

The Common Fisheries Policy – Part 4

The Fishing issue is such a wonderful example of how the European Union functions; everything is not what it seems, especially from the British side. We entered a common policy, not really knowing what we had joined. Those that knew didn't say, but worse was to come.

Nothing much happened for ten years until the first derogation ran out and what was put in place for the next 10 years was hailed as the reformed CFP. This has happened on every occasion since. "Reform" is claimed to be the saviour, but what is not understood is this so-called reform is not the CFP, but a political management tool that is a derogation from the CFP, and this "reform" that our British politicians claim to be a wonderful achievement to obtain, is actually part of the political process to full integration – community waters – community fleet – based on non-discrimination, as stated in the Treaties.

If it wasn't for the old Save Britain's Fish (SBF) campaign that 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*. British Ministers and Civil Servants either kept silent, or said the opposite. It took one European person to tell the truth.

In July 1992 a Lady called 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 entry) which would result in the loss of "tens of thousands" of fishermen's jobs.

As far as I know, this lady was the only person to tell the truthful facts so openly. Any truth came from Europe, never the British, who misled, deceived, distorted the facts, so as to ensure the integration process went relentlessly and peacefully onwards.

As the SBF campaign continuously explained the true situation, 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 is ironic that later in that year a secret meeting was held in the Carlton Club, London, on the 19th October between SBF and Tony Baldry, Minister of State, Agriculture, Fisheries and Food. Mr. Baldry opened the meeting by reading out a letter from his MAFF 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 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 phase – 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 Baldry 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 utter humiliation for Mr. Baldry.

This is the John Major who in April 1994 wrote to Scottish Nationalist MEP Winnie Ewing stating the approach being followed by his Government, concerning Iberian (Spanish) access, is the one most likely to secure the interests of UK fishermen. No it did not; it simply fulfilled the Treaty obligations. On the 16th December this year, 2015, we had Sir John Major warning 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.

During the earlier SBF campaign, ministers, politicians and civil servants all had to be corrected.

Spanish Accession with Spain's fishing fleet larger than the other member states fleets put together, bringing in little resource, was a horrendous problem, which we will explain later.

At the 2005 SBF fringe meeting at the Conservative October 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, shadow Cabinet members, Agriculture, Fisheries and Food MPs, John Whittingdale and Owen Paterson felt Party leader Michael Howard was starting to waver on the Fishing Policy, hence the 9th June 2004 letter. Who was putting the pressure on Howard to drop the policy? A certain David Cameron, who on becoming party leader did 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."*

It would be a start if British Prime Ministers, Ministers in Government, and the British Civil Service, would tell the truth on European Union matters. That is too much to expect within 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, and a continuation of what we in fisheries have experienced in the last 40 years.