

# Gap analysis: evidence from Atlantic case studies in EU

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# 1 Introduction

The analysis presented in this report concentrates on some good and bad governance examples among the selected case studies already introduced in the Deliverable 3.1 (D3.1, sent to the DG MARE in September 2017). The lessons learnt from these examples, supported by the results of a Strength, Weaknesses, Opportunities and Threats analysis (SWOT), should help in the difficult task of improving the governability of small-scale fisheries (SSF). The examples supplied here are not just narrative descriptions of real-life experiences. They provide the information necessary for **the identification of a set of good practices and operational actions** (D3.1). The solutions adopting good practices focus heavily on so-called “defensive” strategies, moving towards community-based management models. A set of measures following the participatory processes could be adopted, introducing self-management and even co-management tools, at least at the local and regional levels. The empirical examples show that this approach offers the most efficient solution and, therefore, the best results for SSF governance. Other authors have reported similar results after comparing various real-life experiences worldwide (Jentoft and Chuenpagdee 2015). Sen and Nilsen (1996) and Nilsen et al. (2004) define co-management as management responsibility shared between the government and the fishers. It is clear that the SSF influence will be strengthened when the resource users become actively involved in designing and implementing new management measures or initiatives. The current final decision-makers should be able to implement certain “devolution of power” to the local/regional level. The SSF representatives working together with the fishers will reinforce the legitimacy, now often broken, especially in much-atomised regions with a large number of stakeholders (Galicia, Spain). This should also empower the SSF representatives during decision-making processes. These defensive strategies should be combined with “offensive” initiatives. The existing opportunities should be used to improve the economic and human resources of SSF representatives, supporting the SSF governance (the European Maritime Fisheries Fund (EMFF; [https://ec.europa.eu/fisheries/cfp/emff\\_en](https://ec.europa.eu/fisheries/cfp/emff_en)) and/or FLAGS). Devolution of power and responsibility during decision-making should be carried out in parallel with reinforcing the capacity of the SSF representatives to exercise such power. The existing strategies should be accompanied by appropriate initiatives. For example, relationships between the stakeholders and third parties (trusted agents from the civil society such as NGOs, trade unions or research organisations) should be developed. This might help to pool the knowledge and technical expertise and build collaboration in the new management proposals or initiatives. One of such urgently needed activities is encouraging the fishers to take responsibility for the SSF governance. To achieve this objective, it is important to find and clearly visualise incentives, making the outcomes attractive and tangible for the fishers. The empirical examples show that it is necessary to replace the fishing possibilities allocation and/or the quota assignments by new incentives. These might include improvements in the professionalisation and in the labour conditions in the sector. These new strategies should strengthen the SSF standing in competition with other maritime users applying to the Marine Spatial Planning (MSP). They should also bring new market opportunities and social benefits arising from the joint management of the quotas. Such improved incentives are essential for the success of the process.

Several actions can be recommended for the implementation of these strategies in the real SSF systems. There are no generalised rules for governing the SSF in the Western Waters. However, good governance necessarily implies a participatory democracy. The stakeholders should be involved at the very beginning of any new management planning process, not just at the late stages of the final analysis. This requires a clear definition of the rules, guidelines and timing at

all the decision levels, which should be efficiently disseminated to the stakeholders. To improve the exchange of information on European issues between the local and national levels, new tools are urgently needed (or existing ones should be upgraded). This applies mostly to the top-down data flow, from the European Commission to the local levels, but also to the bottom-up transfer of information from the local to the national levels. The SSF representatives must be well organised; otherwise, their opinions might appear fragmented or even contradictory, as has been shown by real-life examples from atomised SSF sectors. Specific actions should be proposed to improve this situation. This report includes a good practice list addressing these concerns.

The team involved in the project has already identified a set of good practices and operational actions. However, it is also necessary to identify the potential obstacles to demonstrate a gap between the real governance situation and the “ideal” governance system. This would help to enhance the participation, visibility and influence of the SSF in the decision-making processes. With this aim in mind, the “solution capacity” provided by the set of good practices, among others, should be analysed. This report uses gap analysis to identify the impediments that cannot be overcome in the short or medium term.

Section 2 of the report presents the general methodology of the gap analysis in the project Action-3, Task 3.2. The final aim is the identification of issues or obstacles to demonstrate the gap between the current SSF governance status and the ideal SSF governance. Section 3 provides a complete list of issues/obstacles and the solution capacity levels that might be achieved following good practices (when existing) or other measures. The section 4 also describes in detail those issues contributing to the gap. Finally, some general conclusions are provided.

## 2 Section 2. General methodology framework

### 2.1 Understanding the Action-3 objective and methodology

This subsection introduces Action-3 of the project (technical annexe approved). The objective and methodology are briefly described in Figure 1. Action-3 Task 3.1. will promote the exchange of experiences (of successes and failures) in the case studies in South Western Waters

- (i) to set up and/or strengthen the organisations ensuring appropriate representation of SSF and
- (ii) to improve or facilitate the involvement of the SSF in the decision-making process.

The project analysed a set of driving forces, including the management model and external factors affecting these processes. Thus, the general context of *D2.1., Representativeness of the SSF: evidence from Atlantic case studies in EU*, will also be considered. First, the general context (SSF governance assessment) was analysed using a qualitative tool, SWOT. The examples of successful and failing SSF governances were obtained from the case studies already defined in the project (see D 3.1): Aquitaine, Bay of Biscay, Galicia, North of Portugal, Canary Islands and the EU SSF governance space, with an emphasis on the South Western Waters Advisory Council (CCS). The **Deliverable 3.1.** identifies good practices that should reduce some of the identified weaknesses and threats and improve the opportunities and strengths. This task was performed by organising focus groups and interviews with stakeholders, in all the case studies covered in this report. Comparisons based on qualitative data collected using the focus groups were carried out. Here,

the existing management models in the South Western Waters are analysed, considering various types of co-management involving the government, stakeholders and the external socioeconomic driving forces (e.g., biological status of the stocks, competition, the size of the SSFs, etc.).

**Deliverable 3.1.** *Good practice guidelines will be provided to increase the involvement of the SSF in the advisory and decision-making processes. The aim of the project is to identify and propose specific actions for the future SSF management under a workable co-management system, which should contribute to the consolidation and strengthen the involvement of the bodies and organisations representing SSF sector.*

Finally, Figure 1 shows the last step of Action 3, a gap analysis, which is discussed in this report, and the deliverable (**Deliverable 3.2**). The information compiled for the D3.1 and the SWOT analysis will be used to identify the main issues or obstacles, demonstrating the existing gap.

**Deliverable 3.2.** *Reporting gaps in the institutional and legal apparatus, hampering a broader involvement of SSF in the decision process.*

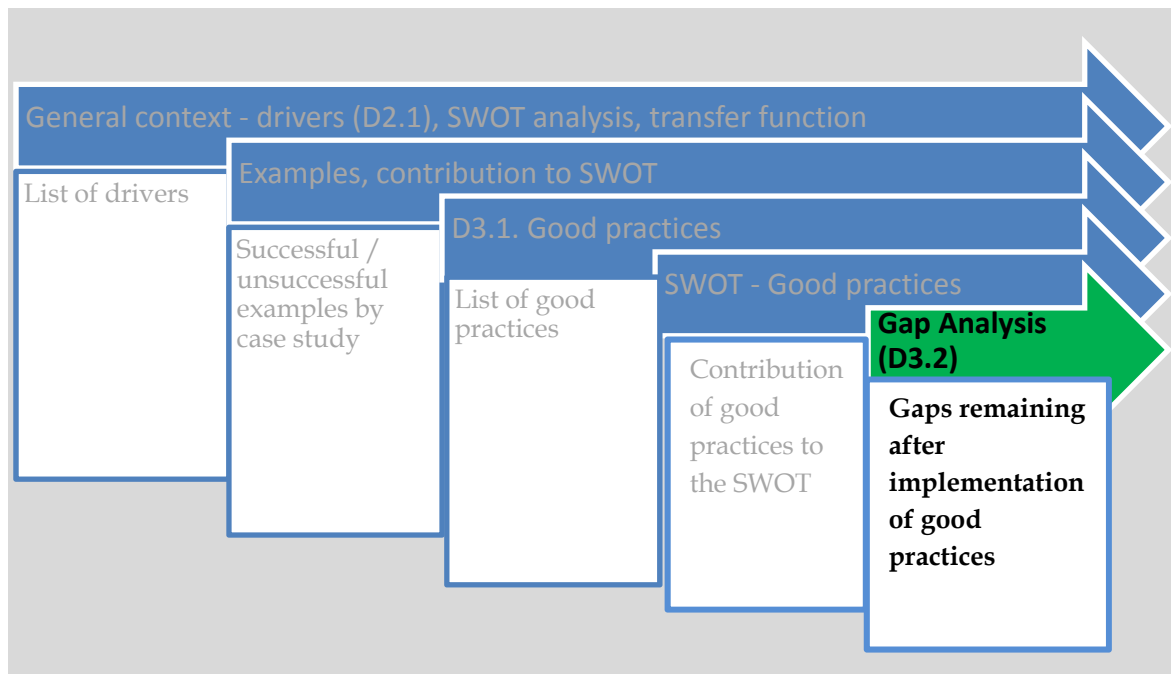


Figure 1. Action-3: general methodology for D3.2. Gap analysis

## 2.2 Case study identification

Following the approach adopted since the beginning of the Action 3, this study performs an analysis of the selected geographical area. Encouraging the culture of strong participation (including all the stakeholders) in the decision-making process might lead to new-style governance in the South Western Waters area. The area covers ICES zones VIII, IX and X (waters around the Azores) and CECAF zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and Canary Islands). This is a case study-based analysis; specific geographical areas are examined. However, the outcomes are not solely associated with these geographical regions. As we will show later, some of the conclusions might be extrapolated to other regions in the Western Waters.

The case studies were identified at the very beginning of the project. The main criteria were

- (i) to provide sufficient geographical coverage,
- (ii) to examine the regions most relevant to SSF, regarding the number of vessels and the related economic activity and
- (iii) to observe the participatory processes at different levels (local, regional and European).

The French and Portuguese case studies (Aquitaine and North of Portugal) are particularly good examples of centralised management systems, unlike those in Spain (where regionalised/decentralised models are used). The Galician case study introduces a detailed description of the fairness principle. It examines the ability of the artisanal and industrial fleets to influence the decisions at different levels (local, regional, national and European). Table 1 shows the selected cases.

**Table 1. Western Waters area: case studies selected**

	<b>Case study</b>	<b>Area</b>	<b>Country</b>	<b>NUTS*</b>
<b>1</b>	Aquitaine	ICES zone	France	FR61
<b>2</b>	Basque Country	ICES zone	Spain	ES21
<b>3</b>	Canary Islands	CECAF zone	Spain	ES70
<b>4</b>	Galicia	ICES zone	Spain	ES11
<b>5</b>	North of Portugal (continental Portugal)	ICES zone	Portugal	PT11
<b>6</b>	European decision level. Special focus on the CCS Advisory Council	European level, ICES and CECAF zones	Spain, France, and Portugal	---

(\*) Nomenclature of Territorial Units of Statistics

## 3 Section 3. Issues and obstacles in good SSF governance and the solution capacity provided by good practices

### 3.1 Introduction

Because the SSFs are highly complex and heterogeneous, the solutions—good practices—translated from the real-life experiences often fail due to inappropriate governance models. This section reviews good practices specific to the SSF governance, drawing on the conclusions of SWOT analysis and the examples of successful and unsuccessful governance described in the Deliverable 3.1. It identifies good practices in the governance, with special attention to practices related to the improvements in participatory and/or joint-management processes (moving towards community-based models, at least at local/regional levels). Other good practices can help in the efficient and transparent knowledge transfer to all stakeholders (top-down but also bottom-up). Effective bottom-up information flow (from local to national levels) ensures a fair share of fishing resources and fair application of the MSP, among other objectives. Good practices can increase active participation in decision-making by strengthening the participatory capacity of the representative organisations and the fishers. A set of proposals to empower the SSF organisations and enhance their connectivity is also included in the good practice list. Finally, the resilience should also be assured. Good practices are needed to make the SSF less vulnerable and sufficiently economically equipped to face the governance changes.

This report deals with the concept of “solution capacity”. It tries to identify the solution capacity level for each of the already recognised issues or obstacles facing the SSF sector. The report establishes an explicit link between the solution capacity and the capacity to develop and/or implement a set of actions or good practices. Not always it is possible to find a solution (good practice) to face certain issues.

**The capacity to develop different actions will be assessed (in qualitative terms) according to several criteria:**

#### *Low capacity level (good practices)*

- *An external stakeholder (e.g., the EC, national administration) is responsible for adopting the proposed good practices.*
- *Implementing a good practice requires consensus among stakeholders with opposing interests.*
- *There are no good practices associated with the identified obstacle.*
- *The obstacle is related to stakeholder attitudes.*
- *There is no legal framework supporting the solution.*

#### *Medium capacity level (good practices)*

- *The identified good practices, with very tangible actions, can be implemented in the medium term.*
- *The management system fails, but an agent external to the management system implements the best practice with the participation of different parties (e.g. environmental NGOs, FLAGS).*
- *The legal framework allows stakeholders to act and to propose modifications to management measures to foster good practices.*

***Medium-high capacity level (good practices)***

- *Good practices are identified, with very tangible actions easily executed over the short term.*

For the issues/obstacles associated with a low-level solution capacity, specific information will be provided in Section 4.



### 3.2 List of governance issues, good practices and actions and the associated solution capacity level

<i>Issue/obstacle</i>	<i>Good practice</i>	<i>Actions linked to the good practices</i>	<i>Capacity level</i>
<b><i>Principle: Legitimacy linked to the representativeness</i></b>			
General lack of institutional definition recognised and accepted by the SSF fleet. This lack of common identity results in weak cohesion and lowers the group awareness. Thus, the unified and effective participation in the decision-making is difficult.	<i>Good practice 7:</i> Empowerment of the SSF identification and visibility under a common-interest framework, to increase legitimacy	Legitimate definitions should be agreed on. Included in <i>Section 3.2.5.1</i>	Low
The heterogeneity of SSF fishing techniques (fishing gears, target species, etc.) hampers the sector representation. In particular, negotiation is difficult because of a large number of rules related to the activity management, regulating various technical measures, distribution of quotas, etc.	Not identified	Not identified	Low
The legal nature of the Spanish cofradías (public legal entities) and their consequent dependence on public administration impede the fair SSF representation in comparison with similar organisations in Portugal and France.	Not identified	Not identified	Low
<b><i>Principle: Accountability-Inclusiveness</i></b>			
SSF fishermen show a low level of responsibility towards strict compliance with the rules that regulate their professional activity. Thus, their claims are not fully taken into account in the decision-making processes.	To identify incentives (economic, environmental, etc.)	Action in the <i>Section 3.2.3.1</i>	Medium
SSF representatives show moderate responsibility; they attend the decision-making fora. However, they convey the interests of all the associates of their organisation (SSF and LSF), making it difficult to defend the exclusive interests of the SSF sector. Some stakeholders think it is not necessary to develop special SSF representation. LSF. Large scale fisheries	Not identified	Not identified	Medium
The traditional fishery management model (hierarchical, top-down) limits the potential of the SSF sector to participate in decision-making.	<b>To apply an institutional co-management model</b>	No identified	Low and medium
	<i>Good practice 1: Move towards</i> community-focused governance as a way to exploit the opportunities to change or influence decision-making.	List of actions in the <i>Section 3.2.1.1 to develop more participatory processes</i>	Low-medium
	<i>Good practice 2:</i> Empowerment of SSF representatives through co-management	List of actions in the <i>Section 3.2.1.2</i>	Low-medium
A large proportion of SSF fishermen are disappointed and lack confidence in their representatives, their managers and, ultimately, in their participation in the governance system.	Not identified	Not identified	Low
<b><i>Principle: Transparency</i></b>			
Limited top-down transfer of European issues. The information on other than every-day issues does not reach the bottom-level institutions.	<i>Good practice 3:</i> Improvement of top-down (from the EC to local levels) information transfer	List of actions in the <i>Section 3.2.2.1</i>	Medium-high
Scarce-to-moderate bottom-up transfer of the information on the SSF activity (landing data, etc.)	<i>Good practice 4:</i> Effective and transparent bottom-up flow of basic information (from local to national level) to ensure a fair share of fishing resources or fair application of MSP, among others	List of actions in the <i>Section 3.2.2.2</i>	Medium-high

<i>Issue/obstacle</i>	<i>Good practice</i>	<i>Actions linked to the good practices</i>	<i>Capacity level</i>
<b>Principle: Inclusiveness</b>			
Low level of active participation of fishermen and their representatives due to limited technical/economic capacity	<i>Good practice 5:</i> Improve active participation in decision-making by strengthening the capacity of representative organisations and the fishers	List of actions in the <i>Section 3.2.3.1</i>	Medium-
<b>Principle: Connectivity</b>			
Formal structure is in place (see governance models Deliverable 2.1). Channels of connectivity exist, but connectivity between cross-border institutions should be improved.	<i>Good practice 6:</i> Empowerment of SSF organisms and enhancing their connectivity	List of actions in the <i>Section 3.2.4.1</i>	Medium
Regions with a large number of multi-level organisations; the representativeness is very atomised (e.g. Galicia). The associations might perceive the federations as non-functional.	Not identified	Not identified	Low
Regions with a small number of multi-level organisations. Lack of equilibrium related to the number of organisations (Portugal)	Good practices in the North of Portugal to create multi-level organisations and to promote comprehensive associationism in the fishing sector	List of actions in <i>Section 3.2.8</i>	Medium
Conflicts of interest. The interests of the fishing sector, (mainly short-term economic interests) are different from those of the administration responsible for compliance with the rules (in theory) protecting the sustainability of the resources. The disparity between these cultural patterns makes the dialogue difficult. This is also true for the dialogue between the fishing sector and other actors in the governance structure of fishery management (NGOs, tourism, sports fishing, etc.).	Not identified	Not identified	Low
<b>Principle: Resilience</b>			
Low funding eligibility and lack of EMFF actions related to innovation in governance. The representatives are badly informed, and their capacity to access the eligible EMFF funds is low.	<i>Good practice 8:</i> Make the SSF less vulnerable and economically better equipped to face the governance changes (knowledge transparency, inclusiveness, etc.) needed to assure the resilience of this sector	List of actions in <i>Section 3.2.6.1</i>	Low-medium
<b>Principle: Inclusiveness at European level (CCS level)</b>			
Limited active participation of representatives in the European decision-making. In particular, consultation processes might be improved by using established protocols.	<i>Good practice 9:</i> Enhance the access to the European decision space: more effective consultation processes	List of actions in <i>Section 3.2.7.1</i>	Medium
Limited participation of Traditional Fisheries Working Group (CCS) representatives <b>as active providers of advice</b> in the European decision-making framework	<i>Good practice 10:</i> Enhance active participation of SSF representatives in the European decision-making via the Traditional Fisheries Working Group (CCS)	List of actions in <i>Section 3.2.7.2</i>	Medium

### 3.2.1 *Accountability principle*

#### 3.2.1.1 **Good practice 1: Move towards community-focused governance as a way to exploit the opportunities to change or influence decision-making**

Specific actions to follow this approach in the short-to-medium term, at the local and regional levels, are given below.

- ✓ To promote participatory processes by creating working groups for specific topics or initiatives, engaging a large range of stakeholders, i.e. fishing sector, public sectors, NGOs, research institutes and social communities. These groups will take part in the governance procedures already existing in each region, participate in the relevant processes and, eventually, in the preparation of the final proposal (annual management plans and general proposals concerning technical changes, minimum size changes for certain species, etc.).
- ✓ To promote participatory processes by organising workshops, focus groups and meetings with a large number of involved stakeholders. In these sessions, the problems, challenges and strategies can be shared. Most importantly, lasting bonds can be created between the professionals who have no close partners or colleagues.
- ✓ To create local sectoral working groups, allowing the introduction of internal improvements and facilitating the activity of small organisms, such as the *cofradías*.
- ✓ To identify fisher groups of reference, including the fishers with the highest levels of responsibility towards the SSF governance. In the Basque Country, there are a few fishers in each port serving as a group of reference. These groups do not need to be official, but their members normally belong to the official organisations.
- ✓ To identify the well-known and reliable external agents to dynamise these participatory processes and to use the available economic resources to support them. The civil society should be considered an appropriate agent for this action, e.g. NGOs and trade union organisations. Such organisations can even achieve some binding agreements. Other third parties should also be considered, (such as scientific research institutes). These agents are usually well known to the governance stakeholders (fishermen, administration, etc.) and often play a key role in support of the management initiatives, even promoting new management models in the area. They are especially useful as leaders in very large, atomised regions and in the cases where lack of confidence among the stakeholders is apparent.
- ✓ An online database identifying these external agents is a helpful tool; it should improve and complement the existing internal capabilities of the SSF organisations. This project contributes to such online database; it is publicly available, and it should be carefully maintained and updated.
- ✓ To promote the introduction of co-management tools by the creation of co-management committees at local and regional levels. Even if the proposals are introduced under the top-down management of the national and/or European administration, these tools may be implemented to break down that model, advancing decentralisation at these levels.
- ✓ To promote self-management at a local/regional level even when national and/or European legislation is in place. Certain topics are no longer handle exclusively at the level of European or national regulations. They could be managed at a local or regional level (e.g. the allocation of fishing possibilities, the introduction of certain technical measures, etc.). To this end, it is important to introduce additional actions:

- To organise meetings and workshops to identify the topics that could be managed at the local or regional levels.
- To improve the motivation of stakeholders to increase their involvement and degree of responsibility.

### 3.2.1.2 Good practice 2: Empowerment of SSF representatives through co-management

A set of actions should be created to promote the participation of SSF fishermen in decision-making areas and encourage co-management, leading to the democratisation of the management of fishery resources. These actions would be implemented over a long period and for a range of governance principles. Some of the most important actions are listed below.

- ✓ Recognise the legitimacy of the participants in the creation of co-management models.
- ✓ *There is no tradition of cooperation between the fishing sector and the authorities, which can be explained by mutual distrust and opposing interests (short-term exploitation interest versus long-term conservation), among others. This can also be valid for cooperation with other agents, e.g. NGOs. Develop mechanisms for equal, inclusive and proactive participation.*
- ✓ Increase transparency in communication, paramount for building trust.
- ✓ Establish mechanisms for horizontal and periodic communication.
- ✓ Strengthen the sense of the responsibility of the promoter group for the objectives to be achieved in the society.
- ✓ Increase connectivity with other stakeholders (NGOs, politicians, scientists).
- ✓ The objective as an incentive generates commitment: to participate in decision-making at parity with the public administration.
- ✓ Engage a facilitator, with extensive knowledge of the SSF sector, throughout the process: building trust and mediation/conflict management.
- ✓ Promote a systematic dynamisation to be implemented by an external actor with the knowledge of the participants and the local problems of the sector. A planned dynamisation should be executed, including tools and actions to reinforce the motivation and overcome the challenges and obstacles throughout the process.

## 3.2.2 Transparency Principle

### 3.2.2.1 Good practice 3: Improvement of top-down (from the EC to local levels) information transfer

The new approach to improve the small-scale governance should use the data from different decision-making fora and other sources. This information should be then processed and employed in decision-making. It should also be communicated to all stakeholders, reaching the fishers at the local level. The following actions could be put into effect:

- ✓ Training to improve the level of functional literacy in the sector. The fishermen are not trained to read the documents. This can give rise to a chain of misinterpretations, distorting, intentionally or not, the original message. Reading and digital problems of the SSF sector represent a barrier to access administrative information that affects them.

- ✓ To create simplified text with the aim of promoting diffusion of the technical language of the administrative information. This technical language makes difficult for the fishermen the understanding, and finally, it discourages its reading.
- ✓ Promoting the use of digital tools to access the European-level information.
- ✓ National administration: to provide information on catches in real time. The lack of this information heavily affects the SSF as they are highly dependent on species with low quotas. The scarcity of good-quality information (bottom-up flow) exacerbates this problem. This action should be combined with others to deliver the real-time information on the SSF catches.
- ✓ The EC should improve the communication with the local/regional levels by using the official SSF representatives, established networks and the local, regional and national administration.
- ✓ Representatives should boost the knowledge transfer related to European issues (e.g. the creation of FLAGS, the availability of ACs, and in particular the CCS, discussions about the application of certain European policies, regulations, etc.).

To achieve this, the below actions could be implemented:

- National/regional administration could promote public discussions on European matters. This has been done during the reform of the Green Book of the current CFP.
- The EMFF economic support should be used to increase the capacity of the representatives to manage and transfer the information from different decision-making fora.
- Meetings with fishers should be organised on a periodic basis to discuss the European matters, not just the daily issues (as these are usually transmitted efficiently to the local level).
- To solve the absenteeism problem, the key fishers in each port should be nominated, using a rotary system, to serve as representatives at the port level. They should regularly attend the meetings of the *cofradías*, federations or associations.
- The external agents, who could help in the information transfer on a periodic basis, should be engaged (local/regional research institutes, FLAGS, NGOs and networks, among others).

#### **3.2.2.2 Good practice 4: Effective and transparent bottom-up flow of basic information (from local to national level) to ensure a fair share of fishing resources or fair application of MSP, among others**

There is an urgent need to reinforce the basic data supply, i.e. the activity-related quality information (i.e. catches, landings, discards, effort, etc.) and its bottom-up flow from local to national levels in real time. This is necessary to reflect the real status of the segment and to ensure a fair share of fishing resources. This information is needed to propose new management rules to complement the existing regulations (e.g. quota allocation). There is also need to link the SSF with coastal area management. Good-quality information on current activity is of utmost importance. Active and effective participation of the fishers in decision-making will be only possible if they are involved in the processing of the base information (inclusiveness). The following actions should improve the general situation.

- ✓ To promote the use of digital tools (e.g. applications for mobiles) to transfer the weekly activity of vessels less than 10-m long. The real-time activity reports to the national authority

are necessary for effective management (e.g. the national authorities cannot anticipate closure of a fishery if they do not receive updated catch data in real time).

- ✓ To support training of the fishers in the use of digital tools: this is urgently needed due to their weak digital culture.
- ✓ To use the EMFF opportunities to support investment in new digital technologies.
- ✓ To develop collaborative platforms with representative vessels to collect good-quality data in real time. Incentives are needed to increase the responsibility of the fishers towards this objective.
  - High degree of fisher responsibility is required. Meetings between fishers and local/regional scientists should be organised to explain and strengthen the incentives.
  - To encourage the investment in new devices assuring quality data collection. Regional administrations could provide this support using the regional allocation of the national EMFF grants.

### 3.2.3 *Inclusiveness principle*

#### 3.2.3.1 **Good practice 5: Improve the active participation in decision-making by strengthening the capacity of representative organisations and fishers**

The SSF, like other segments, also contribute to the overexploitation of the fishing resources. Thus, any proposal/initiative coming from this sector should include sustainability analysis reports. This does not always happen, reducing the power of the organisations to propose changes; the lack of data on biological and environmental conditions makes it difficult to form a balanced opinion.

Increasing active participation requires supporting measures to build up the capabilities not only of the SSF organisations but also of the fishers themselves. Unfortunately, fishermen are not trained to read the documents. This can give rise to a chain of misinterpretations, distorting, intentionally or not, the original message. When the message is complex, which is often true for the information coming from Brussels via (for instance) a provincial federation, the communication efficiency can be low (e.g. the case of the European regulation on discards). This also lowers the level of active participation.

Specific actions should be implemented to improve the active participation:

- ✓ To provide updated reports on biological/economic and environmental state of the resources in documents attached to the proposals. Decision-making is based on scientific review of proposed management measures. The existing formal structures with scientific capacity provide a framework for the assessment of technical proposals and support for the managers.
- ✓ To introduce and maintain technical assistance, to compensate for the limited capacity of fishers and their representatives to participate in technical areas of decision-making.
- ✓ To support the introduction of external agents, who may help in promoting and even leading the proposals. The civil society should be considered an appropriate agent for this action, e.g. NGOs and trade union organisations. Such organisations can even reach binding agreements. Other third parties should also be considered, such as scientific research institutes.

- An online database identifying these potential external agents, who could complement the internal capacity of the SSF organisations, should be used and updated. This project contributes to such online, publically available database.
- ✓ To identify incentives (economic, environmental, etc.). The identification of tangible outcomes is an important element of successful processes as it increases the responsibility of fishers towards the SSF governance. It is essential not to link the representativeness of the sector or the responsibility of the fishers to the allocation of fishing possibilities exclusively. Other incentives, such as professionalisation of the sector or its higher visibility should also be used.
- ✓ To support training activities to overcome the lack of knowledge of basic scientific and legal and policy matters. Training activities could be directed either to fishermen or representatives of fishermen, but the length of the training may vary accordingly.
- ✓ To facilitate access to economic resources to allow the participation in the decision-making. Some of the stakeholders might not be able to attend meetings because of their difficult financial circumstances. It is not a problem for some organisations representing the SSF; however, for the small SSF bodies, this could present an important obstacle.
  - i) To use the EFMM resources provided for this purpose.
  - ii) To use similar resources provided by the already existing FLAGS.

### 3.2.4 *Connectivity principle*

#### 3.2.4.1 **Good practice 6: Empowerment of SSF organisms and enhancing their connectivity**

There are channels in place for connecting all the stakeholders involved in governance in all regions. However, the connections between stakeholders from different regions in the same or different Member States could be reinforced. The database built for this study (*Deliverable 1.1*), mentioned in Section 3, comprises 342 organisations representing the fishing sector, small-scale and other fishing sectors. Almost 23% of these organisations deal with a variety of fishery topics that do not involve fishing fleet representation. These organisms can support the connections between stakeholders. Some of the examples are the networks of fishing workers and the associations of fisher wives and net-menders. However, these networks represent less than 2% of the organisations.

It is also necessary to increase the connectivity of the SSF fishers with their organisations. Some of these entities represent small-scale vessels and other, vessels such as trawlers, purse seiners, gillnetters and long-liners. Around 18% out of these bodies represent the small-scale fishing sector exclusively. There is a need to reinforce this connection, usually developed using tools such as email; some other tools, e.g. WhatsApp groups, could be created.

Here are some actions to enhance the stakeholder connectivity:

- ✓ To create cross-border networks with the economic support of the EMFF. Already existing organisms should be connected in the regions sharing resources exploited by the SSF or those sharing SSF-related transversal topics.
- ✓ To promote the participation of the newly created networks in the decision-making processes.

- ✓ To create *ad hoc* mixed committees (fishermen, administrative bodies, research institutions, civil society, etc.) for specific purposes.
- ✓ To create unofficial committees, exclusive to the SSF, under the umbrella of the regional organisms (federations, associations). The regional fishing organisations usually represent several fleets, of small-scale nature or others. In general, these organisms largely support the big-scale fleets because their invoices are larger, which increases the revenues of the Federation. To address the specific issues or concerns of the small-scale fleets, unofficial commissions have been created in some regions under the umbrella of official organisms. One such example is the commission created in association with the regional federation of *cofradías* in the Basque Country. This commission meets periodically to evaluate and clarify the SSF concerns. The Federation promoted the creation of this body as the heterogeneity, and specific characteristics of the SSF often make it difficult to reach the consensus. The role of the secretary of the Federation is very important for this commission. The holder of this position handles the information from the EU and helps to avoid misinterpretations created by the unofficial word-of-mouth communications.

### 3.2.5 *Legitimacy principle*

#### 3.2.5.1 **Good practice 7: Empowerment of the SSF identification and visibility under a common-interest framework to increase the legitimacy**

- ✓ Fora for collaboration within and between fishing sectors and with other actors in public and private realms usually bring good results. When the knowledge is shared, the actions are perceived as legitimate. This allows addressing the problems of heterogeneity of the fleets and pursuing the common interests. The European CCS fora are a good example.
- ✓ To agree on the SSF- definitions to be adopted in specific contexts/proposals. A common agreement should be done to reach a legitimate definition.

### 3.2.6 *Resilience principle*

#### 3.2.6.1 **Good practice 8: Make the SSF less vulnerable and economically better equipped to face the governance changes (i.e. knowledge transparency, inclusiveness, etc.) needed to assure the resilience of this sector**

The SSF governance could be improved by using the opportunities provided by the EMFF. However, the path to this goal is not free of obstacles. There are at least three concerns, described below. Firstly, the Member States usually include the coastal small-scale fishery Action Plans within the EMFF operative programmes; however, various aspects of these plans do not always translate into eligible costs. Secondly, the introduction of costs of innovation in the governance into Action Plans needs reinforcing. Traditionally, the Member States cover (i) investments in fishing vessels and equipment, (ii) diversifications of the activities, (iii) investment in human resources (mainly financing health and safety on board). They also cover (iv) fishery conservation (mainly permanent and temporary cessation of fishing) and (v) collective projects, mainly associated with innovation in fishing, processing or marketing using new or improved processes. However, less attention is paid to other eligible costs related to the cost of governance, such as (i) innovation in fisheries through management and organisation systems, (ii) support of FLAGs or



(iii) advisory services (such as professional services on innovation in governance) and (iv) partnerships between scientists and fishermen.

Thirdly, it is necessary to facilitate the access of the SSF representatives to the EMFF. Strong administrative obstacles have to be overcome by some of the SSF representatives, especially those from the SSFs with reduced capacity. The advisory services, including advice on applying for EMFF support, are among the eligible costs. This opportunity is almost unknown to the stakeholders. This is one of the reasons why the information on the EMFF funding should be improved; the stakeholders will not apply for the funds if they are not aware of their existence.

Actions to be implemented could be:

- ✓ To make sure that the regional operative programmes include eligible costs related to (and covering) the coastal SSF Action Plans. Public discussions and open dialogue with the regional administration are needed.
- ✓ To promote the innovation in governance as a part of the coastal SSF Action Plans. Public discussions and open dialogue with the regional administration should be compulsory.
- ✓ To consider obtaining technical assistance, mainly in cases of small organisations, to circumvent the bureaucratic obstacles in the access to the EMFF economic resources.
- ✓ To interest the SSF representatives in the use of EMFF regional and national support to improve the SSF governance.
- ✓ To use EMFF advisory services to facilitate obtaining the EMFF support.
- ✓ To interest the SSF representatives in accessing the EMFF funds devoted to Community-led Local Development via projects presented to the FLAGS.

### ***3.2.7 Several principles at the European decision level***

#### **3.2.7.1 Good practice 9: Enhance the access to the European decision space: more effective consultation processes**

The consultative processes promoted by the EC are of high importance for the CCS as they can increase its influence. In general, these processes do not allow effective participation because the EC usually involves CCS at the late stage of the proceedings, when only comments on the specific EC proposals can be submitted. The consultations could be relevant for the already existing Traditional Fishery Working Group (CCS); however, they should be improved to promote a transparent and efficient active participation.

Actions to improve the access of SSF to the European decision space:

- ✓ The proposals from the EC to the CCS should be anticipated, and advice sought at the early stages of their preparation. Once the proposals are completed, it is often too late for an effective consultation.
- ✓ The mechanisms of decision processes should be explained to the stakeholders, with all the stages clearly outlined.
  - All proposals should be accessible online throughout the decision-making process.
- ✓ The proposals from the EC should reach the CCS within time margin sufficient to translate them (from English to the three official languages of the CCS) and to prepare and deliver the relevant CCS comments. The CCS has its own budget for translations; however, they can be time-consuming and often delay the delivery of the relevant advice.

- ✓ The EC should make it clear to what extent the proposals can be affected by the advice from the Traditional Fishery Working Group; sometimes the process cannot be influenced. The rules should be clearly defined from the very beginning of each new consultation process. The CCS should know the extent of the European consultation space for each case considered.
- ✓ The EC should provide the proposal text for each new consultation process. This should be accompanied by a background overview document describing the context. The description of the technical background and details should also be provided.
- ✓ The connectivity between the Traditional Fishery Working Group and the scientific and political fora should be strengthened (identified while defining the European governance structure). A more systematic dialogue is needed. The weaknesses in connectivity reduce the chances of SSF participation in decision-making. It is important to improve the collaboration between the European institutions; in particular, the communication between the EC, the European Parliament (Fishery Committee) and the CCS should be reinforced. The EC should request advice from the STECF on the conservation and management of marine resources, including biological, economic, environmental, social and technical considerations. However, the STECF might be connected with the Traditional Fishery Working Group more often. The EC should ask for STECF advice on the SSF-related matters more frequently.

SSF representatives emphasise their limited technical and economic capacity, which makes it difficult to participate in the various fora (such as some ICES working groups). Human and economic resources are limited, but specific actions could be implemented to reinforce the links between these institutions.

- A list of liaisons with various institutions should be prepared and kept updated for all the SSF actions undertaken by these organisations.
- Specific programmed CCS meetings, particularly those of the Traditional Fishery Working Groups, should invite representatives of these institutions.

### **3.2.7.2 Good practice 10: Enhance the active participation of SSF representatives in the European decision-making via the Traditional Fisheries Working Group (CCS)**

Actions to increase and strengthen the active participation of the traditional working group:

- ✓ To improve the composition of the group better to reflect the SSF interests (i.e. ensure appropriate representation of the component fleets).
- ✓ To define the specific purpose of this group. The existing manner of representation is not free of problems. In the case of the SSF, there are many definitions due to many geographical areas, fleet structures, targeted species and fishing techniques involved. This makes it difficult to formulate a European definition applicable to all regions. The process of transferring the common definition to the Traditional Fisheries Working Group from different levels in the three countries (Spain, France and Portugal) is complex. The group will have to deal with different interests of the participants; a practical solution is needed.
- ✓ To introduce participatory tools in some of the meetings of the Traditional Fisheries Working Group to increase active participation.

- ✓ To provide the AC and other fora with scientific and technical support from their respective administrations.
- ✓ To encourage the use of economic resources to facilitate the participation of all representatives in the working groups.
  - To request and use EMFF funding.
  - To access the EMFF funds devoted to Community-led Local Development through projects presented to the FLAGs.
- ✓ To assess actively the impact of the accepted proposals promoted by the Traditional Fisheries Working Group and evaluate the results of collaboration with the rest of European scientific and political organisms.

It is clear that, under the circumstances, a particular set of actions should be promoted. These actions should also be considered a part of the final list of good practices presented in Section 5.

### ***3.2.8 Accountability and connectivity principle: good practices in the North of Portugal***

The good practices described here are complex tasks. In some cases, they will require considerable time to implement and, thus, should commence as soon as possible.

**Good Practice 11. To promote comprehensive associationism in the fishing sector. All shipowners and crew members should belong to one of the existing associations. A high level of associationism is the basis of good governance; it has not been achieved in this region.**

Some urgent actions should be carried out to improve the situation:

- ✓ Meetings and workshops with fishers (ship owners and crew members) should be promoted and organised by the national administration and regional associations.
- ✓ The incentives which might increase the responsibility of fishers for the SSF governance should be identified.
- ✓ This process must be led by external facilitators, i.e. civil societies such as NGOs and trade unions, research institutes, qualified agents from the national administration, etc.

**Good Practice 12. To identify the existing fishing organisations, clearly establishing the representation of fishermen.**

Actions:

- ✓ Pilot studies are needed. This project should contribute to this objective. However, the study should be extended and/or updated continuously in the future.
- ✓ The economic opportunities provided by the EMFF should be used to achieve this aim.

Good practice 13. To create formal multi-level structures for representation of the fishing sector, integrating the existing and any new organisations.

Actions:

- ✓ A public discussion should be initiated, including all the stakeholders involved in fishing sector representativeness, to promote the creation of higher-level organisations.

Currently, all fisherman associations are multisectoral and at the local level; and there are no high-level bodies representing common interests of the fishermen.

- ✓ The incentives that might help to enhance the responsibility of the fishers should be identified.
- ✓ External facilitators must lead this process, i.e. civil societies such as NGOs and trade unions, research institutes and even well-known and reliable agents from the national administration, among others.
- ✓ The economic opportunities provided by the EMFF should be utilised.

**Good practice 14. To move towards community-focused governance, which will allow effective participation in the decision-making**

Actions:

- ✓ The current model should be decentralised by affording more power to the formal multi-level structures of representation. A public process should be initiated to discuss this model.

**Good Practice 15. To promote more formal connectivity between the national government, the already existing associations and the potential multi-level structures of representation.**

Actions:

- ✓ To prepare a formal list of personal contacts by association.
- ✓ To prepare a public protocol of communication and connectivity between the leaders.

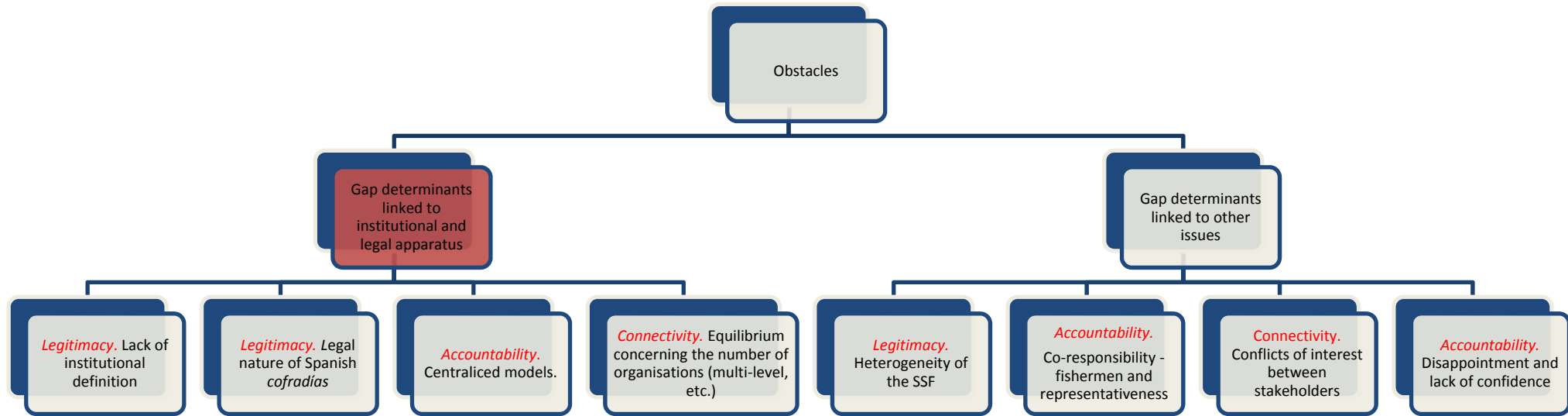
## **4 Section 4. Issues/obstacles contributing to the gap between the current and the ideal SSF governance model**

### **4.1 Classification of the issues/obstacles**

The identified issues and obstacles were classified depending on their relationship to the institutional and legal apparatus and other factors affecting broader involvement of SSF in the decision process (linked to the *Deliverable 3.2*).

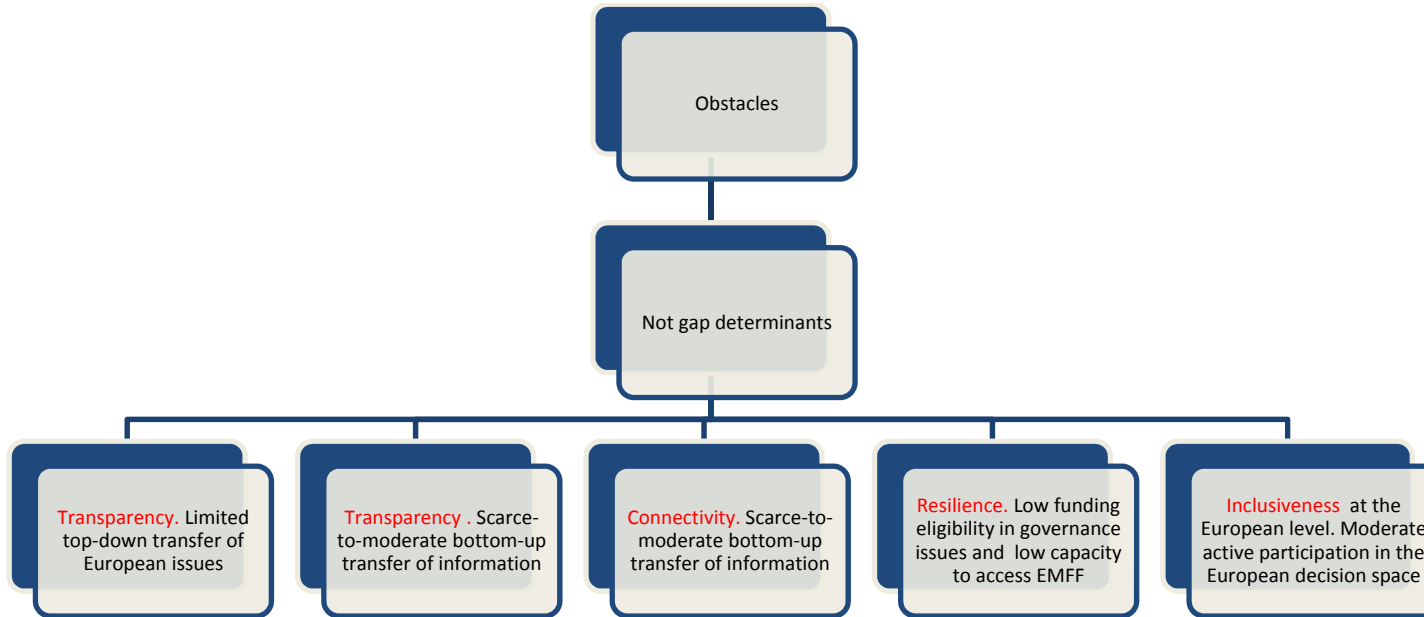
Figur shows the determinants of the potential gap in the process of broader involvement of SSF in decision-making, with special emphasis on those linked to institutional and legal apparatus (a). The figure also shows obstacles that are not gap determinants (b).

It should be mentioned that most of the obstacles that create the gap are linked to the governance principles of accountability and legitimacy. This subsection provides a thorough analysis of issues related to the institutional and legal apparatus.



(a)

Figure 2. The potential gap in the process of broader involvement of SSF in decision-making: identification of gap determinants with special emphasis on those linked to institutional and legal apparatus (a). Obstacles that are not gap determinants (b)



(b)

Figure 2 (Cont.). The potential gap in the process of broader involvement of SSF in decision-making: identification of gap determinants with special emphasis on those linked to institutional and legal apparatus (a). Obstacles that are not gap determinants (b)

## **4.2 Description of issues/obstacles and proposed actions and activities**

This subsection describes each of the main four gap determinants identified here; the SSF sector has low capacity to provide solutions to those obstacles, which are (1) lack of institutional definition of SSF, (2) legal nature of Spanish *cofradías*, (3) top-down models and (4) equilibrium in the number of organisations (multi-level, etc.). A table by obstacle is presented. They contain the description of the issue, the level at which it is encountered (EU, national, regional or local), the reasons for low solution capacity, the potential solutions and their nature (political/regulatory, financial or other) and the final objective. The actions that might be performed to implement the identified solutions (specifying the pilot project actions, the level of actuation (EU, national, regional or local), the promoters, the activities and the timeframe)), and the potential impediments are listed.

### ***4.2.1 Obstacle 1: Lack of SSF institutional definition***

Issue/obstacle	<b>1: Lack of institutional definition of SSF</b>			
<b>Description of the issue</b>	<p>There is no institutional definition for the SSF fleet recognised and accepted at supra-regional levels. Each region might have its particular SSF definition; however, there are problems with formulating such definitions at the intermediate/ upper levels. It is difficult to identify the productive fishing units. Thus, it is not clear which fishing policies affect them and which is the related social contingent affected by these policies. Policies are also set up to manage people who participate directly or indirectly in the fishing activity, not just to manage fishing resources and ecosystems. This lack of common identity at supra-regional levels results in lack of cohesion, weakening the group awareness. Thus, the unified participation of the SSF sector in the decision-making is difficult to achieve.</p>			
<b>Level at which the issue is generated</b>	<b>EU</b>	<b>National</b>	<b>Regional</b>	<b>Local</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Reasons for low solution capacity</b>	<p>The technical and operational characteristics of the small-scale fishing differ from region to region, making it impossible to arrive at a unique definition. Many technical and socioeconomic considerations are involved. There are some unofficial regional definitions of small-scale fishing, but no official definitions exist at this level. Implementation of such official definitions requires a particularly strong institutional effort. The acceptance and officialisation of the regional definition will be a task for fishery managers at the EU, national and regional levels. The EC has rarely proposed definitions, except in the context of the last EMFF. Some efforts to normalise the situation have been made by research bodies. García-Florez et al. (2013) have reviewed the most recent literature in search for a definition of SSF. FAO 2012 states that forming a consistent definition of artisanal fisheries is a complex task that requires a multi-criteria approach (FAO, 2012). O’Riordan (2012) has proposed a list of parameters for the EU definition and characterisation of SSF. These include geomorphology, fishing capacity, environmental aspects (selectivity, low discards, low seabed impact, low energy use, etc.) and social aspects (degree of benefit, employment, ownership etc.). The proposal goes far beyond the current legal definition accepted by the European Commission for funding purposes, based exclusively on vessel length (&lt; 12 m) and exclusion of trawlers. The Committee of Fisheries of the European Parliament (2013) has proposed, for the last Reform of the Common Fisheries Policy, the definition of “small-scale fishing” based on the “Joao Ferreira report” (Ferreira, 2012). It states that <i>the definition of small-scale fishing needs to be widened to take account of a range of criteria in addition to boat size, including, inter alia, the prevailing weather conditions, the impact of fishing techniques on the marine ecosystem, the time spent at sea and the characteristics of the economic unit exploiting the resource.</i> To formulate such definition, a profound rethinking of the small-scale fleet concept and understanding its composition in every region is required. This is a</p>			



	governance exercise requiring the participation of all the relevant parties, particularly the scientists. Their engagement is urgently needed to back up the process with sound scientific knowledge. Moreover, the officialisation of SSF definition may require a long legal and institutional process.	
<b>Potential solutions</b>	<p><b>The literature review mentioned above clearly indicates that (because of segmented character of the EU fishing fleet) a set of multi-dimensional indicators should be used. This should facilitate the identification of proposals from the artisanal/small-scale vessel sector. A multiple-criteria approach is needed to develop certain proposals:</b></p> <ol style="list-style-type: none"> <li>1. Proposal for the definition of SSF considering specific issues at each country level</li> <li>2. Proposal for officialisation of SSF definitions at regional levels</li> <li>3. Proposal for operational SSF definitions for each specific issue at the European level (similar to the current definition officially adopted in the context of the EMFF)</li> <li>4. <i>Ad hoc</i> adoption of definitions for use by specific groups, such as the Traditional Fishery Working Group under the umbrella of the Westerns Waters Advisory Council – CCS</li> </ol>	
<b>Objective</b>	The global objective is to reach consensual definitions of SSF for countries, regions and specific issues (to be part of legislation). Thus, three potential definitions will be sought: (i) a definition at the national level for each of the Member States in the South Western Waters, for specific management purposes (e.g. for small-scale fishing in the management of a given stock); (ii) a definition for each of the regions in each country, which could be based on unofficial definitions currently in use and (iii) <i>ad hoc</i> definitions for operational issues, regardless of the region. One such definition for a specific issue has been provided by groups engaged in the fishery governance process (for the Traditional Fishery Working Group of the South Western Waters Advisory Council). Other examples are associated with specific pieces of legislation. Thus, “small-scale coastal fishing” has been formally defined (although only for the purposes of the European Fisheries Fund, Regulation 1198/2006) as “fishing carried out by fishing vessels of an overall length of less than 12 meters and not using towed gear”.	
<b>Nature of the solutions</b>	<b>Political or regulatory:</b>	The consensus on new SSF definitions should be reflected in the European, national and regional legislation on fisheries management. This should be officialised by the respective authorities. The existing unofficial definitions should also be made official by the respective legislation.
	<b>Financial:</b>	No specific solution of financial nature is proposed.

	<b>Other nature:</b>				The solution involves a governance effort, involving stakeholder participation and increased engagement of scientists.				
<b>Actions and promoters for the implementation of identified solutions</b>									
Pilot project Action(s)	Level				Promoters	Activities	Timeframe		
	EU	Nat.	Reg.	Local			Short term	Mid-term	Long term
<b>Action 1:</b> A round of consultations and studies to identify the best definition of SSF. Such definition should fit the characteristics of national/regional fishing fleet and satisfy the requirements for specific purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	EU (EC, EP, ACs)	Consultations, studies and polls, among others, on the characterisation of the SSF fleets in Spain, Portugal and France. These should include: (i) a first approximation to national definitions of the SSF for specific purposes, such as the management of mackerel in Spain; (ii) a revision of regional unofficial definitions of SSF and (iii) identification of issues or specific needs requiring <i>ad hoc</i> definition, e.g. a definition for participation in the CCS AC. The external consultation studies are also to be commissioned. The consultation process mentioned before should be carried out by the EC. These two inputs should serve as a basis for a paper, prepared by the DG MARE technical staff, to be discussed with the stakeholders in actions 2 & 3 (below).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Action 2:</b> Analysis of the definitions for each country/region.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	EU (EC, EP, ACs)	Participatory fora, led by the Member States or delegated to key SSF organisations, where the paper by the DG MARE technical staff is to be	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

						debated (including feedback from scientists) and agreed upon by all participants.			
<b>Action 3:</b> Proposal of consensual and scientifically supported definitions for countries/regions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	EU (EC, EP, ACs)	A proposal sent to the EC by the Member State or the organisation in charge of the participatory fora for officialisation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Potential problems that may impede reaching the objective</b>	<p>Difficulty in agreeing on the criteria for the SSF definition due to the heterogeneity of the fleets in various regions or even within the same region.</p> <p>Conflicts of interest between the stakeholders might emerge when defining the criteria for the EU financial assistance to the different fleet modalities.</p> <p>In the study area, officialisation of SSF definitions for the specific national purposes (and of the regional definitions) require a new legal framework; setting up such a framework might be a lengthy process. Formulating SSF definitions for issues such as management plans for shared stock might be even more time-consuming. The redefinition of legal framework will also take a long time because of the involvement of many countries. This requires the enactment of legislation at the EU level.</p>								

#### 4.2.2 Obstacle 2: Legal nature of Spanish cofradías

Issue/obstacle	<b>2: Legal nature of Spanish cofradías</b>			
<b>Description of the issue</b>	<p>Fishing cofradías in Spain are defined as public law corporations, with non-profit orientation, representing their economic interests. They act as consultation and collaboration bodies of the competent administrations in matters of maritime fishing and fishery management (Law 3/2001, of Maritime Fishing).</p> <p>The administration regulates the activity and functioning of the Spanish cofradías and the control and special tutelage that the administration must exercise.</p> <p>In general, the cofradías/federations receive subsidies and aid of various kinds (material, training, advice, etc.) from the administration. As the cofradías face difficulties in finding their own funding sources (due, among other reasons, to their legal nature), they are mostly dependent on this aid.</p> <p>Because of this economic dependence (and the legally established administrative control and tutelage), the associations find it difficult to represent the interests of the sector in an unbiased manner by offering opinions not affected by the corresponding public administration.</p>			
<b>Level at which the issue is generated</b>	<b>EU</b>	<b>National</b>	<b>Regional</b>	<b>Local</b>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Reasons for low solution capacity</b>	<p>The origin of fishing cofradías can be traced back to the 12th century, with antecedents even in the 11th century (in Spain and France). They have begun as collaborative groups in the fishing sector, with the support of the church. Their purposes ranged from the mercantile to military and were associated with extractive activity and the port policing (Agra, MJB &amp; Calenti, RAM, 2016).</p> <p>In these remote times, in the absence of a state regulating the fishing activity and solving the potential problems, such mutual-assistance organisations were fairly common (Taboada Mella, M. S. 2005).</p> <p>Under the jurisdiction of a modern state, the control of the cofradías by the public administration has increased considerably. However, their role in the representation and defence of the professional interests of its members has been maintained.</p>			

	<p>During almost ten centuries of its existence, the vicissitudes successfully faced by the fishing cofradías have ensured their survival as communities of fishermen and endowed them with their characteristic idiosyncrasies. In the twentieth century, the state used the cofradías as entities for mutual assistance for the benefit of fishermen, establishing various tutelage rules (Agra, M.J.B. &amp; Calenti, R.A.M, 2016).</p> <p>The recently defined juridical nature of the fishing cofradías conflicts with some of their functions, strongly rooted throughout their evolution. The main problem is the lack of independence due to the strong control of the administration. This conflict is not easy to solve using the regulations governing the activity and operation of cofradías. Thus, the solution capacity is low as the legal norms need to be modified. Moreover, such changes require a discussion between the involved stakeholders (a long process at the best of times), often with conflicting interests.</p>	
<b>Potential solutions</b>	<p>As mentioned in the previous section, the problems associated with the legal nature of fishing cofradías in Spain require serious deliberation among their members. This complex process is necessary; the fishing sector must agree on its role in the fishery management today and in the future. In parallel, the public administration should also reflect (including some self-criticism) on the degree of guardianship and control over the professional sector. Clientelism and interference should be avoided while exercising the administrative control and regulating the extractive activity.</p> <p>The solutions to this problem must arise from the internal scrutiny by both fishing organisations and the public administration. It is not possible to propose a working solution beyond the need of future internal reflection.</p>	
<b>Objective</b>	<p>The defence of the interests of the fishing sector exercised by the fishing cofradías in Spain must be conducted in an independent manner, supported by the legitimate representation of its members. Thus, the demands of the sector will realistically reflect the problems that they have to face. The direct influence of the corresponding public administration will be then diminished, reducing its coercion capacity, which might otherwise limit or condition the activities of the sector.</p>	
<b>Nature of the solutions</b>	<b>Political or regulatory:</b>	The fishing sector and the administrative bodies should discuss the particular solution for this issue. Hence, no specific solutions of political and regulatory nature are proposed.
	<b>Financial:</b>	No specific solution of financial nature is proposed
	<b>Other nature:</b>	No specific solutions are proposed
<b>Actions and promoters for the implementation of identified solutions</b>		

Action(s)	Level				Promoters	Activities	Timeframe		
	EU	Nat.	Reg.	Local			Short term	Mid-term	Long term
<b>Action 1:</b> Rounds of consultations with cofradías/federations on the implications of their legal nature in the participation in the management decision processes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Spanish government, regional governments	Consultations with the fishing sector	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Action 2:</b> Analyse the current system of cofradías finances	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Spanish government, regional governments	Consultations with the fishing sector	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Action 2:</b> Analysis of future scenarios	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Spanish government, regional governments	Preliminary evaluation of the consequences of legal changes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Potential problems that may impede reaching the objective</b>	<ol style="list-style-type: none"> <li>Some administrations might oppose the changes since the loss of tutelage also implies a loss of control.</li> <li>This is an ancient system, which is not under discussion. It is assumed as given by the stakeholders involved.</li> </ol>								

### 4.2.3 The adoption of top-down management models

Issue/obstacle	3: Top-down models
<p><b>Description of the issue</b></p>	<p><i>State of the Art</i></p> <p>The traditional fishery management model, hierarchical and top-down, limits the potential of SSF to participate in decision-making processes. Several authors have suggested (Kearney 1984, Jentoft 1989, Pinkerton 1989, McGoodwin 1990, Hannesson 1996, Berkes and Folke 1998, Finlayson and MacCay 1998, Hara and Raakjær Nielsen 2003) that top-down approaches, in the centralised fishery management, have led to overexploitation, mismanagement and caused a crisis in fisheries around the world (Harkes, IHT, 2006, Doctoral thesis, Leiden University).</p> <p><i>The Last Common Fishery Policy Reform</i></p> <p>It is noteworthy that the latest reform in the CFP moves towards more decentralised fishery management, with emphasis on regionalisation, strengthening the role of national fishery organisations. The Advisory Councils are organisations directed by stakeholders, whose main mission is to provide the EC with recommendations on fishery management. Nonetheless, this approach to increasing the fishing sector influence on decision-making seems insufficient. Community fishery management must have a strong capacity to communicate with local fishing communities and include them in the management debates (Raicevich et al. 2017).</p> <p>The current technocratic model generates problems of legitimacy in fishery regulations issued by (political) administrators after consulting the scientists. In the best of cases, the fishermen are requested to provide an opinion. However, if the proposed solution is the best that can be found on the basis of scientific data, the problems are reduced to instrumental rationality (Alegret 2002).</p> <p>The MARE project has also tested this perception using empirical examples. This study emphasises the increasing necessity of adopting more participatory systems, such as community-based or even co-management models. Few studied regions use such (or similar) systems. Some of the regions are moving towards the combination of these models to provide good local or regional SSF governance, even when European or national legislation is in place. Including consultation and co-governance in the most traditional top-down systems is essential for improving the SSF participation in decisions. In such systems, the SSF representatives and fishers only take part in decision-making through consultative processes. Good SSF governance cannot be conducted using the top-down management models alone. To enhance the proactivity and influence of SSF stakeholders, their capacity to participate should be reinforced; the current decision-makers should cede some of their own power to the stakeholders. Top-down models (even those with associated consultative processes) can be used to protect the resources but cannot provide good management outputs. The present</p>

	report suggests a list of actions for the transition towards a more participatory model. However, implementing a co-management model requires comprehensive changes, which might be difficult to adopt.			
<b>Level at which the issue is generated</b>	<b>EU</b>	<b>National</b>	<b>Regional</b>	<b>Local</b>
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Reasons for low solution capacity</b>	<p>Since the second half of the 20th century, fishery policies have given priority to the economic and biological objectives to the detriment of social objectives. This emphasis on the instrumental dimension of fishing (dedicated exclusively to the conservation of resources) should be modified by broadening its perspective, socialising and politicising these policies. This is especially important in small-scale fishing, where managers continuously issue new regulations, reinforcing controls and imposing strict compliance with the standards. This command-and-control style of management has worsened the situation in many cases. We must go further in the analysis of fishery management, which, apart from being sustainable, should be governable (Alegret 2002).</p> <p>Therefore, the solution must involve a change in the management model by the administrations responsible for fishery management at all levels. The small-scale sector can do little to modify the traditional framework although the sector is involved in some initiatives to increase the participation. In this improved model, the decision-making is partially devolved to the fishermen (e.g. Fuerteventura Fishery management plan). More inclusive decision-making in wider areas should be promoted by the managers. The fishing sector must contribute its knowledge and opinions and actively collaborate, showing high levels of responsibility and involvement.</p>			
<b>Potential solutions</b>	<ul style="list-style-type: none"> <li>- Move towards regional co-management systems: reinforce the role of regional decision-makers, with their frequently superior knowledge of regional fisheries and fleets.</li> <li>- Move towards European-level co-management: reinforce the role of the Advisory Councils in decision-making processes, making their recommendations more binding.</li> <li>- Reformulate the composition and role of the Traditional Fishery Working Group in Western Waters Advisory Council. A specific group that represents small-scale/artisanal fishermen is needed. It should have clear objectives and be able to issue binding recommendations to the EC.</li> <li>- When a formal co-management model cannot be established, co-management tools should be adopted (working groups might be established, among other good practices.)</li> </ul>			
<b>Objective</b>	There must be a change of focus in the management of fishery governance. The transition towards models of co-management, strengthened involvement of fishermen in decision-making processes and co-responsibility or interactive governance should be involved in the process. This is undoubtedly the path to be followed in the search for a model of			



	<p>sustainable fishing management. The available research suggests that community-based co-management will prevent the tragedy of the commons; the cooperative management by fishers, managers and scientists often results in sustainable fisheries. Co-management seems the only realistic solution for most of the fisheries and can solve many of the problems they face (Nicolás L. Gutiérrez, Ray Hilborn &amp; Omar Defeo, 2011).</p> <p>Co-management could be an effective approach to involve local fishermen and their communities, involving them in the definition of rules and in the monitoring, control and surveillance (Raicevich et al., 2017).</p> <p>A change in the priorities and financing of top-down fisheries management is necessary. This should lead to co-management with a focus on rights and responsibilities of fishers and their communities. To achieve the best fishing results, at a reduced overall management cost, the social capital and social networks should be explicitly considered, both within and between the groups interested in fishing (Grafton, RQ, 2005).</p> <p>The procedures and manner of the decision-making process are as important for the support and adhesion of the interested parties as the content of the regulations. Legitimacy is crucial since the regulations cannot be effective unless they are perceived as reasonable and fair by the fishers (Alegret, J.L. 2002).</p>								
<b>Nature of the solutions</b>	<b>Political or regulatory:</b>				In each area, the legislative framework must be modified to accept co-management models.				
	<b>Financial:</b>				No specific solution of financial nature is proposed				
	<b>Other nature:</b>				No solutions of other nature are proposed				
<b>Actions and promoters for the implementation of identified solutions</b>									
Action(s)	Level				Promoters	Previous activities	Timeframe		
	EU	Nat.	Reg.	Local			Short run	mid run	long run
<b>Action 1:</b> Promote participatory management processes in administration/fishing sector.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	EU, Nat., Reg., Loc.	Previous studies, literature reviews, background, etc. to prepare an EC/national documents, where changes in the fisheries management model are discussed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Action 2:</b> Promote the introduction of co-management tools.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Reg., Loc.	Participatory fora, led by regional authorities or delegated to key SSF organisations, where the EC/national position document is debated by stakeholders, authorities and scientists and agreed upon by all participants. The discussion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

						should lead to the identification of fisheries where the co-management model is most needed. This will allow the implementation of tools helping to reach a co-management model.			
<b>Action 3:</b> Adoption of the co-management tools in regional/local fishery management.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Reg., Loc.	Once consensus is achieved, the next step is the implementation of the tools. A stepwise process is suggested. This may consist of a gradual introduction of co-management in some of the prioritised fisheries (identified in the previous action). Then, after the experience is evaluated, the implementation for the rest of fisheries should be considered.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Potential problems that may impede reaching the objective</b>	Resistance of administrations/politicians to the necessary changes in their legal frameworks and their reluctance to transfer some of the fishery management to a co-management model								

#### 4.2.4 Obstacle 4: Lack of equilibrium concerning the number of organisation multi-level in Portugal

Issue/obstacle	4: Equilibrium in the number of organisations (multi-level, etc.)			
<p><b>Description of the issue</b></p>	<p>Portugal is considered a clearly centralist state, with little territorial decentralisation (Azores and Madeira) and several administrative regions (on the mainland, without competences) (Mahou X.M. &amp; Varela E.J. 2005). The government competencies in fishery management, practically in their entirety, are exercised directly by the central government in Lisbon. Therefore, the associative organisations of the Portuguese fishing sector carry out their representation directly before the Portuguese central government.</p> <p>There are no <i>de facto</i> representative organisations of the multi-level fishing sector. The fishing sector organisations with the largest number of partners and strongest economic resources are those that negotiate or dialogue directly with the central administration responsible for the fisheries. The small fisher organisations (specific to SSF) usually consult with larger organisations.</p> <p>Perhaps because of this institutional isomorphism, the associative organisation of the fishing sector replicates the model of public administration. There are practically no multi-level structures in the entities that represent the fishermen, neither grouped by regions nor by fishing modalities.</p> <p>Due to this organisational structure, governance in fishery management adopts a top-down model, with little participation of the fishing industry in the decision-making processes. Moreover, there is a general lack of internal consensus among the fishing associations. As this does not lead to coherent, unanimous opinions, the sector has a very weak influence on decision-makers (Pita, C. et al., 2015).</p> <p>As has been pointed out by many authors (Pomeroy and Berkes, 1997, Singleton, 2000, Carlsson and Berkes, 2005), the situation would be completely different in a multi-level governance system, such as co-managed fisheries. In such systems, effective agreements can be made to facilitate power sharing, building trust, providing support to the institutions and improving problem-solving (Nenadovic &amp; Epstein, 2016).</p> <p>There is extensive literature on the change from administrative to collaborative model (Koontz and Thomas 2006) and from hierarchical government to multi-level governance of environmental issues (Rhodes 1997, Dwyer 1998, Davis and Rhodes 2000, Pierre and Peters 2000; Considine 2001; Peters and Pierre 2001; Banner 2002; Newman et al. 2004; Ho, TVT, Cottrell, A., Valentine, P., &amp; Woodley, S. 2012).</p>			
<p><b>Level at which the issue is generated</b></p>	<p><b>EU</b></p>	<p><b>National</b></p>	<p><b>Regional</b></p>	<p><b>Local</b></p>
	<p><input checked="" type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>

<b>Reasons for the low solution capacity</b>	<p>As Bavinck et al. (2013) explain, any attempt to improve governance inevitably requires an evaluation of the governability of the system and this, in turn, requires a good understanding of its basic qualities (Pita, C. et al. 2015). The process exceeds the competence and aptitude of the fishing sector, especially in the SSF. The participation and involvement of representatives are essential. However, the process is complex: only the sector as a whole can successfully confront it. Moreover, to bring real improvements in the fishery governance, the solution must involve fishery managers (public administration). Preferably, they should initiate or lead the process and, in all cases, must actively engage in its implementation.</p>	
<b>Potential solutions</b>	<p>In the representative fishing sector organisations in the mainland Portugal, the fishery governance structure must evolve towards a multi-level structure. It is necessary to strengthen the involvement of the actors and institutions and their collaborative interactions, which will determine their effectiveness (Ho, TVT, Cottrell, A., Valentine, P., &amp; Woodley, S. 2012).</p> <p>The roles of different actors in the potential governance structure resulting from such improvement or evolution must be carefully evaluated, considering vertical and horizontal diffusion of power between the actors and the integrated institutions. Hooghe &amp; Marks (2003) have reviewed these two main types of multi-level governance and discovered some interesting differences between the vertical and horizontal models.</p> <p>However, some authors have argued that the structural and normative components of the social capital are important for increasing the probability of sustainable management (Nenadovic, M., &amp; Epstein, G. 2016). Thus, the bonds between individuals or groups within a community, their interactions and the benefits from such relationships are the salient aspects. They should be taken into account in the process of building multi-level governance structure to improve the sustainable management of fishing in Portugal.</p>	
<b>Objective</b>	<p>The problem presented here, i.e., the lack of strong and cohesive multi-level governance structure representing the Portuguese fishing sector, must first be discussed by all stakeholders. They should reflect on this issue and propose an efficient model of governance advocating the sustainability of fishing. It is generally accepted that the centralist state governance has become (and should be) multi-level. However, there is no agreement among experts on how it should be organised (Liesbet, H., &amp; Gary, M. 2003). Therefore, a consensus on the preferred model must be achieved. Decentralisation and co-management often go together, and there are some similarities between their objectives (Pomeroy, R. S., &amp; Berkes, F. 1997). However, any model that arises from weakly participatory or non-participatory processes is doomed to failure.</p>	
<b>Nature of the solutions</b>	<b>Political or regulatory:</b>	No specific solution of regulatory nature is proposed
	<b>Financial:</b>	No specific solution of financial nature is proposed

		<b>Other nature:</b>				Solutions in the governance realm, identifying association potentials, are proposed				
<b>Actions and promoters for the implementation of identified solutions</b>										
<b>Action(s)</b>	<b>Level</b>				<b>Promoters</b>	<b>Activities</b>	<b>Timeframe</b>			
	<b>EU</b>	<b>Nat.</b>	<b>Reg.</b>	<b>Local</b>			<b>Short term</b>	<b>Mid-term</b>	<b>Long term</b>	
<b>Action 1:</b> Promote the associationism in the fishing sector	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	EU, Nat., Reg., Loc.	Study the reasons for low levels of associationism and analyse the strategies to promote associations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Action 2:</b> Design of multi-level structure of organisations representing the fishing sector	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	EU, Nat., Reg., Loc., SSF	Characterise, with the participation of the fishing sector, the SSF activity in each zone to propose the possible structure for their representative organisations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Action 3:</b> Design of the Strategic Plan for the medium-long term	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Nat., Reg., Loc., SSF	Based on previous activities, the Strategic Plan should be designed and agreed on by the national and regional authorities, with the participation of the stakeholders. The voluntary nature of the associative process may require that administrations deploy incentives. Thus, the Strategic Plan may require that the authorities propose concrete means to motivate stakeholder associationism.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Potential problems that may impede reaching the objective</b>	Since associationism is voluntary, active engagement of stakeholders could be low if incentives are not encouraging.									

## 5 Conclusions

The internal complexity and heterogeneity of the SSF and other external drivers from legal, institutional and organisational levels make it difficult to implement solutions, such as good practices translated from practical experience. This is the reason why this approach has often failed (most of the failures are due to inappropriate governance models).

This report presents a comprehensive review of good practices specific to the governance of SSF, drawing on the conclusions of SWOT analysis and examples of successful and unsuccessful governance (Deliverable 3.1). The project identifies good practices in the governance. Particular attention is paid to practices improving the participatory and/or joint-management processes, moving towards community-based models, at least at the local and regional levels. However, it is not possible to identify good practices to deal with all the potential difficulties. It is important to define and analyse the capacity of the sector to face these impediments.

The study presented here has identified four impediments contributing to the gap; being low the capacity of the SSF sector to close that gap. The four impediments/obstacles discussed in the previous section are (1) lack of institutional definition of SSF, (2) legal nature of Spanish *cofradías*, (3) top-down models and (4) equilibrium in the numbers of organisations (multi-level, etc.).

The three first obstacles are of legal nature. The SSF can do little to modify the legal and institutional framework to solve these issues. The actions proposed in the present study (see obstacle tables in section 4.2) require involvement of decision-makers at the EU and national levels. The EU and national authorities have the technical and economic resources to launch consultations and outsource technical studies to establish the actual status of the issues in question. These inputs are necessary to launch the debate at the national and regional levels. Such discussions will require the active participation of the stakeholders. Gap determinants 1 and 3 could be addressed through a stepwise process, where the consensus achieved in the dialogue would result in concrete proposals to the EC and the EU Parliament, as a basis for future legislation. Obstacle 2 requires a thorough discussion within the Spanish sector, but no *ad hoc* measures are proposed to solve this issue. To overcome the obstacle 4, some incentives should be deployed by the management (instead of legislative changes). However, some changes of institutional and legal nature are also likely to be required.

To overcome the obstacle 1, the problem of formulating the definition of SSFs has to be faced. The SSF activities vary from region to region due to the intrinsic features of their fishing resources. The potential solution is to prepare regional definitions, employing as the basis the current definitions used in different regions. The solution also proposes *ad hoc* definitions for specific purposes and organisations, such as Traditional Fishery Working Group in the SWW AC or regional fishery management plans. New rules improving access to financial resources or other means to protect the small-scale fishing activities might be opposed by the stakeholders.

Obstacle 2, predicated on the legal nature of *cofradías*, requires an effort on the part of the national and regional administrations; they should address the problem of the lack of independence of the *cofradías*. A thorough discussion of the problems of *cofradías*, the main representatives of the small-scale sector in Spain, should be either launched by the administrations or requested by the SSF sector. It is likely that the issue will meet resistance of the administration representatives. The model of *cofradías* is ancient and widely accepted by the public. During its long history, it has

adopted the legal form of public bodies whose role is framed by the Spanish legislation. No changes to the model are expected. However, some means could be found to address the strong dependency of these institutions on the administration, particularly regarding economic resources.

The problems of top-down management of fishery resources, identified as Obstacle 3, have been widely recognised by the scientific community. Both theoretical and empirical studies have shown that this dominant form of management is resisted by the fishermen, reducing the legitimacy of the management process. Moreover, this type of management prioritises the conservation point of view, paying little attention to the human dimension of the activity. Changing the model is a task that demands a deep reflection from all stakeholders. Legal and institutional framework changes will be needed at the EU, national and regional level. At the regional level, such changes are likely to be achieved; some relevant experiences in the implementation of bottom-up approach have been reported. As for the other obstacles, a process of consultation and debate should take place to gather the insights of the interested parties. A gradual implementation in the fisheries in which co-management is most needed would supply new data, allowing extending the process to other fisheries. This study includes a list of tools (good practices) based on the lessons learnt, which might help to move towards a co-management model.

Unlike the other gap determinants, the proposed solution for the obstacle 4 is not related to legal changes; the legal apparatus in force does not restrict associationism. However, there is no multi-level governance structure in continental Portugal. The causes of the low level of associationism should be first analysed, in a process led by the national administration. Different regional stakeholders should be able to identify the type of multi-level organisation that fits best the needs of their regions. As the process of associationism is voluntary by nature, the national and regional administrations should provide incentives to motivate active stakeholder engagement in the creation of the missing governance structures.

## 6 Glossary of terms

AC	Advisory Council
AZTI	Basque research institute
CCS	South Western Waters AC
CECAF	CECAF Zones
CFP	Common Fishery Policy
DG MARE	The Directorate General for Maritime Affairs and Fisheries
EU	European Union
EC	European Commission
EP	European Parliament
EMFF	European Maritime and Fisheries Fund
FLAG	Fishery Local Action Group
GAP	Gap analysis
ICES	International Council for the Exploration of the Sea
Local	Local level
MSP	Marine Spatial Planning (European directive)
Nat	National level
NGO	Non-Governmental Organisation
Reg	Regional level
SSF	Small-scale fishery
STECF	Scientific, Technical and Economic Committee for Fisheries
SWOT	Strength, Weaknesses, Opportunities and Threats analysis



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