

CORNISH FISH PRODUCERS ORGANISATION RESPONSE TO THE UK GOVERNMENT'S WHITE PAPER: 'SUSTAINABLE FISHERIES FOR FUTURE GENERATIONS'

INTRODUCTION

Cornish Fish Producers Organisation

The Cornish Fish Producers Organisation (CFPO) welcomes the opportunity to comment on the UK Government's white paper '*Sustainable Fisheries for Future Generations*'.

The CFPO has over 160 member vessels working from harbours and coves around the Cornish coast and beyond. Our members' vessels range in size from open single-handed cove boats of around 5-metres in length to large (24 metre plus) beam trawlers and almost everything in-between.

Our members currently land a fantastic and diverse range of fish and shellfish (over 50 different species) collectively generating a first sale value of well over £30 million every year.

Sustainability is one of the core principles that underpin the diverse mixed-fisheries and the healthy marine environment that our members both rely on and work in. We have a proven track record in, and are committed to, the ongoing improvement and promotion of sustainable fishing practices.

Good science is the foundation for successful fisheries management and it is important to collaborate and work with credible science partners to help improve our collective knowledge of single and multi-species fish stock assessments and distributions, the wider marine environment and sustainable harvest strategies.

One of the key objectives of the CFPO is to be the representative voice for fishermen and ensure their interests are defended and promoted across regional, national and international forums.

We therefore trust that you will fully acknowledge the breadth and diversity of well-informed views and concerns from experienced fishermen that this response reflects and as such it will be afforded the appropriate level of consideration and credibility that it requires.

General Comments

The paper offers a rational and coherently presented vision from DEFRA for UK fisheries management in the post Brexit era.

In general terms the key aspirations we had laid out following the Brexit referendum result are reflected in the white paper (CFPO Brexit priorities attached). There are however concerns around some of the specific proposals put forward and ambiguity in certain areas.

We welcome the clear statement on the key principle (and legal reality) that the UK will be an independent coastal state when it leaves the EU and that this is reflected throughout the paper.

However, it is not enough that the UK simply identifies that it has the legal authority and the ability to control fisheries management within its Exclusive Economic Zone (EEZ). The UK Government must also commit to acting as a coastal state and act in the best interests of the UK fishing industry.

Under international law (UNCLOS) the coastal state (the UK in this case) holds sovereignty to control access over fishing opportunities within its EEZ and to ensure it benefits from the fisheries resources within its EEZ.

We welcome that the white paper makes it clear that a trade agreement and fishing rights & management are entirely separate matters and should remain decoupled throughout the withdrawal negotiations.

We can foresee that the EU will try to link any agreement on a broader future trade deal to the status quo in terms of fisheries i.e. access and quota shares. We believe the UK Government is genuine in its aspiration for the UK not only having the legal status of a coastal state but truly acting as an independent coastal state, and if this is the case then this negotiating tactic is unacceptable. True independent coastal state standing will be dependent on the strength of the UK Governments resolve against this obvious tactic.

We regard a new UK fisheries policy, as outlined in this white paper, as a positive opportunity to bring a greater share of the benefits associated with fishing and fisheries resource located within the UK EEZ back under UK control in line with the principles of zonal attachment.

It will be important to develop and build on elements of past fisheries management that have worked, but at the same time taking the opportunity to address the serious shortcomings of many elements of the EU's Common Fisheries Policy (CFP), not least the asymmetric and exploitative arrangements on access and fishing opportunities that the UK has been tied into under the CFP.

It is critical at this point that the UK is not locked into a long term continuation of existing CFP commitments and requirements (similar to the Greenland experience) and that the break from the CFP is a clean one.

Annual negotiated agreements with the EU similar to the Norway/EU arrangements would be appropriate and be able to reflect changes in fishing patterns and priorities for the UK.

Brexit and a new UK fisheries policy presents an opportunity not only for the fishing industry but for this island nation to secure a bright future for primary food producers that will deliver a healthy and sustainable source of food for the nation as well as generating revenue and jobs for coastal communities around the UK.

Our detailed responses to the specific questions raised in the white paper are below:

SECTION 1: SETTING OUR COURSE

Question 1: Do you agree with the proposed powers in the Fisheries Bill?

In general terms we think that the powers being sought in the Fisheries Bill, as outlined in the white paper, are those necessary to deliver a UK fisheries policy that is in line with our aspirations.

Powers to set fishing opportunities (quotas or effort), powers to determine who is permitted to fish within the UK EEZ and under what conditions and powers to amend retained EU fisheries legislation rapidly are all essential.

We do recognise the inherent risks of effectively concentrating greater power in DEFRA Minister's hands. However fisheries management is complex and the resource is dynamic therefore effective delegated powers that are available to DEFRA Ministers would give the essential ability to amend retained legislation swiftly and smoothly using secondary legislation, such as the statutory instrument process.

The CFP was and is considerably weakened by its cumbersome slow decision making process.

To mitigate against the risks we propose an advisory system established on statutory basis. This would be essential to hold DEFRA Ministers to account and act as balance to prevent poorly considered or politically motivated decisions/policies.

We recognise the other powers sought in the Bill to protect the marine environment, improve cost recovery and modernise grant making powers are also necessary.

Finally we recommend that Government powers to auction fishing opportunities or quota should **not** be included in the Bill. The most likely outcome would be a concentration of fishing opportunities into the hands of those with the deepest pockets. The inclusion of this power in the Bill is not necessary and should be dropped.

The principles/methods of distributing additional quota is explored in Question 9.

Question 2: What are your priorities for UK negotiations with the EU on fisheries?

There must be a clear and unambiguous understanding by all sides that the UK is negotiating as an independent coastal state, free to act as an independent party in international fisheries negotiations.

The UK must respect the guidelines set out in international law (UNCLOS) and should ensure that the EU does the same.

Under the principle of zonal attachment all fishing opportunities (including quota and non-quota opportunities) within the UK EEZ should be **identified and secured at the outset**.

Consideration of trading fishing opportunities must only involve any surplus that the UK fishing industry cannot utilise.

If it is considered appropriate to trade/negotiate fishing opportunities then it must be defined in transparent, measurable parameters such as quota tonnage or Kw days and the reciprocal benefit for the UK fishing industry must be clear.

The UK must secure the 0-12nm limit for the exclusive use of UK vessels.

Access for non-UK vessels to the UK EEZ outside of the 12nm limit must only be agreed where a demonstrable benefit for the UK fishing industry is secured.

If it is considered appropriate to grant access then it must be defined in simple measurable parameters such as vessel numbers or Kw/GT criteria, and the reciprocal benefit for the UK fishing industry must be clear, demonstrable and broadly equitable.

Question 3: What are your priorities for controlling our waters after exit?

Any vessel operating within the UK EEZ should be subject to effective control and enforcement. This is essential for ensuring sustainable management of UK fisheries and eradicating IUU fishing and must be in place from day 1.

UK authorities must have the legal power and ability to inspect and monitor non-UK vessels and landings after fishing within the UK EEZ, no matter where they land.

There should be a clear and easy channel/mechanism to allow real time communication with the UK fisheries enforcement operations team and the fishing industry.

Question 4: What are your priorities for the UK's international role in fisheries (beyond the EU)?

It is important that the UK is recognised as an independent member of international bodies and organisations where the EU currently fulfils this function on behalf of the UK (and other EU member states).

A particular priority in this area for us is the UK membership and active participation in the International Commission for the Conservation of Atlantic Tuna (ICCAT).

Question 5: What are the fisheries policy areas where a common legislative or non-legislative (framework) across the UK is necessary?

It is clear that devolution within the UK has undermined coherent fisheries management and has created artificial barriers to normal trade across devolved administrations.

It is evident that Scottish national politics is an issue but as long as Scotland remains part of UK there must be a clear UK policy framework for fisheries.

Within this (our preferred) scenario the UK Minister must retain ultimate power and be final arbiter on all fisheries matters in the UK.

It should be possible for certain powers to be devolved as long as they do not undermine sound fisheries management or create artificial barriers to trade.

There must be clear protection of the rights of individuals and companies to buy/sell vessels, licences and fishing opportunities including FQAs between the UK and devolved administrations.

Economic link criteria must apply at UK level only.

In this scenario there should be equal access for all UK vessels within the UK EEZ, subject to safeguards on negative displacement effects and/or regional impacts of nomadic fleets on otherwise sustainable fisheries.

However, if devolution continues on its current trajectory in the UK a different approach must be taken to protect the interests of the English fishing industry.

It will necessary to ensure legal protection for English fishermen and English fishing fleets in terms of access and allocation of fishing opportunities.

Question 6: Do you have any further comments relating to the issues addressed in this section?

No further comments.

SECTION 2: PURSUING SUSTAINABLE MANAGEMENT

Question 7: Do you agree with the measures proposed to ensure fishing at sustainable levels?

Key to this will be a fleet capacity strategy that ensures fleet capacity is matched to available fishing opportunities.

We fully support the principles of high yield sustainable fisheries.

We believe there needs to be a shift away from single stock management strategies in many of our mixed fisheries towards multiannual mixed fisheries management plans.

The white paper makes reference to a continuation of the application of the MSY approach. This infers a continuation of attempting to deliver single stock MSY point reference fishing levels for all stocks simultaneously. This approach is not possible in mixed fisheries.

Usage of the full MSY range advice in the context of mixed fisheries models when setting fishing opportunities would help to mitigate this concern
Stock trends are an important consideration when making management decisions rather than absolute targets on all stocks.

We suggest that the UK align itself more closely with international obligations under UNCLOS to allow us to work towards MSY objectives as opposed to the current legally binding and unnecessarily restrictive CFP commitment to have all stocks at MSY by 2020.

Question 8: Do you agree that existing quota should continue to be allocated on an FQA basis?

We agree that existing quota must continue to be allocated on an FQA basis.

Many fishermen have made business decisions and invested in FQAs over the years, a move away from the FQA basis for allocating existing quotas is not right or fair.

Question 9: How should any additional quota that we negotiate as an independent coastal state be allocated?

The first and most important point in responding to this question is to absolutely clear that under the principle of zonal attachment all fishing opportunities (including quota and non-quota opportunities) within the UK EEZ should be **identified and secured at the outset**. Only then does this potentially divisive question become relevant.

The white paper provides a number of suggestions for the allocation of any additional quota obtained by the UK when it leaves the CFP. Relative stability

allocation of quotas will change to an allocation of fishing opportunities (quota and effort) which better reflect the resources located within the UK EEZ under zonal attachment principles.

Allocation methodologies are notoriously controversial. All of the options suggested therefore require close scrutiny and discussion before final decisions are reached.

The UK Government should retain ultimate ownership of any additional quota to ensure maximum benefit (both economic and community related) remains in the UK.

A clearly understood system of user rights with defined usage period would help for both business planning & investment in the fishing industry.

Unintended consequences are always a possibility and there may be lessons to learn from the way allocation issues have been handled in other countries.

Devolved administration of fisheries in the UK adds a further layer of complexity to the allocation of additional fishing opportunities within the UK.

It might be considered appropriate to use a starting point of the existing quota percentage distributions between devolved administrations. However there might be circumstances where this needs to be given further consideration before being agreed.

Zonal attachment principles as argued for at UK level should be considered as an allocation methodology of additional fishing opportunities internally within the UK.

Below UK level, devolved administrations will allocate as they see fit, but consideration of the implementation of the landings obligation and market supply must be important priorities.

Producer Organisations (POs) must play an important role in distribution of additional quota by submitting fishing plans that encompass sustainability, landing obligation, market, and community considerations.

Question 10: Do you agree that DEFRA should run a targeted scientific trial of an effort system in English inshore waters?

We have no objection to a trial of effort control. It would be important that any trial is carefully designed and must deliver credible outcomes/results.

Participant vessel catches must be covered by a fully documented catch reporting system and closely monitored in real time. It is essential that other parts of the UK fleet are not prejudiced by any such trial.

Question 11; Do you agree with our proposals to explore alternative management systems for certain shellfisheries in England?

It is important to explore alternative approaches for managing shellfisheries in UK waters.

It is essential that an evidence-based approach provides the foundation for any shellfish management regime and it would make sense to initially focus on the economically most valuable shellfisheries.

The issue of fleet displacement effects must be taken into account.

Question 12: Do you agree that there is a case for further integrating recreational angling into fisheries management?

It is clear that in some cases recreational angling represents a substantial source of mortality hence it has to be taken into account in both assessments and management measures.

Documentation of catch is the most immediate priority and must be the baseline for further management measures.

Licensing of recreational anglers must be considered at the outset of any further integration.

Enforcement is already an issue with illegal sale of “recreational” catch and licencing might be the way to address this.

We do not agree that managing some fish stocks only for the recreational sector (or any other specific sector) is desirable or practical.

Question 13: Do you agree with the proposed package of measures and initiatives to reduce wasteful discards?

Unwanted catches cannot be reduced to zero, but it is possible for vessels to continue to improve current fishing practices and selectivity.

We are opposed to the current EU landing obligation to land all regulated species because it largely ignores the major issues of the unfair relative stability allocation mechanism and the contradictions with other parts of the CFP regulations (e.g. catch composition).

The EU landing obligation was a political solution to a practical problem and is an example of how not to deliver intelligent and adaptive fisheries management.

The UK has the opportunity to review and address the shortcomings of the EU's landing obligation.

Fishing opportunities based on zonal attachment principles will contribute significantly to reducing discards.

Good governance and inclusive policy making will also help deliver a more accountable and responsible fishing industry.

In quota terms there will be a need for greater flexibility for all parts of the fleet and PO quota management models offer some good examples of how this might be achieved.

Question 14: Do you agree with the proposed approach to protecting our marine environment in relation to fisheries including the powers proposed in the Fisheries Bill?

There is a need to strike the right balance between the political ambition of protecting marine environment and establishing practical, proportionate and effective ways of delivering that ambition.

There is no reason why fisheries management and environmental protection should be tackled differently from the approach outlined elsewhere in the white paper - collaboration, use of partnerships and incentives. The white paper does give examples on cetaceans and seabirds where this already occurs, but lacks an overall vision of an approach that draws on this and other work with industry.

Prohibition or banning certain methods of fishing should not be the first tool to reach for but only used when other options are unable to deliver desired outcomes such as real time management, adaptive approaches, technical measures.

Innovation should be supported where necessary and in general terms most effective outcomes will be achieved by following the grain of fisheries profitability as a guiding principle.

We are unclear why there is a need for the expansion of powers under the Marine and Coastal Access Act (2009) (MCAA) for the protection of the marine environment in the inshore and offshore zones outside of MPAs. These powers already exist under the Seafish Conservation Act (1967), where under Section 5 and section 6 the Secretary of State is permitted to restrict sea fishing and prohibit the landing of fish in specific areas and as amended under the Environment Act (1995). Section 5A makes explicit reference to permitting the use of these powers for marine environmental purposes, including for conserving flora and fauna.

Question 15: What opportunities are there for the sector to become more involved in both the provision and direction of science and evidence development needed for fisheries management?

A new UK fisheries policy must be based on a foundation of good science and sound evidence.

ICES will remain the core focus when we leave the EU as most major stocks are shared in terms of their distribution. As such stock assessment work will reflect this and ICES is the only credible option.

An independent UK review body to deliver the functions currently carried out by STECF in the EU is required.

Every fishing vessel provides a potential research platform with the ability to provide a vast range of additional information and data to supplement fisheries independent data such as CEFAS surveys.

The current Fisheries Science Partnership (FSP), between Defra, Cefas and the fishing industry provides a base on which to build.

Question 16: Do you have any further comments relating to the issues addressed in this section?

Low Impact Fleet

Consideration should be given to the complete remove of genuine low impact fleet from any quota/effort regime.

This requires a clear legally enforceable definition of a low impact vessel relating to type of gear (such as hand-line and pot only) and vessel capacity (such as a limit on vessel capacity units (VCUs) and mono-hull only).

Safeguards must be developed and implemented to prevent displacement and/or excessive expansion of the low impact fleet.

Landings would have to be accounted for within overall fisheries management and therefore landings would be need monitored closely (RBS regulation).

Producer Organisations (POs)

The legal status and future role/function of UK Producer Organisations (POs) must be clarified. It is essential that POs are constituted to operate in a transparent and democratic way.

As fishermen's organisations that are entirely owned, funded and controlled by their members (fishermen and vessel owners), POs are in a strong position to play a central role in the implementation of a workable and effective UK fisheries policy.

This could include roles in:

- fishing opportunity (quota or effort) management
- marketing and promotion of catches
- research, development and use of selective gears
- licensing
- implementation of a UK landing obligation

- representation of views
- safety & training and crew welfare issues
- data collection/assessment model contributions
- capacity/fleet management

It will be necessary to have clear audit and oversight process to ensure and demonstrate proper functioning.

SECTION 3: RESOURCING THE NEW APPROACH

Question 17; What would be your priorities for any future funding for the sector or coastal communities?

If the final Brexit agreement reflects our aspirations the UK fishing industry would be economically self-sustaining and financially robust so not dependant on grant assistance.

Any future funding priorities should be based around infrastructure projects, including those around smaller harbours/coves that support inshore/small-scale fisheries.

If the final Brexit agreement does not reflect our aspirations or enters a prolonged transition period it will be necessary to develop a financial support structure for the UK fishing industry.

Any future grant assistance should be means tested to ensure that it benefits those who genuinely need it.

Question 18: Do you have any further comments relating to the issues addressed in this section?

No further comments.

SECTION 4: PARTNERSHIP WORKING

Question 19: How far do you agree with our future vision to pursue a partnership approach with industry and others for sustainably managing fisheries?

The white paper indicates DEFRA's desire to work through a partnership approach.

Throughout the white paper there are references to the importance of stakeholder working and a partnership approach, and the Government clearly indicates that it is looking for the fishing industry to take on more responsibility for the resources upon which it is dependent.

There is an important distinction to be made between fisheries stakeholders, who depend on fishing for their livelihoods and opinion-holders who voice opinions about fisheries regulation but are themselves unaffected by those regulations.

Opinion-holders have a legitimate role to play but the two groups should not be regarded as the same.

Fisheries stakeholders should form an integral part of fisheries management in the UK. It would be important that this function be defined and based in statute.

Question 20: Do you have any further comments relating to the issues addressed in this section?

No further comments.

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