



The Betrayal of Britain's Fishing

to the  European Union

John Ashworth



Campaign for an Independent Britain

Cross-Party - For a Free United Kingdom

Founded 1969

www.eurosceptic.org.uk

The Betrayal of Britain's Fishing to the European Union

by
John Ashworth



Thanks to John Petley – Campaign for an Independent Britain and to Roddy McColl – Fishermen’s Association Ltd – for help in compiling this booklet.

Published by **Campaign for an Independent Britain Ltd**

Telephone (General enquiries) 0845 5197254

78 Carlton Road

Worksop S80 1PH

Tel 01909 472310

Membership £20. Cheques payable to CIB or use **PayPal** on

www.euroseptic.org.uk

For further copies of this booklet & other leaflets

Tel 01277 219140

ISBN 978 1901546 5 8 3

© John Ashworth 2016

Front cover:

The graveyard where many British white-fish vessels were scrapped.

Printed by Charlesworth & Co Ltd Flanshaw Way WF2 9LP

Promoted by Petrina Holdsworth on behalf of

The Campaign for an Independent Britain Limited

Registration No. 08662958, 78 Carlton Road S80 1PH



Lord Stoddart of Swindon

Foreword

Harold Macmillan, when he was Prime Minister, declared that Britain should join the European Economic Community (Common Market) because he believed that our country was ungovernable and should be subjected to the chill wind of competition from Europe. The British fishing industry has certainly suffered from that chill wind and is now a shadow of its former self, due to our membership of what has become the European Union.

John Ashworth has written a short, succinct history of the betrayal of the United Kingdom's fishing industry and its disastrous decline since 1973 and he is eminently qualified to do so since he has a very wide experience of the industry, including serving on fishing vessels on the high seas.

He recalls that the Attlee Government rejected the Schuman Plan (which heralded what is now the European Union) on the grounds that Britain would lose its sovereignty. That is particularly true in the case of our 200 mile fishing waters. Edward Heath, when he negotiated the UK's entry to the EEC, surrendered control of them and agreed that fish should be a common resource available to all the nations of the European project, even to those having no national coastline. Because of the *Acquis Communautaire* Mr Ashworth, rightly, points out that we cannot recover our fishing sovereignty unless our country leaves the European Union.

He goes on to show how Heath tricked the House of Commons, including the Leader of the Opposition, Harold Wilson into believing that the United Kingdom had obtained a derogation which would protect fishing interests

when, as events have proved, he had not done so. He also points out that Norway did understand the implications of the Common Fisheries Policy (CFP) and voted against joining – a position they have maintained to this day and with consequent benefit to their fishing industry and, indeed, to their whole economy.

Unfortunately, our leaders and Parliament have not given the attention to our fishing industry it deserves and it is seen as a boring subject appealing only to a relatively small number of people. Yet, as Mr Ashworth shows, it is an industry employing many thousands of people, not just those brave fishermen who work hard, often in appalling weather conditions and risk their lives, so the decline of the industry has had severe consequences for workers and industries over a wide area. Also, of course, the fishing industry contributes to our nation's wealth but that contribution has been sadly depleted over the years.

The fishermen and the fishing industry are entitled to feel bitter at the neglect and decay of their industry and those feelings are well expressed in this book. Ministers and the Civil Service are taken to task for their feebleness in protecting British fishing in the face of competing interests in the Common Fisheries Policy and for failing to consult fishing interests over the adverse effect of their policies which have resulted in the loss of jobs and livelihoods. Furthermore, fishermen now live under close regulation which puts them at risk of heavy fines for what are really accidents or peccadilloes. Furthermore, there are times when British fishermen are debarred from going to sea whilst a host of foreign boats are allowed to do so, including large industrial boats which obtain huge catches.

Mr Ashworth reminds us of the entry of Spain and Portugal to the EEC which, of course, gave those countries the freedom to fish in what had become EEC waters. Spain, with one of the world's largest fishing fleets, took full advantage of this and the seas which had once been under the control of the United Kingdom were invaded by a new Spanish Armada – a fishing armada.

An attempt, through the Merchant Shipping Act, was made by the then government to give some protection to British fishermen but this resulted in a case being brought against the UK by a Spanish fishing firm, Factortame Ltd, which was upheld by the European Court of Justice and resulted in damages of over a £100 million being awarded against the British Government. Instead of rejecting this outrage they meekly paid up and, thus, failed to stand up for

British fishing and confirmed that sovereignty over our fishing waters had been surrendered. There were protests at this weak kneed surrender inside and outside Parliament but all to no avail; so much for Britain being an independent nation.

Mr Ashworth is particularly critical of the political parties, especially the Conservative Party. When Cameron became leader in 2005, anything to do with fisheries national control disappeared from manifesto promises before the 2010 general election and no move was made to change this, up to the present, although they dominated the Coalition Government and now govern with an overall majority. Not surprisingly the Prime Minister in his 're-negotiating' efforts has made no mention of repatriating fishing nor, for that matter, anything else of substance. The Labour Party, being a mainly urban based party, shows little interest in the fishing industry and says it will be campaigning to remain in the EU during the forthcoming referendum.

So John Ashworth makes no bones about his disappointment and frustration at the failure of successive governments to halt and reverse the sad decline of a great British industry and he makes it absolutely clear that he believes that the matter can be resolved only if our country withdraws from membership of the European Union and re-gains sovereignty over our fishing waters. He is in no doubt that, freed from the incubus of the CFP, the United Kingdom fishing industry would thrive and he sets out, in detail how this can be brought about.

This book is not just for those who have a close interest in matters fishing; it is good reading for all those who are concerned about the future of our country, how it is being mis-governed by an overarching bureaucracy and why it is essential for Britain to leave the EU, if it is to have a future as an independent self-governing democracy.

About the author, John Ashworth

Since 1963 John Ashworth has been involved with the commercial fishing industry as a manufacturer and designer of fishing gear for trawlers.

During the 1980s and 1990s, he worked extensively on trawlers in many parts of the world, either to gain experience or to demonstrate new fishing gear. During the last of the Icelandic cod wars he was in Iceland and he also worked on board Spanish vessels prior to their accession to the EU, so he has witnessed both sides of some of the most critical fisheries debates in recent years.

During the early 1990s, he wrote a fortnightly column in the fishing press, mainly on conservation issues, which led to him becoming the leader of the *Save Britain's Fish* campaign, a position he held until 2007. *Save Britain's Fish* campaigned for the return of national control over the British peoples' marine resource, which Parliament gave away when we joined the EEC in 1973.

Because of the forthcoming referendum on the UK's membership of the EU, John has come back into the fray, changing the campaign name to *Restore Britain's Fish*. This reflects today's situation of having to restore our industry, as there is so little left of it at the moment, for reasons explained in this booklet.

The Eradication of Britain's Fishing

Where our problems started

On 25th March 1957, the signing of the Treaty of Rome laid the foundations for the European Economic Community (EEC), which formally came into being on 1st January 1958. The six signatory nations were Belgium, France, Italy, Luxembourg, the Netherlands and West Germany. Its objective was to unite the nations of Europe under a new supra-national government – in other words, piece by piece to create a new country called Europe. The preamble to the Treaty included a declaration by the signatory States that they were “determined to lay the foundations of an ever closer union among the peoples of Europe”. The member States therefore specifically affirmed that the European project had a political objective. It was not just a trading arrangement, in spite of it being popularly called the Common Market in the UK.

The UK had not wished to be part of this project, in spite of considerable pressure from the Americans. We were not keen to share or “pool” our sovereignty with other countries. Back in 1950, the response of the Prime Minister Clement Attlee to the Schuman Plan – the blueprint for the EEC – was pretty blunt:- “[There’s no way Britain could accept that] the most vital economic forces of this country should be handed over to an authority that is utterly undemocratic and is responsible to nobody.”

Things changed in the 1960s, with the Conservative leader Edward Heath being a particularly keen advocate of the UK joining the EEC. However, France’s President de Gaulle was less than enthusiastic about UK membership and only in 1970, a year after his resignation, did serious accession talks begin.

Along with the UK, Denmark, Norway and Ireland also sought to join the EEC. It was this potential enlargement, which was to bring in countries blessed with especially rich fishing grounds off their coasts, which inspired the six members of the EEC to create Fisheries Regulation 2140/70. They signed off the Regulation only hours before the signed applications for membership from the four were handed in. Particularly significant was the following Article:

Article 2

1. Rules applied by each Member State in respect of fishing in the maritime waters coming under its sovereignty or within its jurisdiction shall

not lead to differences in treatment of other Member States.

Member States shall ensure in particular equal conditions of access to and use of the fishing grounds situated in the waters referred to in the preceding subparagraph for all fishing vessels flying the flag of a Member State and registered in Community territory.

A few phrases in the Fisheries Regulation, some of which featured in Article 2 above, are worth highlighting as they are crucial to understanding the history of the Common Fisheries Policy and it is easy to overlook their significance:-

Equal access: All waters of the Member States, up to the shore (base) line are shared equally with every other member state. Apart from a brief period during the early 1970s, you never heard the equal access principle mentioned, even though it was created at the very start of the Common Fisheries project – as far back as 1970.

To a common resource: All living marine life is a common resource, which, as far as the Fisheries Regulation was concerned, meant that all marine living life within EEC waters was a common resource for all member states. This did not include “dead” marine resources such as oil, gas or coal.

Without discrimination: One of the main principles of the EEC (now EU) membership which our Prime Minister does not want to understand. It means that no preference may be given to national fishing fleets within what were once national waters. Overall, all the people from each member state are equal, and can't be discriminated against as all are, first and foremost, EU citizens.

Without increasing fishing effort: If a new member state has large capacity and little resource, that capacity has to be absorbed with no increase in the overall catch, which means existing member states' catches have to be reduced to compensate.

To summarise the effects of the Fisheries Regulation in layman's language, it says that, on becoming a member of the EEC (or now, the EU), the fishery limits bestowed on a nation by international law are handed over to EU control. They become Community waters, shared equally and without discrimination, with every other Member nation.

This meant that as Britain had the largest living marine resource within the EEC, in signing the Accession Treaty, it would be entering into an obligation to share it with every other member. The end result of this aspect of our joining the EEC was not apparent at the time, but was sadly inevitable sooner or later – our fishing vessels would have to go. Naturally, the British people were not told these facts; in fact we were told the very opposite.

Before considering the sad litany of deceit which was employed to sneak this betrayal past an unsuspecting UK public, it needs to be stated at the outset that undoing the damage which the Fisheries Regulation has done to our fishing industry requires us to withdraw from the EU. For several decades now, our politicians have been constantly talking of “reforming the Common Fisheries Policy”. The extremely limited degree of beneficial reform – at least as far as UK fishermen are concerned – which is possible from within the EU becomes readily apparent by considering the nature of an EU Regulation.

When a Regulation is created, at the top of the document it recites the Articles within the Treaty from which the Regulation takes its authority and as soon as a Regulation comes into force, it in turn becomes what is known as the *acquis communautaire*.

The term literally means “acquired material of the Community” and refers to all EEC/EU treaties, EU legislation (including Regulations), international agreements, standards, court verdicts, fundamental rights provisions and horizontal principles in the treaties such as equality and non-discrimination. In short, it means all EU law and the word *acquis* emphasises that once the EU has “acquired” responsibility for certain areas from the Member States, it does not intend to give that responsibility back – ever. It is through the *acquis* that the EU project advances, progressively emasculating the authority of national governments and thus building the “ever closer union.”

When Britain finally joined the EEC in January 1973, the *acquis communautaire* amounted to around 5,000 pages. Today, according to the *Open Europe* think tank, it is estimated to be 170,000 pages and is still growing. When a Nation joins what is now the EU, it has to accept – and comply with – the *acquis communautaire* in full. No exceptions are permitted other than with transitional derogations – a short-term exemption from a given item of legislation to allow time to achieve the accession terms smoothly.

In addition all the existing members have to agree to the applicant nation joining under those terms, which in effect means that every time a new nation joins, the existing members give a further endorsement to their allegiance to – and compliance with – the *acquis communautaire*. So when Croatia joined the EU, in July 2013, our Prime Minister agreed by Treaty to the accession terms and thus to the UK’s compliance with the *acquis*, even though at the same time, he was saying he wanted to change it. This is typical Cameron behaviour – facing two ways at once.

Given the irreversible nature of the *acquis*, it then begs the question that, when a politician states they will “reform” or “renegotiate” something, one has to ask what they actually wish to change. If their target is reform of anything covered by the *acquis communautaire*, it requires a unanimous agreement among all the Member States. As David Cameron has proven with his so-called renegotiations, the commitment to the European project by the leaders of the other member states means that no reform allowing a substantive return of power from the EU to national control will be permitted. He has had to whittle down his wish list to minor issues and even these have had to be wrapped up in spin and deceit to appear substantive. In other words, Cameron is following in the footsteps of his predecessors.

Setting the tone: how Edward Heath betrayed our fishermen

As soon as the Conservative Party under the leadership of Edward Heath won the June 1970 general election, negotiations were opened up for our country to join the EEC. However, one of the problems he faced was the awkward fact that by then, the EEC had incorporated the Fisheries Regulation into the *acquis communautaire*.

What was the Prime Minister to do? Because of the *acquis communautaire*, a great national asset and a whole industry would have to be sacrificed as the price of membership. So obsessed was he with taking the UK into the EEC that he felt this was a price worth paying. He could not possibly tell the truth so he had to lie and to try and persuade others to lie – particularly the Norwegian Prime Minister.

What Heath secured under the accession negotiations was a ten-year transitional derogation (an exemption from equal access) from Article 2 of

Regulation 2140/70, giving our fishermen exclusive fishing rights inside the six-mile limit and partial control of the six to twelve mile limit. At the end of the ten-year period, however, the derogation would terminate and unless a further derogation was agreed, the “equal access” default of Article 2 would kick in.

Renewal then of any derogation required unanimity, so it only takes one Member State to say “no” and that is that. This, of course, gives the other Member States great power over the UK. Not wanting to admit this, Heath implied that at the end of the ten-year period Britain held the right to maintain the derogation without the agreement of the other Member States. This was utter nonsense, and he knew it.

He was even able to pull the wool over the eyes of the leader of the Opposition, the former Labour Prime Minister Harold Wilson. On 17th February 1972, during the debate in the House of Commons during the second reading of the European Communities 1972 Bill, Wilson, after talking about sugar and New Zealand stated:

The fisheries ‘Transitional arrangements’ (Article 100 of the Treaty) allows members until 31st December, 1982, to restrict fishing in waters under their sovereignty or jurisdiction. Beyond that date the Commission has the initiative in making proposals, and then the Council: acting on a proposal from the Commission...shall examine the provisions which could follow the derogations in force until 31st December, 1982. It does not say it will or must. The derogation is in force until 31st December, 1982, and the Council has to decide. Unanimity rule? Veto? Whose veto? It really is New Zealand again in the case of fisheries, except that it takes effect a few years later. There is no automatic continuation of the temporary provisions, with a veto on attempts to end them, but the working out of new and conceivably entirely different provisions which could follow. It is worse than New Zealand because with New Zealand there is some commitment to do something. How much is not stated. Here there is no commitment whatever which could follow.”

Wilson was homing in on Heath’s deception, but he clearly did not understand what happens when a transitional derogation ends. This meant that

Heath was able to outmanoeuvre him:

“The Leader of the Opposition must surely agree that we cannot go into Europe and take decisions unilaterally, on our own. The question, therefore, if one is dealing for example, with fisheries as far ahead as 1982, is how we can best protect our rightful interests. If it is to be done on a majority decision, then there is a possibility of being outvoted. But if it is a question of a unanimous decision and we have the right of veto, then we have the ability to protect our essential interests. [Interruption.] With respect to hon. Gentlemen opposite, we have the right of veto.”

The Prime Minister seriously misled the House. Instead of explaining to the Leader of the Opposition how a transitional derogation works, he deliberately confused the issue further by stating we held the veto, which we didn't. It was the other Member States who held the veto which could stop a replacement derogation being created and even if they chose to not to block the renewal of the derogation, it can only be transitional and no longer than the original. Because of the agreement in our Accession Treaty, the derogation can only be time limited, never permanent

At the end of Prime Minister Heath's winding up speech he stated: *“If this House will not agree to the Second Reading of the Bill tonight and so refuses to give legislative effect to its own decision of principle, taken by a vast majority less than four months ago, my colleagues and I are unanimous that in these circumstances this Parliament cannot sensibly continue. I urge hon. Members to implement the clear decision of principle taken on 28th October last and to cast their votes for the Second Reading of this Bill.”*

So Prime Minister Heath gave the House of Commons false information during the debate on the Second reading, and threatened to dissolve Parliament. He won by a mere eight votes. If he had told the truth he could have lost. This was why he had written to the Norwegian Prime Minister to keep quiet about the accession arrangements for fisheries.

The Norwegian Fisheries Minister, however, had already let the cat out of the bag. His intervention came too late to save our fishermen, but when Norwegian fishermen realised that joining the EEC meant that Norway's wa-

ters would become Community waters, it helped swing the vote against accession. Over twenty years later, worries about the implications of the CFP caused Norway to reject EU membership for a second time in 1994 and more recently, concern about fishing quotas caused Iceland to abandon its EU accession talks in 2013-14.

Unfortunately, Heath's deception pulled the wool over our fishermen's eyes and we joined the EEC on 1st January 1973, along with Ireland and Denmark. For these countries too, included in their terms of membership was the 10-year derogation allowing them to retain the 6 mile and partial 6 to 12 mile limit. This concession was, however, more valuable to Britain than any other Member State.

Following the Third United Nations Conference on the Law of the Sea commencing discussion in 1973 over a nine-year period, a number of countries began to establish Exclusive Economic Zones (EEZs), giving them exclusive fishing zones stretching up to 200 miles from the shoreline – or to the median point between the coasts of two nations separated by less than 400 miles of sea. An international law establishing 200 mile/median line fisheries zones worldwide was finally completed in 1994 following 12 years of negotiation, but some countries had established their EEZs much earlier. It was in 1976 that our Westminster Parliament passed the Fishery Limits Act 1976 establishing the UK fishing zone and all the other EEC Member States did likewise at the same time. However, because of the *acquis*, this extension of EEZs meant an extension of Community waters.

It was of no long-term benefit to our fishermen, especially the deep sea trawlermen. Before we joined the EEC, these men usually travelled further north to the waters around Iceland and Norway, among other places, to fish. At the time, keeping away from the coasts of these countries, they were fishing in international waters, but the concept of 200-mile exclusive fishing zones was already in the pipeline. The prospect of Norway joining the EU had been one factor in overcoming their opposition to the EEC as Iceland was expected to follow suit and thus our fishermen could continue to fish in their traditional areas as they would become Community waters once the 200 mile zones were established.

Unfortunately for our fishermen, Norway rejected EEC membership and Iceland showed no interest in joining – precisely because of concerns about the

CFP. However, there was to be no consolation prize of exclusive access to the 200 mile zone around the UK – it was to be subject to the equal access principle. The only waters in which we had any exclusive rights were those already negotiated by Edward Heath in the run-up to accession – the zone near the shoreline fished by the inshore fishermen. Furthermore, even securing continued access to these coastal waters was dependent on the renewal of the transitional derogation.

Renewing the derogation means renewing the deceit

The first derogation ran out on 31st December 1982, and a new derogation was put in place, once again of 10 years' duration – in other words, running from 1st January 1983 to 31st December 1992. So far our derogation has been renewed every ten years, with the present one expiring 31st December 2022. We are constantly told the UK is at the forefront of fisheries regulation. This is pure spin. We may be briefly once a decade when the threat of losing the derogation for the 6 mile and partial 6-12 limits hangs over us, but this is not exactly a strong negotiating position.

The Fisheries Minister for 1982/3 was Peter Walker, who called the renewed agreement the “Common Fisheries Policy”. You will often find officials stating the CFP started in 1983, but it didn't. It was merely a further derogation from the already extant CFP. He also stated

“the Commission made an unequivocal statement as to the right and obligation of all Member States, in the unique circumstances of fisheries, to protect this vital resource, and the Commissioner stated that this would apply to all of the proposals on conservation, access and quotas.”

Of course the Commission would say that. It was an obligation written into our Accession Treaty. Walker then went on to say: *“No concessions of any description will be made by the United Kingdom Government that affect the United Kingdom fishing industry.”* He had obviously not taken any notice of other parts of our Accession Treaty, or else chose not to. He was being more honest in January 1983 when he stated: *“The reality is that if the United Kingdom, instead of demanding anything like the historic proportion of*

Europe's fish that it had caught, demanded a 200-mile limit and 50 per cent. or 60 per cent. of Europe's fish, that would mean the massive destruction of the fishing industries of most of our friends and partners in western Europe."

Is that why we joined the EU? – To sacrifice our fishermen and indeed our country on the altar of the EU?

Ten years later, when the 1992/3 agreement was being negotiated, David Curry, the Fisheries Minister at the time stated that, "*The measures form a package that secures the industry's future and that of the fishermen. The policy is based on conservation and common sense.*"

What conservation?

Answer: the conservation of too many vessels chasing too few fish.

Hardly "common sense" as the term is normally understood!

At the same time Sir Hector Monro, the Under-Secretary of State for Scotland said, "*I go to Brussels next week; we shall do our best to help the fishing industry in the United Kingdom. Fishermen must understand our difficulty and understand that we cannot concede more fish than conservation will permit*".

Another rare piece of honesty. We are tied by the Treaties which our own people don't acknowledge.

On to 2002/3 and we come to another period trumpeted as the "reform of the CFP". Alun Michael, the Minister for Rural Affairs stated that "*One of the Government's aims for reform of the common fisheries policy is the encouragement of sustainable fishing. UK and EU funding is available to encourage fishermen to adopt selective catching methods.*"

As I will demonstrate, it was a bit late to save the British fleet. Encouraging the use of selective gear could and should have been started 15 years previously, but the mission of integration had to come first. It was not reform at all, in spite of all the spin at the time. It was just another derogation.

The 2012/3 period was called the "New CFP". Admittedly every 10 years, the package gets bigger and more complicated, but the management regulation still contains equal access and the time-limited derogation for the 12-mile limit. This means on the 31st. December 2022 the whole Fisheries management regulation falls, and the whole negotiation starts again.

One thing that did change in this so called "New CFP" – one word;

Community waters/vessels became Union waters/vessels. This was another small step to the eventual final destination of total integration.

So December 2022 will be another battle of pretence. Our Ministers will go to their masters in Brussels and argue for British fishermen, who are really Union fishermen. Meanwhile the only “British waters” are so limited that the fishing of those waters has now been relegated to a cottage industry which only exists thanks to a derogation within the 12-mile limit, which the other EU Member States are under no obligation to renew.

Or perhaps it may not be like this. We could finally end this farce by voting to leave the EU. Indeed, if we do so, by 2022 we could instead be showing the world how, as free people, we can manage the marine life for the benefit of mankind and the environment, rather than going cap-in-hand to foreign bureaucrats as subservient people to ask for a share of what is ours by right.

The Establishment fails on truth

If it wasn't for the former *Save Britain's Fish* (SBF) campaign, which obtained all the facts and information, no one in the industry would have known about the equal access principle, what a transitional derogation was or anything to do with the *acquis communautaire*. UK Ministers and Civil Servants either kept silent or said the opposite. It took a foreigner – an employee of the European Commission – to tell the truth.

In July 1992 Ruth Albuquerque, a member of EC Fisheries Commissioner's Cabinet, gave a speech in Shetland. She warned of far reaching changes because of Spain's accession to the EU. Her language was unequivocal. The arrival of Spanish vessels would result in the loss of “tens of thousands” of fishermen's jobs. No one, however, believed her because of all the assurances of British Ministers that all was well. Until this point, for all the failings of the CFP, our fishing industry had not suffered too much, but a calamity was looming as the fishing jobs to go were British jobs.

As far as I know, this lady was the only person to tell the truth so openly. By contrast, UK ministers and civil servants misled, deceived and distorted the facts, so as to ensure that the integration process rolled relentlessly and peacefully onwards.

The SBF campaign, however, continued to spell out the true situation

and government ministers were so disturbed that, in February 1995 the Secretary of State for Scotland, Ian Lang, had the audacity to accuse the campaign of using fallacious arguments and misrepresentation of the facts. It was the government which was misrepresenting the facts as SBF was to show.

Later that year, on 19th October, a secret meeting was held in the Carlton Club, London between SBF and Tony Baldry, the Minister of State for Agriculture, Fisheries and Food. Mr. Baldry opened the meeting by reading out a letter from his MAFF (Ministry of Agriculture, Forestry and Fisheries) lawyers, stating the fisheries legal position, which contained the statement “European law is superior to British Law”.

My SBF colleague, Tom Hay, a fisherman from Peterhead, who had studied British constitutional Law, turned and said, “Your lawyers are wrong, Mr. Baldry.”

“My lawyers are wrong. Where are they wrong?” asked Mr. Baldry.

“Oh that is very simple”, said Tom. “European Union law only takes precedence over previously passed domestic legislation in the UK. Any new Act of Parliament, or any amendment to the European Communities 1972 Act and which includes the phrase ‘any provisions of the European Communities Act notwithstanding’, must be and will be upheld by the British Courts. Am I right or am I wrong, Mr. Baldry?”

To which Mr. Baldry said, “There is something in what you are saying Mr. Hay.”

Tom replied, “That is not good enough for me, Mr. Baldry. Either your lawyers are right or they are wrong and I am right. Which is it Mr. Baldry?”

Mr. Baldry then replied, “You are absolutely right, Mr. Hay.”

At this point Mr. Baldry, put his papers in his case, rose and without a word, left the room.

One had to feel sorry for Mr. Baldry (now Sir Tony Baldry), who was only carrying out the instructions of Prime Minister John Major who had only a few months earlier appointed him to that post, no doubt because he was a barrister and Major thought a barrister could shut us up for good with false legal jargon. The exercise, however, turned out to be an utter humiliation for Mr. Baldry.

Of course, John Major was following in the footsteps of Edward Heath in his deceitful approach to fisheries. In April 1994, he wrote to Scottish Nationalist MEP Winnie Ewing stating the approach being followed by his Government concerning Iberian (Spanish) access, was the one most likely to secure the interests of UK fishermen. However, it did nothing of the sort. It simply fulfilled the Treaty obligations. John Major (now Sir John) has recently resurfaced in the debate about our forthcoming referendum. On the 16th December 2015, he warned David Cameron against “flirting” with leaving the EU. It is long forgotten that Major was once taken to one side by the German Chancellor Helmut Kohl and told to go and read the treaties! Such was the ignorance of a British Prime Minister regarding the functioning and purpose of the EU.

Indeed, on numerous occasions during the earlier SBF campaign, ministers, politicians and civil servants all had to be corrected.

Spanish accession

As SBF had warned, the accession of Spain caused a horrendous problem as its fishing fleet was larger than the other Member States fleets put together, but at the same time it brought in little extra resource.

To recap, when the original six Member States produced the Fisheries Regulation in 1970 that created the CFP, they must have thought they had a winner. Not only did they think they would do well out of the policy, but it was exactly what was in accordance with the plans of the EU’s founding fathers – creating community waters and in due course, a community fleet. It was a powerful tool in the planned eradication of the Nation State. At that period of time it was already acknowledged that 200 mile/median line fishing zones were being proposed by the UN and the UK established this in 1976 by an Act of Parliament, as noted earlier.

The big disappointment for the then EEC was the rejection of membership by the Norwegian people who, if they had joined, would have contributed a healthy large marine resource with not a particularly large fishing capacity.

When the preparation was taking place for the management system to be put in place after the first ten-year derogation (often mistakenly called the CFP) ran out, it was already established that Spain, whose application for membership was filed in 1977, would be joining. Indeed, along with Portugal,

Spain did join in 1986, bringing a massive fishing capacity with little resource, tipping the capacity to resource ratio the wrong way. Things were further complicated by Greenland leaving the then EEC in 1985 – another loss of resource. Once again, the issue was fishing.

The UK tried to secure a 50 mile exclusive fishing zone, and later attempted to seek a higher percentage share of the quota, but the other Member States said, “no; go and read the Treaties” – something the British are not good at.

The accession of Spain and Portugal sailed through our Parliament during 1985, with hardly any questions being asked. Both Foreign Secretary Geoffrey Howe in the House of Commons and Baroness Young, the Minister of State, Foreign and Commonwealth office in the Lords, said the same thing, namely:-

“Fisheries was one of the most difficult issues to be negotiated and among the last to be settled. The Spanish fleet is presently the fifth largest in the world. After Spain’s accession, the Community fleet as a whole will be the world’s second largest. It was therefore essential in the negotiations to protect limited stocks and maintain the balance of existing fishing opportunities under the Common Fisheries Policy, only so recently agreed. The outcome was broadly satisfactory. Spain and Portugal are incorporated into the common fisheries policy for its duration. But, with certain limited exceptions, Spanish and Portuguese access to EC waters is limited to those areas and species to which they currently have access. The number of Spanish and Portuguese vessels fishing in EC waters will continue to be strictly controlled and subject to strict reporting and monitoring requirements. The arrangements thus do not affect the effective fishing opportunities of United Kingdom fishermen.”

This statement was taken at face value and not challenged. It was, in the long term, totally wrong, even if in the short term it was correct. Essentially, when the transitional arrangements ran out, Spain would get her rights as stated in her Accession Treaty to which Britain had previously agreed. When a new member brings in massive capacity with little resource, it is going to cause tremendous problems, and as it is clearly stated there can be no increase in fishing effort in Community waters, such a combination can only mean one thing, as Ruth Albuquerque clearly said in Shetland, some fishermen had to go to make room for the Spaniards and they were to be British fishermen.

During the 1980s, even after Spain and Portugal had joined, our own political representatives continually assured everyone things would be okay for British fishermen, with the huge Spanish fishing fleet coming into the “community fleet”. They gave assurances that all would be well when the first ten-year derogation ran out, just as they did in the 1970s and just as is presently happening regarding the forthcoming derogation termination in 2022.

The truth did not come out until a decade later, when in November 1995, Christopher Gill, the MP for Ludlow at the time, asked a Parliamentary Written Question: “*Does the percentage share-out allocated to each Member State of the EU for each of the fish stocks concerned vary when a new Member State is fully integrated into the CFP?*”

The answer came back from Fisheries Minister Tony Baldry, a month after his mauling by Tom Hay in the Carlton Club, He said he would write to the Hon. Member, which he did. Thankfully the answer was printed in Fishing News in December 1995:-

“Member states’ percentage do indeed vary in those stocks which are affected by the accession of new Member States and that it is true to say that the UK’s quotas as a proportion of total community quota decreased when Spanish quota were added to the community total.”

Incredibly, only a few months previously, in September 1995, Raymond Robertson, the newly appointed Scottish Fisheries Minister, had been lambasting the SBF campaign. He said that leaving the CFP is wrong, what we want is reform of the fisheries policy and reform of the CFP will really happen.

He ignored the fact that as part of the *acquis*, genuine reform can only be implemented by unanimous agreement. Meanwhile, the integration process rolled onwards and the obliteration of the British fishing fleet – an inevitable consequence of the CFP – drew ever closer, but undertaken in a most devious manner.

The deceit all came from the British side; none of it was Spain’s fault or responsibility. The situation and procedures were laid down in the Spanish and Portuguese Accession Treaties and the relevant Regulations. Admittedly, these are not the easiest documents to follow, but everything is there in black and white. Sadly throughout our association with the EEC/EU, it has been British officials and politicians who have not told the truth, but rather, peddled deception – or else have simply failed to read the text of crucially important documents.

A beneficial crisis

Although past masters in the art of deception by now, UK ministers knew that they were going to have their work cut out to destroy our fleet without the electorate knowing what was going on. Unfortunately, we, the fishing industry, inadvertently provided the answer for them.

In the second half of the 1980s, and into the 1990s two important developments were taking place in the waters round the UK: large amounts of juvenile fish were being dumped dead back into the sea, and the sand eel stocks, which play a crucial role in the food chain, were being hammered.

The industry highlighted these problems, and through some brilliant research by the Marine Laboratory in Aberdeen, ground-breaking information was provided on how, by changes to the gear design, the small fish would not end up being caught.

Our own Ministry firstly denied either of the events were taking place then secondly went into silent mode, appearing to want to take no action. At that time we did not appreciate why.

The EU was about to demonstrate its prowess in one area in which it particular excels. When a problem surfaces, sometimes a crisis ensues which it can use to solve the problem and at the same time further the integration process. This is called a *beneficial crisis*.

Here, we had unwittingly solved their problem. By allowing the slaughter of juvenile fish to continue, the Commission encouraged the wiping out of the sand eel stock by issuing massive uncatchable quotas. The inevitable result is that fish stocks will plummet. Exactly the same thing had happened in Norway a few years previously, so they knew it was going to happen.

The next thing was that everyone started to cry out, “too many vessels are chasing too few fish.” Various means of encouragement were given to British fishermen to get out including decommissioning fishing vessels or giving or selling our quota to Spain. Everyone in the UK thought this was to safeguard the environment.

On the contrary, I maintain this was a deliberate act to bring about the Treaty obligations without anyone in the UK realising the trickery and deception that had taken place. How otherwise could you have got rid of the British fleet without a public outcry if stocks had been healthy? Plummeting fish

stocks created a very convenient *beneficial crisis* that came at the right time. It was concealed within the claim that too many vessels chasing too few fish without the British public knowing the skulduggery and real reason why fish stocks were plummeting.

Therefore when the mass destruction of the British fleet finally took place, the British people thought it was all about conservation. The EU, ably assisted by our own Ministry, had won a great propaganda coup while Spain has been integrated in accordance with her rights as part of the community fleet in community waters. The concept of national fleets and national waters was being eradicated and the public were none the wiser. Mission accomplished.

This depiction of events will, of course, be challenged, but is it not strange that once the British fleet was scrapped, the sand eel situation was acknowledged, other measures were introduced and stocks started to improve? All this was accomplished by the British against the British. This cannot be called anything other than evil.

Three decades ago, the divers of the Marine Laboratory, had made themselves a simple but very effective underwater vehicle which could be towed and which allowed them to observe the escape behavioural pattern of certain species. This opened up the possibility of designing selective fishing gear. For example Haddock, on trying to escape, go upwards and backwards, cod go downwards and try and escape underneath, so you can start to design fishing gear with escape panels.

Where the escape areas were noted, panels of different mesh shape and size can be inserted. If you look at fish netting, it is what we call diamond mesh. When you pull the strain across two opposite points of the diamond mesh it works in a scissor action which makes the whole trawl very strong and flexible. For escaping round fish this can be a problem. The fish, by pushing into the mesh, opens it, wriggles through. The mesh then closes just as the fish flicks its tail to get away, taking scales off the tail area where it then gets an infection and in turns dies. Therefore, in the area of escape, a window of square mesh is inserted, but because this mesh is a lot weaker and distorts easily, it has to be specially made. Unlike diamond mesh, the escape opening size stays constant.

This is a start, but not the full solution. Subsequently, our bright ideas

have been developed further by other countries. In Canada, for example, they have enjoyed good success with grids set at an angle inside the narrow end of the trawl.

It is possible to design fishing gear to take the species and size you require, leaving everything intact alive at the sea bed. It is no good carrying out separation near the sea surface, because with fish that have swim bladders, being hauled up through the pressure zones ruptures their bladder.

Once again, it is typical that much of this work was commenced by the British but never advanced because it was not in the interest of EU treaties where politics of integration come first. The use of different sized escape panels was blocked during the process of the British fleet's destruction.

The inflexibility of the CFP

So as long as we are members of the EU, we are stuck with the CFP. Even though very slow progress is being made to change its worst features and regionalisation* is becoming a possibility, there are far too many serious flaws within the system for it ever to be a success. Common European Union policies are political; they are cumbersome, bureaucratic, one-policy-fits-all, a rigid structure, slow to react, and above all, designed to create full integration.

Marine life simply doesn't respond to that system. In the sea, life is fast, furious, and cruel. Those supporters of the CFP repeatedly claim that "you need a CFP because fish know no boundaries". True, they don't, but there are some *de facto* boundaries. This is not rocket science. Marine life revolves around the environment. Water temperature, for instance, is critical. To take one example, squid will move as a result of a temperature change of half a degree.

The food chain is also critical. Down in the sea, everything gobbles up everything else. It is a vicious world down there. What is so important is to look after the base of the pyramid of life. If the base is destroyed, as happened with sand-eels, you can't expect much at the top.

In summary, different species will move in response to small changes in temperature, which affects the food chain. Thirty years ago there was a huge outcry about "overfishing" when the cod left the Grand Banks, Newfoundland. It was not overfishing. The water became too cold and the cod moved east-

*The purpose of regionalisation is twofold: moving away from micromanagement at Union level and ensuring that rules are adapted to the specificities of each fishery and sea area.

wards across the North Atlantic and as the cod were no longer on the Banks, eating up other species, the amount of crab and shrimp multiplied dramatically.

Now, just as cod moved off the Grand Banks because the water got too cold several years ago, so the cod are moving north in the North and Irish seas because the water is getting warmer. In their place, hake are moving in, for which we have very little quota – less than 12,000 tonnes in 2016; smaller than our cod quota and barely one sixth of the total EU hake quota. When you have a rigid system like the CFP, you might go several years in your area catching species for which you have a quota and then, suddenly, they disappear and in comes a species for which you have no or little quota. What do you do? Answer: you have to cheat to survive.

The rules of the CFP state that you have to land everything you catch, but would you really do this if the result was a fine or some other penalty? Would you not rather wait for dark, make sure no aircraft were overhead, switch your deck lights off, and dump the surplus fish overboard? It is extremely hard to keep tabs on fishermen who do this.

The inflexibility of the CFP has led to widespread dumping. It can never work because it is too cumbersome to respond quickly to changes in water temperature and food source, which causes species to move. We have more hake than ever moving northwards, while under the North Sea oil/gas rigs there is now a huge stock of coley, which like living there. How can you set a Total Allowable Catch (TAC) on old data for a year in advance, when it is likely that some species will move location?

So the CFP, which is an attempt to control fishermen by restricting them to a given area, in a given time frame, for a given species, of a given quantity, ends up causing widespread destruction because you cannot control fish. Unlike agriculture, where you can use fences to keep farm animals where you want them, in the sea (excluding fish farming), the wild marine stock are free to go where they please. As one species moves out, another moves in. At any one given time, you might have a quota for one, not the other. The result is the discarding of marketable fish.

These harsh realities turn on its head the argument that the CFP is needed because fish know no boundaries. The CFP is a rigid system that cannot cope with fish movements. It creates a lot of caught unsaleable fish – and all in the name of a political project. What is more, the drive for a Common

Policy destroys the environment, jobs and communities. It is a disaster and it is not succeeding in its objective of creating a united European people, as we see from the recent rise of nationalism across the Member States.

We, however, have borne the brunt of the folly of the CFP. How do you think the residents of Peterhead feel when, after being Britain's premier fishing port 20 years ago, the town has become desolate with empty shops and a harbour with hardly any Scottish vessels? Meanwhile, money is being spent to deepen the harbour to accommodate Spanish and French vessels using it as a transit point.



Boarded up shops in a desolate Main Street, Peterhead

Empty Tory promises on repatriation

There is a better way of managing this resource with which our country has been gifted, but before moving on to consider it, the point must be emphasised that serious improvement is unachievable as long as we are members of the European Union.

Some years back, the Conservative Party talked about returning fisheries to national control, but a brief summary of the utterances of successive ministers shows that there never has been the political will to make it happen. Firstly, here are the words of William Hague, the first of three consecutive

Conservative Leaders who endorsed the policy of National control of Fisheries. He finished his October 1999 conference speech by stating:-

“And so I say to the people of Britain: if you believe that our country is unique in the world but is in danger of losing its identity; if you believe that Britain is a place where you should be rewarded for doing the right thing, but now you are penalised for it; if you believe in Britain as a healthy democracy, but that the standards of democracy are now being tarnished and diminished; if you believe in Britain as a country where the law is enforced and respected, but that now it is not respected enough; if you believe in Britain as a country that will work with its neighbours but never submit to being governed by anyone else; if you believe in an independent Britain. Then come with me, and I will give you back your country.”

This is the same William Hague who said in December 2015 that he would vote to remain in the EU. His “euro scepticism” was always skin-deep, as the electorate discovered in the 2001 General Election Campaign, when he was the leader of the Conservative Party. It is therefore no surprise that he would never say exactly how he would implement National control. What he said and what he intended doing were completely different.

Nonetheless, SBF continued to campaign for the repatriation of fisheries and the Conservatives continued to make noises that the party supported such a move. At a fringe meeting it organised at the 2005 Conservative conference, the theme was *“Will the Tories ever introduce National control?”* This topic was chosen because of the forthcoming change of leadership of the Conservative Party and the hope for better things. Therefore a challenge was laid down on the following lines:-

1. Will the next Conservative Party Leader continue the policy of national control?
2. Will the next Conservative Party Leader uphold the supremacy of our British Parliament?
3. Will the next Conservative Party leader openly and honestly debate the European Union?

On the 11th November 2005 I sent an e-mail to David Cameron’s leadership campaign team, asking:- “Is it true David will not support our Party’s present fisheries policy, as outlined by Michael Howard in a letter dated 9th June 2004 to John Whittingdale MP? This policy is based on the supremacy of

Parliament, so it is very important to know if David supports it or not”.

The answer I got back was “The answer to your question is no; it is not true”.

We were very suspicious of this answer because, prior to the 2004 European Parliamentary elections, John Whittingdale and Owen Paterson, who were shadow Cabinet members covering Agriculture, Fisheries and Food were concerned that Michael Howard, the Party leader at the time, had expressed his support for repatriating fishing policy to national control but was starting to waver. Howard’s proposals were based on Parliament’s ability to pass legislation stating ‘any provisions of the European Communities Act notwithstanding’ – in other words, to override the EU. Only the threat of resignation by Whittingdale and Paterson saved the day. A bit of research uncovered the identity of the person putting the pressure on Howard to abandon the proposal – a certain David Cameron, who, on becoming party leader, did completely drop the policy.

This is the David Cameron who in February 2006 launched the Democracy Task Force:- “*How to restore trust back into politics – something is wrong – look at electoral low turnout – look at trust.*” He is clearly aware of the “notwithstanding” clause, but yet is currently talking of changing our domestic law to state that Parliament is sovereign, when not only does he know that Parliament already has that power, but he has intervened to stop his predecessor as Tory Party leader from adopting a beneficial proposal based on that power.

How can we trust him?

If he really wants to rebuild trust in politicians, it would be a start if he, his Ministers in Government, and the British Civil Service, would tell the truth on matters concerning the European Union. That is too much to expect during the run-up to the EU referendum. It will once again be left to the few to dig out the truth, as we will be bombarded with half-truths and deception – a continuation of what we in fisheries have experienced in the last 40 years.

The present Fisheries Minister, George Eustice MP has come out in favour of the “leave” side. He did after all on the 2nd July 2012 ask the Prime Minister an oral question as follows:

“I agree with the Prime Minister that the priority for this country should be to negotiate the return of powers from the EU and that any referendum

should come at the end of that process, not the beginning. However, does he agree that we should reject the defeatism of the Leader of the Opposition and start to articulate the case for an alternative vision for the future of Europe?"

It will be interesting to see if, during the Referendum campaign, Mr. Eustice vigorously promotes the fisheries situation and what his vision is for his present brief, free of the CFP and back under National control.

Our fisheries' bright future – if we leave the EU

If we are to convince the public that we are better off leaving the EU, we need to explain how much better life will be as an independent country. Fishing makes an excellent poster-child for this. The prospects for our fishermen will inevitably improve as long as we come up with a sensible replacement for the Common Fisheries Policy.

The *FleXcit* document, produced by the Leave Alliance and at time of writing being re-branded as “The Market Solution”, contains a lengthy section on Fisheries – from pages 267 to 280. Dr. Richard North and Owen Paterson MP had already produced a Green paper on the subject of Fisheries and this has now been incorporated into *FleXcit*.*

Anyone who campaigns in the forthcoming EU referendum, for the “leave” side, cannot just say that Parliament must repeal the European Communities Act 1972 and hope for the best. That is not good enough. There has to be an orderly and amicable separation, which is not going to be easy. Indeed, after 43 years of integration, it is going to be a major challenge. As far as fisheries are concerned, it is vital that we do not end up scrapping one bad régime in order to establish another equally bad system. Withdrawal presents us with a once-in-a-lifetime opportunity, to show what can be achieved in an area that contains one of the finest marine resources in the world.

The North/Paterson Green paper, now incorporated into the overall Fisheries *FleXcit* plan, is excellent. It is the most exciting prospect for marine management and, for someone like me who has worked on fishing vessels in many parts of the world and has been heavily involved in conservation, I know the potential is staggering.

As far as the UK is concerned, the fundamental principle on which a policy should rest is that the fish and other sea creatures within the UK's fish-

ing zone of 200 mile/median line are the property of the nation as a whole. After all, in law, these national waters are as much part of the UK as the Pennines or the South Downs. Custody and responsibility of that resource lies with the central and devolved governments.

The first priority, therefore, is that control/competence is returned to Britain so that the resulting devolved powers for fisheries regulation can be put in place to ensure that there is no democratic deficit in any part of the UK fishing industry.

The overall fishing industry, while appearing as one, is made up of several different groups, often opposing each other. The Industry is as divided now as it was in 1972 when the British Trawler Federation supported the “equal access” principle because they mistakenly thought they would gain access to Norwegian and Icelandic waters.

An inshore industry could be built around the 0–12 mile limit, which would have a beneficial effect on coastal communities through tourism, recreational fishing, employment and other ancillary industries. All could be administered locally. The offshore Industry would be based on the 12 to 200 mile/median line, and then you have the straddling stocks and reciprocal arrangements, which bring genuine friendship between fishermen of different nations. When another nation’s vessels fish in our waters they would do so under our rules.

The North/Paterson paper advocated Devolved Fisheries Management Authorities (known as FMAs) could be set up. There would be two types: inshore (as far out as the 12 mile limit); and offshore (from 12 to 200 miles or up to the median line). Each would have a small executive board, responsible for policy-making, a consultative council and an executive arm responsible for administration. There would also be an agency, responsible for monitoring and carrying out enforcement action. Members would be appointed. Inshore boards would be appointed by the local authorities in the relevant maritime areas. However the structure for fisheries management in each of the devolved UK Administrations will lie with them.

FleXcit’s fisheries proposals are based on the concept of “Days at Sea”. The advantage of this is that there is no reason to cheat. If you are a good fisherman, you will do well whereas a poor fisherman will not survive.

By contrast, the CFP is based on the political tool of quota – it has to be

like this because of the integration process and equal access principle. It encourages cheating and dumping of non-quota catches either on shore or at sea. It is a rigid system trying to impose its will on a fluid and rapidly changing conditions, as has been noted.

Two essential features are needed for a viable fisheries policy. The first is the ability to be able rapidly to close areas where juvenile fish are abundant. This has to be done within hours, even if the closure period may only last for a day or two. This ability to react quickly will never happen while our waters are under the control of Brussels. The other important feature of any contemporary fisheries management is the use of selective gear. As a fishing gear designer I need to emphasise that the gear you design for one area will not necessarily be the same for another area. Even if you are catching the same species, you need to make slight alterations to the gear. This level of adaption is impossible under the policy imposed by Brussels where one set of rules must fit the whole of a large area.

You must have fishermen on side to make this work, but again, under the North/Paterson proposals, this is far more likely than under the current EU-controlled régime. The attitude it has engendered is that if I don't catch it, some other foreigner, even though it is another EU citizen, will get it, so I will get in first.

With selective gear, as long as the Minimum Landing Size (i.e., below which you are not allowed to sell) is above the breeding size, you can't overfish, because you are culling the top of the pyramid. If there are no fish of that size, the fisherman will have no catch to sell, and will go out of business, but that is market forces at work, not overfishing.

Personally, I am strongly in favour of the model used by the Faeroe Islanders which operates in a diametrically opposite way to the EU system of setting for each species a total allowable catch on an annual basis, often based on dubious research. In my view it is no good working from the top of the pyramid downwards. Research should be directed at the base of the pyramid upwards; starting with the food source. Once you know the availability here, you can calculate what can be sustained at the top. If, for example, you have a collapse of the base, you have to fish the top hard, the very opposite to what would happen now.

To explain what I mean, this would be like a situation where a famine is taking place somewhere in the world and another million people are sent to that area to live there. If you don't have the flexibility to enable fishermen to catch more adult fish, they will simply eat their young. This is exactly what happened in Norway when they destroyed their sand-eel stock. The adults took longer to grow and the fish that survived ate their young, destroying the next generation. Sometimes one species will increase dramatically, and they have to be fished harder to restore the balance. You can only do this with a system as proposed under FleXcit, not the rigidity of Brussels.

Another totally unfair aspect of the CFP is that fishermen have found themselves treated like criminals, putting them on a par with drug dealers, thugs and thieves. This is not the way to get maximum cooperation out of those who harvest the sea. The CFP system encourages dishonesty, whereas any successful fisheries régime requires maximum data being collected from the fishing industry – in other words, honesty and willing cooperation. The best penalty for offences is to dock days at sea, and if the operator continues to offend, to take their fishing license away.

In summary, leaving the EU *per se* is no solution in itself. It is only the beginning. Every badly-designed EU policy will require individual replacement with something better. Fisheries can provide a useful example of exactly how a bad policy can be replaced by something better. Largely self-contained in policy terms, it makes an excellent test bed for policy development as well as illustrating the complexity of the repatriation process.

There is no question that it poses a challenge but at the same time, this opportunity to do far better – to harvest nature's gift free of political interference – cannot be passed over, neither is it 'a leap in the dark'. Ranged against us are those who don't want the Nation State, and those reformists who either don't understand the workings of the EU, or else who have a hidden agenda. If they really believed in reform, they would want to get rid of the principle of equal access to a common resource without discrimination. However, such reform is impossible because of the ingrained thinking behind the EU CFP, which is incapable of beneficial reform along the lines suggested here as it violates the very principles of integration enshrined in the EU treaties which it was designed to promote. Unfortunately, so-called reformists never acknowledge this harsh reality.

Conclusion – our politicians’ track record on fisheries shows why we must leave the EU

The sad saga of the CFP highlights one theme that runs like a dark thread through the UK’s 43-year involvement with the EEC/EU: our own elected politicians, supported by the Civil Servants, have done everything in their power to keep the UK locked into the EU.

It was the Westminster Parliament and that Parliament alone, which has set the pace to eradicate Britain as a Nation and to set the wheels in motion to create a new Nation – the EU. The CFP was one of the tools they used.

Ministers repeatedly promised us that everything was being done for UK fishermen and that the future was guaranteed to be better. There were glowing expectations of what reform would bring, yet the opposite has happened. These empty promises merely kept the UK locked into a system which progressively strangled our industry and the fishing communities. Constantly a light of hope and change for the better appeared to be shining at the end of the long tunnel but as you got nearer, the light disappeared further away into another tunnel so as to continue the flow of implementing integration – as commanded in the Treaties – often by stealth. An EU Common policy will always have one destination – total integration. In the case of the CFP, this meant an EU fishing fleet in EU waters regardless of the consequences for our own fishermen.

It does seem almost incredible the degree to which our own elected representatives are prepared to go to betray their own, but I am prepared to stand by the accuracy of what is written here. Our politicians cynically and cruelly betrayed our fishermen, but for what? This question has never been answered.

Junius, the anonymous writer who contributed a series of letters to the *Public Advertiser* around 1770, presciently wrote:

“We can never be really in danger till the forms of Parliament are made use of to destroy the substance of our civil and political liberties: till Parliament itself betrays its trust, by contributing to establish new principles of government; and employing the very weapons committed to it by the collective body to stab the Constitution”

Sadly, some 245 years later that is exactly what has happened. The mother of Parliaments has destroyed British democracy and is well on its way to destroying the nations of the United Kingdom.

We are currently watching the same picture unfolding with Prime Minister Cameron's renegotiation package. As Mr. Cameron stood outside No.10 on the 20th. February 2016 and issued his statement among many things he said was,"we are Great Britain – we can achieve great things." We could, but not when you have given over half our territory away. The Prime Minister finished by stating his clear recommendation, "I believe that Britain will be safer, stronger and better off in a reformed European Union." The reason for this booklet is to show clearly that is not the case, and that reforming the *acquis communautaire* is virtually impossible.

If our government ministers, aided by Whitehall, can be so duplicitous and treacherous in this one area of fisheries, can we really assume that their behaviour with regards to the EU has been totally honest in every other area?

The Prime Minister has declared the Referendum on whether to remain in or leave the EU will be held on 23rd June 2016. In the circumstances, that is to be welcomed. Again, however, it diminishes Parliament's authority, as Parliamentarians have abdicated their responsibilities to govern on behalf of the electorate, by throwing the decision back to the people. That is why I believe this referendum should be by the people, for the people, and the Westminster MPs should keep a low profile, although, unfortunately, they will not, they will try and take the lead.

Our form of democracy, through our Constitution, is that the people choose their rulers and the rulers rule. If the people are not satisfied, they can get rid of them and as no Parliament can bind its successor, the people can truly call the shots. Sadly, as Junius rightly said all those years ago, our Parliament has betrayed its trust – it has not told the truth and has established new principles of government – namely handing governance to unelected EU Commissioners. The powers handed by the electorate to Parliament have been used to undermine the Constitution. Uncomfortable as the truth may be, Parliament itself is the danger to our nation.

For this reason, we should be very sceptical about the Prime Minister's claim that he will change our domestic law to state that Parliament is sovereign. As I have already shown and as Tom Hay pointed out as long ago as 1995, our Parliament **IS** sovereign. It has always retained the power to pass a new Act of Parliament including the phrase "any provisions of the European Communities Act notwithstanding" and such Acts must be and will be upheld by the British Courts. In other words, the Westminster Parliament could pass

legislation that overrides and negates EU legislation. It has never lost sovereignty, it has only temporarily loaned sovereignty, refusing to act in accordance with its sovereignty.

For instance, six years ago, had Parliament so decided, it could have struck down the Lisbon Treaty – indeed, our MPs could have killed off every new Treaty since the Single European Act of 1986. They already had sufficient powers back then without any new Cameron-inspired legislation, but did not choose to use them.

Of course, some MPs may not be aware of the finer points of Constitutional law and the powers our Parliament still possess. Furthermore, I would not wish to deny the existence of some decent and honest MPs. It is harder, however, to use such adjectives to describe the behaviour of Prime Ministers such as Edward Heath and David Cameron. Did (or do) they understand Accession Treaties, derogations, and the *acquis communautaire*? I believe they did/do, but deliberately pulled the wool over our eyes.

Heath is now history. He is remembered for taking us into the EU, but little is known about his antics over sugar, New Zealand, and this subject – fisheries. He blatantly lied about derogations and made them appear the absolute opposite of what they really were. Cameron is doing the same with the *acquis communautaire*. When he went to Poland recently he gave the attitude of being equal partners. “Mr Cameron was forced to admit that the two nations have not managed to reach agreement on key elements of his renegotiation plan ahead of the Council Meeting” said a press communiqué.

Why should they? If a subject that Cameron wants changing is part of the *acquis communautaire*, Poland is within her rights to sit back and do nothing. Why should she negotiate away something that is hers by Treaty, a Treaty signed and endorsed by the British Parliament and voted for by Cameron? Heath gave the impression he held the veto to renew a derogation. Cameron gives the impression that he can make another EU member change the *acquis communautaire* when that member was obliged to fulfil, without exception, the *acquis* on joining.

There are parallels between Poland and Spain. Spain had a 16-year transitional derogation preventing her enjoying full rights under the CFP. Poland had a 7-year derogation against her for the free movements of workers, but the UK, through our elected MPs, decided to waive it. During the second reading of the European Union (Accessions) Bill, on 21st. May 2003, which

endorsed Poland's terms, not one MP voted against – again, a similar scenario to the debate on Spain's accession.

In the debate Michael Ancram said: *“We made it clear all along in this House that we believed in accession and wanted enlargement of the European Community. That was the position of the Conservative party and it is exactly what we have said all the way along.”*

Denis MacShane, the Minister for Europe, said, *“I refer to the free movement of workers. Once the 10 new Member States are full members of the EU, all EU citizens will be able to travel freely. People will come and go as they please. Those who want to work here must have jobs to go to”* and Jack Straw, the Secretary of State for Foreign and Commonwealth Affairs, added: *“It will attract the workers we need in key sectors. It will ensure that they can work here without restrictions and need not be a burden on the public purse. It makes sense financially, as we can focus resources on the real immigration problems, rather than trying to stop EU citizens enjoying normal EU rights.”*

There have been many complaints about the flood of Polish migrants pushing wages down for native-born UK workers – and with good cause. Tony Blair, Prime Minister at the time of the EU's Eastern enlargement, claimed that he wasn't expecting so many Poles to arrive here, but he based his estimates on a very dubious study produced by a German think tank, whose methodology, based merely on the distance between Poland and the various other Member States, was very shallow, to say the least. The bottom line is that in this desire to see the EU project march forward, the drop of income for some UK workers was seen as a price worth paying – just like the destruction of our fishing fleet.

It will come as an unpleasant shock to many people to realise that, in spite of repeated bandying around of the word “Eurosceptic”, most of our MPs really believe that they should sub-contract a significant part of their responsibilities to Brussels. They either fail to understand or genuinely support the European project – the gradual emasculation of the Nation State. They may not be as honest as Kenneth Clarke, who wrote in 1996, “I look forward to the day when the Westminster Parliament is just a council chamber in Europe”, but we have to conclude that secretly, they agree with him.

Mark Leonard, the co-founder and director of the European Council on Foreign Relations, is an ardent Europhile, but his brief sketch of the workings of the EU brings out just how sinister the whole thing is:-

“Europe’s power is easy to miss. Like an ‘invisible hand’, it operates through the shell of traditional political structures. The British House of Commons, British law courts, and British civil servants are still here, but they have all become agents of the European Union implementing European law. This is no accident.”

Our political establishment has been corrupted and its shameful treatment of our fishermen underlines the truths Mr Leonard has stated.

Is this really what we want?

If not, we need to vote to leave, but not merely because it gives us a chance to part company with a project which still engenders little enthusiasm among most of the electorate. We must see it as a once-in-a-lifetime opportunity to re-boot our democracy.

Parliament has failed not just our fishermen; it has failed our country.

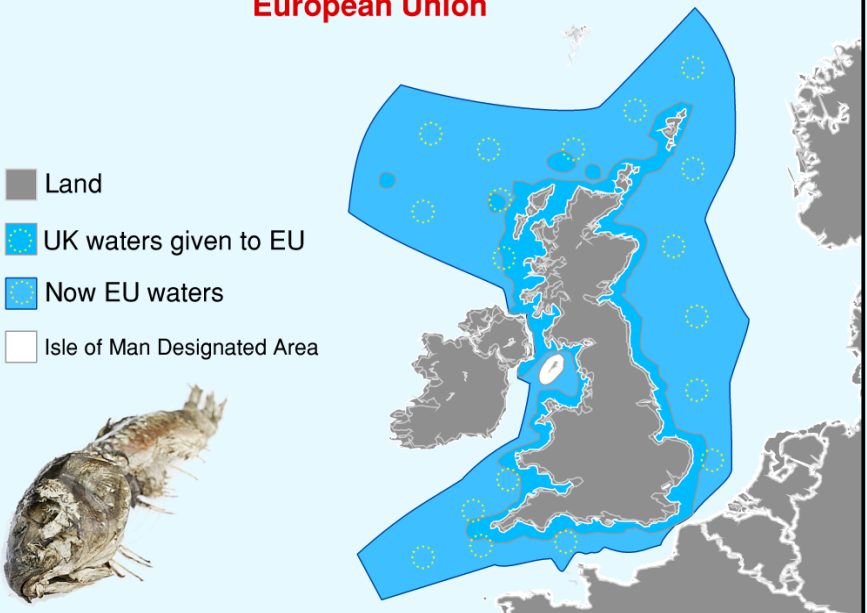
A rejection of the deceit and spin which David Cameron will use to persuade us to stay hitched to this catastrophic project will send out a powerful signal to our politicians: our country deserves better; mend your ways; we have had enough.



One of the remaining Scottish white-fish vessels still operating out of Peterhead

The destruction of the UK fishing industry by the European Union's Common Fisheries Policy has only been possible because of the deplorable behaviour of ministers and civil servants in our own country. As we move closer to the referendum which will give us the chance to leave the EU, the sad story of the cynical betrayal of our fishermen for no obvious national benefit provides a powerful illustration of why we need to seize this opportunity to regain our sovereignty. All of us, whether we have any personal connection with the fishing industry or not, must make it clear that we will no longer tolerate such duplicitous behaviour from those whom we elect to office supposedly to represent our interests.

Map showing UK fishing grounds surrendered to the European Union



Printed by Charlesworth & Co Ltd
Flanshaw Way WF2 9LP
Promoted by Petrina Holdsworth on behalf of
The Campaign for an Independent Britain Limited
Registration No. 08662958
78 Carlton Road S80 1PH



ISBN 1901546586



9 781901 546583 >