

SCOTTISH FISHERMEN: A CHOICE BETWEEN BRITISH OR EUROPEAN UNION?

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INTRODUCTION

The EU's involvement in the fishing sector is the product of biological, political and economic factors, reinforced by the claim that its competence for fisheries can be traced to the 1957 Treaty itself. By the early 1970s, as catches slumped, there was a growing perception that voluntary attempts at conservation had failed because up until then none of the international maritime organisations had had the authority to impose or enforce restrictions on fishing effort and the fishermen for obvious reasons were unwilling to give up catching fish. So it was claimed that it was in everyone's interests if the Community drew on its own supranational powers to conserve and manage its member states' fish stocks. Its legal base, originally derived from Articles 3(d), 38 and 39 of the Treaty of Rome, was tenuous to begin with, but its sovereignty was subsequently upheld by the European Court of Justice in a series of judgements during the late 1970s. Eventually the Common Fisheries Policy (CFP) was designated a Community Policy under Article 3(e) in Title II of the Treaty of European Union. It was also underpinned by a

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political commitment to the creation of a Single Market in agricultural products; Community fishermen must have open access to each others' waters. In addition it was argued that as fish spawned in one place, migrated and matured elsewhere, no single country could claim ownership of fish stocks; fish were a common resource.

With the exception perhaps of agriculture, nowhere is the ambiguity of Scotland's constitutional predicament more self-evident than in the fishing sector. Right from the moment the UK joined the Community, Scottish fishermen have had little option but to straddle the fault line between two political systems; one operates across the EU, the other within the UK. Nominally there is a clear division of power. At the European level the Council of ministers creates fisheries legislation by adopting proposals from the Commission. The UK government then has responsibility for implementing and enforcing the rules and regulations that emanate from the Community. But the idea that there is a clear-cut demarcation zone between the political processes in the UK and in the EU is illusory. The UK Government promotes and protects UK interests within the Council of Ministers, UK civil servants are directly involved in the intergovernmental bargaining process, and central government has the potential to exercise considerable discretion over the application of the policy. The waters are further muddied by the inter-relationship between the Scottish Office, the Ministry of Agriculture and the EU.

Such an arrangement works as long as there is sufficient synergy among the intermediate political structures that connect Scottish fishing interests to the higher levels of government in Europe; the credibility of either or both political systems lasts as long as they have the capacity to respond to the needs of their citizens. But now their legitimacy is open to doubt as a growing split emerges among Scottish fishermen over their relationship with the Community. Some call for the repatriation of the CFP to the UK, otherwise the Scottish fishing industry will collapse altogether, whilst others maintain that although the CFP must be reformed, 'there is a continuing need for a common approach at the European level' (Allan 1994). This raises the question of whether or not a Union with Europe is more compatible with the needs of Scottish fishermen than the United Kingdom. The CFP is therefore highly relevant to the current constitutional debate because responsibility for policy making has been already transferred to the European level; so we can ask if the experience to date has been in Scotland's interest. Should the answer be a tentative 'yes', is this to the credit of the political system in the

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UK or the EU, or is it simply the product of other actors, for instance the strength of a Scottish lobby?

THE CFP: AN ILLEGITIMATE POLICY AT SCOTLAND'S EXPENSE?

Despite the fact that the Scottish Fishermen's Federation (SFF) has become the primary umbrella organisation for Scottish fishermen, factionalism has long been a threat to the Federation. It has been suggested that the reason so many representatives went to Brussels at the beginning of the 1980s was because of the mutual suspicion of its constituent associations (Shackleton 1986, p. 220). In the aftermath of 1983 there was briefly a real possibility that it could disintegrate completely. To some extent this has been an on-going problem because of the diversity of the industry. The Shetlanders have frequently had their own agenda, namely ensuring local fishermen enjoy preferential rights in their immediate coastal waters. Then there is the east-west division. The fleets have tended to catch different species, increasing the possibility that those on one side of Scotland would be less affected than those on the other by conservation measures. Likewise, those on the west can be storm-bound for weeks during the winter drastically reducing their days at sea, whilst the eastern fleet tends to chase shoals of fish into western waters during the summer and autumn. The SFF therefore has the onerous job of reconciling the divergent priorities of its members but still presenting a common front in Brussels - something that has been no easy task but which it broadly succeeded in doing until recently. During the last year or two the Scottish White Fish Producers' Association, the largest constituent member of the SFF, has demanded that competence for the fishing sector should be repatriated to the UK.

Right from the beginning the CFP has had a chequered history, a factor that reinforces the argument that policy making at the European level can be detrimental to Scottish interests. The original six EEC members adopted the first framework regulation in 1970, well aware that the applicant states all had some of Europe's most productive fishing grounds. This meant that the UK, Ireland and Denmark were all obliged to respect the primacy of community law in the fisheries sector before they joined, thus contributing to Norway's first rejection of membership and the subsequent altercations in the European Court of Justice. Since the CFP was founded on the twin principles of Open Access and Common Resource, in theory fishing boats from any of the other member states could fish right up to Scotland's beaches. In practice,

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there was a transition arrangement which allowed the UK to retain sovereignty over its coastal belt until 1983, when the Council of Ministers agreed a more comprehensive policy. From that point the principles of Open Access and Common Resource were counter-balanced by a commitment to Relative Stability. The Council of Ministers would agree a Total Allowable Catch for the different species of fish which varied from year to year depending on fish stocks. Each member state was then entitled to a fixed percentage share of the seven main species, thus ensuring the relative stability of their individual fishing industries.

Yet the revised policy seemed to be no panacea for Scotland's fishermen. The quota fell well short of their original demands. Although the coastal belt was retained thanks to an extension of the derogation (UK opting out) on Open Access, it only extended up to 12 miles which was far less than the 50-mile limit demanded by Scots during the 1970s. Moreover, the fishing policy agreed in 1983 was liable to change; the derogation on Open Access would cease in 2003, unless the Council of Ministers agreed otherwise. The recent decision to allow Spanish vessels into Western waters has only added to doubts about the legitimacy of the CFP. Under the accession arrangements governing Spain's and Portugal's membership of the Community, the Iberians would not have been fully integrated into the CFP until 2003. Until then they faced strict controls on where they could fish and what they could catch. But as a result of a compromise in the Council of Ministers in 1994, the accession agreement on fisheries ceases in 1996. Many Scottish fishermen believe that this will allow the Iberians into their traditional fishing grounds. The only solution according to the Scottish White Fish Producers' Association is to pressure the UK into reclaiming sovereignty of its fishing sector; it would have to opt out of the CFP.

THE CFP: SPECIAL STATUS FOR SCOTLAND

In spite of the supposition that Scotland's fishing industry is on the verge of collapse, the idea that its fishermen are politically impotent at the European level is open to doubt. Even when the CFP was little more than an embryonic policy the Community accepted that Scotland's fishing industry merited special treatment. In 1976 the Council of Ministers adopted the Hague Resolution which acknowledged 'the need to consider the vital interests of local populations particularly dependent on fishing in certain regions, including Greenland, the Northern part of the United Kingdom and Ireland' (EEC 1976 Bull 10-1976-227). Although the EEC had established its own

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200-mile fishing zone in the North Atlantic and the North Sea following the loss of arctic fishing grounds in the mid-1970s, future policy would recognise that communities in Scotland were highly reliant on fishing for their economic and social well-being. Whilst regional preference may one day be extended to others, no other regions or member states have been given the same treatment. It helped to underpin the case for the Shetland Box, which placed strict limits on the number of vessels over a certain length that could fish off Shetland and Orkney.

The EEC continued to respect Scotland's special status during the next decade. In the run up to the revision of the CFP in 1983, Scottish fishermen had argued that their quota should be at least 60% of the catch as 60% of the Community's fish stocks lay in their waters, but the industry's leaders subsequently recognised that the EEC's figure of 37.3% was commensurate or even marginally above the volume of fish caught by Scottish fishermen during the preceding few years. Apart from initial misgivings, few in Scotland considered it to be unfair as the 1980s progressed, and by 1994 even the SNP's manifesto for the Euro-elections claimed that Scotland merely had 'over 30% of the EU's fishing waters' (Scottish National Party 1994, p.8). When the Total Allowable Catch was sharply reduced towards the end of the 1980s the Hague Preference was invoked and the other member states' quotas were temporarily adjusted in order to favour Scottish fishermen. As the CFP came up for its mid-term review in 1992, the elements liable to change were the Shetland Box, Relative Stability and the 12-mile coastal band. There was also the threat that the Hague Preference would be modified or even abandoned altogether. However all four remained unaltered, reinforcing the impression that the EU was unlikely to forsake Scotland's fishing interests unless there was good reason.

The industry's leaders are now arguing that both the derogations on Open Access and the principle of Relative Stability should become permanent components of the CFP in 2003. By accepting that the Scottish fishing sector was a special case, the EU has if anything sustained the industry until recently. The fact that the number of fishing boats has remained relatively stable is testimony to that; there were 2,263 Scottish fishing vessels in 1987 and by 1991 there were 2375 (Scottish Office 1992). Although the industry is now being asked to cut the fishing effort by 1996, fishermen in other member states have had to make similar sacrifices because of warnings from marine biologists that fish stocks are on the point of collapse.

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Despite the outcry in the 1994-5 winter over Iberian access to Western waters from 1996, any suggestion that it represented a watershed for the Scottish fishing industry needs to be treated with caution. The SFF's primary aim was to ensure that the Iberian accession arrangement should remain in force until 2003. Their concern was two-fold. First, if the Iberians became fully-fledged members of the CFP this increased the possibility that the principle of Relative Stability might be substantially amended or even revoked, thus undermining a quota system that had benefited Scottish fishermen. Second, the Spanish rightly or wrongly have a reputation of flouting the rules and ignoring conservation measures. It was alleged that any change in access would enable them to fish illegally and so deplete stocks further, adding to the difficulties already experienced by Scotland's fishing industry as well as supplying more ammunition to marine conservationists. In the event the SFF had to compromise but the Iberians have still been excluded from the North Sea and they were effectively prevented from penetrating the existing quota arrangement elsewhere. The only exception to this was a modest quota swap between the Spanish and fishermen from France and Belgium, a practice that was by no means new. Apart from that, the Hague Preference remains intact, as does Relative Stability. It therefore seems reasonable to suggest that if the historical record of the last 13 years is anything to go by the experience of policy-making at the European level has hardly been detrimental to Scottish interests. The EU's approach stems from the acknowledgement that Scotland's fishing sector deserves favourable treatment, so implying that the Community has the political capacity to recognise and respond to Scottish needs.

CFP: THE ADEQUACY OF THE INTERMEDIATE POLITICAL STRUCTURES CONNECTING SCOTTISH FISHERMEN TO THE EU

The SFF's ability to influence Brussels depends on the resources at its disposal and the linkages that connect it to the decision makers in the EU. If the SFF is to shape policy it needs as many allies as possible and a variety of points through which it can access the political process. The fact that Scottish fishermen have to work within two political systems has its advantages as well as its draw-backs. If needs be they can play one off against the other, for instance by publicly suggesting that the EU has been more receptive to their requirements. Although the Community has evidently been willing to compromise over Scotland's needs it does not necessarily follow that this is primarily to the credit of the EU's political system per se. Rather it could be

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because Scottish fishermen enjoy high-level access to the UK government in the first place, so enabling them to successfully pressurise UK ministers and their civil servants who in turn exercise power in the Council of Ministers and its working groups. Even then Scottish interests have a different status to those in England because they have their own ministry which enjoys a measure of responsibility over fisheries. Even though the Scottish Office's function is effectively an administrative one and is clearly subordinate to Whitehall, it maintains its own links with Brussels. It is therefore potentially an invaluable conduit to both London and the EU. So the SFF has to deal with three levels of government in two interconnected political systems and even that is not the whole picture because of central government's competence for the implementation of the CFP in Scotland.

The SFF is best able to influence EU policy when all three work in tandem, as was the case first in 1984 when Scottish fishermen overturned a derogation on the by-catch of Norway Pout and second in 1992 when the SFF got most of what it asked for during the CFP mid-term review. Although the SFF's tactics change according to circumstances their overall strategy remains the same in the conduct of their relations with the EU. They always attend the Council of Ministers meetings so that they can lobby ministers and give the Scottish media their own reaction to proceedings. Before setting off to Brussels they are likely to have had an in-depth discussion with officials from the Scottish Office fisheries department. If the issue is a controversial one they secure an interview with the Scottish Office minister responsible for fisheries and they could well call in on London en-route to Brussels to lobby central government. If the EU appears likely to adopt a policy which is detrimental to Scottish interests then the SFF will garner the support of Scottish MPs, MEPs, Local Government and the Media. All of this is harnessed to apply maximum pressure on ministers at the Scottish Office and their colleagues in London, including if necessary the Prime Minister.

The Scottish Office has had a key role in mediating between the SFF, London and the EU. A senior official is seconded to UKREP, the permanent UK diplomatic delegation in Brussels, because of the political sensitivity of the fisheries sector. This has the added bonus that the Scottish Office receives up-to-date information that has not been filtered by London. Its civil servants and ministers attend meetings of the Council of Ministers together with their colleagues from Whitehall. Apart from the one or two occasions that ministers from Northern Ireland and Wales have also been present, there is little evidence that any other area in the EU has had similar representation within the Council over the last decade or so as far as fisheries are concerned.

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Critics could rightly argue that this does not mean that Scottish Office ministers have the power to vote on behalf of Scotland; instead they and their officials have to work within London's guide-lines. Yet they can still have an input in policy and if need be will endeavour to defend Scotland's interests within both the UK and the EU. In turn the very fact that they are present at all means that they are held to account by Scottish fishermen, so increasing the pressure on them to return home with a tangible result.

During the 1980s the Scottish Office proved extremely adept at defending the interests of Scottish fishermen, if for no other reason than because its civil servants have to watch their ministers backs. As Lord Gray of Contin discovered in 1984, the Scottish Lobby can be highly effective. After returning from a meeting of the Council of Ministers which had agreed to set an 8-month derogation on the by-catch of Norway Pout (much to the dismay of Scottish fishermen), he found himself having to explain to Scottish local authorities, the media, MPs and MEPs why he had failed to block it. Apart from being time-consuming it must have been a somewhat humiliating experience, and that is perhaps why senior officials from the Scottish office subsequently opened up channels with the French government the following year when the derogation next came up for review. In the meantime the Ministry of Agriculture was willing to compromise, but French support made a crucial difference in the Council and the derogation was withdrawn. It was a victory for Scotland's fishermen in general and the Scottish Office in particular.

By 1995 the relationship between the fishermen and the Scottish Office is a little more ambiguous. It is this development that helped to weaken the SFF's position because up until now the Scottish Office has been one of its most valuable linkages to Brussels. There are a number of possible explanations. The environmental lobby was beginning to have an impact on St Andrew's House; for instance, the Under Secretary of State with responsibility for fisheries in Scotland no longer has the word 'fisheries' in his title of office. Instead he is the 'Minister for Agriculture and the Environment', implying that ministerial attention is likely to be more sympathetic to conservation measures. Second, Scottish Office ministers have for one reason or another been less willing to promote Scottish fishing interests in the EU. Sir Hector Monro, the minister who held the portfolio for fisheries until the 1995 reshuffle, left to get married in the middle of the extended Council meeting at the end of December 1994 at a time when it was finalising the compromise on the Iberian accession arrangements. Despite appeals from Scotland's fishing community the Secretary of State refused to go himself, sending Lord

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Fraser as a last minute stand-in. When the meeting finally ended, the Scottish ministerial delegation is alleged to have boarded a flight to Scotland leaving their English brethren to detail the agreement to the Scottish fishermen's delegation. This raises the question: has there been something of a sea change in ministerial attitudes between 1984 and 1994? The answer to that lies with London because the team in the Scottish Office, despite its relative autonomy, is ultimately dependent on Whitehall when it comes to the application of the CFP.

The weak link in the chain has consistently been central government itself. The most serious development from the fishermen's point of view has been the divergence between London and Brussels over the implementation of the policy; the former's bias towards laissez faire is no match for the EU's technocratic approach. If the CFP is to stand any chance of success, UK fishing policy has to complement decisions made at the European level. Once the EU's ministers began to reduce the annual catch at the end of the 1980s, what was needed was an adequate scheme to restructure Scotland's fishing industry. But John Gummer made it clear in 1989 that 'centralised planning and subsidy are certainly not going to produce results' (MAFF 1989). Despite the availability of aid from Brussels the UK government was reluctant to provide matching funds by digging into its own pocket, and this stalled the fleet modernisation and de-commissioning programmes.

Although the Government eventually set aside £25 million for de-commissioning across the UK, Scottish fishermen argued in vain that it was wholly inadequate, not least because the application procedure amounted to little more than an auction which favoured those who submitted the lowest bids for compensation. It was not until a debate in the House of Commons in 1995, when the Minister of Agriculture was confronted with a rebellion from his own back-benchers, mainly in the South-West of England, that an extra £28 million was 'found'. Thus the UK Government's own performance in those areas of policy which the EU had left it to handle on its own can only raise doubts as to whether it has the ability to manage a repatriated CFP, given its general indecision, ineptitude and lack of strategy. On the one hand it attempts to regulate the fishing sector by imposing its own conservation regime under the discredited Sea Fish (Conservation) Act but at the same time it tries to evade all responsibility for restructuring the industry.

The adjustment to the Iberian accession terms came at the end of a series of encounters with the EU which increasingly posed a threat to the SFF's credibility, rather than merely to the CFP. All too often an English-orientated

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media, particularly TV news reports, tended to over-simplify developments. It ignored the Scottish dimension and portrayed the Iberian question as a straight fight between Cornish and Spanish fishermen, enabling the SFF's critics to claim that the Scottish fishing sector had been marginalised by vested interests elsewhere in Europe. Yet such a view ignores the Federation's successes and it seems somewhat defeatist to believe that because the SFF had failed to get all it wanted over the accession arrangements, this marks the end of the Scottish fishing industry's influence in the EU. It is futile to imagine that a Scottish pressure group could consistently out-manoeuvre the Portuguese and Spanish governments in the Council of Ministers, unless the UK was either able to rely on the support of member states, or, in the last resort, was willing to attempt a veto. The Iberian issue therefore raises one or two questions about the UK Government's handling of fisheries policy.

The Government's dubious performance, within both the EU and the UK, inherently reflects the existing political status quo in the UK. First, Government ministers favoured Iberian integration into the CFP because it tallied with their own ideological commitment to the Single Market, and so in principle they had no objection. Second, even had they wanted to retain the Iberian accession terms until 2003, they had little room for manoeuvre as they risked being out-voted in the Council of Ministers because of a paucity of allies, thanks to their lack of commitment to the Community in general. That became self-evident when it was reported that the UK was isolated in the Council last winter after the Iberians threatened to veto the accession of Sweden, Austria and Finland to the EU unless the individual components of the new fisheries arrangement met their requirements. The Iberians soon had the Germans on-side, swiftly followed by the other member states (**The Scotsman** 21 December 1994, p.5 and 23 December 1994, p.1). This perhaps explains why Scottish Office ministers are less enthusiastic about planting themselves on the firing line in Brussels compared to a decade ago. Furthermore, the Scottish Office's fisheries department faces imminent staff cuts, conceivably reducing its capacity to assist the Scottish fishing sector in Europe. It also appears to be increasingly sidelined by Whitehall since it clearly failed to get adequate compensation for restructuring the industry, thus undermining its credibility as a mediator for Scottish interests in the UK. Despite the fact that the UK's fishing industry centres on Scottish waters, Government ministers appear more responsive to pressure from English MPs, adding to the impression that Scottish concerns are of less significance than those south of the Border. Moreover, if they are unable or unwilling to secure concessions in the EU on behalf of interest groups like the SFF, the *raison*

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d'être of the UK itself is called into question. The cumulative effect of these developments can only undermine the legitimacy of the current constitutional arrangement between Scotland and the rest of the UK.

Superficially, devolution would make little difference to Scotland's representation in Brussels, as Scottish Office ministers and their officials already attend Council meetings, but it could lead to greater accountability if they had to explain their actions to a Scottish Parliament. Equally there is always the possibility that they would be subject to their own parliament's mandate during negotiations in the Council of Ministers. Yet that would only be meaningful if the procedures in the Council were substantially revised, so allowing more than one territorial minister within a member state to vote on the same issue, thus eliminating the possibility of an impasse due to a conflict of interest between English and Scottish fisheries ministers. In effect the Council would then reflect territorial interests rather than those of the member states, but such a far-reaching reform of the Council is unlikely unless the Community's 1996 Inter-Governmental Conference takes a radical line. Nevertheless devolution could make a difference. A Scottish parliament with limited powers of taxation might enable the Scottish industry to be restructured properly, providing Scottish institutions had control of the implementation of the CFP instead of Whitehall. This brings us to the question as to whether or not the pro-devolutionist political parties would repatriate the CFP to Scotland.

The chances of repatriating the CFP seems extremely unlikely, not least because it is far from clear whether the Liberal Democrats or Labour would sanction it. In a statement at its 1993 conference, the Labour Party declared:

Participation in the European Community can not be on an ad hoc basis, sometimes to be used, sometimes to be ignored. That is neither realistic nor practical.
(Labour 1993, p.47)

In their 1994 Euro-election campaign document the Scottish Liberal Democrats maintained:

We must face up to the fact that Europe's economies are increasingly interdependent. Most Scottish trade is now with the EU. Scotland's recovery cannot be achieved in isolation from Europe. We are committed to working at the heart of Europe to tackle unemployment in Scotland

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and throughout Europe.
(Scottish Liberal Democrats 1994, p.2)

It therefore appears that neither party would willingly pull out of the CFP.

The SNP's position is also clear-cut, arguing that if Scotland were a full member of the Community with voting rights in the Council there would be no sell-out of Scottish fishing interests. To some extent this could prove difficult because voting is by Qualified Majority and there is no veto as far as the day-to-day management of the CFP is concerned. 'Independence in Europe' would enable Scotland to have 3 votes in the Council. Apart from securing the support of other member states in a bid to attain a majority, an alternative would be to challenge the legality of the CFP itself whenever the policy is subject to any fundamental change that is contrary to Scotland's interests. When the Iberians managed to secure the end of the accession arrangement on fisheries, Winnie Ewing called for it to be challenged in the European Court of Justice. But Scottish legal opinion subsequently indicated that this could only be undertaken by one of the member state's governments. If Scotland was a member state in its own right then it would have the power to mount a legal challenge or threaten to quit the Community altogether. Whether the fishing sector is of sufficient importance to warrant such moves post-independence is an entirely different question.

There is little evidence that the SNP will attempt to withdraw from key areas of policy in the EU, quite the reverse. It maintains that the day Scotland separates from the rest of the UK there would be no need for it to apply for membership of the EU as it has already been part of the Community, albeit within the UK, for the last twenty years or so:

All our existing legal, economic and social agreements will remain in place, with no disruption whatsoever. Scotland will continue as a member of the European Union.
(Scottish National Party 1994, p.7)

Were the SNP to become the governing party in Scotland it is unlikely that it would risk a confrontation with the rest of the Community by seeking an opt-out of the CFP as a way of affirming its 'independence in Europe'. Moreover, part of the Nationalist's electoral strategy rests on the premise that Scotland's well-being would be assured by access to the Single Market in Europe (p.6), something that is incompatible with any rejection of the open access principle in the CFP.

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Paradoxically the only exception are the Euro-rebels in the Conservative party who called for the repatriation of the CFP during the Commons debate on fisheries in January 1995. Notwithstanding their potential leverage over the Cabinet, their demands have so far fallen on deaf ears, apart from an informal pledge that any fundamental change at the 1996 IGC would be subject to a national referendum. Yet any developments in the fisheries sector are likely to fall well short of a major national interest for the UK in economic terms. Besides this, a Conservative Government, as has already been suggested, is hardly a safe haven for a repatriated policy.

CONCLUSION

During the last few years sections of the Scottish fishing industry have been increasingly critical of the EU's ability to regulate their sector. Yet experience of policy-making at the European level does suggest that the Community has respected Scotland's status as a peripheral maritime region in Europe where particular localities are dependent on fishing. Recently the reverse applies to the UK, where ministers have clearly been uncertain in their management of the sector and their implementation of fishing policy, thereby damaging the legitimacy of central Government. Their perceived remoteness can only contribute to the alienation of fishing communities in Scotland, so reinforcing Scottish doubts over the Union with the rest of the UK and at the same time raising the possibility that the Scottish White Fish Producers' Association has misdirected its criticism at the Scottish Fishermen's Federation. Should there be constitutional change it appears that no party would willingly pull out of the CFP and there is unlikely to be a fail-safe mechanism at either the European or state level which protects the Scottish fishing sector unless Scotland were fully independent. It could be argued that the CFP had a considerable bearing on Norway's rejection of EU membership in 1994, as it did in 1972, and that its independence has hardly been to the detriment of the Norwegian fishing sector. Some commentators suggest that Norway's successful management of its own industry could well have influenced the thinking of Scottish fishermen and politicians towards the CFP. Should Scottish fishermen's disenchantment increase, then Norwegian-type isolationism is one option, but whether the SNP would find that acceptable is questionable, not to mention the rest of Scotland. In the meantime, as is the case with any other interest group, the SFF are wholly reliant on their ability to influence the policy process at the national and the European level. The Scottish Lobby has been demonstrably effective, providing government ministers have the will and the capacity to negotiate

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on its behalf in London and Brussels. That Scotland's fishermen are deeply divided over their constitutional status is unsurprising. Shared competence between the EU and central government, with one level deciding policy and the other implementing it, leads to problems of control and accountability unless there is adequate empowerment of Scottish institutions.

REFERENCES

- Allan R., 1994, Fisheries conference, Hammerfest, Norway: 7th/8th September: the effects of EC fisheries policy on the United Kingdom.
- Clark R.B., 1987, **The Waters Around the British Isles**, Clarendon Press.
- The Commission, 1985, The European Communities Fishery Policy.
- The Commission, 1994, The New Common Fisheries Policy.
- The Commission, 1976, Commission communication to the Council on the future external fisheries policy and internal fisheries system, R/2227/76.
- The Commission, 1993, Proposal for a Council Regulation (EEC) COM (93) 547 final, fixing the guide prices for the fishery products listed in annexe II to Regulation (EEC) No 3759/92 for the 1994 fishing year.
- The Commission, 1993, Proposal for a Council Regulation (EEC) COM (93) 493 final, on adjustment to the fisheries arrangements provided for in the Act of Accession for Spain and Portugal.
- The Council, 1983, Council Regulation (EEC) No 170/83 OJ L24/1 of 25 January 1983, establishing a Community system for the conservation and management of fishery resources.
- The Council, 1992, Council Regulation (EEC) No 3760/92 OJ L389/1 of 20 December 1992, Establishing a Community system for fisheries and aquaculture.
- The Council, 1993, Council Decision OJ L10/20 of 20 December 1993, relating to the objectives and detailed rules for restructuring the Community fisheries over the period 1 January 1994 to 31 December 1996 with a view to achieving a lasting balance between the resources and their exploitation.
- EEC, 1976, Bull EC 10-1976-227
- EU, 1992, Treaty on European Union.
- Goodlad J H, 1993, The Scottish fishing industry. Its economic and political significance for Scotland, **Scottish Affairs**, No 3 Spring 1993, pages 48-54.
- Labour, 1993, Statements to Conference. Prosperity through cooperation, Conference 93.

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MAFF, 1989, Press Release dated December 20 on Mr Gummer's statement to the House of Commons on the outcome of the Fisheries Council meeting in Brussels on 18-19 December.

McColl RA, 1993, **The Common Fisheries Policy - Past, Present and Future**, unpublished paper.

Ranken M.B.F., 1984, **Greenwich Forum 1X**, Edinburgh, Scottish Academic Press.

SBF, undated, Summary of Save Britain's Fish Campaign's Case Document for the repatriation of Britain's Exclusive Economic Zone in relation to fishing.

The Scotsman, 21 Dec 1994 and 23 Dec 94.

Scottish Liberal Democrats, 1994, **Unlocking Scotland's Potential - The Scottish Liberal Democratic vision for Europe**.

Scottish Office, 1992, **Scottish Fishing Vessels** Table 25

Scottish National Party, 1994, **A Manifesto for the European elections** June 1994

Shackleton M.J., 1986, **The politics of fishing in Britain and France**, Gower.

INTERVIEWS

Allan R, Chief Executive of the Scottish Fishermen's Federation.

Armstrong D, Head of Unit at DGXIV, the Commission, Brussels.

Ewing W M, MEP

Goodlad JH, Secretary of the Shetlands Fishermen's Association.

Hay, TG, Chairman of the Scottish White Fish Producers' Association Ltd.

Mackenzie L, Director at DG XIV, the Commission, Brussels.

McColl RA, Iain Smith and Co

MacSween, Chief Executive of the Scottish Fishermen's Organisation Ltd..

Milne R H, Managing Director of the Aberdeen Fish Curers' and Merchants' Association Ltd

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