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**Brexit: A perspective from the Irish fishing industry**

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## **Brexit: A perspective from the Irish fishing industry**

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The debate around the June 23<sup>rd</sup> referendum on Britain's membership of the EU, referred to as Brexit, has witnessed everyone from President Vladimir Putin to Jeremy Clarkson presenting an opinion on it. It has stirred up deep debate about what a Britain outside of the EU will look like, with some policy areas such as immigration, the single market and security featuring high in the media coverage. However, what of fisheries? It was given specific mention in Cameron's original announcement in January 2013, and has thankfully received academic scrutiny by Stewart and Carpenter (2016), with media coverage from The Guardian (Carrell et al., 2016), BBC (2016), New York Times (De Freytas-Tamura, 2016) and others. While all these deliver the British perspective, how will this impact on the fishing industry of its close island neighbour of Ireland?

Publications from NUI Galway's SEMRU have examine this complex issue, with Hynes (2016) recently outlining the possible impact of Brexit on the wider Irish ocean economy. Additionally, Norton and Hynes (2016), in a previous SEMRU research note, examined first the activities of EU Member States currently fishing in British waters, and secondly what the Irish fleet are landing from those waters. They assess what might be the likely outcome if Britain took control of those waters following a Brexit.

Building on from these assessments, this research note focuses first on access to territorial waters and fishing quotas, and by extension the EU institutional role, as these are core to the referendum debate, then secondly on trade. To begin, the EU's Common Fisheries Policy (CFP) has been featured by many within the Leave side of the debate; Fishing For Leave; Better Off Out (2016). '*Brexit the Movie*' (2016) also covers it, with the UKIP leader MEP Nigel Farage campaigning for Scottish fishermen to vote leave (Parry, Group 2016). The CFP is an easy target for the Leave campaign as it has few champions. There is a rich literature on its policy design failure (Khalilian et al., 2016) around compliance (Da Rocha, et. al., 2016) and its failure in achieving sustainable fish stocks (Daw, Gray, 2005). Even the British government's Fisheries Report as part of its

review of the balance of EU competences, found that the CFP “*had failed in the past to achieve key objectives namely to successfully maintain fish stocks or provide an economically sustainable basis for the industry*” (HM Government, 2014).

The policy is therefore ripe for the picking from those in the Leave campaign, using the CFP to highlight all that is wrong with the EU as a bureaucratically meddlesome, dysfunctional, and unyielding to remedy. They state that by exiting the EU, it would allow Britain to reclaim sovereignty of its territorial waters, limiting who has access to its waters, where it could therefore set out its own more favourable quotas. While there is indeed a lot wrong with the CFP, its best to outline from an Irish perspective why things are not as black and white as presented by those in the Leave side of the Brexit referendum.

#### **Access to Territorial Waters:**

On the issue of access, one must first look at the composition of the Irish fishing fleet. It is relatively small within the overall EU fleet, coming in at tenth both in terms of size and power with approximately 2,100 vessels and 195,000kw of power respectively, and ninth in terms of tonnage at approximately 64,000 tonnes (MMO 2014, p. 9, Eurostat 2015, pp 169 - 171). It is split largely between Pelagic (mid-water) fish such as mackerel and herring, while at 85% of the fleet the Polyvalent section which is comprised of small and medium sized vessels, focusing on haddock, whiting, cod, etc. (Department, 2011, Vega, et. al., 2012, p. 24). Due to this makeup, the fleet is largely inshore rather than deep-sea, conducting 77% of its total fishing effort within its 200nm (nautical mile) Economic Exclusive Zone (EEZ) (Gerritsen, Lordan, 2014, p. 7). A further 18% is conducted just outside it in the same ICES sea regions of VI and VII by vessels larger than 15m (Marine Institute 2009, p. 39).

The waters surrounding Ireland are rich and diverse in terms of fish stocks, which have historically attracted other European fishing fleets to those waters. Under the CFP and as an extension of the single market’s principles of free movement, beyond a Member State’s 6 – 12nm coastal zone exists the principle of equal access for all EU registered vessels. This non-discriminatory measure has been a major focus of issue in Ireland over the decades due to the lack of control many observe over access by vessels of the EU fleet (Oireachtas 1993, 2001, Kildare Street 2015). Additionally, the principle was

agreed by the EEC-6 on June 30<sup>th</sup> 1970, the very day negotiations opened for the eventual first round of enlargement, securing EEC-6 access to these waters, and ensuring those measures would be binding to the new Member States (Barclay, 1996, p. 6).

If Britain was to exit the EU, this principle would no longer be in force, putting in place real physical barriers for the Irish fleet from gaining access to Britain's ports and territorial waters and stocks which straddle Ireland's waters. Although the majority of the Irish fishing effort is conducted within the EEZ, there are still Pelagic vessels which operate outside of the Irish EEZ, and into the British EEZ. From Table 1 (SFPA 2013, p. 35), one can observe that although Britain is fourth in terms of these landings at 16%, as a single destination it is second in the value of Irish landings abroad at 27%.

While this only amounts to 2.1% of the total value of all Irish landings - some €8.8m out of €366m in 2013 (SFPA 2013 pp 31 - 5) - a post-Brexit situation could see Ireland being restricted in accessing this amount, in addition to Britain's port facilities. Indeed, Ireland accounts for 18.5% of all foreign vessels landing their Pelagic catch and 30% of all shellfish in Britain (MMO 2013, pp 55 - 58). The probability of the current situation continuing after a Brexit would all depend on what arrangements the EU would conduct on behalf of Ireland, as it does for all Member States, for international treaty negotiations, such as with Norway for herring and mackerel since 1990.

Table 1 *Percentage of Irish Landings Abroad, % Tonnage and % Value 2013*

	Landings Tonnes %	Value %
<b>Denmark</b>	34	9
<b>Norway</b>	22	31
<b>Faroe Islands</b>	17	4
<b>Britain</b>	16	27
<b>Others</b>	11	29

There would be a reciprocal effect on Britain, in the case of access, where in terms of foreign landings, 10% of its Polyvalent, 9% of its Pelagic and 59% of its shellfish catches are landed in Ireland (MMO 2014, pp 52 - 58), with 11% of all fishing effort in the Irish EEZ is by a British vessel (Gerritsen, Lordan, 2014, p. 7). In total, Ireland accounts for 36% of all such fishing activity within its own EEZ (ibid.) However, as presented in the Factortame case law (Swabey, 2015), due to the process of quota hopping, the degree to which this 11% if exclusively British is hard to access. The above process involves other EU fleets registering their vessels in Britain to buy quotas in another Member State in order to avoid restrictions, and was part of a series of important rulings by the EU's European Court of Justice. Furthermore, 81% of Britain's catch is done in the ICES areas of North Northern Sea (IVa), West of Scotland (VIa), English Channel (VIIId/e), Central North Sea (IVb) and the Irish Sea (IVa) (MMO 2014, p. 4). Currently, the British fleet has no barriers in entering these waters, but there could be in the future, with those terms all depending on future access agreements with the EU.

There is also the issue of how Britain will be able to successfully enforce its new fishery regime, at a time when the Marine Management Organisation has seen “*increasing pressures on [its] staff against the backdrop of a budget reduction of over £10 million in the last five years*” (McClenaghan, 2016). The position of Ireland's Naval Services, in terms of resources and capabilities, needs to be considered too, as post-Brexit it as it will be charged with monitoring and patrolling an external sea border of the EU.

### **Fishing Quotas:**

Next, a Britain outside of the EU would no longer be involved in the annual process of how the EU sets fish quotas, allowing for greater scope to set better fishing quotas for British fishers, according to those in Leave (Nelsen, 2016). However, the reality would be full of far more constraints; if Britain was to allow EU vessels access to its waters, it would still have to “*maintain a very close working relationship with the EU to enable the monitoring of landings*”, where “*it would also have to agree some kind of mechanism for agreeing catch limits*” (Commons 2016, p. 62). Currently, Norway and others operate within such mechanisms, such as the NEAFC, where in cooperation with the EU, the organisation facilitates agreement on quotas, and to ensure they abide by terms set to the scientific data of the ICES (NEAFC 2016).

Other international obligations that Britain is bound to are the UN's Convention on the Law of the Sea, and the UN Fish Stocks Agreement, where it is obliged to negotiate the "*management of joint fish stocks and the sharing out of fishing activity with neighbouring coastal states*" (Farnell 2015, p. 6). Therefore, unilateral actions by Britain relating to quota setting would negatively impact its industry and isolate it, just as in the recent episode of the Faroe Islands highlights. After a year of EU imposed sanctions on its fish products, in 2014 the Faroe Islands agreed to a revised quota for mackerel for the North-East Atlantic after it introduced its own mackerel quota (European Commission, 2014). With other such disagreements having occurred with Norway and Iceland with the EU in recent years, they show-case the importance of the EU's collective bargaining power and the instability states outside the EU sometimes face around fishery negotiations. It brings up the possibility that Ireland could be prevented from accessing British waters or indeed trading if, as in the case of Norway in 2009, when quota negotiations break down.

It might be expected that Britain would be hard-pressed to get agreements as favourable as they currently enjoy. In fact, after more than a decade to get an EU commitment in 2013 to reduce catches to MSY by 2020, few will be willing to undo much of these developments (Nelsen, 2016), while some envision the EU punishing Britain from exiting the EU, as a mean to deter Member States from doing so (Burrows, 2016). However, it is likely that the status quo of the current share of quotas which Britain has obtained will continue, with only some minor changes expected, resulting in no additional quotas for Ireland.

### **EU Institutional Role:**

Following on from these issues of securing agreements over access and quotas, what was presented above highlights the importance of the EU collective bargaining power, which Ireland and Britain are part of. However, as sighted previously, many have found fault with how decisions around the CFP are made: "*Is it perfect? No. Are we better off fighting from within? Yes*" (BBC, 2016). This recent comment from Prime Minister Cameron, specifically on fisheries, highlights the importance of Britain remaining part of this important international bargaining power, and to avoid the uncertainties which states outside the EU sometimes face in terms of fishery negotiations. Britain is part of the EU's institutional framework which allows Scottish MEPs, sitting in the European

Parliament, amend legislation that will impact their constituents; to fishery ministers from its devolved assemblies taking part in the annual quotas negotiations in the Council of the EU. By remaining within, Britain is able to bring its values to the table. Critically, if it were to leave, like Norway, it would still have to adopt EU laws in order to fully take part in the single market which Britain would want post-Brexit, but would have no say in how these laws are made.

For example, Britain worked hard to ensure decentralisation remained on the agenda for the recent 2013 Reform of the CFP, due to the regional importance of Scottish fisheries, a position which Ireland supported. Despite decades of research into its environmental damage, it took the campaign of ‘Fish Fight’ by Britain’s Hugh Fearnley-Whittingstall (Harvey, 2013) to ensure the end to the practice of discards was front and centre of the CFP reform. Britain and Ireland were always tradition allies on some issues; having shared grievances from the 1970 measures, they have ensured the continuation of the 6-12nm limit, in addition to the Hague Preferences within the CFP (Cawley, 2009; HR Government, 2009). However, they do diverge on some issues such as on ITQ, which Ireland, and indeed the Scottish Government, was opposed to in the recent CFP reform (Scottish Government, 2009). While Britain has much to lose in terms of institutional power over shaping CFP legislation to its norms and values, Ireland would lose a key ally within the EU’s institutional framework.

### **Trade Relations with Britain:**

On trade, the ESRI note that the “*most significant impact is likely be concentrated in the trade relations*” with a significant amount of transported between the two islands (Barrett, et. al. 2015, p. 6). In terms of trade in fish products, the British market remains Ireland’s second largest within the EU, as outlined in Table 2 (Gill, Higgins, 2014). While Ireland is placed 13<sup>th</sup> in terms out of its totals for imports in Britain at 3.4%, it finds itself as the third highest destination of British exported seafood accounting for 10.5% (MMO 2014, 88). These trade relations have helped sustain the 160 processing companies located around Ireland, however, just two companies generate sales over €40m annually, with approximately 100 of these smaller artisan companies generating sales below €1m. Many of these small firms could be negatively impacted in the case of a Brexit, as the ESRI has identified that exports and imports to Britain are “*likely to*

*have a bigger negative impact on smaller indigenous companies” (Barrett, et. al. 2015, p. 60)*

Table 2 *Exports Irish Seafood Industry Value and Percentage 2014*

	Value €in million	%
France	113	22
Britain	77	15
Spain	56	11
Other EU	112	22
Africa	108	21
Asia	25	5
Other non-EU	20	4

These negative impacts would stem from market instability, with forecasters predicting Sterling could weaken by between 10 – 15%. A stronger Euro would see Irish exports to Britain becoming more expensive, damaging competitiveness (McQuinn, 2016). This market instability would bring uncertainty, stopping individuals from making decisions around investment, which could hit growth and long-term economic prospects (Taylor, 2016) within the fishy processing sector. Compounding this is the possible reintroduction of the border between Ireland and Northern Ireland, as it would be an external frontier of the EU post-Brexit. This could lead to the return of non-tariff barriers such as relating to food safety, import licence requirements and others if the regulatory regimes between Britain and the EU were to diverge.

According to official sources on both sides of the Irish Sea, such border controls are inevitable, with a strict new travel regime already under consideration involving



customs and border controls at air and ferry points (Collins, 2016). Such measures could impact on the trade of fish products to one of Ireland's largest markets. One also has to highlight the North and North-West regions, as identified by BIM (Hasse, Engling 2013, p. 31), which holds the largest amount of fishing related firms in Ireland. These 115 firms, who are a source of employment in these remote areas, could suffer negatively due to their proximity to the border, where a Brexit could severely impact Northern Ireland's economy (McDonald, 2016), by on-going market instability and other factors that could emerge post-Brexit. What many fear here is that "*we simply won't know what this will mean – and may not do so for a period of years*" (Taylor, 2016).

## **Conclusion**

To conclude, Ireland, in the event of a Brexit would witness negative impacts on its domestic fishing industry, from losing up to 2.1% of its value of catches, possible loss of access to British waters and ports, in addition to uncertainties over long-term trade relations. A Brexit would remove the current stable situation, on all these issues, which both Member States enjoy as part of the EU.

It is likely that Britain post-Brexit would have to compromise and would lose out, just as Norway and Greenland have. To get access to the single market's regulations and food-standards, Norway has adopted 75% of EU laws and all without shaping or amending them to its own views (Hibernia Forum 2016, p. 7). When Greenland exited in 1982, it was given tariff-free access to the single market for fishery products, but allowed continued EU access to its waters (BBC, 2016). If Britain wishes to retain access to the Single Market to trade, it would have to continue to allow free movement of fishers and their vessels into its waters; follow its obligations of NEAFC and ICES; cooperate with the EU on stock management within the North-East Atlantic; and conform to laws of the single market, without having a say in how they're made. It can therefore be argued, that Britain may lose sovereignty regarding fisheries post-Brexit, as it would be removed from EU's significant influence in this policy area.

With opinion polls tight between Leave and Remain, many in Ireland, Europe, and beyond, will be paying close attention to the dynamics of the referendum debate as Thursday June 23<sup>rd</sup> draws closer, and of the historic result that will follow.

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