

The biggest threat to our fisheries: the transition period

Fishing for Leave's John Ashworth explains why the transition period contained in the Withdrawal Agreement is such a big threat to the future of our fisheries. As things stand, only a clean break Brexit will enable us to use the people's resource to rejuvenate our coastal communities.

In Boris Johnson's first speech as prime minister he stated:

“And we will do a new deal, a better deal that will maximise the opportunities of Brexit while allowing us to develop a new and exciting partnership with the rest of Europe, based on free trade and mutual support.”

If Johnson achieves his aim and is able to persuade the EU to concoct a revised Withdrawal Agreement that gets through Parliament, then after exit day on 31 October we will enter the transition period. This was originally intended to last two years, but as things stand it is down to 14 months due to Mrs May's extension. The UK is also entitled to seek a two-year extension to the transition period. This has to be decided upon by July 2020, and if taken will take us up to January 2023 – some 7.5 years after the referendum.

If a revised Withdrawal Agreement is anything like the old one, the year 2020 will be even worse for UK fisheries than our 48 years of EU membership. We will remain under EU legal control and CFP management, with no input or control.

Now bring the French in. They know perfectly well that if we survived the transition period and regained full control over

our Exclusive Economic Zone (EEZ), the only way they could get free and legal access to UK waters would be through Article 62(2) of UNCLoS. This states that if a coastal state has spare resource and does not have the catching capacity to harvest it all, then their neighbours can use that resource. Article 62(2) is laid out in Section 2 page 4 of Fishing for Leave's ['The Brexit Textbook on Fisheries'](#), which also lays out a fisheries management plan fit for purpose for our diverse mix of bottom feeding fish (see also my CIB pamphlet ['Seizing the Moment'](#)).

Currently we have enough catching capacity. It might not be the perfect balanced fleet, but it could do the task.

However – and this is where my fear comes in – having experienced the demise of our fleet in the nineties through the CFP and 'too many vessels chasing too few fish', during the transitional period the EU could produce regulation designed to force our fleet into further demise. Then we are in trouble.

Let us not forget what [the Minister of Agriculture, Fisheries and Food Mr Peter Walker said](#) in a Common Fisheries Policy debate over 35 years ago, on 31 January 1983:

"The reality is that if the United Kingdom, instead of demanding anything like the historic proportion of Europe's fish that it had caught, demanded a 200-mile limit and 50 percent or 60 percent of Europe's fish, that would mean the massive destruction of the fishing industries of most of our friends and partners in western Europe."

So instead our coastal communities' fate was sealed, and it was they who suffered the massive destruction.

When a new nation joins the EU it signs a joining treaty that commits them to accepting and abiding by the *acquis*, i.e. the totality of all EU legislation. But new member states are not always able to bring themselves completely into line with EU

law immediately. For the parts where compliance requires more time, the member state may be granted a transitional derogation that gives them time to adjust. But critically, the required end state is always clear in the joining treaty.

We could do the same in reverse for fisheries as we exit the EU. The end position should be clearly laid out in the leaving treaty, along with the terms of the transitional derogation. We should learn from [our experience in the Icelandic cod wars](#), where Iceland offered the UK a temporary solution to ease into the new situation. If we offered a five-year derogation decreasing by 20% per year, the French could either accept our very generous offer, or get nothing.

To pardon the pun, the net is closing in on us. As I explained in my CIB booklet [‘The Betrayal of Britain’s Fishing’](#), we have been through this scenario before in the eighties and nineties, as restrictions on the British fleet made sure their demise was all but complete. It can easily happen again when we are stuck in the vassal state limbo of a transition period.

This is why our fishermen must hope and pray for a clean break Brexit on 31 October. Without it, there is no chance of us using the people’s resource to rejuvenate our coastal communities.