

THE SEA CLEARANCES IN SCOTLAND

David B. Thomson

They had come from beyond the mountain which rose up behind them, from inland valleys and swelling pastures, where they and their people before them had lived from time immemorial. The landlord had driven them from these valleys and pastures, and burned their houses, and set them here against the sea-shore to live if they could and, if not, to die, ...

Yet it was out of that very sea that hope was now coming to them. All along these coasts ... there was a new stirring of sea life. ... The people would yet live, the people themselves, for no landlord owns the sea, and what the people caught there would be their own ... ¹¹

The Hebrides and the adjacent west coast of Scotland is a region of coastal communities on the periphery of Europe whose people have for generations struggled against the elements to achieve a sustainable economy in the face often of negative outside forces. Its population, now reduced to fewer than 80,000 persons, has seen its every major natural resource commandeered by outside groups in one way or another. In the nineteenth century the land was taken ruthlessly from the people in the name of economic progress. The sea and its fish stocks remain the one last major resource for future work and industry. Today, as a result of the effects of current management systems, regulations and measures, the local fishery resource, and the people's

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¹¹ Neil M. Gunn, 'The Derelict Boat', in *The Silver Darlings*, Faber & Faber, 1941

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diminishing right to harvest it, are both under serious threat. Following the decline of sheep farming, weaving, and other traditional crafts, the loss of the basis of the local fishing industry could be the final blow to an economy which is already in crisis.¹²

Yet the sea adjacent to the Hebrides and West Coast yields over a million tons of fish a year to fishing effort and predation. That is more than a fifth of the amount of fish harvested from the waters of EU member states. But the west coast ports see only 60,000 tons or six per cent of the yield landed locally.¹³ Just over half of that amount is taken by east coast boats based permanently on the west coast, and less than half by local boats crewed and owned by indigenous Hebridean and west coast fishermen.

The total west coast based fleet thus harvests less than seven per cent of the fishable stock in adjacent waters. The indigenous local fishermen take less than three per cent. Yet the limited catch provides employment for over 3,000 persons on shore and at sea, and is the basis for 2,000 other jobs. It is the foundation of the economies of scores of coastal villages. Government support for the industry is modest at best and often designed to encourage workers to leave the sector rather than remain and improve their operations. The west coast scallop fleet was in urgent need of temporary assistance in 1999 and 2000 when fishing was banned in areas where amnesic shellfish poisoning was suspected. Despite pleas by the west coast associations, no assistance was granted. The assistance required would have been extremely modest compared to the assistance given to the agriculture section for BSE and now Foot and Mouth. Conversely, the Scottish Executive had no difficulty in March this year in finding a million pounds to finance a basket of requests from the fish merchants and processors associations who then immediately and conveniently withdrew their support for the tie-up scheme requested by North Sea fishermen.

What is happening to Scotland's indigenous west coast fisheries is also occurring on the more prosperous east coast where the social and economic impact is less severe owing to the existence of the oil industry and local urban economies. The fishing ports of East Lothian, Fife, Grampian and Shetland, which achieved generations of hard-earned prosperity from

¹² *Western Isles Enterprise, Economy in Crisis, Conference Paper, 1998*

¹³ *Some Continental vessels consign catches from west coast ports but that fish does not pass through local markets and yields nothing to the local economy apart from a small landing charge.*

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catching and processing, are now seeing that great traditional industry threatened with terminal decline. Recent measures to preserve cod stocks, unbalanced by measures to protect juvenile haddock in the North Sea, have ensured further stock depletion and accelerated the industry's demise. The rationale behind current management measures are difficult to understand: they clearly do not encourage a sustainable fishery.

The Scottish west coast and island fisheries problems are also a microcosm of those facing millions of coastal dwellers throughout the world who rely on the sea's resources for food and income. The fish and seafood they harvest are the basis of the slender economies of tens of thousands of villages. The United Nations estimates the number of small scale coastal fishermen at around 15 million, and the amount of fish they harvest at close to 30 million tons, which is over 40 per cent of the amount of food fish taken from the sea. The world's industrial fleets take over 70 million tons of sea fish, but 40 per cent of their catch goes for reduction to meal and oil for animal feed. A further 17 to 27 million tons is estimated to be destroyed or dumped at sea as unwanted by-catch.¹⁴

The social and economic importance of coastal fisheries is even greater than their contribution to the world's supplies of protein food. Remove access to the fish resource or permit unbridled competition by industrial fleets equipped with every modern aid for fish detection and capture - and the result would be 15 million unemployed fishermen, and tens of thousand of communities dying from lack of a basic industry. In the developing world the displaced fishermen and their families would in all likelihood move to urban centres and become squatters in the sprawling slums of the major cities.

A recent commentator has written: 'If we are going to sustain our fish stocks in ways which ensure the continued supply of fish to provide livelihoods and to feed future generations, then fisheries must maintain their close links with the people of the sea. Sustainable fishing must, apart from conserving fish stocks, involve viable fishing communities and sustaining of livelihoods in those communities'.¹⁵

¹⁴ *FAO, The World's Two Marine Fishing Industries – How They Compare, ICLARM Manila, 1988*

¹⁵ *Brian O'Riordan, 'What's the Catch?', in Samudra Journal, May 1998*

U.N. ACTION AND INTERNATIONAL CONCERN

In 1995, concerned that world population was growing faster than food supplies, and that by 2010 there would be an expected shortfall of 30 million tons in the world's supply of food fish, the Government of Japan called for countries and international organisations to meet and collaborate to address the issue.

Accordingly, in December of that year, 95 nations sent representatives to a meeting in Kyoto, organised jointly by Japan and the Food and Agriculture Organisation of the United Nations (FAO). Eleven inter-government and nine non-government organisations also sent representatives. With participants numbering 522, the meeting was one of the world's largest international conferences on fisheries.

The Kyoto Declaration (see Appendix)¹⁶ and Plan of Action were adopted by the Conference, by consensus. They recognised the danger to fish resources from over-exploitation and environmental degradation. Fish food supplies would become scarce, and the fishery sector's contribution to food security put under threat. Poorer people, who normally relied on fish for protein food, might find it priced beyond their means in their diet.

As a follow-up to the Conference, and the Declaration, FAO commissioned the preparation of global case studies in each of five major regions, namely, the Far East, Asia, Africa, the Americas and Europe. The studies were to focus on the social and cultural importance of coastal fishing communities and their contribution to food security.

The Hebrides and the west coast of Scotland fishing communities were selected as the study group for Europe. The region was of interest to the United Nations because it included an identifiable ethnic people with their own special history and culture, and a coastal fishery which, though of considerable potential, was under threat from a number of environmental and economic pressures, largely due to existing management measures and their often unintended effects.

The Hebrides case study raised other serious issues regarding land use, and appropriate development strategies for the region. There are important historical reasons for the Highland problem, which need to be clarified and

¹⁶ *Fisheries Agency Japan, The Kyoto Declaration and Plan of Action, December 1995*

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understood. It was felt that an examination of the wider issues would be helpful to the present debate on fisheries management and regional development within Europe.

Few of the world's artisanal fishermen have the luxury of a choice of vocation, or any viable alternative type of employment. Most of them are landless peasants. The combined efforts of aid organisations, national governments and development banks, to stimulate rural economies and stem the tide of migration to the cities, can scarcely maintain work opportunities for existing populations in rural areas. They most certainly could not cope with an additional 15 million unemployed persons and their families. That is why coastal fisheries are being protected in the poorer parts of the world. Indonesia, for example, could harvest its 2.5 million tons of marine fish with only 150,000 fishermen instead of 2,000,000 if it used only modern ships and modern technology. But since the Government is responsive to social pressures, and because the repercussions of such a move would be horrendous for its cities which have squatters enough at present, the national policy favours local fishing communities and maximisation of employment in coastal areas.

THREATS TO FISH RESOURCES AND COASTAL ECONOMIES

In the developed or industrialised parts of the world, the situation differs only in degree. There are far fewer fishermen in the coastal areas of Europe and North America than there are in Africa, Asia, and the Far East. But the problem remains. It has been overcome in some regions where local industry has swallowed up excess labour from fishing communities. But in places like the Maritimes of Canada, and the fishing villages of Alaska, there are not so many industrial opportunities for local residents, and the decline of inshore fisheries has created severe social problems which have required substantial state aid to redress. In Europe, similar vulnerable coastal communities are found in Spain, Portugal, Ireland, Cornwall and Scotland. They face a difficult and uncertain future if their modest share of the sea's wealth is to be taken from them. Spanish coastal fishermen who number over 28,000 recently met together and issued the 'Cedeira Charter' which received the backing of 50 cofradías and the Galician Environmental Federation.¹⁷ It echoes most of the conclusions and recommendations of the Hebridean study.

¹⁷ Sebastian Losada, 'The Cedeira Charter', in *Samudra* No. 26, ICSF Brussels & India, August 2000

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The modest sea harvest is under serious threat from two directions - resource depletion and loss of the legal right to fish. The resource depletion is due to pollution of coastal waters and to severe fishing pressure which together have depleted most of the demersal and pelagic stocks in the coastal area. Predation, chiefly by an enormously increased seal population, has also had a detrimental effect as has the enforced discarding or dumping of thousands of tons of fish caught surplus to particular species quotas for individual vessels. Enormous increases in vessel power and introduction of gear advances, like the twin-rig trawl, have put fish stocks under yet greater pressure.

Loss of the legal right to fish is being brought about by a trade in vessel licences and quota entitlements. This is a trade in pieces of paper which did not exist a few years ago. The market in these commodities, which successive governments seem to view as a good thing, has priced licences and quota entitlements above the value of a fishing boat and its gear. In the case of pelagic licences, their market value may be several millions of pounds. Once a licence is gone from a fishing port or community, it is effectively gone for ever, together with the jobs and income that boat's production would create for local crewmen, fish workers and service industry personnel. A national journal has stated that if carried on unchecked, 'the trade in fishing entitlements will push ownership of the fleet into a few hands, and endanger the survival of fishing communities and fish stocks'.¹⁸ The Chief Executive of the Scottish Fisheries Organisation has stated it more bluntly, 'ITQs will do for fishing what Highland clearances did for agriculture'.¹⁹ (ITQs are individual transferable quotas, or tradable quota entitlements.)

The UN study concludes that the 'sea clearances' will be every bit as socially and environmentally damaging as the land clearances. Just as some economic changes which were used to justify the land clearances were short-sighted, and eventually proved to be unsustainable, so the current sea clearances (if they continue) will in time prove to have accomplished nothing but further resource depletion and the death of many otherwise viable coastal communities.

¹⁸ *Tim Oliver, Communities at risk from ownership concentration, Quota trade threat to fleet structure, in Fishing News, 6 August, 1999*

¹⁹ *Iain MacSween, SFO, Fishing News, 13 August 1999*

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Some economists and senior civil servants regard these trends as inevitable, and the social consequences as a price worth paying to achieve centralisation, greater efficiency and more profit in fewer hands. Their attitude is identical to that of the 'improvers' of the 19th century who justified the clearances as an economic necessity which was ultimately for the greater good of those who were forcibly deprived of land, homes and employment.

That illustrates one clear difference between the sea clearances and the former land clearances. One could argue, as some do, that the land clearances resulted eventually in a more productive system that ultimately benefited all of the population. With the sea clearances that is not the case. A modest local or national fishery has become the prey of large, powerful and voracious fleets. You cannot increase the sea's productivity by more efficient harvesting. That can only and inevitably result in resource depletion. A sustainable fishery has to be managed within the limits imposed by living nature. The CFP is giving wealthy or powerful interests larger slices of a shrinking cake. But these companies' fleets are consuming the 'seed corn' of future fish stocks. The refusal of authorities to help our fishermen protect juvenile haddock shows that conservation is a low priority. Sustainability is a key goal of Scotland's fishing communities, but, despite the rhetoric, it is not encouraged by existing policies. The Minister for Serad, the Rural Affairs Department which includes fisheries, who claimed that the measure would save only 6 per cent of the stock, must have been badly advised; that calculation was based on an average year when boats could fish all over the North Sea and not on the existing situation when vessels were excluded from the cod grounds and obliged to concentrate effort on areas where juvenile haddock abounded.

The readiness of both British and EU authorities to encourage fishermen to leave the industry for ever, or to force them out by economic pressure, suggests we may not have long to wait before this industry goes the way of mining, steel, shipbuilding and auto manufacture. During the recent 'tie-up' debate, our fishermen were told that EU money was not available to provide short-term aid during the crisis. The former Scottish Executive Deputy Minister Tavish Scott of Shetland has challenged Serad over the advice given, because EU FIFG funding has since been offered to English fishermen in a £ 22.5 million aid package. He questioned whether sufficient effort was made by Serad to find ways to include the aid sought in the FIFG scheme. He

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feared that 'instead of looking for ways of allowing this aid to be provided, reasons were apparently sought as to why it could not'²⁰

On the positive side, the whole situation could have been turned around by a few effective measures. All that is lacking is political will to introduce and implement them. The measures were: an effective alternative management measure to the sole reliance on TACs and quotas, a modest change in resource allocation, a 'no discards' regime in the whole region, the innovation of participatory regional management (which would have included measures like the tie-up scheme), a halt or limit to the trade in fishing licenses and entitlements, limits to vessel power and gear in coastal waters, insistence on local processing of a minimum percentage of the regional catch, control of marine pollution, a cull of fish predators like seals, and an end to the sale of immature fish. These measures would together, in time, reverse the sea clearances and ensure a future for many coastal villages. It may be difficult to achieve the Treaty amendments necessary to obtain the identified concessions to coastal and national fisheries management, but that they are vital to the survival of many coastal communities is without doubt.

As the sea clearances are now upon us, it will be more difficult to reverse the process, and it will take longer to rebuild fish stocks, especially the coastal resources. The issues involved require to be clarified. In the heat of current debate, long term and short term measures are much confused.

FISHERY MANAGEMENT ISSUES

A question fishery scientists often put to politicians and senior fishery managers is 'management for what?'. In other words, what are the ultimate goals and objectives of a fishery management regime? It is a question to which they seldom receive an unambiguous reply. Successive UK governments (and the EU) have studiously avoided issuing a clear statement of national fishery policy purpose or objectives.²¹ Fisheries need to be managed with social and regional goals in mind as well as purely resource-oriented or fleet-oriented considerations.

²⁰ Paul Gallagher, 'MSP queries English fishing aid', in *Press and Journal*, Friday May 4th 2001.

²¹ Frank Doyle, 'The Concept of "Economic Efficiency" and its Implications for Policy Formulation', XIth Annual Conference, European Association of Fishery Economists, Dublin, April 1999

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The primary goal of fishery management should be resource conservation. A regime which fails in this respect would be regarded as a failure by practically any yardstick. The world's limited stock of natural resources is under pressure everywhere, and few more so than fish.

A second and major objective should be that of a sustainable fishery. Whichever harvesting methods and controls are permitted should be such that production might be expected to continue indefinitely at those levels, within the natural variations that will always occur.

The third goal for any just and democratic society should be social benefit from the fishery in the form of secure employment and community participation. This goal is paramount in developing countries like Indonesia for example which has nearly 3 million fishermen and fish farmers, plus several million more persons involved in curing and selling fish. Industrialized country governments appear less concerned at this, viewing the fishery sector as unimportant in terms of national employment.

A further goal should be achievement of the optimum economic benefit from the fishery. The economic benefits must be long term and sustainable, with consideration given to the sector's importance for rural, island and coastal economies.

Fisheries management in Scotland, which provides most of the United Kingdom's fish, has come under the European Common Fisheries Policy for the past 30 years. In that time the management regime and measures applied have failed to meet any of the above criteria.²² This is evident from the recent FAO case study which focused on the Hebrides and West Coast of Scotland, and the waters of the Minches and Firth of Clyde, extending west into the Atlantic to include the fishing zone known to marine scientists as ICES Area VI (see Map). Geographically, the area incorporates more than a third of all Scottish fishing grounds. The fish resource in that region, and the local fishermen who depend on it, have been depleted in size and number, and continue to be so, as are those of the seas north and east of Scotland.

In the past 30 years, the coastal waters around the Hebrides and the adjacent west coast have been denuded of the stocks of herring, mackerel, haddock and cod which were abundant till then. Local fish landings have fallen by over 200,000 tons a year, and the number of fishermen employed has been

²² *Alain Le Sann, 'Globalisation and Sustainable Fisheries Policies', in A Livelihood from Fishing, Intermediate Technology Publications, 1997*

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reduced by 50 per cent, down to just over 1,700. Communities chiefly dependent on fishing have seen their populations shrink by 25 per cent while overall population in the study area has dropped by 15 per cent and continues to decline.²³ Excessive fishing effort, increased pollution of the marine environment and escalating predation by uncontrolled animal populations have all contributed to the current situation. Neither the fishery nor the coastal communities have a sustainable future. Current fishery policy calls for even greater reductions in fleet sizes and, in consequence, in the numbers of fishermen. Fish processing establishments in the Hebrides and on the west coast face increasing difficulty in obtaining supplies of raw material and some may have to close due to the shortage.²⁴

All this has been brought about as a direct result of the type of management of the fishery by successive UK Governments operating within the terms and conditions of the EU Common Fisheries Policy. As the Shetland Fishermen's leader (who has worked hard to make a success of the CFP) said recently: 'The CFP has clearly failed to conserve fish stocks and protect fishermen's livelihoods, and is therefore in need of radical change'.²⁵ (None of the fishery associations or federations could be said to be enthusiastic supporters of the CFP. Most of them recognize it as an unfortunate fact of life, realize they have to operate within it, and want some radical amendments to its measures. Others lobby for its total reformation, or for the Government to withdraw from it if at all possible.)

Specific factors which have caused the damage to fish stocks, and which were identified in the study, are detailed below under the two main headings of resource depletion and resource access and share.

RESOURCE DEPLETION

Failure to control fleet size and catching power

Despite repeated assertions that the CFP would reduce and control the size of fishing fleets, this has not happened. The four stages of MAGP, the multi-annual guidance programme for fleet reductions, have consistently failed to

²³ *Western Isles Council, Statistics for conference, Economy in Crisis, April 1998. Also, Highlands Council and West Argyll & Islands Council figures.*

²⁴ *John Nicolson, Scottish Seafoods, Lewis, personal communication, 1999*

²⁵ *John Goodlad, 'Scots leader welcomes "leaked" CFP document', Fishing News 1 Sept. 2000*

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achieve targets set, in particular for the pelagic fleets.²⁶ This is partly because the EU has admitted huge numbers of vessels by the back door, as it were. When Spain became a member of the EU and the CFP, its enormous fleet practically doubled the size of the total European fleet.²⁷ But Spain did not bring any productive fishing grounds to the Community. Its own waters were largely fished out and the only source of additional fish catches within the common pond was the sea around Scotland and Ireland, and to a lesser extent around England. Now that more countries are due to join the EU, and some like Poland, Estonia, Latvia and Lithuania have long traditions of deep sea fishing, the ever shrinking cake will have to be divided amongst more fleets which all will be entitled to 'equal access'. To accommodate these additional fleets and meet EU MAGP targets for total fleet size, a further 200 vessels employing 1,500 fishermen have to be removed from the UK fleet, and chiefly from Scotland.²⁸

Application of measures that have destroyed more fish than they have saved

In its efforts to conserve stocks, the EU has devised measures to limit catches, the main one being the application of a quota system based on overall TACs (total allowable catches). The quotas are applied to each fishing vessel through the respective P.O. (Producer Organisation). Quota systems work reasonably well on single species fisheries like those for mackerel and herring. But for multi-species fisheries like the trawl and seine fisheries for haddock, cod, whiting, hake, monkfish, saithe, and flatfish, it is impossible to comply with precisely when fixed quotas are applied for each single species. The trawl net has not yet been invented which can include or exclude different species according to ratios set by bureaucrats in Brussels. The result inevitably is an excess catch of some species which by EU law must be dumped back overboard. The term used for these dumped fish is 'discards'.²⁹

²⁶ *EU Dir Gen for Fisheries, 'Multi-annual Guidance Programmes', The Common Fisheries Policy, 1998*

²⁷ *Michael Wigan, The Last of the Hunter Gatherers, Swan Hill, 1998*

²⁸ *Franz Fischler, EU Commissioner for Agriculture and Fisheries, Statement during a public debate in Brussels, reported by Tim Oliver, Fishing News, 29 September, 2000*

²⁹ *House of Lords Select Committee on Science and Technology, Fish Stock Conservation and Management, HMSO HL25 18 January 1996*

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Over 600,000 tons of edible fish (almost as much as the annual UK catch) are estimated by ICES to be discarded and destroyed each year in EU waters as a direct result of the type of quota system. Other countries like Norway and Namibia apply 'no dumping' rules in their multi-species fisheries. Since 1982 the CFP quota system has been responsible for the totally unnecessary mortality of over 10 million tons of fish.³⁰ Ironically that damage to the fish resource has been carried out in the name of conservation.

It should be noted that the system of TACs and quota allocation is simply one of a number of measures the EU might implement to achieve the goals of the CFP. The system can be discarded in favour of more workable and less harmful management measures without having to amend the CFP itself.

The Scottish Executive had an excellent opportunity to demonstrate its commitment to conservation in March by assisting our fishermen to engage in a voluntary tie-up scheme to avoid killing massive amounts of small haddock. They refused to do so, as they had done the previous year when the West Coast scallop fleet needed similar support to address a different problem. It is difficult to avoid the conclusion that, however much the First Minister may personally have wished to help, the political powers in Whitehall and Brussels, who have dictated fishery matters for 30 years, would not permit any action except such as would remove fishermen from the industry for ever. 'Scientific advice' was claimed in justification of the refusal, but it was a spurious claim. The folly of the failure to cooperate with and support the tie-up scheme became evident a few months later when the EU Fisheries Commissioner Franz Fischler announced that stocks were still declining and much more effective conservation measures were needed. His statement was seen as 'a clear message to the Government that it should end its reluctance to contribute towards an EU tie-up scheme'.³¹

Legalization and support of the capture and sale of small fish and immature fish

In order to provide raw material for meal plants which convert fish into animal feed, the UK, European and Scandinavian governments have long permitted vessels to target sand-eels, sprat, pout and immature herring, specifically to satisfy the demand of reduction plants. But these fish are the

³⁰ David Thomson, *Hebrides and West Coast of Scotland case study*, FAO Rome, 1999

³¹ Bob Kennedy, 'Hard times still harder for North Sea fleet', *Press & Journal*, June 14, 2001

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food of larger fish like cod, haddock and hake, and are therefore vital to those large-fish stocks in the marine food chain. The decline in the stocks of the major food fish like cod can be attributed in part to excessive harvesting of smaller fish. The removal of the smaller fish may also have led marine mammals to consume a greater proportion of large fish or mature fish than they did before. Around Scotland, whales and seals consume hundreds of thousands of tons of fish each year.

Of all the European States, the UK had, until recently, the best record of protecting immature fish. It was prohibited to market fish below a certain size. Skippers who were found guilty of landing undersized fish for sale were subject to court fines. This wise measure has now been overturned by the EU to satisfy the continental market for undersize fish.³² The UK government now complies with the EU legislation which permits the sale of immature hake, plaice, megrim, lemon sole, sea bream, brill, conger, eel, dab, flounder, turbot, shad, grey mullet and witch.

Failure to deal with enormous increases in predator animal populations

Scientists and marine biologists at coastal research stations dealing with the study of marine mammals all agree that seal populations have grown considerably in recent decades. Off the west coast, there are now estimated to be 50,000 grey seals and over 10,000 harbour or common seals. The grey seal consumes 6.0 kilograms of fish a day, and the common seal some 4.0 kilograms per day. So, in Area VIa off the west coast, seals now consume 120,000 tons of fish annually. This is double the amount of fish landed there by Scottish fishermen, and five times the quantity caught by indigenous local fishermen.³³

At present there is no cull on seal populations in Scotland due to the opposition of certain Non-Governmental Organisations. However, in other countries where there are huge seal populations, there is a cull. Canada has an annual cull of over 300,000 animals, and Namibia also culls its enormous seal population. In Canada, a condition of the cull is that every part of the seal is used for economic purposes.

Cetaceans or whales consume even more fish than seals in Area VI. The annual figure is over 160,000 tons of fish and an equal volume of plankton

³² David Brown, 'Fishermen attack baby fish deal', *Daily Telegraph* 31st December 1999

³³ L.Harrison Matthews, 'Seals', in *British Mammals*, Collins, Bloomsbury, 1989

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food. However, since most of the whale activity is well offshore, in Area VIb, and since much of the consumption is squid and mackerel, the whales do not pose a threat to coastal fishermen as do seals.³⁴

Failure to address effectively coastal marine pollution

Fifty years ago the inshore waters around Scotland abounded in marine life. Children playing along beaches or amongst rocky pools could observe and catch sand-eels, sea-scorpions, gobies, young saithe, conger eels, small plaice and a host of little crabs and shellfish. Today the shoreline is bereft of most of those species. Only sturdy limpets, small mussels and whelks remain. This is the case all around the country. Opinions differ as to the cause but there is general agreement on the absence of marine animals in the inshore and tidal zone. Inshore boats used to catch cod, haddock and plaice in good quantities but are now reduced to taking only prawns and crabs.³⁵ Pollution is widely believed to be the major factor in the disappearance of the fish, and coastal pollution has three main sources - effluent and waste from urban, industrial and agricultural areas, radio-active waste from nuclear power stations, and a combination of chemical waste and faeces from salmon farms.

Marine research confirms the growth of pollutants in the Firth of Clyde from sewage and industrial waste. The water temperature is increasing and algal blooms are becoming more frequent. Chemicals used in agriculture and forestry are being blamed for the absence of herring and mackerel from the Firth. The Ballantrae Banks once supported a productive annual fishery, but are now covered in dead herring spawn as revealed by underwater photographs.³⁶

Radio-active waste from nuclear plants at Sellafield, Chapel Cross, Hunterston, and Dounreay has been detected in coastal waters all round Scotland. The most serious contamination has come from high-level

³⁴ *Tamura and Ohsumi, Estimation of total food consumption by cetaceans in the world's oceans, ICR Report, Tokyo, Japan, 1999*

³⁵ *G. Fulton, Fishery audit and assessment for the Loch Torridon area, Minch Project, Scottish Natural Heritage, 1998. Jim Slater, Director, Scottish Pelagic Fishermen's Association, conversation, August 1999*

³⁶ *Marine Pollution Monitoring Management Group, Survey of the Quality of UK Coastal Waters, Aberdeen, 1998*

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plutonium waste released from Sellafield.³⁷ So many radio-active particles have been found on the foreshore and seabed around Dounreay that all fishing has been banned in the sea around that reactor to a distance of two kilometres.³⁸ However, since there are powerful tides there taking water east through the Pentland Firth and west to Cape Wrath, the material is spread much farther. Recently Chapel Cross was reprimanded by SEPA for releasing 13,000 gallons of effluent containing caesium and strontium into the Solway Firth.³⁹

Salmon fish farms, now located in almost every sheltered loch on the west coast and in the Hebrides, are responsible for an enormous amount of local pollution. Friends of the Earth claim that Scottish salmon fish farms discharge 50,000 tons of untreated and contaminated waste into the coastal environment each year.⁴⁰ This is said to be equivalent to the sewage waste from a population of 3.8 million persons.⁴¹ Each salmon cage contains tens of tons of fish and there are enormous amounts of their faeces on the seabed below the cages. Organophosphates and antihelminthic drugs used to control sea lice in farmed salmon also kill lobster larvae.⁴²

RESOURCE ACCESS AND SHARE-OUT

The common resource and the principle of equal access

The common resource (or common pond) and equal access are two fundamental principles at the heart of the Common Fisheries Policy and are basically responsible for the inherent contradictions and failures of the CFP. They are unique to the EU. No other group of maritime states has seen fit to introduce such principles although many share common fisheries and

³⁷ Christopher Cairns, 'Chernobyl pollution "topped by Sellafield"', *Scotsman* 8 May 1997 see also in 28 May 1998

³⁸ Scottish Environmental Protection Agency, *Review of Radio-active Particles at UK AEAD*, 1998

³⁹ Jim Gemmel of SEPA, quoted in 'BNFL admits nuclear waste blunder', *Press & Journal*, Aberdeen, 5 May 1999

⁴⁰ Rod McGill, 'Letter from Scotland', in *Internet Fishfolk Columns*, 26 June 1999

⁴¹ Michael Wigan, 'Preserving an Environment', *The Scottish Highland Estate*, Swan Hill, 1991

⁴² G. Fulton, *Fishery Audit and Assessment for the Loch Torridon Area*, Minch Project, Scottish National Heritage, Western Isles and Highlands Councils, 1998

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participate in joint management of marine resources. Fish and fishing grounds are the only commodities treated this way by the EU. Oil, minerals, forests, and water resources remain the sole property of each individual member state. Other groups of countries co-operate in the management of shared fish stocks without treating them as a common resource. Examples of international co-operation in the management of shared stocks include the Tuna Commissions in the Pacific and Indian Oceans, the SADC states Marine Fisheries Policy, and fisheries co-operation among ASEAN countries. None of these have seen any need for establishment of a common pond with equal access for all members.

International law recognizes only the EEZ or exclusive economic zone of individual sovereign states. Each maritime state can claim (and has claimed) jurisdiction over the resources within 200 miles of its coast, or to a median line between it and neighbouring states if they lie closer than 400 miles. What has happened under the CFP is that each member state of the EU has subordinated its use of its own EEZ to the EC, and has allowed other EU member states access to those waters and the resources therein.⁴³ The injustice of the common fishery resource lies in the fact that while the UK and Ireland have contributed a huge and productive EEZ, other EU states had no fishing grounds of any value to donate. Spain and Portugal had large EEZs in area, but they do not contain much fish except in the coastal regions which are harvested by their own huge inshore fleets.

Inadequate protection for inshore fishing grounds

In most other parts of the world, fishery management systems (both formal and traditional) accord property and control rights over inshore waters to the fishing communities in that area. The policy for managing these coastal areas is promoted by the United Nations Agencies and the Development Banks and is known as TURFS – territorial user rights in fisheries. The same approach is not used in Europe or in Scotland. That successive governments would take that view was evident by the scrapping of the protective 3 mile limit after the UK joined the EEC, and their acceptance of the principle of 'equal access'.

In place of the 3 mile limit which banned trawling inside that line, we have some temporary derogations in a UK 6 to 12 mile limit, and some prohibitions under the Inshore Fishing (Scotland) Act 1984. Neither the

⁴³ Mark Wise, *The Common Fisheries Policy of the European Community*, Methuen, 1984

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concessional 6 or 12 mile limits offer complete protection, and there is no guarantee they will continue after 2002. Inshore fishermen still face competition in their waters from larger national and European vessels. In hindsight, it would have been wiser to reserve all Firths and Minches for use by local boats of a size, power and kind of fishing gear which the particular fisheries could sustain. The situation is now so grave that the need now is for an exclusive 30 mile zone for local small-scale fishermen. Coastal fishermen from the Hebrides to Spain are calling for this.

The system for determining allocations under relative stability

Relative stability was introduced in 1983 as a measure within the CFP, and was designed to maintain access to fish resources for those fishermen and countries with a proven historical record of harvesting those stocks. National shares of total EU total allowable catches were allocated on the basis of historical patterns of catches, adjusted for vital need (Hague Preferences) and compensation for jurisdictional losses. A former senior EC Fishery Officer, the late Mike Holden, wrote that relative stability 'must safeguard the particular needs of regions where local populations are especially dependent on fisheries and related industries'.⁴⁴

When Relative Stability was first introduced, some in the industry saw it as a long-term guarantee of the viability of the fishery sector. Their false hopes were buoyed in some years when national quota allocations were not as bad as feared. These hopes have now been dashed by subsequent events and by the way relative stability has been undermined by its inherent contradictions.

The principle of relative stability is in contradiction to the principle of equal access, and to the practice of trading quotas and licences. When more countries join the EU and receive entitlement by EU law to access to the common pond, relative stability is undermined. When, as is happening at an alarming scale now, vessel licenses and quota entitlements are bought and sold in an open EU market, relative stability becomes meaningless.

The principle had other inherent weaknesses as identified by Professor Tim Gray in **The Politics of Fishing**. He concluded that 'the principle of relative stability does not seem procedurally fair ... since it systematically discriminates against new member states and ossifies 20-year-old catching

⁴⁴ Michael Holden, *The Future of the Common Fisheries Policy*, WWFN, Guildford, 1992

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records. Nor does [it] meet the tests of substantive justice, since its element of entitlement and its element of need are both flawed'.⁴⁵

Relative stability is part of a derogation and should therefore terminate according to the Treaty of Rome on 31 December 2002. That it is basically unsustainable and contradictory is evident by the ruling of the European Court of Justice in the 'Factortame' case which meant that the UK could not prevent 'quota-hopping' by continental vessels being entered on the UK register and fishing against UK quotas.⁴⁶ It is also made ineffective by allocation of quotas and fishing rights to new member states of the EU. By the EU's own admission, in 1994, 'new distribution keys were established for new Member States joining after 1983, which involved taking other aspects into account. The distribution settled in 1982 was first adjusted in 1986 after the accession of Spain and Portugal and subsequently in 1994 with the setting up of the European Economic Area. Further adjustments may be needed as more countries accede'.⁴⁷

The trade in fishing vessel licenses and quota entitlement

In order to operate legally under the CFP a fishing boat owner must possess two things: an appropriate EU sanctioned licence for the vessel and a fish quota entitlement. These pieces of paper which did not exist before 1970, and which were not a legal requirement before the CFP introduced them, have now assumed a value in their own right. Today, a fisherman purchasing a small fifteen metre prawn boat for around £50,000 can expect to pay £90,000 for a licence and £60,000 for a quota entitlement. For a 30 metre offshore trawler the licence might be £500,000 and the quota £1,000,000. The figures become astronomical for large (60 metre) purse seiners or midwater trawlers, close on two million pounds for a licence and well over three million pounds for quota.

Fishing boat owners who are nearing retirement age can be sorely tempted to retire early and collect the inflated price for his licence or quota (the buyer may not have any interest in his boat, and it is almost impossible to sell a fishing boat without a licence within the EU). The problem with the trade is that the license and the quota represent local jobs and a local community's

⁴⁵ Tim Gray, editor, *The Politics of Fishing*, MacMillan Press, 1998

⁴⁶ Sixth Report Agriculture Committee, 1992 – 93, *Effects of Conservation Measures on the UK Sea Fishing Industry*, page xxv1, House of Commons, Westminster

⁴⁷ European Commission DG 14 Fact Sheet 11 - 5, Brussels, July 1994

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traditional access to the fish resource. But once it is sold to a buyer outside the community or country, it is gone for ever. The current trade is resulting in an accumulation of licences and entitlement in the hands of the wealthy and powerful, and the permanent loss of entitlement, jobs and industry from many small coastal fishing towns.⁴⁸

The injustice and illogicality of the trade can be seen in the way owners of large vessels are buying small boat licences to enable them to get even larger or more powerful vessels. What possible correlation can there be between a little prawn boat in the Minch and a huge mackerel trawler in the North Sea? Yet one is effectively put out of service to increase the catching power of the other.⁴⁹

A fully-fledged trade in fish quota entitlement, unhindered by national borders or legal impediments, is known as an ITQ system (individual transferable quota). It is feared that this is what some officials have in mind when they talk of a centrally controlled European fishing fleet operating under a permit system. In the name of free trade and unfettered competition the market would hold sway above all other social and humanitarian considerations.

The practice of trading entitlement to fish may now be backfiring on the speculators. In recent weeks fish have become so scarce there has been a sharp drop in the demand for licenses and quotas, and in the price boat owners are willing to pay for these items. It will be ironic if the failure of the CFP to achieve conservation of fish stocks is the factor which eventually destroys the unjust and socially divisive entitlement trade that has been permitted by the EU and the UK government.

The resulting miniscule share of the resource taken by local fishermen

All the above factors combine to erode the access to fish resources available to local fishermen. Indigenous Hebridean and West Coast fishermen now take only 2.5 per cent of the fish stock in their adjacent sea (Area VI) and East Coast Scottish boats based permanently on the west coast take only 3.5 per cent. The figures in Table 1 based on 1998 landings illustrate the injustice well.

⁴⁸ A. McIntosh and D. Thomson, 'Monetarism is Killing Communities', *Fishing News*, 6th Nov. 1998

⁴⁹ Mike Park & others quoted in 'Fury at Licensing Farce', *Fishing Monthly*, August 1999

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Table 1
ICES Area VI total catches, landings and animal predation, 1998, in metric tons

	tons
Fish harvested by the indigenous local fleet	25,000
Fish harvested by locally based east coast boats	35,000
Fish harvested by other Scottish, Irish, and UK fleets	180,000
Fish harvested by EU member country fleets	290,000
Discards by UK and EU vessels	80,000
Fish taken outside the EEZ by non-EU vessels*	40,000
Estimated seabird predation**	70,000
Estimated seal predation**	120,000
Estimated cetacean predation**	(over) 160,000
Estimated total of catches and predation in Area VI	1,000,000

* *Includes catches by Russian vessels off Rockall*

** *All predation estimates obtained from research station data*

RIGHTING THE WRONGS - WHAT IS TO BE DONE ? - NINE VITAL STEPS

The following nine measures, taken together, would effectively address the problems facing Scotland's fisheries. To what degree the Scottish, UK, and European Parliaments would be involved in each is for others with more specialized knowledge to determine. Amendments to the Treaties governing the CFP are possible but would not be easily achieved. There are some interesting arguments on the supremacy of Parliament vis a vis EU law, and how remedies may be introduced, but the writer is not qualified to pass

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judgement on them. (See the Constitution debate in the House of Lords, 3rd July 1996.⁵⁰)

The remedies proposed that would probably require amendments to the Treaty of Rome or its Common Fisheries Policy are numbers 2 and 3. It is recognised that such changes will come about only through determined effort and a considerable degree of cooperation by those member states who fear that their fleets might lose some present advantages. But the present advantages may be short-lived, for the current system failures are destroying the resources for all EU states. The proposed changes may bring temporary reductions in harvestable catch, but in the long term ought to ensure a sustainable increase for all participating countries.

1. Harmonisation of fisheries policy with EU regional and social policies

It makes no sense to destroy a vital industry in vulnerable regions (like the Hebrides and west coast of Scotland), and then to spend many millions trying to create a new industry in its place. It is even more nonsensical in regions where fish are one of the few natural resources available. The Common Agriculture Policy takes some account of social and regional policies; however, that does not seem to be the case with the Common Fisheries Policy despite occasional statements about maintaining employment and protecting local economies in vulnerable coastal areas. CFP measures appear at times to be applied as though social and regional considerations were not relevant to that sector. This has potentially serious consequences. We are generating problems in Scotland's fishery sector which will require to be addressed by costly social and regional interventions. But if social and regional considerations were given equal weight along with resource management considerations, there would be no need for such a waste of resources in the near future.

2. Greater national responsibility in management of marine resources

The UK and the EU states should follow the example of every other marine fishing country in the world and maintain some national control over their own EEZ waters and their living marine resources. Zonal management as proposed by the fishery federations is a step towards this. A major obstacle to its achievement is the Treaty obligations of member states of the EU. The principle of equal access to a common resource has to be modified to a

⁵⁰ *House of Lords debate, The Constitution, Cols 1450 – 1451, 3 July 1996. The European Journal, 'Parliament and EC law', Letters to the Editor, July / August 1996*

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degree that permits some subsidiarity or decentralization, and which protects inshore fishing grounds. There needs to be a fundamental amendment to the CFP to permit a degree of national management of national waters. A common fisheries policy can continue, but responsibility for policy implementation and controls over each EEZ should rest to some extent with the governments of the respective states. This would, for example, give each government the authority and the responsibility to determine total allowable catches for all fish stocks within national waters, on the basis of the best scientific evidence and up-to-date catch data.

3. Local participatory management of local waters

While offshore waters might be fished by EU member state fleets within the limits of EC licences, and quota allocations, coastal waters out to 30 miles should be reserved for local fishermen. The coastal areas should then be managed jointly by the government and the local fishermen in an arrangement that gives the fishermen full participation in all decisions on management measures and their implementation. This type of participatory management (similar to the work of local Sea Fishery Committees in England and Wales) would result in industry support for or agreement with all fishery management measures and would end the suspicion and hostility that currently exists. Enforcement would be much easier since associations would have a role in policing their own members. Such arrangements for management of coastal waters would help to maintain employment and economies in vulnerable regions and would help to end the current contradiction between fisheries policy and EU social and regional policies.

4. Ring-fencing of licences and share of resource

In order to give coastal fishing communities a sustainable future, fishing boat licences and quota entitlement should not be traded to buyers outside their area or region. The access or entitlement to the resource should remain with traditional fishing communities in perpetuity. Otherwise the principle of relative stability is meaningless. The need is most acute for the smaller coastal towns and villages for which fishing is the main primary source of employment and business. Licences and quotas could be held by local authorities and leased by local fishermen, or trade in entitlement could be permitted but only within that region. The one region in the UK which has made progress in this direction is Shetland whose experience indicates what might be possible.

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5. An end to discarding of mature, marketable fish

All mature fish caught should be landed and sold as is the practice in several other countries like Norway and Namibia. Controls on over-quota fish can be applied through levies, through treating demersal species as a single group (with a weighting for each species according to value), or by dispensing with the quota system and putting a ceiling on effort in other ways such as a 'days at sea' limitation.

6. Diligent efforts to identify alternative management measures

The management measures adopted by the CFP and by the UK Government have never been subject to serious, thorough and independent scrutiny. It has been the instinctive practice of MAFF officials and Government Ministers to put up a fierce defence against all criticism, despite the evident failure of the TAC/quota system for 30 years. A truly independent review should be launched, with instructions to investigate all possible variations or options to current management measures, including those used by more successful fishery management regimes in Scandinavia, Namibia, Japan and the USA. One of the options which presently has strong support from industry is that of a 'days at sea' regime implemented in a manner that would not pressure fishermen to work in bad weather, or penalize devout fishermen for not working on Sundays.

7. An end to supplying the market for small and immature fish

Strict controls and limits need to be placed on all fishing for fish meal plants which currently accounts for most of the sand-eel and pout catch, and some of the herring catch. The regulations permitting the sale of immature fish should be scrapped and replaced with laws requiring all fish sold for human consumption to be of a mature size.

8. Limits to the percentage of fish sent for processing outside the area of capture

Much of the fish caught in Scottish waters is processed elsewhere. This is especially true of fish from ICES Area VI, only a tiny portion of which passes through processing or packaging plants on the West Coast or the islands. To maintain the viability of local post-harvest industry, a minimum of 15 per cent of the total area catch should be made available to local processors.

9. Effective controls on pollution and predation

There is a need for east, north, and west coast marine pollution authorities to oversee and co-ordinate all efforts to monitor and control pollution of the marine environment. An assortment of bodies have varying degrees of responsibility at present, and in consequence neither monitoring nor controls are comprehensive or effective.

There is also a need for a serious and effective seal population management programme. This could be developed and function in parallel with marine tourism and marine health foods production of items like seal oil.

Implementation of these eight steps would remove the threat to Scotland's fisheries, and if carried out in timely fashion would limit the 'sea clearances'. Further resource decline would be halted, and a start made to natural replenishment of stocks. Coastal fishing communities could once more have a viable and sustainable future. And all that could be accomplished without any significant loss to our European fishery colleagues.

APPENDIX

The Kyoto Declaration affirmed:

- that effective and integrated fisheries' management and conservation policies would result in long-term and significant gains in food supply, income, and wealth, as well as in economic growth;
- that fishermen, whether subsistence, artisanal, or commercial, had an important economic and social role, and there was a need to provide an environment in which they could contribute positively to their economic and social welfare;
- that optimum use should be made of fish harvests, and post-harvest losses reduced; discard mortality should be reduced, and the effectiveness of multi-species management given fresh study; selective, environmentally-safe and cost-effective fishing gear should be developed and put into use;
- that Governments ought to assess and monitor the present and future supplies of, and demand for, fish and fishery products, and their effects on food security, employment, consumption, income, trade and sustainability of production.

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