About the author, John Ashworth

Since 1963 John Ashworth has been involved with the commercial fishing industry as a manufacturer and designer of fishing gear for trawlers.

During the 1980s and 1990s, he worked extensively on trawlers in many parts of the world, either to gain experience or to demonstrate new fishing gear. During the last of the Icelandic cod wars he was in Iceland and he also worked on board Spanish vessels prior to their accession to the EU, so he has witnessed both sides of some of the most critical fisheries debates in recent years.

During the early 1990s, he wrote a fortnightly column in the fishing press, mainly on conservation issues, which led to him becoming the leader of the *Save Britain's Fish* campaign (later renamed *Restore Britain's Fish*), a position he held until 2007. *Restore Britain's Fish* campaigned *'for the return of national control over the British peoples' marine resource, which Parliament gave away when we joined the EEC in 1973.'*

Before the Brexit referendum, John came back into the fray, publishing *The Betrayal of Britain's Fishing.* Now he has written *Seizing the moment – The opportunities for UK fisheries after Brexit*, as we look to the more optimistic future of the British fishing industry.

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Seizing the moment

The opportunities for UK fisheries after *Brexit*

One of the most memorable events in the 2016 EU Referendum campaign was the so-called "Battle of the Thames" on Wednesday, June 15th, which saw the former rock star Bob Geldof make a complete fool of himself in the face of a dignified and well-organised protest against the Common Fisheries Policy (CFP), by a flotilla of fishing vessels from several different ports in England and Scotland.

There was a good reason why so many fishermen were prepared to travel a considerable distance to take part in this event. Unlike the Common Agricultural Policy, from which many farmers benefit financially through the Single Farm Payment, the CFP has been a disaster from start to finish for the UK fishing industry. Our booklet, *The Betrayal of Britain's Fishing to the European Union*[1] told the sad story of the betrayal of our country's fishermen by successive government Ministers, handing control of an area three times the area of our landmass – and once one of the finest fishing grounds in the world – to an organisation committed to political union at any cost. The Common Fisheries policy was designed as a tool of integration. Its ultimate aim was to create a single European fleet that would be managed by Brussels. In the pursuit of this aim, the damage both to the marine environment around our coasts and to the livelihood of thousands of British fishermen was seen as a price worth paying.

The statistics speak for themselves. In the decade from 1995 to 2005, the number of British vessels fell from 8,073 to 6,716 while the number of fishermen fell from 19,044 to 12,647 – a decline of over one third. The provisional figures for 2015 are 6,187 vessels and 12,107

1. Available from CIB.

fishermen. The effects of this decline can be seen in places like Peterhead; once a premier fishing port but now a run-down town with boarded up shops and only around one tenth of the white-fish vessels of former times. It is a similar scene in many once-prosperous UK coastal towns.

By voting to leave the European Union on 23rd June 2016, the UK electorate has given our government an opportunity to reverse this decline. At time of writing, much of the debate about the different models for Brexit has been focussed on how much access to the EU's Single Market the UK will seek (or be allowed). However, the CFP is not included in the Single Market. Non-EU Iceland and Norway have virtually full access to the Single Market via the European Economic Area agreement, yet they have full control over their fisheries. Upon independence, we can do likewise – indeed, the structure of EU legislation has dealt us a very strong hand here. There are concerns, nevertheless, that unless our government is lobbied, these opportunities could be squandered through a desire to protect the interests of the other coastal EU member states as opposed to reclaiming our own nation's resource.

This booklet has been produced to ensure this does not happen. Our fishermen – indeed our nation – deserve better. To be fobbed off with what would essentially be a shadow CFP would be one betrayal too many. The following pages propose a way forward for UK fisheries, based on best practise elsewhere. It is to be hoped that by the time we emerge from the two-year negotiating period stipulated by Article 50 of the Lisbon treaty, our government will not only be fully conversant with the tremendous potential which independence offers our fishing industry, coastal communities and marine environment, but will be keen to adopt a fisheries policy which will maximise these benefits. Unfortunately, at the moment, we are far from confident that this will happen.

We will have the upper hand with negotiations

Since the vote on June 23rd, there has been much talk about Article 50 of the Lisbon Treaty. Many people are now aware that it is the prescribed mechanism for a member state to leave the European Union.

The text of Article 50 reads as follows:-

1. Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.

2. A Member State which decides to withdraw shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. That agreement shall be negotiated in accordance with Article 218(3) of the Treaty on the Functioning of the European Union. It shall be concluded on behalf of the Union by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament.

3. The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.

4. For the purposes of paragraphs 2 and 3, the member of the European Council or of the Council representing the withdrawing Member State shall not participate in the discussions of the European Council or Council or in decisions concerning it.

A qualified majority shall be defined in accordance with Article 238(3)(b) of the Treaty on the Functioning of the European Union.

5. If a State which has withdrawn from the Union asks to rejoin, its request shall be subject to the procedure referred to in Article 49.

We will be the first country ever to invoke Article 50. Indeed, Giuliano Amato, the Italian Prime Minister who claims to have been the author of this particular part of the treaty, recently stated that he never intended it to be used. Mrs May has nonetheless stated that she intends to invoke it by March 31st 2017 at the latest. This means that we will be out of the European Union on April Fool's day, 1st April 2019, unless there is a mutually-agreed extension to the negotiation process.

As far as fisheries is concerned, Paragraph 3 is particularly important. The Common Fisheries Policy has been implemented by a series of Regulations. EU legislation comes in several different forms – Regulations, Directives and Decisions. Directives have to go through the Parliaments of the member states, who develop the precise wording to suit national conditions before becoming part of domestic legislation. Regulations and Decisions, on the other hand, are very specific and do not require re-wording or Parliamentary approval. Regulations automatically become law in the member states once they are made and published in the Official Journal of the European Union. In other words, they derive their authority solely from the EU treaties, to which all the member states have signed up.

The link between the Regulations and the treaties is quite explicit. For example, Regulation (EU) 1380/2013, which amends earlier CFP legislation, begins:

> **THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof …**

According to Paragraph 3 of Article 50, once our two-year period is up, we will be out of the European Union and EU treaties will cease to apply whether or not an agreement has been reached. With the Regulations being dependent on the Treaties for their authority, it means that they too will cease to apply (unlike Directives, which have become part of our domestic legislation, although we will have the freedom to amend or repeal them).

This means that the Common Fisheries Policy will be null and void. What does this mean? We can try to work this out by considering two previous occasions when a termination date for an agreement was – or nearly was – reached without any replacement. The second example shows very clearly that the European Commission had learnt from the first, even though the two incidents were 30 years apart.

The background to the first incident goes back to our Accession Treaty to join the then EEC in 1972. Within that Treaty was a 10-year transitional derogation, which terminated on 31st December 1982, exempting the UK from the equal access principle which handed the competency of all UK waters to Brussels. In other words, while the derogation was in force, the 6 nautical mile and partial 6 to 12 mile limits were reserved for exclusive use by British fishermen.

A further transitional derogation, Regulation 170/83, was agreed and should have come into effect on 1st January 1983 to replace its predecessor. However, it did not become operational until 27th January 1983, leaving a 26-day gap.

Kent Kirk, a Danish fishing captain who was also an MEP, decided to test the legal position during those 26 days. He took his Danish-registered fishing vessel inside the British 12-mile zone and started to use his fishing gear. He was promptly arrested, escorted into North Shields, tried, found guilty and fined. The case went to the European Court and a year and a half later, the guilty verdict was overturned. Why was this?

The answer was simple. We British had completely failed fully to read and understand the Treaties and Regulations we had signed up to. In our Accession Treaty, we had handed all our waters up to the base line – in other words, to the shore line – to the EU. When the first 10-year derogation giving us back exclusive use out to the 12-mile limit expired, we reverted back to the original arrangement under our Terms of Accession for 26 days until the new derogation came into force. Kent Kirk proved that without a derogation – in other words during the first 26 days of 1983 – any EU vessel could have fished up to the British coastline. Incidentally, the fact that they did not dispels the myth that European fishermen will not respect nations' individual fishing zones.

In 2012, thirty years later, the Commission realised that, thanks to the increasing complexity of fisheries management, they were facing a similar situation. The next 10-year transitional derogation would not be ready in time to take over from Regulation 2371/2002 which was schedule to expire on 31st December 2012. In order to avoid a repeat of the Kent Kirk saga, the existing Regulation was extended by a year to give time to

finalise Regulation 1380/2013 which replaced it seamlessly on 1st January 2014.

There is an obvious lesson from these two cases. If a time-limited piece of legislation expires without anything put in its place, control reverts to prior legislation.

When we leave the EU, as "The Treaties shall cease to apply", all EU fisheries regulations will be of no effect. This includes not only the current 10-year derogation (Regulation 1380/2013) which restricts the rights of EU vessels to fish within 12 nautical miles of our coast but also the agreements allowing EU vessels to fish in UK waters. Under international law – the United Nations Convention on the Law of the Sea (UNCLOS-111), our government will be legally responsible for the management of the UK 200 nautical mile/median zone, and we automatically revert back to the Fishery Limits (1976) Act and the subsequent amendments.

In other words, the legal basis for handing competency over the living marine resources within all UK fishing waters to the EU collapses and competency returns to our government. Furthermore, those fisheries regulations which create and distribute EU quota and determine the percentage share out (Relative Stability) and who fishes what and where in the British zone also cease to apply.

To repeat this important point, **everything goes**. This even includes the rights of EU vessels to fish in British waters, known as historic rights, which date from 1964, to which we will return later. The relative stability quota share out of 1983 also goes. As has been noted, the EU quota system was designed as a tool of integration, rather than sensible fisheries management, so its demise will be a very positive development as it has been and always will be a cancer at the very core of EU fisheries management.

What is more, if by the end of Article 50's two-year negotiation period, the UK has not signed off a fishing policy to replace EU legislation, we will find ourselves in a legal position whereby no British vessel can fish in EU waters and no EU vessels can fish in British waters, while all existing quota allocations cease to apply. This is clearly not a

satisfactory situation for either party, so once the clock starts ticking, it is imperative to have an agreement, but one which is satisfactory to the requirements of the UK, rather than dominated and dictated to by the EU in place by the time we leave. However, given the obvious benefit of regaining control of these resources and the consequences of the Treaties ceasing to apply, it is obvious that we will be favourably placed in any new negotiations with the EU over any access to our waters.

The mechanics of the EU have thus inadvertently dealt us a very strong hand. Unfortunately, parts of both the UK government and fishing industry are far from united in their enthusiasm for the end of the EU quota system and the return of fisheries to UK control.

The two obstacles – vested interest and inertia

Given the favourable position in which the UK will find itself, it is nothing less than tragic that some people are putting pressure on the Government to roll over and give the British people's resource away again. There are far too many people talking about just negotiating a share of our own resource – in other words, allowing a sort of shadow CFP to continue with the rest of the resource being shared out among the present EU members. To start discussions on that basis is capitulation – and neither is it Brexit.

Why is anyone supporting anything even remotely resembling the CFP? Simply because some within the Industry want to keep the *status quo* after Brexit in order to protect their interests. They have invested millions of pounds in purchasing quota.

The UK government made a huge mistake in allowing quota to acquire a monetary value. Quota can thus be bought and sold. For instance, a fisherman can buy quota, retire but still earn an income by leasing out his share of quota to another fisherman. Alternatively, he could sell it to someone outside the fishing industry to whom fishermen than have to pay a sum of money to use the quota. If the CFP were to be scrapped, they would have no legal position and the quota would be worthless. One bank and one Council in particular has been involved and,

along with other beneficiaries, are creating a great deal of pressure for the UK to allow EU vessels the same or slightly less access to British waters as at present.

It is not, however, in the UK's overall interest to continue with the Common Fisheries Policy (or something very similar which includes a quota system), as we shall prove. However, the understandable concerns of those who have invested in buying quota need resolving in a fair way, such as transferring these persons' interests into some new arrangement so that they won't feel any need to push for a veto on UK fishing policy.

Unfortunately, the industry has always been divided over the CFP. In 1995, when the *Save Britain's Fish* campaign was making such great progress in highlighting its problems, the Scottish Fishermen's Federation (SFF) would not join the campaign and still do not support it. Instead, they called for unity within the industry, saying we should all campaign to reform the CFP rather than scrapping it. Events have proved that this was the wrong approach. The damaging features of the CFP remain to this day and Scottish coastal communities have suffered a severe decline in consequence. The SFF President stated that "the result of the EU referendum on 23rd June 2016 took everyone by surprise, including the fishing Industry." This was a surprising statement and very wide of the mark. Many within the industry had been campaigning hard for a Brexit vote and fully expected to win.

Unfortunately, there are vested interests, represented by the Scottish Fishermen's Federation and the National Federation of Fishermen's Organisations, which support the present quota system., It may be financially adequate for a few, but it is a disaster for the industry as a whole. The only area of agreement across the whole industry is that marketing must not influence access, as the UK waters have a high quality product, much in demand, which can be managed within moderate tariff rates.

A more serious concern is that the fisheries regulations will find themselves incorporated into UK law by default. The Prime Minister's reasoning is, in general, very sensible. She has announced that Article 50 will be invoked no later than 31st March 2017, which means that we will

cease to be a member of the EU on 1st April 2019 unless both the EU and the UK agree to an extension of the negotiating period. If such an extension is agreed, it is unlikely to prolong the negotiations by any more than 12 months so that withdrawal should be complete before the next UK Parliamentary elections in May 2020.

Whether or not the talks are extended by another year, there will be much to finalise in a relatively short period – particularly issues relating to trade. The sheer complexity of negotiating a bespoke trade deal points strongly towards an interim agreement, such as re-joining the European Free Trade Association (EFTA) and negotiating a looser deal at a later date. As the Single Market is a trading area consisting of both EU and EFTA members, we would face very little disruption to our trade while at the same time exiting from the EU's political project and control by the European Court of Justice. We would also be in a position to manage migration from the EU, as tiny Liechtenstein, an EFTA member, has been doing for over 20 years.

On the 17th. January 2017, our Prime Minister laid out her plans for Brexit. She stated:

> *"So where we can offer that certainty, we will do so.*
>
> *That is why last year we acted quickly to give clarity about farm payments and university funding. And it is why, as we repeal the European Communities Act, we will convert the 'acquis' – the body of existing EU law – into British law.*
>
> *This will give the country maximum certainty as we leave the EU. The same rules and laws will apply on the day after Brexit as they did before. And it will be for the British Parliament to decide on any changes to that law after full scrutiny and proper Parliamentary debate".*

The problem lies in the detail and exact wording of the Regulation. So much re-writing would be required that it would actually be easier to start with a clean sheet and create a new UK fisheries policy – one that would be fit for purpose.

For instance, as we will no longer be an EU Member State after Brexit, UK waters will no longer be "Union" waters, so every use of this

term would have to be changed, not only when referring to UK as a whole but also, where applicable, to the devolved administrations. Likewise, all reference to the Commission, Advisory Councils, Council of Ministers, European Parliament, would all have to be re-written and redefined.

Furthermore, if we incorporated Regulation 1380/2013 into UK legislation, we would end up operating the EU's CFP in our waters without any say or input, especially in the formation of the new management regulation that would replace 1380/2013 in 2023, which in itself would be a continuing disaster. We would end up a lot worse off than we are at present.

If we did completely re-write the regulation, it is likely that the EU would have to re-write its regulation too as the whole basis of EU legislation - as it states at the end of any Regulation – is that they are binding in their entirety and applicable to all member states. But as we will not be a member state, how could it be legally binding on us?

The Prime Minister made clear that two things would not happen. Brexit was "*not partial membership of the European Union, associate membership of the European Union, or anything that leaves us half-in, half-out" and she added "But there is one further objective we are setting. For as I have said before – it is in no one's interests for there to be a cliff-edge for business or a threat to stability, as we change from our existing relationship to a new partnership with the EU*".

All well and good, but if any attempt is made to incorporate Regulation 1380/2013 into UK law, her promise will be null and void. It would be a continuation of an problem which has always bedevilled our relationship with the EU – we the UK don't do detail, whereas Europe is incredibly precise and every word counts.

Therefore, instead of re-writing this critical regulation, which might make it compatible with the EU's revised regulation but still disadvantageous to our fishermen, we should act in our Nation's interest and create a new UK fisheries policy fit for purpose.

Furthermore, it would send out a signal that we endorse the principle of the CFP, which we do not. As far back as 1999, when any thought of leaving the EU seemed like a pipe-dream, the Conservative

Party under William Hague considered returning fisheries to national control as its failure was already so obvious to all. His successors Iain Duncan-Smith and Michael Howard both endorsed this policy, although not David Cameron.

Michael Howard was particularly forthright when he addressed the Scottish Conservative Conference in Dundee on 14th May 2004:

"When I visited the fishing community of Pittenweem in December, I pledged to restore national and local control over our fisheries. The Common Fisheries Policy is emptying our seas of fish and has utterly failed our fishermen. It needs to end … and if necessary we will legislate in Parliament to make it happen. For if we wait much longer, there will not be a fishing industry left to sustain. My message to Scotland's fishermen is simple: 'I can deliver and I will not let you down'".[2]

It is particularly ironic that three consecutive Conservative party leaders would have been prepared to amend domestic legislation to take us out of the CFP while still in the EU yet we now face the possibility of keeping the CFP in all but name while leaving the EU. With independence on the horizon, it would be crazy to continue to support something as flawed as the CFP at a time when returning to national control is so much easier than it was a decade or so ago.

On independence, we must avoid creating a shadow CFP

In order to understand why many ordinary fishermen are so determined that an independent UK adopts a very different approach to fisheries management, we need to look at the features of the CFP that make it so unsatisfactory.

At the heart of the problem is the quota system, which we have already mentioned above. Regulation 170/83 started the EU quota system, which allows fishermen to catch a given tonnage per species each year, with a percentage of the total allowable catch allocated to each member

2. See Appendix 2, page37.

state. This concept is known as "relative stability". This Regulation has now been superseded by Regulation 1380/2013 which contains these same unsatisfactory features.

Like the CFP as a whole, the quota system was nothing more than a political tool designed to speed up the integration process. Given that it is widely acknowledged to have been an environmental and economic disaster, it makes no sense whatsoever to end up with a system whereby EU vessels have the same or slightly less access to British waters as at present. Besides the environmental issues, such an outcome would not be Brexit.

Yet this would be the consequence of including Regulation 1380/2013 in the repatriation of the *acquis*. In effect, we would be agreeing to share control of our waters with the EU on the same basis as before, using the same flawed quota system. The problem with the quota system is that it is unworkable. When it was introduced, those fishermen with strong religious convictions – and thus not prepared to cheat – lost their businesses. Dishonesty was the only way to survive. To put it another way, the CFP turned virtually all EU fishermen into criminals.

The cheating began with falsifying records of how much of which species were caught and where. It becomes a vicious circle. Misreporting the species of fish which were being caught and the area in which a given boat was fishing resulted in wrong scientific data and an inaccurate basis on which to determine future quota.

Then there are the unauthorised, so called "black fish" landings. If fishermen have exceeded their quota, they either have to land fish surreptitiously or throw them back in the sea. The authorities have long recognised this problem, but their attempts to close the loopholes by tightening regulation has only made matters worse. The latest point of contention has been the introduction of an unworkable discard ban which has nonetheless failed to prevent the illicit destruction of thousands of tons of marketable fish. No one knows exactly how much is still being discarded.

It is possible to design gear to separate species, although not to the level necessary fully to prevent discarding. At least this gear does ensure

that what is deliberately allowed to escape survives. However, the discard regulations are so complex that not even the fisheries officers are fully conversant with how the rules apply in different areas.

When you are given a quota by weight per species, you end up destroying other species in the process of trying to catch those final few fish, while at the same time prolonging fishing time. For the unique mixed fishing environment found in UK waters, home to approximately 30 different species of fish, you could not have devised a more destructive method of managing fisheries than the discard regulations included in the CFP.

I was the first person to highlight discarding, back in 1988, when I used to write a fortnightly column in the fishing press. Now, 28 years on, other people have jumped on the bandwagon and consequentially, we are now phasing in a discard ban – the landing obligation – which looks good on paper, but out at sea, as mentioned above, it is a different matter – fish are still being discarded. I made the discard calculations during 1988 on the basis of what I had seen myself when working on board a number of trawlers. Unfortunately, the EU's current discard rules were written by people who are committed to pursuing an integrationist agenda and who have never been out at sea or understood the difficulties which fishermen are facing.

Although our recent fisheries ministers did their best, they were all men whose lack of fishing experience has resulted in their failure to appreciate that the EU quota system is too inflexible and bureaucratic to deal with situations where slight fluctuations in sea temperature cause species of fish to move in or out of a given area.

A classic example of this arose in the fisheries debate in the House of Commons on 1st December 2016 when a member referred to the loss of cod on the Grand Banks, Newfoundland due to overfishing. This is a myth. Overfishing was not the problem. The larger vessels fishing there had temperature sensors on their gear and it was observed that the water was getting colder. This was why there were no more cod. Terry Thresh, an English Skipper from Hull who had worked the Grand Banks for years, observed huge marks mid water as he was steaming home. Further

investigation confirmed it was the Grand Banks cod on the move, right across the North Atlantic, migrating to warmer waters.

This shows the folly of the argument that we must have a CFP because "fish know no boundaries." While this is correct, it is also true that marine life is very temperature sensitive. What do you do if a given species for which you have quota in a given area move out and another species move in for which you have no quota?

Newfoundland was able to recover. It had had a sizeable industry built around cod fishing and processing which suffered from widespread unemployment when the cod moved away. However, this downturn proved short lived. With no cod in the water to eat them, shrimp and crab stocks rapidly multiplied and with these species being a more valuable commodity than cod, the value of landings very soon overtook those in earlier years when cod was the main resource.

Of course, an independent UK cannot just let nature take its course. We will need a fisheries management system, but it would be crazy to copy a system which is rotten at the core – one that never has, and never will, work in our mixed fishery. To cave in to the voices who want a shadow CFP and quotas would be folly, especially as our negotiators could in theory produce something better by sitting the two years out, doing absolutely nothing and waiting. As proven by the Kent Kirk case, which we considered in the previous section, if there is no agreement by the end of the two-year period stipulated under Article 50, fisheries reverts to national control. In other words, it becomes our national resource and the other EU countries will have no quota whatsoever unless we offer it to them. Once our negotiators appreciate how strong a hand this deals us, it will be the EU that will be desperate to negotiate with us, not the other way round.

One final point regarding the failure of the CFP's quota system:- one of the objectives of the EU project was to create a sense of unity among the peoples of Europe. The CFP has had the opposite effect, causing resentment and nationalism. It would be great to get back to the earlier situation when fishermen were seaman first and foremost, and nationality didn't matter. Of course, to understand this camaraderie, you

have to have spent time out there at sea, something most EU officials would never dream of doing, nor would some of the armchair experts in the UK who have sprung up since the Brexit vote, whose ideas we will be evaluating shortly.

The 10-year derogation – another reason to avoid a shadow CFP

There was no EU Common Fisheries Policy until UK accession became a serious possibility. The rich fishing grounds around the UK coastline were just too valuable a resource for the EU to ignore. Edward Heath knew this full well, just as he knew that the implementation of the 200 nautical mile limit was imminent, but he was happy to see an entire industry decimated because of his insane desire to hitch the UK to the European project. He did succeed in pulling the wool over the eyes of UK fishermen and the 10-year derogation was his biggest trick. Under this agreement with the other member states, UK fishermen were given exclusive access to the waters up to six nautical miles from the shoreline and in the area between six and twelve nautical miles out, the only foreign boats allowed were those vessels with historic rights to fish in the area.

Contrary to Heath's assurance that we could renew the derogation unilaterally, we had to agree a renewal of the derogation with the other EU member states in 1983. The delay in signing it off resulted in the Kirk Kent incident mentioned above. This new derogation lasted 10 years and further derogations were agreed for 1993, 2003 and 2013/4. This means that something new would have had to be agreed by 1st January 2023 if we were still members of the European Union.

It would be ridiculous to have to come as a suppliant to the EU over access to the six to twelve nautical mile zone. However, besides the vested interests of certain organisations which we noted above, a further obstacle which needs to be overcome is an inordinate desire not to upset our European neighbours. If this mindset prevails, it would be a continuation of the Conservative policy of appeasement rather than standing up for UK fishermen. As far back as 1982, the expiry date of the 10-year transitional

derogation negotiated for our fishermen when we joined the EEC (as it then was) in 1973, Peter Walker, the Agriculture minister at the time, displayed a terrible spinelessness in negotiating a renewal of the derogation. He refused to fight tough in 1982 because it might upset "our friends and partners in Western Europe", choosing instead to upset our own coastal communities.

Historic Rights

Thanks to our membership of the European Union, there are now no "British waters". Whereas independent countries have control of an area which stretches out 200 nautical miles from the low water shore line (or to the median point when the distance between two countries is less than 400 nautical miles), from 1973 onwards, we surrendered the right to have any national waters at all, so the waters round our coast are EU waters and will be so until we regain our independence.

Those who have made the fallacious argument about fish knowing no boundaries go on to argue that the UK should remain within the CFP and not reinstate national control, or at least run a parallel system because fish will swim from one jurisdiction to another. This is a very devious argument as no one in the Faroe Islands, Iceland or Norway – whose waters virtually all border what are currently EU waters – ever suggests that they should somehow surrender control of their waters because of fish migration. Independent sovereign nations tackle issues relating to straddling stocks using agreed international law.

CFP supporters also raise the subject of historic rights. These historic rights pre-date our membership of the EEC/EU, and are sub-divided into rights within the 6 to 12 nautical mile zone and the 12 to 200 nautical mile/median line zone. The first agreement on these rights, which covers the 6 to 12 mile zone, was the 1964 London Convention which gave France 15, West Germany 6, Belgium 5, Holland 3 and Ireland 2 geographical areas within the UK 6 to 12 nautical mile limit where they could fish. This convention replaced earlier legislation going back to the 19th Century – the North Sea Fisheries Convention of 1882 and the

Fisheries Regulations of 1843, created under the auspices of the Anglo-French Fishery Convention of 1839.

Under the 1964 convention, the UK obtained similar rights to fish in two Irish, one French, one West German and one Dutch area within the 6-12 nautical mile zones belonging to these countries in return for the rights we granted. These rights discriminate against the other EU Member States, but even though this therefore goes against the CFP "non-discrimination" principle, its supporters are happy to overlook this.

The 1964 Convention was never a fair deal and even at the time it was signed, there was much debate as to whether France really qualified for such rights. In theory, the agreement was an attempt to secure a legal arrangement for fishing vessels who had regularly fished in a particular area between 1st January 1953 and 31st December 1962. In practise, other forces were at work.

The 1964 Convention needs to be understood in the context of the UK's attempts to join the EEC, as it then was. Our first application was made as far back as 1961. France's General de Gaulle vetoed this application in 1963 and was to do so again in 1967. While it cannot be proven, it is quite possible that even in the 1960s, our politicians were prepared to surrender a resource that belongs to the people of these islands as a sweetener to EU membership. This does seem the most plausible explanation for French fishermen being given such extensive access to our waters with little or nothing being given in return.

The net result of these arrangements was that small fishermen – and therefore smaller coastal communities – were particularly disadvantaged, since they tend to fish closer to the coast than larger vessels. Thanks to the desire of the Government for us to join the EU, they suddenly found themselves in competition with larger vessels from other countries without even having been consulted.

Under Article 15 of the Convention the agreement can be denounced by any contracting party after 20 years after coming into force. It came into force in 1966 and by 1986, we had joined the EEC so this did not matter. EEC Regulations had superseded the Convention. If we were remaining within the EU (and thus within the CFP), it would still not be

an issue, but with independence looming, this Article will acquire considerable importance. Article 3 of the Convention is also important as it granted rights to specific fishing vessels operating at that time, although by incorporating the Convention into EU regulation, they have managed surreptitiously to move those rights onto newer vessels.

The reason for these articles being so important is that once we leave the EU, all CFP Regulations cease and earlier legislation, including the 1964 Convention, will regain legal force. However, there is no obligation for Parliament to uphold these rights. In particular, given that the Convention took place over 50 years ago and unlike the current CFP legislation is vessel-specific, it is well-nigh impossible that any fishing boats covered by the legislation will still be in commercial use when we leave the EU.

The current CFP Regulation includes the derogation which the UK has had to renew every 10 years which restricts access by foreign vessels to the waters up to 12 nautical miles from the coast. The limited access applies to vessels from other member states that have acquired historical fishing rights in areas between six and twelve nautical miles from the UK coast. These historical rights are, in fact, those granted by the 1964 Convention and which, as was noted, unfairly favours France. Indeed, it does not make provision for any fishing in our waters by boats from countries which are now EU member states but which were not included in the 1964 agreement.

For this reason alone, Parliament needs to exercise its right to terminate the 1964 agreement – which can be done by giving two years' notice – as well as repealing the CFP legislation. It is inconceivable that we will not need to grant a limited degree of access for EU vessels into our waters upon independence, but the existing historic rights agreements are not suitable, especially as they are vessel-specific. Supporters of the CFP are therefore attempting to muddy the waters and in the process hindering the development of a fisheries policy which would work in the UK's best interests.

Some proposals which must be rejected

Brexit provides us with an historic opportunity to repair the damage which EU membership has done to our fishing industry and to coastal communities as a whole. Recently, a number of well-intentioned articles and reports have been published on this subject, written by persons with no sea-going fishing experience. The net result has been a number of proposals which are well-meaning but sadly, of little if any value.

The first mistake which some papers have made is to assume that because Iceland and Norway are not in the EU, they offer us a model for managing our fishing industry. Professor Philip Booth of the Institute of Economic Affairs recently produced a paper advocating the Icelandic model of fisheries management. I would strongly advise against such a policy.[3] It does not take into account the complexities of a mixed fishery in the relatively shallow water around the UK. Our fisheries are unique. Iceland's waters contain a different mix of species which are more spaced out in location and thus easier to target individually than ours. Only the waters around the Faroe Islands, which share the effect of the Gulf Stream with us, are anything like compatible.

Another reason for avoiding the Icelandic model is that, like the EU's Common Fisheries Policy, it operates a quota system of weight per species per vessel. Norway is similar. In both countries, this has created an industry which is controlled by a few powerful players. In the UK, our model for rebuilding our industry after Brexit should seek to encourage the growth of small family-run businesses.

The report[4] by Madsen Pirie of the Adam Smith Institute fell into the same trap as Professor Booth's. It correctly identified the damage caused by the CFP but said that the "UK must follow Norway and Iceland and create a policy that accounts for both environmental and commercial interests." It then went on to propose a quota system. (Incidentally, Mr Pirie also made a mistake with the chronology of the introduction to the 200 mile/median point zone, stating erroneously that it was already in force when we joined the EEC).

3. https://iea.org.uk/wp-content/uploads/2016/09/IEA-Briefing-Fisheries-.pdf
4. https://static1.squarespace.com/static/56eddde762cd9413e151ac92/t/57bd4b3c414fb59d429e1aab/1472023359039/Catch+of+Today+fixed2.pdf

The New Economics Foundation, a think tank, which claims to develop alternative economic policies with a strong social and environmental flavour, launched its *Blue New Deal*[5], a 20-point action plan to revitalise the UK coast, on 17th November 2016. It claimed that its proposals would create 160,000 new jobs for Britain's coasts. Sadly, it too missed the mark in a number of key areas. Significantly, of the 20 points discussed in the report, only three (15 to 17) related to fisheries while a further three (18 to 20) dealt with aquaculture.

As with the other reports mentioned here, there is much that is correct, particularly when it comes to identifying the problems the fisheries industry has faced. For instance, Point 16, which said, "Smaller boats are the lifeblood of thriving ports – those that are fishing sustainably need to get a larger share of fishing opportunities." We will return to this particular subject in the final section of this booklet. However, many of the other points betrayed a complete lack of understanding of the potential for a rejuvenation of fisheries in the UK. For example,

Points 1 to 3 covered "Put[ting] local people in control", but what is the point of this until there is something for them to control?

Points 4 to 6 covered "Plans for coastal change" but how can anything change for our coastal communities unless you also argue for repealing all fisheries legislation relating to the CFP? – something the report does not discuss.

Points 7 to 11 covered "Invest[ing] in a coastal transformation", but in this part of the work, there was no mention of fisheries, which ought to be the leading topic as far as coastal transformation is concerned.

Mind you, think tanks are not alone in their confused approach to fisheries. *Brexit – what next for UK fisheries*, a briefing paper, written by Oliver Bennett for the House of Commons library on 27th July 2016 is no better.

Mr Bennett wrote "*The implication of Brexit for fisheries are highly uncertain"*. Not at all. If the exit procedure as outlined by the Prime Minister on 2nd October 2016 is followed, there is no uncertainty, it is very clear. He then went on to say that "*The implications will depend on future negotiations with the EU and future UK Government policy*." While

5. http://b.3cdn.net/nefoundation/2ec4a9d52360c8dd5a_a7m6yt6ik.pdf

it is true that the responsibility for negotiation lies with our MPs, the Brexit default of no agreement would give us complete control of our Exclusive Economic Zone. We are in a strong position, so it is up to the EU to negotiate with us.

The report then goes on to list the "*Possible implications, based on the views of different stakeholders and evidence from existing non-EU European countries" which may include:*

- *The UK obtaining exclusive national fishing rights up to 200 miles from the coast. However, the UK may trade-off some of these rights in order to obtain access to the EU's sea area or access to the EU market for fisheries products;"*

This shows muddled thinking. We don't need to "obtain" anything. There are no "ifs or buts" about whether the UK has exclusive fishing within its own Exclusive Economic Zone (EEZ). On Brexit, it will have. End of story.

- *Impacts on the UK's ability to negotiate favourable fish quotas for UK fishers with the EU. It is not possible to say whether the UK will be more or less able to obtain satisfactory quotas for fishers;*

This is totally the wrong way round. The EU has no rights in the UK's Exclusive Economic Zone. To fish in our waters, the EU has to negotiate with us.

- *The need for a new mechanism to enable the UK to negotiate and agree annual fishing quotas with the EU and other countries;*

This is already covered by the third United Nations Convention on the Law of the Seas (UNCLOS III). No new mechanism is needed.

- *The introduction of a UK fisheries management and enforcement system. This in many respects may mirror the existing arrangements for managing fisheries, albeit with additional resources required;*

To mirror the existing arrangements – in other words, a shadow CFP – would be a disaster and unacceptable situation.

- *Restrictions on EU market access for fishery products (depend-ing on the outcome of negotiations) and less influence in discussions on determining EU market rules for fish;*

This is a negative attitude. It appears that the author believes that the UK owes the EU some share of our resource.

- *Less certainty around public funding of support for fishing communities or environmental sustainability.*

Funding is much less important as an issue than having genuine control

- *Issues related to possible changes to the protection of the marine environment*

Considering the appalling performance of the CFP, such a remark is an insult.

In conclusion, this briefing paper misses the one crucial point: Brexit means the competency over our EEZ comes back to Westminster. The EU has no input into how we manage our EEZ, nor any rights. Our Civil Service needs to understand that Brexit means we are no longer beholden to the EU. As far as fisheries is concerned, we are now in charge – a situation which the younger generation has never experienced.

Repairing the damage

Before finally moving on to consider what a successful fisheries policy for an independent UK might look like, one final point which needs addressing is the scale of the damage which the CFP has done to our fishing industries – and indeed to coastal communities in general.

When National Fishery limits were extended from the 3 nautical mile limit to 12 and then 200/median line in the 1960s and 1970s, British boats which formerly fished far away from the UK found themselves squeezed out of their traditional grounds from the Grand Banks, Greenland, Iceland, Norway and Russia. The middle water fleet likewise found itself excluded from Faroese waters.

Under normal circumstances, our fishermen would have been compensated for this loss of access by being given exclusive rights to our new UK Exclusive Economic Zone (EEZ). Instead, however, the Westminster Parliament decided to block that option and give the people's

resource away. Rather than supporting our own industry, they preferred to let the fishing fleets of other EU member states catch most of the fish in what are our waters. Now, a visit to many fishing ports around the UK coast will reveal all too clearly the devastation and decline this policy has caused.

John Silkin, the Labour Fisheries Minister did all he could in 1977-8 to try and obtain a British exclusive 50 nautical mile zone, but as he stated in a House of Commons statement on 19th January 1978, "There was considerable opposition to my demands on this question on the basis that they were contrary to the Treaty of Accession". This has been a perennial problem when the UK Government has to deal with the EU – our ministers don't read the treaties!

Five years later on 25th January 1983, Regulation 170/83 had just come into force, which introduced the quota system – the percentage share out of all individual species, known in the trade as "Relative Stability", which the Conservative Government of Margaret Thatcher hailed a great success. Six days later, however, Peter Walker, the fisheries minister, painted a different picture: "The reality is that if the United Kingdom, instead of demanding anything like the historic proportion of Europe's fish that it had caught, demanded a 200-mile limit and 50% or 60% of Europe's fish, that would mean the massive destruction of the fishing industries of most of our friends and partners in western Europe."

In other words, it was anything but a success for our fishermen, although wonderful news for the fleets of other EU member states.

So we had to suffer the imposition of the EU's quota system with the introduction of Regulation 170/83 on 25th January 1983. As has been pointed out above, the guiding principle in the CFP, including the quota system, was economic and political integration. This mattered far more than ensuring that fisheries policy was built on sensible conservation practise.

So each member state, including the UK, was given a quota for each species which the national governments then distributed among their own fleet. This was bad enough, as so much of the resource divided up among the member states was located in what would have been our waters. The

problem was compounded by the government allowing our allocation to gain a monetary value. Whether deliberately or through sheer incompetence, this resulted in the share of the resource allocated to the UK ending up in the hands of a favoured few – including foreign hands. Perhaps it was deliberate – a way whereby they could get rid of British vessels in order to comply with our treaty obligations. We will never know, but the net result was catastrophic for our fishing industry.

To prove the point, let us consider the percentage of fish caught by other EU member states in what will soon become UK waters. It has been a massive undertaking to work out these statistics, for a number of reasons but a detailed analysis has been produced, which can be accessed on the *Fishing for Leave* website http://ffl.org.uk/ while further statistics can be found in the House of Commons Library briefing paper, No. 2788 *UK Sea fisheries statistics*, dated 30th November 2016.

In summary, EU vessels take almost 700,000 tonnes of resource from our waters. This amounts to 55% of the total catch of EU vessels, which underscores just how the dependent the EU fleet has become on the UK's marine resource.

Perhaps more powerful than statistics is the statement by Aneurin Bevan on 24th May 1945:- "This island is made mainly of coal and surrounded by fish. Only an organising genius could produce a shortage of coal and fish at the same time".

The situation is worse now than in 1945. We now import most of our coal and we give away our fish, only to buy them back. In 2015, our net import of fish amounted to approximately 238,000 tonnes, worth £1.3bn.

Furthermore, we do not have any accurate discard figures, so no one knows the real volume of fish taken from UK waters or whereabouts they were caught. This is nothing less than a disgraceful shambles.

Priorities in a fisheries policy for an independent UK

No other EU Member State gave away its own resources to the EU to anything like degree that we did – for the very good reason that they didn't have so much to give away. Our starting point in defining a new fisheries policy is that we cannot continue to do this.

The first point to address, however, is that if on Independence Day, we swung to the opposite extreme and allowed no EU vessel in our waters, the consequences would be dramatic and damaging. What could be offered is a transitional time-limited process. Fortunately, on Independence Day, when the Treaties and Regulations cease to apply, we will revert back to our Fishery Limits 1976 Act, along with subsequent additions and amendments, which functions under UNCLOS III, through article 62:-

Utilization of the living resources

The coastal State shall promote the objective of optimum utilization of the living resources in the exclusive economic zone without prejudice to article 61.

The coastal State shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in paragraph 4, give other States access to the surplus of the allowable catch, having particular regard to the provisions of articles 69 and 70.

This is a way whereby a transfer of operations could be fairly moved across in a time-limited period, with no permanent right of access conceded.

The next point to consider is that responsibility for administering the marine life – fish, shellfish, and mammals in the 200 nautical mile/median line zone – will lie with Westminster parliamentarians. It is not their resource and fishermen are not the owners either, only custodians. Furthermore, this national resource belongs to everyone,

people who live inland as much as those who live on the coast.

Parliament has not been a good administrator of this resource in the past. We have already noted two major failures – firstly progressively giving the resource away to the EU and secondly, placing a monetary value on what we were given back. Neither of these things should have happened as the net result has been a decimation of our fishing industry, a decline in coastal communities and only a few large companies seeing much financial gain from fishing.

Brexit provides an opportunity for our present Westminster Parliament to make amends for their predecessors' failings and look after our nation's resource properly. What should be their guiding principles in shaping a fisheries policy for an independent UK?

Top of the list are **social considerations**. Mrs May took office pledging to create "a country that works for everyone". Currently, the marine environment only benefits a few select individuals, but it should benefit ordinary people. Fish prices are too high, but without a radical re-think on fisheries policy, no guarantee can be given that market forces alone will bring prices down. On the other hand, ending the quota system and ensuring that different types of fishing can take place could facilitate the return of small family fishing businesses, which would not only rejuvenate coastal communities but could help bring prices down.

Given that a successful fishing industry will include a mixture of small, medium and large vessels, this will inevitably mean a revival of the small family-run fishing businesses which have disappeared from many coastal communities and would without doubt be the quickest way to rejuvenate these areas.

These would operate in the inshore sector – in other words, within 12 nautical miles of the shoreline and their presence would be beneficial in other ways besides creating jobs in the fishing sector itself. A thriving port or harbour where small fishing boats come and go on a daily basis, creates an interesting spectacle for tourists. Furthermore, the mixed catch will often find a ready market in local hotels and restaurants.

Although some towns like Hastings in Sussex still retain a fleet of small fishing boats, many other towns which were once home to a small

fleet of, say, 10 or 20 fishing boats now have none. Worse still, some coastal communities such as Peterhead whose economy was once dominated by fishing, have become desolate as the principal form of employment has been destroyed. Brexit brings with it the prospect of rejuvenation of such towns and the creation of new jobs. Whole areas will start to improve.

Besides the opportunities for commercial fishing, Brexit also brings better prospects for recreational fishing, which will further benefit coastal towns and villages. During the 2016 Conservative Party Conference, Rt. Hon Andrea Leadsom, the newly appointed Secretary of State, Environment, Food and Rural Affairs, delivered a speech where she stressed the importance of the countryside. Some of the most deprived rural areas can be found adjacent to our coasts. Given that 60% of the British people's marine resource is being given away, along with an unknown quantity destroyed through discarding – which has been authorised by the very people wanting to see the rural economy thrive – any plan for rural renewal must include the coastal communities.

Second come **environmental considerations**, Here, the CFP has proved a disaster because the quota system encourages overfishing. It is essential to manage the marine environment wisely if the rejuvenation of the fishing industry is to be sustainable in the long term. This, of course, goes hand-in-hand with the social concerns mentioned above. Conservation issues need not be at odds with the need of small businesses to earn a living. Sometimes areas do need to be closed for fishing for a short term, for instance when juvenile fish are abundant. Also, consideration needs to be given to fish-eating animals such as seals who are perfectly entitled to compete with fishermen for fish stocks, but whose numbers need to be monitored.

If these two principles are adhered to, the **economic benefits** will be tangible and not be concentrated in the hands of a few powerful people. Once money begins to flow into a given coastal area through the revival of small family-run fishing businesses, economic recovery will gather pace as it spreads out into other sectors. By contrast, putting the principle of maximum financial gain first – especially if accompanied by a free-for-all

mentality – would be very short-termist as it would encourage overfishing and thus not be sustainable. Fishing must not be a medium for a few people to become very rich.

In summary, only someone who has fished in the waters around the UK can appreciate the enormous potential out there. Our coastal communities could have a very exciting future, but first, authoritative voices who really understand the sector must rise to the difficult task of convincing those who are in a position to turn fishing into a Brexit success story.

Binding the UK together

Before moving on to look at policy in more detail, it is worth digressing briefly to consider one beneficial side-effect of leaving the CFP. A well-designed fisheries policy could act as a brake on the desire of the Scottish National Party (SNP) to fragment the United Kingdom.

Currently, the 10 year derogation we have agreed with the European Union covers the area up to 12 nautical miles from the shoreline. The UK government has devolved the management of Scottish waters up to the 12-mile limit to the Scottish Parliament.

In many ways, this devolution of the 12 mile limit has been a good thing, because the inshore sector is best managed at a local level. Unfortunately, the Scottish Parliament seems to be concerned with environmental issues to such a degree that they are failing to protect the interests of coastal communities, thus denying them the chance to benefit from the rich fishing resources in areas like the Shetland Isles, which ideally needs its own 12 mile exclusive limit.

The Brexit vote has raised a new series of issues for Holyrood. With Scotland supporting continued EU membership and few Scottish politicians expecting the UK to vote to leave the EU, little thought has thus far been given by Scotland's politicians to the possibilities for the Scottish fishing industry without the millstone of the CFP round its neck.

If the Westminster Government decides not to operate a sort of shadow Common Fisheries Policy and to follow the guidelines set out in

this booklet, all UK waters out to the 200 nautical mile/median limit will revert to UK control. This provides an excellent chance to rejuvenate coastal communities in Scotland as much as the rest of the UK. Inevitably, the Scottish National Party will demand that all control of Scotland's waters comes back to Edinburgh. Assuming that on Independence Day, control of our EEZ reverts to Westminster, our Parliament could arrange this devolution very quickly under section 41 of the Marine and Coastal Access Act 2009.

However, things start getting very messy at this point, given that the SNP is talking about a second referendum on independence from the UK so that if Scotland leaves the UK, it can then rejoin the EU. If it does so, these waters will be handed back to Brussels and would be subject to CFP rules once again – but with a sting in the tail. Scotland would have to share in the overall reduced EU capacity required by the loss to EU waters of the English, Northern Irish and Welsh EEZs. In other words, Scottish fishermen would end up being allowed even less quota in their own waters than they currently enjoy, especially if they do not manage to negotiate any derogation for the 12 mile limit from 2023.

There is a strange irony here. The SNP originated in the Scottish fishing communities. Once traditionally Conservative seats, voters in Scottish coastal communities deserted the Tories because of the antics of Edward Heath and his shameless betrayal of our fishing industry. Now the SNP is doing the same. Instead of taking the lead in fighting for a better deal for those fishermen whose forbears brought the party into being, in seeking to take Scotland back into the EU, it wants to return them to the miserable yoke of the CFP under worse terms than before.

Such a policy is sheer folly. Of course, much depends on the shape of the future UK fishing policy post-Brexit, but the chance to take the wind out of the SNP's sails – and thus potentially save the Union – by developing a fishing policy along the lines suggested here is yet another reason for Mrs May's government to avoid creating any sort of shadow CFP once we leave the EU.

Adopting best practise from elsewhere – the Faroese system.

Moving on from general principles to specific details, we do not need to start totally from scratch. Not only do we know what to avoid – i.e., any quota-based system – but also, we don't have to look far if we want a template for a future UK fishing policy which will bring both social and environmental benefit. The Faroe Islands, situated north-west of the Shetland Islands, are not part of the EU and have adopted a fishing policy which determines allocation by the number of days at sea. This is a much better system in particular if we seeking to encourage the growth of small family-run businesses. There are also a number of other benefits:

1) The problem of discarding marketable species.

Discarding, whether at sea or to landfill, is immoral. It is an environmental disaster. The integrationist quota system of the EU will never prevent it, even though a discard ban is now being phased in. However, even with the Icelandic system, unless you can give every vessel a proportion of quota for every species (which is impossible), some discarding is inevitable. Even if you could come up with a complete quota system for every vessel and every species, inevitably one quota will run out before others. Of course, officialdom will try to devise ever more complicated ways to prevent discarding, but it is like a dog chasing its tail. It is unworkable. (The only exception is the pelagic sector – fish that swim in the mid-waters or near the surface of the ocean in large shoals. Here are large numbers of individual species, unlike demersal fish which live on or near the seabed and which, in British waters at least, are very mixed.)

By contrast, under the Faroese system, there is nothing to discard apart from a few undersized fish. It is impossible to achieve a totally 100% clean catch, but with this small exception, everything landed by Faroese boats is sold and marketed.

2) The effects on Fishermen's attitudes.

In Iceland as much as in the EU, whatever the authorities do to stop

discarding, even though the problem can appear solved on paper, it is impossible in a quota-based system – unless you are fishing in an area with only one species – to stop discards. In a mixed fishery, there is no way to avoid hauling up the wrong species for which a vessel may have no quota or have used it up. What do you do? There are three choices, all unsatisfactory.

i) Keep them and sell them illegally.

ii) Open the trawl and let them go dead and dying back into the sea.

iii) Land them and incur a cost.

Whoever administers it, any quota system will always put pressure on fishermen to cheat if they are to survive. Under the Faroese "days at sea" system, however, everything you catch can be landed to be sold without fear of prosecution.

3) The need to report the catch

Fishermen play a key part in building up scientific data. They are required to report how many of each species they catch and where they were fishing when they caught them.

The quota system, which encourages cheating and discards, will inevitably result in falsified scientific data. After all, if you end up catching species for which you have no quota, it is human nature only to record the fish which you are entitled to catch. Likewise, if you catch a species that you have quota for, but caught them in an area you are not allowed. you will steam to the area where you are allowed and say you caught them there, which screws up scientific data.

Faroese fishermen, by contrast, have no fear of criminalisation. They have no reason to be dishonest and therefore record true data.

4) Fishing effort.

As was noted under 1) above, with a quota system, a given vessel will inevitably use up its quota for one species quicker than for others. In a mixed fishery, this means that when your quota for one or more species

has been used up, a percentage of your catch cannot be sold – at least legally. This means lower profitability and more fishing time, along with increased pressure on fishing grounds.

A "days at sea" system means that you can fish without looking over your shoulder. There are potential downsides such as fishing near one's home harbour to save time, but this has been resolved by technology such as tracking devises which can even record when the gear goes in the water, enabling accurate fishing time to be recorded, along with location and date.

5) Relationships between fishermen, scientists and fishery officers.

A quota system results in constant battles and lack of trust. Co-operations between the different groups is minimal as everyone is trying to outwit everyone else. By contrast, all three groups can work in harmony under a "days at sea" system.

6) Individual fishermen's abilities.

If fishermen are given a set allocation of weight per species, it gives little incentive to be innovative, progressive, or to improve. The "days at sea" system gives far more scope for fishermen to excel, benefitting from their own endeavours and maximising profit. Also, it encourages the development of fishing techniques that benefit the environment yet at the same time allow you to fish for the market. This would be a new development and the absolute opposite of the current system where you take what you can before some other nation's fishermen get there first.

Given the overwhelmingly advantages of the "days at sea" system, let us now have a closer look at how the Faroese make it work.

- The harvesting licence is an operating licence issued to an individual vessel. The fishing licence specifies the details of fishing activities (catch and geographical area limitations) in which the vessel is permitted to participate, as well as gear requirements, requirements for reporting of catch data and information on landings or trans-shipments.
- All vessels larger than 15 GT must maintain a daily log of their activities in an authorised catch logbook which is issued for this purpose, recording data for each set or haul and they must also have functioning satellite vessel monitoring systems (VMS) in both national and international waters.
- We are constantly being told that because of straddling stocks, an independent UK must run a parallel system to the EU. The tiny Faroe Islands, however, have no problem in deciding what is best for its own fishermen and those who are allowed to fish in its waters, even though fish are constantly swimming in and out of Faroese waters.
- Faroese fishermen have a long tradition of fishing in foreign and international waters. The Faroe Islands have reciprocal fisheries agreements with neighbouring countries in the North Atlantic region – the European Union, Iceland, Norway, Russia and Greenland. These involve the exchange of fishing opportunities, including offering foreign vessels quotas and access to the Faroes' zone in exchange for equal fishing opportunities for the Faroese fleet in their zones. These agreements provide Faroese fishing vessels with the scope and flexibility they need.

The Faroe Islands have no resources other than the marine resources, yet they, a tiny nation of only 50,000 people, have been brave enough to resist the pressures to introduce a quota system. Instead, they

have brought in one of the most successful fisheries management systems currently in operation anywhere in the world.

Will we have the courage to break out of the quota mindset and follow their example? Given we have an enthusiastic Fisheries Minister in George Eustice, and a growing number of supportive Members of Parliament, we can but hope that they will recognise the benefits of so doing. A good starting point would be to enact the proposal by Rt. Hon Owen Paterson during the fisheries debate on 1st December 2016 to secure a derogation to trial a days at sea scheme – something for which we still have to ask permission – even though the trial would take place in what should be our own waters.

Mrs May has insisted that the UK will not be a "supplicant" to Brussels and "will negotiate from a position of strength" and here is a case where the mechanics of the EU have dealt us a strong hand. She has also vowed to reassert control over British borders. Those borders actually consist of our Exclusive Economic Zone – the 200 nautical mile/median point line.

Conclusion

In this booklet, we have attempted to point the way towards a future fisheries policy which will undo over 40 years of damage, revitalising our coastal communities and creating new jobs while at the same time, improving the management of the entire marine environment. We have the opportunity to return to the position we occupied before the 1970s in the forefront of fisheries development and conservation.

To reiterate, nature and our geographical location have bestowed on the UK an unique marine environment. Our Exclusive Economic Zone, three times as great as our land mass, is an area of such importance that it should have its own ministry. Sadly, until recently, only a handful of people apart from those who have been involved in fishing in both the waters around the UK and in other parts of the world have fully understood and appreciated this potential.

It is our hope that this booklet will prove a useful resource for our MPs, especially those who represent coastal constituencies. If its proposals are followed and the Prime Minister is as good as her word, in a few years' time, our revitalised fishing industry and the coastal communities among whom they live will be in no doubt that we made the right decision in voting to leave the EU on June 23rd 2016.

FISHING FOR LEAVE

SAVE BRITAIN'S FISH

www.ffl.org.uk

Appendix 1:
Extracts from the London 1964 Convention

FISHERIES CONVENTION

The Governments of Austria, Belgium, Denmark. the French Republic, the Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland.

Desiring to define a *régime* of fisheries of a permanent character;

Have agreed as follows:-

ARTICLE 2 The coastal State has the exclusive right to fish and exclusive jurisdiction in matters of fisheries within the belt of six miles measured from the baseline of its territorial sea.

ARTICLE 3 Within the belt between six and twelve miles measured from the baseline of the territorial sea, the right to fish shall be exercised only by the coastal State and by such other Contracting Parties, the fishing vessels of which have habitually fished in that belt between 1st January, 1953 and 31st December, 1962.

ARTICLE 15 The present Convention shall be of unlimited duration. However at any time after the expiration of a period of twenty years from the initial entry into force of the present Convention, any Contracting Party may denounce the Convention by giving two years' notice in writing to the Government of the United Kingdom of Great Britain and Northern Ireland. The latter shall notify the denunciation to the Contracting Parties.

Appendix 2:

THE RT RON MICHAEL HOWARD QC MP

HOUSE OF COMMONS
LONDON SWIA 0AA

LEADER OF THE OPPOSITION

John Whittingdale, Esq, OBE,
MP House of Commons
London SWIA OAA

9th June, 2004.

Dear John

You told me this evening that a number of those in the fishing industry have commented on my remarks on the Today Programme this morning. I thought it would therefore be helpful if I reiterated our position which I set out very clearly in Dundee and in my subsequent visits to fishing communities during the campaign.

We are determined that the next Conservative government will establish national and local control over fishing. We intend to raise this in the Council of Ministers at the first opportunity and I believe we can achieve this by negotiation. However, should negotiation not succeed, it remains the case, as I said in Plymouth, that the British Parliament is supreme and we would introduce the necessary legislation to bring about full national and local control.

Yours ever
Michael

MICHAEL HOWARD