round to the islands. Soon after the islanders were preparing to exploit EC grant opportunities, the Commission, froze aid for the construction of new vessels (Wemyss and MacLeod, 1991). Understandably, the West coast of Scotland feels that it did not contribute to overcapacity and that, on the contrary, its fleet should be allowed to develop.

As overcapacity and poor recruitment resulted in lower TACs and landings, the Scottish Fishermen's Federation submitted proposals to the Government regarding structures and conservation measures. It recommended a tightening of the licensing rules, technical measures and a decommissioning scheme (SFF, 1988). As the Government chose to control effort through compulsory tie ups, the SFF, with the support of almost all Scottish MPs, coastal Regional and District Councils, the Convention of Scottish Local Authorities, development agencies and Scottish MEPs called for a

decommissioning scheme to allow those in difficulty to leave and relieve pressure on stocks. All the pressure applied through representations, submissions of research etc. came to nothing as the Government refused to install a second scheme. Thus, constant pressure from the Commission, as well as from national and peripheral corporate and individual representatives failed to move the Government.

Political environment: "The Doomsday scenario"

The political and territorial dimensions can help to understand the Government's policy with regard to the measures chosen to implement the multiannual programme in regulation 4028/86. The main problem had been caused by Scottish expansion and the Government's inability to expel flags of convenience once and for all. Fishing is of more importance to Scotland than it is to England and Wales. This aspect was again demonstrated recently, when studies of all EC fishing regions were undertaken for the Commission (Commission, 1992c; 1992d). Territorial politics acquired a high profile in the UK in the Eighties, as Conservative support reached an all time low in Scotland at the general election of June 1987. The Conservatives, whose electoral support had been declining steadily since the 1950s in Scotland, only received 25 per cent of the vote and only ten MPs out of 72. This situation, envisaged before the election, and termed the Doomsday scenario, described a situation wherein the Conservatives would win with a large majority in England but without enough MPs in Scotland to staff the Scottish Office (Jones and Keating, 1987). In the event, the Conservatives lost 11 seats in Scotland, while still achieving a majority of 125 in the UK Parliament. The Government just managed to assemble a ministerial team in Edinburgh. However, as Midwinter et al (1991:96) point out, instead of hindering governmental action in Scotland, this situation actually freed it from back benchers' interference. "In Britain governments are restrained not by the Opposition...but by their own dissident backbenchers, especially

when these have backing in the wider party or groups normally supportive of the Government".

Policy communities and the structural policy

Structures cannot be separated from conservation measures and controls, so this part will be developed more extensively once the empirical examination of the other measures has been completed. However, a characteristic of the fishing policy process is its fragmentation. As we saw earlier, there are two policy communities in Britain: an English community which is made up of MAFF and the NFFO and a Scottish community made up of SOAFD and the SFF. The only actors who communicate between the two are the Scottish fisheries minister and SOAFD civil servants who interact with MAFF. The SFF and the organisations and Councils which called for a decommissioning scheme adressed their demands to the Scottish Office. SOAFD was in favour of a decommissioning scheme too, and fought extremely hard for years to overcome M. Gummer's "personal hostility", as well as that of the Fisheries division in MAFF. As we shall see in Chapter six, SOAFD eventually won the argument. However, the position of the UK fishing sector is seriously undermined by the institutional division which forces the federations to present their 'regional' positions which can be at odds one with the other. Moreover, although the Scots have direct access to MAFF ministers, such contacts are rare since SOAFD is much more accessible and so much more aware of Scottish concerns. The relationship between the English and Scottish Federations is cordial enough but certainly not close. The lack of communication between the two, even at times of crisis, is an indication of the differences and, at times, mistrust, that exist. Despite its direct access to MAFF, the NFFO cannot be said to have wielded more influence over the implementation of MAGPs. The relationship within the English community does not appear to be as close as in its Scottish counterpart. Again, leaders have direct access to ministers, even if only by telephone, but communication is not as easy between MAFF civil servants and fishermen's representatives

as it is in Scotland. Indeed, several past and present NFFO representatives complained of not being able to make contact with MAFF civil servants and, when they eventually did, that they could seldom obtain the information they sought. The two Federations consistently called for a decommissioning scheme, especially towards the end of MAGP II. These calls became increasingly more insistent as the authorities sought to alleviate the *effects* of overcapacity through control of effort. Such a device failed to tackle the root problem, which was overcapacity. One issue on which the policy communities, especially the English, worked closely was that of the provision in the Merchant Shipping Act which sought to expel foreign operators at the end of 1988. By all accounts, the measure was prepared in close collaboration between the various actors. In contrast, numerous letters, documents and communications from the Federations to the Fisheries Departments bear witness to the campaign in favour of an extension of licensing to *all* vessels and a decommissioning scheme. The Government's refusal of a decommissioning scheme was justified in terms of the extra effort that the remaining vessels would put in and which would cancel the benefits of the scheme. UK scientists and Fisheries Departments believed that the best way to ensure effort control was through restricting the number of days at sea. According to SOAFD civil servants, a lot of research was carried out on effort control, as the authorities believed that fishermen would find a way round all technical measures. Thus, with regard to the structural policy, the industry did not wield much influence over the authorities. As we shall see in Chapter six, it is believed, too, that SOAFD's bias in favour of a scheme was due as much to a feeling that Scots ought to be given a chance to obtain compensation to leave the industry just as their English counterparts had had with the first decommissioning scheme.

The transnational policy community could do nothing in this case as the various programmes on offer are based on a partnership between the Commission and Member States. Despite all the pressure applied on the UK, the Government would not relent. There was sympathy for the UK industry in the Commission but, in the event,

it could do nothing.

Outside of the policy communities, the few MPs who were interested and willing to act did not achieve much either, over the 1987 to 1992 period. MP Alick Buchanan-Smith, a former Agriculture and Fisheries minister, who refused a portfolio at the Scottish Office in 1987, fought a lone battle from the back benches against Government fishing measures and in favour of a decommissioning scheme. He was considered "a great asset" by the fishing industry (Allan, 1993). But all the support from the opposition parties and their attacks on Government did not make any difference, vindicating the point made earlier by Midwinter et al (1991).

OVERCAPACITY AND CONFLICT

The main characteristic regarding Structures in the fishing sector, in the UK, in the Eighties, is the complete lack of any policy. There was neither the desire, nor the interest to devise one. The UK responses to EC measures in this area were, consequently, *ad-hoc* and reflected the Government's reticence, both to interfere with the evolution of the fleet and, increasingly towards the end of Mrs Thatcher's time in office, to comply with EC legislation. Mr Curry, the Agriculture and Fisheries minister railed against the principle of MAGPs remarking, "We don't attempt to say how many farmers there should be" (Fishing News, 16/8/1991).

There had been a desire in 1983 to ensure that the UK fleet develop, so that available quotas be fully exploited. The decommissioning scheme was viewed simply as a means of compensation for fishing companies which, through no fault of their own, had seen their fishing opportunities destroyed. Council Regulation 2908/83 and Council Directive 83/515 (EEC) were instruments to achieve these two aims since they provided grants for restructuring and modernisation of the fleet and a decommissioning scheme. Implementing them was, therefore, painless, especially since the process did not involve any conflictual decisions. Things changed, however. MAFF suffered two

humiliating setbacks with the criticisms from the Parliamentary Commission on the one hand, and the suspension of the provision on flags of convenience on the other. Even if it was a matter for the Department of Transport, MAFF was the instigator and the driving force behind the offending article. John Gummer, who was a junior Minister in MAFF at the time, never forgot "the flak" that decommissioning brought him and, as Secretary of State, steadfastly refused to even contemplate a second decommissioning scheme during the life of MAGP II. The nature and extent of the licensing scheme reflect the politics of the Government and its desire to 'let market forces' do their job. The limitations of the industry split in different policy communities is noticeable in that its calls for decommissioning and for a comprehensive licensing scheme were ignored. The role of the Federations was, too, *ad-hoc* and reactive. Sectoral characteristics, already observed in France at all levels are also identifiable in the UK. From the evidence available in Brussels, the UK authorities fought proposed cuts in its fleet just as hard as France and other Member States did. As we have seen, State subsidies were substantial to restructure and modernise the fleet up to 1989. The Scottish Office, too, wanted to attract EC grants to Scottish investors, and was successful at doing so. Local agencies and local authorities sponsored their local fleet, both directly through grants and loans at preferential rates, the provision of infrastructure in the fishing sector and the promotion of fish products.

COMPARING FRANCE'S AND THE UK'S IMPLEMENTATION OF STRUCTURAL REGULATIONS

The analysis of the two MAGPs, covering a period of nine years, shows the importance of time in the assessment of policy outcomes. The perverse effects of implementation choices made by France and the UK did not manifest themselves until several years later. A long term approach also shows the evolution of actors' priorities as conditions change. This is, perhaps, particularly remarkable in the case of the Commission. Once the CFP acquired legitimacy

among EC fishermen, the Commission could focus its energy on forcing Member States to cut back on their fishing capacity. Member States, too, moved from a desire to allow their industry to exploit available opportunities to having to tackle the ensuing overcapacity.

Taking the Community's official aim, as expressed in the Council Regulations on structures, of ensuring controlled and balanced development of the fleet, the outcome of the first two MAGPs can only be seen as having failed. At the end of the second MAGP, several Member States were over target and the third MAGP was installed a year behind schedule, as we shall see in Chapter Six. It is obvious that Member States did not take seriously the content of the two regulations on structure, that they themselves adopted in the Council. Regulations (EEC) 2908/83 and 4028/86 subordinated the allocation of structural grants to the submission of comprehensive development plans. There was no consultation with the industry, nor were efforts made to devise programmes embracing the various resource, market and fleet variables. In the early years, the Commission was too accomodating and allowed Member States to get away with scant information and poor commitment to implementation. The flexibility shown by the Commission in its negotiations with Member States in order to adapt their MAGPs is understandable. However, the various deals that were reached fostered a sense of distrust in all participants. The pervading feeling among Member States' representatives, as well as administrators in DG XIV, was that no figures were reliable and that statistics could only give an approximate picture of the EC fleet. In such a situation, distrust and lack of knowledge of events combine to make defection the most rational choice.

The Commission was more successful with its normative objective of consolidating the regime. The CFP underwent its mid-term review in 1992, and was reconducted for another ten year period without any major problem. Thus, although the Commission did, to some extent, contribute to the expansion in the EC fleet, there were genuine difficulties which cannot be ignored.

The two Member States under study here did not implement the

regulations passed by the Council regarding structures. At no time over the period did France or the UK devise a fishing policy. Consequently the measures that were taken were *ad-hoc* and their likely impact not studied. The MAGPs, as they were devised, were completely inadequate and no effort was made to respect the objectives set out therein. Like the Industry, peripheral authorities had no input in the structural policy. Each coastal authority sought to promote its fishing sector and, in the absence of a centrally devised policy, this was the only rational choice. It must be remembered that the allocation of subsidies was operated within guidelines set by the Community.

An interesting feature is the contrast between the UK and France regarding the relationship between their centre and their periphery. In the UK, the ministerial team in the Scottish Office always belongs to the same party as that in Government. In France, the Breton Regional Council belonged to the Opposition. Yet, in fisheries, the divergences between MAFF in London and SOAFD in Edinburgh were deeper and more bitter than those between the Socialist Government and the Breton Council. According to MAFF and SOAFD civil servants, delays and inertia were, on many issues, due to conflict between the two departments. SOAFD aggregated Scottish interests and defended them against the Government's general policy of market forces and increased regulations.

Despite the differences in the pattern of interest representation in the two Member States, decisions regarding structures were made by the two administrations without any significant input by anybody else. The EC dimension was used to justify government's choice, whatever it happened to be. (This will be more obvious in the case of the UK in the following chapters.) Policy styles were undeniably different. The rhetoric in France contrasted starkly with the liberal approach of the UK Conservative government. However, differences were more of style than substance. Both Member States encouraged their fishing sector to exploit opportunities, both ignored the consequences of overcapacity. When measures were taken, the differences between the pluralist and the corporatist modes of interest representation resulted in the same

objectives, instruments and outcomes.

The behaviour of the two States, in the transnational arena, displays a similar lack of commitment to using the structural policy as an instrument of fleet control. Neither Member State appeared to act out of a sense of legal duty. There is a singular lack of normative urgency to implement structural measures. Both chose only the opportunities on offer, and ignored the constraints. Indifference, the genuine complexity of matching fleet to projected available resource and the lack of political and economic saliency of the catching sector explain implementation choices in the Member States. When action is taken it is because the legislation suits the national government's interests, as in the case of the UK's 1983-1987 decommissioning scheme, or because the cost of inertia has become too high, as in France when the Commission suspended structural aid. The respective traditional approaches influenced the differences observed in styles and rhetoric more than politics could. While both converge on similar outcomes, the British reluctance to plan fleet development predates the New Right concept of market forces. Choices of instrument were similar in both countries: licensing and decommissioning. Although the two decommissioning programmes attracted vessels from opposite ends of the spectrum, they only helped withdraw vessels which, in all probability, would have left the fishing register anyway. Redundancy of the larger vessels in Britain and economic difficulties of the smallest units in France would, sooner or later, have forced them out of the industry. The impact of their removal from the sector is doubtful. Both licensing schemes showed the difficulty of devising comprehensive policies, as every loophole was quickly exploited. Licensing immediatly puts a value on a vessel as the guarantor of access to the resource. Speculation cannot be avoided. There were differences of degree between the two licensing schemes which, again, were attributable to tradition more than to politics. Not surprisingly, outcomes were similar. Implementation choices led to similar patterns of fleet expansion. Measures were taken in the late Eighties and early Nineties in an effort to remedy some

of the perverse effects of overcapacity and some differences can be observed in the measures chosen by the two Member States. These will be studied in the following chapters.

Finally, the contradiction between the allocation of national quotas and the principle of freedom of establishment, which allows fishermen from any EC Member State to catch quotas from other EC countries, was exposed in the Merchant Shipping Act debacle. How can fishing be viewed as an instrument of development for the peripheries, when the majority of artisanal operators have no protection against powerful companies buying up licences and fishing quotas? The Commission has failed to tackle such problems. Further investigation in the following chapters will help understand its reasons.

CHAPTER 5

THE CONSERVATION AND CONTROL POLICIES

The main instruments in the Conservation policy are the setting of total allowable catches (TACs) for the Community fleet, the sharing of TACs as national quotas, technical measures that regulate inputs and outputs and, last but not least, controls. These measures involve separate legislation and a number of processes at national level. In order to examine the implementation of the various strands of the Conservation policy, this chapter will be organised in two parts: first, management of quotas, as the most important instrument in the conservation policy, will be examined, since it requires a framework of allocation and monitoring of quota uptake. The second section will look at the way the two Member States meet their enforcement duties in general.

CONSERVATION REGULATIONS

The various stages of the process that lead to the setting of EC TACs and quotas were examined in Chapter two. The main characteristic of this process is the 'horse trading' that takes place between the Commission and Member States in the Council meeting every year at the end of December. Described as 'marathon'

meetings, discussions take place around a few additional tons of cod or sole, despite the fact that the Commission's recommendations are based on scientific advice, as legally required by Regulation 170/83. (Accounts of those meetings are well reported in the trade press, as each minister seeks to stress the uncompromising stand he took to get as big a share as possible). The Director of a former Fisheries Commissioners' cabinet, who had already been at the Commission for some time, spoke of his shock as he attended his first meeting on TACs and quotas. As he put it, "Ministers behaved like union representatives fighting management" [My translation, M.T.] (Interview, Brussels, February, 1993). A DG XIV official was more cynical: "For some fisheries ministers, this is the only opportunity they have to be seen to be doing something for their industry" [My translation, M.T.]. From all accounts, decisions on the level of catches for the following year exhibit all the characteristics of intergovernmental policy making, and, here, of Hardin's 'rational' herdsman who wants to maximise his profits without any regard for the resource base. The Commission has devised ways of fighting back, by presenting the various proposals as a package , something which is more difficult for Member States to reject. Once TACs and quotas have been agreed Member States have to ensure that they are respected.

Article 5.2 of Regulation 170/83 stipulates, "Member States shall determine, in accordance with the applicable Community provisions, the detailed rules for the utilisation of the quotas allocated to them". These rules "shall be adopted ...,if necessary in accordance with the procedure laid down in Article 14". This procedure here is exactly the same as the one laid down for the adoption of MAGPs by the relevant Management Committee - in this case, the Resources Committee. However, Member States have ignored article 5.2 and have never submitted any management rules to be approved, or otherwise, to the Commission. In Regulation 2057/82, article 9.2 requested that information regarding the uptake of quotas be sent to the Commission by the fifteenth of every month. To assist Member States in their tasks, skippers had to register

their catches in logbooks, to be collected by national authorities (Regulation (EEC) 2807/83). This measure came into force on first April 1985 for all vessels over ten metres in length, and whose fishing activities exceeded twenty four hours. Thus, Member States had to devise rules to give themselves the means to monitor the uptake of quotas by their fishing industries, in order to be able to take measures before overfishing occured and to close a fishery when the quota for a specific stock had been exhausted. Such a process generally involves the devising of an allocation key to share national quotas between producers, a monitoring system of landings, backed by a compilation scheme that can show the national uptake for every stock under quota. Information must subsequently be forwarded to Brussels as DG XIV monitors all landings by Community vessels. Finally, legal provisions must be provided for infringements regarding over quota landings, as well as to allow Member States to close fisheries. In short, Member States need to install a management framework which identifies the various actors and processes. The potential for conflict must be recognised. A quota is "not only a quantity of fish , it is above all a potential revenue for the producer" (Jagot, 1992). Quota allocation represents direct economic intervention influencing the activities and the potential gain of producers which, in turn, determines their economic survival.

A COMMON EUROPEAN STRUCTURE: PRODUCERS' ORGANISATIONS

France and the UK have developed different quota management patterns. They do, however, share a common structure in Producers' Organisations (POs), which can play an important role in organising and monitoring quota uptake. The potential and the weaknesses of the POs' role will be described first, before examining quota management in France and the UK. The establishment of a common market in fishery products was one of the first concerns of the Community while setting up the initial common fisheries policy. Council Regulation (EEC) No 2142/70 of 20 October 1970, replaced and amended several times, before being

finally replaced by Council Regulation (EEC) No 3687/91 (OJEC, No 1354, 23/12/1991), set up the framework for common standards and regulations in the marketing of fish. Producers can organise themselves to take measures to optimise the returns on their production. Standardisation of products and harmonisation between production and market demands are among the measures that these organisations can take. Membership of POs is voluntary and each PO, on condition that it receives formal recognition by the Member State in which it operates, can organise its operations according to the needs of its members. A Community measure that helps protect the interests of producers is the establishment of minimum prices for a variety of fish stocks. When market prices fall below the agreed minimum price, fish can be withdrawn from public auctions and POs can receive subsidies from the Community through the European Agriculture Guidance and Guarantee Fund (FEOGA). Indeed, FEOGA also provides funds for further programmes such as carry-over premiums and special carry-over premiums. The former are granted to POs to allow them to process or stock withdrawn fish products in order to put them back on the market when there is a demand. Special carry-over premiums relate to aid with Mediterranean anchovies and sardines. The first of these three schemes, which provides compensation for withdrawals, is the most important as it represented 94% of FEOGA's budget for interventions in the fishery sector in 1984 (Court of Auditors, 1985:C339/2:5).

Since producers, in the case of the most important stocks, operate within the constraints of TACs and national quotas, POs are seen as an important element, with a key role to play between the resource and its management. They are expected to prepare fishing plans to ensure that production is carried out along rational lines by their members, and also to determine the marketing conditions of their catches. The devising of fishing plans is severely hampered by a number of factors such as weather, availability of stocks and, a factor which cannot be ignored, by resistance by producers to being told what to catch (Gordon, 1993). Naturally, these activities should take place within the

regulations installed by the Community. However, an investigation carried out by the European Court of Auditors found that POs did not always operate within, or promote, EC regulations. Indeed, great variations were observed from PO to PO. The Court noted a number of problems. The voluntary nature of PO membership results in non-organised producers who, while benefitting from restrictions on PO members and minimum prices, often cancel out the beneficial effects of discipline among organised producers (Court of Auditors, 1985: 10). Weaknesses were also detected in POs. It was found that some represented little more than a simple structure with hardly any staff, which had been established only to ensure that subsidies be obtained from FEOGA, as their members were already well organised in various other structures. This was the case in some Scottish ports, for example (Court of Auditors, 1985: 11). Moreover, some operations were carried out in breach of EC regulations regarding the disposal of withdrawn fish, minimum prices, the provision of clear information on individual prices etc. The Court also noted that POs failed to exploit Community intervention programmes to the full.

Some of the problems noted by the Court in 1984 are as acute today. Thus, despite the availability of Article 7 in Council Regulation (EEC) No3687/91, the extension of discipline remains as elusive as ever. This article empowers Member States, under some circumstances, to compel non-PO members to comply with the measures imposed by POs on their members. However, the conditions are so tough that POs rarely attempt to request its application. The contradiction in principle between voluntary membership of a PO and forced compliance for non-members makes its application difficult, if not impossible. As one PO director pointed out, currently, there is no legal provision in the CFP to enforce the regulation on the extension of discipline at the level of catches. Its potential use is restricted to the marketing stage. But the complexity and length of the procedure cancel whatever potential it possesses (FEP, February, 1992: 11; Jagot, 1992). Moreover, problems can also emerge if more than one PO covers the same port (Jagot, 1992; Jentoft, 1989: 142). In the UK,

the Government refuses to enforce any extension of discipline and justifies its position in terms of market forces (Gordon, 1993). Although they stem from EC legislation, the responsibility for ensuring that POs operate responsibly legally lies with Member States, as stated in Regulation (EEC) No 105/76. The control that Member States' authorities exert over POs' activities varies according to many criteria. A crucial variable will be the importance the Member State attaches to the proper management of quotas.

QUOTA MANAGEMENT IN FRANCE

France was as reticent to respond to conservation measures as she was with the structural policy, only beginning to take action in the late Eighties, when the political cost of inertia became too heavy. France's approach to management will be studied before looking at the processes initiated by the French Government and analysing them.

Jurisdictional and institutional muddle

The interprofessional structure created by the 1945 Ordinance to regulate social and economic aspects of the industry already provided for a degree of management of fish production. The interprofessional committees for specific stocks (ICs) were given regulatory powers to govern the exploitation and marketing of their stocks at the national level. Eighteen committees were created, though their activities vary greatly from committee to committee, depending not only on the nature of the stocks, but also the seasons etc. However, their economic prerogatives clash with those of the more recently created POs and with the community philosophy that wished them voluntary organisations (Hennequin, 1989: 13). ICs were given the authority to:

- fix dates of opening and closure of fishing activities,
- determine the number of vessels admitted to prosecute fisheries and their days at sea,

- determine and guarantee minimum criteria of quality,
- create, either on their own or in cooperation with other professional groups, collective organisations to facilitate production and ensure the best marketing conditions of fish products (Art. 8 of 14/8/1945 Ordinance).

As Le Bihan (1981:44) points out, the prerogatives attributed to the POs by article 5 of Council regulation 100/76 are expressed in the same terms as article 8 of the 1945 Ordinance. Consequently, the French interprofessional committees should have withered away. French authorities made a restrictive analysis of the role of POs and decided that their tasks should be confined to providing funds to support prices, to establishing norms and to intervening only at the first stage of marketing activities. As a result, interprofessional committees remained intact. This double structure was bound to lead to problems and the lack of jurisdictional clarity, both at EC and French levels, did nothing to rescue POs caught in the institutional web. Le Bihan (1981:44-7) made a study of the creation and demise of an artisanal PO which highlights this phenomenon.

Consequences of overlapping responsibilities

The Bay of Saint Brieuc in Brittany is famous for its production of scallops. In the 1970s, exploitation of this resource was not regulated by the Interprofessional Committee on Shellfish (CRUSCO), nor was the marketing organised. The local Chamber of Commerce, which has the regulatory power to force producers to register their landings at a single auction, felt that scallop production was too low to warrant such a move. Producers, organised in a number of cooperatives, decided to set up a PO (UNICONOR) with the support of CRUSCO, the Saint Brieuc CLPM (PO members, however, were covered by three CLPMs) and had even reached an agreement with local fish merchants, carriers, freezers and processors. There were, also, some factors militating against the success of the enterprise, most important of all, some legal aspects stemming from France's interpretation of EC legislation.

Thus, when the new PO asked for a single landing market, thereby using the provisions in EC regulation on the extension of discipline to non-members, authorities did nothing to encourage CLPMs to request the local Chamber of Commerce to organise such a move. UNICONOR could not achieve it by itself. Administrative difficulties continued at the next stage, as the PO decided to buy and stock members' unsold scallops by returning them to a specific area in the sea in order to retrieve them later. It was refused permission to do so. Finally, despite numerous requests from UNICONOR, the authorities declined to extend discipline that would have required non-PO members to adhere to the organisation's rules regarding scallop production. The authorities argued that, in order to apply the rule, UNICONOR needed to be representative, and with a membership of around 60% of all scallop producers, it failed to fulfil that condition. Similarly, it had ,the support of only one out of the three CLPMs. Not surprisingly these difficulties soon led to the demise of the PO in 1976 and its liquidation two years later.

Yet, the French Administration, which had done nothing to support UNICONOR's efforts, later decided to use the provisions in the 1945 Ordinance to coordinate support from all the local CLPMs to ensure that scallops went through public auctions established by the Chamber of Commerce, so that landings could be monitored. Thus, we see that EC legislation could not be made to work due largely to national legislation (Le Bihan, 1981:47). The problems encountered by this PO illustrate the tensions and contradictions that stem from competing structures, compounded by an unhelpful administration that intervenes only when there is no alternative.

A strong network of POs

Despite these difficulties, POs are well established in France. The Fund for Intervention and Organisation of Markets for Sea Fish and Mariculture (FIOM), created by the Government in 1975, has played a crucial role in optimising market conditions for sea products. One of the tasks the FIOM undertook, from 1981, was to

participate financially in the costs of fish withdrawals and storage from the market by French POs. The Commission accused France of violating Article 92 on national aid and of causing distortions by subsidising her POs. France defended her actions by arguing that EC subsidies had been entirely directed at artisanal POs, which deal mainly with species for which there was no funding from FEOGA, but were of prime importance to some French regions. The Commission rejected France's explanation and by a decision of 9 October 1985, requested that that particular support be ended. As an MEP remarked "In the meantime...the aid had been paid for five years and could not be refunded" (Battersby, 4/11/1986:14). The autonomous system of support remained, but without aid from the FIOM. The artisanal sector felt aggrieved, as the stocks for which withdrawal grants could be obtained were mainly caught by the industrial sector. The National Association of Producers Organisations (ANOP), helped by the European Parliament, asked for an extension of Community support to species caught by the artisanal sector. In France artisanal landings represent some 50% of the weight and 60% of the value.

QUOTA ALLOCATION AND MONITORING

Artisanal and industrial cleavage

The cleavage between the industrial and the artisanal sectors can be observed in the sphere of quotas and their management, too. Two broad observations may be made here: artisanal fisheries are predominantly made up of finer species and are almost exclusively destined for human consumption. Their value means that, in the case of withdrawals, destruction is costly and, that stocking until the market is more favourable is an attractive alternative, which has led many artisanal POs to set up processing and marketing cooperatives to do just that. Another important aspect is the monitoring of quota uptake which is much easier in the industrial sector with larger vessels, fewer in number, and a handful of landing ports than in the case of the artisanal

vessels, many of which land daily, and whose production does not necessarily go through any fish markets. Additionally, when quotas were introduced, they affected only industrial vessels. Under NEAFC, nothing was done. The setting up of quotas for 26 stocks by the EC took the French industry by surprise. Only the industrial sector was concerned and fishing plans were devised for two of those stocks: herring and saithe, and quotas divided between two industrial POs - FROM NORD and FROM BRETAGNE, whose members had track records. The remainder was divided between regions and ports based on landing records of 1976 and 1977. It was felt that the industrial sector was more vulnerable to quotas than the artisanal sector for two reasons. The quotas allocated to the latter were, generally, higher than traditional landings. Additionally, artisanal vessels were multipurpose and could easily switch fisheries. However, it was predicted that, because of the number and geographical distribution of artisanal vessels, the extension of quotas could present problems (Commission, 1980:92). Very little was done for several years, but as catches and quotas shrank, and pressure from the Commission increased, along with calls from the industrial sector for action by the French Government, decisions had to be made. The strains occasioned by the installation of the PME and growing economic problems led to increased tension between the two sectors and resulted in a break up in the ANOP, which grouped all POs in France. Up till January 1989, POs from both sectors (around twenty) belonged to the same federation, the ANOP, which had been set up in 1975 and officially recognised as representative at the national level in 1976 (La Pêche Maritime, 20/10/1976). However, the Coopération decided to help set up a federation of artisanal POs, arguing that ANOP had neglected artisans in favour of industrial vessels. Gradually, artisanal POs left ANOP to join the new federation FEDOPA (Federation of artisanal producers' organisations). This move compounded the divisions between the two sectors and it took almost two years before the two federations

met to discuss withdrawal prices for regional stocks (Le Marin, 21/12/1990).

A revolution in French fisheries

Divisions in the industry are constantly used by governments to justify inertia or unpopular measures. When France felt she had no choice but to find some management scheme, she sought, as with the structural policy, to hive off the problem to the industry. An enabling law had been passed in 1985 to set French fisheries in the EC framework. Law No 85-542 stipulated, "Sea fisheries operate in accordance with the regulations of the European Economic Community and notably those relating to the resource conservation and management regime" (Art.3; 22/5/1985), [My translation, M.T]. But it was not until 1991 that the French Government published the decree that established the rules requested by article 5.2 of regulation 170/83!
Yet, the fact that a scheme of quota allocation is evolving is viewed by the French authorities as a revolution in the industry, and great progress in itself. Whether legislation can reverse years of inertia is another problem, as we shall see.

Compilation of data

Tradition, institutional arrangements and divisions in the catching sector militated in favour of inertia or limited State engagement. As we have seen, initially no specific framework was devised to ensure a step by step recording of catches. A few industrial stocks such as saithe and herring were, however, shared between POs (Court of Auditors, 1985:16). Regional Maritime Affairs centres collected the information they received and forwarded it to Paris, which kept a national register and, in turn, sent data to Brussels. However, the system only provided a partial picture of landings as there were no systematic inspections to check if landings corresponded to declarations. Many transactions, therefore, went totally unrecorded. From the

start, France experienced problems in forwarding information to the Commission within the required timescale (Eurofish Report, 14/7/1982). Indeed France's record shows a curve that differs from those of other Member States'. Instead of decreasing over the years, delays grew longer to such an extent - from 12 days in 1987 to 37 in 1990 - that the Commission decided to initiate infringement proceedings against France on 31 January 1990 (see Table 5.1). The setting up of a central register at the CAAM (Maritime Affairs Administrative Centre) in Saint Malo, with the back up of up-to-date technology in the late 1980s-early 1990s has helped to improve transmission as the delay had been reduced by two thirds to 13 days in 1991. The information provided by the CAAM on the procedure for the transmitting of data to its officers from fish markets, CLPMs, Regional Statistical Centres and other sources is impressive (CAAM, 1992). However, systematic recording still leaves a lot to be desired. Moreover, the Inspectorate in the Commission remains suspicious of the fact that France's landing figures are too rounded, too close to the permitted quotas not to suspect that they continue to be 'massaged'.

While France failed to take any initiative to ensure proper management of her quotas for several years, pressure was building up both at the domestic and EC levels for decisive action.

Pressure against inertia at the national level

Industrial POs which recorded their members' landings felt that the artisanal sector was guilty of not heeding regulations on quotas. As the ANOP's general secretary, M. Foucaud, put it, "One of the factors revealed in 1986 was that for some artisanal fishermen, up to now, quotas have represented no more than a word" (La Pêche Maritime, April 1987). He urged professionals to understand the importance of quotas, both to respect Community regulations and to ensure that catches were recorded to permit the establishment of historical records for when new stocks were put under quotas. Two years later, the industrial sector was

reiterating its criticisms, arguing that the artisans were still ignoring quotas (Le Marin, 22/7/1988). Exchanges between industrial POs and the Fisheries Directorate over the period also echo such criticisms and even extend them to the French authorities for taking so long with legislation. Moreover, while acknowledging official efforts at harmonising market norms, M. Foucaud regretted the tendency to forget "the weighing", the recording of landings, a crucial element in the clarity of the system. The Fisheries minister accepted that France would have to "learn to manage quotas" (Le Marin, 22/7/1988). However, Government and Industry had different concepts as to who should take the responsibility for allocating and managing France's share. Letters written by organisation leaders clearly indicate that they view it as the role of the State. For the authorities, however, it was up to the industry to find an agreement and to respect it. There were also recriminations among POs, as some were more scrupulous than others in recording and sending data to the authorities. Naturally, official statistics suffered.

EC pressure

This situation displeased the Commission which, in its 1986 report on the implementation of the CFP, deplored France's record (Commission, 1986a). That same year France overfished her quotas in several stocks: cod, saithe, whiting, mackerel and rascasse (Ouest France, 6/7/1989). The Commission applied pressure on France to produce decrees that would allow the implementation of its 1985 law, that adapted French legislation to the CFP. The following year, Denmark was penalised for overfishing its sandeel and pout quotas. For the first time, the Commission used the authority it had received the previous year, from a regulation, adopted by the 12 ministers in order to improve control measures, to take part of Denmark's herring quota and to give it to the British who, it argued, had been penalised by Danish overfishing. In July 1989, the Commission began proceedings to pursue France before the European Court of Justice for overfishing in 1986.

France's catches were only marginally over quota - of the order of 0.8% - however, the Commission felt that it was not so much quantity that mattered in this instance, as the behaviour of the French authorities, who had failed to act to prevent overfishing (Eurofish Report, 6/7/1989:BB9-10). Britain and the Netherlands were also facing legal proceedings for overfishing in 1985, 1986 and 1987 for the former and from 1983 to 1985 for the latter (Eurofish Report 6/7/1989:BB9-10; 16/2/1989:BB4).

Competing for a shrinking resource

Other developments were also adding pressure. Overcapacity and the concomitant overfishing were leading to ever increasing competition between users for a resource that was declining. TACs and quotas were being lowered to reflect that reality. After the boom years, many skippers were finding it difficult to repay their loans and wanted as big a share of the resource as they could get. There was great competition in France for sole, and when the quota was exhausted, the Commission closed the fishery early. The Administration was forced to install some kind of scheme. According to the authorities, the main stumbling block was the extent of division in the industry as to how the resource should be allocated, as well as to who should manage quota uptake. However, the National Committee for the Management of Quotas, which is made up of civil servants, PO and CCPM representatives and, since 1987, Ifremer scientists, met to attempt a first allocation in 1988. Two criteria were adopted, the one geographical, the other 'professional family' or sector. As a higher civil servant pointed out, this development represented a rather important innovation in French fisheries as it went against a number of traditional ideas regarding quantitative limitations on the freedom of fishing. The first meeting was informal and began with pressure stocks - cod, herring, saithe and sole - and sensitive zones, where competition was particularly rife between professionals. Allocation and monitoring did not really improve

that year but, it was felt that it was a first step in the right direction and that it was quite significant in itself.

1989: not a success

The following year allocation varied from stock to stock. The allocation and recording of catches which caused most problems that year was that of sole. Sole represents the major stock in French fisheries in terms of value (tropical tuna excepted) (FEP, No 368). A meeting took place on 28 February, and after bitter discussions, the quota was divided between ports. Under-reporting and/or lack of recording of previous catches were now creating problems for those who had been careless and wanted more than the allocation their track record would give them. Similarly, netters, whose fishing gear had been particularly performant in the previous two years, wanted a greater quota than their historical record would provide (Ouest France, 22-3/07/1989). Technical measures were attached to the exploitation of the sole stock to attempt a rational uptake (Le Marin, 3/3/1989). Yet, by mid-May, half the national quota had already been caught and there was growing uncertainty as to what should be done about it (Ouest France, 18/5/1989). At a meeting organised by the CCPM and attended by representatives from CLPMs, POs and the Coopération, participants blamed each other and the Administration. The problems encountered in recording catches were also criticised, as it was taking two to three months to compile landing figures (Ouest France, 30/5/1989). There was uncertainty, too, regarding penalties for over-quota fishing, as no decree had yet been produced. However, it was realised that CLPMs had been given regulatory powers to sanction such infringements (Ouest France, 1/6/1989). The record was patchy from region to region, as some were able to share their quota between ports, while others failed to reach an agreement (Ouest France, 9/6/1989). By mid-September, it was obvious that the sole quota would be exhausted before the end of the year (Ouest France, 16-7/9/1989). Soon after, the French Fisheries Directorate ordered some CLPMs to close the

fishery under their jurisdiction. Some obeyed, while others contested the decision (Ouest France, 27/9/1989; 29/9/1989; 30/9/1989). There were talks of imminent closure of the national fishery for weeks when, at the last minute, a quota swop was made with the UK (Le Télégramme, 12/10/1989). The system had not worked. Many POs failed to send information to the authorities regarding their members' landings and the authorities did nothing.

Whiting and Cod

The two stocks were shared between the Channel and the Atlantic coasts first, then between ports according to the 1985-88 track records. Channel quotas were caught by October - and this despite a small increase in cod allowed by the Commission in July, because scientific reports on the stock, in that zone, were "cautiously positive" (Eurofish Report, 20/7/1989:BB4). For the industry, this was a purely political decision. It just proved that scientists had made mistakes in their initial assessments, and that the Commission was embarrassed by the obvious abundance of Channel cod. France received an extra 530 tonnes on top of its 1989 quota of 18,270t. The problems encountered with sole were repeated with cod and whiting. The French Administration acknowledged that quotas had been overfished, but professionals contested this. Some POs forwarded landing data, others did not. Some POs used their records to show the Administration that its calculations were wrong. Again, there were weeks of recriminations and warnings of imminent closure of the cod fishery. However, it was not officially closed until 9 December by the Commission. The whiting fishery was closed on 14 December. Despite the closure, at least one PO advised its members to carry on fishing, since it had not caught its quota (Ouest France, 15/12/1989).

From paternalism to self-responsibility?

Again, quota management had been conflictual and had led to confusion, and, admittedly overfishing had occurred. The various

actors blamed each other for the problems. The Administration argued that as the allocation had, initially, been accepted by all parties, it was "the industry's responsibility to ensure that quotas be respected" (Ouest France, 12/10/1989; Le Marin, 13/10/1989). Fisheries Minister, M. Mellick's intervention did not help clear the confusion. He declared himself opposed to "authoritarian closure" in case of overfishing, because, according to him, that was the best way "to create anti-Europeans". He argued that, "Everyone must face up to his own responsibility. The spirit of the Colbert era is over" (Le Marin, 20/10/1989). However, for the industry the Government was merely discharging its responsibility onto producers. As one of them put it, "The State must give itself the means to arbitrate and the rules of the game will be applied" (Ouest France, 19/10/1989). The authorities declared that the State would arbitrate, but that its intervention in itself would be an indication that the industry had failed (Le Marin, 26/5/1991). Mentalities were, perhaps, evolving as the authorities were hoping, but it was proving a slow and conflictual process. Delays in sending monthly landing reports to Brussels were growing longer, to the Commission's increasing irritation. The French authorities were left in no doubt that they could not indefinitely delay complementary legislation in the domain of quota management and were making some changes in the recording of landings.

Legislation alone not enough

A decree was finally produced in January 1990, to give the Fisheries Minister the power "through an 'arrêté', to fix the total levels of authorised catches by stocks or groups of stocks..." (Decree No 90-94 of 25/1/1990; JORF, 27/1/1990: 1154). This decree had its legal source in the May 1985 Law No 85-542. In 1991, the Minister entered the allocation of quotas for that year in the legal domain by an arrêté dated 18 June 1991. Not all quotas were involved, only those relating to pressure stocks such as cod, herring, mackerel, saithe, skate, sole and whiting (Arrêté

of 18 June 1991, (JORF, 4/7/1991:8717-8722). Again, allocation varied from stock to stock with regional distribution being complemented by a further sharing between POs and non-sector vessels as with sole, for example. In the case of pelagic stocks like herring and mackerel, quotas are divided between industrial POs or companies and the artisanal sector, with the former taking the lion's share, of course. Management of these two stocks has traditionally posed fewer difficulties than artisanal stocks. Herring and mackerel fisheries are mainly carried out by a restricted fleet, which is geographically concentrated and financially powerful. Quotas are divided early in January, with the help of the Interprofessional Committees from the CCPM. This also applies to cod in Norwegian waters. The French Fisheries Directorate follows up, day by day, the evolution of catches, as vessels report their catches and the Department orders the fishing to be stopped once quotas have been taken. Problems can still arise nonetheless. Thus, the Commission pursued France in the Court of Justice for failing to prevent overfishing in 1986 of by-catch stocks in Norwegian waters and of redfish in Faroese waters (OJEC, No C50/10, 31/1/1991).

Political and technical overfishing

The French authorities make a distinction between 'accidental' overfishing, which they reckon occurs with around 5 stocks towards the end of the year, and 'political' overfishing, which they see as inevitable, because France disagrees with the allocation of some quotas, for example anchovies in zone VIII. In the 1986 Act of Accession, Spain received 90% of the TAC and the remaining 10% were allocated to the French. This imbalance has been a source of conflict ever since. The French claim that they could catch their quota several times over while Spain, officially, does not reach hers. (Commission officials are convinced, however, that the Spaniards, too, overshot their quota in 1992). Spanish fishermen, on the other hand, are determined to retain the allocation formula and call on the Commission to close the fishery to the

French as soon as they have reached their quota. This represents an economic problem, of course. It is compounded by its political nature. The French have never accepted the settlement as legitimate. Moreover, they disagree with the precautionary TAC that has been set. Consequently authorities see little harm in their fishermen exploiting a resource which is not under biological threat and which their Spanish neighbours cannot exploit to the full. Thus, in 1991, out of a quota of 3,000 tonnes, the French could have landed as much as 12,000 tonnes! In 1992, the Commission closed the fishery on 15 April. After waiting two weeks for the French and Spanish authorities to find a compromise, which they failed to do, some POs ignored the closure and went back to fishing anchovies. In all probability, French fishermen had reached their quota by the end of February (Secrétariat à la Mer, 1992). The problem was compounded when fishermen from the Vendée region, seeking alternatives, added their fishing effort to that of the Basque fishermen. For the French, it is legitimate for fishermen experiencing hardship to seek relief by fishing healthy stocks. "In 1992 it helped the fleet. We try to compromise with fishermen. We explain that next year they'll get more. We try to buy time. But we understand that they need some kind of income" [My tranlation, M.T.] (CCPM, February, 1993).

Recording landings

Measures were taken to tighten up recording of landings. Thus, on 25 September 1990, an arrété was published in the Official Journal, making monthly fishing declarations mandatory, even for those not covered by the EC regulation regarding the completion of log books. Producers are obliged to declare "all stocks as soon as the weight of catches is over fifty kilos". Community regulations notwithstanding, producers have to forward "at the latest on the fifth of each month, to the head of the quartier of the Maritime Affairs, monthly declarations of production relating to their activities during the previous month..." Producers who sell their

fish at a public auction will have the information sent to the FIOM by the markets' authorities. Finally, producers who process fish aboard their vessels are also obliged to provide information, regarding their catches, to the Maritime Affairs (see FEP, July, August 1991; Le Marin, 5/10/1990). More recently, departmental prefects have taken arrêtés to list authorised ports where producers are obliged to land their catches. However, annexes detailing ports for which derogations apply are substantial. The plan aims to phase out, gradually, those for which derogations apply at present. Difficulties remain with the forwarding of information to the authorities. If quotas are to be respected, statistical data have to be forwarded quickly and thoroughly by local professional organisations. However, in 1990, only 60% of logbooks (as compared to 40% in 1989) were sent to the Fisheries Directorate, which, additionally, regularly notices declarations that are manifestly wrong (Direction des Pêches, 1991).

Thus, despite legislation, a number of difficulties remain. As 1992 began, professionals had still not managed to agree on a formula to allocate quotas. Logically, there is no agreement either as to the way quota management should evolve (see, for example, FEP, February, 1992). "No one can, or is prepared to, ensure respect of quotas so the system remains very much a topic of debate rather than a reality" (Jagot, 1992). Several problems persist. Inter- and intra- sectoral divisions and competition are as deep as ever (Caboche, 1993). Skippers who are not members of any PO represent 35% of the value, but over half the number of vessels. These are mainly artisanal fishermen, who own vessels under 12 metres in length and whose landings are difficult to monitor. While PO representatives stress their desire to see membership retain its voluntary basis, they argue that it is difficult to impose restrictions on their members, while nothing is done to curb the efforts of the non-members. As we have seen, EC legislators provided for extension of discipline. Conditions, however, are very difficult to meet. Declining stocks, the recently installed licensing scheme (PME), and financial

difficulties have exacerbated tensions. The authorities attempt to juggle the need to show more determination in respecting quota levels and keeping their industry alive. Stricter controls of landings can result in social unrest, as the case of undersized hake has shown several times in South Finistère. There is an export market for small hake to Spain, but because of the minimum landing size it is illegal to retain them. However, the authorities tend to turn a blind eye. Despite giving themselves the means to close fisheries, French authorities have been very reluctant to implement that provision. According to French officials, it has been used only in a few cases to close some very small fisheries in Norwegian waters. This is to avoid problems with a third country and also because it applies to only a small number of large boats. However, in most other cases, the Commission still has to close fisheries, as France moves too slowly for its liking. This reluctant attitude is generally justified by the French authorities, with three sets of explanations. The first is political, as with the anchovies. If the French administration feels that the Community TACs prejudice her fishermen or cannot be justified in biological terms, then fishermen should be allowed to fish on. Secondly, it is argued that in some fisheries, as in Brittany, up to twelve species can be caught in the same net. If one or more species are affected by fishery closure, by law that fish should be discarded. Such action does not make sense, and, since by-catches cannot be avoided, fishermen should be allowed to land such catches. Finally, the authorities do not close a fishery until quotas have been formally entered in their statistical records as having been fully taken. Thus, they do not act on EC Commission's warnings that quotas are almost completely caught, but wait until they are effectively overfished, as there is always a gap of a few weeks between current records and effective catches. This anomaly is justified in terms of not depriving fishermen of all the quotas they are entitled to and of not running the risk of being sued by fishermen who are penalised by early closure.

A POOR IMPLEMENTATION RECORD:

Despite membership of NEAFC France had little practice of quota management at the national level when the Community began to impose TACs. Neither the authorities, nor the industry, saw the value of quotas as a management tool (Meuriot 1986). Consequently, the industry did not have to fight hard to keep quantitative restrictions at bay. As Hamon (1988) points out, since the French administration has never been favourable to the principle of quotas, it has never sought to have the industry adopt it. This is illustrated in the system that has been evolving to allocate quotas and monitor their uptake, which does nothing to modify individual behaviour regarding resource preservation and respect of regulations (Hamon, 1988). The French authorities did not respond to Article 5.2 of regulation 170/83 which requested Member States to "determine ... the detailed rules for the utilization of quotas allocated to them" either in a submission to the Commission or in practice. The enabling law, which provided for the implementation of EC measures, was not passed until the Summer of 1985 and the first decree had to wait till 1990! The traditional approach to the fishing sector explains such reticence. However, sectoral imperatives do play their part and will be examined in greater detail at the end of the chapter. The authorities' reluctance to implement a management scheme is explained in terms of the divisions in the industry. However, as we saw, the State can use various tactics to overcome these divisions when it suits its purposes. The presence of the policy community does not satisfactorily explain inertia. As we have seen, the industrial sector had called for a management scheme for years.

As in the case of the structural policy, there was an evolution in the psychological dimension in the fishing sector. However, if quotas are to be managed properly, the psychological change will also have to operate within the French administration, both at the centre and at the peripheries.

NATIONAL MANGEMENT IN THE UNITED KINGDOM

Extending existing schemes

As with the structural policy the UK responded to resource management through TACs and quotas much earlier than France. Out of 103 stocks for which TACs are set in the Community, the UK receive quotas for around 70 stocks, covering 20 species from northwest to northeast Atlantic waters and the North sea (SOAFD, 1991). The UK set out to organise management of stocks exploitation of which was severe. Pressure stock licences and monthly quota management were combined in various schemes, involving the fisheries departments and producers' organisations. Some mechanisms, already in existence, were extended. Under NEAFC, quotas for North Sea herring were installed in 1974, for cod, haddock, sole, plaice and whiting in 1975, and for sprat in 1976. Over the same period, quotas were also attached to a few stocks in the West of Scotland and in the Irish Sea. These quotas were initially divided among vessels. The allocation was linked to the number of men on board (Gordon, 1993). Informal interprofessional advisory committees for individual fisheries were consulted by Fisheries Departments. In contrast with France, the UK had already installed partial licensing schemes, for example, for pelagic species, such as herring and mackerel. Sectoral quotas had also operated for freezer trawlers.

As we saw, a consultation paper was submitted to the industry in March 1983, to seek its views on quota management. Underlining the regime set by regulation 170/83 and the setting of TACs and quotas the paper indicated, "Within this general context the Government has a responsibility for seeing that the national quotas are fished according to sensible patterns, for reporting regularly to the European Community on catches taken, and for closing fisheries when national quotas have been exhausted (MAFF, 1983:6).

Which principle should guide quota allocation: fairness and equity through similar shares, or competition between vessels? Stressing

that the ultimate responsibility laid with Government, the paper asked if the task could be shared with POs. [Neither Federation could find copies of their response to this part of the paper and MAFF could not release them "since it was not made clear at the time that they could be made public" (MAFF, 1992).] According to the SFF and NFFO, they both supported co-management between Government and producers' organisations.

Using a provision from section 4 of the 1967 Seafish (Conservation) Act the Government installed a licensing scheme, in 1984, to contain catching effort on pressure stocks, such as cod, haddock, saithe and whiting. Landings of stocks for which a licence was required totalled 80% of the total value in the UK in 1985 (NAO, 1987:10). A 12 month track record was used to deliver licences, with a degree of flexibility introduced in the allocation. The aim was to ensure that the number of vessels prosecuting those specific fisheries would not increase. In all, around 2,000 vessels received a licence, half of them in Scotland (SOAFD, 1991). As early as 1984, some UK POs became involved in quota management and the scheme was extended to all POs over the years. Some started managing one quota, acquiring entitlements to more species the following year. Thus, the Shetland Fish Producers' Organisation, which was was created in 1982, received a regional quota for haddock in 1984. The following year, whiting and herring were added to haddock, and this pattern was extended all over the UK (Goodlad, 1986). PO membership is almost double that observed in France, with around 90 per cent of skippers belonging to a PO. Already in 1984, 65 per cent of the UK quota was administered by the producers' organisations" (Jentoft, 1989:143). UK quotas are shared between POs and fisheries departments. This scheme was combined with the licensing of vessels and both have been operating since 1984 (SOAFD, 1992).

Allocation and adjustment procedures: Scottish Office Fisheries Department

Naturally, the combined schemes have been evolving over the years, as the UK was experimenting with quota management as it went along. However, after a few years the methodology has become accepted, although problems and recriminations have not been eliminated.

SOAFD officials meet with industry's representatives every November to decide on the allocation system for the following year. The first allocation of quotas after the December Council meeting in Brussels begins at UK level according to the number of vessels and their track record. After POs and associations representing non-sector vessels have submitted lists of their members for the following year, a first division can be made. POs can opt not to manage some quotas and, in such cases, their member vessels are added to the non-sector, which is managed by one of the fisheries departments. From 1993, however, if a PO chooses to manage a quota in one area, it must also take responsibility for that quota in other zones too. Departments liaise and by the end of February-early March they are able to make an informal announcement of the provisional allocations to the industry, which has a fortnight to submit its comments to the authorities. Delays between the decision in Brussels at the end of December, and the first department proposals are being shortened by investment in new computers, which facilitate and speed calculations. Once proposals have been published and the industry's comments have been received, the final figures are published in March or April. In 1992 the provisional allocations were made public on 9 March and the final figures were announced on 20 April.

Quota management in Scotland

Six producer organisations represent around 90% of vessels in Scotland. The biggest, the Scottish Fishermen's Organisation

(SFO), was officially recognised by the UK Government in August 1974. It has around 600 member vessels based in ports around most of the Scottish coast. The SFO employs people to grade and register the landings of their members in all these ports (SFO, 1991). The other POs are the Aberdeen Fish Producers' Organisation, The North East of Scotland Fishermen's Organisation, The Fife Fish Producers' Organisation and the Anglo-Scottish Fish Producers' Organisation. Non-sector vessels are represented by various organisations and a few individuals. PO membership is fairly stable in Scotland (SOAFD, 1992). Scottish POs are involved in the management of the major white fish quotas and a few manage pelagic quotas as well. A three year track record of vessels' catches is used to assess total quotas to be given to each individual PO. Usually, the previous three years are used as reference years. However, if there is any doubt about the reliability of a particular year's records, then Departments can choose to take another year into their calculations. POs must inform SOAFD, by the end of November, of the species and stocks they wish to manage, and also provide the Department with a list of vessels in their membership from the first of January of the following year. POs are free to manage their quota as they and their members see fit. Management decisions and methodology are devised in a flexible manner. Variations occur not only from PO to PO, but also within POs according to species and stocks. Naturally, quota entitlements can be altered according to circumstances, too (SFO, 1991). POs are responsible for sensible management of their quotas and Fisheries Departments do not generally interfere in the running of organisations, but they do have the power to suspend all POs members' licences for specific fisheries (SOAFD, 1991). No limits are entered in the licences of PO members. POs are supposed to discipline those members who overfish their individual quotas. However, penalties are limited and the ultimate sanction of expulsion from a PO does not represent a real deterrent.

In the non-sector, Departments meet with non-sector representatives once a month to decide on the following month's

entitlement. Predicting is difficult, as factors, such as weather and stock abundance, affect catches. Consequently, adjustments have to be made in order to spread the various quotas to the end of the year. Limits are inserted in the non-sector vessels' licences and fisheries Departments have the authority to take skippers to court for overfishing.

As suggested above, the threat of fines or expulsion from POs have not proved sufficient deterrents, so SOAFD has been looking at ways to ensure stricter discipline. POs can call upon Ministers to suspend the licences of those of their members who persistently ignore management measures. Should a member be expelled in the course of a fishing year he will not be able to obtain a share of the non-sector quota for the rest of that year (SOAFD, 1992). Thus, an agreement has been reached between SOAFD and Scottish producers to begin in 1993. In the case of a PO overfishing its quota by over 25% its members will not be allowed to begin fishing the related quota till the final allocations are made. At present vessels caught overfishing do not have that extra quantity taken into account when compiling track records. Moreover, when other producers are penalised by overfishing, by early closure for example, individuals or groups who have committed the infringements have their future entitlements cut back by the equivalent tonnage. Thus, a system of allocation and management is well established in the UK while still being flexible enough to adjust to problems as they occur. POs are looking at extending penalties to ensure compliance. A mixture of financial penalties and deductions of fish allocations related to over-quota landings are in operation. PO members and fishermen in the non-sector are very critical of each other. According to the latter, PO members are not penalised for overfishing and their disciplinary procedures are "kangoroo courts". PO members, on the other hand, argue that evidence of over-quota fishing is so difficult to obtain by the Fisheries protection services that it the non-organised who can get away without any penalties.

Monitoring of landings

Inspectors at sea and ashore check information entered in logbooks against production aboard the vessel and the landings. Inspectors also check public auctions in every port to ensure that regulations, regarding species, minimum sizes etc., are respected. They also record data from log books and landing declarations and send them to Edinburgh. POs send their data regarding their members' quota uptake to SOAFD. The frequency of these reports varies according to the evolution of landings. Thus, monthly reports are sufficient until three quarters of the quota allocation has been caught. Data from the previous month must be sent by the end of the first week following. Then, data has to be forwarded weekly until 85% of the allocation has been taken. "Thereafter, daily catch data until the total sectoral allocation has been reached" (SOAFD, 1992). Logbooks have to be surrendered to the authorities within 48 hours, but this is not always done. Once skippers have given their logbooks to merchants or fishing agencies to pass on to the authorities, they tend to consider that they are not responsible for the document any more.

SOAFD keeps a constant watch over quotas, especially when they are almost reached. Unlike France, UK departments do not wait until quotas are shown on paper to have been caught. They tend to close a fishery when records show that there are still a few hundred tonnes to be caught, as information takes time to reach them. SOAFD inspectors also send weekly statistics to POs to inform them of their, and everyone else's, landings.

Thus, it appears that UK's management schemes are much superior to those of France. Indeed, according to officials in the Commission the UK has one of the best organised schemes in the Community. However, many problems remain.

FROM PLENTY TO SCARCITY

As the EC fleet, and the concomitant fishing effort, increased

some stocks showed growing signs of overexploitation. After the successful enlargement to Spain and Portugal and the routinisation of the CFP processes, the Commission could turn its attention to tackling the problem of overcapacity and overexploitation. As we saw in Chapter four, DG XIV took a hard line towards Member States with regard to structures. Thus it was also with TACs and quotas and technical measures. While the resulting regulations affected all Member States, they particularly hit UK fishermen.

Controlling effort

TACs have traditionally been set above the levels recommended by scientists. Traditionally too, scientists couched their recommendations in terms of cuts in quantities of fish that could safely be removed from stocks. Things changed in the late Eighties when, at first, TACs were dramatically cut for haddock *and cod in the North Sea and West of* Scotland, and secondly when ACFM switched its criterion from 'mortality rate' to 'fishing effort'. It recommended a reduction of 30 per cent in effort on North Sea and West of Scotland white fish stocks. This advice was to have repercussions not only on the way the UK managed its quotas, but also on the Government - Industry relationship.
As the UK receives 78 per cent of the Community share of haddock, the impact on the fleet was substantial, especially on the Scottish fleet which lands most of the UK haddock quota. Between 1987 and 1991, cod quotas underwent a 45 per cent cut, while haddock quotas were dramatically decreased by 62 per cent. Over the same period UK landings went down by a quarter. Value also decreased by 3.5 per cent. In real terms revenues fell by about 22.4 per cent (Mackay, J. 1991). In Scotland, the 1991 landings were almost a quarter lower than those of 1985, at 73 per cent of the 1985 production (SOAFD, 1992). Real revenue continued to fall by some 6 per cent in 1991, bringing the total contraction from 1987 to 1991 to a 26 per cent fall (Mackay, 1992).

Such cuts were bound to affect the management pattern established over years of plentiful quotas. The UK authorities adapted to the new circumstances in a way that respected EC legislation, but did not proteck stocks. In 1989, UK fishermen rushed to ensure they caught their share of the resource and this led to early fishery closures. POs, which still had quota entitlements were penalised. Thus, Fife PO still had over 3,000 boxes to catch when the haddock fishery was closed (Fishing News, 24/11/89). Other POs, as well as

Table 5.2 UK Cod and Haddock Quotas 1986 - 1993 (Gordon, 1993)

Year	Cod	Differ.%	Haddock	Differ, %
1986	75,790		146,110	
1987	75,290	- 0.66	101,030	- 30.86
1988	71,490	- 5.05	128,570	+ 27.25
1989	55,800	-21.93	54,380	- 57.80
1990	46,180	-17.24	36,280	- 33.33
1991	43,570	- 5.65	37,115	+ 2.30
1992	43,055	- 1.18	42,630	+ 14.86
1993	43,220	+ 0.38	77,620	+ 81.97

non-organised fishermen, were similarly penalised. Regardless of the penalties which offending vessels might receive, and the extra allocations the aggrieved parties might attract the following year, early closures lead to hardship for those who have fished sensibly through the year. Early closures have other perverse outcomes, such as illegal landings, along with increased levels of discards, since no quantities of the stock concerned cannot legally be retained on board or sold. Such outcomes cannot fail to affect the attitude of the enforcement authorities. As the Fishing

News (24/11/1989) put it, "There has undoubtedly been a certain amount of looking the other way in the enforcement of quota before the total shutdown and this has led to confusion among skippers as to just where they stand with the Fisheries Departments over a little bending of the rules".

How can the effectiveness of quota management be assessed in such a case? Events showed that UK enforced EC legislation by closing fisheries once national quotas had been caught. However, enforcement services were forced to adopt a more flexible attitude. Although the authorities officially deny it - in contrast to the French case, in the UK the official discourse remains highly normative - in private, they acknowledge that it would take very courageous inspectors indeed to remain inflexible when the industry is already suffering hardship and is infuriated by the measures.

Implementation of the regulation on fishing effort

For 1990, ACFM recommended lower TACs and, for the first time, a 30 per cent cut in effort. This cut targeted vessels whose landings of haddock represented over 40 per cent of their total production in 1989. The 1990 TACs were agreed on this basis, and Member States affected by this measure - the UK was the main target, France was not concerned - had to submit proposals to the Commission as to how they planned to implement the 30 per cent cut. UK departments had already been looking at effort limitation before and, unlike the industry, supported the concept. The Government studied the possibility of compulsory tie-ups and the imposition of more selective fishing gear. After consultation with the industry, discussion, disagreements and negotiations between the UK fisheries departments, the Government imposed a restriction of 92 days fishing from 10 March 1990 to the end of the year on targeted white fish vessels. An alternative was offered in the 110mm mesh option, 20mm above the mandatory size of 90mm for vessels, which wanted to escape the restriction on 'fishing' days. The industry wanted a decommissioning scheme and selective

measures. However, the Government did not listen. Most skippers chose the tie-ups to the gear option. The measure did not work since it was impossible to check whether a vessel, which was at sea, was actually fishing or not. The result was that skippers "managed to live with the regulation", since it did not really affect their activities (Hay, 1991; MacSween, 1990). The Government had responded to an EC regulation which had been entered into the UK 1990 quota allocation. However, it had been ineffective.

Management of quotas between Departments and POs had also failed to prevent early closures yet again. By the end of November, three major fisheries were closed with the same perverse effects as observed before. Misreporting (providing false information regarding stocks, quantities and fishing zones) and undeclared landings were said to be common occurrences (Fishing News, 2/11/1990). Misreporting of cod and haddock catches in zone VII, in 1990 were known to have been so widespread that the authorities subsequently decided to disregard information relating to these stocks in the establishment of track records (HC, 1991a: 1065). The UK also closed down fisheries when quotas were reached. Even although the measure failed to curb effort, legally, the UK had fulfilled its duty. Paradoxically, as we have seen, the Government was, simultaneously, refusing to take any measure to contract the fleet, a surer way of relieving pressure on *stocks*.

Compulsory eight day tie-ups

By the end of the Eighties, the Commission was fighting against overfishing on all fronts: with the help of the structural policy to force cuts in fleet capacity, lowering quotas, seeking to diminish effort and to impose the use of more selective gear. These measures also affected France as we have seen. However, direct cuts on effort were still targeted at the UK, and at the same category of white fish vessels in 1991 and 1992. The Commission made a proposal for compulsory tie-ups as a Community

regulation, which would specify the measures to be taken. Despite "the fierce opposition mounted by the U.K. Industry" (SFF, 1991) and the support of some MPs, the Scottish Secretary told Parliament, "The proposal provides a starting point for discussion and refinement at the Fisheries Council. It is right that it should be considered" (HC, 1990a: 1223).

The 1990 December Council of Ministers meeting went through the ritual, already observed, of tough demands from the Commission met with refusals by Ministers and followed by a 'compromise': vessels which had landed over 100 tonnes of cod and haddock from the North Sea or the West of Scotland representing more than 40 per cent of their total landings between 1 January 1989 and 30 June 1990, would have to spend eight consecutive days in port every month in 1991. Mr Gummer, Minister for Agriculture, Fisheries and Food claimed victory - the Commission had wanted to impose 10 days, and to MPs and industry leaders who criticised the measure, he pointed out that, the previous year, a majority of skippers had chosen tie-ups rather than the gear option. They could hardly be against the scheme now, he argued (HC 1990b: 1167). The industry had managed to get round the implementation of the UK scheme, but the authorities were now building on the knowledge they had acquired to devise a system which would be easier to implement. Again a bigger mesh alternative was offered. The Scots were particularly bitter, arguing that the various measures discriminated against them: around 380 Scottish vessels were affected by the compulsory stoppages and about 70 English boats. The UK industry was vehemently opposed to the scheme, but, despite all its lobbying activities, it failed to prevent it. It sought to thwart implementation. Fisheries Departments immediately consulted the industry on ways to implement the compulsory tie-ups, which had been incorporated into article 13 of the EC regulation on 1991 TACs. Correspondance between the federations and the departments shows the stalemate between the parties as the civil servants wanted to discuss the modalities of the scheme while the industry was still rejecting its very principle. The tie-up provision was to be introduced before Parliament in the form of a statutory

instrument "The Sea Fishing (Restrictions on going to Sea) Regulations 1991", to come into force on 1 February 1991. The instrument was to be subject to a negative resolution procedure allowing MPs to "pray" against the order. Industry's lobbying led to a debate in the House of Commons on 5 March 1991. The Government defeated the Opposition's prayer against the resolution and the measure remained in force (HC, 1991b). By May 1991, less than half had chosen the mesh option. The eight day tie-ups proved easy to enforce as inspectors could check that vessels did spend eight consecutive days in port.

At the end of 1991, the Commission proposed to increase the number of days in port to 200 in 1992, again for the same category of white fish vessels. The outcome of the Council meeting was that, from 1st February 1992, those vessels would have to tie up for a hundred and thirty five days over the rest of the year. However, they did not have to be consecutive days. Again, the gear option was offered. This measure was brought to an end at the end of 1992 as effort limitation was tied to the structural policy in the Multiannual Guidance Programme III (Chapter 6). As we shall see, *45 per cent of MAGP III (1992 - 1997) can now be realised* through cuts in effort. The UK has chosen to meet part of the MAGP targets through compulsory tie-ups. The Sea Fish Conservation Bill was rushed through the House of Commons in June and July 1992 and received Royal assent in December of the same year. It enables the Government to set, for each vessel over 10 metres in length, the number of active days calculated on the basis of the number of days fishing in 1991. Adjustments will be made every year to achieve the cuts required in the 1992-1997 MAGP.

The powerlessness of the industry

Over the period 1989 to 1993, relations between Government and Industry deteriorated to breaking point. A series of consultation papers were put to the industry throughout the period, but the submissions from the federations were ignored. Intense lobbying took place in Brussels, in Westminster, in Regional Councils and

of course, in MAFF, SOAFD and DANI, but to little, or no effect. The position of the UK industry was very weak. The Government refused to remedy the problem of overcapacity, which most people saw as the root cause of overexploitation of white fish stocks. Instead, the authorities favoured effort limitation through compulsory tie-ups, despite the hostility of the industry, which saw it as a dangerous measure which would force skippers to go to sea in bad weather to make up for lost time. Without the support of the Government the industry could not influence the Commission. MPs debated the issue of effort limitation several times in the House of Commons, but the Government remained deaf to calls for a decommissioning scheme instead of increased regulations to limit effort. The English and Scottish Federations wrote to the Minister, John Gummer, in November 1991, to tell him that there was "a complete loss of confidence in the Government's ability to represent and manage the interests of the Industry against the background of sound and coherent advice emanating from the two British Fishing Organisations". They continued, "Clearly, without acceptance of a proper dialogue and without recognition and adoption of the views expressed by our Organisations, the credibility of both the Federations and the Government are at stake" (SFF, NFFO, 22/11/1991). The industry's numerous and voluminous submissions appeared to have no effect on Government's choice of conservation measures or their implementation.

A COMPREHENSIVE SCHEME

The UK built on the existing framework of licences and quota management that was in place in 1983. The Government reacted promptly in consulting the industry and in establishing co-management between Departments and Producers' Organisations. A comprehensive management framework was developed, contrasting starkly with the inertia observed in France. Undeniably, tradition influenced the UK in the measures taken to implement EC quotas. However, two points can be made. Firstly, the UK Government had

little choice but to implement the tie-ups since the allocation of UK quotas was conditional on the inclusion of the curb on effort provision in the 1991 and 1992 regulation on Total Allowable Catches. Secondly, reduction in effort sought by scientists, was congenial to both the UK authorities and scientists; the same scientists who advise the Commission. Thus, while the Regulation left the UK authorities with little room for manoeuvre, they did not dislike the measures they said they were forced to take to implement them. It was hoped that the uneconomical units would have to leave the industry, thus cutting back capacity without decommissioning.

The change in style observed in other UK policy sectors was noticeable in the domain of conservation. Policy communities failed to influence Government's decision. The adoption of *compulsory tie-ups can be seen as a combination of* scientific advice and a desire not to install a decommissioning scheme. The market (and regulations!) would decide who should survive and who should not.

However, as the stocks targeted by the UK industry became overexploited and as the main quotas were set lower and lower, the limits of management were exposed. Implementation remained good at the administrative level in that allocation procedures operated in the same way, as did the compiling of data and the shutdown of fisheries once quotas were reached. However, it appears that the enforcement services adopted a more 'flexible' attitude to infringements such as unrecorded landings. An interesting puzzle is posed by the state of North Sea and West of Scotland white fish stocks. Can it be attributed to scientific failure in setting quotas too high at first? Or is it due to over-quota fishing and if so by whom? Since UK fishermen receive 87 and 80 per cent of EC haddock quota in the North sea and West of Scotland respectively, their contribution to the phenomenon cannot be negligible. Could better enforcement have avoided such scarcity?

DEFECTION DESPITE COMMUNICATION

TACs and quotas, in the CFP, have generated the same problems as in other fishing regimes. Since the Commission was aware of their perverse outcomes when the scheme was set up, it is difficult to believe that TACs and quotas were expected to produce effective management in the EC. The device allows the maintenance of relative stability , *in principle* at least, between Member States. Its first aim cannot be said, therefore, to have been conservation. There is a dissonnance between the official rhetoric and the real reasons behind the measure. The lack of trust in the merits of TACs and quotas is not conducive to a normative desire to implement the related measures. Similarly, the credibility of the processes preceding the setting of annual TACs has undeniably suffered. Lack of clearly enunciated objectives as well as of clarity and openness in the various stages has weakened the process and made ministers' demands for increased TACs look legitimate.

The weaknesses intrinsic to quantitative restrictions, along with the variations in their implementation demonstrate the attraction of defection, even in a regulated environment. However limited the effects TACs can have, their impact is surely severely constrained by the opting out of other Member States. Such a phenomenon is repeated at the level of producers' organisations, where non-members benefit from the constraints imposed on PO members. Finally, individual skippers, who respect their quotas and seek to spread their catches over the whole year, are subsequently penalised, when fisheries are closed prematurely.

The differences between France and the UK in quota management can be explained in terms of the authorities' choices and self-interest. The UK's tradition of seeking to ensure fairness between fish producers converges with EC quota management measures. Whereas in France, no effort was expended to meet the conditions stipulated in the various regulations. Normative factors regarding their legal duty are, again, conspicuously

absent. The next section will examine the enforcement of conservation measures in the two Member States.

ENFORCEMENT OF CONSERVATION MEASURES

Legal regulations on conservation of the resource and on enforcement

The principle of subsidiarity is applied in the enforcement sphere of the CFP. In this instance, it means that the EC cannot penalise those who commit infringements to its regulations directly, but instead must rely on Member States to provide enforcement services as well as the legislative arsenal that will ensure that breaches of regulations are punished. One of the agreements towards the final settlement of the CFP, in 1982, resulted in a regulation endowing Member States with primary responsibility for inspection and control of fisheries measures (Regulation (EEC) No 2057/82). Prime movers behind the regulation were the British, whose officials were responsible for the drafting of the regulation. Since measures were Community-wide, the setting up of a Community inspectorate to monitor their implementation would have been a logical development. It would have provided a uniform set of rules and penalties for breaches of these rules. Moreover, it stood a better chance of controlling vessels in an impartial fashion, whereas some Member States' inspections are primarily targeted at foreign boats. This eventuality was considered, and although it was not rejected altogether - a Community inspectorate was subsequently created (Art.12) - prime responsibility was laid on to Member States. Political and practical factors militated against an EC-wide service. The very sensitive question of sovereignty was certainly high on the agenda (Commission, 1992a: 4). Indeed, after all these years Member States still remain jealous of their control prerogatives and some show themselves most uncooperative with the Commission inspectorate (Commission, 1986a: 24; 1992a: 22). Moreover, the infrastructure and personnel that the installation

of an EC inspectorate would have required represented an investment which, coupled with the practical difficulty of centrally managing such a vast area and so many vessels, made the the proposition unattractive (Commission, 1992a: 4). Since most Member States already possessed some form of fisheries protection system and a tradition of patrolling their own waters, it made political and practical sense to maintain that set up. Despite the acceptance by Member States of EC control of their individual monitoring performance, enforcement proved unsatisfactory. A few years later the Commission had to take further measures in an attempt to improve the situation.

Following a report on the implementation of regulations by the Commission (Commission, 1986a) which, as we shall see, exposed serious shortcomings, new legislation was drafted to tighten and improve overall monitoring by strengthening Regulation (EEC) No 2057/82.

The first few years of the regime were regarded, in terms of enforcement, as "transitional" by the Commission (Commission, 1986: 27). Weaknesses had been exposed, lessons had been learned and Spain and Portugal had just joined the other Member States, thus more than doubling the EC fishing fleet. So Regulation No 2241/87 was a response to all these considerations, a framework for better enforcement in the EC. Again, the British, who held the EC presidency at the time, played a major role in the drafting of the second regulation. Council Regulation (EEC) No 2241/87 requires of Member States that they control fishing activities in waters under their control in order to ensure compliance with EC fisheries conservation measures. Moreover, controls of activities are not confined to fishing, but extend to "landing, selling, storing and recorded landing and sales" (art. 1.1). In case of infraction, administrative or penal action by the Member State is requested against the offender (Art. 1.2). In order to maximise inspections, cooperation is recommended between Member States (Art. 1.3). The regulation lays down a whole framework for the monitoring of catches, such as careful control that the information contained in logbooks corresponds to the actual catch

on board or to that landed (Arts. 5 and 6). Member States are requested to forward monthly information on the uptake of those stocks subject to TACs and quotas to the Commission before the 15th. (Art. 9.2). This data must indicate zones where the catches were made and the nationality of the landing vessels. Moreover, when the quota has been reached, for a stock or group of stocks, provisional national measures must be taken to ensure that they are not commercialised in any way, thus making illegal the retention or transhipment of such fish. The Commission, which must be immediately told of this development passes on the information to other Member States. The Commission decides subsequently whether a fishery should be closed, when it should be closed and to whom, and can issue a regulation (Art. 11.2 and 3). In order to ensure compliance, the Commission may request information from Member States regarding measures taken to ensure quotas are respected. Indeed, should the Commission suspect irregularities in the implementation of regulations contained in article 11, its inspectors are empowered to oversee Member States' controls of measures relating to quota uptake. Similarly, the Commission has the right to participate in the administrative enquiry that should result from the discovery of irregularities (Art. 12).

This regulation was amended by Regulation (EEC) No 3483/88 in order to strengthen the quota uptake reporting system and cooperation between Member States. It was produced in response to calls by the UK, after the failed attempt at expelling the Anglo-Spanish vessels from the UK register. The UK complained that Spain, where those ships land their catches, took too long to send data to London, thus causing overfishing of some quotas.

Conservation of the resource was to be ensured through structural and technical measures. Control of the implementation of structural legislation was kept separate from control of the enforcement of technical measures and management of quotas. However, a legislative framework had been laid down to guide the actions of Member States in ensuring proper application of EC conservation measures.

THE COMMISSION'S ASSESSMENT OF ENFORCEMENT IN THE COMMUNITY

1983 - 1986: An uneven and unsatisfactory pattern of enforcement

To become effective, EC legislation regarding fisheries management required national networks of administrative, legislative and judicial structures. Moreover, personnel and resources had to be allocated to the policing of EC regulations. Last but not least, political will was essential, not only in providing enforcement structures and concomitant legal provisions in the first instance, but also in ensuring that all these means were used effectively. Financial and other penalties will have a deterrent effect only if the chance, and cost, of detection are too high to risk cheating. The importance of these aspects was highlighted in the 1986 Commission report on implementation of regulations (Commission, 1986a). After a case by case examination of enforcement of the CFP, the Commission main conclusions were that some progress had been made but much more was needed. Moreover, efforts to comply with EC legislation were very uneven. This patchy enforcement pattern meant that overfishing occurred, although, according to the information emanating from Member States, its incidence was decreasing. Uneven enforcement meant unfair competition, since some fishing industries were at a disadvantage compared to others which happened to have a much more liberal control system (Commission, 1986: a21). Efforts by EC inspectors to oversee national control in action was, in many cases, impeded by, at best, a lack of cooperation and, at worst, delaying tactics and managed inspections (p. 24). Lack of resources, personnel, experience and training among enforcement agents accounted for some of the differences, the Commission believed, along with a failure to tailor some areas of national legislation to the needs of the regime (p. 27). Understanding of the genuine difficulties of States had guided the Commission's approach during this transitional period which was now at an end (pp. 27-8). The "learning process for both the Commission and the Member States" was over and serious enforcement had to begin even if it meant

using legal means against offending States (p.28). This approach was understandable given the lack of political will to ensure application of EC rules (pp.9-12) Nonetheless, the decision to leave enforcement to individual Member States, was judged to be "sound" and to "be continued" (p.23).

Assessing enforcement under strengthened EC legislation

Though the principle of subsidiarity was protected during the review of the enforcement regulation (EEC) 2241/87, the Commission's power of control was, nonetheless, increased. Community funds were made available to Member States to help them improve their enforcement services according to various criteria, such as economic differences and areas to be controlled. Three sets of legislation dealt with allocation of financial assistance. Council Decision 78/640/EEC, specifically aimed at helping Ireland and Denmark with regard to Greenland. All Member States benefitted from aid attributed by Council Decisions 87/278/EEC and 87 2 9/EEC, and, also Council Decision 89/631/EEC :6). The EC inspectorate grew considerably over the period from having fifteen officers, seven of them inspectors in 1983, to over forty of a staff including nineteen inspectors (Commission, 1992a: 10).

What effect did stronger legislation, financial assistance along with the criticisms expressed by the Commission have on enforcement?

Too little, according to the Commission. Its second report on implementation of the common fisheries policy's regulations generally echoes the findings of its predecessor. Implementation still displays many weaknesses and serious variations between Member States' performance remain. The Commission has gained increased awareness of the various aspects of the problems encountered, principally through the efforts of the Community's inspectorate (Commission, 1992a: 11). Again, it had allowed the Commission to identify shortcomings and to draft a plan that could be successful were the political will there (p.25). However, "commitment is lacking in several Member States" (p.21).

Compliance with technical measures is "very low" (p. 15) while respect of TACs and quotas is described as "extremely poor" (p. 13) and the overall record on reporting catches remains largely unsatisfactory (p. 14). For the Commission, compliance is subject to two factors: the eventuality of inspections and the deterrent effect of penalties (p. 18). However, since most land, sea and air inspections still suffer from lack of resources, trained staff and, in some cases, unity of purpose, the first dissuasive factor is missing in many cases (pp. 7-9). As for the second, on the oft observed and lamented laxity of the courts, the Commission remarks that, in many instances, judges will use what margin is available to minimise fines (p. 20). This factor, along with the difficulty of providing evidence that will be deemed acceptable by courts (p. 24), can combine to decrease inspectors' commitment to the detection of offences.

The Commission did not want the weaknesses to mask the progress that has been achieved (p. 30), though it was not immediately apparent. The Commission blamed some of the problems on the universal dilemma posed by the exploitation of a common resource (p. 17). The quintessential need for legitimacy in the world of producers is acknowledged (p. 24). While the principle of subsidiarity was to be maintained, the Commission, in its draft proposals, envisaged increased powers for the Community inspectorate (p. 25). Not surprisingly, the disjointed nature of enforcement is deplored (p. 23).

Enforcement of conservation policies at sea where the producers operate is not only for Member States a "legal duty", but also a "political necessity" (Commission, 1986a: 1). The next section will examine the ay the UK and France fulfilled their "legal duty".

APPLICATION OF FISHERIES REGULATIONS IN MEMBER STATES

Assessing enforcement

How can the effectiveness of policing fishing activities be assessed? If it is measured in terms of economic costs and benefits, the level of expenditure will be easier to identify than the level of benefits of compliance. Indeed, costs can also be difficult to isolate if fisheries surveillance is carried out by agencies which are responsible for other maritime duties. Sutinen and Hennessey (1986: 194) have sought to use the economic variable and have met with difficulties because of the lack of reliable data. Because of this, they sought to measure enforcement by using compliance and expenditures as "the second best criteria of effectiveness". An indicator of compliance is the number of infringements that are detected by inspectors. However, does a contraction in the number of registered regulation breaches suggest a greater degree of observance of the rules or a failure in detection? (Munro, 1984: 43). Registered offences represent only a subset of all breaches of regulations (Sutinen and Hennessey, 1986: 195). Compliance could be measured as a percentage of the infra tions detected per number of controls. However, to have any validity, all inspections would have to be constantly carried out at rand m, which, evidently, is not the case. Inspectors' expectations and suspicions of some vessels' activities will determine checks on vessels (Commission, 1986a: 11; 1992a: 10; Sutinen and Hennessey, 1986: 195). Furthermore, compliance may vary across fisheries and across time. Factors such as the abundance of quotas, of fish, bad weather etc. also influence fishermen's activities (Munro, 1984: 43).

What about the factors that influence compliance? Studies have been made on the variables that shape individuals' choice to comply or not (Sutinen and Hennessey, 1986). Choice is explained in terms of cost and benefit. What is necessary to deter producers from breaking the rules? Is the fear of detection sufficient? Or does it require the threat of a heavy fine or of confiscation of

the vessel or of a licence? In fisheries, it is notoriously difficult to prove that an infringement has been committed. Moreover, even in successful prosecutions, penalties are generally set at the lower end of the scale (Munro, 1984:44). Judges have traditionally adopted a benign view of fisheries infractions by professional fishermen. According to a French official, fisheries infringements are placed at a very low position on the scale of economic offences. Yet, in some cases illegal fishing can be a lucrative business (Munro, 1984:45). Some producers may feel therefore, that it is worth taking a chance. Presumably, this choice would also be made when the alternative is economic bankruptcy.

ENFORCEMENT IN THE UNITED KINGDOM

Objectives of enforcement in the UK

One of the most recent and comprehensive statements of the aims and objectives of fisheries protection services in the UK was enunciated at the launch of the Scottish Fisheries Protection Agency in April 1991. It was defined as, "to secure the enforcement of UK, EC and international fisheries law and regulations in Scottish waters and ports. This assists in the conservation of fish stocks in the waters around Scotland and in creating the conditions necessary for the existence of a modern and a viable sea fishing industry in Scotland" (SOAFD, 1991a:6). The agency's objectives cover the development and application of an effective strategy that will allow proper enforcement in order to meet the targets set for the agency. The agency wants to deter, and, when they have taken place, to detect infractions to regulations in order to prepare the evidence for the prosecution. It also aims to gather and provide data on fishing activity in Scottish waters. Finally, it seeks to provide these services "economically, efficiently and effectively" (SOAFD, 1991a:6)

History of fisheries protection in UK

Vessels were commissioned as early as 1347 to protect East Anglian fishermen against Dutch overfishing (Derham, 1987: 72). Fisheries protection gained its authority by receiving official recognition from Parliament almost two hundred years ago (SOAFD, 1991, b). Although, concern about localised overfishing emerged and, in some cases led to interuser conflict, even in medieval times, the main task of that time was primarily the protection of fishermen. Today, however, the dominant, though not the exclusive, concern is for conservation and consequently the protection of fish (Derham, 1987: 72). As we have seen, the UK was among the first countries to carry out research on the effects of fishing on stocks and in drawing up policies to regulate fish production. Its fisheries protection services naturally evolved in consequence and, when the CFP was signed in 1983, the UK had already an important enforcement system in place. The feeling that other Member States were lagging far behind in this sphere were expressed on several occasions. The UK, consequently, saw the 1982 regulation as a promise that other Member States were going to ensure proper enforcement of regulations, a task they had, hitherto, badly neglected. One has only to read the report of the debate on the Common Fisheries Policy in the House of Commons to find evidence of these feelings on both sides of the House (HC, 1983: 35, 67, 103).

Proper enforcement of fisheries regulations has remained a theme with UK authorities in Brussels, and especially when the UK has assumed EC presidency. Ministers emphasised their commitment to the strengthening of enforcement and especially to the granting of more autonomy to the EC inspectorate (Le Marin, 3/7/1992). This concern stems from a feeling that little had changed in the intermediate period. MAFF minister, Mr Curry, expressed this view in the Commons when he declared, "Our enforcement is by far the best. I should be glad if enforcement in other countries were a little more rigorous and were similar to the enforcement which we carry out at considerable cost" (Hansard, 1991c: 926)

This interpretation is supported by fishermen's leaders. The SFF's chief executive, Mr Allan, who, while not pretending that all was perfect asserted, "our Control and Enforcement service is, by common consent, conducted to the highest standard by far within the Community..."(House of Lords, 1992:31).

UK's response to the control regulations

Naturally, the control regulation 2057/82 did not pose any great problems to the UK who had set up a legislative arsenal adapted to the new legal environment. Where and when modifications were subsequently required, they were swiftly entered into the existing texts. Article 3 of the 1967 Sea Fish (Conservation) Act provided the Enforcement services and the Courts with the legal means to apprehend and sanction offenders. These provisions were subsequently strengthened by Section 30 (2) of the 1981 Fisheries Act. To these two pieces of primary legislation were added secondary legislation, such as the Sea Fishing (Enforcement of Community Conservation Measures) Order 1986, or the SI 138/91 Order, 1990.

As well as EC conservation measures, the UK has also many unilateral regulations, such as the carrying of a single net on board and selectivity panels in trawls. To give an idea of the complexity of inspectors' task, the regulatory environment of a British white fish vessel will be detailed. EC and UK regulations combined in 1992 resulted in, at least, five sets of rules. The skipper had to use a net of a minimum mesh size of 100mm, with or without the addition of a square mesh panel. If the vessel prosecuted direct fishing for whiting, a net of smaller mesh size - 90mm - was allowed. An even smaller mesh of 80mm was acceptable in a specific area situated West of Scotland, again with an optional square mesh panel of 80mm. If the vessel belonged to the category that had to comply with complusory tie-ups, there was a choice between 135 registered days in port or sailing with a net of 110mm mesh size, with or without a square mesh section and a reduced number of tie-up days to 67. Finally,

if a net of 120mm mesh was adopted, the vessel was exempted of tie-up days altogether" (HC, 1992a: 74). When the additional measures regarding licences, exclusion zones (boxes), minimum landing sizes, quotas, percentage of by-catches allowed, filling-in of logbooks etc. are added, one realises the complexity of the task for the enforcement authorities.

Organisation

The organisation of fisheries protection services follows that already observed in the adminstration and management of fisheries. Fisheries departments share responsibility for enforcement; obviously the two main actors are MAFF and SOAFD. The services have evolved along different traditions and, although they complement each other, they are structurally and substantially different. Thus, the Royal Navy operate the vessels under contract to MAFF, while the personnel aboard SOAFD vessels are civilian. Extension of fisheries zones endowed the UK with the largest zone in the Europond to patrol. Fishing activities in the 275,000 square miles of waters are monitored between MAFF and the Scottish Office services. They are almost equally shared between the two authorities. Scotland ensures monitoring over its own 12-mile in-shore waters, plus some 130,000 square miles of offshore seas "out to over 200 miles to west and north of Scotland as far out as the Rockall area" (SOAFD, 1991b). MAFF patrols the rest of the UK exclusion zone.

England

MAFF has its Sea Fisheries Inspectorate coordination unit in MAFF in Whitehall. A reform towards executive agency status, similar to the one that took place with the Scottish fisheries services, has not been ruled out by ministers.

Scotland

As the Fishery Board for Scotland was created in 1882, responsibility for fisheries protection also became its responsibility (Midwinter et al, 1991; SOAFD, 1991b). Over the years, independent boards were gradually transferred under the responsibility of the Secretary of State for Scotland and the Fishery Board was no exception. In 1939, it came to be managed by the Scottish Home Department, where it remained until 1960, when the services were transferred again to the Department of Agriculture. The Department became known as DAFS, Department of Agriculture and Fisheries for Scotland until 1991, when its title was altered to SOAFD, Scottish Office Agriculture and Fisheries Department. The Fisheries Protection arm of the department underwent substantial change in April 1991, when it received executive agency status within SOAFD. The move itself was part of the UK-wide reorganisation of the civil service under the banner of the Next Steps Initiative, which seeks to increase flexibility through delegated authority, and improve efficiency and accountability. The new service was called the Scottish Fisheries Protection Agency (SFPA). The various elements of the service were pulled together: "Policy and Prosecutions Branch, Operations Room, Marine service, Vessels and Aircraft and Sea Fisheries Inspectorate" ...in a new single organisational structure (SOAFD, 1991a and b). Some changes had already been made to the service following a review of Scottish fisheries protection which had been undertaken by the efficiency unit in 1986-7. It had identified several areas where performance could be enhanced and savings made. The new agency is headed by a chief executive who is responsible to the Secretary of State for Scotland. Objectives, strategy and targets are set by senior management in a three year Corporate Plan presented to the Secretary of State. An annual operational plan is also evolved (SOAFD, 1991a). Prior to the creation of the agency, management plans had been drawn up but not on as a detailed basis as that of the SFPA.

RESOURCES

UK monitoring of fishing activities generally involves inspections ashore, aboard vessels and aerial surveillance. As Munro points out, the UK has traditionally favoured sea inspections using fisheries protection vessels to board fishing boats (Munro, 1984:45). The Royal Navy ensures fisheries protection for MAFF, DANI and the Welsh Office, while the Scottish Office has a long tradition of civilian crews manning their protection vessels. There have not been dramatic changes in the number of vessels affected to enforcement in the past nine years.

Thus in 1983, England, Wales and Northern Ireland used the services of two 81.5 metre Castle vessels and seven 60 metre Island Class, mainly for offshore enforcement. They were complemented by seven Ton Class mine sweepers for inshore monitoring (Munro, 1984:49).

In 1987, there were 8 offshore and 5 inshore vessels (NAO, 1987).

While in 1992, MAFF used twelve ships, including six 60 metre Island Class and two Castle vessels for offshore monitoring and six Minesweepers (Commission, 1992a:53).

SOAFD

The Fishery Board for Scotland, set up in 1882, acquired its first vessel, the Vigilant, from the Royal Navy, which already used it in fisheries protection. By 1909, the Board had acquired 5 steam vessels and, at the outbreak of World War Two, this number had grown to 8, including 2 motor vessels (SOAFD, 1991b). In 1983, the Scottish Office had two 71.3 metre Sulisker Class vessels and two 60 metre Island Class vessels for offshore monitoring. Also, two 20 metre fast patrol launches and one 60 metre conventional protection vessel for inshore patrols (Munro, 1984:49). One offshore vessel was replaced in 1987 at a cost of £5.5 million (NAO, 1987:15). In 1992, SOAFD had 4 offshore ships, comprising three modern 234-ft ships launched in 1980, 1982 and 1987. "Of some 1,250 Grt each, they have a speed of about 18 knots and a

range of 21 days at sea, and will operate mainly out to the 200-mile limit to the North and West of Scotland" (SOAFD, 1991b) and one 60 metre Island class vessel. This vessel is older, smaller - 885 Grt - and slightly slower than the other three. It can operate at sea for a period ranging from 16 to 18 days. According to the SFPA, it is capable of patrolling up to the 200 mile exclusion zone but will be used closer to shore in the future. There are also three inshore vessels comprising two fast patrol launches, 20 metres long, maximum speed of 24 knots and 1 Pacific 36 launch, especially used within coastal and esturian waters (SOAFD, 1991b).

Then comes the inspections ashore where stocks and minimum fish sizes can be checked to ensure that they can be legally landed. The UK employs around 150 inspectors ashore (Commission, 1990: 20). The Commission estimated that the UK, along with Denmark and Holland, had a satisfactory number of inspectors ashore, in contrast to all other Member States who did not.

Finally, there is aerial surveillance which has been making an increasing contribution to enforcement. This service has been developed substantially in recent years. Initially, inshore air patrols were undertaken by the Navy, while offshore controls were carried out by the Royal Air Force (RAF), and the Ministry of Defence (MoD) charged the departments according to the amount of flying hours. Until 1981, fisheries departments only paid for the offshore service. MAFF consequently commissioned a private company to ensure inshore patrols, while DAFS decided to acquire an aircraft costing £248,500, to which £130,000 worth of detection material was added (NAO, 1987: 15).

Offshore control continued to be provided by the RAF, combining it with surveillance of oil and gas installations, until 1987. However, after cost assessment exercises - this service wascosting around £3.8 million per year - it was decided to allocate the tasks to private operators. MAFF began to use the services of one aircraft, owned by a private operator, in September 1986 and of a second in July 1987 (NAO, 1987: 15). By 1992 this number had grown to three (Commission, 1992a: 53).

DAFS, too, switched contracts from the MoD to civilian contractors, and it continues to use the services of a Cessna Caravan aircraft for coastal and esturian patrols. In 1987, the department acquired a Fokker 27 aircraft, at a cost of £3 million, for offshore duties. It was felt that this aircraft was best suited to the harsh climatic conditions of the area (NAO, 1987: 15; SOAFD, 1992b). In May 1992, the new Scottish Agency entered a four and a half year contract with a private company which will operate two Reims Cessna Caravan planes for the departments. The aircraft are equipped with highly sophisticated radar which are said to be able to detect "an object as small as a periscope breaking the surface" (Fishing News, 15/5/1992).

The Scottish Fisheries Protection agency employed around 250 people at its inception on 1st April 1991. A breakdown of staff tasks showed that 139 were assigned to Marine Service, 72 to Sea Fisheries Inspection and 33 were involved in administrative duties (SOAFD, 1991a).

Changes have occurred in enforcement services in the UK since the advent of the CFP. A main factor seems to have been a desire to cut costs, after a series of studies. A review commissioned by MAFF's Sea Fisheries Inspectorate, and completed in 1983, suggested that £11 million would be saved if contracts were switched from MoD to private operators (NAO, 1987: 15). As we have seen, aerial surveillance had been entrusted to civilians. However, ministers decided that sea patrols should remain with the Navy (NAO, 1984: 15). This arrangement has, hitherto, been preserved, though a civilian ship was chartered in 1990. Changes might take place in the future, as MAFF was considering alternatives to private contractors in the Summer of 1992 (Fishing News, 3/7/1992; 10/7/1992 and 24/7/1992).

The move in Scotland to an agency was part of the wider set of reforms instigated by Mrs Thatcher's Government in the Civil Service. From the limited evidence available, it would appear that structural change has not led to immediate substantial change in Scottish enforcement services' activities. However, as the move

took place in the Spring of 1991, it is still too early to make a meaningful comparison.

Budgets

The cost of enforcement in the UK is high. Yet, while the ratio between the value of landings and enforcement costs is still high, it would appear that it is decreasing. Thus, in 1981 these were £229 million and £22 million respectively. For the financial year 1986-87, costs had risen to £25.5 million (NAO, 1987:15). While in 1992, enforcement costs were estimated at around £23 million and value of landings at £400 million.

For the last three years, enforcement costs for England and Wales have been:

1990: £ 9.894 million

1991: £ 10.248 million

and for 1992 the official projection was of the order of £11.488 million (MAFF, 1992).

The Scottish Fisheries Agency declared costs of £ 12.75 million in its first year of operation (SOAFD, 1992). The value of Scottish landings was of the order of £ 260 million in 1990.

The UK seems to have managed to cut down enforcement costs through economic and structural changes. The ratio between landings and enforcement costs has certainly decreased over the last decade from around 1/10 to approximately 1/17. The Commission believes, however, that, "In general the United Kingdom has demonstrated vigour and efficiency" (Commission, 1992a:54).

Enforcement operations

UK Enforcement services liaise, both among themselves , and with other Member States and third countries such as Denmark, Holland, France and Norway, for example (MAFF, 1992; SOAFD, 1992). The workload of inspection services has been substantially increased over the past few years, especially in the UK where unilateral measures have been added to EC legislation. Avoidance of interuser conflict represents a considerable part of this task. Enforcement officers receive some training on two main aspects of the job: practical application of controls and legislative information, such as presentation of the case and the type of evidence required on dicovery of an infraction.

The various branches of the UK enforcement services are complementary. Thus, aerial intelligence is passed to the inspection vessels which can carry out controls, if infringements are suspected. Similarly, officers aboard vessels can alert inspectors ashore to check landings or/and gear on identified fishing boats. Inevitably, intelligence gathering and sharing have an impact on decisions to inspect or to ignore specific vessels.

Communication is also very important in that it allows information regarding complex legislation to be exchanged. This is where the sophistication of the technology employed by enforcement agencies is important. To be effective information must travel quickly and discreetly between the various participants (Munro, 1984:46). Detection of infractions does not automatically lead to sanction however. Currently, no administrative penalty can be exacted. As Munro (1984:44) points out, this stems from "a much wider tradition which rejects administrative justice other than for very minor regulatory offences". Consequently, alleged offenders have to be taken to court, and it behoves the enforcement officers to prove that an infringement has been committed. "The burden of proof rests on the prosecution in all fisheries cases" (Munro, 1984:44). Proving beyond any doubt that an offence has taken place

is a major task for fisheries enforcement authorities. The outcome of prosecutions is said to add little to the deterrence value of detection. From various reports, it appears that UK judiciary adopts the benign approach, noted elsewhere, towards fishermen brought before the courts (Munro, 1984:44).
Disparities are not only inter-State, but can also be intra-State. In the UK, for example, because of the two separate legal systems in England and Scotland, fishermen experience different treatments and outcomes according to which side of the border they happen to be on (NFFO, 1992:21; Commission, 1992a:54)).

Assessing UK enforcement

Assessing the effectiveness of enforcement in the UK represents as difficult a task as elsewhere. Undeniably, consensus reigns on the superiority of British enforcement, as compared to that of most Member States. In the EC Inspectorate at DG XIV, one is shown brochures and tables detailing the various activities of the UK control agencies with obvious delight. Regrets are expressed that other Member States do not adopt such a serious approach to enforcement. Such is the reputation of UK control that ministers and enforcement authorities from other Member States are said to pay visits to their British counterparts in order to learn from them. Some foreign enforcement officers even receive training in the UK (Mason, 1988:4). Foreign fishermen certainly claim that UK enforcement is stricter and more thorough than elsewhere. However, this does not constitute quantitative evidence of effectiveness.
Anxious to assess the quality of the services, the National Audit Office questioned the absence of formulae to measure effectiveness in the fisheries departments. It consequently commissioned a study to discover whether econometric modelling techniques could help produce assessment criteria. Its finding showed that "boarding activity does have an influence on fish quota control and enforcement, and that data might be used to direct protection resources to areas where fish stocks are most under threat" (NAO, 1987:16).

Fisheries departments informed NAO of the problems concomitant with that type of study, such as the difficulty in evaluating the cause behind variations in the number of prosecutions, for example. It could mean that the surveillance is either more or less effective. Moreover, the study concentrated mainly on the effects of enforcement activities on the monitoring of quotas, the departments argued, whereas this aspect is but one of a whole range of regulations. The departments estimated that the available data allowed them to assess where and how to most effectively direct resources and activities.

Limitations

That UK enforcement is among the best, if not *the* best, in the Community would be difficult to deny in terms of resources, presence and number of inspections. Nonetheless, this does not mean, as this statement might suggest, that compliance is almost complete in UK waters. Enforcement has its limitations, and some of the unilateral measures taken by Britain were in direct response to this reality. The obligation from June 1992 to carry only one net - admittedly, a long advocated restriction by the SFF - was designed to prevent the use of undersized meshes for whitefish fisheries. Among the measures believed to have been flouted on a large scale are the limitations of days at sea in 1990. Speaking about the regulation in the House of Commons, Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food, David Curry announced that the rule had been broken "practically universally" (HC, 1991a: 1061). As we saw earlier, misreporting of catches was particularly rife in 1990 with the result that it was disregarded as a reference year by the authorities who instead used reports from 1987, 1988 and 1989 (HC, 1991a: 1065). Finally, unrecorded landings were increasingly becoming a problem in 1991-92. They were blamed for price collapse leading to high levels of withdrawals by producers organisations. Many skippers argued that fishermen had been forced to choose between breaking the rules or bankruptcy. Indeed, some officials

acknowledged that illegal landings, or 'black fish', as they are called, were the result of low quotas and abundant stocks. This phenomenon underscores the causal link between regulations and infractions (Munro, 1984) and the limitations of enforcement. As the Fisheries Parliamentary Secretary (HC, 1991d: 932) pointed out, "If people are determined to break the law we cannot stop them. We cannot run a police state with an inspector in every boat".

A further pointer to the shortcomings of regulations and enforcement is, perhaps, provided when one remembers that the UK allocations of North Sea and West coast haddock are 87 per cent and 80 per cent respectively of the EC TACs and that these two stocks have been severely overexploited in the last decade (HC, 1991a: 1064). Moreover, 75 per cent of the UK haddock entitlement is landed in Scotland. Consequently, as a Scottish Minister remarked, balanced exploitation of these stocks lies with the UK, and, perhaps, more especially with Scotland (HC, 1991a: 1093).

The dysfunction between the various strands of the CFP can be observed in the enforcement sphere. While it is widely acknowledged that fleet capacity and catching effort are fundamental factors in conservation policies, no provision exists to monitor the application of the structural policy which has an impact on effort. Thus, while the UK has shown determination in monitoring and controlling fishing activities in its waters, it has not displayed the same willingness to observe fleet targets, set by the Commission in the successive MAGPs, to bring capacity more in line with resources.

ENFORCEMENT IN FRANCE

In contrast to its statement on the UK, the Commission has consistently shown itself critical of France's effort at enforcement (Commission, 1986a; 1992a). France's approach to fisheries has traditionally been aimed at protecting fishermen from foreign competition and at minimising interuser conflict, rather than ensuring rational exploitation of the resource

(Meuriot, 1986; Shackleton, 1986). This is reflected in the slow efforts made by France to ensure proper and speedy enforcement of CFP conservation regulations. Although some small changes can be detected, evolution towards an effective conservation policy is slow and difficult. It must be said that the complex intermingling of responsibilities for various security, economic and political tasks at sea, between ministries and services, does not promote flexible and efficient enforcement of fisheries regulations. As in the UK, fisheries protection traditionally involved the Navy in France. Unlike the UK, however, in France, Fisheries protection is also one of the tasks of many more services. This, perhaps, is the dominant factor relating to enforcement in France: the cumbersome and complex networks within which surveillance, one of many maritime tasks, is supposed to take place.

Services responsible for enforcement

France does not possess a specific fisheries protection service. Instead, the Maritime Affairs, the Navy, the National and Maritime Gendarmerie and the Customs are involved in varying degrees. Several ministries and departments are consequently concerned. Security and policing tasks, undertaken by the Navy and the national and maritime Gendarmerie, concern the Ministry of Defence; with economic and financial control, that of Customs and Excise under the responsibility of the Treasury; civilian protection and rescue, along with aerial and border police, are provided by the Department of the Interior, while all maritime activities can be overseen by the Maritime Affairs, as a field service of the Secretariat for the Sea. Although overall responsibility has lain with the Secretariat for the Sea since January 1981, there is no central coordination of operational activities. The five Regional Surveillance and Rescue Centres (CROSS) coordinate the tasks of the various agencies that are involved. The five centres cover the French coasts, with two located on the Atlantic coast, one in Etel, near Lorient, and one near Brest. CROSS Directors are administrators from the Maritime

Affairs. They decide on control operations and monitor their execution in the area under their responsibility. Understandably, enforcement activities may suffer from a lack of coherence. Some areas receive almost no surveillance and overall records of inspections are still patchy and not very reliable.

Developments since 1983

A law was passed in July 1983 to list the agents empowered to detect and register fisheries infractions and to provide for penalties. It provided details of impounding conditions and procedures (Law No 83.582 of 5 July 1983). A law, passed in 1985, stated that fishing had to operate within the legal framework of the CFP (No 85.542 of 22 May 1985). There were no reforms of the system of fisheries surveillance, however. Justification for the continuation of the existing pattern is expressed in terms of the "relative indivisibility of the marine domain" (Jegouzo, 1988:375). Fishing is viewed as one of many activities in an area over which the French State exercises sovereignty. The 1985 Law was eventually followed by two decrees which attributed territorial coordination of all State activities at sea to the three maritime prefects for each coastal areas: Cherbourg for the coast from Belgium to Brittany, Brest for the Atlantic front and Toulon for the Mediterranean (Decrees: 19/4/1972; 9/3/1978). According to the 1978 text, the maritime prefect is the "depositary of State authority, delegate of the government and direct representative of the Prime minister and of each minister". Thus, maritime prefects, with military status, coordinate actions which involve both military and civilian agencies. Maritime Prefects are Commanders in Chief of Naval Forces and are responsible to the Ministry of Defence. They are also civilian authorities as the Government's representatives, answerable to the Prime minister, through the intermediary of the Ministry of the Sea (Jegouzo, 1988:374). Surprisingly, despite the importance of their task, maritime prefects have limited resources. Indeed, the only structure in place is a small bureau entitled : Civilian

Affairs at Sea" (Comité d'Enquête, 1992:16). Although, decentralisation was more limited in the maritime sector than elsewhere, authority was delegated to regional and departmental prefects in some sectors. Of interest here, was the delegation of power to the regional prefect, a civilian authority, in the policing of fisheries regulations, by a decree of 21 July 1982. Moreover, a further decree - No 90-94 of 25 January 1990 - conferred responsibility on regional prefects from coastal Channel and Atlantic coastal areas, for application of fisheries regulations regarding zones, fishing techniques and quotas in territorial waters (Journal Officiel de la République Francaise, 27/1/1990: 1152-5).

Thus, the French State is singularly absent, in the domain of enforcement of EC fisheries measures, for which it is responsible before the Commission. This situation is not due to decentralisation of power, but to the lack of a coordinating agency to plan, organise and watch over the implementation of enforcement policies. The various reforms to install a coordinating instrument at the centre have failed. Thus, the placing of the interministerial Commission under the authority of the newly created Ministry of the Sea in 1981 effectively cancelled its role as interdepartmental umpire, a role that it should have retained if it were to be effective. The interministerial Committee has met only eight times since its creation in 1978. There were five meetings between 1978 and 1982 and only three in the last ten years. The Prime minister, who was to determine the actions of the State at sea, presided over only two of these meetings, while the other six were chaired by the Minister or Secretary for the Sea (Comité d'Enquête, 1992: 6).

The lack of central direction at the top is mirrored at regional level too. Maritime prefects do not have the means to carry out the tasks that legislation conferred on them. Moreover, the intermingling of responsibilities between maritime and regional prefects makes the sharing of tasks a complex exercise. In practice, however, powers devolved to the regional prefects are exercised by the Regional Directors of Maritime Affairs (Jegouzo,

1988: 411).

ENFORCEMENT SERVICES

Agents who have the authority to detect and register infractions are identified as follows:
Officers and agents of judiciary police, Administrators from the Maritime Affairs, Officers from technical and administrative branches of Maritime Affairs, Commanding Officers and marine Officers of State ships, Maritime Affairs Controllers, Syndics (local inspectors), Personnel aboard Maritime Affairs Assistance and Surveillance vessels, Control Technicians from fisheries establishments, Customs and Excise agents, Justices of the Peace and Prud'hommes (members of conciliation board of the profession) (Law No 83-582 of 5 July 1983, article 6), [My translation, M.T.].
A factor that complicates research on enforcement resources and personnel in France is the fact that information relating to fishing activities aggregates data, not only for the three 'coasts': Channel, Atlantic and Mediterranean (the latter being excluded from the CFP), but also for France's territories overseas!

Aircraft: the national Navy and Customs and Excise are the only services empowered to patrol French maritime air space, a task which they carry out on an alternate daily basis. Their surveillance duties are not confined to fisheries, however, but extend to other areas. Thus Customs officers liaise with the Maritime Affairs in fisheries matters, but also look out for oil slicks in case of illegal discharges, dangerous containers at sea, rescue and, of course, activities of interest to their services. Customs began their aerial patrols in 1967 and have extended them since. At present, they have 13 Cessna planes and 4 helicopters for the three coasts - Channel, Atlantic and Mediterranean - and overseas territories. On the Atlantic front they deploy 6 Cessna light aircraft plus one Polmar.

Vessels:

Maritime Affairs:

In 1986, its fleet numbered 17 ships measuring between 13 and 30 metres and 12 of 6 to 8 metres. By 1992, the Maritime Affairs fleet had risen to arounfd 80 vessels from 5 to 32 metres, including 8 Regional vessels, 10 fifteen to seventeen metre vessels and 15 ten to twelve metre vessels, with the remainder being made up of small craft, such as dinghies (Affaires Maritimes, 1992, personal communication). The larger vessels operate in the 200 mile EEZ and go out for periods varying from 24 to 96 hours, moving at a speeds of 20 to 30 Knots. The smaller units ensure coastal surveillance, assisted by around 20 dinghies. While the regional vessels are under the control of CROSS, the smaller ones are directed by the head of the maritime quartier (Le Borgne, 1986:53). The larger vessels normally carry out three 96 hour missions per month, allowing for a week ashore looking after the ship. Vessels are also docked for a month in the Summer time for maintainance (Le Marin, 3/3/1989).

Navy vessels: (CROSS Etel)

2 fifty metre Patrol Vessels, based in Lorient.

Customs

30 nineteen to thirty metre coast-guard vessels

28 ten to fourteen regional vessels, plus small craft and dinghies.

Ashore

Several agents are empowered to inspect, but there is no pattern of systematic checks. According to the European Commission, France only employed some twenty staff ashore. It estimated that, to be in a position to monitor activities properly, French authorities would have to employ 120 more! (Commission, 1990:20).

Personnel

Staff status varies greatly between civilian civil servants aboard Maritime Affairs vessels and military personnel aboard Navy vessels. Thus, at regional coordination centres (CROSS), the director belongs to the Maritime Affairs, which represents a specific military category, operational staff are provided by the National Navy, while officers aboard Maritime Affairs vessels are civilians.

The Maritime Affairs employ some two hundred permanent officers aboard the first three categories of vessel: regional vessels, those in the 12 to 17 metre and the 10 to 12 metre categories, with the rest of the fleet being manned by personnel from the administration's external services. The Marine branch of the Customs service employs around 750 personnel, 170 of whom are involved in aerial surveillance.

The combination of military, Maritime Affairs and civilian personnel, along with the interaction between various administrations, poses certain problems. Thus Regional Coordination Centres "constitute the civilian branch of the maritime prefects' action though one cannot see where exactly this branch grafts itself within the general organisation of the national Navy, which remains the main instrument of the maritime prefect who is Commander in Chief of Maritime Forces" (Le Borgne, 1986: 186) [My translation, M. T.].

Inter-service tensions can also manifest themselves between Maritime Affairs and National Navy and between CROSSs and staff aboard vessels, something which can make cooperation and coordination difficult. This set up can also lead to difficulties in communications between the peripheries and the centre. The Maritime Affairs will generally be more flexible and speedy in their interaction with ministries, whereas military authorities generally show more rigidity and, consequently, take more time to communicate information (Le Borgne, 1986).

COST OF ENFORCEMENT

No figures are available on the precise cost of enforcement of fisheries regulations in France, since so many services are involved. Indeed, even if costs were available, comparison would still be a difficult exercise as expenses fluctuate from one service to another.

Weaknesses in French enforcement services

The most remarkable feature is the absence of the State in this sphere, even although it has overall responsibility before the Commission for proper control of fisheries activities. There follows a number of institutional and technical problems. The distribution of services has evolved in an erratic fashion which owes more to *ad-hoc* adjustments and tradition than to rational planning of regional requirements. As a result, surveillance activities are very patchy, with some regions having more cover than is required, while others lack the necessary means to carry out enforcement duties (Comité d'Enquête, 1992: 7-8). A breakdown of CROSSs' activities illustrates the many tasks they have to coordinate. Thus, in 1991 there were 5,829 call outs, 538 beyond the French 200 mile-EEZ. There were 245 calls from Merchant vessels and 841 from fishing vessels. The vast majority were related to sport fishermen and sailing boats, pollution, dangerous containers drifting etc. (CAAM, April 1992).

Funding: Much of the infrastructure is old and costly, and stable budgets over the past years have not allowed new equipment to be acquired. CROSSs are particularly affected by stagnating grants. Thus, despite the sizable increase in workload, funding for CROSSs has remained at the same level for the past ten years. Moreover, outdated equipment in some CROSSs lead to periods when the centres are incapacitated due to mechanical breakdowns (Comité d'Enquête, 1992: 11).

Table 5.3. Global cost of French services at sea in 1989.

	in million £	in %
National Navy for public service activities	40.6	38.7
Maritime Gendarmerie	5.7	5.5
National Gendarmerie	6.8	6.5
Maritime Affairs including CROSSs	32.9	31.3
Customs and Excise	16.5	15.8
Civilian Security		
Aerial activities at sea	2.2	2.2
Total	104.7	100.0

Source: adapted from Comité d'Enquête, 1992:8.

Protection before sanction

The paternalistic approach of the French authorities, which has already been observed in other areas, extends to enforcement of fisheries regulations. Official documents and rhetoric emphasise the predominance of *protection* over policing. Thus, a text book written by the Maritime Affairs services reminds its officers of "the important place of social protection of fishermen that existed (and still exists) in the elaboration of our fisheries regulations" (Affaires Maritimes, 1975:42), [My translation, M.T.]. Consequently, the Administration is anxious that, when officers detect infringements, the principle of protection be given precedence over that of policing. Even in the case of detection and registration of an offence, it is at the administration's discretion whether to pursue the matter or not. This approach is also reflected in a regional report examining technical measures coming into force in the Community and the prospect of the setting up of an EC Inspectorate. The report remarked that, in Brittany, "20 per cent of trawl meshes (did) not conform (to regulations) in the offshore fisheries and 80 per cent in the Bay of Biscay" (Affaires Maritimes, 1982:26), [My translation, M.T.]. Anticipating problems, the report went on to express concern at the reaction of fishermen, were the regulations to be enforced. Consequently, it expressed the hope that various technical and financial factors would delay the setting up of the EC Inspectorate! (Affaires Maritimes, 1982:27). It is not surprising that, following controls by EC inspectors in 1987, the Commission accused France of registering only some of the infringements detected during the EC inspectors' visit. Furthermore, there was also a lack of administrative and criminal proceedings following recorded infractions. From the Commission's criticism, it appears that, just as with their tolerance of over-quota fishing, the authorities justify their failure to enforce some technical regulations in the Bay of Biscay on political and biological grounds. Thus, if French authorities disagreed with the scientific justification behind a measure determined by

Regulation (EEC) No 171/83, they did not seek to enforce it (OJEC, NoC 78/6; 25/3/1988:6). The Court of Justice found against France in June 1991 for failing to enforce conservation measures from net mesh sizes to minimum fish sizes, levels of by-catches and devices attached to nets.

Such an approach partly explains the absence of a service exclusively dedicated to the enforcement of fisheries regulations. It also helps to understand why controls have been targeted firstly at foreign vessels, and more particularly at Spaniards (Commission, 1986a). Thus, aerial surveillance relating to fisheries activities, involves identifying Spanish vessels and checking with the corresponding CROSS that they have the necessary licences to fish in those particular zones. Moreover, CROSSs also check whether any of the vessels is on record as having broken regulations. In the event of any irregularities, past or present, photographs are taken and vessels are despatched by the relevant CROSS to arrest the targeted boat. French Law on seizures allows for arrest, even if notification of infraction can not be given to the skipper at the time of the offence (Law No 83-582 amended by Law No 91-627, 3/7/1991). It appears that controls directed at foreign vessels, especially Spanish, are predominently carried out by the Navy, while the Maritime Affairs vessels are more involved with controlling French boats (Le Marin, 29/3/1991). This involvement is explained by the sensitive nature of Spanish politics. Madrid can do little to prosecute Basque fishermen and French authorities point out that, in such instances, controls have more to do with Foreign Affairs than with Fisheries surveillance. French authorities have to tread warily, avoiding criticism of laxism from the French, while at the same time not placing Madrid in a difficult position.

Changes might be underway, however. Information from the Director of the Etel CROSS (on the Atlantic), shows a desire to counter criticisms that French inspectors target Spanish fishermen (Le Bolloch, 1993). Thus, air surveillance, in 1992, represented 1,200 hours, more than double the average amount of the 1980s. After the technical problems on several vessels, which hampered

surveillance in the latter part of the 1980s, funding had now allowed the Maritime Affairs to remedy the situation. In 1992, the Etel CROSS carried out around 800 inspections. Of these 50 per cent were on French vessels, the rest Spanish. This percentage represented a doubling of the rate of French vessels inspected. The percentage of boats caught breaching regulations represented a staggering 30 per cent (the national average is 20 per cent). The distribution reflects the same pattern as France as a whole (see below), in that both sides, French and Spaniards, show the same ratio of 30 per cent (Le Bolloch, 1993). Among the difficulties still to be resolved, M. Le Bolloch mentioned the seriousness of some of the incidents between producers using different fishing gears; the importance of infractions relating to mesh sizes, minimum landing sizes and licences and finally, under-reporting of quantities caught and disregard for quota allocation. The EC inspectorate remains sceptical. While the information on the projected activities of fisheries vessels looks impeccable on paper, it is still too difficult to arrange EC inspectors' visits aboard those vessels for one not to remain unconvinced.

Regulation No 3561/85 requested information from Member States regarding their monitoring activities. French authorities admit that they are only now beginning to provide figures that reflect the reality. Administrative difficulties (reticence of services to provide information) are said to account for the first sets of information which owed more to guess work than to proper data. Information forwarded, by France, to the Commission in application of regulation No 3561/85 will be studied below and compared with similar documents provided by UK authorities.

A COMPARISON OF ENFORCEMENT ACTIVITIES IN THE UK AND FRANCE

The documents that are analysed in the following comparison are the tables that Member States are required by Regulation No 3561/85 to send to the Commission every year. They cover three years - 1989 to 1992. They do not necessarily reflect exactly enforcement activities or the number and nature of infringements. However, they are good indicators of Member States' priorities in the control of fisheries activities. These documents were obtained from the French Directorate in Paris and from MAFF in London.

Inspections at sea

Unlike France, where the number of declared inspections at sea has tripled, UK levels have remained fairly constant displaying a modest increase of only 140 from 4,190 in 1989 to 4,330 in 1991. Detection of French vessels found flouting the law by their control authorities has also tripled over the same period from 412 to 1,267. Although an increase is also observed in UK vessels committing infringements, the trend is much more modest at 67 in 1989 up to 93 in 1991. The ratio between the number of inspections and detection of offences remains constant in the UK varying between 3 and 5 per cent. These modest figures contrast sharply with a staggering 25 per cent of inspected vessels found infringing regulations in 1989 and 1991, with a lower ratio of 14 per cent in 1990 in France. Thus, on average over the period, French authorities registered four times more infringements per number of boardings of French vessels than their UK colleagues inspecting UK vessels. In the UK, the ratio between boardings and detection of infringements is greater among EC than UK vessels. In contrast, in France, French vessels found breaching rules are more numerous per number of inspections than for their EC counterparts. Comparison, on this specific aspect, is difficult to establish, however, as UK waters are heavily frequented by most EC vessels while French fishing grounds are mainly exploited by the Spanish. Since the number of detected infringements has followed the same

trend as the number of inspections, in France, two conclusions could be drawn. Either, compliance is very poor in France or inspections at sea are not carried out at random but on the basis of authorities' suspicions. Similarly, the low ratio in the UK may suggest either an excellent degree of compliance or a poor rate of detection.

A breakdown of the main infringements in the two Member States may help to shed some light. In the UK, the bulk of infractions at sea - 45 per cent - relate to the failure to provide correct information in log books and landing declarations. Using illegal gear comes next with 21 per cent of infringements, while the possession of undersized fish amounts to 14 per cent. In France, the percentage of offences involving the use of illegal gear and the possession of undersized fish are close to UK levels, 24 and 12 per cent respectively, but infringements relating to logbooks only account for 5 per cent, at the most, of all detected infringements in France. An examination of UK inspections of French vessels operating in UK waters raises a few interesting details. Over the three years, the UK data shows that between 3.5 and 6 per cent of French vessels, which were boarded at sea, were found to contravene EC regulations. These figures mirror those observed in the case of UK vessels. The interesting point, however, is that the main offences for which these vessels were sanctioned, are exactly the same as those of their UK colleagues. Thus, while log book infringements represent an average of around 5 per cent of all offences recorded by French authorities following inspections of French vessels, the UK records show that French infringements on log books amount to 47 per cent of the total over the three years. Similarly, possession of undersized fish, accounting for 12 per cent of all infringements in France, represents an average of 33 per cent of French offences detected by UK authorities in their waters. The use of illegal gear represents the third main offenc,e while in France this infringement comes top in 1989 and second in 1990 and 1991.

Unfortunately, a straight comparison cannot be established since few UK vessels operate in French waters and the number of

inspections by French authorities of UK vessels is derisory. As suggested earlier, the main target of French authorities are Spanish vessels. The ratio between boardings and detection of infringements is of the order of 20 per cent over the three years, which is a little under that for French vessels. The main declared offence in this category relates to fishing in forbidden zones and lack of licences to fish in French waters (27 and 21 per cent on average). Infringements regarding identification of vessels, log books and gear markings account for the rest. Before attempting to draw conclusions from these figures a study of inspections in port will be carried out.

Controls ashore

Controls ashore are easier to operate than at sea and play a full part in the enforcement system. In France, there is no pattern of permanent presence in fish markets and on quaysides as in the UK. The number of checks is, in both countries, impossible to assess. However, the number of registered infringements follows the same trend as the number of inspections at sea. Thus, in France, detected offences in port progress from 190 in 1989 to 738 in 1991, while in the UK, they increase from 494 to 738 over the same period. Among the infringements that top the list in the UK is, again, the failure to provide correct information in log books. Indeed, this infringement along with the landing of undersized fish represents most of all offences detected in port. Possession of undersized fish is also one of the most frequently recorded offences in inspections ashore in France. Illegal gear, and offences in gear markings and identification of vessels are also noted among the most common infringements. Again though, log book offences only account for 5 to 6 per cent of all detections. On the other hand, in 1990, half the in port infringements by Spanish vessels taken to court were log book offences and in 1991, log book offences represented a third of the infringements by Spaniards

Outcomes

While UK authorities appear to monitor more closely the correct filling in of log books and minimum sizes, in the majority of cases, detection of infringement in these areas leads to an official warning rather than to recourse to the courts. This pattern is also repeated in the case of undersized fish where official warnings are more common than court proceedings. This phenomenon is particularly true when detection takes place in ports. In contrast, France issues fewer formal warnings for similar infringements and sends three quarter of alleged offenders to court. This pattern is repeated for all infringements. However, as pointed out earlier, there are no records as to the outcomes of the court cases.
Information from the Scottish Fisheries Protection agency shows the number of prosecutions in their first year of service. Some of the infringements detailed in the list relate to national legislation and do not necessarily constitute breaches of EC law. Out of 283, cases only a quarter are said to have resulted in a successful outcome (Table 5.4.). Moreover, it must be remembered that courts may find against fishermen, but choose to serve the lowest penalty provided for by Parliament.

Comparison

There is a greater contrast in the way France and the UK have implemented the various strands of the conservation policy than was the case with the structural policy. While France chose mostly inertia, the UK sought ways of improving quota management and of strengthening the EC control policies. It is clear that the commitment of the UK to monitor quota uptake extends beyond the setting up of a management structure and into controls of measures, both at sea and in port. This situation contrasts sharply with what is observed in France, where there is no clear pattern of quota management, nor of official determination to ensure enforcement of EC measures. Similarly, while there is a

degree of decentralisation in the UK regarding enforcement, it cannot be compared to the structure in France which prevents any central coordination. SOAFD is responsible to the Secretary of State for Scotland, who is a cabinet minister and, therefore, accountable to the Prime minister. The lack of a fisheries service, in France, is understandable in the normative environment in which fisheries decisions are made. The paternalistic approach which favours the protection of fishermen before that of fish is still strong. Notions of legal duty regarding implementation of EC conservation measures have occupied a low position among the French authorities' priorities.

CONCLUSION

A number of political and psychological variables have militated against the success of the conservation policy. Although Member States eventually agreed on a common fisheries policy within the framework of the European Community, they still managed to retain responsibility for enforcement of collectively devised policies. This could only weaken enforcement as there was such great diversity between traditions and existing services. The constraints imposed by the need to retain TACs and quotas, primarily to maintain the principle of relative stability and also because the device was familiar to all actors, effectively narrowed the Commission's choices. As its unofficial objectives were being met with the CFP establishing itself, the Commission could seek to impose more conservation oriented policies. However, it was not as successful with its second set of objectives as it was with the first.

Implementation of the various strands of conservation measures in France and the UK are almost at opposite ends of the spectrum. Yet, paradoxically, the main variable guiding implementation was self-interest on the part of both Member States. As with the structural policy, France initiated moves to allocate quotas only when inertia was no longer a tenable proposition. Problems remain, however. The normative environment in which fisheries decisions

are taken has evidently not evolved yet, and regardless of the rhetoric, the French authorities operate a selection in CFP measures. The UK's efforts at respecting quotas and monitoring their uptake are undeniable. However, such a policy contrasts, not only with that France's, but especially with the UK decisions regarding the implementation of the structural policy. The UK government refused to honour the objectives it had set itself in its MAGP II through the creation of a decommissioning scheme, somrthing which was widely supported by the other actors in the fisheries policy network. Instead, it sought to enforce restrictions on the activities of fishermen, which, while helping to implement EC measures, were also, and perhaps especially, aimed at forcing the most uneconomic enterprises out of the industry. It is difficult to believe that UK's decisions in the domain of quota management and enforcement were driven by normative notions regarding implementation of EC legislation and/or conservation of fish stocks. Had these considerations been paramount with the UK, the government would also have ensured that MAGPs were respected. Instead, the government sought to contract the fleet, but without involving the Treasury in the process. The market, helped by regulations, would achieve rationalisation.

When forced to take some action on quota management, France did not show the same determination as she did when faced with a similar situation in the structural policy. In the latter, the authorities used the freezing of EC aid to force the industry to accept a licensing scheme and subsequently to subsidise the destruction of catching capacity through the decommissioning scheme. However, there was no such display of determination to implement a management scheme for monitoring quotas. Thus, implementation of EC conservation measures were, again, dependent on Member States' self-interest. So much for Member States' objectives.

The choice of policies and intruments were different as choices were also influenced by tradition. The examination of implementation in France vindicates Hayward's conceptualisation of the potential of the executive to decide and act decisively

when it serves its interests (Hayward, 1982). However, this study would suggest that, instead of a second contrasting style (Hayward, 1982), it would be more accurate to speak of a complementary *ad-hoc* and pragmatic approach, which helps actors to accept the heroic part of the process. Thus, while licensing and decommissioning exhibit heroic characteristics, their implementation could not have been more pragmatic and *ad-hoc*. This pattern parallelled the one observed in the decentralisation reforms. The slow progress noted in the evolution of an allocation and monitoring system of quotas must not be seen exclusively as the result of incrementalism, but as an area where the authorities were not prepared to use the potential of the State to impose a scheme. Projected hostility and conflict played a part in this decision, but the main variable was the determination of the authorities, which do not accept the universality of quantitative regulations. As for the UK's style, the main characteristic of extensive consultation was respected throughout the period. However, this study shows that policy networks and communities failed to have an impact on the government's choices regarding implementation of EC measures. Thus, it appears that the concept of styles and its attendant concepts of interest representation patterns and policy outcomes are not helpful in explaining Member States' implementation of EC fisheries measures.

As for policy outcomes, they appear to have been similar in that both fleets experienced overcapacity, the effects of reduced landings and decreasing value. The various related curves follow similar patterns in both Member States. Since implementation was patchy and the resource base interdependent, it is difficult to blame outcomes only in terms of policies. Sectoral imperatives go some way to explaining outcomes. At the start of the process lies scientific advice, it must be remembered that scientists depend on the quality of data provided by skippers and forwarded by Member States to Brussels. Scientists' research is severely constrained by the complexity of stock assessment and the lack of resources devoted to the task. Given the hunting nature of fish

exploitation, skippers still resent the fact that they have to divulge information regarding zones and quantities of fish taken. Data contained in log books are notoriously unreliable, as creative reporting is widespread. There are only two people in DG XIV to process the masses of data received from Member States. As well as being widely off the mark, by the time the information is processed and used by scientists, it is also two years old. When one adds the secrecy of the deliberations in the initial processes of quota setting and the bargaining that follows, it is easy to understand the gap that can exist between TACs set and stocks in the sea. Thus, there are situations when quotas are low and fish plentiful. Fishermen are forced by regulations to discard all over-quota fish, thus destroying tons of fish. In such a context, it is difficult for enforcement services not to adopt a more flexible attitude. Similarly, fisheries inspectors will be more inclined to turn a blind eye to over-quota fishing when the industry is experiencing economic hardship for whatever reason. Additionally, if fishermen are united in rejecting a specific measure, enforcement becomes difficult. The harsh and difficult environment in which fishing takes place must never be forgotten and inspections will depend on the vagaries of weather, zones and stocks. Such constraints explain the limits of policies, as well as some of their negative outcomes. The reluctance of producers' organisations to draft fishing plans is understandable. The environment does not lend itself to much planning as the nature and volume of catches are never assured. Moreover, fishermen's aversion to what they see as bureaucratic schemes should not be underestimated. Thus, the policy sector approach which posits that sectoral imperatives determine policies and politics offers a better conceptualisation of implementation of EC fisheries measures in Member States than concepts of national styles do.

CHAPTER 6

TEN YEARS OF THE CFP: BALANCE SHEET, LESSONS AND PERSPECTIVES

This chapter begins with the report that was prepared by the Commission for the Council and the European Parliament, as required by Regulation (EEC) no 170/83, in December 1991 on the first ten years of the Common Fisheries Policy. The report will be briefly described to ascertain the Commission's assessment of the CFP's achievements and its objectives for the next ten years. The focus will then move onto the preparation of the third Multi Annual Programmes (MAGPs) for the period 1 January 1992 to 1 January 1997. The events surrounding the drawing up of the third MAGPs show the evolution that has taken place in the concept of the structural policy, as well as the importance and reality of the conservation measures. The mid-term review of the CFP will be briefly examined, as well as the various policies for the next ten years. Finally, the balance sheet of the CFP will be tested against the various participants' objectives, an exercise which shows the limitations of the concept of 'successful

implementation' as well as that of CFP's failure in managing fisheries in the Community.

URGENT ACTION REQUIRED

When Manuel Marin, a Spanish national, much to his chagrin, became Commissioner for Fisheries in December 1988, the effects of overcapacity and overfishing were just becoming evident. As we saw, most Member States were failing to take measures to meet the objectives set in the MAGPs and scientists were warning of the dire state of some stocks in the North Sea and West of Scotland. The industrial sector, which had been experiencing economic difficulty for over a decade, was now being joined by the artisanal sector which was being hurt by growing scarcity and reduced landings. At first their effects had been masked by increased capacity and increased effort combined with substantial increases in prices. However, the process seemed to have run its course and drastic action was needed. The Commission asked for an independent report on the state of the EC stocks. The 1990 Gulland report, prepared by a group of independent scientists, warned of the severe overexploitation of many stocks and recommended a staggering 40 per cent cut across the EC fleet. The 1991 report was prepared by Mr Marin's cabinet, in collaboration with the Structure Division and that of Conservation and Controls. According to those involved the brief was "to be tough, to make Member States face up to their responsibilities". The 1991 report, organised in two parts, offered a balance sheet of the CFP policy followed by some guiding principles for discussion by all concerned on potential measures to prepare the post-CFP era. The report noted "overfishing and a latent sectorial crisis" due to the weaknesses of the management instruments (Commission, 1991b: ii-iii). The expressed objectives of the CFP could only be met if the state of the stocks was healthy. As this was not the case the urgency was to reach a balance between fishing effort and resource. The Commission had been constrained in its choice of instruments ten years earlier, but now the mid-term review offered

the opportunity to remedy the disjointed nature of the CFP components by linking Structures and Conservation. Painful measures would be required to contract the fleet and social programmes would have to be provided to cushion the consequences of contraction. It warned, as the British SFIA had done ten years before that, once an equilibrium had been reached, it could only be maintained if access was controlled. This could be done through control of access to the profession, to a vessel and to fishing zones. Any licensing scheme would still have to be complemented by TACs and quotas. TACs could be set on a pluriannual and plurispecific basis to avoid the annual marathon meetings. In the long term, the eventual setting up of individual transferable quotas is considered a possibility. These measures could work only if controls were effective. A possible solution was an electronic device that can be fitted onto fishing vessels and that transmits signals to a satellite. Vessels' activities could be charted to allow checks on log books records and landing declarations. The Commission was guided by two factors. First, it was felt that the CFP, as one of the few truly common policies, was worth preserving and this could only be done by ensuring its future through rationalisation. Secondly, it was felt that mentalities had evolved since 1983. The grand issues such as access, the accession of Spain and Portugal had been settled, processes such as TACs and quotas had been routinised, the mid term review was well underway, surgery was now possible to remove the pathological elements. Perspectives were not quite the same from Member States, however, and, as the Commission expected 1992 was a difficult year.

THE STRUCTURAL POLICY AND MAGP III

One of the constant complaints about input control had been the criterion of the kiloWatt as a measure of fleet capacity. The Commission proposed a segmentation of the fleet into various elements in order to target cuts more precisively at the section prosecuting the most heavily exploited stocks. There was agreement

on the wisdom of this analysis but no consensus on the criteria that should guide segmentation. There was also a fear that such a move represented ever increasing meddling by the Commission into an area that should remain the prerogative of Member States. The third set of MAGP should have been ready before 1 January 1992. However, because of the difficulties experienced by some Member States in meeting their objectives, and the disagreements that followed the Commission's proposals for the third set of cuts, the Commission decided to request an interim uniform contraction of 2 per cent in all Member States' fleet for 1992. (For the UK, who had not met the 1987-1991 MAGP objectives the Commission requested a contraction of 12.9 per cent for the year 1992). This decision ignored the resolution passed by the European Parliament which called for a two year moratorium in the structural policy to give Member States time to achieve their targets and to adjust to the new situation. The Commission considered that a two per cent cut, in effect, only maintained fishing effort constant, as technological improvement of fishing gear leads to an estimated 2 per cent increase per year in fishing performance. In the meantime, the Structures Division and the Conservation and Controls Division in DG XIV worked together for the first time to devise a programme of segmentation of the fleet. At the end of June 1992, the Directorate submitted its proposals to the Advisory Committee on Fisheries' Working Group. In the document, referring to the 1991 Commission's report, DG XIV pointed out that it appeared crucial to bring together the various policy strands. A new approach was, therefore, being adopted. Four principles guided that approach: "rigorous transparency" - the Commission would be open about the sources of scientific data on which its proposals and decisions are based; "progressiveness" - implementation difficulties would be taken into account, but ultimate targets would have to be met; subsidiarity - within the constraints of the contractual programmes in the MAGPs and, finally, "equity", that is requiring all Member States to dismantle a percentage of their fleet in relation to their effect on stocks. This new approach required a new methodology which

would involve the segmentation of the fleet by areas, fishing zones and types of gear and the sealing of vessels in a given group. Reiterating the dire state of some stocks the Commission proposed a 30 per cent cut in fishing effort on demersal stocks, 20 per cent on benthic fisheries and 0 per cent on static gear. Fishing effort would be defined "in a simple way, as the product of capacity by fishing time". Cuts in fishing effort could be achieved either by dismantling vessels or by imposing tie-ups, or by a combination of the two. The first problem with such methodology was the ideal percentage of cut to request from the numerous multipurpose vessels which were seen as most desirable a few years earlier because of their versatility? For the Commission they should be taxed on the rate attached to the most sensitive of the stocks they prosecute. There was a significant departure in the financing of MAGP III from its two predecessors. The Commission proposed, for the first time, to spend most of the structures budget on the permanent withdrawals of vessels. In a now familiar pattern the bargaining processes began.

The proposals caused uproar in Member States. France and the UK, who both objected to the proposals, and who had not provided the information regarding their fleet in the form stated by the Commission, were requested to apply the maximum cuts across their fleets. The Commission decided that, in the absence of proper information, all vesssels would be classed in the 30 per cent cut bracket. As usual the Commission had set the stake higher to give itself room for manoeuvre. The French professionals were furious and felt cheated. They had been so sure that their licensing scheme and the 1991 decommissioning scheme would improve France's negotiating position that the cuts would be minimal. The Cooperation spoke of "integrism and scientific absolutism" in the Commission. French local authorities joined in. They felt conned. Had they not financially supported the decommissioning scheme in the hope that it would allow their fleet and boatyards to survive? The French authorities pointed out to the Commission that the strength of its artisanal sector was based on its versatility which, after being promoted, was now being penalised. They also

tried to appease their fishermen by pointing out that, had the objectives been respected earlier on in the previous MAGP, there would not have been the need for drastic action at the last minute thus creating a feeling that France should not be required to cut back any more. There was dismay and anger in the UK, too. The Government spoke of excess interference in the affairs of Member States. Lobbying took place at all levels and was conveyed to the Commission by all authorities - ministers, MPs, civil servants and fishermen's representatives. Europêche and COGECA Pêche, the two Brussels-based federations of European fishermen, were united in their hostility to the "illogicality" of the concept of segmentation. Opposition was based around three main points. Firstly, it was felt that the Commission had gone too far. It was not its job to dictate in what groups cuts should be made. Secondly, fishermen ridiculed the methodology as a scientific and bureaucratic dream, far removed from the real world of fish exploitation. Finally, the prospect of the social costs of such cuts in peripheral communities generated opposition in all quarters. Yet, the Commission would not relent. The EC officials had heard all the arguments before. "Each delegation made a special case for their own fleet and argued for expansion not contraction" several Commission officials said. In the Structure Management Committee, national civil servants said that "the Commission refused to listen to our arguments. We came home and told our Directors and Secretaries that we were wasting our time." At the end of the Summer, and as the French authorities were campaigning for a yes vote in the September referendum on the ratification of the Maastricht Treaty on political union, the French Fisheries minister wrote to the Commissioner to inform him that his proposals were unacceptable to France. M. Josselin, a Breton notable, had consulted the Elysée Palace and had received permission to go ahead. In his letter, drafted in the Directorate, M. Josselin asked for the issue to be debated in the forthcoming Council of ministers' meeting the following October in Luxembourg. The letter had a symbolic value. It allowed France to enunciate officially what many Fisheries ministers felt. It was

also meant to show the French sector that, Maastricht Treaty or not, the French authorities would still ensure that French interests were protected. The letter is interesting as it revolved around the principle of a Commission's prerogative having to evolve within an accepted political framework. The Commission is endowed with the drafting of proposals regarding Member States' MAGPs as well as overseeing their implementation. The Minister saw this as legitimate on the condition that MAGP objectives be consonnant with political objectives devised by elected political decision makers. However, there was now, according to him, a dissonance between the political goals set to the Commission when the CFP was installed and the approach adopted by the Commission. M. Josselin's action was applauded in France and received the support of other Fisheries ministers. According to a French official, the German Minister remarked "We cannot swop a few tons of cod with another Member State without a national procedure and, here, in a case as crucial as the size and future of our fleet, we hardly have a say. It is inconceivable" [My translation, M.T.].

Political events beyond fishing were also evolving. In the Danish referendum on the Maastricht Treaty on the 2nd of June 1992, a majority had voted No. The French Yes a few months later had been so lukewarm that the buzz word at the Commission became ***subsidiarity***. It was difficult, therefore, for the Commission to sustain its stance on fleet cuts. By all accounts, in the last few months Mr. Marin did not fight as he had done throughout his four years in charge of Fisheries and when Ministers argued that, in future, ***they*** should decide on the level of cuts required, he accepted it. He was subsequently reprimanded by his colleagues for "giving in to Member States". A MAFF internal paper shows that the UK, who held the presidency of the EC at the time, had to work very hard to get the issue regarding control of MAGP objectives discussed in the Council of Ministers. "The Commission at first fiercely resisted that, because, legally, they and not the Council are responsible for setting MAGPs. It fell to the UK to win them

round" Even so, the UK had to work with all the delegations to reach consensus on an alternative set of figures to that proposed by the Commission. It took the UK about a month, but it worked. On 1 December 1992, the Structure Management Committee met and agreed on 20 instead of 30 per cent cut on effort on demersal stocks, 15 instead of 20 per cent on benthic stocks and retained the proposed 0 per cenrt on pelagic stocks and static gear. There was dismay at the Commission at the turn of events. An internal memo remarks "The Commission considers that its initial proposal is the only one likely, in the long term, to resolve the problems of overexploitation of some halieutic stocks and that any decision seeking to reduce the effects of the proposal will be bad for the state of such stocks and subsequently for the economy of the sector" [My translation. M.T.].

THE MID-TERM REVIEW AND THE CFP FOR THE NEXT TEN YEARS

The Commission document generated interest and attracted submissions from a wide spectrum of organisations which cannot be reviewed here. The Commission's proposal for a regulation did not put into question the main principles of the common policy. It did, however, introduce concepts such as that of licences, of effort limitation, of multiannual TACs and proposed new control measures. Spain was the only Member State who voted against the Regulation at the Council of Ministers meeting on 19 and 20 Decembre 1992 when the new regulation was formally adopted (Council Regulation (EEC) No 3760/92; OJEC, L389, vol. 35, 31/12/1992).

The principle of relative stability, so dear to fishermen, was retained to the disappointment of the Spaniards whose access to EC waters is still limited to three hundred vessels at any one time. The French, who had fought so hard to defend the principle of common access for themselves in the Seventies and early Eighties denied it and fought as hard against it when it came to Spain and Portugal's accession to the Community. Instead of gaining automatic access, a move which would have threatened the whole

principle of relative stability, a ten year derogation had been entered into the 1986 Accession Treaty to delay it.
Conditions and restrictions on access in the 12 mile coastal bands and the Shetland Box are maintained for another ten years (Articles 6 and 7).
Among the innovations, as we saw, was the setting of objectives for the multi-annual guidance plans (MAGPs). Structural objectives and operational rules will be decided in the Council and for the first time before 1 January 1994.
A licensing scheme is to be established in each Member State to be managed at the national level. Before 31 December 1993, and after consulting the European Parliament the Council will adopt a regulation instituting the framework regulating licences which will have to be effective from the 1 January 1995 (Article 5.1). The licence, like the French PME, will be attached to a vessel to prevent the trading of licences.
Despite the perverse effects they generate TACs are retained. The Commission would have liked to use TACs in conjunction with effort control measures. However, Member States decided that the latter could be used in cases where it is proved that it generates greater benefits than the TAC system. The Council will continue to decide on the available level of TACs on a pluriannual and plurispecific basis wherever possible. TAE or total admissible effort will, too, be set by the Council.

Structural policy: Thus, in the structural policy, "the 'political' have regained dominance over the 'technical' in deciding on future shape of the fleet", as several ministers put it. In one of the few domains where the Commission was given a degree of control Member States felt that the price to pay was too high. When the rules of the game did not suit the players they changed them. When constitutional weaknesses are not built in as was the case with NEAFC, Member States seek to introduce them at a later date. This decision, while it can be justified in terms of democratic policy making also raises the spectre of Hardin's tragedy. Although, in the case of the CFP, herdsmen (Member

States) communicate and can, theoretically, decide on *x* number of cattle (vessels) the environment of exploitation dictates that the only rational action is to ensure the highest possible potential of exploitation. Knowledge and reliability of the available information is of the essence in this dilemma. Repeated calls from Member States for 'transparency' in all aspects of decision making between individual Member States and the Commission, and especially in the data base regarding fishing vessels reflects the mutual distrust that exists. Each State suspects the others of not revealing the true size of their fleet, of not really controlling the activities of their fishermen and, consequently, insists on ensuring openness in the whole system. Paradoxically, each Member State also insists on confidentiality. The problem of knowledge and reliability is compounded, in the CFP, by the lack of harmony in assessment criteria. Thus, despite the EC register of fishing vessels, which is now more or less complete, no valid comparison can yet be established. The variety of measurements of tonnage and engine power is bewildering. The Grt has different values across Member States. Moreover, the Commission still does not know whether declared capacity corresponds only to the main engines on a vessel, or whether it also embraces the power of auxiliary engines. By 1994, all vessels in the Community will have to be registered using the London gauge. At present only 19 per cent are in that category.

Licences: While the Commission registered a setback in the setting of objectives in fleet evolution the insertion of licences in the new regulation was quite significant The concept of licence generated much hostility and debate in the sector. Member States, especially France, insisted on minimising the significance of the device by stressing that it would only be an administrative document. It will be linked to a specific vessel and theoretically, will not, be tradable as fishing rights. Of importance too, subsidiarity will operate in this domain, as licences will be issued and managed by Member States. However,

licences can be adapted to enter conditions on zones, species and quantities which in the long term can result in individual quotas.

Controls: The 1992 Commission's report on enforcement in the Community reiterated the weaknesses of enforcement in the Community. Responsible were the environment, of course, but also the lack of political will. To remedy these difficulties the Commission proposed to introduce electronic devices or 'black boxes' on fishing vessels, to allow authorities to chart the activities of vessels at sea. This scheme would be monitored by Member States. Hostility to the principle is widespread. However, Member States are to adopt a new regulation on controls in 1993. The Commission would have liked to have its own control centre but Member States did not support the move. Thus, all EC vessels, over 10 metre in length and spending over twenty four hours at sea should be equipped before 31 December 1995. It is doubtful that this date will be respected as so much opposition to 'the spectre of Big Brother' is widespread and in all probability it will take much longer.

Social measures: Less than ten years after the inception of the CFP, which initially led to fleet expansion the Commission was turning its attention to the social costs that forced contraction of the fleets would inflict upon peripheral communities. The concern, expressed so many times, regarding the importance of fishing to peripheral communities has not led to sensible development but to fleet overcapacity and overfishing. Now, funds were sought to assist the decline that is sure to follow fleet contraction. Studies were made in all coastal Member States in order to assess the regions most likely to suffer the worst effects.

DEVELOPMENTS IN THE UK

MAGP III

As MAGP II came to an end, on 31 December 1991, the UK had not met the targets set for the years 1987 to 1992. As we saw, the situation was rather confused with several Member States having failed to reach the targeted capacity. MAGP III consequently had to be delayed. The UK Fisheries Departments alerted Ministers and told them that some action was required. The UK's poor record with the implementation of the structural policy was creating difficulties for officials in Brussels. Fisheries stood out as an area where engagements were not being honoured. Civil servants argued in favour of a policy, as there was none. According to them, any policy that produces negative results is normatively preferable to no policy at all. Fisheries officials also explained to ministers that, if the UK was to have any influence over the shape of the next MAGP and, perhaps, more importantly, over the mid-term review, some action would have to be taken. This argument had also been used in France. Moreover, the UK was going to hold the EC presidency during the second semester of 1992 when these issues were to be negotiated. The prospect of the forthcoming general election was an added incentive for the Government to prepare some proposals on fisheries. The result was a compromise package between MAFF and the Scottish Office, which was announced at the end of February 1992. The Scottish Fisheries Department which, for years, had been arguing in favour of a decommissioning scheme eventually managed to obtain it. It was, however, made conditional on the introduction of a certain number of restrictions on effort. Although, disappointed at the modest budget allocated to the schem, SOAFD still regarded the package as a victory since they had managed to get the principle of decommissioning accepted. The consultation paper regarding the proposed package, issued on 29 April 1992, following the Conservative victory, sought "the industry's views on *the details of its implementation*" (Fisheries Departments, 1992: 1). The

measures themselves were not negotiable. A sum of £ 25 million would be made available for the decommissioning of fishing vessels. Reiterating the Government's conviction that reductions in capacity alone would not suffice, the document stated that decommissioning would begin only once mechanisms to limit effort and to tighten licensing were in place. Moreover, the forthcoming introduction of effort control as a component part of MAGP, along with reduction in capacity, was an added incentive for the Government. Effort control would become effective in 1993 and every susbsequent year during the life of MAGP III. Thus, in 1993, entitlements to days at sea for all vessels above ten metres would be the same as those in 1991, when the eight day a month tie-ups were in force for a category of vessels. Subsequent modifications to the level of entitlements would be made according to the progress of the other measures and the need to adapt to the objectives of the 1992-1996 MAGP. From 1 January 1993, licences were to become compulsory for all under ten metre commercial fishing vessels. The penalty on capacity aggregation was increased from 10 to 20 per cent. Another important innovation was the proposal regarding new prerogatives for producers' organisations. The Government proposed to simplify the rules relating to quotas swops between organisations. More significantly, the Government proposed that POs buy the licence entitlements of those of their members who leave the industry in order to increase POs' fishing rights. This scheme would mean, of course, that a boat would be scrapped without cost to the Government, since a vessel without a licence has no fishing rights. The idea of making the most of decommissioning money also determined the shape of the scheme. Instead of using the standard rate as provided for in the Commission's regulations the Government proposed that vessel owners submit tenders to the authorities who could then select applications. Obviously, those relating to newer vessels with high entitlements are more attractive in terms of the greater reductions in effort they represent. The industry was dismayed at the package. Not only was the decommissioning scheme not being delivered as a right to vessel owners wishing to leave but, even

in its restrictive nature, its delivery was made conditional on the implementation of restrictions in other areas. M. Curry made it clear in the House of Commons on 8 June 1992, "the link between decommissioning, effort control and all of the other measures is not negotiable" (HC, 1992a:col.57). The Government's "take it or leave it approach" was "extremely unpalatable" to the industry which rejected the "proposed link" between the measures (SFF, 22/6/1992). The UK Federations were unanimous in their opposition to the days at sea restrictions. Fishermen did not like the principle, disagreed with the choice of reference year and feared the consequences of such measures. The SFF was also opposed to giving POs the power to buy quota entitlements. It objected to the scheme on several levels. To the SFF, the measure showed, yet again, "the shortcomings in the Government's commitment to decommissioning" (SFF, 22/6/1992:5). In effect, the government was asking the industry to fund decommissioning. "More fundamentally, however, this proposal is very close to the concept of Individual Transferable Quotas, which the Scottish Industry rejected some time ago" and which would change the common ownership of fish stocks, a principle "entirely unacceptable to the Federation" (SFF, 22/5/1992). The response to the prospect of POs buying quotas was far from unanimous however. Even in Scotland, some POs such as the SFO and the Shetland Fish Producers' Organisation saw scope in the measure. However, the Government was moving fast and while the consultation process was still underway the Government pushed its Sea Fish Conservation Bill through Parliament. It was an enabling law which would allow ministers to decide on the number of days at sea for each vessel. It also provided for increased penalties for infringements of licensing regulations and even, in some cases, revocation or suspension of licences. It received its first reading on 22 May and the second on 8 June. Opposition to the bill led to blockades and demonstrations. Fishermen and their supporters lobbied MPs and three thousand fishermen converged on London, on 7 July for the third reading. The industry did not manage to force a rethink, and, except for a few concessions such as the setting up of

independent tribunals where fishermen can appeal if they disagre with their days at sea entitlements, the Bill became Law in December 1992. The government will have to seek Parliament's approval before it can impose further restrictions beyond 1993. Opposition continued in 1993 as a few blockades were organised and fishermen were threatening to sabotage the implementation of the measure. The order which should have gone before Parliament before Easter was delayed because of the difficulties the Government was experiencing with the ratification of the Maastricht Treaty. It eventually went through in early May 1993. However, the government announced, in the Summer, that implementation would be delayed till 1st January 1994 and asked the industry to submit alternative proposals to the scheme. It was still determined to implement the tie-ups but was prepared to introduce a degree of flexibility if effort could be curbed in other ways. In reality the scheme had, again, demonstrated the difficulty of regulating a diverse industry through a single measure. Thus, the big white fish vessels, which were regarded as the main culprits for their effort on white fish stocks, were assured of their days at sea since records showed their activities in 1991. Small units, especially shellfish vessels on the other hand, which do not have to fill in log books and could not prove their days of activity in 1991, were allocated the minimum provided by the law which was of 80 days. These boats had not contributed to the overexploitation of the main stocks but were still penalised. Their owners could appeal but these inconsistencies made it difficult for the industry to unite. It found comfort, however, in a report by the Select Committee on Agriculture on the Conservation Act. The report criticised the government and described the tie-ups as "unnecessarily draconian" and as representing "little more than decommissioning on the cheap" (HC, 1993). The future will tell whether the Conservation Act 1992 will prove to be a small scale poll tax fiasco as fishermen predict. According to officials in MAFF and SOAFD, the Ministers expect the decommissioning scheme to scrap around 7 or 8 per cent of the fleet. The effort limitation scheme should contribute to 5 or 6 per cent cut in effort, thus

leading to a combined cut of 14 to 15 per cent of the 19 per cent required in MAGP III. For the moment it is felt that these estimates are sufficient. In two or three years' time, the analysis goes, adjustments can be made according to the situation and the state of the stocks, as well as the efforts made by other Member States to meet their own MAGPs' targets. Fisheries Departments are not worried by the fact that they do not have a projection of a 19 per cent cut for 1997. Thus, despite the legislation the approach remains ad-hoc and one of short term adjustments.

The problem of the Anglo-Spanish vessels

Most of the Spanish companies, which had been temporarily expelled by the Merchant Shipping Act, had reregistered in the UK after the Court of Justice had declared the provision on nationality illegal. While they were expelled the quotas they did no longer fish were shared between the UK POs, which were now unwilling to part with their greater allocation. The companies found that they could neither gain membership of the English POs, nor attract sufficient quotas from the non-sector allocation which was too low. They consequently threatened to take the UK to Court. Despite hostility from the English industry the Government had to increase the non-sectoral share in order to appease the Spanish companies. There was also a growing number of Dutch beamers which were joining the UK fleet in the North Sea and fishing UK quotas. It appeared that the problem of flagships could only grow in the second half of the CFP's life. The EC failed to tackle the contradiction that exists between the principle of relative stability, which conserves the resource allocation formula between Member States, and which is maintained through TACs ad quotas, and 'quota hopping' whereby fishermen from any Member State can fish quotas of another Member State. Indeed, the Commission refuses to acknowledge all suggestions of a contradiction in this area. Although, an EC regulation, passed in 1988, puts the responsibility on Member States where landings

take place to inform the authorities of the State where the vessel is registered, in the case of the UK principally Spain, the UK has often complained that data is late and that by the time it is forwarded quotas may be overfished. Indeed, the UK has argued that when overfishing occurs it is often due to flagship activities (Financial Times, 7/2/1989).

General developments

The prospects for the UK fishing industry, in 1993, did not match those of ten years before. The relations between Government and Industry, which were close and friendly in 1983, were surely at their nadir in 1993. Overcapacity and strict quotas, though on the increase, combined with other variables beyond the industry's control, such as the implementation of the Single Act on 1st January 1993, were leading to growing volumes of fish importations and a collapse in fish prices. Instead of generating centripetal forces, the difficulties generated centrifugal reactions. Splinter organisations were being set up as each group sought to ensure that its specific conditions were acknowledged by the authorities. In Scotland, there were calls for a single UK Fisheries Department to be located in Edinburgh and headed by a full cabinet ranking Scottish Minister. The Scottish Office was in favour of such a move. The Labour Party promised to reform the structure in its 1992 manifesto. Lord Sanderson, chairman of the Scottish Conservative Party, seemed to suggest, before the general election that a single Department in Edinburgh could be considered (Conference in Glasgow, 3/4/1992). After the election the Prime Minister, John Major, began a so-called 'stock taking exercise' regarding Scotland. There were hopes that the transfer of responsibility for Fisheries would result from such exercise. However, it did not, and the situation remains whereby Scottish Office civil servants and the Scottish industry feel strongly that the dominance of Scotland in fishing should be institutionally acknowledged. Both SOAFD and the SFF argue that they represent the lion share of the industry. SOAFD is convinced that, legitimately,

it should lead fishing policy, and this conviction leads to a determination that no UK measures should be formulated without Scottish support. The SFF deplores the fact that, although it represents a greater number of fishermen than the English NFFO, its interlocutor is the junior department, while the NFFO deals with the lead ministry (Allan, 1993). After the general election, to the great dismay of the industry, John Gummer retained his post in MAFF and David Curry was elevated to Minister of State from Parliamentary Secretary. (Following the May 1993 reshuffle John Gummer was replaced by Gillian Shephard at MAFF at a time of blockades and conflict between Government and Industry).

The territorial segmentation in the administration of fisheries in the UK weakens any power that the industry may yield. Divisions are rife through any fishing industry. However, while civil servants from the Fisheries Departments will meet to agree on a common stance before consulting or confronting the industry, the various federations will deal with their respective departments defending specific interests which are often at odds with those of their counterparts in another part of the country. This factor can only strengthen the Government's hand in its dealings with the industry. Moreover, intra-industry divergencies further compound its weakness. Thus, when the SFF meets with Scottish Office officials its delegation is not confined to two or three representatives but on the contrary contains leaders from most constituent associations. It is not unusual for the discussions to degenerate rapidly into an argument between the various industry representatives and for civil servants and/or Fisheries Secretary to be ignored while the argument develops. Another illustration of the divisions in the industry is provided by the many individuals who contact the Fisheries Department in Edinburgh, whether they are SFF members or not. They want to let the officials know of their disagreement with the SFF's stand on various issues and plead for their specificity to be taken into account by the Department. Such behaviour from those involved is not conducive to reasoned argument between the Fisheries officials and industry representatives. If, undeniably, these divisions

complicate the task of fisheries officials - who yearn after an equivalent of the National Farmers Union in fishing - they also grant them a degree of freedom as they can always argue that a section is in favour, or is not against, whatever measures they propose. Finally, while SOAFD is generally closer to the Scottish industry and defends a Scottish policy in London, it also plays the role of gate-keeper between the industry and MAFF. Thus, when the SFF sollicited and were granted a meeting with MAFF Ministers during the Conservative conference in Brighton in 1992, SOAFD officials remonstrated with SFF officials questioning the need to by-pass them.

Thus, ten years into the common fisheries policy of the European Community, the UK still had no fishing policy. Measures were ad-hoc and devised between and within departments to the exclusion of Parliament, local authorities and the producers. The EC constraint was used by the government to impose measures which were congenial to its objectives. The rest was ignored. As for the industry, which was widely consulted and formed policy communities with its respective department, its intervention was only acceptable in "*the details of ...implementation*" (Fisheries Departments, 1992: 1), measures themselves were never negotiable.

TEN YEARS ON: FRANCE

After the decommissioning scheme of 1991, which was hailed a su. ccess by some, and window dressing by nmost, 1992 was dominated by the negotiations regarding MAGP III and the hostility generated by the Commission's proposals. There were innovations in the setting up of Regional Assemblies for the Management of the Resource, (Etats Généraux de la Ressource), made up of industry and elected representatives from local authorities, scientists and administrators under the responsibility of prefects. The task of these assemblies was to discuss and advise ministers as to the best way to manage exploitation in the 12 mile coastal zone. First item on the agenda was the examination of existing regulations

interuser conflicts and policing at sea, in order to formulate proposals. Also to be discussed was the role and importance of maritime training schools in making future fishermen conscious of the importance of conservation and to improve "global understanding of the problem" (Le Marin, 21/2/1992). As usual, some regions managed to set up their assemblies and to meet, while others did not seem to be in any hurry. There were also elections to the various local, regional and finally central Committees after the demise of the CCPM and its rebirth as the National Committe for Maritime Fisheries. For the first time, in the Spring of 1993, the profession elected one of its members to the post of President of the new interprofessional structure, where hitherto an administrator from the Maritime Affairs had been appointed by the Minister for the Sea. The profession had always argued that any representative would have a bias towards his own sector.

A phenomenon, which had appeared a year or two, before grew in importance during 1992 and led to an explosion of anger, demonstrations, and even violence in 1993. The artisanal sector was getting into debt. By February 1992, around three hundred vessels were in economic difficulty. Main victims were new and second hand boats, acquired less than five years previously. The Coopération blamed the licensing scheme, the PME, for adding an incorporeal value on the vessels, thus making it difficult for investors to recoup their costs. The government's reaction is quite interesting in this case and illustrates the way French authorities can deal with the sector on an *ad-hoc* basis without necessarily involving the CNPM. According to officials in the Fisheries Directorate, the Crédit Maritime, the maritime bank, alerted them to the fact that several of their local agencies were having cash flow problems because an increasing number of individuals could not keep up payments on their loans. In the meantime, some regional and departmental notables had also contacted the Fisheries Secretary to tell him of the problem. The Fisheries secretary, Claude Bernet, immediately set up consultation between the cabinet and the Directorate in order "to

do something about it". Avoidance of social unrest was top of the agenda so commissions were created to study the problem. Represented on these commissions were people from the Crédit Maritime, Prefects and administrators from the Maritime Affairs. Their role was to examine individual dossiers in order to reorganise payments of debts. Funds were made available from monies left in the Fisheries Directorate since 1990, after paying subsidies for structural damage to fishing structures caused by storms. Brussels requested a justification from the services. "Was aid not going to lead to unfair competition?". The services calculated that the combination of national structural aid, and the loans at preferential rates now being attributed to these vessels, was still under the maximum rate of aid allowed by EC legislation. "The problem was solved without any trouble" (Fisheries Directorate, 1992). This conclusion proved a little too hasty, as there was social unrest among French fishermen in the Spring of 1993. However, a new process was soon underway again to allocate aid to those in economic difficulty, but the situation remained volatile. To attribute the responsibility of the crisis to the CFP alone would be too simplistic. It was the result of many factors, most extraneous to the CFP. As in the UK, the opening of frontiers between EC Member States, on 1st January 1993, led to massive imports of Russian fish, most of it 'laundered' in Norway, which has commercial agreements with the EC, and in Denmark, so that the fish entered the EC market as EC fish. The recession and the devaluation of several EC currencies led to a decrease in fish consumption and imbalances in imports within the EC. The end of agricultural subsidies also meant cheaper alternative sources of protein. Cod, haddock and saithe catches were greater than they had been for a few years but there was no market for the extra fish, as many processors had disappeared or had found alternative sources of fish during the lean years of low quotas.

The main institutional reform, in France, took place after the legislative elections at the end of March 1993. The centre-right coalition won an overwhelming majority of seats in the French

Assembly and the second 'cohabitation Government' of the Fith Republic was immediatly installed. The Prime minister, Edouard Balladur chose a streamline cabinet. For the first time in history, Fisheries was separated from the Merchant Navy and linked with Agriculture, thus bringing the two primary producers together in the same Ministry.

French MAGP III

We have seen how France reacted to the various events regarding the preparation of the third MAGP at the beginning of the chapter. After the various negotiations, France's cut in effort was put at 10 per cent which was acknowledged as an acceptable objective.

Prospects:

Following the past few turbulent years, the French fishing sector was hoping for some stability. 1993 would be a wait and see year. Ten years after the inception of the CFP there were many new features in France. There was the new licensing scheme, the PME as set up in the 1993 January decree. It would also be the first year of a regional allocation of kiloWatts and the Regional Assemblies for the management of coastal resources would be operational. 1993 also saw the election of the president of the CNPM, Alain Parrès, the leader of the industrial boat owners union (the UAPF), and a veteran of the CFP. The election, scheduled to take place on 25 March had to be postponed due to the demonstrations and social conflict which were shaking the sector. The Directorate had work to do on tidying up the information it had submitted to the Commission with the various segments which, according to French civil servants, owed more to guess work than to reality. Although there was a change in fishermen's perceptions of the constraints of the CFP and a realisation that some stocks were overexploited, the concomitant pressures did not, to any great extent, alter the relationship between Government and Industry. Nor did the authorities' paternalistic approach to the sector change.

As in the UK, France approached the third MAGP cautiously. "Mini Mellick Plans" could be instituted if there was a need, but no grand plan was devised. The evolution of the fleet, of the stocks and of the Commission's approach would be assessed and measures would be taken accordingly. It was hoped in Paris that the new Commissioner, a Greek national, would focus his energy on the Mediterranean and forget the North Sea and the Atlantic for a while.

Thus, the years of collective management of fisheries did not lead to any upheaval in the way French fisheries are governed. No policy was devised and measures were taken only when the authorities were good and ready or when there was no alternative. The paternalistic approach to the industry, which is used to 'protect' the catching sector, is also a useful justification for inertia. Its limits were exposed when measures were judged necessary. They were also evident when fishermen went on the rampage and carried out many commando-style raids over a period of several weeks to obtain the setting up of protectionist measures against imports. They received ample doses of government sympathy, but there was never any question of seeking derogations from international and transnational trade regimes to accomodate fishermen.

1983 - 1993 THE COMMON FISHERIES POLICY: OBJECTIVES AND OUTCOMES

This study has uncovered divergences in actors' objectives regarding the fishing sector. While this poses a series of problems in policy making, it is a characteristic ubiquitous in most decision making processes. The next section will analyse implementation from the actors' standpoint, by looking at their objectives and the outcomes. Then, two alternative modes of management will be briefly examined before closing this chapter.

Mixed success

Analyses and comments relating to the first ten years of the CFP

are unequivocally critical. Outcomes are judged almost exclusively in biological terms and focus on North Sea stocks, which show signs of overexploitation. Inevitably, there is a dissonnance there, since biological optimum could not be the paramount objective in the Community. The initial CFP was born more out of self-interest than of legal or normative factors. The objectives of the common agricultural policy were adopted in the CFP, even although they could not be expected to suit such a different resource base. This first dysfunction was followed by the Commission's desire to ensure that the principles enshrined in the various treaties be applied to the CFP, regardless of their inadequacy in the fishing sector. Thus, measures regarding common access to the resource, freedom of establishment, common marketing norms and the regional dimension were established in the regime. To be successful, the exploitation of a biological and renewable resource has to be carried out on a sustainable basis. Therefore, sustainability is an implicit objective of fisheries management. However, no step-by-step plan was drafted, detailing clear objectives along with the means to attain them. Instead, there are only normative, vague, and at times, mutually exclusive objectives regarding the need to conserve the resource and to use fishing as an instrument for the development of coastal communities. Inevitably, an analysis of the outcomes, as tested against objectives, is simply not possible. A normative analysis is easier and provides a quite successful picture. The CFP has undeniably become an intrinsic part of fisheries managment in the EC. The question of access has been largely settled, helped along by the derogations still in force. Nonetheless, the principle has been accepted. Spain and Portugal's fleets have joined their EC counterparts without conflict, though, admittedly, some problems subsist. The draconian restrictions that Spain had to accept in the Act of Accession may pose problems when they come to an end, but negotiations have already begun to prepare the way. Overcapacity and overfishing, which in some cases, predated the CFP, are being tackled, albeit slowly. There is a more global approach with the structures and conservation strands having

been brought closer. The provision for licences in the new regulation is, for the Commission, a sign of further progress. As one EC administrator remarked, " Even as recently as the early Nineties, the mere mention of the word 'licence', in meetings with the profession, used to send us running for cover". Licences should be installed in a few years' time. Though qualified, there has been some progress regarding controls, as a new regulation is under way. Harmonisation of registration norms and the compilation of an EC register in Brussels is also a step towards a more global approach to fisheries in the Community. Among the setbacks, the transfer of responsibility to the Council of ministers in the setting of MAGPS' objectives leads to a suspicion that Member States will be reluctant to impose tough measures upon themselves by requiring drastic fleet cuts, which may be needed. The Commission sees substantial scope in the fitting of electronic devices on fishing vessels as an instrument of enforcement and control. However, Member States are dragging their feet on this issue.

So, what should the CFP balance sheet look like for the Commission? The lack of objectives has been raised throughout this study. It has been contended that, once normative objectives were met, the Commission could turn its attention to tackling overcapacity and overfishing and that outcomes, in that second set of objectives, were not as successful as in the first set. However unpleasant such outcomes and the criticisms they have attracted on the Commission, it must be recognised that they also help the EC administrators to justify tough choices. Just as Member States used the EC dimension to tell their fishermen that there was no alternative, so the Commission can use the same argument to move towards alternatives which, hitherto, have been rejected by the fishing sector. Thus, in DG XIV, fisheries management is seen as a three stage cycle. The Commission makes a proposal for a new measure. Following initial rejection and years of negotiation, it is eventually accepted by Government and Industry . By the time the proposal has become regulation, it has already fallen well behind the situation it was supposed to prevent or to cure. Again,

the Commission makes more radical proposals which, again, take years to become acceptable. This is where the issue raised in the French Fisheries minister's letter to the Commissioner, regarding the dysfunction between the Commission's objectives in the structural policy and those set by Member States in 1983 (whatever they may have been!), generates an interesting question. One of the Commission's roles is to initiate Community policy. According to several administrators in DG XIV, the Commission's objective is to arrive at a state of privatisation of rights to fish in the Community with the help of some type of individual transferable quotas (ITQs). Thus, the argument goes, when the licences are installed and have demonstrated their perverse effects, stage by stage, Member States will install ITQs.

It appears that the analysis has evolved, in that fishing has shown its linits in the development of peripheral communities. There is a gap between the rhetoric of the early Eighties, on the protection of coastal communities, and the concept of "fewer but richer fishermen", which is articulated in DG XIV. In such a context, outcomes have to be tested against the Commission's apparent objective, too. Indirectly, overcapacity and overfishing serve to legitimise the Commission's new concepts of fishing in the Community. ITQs are certainly more consonnant with the liberal principles enshrined in the Treaties and that currently prevail in Europe. Knowingly or not, Member States by their poor effort at implementation, are helping to make such a prospect look unavoidable.

France

Just as it was with the Commission, the question is: what were France's objectives in fishing? They were certainly not guided by any normative concept regarding the protection of the resource or the fulfilling of a legal duty in the implementation of CFP regulations. From a normative standpoint, France's implementation record over the ten years is poor. However, from France, the analysis is different. France has done well out of the structural

policy, and the decommissioning scheme helped tidy up the register and scrap redundant capacity. There is still sufficient room for manoeuvre to allow some degree of aid to the sector in extreme cases, when the authorities want to, and also to blame the EC or GATT, to justify inertia when they do not want to intervene. The relationship between the government, the industry and the peripheries remains good, even after the unrest that shook some coastal regions, especially Brittany in 1993. Except for the transfer of fisheries to the Ministry of Agriculture and the reform of the CCPM, structures have been preserved. The French fleet in the artisanal sector is relatively new and performant, interuser conflict has been avoided, relations with the Commission are good since fleet targets have been met. The policies that were meant to have an effect, such as the licensing scheme, worked. Overall, France is satisfied with her implementation record. Her resistance to the measures is explained in terms of the psychological change that has taken place in Brussels. In the eyes of the authorities, there has been a move from exploitation to conservation of fish stocks. This evolution is not necessarily condemned, but it is seen as an over-reaction in response to a few North Sea stocks suffering from undeniable overfishing. However, France's fishing fleet is active in many other areas which, while showing signs of declining catches, are not uniformly affected like the North Sea. Thus, it is seen as legitimate to adjust regulations to the French context.

The United Kingdom

The UK is no different from the actors examined above, in that objectives were never expressed. The UK wanted investors to make choices regarding vessels, gear and stocks, as unfettered by regulations as possible. Market forces would be the surest way to achieve such an aim. The UK decommissioning and licensing schemes brought grief to the Government. It cost more than had been planned and attracted stinging criticisms from the Public Accounts Committee. Moreover, as policies, such as licensing, failed to

control fleet growth, more emphasis was put on market forces and regulations. It is difficult, therefore, to distinguish between measures that were meant to implement EC regulations and those intended to achieve Government's aims in a manner which would not involve a second decommissioning scheme. Since overcapacity leads to rent dissipation, the UK can hardly view fishing as a success. However, as the Government would like to privatise fishing rights, despite the hostility of the profession, the negative outcomes are allowing the UK to move slowly but steadily in the direction of ITQs.

HAS TRADITONAL FISHERIES MANAGEMENT FAILED?

The biological state of some stocks and the difficulties experienced by the fleet - though resulting from a number of factors, some extraneous to the fishing sector - are seen as justification enough for radical changes. Since all ills are blamed on the common ownership pattern, solutions concentrate on finding alternatives to that specific characteristic. Privatisation of rights to given quantities of fish through the installation of individual transferable quotas (ITQs) is increasingly seen as the only alternative to 'traditional management', which is said to have failed (see, for example, the Shetland Conference, 1993). However, it is difficult to believe that ITQs can solve all the problems identified so far. Individual quotas and co-management will now be briefly examined.

Individual Tr ansferable Quotas

"The ITQ is a transferable property right allocated to fishers in the form of a right of harvest to surplus production from stocks" (Clark, Major and Mollet, 1988: 329). ITQs, it is argued, end the race for fish as each quota holder is assured of a given quantity of fish. The ITQ system has biological advantages, the argument goes, as it prevents overfishing. Security also allows ITQ owners to optimise their fishing operations by minimising costs and

exploiting market conditions. Quota holders can catch the fish, lease or sell their quotas. Since the system encourages economic optimisation the number of vessels decreases as ITQs are gradually concentrated in fewer hands. As well as positive biological outcomes the system is also said to end overcapitalisation, which is a constant feature of fishing in a situation of common access. The socio-economic nature of the fishing industry is gradually transformed as interests beyond the catching sector can acquire quotas. Thus, merchants and processors may seek to ensure greater control over supply through quota ownership. Leisure interests for the benefits of their clients; conservationists to relieve fishing effort on specific stocks (Clark, Major and Mollett, 1988: 322). Opposition to the installation of the scheme is widespread in the industry on ethical, political and practical grounds. Some observers argue that fish do not belong to governments, and therefore must remain common property. "Ownership derives from occupation, from possession, from dominion and control, from investment. Government does not possess those fish, does not exercise even the shadow of control, has made no investment in that resource, did not create it" (O'Malley, 1986: 213).

It is also argued that ITQs create at least as many problems as they solve. They do not put an end to regulations (Allan, 1991; Allen, 1986; O'Malley, 1986). They have been described as a "bureaucrat's dream come true as they play with paper" (Scottish Fishing Weekly, 28/5/1993). Catches, zones, species and landings have to be recorded by fishers and quota holders and cross-checked by inspectors, just as is the case in other regulated fisheries. To prevent monopolies, ceilings have to be devised regarding the maximum quantities of quotas any company can own. The volume of by-catches has to be established and landings can only be made at designated ports. Evidence from the few countries which have moved to the ITQ system shows that discards still occur in order to retain the most valuable fish. Controls during landings are made easier in isolated locations, such as New Zealand and Iceland. Yet, severe penalties still have to be provided for misreporting or mislabelling and for over-quota fishing to deter infringements

(Shetland Fishing News, April 1993). In Holland, where some flat fish stocks are exploited through the ITQ system, illegal landings continue to plague the fisheries despite Dutch investment in the enforcement services, where there is o inspector for every 6 vessels. Dutch vessels can easily land in other European ports. Concentration of ownership has an economic impact which is not necessarily desirable. In New Zealand, for example, the top ten domestic fishing companies own 77 per cent of the allocated fin fish quota. By April 1990, the top three companies held 53 per cent of the for that stock (Fishing News, 14/9/1990). In the deep water fisheries, around ten companies share 80 per cent of the TACs which are caught by chartered foreign vessels (Shetland Fishing News, April, 1993).

It is also argued that ITQs are not the answer for EC fisheries which are multi-specific. The absence of a single EC-wide inspectorate also makes the implementation of ITQs difficult. Some vessels, such as the pelagic vessels which fish mackerel and herring, already have quotas. The only difference is that there is no official scheme to facilitate quota exchanges (Allan, 1991). It is conceivable that after the year 2002 the last derogations on access will be brought to an end and quotas will be attributed to Producers Organisations which will be able to swop them among themselves.

Is Co-Management the answer?

There are various definitions of co-management, but basically it is "a sharing of power and responsibility between the government and local resource users" (Berkes, George and Preston, 1991: 12). It should also involve regional authorities in partnership with national, transnational and international actors. Regional authorities should be given the task of managing coastal waters as so many artisanal jobs depend on fishing in the coastal band. Various sructures are possible, such as an extension of the Fisheries Committees in England, or the Etats Généraux de la Ressource in France. Centralised management has shown its

limitations; it is time to give resource users a chance, not only to be truly involved in devising policy, but also in implementing it. It would confer legitimacy on policies, a crucial element which, so often, they lack. Yet, everyone agrees that no policy can work without the cooperation of resource users (Jentoft, 1989). The approach among the scientific community and the decision makers is still too paternalistic, and, in too many cases, too patronising. There is also, among fishermen, "a long history of learned dependency" (Berkes, George and Preston, 1991:17). Before drastic and irreversible measures are taken resource users must be given the chance to show what can be achieved in a situation of co-management. Most policies would have to remain regarding quotas, zones, mesh sizes and controls but they are still required with ITQs, too. Moreover, no-one knows the value of the various policies, in traditional management, since they have never been fully implemented.

CONCLUSION

This study of the implementation of EC regulations has shown the importance of sectoral characteristics in the way States manage their fisheries within the framework of the Common Fisheries Policy. It has demonstrated the limitations of the concept of national styles and of its main component - policy networks - in the understanding of public policy in the implementation of EC legislation. The study has also raised questions regarding democracy in the management of fisheries in the Community. These findings will now be examined before formulating some prescriptions relating to the management of a common resource in the Community and identifying further research areas.

States, International Regimes and the CFP

The main question relating to the determinants of States' choices in the domain of implementation of EC legislation in fisheries management is answered in this thesis. Characteristics specific to the exploitation and management of fish are more decisive factors in national fishing policies than policy styles, policy communities or politics. The nature of the common, the ownership pattern that governs its exploitation, political and economic factors and institutional arrangements combine to create an environment which produces similar policies and outcomes across Member States.

The biological and migratory nature of the common itself was explored in the study and its implications on the exploitation of halieutic resources. The lack of political and economic saliency of the catching sector at the national level, combined with its negligible electoral significance in coastal constituencies, explain why it has not acquired the political clout required to ensure the commitment of governments to the proper management of fish exploitation. This problem is compounded by the fragmented nature of fishing industries in numerous competing groups which precludes an integrated approach

to the challenges facing them. Finally, the institutional framework which regulates European fisheries ensures that the policy area remain a minor element in wider economic and political issues. These sectoral factors result in a common failure to devise fishing policies. This explains the lack of commitment towards any objectives since management is carried out on an *ad-hoc* and reactive fashion. In such a context, the only rational behaviour is for Member States to resist all proposals likely to penalise their fishing industries and to maximise their share of the common resource. The various conceptual models and games studied in Chapter One are very useful tools in understanding such behaviour. Not surprisingly, implementation of EC measures suffered. Even when Member States' actions were convergent with EC expectations, they were primarily guided by self-interest. Measures to meet MAGP targets showed this. Action only came when the effects of overcapacity threatened to affect governments, either through social unrest, or the cessation of EC aid or again the loss of influence at the negotiating table in the EC arena. The normative dimension was always tenuous, and implementation was mainly a means to an end. It cannot be said that this reluctance to implement regulations automatically benefitted the industry, or reflected the industry's preferences. Despite the various consultative structures and continuous processes of interaction with fishermen's representatives governments were successful in omitting their contribution in policy making. Normative principles became useful in rhetorical arguments to justify States' actions. Wider participation was successfully avoided and neither Parliament nor local authorities had any significant input in fisheries management in the period under study. The contrasting models of user exclusion and agency capture were explained by the participation of fishing interests in the policy formulation which can be construed as agency capture and their effective exclusion from crucial decisions.

Policy Styles

Sectoral conditions do not determine the formal or informal arrangements between government and industry. These follow national patterns of interest representation and their effect on government responses and measures are limited. The convergence in the substance of policy and the similarities in outcomes, despite important differences in traditions, interest group representation, modes of consultation and the timing of compliance, underlined the limitations of the notions of national styles and of policy networks to the understanding of public policy. Policy styles in the interaction between government and industry were identifiable. There were noticeable differences between France and the UK. It would be difficult to pin the two patterns of interaction onto either macro theories of pluralism and corporatism as neither case met the ideal definitions examined in Chapter One. The problem is compounded by the need to separate patterns of interaction and the actual outcomes of such interaction. Patterns and structure can vary quite considerably between apparently corporatist structures in France and pluralist ones in the UK, yet they can produce similar outputs. In both Member States, the policy process can be described as incremental most of the time, with adju tments at the m rgins and heroic on some issues. Thus, the con ept of styles may be relevant in identifying the way policy is devised but it cannot explain, let alone predict the content of policy.

Policy Networks

Similarly, the policy network approach suffers from the belief that the key to policy is to be found in the disaggregated structure of the policy making arena. The analyst must beware of the pitfalls of this approach. It is most useful as a strategy for research as it allows the analyst to identify participants. However, the degree of disaggregation is important to the strategy and should not be carried too far. The more the analyst

disaggregates the greater the danger of missing exogenous variables. Such factors are not only those at the macro level but also events in other European policy communities for example. The introduction of fleet segmentation is a case in point. In the UK, one participant, who is also active at the EC level through his position on fisheries consultative committees, was convinced that segmentation was his idea and that he had successfully won the argument on the value of the method. While in France, one of the leading representatives blamed segmentation on the activities of another French organisation to have the kiloWatt replaced as a criterion for fleet capacity. Yet a third group blamed it on the appointment of bio - mathematicians at the Fisheries Division in the Commission. In fact, the idea had been in the services for several years, but the lack of proper information and anticipated opposition to the concept delayed the proposal to introduce it. There were other instances when participants analysed changes from their own restricted standpoint, thus missing vital elements.

The very nature of the approach also tends to emphasise the insulation of the policy network from the outside world. This is why proponents of the concept struggle with change. To them networks are principally a force for continuity and inertia but having to explain change they also argue that "networks are part of the process of change" (Marsh and Rhodes, 1992: 259). Accepting the impact of various factors beyond the networks, they also point out to sources of endogenous changes. Thus, networks are the stage for of a continuing process of readjustment between participants. The apparent contradictions between, on the one hand, consensual and stable policy communities and, on the other, participants jostling for control and vulnerable to external challenges raises the question of the value of the concept to the understanding of public policy. The study of policy networks, like that of policy styles to which they contribute, can describe the environment of the policy making process in specific areas but it cannot explain the substance of policy.

In this study, the shape and nature of policy communities were different in the UK and France yet despite the degree of integration the industries, in both countries, were unable to shape policy. Exogenous factors such as EC enlargement, integration, trade agreements, the mid-term review of the CFP and the freezing of aid shaped policy more than the industries did. Ultimately, they represented the more compelling determinants.

Such characteristics show the danger of linking the concepts of policy networks to macro theories such as pluralism, elitism or corporatism. Not because of the different levels of analysis which, in itself, does not present any difficulty, but because too little can be attributed to the shape and nature of policy networks and even to the degree of interaction between the various participants in the networks. In this study, the determinants of policy are to be found elsewhere. This means that corporatism and pluralism can be used to describe *styles* of policy making from the observation and analysis of policy networks.

The EC dimension

The institutional dimension affecting fisheries management was listed among the principal sectoral imperatives that shape policy. Characteristics intrinsic to fish exploitation require international or transnational cooperation. This factor, in turn, impacts on the policy process. The extent to which the EC contributes to the convergence observed in the substance of implementation policies adopted by the UK and France is difficult to evaluate. Yet, it must be substantial. In both cases, despite all the differences identified between the institutions, informal arrangements and politics of the two countries, Parliament, local authorities and the fishing industry did not manage to influence the implementation processes. Furthermore, despite the resistance of Member States, and successive setbacks EC fisheries has evolved, and is still moving, in the direction

desired by the Commission. Open and equal access after 2002, restructuring of the fleet, marketing measures, the licensing of vessels, freedom of establishment, control with the help of electronic devices are measures that have their roots in the Commission. They reflect the wider principles of integration and economic liberalism that guide the EC.
The integration task assigned to the Commission, along with the negligible importance of the catching sector combine to ensure that fisheries are primarily a pawn in enlargement and trade negotiations and an instrument towards integration. Consequently, fisheries management will always take second place to grander concerns. On the other hand, because it belongs in the EC, the CFP possesses incentives and sanctions which NEAFC as a fisheries regime could not have. In NEAFC, compliance could not be tied to aid or the threat of exclusion from negotiations. Linkages are also important levers between the various EC members.

This state of affairs raises questions of a normative nature. What was the degree of democracy in fisheries management in the first ten years of the CFP? The Commission did its job in submitting proposals to the Council of Ministers. However, neither the industry nor the peripheries were involved in discussions concerning the future of fish exploitation, its role in the socio - economic development of peripheral areas, objectives, shape or form. Indeed, there are no real opportunities for Member States to be involved in such political debates. Undeniably, access to the Commission is easy. However, as is the case at the national level, the involvement of people directly affected and of their representatives is limited to the level of details. Epistemic communities were influential as scientific advice must always justify policy proposals. However, divisions among scientists and the selective use of their advice by policy makers weakened their influence. On the other hand, given the patchy nature of scientific knowledge on stocks and the

impact of fishing on halieutic resources it may be that that influence is still too great.

Which label most aptly describes the process wherein the Commission makes proposals which are guided by normative values to which Member States do not necessarily ascribe? Given the EC policy process, Member States find themselves negotiating at the level of details and soon it becomes their legal duty to implement measures whose outcomes they do not want. It could be argued that, in such a situation, their reluctance to implement EC legislation is justified in terms of democracy. Such an argument would not be convincing in fisheries in the two Member States studied here, as no effort was made to be truly democratic in their dealings in the policy networks. Does the CFP contribute to "the anomalous situation of the Community" observed by Keohane and Hoffmann (1990:279)? For them the Community is "stronger than a mere international organisation" but still "weaker than a state". That it is stronger than NEAFC there is no doubt. The second observation is more contentious. Has the Community been weaker than a state in its management of fisheries for example? A more systematic comparative study would have to be carried out to answer that question. Enforcement at sea and prosecution of infractions is not a Community prerogative. Nonetheless, some coastal areas, such as in the Basque Autonomous Community, are out of bounds to the Spanish authorities in such matters. Yet, this does not diminish the status of Spain as a State.

Objectives

Expressing objectives in fisheries is a difficult task that most authorities prefer to avoid. Given the environment of fisheries management it is doubtful that sustainability can be the main objective of managers. In the Community, official objectives, expressed in regulations were more justifications for the measures they represented than a statement of optima to attain.

Moreover, actors' objectives, however imprecise and conflicting, evolved over the period under study without any clear demarcation point. The rhetorical interest in fisheries as instrument of development some ten to fifteen years ago has now been abandoned as restructuring of the sector is viewed as unavoidable. The identification of zones dependent on fisheries and their susbsequent inclusion in areas benefitting from structural funds in order to alleviate the socio-economic effects resulting from restructuring is another step towards a rationalised fishing industry.

Prescriptions

The main people affected by EC measures in peripheral and coastal areas local authorities, coastal constituencies' MPs, fishermen's representatives, local development agencies - who have not been able to have any real input in the CFP should be involved in the whole process of deciding the future of fish exploitation and its management. Objectives should be set in consultation between the Commission, national authorities and representatives of the profession Should the main objective be the protection of coastal communities then derogations should be installed to protect the sector from the worst effects of some of the EC's guiding principles. Special cases abound in the EC. Fisheries could then play its part in the socio-economic cohesion between the EC regions as is sought by the reform of the structural funds.

Further res arch

Further resear h is needed to evaluate the input of groups affected by policy at the level of policy proposals in the Commission. What is the degree of political input by Member States in the philosophy that guides the Commission proposals? What are the impli ations of the processes observed in the CFP for democracy in the Community?

APPENDIX

Figures

Tables

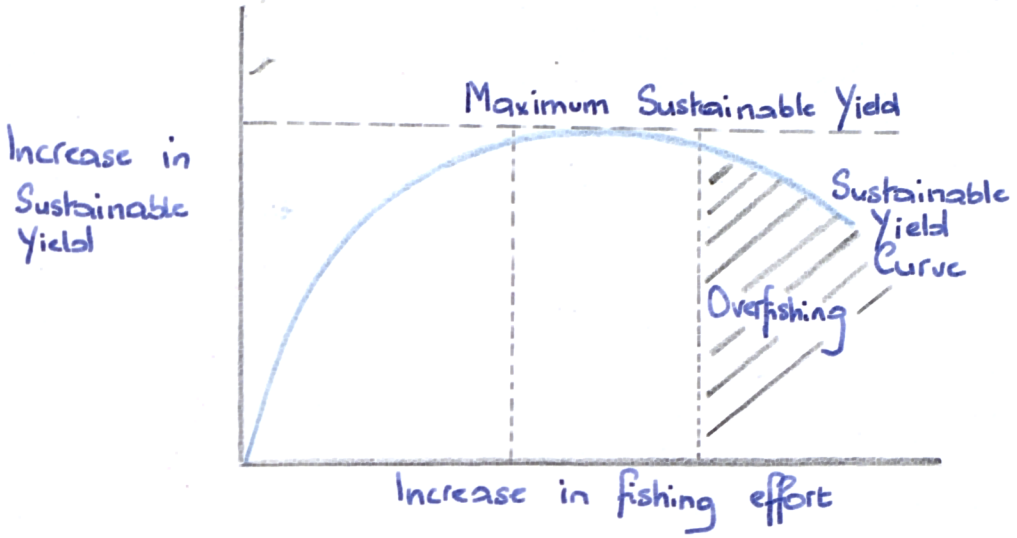

Figure 1.1 A basic relationship between sustainable yield and fishing effort
Adapted from Barnes and Hughes, 1989: 302.

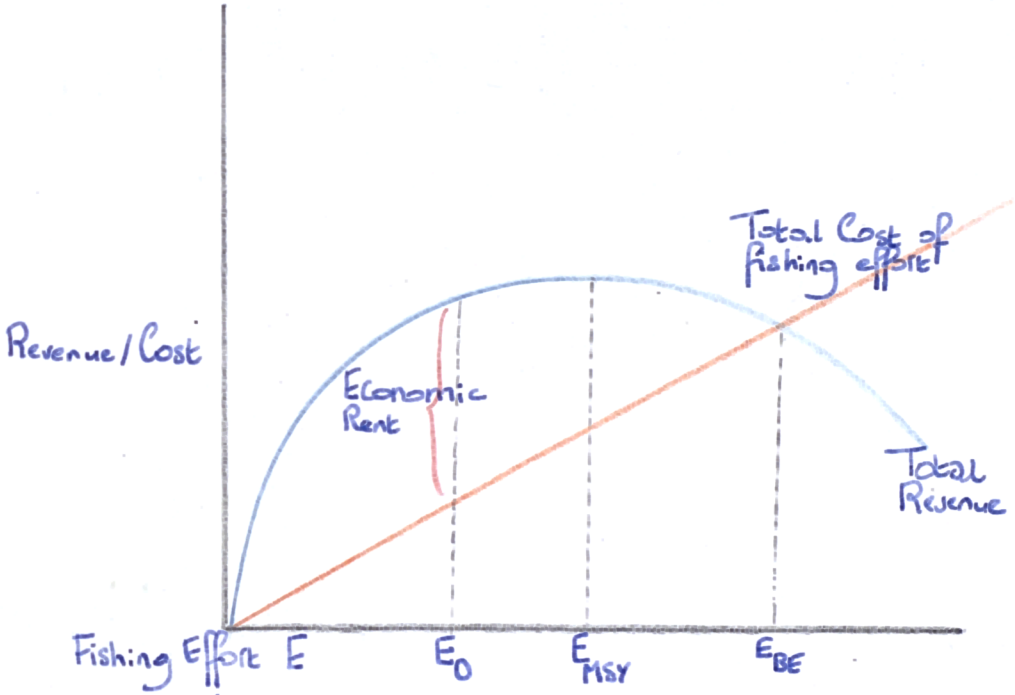

Figure 1.2 A bio-economic model of a common property fishery. Source: Kearney, 1983: 8

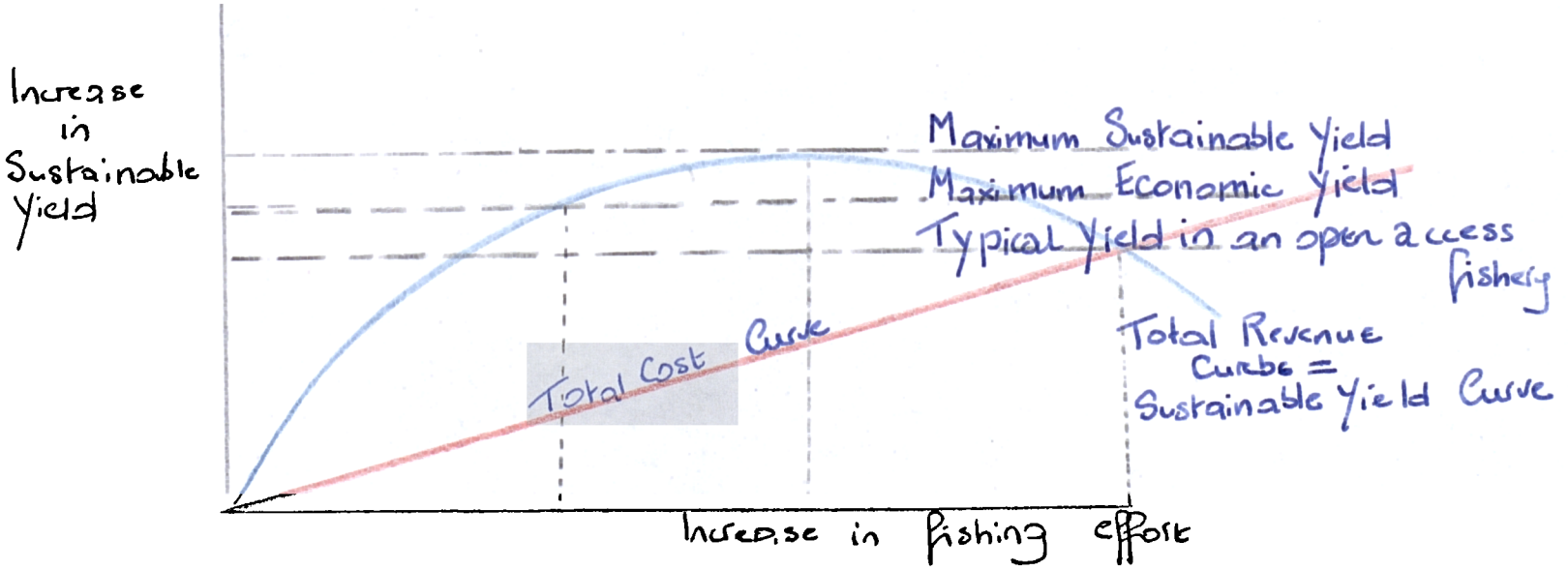

Figure 1.3 Basic model of the relationships between various sustainable yield levels. Source: Wise, 1984: 3

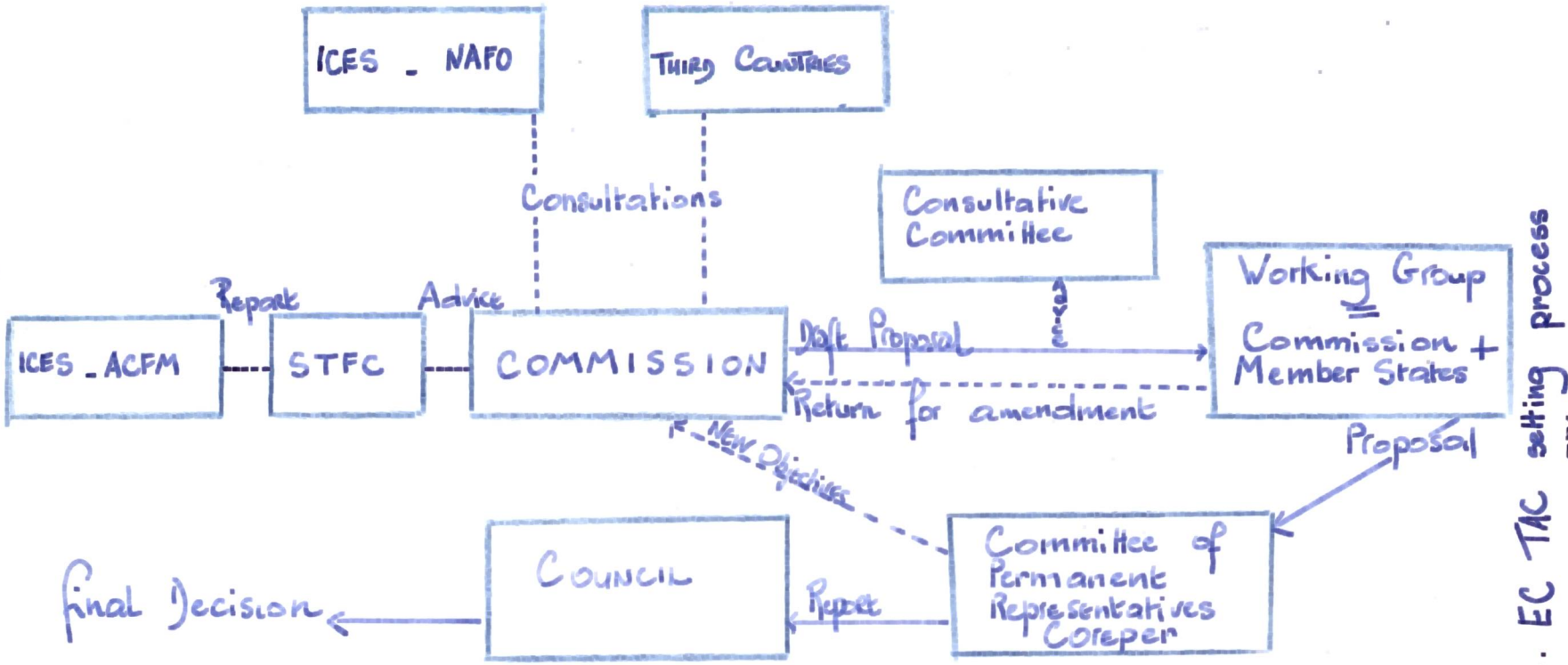

Figure 2.2. Source: France Eco Pêche, January 1991 : 28

Figure 2.2. EC TAC setting process

TABLE 3.2 FRANCE AND BRITTANY : TOTAL PRODUCTION IN 1986

		Wet Fish (1)	Shellfish	Scallops
Brittany	Volume	159,351	15,781	4,324
	Value	1,053,452	494,782	61,777
France (2)	Volume	358,647	24,629	8.087
	Value	3,060,449	713,647	144,406
Brittany % Share	Volume	44.4%	65.0%	53.5%
	Value	49.3%	69.3%	42.8%

(1) Excluding squid
(2) Projected production

Source: Didou, 1987: VII

TABLE 3.3 PERCENTAGE OF THE UK INDUSTRIES' PRODUCTION

	1972	1977	1982	1987	1989	1990
A) Landings by Volume (%)						
Scotland	48	45	64	73	76	75
England & Wales	50	54	32	25	21	21
Northern Ireland	1	1	3	3	3	4
B) Landings by Value (%)						
Scotland	40	46	57	63	63	63
England & Wales	59	52	40	34	33	32
Northern Ireland	1	2	3	3	4	5

Adapted from House of Lords, Select Committee on the European Communities: Review of the Common Fisheries Policy, Session 1992 - 3; 2nd Report: 43.

TABLE 4.1 EVOLUTION OF THE BRITISH FLEET, 1955 - 1962

1955-62 Year ended 31/12	Vessels scrapped or withdrawn from service		New Vessels into service		Proportion of fleet at year end	
			Numbers		Percentage	
	England & Wales	Scotland	England Wales	Scotland	England & Wales	Scotland
1955	78	7	25	1	6.5	0.4
1956	76	28	23	7	7.0	3.4
1957	32	15	29	17	9.0	8.2
1958	27	12	32	16	9.5	7.6
1959	38	43	46	17	13.4	9.2
1960	35	61	33	37	9.7	28.0
1961	37	21	46	24	13.1	15.9
1962	40	8	33	2	9.6	1.5

Source: Graham, Stuart and Annan, (1963: 5), Preliminary report to the Whitefish Authority on the Scottish near and middle water fleet.

TABLE 4.3 - PROJECTED EVOLUTION OF THE UK FLEET

Vessel Group	Fleet in 1980	Mid - 1980's Options "Possible"		"More likely"	
40' - 65'	1,466	1,690	(+15%)	1,235	(-16%)
65' - 80'	515	539	(+ 5%)	428	(-16%)
80' - 110'	104	81	(-22%)	67	(-34%)
110' - 140'	84	68	(-20%)	56	(-33%)
140' and over	50	24	(-50%)	17	(-66%)
Total	2,219	2,402	(+8%)	1,803	(-19%)

Source: Sea Fish Industry Authority, 1982:3

4.4 CHANGES IN THE UNITED KINGDOM FLEET, 31/12/1973 - 31/12/1982

At end of	1973	1975	1977	1979	1982	% change 1973 on 82
Under 40'	4073	4158	4601	4878	4485	+ 10.14
40 - 80'	2001	2134	2023	2092	2073	+ 3.59
80 - 110'	156	122	108	111	120	- 23.09
110 - 140'	171	145	124	103	86	- 49.75
140 and over	168	132	97	58	33	- 80.64

Based on information from the Ministry for Agriculture, Fisheries and Food, 1982.

4.5 - DECLINE OF THE FRENCH INDUSTRIAL FLEET

	Nombre de navires			Tonnage		Global
	1979	1989	Diff.	1979	1989	Diff.
Pêche hauturière						
Boulogne /Mer	41	22	- 46%	19.275	11.629	- 40%
Concarneau	49	39	- 20%	10.829	8.207	- 24%
Douarnenez	12	10	- 17%	3.220	3.094	- 4%
Etel	44	31	- 30%	7.714	6.175	- 20%
Dieppe-Fecamp	5	4	- 20%	2.399	3.035	- 27%
Grand-Fort-Philippe	4	0	-100%	970	0.	-100%
La Rochelle	18	7	- 61%	3.641	1.253	- 66%
Lorient	30	19	- 37%	16.648	11.421	- 31%
Total	203	132	- 35%	64.696	44.814	- 31%
Grande Pêche Thonière						
Concarneau	19	27	42%	16.697	23.835	43%
Douarnenez	5	3	- 40%	3.652	2.303	- 37%
Total	24	30	25%	20.349	26.138	28%
Grande Pêche chalutière						
Bordeaux	6	0	-100%	9.257	0.	-100%
Saint Malo	6	4	-33%	11.600	8.271	- 29%
Fecamp	2	0	-100%	3.725	0.	-100%
Total	14	4	- 71%	24.582	8.271	- 66%
Flotte de Pêche industrielle	241	166	- 31%	109.627	79.223	- 28%

Source: Union des Armateurs à la Pêche de France, Germes, 1990: 1

4.6 PRESSURE/NON PRESSURE STOCKS

Full Pressure Stocks

Herring	
Mackerel	
Saithe*	
Anglers*	except Area IV
Cod	except Areas VII and VIII
Haddock	except Areas VII and VIII
Whiting	IIa, IV, Vb and VI
Hake	IIa, IV
Plaice*	Vb, Vi, VIId, e, f, g
Sole*	VIIa, d, e, f, g

Limited Pressure Stocks

Hake	VI, VII
Sole	IIa, IV
Haddock	VII, VIII
Cod	VIIb-k, VIII
Megrim	VII

Non-Pressure Stocks

Plaice	IIa, IV, VIIa, h, j, k
Sole	VI, VIIh, j, k
Cod	VIIa
Whiting	VII
Megrim	Vb, VI
Pollack	Vb, VI, VII
Nephrops	Vb, VI, VII

Notes

* A separate beam trawl licence is required to land quantities of the specified Area VII stocks caught by the beam trawl method.

Source: UK Fisheries Departments, April 1992.

TABLE 4.7 DECOMMISSIONING OF FREEZER TRAWLERS : 1974-86

SOURCE: NAO; FINANCIAL SUPPORT FOR THE FISHING INDUSTRY IN GREAT BRITAIN 22/7/1987. APPENDIX 5

TABLE 4.8 - EVOLUTION OF THE FRENCH FLEET

Percentages of annual changes on the previous year, 1984-1988

Vessel	1984		1985		1986		1987		1988	
	KW	GRT	KW	GRT	KW	GRT	KW	GRT	KW	GRT
<12m	+1.13	-0.56	0.26	-2.21	2.52	0.14	3.31	0.12	7.96	3.8
12>L<16	-0.05	-0.5	+1.52	+0.48	-0.90	-1.2	+1.30	+0.11	+6.87	+5.1
16)L<25	2.02	1.31	0.29	0.49	0.48	1.17	3.79	4.17	5.86	6.2
25<L<38	-7.77	-6.5	-11.4	-8.59	-7.90	-6.74	-0.18	-0.59	0.89	-0.5
16>L<38	-0.34	-1.65	-2.36	-2.78	-1.23	-1.5	+3.06	+2.68	4.98	4.2
L>38	-5.65	-4.69	-0.87	-0.74	-4.56	-3.32	+1.27	-0.98	+5.70	+9.
Fleet	-0.76	-2.47	-0.69	-1.62	-0.44	-1.86	+2.61	+0.76	+6.42	+5.8

Adapted from Le Pape (1989:86).

TABLE 5.3 - TRANSMISSION OF CATCH DATA*

Delays in transmission

Member States	Number of days delay (average)				
	1987	1988	1989	1990	1991
Germany	6.5	1	1.5	0	0
Belgium	0	1	1.5	0	0
Denmark	4	9	4.5	4.5	5
Spain (1)	41	17	6.5	3	1
France (2)	12	20.5	26.5	37	13(3)
Ireland	7	8	6	8	9
Netherlands	1.5	3.5	2	0	0
Portugal	1.5	9	7.5	10	8
United Kingdom	7	5.5	2.5	1	1

* Article 9 (2) of regulation (EEC) 2241/87 of 23 July 1987 requires each Member State to inform the Commission, before the 15th of each month, of the quantities of each stok or group of stocks subject to TACs or quotas landed during the preceding month.
(1) The Commission began infringement proceedings in 1987. In view of the considerable reduction in delays in transmission, these were suspended in 1989.
(2) The Commission decided to initiate infringement proceedings on 31 January 1990.
(3) The situation regarding delays in receipt has improved since June 1991.

Source: Commission of the European Communities, (SEC (92) 394 final, Report on monitoring implementation of the common fisheries policy, (6/3/1992:62).

TABLE 5.4 ANALYSIS OF OFFENCES BY TYPE SFPA, 1/1/1991-15/6/1992

TYPE OF OFFENCE	1991	1992 to 15/6
Fishing without a licence	22	5
Logsheet Offences	57	19
Undersized fish	55	9
Failure to report crossing the 4 degree line	50	27
Effort limitation offences	24	1
Undersized nets	15	5
Fishing within the 12 mile limit	11	2
Salmon offences	9	1
Excess quota	8	5
Non-carriage of licence, Certificate of registry etc	14	-
Excess by-catch	5	-
Miscellaneous	13	6
	283	80

Number of successes	
1991	1992 to 15/6
71	24

Source: SFPA, 1992.

REFERENCES

Abi-Saab, G. (1980) (directeur), Le concept d'organisation internationale (UNESCO).

___ (1980), "La notion d'organisation internationale: essai de synthèse", in G. Abi-Saab (directeur), Le concept d'organisation internationale (UNESCO), 9 - 29.

Acheson, J.M. (1987) The lobster fiefs revisited, Economic and ecological aspects of territoriality in the Maine lobster industry in B.J. McCay and J.M. Acheson (eds), The question of the commons, the culture and ecology of communal resources (Tucson: The University of Arizona Press).

___ (1988), The lobster gangs of Maine (University Press of New England, Hanover and London).

___ (1989), Where have all the exploiters gone? Co-management of the Maine lobster industry in F. Berkes (ed), Common property resources, (Belhaven Press), 199 - 217.

Affaires Maritimes, (1975) La réglementation générale des Pêches Maritimes, Ecole d'Administration des Affaires Maritimes de B rdeaux; Mise à jour No 1 d'Août 1974, Mise à jour No 2 d'Octobre 1975 (EAAM, 1975).

___ (1982), Les pêches maritimes en Bretagne en 1982, Document élaboré par la division des Affaires Economiques de la Direction des Affaires Maritimes de Bretagne, (Secrétariat d'Etat chargé de la Mer).

Agnello, R.J. and Donelley, L.P. (1984), Regulation and the structure of property rights: the case of the oyster industry. Research in Law and Economics, 6: 165 - 172.

Allan, R. (1991, 1992, 1993), Personal communications.

Allen, R. (1980), Fishing for a common policy. Journal of Common Market Studies, Vol. XIX, No2, December 1980: 128 - 139.

Allen, R.B. (1986), If the shoe does not fit - stretch it in J.G. Sutinen and L.C. Hanson (eds), Rethinking fisheries management, Center for Ocean Management Studies, The University of Rhode Island).

Ambler, J.S (ed) (1985a) The French Socialist experiment (A pu lication of the Institute for the Study of Human Issues, Philadelphia).

___ (1985b), Preface in J.S. Ambler (ed), The French Socialist experiment (A publication of the Institute for the Study of Human Issue Philadelphia), vii - x.

___ (1985c), Decentralising France in J.S. Ambler (ed), The French experiment (A publication of the Institute for the Study of Human Issues, Philadelphia), 145 - 165.

___ (1985d), French Socialism in comparative perspective in J.S. Ambler (ed), The French Socialist experiment (A publication of the Institute for the Study of Human Issues, Philadelphia), 191-218.

___ (1987), Constraints on policy innovation in Education - Thatcher's Britain - Mitterrand's France, Comparative Politics, Vol. 20, No1: 85 - 94.

Andersen, R. (1974), North Atlantic Fishing adaptations: Origins and directions in G. Pontecorvo (ed), Fisheries conflicts in the North Atlantic: Problems of management and jurisdiction, (Ballinger Publishing Company, Cambridge Mass.), 15 - 33.

Andersen, P. (1982), Trends in fisheries economics: the case of a single species fishery (Institute of Economics, University of Aarhus, Denmark).
Anderson, L.G. (1975), Criteria for maximum economic yield of an internationally exploited fishery in H.G. Knight (ed), The future of international fisheries (St Paul Minn. West Publishing Co), 159 - 182.
Anderson, E.N. Jr. (1987), A Malaysian tragedy of the Commons in B.J. McCay and J.M. Acheson (eds), The question of the Commons (Tucson: The University of Arizona Press), 327 - 343.
Andrews, J. (1987), Financial support for the fishing industry in Great Britain. Evidence to the Committee of Public Accounts, HMSO 266 (i), 26/1/1988.
Apollis, G. (1981), L'emprise maritime de l'Etat côtier (Paris, Editions Pedone, 1981).
Archer, C and Main, J. (1980), The representation of Scottish fisheries interests in Scotland's voice in international affairs: The representation of Scottish interests with particular reference to the EEC (The Royal Institute of International Affairs, C. Hurst and Cny), 37 - 54.
Arkleton Trust (Research) Ltd. (1992), Farm household adjustment in Western Europe 1987 - 1991; Final report on the research programme on farm structures and pluriactivity, 90 - 178.
Aron, R. (1962), Guerre et paix entre les nations (Paris, Calman-Levy).
Ashford, D. (1983), British Dogmatism and French Pragmatism. Central-Local policy-making in the welfare state (London: Allen and Unwin).
Atkinson, M. and Coleman, W.D. (1989), Strong states and weak states: sectoral policy networks in advanced capitalist economies, British Journal of Political Science, 19: 47 - 65.
Bachrach, P. and Baratz, M.S. (1962), Two faces of power. American Political Science Review, 56: 947 - 952.
Baines, G. (1989), Traditional resource management in the Melanasian South Pacific: A development dilemma in F. Berkes (ed), Comm n property resources, ecology and community based sustainable development (Belhaven Press), 273 - 295.
Ballew, C. (1986), The present system: what's right and wrong? in J.G Sutinen and L.G. Hanson (eds), Rethinking fisheries management (Center for Ocean Management Studies, The University of Rhode Island).
Bardach, E. (1977), The implementation game, what happens after a bill becomes law (Cambridge, Mass. the MIT Press).
Barnes, R.S.K. and Hughes, R.N. (1988), An introduction to Marine Ecology, 2nd Edition (Blackwell Scientific Publications).
Barnston, R.P. (1980), The Law of the Sea Conference: the search for new regimes in R.P. Barnston and P.W. Birnie (eds), The maritime dimension (London, George Allen and Unwin), 154 - 168.
___ and Birnie, P.W. (1980) (eds), The maritime dimension (London, George Allen and Unwin).
Barrett, S. and Hill, M. (1982), Report to the SSRC Central local Government relations panel on the "core" or theoretical component on the research on implementation, (Bristol, School for Advanced Urban Studies).

Battersby, R. (1987), Report on national aid in the fisheries sector, Drawn up on behalf of the Committee on Agriculture, Fisheries and Food, (European Parliament , PE 109.204, Doc. A - 2-60/87, 20 May 1987).
Benoish, M. (1989), COREMODE, Relevé des avis et orientations Rennes, 9/5/1989.
Bergin, A. (1991), Aboriginal sea claims in the Northern territory of Australia, Ocean and Shoreline management, 15 (No3) : 171-204.
Berkes, F. (1986), Marine inshore fishery management in Turkey, in Proceedings of the Conference on common property resources management, National Research Council, (Washington D.C. Academy Press), 63 - 83.
___ (1987), Common property resource management and Cree indian fisheries in Subartic Canada, in B.J. McCay and J.M. Acheson (eds), The question of the Commons (Tucson: The University of Arizona Press), 66 - 91.
___ (1989) (ed), Common property resources, Ecology and community based sustainable development (Belhaven Press).
___ **and Farvar, M.T.** (1989), Introduction and overview in F, Berkes (ed), Common property resources, Ecology and community based sustainable development (Belhaven Press).
Berkes, F.; Feeny, D.; McCay, B.J. and Acheson, J.M. (1989), The benefits of the commons, Nature, Vol. 340, No 6229, 13/7/1989: 91 - 93.
Berkes, F.; George, P.; and Preston, R.J. (1991), Co-management - The evolution in theory and practice of the joint administration of living resources, Alternatives, Vol. 18, No2, 1991: 12 - 18.
Berkes, F. and Kislalioglu, M. (1991), Community based management and sustainable development in J.R. Durand, J. Lemoalle and J. Weber (eds), La recherche face à la pêche artisanale, symposium international (Orstom - Ifremer, Montpellier, France, 3-7 July 1989), 567 - 574.
Beverton, R.J.H. and Holt, S.J. (1957), On the dynamics of e ploited fish population (Ministry of Agriculture, Fisheries and Food, London: HMSO 2, 19).
Bigford, T.E. (1986), An overview of fisheries management: lessons from other resource management fields in J.G. Sutinen and L.C. Hanson (eds), Rethinking fisheries management - Proceedings from the 10th annual Conference, June 1 - 4 1986. Center for Ocean Management Studies, **The University of Rhode Island.**
Birnie, P.W. (1980), Contemporary maritime legal problems in R.P. Barnston and P.W. Barnie, The maritime dimension, (London: George Allen and Unwin), 169 - 189.
Boardman, R. (1976), Ocean politics in Western Europe in D. Johnston, (ed), Marine policy and the coastal community (Croom Helm, London), 183 - 208.
___ (1981), International organisation and the conservation of nature (Macmillan Press Ltd).
Bradley, D.M. and Ingram, H.M. (1986), How federalism matters in natural resources policy in M. Sylva (ed), Ocean resources and United States intergovernmental relations in the 1980s, (Westview Press/ Boulder and London).

Brainerd, T.R. (1991), The sardinella fishery off the coast of West Africa: the case of a common property resource, Paper presented at the second annual conference of the International Association for the Study of Common Property (IASCP), (University of Manitoba, Winnipeg, Canada).
Bray, C. and Morgan, R. (1985), The EC and central-local government relations, A review. ESRC 1985.
Bromley, D.W. (1982), Land and water problems: an institutional perspective in American Journal of Agricultural Economics, 64:2 (833 - 844).
___ (1989), Economic interests and institutions, the conceptual foundations of public policy, (Basil Blackwell).
Brown, E.D. (1972), British fisheries and the Common Market in Lord Lloyd of Hampstead and G. Schwarzenberger, Current legal problems, (London, Stevens and Sons): 37 - 73.
Bru, H and Simon, B. (1982), La pêche artisanale dans l'ouest: l'exemple des Pays de Loire, (La Pêche Maritime, 20/1/1981), 44 - 47.
Buchanan J.M. and Tollison, R.D. (eds), (1972), Theories of public choice, Political applications of economics, (The University of Michigan Press, Ann Arbor).
Bull, H. (1975), New directions in the theory of international relations, International Studies, Vol. 14, No 2: 277 - 287.
___ (1977), The anarchical society: a study of order in world politics (London MacMillan, 1977).
Bulmer, S. (1983), Domestic Politics and European Community P licy-Making, Journal of Common Market Studies, Vol. XXI, No1.
Burke, W. (1967), Aspects of international Decision - Making Proc sses in Intergovernmental Fishery Commissions. Washington, Law Review, Vol. 43, 1967: 115 - 17.
Cancun, (1992), Conferencia Internacional de Pesca Responsable, (Cancun, Mexico, 6 - 8 Mai, 1992).
C poraso, J.A. (1988), Introduction to a special issue on the state in comparative and international perspective, Comparative Political Studies, Vol. 21, No 1, April 1988: 3 - 12.
Carnuletti, A. (1988), L'Administration française face à la règle communautaire, Revue Française d'Administration Publique, Octobre/Décembre, No 48: 7 - 22.
Castles, F.G. (1989), Puzzles of political economy, in F. Castles (ed), The comparative history of public policy (Polity Press).
Catanzano, J. (1988), Eléments sur les interventions financières de l'Etat dans le secteur des pêches artisanales, Ifremer, Document de travail. (Direction des Ressources Vivantes).
Cawson, A.; Holmes, P. and Stevens, A. (1987), The interactions between firms and the State in France: the telecommunications and consumer electronics sectors in S. Wilks and M. Wright (eds), Comparative Government - Industry relations (Oxford, Clarendon Press).
Chandler, A.D. (1988), The National Marine Fisheries Service in the National Audubon Society, The Audubon Wildlife Report, 1988-1989 (San Diego: Academy Press), 3 - 98.
Christy, F.T. Jr. (1969), Fisheries goals and the rights of property, Transactions of the American Fisheries Society, 1969: 369 - 378.

___ (1973), Fishermen's quotas: A tentative suggestion for domestic management, Occasional Papers, No 19 of the Law of the Sea Institute (University of Rhode Island, Kingston).
Churchill, R. (1979), The EEC fisheries policy - Towards a revision, Marine Policy, Vol. 1, 1979: 26 - 36.
Cici-Sain, B. (1986), Ocean resources and intergovernmental relations: an analysis of the patterns in M. Silva (ed), Ocean Resources and US intergovernmental relations in the 1980s, (Westview Press, Boulder and London).
Ciriacy-Wantrup, S. V. (1969), Natural resources in economic growth: the role of institutions and policies, American Journal of Agricultural Economics, 51: 1314 - 1324.
Clark, C. W. (1973), Profit maximisation and the extinction of animal species, Journal of Political Economy, 950 - 961.
___ (1977), The economics of overexploitation in G. Hardin and J. Baden (eds), Managing the Commons, (W. H. Freeman and Company, San Francisco), 82 - 95.
___ (1981), Bio-economics of the oceans, Bio - Science, 31 (3): 231 - 237.
___ **and Munro, G. R** (1975), The economics of fishing and modern capital theory: a simplified approach. Journal of Environmental Economics and Management, 1975: 92 - 106.
Clark, I. N.; Major, P. J. and Mollet, N. (1988), Developpement and implementation of New Zealand's ITQ management system, Marine Resource Economics, Vol. 5: 325 - 349.
Cohen-Jonathan, G. (1988), Les états face à la prolifération des organisations internationales, in Les organisations internationales contemporaines - crise, mutation, développement. Colloque de Strasbourg, (Editions A. Pedone, Paris).
Collins, L. (1984), European Community Law in the United Kingdom, Third Edition (London, Butterworths).
C mmission of the European Communities, (1968), Proposition de réglement, OJEC (91) 13/9/1968: 1 - 19.
___ (1976a), Communication from the Commission to the Council - Problems for the Community in the marine fisheries sector following the establishment of 200 mille-economic zones, Com (76) 80, 18/2/1976.
___ (1976b), Council Resolution on the creation of a Community fishing zone and on the management of resources thereof; Com (76) 500 final, 23/9/1976.
___ (1978), Proposition modifiée de règlement (CEE) du Conseil instituant un règime communautaire de conservation et de gestion des ressources de pêche; Com (5) final, 16/1/1978.
___ (1980a), Impact régional de la politique de la pêche de la CEE - Situation économique et sociale et perspectives d'avenir du secteur de la pêche dans certaines régions de la Communauté: Bretagne, Internal Information on Fisheries, 196 - XIV- 79 (January 1980).
___ (1980b), Communication de la Commission au Conseil concernant le mode de répartition entre les Etats Membres de l'ensemble des possibilités de capture de la Communauté en 1980 et les orientations relatives à une politique structurelle dans le secteur de la pêche; Com (80) 338 final, 12/6/1980.

___ (1981), Proposal for a Council Regulation (EEC) amending Regulation (EEC) N° 1852/78 on the interim common measure for restructuring the inshore fishing industry, Com (81) 77 final, 18/3/1981.
___ (1982), Regional impact on the EEC's fisheries policy. Economic and social situation and outlook for the fisheries sector in certain regions of the Community: Northern Britain; Internal Information on Fisheries, XIV- 122-82 (July 1982).
___ (1986a), Report by the Commission to the Council on the enforcement of the Common Fisheries Policy, (Com (86) 301 final, 9/6/1986).
___ (1986b), Communication de la Commission au Conseil, Orientations et Impulsions pour le développement de la Politique Commune de la Pêche; (Com (86) 302 final, 12/6/1986).
___ (1986c), La politique structurelle dans le secteur de la pêche et de l'aquaculture: situation dans la Communauté à Dix et données de base pour la Communauté à Douze; Document de travail des services de la Commission; (Sec (86) 975 final, 12/6/1986).
___ (1990), La politique Commune de la Pêche, Rapport de la Commission au Conseil; (Sec (90) 2244 final).
___ (1991a), Directorate General for Fisheries - Workshop on cod end sele tivity; Marine Laboratory, Aberdeen, June, 1991.
___ (1991b), Rapport 1991 de la Commission au Conseil et au Parlement sur la politique commune de la pêche; Sec (91) 2288 final.
___ (1992a), Report on monitoring implementation of the Common Fisheries Policy; (Sec (92) 394 final, 6/3/1992).
___ 1992b), Report from the Commission to the Council on the discarding of fish in the Community fisheries: causes, impact, solutions; (Sec (92) 423 final 12/3/1992).
___ (1992c), Regional Socio - Economic Study in the Fisheries Se tor - Scotland and Northern Ireland.
___ (1992d), Regional Socio - Economic Study in the Fisheries tor - England and Wales.
Cmd. 1266 (1961), Inquiry into the fishing industry - Report of the C mmittee on Fisheries, (London, HMSO).
Comité Central d'Enquête sur le Coût et le rendement des Services Publi . (1992), La Coordination de l'Etat en mer, (Organisme associé à la Cour des Comptes).
Comité Central des Pêches Maritimes, (1986), Les industries françaises des pêches maritimes (January, 1986, 2nd Edition).
CNCM (1990), (Confédération Nationale de la Coopération Maritim), Internal document.
Congar, R. (1977), Contribution à l'étude de la valeur économique de la mer, Thèse de Doctorat en Sciences Economiques, Université de Rennes, France.
Cox, S.J. (1985), No tragedy on the Commons. Environmental Ethics, 7: 49 - 61.
___ (1989), Multi-Jurisdictional resources, testing a typology for a problem structuring in F. Berkes (ed), Common property resources, ecology and community based sustainable development, (Belhaven Press).

Court of Auditors, (1985), Special report on the common organisation of the market in fishery products, Information and Notices (85/C339/01), OJEC C339, Vol. 28; 31/12/1985.
Crestin, D. (1991), Fisheries management: the United States experience, Conference on the common fisheries policy, May 10-1, 1991, Cork, Ireland.
Criqui, E. (1990), Les carrières des élites politiques locales, Revue Politique et Parlementaire, N° 946, March April 1990: 44 - 53.
Crouch, C. and Marquand, D. (1989) (eds), The new Centralism. Britain out of step in Europe? The Political Quarterly (Basil Blackwell).
Crozier, M. (1980), On ne change pas la société par décret (Grasset).
Crutchfield, J.A. (1972), Economic and political objectives in fishery management in B.J. Rothschild (ed), World fishery policy, Multidisciplinary views, (Seattle: University of Washington Press), 74 - 89.
Cushing, D. (1975), Fishing resources of the sea and their management, (Oxford University Press).
___ (1977), The Atlantic fisheries commissions, Marine Policy, Vol 1, part 3230 -3238.
DAFS. (1988), Department of Agriculture and Fisheries for Scotland, Scottish fisheries, D 2200128.027.
Dasgupta, P. (1982), The control of resources, (Basil Blackwell, Oxford)
Debbasch, C. (1987), Administrations nationales et intégration européenne, (Editions du CNRS).
De la Serre, F. (1971), La CEE et la crise de 1965, Revue Française de Science Politique, 19/1.
___ (1987), La Grande Bretagne et la Communauté européenne, (Presses Universitaires de France).
Derham, P.J. (1987), The implementation and enforcement of fisheries legislation in Council of Europe, The regulations of fisheries: legal, economic and social aspects, (Strasbourg, 1987), 71 - 81.
Dickie, L.M. (1979), Perspectives on fisheries biology and implications for management, Journal of the Fisheries Research Board of Canada, 838-844.
Didou, H. (1987) (rapporteur), Les pêches maritimes bretonnes (Comité Economique et Social - Région Bretagne).
Documentation française, (1982), Droit communautaire et droit français, Notes et études documentaires (4679-4680-4681).
Doeringer, P.B.; Moss, P.I. and Terkla, D.G. (1986), The New England fishing economy, (The University of Massachussetts Press, Amherst).
Dorfman, R. (1974), The technical basis for decision-making, in E.T. Haefele (ed), The governance of common property resources, (Published for Resources for the Future, Inc. by the John Hopkins University Press, Baltimore and London).
Driscoll, D.J. and N. McKellar, (1979), The changing regime of North sea fisheries in C.M. Mason (ed), The effective management of resources, the international politics of the North sea, (Frances Pinter Ltd, London, Nichols Publishing Co, NY, 1979), 125 - 167.

Driver, P.A. (1980), International Fisheries in R.P. Barston and P. Birnie (eds), The maritime dimension, (London, Allen and Unwin), 27 - 53.
Duncan, S. and Goodwin, M. (1988), Removing local government autonomy: Political centralisation and financial control. Local Government Studies, 14.6 : 49 - 65.
Dunleavy, P. (1991) Democracy, bureaucracy and public choice, Economic explanations in political science, (Harvester Wheatsheaf).
Dunsire, A. (1978), Implementation in a democracy (Oxford, Martin Robertson).
Dupuy, R.J. (1979), L'Océan partagé - Analyse d'une négociation, (Editions Pedone, Paris).
Dupuy, F. and Thoenig, J.C. (1985), L'administration en miettes (Paris, Fayard).
Durand, J.L.: Guéguen, J.; Catanzano, J. and Foucault, F. (1992), Le Plan Mellick; Résultats au 17/02/1992 et commentaires. Ifremer, 1992.
Durremberger, E.P. and Palsson, G. (1987), The grassroots and the state: resource management in Icelandic fishing, in B.J. McCay and J.M. Acheson, (eds), The question of the commons, the culture and ecology of communal resources, (Tucson, The university of Arizona Press), 370 - 392.
Dussault, P.N. (1987), Les origines et l'évolution du concept d'acteur in B. Korany et collaborateurs, Analyse des relations internationales, approches, concepts et données, Centre Québécois de Relations Internationales (Gaétan Morin, éditeur).
Dutheil de la Rochère, J. (1987), L'Administration britannique in C. Debbash, (ed), Administrations nationales et intégration européenne (Editions du CNRS), 107 - 128.
Dyson, K. and Wilks, S. (1983), Industrial crisis: a comparative study of the State and Industry (Oxford: Basil Blackwell).
Easton, D. (1953), The political system (New York, Alfred Knopf).
Eisenhammer, J.S. (1985), Comment in H. Machin and V. Wright (eds), Economic policy under the Mitterrand presidency 1981 - 1984. Frances Pinter (Publishers) London 1985.
Elmore, R. (1978), Organisational model of social program implementation, Public Policy 26 (Spring), 185 - 228.
___ (1979), Backward mapping, Political Science Quaterly 94 (Winter), 601 - 616).
European Documentation, (1985), The European Community's Fishery Policy, Periodical, 1/1985.
Evans, P.B.; Rueschemeyer, D. and Skocpol, T. (1985) (eds), Bringing the state back in, (Cambridge University Press).
Farnell J. and Elles, J. (1984), In search of a common fisheries policy, (Gower).
Feeny, D. (1988), World deforestation in the twentieth century, (Duke University Press).
___ ; **Berkes, F.; McCay, B.J. and Acheson, J.M.** (1990), The tragedy of the commons: twenty two years later, Human Ecology, vol. 18, No1, 1990: 1 - 19.
FIOM. (1992), Personal communication.
Fisheries Departments, (1992), Consultation Paper for fishing industry organisations; Effort Control and Decommissioning.

Fiske, S.J and Schuler, F.M. (1990), Introduction, Ocean and shoreline management, Special issue on responses to marine resource change: perspectives from the social sciences, 13, Nos 3 and 4: 167 - 171.
France Pêche, (1989), A chacun sa pêche artisanale, April 1989, No 338: 77.
Frankel, J. (1973), Contemporary international theory and the behaviour of states, (Oxford University Press, 1973).
Freeman G.P. (1985), National styles and policy sectors: explaining structured variations, in Journal of Public Policy, 1985, 5, 4: 467 - 496).
Gamble, A. (1988), The free economy and the strong state. The politics of Thatcherism (Macmillan Education Ltd).
Gardner, R.E.; Ostrom, E. and Walker, J.M. (1990), The nature of the common pool resource problems, Rationality and society, vol.2: 335 - 358.
Gates, J.M. (1989), Les modèles bioéconomiques in J.P. Troadec, (ed), L'homme et les ressources halieutiques, (Ifremer), 463 - 495.
George, S. (1985), Politics and Policy in the European Community, (Clarendon Press, Oxford)
Gilchrist, A. (1978), Cod wars and how to lose them, (Edinburgh Q Press).
Goggin, M.L.; Bowman, A. O'M.; Lester, J.P. and O'Toole, L. (1987), Theory construction and testing in implementation research: A comparative state diachronic analysis. A proposal submitted to the National Science Foundation, Washington, DC.
Goodlad, J. (1986), Regional fisheries management - The Shetland experience, Notes - Norwegian / Canadian Fisheries Management, Workshop, (Tromso, 16-21 June 1986).
Gordon, H.S. (1953), An economic approach to the optimum utilization of fisheries resources, Journal of the Fisheries Research Board of Canada, 1953: 442 - 57.
___ (1954), The economic theory of a common property resource: the fishery, Journal of Political Economy, 62: 124 - 142.
Gourevitch, P. A. (1978), The second image reversed: the international sources of domestic politics, International Organisation, Vol 32 No4: 881 - 912.
Graham, Stuart and Annan, (1963), Preliminary General report to the White Fish Authority on certain aspects of the Scottish near and middle water fleet, (Edinburgh, 1963).
Grant, W. (1983), The National Farmers Union: the classic case of incorporation? in D. Marsh (ed) Pressure politics - Interest groups in Britain, (Junction Books, London), 129 - 143.
___ (1987), Business interests, organizational development and private interest governemnt - An international comparative study of the Food Processing Industry, (Berlin: de Gruyter).
___ ,**Paterson, W. and Whitsun, C.** (1988), Government and the Chemical Industry - A comparative study of Britain and West Germany, (Clarendon Press).
Guermeur Report (1985), Report on problems and prospects in the fisheries sector in the context of the enlargement of the Community, European Parliament, (P.E 98.219; 17/6/1985).

Guernalec, C. (1983), L'Accés à la ressource de pêche entre les Etats Membres dans les eaux communautaires de 0 à 200 milles, Mémoire pour le DESS Droit des Activités Maritimes, (Université de Bretagne Occidentale, Brest -1982-83).
___ (1990), L'adéquation des outils nationaux de régulation des activités de la Pêche au droit communautaire, (Paris, Séminaire UAPF/Administration/Ifremer, Novembre 1990).
Gutting, R.E. Jr. (1986), An assessment of the current system from a commercial perspective, in Sutinen, J.G. and L.C. Hanson, (eds), Rethinking fisheries management, Proceedings from the 10th annual conference, Center for Ocean management studies, (The University of Rhode Island).
Haas, E. (1975), The obsolescence of integration theory, Research studies, 25. Institute of International Studies, (Berkeley, California).
Haas, P. M. (1992), Introduction: epistemic communities and international policy coordination, International Organisation, Special Issue - Knowledge, Power and International Policy Coordination, Vol. 46, No1.
Haggard, S. and B.A. Simmons, (1987), Theories of international regimes in International Organisation 41,3 (Summer) 1987: 491 - 517.
Haig, N. (1986), Devolved responsibility and centralisation: effects of EEC environmental policy, Public Administration, Vol.64, (Summer) 1986: 197 - 207.
Hall, P. (1986), Governing the economy: the politics of state intervention in Britain and France (Oxford: Oxford University Press).
Hamon, J.Y. (1988) (directeur), Organisation européenne en matière de produit à la mer in La Mer, Hommes, Richesses, Enjeux, Tome II, Ecole Nationale d'Administration (Ifremer, ENA, Navfco), 6 - 79.
Hanna, S.S. (1990), The Eighteenth Century English commons, a model for ocean management, Ocean and Shoreline Management, 14.3 (1990): 155 - 172.
Hannesson, R. (1985), Inefficiency through government regulation: the case of Norway's fishery policy. Marine Resource Economics, Vol 2, 1985: 115 - 141.
___ **and L. Anderson,** (1981), Introduction to: on land rent of fishing grounds, Fisheries Economics Newsletter : V - IX.
Hardin, G. 1(968), The tragedy of the commons, Science, 162 (1968): 1243 - 1247.
___ (1972), Exploited seas, an opportunity for peace, Bio-Science, Vol.22:693.
___ (1976), Fishing the commons, Natural History, Vol. 85, Part 7: 9 - 15.
___ (1978), Political requirements for preserving our common heritage, in H.P. Brokaw (ed), Wildlife and America, Council on Environmental Quality, (Washington, D.C.,: 310 - 317).
___ **and Baden, J.** (1977) (eds), Managing the Commons (San Francisco: W.H. Freeman).
Harrison, K. (1991), Between science and politics: assessing the risks of dioxins in Canada and the US, Policy Sciences 24:367-388.
Hartwick, J.M. and Olewiler, N.D. (1986), The economics of natural resource use, (Harper and Row Publishers, New York).

Hayward, J. E. S. (1982), Mobilising private interests in the service of public ambitions: the salient element in the dual French policy style? in J.J. Richardson (ed,) Policy styles in Western Europe (London, Allen and Unwin), 111 - 140.
___ (1983), Governing France - the one and indivisible Republic, 2nd Edition (Weindenfield and Nicolson, London).
___ and Berki, R.N. (1979) (eds), State and society in contemporary Europe (Oxford, Martin Robertson).
HC (1983), Common Fisheries Policy, Official Reports, Vol. 36, No 48, 31/1/1983: 28 - 106.
HC (1989), Merchant Shipping, Vol. 158, No161; 25/10/1989: 993 - 1015.
HC (1990a), Fisheries, Vol. 182, No 27; 12/12/1990: 1164 - 1214.
HC (1990b), Fisheries, Vol. 182, No 28; 13/12/1990: 1215 - 1250.
HC (1991a), Fishing industry, Vol. 185, No 56; 14/2/1991: 1054-1095.
HC (1991b), Sea Fisheries, Motion to annul regulations, Vol 187, No 69; 5/3/1991: 233 - 246.
HC (1991c), Sea Fisheries, Motion to annul regulations, Vol. 187, No 70; 6/3/1991: 247-257.
HC (1991d), European Community (Fisheries), Vol. 200, No 30; 11/12/1991: 922 - 967.
HC (1992a), Sea Fish (Conservation) Bill, Vol. 209, No 23; 8/6/1992: 40 - 119.
HC (1992b), Sea Fish (Conservation) Bill; 14/7/1992: 993 - 1079).
HC (1993), Agriculture Committee, Sith Report: the effects of conservation measures on the UK Sea Fishing Industry, Session 1992/3; HMSO London, 1993.
Heidenheimer, A.J. (1987), Comparative public policy at the crossroads, Journal of Public Policy, 5 - 4: 441 - 465.
Hendricks, G. (1989), Germany and the CAP: national interests and the European Community, International Affairs, 1989, Vol. 65. No1: 75 - 88.
Hennequin, J.C. (1989), Rapport sur la modernisation de l'organisation interprofessionnelle des Pêches Maritimes et des Cultures Marines, CCPM, 1989.
Hjern, B. and C. Hull, (1982), Implementation research as empirical constitutionalism, European Journal of Political Research, 10 June 1982: 105-116.
HL, Select Committee on the European Communities, (1992) Review of the Common Fisheries Policy; Session 1992 - 93, 2nd Report, HMSO (HL Paper 9).
Hoel, A.H.; Jentoft, S. and Mikalsen, K.H. (1991), Problems of user groups participation in Norwegian fisheries management, University of Tromso, Institute of Social Sciences, (Occasional Papers, No A 56, March 1991).
Hoffmann, S. (1966), Obstinate or obsolete: the fate of the nation state and the case of Western Europe, Daedalus, 95 (Summer) 1966: 882 - 916).
Hogwood, B.W. and Gunn, L.A. (1988), Policy analysis for the real world, 4th Edition (Oxford University Press).
Holden, M. (1984), Management of fisheries resources: the experience of the European Economic Community in Experiences in the management of national fishing zones; (OECD, 1984: 113 - 120).

___ (1991), Is fisheries conservation fisheries management? British Ports Federation, Seminar, Glasgow, 12/4/1991.
Jegouzo, Y. (1988) (directeur), Les rôles respectifs de l'Etat et des collectivités locales en mer in La Mer - Hommes, Richesses, Enjeux, Tome II (Ifremer, ENA, Navfco): 372 - 418.
Jentoft, S. (1986), Fisheries cooperatives: lessons drawn from international experiences, Canadian Journal of Development Studies, Vol. 11, Part 2: 198 - 209.
___ (1989), Fisheries co-management - Delegating government responsibility to fishermen's organisations, Marine Policy, Vol. 13, 1989: 137-154.
Jobert, B. (1989), The normative frameworks of public policy, Political Studies, XXXVII, 376 - 386.
___ **and Muller, P.** (1987), L'état en action, politiques publiques et corporatismes, Presses Universitaires de France.
Johnston, D.M. (1976) (ed), Marine policy and the coastal community. The impact of the Law of the Sea (Croom Helm, London).
Johnson, J.C and Orbach, M.K. (1990), Migratory fishermen: a case study in interjurisdictional nature resource management, Ocean and Shoreline Management, Vol. 13: 231 - 251.
Jones, J.B. and Keating, M. (1987), Beyond the Doomsday scenario. Governing Scotland and Wales in the 1980s, Strathclyde Papers in Government and Politics (Glasgow: University of Strathclyde).
Jonnsson, H. (1985), Friends in conflict, The Anglo-Icelandic cod wars and the Law of the Sea (london, Hurst).
Jordan, A.G. (1990), Sub-governments, policy communities and policy networks. Refilling the old bottles? Journal of Theoretical Politics 23: 319 - 338.
___ **and Richardson, J.J.** (1982), The British policy style or the logic of négotiation, in J.J. Richardson (ed), Policy styles in Western Europe, (George Allen and Unwin), 80 - 110.
___ (1987, British Politics and the Policy Process, (Allen and Unwin, 1987).
Katzenstein, P. (1977), Between power and plenty: foreign economic policies od advanced industrial states, (Madison: University of Visconsin Press).
___ (1985), Small states in world markets. Industrial policy in Europe (Cornell University Press).
Kearney, J.F. (1983), Common tragedies: a study of resource access in the Bay of Fundy herring fishery; Thesis (Dalhousie University).
Keating, M. (1976), Administrative devolution in practice. The Secretary of State for Scotland and the Scottish Office; Public Administration, 54.2: 133 - 145.
___ **and Hainsworth, P.** (1986), Decentralisation and change in contemporary France, (Gower).
Keating, M. and Jones, B.J. (1985) (eds), Regions in the European Community; Clarendon Press.
Keating, M. and Midwinter, A. (1983), The Government of Scotland, Mainstream Publishing.
Keating, M. and Waters, N. (1985), Scotland in the European Community in M. Keating and B. Jones (eds), Regions in the European Community, (Clarendon Press), 60 - 87.

Keeler, J.T. (1985), Agricultural reform in Mitterrand's France in J.S. Ambler (ed), The French Socialist experiment, (A Publication of the Institute for the Study of Human Issues, Philadelphia): 60 - 91.
___ (1987), The politics of neo-corporatism in France - Farmers, the State and Agricultural policy making in the Vth Republic, (Oxford University Press).
Keen, E.A. (1988), Ownership and productivity of marine fisheries resources - An essay on the resolution of conflict in the use of ocean pastures (The MacDonald and Woodward Publishing Company, Blacksburg, Virginia).
Kellas, J. (1986), The Scottish political system, 3rd Edition (Cambridge: Cambridge University Press).
Keohane, R.O. (1983), Theory of world politics: structural realism and beyond, in A. Finifter (ed), Political science: the state of the discipline (Washington D.C.: American Political Association): 490 - 503.
___ (1984), After hegemony: Cooperation and discord in the world political economy (Princeton, N.J, Princeton University Press).
___ **and Hoffmann, S.** (1990), Conclusions: Community politics and institutional change in W. Wallace (ed), The dynamics of European integration. The transformation of Western Europe (RIIA, Pinter), 276- 300.
Keohane, R.O. and Nye, J.S. (1977), Power and Interdependence, World Politics in transition, (Boston, Little Brown).
___ (1987), Power and Interdependence revisited, International Organisation, 41, 4, Autumn, 1987: 725 - 753.
Kervella, F. (1989), Relevé des avis et orientations, COREMODE, Rennes, May 1989.
Kiser, L.L. and Ostrom, E. (1982), The three worlds of action: a metatheoretical synthesis of institutional approaches in E. Ostrom (ed), Strategies of political enquiry, (Sage Publications).
Knight, G.H. (1975) (ed), The future of international fisheries management, (St Paul Minn., West Publishing Co).
Koers, A.W. (1973), The international regulation of marine fisheries, (Fishing News Books).
Korany, B. (1987), Les relations internationales dans la vie quotidienne: le public, l'homme d'Etat et le chercheur universitaire in B. Korany et collaborateurs, Analyse des relations internationales, approches, concepts et données, Centre Québecois des Relations Internationales, (Gaetan Morin, éditeur).
Krasner, S.D. (1983a) (ed), International Regimes, (Cornell University Press).
Krasner, S.D. (1983b), Structural causes and regime consequences: regimes as intervening variables, in S.D. Krasner, (ed), International regimes, (Cornell University Press), 1 - 21.
Laffan, B. (1992), Integration and Cooperation in Europe (London and New York: Routledge 1992).
Laing, A. (1971), The Common Fisheries Policy of the Six; Fish Industry Review, Vol. 1, Part.2, 1971: 8 - 18.
Larkin, P.A. (1977), An epitaph for the concept of maximium sustainable yield, Transactions of the American Fisheries Society, 106: 1 - 11.
Lasok, D. and Bridge, J.W. (1982), Introduction to the law and institutions ofthe European Communities, 3rd Edition, Butterworths

Lavroff, D.G. (1982), Le système politique francais - La Vème République, Troisième édition, (Dalloz).
Le Bihan, D.C. (1981), La problèmatique des organisations de producteurs dans le secteur de la pêche artisanale; La Pêche Maritime, 20/1/1981: 44-47.
Le Borgne, G. (1986), La police en mer en deça des 200 milles - Doctrine et pratiques françaises, (Paris, Librairie Générale de Droit et de Jurisprudence).
Leca, J. (1980), Elaboration d'un bilan interdisciplinaire de travaux concernant l'Etat français d'aujourd'hui et proposition de programme de recherche, (Paris, Commissariat au Plan, Cordes).
Legrand, G. (1988), Table ronde PME, Fance Pêche, November 1988.
Leigh, M. (1983), European integration and the common fisheries policy, (London: Croom Helm).
Le Pape, S. (1989), La gestion communautaire des flottes de pêche: l'approche française, (Brest, Faculté de Droit).
Leschine, T.M. (1988), Policy analysis and the incorporation of biological objectives into fishery management decisions, in W.S. Wooster (ed), Fishery science and management, objectives and limitations (Springer/Verlag).
Lester, J.P., Bowman, A. O'M., Goggin, M. L. and O' Toole, L.G. Jr., (1987), Future directions for research in implementation. Public policy implementation: evolution of the field and agenda for future research, Policy Studies Review, Autumn, 1987, No1: 200 - 216.
Levy, D.A.L. (1987), Foreign policy: business as usual in S. Mazey and M. Newman (eds), Mitterrand's France (London: Croom Helm).
Lindberg, L. (1963), The political Dynamics of European Economic Integration (Stanford University Press, 1963).
Lindberg, L. and Scheingold, S. (1970) (eds), Regional integration: theory and Research, International Organisation 24 (Autumn 1970).
Lindblom, C.E. (1959), The science of muddling through, Public Administration Review, 19: 79 - 88.
___ (1968), The policy-making process (Englewoods Cliffs, NJ: Prentice Hall, 1968).
___ (1979), Still muddling, not yet through, Public Administration Review, 39: 517 - 526.
Linder, S.H. and Peters, B.G. (1987), A design perspective on policy implementation: the fallacies of misplaced prescription, Policy Studies Review, 6: 459 - 475.
Lodge, J. (1990), European Community Decision-Making: Towards the Single European Market in D.W. Urwin and W.E Paterson (eds), Politics in Western Europe today: Perspectives, policies and problems since 1980 (London: Longman), 206 - 226.
Loehr, W. and Sandler, T. (1978), Public goods and Public policy, (Sage Publications, Beverly Hills, London).
Lowi, T.J. (1964), American business, public policy, case studies and political theory, World Politics, 6: 677 - 715.
___ (1972), Four systems of policy, politics and choice, Public Administration Review, 32:298 - 310).
Machin, H. (1988), Two views of the Mitterrand presidency (1981 - 1988) II, Government and Opposition, Vol. 23, No 2, Spring 1988. ___ **and Wright, V.** (1985a) (eds), Economic Policy under the Mitterrand Presidency - 1981 - 1984. (Frances Pinter London).

___ (1985b), Economic policy under the Mitterrand Presidency - 1981 - 1984: an introduction, in H. Machin and V. Wright (eds), Economic Policy under the Mitterrand Presidency - 1981 - 1984 (Frances Pinter (Publishers) London), 1 - 43.
MacKay Consultants, (1992), Trends in fish landings at Scottish ports - 1985 - 1991; October 1992.
MacKay, G.A. (1981), The UK fishing industry and EEC policy; The Three Banks Review 132, December: 48 - 62.
MacKay, J. (1991), A detailed look at the fishing industry in the United Kingdom, Eurofish Conference; 23 - 24 April 1991 (London).
Macmillan, K. and Turner, I. (1987), Cost containement issue - A study of Government - Industry Relations in the Pharmaceutical sectors of the United Kingdom and West Germany, in S. Wilks and V. Wright (eds), Comparative Government - Industry Relations, (Oxford, Clarendon Press).
MacSween, I. (1983), The interaction between fisheries management and the marketing of fish, SFO; Edinburgh.
MAFF, Ministry of Agriculture, Fisheries and Food. (1983), Structure and Management of the UK fleet and Quota Management; Consultation Paper, 30/3/1983.
Magnuson Fishery Conservation and Management Act (1976), US Code. 1982, Vol 16, Secs. 11801 - 11882.
Marsh, D. and Rhodes, R.A.W. (1992a), Implementing Thatcherism: Policy change in the 1980s in Parliamentary Affairs, January 1992: 33 - 50.
___ (1992b) (eds), Policy Networks in British Government (Clarendon Press, Oxford).
___ (1992c), Policy Communities and Issue networks - Beyond typology, in D. Marsh and R.A.W. Rhodes (eds), Policy networks and Issue networks (Oxford: Clarendon Press), 249 - 268.
Martins - Ribeiro, M.E. (1982), Compétence communautaire et compétence nationale dans le secteur de la Pêche, Cahiers de Droit Européen, Vol. 2 - 3, 1982: 144 - 185.
Mason, C.M. (1979a) (ed), The effective management of resources, The politics of the North sea (Frances Pinter, London).
___ (1979b), Resource management and international politics in C.M. Mason (ed), The effective management of resources. The politics of the North sea (Frances Pinter, London), 1 - 18.
Mason, W.E. (1987), Financial support for the fishing industry in Great Britain, Evidence to the Committee of Public Accounts, HMSO 266 (i), 26/1/1988.
Mathijsen, P.S,R.F. (1985), A guide to European Community law, Fourth Edition (london, Sweet and Maxwell).
May, P.J. (1991), Reconsidering policy design - Policies and Publics, Journal of Public Policy 11 -2: 187 - 206.
Mazey, S. (1986), Public Policy - making in France: the art of the possible, West European Politics, Vol. 9, No3, July 1986: 412- 428
___ **and Newman, M.** (1987) (eds), Mitterrand's France (London: Croom Helm, 1987).
Mazmanian, D.A. and Sabatier, P.A. (1983), Implementation and Public Policy (Glenview, IL: Scot, Foresman).
McCay, B.J. (1987), The culture of the commoners, historical observations on old and new world fisheries in B.J. McCay and J.M. Acheson (eds), The question of the commons - The culture and ecology of communal resources. The University of Arizona Press.

McCay, B.J. (1991), Foxes and others in the henhouse: Problem definition and user participation in US fisheries management; 2nd CPR Conference, IASCP, Winnipeg, Manitoba, September 26-29 1991.
___ (1992), Romancing the Commons, Paper presented for the Annual Meeting of the American Association for the Advancement of Science, Chicago, Illinois, February, 6 - 11, 1992.
___ **and Acheson, J.M.** (1987) (eds), The Question of the Commons - The culture and ecology of communal resources (Tucson: The University of Arizona Press).
McEvoy, A.F. (1979), Economy, law and ecology in the California fisheries to 1925, PhD dissertation, University of California, San Diego.
McKean, M.A. (1982), The Japanese experience with scarcity: management of traditional common lands, Environmental Review 6: 63 - 88.
___ (1986), Management of traditional common lands (Iriaichi) in Japan, in Proceedings of the Conference on Common Property Resource Management, National Research Council (Washington D.C., National Academy Press): 533 - 589.
McKellar, N. (1990), The ITQ debate, Seafish Industry Authority, Policy and Economics Unit, Occasional Papers Series, No1, 1990.
Meny, Y. (1984), Decentralisation in Socialist France - the politics of pragmatism; West European Politics, 7/1/1984.
___ (1985), French regions in the European Community in M. Keating and B. Jones (eds), Regions in the European Community (Clarendon Press, Oxford).
___ (1987), The Socialist decentralization in G. Ross, S. Hoffmann and S. Malzacher (eds), The Mitterrand experiment (Polity Press): 248 - 262.
___ (1988), L'Application des réglements sociaux au secteur transports in H. Siedentoft and J. Ziller (eds), Making European Policies work, l'Europe des Administrations? Institut Européen d'Administration Publique (Bruxelles, Bruylant).
___ (1989), The national and international context of French policy communities, Political Studies, XXXVII: 387 - 399.
___ (1992), La République des fiefs in Pouvoirs, La Décentralisation, No 60, Presses Universitaires de France.
___ **and Thoenig, J.C.** (1989), Politiques publiques (PUF).
___ **and Wright, V.** (1985a) (eds), Centre Periphery relations in Western Europe (London, Allen and Unwin).
___ (1985b), La crise de la sidérurgie européenne, 1974-1984; PUF
Merle, M. (1974), Sociologie des relations internationales, Dalloz
___ (1986), Les acteurs dans les relations internationales, (Paris, Economica).
Meuriot, E. (1986), La flotte de pêche française de 1945 à 1983, Politiques et Réalités (Ifremer).
Midwinter, A.; Keating, M. and Mitchell, J. (1991), Politics and Public policy in Scotland (Macmillan, 1991).
Miller, M.L. and Gale, R.P. (1986), Professional styles of federal forest and marine fisheries resources managers, North American Journal of Fisheries Management 6 (2): 141 - 148.
Mitrany, D. (1966), A working Peace System (Chicago).
___ (1975), The functional Theory of Politics (London, 1975).
Mitterrand, F. (1990), L'organisation territoriale de la France: histoire et devenir. Revue Politique et Parlementaire, No 946.

Monro, H, (Sir), (1992), Speech, Scalloway, 11/6/1992.
Morgenthau, H.J. (1978), Politics among nations, The struggle for Power and Peace, (N.Y. Knopf, 1954), 5th Edition.
Mullard, M. (1987), The politics of public expenditure (London: Croom Helm 1987).
Muller, P. (1990), Les Politiques Publiques, Collection Que Sais-Je? Presses Universitaires de France.
___ (1992), Entre le local et l'Europe - la crise du modèle francais de politiques publiques, Revue Francaise de Science Politique, Vol. 42, No 2, April 1992: 275 - 297.
Munro, G.N. (1984), Fisheries enforcement: the United Kingdom experience in Experiences in the national management of national fishing zones, (OECD, 1984), 39 - 51.
Munro, G.R. (1982), Fisheries, extended jurisdictions and the economics of common property resources, Canadian Journal of Economics, Vol. 15; 1982.
___ (1987), The management of shared fishery resources under extended jurisdiction in Council of Europe, The regulation of fisheries, legal, economic and social aspects (Strasbourg, 1987).
Nagasaki, F. (1988), Effectiveness of Japanese fisheries management in W.S. Wooster (ed), Fishery science and management - Objectives and limitations (Springer Verlag).
National Audit Office (1987), Financial support for the fishing industry in Great Britain, HMSO, London, 22/7/1987. 88.
Nau. H.R. (1979), From integration to interdependence: gains, losses and continuing gaps. International Organisation, 33.1, Winter 1979: 119 - 147.
Netting, R.M. (1981), Balancing on an Alp, ecological change and continuity in a Swiss mountain community (Cambridge University Press).
NFFO (1992), Memorandum by the National Federation of Fishermen's Organisations to the Select Committee on the European Communities.
Nielsen, L. (1976), The evolution of fisheries management philosophy in Marine Fisheries Review 38 (12): 15 - 23.
Nordlinger, E. (1981), On the autonomy of the democratic state (Cambridge, Harvard University Press).
NRC National Research Council (1986), Proceedings of the Conference on common property resource management, April 21 - 26 1985. Washington DC,: National Academy Press.
Oakerson, R.J. (1986), A model for the analysis of common property problems in Proceedings of the Conference on the Common Property Resource Management, National Research Council (Washington, D.C.: National Academy Press), 13 - 30.
O' Leary, B. (1987), Why was the GLC abolished? International Journal of Urban and Regional Research, 1987: 193 - 217.
O'Malley, J.D. (1986), Views on the issue of privatizing in Sutinen, J.G. and Hanson, L.C. (eds), Rethinking fisheries management - Proceedings from the 10th Annual Conference held June 1 -4 1986. Center for Ocean Management Studies, The University of Rhode Island.
Olson, M. (1965), The logic of collective action. Public goods and the theory of goods (Cambridge, Mass.: Harvard University Press).
Ostenjo, R. (1963), The Spring herring fishing and the industrial revolution in Western Norway in the Nineteenth Century, Scandinavian Economic History Review II (1963): 135 - 155.

Ostrom, E. (1986), Issues of definition and theory: some conclusions and hypotheses in Proceedings of the Conference on Common Property Resource Management, National Research Council (Washington, D.C.: National Academy Press), 599 - 615.
___ (1990), Governing the Commons. The Evolution of Institutions for Collective Action (Cambridge University Press).
___ (1991), Rational Choice theory and institutional analysis: towards complementarity, American Political Science Review, Vol. 85, No1, March 1991: 237 - 243.
Ostrom, V. (1972), The intellectual crisis in American Public Administration (University of Alabama Press).
___ **and Ostrom, E.** (1977), A theory for institutional analysis of common pool problems in G. Hardin and J. Baden (eds), Managing the commons (San Francisco: Freeman): 157 - 172.
___ **Tiebout, C. and Warren, R.** (1961), The organisation of government in metropolitan areas: a theoretical enquiry, American Political Science Review, 55: 831 - 842.
Oxford Dictionary, 1991, Eigth Edition, (BCA, Oxford University Press).
Ozenda, M. and Strauss - Kahn, D. (1985), French planning: decline or renewal? In H. Machin and V. Wright (eds), Economic Policy and Policy Making under the Mitterrand presidency 1981 - 1984 (Frances Pinter (Publishers) London): 101 - 113.
Padioleau, J. (1982), L'Etat au concret (Paris, Presses Universitaires de France).
Parrish, B.B. (1988), Scientific advice for management of Northeast Atlantic fisheries fisheries in W. S. Wooster (ed), Fishery science and management, Objectives and Limitations (Springer, Verlag).
Pearse, P.H. (1979), Property rights and the regulation of commercial fisheries, Journal of Business Administration, Vol. 11, 1979 - 1980: 192 - 195.
___ (1981), Fishing rights, regulations and revenues, Marine Policy, April 1981: 135 - 146.
Penguin English Dictionary, (1973), Second Edition (Penguin Books).
Peterson, J. (1992), The European Technology Community. Policy networks in a supra national setting in D. Marsh and R.A.W. Rhodes (eds), Policy Networks in British Government (Clarendon Press, Oxford): 226 - 248.
Pinkerton, E. (1987), Intercepting the state: dramatic processes in the assertion of local co-management rights in B.J. McCay and J.M. Acheson (eds) The question of the commons (Tucson, The University of Arizona Press), 344 - 369.
___ (1989) (ed), Cooperative management of local fisheries. New directions for improved management and community development (University of British Columbia Press, Vancouver, Canada).
Policy for Canada's Commercial Fisheries (1976), Fisheries and Oceans, Canadian Government 1976.
Pontecorvo, G. (1974) (ed), Fisheries conflicts in the North Atlantic: Problems of management and jurisdiction (Ballinger Publishing Company, Cambridge, Mass.).
Pouvoirs (1992), La Décentralisation, No 60, (PUF)
Pressman, G. and Widalsky, A. (1972), Implementation (Berkeley, Calif.; University of California Press).

Pringle, J.D. (1985), The human factor in fishery resource management, Canadian Journal of Fisheries and Aquatic Sciences, Vol. 42, Part 2: 389 - 392.
Public Accounts Committee (1988), Minutes of evidence taken before the Committee of public Accounts, Financial support for the fishing industry in Great Britain. House of Commons, 26/1/1988 (266).
Puchala, D. and Hopkins, R.F. (1983), International Regimes: lessons from inductive analysis in S. Krasner (ed), International Regimes (Cornell University Press).
Punnett, R.M. (1984), British Government and Politics, 4th Edition, Heinemann, London.
Quermonne, J.L. (1987), Le gouvernement de la France sous la Vème République, Third Edition, (Dalloz, Etudes Politiques, Economiques et Sociales).
Rasmussen, H. (1989), Les états membres et l'inéxécution des obligations communautaires, Pouvoirs, 48: 39 - 55.
Rees, J. (1990), Natural resources, Allocation, Economics and Policy, Second Edition (Routledge, London and New York).
Reifsnyder, D.A. (1986), Parsing privatization. Proposals, in J.G. Sutinen and L.C. Hanson (eds), Rethinking fisheries management, Proceedings from the Tenth Annual Conference, 1 - 4 June 1986. Center for Ocean Management Studies, The University of Rhode Island.
Reveret, J.P. (1991), La pratique des Pêches, Comment gérer une ressource renouvelable (Editions de l'Harmattan, Paris).
Rhodes, R.A.W. (1984), Continuity and change in British Central - Local Relations: The Conservative threat 1979 - 1983; British Journal of Political Science, 14: 261 - 283.
___ (1985), Intergovernmental relations in the UK in Y. Mény and V. Wright (eds), Centre-Periphery relations in Western Europe (London, Allen and Unwin): 133 - 178.
___ (1986), The national world of local government (London: Allen and Unwin).
Richardson, J.J. (1982) (ed), Policy styles in Western Europe (London: George Allen and Unwin).
___ (1990), Gouvernment and groups in Britain: changing styles; ECPR Workshop on Institutions, Structures and the Intermediation of Interests, Bochum April 1990).
___, **Gustaffson, G. and Jordan, A.G.** (1982), The concept of policy style in J.J. Richardson, (ed), Policy styles in Western Europe (George Allen and Unwin), 1 - 16.
___ **and Jordan, A.G.** (1979), Governing under pressure - the policy process in a post-parliamentary democracy (Oxford: Martin Robertson).
Ricker, W.E. (1954), Stock and recruitment, Journal of the Fisheries Research Board of Canada, II (5): 559 - 623.
Rieser, A. (1986), Intergovernmental relations in marine fisheries management in M. Silva (ed), Ocean resources and intergovernmental relations in the US in the 80s (Westview Press / Boulder and London).
Rigler, F.H. (1982), The relation between fisheries management and limnology, Transactions of the American Fisheries Society III (2): 121 - 132.

Rockman, B.A. (1990), Minding the state - or a state of mind? Issues in the comparative conceptualisation of the state; Comparative Studies, Vol 23, No 1, April 1990: 25 - 55.
Rodgers, P.E. (1989), Comparative implementation of multi-annual guidance programmes under EC Rule 4028/86 - (UK). EAFE Second Annual Meeting Lisboa - Pesca e Navegacao, 101 - 102: 42 - 43.
Rose, R. (1984), Do parties make a difference? 2nd Edition (Chatham, NJ: Chatham House Publishers).
___ (1990), Inheritance before choice in public policy. Journal of Theoretical Politics, 2 (3): 263 - 291.
Rosenau, J.N. (1988), The state in an era of cascading politics - wavering concept, widening competence, withering colossus or weathering change? Comparative Political Studies, Vol. 21, No 1, April 1988: 13 - 44.
Rosenthal, G.G. (1975), The men behind the decisions, (Lexington, Mass.; Lexington Books)
Ross, G., Hoffmann, S. and Malzacher, S. (1987) (eds), The Mitterrand experiment (Polity Press).
Rothschild, B.J. (1972) (ed), World fisheries policy: Multidisciplinary views (Seattle: University of Washington Press).
___ (1983), Achievements of fisheries management goals in the 1980s in B.J. Rothschild (ed), Global fisheries - Perspectives for the 1980s (Springer Vorlag).
Rousseau, M. O. (1987), The bureaucratic State and Political Reforms in M. O. Rousseau and R. Zarisky (eds), Regionalism and Regional Devolution in Comparative Perspective (Praeger), 152 - 192.
Royce, W.F. (1988), Commentary in W.S. Wooster (ed), Fishery Science and Management - Objectives and Limitations; Springer - Verlag.
Ruddle, K. (1987), Administration and conflict management in Japanese coastal fisheries, Food and Agriculture Organisation, Fisheries Technical Paper 273.
___ (1989), Solving the common property dilemma: village fisheries rights in Japanese coastal waters in F. Berkes (ed), Common property resources, ecology and community based sustainable development (Belhaven Press), 168 - 184.
___ **and Akimichi, T.** (1984), Maritime institutions in the Western Pacific, Senri Ethnological Studies No 17; National Museum of Ethnology, Osaka.
Russell, E.S. (1942), The overfishing problem (Cambridge University Press).
Sabatier, P.A. (1986), Top-down and bottom-up approaches to implementation research: a critical analysis and suggested synthesis, Journal of Public Policy 6: 21 - 48.
___ **and Mazmanian, D.** (1979), The conditions of effective implementation, Policy Analysis 5: 481 - 504.
___ **(1980), A framework of analysis, Policy Studies Journal, 8: 553 - 560.**
Schmitter, P. (1970), Still the Century of Corporatism, Review of Politics, 36: 85 - 96.
___ (1989), Corporatism is dead! Long live Corporatism , Government and Opposition, Vol. 24, No 1, Winter 1989: 54 - 73.

Scott, A.D. (1955a), Natural resources: the economics of conservation, Canadian Studies in Economics, No3, Toronto (Canadian Society, Science Research Council).
___ (1955b), The fishery: The objectives of sole ownership, Journal of Political Economy, 63: 116 - 124.
___ **and Neher, P.A.** (1981), La réglementation des pêches commerciales au Canada, Conseil Economique du Canada (Ottawa).
Scottish Information Service (1988), Scottish Fisheries (The Scottish Office).
Scottish Office, (1991), The Scottish Fishing Fleet at December 31, 1990. A Publication of the Government Statistical Service.
Sea Fish Industry Authority, (1982), An update of 'the case for aid' with a critique of alternative measures for fisheries management in the UK (Fisheries Economics Research, No4 1982).
___ (1990), Annual Report.
___ (1992), Personal communication.
SFF. (1983), **Scottish Fishermen's Federation,** Response to Fisheries Departments' Consultative Paper on Restructuring and Fisheries Management of 30th March 1983. 25/5/1983.
Secrétariat d'Etat à la Mer (1989), La Pêche, September 1989.
___ (1992), Bilan du Plan Pêche, Projet de communication de M. Jean-Yves Le Drian, Secrétaire d'Etat à la Mer, au Conseil des Ministres, Paris 13/3/1992.
SGAR - Préfecture de la Région de Bretagne (1992), La Bretagne et la Mer, Cahiers du SGAR, No5.
Shackleton, M. (1983), Fishing for a policy? The Common Fisheries Policy of the European Community in H. Wallace, Wallace, W. and C. Webb (eds), Policy Making in the European Community, Second Edition (John Wiley and Sons).
___ (1986), The politics of fishing in Britain and France (Gower).
Shetland Conference, (1993), Managing the Marine Environment, Shetland Islands, March 1993.
Sibthorp, M.M. (1975), The North sea: Challenge and Opportunity (London, Europa Publications for the Davies Memorials Institute of International Studies), 85 - 122.
Siedentopf, H and Hauschild, C. (1988), L'application des directives communautaires par les administrations nationales (Etude Comparative), Revue Francaise d'Administration Publique, October / December 1988, No 48: 547 - 555.
Siedentopf H. and Ziller, J. (1988) (ed), L'Europe des Administrations? La mise en oeuvre de la législation communautaire dans les états membres, Vol II - Rapports nationaux (Bruylant, Sage Publications).
Silva, M. (1986) (ed), Ocean resources and United States' intergovernmental relations in the 80s (Westview Press / Boulder and London).
___ **and King, L.** (1986), Ocean resources and intergovernmental relations: the record to 1980 in M. Silva (ed), Ocean resources and United States' intergovernmental relations in the 1980s (Westview Press / Boulder and London).
Simon, D. (1988), Organisations internationales et politiques des Etats in J.P. Jacqué (ed), Les organisations internationales contemporaines: Crise, mutation, développement, Colloque de Strasbourg (Editions A. Pedone, Paris), 107 - 159.

Simon, H.A. (1957), Administrative behaviour, 2nd Edition (London, Macmillan).
___ (1959), Theories of decision-making, in Economics and Behavioural Science, American Economic Review, Vol. 49, 1959: 253 - 283.
Singer, S.F. (1986), Fisheries management: another option in J.G. Sutinen and L.C. Hanson (eds), Rethinking fisheries management, Proceedings from the tenth Annual Conference, Center for Ocean Management Studies (The University of Rhode Island), 199 - 204.
Smith, M.E. (1988), Fisheries risks in modern contest, Maritime Anthropological Studies, 1: 29 - 48.
Smith, M.J. (1989), Changing agendas and policy communities: Agricultural issues in the 1930s and the 1980s, Public Administration, Vol. 67, Summer 1989: 149 - 165.
___ (1992), The agricultural policy community. Maintaining a close relationship in D. Marsh and R.A.W. Rhodes (eds), Policy Networks in British Government (Clarendon Press Oxford), 27 - 50.
Smith, V.L. (1968), Economics of production from natural resources, American Economic Review, June 1968: 409 - 431.
Smouts, M.C. (1987), L'Organisation internationale: nouvel acteur sur la scène mondiale? in B. Korani (directeur), Analyse des relations internationales, approches, concepts et données, Centre Québécois de relations internationales (Gaétan Morin, Editeur).
Snidal, D. (1985), Coordination versus Prisoner's Dilemma: Implications for International Cooperation and regimes, American Political Science Review, 79: 923 - 947.
SOAFD, Scottish Office Agriculture and Fisheries Department (1991a), Scottish Fisheries Protection Agency - Framework Document, April 1991.
___ (1991b), To protect our fisheries. The Scottish Office, Dd8272763, 4/91.
___ (1990, 1991, 1992), Personal communications.
Stillman, P.G. (1975), The tragedy of the Commons: A re-analysis; Alternatives 4: 12-15.
Stockes, R.L. (1986), Improving the relevance of fisheries economics through political analysis : some suggested approaches in E. Miles, R. Pealy and R. Stockes (eds), Natural Resource Economics and Policy Applications (University of Washington Press: 42 - 59).
Strange, S. (1983), Cave. Hic Dragones: A critique of Regime Analysis in S.D. Krasner (ed), International Regimes (Ithaca: Cornell University Press), 337 - 354.
Suleiman, E.N. (1987), Private Power and Centralization in France (Princeton, N.J: Princetown University Press).
Sutinen, J.G and Hanson, L.C. (1986) (eds), Rethinking fisheries management, Proceedings from the tenth Annual Conference, Center for Ocean Management Studies (The University of Rhode Island).
Sutinen, J.G. and Hennessey, T.M. (1986), Enforcement: the neglected element in fishery management in E. Miles, R. Pealy and R. Stockes (ed), Natural resources economics and applications (University of Washington Press): 185 - 213.
Tepper, J.D. (1991), Annoted bibliography of literature on: common property resources. Compiled at DRC Environment.

Thoenig, J.C. (1985), L'analyse des politiques publiques in M. Grawitz and J. Leca (eds), Traité de Science Politique, 4 - Les Politiques Publiques (Presses Universitaires de France), 1 - 60.
___ (1992), La décentralisation dix ans après, Pouvoirs No 60: 5 - 16.
Thompson, G. (1986), The Conservatives' Economic Policy (London: Croom Helm).
Troadec, J.P. (1989a) (ed), L'Homme et les ressources halieutiques - Essai sur l'usage d'une ressource renouvelable, Ifremer.
___ (1989b), Les pêches et les cultures marines face à la rareté de la ressource in J.P. Troadec (ed), L'Homme et les ressources halieutiques - Essai sur l'usage d'une ressource renouvelable (Ifremer): 21 - 46.
___ (1989c), Eléments pour une autre stratégie in J.J. Troadec (ed), L'homme et les ressources halieutiques - Essai sur l'usage d'une ressource renouvelable (Ifremer): 747 - 795.
Truman, D.B. (1951), The governmental process (New York: Knopf).
Tsoukalis, L. (1983) (ed), The EC - Past, present and future (Basil Blackwell, Oxford).
Turgeon, D. (1985), Fishery regulation: its use under the Magnuson Act and Reaganomics, Marine Policy, 9.(2): 126 - 133.
Valatin, G. (1990), Skippers' motivation survey: the determinants of supply, (Fisheries Economics Research Unit, Sea Fish Industry Authority).
Valencia M.J. and Vanderzwaag, D. (1989), Maritime claims and management rights of indigenous peoples: rising tides in the Pacific and Northern waters, Ocean and Shoreline Management, Vol 12, No2, 1989: 125 - 167.
Virally, M. (1980), Definition and classification des organisations internationales: approche juridique in Abi-Saab, G. (ed), Le concept d'organisation internationale (Unesco).
Vogel, D. (1986), National styles of regulation - environmental policy in Great Britain and the United States (Cornell University Press).
Walker, J.L. (1989), Introduction: Policy Communities a Global Phenomena, Governance, Vol. 2, No1, January 1989.
Wallace, H., Wallace, W. and Webb, C. (1983) (eds), Policy-Making in the EC (John Wiley and Sons Ltd).
Wallace, W. (1983), Less than a Federation, More than a Regime: **the Community as a political system in H and W. Wallace and C. Webb (eds), Policy-Making in the European Community (John Wiley and Sons Ltd), 403 - 436.**
___ (1990), Introduction in W. Wallace (ed), The dynamics of European Integration. The transformation of Western Europe (RIIA, Pinter).
Warming, J. (1911), Om grundrente of fiskegrunde in National Okonomisk Tidsskrift, No 49: 499 - 505.
Watt, D.C. (1977), The EEC and fishing: new venture into unknown seas, Political Quarterly, Vol. 48.
Webb, C. (1982), Theoretical perspectives and problems in H. and W. Wallace and C. Webb (eds), Policy-Making in the EC (John Wiley and Sons Ltd).

Weber, J. and Antona, M. (1990), French fisheries regulation schemes in the EC's context: towards fisheries adaptive management? IIFET, Fith International Conference, December 3 - 6, 1990, Santiago, Chile.
Weber, J.; Levieil, D. and Grimbert, E. (1990), La décision CEE 4028/86 et la gestion des pêches en France, EAPE, 2nd Annual Meeting, Lisboa, Pesca é Navagacao, 5 - 7 March 1990.
White Fish Authority, (1978), The catching sector of the fishing industry: A case for aid, (White Fish Authority 1978).
___ (1982), An update of the "Case for Aid" with a Critique for Alternative **Measures for Fisheries Management in the UK: SFIA, 1982.**
Wilks, S and Wright, M. (1987) (eds), Comparative Government - Industry Relations (Oxford, Clarendon Press).
Wilson, F. (1985), Trade Unions and Economic Policy in H. Machin and V. Wright (eds), Economic policy and policy-making under the Mitterrand presidency, 1981 - 1984 (Frances Pinter (Publishers) London): 255 - 278
___ (1987), Interest Group Politics in France (Cambridge University Press).
Wilson, J.A.: Townsend, R.: Kelban, P.; McKay, S. and French J. (1990), Managing unpredictable resources: Traditional policies applied to chaotic populations, Shoreline Management 13 (1990), 179 - 197.
Wise, M. (1984), The Common Fisheries Policy of the European Community, (Methuen, London and New York).
Wooster, W.S. (1988) (ed), Fishery science and management - Objectives and limitations (Springer/Verlag).
World Wide Fund (1992), The future of the Common Fisheries Policy (WWF, 1992).
Young, O. (1981), Natural resources and the state - The political economy of resource management (University of California Press).

LIST OF INTERVIEWS

Allan, Robert. Chief Executive of the Scottish Fishermen's Federation, several conversations and exchange of documents over the past few years.

Banks, Richard. Chief Executive of the National Federation of Fishermen's Organisations, several conversations by telephone and a meeting in Grimsby 8 March 1993. Mr Banks also provided me with several documents.

Caboche, Claude. Comité National des Pêches Maritimes, Paris, 11 February 1993.

Carval, Jean-Claude. Secretary of the Comité Local des Pêches, Brest (France), July 1989.

Centre Administratif Des Affaires Maritimes (CAAM), Saint Malo (France), spoke to several people in various services, March 1992.

Commission of the European Communities. Much help received in interviews and with documents, over three visits to DG XIV in Brussels (December 1990, November 1992 and February 1993) and in telephone conversations. During one of my visits there was also a meeting with a former Fisheries Commissioner's cabinet director.

Confédération de la Coopération Maritime. Several meetings with various officials in Paris (1991 - 1993).

Cormack John. Fisheries Secretary 1978 - 83; Edinburgh, 11 February 1991.

Direction des Pêches. Paris. Much assistance received in interviews and with documents (1989 - 1993).

Fenton, James. Chief Inspector, Scottish Fisheries Protection Agency, Edinburgh, 8 June 1992.

Gordon, Hamish. Chief Executive of the Aberdeen Fish Producers' Organisation, Aberdeen, 2/3/1993.

Guellec, Ambroise. Secrétaire d'Etat à la Mer, 1986 - 1988, Douarnenez (France) 22 July 1989.

Hay, William. President of the Scottish Fishermen's Federation, several meetings over the years.

Hennequin, Jean Claude. President of the Comité Central des Pêches Maritimes, Paris, 27 July, 1989.

Jagot, Loik. Secretary of the Federation of Artisanal Producers' Organisations, several meetings in Paris and Aberdeen.

Johnson, Russell. Member of Parliament for Nairn, Inverness and Lochaber. Grantown-on-Spey, December 1990.

Le Bolloch, G. Directeur du CROSSA Etel, February 1993, Personnal communication

Legrand, Guy. Fisheries Section in the Breton Regional Council, Rennes, (France) March 1992.

Lindsay, James. Highlands and Islands Development Board, Inverness, 16 November 1988.

Lorillu, Jean. Director of the Basse Normandie Producers Organisation (COPEPORT - MAREE), Lorient (Brittany, 6 September 1989).

MacInnes, Duncan. Secretary of the Western Isles Fishermen's Association, and Secretary of the Federation of Highlands and Islands Fishermen's Associations; Stornoway, 21 February 1991.

MacSween, Iain. Chief Executive of the Scottish Fishermen's Organisation, Edinburgh, 19 November 1990.

Ministry of Agriculture, Fisheries and Food. London; information received from officials in various sections of the Fisheries Division.

Parrés, Alain. General Secretary of the Union de Armateurs à la Pêche de France, meetings in Paris and assistance with documents.

Rabot, Jean. President of the Comité National des Pêches Maritimes, Paris, March, 12/3/1993.

Riou, Yves. Under - Secretary at the Fisheries Directorate, Paris, 26 November 1990.

Salmond, Alex. Member of Parliament for Banff and Buchan, Edinburgh, September 1991.

Sanlaville, Patrick. Sous Directeur, Affaires Maritimes, Rennes, 11/3/1992.

Scottish Fishermen's Organisation. Copies of submission to Government, letters to MPs etc.

Sea Fish Industry Authority. Edinburgh, several contacts with various officials.

Scottish Office Agriculture and Fisheries Department. Assistance and documents received from various officials.

Thom, Colin. Secretary of the Mallaig and West Coast Fishermen's Association, Inverness, March 1991.

Thomson, John. Director of the Scottish Fishermen's Federation, meetings in Aberdeen.

Vernier, Christophe. Confédération de la Coopération Maritime, Paris, 11 March 1993.

Weber, Jacques. (Living Resources at the Ifremer), Meeting in November 1992 in Paris. Also helped with documents.

Wemyss, B. and MacLeod, I. Western Isles Council officials, Stornaway, 20 February 1991.

I also received assistance from scientists and gear technologists in various organisations and laboratories, as well as from locally based inspectors in several ports in France and in the UK.

There were also many conversations with skippers and fishermen over the years in France and in the United Kingdom.

Finally, information was received from the Conseil Régional de Bretagne, the Conseil Général of Finistère, the Western Isles Council, Grampian Regional Council, Highlands and Islands Regional Council, the Confederation of Scottish Local Authorities (COSLA) in Edinburgh and Grampian Region's Development Agency NESDA.