

The London Convention and the future for UK fisheries

Time is not on our side. The acid test of whether "Brexit means Brexit" is Fisheries. While there is no doubt that competency will return from Brussels back to Westminster when we leave, there is a real danger that the Government will run a parallel CFP in everything but name, continuing to give away 59% of the British living marine resource – in other words, the EU continuing to take 674,601 tons of fish out of our waters, at raw prices of £711,224,000.

The other important issue which needs to be considered is the 1964 London Convention. On Brexit day, when the EU regulations cease to apply, the London Convention will regain its force unless we act quickly. It is important to note that this is British legislation and nothing to do with the EU, apart from it being a sop to the French – a forlorn hope that it would change General De Gaulle's mind in allowing Britain to join the then EEC. It granted five EU member substantial fishing rights within our 6 to 12 nautical mile zone, although France was by far the main beneficiary.

Under the terms of the Convention, after 1986, we can denounce the agreement by giving two years notice, so we need to do so at the same time as invoking article 50, as that is highly likely to be also a two year period. It would be ridiculous to find ourselves stuck with other Nations' fishing vessels still able to fish in this narrow, but crucial inshore sector, even if only for a short period.

The Government is fully aware of this situation, but if they do nothing and allow these rights to continue, the five nations could possibly build up continuity rights, making it difficult to remove at a later date. This is as important as avoiding a shadow CFP to cover the 12 to 200 nautical mile zone. If the government fails on both these counts – and there are concerns that it might do without pressure being applied – we will face a repeat of the disaster of 1973, with the British people's resource sacrificed a second time ,

increasing the decline within our coastal communities.

Not only that but once we appreciate that the boundary of the UK is the outer edge of our 200 nautical mile fishing zone. or median line and not, as is widely believed, the land boundary, we would effectively be losing three quarters of the UK. Given the government's determination to control immigration – i.e., who sets foot on our land – it would be totally illogical to deny ourselves the right to control which fishing vessels may access our waters.

What is more, a failure to denounce the London Agreement or to replace the CFP with something totally different would open a legal minefield. The original London Agreement was vessel-specific and it is highly unlikely that any fishing boat covered by it is still in commercial use fifty years later, but any attempt to dismiss it as irrelevant for this reason would unquestionably be challenged in court. The fisheries regulation 1380/2013 is full of references to "union waters" and other terminology which assumes an EU of 28 countries including the UK, which will not be the case on Brexit day. So many changes would be needed to "repatriate" this regulation that it makes no sense to do so. We have time during the Article 50 period to devise something much simpler and better, based on the Faroese system and allowing only limited access to our waters for vessels of other EU member states using UNCLOS 3 as our guidelines here.

There is no escaping the issue. On Brexit day, the UK – on other words, every single individual Westminster MP, is responsible under Intentional Law, for our managing our waters right up to the 200 nautical mile/median line limit. If they decide to give it away again, the responsibility for doing so, lies totally on their shoulders.

There is still everything to play for, but the subject of fishing will set the tone of Brexit. After Article 50 – and hopefully at the same time, the denouncing of the London Convention – the next stage will be the scrutiny of the Great Repeal Bill in May to see what alterations they have done to the *acquis* coming into domestic legislation. Hopefully

fisheries will be exempt, but to date the situation is not looking good.