Abstract

The aim of this paper is to determine whether British and German sea fisheries policies have been shaped by domestic factors or by EU institutions. To achieve this aim, British and German perceptions of the EU’s Common Fisheries Policy (CFP) were compared using two alternative theories of EU integration: Moravscik’s Liberal Intergovernmentalism and Pierson’s Historical Institutionalism. The perceptions of three sets of respondents – fisheries scientists; fishers; and politicians – were investigated in each country to determine whether they saw the CFP as a means of attaining their own nation’s domestic fisheries agenda (as Liberal Intergovernmentalism would argue), or as an institutional champion of European fisheries as a whole (as might be predicted by Historical Institutionalism). The article concludes that although there were elements of both theories evident in each country’s perceptions, British perceptions were more strongly indicative of Historical Institutionalism than Liberal Intergovernmentalism, and German perceptions were more strongly indicative of Liberal Intergovernmentalism than Historical Institutionalism. This difference is exemplified in Britain’s euroscepticism (which sees EU institutions as obstacles to British fisheries’ interests), and Germany’s environmentalism (which sees EU institutions as synchronising with Germany’s national priorities).

Keywords: CFP, Liberal Intergovernmentalism, Historical Institutionalism, euroscepticism, environmentalism.

1. Introduction

The question of whether the fisheries policies of Member States of the EU are shaped by their own domestic agenda or by EU institutions, is important for an understanding of the relationship between the Member States and the CFP. In one sense, that question can be answered very quickly: since all Member States are obliged to conform their fisheries policies to the CFP, those policies are inevitably shaped by EU institutions. But this is too simple an answer: a Member State may find its fisheries policies shaped by the EU against its will in directions that important groups within it find deeply objectionable. Conversely, a Member State may find the EU a very congenial means of pursuing its own self-interest because the EU’s priorities are similar to its priorities. Such contrasting perceptions are the subject matter of this paper, exemplified in the different viewpoints of British and German respondents. These countries were chosen for comparison because while they shared some similarities (both had significant fisheries in the North Sea, and both were major players in the EU with equivalent incomes per capita), their perceptions of the CFP were driven by different agendas (euroscepticism in Britain and environmentalism in Germany), which entailed that they responded to EU institutions in different ways.

This study is based on the perceptions of the CFP held by the three sets of major stakeholders – fishers; politicians; and fisheries scientists – in the two countries. The analysis is guided by two theories of the relationship between EU bodies and Member States – Liberal Intergovernmentalism and Historical Institutionalism. The former theory interprets EU bodies as institutions that are managed by independent Member States adopting rational strategies to maximise their respective national interests. By contrast, the latter theory interprets EU bodies as institutions in which Member States are embedded, thereby foreclosing some of their options. The central focus in the study was to determine whether British and German stakeholders saw the CFP as a forum in which the national self-interest of their respective countries was promoted (as argued by Liberal Intergovernmentalism), or as an institutional constraint imposed to protect EU fisheries as a whole (as predicted by Historical Institutionalism). While British stakeholders inclined to the former, German stakeholders inclined to the latter, reflecting their respective commitments to euroscepticism and environmentalism.

Very little has been written in English about sea fisheries policy in Germany, still less in comparison to British sea fisheries policy. Yet such a comparison provides useful insights into the workings of both.
The British fishing industry is much larger than the German, employing about 12,000 fishers compared to about 4,000 in Germany. Commercial sea fishing in Britain is also geographically more widespread, in that it takes place all around the British Isles, whereas in Germany it is confined to its northern coastline. Germany joined the forerunner of the European Economic Community (EEC) at its inception in 1957 when it signed the Treaty of Rome, but Britain chose to remain outside until 1973 (illustrating Liberal Intergovernmentalism – pursuing what it saw as its own rational self-interest). As a result, Germany, unlike Britain, was able to influence the drafting of two regulations (70-2141 and 70-2142) in 1970 (the foundation stones of the future CFP), enshrining among other rules, the principle of equal access of Member States’ fishers to all Community waters [1]. These regulations were agreed by four of the six existing Member States (France, Germany, Holland and Belgium) in order to benefit from the fish stocks in areas controlled by the four states then applying for EEC membership – Britain, Ireland, Denmark and Norway. From the point of view of Germany, this was an example of Liberal Intergovernmentalism, in that it used EU institutions to improve its domestic self-interest, but from the point of view of Britain, it was an example of Historical Institutionalism, because when it joined the EEC in 1973, it was faced by an invasion of fishers from other Member States into its waters outside the 6/12 mile inshore limit. However, the CFP did not come into force until 1983, by which time Britain and Ireland had negotiated a ten-year derogation from the equal access principle by means of the principle of relative stability, which restricted access to vessels from states that had past track records of fishing in British and Irish waters (an example of Liberal Intergovernmentalism). This derogation was renewed in 1993 and 2003, and is still in place.

There are many EU institutions involved in the CFP, prominent among them being the European Commission, which in the form of DG MARE proposes regulations and other policy changes (including annual quotas for fish stocks and their distribution to Member States) to the Council of Fisheries Ministers, which has the power of decision-making through qualified majority rule (so there is no national veto). Because the EU has designated fisheries as a reserved policy area, it has empowered the Commission to take action whenever it deems necessary to protect fish stocks or the marine environment. The European Parliament has a role in communicating matters of concern to the Commission and the Fisheries Council, but no power to make decisions. DG Environment also plays a role in the CFP, by advising the Commission on environmental impacts of fishing activity. The European Court of Justice is sometimes called upon by the Commission or Member States or NGOs or interest groups or even individual EU citizens to rule on contentious fisheries issues. Summarising these EU institutions, the historical institutionalist elements in the Commission and the Court seem stronger than the liberal intergovernmental elements in the Fisheries Council and Parliament. Significantly, EU documents now refer to a “community sea” and “the community fishing fleet”.

Since its inception in 1983, the CFP has been responsible for a raft of rules and regulations governing Member States’ fishing industries, including annual quotas (total allowable catches (TACs) which have steadily been cut for weakened stocks such as North Sea cod); effort controls such as days-at-sea limits and decommissioning schemes; closed areas; minimum landing sizes (MLS); and gear restrictions. Although the Commission must obtain the approval of the Fisheries Council for these rules and regulations, and although the Commission allows Member States some leeway in how they implement them, nevertheless the CFP’s rules and regulations constitute a massive intervention in domestic fisheries policies. Moreover, in the 2003 reforms of the CFP, although the Commission set up seven

1 For instance, in 1991 the Court overruled the British government’s Merchant Shipping Act (MSA) (1988), which outlawed the practice of ‘quota hopping’ (nationals in one Member State buying vessels registered in another Member State to obtain their quota) which Britain regarded as undermining the principle of relative stability [2]. In the so-called “Factortame” judgement, the Court ruled that the MSA was contrary to the Treaty of Rome’s principle of non-discrimination. This was the first time that the Court had overruled a Member State’s Act of Parliament [3], and is an example of Historical Institutionalism.

2 For instance, between 1983 and 2001, the CFP imposed four Multi-Annual Guidance Programmes (MAGPs) to reduce the size of Member States’ fleets: ‘MAGPs aim to restructure Member States’ fishing fleets by setting reduction objectives with a view to bringing fishing effort more into line with available resources…the rationale behind MAGPs is that the available resources should determine the size of the fleet and not, as has often been the case, that the size of Total Allowable Catches be determined by the size of the fleet’ [4].
Regional Advisory Councils (RACs), including the North Sea RAC, which could be interpreted as giving a greater voice to Member States (though no extra power), it also imposed more environmental restrictions on Member States, and tightened monitoring and enforcement mechanisms (e.g. by satellite surveillance of vessels at sea). How far these interventions are interpreted by Member States as top-down fait accompli issued by overweening EU institutions imposing the will of the EU (Historical Institutionalism), or as measures that Member States themselves endorsed as expressions of their own self-interest (Liberal Intergovernmentalism), is the central question of this paper.

In the next section, the two theories of Liberal Intergovernmentalism and Historical Institutionalism are explained, along with the methodology used in the paper; in sections 3 and 4, the perceptions of British and German stakeholders respectively on the CFP are examined; section 6 provides a comparative analysis of these perceptions; and section 7 concludes the paper by summarising its implications.

2. Liberal Intergovernmentalism and Historical Institutionalism

Two theories of EU integration were used to guide this analysis: Andrew Moravcsik’s theory of Liberal Intergovernmentalism, and Paul Pierson’s theory of Historical Institutionalism. Although both theories stress the importance of Member States in the integration process, the former argues that Member States remain the central focus of integration, whereas the latter argues that Member States can lose control of the integration process because of past bargains, path dependency, and institutional lock-in.

2.1 Liberal Intergovernmentalism

In Moravcsik’s theory, EU institutions are arenas for strategic bargaining between Member States that do not have their preferences determined exogenously by interaction with EU institutions, but endogenously by their own domestic politics. Their preferences are ‘a set of underlying national objectives independent of any particular international negotiation to expand exports, to enhance security vis-à-vis a particular threat, or to realise some ideational goal’ [5]. Such preferences, according to Moravcsik, are not influenced, still less formed, by EU institutions, but emerge from a complex system of group interaction at and below the level of the state (in the case of fisheries, this would involve national scientists, fishermen, politicians and other interested groups). Thus states can act as if they are unitary bodies at EU negotiations, even though there may be strong domestic competition between interested groups at home. This theory is state-centric, reflecting both a realist view of international relations, and a rational choice conception of decision-making as maximisation of individual self-interest. On this interpretation, EU institutions are created by Member States for some benefit to themselves, not created by supra-national entrepreneurs to forge a sense of commitment to the European project. In other words, EU institutions are perceived by Member States as their tools, not their masters: they are simply instruments fashioned by them to solve problems that cannot be solved at the level of the nation-state, not organisms with a life of their own that inexorably evolve into uncontrollable forces with the power to impose unexpected and unwelcome demands on Member States in the name of some EU ideal. Hence, Member States may find it in their interests to cede policymaking competence to EU institutions in areas that are uncontroversial (“low politics” for them domestically), but are unwilling to do this in policies of high political salience (that is, “high politics” for them domestically).

2.2 Historical Institutionalism

By contrast, in Pierson’s theory, Member States do not have a carte blanche to use EU institutions for mutual bargaining activities, since they are ineluctably embedded in those institutions, and because of the “stickiness” of institutions, and the “sunk costs” invested in them, they are constrained to do, or refrain from doing, many actions against their better judgement. Hence, ‘when European integration is examined over time, the gaps in Member State control appear far more prominent than they do in intergovernementalist accounts’ [6]. This is not necessarily to claim that Member States’ preferences are wholly determined by EU institutions, still less that they obtain their sense of identity from their subordination to EU institutions, but simply that Member States’ policies are significantly influenced and inhibited by their interaction with EU institutions: ‘new governments in Member States now find that the dead weight of previous institutional and policy decisions at the European level seriously limits their room for manoeuvre’ [7]. Pierson acknowledges the assumption of Liberal Intergovernmentalism that Member States are the most important actors in the EU, but he argues that this theory ignores the transformative role played by EU institutions. EU institutions are not merely passive tools of Member
States, but active agents in limiting their room for manoeuvre, and as more powers are ceded to EU institutions, Member States find it increasingly difficult to act on their own. Although EU institutions may have been established by Member State decisions which initially reflected their rational choices, they come to embody past decisions which may in time come to haunt Member States because of their unintended consequences. For example, a change in an EU policy or institution which has been pursued by a single or collection of Member States, may ultimately lead to “reform that fundamentally transform[s] their own positions (or those of their successors) in ways that are unanticipated and/or undesired” [8]. Such path dependence is hard to prevent, because EU institutions can be sclerotic and resistant to change: ‘political institutions are often “sticky” – specifically designed to hinder the process of institutional and policy reform’ [9]. Although theoretically Member States could abolish EU institutions that were no longer meeting their needs, in practice they are virtually unable to do so, because the sunken costs are too great and the procedures for doing so are too onerous, requiring a Treaty revision which entails a unanimous decision in the Council of Ministers and ratification by all national parliaments or referenda: a process ‘now widely recognised to be extraordinarily difficult and unpredictable’ [10]. Likewise, the option of a Member State leaving the EU altogether is hollow: ‘the constantly increasing costs of exit in a densely integrated polity have rendered this option virtually unthinkable for EC Member States’ [11]. At some point in the past, a Member State might have ceded policymaking competence to the EU in an area originally considered to be of marginal importance (or “low politics”), but because of the processes outlined above, this policy area might have acquired significant political salience and become an area of “high politics”.

In what follows, these two theories are applied as guides or lenses by which to filter the empirical data collected through interviews with stakeholders in Britain and Germany on their perceptions of the CFP. 37 interviews were conducted during 2004 and 2005: the British stakeholders interviewed comprised six fishers, four politicians, and four scientists; and the German stakeholders interviewed comprised five fishers, six politicians, and twelve scientists. The questions asked in the semi-structured interviews were generally open-ended, focusing on both broad issues (such as ‘In your opinion, what are the critical issues on CFP management?’), and narrow issues (such as ‘how do you regard the following management measures: quota restrictions; effort control…?’). All interviewees were asked for permission to quote them by name in published literature, and all agreed, except one who wished any quotations from him to be anonymised.

3. Perceptions of British Stakeholders

The British stakeholders interviewed were divided in their perceptions of the CFP. All were critical of its failure to conserve fish stock levels in the North Sea (the geographical area focused on in this study), but for different reasons and with different remedies to suggest. British fishers were the most critical, though they were sharply divided between the rank and file fishers on the one hand, who argued vehemently for withdrawal from the CFP, and some (but not all) of their representatives (“elite” fishers) on the other hand, who argued that withdrawal was politically unfeasible, and that accommodation with the CFP was the only practicable strategy. The rank and file fishers saw the CFP as deliberately aiming to destroy the British fishing industry by sharing its waters with other Member States. They directed their attack at the Fisheries Council, which before recent enlargements, comprised 15 states: ‘Why should the country which has 70-80% of northwest Europe’s fish stocks swimming in its waters continually be in a minority of 14 to 1? And the national government of that country is completely powerless to do anything about it. That’s the nuts and bolts of the CFP’ [12]. This grievance tapped into wider debates of sovereignty and even national identity: ‘the issue is between our national identity and survival, and the planned map of our industry’s eradication, supported by those [enemies] within’ [13]. Tom Hay (chairman of the Fishermen’s Association Ltd) referred to “the unprincipled attempt to conceal the disgraceful plans to get rid of the British fishing fleet, and make room for the other members of the European Union including Poland and the Baltic states, as “Brussels” expands its Empire, is the real reason for the catastrophic extermination of British fishermen…the only solution – which can be achieved – to this calculated oppression is the restoration of national control of our fishing grounds” [italics in original] [14].

There was more consensus between rank and file and elite fishers on narrower issues such as fish stock levels, which most fishers regarded as healthier than did the scientists and politicians; the causes of decline in stocks, which most fishers saw as caused as much by environmental factors as by overfishing; the inadequacy of quota management, which fishers held was a distributive mechanism rather than a conservation measure; opposition to days-at-sea: the value of closed areas provided they were
temporary not permanent; acceptance of minimum landing sizes provided they were not too large; reluctant approval of satellite surveillance though ambivalence on observers; and recognition of Regional Advisory Councils (Barrie Deas, chief executive of the National Federation of Fishermen’s Organisations, affirmed that ‘I am a very strong supporter of the RACs…the government and the Commission are listening to the participants and giving plenty of support’ [15]), though there were mixed reactions to vessel decommissioning, gear restrictions and discard bans. Many British fishers criticised the CFP for being ‘too centralised’ [16] and ‘too cumbersome’ [17], and for having a ‘very top-down command and control philosophy, which is involved in the micro-management of the industry, and which has resulted in a regulatory framework that is neither effective nor understood’ [18]. It seems, therefore, that most British fishers were ideologically historical institutionalist in their orientation towards the CFP, in that they saw it as an external imposition of alien regulations which were obstacles to British self-interest, and although some of their leaders were more pragmatic, seeking ways of promoting the interests of the British fishing industry within the CFP, their stance reflected their greater exposure to the influence of EU institutions, which is itself a feature of historical institutionalism.

British politicians were equally divided in their views on the CFP, reflecting the fact that fishery policy has been highly politicised in Britain. There was a sharp difference between politicians on the opposition side and politicians (and civil servants) on the government side: opposition politicians were far more critical of the CFP than were government politicians and bureaucrats, accusing it of failing to safeguard the interests of the British fishing industry. Indeed, so polarised were these differences that in their 2005 general election manifesto, the main opposition party, the Conservatives, advocated British withdrawal from the CFP [19], as did the Scottish National Party (SNP), whereas both the Labour government and the Liberal Democrats argued against national control, but instead to work within the CFP to benefit British fishing interests. The Labour government’s position was spelled out categorically by Ben Bradshaw, Fisheries Minister: ‘those who spend all their time calling for us to leave the CFP are marginalising themselves in the debate and abdicating the responsible leadership that the industry needs’ [21]. Echoing the comments of former Fisheries Commissioner Franz Fischler, Bradshaw argued that withdrawal from the CFP would mean UK withdrawal from the entire EU, and ‘no government is going to take the UK out of the European Union’, and he claimed that the notion that there will be UK control is a ‘cruel deception’ [22]. The Prime Minister’s Strategy Unit report affirmed that ‘the evidence suggests that “national control” is not a solution to the problems facing the UK fishing industry’ [23].

Most British politicians were critical of quota management because it led to high discard rates, and they preferred effort control, though the Conservatives favoured days-at-sea whereas the Labour government favoured decommissioning. The government also inclined towards individual transferable quotas, a system rejected by the SNP because of its potential threat to fisheries-dependent communities. There were mixed views on closed areas (the Conservatives were happier than was Labour) and gear restrictions (David Wilson, Director of Fisheries in the Scottish Executive, described them as ‘a key part of the fisheries’ management process’ [24], but Firth said that they ‘sound a wonderful idea, but it doesn’t work because here we are [in Shetland] with 150mm nets [but] alongside us comes a bloody industrial chap with you know mesh the size of girls’ tights’…mesh size sounds a good thing but you can always find your way around it’ [25]), though there was a general consensus in favour of satellite surveillance and against observers (because of their uncertain status and expense). On Regional Advisory Councils, Labour politicians were more supportive than were the Conservatives: indeed, Ben Bradshaw, British Fisheries Minister, said that ‘RACs could be the first step towards regional management of fisheries in Europe’ [26], whereas his opposite number, Owen Paterson, Conservative shadow fisheries minister, described them as ‘just a fig-leaf for keeping decision-making firmly in the hands of the Commission’, and advocated instead more notice taken of fishers’ knowledge in fish stock assessments [27]. It seems, therefore, that in Britain, opposition politicians took a more

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3 Michael Howard, the then Conservative leader, was unequivocal: ‘We intend to raise this in the Council of Ministers at the first opportunity and I believe we can achieve this through negotiation. However, should negotiations not succeed…the British Parliament is supreme and we would introduce the necessary legislation to bring about full national and local control’ [20].

4 The interviews for this study were carried out before the Scottish National Party took over control of the Scottish Executive at Holyrood as a minority government in Scotland in 2007. When in opposition, the SNP argued for withdrawal from the CFP; in office it argues that the CFP should be replaced when its current term ends in 2011.
historical institutionalist stance than did government politicians on the major issue of withdrawal from the CFP, by seeing the CFP as a major obstacle to British interests and rejecting compromise. But even government politicians reflected historical institutionalism insofar as they resigned themselves to the fact of the CFP as an unalterable reality that they had to work with in the best way possible to safeguard what they could of the British fishing industry.

British scientists were the least critical, and the most homogeneous, set of stakeholders, silently accepting the CFP as a fact of life, and arguing that although some of its regulations (like quota restrictions) did not work well in protecting stock levels, other instruments used by the CFP could be made to work in certain circumstances. For instance, effort control was generally effective; closed areas were valuable in spawning grounds; discard bans might reduce discards, but risked creating a market for juveniles; minimum landing sizes were good for shellfish; and gear restrictions were potentially helpful in cutting discard rates but were easily circumvented. With regard to enforcement, British scientists thought highly of satellite surveillance (which could not be escaped), but not of observers (who could be intimidated). Finally, the scientists welcomed the CFP reform measures, especially the proposal to give a greater role to fishers. As Professor Robin Cook (Chief Executive of Scotland’s premier fisheries research centre, Fisheries Research Services) put it, fishers “do have important knowledge and understanding of the resources that they are exploiting, which we need to try and incorporate into this decision-making process” [28]. So although British scientists did not by any means regard the CFP as perfect, they did not express widespread animosity towards it, and they rejected the demand from some British fishers for withdrawal from the CFP – ‘fish don’t have a passport’ was the argument put forward by one British scientist. It seems, therefore, that British scientists’ perceptions of the CFP reflected Historical Institutionalism more than they reflected Liberal Intergovernmentalism, though not in the extreme form exhibited by rank and file fishers and the main opposition politicians.

4. Perceptions of German Stakeholders

The German stakeholders interviewed were generally less hostile to the CFP than were the British stakeholders. Fishers were the most critical group: one criticism that they made was that the CFP did not take sufficient account of socio-economic factors. A more radical charge was that the CFP was superfluous, because fish stocks were in danger more from environmental threats than over-fishing. Dr Peter Breckling (chief executive of the German Fishermen’s Association) said that “the biggest factor in determining whether a stock increases or decreases in size is environmental conditions” [29]. So ‘fishermen cannot eradicate stocks; they eradicate themselves’ [30], and CFP measures like the North Sea Cod Recovery Plan were ‘doomed to fail’ [31]. However, these negative sentiments about the CFP did not indicate Historical Institutionalism as in Britain, because for the most part the CFP was conceived by German fishers not as an unwelcome constraint on German interests but as an unnecessary mechanism. The one exception to this generalisation was the view expressed by a small minority of German fishers in support of British fishers who demanded Britain’s withdrawal from the CFP: ‘Brussels talks nonsense…In Brussels the Greens are able to put their fantasies on paper and have them implemented at the expense of the fishing industry’ [32]. Here the CFP is seen as fundamentally antagonistic to the interests of the German fishing industry, but most German fishers disagreed with British withdrawal, and none was in favour of Germany leaving the CFP because the CFP was the guarantor of greater fishing opportunities for German fishers than they would enjoy outside it – the principle of relative stability guaranteed German fishers 300,000 tonnes of fish per annum. Another complaint from German fishers also reflected Liberal Intergovernmentalism – that fellow Member States failed to implement CFP regulations as rigorously as Germany did – a charge that was part of the competitive process of bargaining between states at the EU level.

With regard to their views on specific CFP regulations, German fishers had mixed views on the quota system, but were united in their opposition to effort control, especially days-at-sea restrictions because ‘fishermen will fish intensively on the days when they are allowed at sea’ [33], and if a skipper was running short on days, ‘he would be under pressure to do crazy and dangerous things for the crew and vessel’ [34]. On decommissioning, they were agreed that it had already been sufficiently carried out in Germany, to the point that German vessels could now only catch 52% of their quotas, and they complained that the CFP seemed unable to recognise that Germany had already cut its fleet drastically, and that it should not be subjected to more decommissioning because other Member States’ fleets were now much bigger threats to stock levels. There were mixed views on closed areas (support for real-time, i.e. temporary, closures, but reservations about permanent closures because they ‘could have the
effect of transferring the effort into other areas, which would be fished twice as hard’ [35]; discard bans (while such bans would ‘force everybody to take responsibility for what they are doing’ [36], they could create a market for under-sized fish); minimum landing sizes; gear restrictions; and satellite surveillance (while Hartmann favoured it [37], Körs asked ‘why do they need to know where I am every 30 minutes?’ [38]), though there was a general feeling that the CFP contained too many regulations: ‘Do they want to prevent us from fishing or...ban us from fishing? All I want to do is fish!’ [39]. Most German fishers welcomed the Regional Advisory Councils. It seems, therefore, that German fishers held views on the CFP that were mainly redolent of Liberal Intergovernmentalism, but contained some elements of Historical Institutionalism in the stance adopted by a small minority of anti-green fishers.

German politicians were less critical than fishers were of the CFP, mainly because unlike some fishers, they took the view that protection of the marine environment was a more important priority than the immediate interest of the fishing industry, and that the precautionary principle should prevail. Accordingly, politicians approved of CFP measures on closed areas (especially real-time closures), and gear restrictions (to reduce discards and protect benthic organisms). Indeed, in four respects the German parliament went further than the CFP in its green agenda by urging the federal government to lobby within the EU: for ‘a ban on discards – everything caught must be landed and deducted from quota, which will assist scientific data’; for ‘a world-wide ban on demersal trawling [dredging the sea bed] in international waters’; for ‘an intensification of controls on fisheries, of which satellite monitoring could play an important role; and the introduction of an EU-wide coordinated sanctions regime’; and for ‘the creation of a global marine protection zone’ [40]. Moreover, collaboration between the Social Democrats and the Greens led to the following joint proposal: ‘The German Parliament calls upon the federal government to lobby within the EU for: the implementation of ecosystem management into fishery management; catching quotas to be based on the precautionary principle and sound scientific advice’ [41]. Furthermore, although opposition politicians were not as happy as government politicians were with the situation of the fishing industry, they generally blamed the federal government rather than the CFP for its ills. For instance, the Christian Democrats/Socialists claimed that ‘Minister Künast must urgently rethink her questionable fisheries’ policy so that German fishermen will once more have a chance…Künast has surrendered the German fishing industry…she has revealed the basis for her policy under the slogan “sustainability”’ [42]. And no German politician interviewed felt that the CFP threatened the state’s national sovereignty. However, not all German politicians approved of all the CFP’s measures: on the contrary, most of them rejected CFP requirements for further decommissioning, while some of them objected to days-at-sea restrictions; expressed practical reservations about discard bans in mixed fisheries with vessels which had small holds; and voiced concern about the expense of satellite surveillance equipment for smaller vessels. It seems, therefore, that most German politicians embraced the environmental spirit of the CFP, seeing it as congruent with their own priorities, and even urging it to go further down the environmental road (Liberal Intergovernmentalism), though they did object to some CFP measures which they felt unfairly treated the German fishing industry (Historical Institutionalism).

German scientists were the interviewees who were most favourably disposed towards the CFP as the only effective means of enforcing the necessary restrictions on fishing by Member States. Dr Peter Cornus (German representative on the Advisory Committee on Fisheries Management of the International Council for the Exploration of the Sea) claimed that ‘Stocks can only be saved by regional management…the North Sea can only be managed by a coordinated and joint system such as the CFP’ [43]. Similarly, Professor Gerd Hubold (Head of the Institute of Sea Fisheries at Hamburg) argued that individual Member States could not effectively manage the North Sea fishery, and that wherever possible, EU solutions should be sought to the problems of EU fisheries [44]. This is not to say that German scientists thought that the current CFP was managing all the stocks well. On the contrary, Hubold said that although ‘the assumption that all stocks are in poor shape is not correct...the reason why stocks are at their present level is because of poor management and, as a result of that, overfishing [45]’. According to Cornus, ‘The CFP may have failed in its objectives, but it could work were one to take the politics out of the system’ [46]. Professor Dietrich Schnack (Kiell University) argued that ‘quotas are a poor means of managing EU fisheries’ [47], and Hubold claimed that quota regulations were designed less to conserve fish than to distribute fishing opportunities [48]. Effort controls were more effective, especially by decommissioning measures, and more closed areas should be designated, despite political opposition. Also a more stringent control system was needed, with more power given to the monitoring process at Vigo. On the discard ban proposal, German scientists argued in favour of more measures taken centrally at the EU level to prevent the problem of discards.
rather than hollowing out the CFP by devolving powers back to Member States. In other words, for German scientists, the centralisation of the CFP was unproblematic. They acknowledged the value of Regional Advisory Councils in bringing stakeholder groups together to discuss issues and give advice and make recommendations, but welcomed the fact that decision-making competence remained with the Commission and the Fisheries Council. All this suggests that German scientists held a Liberal Intergovernmentalist perspective, in that the CFP synchronised with their ecological priorities.

5. Comparative Analysis of British and German Stakeholder Perceptions of the CFP

The above findings reveal significant contrasts and similarities of perceptions of the CFP between British and German stakeholders. The most important contrast is between rank and file British fishers together with a small number of German fishers, on the one hand, versus elite British fishers together with most German fishers, on the other hand. The first group was hostile to the CFP, seeing it as the source of discriminatory treatment against it: rank and file British fishers claimed the EU wanted to reduce the British fishing fleet in the North Sea even further below its Exclusive Economic Zone entitlement to make room for vessels from other Member States, such as Spain and Poland; while some dissident German fishers claimed that the CFP’s green agenda prioritised the environment over the fishing industry. The second group was more favourable to the CFP, seeing it as necessary to safeguard fish stocks in the North Sea: elite British fishers regarded it as a regrettable fact of life or necessary evil to be worked within and around (the sunk costs were too great for withdrawal to be a feasible option); while most German fishers regarded it as a necessary good which secured them a much more generous share of North Sea fish than its Exclusive Economic Zone would yield. This contrast is partly explained by the fact that elite British fishers regularly come into contact with EU institutions (through membership of the North Sea Regional Advisory Council, and lobbying at the Fisheries Council), and that interactive experience rubbed off some of their instinctive suspicion of the CFP by a process of institutional socialisation or “blurring”, whereas rank and file British fishers never encountered EU institutions, and for them unfamiliarity bred contempt.

The contrast is also explained by the fact that rank and file British fishers associated the CFP with negative images of the EU (euro scepticism), seeing the dead hand of Brussels preventing them from framing their own fisheries policy (Historical Institutionalism); whereas most German fishers associated the CFP with positive images of the EU (environmentalism), seeing Brussels as securing more fishing opportunities for them (Liberal Intergovernmentalism). So debates on the CFP among British fishers were linked to national sovereignty, which made fishing a heavily politicised issue, whereas debates on the CFP among German fishers were linked to the precautionary principle and ecosystem-based management, which made fishing an essentially technical and non-controversial policy area. The Factortame judgement delivered by the ECJ in 1991 had fanned the flames of British europhobia by confirming that the EU institutions could strike down British law and reduce the parliament at Westminster to a mere talking shop, thereby undermining the sovereignty of the British state. No such reaction to Factortame occurred in Germany, because the Germans had long since accepted EU jurisdiction in fishery policy.

Comparing the perceptions of British and German politicians also demonstrates this contrast. On the one hand, opposition British politicians in the Conservative Party and the Scottish National Party expressed extreme hostility to the CFP to the point of advocating withdrawal; whereas government politicians in Britain, together with both opposition and government politicians in Germany, accepted the CFP (albeit with varying degrees of enthusiasm) as an inevitable fact of life, in the regulation of EU fisheries, and rejected calls for withdrawal as fantasy. Again this contrast is partly explained by a distinction between those politicians who do not, and those who do, attend EU meetings such as the Fisheries Council, and therefore are not, or are, institutionally socialised into the EU viewpoint. The contrast is also partly explained by differences in traditional attitudes to the EU: the traditional British attitude contains a strong element of popular euro scepticism, which politicians with no government responsibilities find easy to exploit; whereas the traditional German attitude contains a strong belief in

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5 As Lequesne notes, for example, ‘in the UK, it is no accident that political parties and movements opposed to the EU, such as the Referendum Party, made quota hopping a spearhead of their “crusade” against Brussels in the 1990s’ [49].
the EU’s holistic aspiration to find collective solutions to common problems – as Ortel⁶ put it: ‘the oceans belong to us all…and we must work as Europeans to resolve fisheries problems; that includes England’ [50]. The idea of the North Sea as a common resource of the EU was harder for British politicians than for German politicians to accept.

A different picture emerges when comparing British and German fisheries scientists, for there is hardly any difference between their perceptions of the CFP. Both British and German scientists held that over-fishing was the main cause of declining fish stocks, though environmental factors played a part, and that the CFP was necessary to control fishing activity, because fish “do not have passports”. Also, they both preferred effort control measures to quota restrictions. The only significant difference between them was over the mode of management exhibited by the CFP: British scientists were more critical than were German scientists of the CFP’s top-down style of decision-making. The general consensus between British and German scientists can be explained by their institutional socialisation during meetings at the International Council for the Exploration of the Sea, which organises the annual collection and analysis of fisheries data to enable it to inform the EU on the state of the stocks, and give advice on the total allowable catches to be fixed for the next year. This organisation has no research scientists of its own – it receives data from fisheries research institutes in Member States (and in four states that are not EU members – Iceland, Norway, Russia and the USA), and it relies on national states to provide scientists to attend its meetings to carry out the data assessment analysis. There are both Liberal Intergovernmentalist and Historical Institutionalist elements in the work of ICES. The former elements lie in its reliance on nation states’ research institutes and scientists, and its inter-governmental character (it is a voluntary body; its Member States have chosen to cooperate in the task of stock assessments – they are not locked into submission to an EU supra-national scientific supremo). The latter elements lie in ICES’s socialisation powers: it alters the mindset and behaviour of scientists when they are exposed to the influence of scientists from other countries in an endeavour to reach consensual conclusions over stock levels and quota advice that may be different from the understandings of their own countries [51]. Of course, ICES is not an EU institution, so strictly speaking it cannot be designated as an EU institution which reduces the room for manoeuvre of Member States. However, no EU Member State with a fishing industry could afford not to be a member of ICES, and ICES provides advice to the EU via the Commission’s advisory committee – the Scientific, Technical and Economic Committee on Fisheries [52], and has a major impact on CFP measures (both DG MARE and the Fisheries Council feel increasingly constrained to adopt most of ICES’s recommendations). Accordingly, ICES exerts considerable influence over Member States through its work with the EU, and therefore it can be regarded as a quasi-Historical Institutionalist force.

6 Holger Ortel (MDB) is chair of the Lower-Saxony parliamentary fraction of the Social Democratic Party and is a member of the parliamentary committee for Consumer Protection, Nutrition, and Agriculture, which has fisheries policy as one of its remits.
wherever they want, whereas the majority of society believes that fishermen are just like any other user of the sea’ [55]. It is true that fishing is important in some coastal communities in Germany – indeed, ‘fishing represents a traditional and integral part of the economy and culture of the coastal Länder of Germany’ [56]. But unlike in Britain, its importance does not extend to the national stage: ‘it is a small policy sector’ [57], and ‘it is not a big topic’ [58]. As a result, Britain is much more determined than is Germany to cede to EU institutions as little control over its ‘own’ fisheries as possible.

On the second reason, Germany has long embraced environmentalist values, pioneering principles such as the precautionary principle and ecological modernisation, and is therefore much more sympathetic than is Britain, who has often been labelled an environmental laggard in the EU, to the increasing environmental emphasis adopted by the CFP during the last ten years. The efforts of environmental NGOs such as Greenpeace in exposing the environmental damage inflicted by fishing activity have therefore been received much more enthusiastically in Germany than in Britain. As Captain Hartmann explained, ‘the emotional interest in fishing in Germany [has been] mainly Green-based over many years’ [59]. Indeed, there is now a negative green resonance attached to fishing in the public mind in Germany: ‘The fishery is very small but it is a highly emotional topic. For the Green Party and Greenpeace it is a symbol of the rubber-boat man risking his life before the big black factory trawler’ [60]. Accordingly, despite some reservations about the way the CFP treats the German fishing industry, on the whole Germany is happy to leave fisheries regulation in the hands of such an environmentally-driven institution.

What of the future? Will Liberal Intergovernmentalism or Historical Institutionalism be more influential in Member States’ perceptions of the CFP later in the twenty-first century? This question is difficult to answer because of competing currents in CFP policy. On the one hand, the CFP is increasingly espousing the notion of stakeholder participation and the devolution of decision-making to the lowest practicable level, implying that it envisages trusting Member States with more responsibilities over their fisheries – i.e. leaning towards Liberal Intergovernmentalism. On the other hand, the CFP is also increasingly espousing the need for stronger centralised enforcement of further environmental restrictions on fisheries activities – i.e. leaning towards Historical Institutionalism. Perhaps the only way to reconcile these apparently conflicting currents is for Member States such as Britain to embrace environmental stewardship with sufficient enthusiasm to persuade the CFP to devolve more decision-making powers to them without prejudice to its green agenda.

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