
Subject: FW: Part time representatives of the people

From: neil.fergusson@blueyonder.co.uk [mailto:neil.fergusson@blueyonder.co.uk]
Sent: Wednesday, June 24, 2009 10:36 AM
To: MARE CFP CONSULTATION
Subject: Part time representatives of the people

When the Common Fisheries Policy was being set up and consolidated in the early to mid eighties, it was recognised in Scottish circles in Brussels that a "biologically inappropriate" build up of Scottish troops in the European Parliament's fish committee would provide a tell tale sign of a catastrophic policy failure, an unforgiveable breach of faith on the part of the Commission, repeated abuses of power within the European Parliament and of serious and serial incompetence in the UK's defence of Scotland's vital national interests in Europe.

If Scotland ended up with too many of her few MEPs in the fish committee, she couldn't possibly be expected to remain in the same "high maintenance" fisheries policy as England and Spain and steps would have to be taken to prise Scotland's MEPs out of fish committees of future European Parliaments.

I believe that it is relevant to note that 4 of Scotland's 8 MEPs served in the fish committees of the Parliament of 1999-2004 and that 4 of Scotland's 7 MEPs served in the fish committees of the Parliament of 2004 - 2009.

Europe will have to be reminded that common fish don't vote in Scotland and the Scots will have to be reminded that they haven't yet sprouted fins, gills and tails. Scotland's MEPs cannot serve as part time representatives of the people and as part time defenders of the beast and they shouldn't be expected to do so.

When I look at the current situation from a purely Scottish perspective, I am forced to conclude that Europe must have two Common Fisheries Policies today. One of them has been temporarily compelling indecent proportions of Scotland's MEPs to slave for the common fish. This is the continental fish policy which Spain wanted for Spain and which the UK wanted for England. It can't be a bad "fish" policy for the continent of Europe for it is the product of years of highly determined and inventive political machinations within the Community system. The UK fought so hard to get it for England that it would be churlish for us Scots to stand in England's way. Let the UK apply it in England's waters.

It might work for Scotland, if only Scotland lived up Mr Fischler's mountain, or in the middle of Mr Borg's CFP free sea.

But this "new" fish policy is no good for Scotland because Scotland's electoral boundaries don't extend into the deep blue sea. Moreover, it has some problems as a "fisheries" policy, as real fish don't stride through continental meadows and prawns don't grow on trees.

The other fisheries policy was expressly designed to help to keep Scotland's few MEPs OUT of biased fish committees and IN the mainstream human interest Committees. It worked by denying the European Institutions any competence, whatsoever, to meddle with the policy's core founding principle of "relative stability". Article 155.3 of the 1985 Act of Accession (which was "ring fenced" and protected in a special way) provides the correct legal basis for decisions concerning access to Scotland's waters and resources and the European Parliament has no remit to meddle here. (The original CFP hasn't been competently abandoned).

The Scottish and UK Governments should be informed that Scotland can't be in the "new" CFP and Scotland's 6 new MEPs should be reminded that it is not their job to serve as part time "defenders" of common fish.

It is one thing that the policy failed to protect real fish. However, the policy's far more important function was to protect the little "fish" who swam for Scotland in the European Parliamentary goldfish bowl. It is unforgivable that Glasgow, the city of the legendary "fish that never swam", has not been able fully to engage in European politics because too many of Scotland's few MEPs have been unfairly detained for far too long in silly fish committees.

What might Scotland's MEPs have been able to do for Scotland in Europe, or for Europe in Scotland if so many of the few of them hadn't been forced onto the defensive and into the political backwaters of the European Parliament's fish committees? Scotland's story in Europe is a sad one of the "fish that got away"!

Northern Ireland might care to join Scotland in her old "Burns' Night CFP" which gave us a primary law guarantee that our key fishing interests wouldn't be open to negotiation within the European Parliament. Northern Ireland was also grotesquely over-represented in the outgoing European Parliament's fish Committee. Iceland might see an interest in signing up for a fisheries policy which protects fish in a way that permits her future MEPs to do the job they'll be elected to do as full time representatives of the people.

The CFP's founding fathers were terrible practical jokers. They didn't only design their "high trust/low maintenance" fish policy to implode in a way that would miraculously transform Scotland's MEPs into part time representatives of the people, they laced the most important provisions of old European fish law with preposterously outlandish "Scottish" riddles and jokes.

They did that by weaving hilariously funny Scottish cultural references into critical sections of the law.

Because I do know what I am talking about, I would defy the European Commission to embroil Scotland's MEPs in any more open discussions on the future of European fish policy within the biased Community system.

At least in so far as access to Scotland's waters and resources are concerned, "non negotiable" really does have to mean "non negotiable".

Scotland's MEPs were elected to serve as full time representatives of the people of Scotland, and the CFP's original architects acknowledged that it wouldn't be fair to expect them to assume anything more than very light additional duties in the field of the control and management of fisheries resources. That was the non negotiable basis on which the CFP was originally founded and it is the only viable basis for Scotland to participate in any CFP.