

Reform of the Common Fisheries Policy (CFP)

The Green paper on reform of the CFP identified a number of structural failings, including overcapacity, imprecise policy objectives, short-term decision making, insufficient responsibility within the Industry and a lack of political will to ensure compliance.

In response to the Green Paper of 2009 my views are as follows:

1. Overcapacity: To no small degree this is a product of ‘technology creep’ whereby the fleet’s ability to catch fish has grown over the years. Restricting days at sea was one option but it faced a number of hurdles such as vessels getting to and from their fishing grounds. In addition, the weather can deter vessels from setting out to sea during the winter months and in so doing it calls into question the financial sustainability of the industry. I believe that decommissioning remains a sound option where there is overcapacity but with the caveat that the conservation of fisheries should be decentralised where possible (see below).
2. Imprecise policy objectives: Although the principle of Relative Stability was laudable in 1983 it is inherently conflictual inasmuch as, it has not been possible to maintain relative stability of stocks and so too the fishing sector, due to technological advances (as set out above). Central to this is the appreciation that the system of quotas simply does not work. That was self-evident to senior figures in the UK sector as long ago as 1978. Whilst the quota system should be abolished, care should be taken to ensure historic fishing rights should be maintained within the 6 to 12 mile limit and in relation to the ‘Shetland Box’. That can best be attained through ‘zonalisation’ and the decentralisation of fisheries management and conservation (see below)
3. Decision-making that encourages a short-term focus: Since 1983 the CFP has very much been the victim of short-termism. The blame for this lies partially with the ability of the Industry to lobby the governments of the member states both individually (i.e. their own government) and collectively (i.e. a number of governments via an ad hoc transnational lobby). I think the Industry was too influential with the result that when fisheries ministers took decisions on the TAC each December they failed to take sufficient account of scientific advice (the origins of which can be traced to ICES). Whilst this was partially offset by the inception of the Precautionary Principle, doubts remained over the basis of the Fisheries Council’s deliberations. On the one hand there was clearly a political dimension to their decisions (due to the influence of the sector). Equally, there was potentially an economic and social dimension (e.g. the sustainability of peripheral communities that were dependent on marine fishing). However, from the late 1980s, attention began to focus on the ecological consequences of the CFP and its adverse impact on the marine eco-structure. In my view there is no alternative to a European-level fisheries policy. In part this is because fish are a Common Resource, despite the need to respect historic fishing rights, especially in areas such as the Shetland Box where the marine eco-system is potentially very vulnerable. In addition the promotion of sustainable fisheries sector can best be maintained through the employment of supranational authority, as exercised by the European Union. Prior to the inception of the CFP, it was apparent that voluntary arrangements based on ‘the Common Good’ simply did not work and some fisheries had to be closed due to over-fishing. If the CFP was abolished

completely, the problems confronting the industry could get worse not better. Given that fish are a Common Resource (e.g. they spawn in one location, mature in another and may migrate elsewhere), there would need to be a series of bilateral agreements between states (or regions) with fishing industries on conservation and management. In the absence of supranational authority doubts remain over how such arrangements would be monitored and enforced. In my view the CFP should be retained but modified so that there is greater decentralisation of decision-making (see below).

4. Insufficient responsibility given to the industry: The Industry in Scotland and the rest of the UK has rightly argued for greater decentralisation (i.e. zonalisation of conservation and management). The introduction of Regional Advisory Councils was regarded as a worthwhile step in that direction, so too was the introduction of the decentralisation of conservation and management to stakeholders in the Scottish Industry (in part based on voluntary cessation of fishing effort if stocks appeared vulnerable). Whilst the CFP should be retained inasmuch as conservation and management requires the exercise of supranational authority, greater decision-making should be devolved from the Council to Regional Advisory Councils (RAC). However, membership of the Councils should be restricted to those fishermen in the relevant sectors who have historic rights or an involvement concerning fishing effort within the territorial borders of each Council's responsibility. One of the difficulties that the fisheries Council has faced is that member states with no interest in the fisheries sector can still vote in the Council. That does not make sense. Hence, membership of the RAC's should be restricted to those in the Industry who have historic rights to fish within the territorial borders of the council.
5. Lack of political will: A persistent problem has been a lack of trust between those in the Industry and marine scientists. The fishermen complained until quite recently that scientists had under-estimated levels of stocks year-on-year but there has been a growing recognition recently, that there had to be cut-backs in effort if the sector was to become more sustainable. Decentralisation of decision-making to RAC's ensures that the Industry has more control over its future destiny but such decision making must also reflect the recommendations of marine scientists as to the state of fish stocks. For that to work there needs to be greater collaboration between scientists and the Industry within the RACs.

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Submitted to: mare-cfp-consultation@ec.europa.eu
03/09/09