Fisheries part 7- Historic rights

Thanks to our membership of the European Union, there are now no “British waters”. Whereas independent countries have control of an area which stretches out 200 nautical miles from the low water shore line (or to the median point when the distance between two countries is less than 400 nautical miles), from 1973 onwards, we surrendered the right to have any national waters at all, so the waters round our coast are EU waters and will be so until we regain our independence.

Supporters of the Common Fisheries Policy make the point that fish know no boundaries, so any stock that moves across a boundary belongs to both sides. They therefore imply that the UK should remain within the CFP and not reinstate national control, or at least run a parallel system. This is a very devious argument as no one in the Faroe Islands, Iceland or Norway – whose waters all border what are currently EU waters – ever suggests that they should somehow surrender control of their waters because of fish migration. Independent sovereign nations tackle issues relating to straddling stocks using agreed international law.

CFP supporters also raise the subject of historic rights. These historic rights pre-date our membership of the EEC/EU, and are sub-divided into rights within the 6 to 12 nautical mile zone and the 12 to 200 nautical mile/median line zone. The first agreement on these rights, which covers the 6 to 12 mile zone, was the 1964 London Convention which gave France 15, West Germany 6, Belgium 5, Holland 3 and Ireland 2 geographical areas within the UK 6 to 12 nautical mile limit where they could fish. In return, the UK obtained similar rights to fish in two Irish, one French, one West German and one Dutch area within the 6-12 nautical mile zones belonging to these countries.

This was not a fair deal and even at the time, there was much debate as to whether France really qualified for such rights. In theory, the agreement was an attempt to secure a legal arrangement for fishing vessels who had regularly fished in a particular area between 1st January, 1953 and 31st December 1962. In practise, other forces were at work.

The London Convention needs to be understood in the context of the UK's attempts to join the EEC, as it then was. Our first application was made as far back as 1961. France's General de Gaulle vetoed this application in 1963 and was to do so again in 1967. While it cannot be proven, it is quite possible that even in the 1960s, our politicians were prepared to surrender a resource that belongs to the people of these islands as a sweetener to EU membership. This does seem the most plausible explanation for French fishermen being given such extensive access to our waters with little or nothing being given in return.

The net result of these arrangements was that small fishermen – and therefore smaller coastal communities – were particularly disadvantaged, since they tend to fish closer to the coast than larger vessels. Thanks to the desire of the Government for us to join the EU, they suddenly found themselves in competition with larger vessels from other countries without even having been consulted.

Under Article 15 of the Convention the agreement can be denounced by any contracting party after 20 years after coming into force, which did not happen until 1966. By 1986, we had joined the EEC, so this did not matter. EEC Regulations had superseded the Convention. If we were remaining within the EU (and thus within the CFP), it would still not be an issue, but with independence looming, this Article will acquire considerable importance. Article 3 of the Convention is also important as if granted rights to specific fishing vessels operating at that time.

The reason for these articles being so important is that once we leave the EU, this CFP Regulation ceases to apply and earlier legislation, including the 1964 Convention, will regain its force. However, there is no legal obligation for Parliament to uphold these rights, In particular, given that the Convention took place over 50 years ago and unlike the current CFP legislation is vessel-specific, it is well-nigh impossible that any fishing boats covered by the legislation will still be in commercial use when we leave the EU.

The current CFP Regulation includes the derogation which the UK has had to renew every 10 years which restricts access by foreign vessels to the waters up to 12 nautical miles from the coast, although we have had to grant access to vessels from other member states that have acquired historical fishing rights in areas between six and twelve nautical miles from the UK coast. These historical rights are, in fact, those granted by the 1964 Convention and which, as was noted, unfairly favours France. Indeed, it does not make provision for any fishing in our waters by boats from countries which are now EU member states but which were not included in the 1964 agreement.

For this reason alone, Parliament needs to exercise its right to terminate the 1964 agreement as well as repealing the CFP legislation. We obviously will need to allow a limited degree of access for EU vessels into our waters upon independence, but the existing historic rights agreements are not suitable, especially as they are vessel-specific. Supporters of the CFP are therefore attempting to muddy the waters and in the process hindering the development of a fisheries policy which would work in the UK’s best interests.