

A Response by the New Under Tens Fishermen's Association Limited (NUTFA) to the  
Consultation on the Review of the Common Fisheries Policy

December 2009

Introduction:

NUTFA is the main representative body within the UK for commercial fishing vessels of less than 10 metres in length and those within the non sector.

The Association supports the aspirations described within the Commission's Vision for 2020 and looks forward to making a significant contribution to its delivery, a delivery that will only be possible in the event that fishers are fully engaged within the process. NUTFA remains concerned that the root and branch reforms needed to ensure the long term sustainability of fish and fishers require a strength of purpose by the Commission and others that has been noticeably absent in previous revisions of the CFP and a fundamental reason for its current failures.

NUTFA welcomes the opportunity to respond to this consultation and urges the Commission to rewrite the Policy, putting environmental, economic and social sustainability at its heart and as the incontrovertible basis for all future decisions. It considers that small scale, community based fisheries are the most effective way to achieve socially and economically equitable fisheries that are environmentally and ecologically sustainable in the long term.

The Association stresses the importance of a rewriting, rather than revising the policy if the CFP post 2012 is going to deliver long term sustainability. Small-scale fishers and fishing communities have a legitimate claim, a basic right to decent and sustainable livelihoods. They also have a right to be informed and consulted about, and to participate in decision-making processes that affect their livelihoods.

The Association requests the Commission to implement effective co-management processes within the revised CFP that will guarantee that small scale interests have a clear voice in the future development of fisheries management policies at all levels.

The Association considers that a clearer focus on and support for small scale coastal fishing, based on the Declaration developed and agreed by small scale coastal fishing representatives from a range of European areas is the appropriate basis for fisheries development within the coastal zone (0 – 12 miles). The Declaration, produced by 67 representatives of small scale fishers, fishermen, fisherwomen, workers in the fishing sector, NGO's, fisheries scientists and researchers meeting in Brussels on the 28<sup>th</sup> September 2009 wrote:

**Stating** our commitment to the sustainable use of fish stocks and of the wider aquatic and coastal environment;

**Emphasising** that small-scale fisheries represent the overwhelming majority of fishing activities in all EU Member States; provide the most employment; are highly adaptable; lend themselves readily to integration into the diversity of regional particularities across Europe; and

**Declaring** that if given fair treatment and due recognition, our sector can be viable, sustainable, and with a promising future;

**Call on** the DG Mare of the European Commission, on the European Parliament, on the Council of Ministers, on the Fishing Industry representatives, on the Trade Unions, on NGOs, on scientists, and on National and Regional Fisheries Authorities to:

**Fair treatment and fair access to resources**

1. Provide fishers and fishing communities dependent on small-scale, artisanal, inshore, inland, and small-scale fish and shell fish farming activities fair treatment in the allocation of access rights to resources and support services, with access to information and to the decision taking processes that affect their lives and livelihoods.

2. Ensure that marginalized groups, including small-island communities dependent on fishing, women in fishing communities and independently organized fishers and fish farmers are not unfairly discriminated against in the allocation of access rights to resources, and that measures are applied to ensure that their views are taken account of in the policy decision taking processes on fisheries.

**Apply definitions of small scale fishing at the most appropriate level**

3. Recognize and respect the nature, importance, potential and diversity of small-scale fisheries activities. Defining small-scale fisheries should be done and applied at the most appropriate level, be it regional, national or local. Such definitions should take account of regional particularities and geomorphology, technical aspects (fishing capacity), environmental aspects (selectivity, low discards, low seabed impact, low energy use etc), social aspects (decent work, high degree of benefit sharing, and links with local shore based activities and local employment, and the ownership and control of the operations).

**Recognize and Valorise small-scale fisheries**

4. Ensure that the reformed CFP recognises and valorises the contributions to social, cultural, economic and environmental sustainability provided by many small-scale fishing activities.

5. Recognize and respect the role of women in fisheries, valorise the contributions they make to the fisheries sector and to the wider community, accord them their proper status as collaborating spouses, as economic actors, and recognize the importance of the social, cultural and economic activities they engage in.

**Secure small-scale fishing and fishing community rights**

6. Define and defend the rights of small-scale fishers and their communities in accordance with article 6.18 of the FAO Code of Conduct for Responsible Fisheries (“*States should appropriately protect the rights of fishers and fishworkers, particularly those engaged in... small-scale and artisanal fisheries... to preferential access.... to traditional fishing grounds and resources in the waters under national jurisdiction.*”) and in line with regional specificities and priorities, and incorporate these rights into law on a just basis with the rights of other resource users (*Industrial fisheries and other extractive industries, industrial and intensive aquaculture, real estate, construction, production and other industries, tourism, and so on.*)

7. Ensure that rights based policies and rights based approaches to the management of small scale fisheries take account of the collective nature, and the livelihood, economic, social and cultural dimensions of their activities.

8. Avoid the use of rights based fishery management tools that promote individual interests at the expense of collective interests, especially those that incorporate market based allocation mechanisms. The logic of tools such as individual transferable quotas (ITQs), and the logic of artisanal fishing are not compatible.

9. Rectify past injustices and avoid future use of quota systems based on fishing track records, specifically where the landings of the small-scale sector have not been fully documented.

10. Ensure that fishing policies, quota and other management systems, and fishing methods do not cause discards of biologically, nutritionally and economically important fish and other aquatic species.

11. Indemnify fishing communities and their livelihoods from the destructive impacts of pollution, including oil spills and spills of toxic chemicals into the aquatic environment.

#### **Apply a differentiated approach to small-scale fisheries**

12. Apply a differentiated approach to sector specific management and regulatory problems. The need for capacity reductions in one sector should not result in the losses of fishing opportunities, employment or other benefits in other more sustainable sectors.

13. Apply the principle of subsidiarity to the management of small-scale fisheries, where management systems incorporate and are otherwise guided by local knowledge, experience and proven good practice.

14. Valorise local fisheries, ecological and oceanographic knowledge, and promote collaboration and information sharing between fishers and scientists in the process of informing decision taking processes in fisheries.

15. Based on existing good practices (*Initiatives include the Prud'hommes de Pêche in the French Mediterranean, the marine reserves of Lira and Cedeira in North Spain, the Restinga Marine Reserve (El Hierero (Canary Islands), Mar de las Calmas, Spain), the Iroise National Park in West France, Bay of Biscay selective langoustine/nephrops trawl fishery, and the Mid Channel Agreement between France, UK and Belgium, and the Inshore Potting Agreement in Devon*) implement management plans, recovery plans and other regional and local management measures, such as for marine protected areas, in participation with local small-scale fishers, shellfish gatherers and their communities, ensuring that their access rights are protected. Such measures should be responsive to the demands of small-scale fishers, shell fishers and their communities, and should incorporate the monitoring of biological and sociological indicators in their design so that their social and biological effectiveness can be measured over time.

16. Support the establishment and effective functioning of co-management institutions with small-scale fishers and shellfish farmers, and provide the necessary training and support to enable such institutions to take on the necessary responsibilities and powers.

17. Support the derogation to the principle of equal access to a common resource by safeguarding the 12 mile zone (and other areas exploited by small scale fisheries) for fishery activities that are small in

scale, environmentally benign, socially equitable, and which provide important cultural and economic contributions to the local communities.

**Develop and apply appropriate measures for sustaining and diversifying livelihoods**

18. Provide access to subsidies and other support measures (credit, training, etc) on a flexible basis to enable existing small-scale activities and operations to renew their vessels and equipment, and where appropriate to switch to new technologies that are that are small in scale, and environmentally, socially and economically sustainable.

19. Take proper account of the inherent vulnerability and resilience of fishing communities in the reform process. Based on detailed impact assessment studies and baseline community profiles, provide and promote real alternative activities and livelihood diversification schemes, based on local realities and capacities for change and adaptation to changing circumstances.

20. Pay particular attention to the role of women in fishing communities and ensure that alternatives livelihood options do not increase their workload and otherwise add to the burdens placed on them.

21. Given the significant interdependence that exists between community fisheries and maritime policies: a) ensure that the new framework for integrated maritime policy (IMP) maintains and prioritises the customary access rights of fishers to fishing areas and resources; b) strengthen the role of fishers in defining policies through this new governance framework towards assuring the quality of the marine environment and its biodiversity in coastal areas.

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NUTFA considers that whilst the responses to the consultation will act as a catalyst for effective policy revision, the period between the present and 2012 will be of paramount importance in allowing respondents the opportunity to develop their ideas in a collective and cohesive manner in partnership with the Commission. The following concise comments should be viewed in that context and the Association looks forward to broadening its contribution to the debate over that period based on the points below:.

- Without fair and equitable access to fish, no fleet sector can be sustainable in any sense and certainly not profitable. The small scale sector provides a range of benefits across the entire spectrum of sustainability and these inherent benefits should be recognized and addressed within any allocation methodology.
- Any consequent rights based system of allocation must reflect the benefits of this sector and include clear and unequivocal protections for the small scale sector.
- A revised policy must include provision for an effective representational system for all fishers. The current RAC approach has not, in most cases, provided fair or adequate provision for the small scale sector. Either much improved and supported access for the sector must be incorporated within a serious revision of the current RAC structure or, preferably, the small scale sector should benefit from the same level of support and recognition provided for RAC's through the provision of a small scale or inshore RAC.

- In a similar vein, the inability of the small scale sector in the UK (and probably other Member States) to be able to form a Producer's Organisation should be addressed as a matter of urgency. These organizations, originally created mainly as a means of managing withdrawal prices for fish, have evolved into little more than quota management operators and in most cases have not had a focus or interest on the under 10 sector on the basis that this sector does not have the ability to hold quota in its own right. This discrimination and lack of ability by the small scale sector to be engaged in quota management discussions and decisions has seriously prejudiced its ability to gain a fair and equitable share of resources with a resultant loss of opportunities. Allied to this point is the requirement that access to fish, i.e. quota should be reserved only for those whose living depends upon it. A 'use it or lose it' philosophy, together with the removal of "slipper skippers", those who hold or deal in quota for personal gain should be a part of the revised policy.
- Fish is a public resource that has effectively been privatized. Ownership of the resource should be retained by the state, on behalf of the wider public and only loaned out to users who continue to demonstrate responsible management. In Norway this approach is based on a 20 year cycle and consideration should be given to a similar system in Europe.
- The review of the CFP must include recognition of the benefits of fisheries based MPA's for which there are already excellent examples in Europe and beyond. This partnership approach to ecosystem based management provides a range of benefits to all concerned, as well as significantly increased compliance and support that is not apparent in MPA's that are imposed by single interest groups.
- In keeping with other commentators, NUTFA considers that there is a need for a simplified management system within the CFP post 2012. If this approach is integrated with regional based management, especially if such a system also provides for graduated opportunities for self management to fishers. Whatever management system is created after 2012, there is little chance that it will cause more damage or destruction than the current and past CFP's have done! We consider that whilst it is right that Europe sets the high level objectives for fisheries, direct responsibility and decision making should be cascaded to the lowest possible level with the aforementioned graduated opportunities for real time co-management by fishers, in partnership with the range of other stakeholders. It is right and fair that just as opportunities are provided for fishers to more closely manage their own affairs under the broader 'european' umbrella, that they are also made responsible for outcomes and that continuing access to fish is dependent on being able to demonstrate the long term sustainability of their actions.
- Within any revised policy, the particular requirements and benefits of the small scale sector must be adequately addressed. By definition, these vessels do not have the ability to operate other than in their immediate locality. At the same time, the wealth of knowledge and experience built up over generations should be utilized to design sustainable fishing plans in what are often the most environmentally sensitive waters.

- With the range of Directives either already in force or in the pipeline, i.e. Water Framework Directive, Habitats Directive, Marine Strategy Framework Directive etc, together with the range of Member State legislation there is an urgent need for some integration. Fisheries management, integrated with environmental legislation makes for an effective and all encompassing approach to marine matters that will provide the majority of solutions to all concerned, rather than 100% to any individual interest group and little or nothing to others. The much improved buy in, support and compliance from such an approach will provide major benefits over and above other more prescriptive approaches.
- The need for long term sustainability, specifically in terms of over capacity and fisheries science should be recognized by an urgent and immediate revision of the aims and objectives of the European Fisheries Fund (EFF). Largely irrespective of the outcomes of the current review, the current round of EFF is probably the last real chance to provide financial solutions to the aforementioned problems. The Association fears that many positive outcomes of the review will founder for lack of resources to implement them. It is entirely possible to positively review and rewrite elements of the EFF in order to provide the necessary resources.
- The Association suggests that an improved focus on the benefits of the small scale sector within the review would result in opportunities for improved employment within the fisheries sector overall. The sector already provides opportunities within fisheries dependent communities, especially those with few if any employment alternatives. The artisanal approach inherent within much of the small scale sector, more dependent on labour than technology, provides for enhanced employment possibilities. This approach, integrated with the natural ability of artisanal fishers to operate sustainably and within environmental limits, especially within an overall ecosystem based management methodology, and with a small environmental footprint, gaining the maximum benefit from limited resources can provide benefits over and above those possible from the larger scale sector. There is of course a need for both sectoral approaches but the Association believes that the balance of opportunities should shift more in favour of the small scale sector in the post 2012 CFP. The increased economic benefits that come from the small scale sector, especially when operating in environmentally sensitive areas significantly outweigh those of the large scale sector in similar circumstances.
- The Association considers that whilst no one definition of the ‘small scale sector’ across Europe is possible, it should not be a sticking point within the overall debate. If it is recognized that this sector should and does operate within coastal waters then it is entirely possible to differentiate between Member State definitions.
- For many of the reasons provided above, there is no doubt that a differentiated management regime for the small scale sector is imperative, not least if the sector is to continue to supply local fish to local markets, with little carbon footprint or overt environmental impact.

- At the same time, the ability to manage and fish local waters effectively will play an increasingly important role in terms of European food security as well as in relation to the health of the population.

In conclusion, a clearer focus on the small scale sector will provide significant long term benefits in environmental, economic, social and cultural terms across Europe.

The Review of the CFP provides possibly a last opportunity for the root and branch changes necessary to ensure long term sustainability of both fish stocks and fishers across Europe and the small scale sector should form the basis for that regeneration.