The impact of Brexit on UK Fisheries Policy: Lessons for Scotland

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Submitted by:
Dr Craig McAngus (University of Aberdeen)
Dr Arno van der Zwet (University of the West of Scotland)
Dr John Connolly (University of the West of Scotland)
Dr Christopher Huggins (University of Aberdeen)

Fisheries and Brexit - The Scottish Dimension

The process of leaving the EU will mean that the UK is no longer under the auspices of the Common Fisheries Policy (CFP). This will result in the UK being responsible for its Exclusive Economic Zone (EEZ), although the relative access that EU vessels have in future to the UK’s EEZ will depend on the outcome of the Brexit negotiations that are currently underway. Although UK will no longer be subject to the CFP it will be required to fulfil its other international treaty obligations.

Scotland contains a large proportion of the UK’s fishing fleet, and the outcome of the negotiations over fisheries will have a significant impact in Scotland. Fisheries is a devolved policy area in that it is not listed as a reserved matter in Schedule V of the 1998 Scotland Act. However, in reality, fisheries is a ‘Europeanised’ policy area which has meant that Marine Scotland’s role has centred around management and implementation.

Despite fisheries being devolved, important aspects of fisheries policy, such as external relations with third parties (such as the EU or other countries), will likely continue to be reserved matters. This is important with regards to the negotiation of Total Allowable Catch (TAC) and quotas. It is therefore likely that fisheries policy will continue after Brexit in the context of some form of common UK framework. Appropriate intergovernmental mechanisms will therefore need to be put in place in order to ensure a smooth transition out of the CFP, and the future structure of multilevel governance of fisheries in the UK after Brexit will have to be designed. However, the current rhetoric emanating from the UK and Scottish Governments suggests that this might be difficult to achieve.

1 Corresponding author: Dr Craig McAngus School of Social Science, Dunbar Street, University of Aberdeen, AB24 3QY
craig.mcangus@abdn.ac.uk
A ‘No Deal’ Scenario
If the negotiations for the UK’s withdrawal from the EU results in no deal being reached, and once the UK’s obligation to the United Nations Convention on the Law of the Sea (UNCLOS) regarding management and sustainability are taken into account, the UK will have access to all of its TAC within its EEZ and vessels from EU member states who once accessed waters around the UK would have no automatic legal right to fish there.

On the one hand, this may look like a good deal for fishermen across the UK as they would be able to catch and land more fish. However, a number of member states benefit from the CFP which gives them access to UK waters where are able to catch fish according to quotas set every year by the Council of fisheries ministers. In this case there would be incentive to punish the UK by creating obstacles, such as tariffs, when it came to the export of UK seafood to EU markets. UK producers would then have to compete with exporting countries like Norway who have a well established understanding of tariffs and have adapted their industries accordingly over time.

The UK has some leverage in these negotiations given that its waters are important to the fishing industries of other member states and that the EU imports a lot of British fish. That said, if the UK is willing to walk away from negotiations without a deal, which would then shut off fishing access to EU fishers, then the EU could well reciprocate by imposing punishing trade tariffs on UK seafood exports which would have an immediate and negative short to medium term impact on the fishing industry. Given the size of the Scottish fishing industry in relation to UK’s overall, it is therefore in no one’s interest for a ‘no deal’ scenario when it comes to fisheries.

Our Research
A key objective of this research project is to examine the fisheries policies of non-EU states and territories, namely Iceland, Norway and the Faroe Islands. For the purposes of this submission, we will be examining:

- Possible multilevel governance frameworks that could be applied in the UK context
- The relationship between the Faroe Islands and Denmark regarding fisheries
- Future UK/Scotland relationships with EU member states and EU institutions
- Relationships between industry stakeholders and policymakers
- Parliamentary and Governmental capacity requirements for the proper implementation, management and scrutiny of fisheries

The project is currently in the data collection and analysis stage and will be in the position to expand further on these areas later in the year.