

Fisheries Part 5: Brexit must mean Brexit

I hate to be sounding a negative note after the euphoria of the recent Conservative Party conference, but having seen and spoken to so many people in Birmingham, from Ministers and MPs to ordinary party members and lobbyists, I got a pretty good feel as to what is developing and as far as fisheries is concerned, it could end up being a sell-out.

The party is currently on a massive high. It believes that it will be in power for years to come, but if it does not deliver a good Brexit, it could be heading for serious trouble in the not too distant future.

Mrs May stated her intention to invoke Article 50 will be invoked by the end of March 2017. The objective is that we will have left the EU before both the next European Parliamentary elections and the next UK general election. This sounds fine, but even at very senior levels, there is still considerable ignorance about the implications of Section 3 of Article 50, that the Treaties shall cease to apply the moment we finally leave.

The next Queen's speech, which is usually delivered in May, will lay out the intention to repeal the European Communities 1972 Act, the Act which allows all EU legislation to pass into UK law, This repeal act is expected to be passed before the two year Article 50 period is up.

So far so good. This is part and parcel of Mrs May's insistence that the UK will again be a sovereign and independent country. The problematical part is how the government proposes to address the problem of filling the holes that result from EU legislation no longer having any force because the treaties no longer apply. What about, for

example, the standards for bathing water in UK beaches, which have been determined by the EU? What of other environmental legislation which originated with the EU?

The simplest and safest models to follow are countries like Ireland and India. When Ireland became independent in 1922, it incorporated all existing British law into Irish law and unpicked those acts which did not suit Ireland's interests once things had settled down. India adopted a similar policy in 1947. Mrs May has hinted that the UK government intends to follow the same route – in other words, to incorporate the full *acquis communautaire* (all EU legislation), into UK law and then review everything at a later date, discarding those laws which are not in the national interest.

However, there is no reason why some exceptions should not be made and fisheries is one such area. If all EU fisheries legislation was just incorporated lock, stock and barrel into UK law, it would not only be an opportunity wasted but would create serious and totally unnecessary problems.

The Common Fisheries Policy is well known to have been a disaster both for our fishermen and for the marine environment. The beauty of Article 50 is that at the end of the two year period the Treaties and regulations cease to apply. As the CFP has relied on regulations, this means that without having to do anything at all, control of our 200 mile/median point reverts to the UK government.

Unfortunately, it appears that the government is planning to include the CFP in the overall incorporation of the *acquis communautaire* into UK law, which means that we would continue with the CFP in all but name. This means that Parliament will continue to give our resource away and worse still, it is sending out a signal that we endorse the CFP.

By the time we have reached the provisional exit date, the present 10-year management derogation under which we presently

operate would have been up for review if we were still in the EU, as it is due to expire at the end of 2022. If we agree to continue with what is something like the CFP, we will therefore find ourselves stuck on April Fool's Day 2019 facing a complex set of negotiations just to determine how much access our fishermen may have to something which is theirs by right.

Under international law, the waters round the UK are as much part of our country as the Yorkshire Dales or the South Downs. Considering the tough words we heard about restricting access to our country for EU citizens, it is therefore crazy not to take the chance of restricting access to our waters by EU fishing vessels. It will be a tough balancing act if the Government is to secure sufficient access to the Single Market without having to agree to freedom of movement for EU citizens. It can be done, as Liechtenstein has shown, but even so, the repatriation of fisheries to national control is far more straightforward. Do absolutely nothing during the two-year Article 50 period and the moment we leave, the regulations cease to apply. Job done.

Unfortunately, unless we continue to lobby hard, I can envisage the UK agreeing to a fisheries policy running in parallel with the CFP. The possibility of turning British fisheries round and introducing a sensible and sustainable model, based on days at sea rather than the flawed quota system, may well be wasted, along with it the opportunity to revitalise our coastal communities. Sadly, at conference, the only person I met who fully understood the situation as I have described it was the Scottish Conservative MEP Ian Duncan.

Unless the Conservative Party gives a clear commitment to ensuring that at the same time as the *acquis* is transferred to UK law, the relevant parts of UK legislation that gives the quota share-out and historic rights to the EU, is repealed, then it could result in the termination of our industry. Two generations will have gone due to the blight of the CFP and

very few young people are coming into the Industry. This is our last chance to rebuild the industry. Sadly, it became very clear as conference progressed that one has any confidence that the Conservative hierarchy has the will to take back real control of our 200 nautical mile/median line zone. The emphasis sadly seems to be on looking after our European neighbours rather than making Brexit mean Brexit.

What has changed since 1972? Just like Peter Walker, who refused to fight tough in 1982 when the first derogation was up for renewal because it might upset "*our friends and partners in Western Europe*", the emphasis sadly still seems to be on looking after the interests of our European neighbours rather than making Brexit mean Brexit. Mrs May has insisted that the UK will not be a "supplicant" to Brussels and "will negotiate from a position of strength", but here is a case where the mechanics of the EU have dealt us a strong hand and her ministers seem intent on throwing it away.

This may seem a very downbeat assessment, but it is better that everyone is aware of the problem at this stage so that we can organise a campaign before Article 50 is invoked. As Sir Robert Worcester, the founder of Mori, pointed out at a fringe meeting, one person in a hundred switching sides during a General Election can change the result. Over 17 million people voted to leave the EU. When they realise that unless the Government give a clear commitment on fisheries, Brexit does not mean Brexit, the current euphoria in the Conservative Party could rapidly come to an end.