

Fisheries Part 8 – Devolution issues

A good fisheries policy could be a means of binding the UK together, mitigating the worst aspects of devolution and maybe even hastening the decline of the Scottish nationalists.

Before looking at the reasons why, for the benefit of any reader who has not been following this series, it is vital to point out that different rules apply for two different fishing areas, firstly 0 to 6 and 6 to 12 nautical miles from the shoreline, which will be referred to as the 12 mile limit and secondly, the waters from 12 to 200 nautical miles from the shoreline (or the median point where two countries are separated by less than 400 nautical miles), known as Exclusive Economic Zones (EEZs)

Both areas are European Union waters, but the UK government has secured a derogation for the 12 mile limit, allowing us to restrict access by vessels from other EU member states. The derogation lasts for only 10 years, so every decade, we have to go back to the EU asking if they will kindly let us have a further 10 years' transitional derogation. Meanwhile, while a derogation is in force, the UK government can devolve, for example, the management of Scottish waters in the 12 mile limit to the Scottish Parliament. No such options are available for the 12 to 200 mile area, because the living marine resource in this area (fish and shellfish) is a continual exclusive competency of the EU. We have no derogation from this principle apart from planning and nature conservation, which has already been devolved, so therefore there can be no question here of any more devolution from Westminster to Holyrood. We don't have the power to devolve anything further.

The full devolution of the 12 mile limit has not been a bad

thing, because the inshore sector is best managed at a local level. Unfortunately, the Scottish Parliament seems to be more interested in environmental issues than in protecting the interests of coastal communities, thus denying them the chance to benefit from the rich fishing resources in areas like the Shetland Isles. Now Brexit has raised a new series of issues for Holyrood. With Scotland supporting continued EU membership and few Scottish politicians expecting us to vote to leave the EU, little thought has thus far been given by Scotland's politicians to the possibilities for the Scottish fishing industry without the millstone of the CFP round its neck.

If the Westminster Government decides not to operate a sort of shadow Common Fisheries Policy, all UK waters out to the 200 nautical mile/median limit will revert to UK control. This provides an excellent chance to rejuvenate coastal communities throughout the UK, including in Scotland. Inevitably, the Scottish National Party will demand that all control of Scotland's waters comes back to Edinburgh.

However, things start getting very messy at this point, given that the SNP is talking about a second referendum on independence from the UK so that if Scotland leaves the UK, it can then rejoin the EU. Assuming that on Independence Day, control of our EEZ reverts to Westminster, our Parliament can then devolve control of Scottish waters right up to the 200 nautical mile/median point back to Holyrood. Yet if Scotland votes to re-join the EU, these waters will be handed back to Brussels and would be subject to CFP rules once again – but with a sting in the tail. Scotland would have to share in the overall reduced EU capacity required by the loss to EU waters of the English, Northern Irish and Welsh EEZ's. In other words, Scottish fishermen would end up being allowed even less quota in their own waters than they currently enjoy, especially if they do not manage to negotiate any derogation for the 12 mile limit.

There is a strange irony here. The roots of the SNP lie in the Scottish fishing communities. Traditionally Conservative seats, the voters deserted the Tories because of the antics of Edward Heath and his shameless betrayal of our fishing industry. Now the SNP is doing the same. Instead of taking the lead in fighting for a better deal for those fishermen whose forebears brought the party into being, by seeking to take Scotland back into the EU, it wants to return them to the miserable yoke of the CFP under worse terms than before.

Such a policy is sheer folly. Of course, much depends on the shape of the future UK fishing policy post-Brexit, but the chance to take the wind out of the SNP's sails – and thus save the Union – by developing a fishing policy along the lines suggested in these articles is yet another reason for Mrs May's government to avoid creating any sort of shadow CFP once we leave the EU.