



Foreign and Commonwealth Office

London SW1A 2AH

15 January 1983

Robert Lawson Esq
Ministry of Agriculture, Fisheries
and Food
Whitehall Place
LONDON SW1A 2HH

N. S. P. R.

Dear Robert,

AR 15/1

COMMON FISHERIES POLICY NEGOTIATIONS

I phoned you yesterday evening as soon as we had received the draft article by Mr Walker enclosed with your letter of 14 January to Roger Bone and I said that I would very probably want to get in touch with you about it over the weekend. Mr Pym has now seen the draft. He notes that matters are at a very delicate stage: Herr Genscher is working to get the Danes on board; the Danish Government is trying to persuade the Opposition Social Democrats; litigation is in prospect or in train (Kirk in our courts, and the Danish Government has initiated separate proceedings against us and against the Commission in the European Court); and some in the Commission continue to have doubts about our measures.

In the circumstances, Mr Pym believes that an important public intervention on our part (which Mr Walker's article would certainly be) should be judged against the following criteria:

- (i) It should contribute to our objective of getting the 9 together and presenting the issue as one between Denmark and the rest of the Community, not Denmark and Britain;
- (ii) it should be designed to influence favourably one or more of the crucial actors;
- (iii) It should not give hostages to fortune on the legal front.

Mr Pym thinks that the draft needs looking at very carefully with this in mind.

There are two aspects which strike him as of particular importance: the likely effect of the article on the Opposition in Denmark who cannot be out-voted and, therefore, have to be persuaded; and the way that legal points are addressed. On the former, the Danish Government is in effect trying to work with the former Economics Minister and to isolate the former Fisheries Minister. Mr Pym has the strongest reservations about commenting publicly about the Parliamentary situation in Denmark. He does not think that the references in the draft to the Danish Opposition will be helpful. And he has serious doubts about the likely

/effect



effect of the last paragraph which the Danes may see as an attempt to bully them by the implied threat of damage to their trade with Britain. On the legal aspects, we clearly have to be very careful about how we express in public points relevant to present or prospective litigation whether or not these matters are strictly speaking sub judice. Is it, for example, wise to refer (page 5 of the draft) to 'the rights which [the Danes] regained on joining the Community'?

Mr Pym feels strongly that the draft should not be released for publication until these points have been further discussed and Legal Advisers have had a chance to look at the text. This could be done urgently on Monday morning.

I am sending copies of this letter to John Coles at No 10 and to Muir Russel at the Scottish Office. ✓

Yours m

A. H. H. H.
Resident Clerk

pp. B J P Fall
Private Secretary

(dictated by Mr. Fall and
signed in his absence)

Removed by A.S.C. from Bone



Ministry of Agriculture, Fisheries and Food
Whitehall Place London SW1A 2HH

From the Minister's Private Office

Prime Minister

This is a good article by Peter Walker. but if you do not have time to read it this weekend it does not matter.

A.S.C. 14/1

14 January 1983

R J Bone Esq
Private Secretary to the
Secretary of State
Foreign and Commonwealth Office
12 Downing Street
London SW1A 2AL

Dear Roger

COMMON FISHERIES POLICY NEGOTIATIONS

... Mr Walker has prepared the enclosed draft article which the Times has agreed in principle to publish, we hope on Monday of next week. Clearly it would be very helpful if our Embassy in Copenhagen and UKREP Brussels had copies of this for release immediately on publication in London, as some form of official press notice.

The Times have not yet finally confirmed whether the article will be printed on Monday or Tuesday, nor have they yet had any opportunity to indicate what changes they might want. I wonder therefore if you could arrange for a copy of this article to be passed to your resident clerk. If it is confirmed over the weekend that the article will be printed on Monday, I can then tell the resident clerk and let him have any amendments so that it may be transmitted to the posts concerned, with the request that it be drawn to the attention of appropriate people in the local press.

I am sending copies of this letter to Muir Russel in the Scottish Office and John Coles at No 10.

Yours sincerely
Robert Lawson

ROBERT LAWSON
Private Secretary

[Today] [Tomorrow] in Brussels, the Danish Foreign Minister, Mr Elleman-Jensen, the European Commission, and the German Foreign Minister, Mr Genscher, as Chairman of the EEC Council of Ministers, will be trying once more to make progress on the EEC's Common Fisheries Policy.

For the future of the fishing industries of all Community countries a European agreement is vital.

Fish have no respect for fishery limits. Unless the Community agrees upon policies of conservation then like herring, one by one the main fish stocks are likely to disappear. Overfishing by one country destroys the potential fishing for another. If the fishermen of Europe are going to have increasing stocks instead of declining stocks, they all need a common fishing agreement, with powerful and effective enforcement.

The two countries that require this more than any other are the United Kingdom and Denmark, because we are the two biggest fishing nations in the EEC.

It is for this reason that I hope that the Danes will agree to the package that now has the agreement of the European Commission, 9 member countries, and the Danish Government - but not the Danish Parliament.

It is also the belief of the Commission and those 9 other countries that what is on offer to Denmark is fair and reasonable. A common

/fishing agreement ...

fishing agreement is prevented not by the Danish Government but by the main Opposition party who, in the best tradition of Opposition parties, state that they would like more benefits for Denmark than the deal which the Government have negotiated. It is because the Danish Government is in a minority that as yet they have failed to obtain the agreement of the appropriate Danish Parliamentary Committee.

It is important to put into perspective the realities of the Danish fishing industry. I read in newspapers reports that the one Danish fisherman who decided to violate our national fishery measures had said how wrong it was that Denmark was only being provided with 23% of the fishing quotas when traditionally they had obtained 27%.

What are the facts?

The first fact is that Denmark is the one country in the Community with a major fishing industry that catches fish not for human consumption but for industrial purposes such as the production of animal feed and fertilisers. This kind of fishing is free of quota restriction under the agreement that has been suggested and will continue on its present enormous scale. In 1981, the last year for which figures are available, Denmark caught 1,337,000 tonnes of fish for industrial purposes. The next biggest catch in the Community was the United Kingdom with 104,000 tonnes. In fact, in 1981, of a total catch of fish for industrial purposes some 85% was caught by Denmark. The Danes will be able to continue, free of quota restriction, with this enormous industrial fishery. No other country in Europe will have so substantial a proportion of its fishing free of quota restriction.

/Secondly, ...

Secondly, Fishing Ministers throughout the Community are amused to hear certain Danish fishermen and some Danish politicians complain that Denmark's quota of edible fish of the main species has been reduced from 27% to 23% as compared with the average of their fishing in the five years 1973 to 1978. The only reason for this reduction is that the Danish Government asked for the fish caught in Greenland waters to be left out of the Commission's 1982 proposals and out of the calculation of the average catch for 1973 to 1978. The Council of Ministers were happy to accept this request, but of course if the Greenland figures were to be included again then the catch would still be 27% for Denmark, identical to the average catch in the five years of 1973 to 1978.

When I first became the Minister responsible for fishing, the main disagreement between the United Kingdom and Denmark concerned the area in which we were banning industrial fishing. This was an area in the North Sea described as the Pout Box as this was the locality where the Danes wished to catch a fish called Norway Pout. I was determined to remove this friction between our two countries and held talks in Copenhagen and in London at which we came to an agreement.

More recently, the Danish Government complained that due to the disappearance of the mackerel stocks in the North Sea their manufacturing industry was not obtaining the supplies of mackerel that they needed while British fishermen were selling their mackerel to the Soviet Union. We negotiated a change in the fishing and marketing of mackerel by the British industry with the result that over this last year

/mackerel supplies ...

mackerel supplies to Denmark have more than doubled, solving that particular problem. I cite these as examples of the way, as a Community member, we have genuinely tried to help our Danish friends.

Denmark considers that the national measures that we have now taken with the approval of the European Commission might be illegal. That is not the view held by the European Commission. The Danish viewpoint is based upon a suggestion that, in the absence of any agreement to the contrary before 1 January 1983, the combined effect of various EEC provisions would be to create the right to fish anywhere in Community waters up to the beaches. It would be remarkable for Denmark to pursue such a view when their own Minister has said that he deplures any Danish fisherman who fishes in waters where they have not historically fished. The Danes have no interest in our 12-mile zone; they surrendered their claims to this area when 12-mile limits were established by the London Convention in 1964, and there is no record of their having used the rights which they regained on joining the Community. It is an even more remarkable approach in view of changes, with the full agreement of the Danish Government, that have occurred since the Treaty of Accession.

There has been the Hague Agreement, when EEC Ministers agreed on the need to take action to regulate fishing activity in coastal belts. Clearly, what was envisaged was restrictions additional to those currently in force. Also, on 30 May 1980 the Council of Ministers declared that from 1 January 1983, access arrangements should be consistent with the Hague Agreement. It follows that the need for access restrictions from 1 January 1983 has already been decided upon

/by Ministers ...

by Ministers. These provisions are not swept aside by the so-called principle of free fishing.

Added to which when the CFP negotiations were blocked by Denmark in December the Commission called upon Member States to take the appropriate measures on a national basis to conserve the fishing stocks of Europe. I specifically asked the Commissioner whether this request was to apply to both the quota and the access proposals. He gave such a categorical assurance. We have since complied with that request and our measures received Commission approval on 5 January. There are indeed strong conservation arguments for avoiding an increase of fishing above traditional levels in the 12-mile zone, where many of the main nursery grounds are situated.

Talks are taking place between the Commission, the new German Presidency and the Danish Government in order to seek an agreement in this coming week.

The Commission and 9 Member States have made it clear that there is no possibility of the package agreed after such prolonged negotiations being re-opened. They take this view out of no hostility to Denmark, but out of the knowledge that they have bent over backwards to see that Denmark have not just a reasonable agreement but one that will give a secure and good future for the Danish fishing industry.

/The British Government ...

The British Government has done everything in its power to prevent hostility between our two countries. The Danes are old friends, and we have a good and congenial commercial relationship. One of the main motivations for Denmark's joining the Community was the vital importance of the British market, which accounts for the great bulk of Danish bacon exports and a very substantial proportion of their exports of dairy products. Not only that, but we are also major importers of Danish fish! My desire has been that this good relationship should continue and I hope our Danish friends will recognise that the British Government has done everything it can to prevent any damage to that relationship. It would, however, be a point of very genuine complaint, not just by Britain but by the entire Community, if after all that has been done and all the understanding that has been shown, the enormous advantages to fishermen throughout Europe of a common fishing agreement continue to be endangered by the demands of the main opposition party in a nation whose reasonable demands have already been met.