

The Politics and Governance of UK Fisheries after Brexit

Craig McAngus, Christopher Huggins, John Connolly, Arno van der Zwet

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### The Politics and Governance of UK Fisheries after Brexit

Fishing is on the front line of Brexit politics. While the fishing industry represents a relatively small part of the UK's economy (less than 0.05% of GDP), it has deep political significance, not least in many coastal communities where it is economically important and forms an important part of cultural identity. Indeed, fisheries featured prominently during the EU referendum campaign, and continues to be a key battleground during the Brexit process.

Fisheries represents one of the UK's most "Europeanised" policy areas. The UK is currently a member of the Common Fisheries Policy (CFP) meaning decisions on and overall UK quotas are decided at the European level. 92% of UK fishermen voted to leave the EU (McAngus, 2016). With UK fishermen able to currently catch about 40% of the Total Allowable Catch (TAC) in UK waters, they believe that leaving the EU and the CFP would mean they are able to catch more fish and thus boost the prospects of their industry and local communities.

In reality, the picture is more complex and the fishing industry goes beyond those who catch fish at sea. For example much of the industry's economic output is generated by the seafood processing sector, who rely on tariff-free trade with the rest of the EU and where almost half of the workforce are EU/EEA migrants. There is also a diversity of interests within the catching sector itself. Much of the shellfish catch is not subject to EU quotas, for example, and so would not benefit from a redistribution of quota. Rather, export markets are vital for this part of the catching sector, meaning frictionless trade of this valuable and perishable commodity is a priority.

Earlier this year, the Environment Secretary Michael Gove assured the catching sector that the CFP would no longer apply during the transition period and that the UK would become an independent coastal state. Yet, the UK Government then conceded that the CFP would effectively remain in place until the end of 2020 in order to ensure continued tariff-free trade during the transition period. Fishing groups such as the

Scottish Fishermen's Federation responded by arguing that the rights of Scottish fishers were being sacrificed on the altar of Brexit politics, adding further strain to an already tense relationship between government and industry. Assurances were then given by the UK Government that full coastal status will happen after the transition. This means the UK would have full sovereignty over its waters, known as its Exclusive Economic Zone (EEZ) (see Figure 1), and would enter talks with other coastal states in order to discuss reciprocal access to stocks in each others' EEZs.

It remains to be seen what shape UK fisheries policy will take post-Brexit. In its 25 year environment plan, the government has committed to developing a world-class fisheries management system, with decisions based on principles of sustainability and informed by scientific evidence. However, there remain many other areas beyond the management of fisheries which also require consideration. This includes the availability of subsidies and funding to support the fishing industry and coastal communities, how key fisheries principles will be enshrined in legislation and how voices from industry and other stakeholders, including environmental interests, will be able to feed into decisions about fisheries. The long-awaited fisheries white paper offers potential answers to these questions, but this has been significantly delayed, and a leaked draft of the paper to emerge in early May 2018 does not yield many clues.

### **Fisheries and devolution**

Much of the uncertainty and lack of progress in developing a post-Brexit fisheries policy reflects the politics of devolution, and particularly disagreements between the UK and Scottish Governments.

Fisheries management is a devolved policy area so, in theory, there is significant discretion available to the devolved administrations regarding how they decide to govern their fishing industries. This would reflect marked differences in the nature of the fishing industry between the devolved nations. Whilst the Welsh Government has agreed a deal

with the UK Government over Clause 11, Northern Ireland is currently without an executive and the Scottish Parliament refused to grant legislative consent to the EU Withdrawal Act. The failure of the UK and Scottish Governments to come to an agreement is particularly significant because the majority of fishing related activity, in terms of fleet capacity, tonnage landed and value landed, occurs in Scotland (see Figure 2). Both governments have agreed that a “Common Framework” needs to exist in order to replace the framework of the CFP, but disagreement remains over the UK Government’s insistence that powers ought to be held at the UK level first, for a period of time, in order to ensure an element of commonality in approach and thus protection of the UK’s internal market.

The politics of devolution is further complicated by the nature of fisheries policy itself. While it is a devolved competence it also intersects with other policy areas, such as international trade and international negotiation, which are reserved by the UK Government. The annual negotiations that occur over TAC and quotas between member states in the Council of Fisheries Ministers is the responsibility of the relevant minister from the UK Government. In practice, however, there is a great deal of Scottish input into these negotiations, with the relevant Scottish minister accompanies the UK minister to talks alongside a team of officials. This reflects the intergovernmental relationship between the two governments. Through the civil service, the UK and Scotland have cooperated closely on fisheries in the past and the relationships between civil servants in London and Edinburgh has been collegial. Brexit has put this relationship under strain, with the UK Government taking a very secretive approach to developing the fisheries white paper which has affected the policy dialogue between officials in the different administrations.

Overall, then, the UK faces a significant challenge in developing its post-Brexit fisheries policy. It will need to develop an approach which addresses the concerns of those who voted to leave, but also balances the needs of the wider fisheries industry, respects the devolution settlement, meet its international obligations and adhere to the

government's own commitments to sustainability and environmental protection.

### **Potential for policy learning?**

To address these challenges and develop a successful post-Brexit fisheries governance arrangements, the UK could look to other non-EU coastal states for inspiration. Our research on Iceland, Norway and the Faroe Islands highlighted several lessons for the UK when it comes to governing fisheries after Brexit.<sup>1</sup>

In terms of fisheries management, Iceland uses an Individual Transferable Quota (ITQ) system. This means that quota for different species is available to buy, use and trade on an open marketplace subject to regulations and allocations set aside for smaller vessels and companies. Fishermen in Iceland can trade quota in cod for quota in mackerel, for example, with each other if the need arises, and these quotas are set within the TAC for each species based on the advice from the Marine Science Institute. There is a real-time monitoring system that allows anyone to access existing quotas to see who it belongs to, how much of it has been landed, and what (if any) of the quota still remains. This system has widespread support amongst the fishing industry in Iceland as it is extremely transparent and makes any cheating practically impossible.

Norway has developed a complex fisheries management regime. This is characterised by strict licensing and ownership rules where licences are restricted to Norwegian citizens who have to demonstrate they are active fishermen, a system of TACs and quotas assigned to individual vessels, and a broad range of regulatory measures, including a comprehensive discard ban, the closure of fishing grounds and strict regulations on fishing gear. The systems in both Iceland and Norway developed in response to the collapse of cod stocks in the late 1980s and have largely been successful in

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<sup>1</sup> A more comprehensive overview of our findings from Iceland, Norway and the Faroe Islands, together with the potential lessons they offer the UK, can be found in our report "Governing UK fisheries after Brexit - Lessons from Iceland, Norway and the Faroe Islands" (McAngus, Huggins, Connolly, & Zwet, 2018).

ensuring fishing activities are broadly sustainable. In contrast the Faroe Islands has until recently used a Total Allowable Effort system where quotas are set in number of days at sea. Following concerns about long term sustainability and lack of scientific evidence used in setting quotas in December 2017 the system was radically including the introduction of a TAC and quotas for companies.

While the UK government has expressed an ambition for fisheries policy to be led by scientific advice and sustainability, it is unclear how these aims will be formalised. The Norwegian approach offers a potential model here by giving these principles a legislative underpinning. Norway's 2009 Marine Resources Act, for example, ensures the three aims of sustainability, profitability and support for coastal communities are written into the statute book. The Act also specifies a range of regulatory measures, such as the discard ban, and several guiding principles for fisheries decision-making, including the precautionary and ecosystem approaches. Iceland has also been successful in making sure that scientific advice is strictly adhered to by ensuring the independence of science in law and thus depoliticising the setting of TACs and quotas.

Establishing effective institutions and governance frameworks is important. Both Iceland and Norway, for example, have established three-pillared institutional structures, comprising of a government ministry to take on political responsibility, a marine research institute to provide scientific evidence and a fisheries directorate taking on executive responsibility for the on-the-ground implementation of fisheries policy in addition to providing advice to the ministry. Much of this institutional framework already exists in the UK. In England, for example, political responsibility for fisheries lies with Defra, while day-to-day executive functions are undertaken by the Marine Management Organisation. But while UK institutions have experience in implementing fisheries policy, they will have to develop additional policy-making capacities.

For example, to achieve commitments to sustainability and meet international obligations, the UK will need ready access to scientific evidence in order to make

informed decisions and there will be the need to evaluate the existing scientific capacities. In both Iceland and Norway science plays an important role in fisheries decisions and there is broad acceptance of scientific advice. This has been facilitated by marine research institutes which are independent of political and ministry influence and also by transparent decision-making processes where the scientific community, industry and environmental interests interact with each other. The Faroe Islands also have an independent marine research institute feeding scientific advice into the policy process. However, scientific advice is often politicised in the Faroes, something which has been partly attributed to strong industry representation and a lack of environmental NGOs meaning the scientific community has been left to take on environmental advocacy in addition to providing advice.

The importance of stakeholder engagement has also been key to the success of fisheries policy-making. Indeed, stakeholders from the fishing industry, and that developing a culture of trust and mutual respect between decision-makers, scientists and industry is vital. This allows a wide range of knowledge to feed into fisheries policy development and fosters decision made on the basis of consensus. Our research in both Iceland and Norway confirmed this, and in both countries good working relationships have been institutionalised between policy-makers, industry and the scientific community. In Norway this takes the form of the “regulatory chain” policy-making cycle. This allows industry representatives, together with local authorities and environmental interests, to meet to discuss scientific advice and feed into annual fisheries regulations. Transparency is also important, and evidence from Iceland shows that an open and easily accessible public monitoring system not only fosters trust between the government and industry, but also within the fishing industry itself.

Finally, experiences in Iceland, Norway and the Faroe Islands highlights the need to consider the community impact of fisheries policies, as fisheries management decisions and the context in which they are made can have profound impacts on coastal

communities where fishing is the main economic driver. In Iceland, for example, the introduction of the ITQ system led to a decline in fishing activities in more remote communities as quotas became consolidated amongst larger fishing enterprises (Kokorsch & Benediktsson, 2018). These communities have had to turn to things like tourism as an alternative source of income. The introduction of strict quotas in Norway, together with licensing and ownerships rules, reduced the size of the fishing fleet. However this was mitigated by a strong economy and alternative employment being available, and supporting coastal communities has become a key principle enshrined in law. Recent legislation on fisheries governance in the Faroe Islands also attempts to address the impact of fisheries policy on local communities through ownership rules and with the introduction of development quotas as a way to rebalance fishing activities across remote communities in a more territorially equitable way.

Overall, Iceland, Norway and the Faroe Islands offer potential lessons for developing a post-Brexit fisheries policy, particularly in terms of governance and institutional arrangements coupled with stakeholders engagement. But there is only so much the UK can learn from these examples. In each, the fishing industry accounts for a far greater share of economic activity than it does in the UK, and none of them speak to the wider challenge of devolution. The UK can look abroad for inspiration, but it will still need to develop its own unique approach.

### **Looking to the future**

As noted earlier, fisheries are a small but politically significant part of the overall Brexit negotiations. In particular, the shape of future trade relations may have a significant impact on the relative autonomy of UK fishery policy vis-a-vis Brussels. The EU has made no secret about its desire to maintain the status quo regarding fisheries and, as the experience with the draft withdrawal agreement highlight, is likely to use market access as a bargaining chip to achieve its aim. In this context the UK government may find it

difficult to match its political commitments and the high expectations of many fishermen that voted Brexit. The UK government is therefore vulnerable to accusations of “selling out” on fishing interests. It may prove difficult for others (in particular the SNP in Scotland) to make political capital out of this weakness, as it is in favour of remaining in the EU. Furthermore, the question of UK fisheries governance clearly goes beyond UK intergovernmental relations. If the hopes and desires of coastal communities, the fishing industry and wider stakeholders are going to be met, a new UK policy will need to engage and interface with local communities as part of future post-Brexit governance arrangements. There remains much to learn about how such an inclusive governance framework for fisheries governance will be managed in the coming years.

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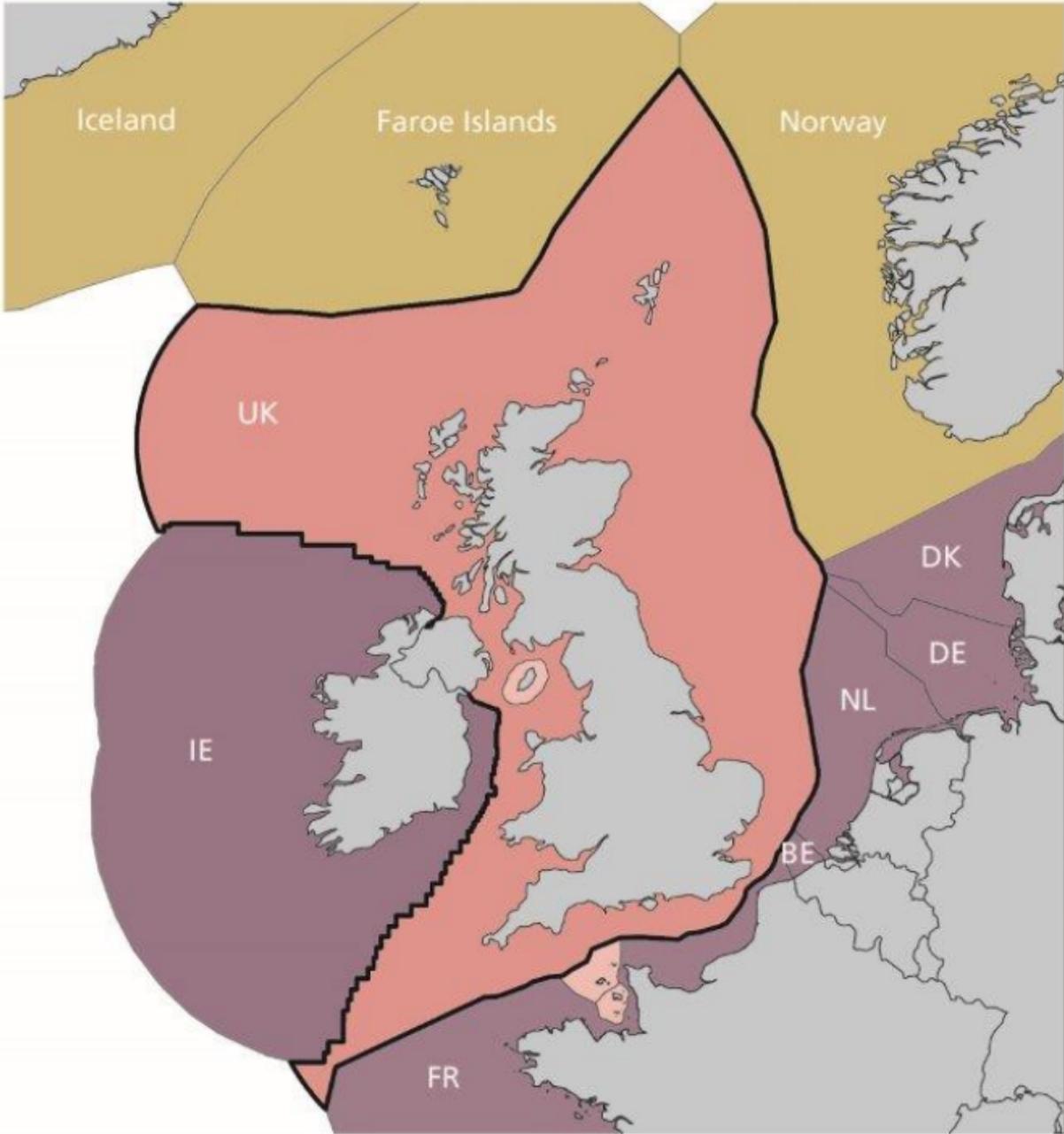


Figure 1. UK's Exclusive Economic Zone

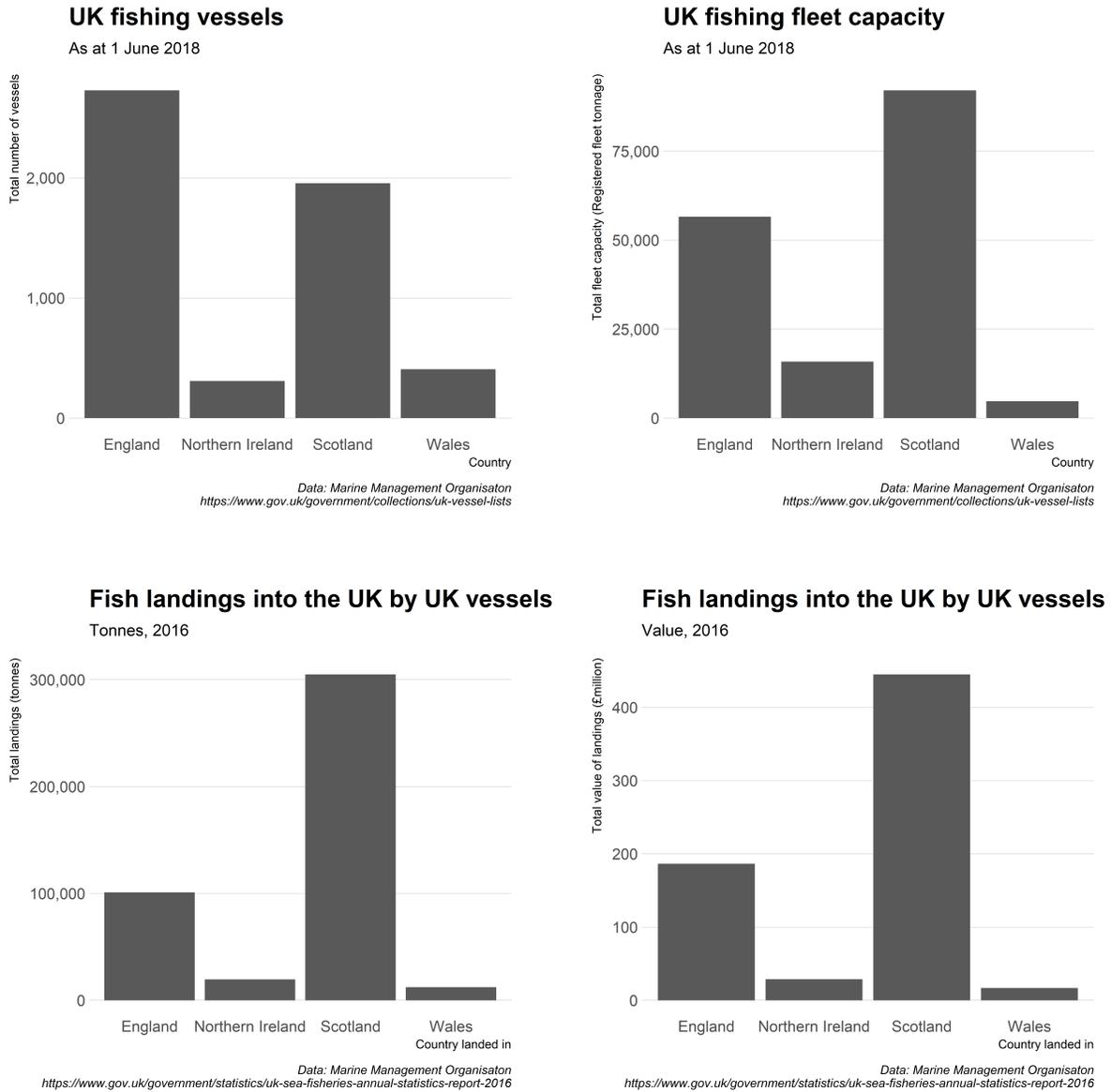


Figure 2. Variation of fishing industry across UK