

Hopefully it's confusion rather than betrayal

Michael Gove's comments to Danish fishermen about access to UK waters after Brexit have attracted some adverse criticism. We have not been provided with a full record of his actual words and it is quite likely he has been misquoted. Furthermore, he has only been in the job a few weeks and there is a lot of detail for him to take on board.

The same cannot be said for the Civil Servants of DEFRA, the Department for the Environment, Food and Rural Affairs, who should know better. A statement by one of their spokesman is therefore far more of a cause for concern than Mr Gove's comments in Denmark. The spokesman said:-

"Leaving the EU means we will take back control of our territorial waters. As we have always said, other countries will be able to access our waters – but for the first time in 50 years it will be on our terms and under our control....We will allocate quotas on the basis of what is scientifically sustainable, making sure we have a healthy marine environment and profitable fishing industry in the UK."

The fishing industry has always been concerned that the Government will only allow British vessels the exclusive use of the 12 nautical mile zone – in other words, out territorial waters. This is what the DEFRA statement has indicated and the recent the Conservative manifesto said the same thing. Taking the DEFRA statement at face value, it would appear that arrangements regarding our Exclusive Economic Zone (EEZ) covering the area from 12 nautical miles up to 200 nautical miles/median line will continue as at present. This means that EU vessels will continue to take around 59% of the British people's resource and the failed quota system will continue. Is this really what Mr Gove has in mind?

So why did the department use the word “Territorial”?

This is where confusion is creeping in. This doesn't apply just to fishing but right across the whole range of Brexit-related issues. The public is starting to get restless and are wondering whether those at the top know what they are doing or else fear that they are deceiving us again. This is unhealthy, and proves once again the importance of detail.

Consequently, Gove, probably for no fault of his own, will be under pressure now not only to explain his own comments but also the actions of his department. The burden on Gove's shoulders cannot be exaggerated. The survival of the Government – and indeed, the Conservative party – could rest in his hands. If the EEZ is traded away, then Brexit isn't Brexit. DEFRA may state, “it will be on our terms and under our control”, but if the existing quota system of the CFP is used, the expected benefits will not materialise. Life after Brexit has to be a success for our fishing industry, not a continuation of the present story of decline.

The confusion stems directly from the DEFRA statement – “As we have always said, other countries will be able to access our water”. There is nothing wrong with these words as all free and independent fishing nations have reciprocal arrangements with their neighbours. Under international Law, UNCLOS article 62(2) states that if you haven't the fishing capacity to take the resource, the amount you can't catch can be given to your neighbours. The problem here is the civil servants will have advised Gove that we haven't the capacity, whereas in reality we have.

The confusion centres around this word “Territorial.” UNCLOS has different rules for the territorial waters up to 12 nautical miles from the coastline and the Exclusive Economic Zone reaching out to 200 nautical miles/median line zone.

No one is saying that we should throw all EU vessels out on

30th March 2019, but no permanent rights must be given, only temporary transitional rights on a declining annual basis. What is vital, however, is that we need to know whether DEFRA is making the common mistake of using the term "Territorial waters" when it actually means EEZ or whether it really does mean that we will only control the 12 nautical mile limit.

If so, it would be a shameful betrayal of our fishermen on a par with Fisheries Minister Peter Walker, who told Parliament in January 1983 – "the reality is that if the UK, instead of demanding anything like the historic proportions of Europe's fish that it had caught, demanded a 200 mile limit and 50% or 60 % of Europe's fish, that would mean the destruction of the fishing industries of most of our friends and partners in western Europe".

Unfortunately the attitude that fishermen in other countries come before our own still prevails in some quarters. Thankfully, in Michael Gove, we have a person who has hit the deck running and is prepared to listen and learn. He has already shown in denouncing the London Convention that he is someone who can and will take action. Ultimately, it is the job of civil servants to implement, not decide policy, so we can but hope that when Mr Gove really has his feet under the table that there will be a change of tone from DEFRA.

The way his Danish visit has been reported in the press will also underline to him how important it is for his department to issue clear, unambiguous statements, leaving no room for confusion over a very delicate subject.