

The new EU fisheries agreement

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How can the UK make the best of the new fisheries agreement with the EU?

The new Trade and Cooperation Agreement with the EU is a huge betrayal of our fishing industry. Nevertheless, the deal does offer some opportunities – but the government will need to be pro-active in seizing them, writes Ashworth for Fishing For Leave on the 2nd March 2021.

The trade deal went to the wire – only finally being agreed on Christmas Eve. This brought great difficulties for the fishing industry. Normally the following year's allocations would be in place by then, with a standard procedure to follow.

As it was, the industry had no idea where they stood. Only at the last moment did they find out that once again the nation's living marine resource was to be the sacrificial lamb for a deal.

Some sectors have had problems exporting to the EU, such as live shellfish. This could be more to do with COVID-19, as the recipients – restaurants and the tourist industry – have been closed down. Had they been open, they would have demanded the resource gets through as they need the product, and one part of French society would have been against another.

It remains to be seen exactly what benefits if any the new Trade and Cooperation Agreement (TCA) will bring for the fishing industry over the next five and a half years. But it seems that, come June 2026, we will be in the same negotiating position as this past December 2020. The threat of tariffs will undoubtedly be carried forward by

the EU. As Lib Dem MP Alistair Carmichael rightly put it:

'A transition normally takes us from point A to point B. This transition takes us from point A to point A with a new negotiation.'

When you have an EU Treaty or Agreement you have to look to see if any part is time-limited, such as we have here on Fisheries (5.5 years). The interesting part is what comes next. The EU are very good for preparing the forward direction; it is not written in an easily read manner, but rather scattered all over, so you have to find the pieces and put them together yourself. The French in particular will want to see their achievement to date transferred into permanency.

Some clues as to the direction after June 2026 appear in the first three articles of the Fisheries part of the deal (Heading Five: Fisheries).

The EU accepts that the UK has sovereign rights as a coastal state (Article FISH.1), and that the Parties should cooperate with a view to ensuring that fishing activities for shared stocks in their waters are both environmentally sustainable and bring economic and social benefits, whilst respecting those sovereign rights (Article FISH.2). This cooperation applies to the Parties' Exclusive Economic Zones (EEZs) in accordance with the United Nations Convention on the Law of the Sea (UNCLOS 3), with conservation and management decisions based on 'the best available scientific advice, principally that provided by the International Council for the Exploration of the Sea (ICES)' (Article FISH.3).

How is ICES funded? Its annual report shows its income for 2019: over half of which comes from 14 EU Member States, plus the EU direct [1]. So one source, the EU, supplies over half the income, whereas the balance is from around 18 different other sources. I will leave the reader to decide whether such lop-sided funding is a desirable state of affairs.

There are many other clues within the trade agreement to show that the UK will be dominated by the EU over the next five and a half years and beyond – for either further transitional periods, or permanency, with a continual façade from our side that they are in control (far from it).

Yet, with strong political will, even with the TCA in place, legally our Prime Minister could still fulfil his own words of December 2020 to the House of Commons:

'[T]here is every opportunity—and hope I have—that our friends and partners across the channel will see sense and do a deal. All that takes is for them to understand that the UK has a natural right, like every other country, to want to be able to control its own laws and its own fishing grounds.'

Perhaps he knew then that he was prepared to follow the course of a previous Conservative Prime Minister in 1972. What a mess our Prime Minister has made. So, what can he do to make amends?

There are enormous amounts of potential within the UK's legal status as affirmed in the TCA, the most important being that the United

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Kingdom is sovereign over its own EEZ. That requires carrying out our own scientific research, and that can only be done one way: by the harvesters themselves – our fishermen, who should be the gatherers of information on a 24 hour basis. That does not mean ignoring or not contributing to ICES; rather, that the UK should have the best empirical evidence compared to everyone else. In most fisheries negotiations, the best scientific evidence wins the day. Therefore ours must – and can be – better than that of ICES.

Our Prime Minister should order his

Ministers to prepare a UK fisheries management plan. This should be piloted within the UK's 12 nautical mile zone, and if successful operate our EEZ the same way.

After such a disastrous 1st January start, we now have an opportunity to look at the whole subject of fisheries afresh, with a holistic approach. Freed of the EU's piecemeal approach to fisheries management, where policy is determined by clashes of political interests between member states rather than sustainability considerations, the UK could become a maritime environmental world leader. After all, international law has placed command

of the UK's EEZ in the hands of the UK government. Command is command.

This is the only way any confidence can be restored. Otherwise, our Prime Minister will go down in history as Heath's successor who finally killed off the UK's maritime ambitions.

[1] Bear in mind that the EU itself is a signatory to UNCLOS 3, because each EU member state has handed their exclusive competence over conservation and management to the EU. While each EU Member is also a signatory in their own right, they work as a collective on this issue.