

Brexit and Fisheries: A French View

*With the EU's demand for undiminished access to UK fishing waters unsurprisingly causing deadlock in the negotiations on the future relationship, **Dimitri de Vismes** of the French **UPR (Union Populaire Républicaine)** party provides a useful French perspective on fishing. A compromise is possible that would be much more fair than the current EU demands.*

*This is an abridged version of an essay published in **Net Worth**, a collection of essays on Fishing and Brexit published by think tank **The Red Cell**.*

'From 2021, Britons will eat home-caught mackerel instead of prawns and tuna which are mainly imported from the EU.' This scenario could theoretically happen if the British Government fails to secure a deal on Britain's Fisheries by the end of 2020. But is this a full picture?

Everything starts with the Exclusive Economic Zone (EEZ), which gives exclusive jurisdiction to the coastal state which owns it. As the United Nations Convention on the Law of the Sea declares,

"The EEZ is an area of sea beyond and adjacent to the territorial sea that extends up to 200 nautical miles from a country's coast. [...] Within the EEZ a coastal state has the sovereign rights for the purpose of exploring and exploiting, conserving and managing the living natural resources."

The UK has the fifth largest exclusive economic zone in the world (approximately 6.8m square kilometres) and the EEZ surrounding the United Kingdom represents 11% of the total

surface, with some 774,000 square kilometres (the rest being EEZs in Crown dependencies or British Overseas Territories). Putting aside Norway, which is outside of EU marine management, the UK EEZ is the greatest 'shared' EEZ operating under the Common Fisheries Policy (CFP) in Northern Europe.

By comparison, France's EEZ in Continental Europe represents about half the size of the United Kingdom's EEZ, with approximately 335,000 square kilometres, despite France having the second largest EEZ zone in the world – approximately 10.2m square kilometres – because of its numerous territories and overseas departments on all the oceans. UK waters are also particularly rich in seafood resource, as 40% of the total EU catches take place in the UK's EEZ but mainly exploited by the UK's neighbouring countries.

Because of these factors, and the geographical proximity between the two countries, France's fishing industry is now heavily dependent on UK waters. In fact, out of the three main traditional fishing regions: Normandy, Brittany and Hauts-de-France – which all together represent 75% of the French fishing industry – two of them (Brittany and Hauts-de-France) rely on the UK waters for more than 50% of their catches. Overall, it is estimated that France receives approximately 30% of its catches in the UK's EEZ. This explains why the absence of a good fishing agreement post-Brexit could be very damaging for French fishermen (as it would also be for Belgium, Netherlands, Ireland, Spain, Sweden and Germany which are all fishing in UK waters).

Similarly, the UK would suffer if the EU decided to restrict access to the Single Market post-Brexit, or impose tariffs on the UK fishing exports. About 75% of the fish caught by the UK is exported, of which the majority is for the EU. On the other hand, Britons import most of the fish they eat, and 30% of these importations come from the EU. The discrepancy between imports/exports is due to the consumption habits of Britons who do not usually eat the species they catch in their

territorial waters, but prefer other fish varieties (tuna, cod, prawns...). Regardless of how beneficial any future post-Brexit agreement will be for the UK, European regulations on fish would still apply to British fishermen and as a result British seafood products could be rejected at the EU customs if no certificate is presented by fishermen. It is unlikely that the UK would introduce such paperwork for imports, and so our opening comment about eating mackerel doesn't apply to British consumers.

The situation is potentially more complicated for exporters, at least initially until consumer demand impacts upon the market. But if the fishing opportunities that are allocated to individual fishing vessels in the UK will remain unaffected by Brexit (because it is within the UK's competence rather than the CFP), the quota rules of the CFP will however not apply anymore to the UK. The country will recover entire freedom to set its own rules on how fishing is carried out in its territorial waters and it will be able to decide on the fish stocks and volumes. The CFP will no longer limit British fishing in British waters. This would be a massive win for the UK fishermen.

We could reasonably argue that mutual administration and exploitation of a European EEZ would sense if it would protect endangered species or prevent overfishing (although international treaties already exist, e.g. the UN Convention on the Law of the Sea), or if it were the only way to encourage a considerably better/more sustainable management/use of the seafood resource. But evidence shows that the CFP is not working in these respects. In 2003, the Royal Society in London already warned the EU that 'unless a real action to retrain fishing is taken now, there could be nothing left to fish in the future.' This is mainly due to the recurring disputes between the EU members over the quotas; countries have a privileged access to specific seafood resource in their respective EEZ, but also have different

consumption habits, hence leading to divergent interests and recurring disputes. But it is also due to the lobbying of the corporate fishing industry.

As a result, instead of granting subsidies to local fishermen to encourage a more traditional and sustainable way of fishing, the CFP pushed the development of short term sea resource exploitation through generous financial support to fishing companies which then used it to buy bigger boats with better gear. The regime of quota is also not ideal because the Member States collectively agree TACs (Total Allowable Catches) for most commercial fish stocks and barely come to an agreement which satisfies them all. Again, a bad compromise is preferred between for all instead of an individual and bespoke sustainable solution for everyone. Ultimately, the CFP mirrors exactly what the EU failed to implement at any level: a unity between the member states of the EU and a collaboration to defend a (supposed) common interest for the greater benefit of all stakeholders.

Regarding the prejudice caused to traditional and familial French fishing from losing access to UK waters, it would be fair to come to a bilateral agreement for families which used to fish in UK waters before 1973. This provides for real grandfather rights for communities that had historic access before the EU got in the way and broke the system. Negotiations involving areas, particularly shellfish, where UK fishermen themselves have centuries-old access to French waters could then be discussed on a quid pro quo basis. It could be part of a good resource management deal, focusing on smaller more eco-friendly boats, traditional access, sensible environmentalism, and supporting families rather than sponsoring supertrawlers.

There are winners and losers from any change, and in this instance French fishermen will be amongst those who will lose out. Those who lose out because they are more recent arrivals should get significant compensation from the EU budget,

because it would be the EU's direct responsibility to redress the imbalance. The EU caused it, after all.