

European and External Relations Committee

3rd Meeting, 2016 (Session 5), Thursday 28 July 2016

The implications to Scotland of Brexit

Scottish Fishermen's Federation

Brexit and the fishing industry – the central message

The electorate has made a decision – the UK will leave the EU. The Scottish Fishermen's Federation maintained neutrality throughout the referendum campaign – the vote was for individuals not trade associations – but after the result we find, as expected, that the Scottish fishing sector is delighted and full of hope that Brexit will restore to the UK the normal rights and responsibilities for fishing enjoyed by all coastal states in their own sea space. A glance at the history will illustrate why this is the right thing to do. It is no small thing and will rectify an initial bad mistake that evolved into a situation of serious disadvantage for our fishing industry and coastal communities.

Unless the Article 50 outcome dictates otherwise at Brexit we will, at last, become responsible for fisheries management and exploitation in our own Exclusive Economic Zone (EEZ). Nobody will argue that we should overfish, ignore the science, immediately refuse access or suddenly abandon cooperation, but we will at last be a normal coastal state under international law, forging regulation, access and opportunity to fit our recovered rights.

Regarding the history, the UK along with Ireland and Denmark joined in 1973 what was then the European Economic Community, taking the membership count from six to nine. In the give-and-take negotiation over joining conditions, access to fishing was made collective with UK fishing famously noted by the government of the day as “expendable”. Perhaps the kindest thing that could be said about that is that the future was not forecast properly. EEZs did not then exist and in the interim there have been major changes prejudicial to UK fishing. The member state count has gone from nine to 28; division of fishing opportunity has taken place in the form of quotas and access – now more than 50% of the fish removed from our waters is taken by 14 Nations other than us. Fisheries management has become a matter of co-decision between the Council of Agriculture and Fisheries Ministers and the European Parliament. In 1982 Exclusive Economic Zones (EEZs) out to 200 nautical miles from coastlines or to the median line between Coastal States also came into being, formally conferring rights and responsibility under international law for the management and exploitation of resource. Control of fishing, however, in our now considerable patch of Northern Continental Shelf and beyond, had already been traded away.

We mention “serious disadvantage” and must explain what that means. Firstly, as an island nation occupying a prime EEZ such as ours, the end result in terms of control and fishing opportunity is lamentable. Secondly we question the competence of the regulation and decision-making process. One half of co-legislation, the Council of Ministers, comprises all 28 Member States when only half of them actually fish. The other co-legislator is the European Parliament of 751 MEPs and our

evidenced conclusion is that only the handful of MEPs (22) who are in the Fisheries Committee have a grasp of the issues that are being legislated for. Adding the all-pervading influence of the European Commission, which has the *sole right of initiative* in proposing legislation – all fisheries regulation originates there - and also *exclusive competence for conservation of marine biological resource*, means that no delegation may legally take place to member states for that responsibility. Sir Humphrey would have killed for power on that scale. The end result is a distant, centralised and monumentally complex process, which produces exactly what might be expected from such a structure – of a continuous stream of largely dysfunctional rules and regulations.

As explained, the normal situation for a ‘Coastal State’ (for example Norway) is that rights and responsibility for management and exploitation of resource in their EEZ including of course fishing, falls under international law to them. The UK is already a Coastal State for everything other than fishing, which is why we have *UK* and not *European* Oil & Gas industry. Brexit means that normal rights and responsibilities for fishing will be restored, *unless they are traded away again*. A glance at the map will reveal the extent of the prize – the UK’s EEZ is a very large patch of absolutely prime maritime real estate. Abandonment by the UK in 1973 of managing partner status for its own fishing industry turned out to be plain daft. But now with optimistic planning and execution Brexit can restore it.

There will of course be a transition process, with many challenges, but the overwhelming balance of benefit will be on the side of a fit-for-purpose fishing management structure in our EEZ that supports communities, jobs, sustainable fishing and proper environmental protection.

Bertie Armstrong

13 July 2016