



Pine Muntin

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26/1

FCS/83/13MINISTER FOR AGRICULTURE, FISHERIES AND FOODCommon Fisheries Policy Agreement

1. Many congratulations on your splendid achievement in getting the Common Fisheries Policy into harbour at last. I am very conscious of the enormous efforts which you, George Younger, Alec Buchanan-Smith and your able team of officials have put into these negotiations over the past months and, indeed, years. I particularly admired the skill with which you managed to maintain the solidarity of the 'Nine' and the Commission in the face of Danish demands for further concessions. This was surely the key to final success.

2. It is of tremendous importance that this long-standing Community problem, which dates back to our accession, has at last been resolved and on terms which protect and further our interests. This success could help to create a favourable atmosphere for dealing with the other difficult problems we shall have to face in the months ahead.

3. One loose end which remains is Mr Kent Kirk's appeal against his conviction and his attempt to get this issue of the legality of our national measures taken to the European Court. I understand that some consideration is being given to the possibility of seeking a free pardon for Mr Kirk. I would only say that, despite the evident difficulties of such a course, since there can be no question but that he was rightly convicted, I do see great advantages in avoiding a European Court case on the validity of national measures and in particular of the special provisions on access which are so crucial a part of the deal we have struck.

/4.



4. I am copying this minute to the Prime Minister,
Secretary of State for Scotland and Mr Buchanan-Smith.

A handwritten signature in black ink, appearing to be 'FP', is located to the right of the main text block.

(FRANCIS PYM)

Foreign and Commonwealth Office
26 January 1983



From the Minister

MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
WHITEHALL PLACE, LONDON SW1A 2HH

Prime Minister

A.J.C. 31

31 January 1983

SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS

MS
FISHING AGREEMENT

Many thanks for your minute of 26 January and your kind compliments about the fishing agreement, which are much appreciated.

I do think that there would be very considerable problems in making moves to obtain a pardon for Kent Kirk.

I think you will understand that our fishing industry are very hostile to the provocative action that he personally took against the advice of both his own Government and many Danish fishermen. They considered it a cheap publicity stunt designed to show his intention to fish up to our beaches in waters in which Denmark had had no historic interest. A move by our Government to eradicate the penalty that was applied to him would result in considerable hostility from the leaders of our fishing industry.

I gather that Mr Kirk has, very obligingly, carried his appeal to the Crown Court instead of going by case stated to the Divisional Court. We can urge the Crown Court to take a robust view and dismiss the appeal outright without an article 177 reference.

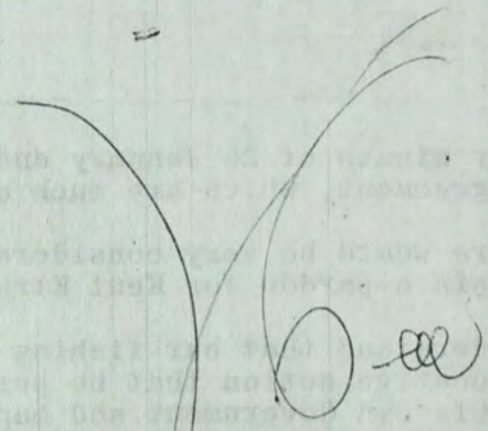
We ought to be able to succeed at Crown Court stage; and the question of a reference would not become acute unless and until there was a further appeal to the Court of Appeal.

I think you must also consider how distasteful it would be to go through the procedure of negotiating with Mr Kirk the possibility of obtaining the withdrawal of the penalty imposed upon him. I think it would be very likely that he would seek, and get, a great deal of publicity and political mileage out of such an approach. He has repeatedly made it clear that he wants to press on with his case and he is quite unscrupulous enough to disregard the convention of "without prejudice" negotiation between lawyers. He could therefore very well announce both that we have made such an approach and that he had rejected it. We would be condemned for having made such a suggestion and the anger of both British fishermen and the Labour Party would be considerable.

/I might add

I might add that since the fishing settlement he has said some extremely disobliging things about you and me, our Government and our policy. He took a gamble that he could make us look fools and lost. I therefore do feel very strongly that we should make no approach at this moment in time along the lines that you have suggested.

I am sending copies of this minute to the Prime Minister and the Secretary of State for Scotland.



81 JAN 1983 PETER WALKER

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Fishing Ind: Fisheries Big Pt 5



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

From the Minister's Private Office

W Rickett Esq
Prime Minister's Office
10 Downing Street
London
SW1

26 January 1983

Dear Willie

COUNCIL OF FISHERIES MINISTERS: 25 JANUARY 1983

...
3.30pm I attach a copy of the statement which Mr Walker hopes to make in the House today. I would be grateful for immediate clearance.

I am copying this letter to Bernard Ingham; David Heyhoe (Leader of the House's Office); Murdo Maclean (Whip's Office, Commons); Michael Pownall (Whip's Office, Lords); David Wright (Cabinet Office); Keith Long (Chancellor of the Duchy of Lancaster's Office) and to Private Secretaries of the other Agriculture Ministers and members of the OD(E).

Yours sincerely

Robert Lawson

ROBERT LOWSON
Private Secretary

DRAFT PARLIAMENTARY STATEMENT

With permission Mr Speaker, I wish to make a statement on the Council of Fisheries Ministers yesterday in Brussels, at which I represented the United Kingdom together with my rt. hon. Friends the Secretary of State for Scotland and the Minister of State.

I am pleased to inform the House that a full and unqualified agreement was reached on a Common Fisheries Policy, precisely in the terms reported to this House as agreed between 9 of the 10 Member States in December.

The agreement reached yesterday had the full approval of the three main fishing organisations.

The agreement will last for 20 years and therefore will provide a very firm long-term basis for our fishing industry to take advantage of the substantial benefits they receive from it.

The quotas we have obtained are above our actual catches in the years 1973 to 1978, which is the period that was used as a basis for calculating quotas. The quotas agreed for the 7 main species of edible fish, which are the species of dominant importance to the United Kingdom fishing industry, provide Britain with 37.3% of the stocks in European waters; a figure higher than our actual catch for most stocks even in exceptional years.

The quotas that have been achieved are in stark contrast to the offer of 31% incorporated in the first proposal with which I was confronted when the United Kingdom was in a minority of one.

But perhaps the most important aspect of agreeing such good quotas and the technical measures on conservation is that these are coupled with an agreement on an effective enforcement system. Consequently, we now have the prospect that fishing stocks over the coming decades are likely to increase rather than deteriorate, therefore giving our industry the potentiality of growth instead of decline. Each Member State will enforce these measures in its own waters but subject to Commission supervision to ensure that such enforcement really is effective.

The Council clarified the position on western mackerel by an agreed statement that rights to fish will be accorded only to those who have established a traditional fishery. There was a specific renunciation of any claim to western mackerel on the part of Denmark.

It was also made clear that the 2,000 tonnes of North Sea cod, which were made available to Denmark from Norway and were outside the quota agreements, was a commitment limited to three years.

On access the agreement provides British fishermen with a better dominance of our coastal waters than anything that they have enjoyed in the history of the British fishing industry. Previously existing historic rights in our 6-12 mile limit, some under the terms of the London Convention and others in the Treaty of Accession, have been reduced or altogether extinguished along nearly three-quarters of the coast line where these rights previously existed.

We have also obtained valuable rights in the 6-12 mile limits in French, Dutch, German and Irish waters.

Contained within the package are important proposals on structures, where over a three year period Community grants will be available up to a total of £140 million. The bulk of these funds are allocated to measures which are of particular interest to the British industry.

Agreement was also reached on the Community's 1983 reciprocal fishing agreements with Norway, Sweden and the Faroes as well as on fishing in the Skagerrak and Kattegat. These arrangements are all satisfactory and agreement has the very important benefit that our vessels can, from today, re-start fishing in Norwegian waters.

I am pleased that, after four years of difficult negotiation, we have obtained this agreement and I would like to record my gratitude to the leaders of the fishing industry who have attended every meeting with me and who have discussed and agreed what we have negotiated. They have welcomed the agreement because they share with the Government the view that this provides the basis upon which the fishing industry can obtain a secure future, to the benefit of fishermen and to the benefit of Britain.

There is no doubt that fishing is an area in which it is vital to have a common agreement throughout European waters if growth, as opposed to decline, is to be the future of fishing. I believe the agreements reached yesterday are good for Europe and good for Britain.