

SOUTHERN SEA FISHERIES DISTRICT

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GREEN PAPER – REFORM OF THE COMMON FISHERIES POLICY

INTRODUCTION

“The Common Fisheries Policy is confronted with major challenges. The policy has not delivered sustainable exploitation of fisheries resources and will need to be changed if it is to do so”¹.

1. The Common Fisheries Policy (CFP) was created in 1971 to manage the fisheries sector in the European Union. It covers four main areas:

- a. Conservation of fish stocks and technical measures
- b. Industry infrastructure
- c. Market organisation
- d. Relations with countries outside the EU

2. After thirty eight years of (mis) management most fisheries are fully or over exploited with many stocks outside of safe biological limits and some stocks are even in danger of collapse. This is a damning indictment of this flagship fisheries management conservation policy.

3. The sole objective of the CFP should be to conserve fish and if that is achieved everything else will flow from it. Unfortunately the CFP is a flawed management regime and a failed policy which has destroyed stakeholder confidence in its operation. It uses a discredited system of limiting fishing effort by species-specific national quotas and Total Allowable Catches (TAC). Consequently over-quota and non-quota fish are discarded out on the fishing grounds. In 2002 an estimated 20,000 tonnes² of fish were discarded by the British Fleet, equivalent to the combined North Sea cod and haddock quotas.³ As a result more demersal fish are dumped at sea than are landed for human consumption. TACs and quotas do not stop fishermen from catching fish – only landing them and any reduction of TACs and/or quotas puts pressure on inshore fisheries as fishermen switch effort. The inshore shellfishery is now under pressure from redundant effort from offshore fin-fisheries which has been redeployed exploiting unregulated shellfish stocks.

4. This policy has created a crisis in the British fishing industry. The CFP, no matter how well run, could never be the right tool to provide the individually tailored conservation regimes needed for mixed fisheries. One only has to look at the thousands of miles of coastline involved to realise that a centralised European management system in an enlarged community is simply not a realistic option.

¹ Green Paper on the Future of the Common Fisheries Policy 2001.

² Source DEFRA

³ Source DEFRA

5. The fundamental problems with this policy are that:
 - a. it has failed to deal with over capacity
 - b. it has insufficient measures to minimise effects on the marine environment
 - c. it sanctions the inappropriate use of subsidies, and
 - d. it allows unfair and unsustainable fisheries access agreements

6. There needs to be a reassessment of priorities which need to be:
 - a. to reduce over capacity in the EU fleet
 - b. to reform and reduce subsidies
 - c. greater protection of the marine environment, and
 - d. Fair access for local stakeholders

Regional Management

7. The UK Government has transferred exclusive competence to the EU with regard to the conservation and management of living marine biological resources. This competence applies in regard to waters under national fisheries jurisdiction and to the high seas.

8. The CFP is therefore a politically driven policy that binds the European fishing industry to compliance with fundamental rules and principles based on open and non-discriminate access to European waters.⁴ There are now too many EU vessels pursuing too few fish as a result of the inflexible demands of EU integration. This situation is conveniently blamed on the fishermen for over fishing rather than on the system under which they operate.

9. The UK fishermen work in what is probably the most over-legislated industry and additional complicated measures could overburden it. However, the recent enactment of the Marine and Coastal Access Act 2009 should provide the basis of an effective UK management structure for all fisheries inside the 12 nautical mile limit.

10. The small boat inshore fleet and the inter-tidal molluscan shellfisheries are capable of a greater level of sensitive management than now practised. A case can be made for exempting these fisheries from the CFP and devolving to Sea Fishery Committees (SFCs) which will become Inshore Fisheries and Conservation Authorities (IFCAs) in 2011, the power to manage them proactively. Similarly a case exists for inshore fisheries to be extended from 6 to 12 nautical miles from baselines.

11. There is also a need to strengthen some technical measures such as minimum landing sizes (MLS) and mesh sizes. Such a move may not be popular with the industry (or some Member States) initially but once the benefits are realised gradual acceptance should be forthcoming.

⁴ Article 17 of Council Regulation (EC) No 2371/2002

12. The UK is responsible by derogation from the CFP for the management of the 0-12m zone until at least 2012. Politicians have clearly stated that it will continue thereafter. All vessels fishing within 12 miles must be answerable to a UK management regime without the void that currently exists between 6 and 12 miles. The derogation of the 0-12 mile zone from the Common Fisheries Policy offers an opportunity for a nationalised management of this zone and the new UK Marine Management Organisation (MMO) will have expertise in fisheries management and resource conservation to undertake this task.

13. The creation of RACs is one of the main pillars of reform of the CFP in Council Regulation 2371/2002. The establishment of RACs was intended to increase the participation of those affected by the CFP to get better and more regionally focused fisheries management. Coastal fishermen and fishery managers have always felt extremely remote from Brussels and they do not consider that they have any practical influence on the decision making process. There is also the perception that the fisheries interests on such committees are dominated by the big players in the offshore, mobile gear sector to the detriment of the inshore industry. There is also the fear that fisheries interests will be too diluted through the appointment of other stakeholders.

14. Coastal State control of inshore fisheries (inside 12 miles) would underpin Regionalisation as an individual Member State would be responsible for their national fisheries. This could turn each Member State into a region as the word is not clearly defined. Currently the word "regionalise" is being applied in various reports to different conceptual areas. There are the offshore fishery regions suggested by the Cabinet Office report; there are the EU Regional Advisory Council areas; there are the "regions" of England (one region) and Wales (one region); there are the current MFA District Inspector regions (districts) and there are the newly proposed 10 SFC/IFCA regions. There are no doubt other possible regions as well, including 3 regions based on the North Sea, Channel and Western approaches and west coast - effectively the current RN Fisheries Protection Squadron deployment areas or 2 regions based on ICES IV and VIIe and the rest of ICES VII. And to all these must be added the 'regional seas' proposed by the Review of Marine Nature Conservation.

15. The UK Strategy Unit "Net Benefits" report clearly advocated focussing on support for developing the inshore/shellfish industry to take advantage of its large growth opportunities, reforming inshore fisheries management, better defining fishing access with the 12 mile limit and maintaining the separation from the offshore sector. Within the under 10m sector, it recommended that access and use rights should be defined and the increase of support for industry development.

The Knowledge-base for the Policy

"The chronic failures of fisheries management in European waters of the northeast Atlantic and North Sea are particularly noteworthy since this area has probably the longest standing greatest single concentration of fisheries research and management institutions in the World".⁵

⁵ It Can't Go On For Ever, Greenpeace International

16. Some SFCs have complained for many years about the apparent lack of co-ordination of scientific research and/or projects and the random nature of data sets. Too often the scientists have been ignored when setting TACs and quota. The success of a politician in fisheries matters seems to be measured by how large a share of the fisheries cake they can win for their electorate. This political expedient can force decisions that are contrary to the advice of fisheries scientists.

“If you are a fisheries Minister you sit around the table arguing about fishermen – not about fish. You’re there to represent your fishermen. You’re there to ensure that if there are ten fish you get your share and if possible a bit more. The arguments aren’t about conservation, unless of course you are arguing about another county. Such an approach is simply not sustainable”.⁶

17. This statement just proves the point that the CFP has little to do with conservation. It is all about getting as much as you can out of the system.

The Need for Major Changes 6 and 12 Mile Fishery Limits

18. For almost forty years national rights within the coastal zone have been legitimised through a series of 10 year derogations. As far back as 1973 the socio-economic importance of the inshore fishing industry was acknowledged, as was the need to give it added protection, and this view was reinforced in 1980, 1983, 1992 and again in 2002 and yet there still remains the issue of a temporary measure to protect the inshore zone. Trying to manage fisheries and operate a fishing industry under such a system is like trying to run a business under a short term lease - long term planning is impossible, and there is little incentive for investment.

19. Surely, forty years is long enough to have proved that such a system is necessary and the time has now come to establish national control within the 12 mile limit on a permanent basis? If this derogation is not made permanent then at least it should have a 60 year life to facilitate long term strategic planning.

20. The UK Government needs to commit itself to the protection of the 6 and twelve mile limits to ensure the future of the inshore fisheries. This is, of course, contrary to Article 17 of 2371/2002 and does not sit comfortably with historic rights. The principles of equal access to shared fish resources are irrelevant to the largely sedentary inshore shellfisheries which require localised management.

Equal Access

21. Since the principle of Equal Access to a common resource was first laid down in 101/76 reality and pragmatism have ensured that it has been consistently ignored. Instead we have had Relative Stability, TACs and Quotas, Hague Preferences, nationally controlled coastal waters, MAGP targets and restricted access to certain fisheries. In the real world of fisheries conservation equal access was always a non starter and was only ever likely to be attractive to those who have too much fishing capacity for their own grounds and so want to raid someone else's.

⁶ John Sewlyn Gummer, former Minister of Agriculture.

22. Unfortunately the threat of equal access influences all too many CFP decisions and it will continue to do so until it is formally abandoned. The root cause of the problem is the assumption that fish are "a common resource" to which no Member State has any greater claim than another. This is, of course, nonsense as far as both fishermen and national governments are concerned - and this has been acknowledged by the EU over the past thirty-odd years through the use of TAC and Quota distribution based on ICES areas. It is therefore time to move from unrealistic theory to practical reality and to get rid of this concept altogether.

Resource Allocation

23. Once the principle of "equal access to a common resource" is abandoned then the whole question of stock allocation between the various Member States needs to be reviewed. The present disposition of TACs and Quotas has developed on a piecemeal basis as has the MAGP system of effort management and they include a wide range of anomalies which were emphatically highlighted by the Spanish accession. What is needed is a clear linkage between the fishing opportunities provided by each nation and the size of their fishing fleets. In its simplest form this could be done by linking EEZ sea area to tonnage but other factors such as estimated stocks, horsepower, etc., could also come into the equation. Whatever system is used it must be able to demonstrate a clear connection between what Member States are putting into the communal fishing pot and what they are taking out.

24. At the same time the opportunity should be taken to revue the whole system of effort management. TACs and Quotas are totally discredited as a means of conservation and they should be consigned to the dustbin as quickly as possible. Other methods of effort control which do not involve huge wastage through discards are available with days at sea for mobile gear vessels heading the list. Such ideas may be unpopular now but fishermen could be convinced of the need for change if it could be shown that a fairer and more effective management system would be the end result.

25. It must also be emphasised that the key to successful conservation is to provide a system which gives fishermen a sense of ownership of the fish stocks (this is of course the exact opposite of the Common Resource theory). If they believe that they themselves will benefit from conservation measures then in general they will stick to the rules. If, however, they are convinced that any stocks they try and save for the future will just be taken by somebody else then they will do everything in their power to dodge round the regulations. Such a feeling of "ownership" will only come when access to specific fisheries is restricted and when effective protection is applied.

Inshore Sector

26. The inshore sector still work relatively small vessels that neither have the power nor the endurance to work in all weathers or to move to distant grounds. The vessels are worked in a different way to the offshore fleet. The CFP is one size fits all and it fails to recognise that the two fleets should not be treated on an identical basis. The inshore fleet is extremely vulnerable as it is limited to a declining number of fishing opportunities and target species through licence capping. The CFP needs to put in place safeguards to ensure the inshore sector is not marginalised by stronger offshore fisheries interests.

Conclusion

27. National control to 12 miles is a derogation until 2012 from the EU's exclusive competence for all living marine resources in all Member State waters. Thereafter, unless the derogation is renewed, all Member States will have equal access to the total common resource and inshore management will be controlled from Brussels.

28. Foreign access by historic rights to the UK 6 to 12 mile zone is vested in some EU States, but not others; this contradicts the CFP principle of equal access to a common resource. This Committee strongly contends that the best way to stop such discrimination is by restricting access to Member States 0-12 mile zone to national vessels. The UK has, for historic reasons, fewer access rights on the continental coast than continental vessels have on the UK coast. This would result in the EU controlling (and enforcing) all EU waters outside territorial waters (0-12m) and the national state controlling inshore waters which would be restricted to national vessels.

29. The 6 –12 mile zone derogation should be made permanent and negotiations should commence now before the current Council Regulation (EC) No 2371/2002 expires in 2012.

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