

# Northern Ireland Affairs Committee

## Oral evidence: [Brexit and Northern Ireland: Fisheries](#), HC 878

Wednesday 18 April 2018

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Members present: Dr Andrew Murrison (Chair); Mr Gregory Campbell; Mr Robert Goodwill; John Grogan; Lady Hermon; Kate Hoey; Jack Lopresti; Ian Paisley; Jim Shannon.

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### Witnesses

I: Professor Richard Barnes, Associate Dean for Research, University of Hull; Dr Lynn Gilmore, Manager, Seafish Northern Ireland; Pieter-Jan Schön, Head of Fisheries and Aquatic Ecosystems, Agri-Food and Biosciences Institute.

## Examination of Witnesses

Witnesses: Professor Richard Barnes, Dr Lynn Gilmore and Pieter-Jan Schön.

**Q1 Chair:** Good morning, everyone. Thank you very much indeed, Mr Schön, Professor Barnes and Dr Gilmore, for coming today. We very much appreciate your attendance on this beautiful spring morning. Spring has finally arrived. We are very much exercised by fish at the moment, as part of our series of investigations on the future for Northern Ireland in a Brexit context. Obviously, fish is an important part of that piece. We are very grateful to you for taking part in the first session that we will be conducting on this particular issue. From your expert perspectives, you will hopefully be able to better inform our thinking in these important matters. I would be very grateful if perhaps you could, very quickly, say where you think we are in relation to fisheries in a Brexit context, from your perspective—in other words, where Brexit really leads us in terms of fish. In so doing, perhaps you could very quickly describe where you are coming from in this matter, Dr Gilmore.

**Dr Gilmore:** Thank you for the opportunity to be here. My name is Lynn Gilmore; I work for Seafish in Northern Ireland and I work right through the supply chain, from catch to plate. I work with fishermen, processors, fish farmers, and fish and chip shops. I really work with everyone.

In terms of Brexit and fisheries, there are great opportunities and challenges ahead. The opportunities are seen by the catching sector, in terms of taking back some quota and gaining access to fishing. In processing, there is a range of challenges around imports from the south of Ireland into Northern Ireland, and migrant workers from the EU and how we make sure that those people still have a warm house in our fishing ports. The concerns of the restaurants are the cost of the raw product, so getting raw product into Northern Ireland at the same competitive price. These are really interesting times, with a range of issues across the supply chain.

**Professor Barnes:** My name is Richard Barnes. I am a professor of international law at the University of Hull. My background is mainly specialising in international law and the law of the sea, although I have particular interests in fisheries regulation. In terms of what I am bringing to the table here, my perspective is mostly about the interstate implications of Brexit, what the United Kingdom's continuing international obligations are going to be and how they feed down into domestic law.

In terms of where we are at, clearly there has been a commitment to exit the European Union and that has opened up a number of potential opportunities and challenges. I would echo what Lynn has already said here, but it is probably worth stressing that the key issue going forward is one of ensuring that, whatever we have in terms of regulation, it ensures a sustainable use of fisheries going forward. Without sustainable



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fisheries, anything to do with markets and allocation of quotas would be a redundant question, or certainly less important.

With that said, it is also important to be aware of the market implications. While the catch sector has dominated the headlines, in terms of the economic activities for the UK as a whole, ensuring that we have smooth, easy access to European and international markets is going to be a critical feature of whatever regulatory system we have going forward. The other critical element here is the question of allocation of resources. There are opportunities for differential shares of fish post Brexit, but we need a system that ensures a fair and equitable allocation of those. Addressing what the principles are going to be for the allocation is vital.

**Q2 Kate Hoey:** Sorry, can I just interrupt? You say fair and equitable, but to whom?

**Professor Barnes:** This is a challenging question. The fisheries sector is quite a diverse one. It is broadly divided into inshore smaller-scale fishermen and the larger commercial fleets. Currently, allocations within the UK tend to favour the larger commercial offshore sectors.

**Kate Hoey:** Sorry, I am with you now. Obviously, as the British, we are concerned about what is fair and equitable for British fishermen.

**Professor Barnes:** Yes, although it has an international dimension with shared stocks. There have to be agreements about the share of those, and similar principles may apply to that.

**Pieter-Jan Schön:** My name is Pieter Schön. I am head of fisheries and aquatic sciences within the Agri-Food and Biosciences Institute in Belfast. My role there is really as a fisheries scientist to make sure we have science support going forward in support of sustainable fisheries management and, for that matter, the marine ecosystem as a whole.

In terms of fisheries science and Brexit, the need for it will continue, most likely in its current format, since we are co-ordinating our scientific effort through ICES, the International Council for the Exploration of the Sea, a global organisation with headquarters in Denmark, which looks at developing science and advice for the sustainable use of the oceans. Fish do not know political boundaries, so there has always been a co-ordinated approach within the EU and coastal states within this organisation. When it comes to local fisheries—inshore fisheries within the 12-mile limit—those fisheries are already managed within local jurisdictions. Because of our geography, we already have close links with our scientific partners in the Republic of Ireland in terms of cross-border water bodies and fish stocks that expand across the boundaries, in terms of the Irish Sea.

**Q3 Chair:** Thank you very much indeed. Can I start with a question about how effective the common fisheries policy has been? ICES, which produces regular reports on the health of fishing grounds, appears to be



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pretty damning in its most recently available assessment of area VIIa, which is the area that we are primarily concerned about. If you look at this traffic-light report, alarm bells start to ring for a layman like me. My question to you is how effective you think the common fisheries policy has been in safeguarding our fishing grounds and ensuring that they are sustainable. On the face of it, it looks like it has been pretty disastrous. The corollary to that is, post Brexit, when we are released of this responsibility, we can do a great deal better. Mr Schön, would you like to have a stab at that?

**Pieter-Jan Schön:** The advice that the Commission has followed over the last few years has changed from a precautionary principle to a maximum sustainable yield principle. It is not only looking at sustainability, but also at maximising yield. There has been significant effort going into reducing exploitation rates, so we are currently in a fairly good state for most stocks. In fact, when we look at the stocks that are most important to the Northern Ireland industry, which are nephrops, haddock and herring, in terms of the population size and exploitable size, those spawning stock biomasses are the highest they have been since the late 1980s, in most cases, and they are being fished sustainably. There are only a small number of stocks, in particular sole and whiting, which have a very low commercial importance to the Northern Ireland fleet, that still need some conservation measures to try to recover them.

In general, the Irish Sea is not in as bad a state as it used to be. A lot of good work has gone into it in the last few years, and it is a partnership approach between managers, ourselves and the industry. A lot of hard work has gone into recovering those stocks and, on face value, there are a lot of green ticks. You talked about the traffic lights within ICES. We have turned a corner and a lot of these stocks are in a very good state.

Q4 **Chair:** What do you think might happen post Brexit? The UK is going to be legally responsible for managing its own fish stocks. You have painted a picture of gradual improvement to a reasonable position at the moment. I have to say that the ICES thing does not suggest that to me but, nevertheless, I take what you say as accurate. We can do better, but how do you think the UK Government might do that?

**Pieter-Jan Schön:** As I said, we will most likely continue to develop our science and provide advice within the ICES framework. Being in the position of an independent coastal state, we are in a different realm. We will become one of the coastal states, of the likes of Norway and Iceland, go to the negotiation table with the EU and set our own management principles in terms of negotiating fishing opportunities. Those principles, even within current coastal states, are within the maximum sustainable yield framework. I see that continuing as such. That does not mean we do not have opportunities to improve things, but the principles thereof will remain, because they have already been set, both in the CFP, which we will presumably now be out of, and in international conventions like the United Nations Convention on the Law of the Sea.



**Q5 Chair:** Professor Barnes, the UNCLOS thing binds us somewhat. There is a general sense in the UK that after Brexit, we can simply do what we like within our exclusive economic zone. It is not quite as straightforward as that, is it? We are bound by UNCLOS and, therefore, our neighbours will expect us, as Mr Schön has said, to negotiate in relation to fishing within UK waters. Would that be accurate?

**Professor Barnes:** Yes. The phrase that is used is “independent coastal state”, but it means that we will be directly responsible, under international law, for the conservation and management of all our marine resources. Under the CFP, the European Community has exclusive competence for fisheries, so acts on our behalf internationally, although we participate in that process. Under the Convention on the Law of the Sea, yes, there are explicit obligations to conserve and manage. The management of resources that are exclusively within our waters will be up to us. For shared, straddling and highly migratory stocks, we will have to co-operate with our neighbouring states, either directly or potentially through the auspices of the North East Atlantic Fisheries Commission. Yes, we will have obligations to co-operate going forward. I can go through some of those in more detail if you would like.

**Q6 Chair:** They presumably bear chiefly upon our relationship with the Republic of Ireland, as our closest European neighbour.

**Professor Barnes:** It is important to bear in mind that when we come out of the common fisheries policy, the EU will still be responsible for managing European fisheries issues. Although Ireland is our closest neighbour in this particular context, we will not deal with Ireland directly in fisheries matters. It will be the European Commission, because it acts externally on that on behalf of its member states. It would be very much the same position as Norway and Iceland, for example, where those non-EU states negotiate with the EU for access.

**Chair:** That is notwithstanding the Irish fisheries Bill, which has currently stalled. Ireland has a certain degree of competence and flex within the EU framework.

**Professor Barnes:** There may be exceptions to that. There are things like the loughs arrangement. There are particular arrangements in place that are covered and governed there directly. As a broad principle, the broader issues would be governed by the UK and the EU.

**Q7 Jim Shannon:** It is nice to have you all here. In particular, if you do not mind me saying, it is nice to have you here, Lynn, since you are almost my neighbour. It is nice to have you here and the knowledge you bring with you. I am glad the Northern Ireland Affairs Committee is doing an inquiry into the fishing sector, because I believe there is a confidence within the fishing sector at this moment in time to do with Brexit. This time next year we will be out, and hallelujah for that. Then we will be in a position when we can at least start to control our own fishing sector again. It is a time of opportunity.



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I do not know who wants to answer the question, Lynn or whoever it may be, in relation to the confidence that there is. I see that. I hold an advice centre in Portavogie once a month. I did it this Saturday past. The majority of those who came in were fishermen with fishing issues. I get them every month. They are certainly concerned about Filipino fishermen, for instance. You brought that up as one of the issues. Maybe give your thoughts upon that and how you see that going. I know we have been in discussion with the Home Office, to see how we can secure positions for Filipino fishermen and give them the tier 1 immigration status that they need to enable them and their skills to stay here. Can I have your thoughts on that first of all, please? Thank you.

**Dr Gilmore:** Thank you, Jim. There certainly is a confidence among the industry and a willingness to engage. They want to be involved in the process of deciding how this is going to look post-Brexit and how fisheries are going to be managed. I am hearing that they look forward to greater opportunities to catch fish, but crew is one big issue, as you said. Over 50% of crew on Northern Irish fishing vessels are from the EU or from outside the EU, so there has to be some work done around that, and recruitment within the industry from local people to try to encourage more young people back into the industry. If you go to Portavogie, you will see very few young local people working on boats. There is really a view that there are opportunities ahead and that the industry is proactive.

On the environmental side, we have done quite a lot on marine conservation zones. Fishing has inputted to that process and said, "Look, this might not be the right way for us and this might not be the right place for a marine conservation zone. Here is a place where we can see this working that is a win-win for fishing and the environment." The two go completely hand in hand, and the industry that I hear wants to be involved in the process going forward.

Q8 **Jim Shannon:** Pieter, you mentioned the fish we have in the seas. One that has suffered over the last time has been cod. You sent us evidence, and there is evidence from the fishermen themselves, that indicates a large number of resurgent cod in the Irish Sea again. All of this has to be from a sustainable point of view. That is how you get fish out of the sea and how they are there to fish again in the next season. That is what we are about. The fishing sector has indicated to me that cod is one of the fish that they would like to take advantage of again. You have mentioned all the fish that are there. If the numbers and quantity are in the Irish Sea, as the evidence indicates that they are, is cod one of those fish that we could take advantage of?

**Pieter-Jan Schön:** Cod is one of the stocks for which last year was the first year since 2000 that the scientific advice changed to non-zero advice. We are on the track of getting the stock back up. It was already indicated to be at sustainable biomass levels last year, and we are currently working with the industry in developing collaborative projects to



improve the science further, because it is one of the few stocks, although I cannot say the only stock, in the Irish Sea where there is still a bit of disagreement and a different view between science and industry. We have come a long way and it is a partnership approach, trying to capitalise on the good work there has been and all the hardship in terms of reducing exploitation over the last few years. This stock is on an upward trend.

- Q9 **Jim Shannon:** Are you impressed by the fishing sector's commitment to sustainable fisheries for the future? I know I am, but it is not about me. We are here to ask you these questions and I want to get your thoughts. Do you feel that the fishing sector has a very sensible and intentioned strategy for the future, which would deliver a sustainable and viable fishing sector with the quotas? I do not know who wants to answer that question in relation to the quotas. Obviously the fishermen in Portavogie, Ardglass and Kilkeel—indeed, in the whole of the United Kingdom—would look to have more control of quotas. In other words, the fishing would belong to us rather than to our neighbours, and that is something we want to take advantage of as well. What are your thoughts on that?

**Pieter-Jan Schön:** I can only comment on the experience we have had working with industry and in particular through the producer organisations in Northern Ireland. From that perspective, they are most certainly trying to manage and exploit fisheries, first of all on sustainability principles, but also for the long-term future and good of the local fishing communities. They definitely come from that principle, yes.

- Q10 **Jim Shannon:** When we look at the opportunities for Portavogie, Ardglass and Kilkeel particularly, because we are looking at fisheries in Northern Ireland, do you see opportunities there for the fishing sector to increase? Maybe this is one for Lynn or perhaps Richard. We go back to the Filipino fishermen as a critical factor. We need that workforce to sustain growth in the sector. What are your thoughts on that?

**Pieter-Jan Schön:** From the science perspective, sustainability in terms of catching opportunities will be set on the same principles. The increased fishing opportunity is a quota-share issue, which is outside my remit.

**Dr Gilmore:** There certainly are opportunities. The increase in cod has been welcomed by the industry. There are opportunities, but it is very difficult to say because, in a sense, it depends on what happens through Brexit. The industry is there. It wants to see investment in harbours, vessels and training, and it is ready to go, but I cannot say. I do not know what is going to happen.

- Q11 **Jim Shannon:** This is my last point, Mr Chairman. In Portavogie in particular, indeed in Ardglass and Kilkeel as well, there has been a fairly significant investment for the future in improvements in the harbour, the auction house where the fish are sold and the harbour facilities. We will have a chance to ask witnesses from the Anglo-North Irish Fish Producers Organisation this when they come. They have a massive project for





Kilkeel. We can wait until that time, but it is a multi-million-pound project looking to the future. With that investment going into the harbours—through the Northern Ireland Assembly when it had the power, but the money is still going through the department as it is—do you see that as the confidence from all sectors towards fishing at this moment in time? In other words, do you see the opportunities with what is happening?

**Dr Gilmore:** A lot of the investment that has gone into the harbours has been absolutely crucial, when you consider that 39% of people in Portavogie are employed in the fishing industry. The EU considers a fisheries-dependent village as somewhere where 5% of the population are dependent on fishing. In Portavogie, you are talking about 39%. The considerable investment through EFF and now EMFF has been absolutely crucial. Another thing that needs to be at the forefront is how we replace those funding streams once we come out of Europe, because EMFF and its predecessor EFF have been so important for those infrastructure developments in the harbour, which have allowed industry to keep going and flourishing. It is essential.

Q12 **Jim Shannon:** Sorry, Chairman, I have just one last question to Richard. Richard, the last point you made there in response to the Chairman was a very important one, where you referred to future discussions. We have had a very good working relationship with the Republic of Ireland and we have done a lot of swaps with quotas. There has been a good relationship there, which we would hope to maintain for the future, because it is important to have that relationship with your next-door neighbour. You are right that any negotiations will go through the EU, because that is where it starts. Do you think, Richard, that the relationship we have with the Republic of Ireland, which is important to have, is one that we can sustain in future, given the influence of Europe, which may be pulling the strings? What are your thoughts, please?

**Professor Barnes:** It is important, particularly because some of the arrangements for fisheries management are tied up with the Good Friday agreement of 1998. That is part of the settlement. It would be very worrying if we started to unpick that. There is certainly good will on both sides to try to maintain that approach going forward, so I would be surprised if we moved back from that co-operative position there.

You made some interesting points in your questions about industry involvement. One of the challenges going forward is overcoming a sense of disenfranchisement within certain sectors of the fishing industry about the way in which decisions have been made. In particular, that has been targeted at the common fisheries policy, so you have local fishermen who, in a sense, are being governed by rules that are perceived to be made by bureaucrats and politicians in Europe. Whether those decisions are right or wrong, and the degree of influence, is perhaps another question, but making sure that, going forward, there is a lot more local engagement and processes in place for a broader range of fishermen to be involved in decision-making is going to be critical.





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As second challenge with this is the question about who can make decisions. Ultimately, everybody is committed to sustainable fisheries but, at some point, that may require rules that limit or restrict fishing effort. If they are seen to be made from a scientific or political perspective, for example, which may run counter to the economics or the livelihoods of those being affected by this, it generates friction. Whatever we do, we need buy-in to that decision-making process going forward.

- Q13 Chair:** Just to follow up on that, Dr Gilmore, you mentioned the EMFF. The Government have made a commitment to the continuing funding of farmers after Brexit. In a similar vein, the EMFF is threatened as a vehicle for sustaining an industry after Brexit, in the same way that the demise of CAP payments will potentially threaten agriculture. Do you think there is a case for the Government to make a commitment to continuing that particular funding strand? If they did not, what do you feel the impact might be on the communities you have described?

**Dr Gilmore:** That money is really important going forward, so that there continues to be a method of supporting fishermen, fishing communities, processors and the whole supply chain. I worked quite a lot on EFF. We had a safety project, which supplied through EFF funding a lifejacket to every fisherman in Northern Ireland, working with the fishermen and the RNLi. We brought together everyone. That project very quickly saved one guy's life in Portavogie when his boat sank. This is the sort of thing that we need to have money to be able to do, as is developing harbours and our harbour facilities. Some sort of funding is needed develop both the communities and the industry, in terms of safety, training and getting young people back into the industry. It is so important that there is funding going forward to support all these different initiatives.

- Q14 Chair:** Are lifejackets not the responsibility of the owner of the boat and the operator of the business?

**Dr Gilmore:** No; the rules at the moment are that each boat has to carry an abandon-ship lifejacket, but we provided personal floatation devices, which could be used all the time when fishing. We have seen fantastic behavioural change in Northern Ireland from that project. Recently in a survey we were looking at 83% of inshore fishermen wearing these pieces of equipment now, when they were not before.

**Chair:** I have ever so slightly digressed.

**Dr Gilmore:** It is so important, and that is the sort of thing you can do with funding.

- Q15 Lady Hermon:** Thank you so much for coming to give us evidence here this morning, as our first session in what is a very important inquiry. To establish some of the facts to begin with, at the present time, how important is the fisheries industry to the Northern Ireland economy? Lynn, I am looking at you.



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**Dr Gilmore:** The approximate figures are that Northern Ireland vessels land into Northern Ireland about £25 million-worth of landings a year. Northern Ireland vessels land about £25 million-worth of product elsewhere, and then processing adds around £77 million of value to that, so it is a significant sector. It is not only the money; it is culturally important, as you know of course. It is financially important and important to the fabric of our fishing communities.

Q16 **Lady Hermon:** While we have talked about some of the crew, could you give us an estimate of the number of people who are involved in the fishing industry? I know it has gone down over the years. I appreciate that, so could you give us a comparison of the numbers in the last 10 years?

**Dr Gilmore:** In terms of the number of vessels, there are about 375 now. There are over 700 full-time fishermen and about 175 part-time, but it is variable. There are some people who just fish for a couple of months of the year. It is very variable. In terms of the numbers from 10 years ago, I do not have those. I am sorry, but I can get you them. What I can say is that, when I go to Kilkeel, people say, "You used to be able to walk across the harbour on boats". The fleet has rationalised. There are fewer fishermen and fewer factories, but that does not necessarily indicate a decline. People and boats are getting more efficient. Fewer boats are needed within the fleet.

Q17 **Lady Hermon:** There seems to be a perception at home in Northern Ireland that, when we leave the EU, the big fishing vessels are going to come back again and there is going to be a resurgence in the fishing industry. Is that a confidence that you share?

**Dr Gilmore:** I would not really have an opinion on that. I am sorry. I work with the industry right across the supply chain. I work on projects to support the industry, so it is difficult for me to answer that. What I would say is that we have a flourishing small-boat sector. We have new boats coming online all the time. In Kilkeel, you can really see that the place is starting to thrive again. There is confidence about, and a willingness to engage and work together to get the right solutions for fisheries in Northern Ireland.

Q18 **Lady Hermon:** Do you think that renewed confidence has come since the Brexit vote? Is it as noticeable and recent as that?

**Dr Gilmore:** There has probably been a confidence around for quite a while. People tend to talk about the decline in fishing. There have always been challenges, but there is a confidence. Everyone is always going to want fish. We have an absolutely fantastic product. Fish from the Irish Sea is just amazing; we could sell it anywhere. It is fantastic quality. Our langoustines are the best prawns in the world, but I suppose we are biased. There is a confidence and a hope that Brexit delivers. The feeling on the ground is the real hope that Brexit delivers what they hope it can.

Q19 **Lady Hermon:** May I ask Professor Barnes to come to some



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jurisdictional issues? We hear that there will have to be common frameworks throughout the UK. Is it your expectation that the responsibility for fishing will be devolved to Scotland, Wales and Northern Ireland, or will it be the intention of the then Secretary of State—perhaps Michael Gove will continue to be the Secretary of State—that the power to manage will come back to them? We have heard that fish recognise no political boundaries, if I may take your phrase. They recognise no political boundaries, so how is this actually going to work?

**Professor Barnes:** That strikes me as being quite a politically loaded question.

**Lady Hermon:** Of course it is.

**Professor Barnes:** It is one that has a political answer. At the moment within the United Kingdom, fisheries, among other matters, is a devolved power, so decisions on particular issues to do with the day-to-day operation of fisheries will be the responsibility of the devolved Assemblies. At the moment, there is a lot of discussion about where those powers reside if and once we come out of the European Union.

There is no clear-cut legal answer to this. For example, under international law the state is responsible for managing its fisheries. As a matter of international law, it would be the United Kingdom and we would certainly have to engage internationally and take responsibility for that. Then within the United Kingdom it is a question of what powers are devolved constitutionally and where. A first step is to decide whether these are actually devolved and can be recovered by Westminster, or whether they inherently reside with Westminster and have to be devolved once we come out of Europe. Politically, it would be undesirable to take away a number of powers.

Q20 **Lady Hermon:** From the devolved institutions?

**Professor Barnes:** Yes, from the devolved institutions. The real issue going forward is what mechanism we use to manage them appropriately. Stepping back from that, I would probably take the view that, whatever decision-making framework you have, it should be suitable to the resource that is being managed. It may be that particular small-scale local fisheries are best managed at a local level. I think, for example, of common shared stocks. There may be a pelagic species that is best managed at an interstate level. Within that, you have to have representation from the devolved Assemblies. Such a mechanism exists informally at the moment, but that would probably have to be formalised within legislation going forward.

Q21 **Lady Hermon:** Picking up on that point—the engagement with devolved institutions, which you say is critical going forward—at the present time, when we have not had a functioning Northern Ireland Assembly since January of 2017, who exactly has been representing the best interests of Northern Ireland in the Brexit negotiations, in terms of fishing? This is a



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key issue. This is a really important industry for the Northern Ireland economy. We have established that.

**Dr Gilmore:** There is a Brexit marine and fisheries stakeholder group, which recently wrote to Michael Gove. The civil servants have been engaging too. DAERA has a Brexit group and a paper was presented to Michael Gove recently, which outlined the industry's strategic priorities going forward.

Q22 **Lady Hermon:** Do you mind if I ask whether you are on the stakeholder group?

**Dr Gilmore:** I am a stakeholder.

Q23 **Lady Hermon:** Tell us more about the stakeholder group. The point is that we do not have a Minister in Northern Ireland who is responsible for agriculture, fisheries or any of the other matters that they should be sitting there having responsibility for, so let us hear about the stakeholder group. It is important.

**Dr Gilmore:** The stakeholder group was set up about a year ago and has just produced this report recently. On that group are represented all the fishermen's organisations, the POs in Northern Ireland. Also represented there are inshore fisheries, Lough Neagh eels and the aquaculture sector. The whole sector is represented on there and has put forward its priorities.

Q24 **Lady Hermon:** When does the stakeholder group meet?

**Dr Gilmore:** It meets regularly.

Q25 **Lady Hermon:** Is there a chair of the stakeholder group whom we could refer to?

**Dr Gilmore:** The chair until recently was Noel Lavery and the most recent meeting was chaired by John Speers. I should say—sorry—that fisheries scientists are also on the group and the environmental sector is represented there too.

Q26 **Lady Hermon:** Do they meet regularly with officials?

**Dr Gilmore:** The group meets every few months.

Q27 **Lady Hermon:** Is the paper that was produced in the public domain?

**Dr Gilmore:** It is not, as far as I know. It was presented to Michael Gove a couple of weeks ago and then probably to other devolved Ministers. I am not sure.

Q28 **Lady Hermon:** It is confidential at this stage.

**Dr Gilmore:** Yes.

Q29 **Lady Hermon:** If we have a short inquiry, we will not see it. If we have a longer inquiry, we might just be able to see this confidential paper.



**Dr Gilmore:** It is something you could request, I am sure

- Q30 **Lady Hermon:** Fantastic; I think we should request it. Could I come back to you, Professor Barnes? You said in your evidence at the very beginning that there are jurisdictional issues. Yes, there certainly are jurisdictional issues. One of them is called Carlingford Lough and the other is called Lough Foyle. I wonder if you could just shed some light on the really serious issue of territorial jurisdiction when the Republic of Ireland remains in the EU and, as I understand it, claims to have some jurisdictional responsibility, which is of course disputed, in both Carlingford Lough and Lough Foyle. This is not to put you on the spot, but I will, so how are we going to resolve what are really significant jurisdictional issues?

**Professor Barnes:** The principal one is a question of where the maritime boundaries lie within the loughs. Clearly, within most legal systems, having precisely defined legal and jurisdictional limits will help to determine who has authority to manage activities within those. Under international law, the principal questions are all about having maritime zones within which states enjoy particular rights. Fundamentally resolving those is a critical issue, and I understand that there are discussions and have been negotiations about how to settle these. There are also transitional arrangements in place that effectively allow a degree of co-management of resources within those waters through the Loughs Agency. These adopt, within both the Republic of Ireland and Northern Ireland/United Kingdom, fisheries management measures, which I would say are reasonably effective. Lynn might be able to comment on that.

- Q31 **Lady Hermon:** Would you expect those to continue?

**Professor Barnes:** I would certainly expect those to continue. As I said, they are tied up with the 1998 agreement and tied into the broader peace process within the region. I would not expect them to change. I personally would like to see them continue.

- Q32 **Lady Hermon:** Who will have control? I have visions of boats going up one side of Lough Foyle or Carlingford Lough and coming down the other. How is this going to be managed?

**Professor Barnes:** In the interim, there are a number of disputed sea areas around the world in respect of which states are required to co-operate. There are celebrated ones like the South China Sea.

**Lady Hermon:** We are talking about Europe and the tricky situation of the Republic of Ireland remaining within the EU.

**Professor Barnes:** The same general obligations apply. Pending any final settlement of the maritime boundary, which is potentially disputed, states have to co-operate and take steps to facilitate mundane activities. It is not uncommon for a state to suspend or hold in abeyance the settlement of final maritime boundaries and to put into place mechanisms



that allow them to co-operate. As long as those are effective and working in practice, they could continue.

- Q33 **Kate Hoey:** This is a very simple question. Why, when we finally leave the EU, can we not be like Iceland as far as fishing is concerned? Is it a political answer? Iceland seems not to have a problem with fish not understanding which country they belong to or do not belong to.

**Professor Barnes:** As general context, the fisheries position of the UK and Iceland are different, in terms of the species, their distribution and historical access to waters.

- Q34 **Kate Hoey:** The principle is of United Kingdom fishing areas first and foremost belonging to British fishermen and women. Then we negotiate with whomever we want to allow into our waters. That goes along with being able to sell our fish to other countries.

**Professor Barnes:** As a matter of principle, I do not think the UK would be in a different legal position from Iceland, so it is entitled to claim. It enjoys certain maritime zones and has certain rights and responsibilities. As for any state outside the EU, it will make decisions it sees as appropriate about how to manage those resources. Within that, there are obligations and commitments to co-operate and to allow access to resources of surplus stocks. There are particular frameworks that decide how that co-operation ought to take place. There are considerations to take into account, for example to recognise the needs of developing states or states that have fished in particular waters historically. Once you get beyond that, it is then a question of how we negotiate and reach agreement with our neighbouring states to allow access or to agree management mechanisms.

- Q35 **Kate Hoey:** I understand that. Really what you are saying is, legally and technically, there is nothing to stop the United Kingdom Government deciding that they want to have a fishing regime similar to Iceland, but obviously with co-operation and all those other things that you have mentioned.

**Professor Barnes:** Yes, the United Kingdom could decide how it wants to do it.

- Q36 **Kate Hoey:** We sometimes think of just the fish being the economic driving part of the fishing industry. Obviously, there is the infrastructure of where ports are, the work there and all the factory aspects of it. There is a concern that, if we negotiate for other countries being able to fish in some way after we leave, they will simply fish in our waters and take their fish elsewhere to be marketed and landed. That is a really important issue for many fishing communities, is it not? If fish are being fished in UK waters, should they not be landed in UK waters, as other countries do?

**Professor Barnes:** Even within the common fisheries policy, it has always been possible to introduce a degree of control over where fish are





landed, but that is a decision that rests with Westminster. In the past, it has not imposed potential constraints on that, in terms of how much fish ought to or could be landed. As long as you do not breach the requirements of free trade—the movement of people, goods and services—you can still impose certain restrictions on landing. There was research done by RAND for Defra a number of years ago, which indicated ways of strengthening the economic link and strengthening landing requirements. That has always been possible, but the scope for that would potentially increase outside of the common fisheries policy.

In terms of the practicalities of this, though, we have to be careful because the vessels that are catching and landing fish will potentially make decisions on a wider range of economic considerations. For example, ports that are receiving fish ought to be well equipped, suitable to land, less expensive and convenient for access to markets. Those practical considerations influence where fish are going to be landed. There was a report today on the Radio 4 “Today” programme, and this position was maintained by the owner of the vessel Cornelis Vrolijk: “Actually, the reason why we land our fish in the Netherlands is not because of legal restrictions, but just because it is economically more efficient for us to do so. We can get access to the markets or consumers more readily for that purpose”.

Q37 **Kate Hoey:** Could Portavogie, for example, take more landings?

**Dr Gilmore:** Portavogie would need more investment in harbour infrastructure and factories in order to be able to do that. Going back to the point of grant aid, if that was made available, Portavogie absolutely could be a centre of processing, as could Kilkeel or Ardglass. I think fishermen will always make choices in terms of where they are going to land based on where they are fishing, fuel costs and what the market is doing. They can check ahead and find what fish have been landed. They will adjust their activity according to what is going to make the most money for their boats and their business.

Q38 **Kate Hoey:** After we leave, we could change the situation where, at the moment, very large trawlers from Spain and other countries come in and take our fish, because they are allowed to, then go off back to Spain or other countries, and we buy it from them. It does not seem sensible, does it?

**Dr Gilmore:** No.

**Professor Barnes:** In principle, we could impose landing requirements for the vessels that are fishing in our waters. Under the Convention on the Law of the Sea, there are a series of conditions that states can attach to fishing opportunities. That is certainly something that could be considered. Whether it could be agreed is another matter, because it would be subject to a high degree of negotiation between us and the European Union.



**Q39 Kate Hoey:** Finally, I just wondered if any of you have read the work that has been done by some of the fishing communities and Fishing for Leave on the discards policy and how it is definitely not the best way of sustaining fish. They have come up with various options for how it could be changed. Have you looked at any of that?

**Professor Barnes:** Yes. Clearly the discards policy has been problematic. Taking a step back here, fisheries are what we call a wicked problem. We do not fully understand all the implications of any decision that we make. What we see within a lot of fisheries management regimes within Europe and around the world is an adaptive approach. We see a particular problem and adopt a response, but then that response generates other problems. With discards, choke species have been a potential consequence. Actually, the discards ban was quite important, because we needed to get data on how much fish were being caught and to ensure that we were not targeting a particular size or species. That is vital to scientific management. I guess the point is that we have to be prepared to adapt and respond to this. The common fisheries policy has done that to a degree.

In terms of Fishing for Leave's approach, it has been very strongly in favour of a days-at-sea scheme or an effort-based control system. The challenge with that system is that it is probably incompatible with most other fisheries management regimes and it has not been proven to be successful. It has been used in the Faroe Islands, and the scientific evidence is that this scheme has failed to reduce pressure on some of the core stocks there. Because there is a lack of an absolute limit on how much fish can be caught, it tends to encourage higher levels of catch than are sustainable, so there is a question about whether that particular scheme would be sustainable going forward. It may work better with particular stocks or species. It may be something that could be piloted.

The other challenge, particularly for shared stocks, is that it would be incompatible with a quota management system. This is something that Norway and the EU use, and we use currently, which places absolute limits on stocks. If you have a system based upon non-absolute catch limits, you get a potential conflict. As a negotiated settlement, we would be unlikely to reach agreement with Norway and the EU on applying that kind of system to shared stocks.

**Q40 Kate Hoey:** Does it not worry you sometimes that you are speaking from a very knowledgeable, intellectual, academic approach to all this, but sometimes we do not listen to the people who have the reality of knowing what is happening, in whose interest it is not to overfish?

**Professor Barnes:** Everybody has an interest in overfishing, but there may be drivers to fish unsustainability. We have seen that historically around the world. Fisheries are a common pooled problem and, if somebody restricts their effort, there is more available for somebody else. If somebody games the system, they can benefit at a cost to others. That model is generally accepted. In any fisheries management system,



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although we talk about fisheries management, it is managing people, not fish stocks themselves. You have to have in place the right incentives and controls to ensure that people act in accordance with the objectives of sustainable fisheries.

Coming back to the process for that, one of the challenges here is about who has the best knowledge or knows what is happening. I agree there is a high degree of tension here. Fishing communities will go out and see how much fish can be caught. They are catching it, bringing it in and landing. They can see the diversity of the species. Then you have scientifically driven evidence that is modelling stocks on a larger macro scale. They are both potentially vital components of any management system and they ought to be included, but you need a process that can reconcile and ensure that decisions based on the evidence are verified, tested and robust. That is the critical point there. People need to have a stake in that and see how decisions are being made. We do not have as much of that as we could do at the moment.

We have to be careful, because decisions can often be made on incomplete or anecdotal evidence. A good example of this is the collapse of the herring fisheries in the 1970s and 1980s. At the time, we modelled the stocks, but what was seen to happen in reality was that fishermen were still able to catch large amounts of stocks. The way in which fishing activities were conducted was effectively funnelling the stocks into particular fishing grounds, which were known, so anybody fishing for those stocks at that time was able to catch large amounts. Unfortunately, we did not realise that the stock was becoming much more concentrated, and ultimately it collapsed. There is a tension there between the macro-level information and understanding about what happens within the systems, and the local knowledge. You need to make sure that those are brought together.

**Pieter-Jan Schön:** We have come a long way since the 1970s in terms of fisheries management. Within Europe as a whole and the north Atlantic, we have a more collaborative approach with the stakeholders. It is no longer the case that a bunch of scientists goes off somewhere, produces evidence-based science and imposes this on somebody else, and then you have a political element to that, in terms of quota settings. It is involving the stakeholders, the industry and increasingly NGOs in the decision-making process, going forward.

Q41 **Chair:** I have a quick question for Dr Gilmore on the issue of tariffs, given that Northern Ireland's fisheries are very dependent on prawns, which you have described, and many of those go to Europe. Under most favoured nation status, that product could be subject to a tariff of 16%. To what extent do you think the industry fears that, and to what extent does it offset the enthusiasm that the bulk of the fishing industry in the United Kingdom has for Brexit?

**Dr Gilmore:** Tariffs, including non-financial tariffs, are a great fear of the industry, because with seafood you are dealing with a fresh product. It is



in even sharper focus when you look at the aquaculture and eels sectors, which in many cases are exporting a live product. Any friction at borders is a huge concern to the industry, both in terms of the additional cost and access to market, and in terms of the ruination of stocks through hold-ups at borders and things like that. It is a concern, absolutely.

Q42 **Ian Paisley:** What is a non-financial tariff?

**Dr Gilmore:** It is just a hold-up. Any hold-up of a fresh product at a border is a concern—if a refrigerated truck gets held up at Calais.

**Ian Paisley:** I am sorry; I was confused by the term “non-financial tariff”.

**Dr Gilmore:** I was trying to think of a term for it. It is just a hold-up.

**Ian Paisley:** You just threw me there.

**Dr Gilmore:** It is something other than a tariff that holds up or creates a problem for stock getting through.

**Chair:** I have Lyons Seafood in my constituency, although my constituency is entirely landlocked in the south-west of England. Nevertheless, I have this huge processing plant that will deal with some of the products that you have described. I can understand from my discussion with them how that chain is important to what they do.

Q43 **Mr Goodwill:** In the same vein, I should declare an interest because Whitby scampi rely to a great part on nephrops landed in Northern Ireland ports. They are then sent to Vietnam to be shelled and come back to Whitby, so they are very well travelled scampi. That is globalisation. Kate Hoey mentioned how the common fisheries policy has been discredited because of excesses of discards and things. Although we have moved on from there, the December fisheries council is always a very frustrating time for Ministers. In some cases, they come back knowing very well that the compromise they have come to is not really a solution to the problem in their particular waters. There are a lot of tools, including the Faroe islanders using long-lining, as well as mesh sizes, days at sea and landing sizes for some shellfish.

Can I ask Mr Schön, if we did not have to compromise—if we could have a deal that would just suit the United Kingdom and the waters off Northern Ireland—what we would have done differently at the last two or three councils to come forward? Do we need to be severer in terms of our restrictions, in order to build stocks, or do we need to let off the handbrake a couple of notches because there are more fish out there?

**Pieter-Jan Schön:** It is probably stock-related. The December council fisheries negotiation is about coming up with political compromise, in the end, between lots of member states. The UK has been a very big supporter of the discards policy, for example. Those things were part of the CFP and were criticised afterwards, but they were supported by the



UK Government at the time. It is about how it has been implemented and how it has been perceived, with some of the twists being put on top of it. In terms of a discards policy, for example where you discard over-quota fish and throw away perfectly marketable fish, of course nobody is going to say that is a good policy.

Q44 **Mr Goodwill:** They agreed it, though, did they not?

**Pieter-Jan Schön:** Yes. With issues like that, we have an opportunity going forward to improve our fisheries management, because we are not restricted by agreed legislation at EU level. When it comes to what would have happened differently if we were not tied up with EU negotiation at December council, it is extremely difficult to say at a summary level, because it is very stock-specific. We would probably have come out of council with a different management regime and different quota settings for different stocks, including some of the stocks being negotiated above the sustainable level that the scientists advised. That has happened because of political negotiations and socioeconomic factors that get considered. That is always going to be a challenge for fisheries management, going forward.

Q45 **Mr Goodwill:** Part of the way we conserve stocks is the regulation that is in place, but also it is compliance. In the past, there have been quite a lot of problems with fishermen not complying with the rules and black fish being landed. I am told it is a lot better. Do we still need to do more or is the industry pretty much compliant, in your view? It is a very charged question, I know.

**Pieter-Jan Schön:** I am not on the enforcement side, but in Northern Ireland we have had scientific methods in the past for estimating over-reporting or under-reporting. From the mid-2000s onwards, there has been a marked decline. Since the introduction of the buyers and sellers regulation in 2006, the problem in Northern Ireland has almost disappeared to the extent that you do not need to consider it as part of overestimation.

Q46 **Chair:** Can I press you a bit further on some of the legal stuff around this? I am not a lawyer, so I am way outside my comfort zone really.

**Professor Barnes:** I am an academic as well.

Q47 **Chair:** In particular, the Hague preference has, it seems, done significant damage to the ability of fishermen in Northern Ireland to fish for whitefish. The voisinage agreement was proceeding perfectly satisfactorily until the Supreme Court action in Dublin. Unfortunately, the progress that we thought was being made in relation to the Sea-Fisheries (Amendment) Bill in Dublin appears to have stalled, to the disadvantage of fishermen in Northern Ireland. Both of those two things—the voisinage agreement issue and the Hague preference thing—have acted against the interests of fishermen in Northern Ireland, it seems. I am wondering how you see that perhaps being resolved and, in particular, what the position will be after the UK leaves the European Union.



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**Professor Barnes:** I cannot speak to the particular impacts of the Hague preference on the fishing communities within Northern Ireland, although it perhaps surprises me that it has adversely affected them. The whole purpose of the Hague preference is to provide an opt-out or a way of modifying the impacts of decisions on the allocation of quota from the common fisheries policy.

Q48 **Chair:** The issue is that the Republic of Ireland has exercised the Hague preference in a way that would facilitate fishermen in the Republic. That has done some damage to Northern Ireland. Of course, the voisinage thing relates to mussels.

**Professor Barnes:** I am keeping the voisinage separate, though. In terms of principle, the Hague preference ought to apply equally to any community where there is a special dependency on fishery needs. The argument can be raised; the position can be advanced. It will be up to the state to present that position. It merely provides a basis for mitigating the impact of any quota decision, so it could be used by any of the states that seek to use it.

Q49 **Chair:** Why do you think the UK has not used it, then? It appears to have been used unilaterally.

**Professor Barnes:** The UK has used it in the past, but perhaps not for this particular fishery. It is open to using it. I am not sure what the reasons for that are, so I cannot comment on that.

**Pieter-Jan Schön:** This is clearly not my remit, but I have been involved in the December council negotiations for a number of years. The Hague preference can be invoked at member state level, so it is of benefit to the UK as a member state. It has specific consequences that might have a disadvantage for a particular region, but it is of benefit to the member state as a whole. Because of the shared stock with the Republic of Ireland, if there is any trading or swapping of quota going to the Republic, it affects the Northern Ireland fisheries more than Scottish fisheries fishing in the North Sea.

**Chair:** That is a very elegant explanation, thank you.

**Professor Barnes:** Thank you for that.

Q50 **Chair:** On reflection, can I just interrupt you? It reminds me, of course, that there is a deficit in Northern Ireland at the moment, which is called the Executive. One could argue that because of the lack of Ministers in Northern Ireland to argue the Northern Ireland corner against Ministers from Wales and Scotland, Northern Ireland is being disadvantaged in respect of the sort of thing you have just described. Would that be fair or not?

**Pieter-Jan Schön:** My experience is that quota trading based on the back of the Hague preference is fairly standard from one year to the next, in terms of which stocks are traded with which country. Northern Ireland,





through the years, has always lost the same amount of quota for the same stocks to the Republic. The trading of North Sea stocks has always been fairly stable, so there is not a huge amount of negotiation going on internally within the UK when those rules are applied.

**Chair:** I am just interested in your comment about this being exercised at state level, which is to say the UK, and not specifically at regional level, if I could put it in those terms. There may be an advantage to the UK overall, but it seems that Northern Ireland has been somewhat disadvantaged within that, because of its close proximity to the Republic.

**Pieter-Jan Schön:** The geographical location of the Northern Ireland communities means that they will suffer more as a result of the Hague preference.

**Professor Barnes:** The voisinage agreements are reciprocal arrangements for fishing within nought to six nautical miles. There are a couple of these around. There is one between the UK and the Republic of Ireland, but I think there are also some in respect of the Channel Islands. These are exceptions to the ordinary common fisheries policy. They are acknowledged and accommodated within the common fisheries policy, so the basic fisheries regulation recognises that these can exist. They are also recognised within the London convention as exceptions, but their actual legal basis is the agreement between the two states involved. It is possible for these kinds of arrangements to continue under the common fisheries policy, and they could continue after the United Kingdom leaves the EU.

The challenge with these agreements is that, historically, they are often very informal and loosely defined. The agreement between the United Kingdom and the Republic of Ireland was done by way of exchange of letters, which was an offer to recognise continued fishing rights and to subject it to fairly loose conditions, suggesting that it would be boats from, owned or operated in Northern Ireland, potentially under a particular size, or larger if that could be agreed.

The challenge here is that that provides quite an imprecise way of managing stocks. The decision of the Supreme Court in the recent case there was to suggest that it does not provide a precise enough basis for access to the waters and that, as a matter of domestic constitutional law, this has to be put on a statutory basis. As a matter of international law, the Republic of Ireland is still committed to that access and it would need to introduce measures within domestic law in order to facilitate that. Obviously, it is in abeyance at the moment, but for as long as this continues an argument could be made that the Republic of Ireland may be in breach of its obligations under that arrangement. It is in the interests of the Republic of Ireland to resolve this as soon as possible.

Q51 **Chair:** You mentioned the Channel Islands, and that is an interesting comparison. Do I take it from what you have said that our departure from the European Union does not necessarily affect the ability to enter into



these voisinage agreements?

**Professor Barnes:** The challenge with most of the voisinage agreements is that they are agreements that predated the common fisheries policy and the London convention, so they have continued as an exception to that.

**Chair:** I should clarify that by saying that it will not prevent the Irish Republic from entering into such an agreement with a non-EU state.

**Professor Barnes:** It is an interesting question. Coming back to the original point here, any new agreements recognising reciprocal access within coastal waters like this would have to be done by the EU going forward, because that is an exclusive competence. The whole point is that the existing voisinage agreements were exceptions that have been built into the common fisheries policy. They continue within a particular space left over to member states within that.

Q52 **Lady Hermon:** There are at least a couple of things that I want to follow up on. Lynn and Richard, you used these words. At the very beginning in your introduction, you talked about there being great opportunities but also challenges. Since this is our first evidence session on this particular topic of our inquiry, it would be very helpful if you would summarise for us and highlight the major challenges and the major opportunities for the fishing industry in Northern Ireland, as you see them, post Brexit. That would be very helpful for us.

**Dr Gilmore:** One opportunity going forward is access to more fish—that is a big one—so better fishing opportunities. I would see opportunities in new markets, so negotiating new markets. I have heard fishermen and processors say that we could sell our seafood anywhere; the quality is so good. There are challenges going forward that are not necessarily Brexit-related, one of which is crew. That is a big one for the industry: crew and labour for factories. Some of the factory owners say to me that they are already seeing eastern Europeans leaving because they are uncomfortable with their position in the UK. We need to provide some comfort to those people and ensure that they are valued. Those would be the big ones for me.

Q53 **Lady Hermon:** Losing EU migrants is a serious issue for the fisheries industry, as it is for the agri-food industry.

**Dr Gilmore:** Processors are saying that they are already seeing the impact of that. They are seeing a drain of this essential labour.

Q54 **Lady Hermon:** They are leaving already, before we have even got to 29 March 2019.

**Professor Barnes:** I would broadly agree. The biggest opportunity is to do something different. Different does not mean better or worse; it just means different. That remains to be seen and I would like to see a lot more detail about what the specific plans are for fisheries, before saying



that whether they are better or worse here. Potentially there would be scope to get greater access to fisheries, but that has potential challenges along with it. If you look at the fishing industry, it is geared and structured in a particular way. To take advantage of these opportunities may require new modified vessels, different skills and different facilities to leverage them. It would be very difficult to jump in and suddenly have these great big, brand new vessels accessing the North Sea or these waters, capturing all these resources. That is just not practical, so it has to be done on a transitional basis. I suspect the quickest gains could probably be made by the small-scale inshore sector rather than the larger fleets, in the short term.

A critical issue is dealing with market access. We need zero tariffs and zero impediments in terms of access to markets. For the UK as a whole but also for Northern Ireland, that would be critical. I am not quite sure about the respective contributions, but think there is around 50% from fish processing and fish catch to the economy or a little bit more. That is absolutely vital. This is a process conducted at the national level, looked at as part of the national picture.

Then the other challenge is developing laws and infrastructure to replace those that would be lost through the removal of the common fisheries policy. Most of the law that we have at the moment is based upon regulations, so that will have to be transitioned, or we will need some form of transitional arrangement to replace that in the short term.

**Lady Hermon:** That is all going to be brought back as our internal role.

**Professor Barnes:** That then provides a degree of certainty. I know that there is a feeling of threat within the fishing industry. In a sense, they are continuing with what is known at the moment, but with the potential for that to be gradually reformed going forward to suit particular needs. The idea of transitional change is better than wholesale shock, because it is easier to adapt to.

**Pieter-Jan Schön:** From a science perspective, there are significant opportunities. We are an independent member state. We will have a separate memorandum of understanding with ICES, which means we will have a stronger voice in terms of giving the direction of science and support for sustainable resource management and ocean management, for that matter. Our work is ingrained within the various European regulations currently, including data collection, which understandably carries a lot of bureaucracy. We will be free from some of that bureaucracy.

Q55 **Lady Hermon:** You sound excited by the prospect of getting rid of this.

**Pieter-Jan Schön:** It means we can channel our resources towards implementing some of the spirit of these regulations, rather than being tied up in the detail.



**Q56 Lady Hermon:** There was excitement in your voice. Could I ask you this, finally? We have conducted this session on the basis that we are going to get a deal and the UK is not going to fall out of the EU without a deal. The focus of the speculation if we did not have a deal has always been, quite rightly, on the border. What on earth would happen? A hard border would be totally unacceptable. If we did not have a deal, what would the consequences be for the fishing industry in Northern Ireland? I will go to the lawyer first. We shall put Professor Barnes in the hot seat and give you a minute or two to collect your thoughts.

**Professor Barnes:** In terms of a no deal, the biggest impact there would be access to markets. We are potentially looking at the imposition of customs duties, which depend on the particular species. We have mentioned prawn, at a tariff of about 16% or 18%. As a general rule of thumb, you tend to find that the tariffs are higher on processed fish products, as opposed to unprocessed products, so we have that. There is a degree to which the fishing industry could absorb the costs of that. There is a high demand for fish products, which may result in the increase in costs being defrayed across the industry as a whole. They may be able to withstand that in the larger sectors of the economy, rather than the smaller-scale processors. That is potentially a problem for Northern Ireland, where the processing is very small and most of the businesses are under 25. You have cash flow issues there. If you then start to generate increased costs without being able to adapt, you are at risk of going under. The larger operators are better able to deal with that.

You also have the non-tariff or non-financial requirements, so you would still have to agree access to ports. Within Europe, we have free access to ports at the moment, so we would have to give formal notification that we are seeking access to ports at a state level. That then has to be followed up with, for example, export notification and certification requirements, so any non-EU vessel seeking to land or export catch to the EU would have to be properly certified. That would then require it to demonstrate that it is compliant with any international rules and standards, and that it has been properly verified by the host state. Then it has to be presented. There potentially has to be a three-day notification of any intended landing going on. These are the kinds of practical impediments that can come in place.

**Lady Hermon:** So we absolutely need a deal. Sorry, I did not mean to put you off; please continue.

**Professor Barnes:** No, it is fine.

**Dr Gilmore:** To build on that, there are a lot of consequences for the processing sector in particular. If we consider that there is one factory in Kilkeel that imports seafood from the south of Ireland, processes it using European workers in Kilkeel and then exports the majority to France and Spain, should there be no deal, it will be incredibly difficult for the supply chain of that company to continue to operate. Of course, they can look to new markets but, in the short term, that all takes a while. There are a lot



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of consequences. We already see some hardship from voisinage in terms of fishermen who are operating in areas close to the border, like Kilkeel, and who do not have access to the six-mile limit south of the border.

**Lady Hermon:** They do not have access.

**Dr Gilmore:** Yes, they are not fishing within the six-mile limit. There are all sorts of implications for supply chains in Northern Ireland if there is no deal.

Q57 **Lady Hermon:** Richard just made the point that the larger operators may be able to absorb the costs, but really in Northern Ireland we are talking about the majority being smaller-scale.

**Dr Gilmore:** If you look at aquaculture, in terms of science and technology transfer, the industry in Northern Ireland has grown up within the EU. It has benefited hugely from technology transfers with labs like IFREMER in France. It is so important that that sort of collaboration and information sharing continues, even if you set aside trade. If we look at oyster farms in Strangford Lough, they are being stocked with juvenile oysters from France that are being grown in Strangford and then finished in France. That brings in all the health regulations, and we need alignment there too. Yes, there are huge consequences right across the supply chain from no deal.

**Lady Hermon:** It is essential that we get a good deal.

Q58 **Ian Paisley:** Just going on to that issue of no deal, no deal does not happen in a vacuum. No deal would have significant and probably earth-shattering consequences for the Republic of Ireland's industry, when you consider that 75% of the main stocks that the Irish Republic lands are landed from Northern Irish waters. A no deal would suggest that Northern Irish waters could be closed down to the EU. The idea of this affecting just one country in a vacuum is a nonsense; this would have consequences and ripples right across the entirety of the EU. That is why I agree with Sylvia that it is in everyone's interests to get a deal. It is in the European Union's interest to get a very good deal for Europe from the United Kingdom, given that we control these waters. That is something that may be lost on some people, who might take a very one-sided view.

Could I ask you about voisinage agreements? They were signed in 1964, predating the EEC membership by about 10 years and the EU by several decades. You have mentioned the Channel Islands voisinage agreement. It really is a good neighbours agreement. Are there any other similar good neighbourly agreements around the world that we could look at?

**Professor Barnes:** Yes. I am trying to think of some. There was one between France and Canada in respect of Saint Pierre and Miquelon. Yes, there are some examples of that. That was subject to litigation as well, in a case called the La Bretagne arbitration in 1986.



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Q59 **Ian Paisley:** Do Sweden, Denmark and Norway have one as well?

**Professor Barnes:** There is the Kattegat arrangement as well, where they are operative, but we have not been involved in those because we do not have any fishing interests in those particular waters.

**Ian Paisley:** They are a good feature of good neighbourly relationships.

**Professor Barnes:** They are. Under international law, the requirement is that, where you have them, they ought to be reciprocal for mutual recognition of each of the state parties to have access. That does not necessarily mean you get equal shares. That is why you require a degree of regulation or more detail in the agreement about precisely what they entail, because otherwise it leads to the potential issues that came up in the Irish Supreme Court case—the Barlow case. Where they exist, it is incumbent on the parties to try to give meaning and detail to them. That has happened.

Q60 **Ian Paisley:** The interesting feature is that a number of them predate EU membership and EEC membership. Some of them have been formed while we have been members of the EEC and then the EU. They are a common feature that should not be considered unusual once the United Kingdom leaves the EU. We could have other voisinage agreements with other member states.

**Professor Barnes:** The UK could enter into a number of bilateral agreements for fisheries: with France and Belgium in the channel, and with the Republic of Ireland in respect of the Irish Sea area. These are potentially useful vehicles to consider going forward. They also have to be negotiated with the EU.

Q61 **Chair:** Sorry to interrupt, but the important thing is that these are agreements between sovereign states, rather than between a sovereign state and the European Union. That is slightly different from the point that you advanced earlier. Are we obliged to use the European Union to create voisinage agreements? What you have said and the examples you have given suggest that we are not.

**Professor Barnes:** There are agreements that affect particular states, but my understanding is that any new agreement for fisheries would have to be negotiated between the EU and the other state, the UK in that example.

Q62 **Chair:** These are in fact EU-sovereign state agreements.

**Professor Barnes:** Off hand, I do not know the status or the legal basis of the Kattegat agreement. I would have to look at that.

Q63 **Chair:** You mentioned the France-Canada one.

**Professor Barnes:** This is a historic one that predates the EU. That would be my understanding. There is one in the Bay of Granville as well.

Q64 **Chair:** Who is that between?





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**Professor Barnes:** It would be France and the United Kingdom.

Q65 **Chair:** Obviously I am putting you on the spot, but would it be possible to write to us with some examples, if that would not be too much of an imposition?

**Professor Barnes:** Of course.

**Chair:** That would be helpful, because this is quite an interesting point. Sorry, Ian; I interrupted you.

Q66 **Ian Paisley:** Thank you, Mr Chairman. Between now and the end of the transition period—no matter how long the transition period might be—would it be worthwhile, thinking particularly of the needs of the industry, for Her Majesty's Government to look at industry sweeteners and infrastructure projects to prepare the industry for the things that you mentioned, Lynn: more fish and more markets? Are there infrastructure projects the Government should be doing now to prepare our fishing communities?

**Professor Barnes:** Yes, it would be good to plan ahead. There will be opportunities arising, so you have to be prepared to deal with them. At the very least, there should be dissemination of information to various stakeholders, hosting of workshops and identifying particular needs and opportunities.

Q67 **Ian Paisley:** Are there any infrastructural shovel-ready projects, where the Government should be going, "Let us get on with that". By the time we have emerged from transition, we will be a free nation and an island nation again, fishing the high seas and marketing to the world. What infrastructure should we put in place now? Are you aware of anything that is in the offing?

**Professor Barnes:** No.

**Dr Gilmore:** There are projects in the pipeline. I know that the POs have been strongly promoting a harbour extension at Kilkeel. That is something they would really like to see go ahead.

Q68 **Ian Paisley:** Tell us how significant that is. Why would that be significant?

**Dr Gilmore:** There may be a lot more fish to land. We also have this huge vessel—the new Voyager vessel. The harbour extension there would mean that that vessel could land in Kilkeel, so there is the potential to bring those fish back home.

Q69 **Ian Paisley:** If that landed at Kilkeel, what would it mean in terms of sheer numbers for the industry? Would it see an increase in employment?

**Dr Gilmore:** You would certainly expect it to see an increase in employment, because more fish being landed would mean more fish being processed.



**Q70 Ian Paisley:** Would more fish be processed in our factories? Would it mean an increase in our market share?

**Dr Gilmore:** It is speculative, because I do not know what the stage of that project is but, if there is an opportunity, the industry is ready to grasp it and has advanced plans. You are going to hear from the POs, which I am sure will tell you about it. If there is more fish, there are more jobs and an opportunity there.

**Q71 Ian Paisley:** We have an idea of what the transition period is going to be and the sort of space we have. We have 18 months to do this work, so we should be getting on with it. That would be my view. We are in a strong position to build on the things that you have said. I was really interested in the way that you categorised those as positives or negatives, because the negatives are very minor in all this. The issue to do with crewing—at least half of it, is a non-EU matter. It is to do with Filipino crewmen. That is an issue we have to grasp irrespective, but all of the other things—more fish, more markets, the island economy and getting rid of red tape—show a very positive opportunity for fishing. I hope the Government listen to recommendations that say that the industry wants to put in infrastructure works.

**Dr Gilmore:** It is not for me to recommend whether that is a good or a bad thing. I know a lot of work has gone on in terms of looking at that project, and seeing how viable and feasible it is. These are all things that need to be looked at when there are potentially opportunities ahead.

**Q72 Kate Hoey:** This is just a quick point. Professor, you have been very interesting today and it has been very useful. Can you tell us if there is any external funding to your research, other than the straightforward university funding?

**Jack Lopresti:** Is there any from the EU, for instance?

**Professor Barnes:** I have previously contributed to a couple of EU projects, but not specifically on fisheries management or quotas. They have been looking at the regulation of ecosystem goods and services. We had the H2020 VECTORS project. We participated in a project on marine biodiversity ecosystem functioning, the MarBEF initiative, a number of years ago.

**Q73 Kate Hoey:** So there is EU money going into your section.

**Professor Barnes:** Not on Brexit fisheries matters, no.

**Kate Hoey:** I was asking generally.

**Professor Barnes:** You would struggle to find any academic at a British university who was not, directly or at least indirectly, funded by some EU funding.

**Kate Hoey:** Perhaps that is why there are so many remainers in the universities.



**Q74 John Grogan:** I have found it a fascinating session, and I will have my fish and chips with additional relish later this weekend. I have just one question really, because I have listened to it all. Post Brexit, what would you envisage? If we are back to full devolution in Northern Ireland, what would you envisage a Northern Ireland Executive doing regarding fisheries? You explained that some of the legal basis would still be with the United Kingdom, but what would a Northern Ireland Executive do as regards fisheries?

**Professor Barnes:** That is a challenging question. I think with a Northern Ireland Executive there would be the potential to develop regulations and statutory instruments to deal with the day-to-day control of fishing activities, so presumably things like gear sizes, fishing opportunities, the introduction of smaller closed areas and the mechanics of that. There would be the issue of governing the allocation of fishing opportunities in Northern Ireland. Currently this is done through the POs, which largely deal with the fixed quota allocations. If, for example, the UK was to move to a position of small-scale inshore fleets and the non-quota sector receiving larger shares, the mechanisms for governing that could be dealt with by a devolved Assembly or alternative non-executive body. There are potential areas where these kinds of regulatory responsibilities could be developed.

Clearly these would then have to be co-ordinated with any neighbouring states where they, for example, involved shared stocks and travelling stocks, or where there were potential impacts from fishing activities that overlap within the same spatial area. The challenge then is whether that is done directly or whether it would have to be done through Westminster, but I do not know what the answer to that would be at the moment.

**Q75 John Grogan:** The additional thing would presumably be powerfully lobbying on the bigger issues that were decided at a UK level to make sure the Northern Ireland voice was there. Would that be fair?

**Professor Barnes:** There certainly has to be a presence there and a position. That would apply to any of the devolved Assemblies. That is absolutely critical. One thing that is sometimes not picked up on is that this would entail particular administrative costs. A lot of the work that is currently undertaken in respect of fisheries is done through European bodies, so this would all come back in house. It will require expertise and support to deliver this on the ground. Over the last decades, a number of the bodies involved in this—Cefas, Pieter's organisation and the MMO—have suffered from a loss of staff and a cut in budgets. Having the governance capacity to address this is critical.

**Chair:** Dr Gilmore, Professor Barnes and Mr Schön, thank you very much indeed for being here with us today. We have put you through the mill a bit. That is the nature of Select Committees, but you can be assured that what you have said will be very helpful in forming our report on this important issue, I hope in the not-too-distant future. Thank you very



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much indeed for being here.