



Evaluation of the Baltic Sea Advisory Council

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Contents

Introduction..... 3

Main findings 3

Recommendations..... 4

Evaluation results..... 6

The Baltic Sea Advisory Council 6

Overall performance and satisfaction 7

Value created 8

The office bearers..... 9

Running of the meetings..... 10

The structure, composition and organisation of the BSAC 11

Trust and cooperation..... 12

The advice, recommendations, and impact..... 13

Recommendations 15

Introduction

In this report we present the findings from an external review of the Baltic Sea Advisory Council (BSAC). The main aim of the review is to look at the performance of the Baltic Sea Advisory Council, to identify strengths and good practices currently applied, and to recommend how to improve the performance of the BSAC. The evaluation is based on a survey distributed to member organisations and interviews with BSAC members and observers. The interviews were conducted by Oxford Research Denmark from September to December 2020 together with independent senior adviser Mads Randbøll Wolff.

Main findings

Overall, we find that the BSAC is fulfilling its role as an Advisory Council by providing the Commission with relevant input from regional stakeholders in relation to the management of the Baltic Sea fisheries. However, there is also room for some improvements, most notably in relation to satisfaction among members with the BSAC and in facilitating trust and cooperation between the members. The evaluation also points to a basic lack of consensus and areas of common ground, which reduces the impact of the BSAC in the EU and at regional policy level.

Value creation

Most members find that the BSAC creates value for their organisation. Value is created by providing up-to-date information and insights from the Commission and as a channel to express opinions and concerns to the Commission. In addition, the BSAC creates value as a meeting place, a place to learn and as an access point to regional policy making.

The office bearers and administrative support

Members express full confidence in and deeply acknowledge the effort made by the secretariat in organising and preparing meetings as well as finalising reports and recommendations. The interpretation services offered and support to members are valued.

Running of the meetings

There is a common assessment among members and observers that the performance, in particular the chairing of the meetings, have been improving in the period covered by the evaluation (2017-2019). The improvements are due to better leadership at the meetings.

However, many members also raise a concern that the meetings are not always fruitful and satisfying and that meetings are marked more by opposition than by trust and consensus seeking. This, according to some, results in recommendations that are of little use and as such a replication of existing opinions, which in turn, it is argued, can hinder the influence of the BSAC on the implementation the Common Fisheries Policy.

Because of the nature of the meetings and lack of impact in the EU system, a number of organisations have considered leaving the BSAC or have expressed in interviews that their organisations question their participation and use of resources for this purpose. Organisations actually leaving would be a critical threat to the long-term performance of the BSAC.

Trust and cooperation between members

The tone and language at the meetings are also marked by the divided nature of the BSAC and need to be addressed. 26 % of survey respondents do not find the tone and language appropriate, and the interviews reveal that there are members who have experienced patronising use of language. For some the rough language is a part of the game in the fisheries sector, while others feel violated or that arguments are directed towards their person.

Many members express the view that meetings as well as trust and cooperation between members would benefit from a more consensus-oriented approach as well as addressing issues that could promote a “common ground” in the BSAC. This need is raised broadly and across the different stakeholder types.

The structure and composition of the BSAC

The structure of the BSAC consisting of a General Assembly and Executive Committee as well as Working Groups is partly given by the EU regulation and the evaluation has not indicated discontent with this organisation. However, a completely unavoidable topic in the interviews has been the membership structure of the BSAC. There is no doubt among most members that the current composition of the BSAC is a hindrance for its performance and its impact.

Advice and impact of the BSAC

Members find that the advice and recommendations are formed in an inclusive manner. The advice and recommendations are, however, perceived as having little impact and with little added value for the member organisations. The evaluation finds that there is a strong link between the lack of influence and added value to the overall satisfaction and level of involvement in the BSAC.

From an external point of view the BSAC is considered as proactive and the Commission values the advice as a good stakeholder mapping. However, it is argued from some regional policy makers that the majority/minority recommendations hinder real influence since the current BSAC advice leaves the Commission with full freedom to choose its own line. This view assumes, that a common ground for the fishing sector and other interests' group could yield more influence.

Recommendations

Based on the evaluation the report has the following recommendations. To improve the performance of the BSAC we suggest:

- **Continue** to support and facilitate participation from members with less organizational support and language challenges.
- **Experiment** with alternative formats for parts of the meetings to facilitate new relations, get more people involved and to identify common ground.
- Carefully **think through** your approach to TACs and quota recommendations also considering the actual effect of these in the Fisheries Council.
- **Increase** the effort to find common ground and to topics that unify members

- **Strive** to be more consensus oriented.
- **Addressing** the issues of tone and language.

As evaluators we see a strong connection between the experienced lack of impact and the involvement from members in the BSAC. To promote the impact of the BSAC we suggest:

- **Start** a discussion on the purpose of BSAC in relation to the impact you want to have.
- **Align** further with national administrations and their priorities in order to increase relevance and impact.
- **Explore** learnings from initiatives with consensus approach
- **Test** consensus with selected topics.
- In the longer run, **create** a vision or an action plan that unifies fishing sector and other interest groups.

Evaluation results

In this chapter we will present the results of the evaluation. The evaluation design is based on terms of reference approved by the Executive Committee in June 2020 and further refined at a kick-off meeting in September 2020. Data in the evaluation is based on a survey distributed to the member organisations and interviews carried out in November and December 2020.

The survey resulted in a 76 % response rate and a total of 15 interviews have been conducted with members and 5 interviews with observers. The preliminary findings and recommendations were discussed with the Management Team in mid-December 2020 before finalising the written report.

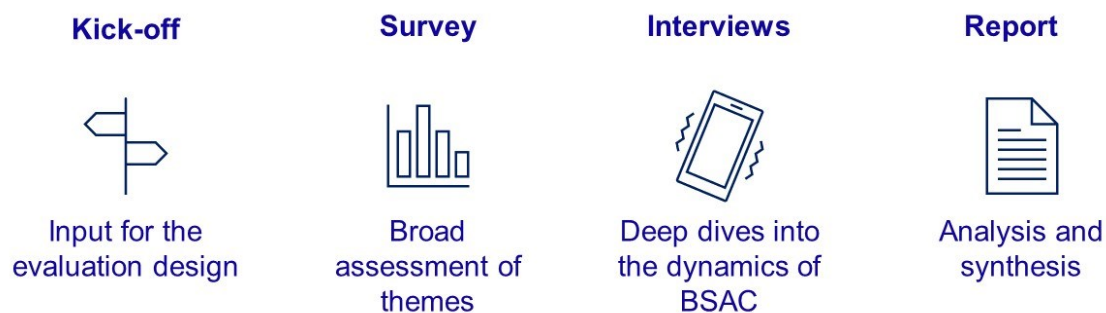


Figure 1: The evaluation design.

The Baltic Sea Advisory Council

The Advisory Council was created in 2006 as part of the regionalisation of the Common Fisheries Policy. The main objective is therefore to advise the European Commission and Member States on matters relating to management of the fisheries in the Baltic Sea.

The membership structure of the BSAC is, deriving from the EU regulations, composed of 60 % from the fishing sector and 40 % representing other interest groups. The nature of the member organisations and representatives differs greatly. Representing fishers includes both small-scale fishers participating in the BSAC on the side of their fishing activities, as well as high-level professionals from producer organisations and highly skilled biologists. The other interest groups are also characterised by a mixture of professional campaigners and spare time nature enthusiasts. The time and resources members have for their participation also vary greatly. While some organisations have other channels for European influence, others see this as their last chance to reach influence. Small-scale fishers and recreational fishery organisations express the view that they feel “squeezed” in this structure and that important nuances are sometimes forgotten or left to a “footnote” in the advice.

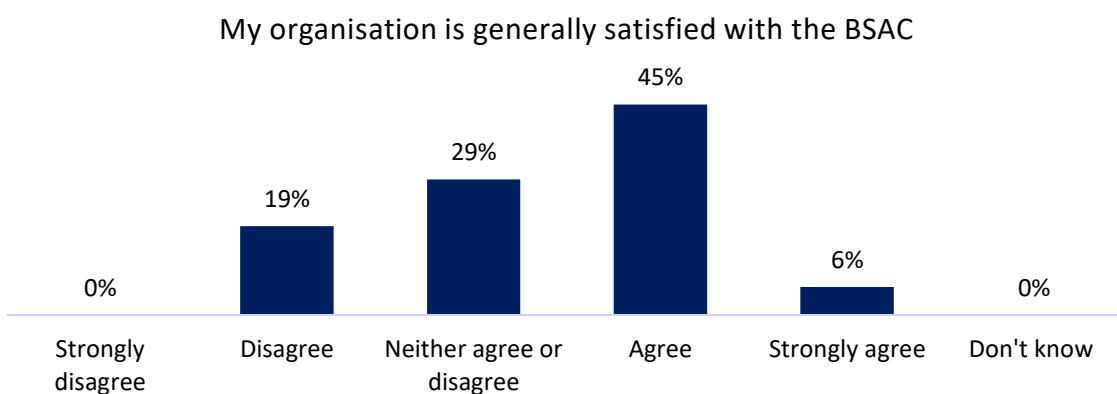
It is important to recognise that the starting point for the BSAC is very divided. In addition to the different conditions in the eastern and western Baltic Sea, small-scale fishers will argue that *they* represent the persons who are interacting and depending on the resource for their livelihood. Debating quotas is like an open wage talk for them. The industry will argue that they represent

thousands of jobs, while the environmental organisations will argue that they represent the science and ecosystem point of view. Anglers and recreational fishers will argue that they represent thousands of members in addition to the principal right for people to enjoy nature with their friends and children. To some extent all are right, but it is not easy to find common ground. Members do also have radical different ideas of what is good and bad, widely different objectives, as well as different opinions on how to measure and estimate things such as fish stocks and environmental impact.

At the same time the Baltic Sea is in a very precarious environmental situation which extends far beyond the connection between the fish stock and the fishers’ annual outtake. The pressures on the ecosystem amplify the distance between members and their positions.

Overall performance and satisfaction

Overall, we find that the BSAC meets its requirements and fulfils its main purpose as a meeting point and channel between the BSAC-members and the Commission. Meetings are well prepared and chaired, while reports and advice are produced in an inclusive manner. Members highlight that they have the chance to talk at meetings and that they are included in the formation of advice and recommendations.



N = 31

Figure 2: Overall satisfaction with the BSAC (31 respondents).

While the BSAC formally is well performing and fulfilling its role as a link between the Commission and member organisations, our overall impression is also that the BSAC is a very polarised Advisory Council and that the polarisation jeopardises the members’ support for the BSAC and therefore also challenges its performance. The current polarisation and the way it is expressed in tone and language and repetitive dialogues means that meetings are far from being pleasant for all participants.

There is also a concern about lack of impact and frustration among members (and across stakeholder groups) regarding the nature of the recommendations as they are formed now with majority and minority positions. Based on the review we assess that the BSAC reduces its own

influence by the way recommendations and advice are currently formed. There is a potential for elevating the impact of the BSAC by finding common ground, being proactive and aligning with regional policy makers through Baltfish¹. As granted through the principles for regionalisation under the Common Fisheries Policy, Member states can agree on joint recommendations regarding multiannual plans, discard plans, establishment of fish stock recovery areas and conservation measures. In which case the Commission can adopt a Commission Act.² As Figure 2 illustrates there is a mixed degree of satisfaction with the Advisory Council. Among the survey respondents 51 % either agree or strongly agree with the statement “My organisation is generally satisfied with the BSAC”. However, to the same question 19 % disagree, while 29 % “neither disagree or agree”. In other words, 48 % of the respondents do not express positive satisfaction with the BSAC and interviews reveal that there are organisations questioning their membership. The polarisation and lack of impact mean that a small number of organisations are considering their membership or being questioned by their organisation if it is worth the time and resources. Even though there is a wide opinion that things are improving, the questionable support is a major risk for the BSAC and its performance in the longer run.

In the following sections we will elaborate on the different elements of the BSAC and identify its strengths and weaknesses.

Value created

Members generally find the BSAC valuable for their organisation. In the survey, only 6 % do not see the BSAC as valuable to their organisation. When we look at the BSAC’s value creation it spans widely from the more formal role as a mediator between the EU Commission and member organisations to other services between the members and as an important point of information. According to the interviews the BSAC creates value:

- as a place to meet and connect with others mainly in the same interest group, but also to some extent across interest groups.
- as a place to learn about how fisheries management and environmental issues are handled and regulated in other countries
- as an access point to Baltfish and regional policy making

¹ Baltfish is a fisheries forum, that has developed in the Baltic Sea Region by the EU member states. The primary goal for Baltfish is to strengthen and improve the Member states coordination and cooperation in fisheries management in the Baltic sea, as well as develop cooperation with other key stakeholders relevant to Baltic sea fisheries. The purpose and role for Baltfish is presented stipulated in a Memorandum of Understanding (<http://www.bsac.dk/getattachment/f6fa8681-233a-4366-be6b-6ca48ebfb0e4/signed-MEMORANDUM-scanned.pdf.aspx?lang=en-GB>).

² Baltfish provides recommendations to the European Commission and Council on Union fisheries conservation measures, multiannual plans, discard plans, and other regional fishery specific issues as granted in Article 18 on the principles for regionalisation under the Common Fisheries Policy (EU 1380/2013).

Through the meetings members get an authentic image of challenges and opportunities for regional policy making as well as insights into opinions in other organisation and interest groups. Mistakes and misconceptions can be corrected, while differing assumptions can be debated.

Through the BSAC members get relevant first-hand information and insights from the Commission, while they also get the opportunity to raise concerns and talk through their membership. However, the advice and recommendations represent only little added value for the organisations, and this is, as pointed out already, a challenge for satisfaction and support in the longer run.

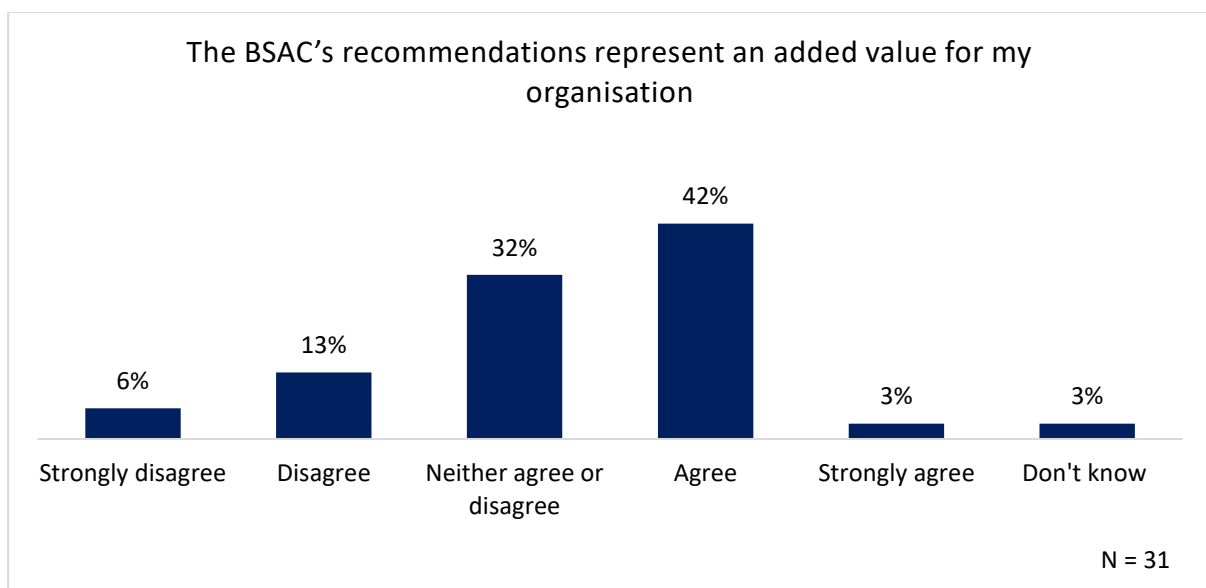


Figure 3: The added value of recommendations (31 respondents).

The office bearers

Both in the survey results and in the interviews, members express full confidence in the administrative preparation and support of the meetings as well as in the formation of recommendations. Many deeply acknowledge the effort made by the secretariat in organising and preparing meetings as well as finalising reports and recommendations. The members also express the view that they read the relevant material, but that the amount of material before meetings should not be increased. 29 % of survey responses express the view that preparing for meetings takes too much time.

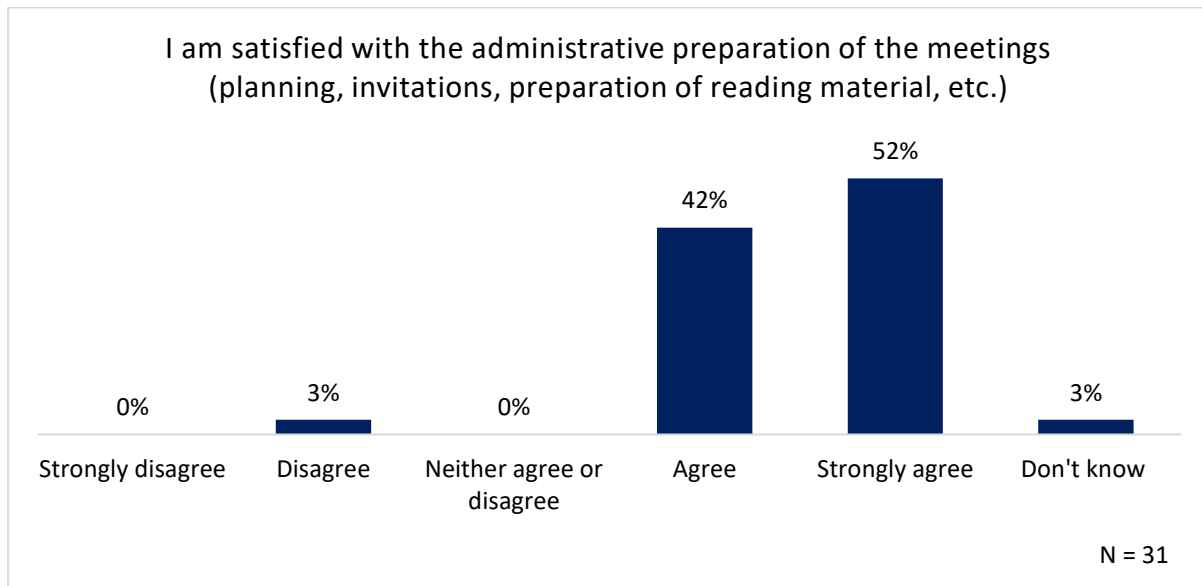


Figure 4: Satisfaction with the administrative preparation (31 respondents).

Running of the meetings

The meetings are described as well chaired by 77 % of survey respondents, while only 3 % disagree. Across members there is a common assessment that the chairing of the meetings has been improving over the period covered in the evaluation (2017-2019). The improvements are due to better leadership at the meetings and an increased awareness among the chair and office bearers of *their* role in facilitating good meetings.

However, many members also raise a concern that the meetings are not very productive, pleasant, or satisfying and that meetings are marked more by opposition than by trust and consensus seeking. In some interviews, meetings are compared to trench warfare and others point to the inappropriate tone and language occurring too often. For some members this is experienced as patronising language, while others consider “rough” speech as part of the game in the fisheries sector. The problem points back to the composition of the BSAC, the tasks and the way these are approached at the meetings – but also to the members’ personalities and temper.

As illustrated in Figure 5, 26 % do not find the tone and language appropriate.

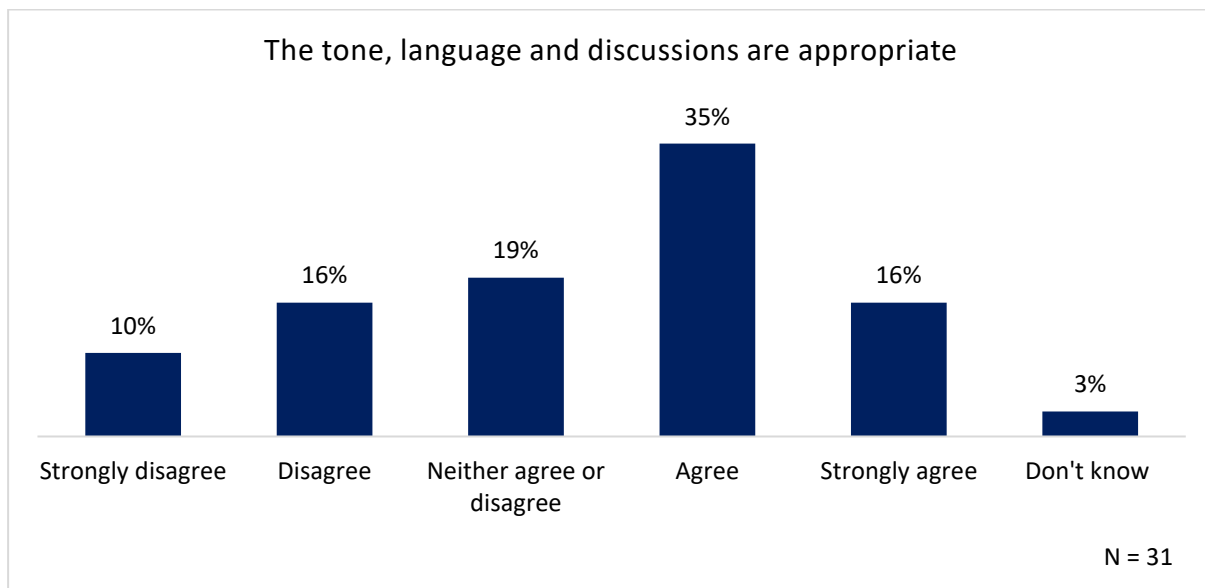


Figure 5: Tone and language at meetings (31 respondents).

Another point is that meetings are considered to be dominated by a few people and by a few countries. Among those who have brought this up in the interviews, there is a concern that the BSAC could end as a German-Danish-Swedish talking club. This points at a common call for more involvement from members from the other countries.

In relation to the organisation of the meetings, 33 % of survey respondents call for “matters raised at meetings” to be discussed in smaller groups. The reason behind this differs between members, but breaking into smaller groups would involve more people, promote mutual understanding, and build relations. Experiments show that if people have been speaking in the first ten minutes of a meeting, there is a greater chance they will take part in discussions at a later stage.

The structure, composition and organisation of the BSAC

A reoccurring theme in the interviews has been the composition of the BSAC. The organisation of the BSAC in ExCom, General Assembly and Working Groups has not been questioned or brought up to any major extent. However, the 60+40 composition of the BSAC has been an unavoidable topic and this also influences the performance of meetings.

There is no doubt among most members that the current composition of the BSAC is the root cause for the reduced satisfaction level and the experienced lack of impact. However, the reasoning behind differs vastly.

On one side is an argument that the BSAC would produce a much better result if the other interest groups were thrown out. This would allow fishers to meet and to find common solutions to the ongoing issues in the Baltic Sea and the proposed changes coming from the Commission. On the other side is an argument that the BSAC is significantly hindered by the majority position of the industry and its short-sighted profit seeking, which does not facilitate an open dialogue

and consensus-seeking. In between are some organisations who feel that important nuances and perspectives are lost in the “trench warfare” and that common ground could be reached if the “blocks” were not as locked. This, according to some, results in recommendations that are of little use and as such a replication of existing opinions, which in turn, it is argued, can reduce the influence of the BSAC on the implementation the Common Fisheries Policy.

The basic composition is hard to change, but many members call for a more consensus-oriented approach. This request is widespread and unified across interest groups. Others fear that a consensus approach would produce recommendations that are watered down and call for a different balance in the voting where one group cannot obtain a majority position without reaching out to other types of members. Without altering the basics of the BSAC composition, this could be obtained by agreeing on reaching a qualified majority, instead of simple majority, on some designated topics. This discussion reveals that the incentives for being more consensus-oriented seem weak.

Trust and cooperation

As mentioned above the BSAC brings a lot of value to the members, but meetings are marked by opposition, struggle for position and to some degree also offensive language. As illustrated in the Figure 6, satisfaction with the level of trust and cooperation between members differs. While 42 % agree with the sentence, “I am satisfied with the level of trust and cooperation between BSAC members.”, 26 % disagree and 10 % strongly disagree. Another 19 % neither agree nor disagree. While 0% strongly agree and 3% don't know.

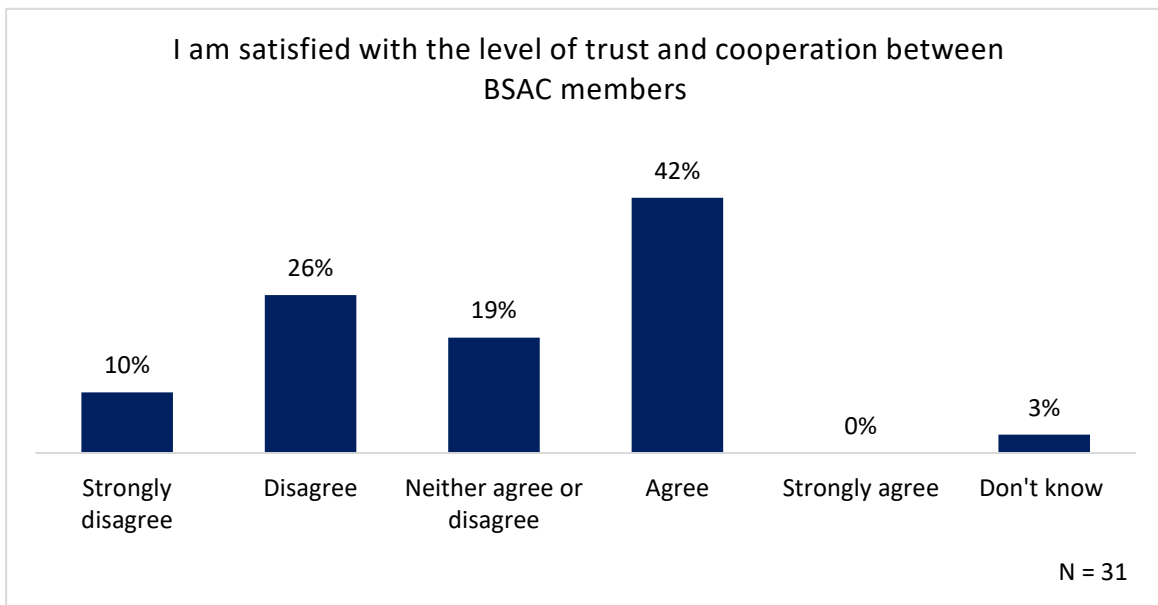


Figure 6: Degree of satisfaction with the level of trust (31 respondents).

Interviews bring to light that especially trust and cooperation across the two interest groups are problematic and not satisfactory. The lack of trust is described in many ways.

A few members describe it as taking part in a tactical game, voting for something, in order to obtain support in other topics. Many report that some members show up to voice their positions, and only “speak to the minutes”. There is a widespread dissatisfaction with the locked nature of the groups and their opinions. The result is unproductive meetings with harsh language or manipulative arguments.

Across most members, we hear that too few members engage in the meetings with a real openness to find common ground, and some have “problems not winning the argument”. The causes can be, we are explained, in the mandate from their organisation or in the personal approach to and objectives with the BSAC. We find that this struggle for positions and the resulting recommendations reduce the impact of the BSAC, which we will elaborate on below.

Interestingly, both groups see themselves as more open to compromises than the other group and both groups (in general) call for more cooperation and consensus seeking: “We don’t have to agree, but you have to be open”.

As a result of the repetitive meetings marked by opposition, a few members have described how they fade out at meetings, when topics are not key to them, or that they prepare some reading material for when meetings are not productive.

The advice, recommendations, and impact

The recommendations and advice from the BSAC are important output for some members as their single channel to the Commission, while others have other organisations and channels to express opinions on TACs, quotas and EU regulations. Members report that the recommendations are formed in an inclusive manner and that their opinion is reflected in the advice.

Although consensus is formally the starting point, the BSAC advice and recommendations are currently characterised by being formed with both a majority position and minority position(s). In other words, the advice is characterised by expressing the viewpoints of the different interest groups in the BSAC and to a large degree therefore replicates the existing positions of the member organisations. This is perceived by many members to result in a lack of impact at EU-level which is demotivating for many of the interviewed members. There is, in other words, a strong interrelation between the current nature of the advice and the motivation and working environment internally in the BSAC.

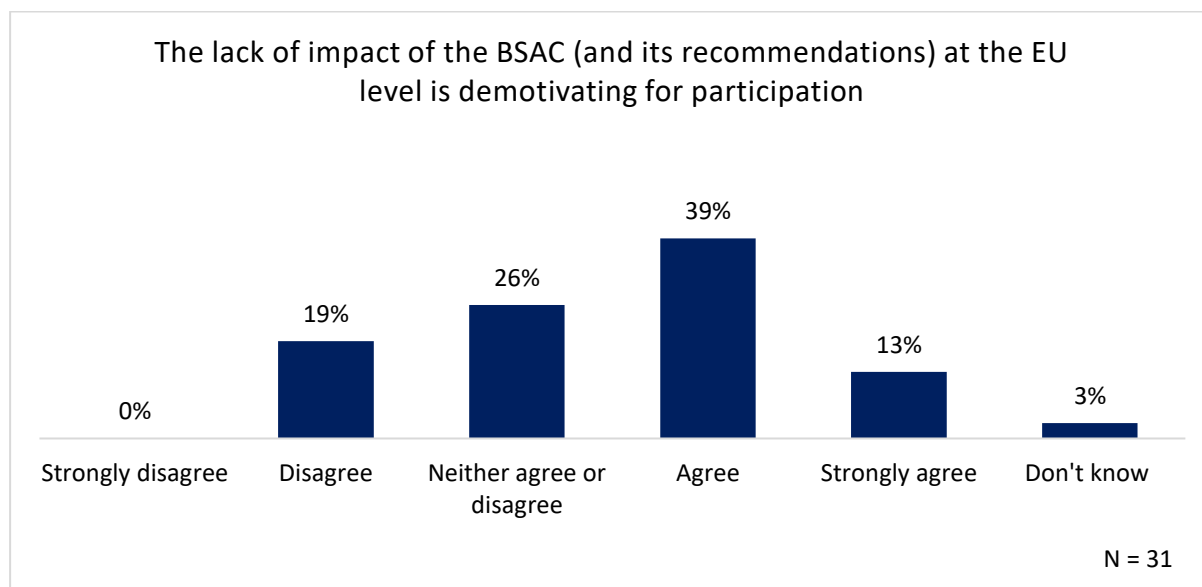


Figure 7: Lack of impact is demotivating (31 respondents).

Through the interviews with the Commission, we have learned that the BSAC’s majority/minority advice is valued as a good mapping of where the different stakeholders stand. However, other external policy observers in the Baltic Sea region argue that it leaves the Commission with the freedom to choose its own line and that some form of consensus advice would elevate the impact of the BSAC. Aligning to some degree with Baltfish and national concerns would further promote the influence of the BSAC. Compared to Baltfish the BSAC has a stronger mandate and organisation. The mandate for Baltfish is given through a Memorandum of Understanding and is focused on cooperation and exchange of ideas, views and information. Where BSAC has a professional and fully funded secretariat, Baltfish is based on a rotating presidency, where the current presidency is given the task to coordinate and organise the annual meetings in the Baltfish Highlevel Group and Baltfish Forum Seminar. Nevertheless, Baltfish has power and take parts in decisions regulating the fisheries. BSAC does not have any power of the kind.

Impact and incentives

The role and impact of BSAC are valued differently from different perspectives. But a remaining question is: does the BSAC – and other ACs - actually have an incentive to work for consensus? The Commission seems satisfied with the current situation where recommendations often include majority and minority positions. This provides the Commission with a relevant and strong insight into the different interests and positions present in the region. On the other hand, some of the Member States see the lack of consensus as a barrier to influence. Without consensus, the Commission can “pick and choose” as it likes, and the influence seen from a regional perspective remains unchanged. From the MS side an interest in joint recommendations is expressed in order to increase the use of delegated acts. But what are the incentives for the BSAC to work with consensus? Can they gain more influence by compromising, or will the

different interest groups lose influence if the compromise means that their viewpoints cannot be expressed loud and clear?

Recommendations

In this section we will present a number of recommendations for the future work and organization of the BSAC. The recommendations are partly based on suggestions and ideas raised in the interviews as well as our own suggestions as evaluators.

To improve the performance of the BSAC we suggest:

Continue to support and facilitate participation by members with less organisational support and language challenges. We find that in addition to the support and interpretation services offered now, further support could be offered to Estonian, Latvian and Lithuanian participants as well as to the group of small-scale fisher representatives. As a first step their needs should be clarified.

Experiment with alternative formats for parts of the meetings to facilitate new relations, get more people involved and to identify common ground. Involving people early at meetings often leads to more involvement at a later stage. Meeting participants should be informed beforehand on the new formats and experiments.

Carefully **think through** your approach to TACs and quota recommendations also considering the actual effect of these in the Fisheries Council. If the expression of minority/majority positions is important for some members, consider other ways to prepare and produce these.

Increase the effort to identify common ground and to topics unifying members.

Strive for being more consensus-oriented.

Address the issues of tone and language by:

- discussing the appropriate tone and language. BSAC members have different levels of tolerance regarding tone and language. In practical terms, a set of hypothetical cases could be discussed, thereby revealing perceptions, values, social norms or impressions of events among the members.
- continued focus on tone and language in the leadership of meetings and by carefully considering how to approach certain topics and repetitive situations.
- promoting relations between members through sometimes breaking into smaller groups at meetings and by focusing on common solutions more than conflictual topics

To promote the impact and influence of the BSAC we suggest:

- The evaluation finds that the majority/minority advice reduces its impact while it creates disturbance on the internal side. **Start** a discussion on the purpose of BSAC in relation to the impact you want to have. The BSAC and the other ACs have been established as part of the principles of regionalisation of the Common Fisheries Policy. However, it can be argued that while the current situation with majority/minority advice on one hand provides an efficient mapping of positions, it acts, on the other hand, as a hindrance to realising the potential laid down in the principles of regionalisation.
- **Align** further with national administrations and their priorities to increase relevance and impact. Include members in a 360° mapping of the national priorities in the Baltic Sea region and in understanding the differences between national fisheries administrations and their priorities.
- **Explore** learnings from other Advisory Councils and initiatives with consensus approach, natural resource conflict management and “collective impact”. We suggest inviting external speakers at an upcoming General Assembly or Executive Committee meeting.
- **Test** consensus with selected topics, see how it goes. Work with Baltfish on topics where joint recommendations realistically can be obtained.
- In the longer run, **create** a vision or an action plan that unifies fishing sector and other interest groups.