

Last Chance Saloon for the Coastal Fleet.

Among the melee of claim and counter claim regarding current and future fishing rights and opportunities, access to UK waters by continental Europe's fleets, taking back control and so on, one fact seems to have escaped the attention of many, including the fishing sector's own levy body, Seafish, that the under ten metre fleet in many parts of the UK is declining, along with the coastal communities it has previously been able to support.

Unless something concrete and dramatic is done to help in the immediate future then the ever more seemingly ephemeral promises of a post Brexit windfall of quota and access will be meaningless to those small scale coastal fishermen who have gone out of business in the meantime.

A recent and seminal report by Seafarers UK highlighted the ongoing decline seen in coastal towns. The fact that this decline mirrors that of the inshore fleet in many areas is no coincidence. There are plenty of examples of where the apparently unimportant loss of a few boats on the beach or harbour in fact has a dramatic and lasting effect on the economics of the area. This issue is not reserved purely for the UK. In Denmark and other EU states, economists and administrators have failed to recognize the intrinsic value of the presence of albeit small scale fishing activity in often isolated coastal communities without access to many alternative job opportunities.

You lose the boats and the tourists don't come, no 'tourist experience', no local fresh fish supply, a loss of culture, tradition and heritage as well as real and meaningful employment for the local population, both at sea and in support services ashore. Polly Toynbee in her article identifies £5m benefit to the town of Hastings purely from the presence of the beach launched fleet and this example is replicated the length and breadth of the country.

Seafish quotes from their 2017 economic analysis of the fleet that "UK fleet sees highest fishing revenues on record despite fuel cost increases.....Similar to 2016, operating profit as a percentage of total income has remained at around 25%.....The past few years of strong economic performance put the fleet in the best possible position to respond to the upcoming challenges of full implementation of the EU landing obligation in 2019."

Whilst those quotes undoubtedly refer to the larger scale fleet in the UK, they are a slap in the face for many in the under ten fleet who have been hanging on by their fingertips, hoping against hope that the promised Brexit bonanza would finally allow their sector to flourish in a similar way to that of their larger scale brethren. They are facing the massive challenges to their survival of the forthcoming implementation of the landings obligation without any of the benefits highlighted by the Seafish comments above.

From a Sea of Opportunity to a Sea of Despair; Only a few weeks ago, Michael Gove and Ruth Davidson made a joint statement that we would be taking back control from March 2019. We would become an independent coastal state with all the necessary powers to control access to our fishing grounds. Only a few days later, David Davis capitulated to the demands of the EU to include fishing aspects in the transition period. This left those who had swallowed the government rhetoric of a brave new world for the small scale fleet desolated.

So where to now for the under ten metre fleet in the face of what many experts consider will be an ever increasing transition period and in light of the clear weakness of the UK's negotiating position? The EU has made any post Brexit trade deal entirely contingent on continued access to UK fishing

grounds and few hold out the hope that Davis and Co will suddenly develop a backbone in this respect.

Bertie Armstrong of the Scottish Fishermen's Federation berates Professor Tom Appleby for his assertion that the UK should have banned the sale of its quotas, arguing that we were not able to do so because of EU law. In fact Scotland, France and Ireland treat them as sacrosanct, to varying degrees, for their own fishing industries. Try buying some French quota and see how far you get. The Common Fisheries Policy expressly states that the method of allocation of quota is entirely a matter for the member state, they only have to notify the EU as to the methodology used.

The exception that proves the rule is not Scotland, but the UK and more specifically England who have allowed (because they did not know about it until it was too late) the "ultimate controlling parties" of the UK companies that own the English (and Welsh) UK quota to become foreign owned. That's what happens if you create and then fail to regulate a free market.

The draft White Paper on fisheries seeks to be all things to all people, on the one hand alluding to the status quo for quota allocation and at the same time suggesting new methods of such that will be specifically and realistically reliant on any post Brexit quota windfall.

So Brexit was going to, at a stroke, dig the government out of the hole that they had dug for themselves over many years, providing a windfall of fish and quota that would rebalance the quota share out in the UK without invoking the wrath, and likely legal claims of entitlement from the larger scale sector and at the same time drive the renaissance of the inshore fleet. Even the most ardent Brexiteer must realise that this is not going to happen in the immediate future although the industry is garnering public and political support to increase pressure on the government to stick to their negotiating guns.

The under ten fleet is thus stuck in limbo, struggling, and often failing to survive with only a couple of per cent of the overall UK quota allocation, promises of a post Brexit lifeline in March 2019 being snatched away and the claim by the UK's Fisheries Minister of '100's of 1000's more tons of fish, the bait on the Brexit hook, now appearing to evaporate like the morning mist.

No one can dispute that there is a misbalance in terms of the allocation of quota in the UK. The small scale fleet represents 77% of the fleet by number yet receives only a couple of per cent of the UK allocation. A Judicial Review in the High Court in 2013 made clear that the claim by the larger scale fleet that they had a legitimate expectation to their historic allocation of quota was without grounds [Judge Cranston: "In my view the claimant's legitimate expectation ground falls at the first hurdle".] Additionally, EU law makes clear that a legitimate expectation can be defeated by an overriding public interest. As fish in the sea is a public resource then surely it is in the public's overriding interest to ensure a fair and equitable allocation, that reflects the social and environmental elements of the catching sector and especially with regard to the indigenous inshore fleet, rather than to often powerful corporate interests at home or abroad?

The same Judicial Review was explicit that unused quota, even if allocated, was without value and could be reallocated without compensation.

It is also abundantly clear that with one sector making record annual profits, and with a significant amount of those profits benefitting foreign interests, whilst at the same time the other three quarters of the UK fleet are being starved of the means of production and survival that something needs to change.

The government really has quite a simple choice.

The allocation of access to a public resource should provide the wherewithal for the many to make a living, rather than for the few to make a fortune. This is especially the case when the many are those that provide clear social, economic and environmental benefits to the vulnerable coastal communities identified by the Seafarers UK report and the few are often comprised of faceless

corporate interests removing the wealth from our seas with little real benefit to local communities around our coasts.

Mr Gove can reallocate the entire unused element of the UK's large scale quota to the under tens tomorrow without having to provide compensation to the current holders. He can also begin the process of reallocating other quota, having given notice and negotiating a fairer balance.

Irrespective of the outcomes of Brexit, many of the under ten fleet will not be around to witness them unless swift action is taken by the government to underpin their survival in the meantime.

Jeremy Percy

Chairman of the UK's largest Fish Producer Organisation [by number] [The Coastal PO]