

Common policy, uncommon muddle

The EC's Common Fisheries Policy is riddled with perilous implications, as protesting UK fishermen stress

As UK fishermen protest against their country's 'tie-up law', it is clear that all is far from well with the Common Fisheries Policy (CFP) determined for all European Community (EC) member states by the Commission of the European Communities (CEC). In December 1993, the British government withdrew its planned imposition of the controversial 'tie-up law', pending the judgement of the EC court in Luxembourg.

The CFP is based on the concept of a 'common fishing pool'. This includes all the coastal and 'territorial' seas of member states, and those within the Exclusive Economic Zone (EEZ) of the EC.

The EC's fishing pool is divided into discrete 'fishing areas', with specific stocks identified in each area. There are also 'fishing effort' limits and fishing quotas set for each area.

Fishing effort is based on gross registered tonnage (GRT) and horsepower (HP) of fishing vessels. Quotas are set for each individual stock. These are based on the recommendations of scientists who monitor catches (and thus, stock size).

They also scrutinize 'recruitment' to the fishery, i.e. estimates on how stock size will change in future years according to spawning population size and survival of young fish to the adult, or 'fishable', size.

There are also regulations set for the kinds of fishing gears which can be used (generally based on mesh size), fishing seasons and minimum landed size (MLS) for each species.

Each member state is allocated a share of the EC's fishing pool and the CEC sets limits on member state fishing capacity. Shares and fishing capacity are based on

traditional fishing areas, fleet size, catch levels and bargaining power, among other factors.

The CEC in Brussels delegates to each member state the responsibility for the structuring of its fishing fleet to within the limits set for the fishing effort. It also allocates 'stock licences' to each member state. These establish the catch limits on each stock that can be taken from particular fishing areas.

Two of the principal methods for conserving fish stocks—the setting of overall catch limits (Total Allowable Catches-TACs) and individual size limits (MLS) for specific stocks—seem only to be resulting in large quantities of fish being dumped at sea or finding their way into the market illegally as 'black fish'.

The market for 'black fish' is causing serious concern for the catching and processing industries. 'Cheap' fish floods the market, depressing prices and making less of fish available for legal processing.

Bypassing auctions

It is claimed that much of the best quality fish is bypassing the legal auctions, and that many of the main landing ports are becoming dumping grounds for poor quality fish. Depressed prices in Europe have led to many violent protests against foreign boats landing fish.

In Brussels, EC bureaucrats are planning to reduce the fishing fleet by at least 40 percent, to match fishing effort to the catch limits set. Multi-Annual Guidance Programmes (MGAPS) have been devised and established for each member state.

These 'recommend' the levels of fishing effort a national fleet should apply within allocated fishing quotas.

This will involve significant decommissioning of vessels, cut-backs in fishing time or redeployment of vessels to other fishing waters (the waters of the South are a particular target for EC vessels).

Alongside MGAPs, the CEC has established 'decommissioning' grants for each member state, to help remove excess fishing capacity. In this, some states fare better than others.

For example, the MGAP for the UK calls for a 19 percent reduction in the number of boats over the next five years, but decommissioning grants fall far short of requirement.

Fishermen claim these targets are excessively harsh, and will be a disaster for the 4,500 boats and the 20,000 fishworkers employed aboard the UK fishing fleet.

In the case of the UK, the CFP is implemented through the Sea Fish (Conservation) Act and each 'Producer Organization' (PO) is allocated quota shares and fishing effort limits.

One of the corner-stones of the Act is the so-called 'tie-up law', the 1993 Sea Fish Licensing (Time at Sea) order.

Through this, the British government hopes to achieve the fleet reduction specified in the MGAP by limiting the number of days each vessel spends at sea. This time includes actual fishing time as well as 'steaming' time to and from fishing grounds.

The number of days each vessel is allocated varies with size and fishing regime, among other things and ranges from 80 to 250 days. In England over half the fleet have been given the minimum of 80 days, while in Scotland about 30 percent have received the minimum.

But UK fishermen are far from happy. In the early part of 1993, they captured British news headlines by protesting against the 'tie-up law'. Many ports were blockaded, shipping was disrupted, civil disturbance ensued and several arrests were made.

By June, these angry and rather ad hoc protests had become more organized and structured campaigns. The fishermen's organizations took legal advice. Based on this, they are now challenging the tie-up law.

Given that matters of EC law are involved, the case is likely to be referred to the EC court in Luxembourg. The proceedings could take up to two years to be resolved.

In the early part of 1993, UK fishermen captured British news headlines by protesting against the tie-up law'. Many ports were blockaded, shipping was disrupted, civil disturbance ensued and several arrests were made.

Meanwhile, the fishermen's wives organized an awareness and fund-raising campaign ('I'm A Fisherman's Friend') to support the legal campaign and to raise a 'fighting fund' to pay for the legal costs.

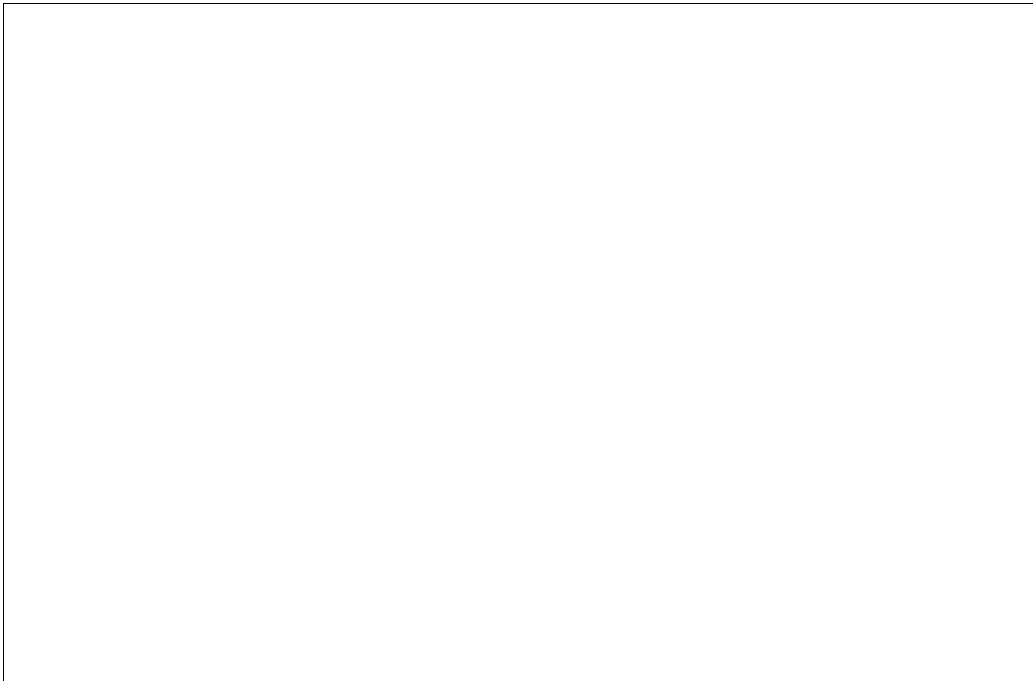
The Scottish Fishermen's Federation (SFF) hired an advertising agency to mount a media campaign in support of their cause.

In the mean time, in July 1993, the House of Commons Agriculture Committee observed that the 'days at sea restrictions applied to the whole fleet over 10m are unnecessarily draconian and amount for little more than decommissioning'.

Financial implosion

Its report ('The Effects of Conservation Measures on the UK Sea Fishing Industry') goes on to say that it could result in 'a catastrophic financial implosion, causing UK fishermen to sell pressure stock licences to foreign fishermen'.

'Pressure stocks' are those fish stocks considered to be under excessive fishing pressure, as opposed to 'non-pressure stocks'.



The National Federation of Fishermen's Organisations (NFFO) is the apex body of all English fishermen's organizations.

It, along with the SFF, which represents the Scottish fishermen, have prepared packages of alternative measures to the Sea Fish (Conservation) Act.

Both federations propose new technical measures, closed areas and changes to licence aggregation rules. Both also argue for more decommissioning money.

The NFFO proposal contains a very comprehensive range of technical measures, tailored for different regions and fishing methods. These centre on:

- increased mesh size and separator trawls to improve selectivity, especially of vulnerable species and compulsory square mesh panels (in trawls).
- widespread increases in minimum leading size of fish and shellfish and a ban on the landings of ungutted fish.
- the setting up of protected areas to protect spawning and juvenile stocks.
- tightening up the existing licensing scheme.

- more decommissioning money, including the use of funds returned to the Reasury from taxes on the EC scheme and savings on enforcement costs following the abandonment of the 'days at sea' regime.

The NFFO argues that 'despite the economic dislocation, and bureaucratic intrusion generated, (the CFP) will not deliver significant conservation advantages'.

As for the SFF proposal, amongst its most radical aspects are the suspension of the white fish TACs and quotas for one year, and permission for the fishermen to land and sell all they catch over the legal minimum size.

To replace the TACs, the SFF proposes to limit fishing effort through a fair 'days at sea' system. It also proposes shifting management from controlling the output of fishing to controlling the input effort.

The other aspects of the proposal include:

- a properly funded decommissioning scheme
- an immediate review of the MGAP
- further technical conservation measures, including regulating mesh size and shape (a mix of

diamond and square mesh panels in certain types of trawls).

- achieving reduction in fleet tonnage through revised capacity aggregation rules on licences.
- licensing the shore-based industry (salesmen, transporters and buyers)
- establishing closed areas

These important grassroots fishermen's initiatives represent serious alternative measures to the fisheries legislation imposed through centralized non-consultative EC processes from Brussels.

There are certain aspects of the proposals which could be implemented unilaterally by the British government. This may encourage similar initiatives to be taken by fishermen's organizations throughout the European Community.

This would call for a fundamental rethinking of the way the CEP is formulated and implemented.

However, some of the more radical proposals, such as the SFF's proposed moratorium on quotas, and the call for closed areas, can only be implemented if agreed to by the EC.

Evidently, the British government did not introduce the 'days at sea' regime to conserve fish stocks. Rather, it was merely a means of meeting the MGAP fleet reduction targets imposed by Brussels.

Given this fact, it would seem unlikely that the UK will take unilateral action in support of its fishworkers.

The high-handed actions of British government officials have not only backfired, but have also served to unite the fishing community struggle to protect their livelihoods.

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