

1 (The numbers refer to pictures in the Power point show)

European Life-Modes at Sea:

The EU's Fisheries Policy as Human Tragedy or Triumph?

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2 Triumph or tragedy:

88% of the fish stocks in Europe's waters are being fished beyond MSY – (maximum sustainable yield),

and 30% of these stocks are outside safe biological limits – which mean that the biologists think they cannot be reestablished!

The outcome is a continuous decrease in the amounts of seafood fished from these waters – and today EU have to import an equal amount of fish from non European waters.

3 The EU uses around 1.2 billion euro pr. year in subsidy to construct new and more effective fishing ships and scrap existing ones etc. - to bring down the over capacity it provokes in the fishing sector.

4 This budget equates what the customers pay for all the European fish EU's citizens buy privately – the fact being that in Europe we all pay twice for the European fish we eat!

5 *When you buy a fish for 5 euro, you have already paid 5 euro for it, so to speak, through your tax-paying!*

6 In spite of that most of Europe's fishing fleets are running losses or returning low profits and low wages because most fishing stocks have been fished down.

7 The industry, therefore, cries for more public support and more short term political decisions to increase the quotas its fishers are allowed to catch.

This vicious circle of overfishing, surplus capacity, bad economy, and short term solutions is continuing and increasing the sad consequences.

Perhaps we should stop the dark picture here?

OK - let's stop the further specification and turn to the more important question:

Why can this circle go on and on around the European continent which, in its own view, seems to house the discursively most green and sustainable voters and the most democratic political and economic union of the world?

I can tell you that we are not alone: In most waters around the Globe the situation is similar to the European one – and European companies are involved in fisheries in almost every ocean of the World.

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Although the picture sketched above looks like a tragedy, In the following I do want to discuss whether there is another and deeper tragedy under the surface – or behind and beyond the visible European fishing policy – determining it and overdetermined by it – or: structuring it and influenced by it.

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EU's Fisheries policy seems to be a very particular and singular topic and of interest only to specialists, European customers, taxpayers and fishing companies.

But from an ethnological angle this policy is of interest primarily as a formative battlefield. This battlefield is very suitable when we want to explore the significance of general and fundamental principles and contradictions in the European community. These contradictions are interesting because they may explain concrete and actual struggles – visible as well as invisible – which is forging the ongoing construction, formation and further development of the EU.

8 *(Fishing community)*

The invisibility of these fundamental struggles for recognition and legitimacy is perhaps the most important and interesting for us, because we are all taking part in huge transformation processes, where local, sustainable communities and life-modes are excommunicated from the EU social formation, in spite of the fact that most Europeans regard them very valuable and do not know that they are eradicated. We are, in fact, all taking part in the invisible and powerful processes of their eradication.

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9 At the same time – and through the same processes - other life-modes are aggressively expanding their fields of activity. Why are such processes being invisible to us? Why do we not discuss them more openly in this part of the world, where the self-conscious will and democratic debates ought

to be the foundation of political decisions – as Ulf Hedetoft talked about in the former lecture?

10 If the complexity of the EU is the answer to these questions, then it is our obligation as part of the European research community to find the core features, the essential contradictions – to penetrate those levels of less important facts and conditions, which – consciously arranged or not by the combatants – makes it more difficult than necessary to understand what is going on.

11 Another answer to the questions is that the life-modes we are dealing with are using so incompatible conceptions about the matter that they are talking and listening to each other without a common understanding of what they are talking about. This is what we call ethnocentrism or more correct: life-mode centrism. When this is the case, it is our task to grasp the conceptual world of each life-mode and explore the ways in which these life-modes are misunderstanding each other – or in conflict with each other because their forms of praxis are contradicting.

12 The third answer may be that we have to deal with substantial and technical matters, the terms of which are not sufficiently well known to facilitate a more general dialogue and understanding of what is going on. When it comes to an industry as old as the fishery, then it is our task – and that is not difficult - to explicate the most fundamental terms and relations of the marine ecosystem and the main catching methods with which European fishers exploit this system.

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13 *(Four levels of the lesson)*

Let me begin with the last task and take a look at three distinct life forms of relevant fish populations in the marine ecosystem – and at the next level sketch out the main fishing methods for catching them.

After that we can take the second task and specify the most important contradictions between coexisting modes of production and life-modes at the cultural level of the European social formation.

After this it is time to clean up the mess (complicatedness) of the political, legal, and ideological discourses, where the actual struggles are going on. This is the level of state power – and therefore the struggle for recognition and power between member states of the EU and between EU and its opponents in the global state system.

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We, then, have to differentiate between four distinct levels of the same subject, each drawing a specific picture of the way our subject is structured and between which we find important conceptual displacements and determinants.

At last – and after the pause – I will give you a short paper, which I presented for the first time in the EU parliament three weeks ago. The paper is an example on how the ethnological research at the Saxo Institute and CEMES may intervene in the ongoing political processes with analyses and proposals on concrete EU policy.

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What you have to know about the marine ecosystem is that it contains three distinct kinds of life forms, each of which is represented by a number of species used as valuable human food.

14 The first life form of *shellfish* living at the bottom of the sea. Shrimps, crabs, lobsters and mussels are important species of this kind. The small ones are food for larger fish swimming in the water, whereas the largest ones are eating dead fish late in the food chain of the sea.

15 The second life form is the *demersal fish*, eating plants, worms, spawn and small shellfish etc. at the bottom of the sea, and therefore just as scattered as its food over the sand, cliffs or stone reefs. Codfish and flatfish are two of the most important families with a demersal life form in European waters.

16 The third life form is the *pelagic fish* living in shoals where they - in concentrated formations - are hunting either microorganisms in the free waters, shoals of spawn or demersal species smaller than themselves. Among shoal fish we find the big pelagic species as tuna and swordfish, the medium size as mackerel and herring and the small pelagic species as sardine, sand launce (*tobis*), and brisling.

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Of catching methods you have to know only six possible and almost universal ones and their potential for large and for small scale operations. These modes of operations are important conditions of existence for the relations of competition and economic domination between coexisting modes of production and their mutually contrasting cultural life modes in global fishery.

17 The hook is the first catching method. The use of *long lines* carrying many hooks is still an important method to catch demersal fish. It catches each fish individually, but is gentle to the quality of the flesh of the fish and therefore appropriate for small scale, high value fishery (as for instance cod and salmon) – in contrast to volume fishery. The technique is gentle to the fauna of the sea bed. It is also an important method to the catch of large pelagic species as the valuable tuna and swordfish in many oceans. This mode of operation makes fishing energy effective with relatively small engines and low fuel consumption.

18 The *trap* is the second catching method. It is used for the fishing of all three biological life forms of the marine ecosystem, but most important is the catch of eel and valuable shellfish as crabs and lobsters. This is a condition of existence for much small scale artisanal fishery along the coasts catching small volumes of high value. It may also be used by some medium scale boats catching big crabs at the deep seas. The mode of operation makes fishing energy effective with relatively small engines and low fuel consumption.

19 *Gillnet* is the third catching method. A gillnet is placed as an invisible wall of thin meshes of a net, in which fish are caught in their gills and tails.

20 The method is most important for the small scale fishery of high valued demersal and pelagic species, because each fish is to be freed

individually and by the hands of the fishermen - in what is therefore an artisanal mode of operation. According to the circumstances, it can be gentle to the quality of the flesh of the fish, and gentle to the fauna of the sea bed. The mode of operation makes fishing energy effective with relatively low fuel consumption.

21 The *Danish seine* is the fourth catching method. The method is developed to the catching of cod and flatfish which can be scared by a circle of two long ropes at the bottom of the sea which are drawn together. In the end of the ropes a seine is finishing the catching process by drawing up the collected fish to the boat. The fish are caught *en masse*. Nevertheless this catching method is - just like the hooks - gentle to the quality of the flesh of the fish and therefore appropriate for small scale, high value fishery after demersal species. In this scale it is gentle to the fauna of the sea bed. The mode of operation makes fishing energy effective with relatively small engines and low fuel consumption.

22 The *purse seine* is the fifth catching method. This seine is a wall of small meshes of strong net surrounding a shoal of pelagic fish. After that, the bottom of the net wall is drawn together and pursed up whereby the shoal cannot get out of the seine and is locked in as a whole catch. **23** Purse seines may be used at all scales of operation. It is suitable for large scale fishing because the fish are caught *en masse*. **24** The method is gentle to the fauna of the bottom but able to extinct a whole shoal of pelagic fish by reducing the surviving rest of it to a size which cannot reproduce itself any longer. **25** The method makes fishing energy effective with relatively low fuel consumption at the catching operation, but may be expensive at the searching for and hunting of the shoals.

26 The *trawl* is the sixth catching method. By trawling, a bag of strong net is drawn through the water as fast as possible, hunting the pelagic or demersal species of fish it meets at its way, not being quick enough to

react and avoid being caught in the rushing trawl bag. Trawling catches demersal as well as pelagic species of fish *en masse*, it is not gentle to the quality of the flesh of the fish; the volume may be increased by engine power, and the method is therefore suitable for volume fishery of large scale. **28** The method demands very much energy. A general law of trawling is that the stronger engine power you are trawling with, the more oil is used to catch the same amount of fish.

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You generally talk about the European “fishermen” and their catching methods and characterize these as either good or bad. But at the level of the social formation, the universal notion of the fisherman is an ideological one, hiding behind it profound differences between the cultural life modes of the distinct people living by fishery.

Two modes of production contrast each other in the fishery and ever since late medieval times European fisheries have been dominated by these two fundamentally different types of fishing.

One is mobile long distance fisheries, where shipping companies in European ports financed fleets of large vessels to fish at well known fishing grounds, benefiting from industrial advantages of scale and concentrating their effort in areas, where the concentration of fish was high in certain seasons.

In this type of fishery, the size of the catch is the determining factor, and the large vessels can compete by storing and transporting fish over great distances. In six centuries this fishery has supplied Europe with dried, salted, canned and now frozen fish from distant oceans and fishing banks.

28 The first long distance fishery of this kind was the late medieval fleet of more than one thousand large herring drifter vessels, the so-called busses, which were fishing with gillnets. These vessels were large enough to follow and hunt the huge shoals of herring all the way around the North Sea in most of their natural annual cycle. The fleet was divided between fishing ships, manufacturing ships, supply ships and naval ships guarding and defending the fishing vessels against pirates and the upcoming navy of Great Britain.

The Netherlands fought for recognition of their fishery off the English coasts – whose burghs were also living of the enormous shoals of herring seasonally visiting the English fiords on their annual circle. The struggles for recognition at the North Sea were ending in the two Anglo Dutch wars of the seventeenth century, after which Great Britain ruled the Seas for several centuries – with the Netherlands as junior partners.

29 The Dutch herring vessels of the Renaissance were manned with a large and poor urban proletariat of wage working fishermen. They were navigated by highly specialized skippers with a career-professional life mode, and constructed at the order of productive capitalists, accumulating and investing huge profits in the expansion of the industry. These were the three life modes of late medieval urban Western Europe, which were to expand their fields of activity to nearly every other branch of Europe's

productive life over the next six centuries - founding the expansive mode of production known as modern Western capitalism.

30 From Spain large fleets sailed across the Atlantic for the cod fishery at the Great Banks off New Foundland long before Columbus. Later on they met the English and the French deep water fishing fleets at all the fishing grounds which were discovered in the Atlantic Ocean – and under the pressure of all the confrontations of centuries’ rivalry between the sea powers over maritime control and superiority.

31 *(Coastal European fishery)*

The other mode of production is a multi-species near-shore fishery, practiced by self-employed fishers in the many small coastal communities all around Europe. **32** This simple commodity mode of production is just as old as the capitalist one and still occupies around 80% of the fishing people in Europe. **33** They fish together in tight and flexible crews, sharing the earnings in a way so boat, gear and each crew member get a share.

34 *(Share fishery figure)*

This share system makes everyone on board each boat motivated in operating the fishery efficiently and sustainable. This fishery is delivering fresh fish caught the same day as it is put on the market, and in the centuries it has supplied the coastal regions of Europe with fresh fish.

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Let us have a look on the structural differences between the two modes of production and their complementary life modes:

35 (*Local fishing community*)

The life modes of investors and productive capitalists, the wage worker life mode and the career-professional life mode treat the fishing company as a *means*: to profit, wage and leisure time, or a career. Simple commodity mode of production contrasts this worldview with an opposite concept structure: In the life mode of share fishing, families treat their fishery as an *end*: **36** This end is their own way of living as free and self employed fishing people. Their distinctive fishing praxis is a means which is its own end: **37** the life as a share fishing family living as part of a tight local community with the share fishing system and with a spirit as cooperating and competing hunters of the sea.

38 (*Capital-intensive fishing vessels*)

For the investor, capital is a means to accumulation and valorisation in competition with other capitalists in the market. For the share fishermen the boat and gear are means of operation making the life as fishing families possible. Capital demands a profit above what is necessary to maintain a competitive production, because capital must accumulate and expand to be able to survive the constant struggle with other groups of capital.

The share fishermen's means of operation only need to be reproduced at a competitive level in the market.

39 In the conceptual world of the capitalist life mode every expected profit below the general rate of profit may be a good reason to withdraw the invested risk capital from the business in question before other investors discover the danger and do the same.

For the self employed life mode it is absurd to sell the boat in times where the resistance to bad conjunctures at the markets is most important for the ability to survive as free and self dependent fishing crew.

In the praxis and ideology of the waged worker life mode it is reasonable to give notice and take another job, if the employer cannot pay the tariff for the time at work.

The share fisherman never knows if he earns a share or have to pay a share of the costs of production without getting an income of a day at sea. In contrast to any withdrawal of its work and gear from fishery, the self employed fishing family will – if necessary - supply the income from its fishery with sideline activities and other jobs.

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40 Between the five life modes here explicated we find a deep root of the cultural centrism between incompatible conceptual worlds which does not have the same understanding of what is going on.

They even have difficulties recognizing each other as life modes, because each of them is looking at the others through the glasses of its own conceptual world.

It is therefore a part of the structural contrast, that this contrast cannot be seen from the concept worlds between which the contrast exists.

41 The cultural contrasts between the different life modes' praxis and concepts imply and are implied by the invisibility of the contrasts themselves.

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This overall theoretical contrast between the ethnological life modes of the capitalist versus the simple commodity mode of production is at the same time an important foundation for the explanation of their co-existence. It explains how the old and dynamic coexistence between the two contradicting modes of production is and has been possible - in spite of their mutual struggle for resources, markets and legitimacy in the social formations of European states in six centuries.

42 The decisive relation may be formulated in this way: If it is not possible to gain the advantage of large-scale operations demanding more capital than is available in the share organized fishing communities, then it is not possible for the enterprises of the capitalist mode of production to compete at the markets with the small scale operations of the share organized fishing units, and to squeeze out the simple catching mode of production from the fishery.

43 (*Large scale fishing operation*)

The capitalist enterprises must have a monopoly of one kind or another to be able to produce and appropriate the necessary profit to the investors and

managers. And that is extremely difficult as long as the coastal people possess their means of production – including their access to the fishing resources, and are able to defend the legitimacy of their right of catch.

44 Because of that, the biological life forms of the marine ecosystem, the possible catching methods, and the suitable modes of operation are decisive conditions of existence for the modes of productions: **45**

Depending on the natural geography in the different oceans, it may be possible to exploit some of the marine life forms with catching methods of large scale demanding such huge investments that this fishery can be made a monopoly for large hedge capitals. **46**

The Dutch herring fishery with drifting gillnets demanded large and specialized vessels which the share fishermen could not afford. The long distance cod fisheries with hooks at the Grand Banks demanded large sailing vessels, able to process, store, and transport the salted cod across the Atlantic Ocean. These vessels and the many small boats onboard, from which the men were able to fish with lines and hooks, opened a field for profitable expanding investments, which also became an exclusive possibility for big capital owners and entrepreneurial capitalists.

47 *(Beamtrawler)*

With the introduction of beam-trawl these kinds of sailing vessels could be used for catching the rich resources of cod and flatfish in the North Sea, where capitalist shipping companies from French, Dutch, English, and German harbours monopolized most of the fishery until the 20. Century.

48 The last improvement of these large scale advantages was the introduction of steam power for trawling.

49 (*Trawlermen on deck*)

The heavy steam engines and their coal stores demanded large steel vessels which now became suitable for the big business of capitalist shipping companies employing hard working wage workers onboard, producing surplus value to the shareholders.

50 Shortly after 1900 the introduction of small, simple, and cheap but very efficient semi-diesel machines made it possible for the share fishing people of the local fishing communities in Europe to equip their small sea boats with the new machine power. **51** This made their modes of operation much more efficient and expanded their field of activity at sea drastically.

52 After 50 years they had squeezed most of the large scale advantages and the capitalist operators out of the North Sea. They were coming from all the previously isolated, small coastal communities in earlier peripheries of the North Atlantic countries. **53** These fishermen also got access to a common large scale transportation advantage in the form of either new regular shipping routes or railways direct to the big urban food markets of Europe's industrialized regions.

54 For capitalist enterprises fishery with long lines, traps, Danish seine, and gillnet was no longer possible to monopolize. But in the fishery with trawl and purse-seine after pelagic species of fish, large scale advantages could survive eventually and were renewed, because still larger deep water

vessels became suitable for the catch of big concentrated shoals of fish far away from the home ports. Large long-liner vessels hunting tuna and purse-seining vessels hunting shoals of small and medium pelagic species were seeking new grounds far away from European waters.

55 *(Large trawler)*

The capitalist enterprises searched for alternative fishing grounds to the home waters and cultivated successively new fishing banks in the South Atlantic Ocean, the Indian Ocean, and the Pacific. With the help of huge investments it became possible to discover resources abroad and beyond traditional knowledge of the European world. And it became possible to elaborate the deep water technologies needed to establish new monopolies for large capital intensive factory trawlers, long-liners and purse-seiners.

56 *(African open coastal boats at the beach)*

The Ocean became the subject of their conquest and local fishermen in “failed states” at strange coasts their silent opponents and victims **57** – until one of the poor coastal state and fisherman’s old defensive weapons - piracy and privateering - were revitalized, and is now being recognized even by Europeans as a visible political resistance. **58**

59 The privateering attacks on European trawlers terrorizing these large trawlers’ uncontrolled exploitation of the rich Somali fishing resources is the most spectacular, informative, and formative example just now – perhaps the only one the European public knows about.

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60 *(Artisanal fishing Malta)*

To day fishing in coastal waters surrounding Europe is based upon quite widely dispersed resources. Hence it is difficult to obtain the advantages of large-scale fishing operations by companies based upon wage earners and joint-stock capital. The real efficiency of inshore fishing and the satisfaction of market demand for good quality, fresh fish calls for fishing units to be fast, flexible, knowledgeable, committed, suited to harvesting small concentrations of fish and able to switch between different species and different gears.

61 Under these circumstances, fishing undertaken with a share fisherman fleet of small and medium-sized fisherman-owned boats equipped with state-of-the-art technology is the most competitive form of fishing for the fresh fish market.

And - you have to listen carefully now:

62 Because of that, a confiscation of the common right to catch has become the ultimate means to facilitate the capitalist alternative. This is the reason why it is necessary to carry out an *enclosure of the Commons* at sea

– a privatization of the quotas –

if the life-modes of venture capitalists, managers and wage earners are to be able to squeeze out the life-mode of self-employed share fishermen from the home waters of Europe. *And that is what the core cultural contradiction and the silent struggles for sustainability is all about in Europe and beyond today.*

63 Therefore it is necessary to be extremely careful and draw attention to the coherence and scientific uniqueness of the concepts used, because here we touch the deep and mainly invisible contradiction down under the discourses at the ideological surface of common sense thinking where the actual debate on EU's common fisheries policy is taking place.

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64 Garret Hardin publicised his famous article entitled “The Tragedy of the Commons” in *Science* 1968. Since that it has – in Europe and beyond – very gradually become a superior and ruling way of thinking among economists that open access to a resource must - because of the narrow individual self interests of *the economic man* – necessarily result in over exploitation and in the worst case extinction of the resource itself.

This argument has step by step been applied to fisheries by neoliberal economic experts and produced a new governmental discourse. The core figure of this discourse is that the problem of an increasing over capacity in the European fishing fleet must be solved by privatization of the common resources:

65 The fishermen have to get legal and transferable individual ownership to their own resources, because only then will they be able to plan their fishery, reduce their capacity and effort in relation to the yield of the resources, and take care of the marine ecosystem

- just as human beings – in this kind of liberal economists' worldview - only do with what they have as their own private property.

66 The principle of private property and the way it makes an enclosure of the marine commons possible through the legal *right of property* concept demonstrates the essential role this structural feature has come to play in the formation of the liberal culture and social foundation of the European Union:

Under close exploration one decisive function of the right of property is that it may be used by the state-power as a unique, cunning, and repressive means *for the silent and successive expropriation of the common resources from the share fishermen and their communities*. Their possession of the fundamental prerequisite of share fishery is – in spite of the discursive assertion that the fishermen get their resources assigned as property – expropriated *from* the majority of fishing families.

“Fishermen”

67 The secret of the operation is that the notion of “fishermen” is silently changed: Under the cover of a seemingly universal and constant meaning, its signification shifts from signifying all share fishermen working onboard the fishing vessels to signify only the boat-owners. The invisibility of the contrasts between distinct life modes plays a decisive role here.

When the EU green-book on the Common Fisheries Policy argues for considering Individual Transferable Quotas (ITQ) as a reasonable means to reduce the over capacity of the European fishing fleets, the argument only makes sense if these transferable quotas are allotted to the fishermen (read: boat-owners) and not distributed to all people working at the fishing vessels (read: the share fishermen). As a politician you can tell the truth without risking that the public and your voters understand the signification and consequences of your statement!

68 In Denmark, where this expropriation took place from 2001 to 2007, the civil servants of the state-apparatus and the politicians of the government consistently told the public (the good story), that “the fishermen” got their quotas allotted as private property – although all share fishermen without a share in a fishing vessel got their possession of fishing rights expropriated. With the result that most of the fishing communities in Denmark have disappeared since 2007!

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69 (*Bruxelles*)

In 2009 the EU Commission published the Green Book on the Common Fisheries Policy where the actual structure of the discursive level of the political process is elaborated clearly and understandably. This is the authoritative text all stakeholders – in the process of EU-democracy - have to relate their opinion to. **70** It presents the battlefield for the ideological struggles preparing the possible political decisions 2011-13.

71 On this battlefield the EU-commission wants to fight the struggle against what is called the *over-fishing*. This struggle manifests itself in an over-capacity discourse.

72 This over-capacity discourse is dominating the text, and today it governs the debate in the EU Commission, the Parliament, and the European public.

73 (*Green Book's list of content*)

This discourse consists of a circular chain of problematiques:

The problematique of fleet reduction

The problematique of responsibility

The problematique of competitiveness

The problematique of rights

The problematique of *old*, small scale and *modern* large scale fisheries

Together these five problematiques generate the combination of:

The short term versus long term policy - contradiction

and

The culture of compliance - problem

The Green Book's - less than implicit - solution to this contradiction and problem may – if we are listening to the joint proposals from a group of Member States in the forefront of the discursive struggle, namely France, Denmark, Sweden, UK and Germany – point in the direction of a combination of:

1) *the introduction of a market based, privatised transferable quota regime*

2) *the introduction of catch quotas instead of landing quotas* **74**

3) *the introduction of the fishermen's obligation to document their own catch at sea by the help of cameras observing all operations onboard every vessel, the files of which are mailed directly to the watch over authorities.*

The two last points are called Catch Quota Management – where the skipper will be responsible for the so called “*full transparency and documentation*” of his fishing activities - the incentive for the vessel being to get a larger catch quota than the actual landing quota. From the actual quota the EU authorities have beforehand deducted the discard of fish, they believe is going on in the fishery because fishing skippers are forced to “highgrade” the value of their landings. This kind of governmentalism is very interesting as a consistent case of interpellation of citizen-self-responsibility, - and in the life mode of experts and of civil servants in the ministries it is conceptualized with the catchwords “*from regulation and control to incentives and documentation*”.

75 What this discourse does not say is that the problem of over-capacity is a political argument for an ITQ regime, which help the capital intensive, expansive enterprises to get rid of most of the share-fishing fleet of small and medium size vessels, **76** with which the large trawlers cannot compete as long as the share fishermen and their vessels possess an equal access - or other kinds of legal rights - to the common resources.

77 When the EU began to support the modernization of fisheries with huge subsidy, economic experts expected that the larger trawlers would be able to squeeze the traditional fleet out of business. Instead the subsidy have build up a new fleet of trawlers which cannot get enough quotas to be profitable, when they cannot get rid of the large share fishing fleet of small and medium sized vessels with access rights to the fishing quotas.

Introduction of a market-based resource management is then the next step in the marginalization of the share fishing fleet and communities – and today the argument is primarily the so called “over-capacity problem”.

78 This policy demands that we forget the cultural aspect – the struggle for legitimacy between the share fishing fleet and the joint-stock companies’ fleet of large trawlers. And the legitimacy of the policy demands that it continues to be discursively invisible, that the problem of the trawlers is not only their lack of a legal monopoly of quotas but also their heavy consumption of oil – making their modes of operation extremely expensive, at the same time as they are not gentle to the flesh of the fish – and therefore cannot get the equal high prises for their catch as long-liners, Danish seiners, gillnet-vessels etc. can.

79 We have a general kind of tragedy in the formation of EU policy and institutions which takes its starting point in the objective to modernize and rationalize without considering the cultural contradictions under the common policy discourse, as if all members of the community could agree on the common objectives of the EEC:

80 (*Construction of a new vessel*)

In the sixties, the EEC had no specific fisheries policy, but the objectives of the Common Agricultural Policy included increase in **81** “*Agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum of utilisation of the factors of production, in particular labour*”.¹ **82**

83 This is the basis on which the Community began to fund and subsidize the so called adaptation, structure rationalization and modernization of the fishing fleet as part of the European food production for a common open market. **84** It was coinciding with giving the vessel’s use of oil exemption from duty and with tax deductions for investments in private enterprises, motivating owners of fishing boats and vessels to reinvest all possible surpluses in the construction of new and larger vessels, more engine power, and more huge gear.

85 Politically the Commission’s proposal was compatible with this foundation for a fisheries management system in 1966. **86** It was pointed out that fish stocks were not subject to property rights but a *res communis* implying equal access to fishing grounds for Member States – just like fish stocks on the high seas were considered as common property. **87**

88 (*Maps of Spanish expansion on the seas (from Daniel Pauly)*)

¹ Art 39 TFEU – ex Art 33 EC and 39 EEC.

The heavy race for maximising national interests in the European waters - urged through exemptions from duty, tax deductions and subsidy to expansion and construction of still larger and more effective vessels - coincided with EEC's corresponding ambitions on the high seas beyond the home waters. But the race had its limits which became visible when Norway decided to remain outside the EEC, because EEC was not prepared to give a legal guarantee against the full introduction of equal access principle after 1982.

Norway would not allow large Spanish, French, Dutch, and British trawlers to destroy or take over the resources from the many Norwegian fishing communities. This was at the European scale a mirror of the danger facing every single local fishing community when a state implements ITQ at the national scale: the foundation for its fishing might disappear!

89 *(Battle in the Cod-wars)*

The public and political visibility of the problematic of over-exploitation became obvious under the three *Anglo-Icelandic Cod-Wars* in 1958, 1972-73, and 1975-76. Fighting for continued open and equal access for its modern North Atlantic high sea fleet of cod trawlers - beyond the North Sea - Great Britain would not recognize Iceland's defensive extension of its exclusive sea territory from 3 to 200 miles – until UK lost the three successive cod-wars.

At sea the battles were fought between large British steel-trawlers fishing off the Icelandic coasts and the Icelandic coastguard's small naval vessels. Iceland was winning the international recognition and was quickly followed by all the neighbouring coastal states extending their economic sovereignty by establishing 200 miles fisheries zones off their coasts.

90 To “protect (the Community’s) legitimate interests in the maritime regions” the Council declared a “concerted action” by the EEC coastal Member States for the establishment of 200 miles exclusive economic zones off the North Sea and North Atlantic coasts effective from 1977. In this struggle for recognition of a domain of sovereignty at sea the EEC Member States acted *externally* as a single coastal State.

91 In fact 90 % of the fish stocks of the world are found in the 200 miles Exclusive Economic Zones of the coastal states. But many states are too weak to protect their fishing communities from loosing their resources and fishing rights to the distant trawlers of “MSC-sustainable” Western and Asian stockholding enterprises – if not the local governments use their state power to take part in the robbery by legal and repressive means - resembling the actual neo-colonial appropriation of land from tribes and local villagers on the continent of Africa.

92 The Green Book says that – when EU is acting with the characteristics of one coastal state at the high seas - the most important objective of the EU must be to support the fight against IUU fishery at the global scale – that is Illegal, Uncontrolled, and Unregistered fishery. But it is with contradictions close under the surface of the text - the Commission must say that, I quote:

“The idea that the presence of EU vessels worldwide supports EU legitimacy and influence in Regional Fisheries Management Organizations does not seem so obvious today”.

93 The large high sea fleets of for instance Spain and France are very dependending on either equal access or fishing rights in open waters as well as in the exclusive economic zones of third world countries – and it must be rights or ITQs with a high degree of legal, repressive and naval security.

But the distant high sea fleet – fishing tuna and small pelagic species – may be forced to flag out to the USA according to the French fisheries organizations comments on the Green Book, if more restrictive conditions of operation are enforced upon it by the EU, than the distant fleets of other states are imposed - fishing in the same waters.

Because of that, the EU policy of maintaining a “relative stability” in the distribution of fishing quotas between the EU Member States means something new and more difficult to handle politically when it comes to the long distance deep sea fleets operating outside the exclusive economic zones of coastal states – or in the coastal waters of weak, “failed” or “developing” states.

94 (*Icelandic fishing vessels*)

Compared to third world week or developing states, adjacent neighbour states have another possibility – and problem: They might be members of the EU. Iceland is just as good an example as Turkey, and the fisheries politics illuminate the general and deep contradictions at the state and inter-state level:

95 After the spectacular economic rise and fall - or triumph and disaster - which began when the Icelandic government in 1982 privatized and capitalized the fishing quotas – Iceland now want to be member of the EU.

96 But the Icelandic state has the same problem as Norway had -if the

EU cannot guarantee that fishing enterprises from other Member States in the future cannot get equal access to buy Icelandic quotas as private property. **97**

98

Today France fears that the big Spanish enterprises will buy up the quotas of most other Member States, if the ITQ system is introduced at the community level. France therefore proposes that ITQ's are introduced as national quotas and cannot be traded across the borders – which is a standpoint France shares with most other Member States, but which at the same time is contradicting the most profound principles of the common market thinking in the heart of the European Community. **99**

That is Europe beyond Europe !

The Life-mode analysis is presented in the book:

Thomas Højrup 2003: *State, Culture and Life-Modes. The Foundations of Life-Mode Analysis*. Ashgate Publishing. www.ashgate.com

Texts on fisheries:

<http://www.havbaade.dk/fiskeriet.html>

www.kyst-til-kyst.dk

Forthcoming: www.lifemodes.eu

Figur 12:

Four levels of the lessons exploratory explication

We are starting from below

Discursive level of EU policy

politics of states
inter-state relations

Cultural level of the EU social formation

modes of production
life-modes

Technological level

catching methods
modes of operation

Ecosystem level

marine life forms in the sea

Figur 33.

Share Fishing in European fishing communities

The distribution principle of joint income for a boat with three crew members

Variable costs such as the winch or harbour, diesel oil, cleaning, packing, and

the auctioneer's fee are paid in advance.

The remaining joint income is paid out as follows:

20% vessel (for maintenance and repair)

20% nets, lines, snares, etc. (for maintenance and repair)

20% skipper (share fisher, and most likely owner of a share of the vessel)

20% second crew member (share fisher, and eventually owner of a share of the vessel)

20% third crew member (share fisher, most likely a young man)

As a partnership, in the event that the value of the catch does not exceed the

variable costs, the partners are financially obligated to make this up, earning,

in effect, a negative income.