



The Fishing Industry

A Fishing Sector Policy for Independent Scotland

Fishing is of vital interest to Scotland. After centuries – indeed millennia – of environmentally benign exploitation and husbanding of resources, Scotland's fishing industry has been devastated by ideology-based intervention, mismanagement and overfishing by the European Union. The result has been a loss of tens of thousands of jobs and an annual loss to Scotland's economy of wealth creation considerably in excess of £1,500 million per year. More than 1,200 modern family-owned offshore boats have been scrapped. There is no hope of any improvement of this state of affairs within the European Union. Incomprehension of the Scottish situation, stubbornly inflexible ideology detached from reality, and not least unconcealed acquisitive greed on the part of other EU member states and large commercial corporations will always prevent the necessary revision of the four relevant treaties. There is no possibility of any significant improvement of Scotland's situation within the EU, and the ruthless over-exploitation of Scotland's resources will continue unabated. The SDA proposes complete withdrawal from this Brussels-controlled lunacy as part of its overarching goal of a Scottish transfer to the EFTA side of the European Economic Area, which is not subject to the CFP. Its proposals for the reorganisation of fisheries management in independent Scotland have accordingly been compiled on this basis.

Scottish fisheries – the reasons for change

Under the United Nations Law of the Sea (UNCLOS), Scotland, as a sovereign independent nation, would have a right to an Exclusive Economic Zone (EEZ), extending 200 miles from its shores, or to median lines where the distance to other territories is less than 400 miles. The median lines would affect the EEZ borders with the marine zones of England, the Isle of Man, Ireland, the Faeroes, Norway, and parts of continental Europe. The greater part of Scotland's EEZ would extend west and north-west into the Atlantic, and east and north-east into the North Sea. This huge marine area is reckoned by scientists to have a potential fish production of well over a million tonnes annually, if harvested in sustainable ways. It is proposed that independent Scotland form a fishery alliance with other non-EU states such as Iceland, Faeroes, Norway, Russia, and Greenland. Although each of these countries would have full control of their own EEZs, together with Scotland, they would have a larger and richer marine fisheries area than the remainder of the EU. This would be important for distant water fishing by each, and in particular for the pelagic fisheries.

That fishery resource has been depleted and mismanaged over the past 38 years under the EEC/EU Common Fisheries Policy, which has been an unmitigated disaster by any criteria of resource management – biological, environmental, economic or social. The Scottish fleet, and particularly the white fish or demersal fleet, has suffered the greatest damage, being reduced to a rump of its former self, while the EU has continued to support the growth and modernisation of the huge Spanish fleet, by numerous hidden subsidies and assistance for its distant-water operations. Scottish fishers, working legally for deep-water species to the west and north-west within their own national waters they had harvested for centuries, saw the EU apply a new quota system to that stock, and give it almost all to Spanish vessels, with a smaller amount to the French fleet. The Scottish boats then had to sell out, or travel to Greenland or Namibia to remain viable. This disgraceful piracy is totally unacceptable.

North Sea fleets were subjected to decades of enforced discarding by the insane Brussels policy of applying single species quotas in that mixed fishery, and this led to the destruction of 600,000 tonnes of edible fish each year, as calculated by the ICES. As many as 12 million tonnes may therefore have been destroyed by the enforced discarding over the past 25 years. And yet the EU claimed that Scots vessels, with a total annual demersal catch of about half what was discarded, were the guilty party in the decline of North Sea stocks. The EU also permitted massive fishing of sand eels and pout for reduction to fish meal, and allowed the sale of immature fish, which the UK had previously banned. (The EU has since called a halt to industrial fishing after years of protest from Scottish fishermen and marine conservationists.)

Today, the three main sections of the Scottish fishing fleet, the demersal, pelagic and shellfish vessels, produce roughly equal amounts of revenue from their catches, annually around £150 million each. But their respective importance from the perspective of employment and the economic welfare of coastal communities places the 1,400 small scale shellfish boats at the top, the 580 demersal vessels next, and the 25 large pelagic ships third. In round figures, the prawn and crab boats employ 3,500 men, the white fish boats 2,720, and the pelagic ships 280. These figures include 1,200 part-time fishers, and represent a mere fraction of the former Scottish fishery employment figures and wealth creation revenue that the EU has destroyed.

A Scottish Fisheries Policy

Under a sovereign, independent government, the SDA proposes that a Scottish fishery policy will have the following objectives:

1. Asserting the Scottish Nation's right to its 200-mile Exclusive Economic Zone (EEZ), and to the management of all fish stocks therein.
2. Rebuilding the indigenous fish stocks by a total ban on industrial fishing, on landing of immature fish, and on discarding of fish catches or by-catches at sea. Other measures that would help stock recovery include reducing marine pollution from industrial, urban and agricultural sources, including salmon fish farms, and putting a ceiling on any bloated seal population.
3. Working with the industry to replace the current tradable quota system with one similar to that of the Faeroe Isles, based instead on controls over fishing effort. This should be done in stages, beginning with the small-scale fleet, then the medium-scale vessels, and finally the pelagic fleet.
4. Involving the fishing industry as a full partner with the Scottish Government in all fishery management decisions and measures, along with NGOs and local government.
5. Encouraging the redevelopment of small local fishing ports by scrapping the designated ports rule, and by establishing local management regimes covering coastal waters.
6. Discouraging, and eventually abolishing, the aggregation of fishing licenses by non-fishers and by wealthy owners, who are then able to build larger and more powerful vessels, while encouraging low-impact economical fishing units that are more environmentally and socially suited to the inshore and coastal areas.
7. In consultation with the industry, determining for the long term the optimum number and size of the pelagic and deep-water fleets, which need to be of a given capacity to operate safely and profitably.
8. Establishing a Scottish Fishery Research Board, subject to peer review, and having leading fishers and environmentalists sit on that board.
9. Bringing all existing fishery patrol, fishery inspection, fishery training, marine inspection and fish quality control arrangements under the joint control of the fishing industry and the Scottish Government.
10. Promoting and ensuring the quality and reputation of Scottish fish, and developing markets as a member of the European Economic Area, which would ensure continued access to European markets as enjoyed at present by Norway, the Faeroe Isles and Iceland.

All of these proposals would be subject to full consultation with the Scottish fishers, who would vote on each measure and propose amendments as appropriate.

Background notes amplifying the principles of Scottish fishery policy

Under the terms of the United Nations Law of the Sea (UNCLOS), independent Scotland will have the right to control and utilise the resources within its 200-mile **Exclusive Economic Zone** or EEZ. The UK surrendered this right to Brussels under the terms of the Common Fisheries Policy (CFP). On withdrawal from the EU, independent Scotland will be legally entitled to control its own EEZ. All fishing activity within the zone will be subject to Scottish control and Scottish inspection.

A limited number of **foreign vessels** might be permitted to fish under licence within Scotland's EEZ. This would be for species or quantities that were not targeted by Scotland's fleets. Any **historic fishing rights** claimed would be those that existed before the start of the EEC/EU Common Fisheries Policy, i.e. prior to 1 January 1973. If permitted, certain very strict conditions should be attached, namely:

- a) A commercial quota fee should be paid for the fish taken.
- b) A Scottish fishery observer should be carried on board, and the foreign vessel should pay for the observer's salary and expenses.
- c) All fish caught in Scottish waters should be landed in a Scottish port and the first point of sale should take place within Scotland.
- d) The vessel's owner and skipper should agree to accept at-sea inspection by a Scottish fishery protection vessel at any time.

Subject to other arrangements (such as closed areas and nature reserves), there should be official recognition of at least four marine areas for fishery operations and management purposes in Scotland. These should be:

a) A **six-mile inshore belt** managed by local bodies composed chiefly of local inshore fishers, but also fish farmers, environmentalists, and local government authorities. This accords with the six-mile belt previously in place under UK regulations. This belt might be further sub-divided according to the current six Inshore Fisheries Group (IFG) coastal areas.

b) A **coastal zone** extending from 6 to 30 miles from shore, where local coastal fleets would have priority and would share cooperative management with regional and central government. This coastal belt would be divided into regions for management purposes, and would not exist in closed firths, bays or the Minches, where other arrangements would apply.

c) Special fishery management areas of **bays, firths and the Minches** would be managed by local representative bodies similar to IFG coastal areas. These special areas would include the Solway Firth, Firth of Clyde, Firth of Lorne, Firth of Forth, and the Moray Firth, the South Minch and the North Minch.

d) An **outer zone** extending from 30 to 200 miles from shore (or to the median lines). The Scottish fishery authority would manage this zone nationally. There is a case for making the entire Irish Sea a marine area to be managed jointly by the UK, the Isle of Man, Republic of Ireland and Scotland. Scotland's offshore fleets would operate in the outer zone, as would foreign vessels permitted to fish within the Scottish EEZ.

Some Scottish offshore vessels might be permitted to fish within the coastal zone at certain times and under certain conditions, but only if the regional authority so agreed. Foreign vessels would not be granted such rights.

Management of the four main zones would be devolved to the particular areas. The Scottish Government would set overall policy and broad national Total Allowable Catches (TACs). But each local or regional management body would have flexibility to decide on local quotas or effort management, vessel licensing and local fishery regulations. The management throughout would be cooperative, with fishing associations, local government and environmental bodies having both authority and responsibility. This would avoid the “one-size-fits-all” pitfall that the CFP so often fell into. The Mediterranean fishery is managed on somewhat similar ways. The northern half of that sea comes under the EU, and although there has been no formal attempt so far to apply the CFP in that sea, or to insist on “equal access to a common resource”, there has recently been pressure in Brussels to do just that.

Local management of inshore and coastal areas would have to address gear conflicts in those fisheries where a variety of vessels work for a range of species. A major gear conflict is that between static gear and mobile gear fleets. The difference between prawn trawlers and prawn creel boats is an example of this issue. In the Minches and Western Isles, fishery associations have hammered out local agreements on where and when these fleets operate, so that the possibility of conflict is reduced. However, the tensions between the two groups will continue, and it is unlikely that final solutions will be arrived at to the satisfaction of all parties. Since the issue affects mainly small scale fishers in remote coastal communities, voluntary agreements and social pressure are often more effective than regulations made at a distant management centre.

Scallop fleet operations are objected to by both environmentalists and local fishers using other types of gear. This is due to the kind of dredges used, and the nature of their operations, which may take them to grounds far from their home ports. However, the scallop beds on which they fish are areas that are not of much interest to other fishers. These scallop grounds could be delineated on charts, and agreements reached with the fleets to work only within the prescribed areas. Another concession scallop boats might need is to be free to work over weekends. Some local associations (like that in the Clyde) do not permit any fishing activity on Saturdays or Sundays. Scallop fishers do not target other species, and they operate within prescribed areas, so a concession would appear to be reasonable. However, this would have to be negotiated with local fishery groups.

An initial change to the quota system would be the **abolition of single species quotas** in multi-species demersal fishery. During the interim period when a replacement for the quota system is being sought, there would be a number of adjustments to that method of management. A major cause of illegal behaviour by fishers has been the reduction of quotas to sub-economic levels. The skippers are then unable to keep their operations viable without misreporting or landing “black” fish, unless they have the financial ability to buy or lease additional quotas. To be just and non-prejudicial, a modified quota system should be managed overall outside of the Fish Producer Organisations (POs), and must eliminate measures that would tempt otherwise honest fishermen to contravene the rules. Then there could be respect for fishery control

measures, and the industry as a whole would accept and support penalties applied for infringements.

Ultimately, all **payments or rents** for fishing should go to the Scottish Government, possibly shared in part by the relevant local authority. For those fishers who would eventually relinquish their quotas, compensation would apply, based on the original cost of the quota and the number of years it was fished. Therefore, much less compensation would apply to non-active fishers or to other “owners” of quotas like banks and fish salesmen. There is a strong legal opinion that quota “ownership” would not stand the test of law.

Questions have been raised as to whether “**low-impact**” fisheries should be brought into a revised quota system. These are small inshore fisheries conducted from open or half-decked boats with static gear or hand lines. They were mostly governed for quota purposes under the “non-sector” arrangement. With the proposed arrangements for inshore and coastal management, it would be simpler, cheaper, and probably more effective to manage these fleets by effort control (under a TAC) rather than quota.

Specific fisheries such as **hand line fishery** need to have a very flexible TAC in order to allow for vast annual fluctuations. The experience of Mediterranean fisheries proves the appropriateness of local controls on fishing effort as a cheaper and more workable arrangement than an expensive and complex centrally controlled quota system.

An alternative form of management suggested for those special areas that involve inshore fish resources and small-scale fisheries (the 30-mile zone, firths and Minches) is the **non-transferable limited entry licence system** or NTLEL. This approach is conservation-sensitive and can be worked under a TAC. It accommodates to real-time management decisions and has no incentives to cause discards or misreporting. It deals with effort reduction through self-financing buy-back of licenses and through retirement of fishermen.

NTLEL is socially desirable for small coastal communities, since it promotes inter-generational equity through repossession of licenses of retiring fishers, and cost-free reissue to senior qualified crew applicants. Enforcement is low-cost and effective, partly due to cooperative management responsibility, and partly to the use of measures such as time and area closures and gear prohibitions that are easily overseen in a limited coastal area.

The major management change for the offshore fleets would be adopting a Faeroese model of **no quotas or catch limits**, only **effort control** by a days-at-sea arrangement related to an overall national TAC. The question then arises of how fishermen and POs might be awarded **compensation** for their earlier purchase of quotas. A first answer to this is that, as they would continue to harvest similar amounts, then there is no case for compensation. Legal experts doubt if there is any legal basis to the trade in quota entitlement. When the potato quota system was abandoned in Britain, no compensation was given to those farmers. However, apart from shore-based speculators, banks, and what are termed “slipper skippers”, no Scots fisher who bought quota in good faith would be penalised for that.

A more radical alternative to the above, but which would give the Faeroese model a strong and proper legal basis, was suggested by the late Dr G. Bernacsek, who made a global study of fishery management systems. He concluded that the root issue at the base of nearly all of the resource allocation problems is **the question of ownership**. Most national constitutions, (some dating back many centuries), regard natural resources as belonging to the people, and managed on their behalf by governments and duly appointed authorities.

In recent years, senior British civil servants dealing with fisheries have sought to propagate the idea that the government owns the resource, not the people or communities. Recognition of **the people's right to natural resources** is at the root of aboriginal concessions on quotas made by the governments of the USA, Canada and New Zealand. The Treaty of Waitangi allocated resource rights in perpetuity to Maori peoples in New Zealand since they were recognised in colonial law.

Application of the Bernacsek principle to Scotland's fisheries would relieve government of an expensive and complex responsibility, which would then be placed upon the fishing sector to be managed and exploited as it decided, in close consultation with other relevant bodies, and under an over-riding general set of policy guidelines drafted by the Government. Certain key functions should remain under Scottish Government control, but all decisions and actions on the practical day-to-day management of fisheries would remain with the industry.

It is incontestable that fishing effort within Scotland's national waters should be kept below **acceptable limits based on sustainable yields**. No fisherman or fishing company would argue against that. What is strongly in dispute is the distribution of vessel licenses, the growth in fishing power in individual vessels, and the areas of operation for particular fleets and vessels. The EU and the UK Government permitted the aggregation of licences, which inevitably reduced the small boat fleet and increased the power of the large vessel fleet. Yet it is the large and powerful fishing craft that pressure the fish stocks most.

Licensing of fishing vessels would become a regional or local responsibility if the management system proposed below were to be adopted. Each management body would work under overall TACs, but within that constraint it would be free to determine how many boats, and of what type, size or power should be permitted to operate in that area (as is done in Japanese prefectures and governor-controlled areas). Licenses would not be transferable beyond a vessel's area. **Aggregation of licenses** would be prohibited except in very special circumstances. If a boat were to be sold to owners outside the licence area, or was to cease fishing, then the licence would revert to the local licensing body.

Under a four-zone approach to the management of Scottish waters **the cost of administering each fishery zone** would fall on the local authorities and the industry. Each local or regional management body would pay for administration, inspection and enforcement. But, given that responsibility, each body should also be granted the flexibility to determine how it structures and operates the system. For example, the fishermen's associations may decide to police their own members on compliance with fishing gear and fishing area regulations. The fleet may develop its own method of **reporting the presence of foreign vessels**, and this could reduce the cost of fishery

patrols. The cost of observers placed on foreign ships would be borne by those vessels.

Having both responsibility for and a measure of control of **fishery inspection** would be an improvement for all. To take one example, fishery officers who supervise landings sometimes dictate when precisely boats may discharge their catches. Their times are dictated by the exigencies of a centrally controlled service, but it may have no consideration for local tides, or vessel steaming times, bad weather or other factors. (This happens in both the UK and the Republic of Ireland). But if the landing inspectors are employed or supervised by the local fishery management body, then they would be required to be present at times that suited the fishing fleet and not vice versa.

A more cost-effective arrangement could be worked out on vessel safety, both in regard to the effectiveness and appropriateness of regulations, and the cost of inspections. As with motor vehicle MOTs, **local marine engineers could be authorised to undertake surveys** and certify that equipment has been installed and work has been completed to the standard required. This pattern already exists for local training and certification of crews and officers, as promoted and supported by SEAFISH. Vessels over a certain size and power may have to be governed more strictly, but there is no sense in forcing small boat owners to pay excessively for installations that are neither appropriate nor helpful to vessel safety or seaworthiness. The end result of that (as has been evident already) is antagonism and bitterness towards the government.

Measures along the above lines would relieve Scotland's Government of technical and administrative costs and responsibilities and would enable the industry to develop and support more cost-effective arrangements. They would go a long way to reducing the suspicion and hostility that has been built up between the industry and government during the years of UK / EU administration.

SUMMARY

- The 200 mile EEZ zone to be claimed by the Scottish state.
- A 30-mile coastal zone to be established for coastal fleets.
- A six-mile coastal belt, and special local waters, - bays, firths, Minches, to be locally managed.
- Fishermen to co-manage all areas together with government.
- Local authorities and environmental groups to be involved.
- Peer groups to scrutinise all stock assessments and MSYs.
- Scotland to reserve the right to scrutinise ICES advice on fish stocks and recommendations on management measures.
- Industrial fishing to be banned completely.

- No discarding of fish to be permitted – vessels must land everything they catch, apart from trash fish of less than 100 kgs.
- Foreign vessels might fish within the Scottish EEZ on strict conditions.
- The Norwegian example to be followed for management of fish stocks with other nearby coastal states, along the lines of the UNFA principles for managing migratory and straddling stocks.
- As far as possible, existing producer organisations, fishermen’s associations, environmental groups and local government authorities to be included in the management structures for the four designated fishing zones or areas.
- Disaggregation of quota holdings to be encouraged for as long as the quota system continues. Single species quotas to be abolished in the multi-species demersal fishery.
- Trade in fish quotas and licences to be phased out, but in the meantime limited to transactions within producer organisations and local areas.
- Quota allocation and trade to be managed by a national representative body, outside of the producer organisations and other quota bodies.
- Serious consideration to be given to abolishing the quota system altogether, and to developing an effort-based system similar to what has been successfully introduced in the Faeroe Isles.
- Aggregation of Vessel Capacity Units (VCUs) and quotas by individuals or companies, to cease.
- Where possible, disaggregation of VCUs to be encouraged.
- Low-impact fishing fleets to be protected and encouraged.
- The number and power of high-impact fishing units to be gradually reduced.
- Policy measures to avoid creating incentives to non-compliance.
- Policy measures to foster incentives to fishermen to cooperate and support conservation in practice and in principle.
- The Scottish fishing industry should ultimately finance fishery administration and inspection. But it should also be given the authority and opportunity to organise or sub-contract these services.

- Fishery protection services to be managed by a joint industry-government body.
- Safety inspections of small craft to be undertaken by local certified marine engineers. Inappropriate safety requirements should not be made mandatory for the smaller vessels.
- Consideration should be given to the Bernacsek model of resource ownership and subsequent management arrangements that would transfer resource ownership and management responsibility from government to the Scottish fishing community.

The ultimate goal of fishery policy in an independent Scotland should be biological, social, and economic sustainability, with economic efficiency achieved, not by harvesting power or control of resource access by a few, but by development of fishing units that have low environmental impact and low fuel consumption, and which provide maximum local employment.

The Scottish fishery sector should also be assisted and encouraged to improve and maintain product quality and consumer satisfaction, and to maximize exports where possible.

Note: **Inshore Fishing Groups**

IFGs aim to offer an innovative, partnership-led, bottom-up, and locally specific approach to fisheries management. They are designed to allow inshore fishing operators, other fishing interests and a range of stakeholders to shape the management and development of local fisheries, taking into account wider interests, including environmental and socio-economic priorities and community development objectives. IFGs aim to involve commercial inshore fishermen on an open and transparent basis, striving to balance the interests of small and large operators, as well as environmental and socio-economic interests. IFGs provide new ways for the Scottish Government to engage with fisheries-dependent industries and coastal communities.