



VETERANS
— for —
BRITAIN



**By Neptune's Grace:
Strategic Maritime
Planning for Brexit**

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By Neptune's Grace: Strategic Maritime Planning for Brexit

Introduction

The United Kingdom is a maritime nation. More precisely, it is a nation of islands, for whom the sea has been both a highway and a moat.

Its international trade is dependent upon the sea. That applies as much for trade with its continental near-neighbours (including the Republic of Ireland for much of the traffic) as it does for its global exports. Indeed, it has centuries of tradition as a maritime trading nation, from pre-Roman times through the wool staples down to the heyday of the recent modern era. The nation's merchant fleet kept the import-dependent population fed during two world wars. It also played a critical role in maintaining the war effort over ten years of total war in the twentieth century. Our ability to trade globally will be an important feature of a measure of realigning of the UK economy over the coming decades if we are to take advantage of global opportunities in an increasingly free trade world environment.

The ability for the United Kingdom to project itself in defence of its commercial interests has long been a concern of policy makers. It justified the existence of a Royal Navy, even when Parliament objected to the costs and threat of having a standing army (which is why we have regal prefix to one element of our old armed forces and not the other). Our warships continue today the tradition of guarding the freedom of the seas for commerce, whether passing through the Malacca straits, the seaways off Somalia, or the passage of the straits of Hormuz.

This paper, however, will focus on a particular aspect of our maritime relationship and our commercial interests that lie much closer to our shores. The primary purpose of the navy is, though this is not always admitted, the defence of the Home Waters. Fail, and the results can be catastrophic; succeed, and you mitigate other risks. British history is littered with evidence for both: the failure by the Roman usurper Allectus to intercept the invading fleet of his counterparts; the role of King Alfred's navy; the events that unfurled in 1066; the temporary loss of the Channel at various early points in the Hundred Years War (the Mayor of Sandwich still wears black to commemorate a predecessor killed in a French raid); the Armada; the burning of Chatham by the Dutch; the descent of John Paul Jones; and even in the twentieth century the shelling of Scarborough by a German battle fleet.

Thankfully the nature of the threat has somewhat changed. But defence of the UK's interests in its territorial waters will remain. The 2020s will see new challenges and indeed risks associated with that work. The country has important offshore assets in the shape of its fish stocks as well as its rigs. There is the question of policing the coast to prevent illegal landings. The UK also has an important role to play in the security of NATO's North East flank, a necessity the public is occasionally reminded of by the passage of Russian warships or the incursions of long range bombers.

The Senior Service's *Future Navy Vision* sets out officially the significance of the Fleet.¹ It explains,

The Royal Navy will protect Britain's interests, citizens, territory and trade by being ready to defeat our nation's enemies with a deployable maritime force; one able to conduct decisive combat operations at sea, from the sea, on land and in the air alongside our sister services. With our allies and partners we will promote international maritime security and deter threats to our peace, prosperity and way of life.

The sea is our home, it is our environment.

Inevitably though, focus is distracted between the component elements: Warfighting, Maritime Security and International Engagement. Their relevance to the requirements of coastal policing are very mixed, as are the assets needed to fulfil them.

So what principles should the UK in planning for its commercial and security priorities work around?

Definitions of Territorial Waters

Let's begin by considering what we mean when we talk about the UK's own territorial waters. We'll here set aside the issue of those parts of the open sea where the UK has a defence interest in patrolling the North Atlantic and focus more narrowly.

Definitions are somewhat complicated by differing states following different procedures (a slightly complicating factor with respect to the UK's OCTs), but essentially we might break waters down into the following categories²;

3 (Nautical) Mile Limit: the historical definition of maritime territorial waters. Basically founded on the range of coastal batteries.³

6 Mile Limit: Inshore fisheries boundaries. UK vessels have exclusive rights to fish within this area.

12 Mile Limit: UK territorial sea, covering the band of 6-12 nautical miles out. Only UK vessels, or vessels with historic rights (see later), may fish in these waters.

200 Mile Limit: UK Exclusive Economic Zone or EEZ. Out to this area the littoral state has rights to resources in these waters – typically fish and oil/gas. But otherwise, these are international waters.

¹ *Future-Navy-Vision: The Royal Navy Today, Tomorrow and Towards 2025*, MoD, 2016

² Nautical miles are based on degrees of latitude rather than traditional systems of measurement. 1 nm equates to about 1.15 miles, or 1.85 km.

³ 3 nm was not universally agreed though for some considerable time. See "The Historical Origins of the Three-Mile Limit", H. S. K. Kent, *The American Journal of International Law*, Vol. 48, No. 4 (Oct., 1954), pp. 537-553

Beyond the 200 mile limit, international waters are governed by international maritime law. Aspects might be managed by treaty organisations set up by states that either have a relevant coast or are interested parties. An example of this is NAFO, the North West Atlantic Fisheries Organisation, which includes North Atlantic states as well as certain countries with deep sea vessels there. (Thus Ukraine, South Korea and Japan are participants, and France has a seat on behalf of St Pierre et Miquelon, but the UK is currently represented by the European Commission.)

There are two further complications.

Median Line: obviously, if there is less sea between two states, jurisdiction runs only up to a midway point.

Continental Shelf: Within certain limits, states can claim extra access rights to exploit natural resources beyond the EEZ if the seabed hasn't fully levelled off.

The core principles governing territorial waters are set out in UN treaties, and in particular UNCLOS (the UN Convention on the Law of the Sea). The significance of this detail lies in those UN terms providing legal safeguards under international law for the UK once it asserts its sovereign rights after Brexit: UK waters are not subject to EU agreement for the country to retain access to its rigs and fish stocks. Indeed, the EU is a direct threat to both, as we shall subsequently see.

Importance

Some commentators might casually brush aside comments and concerns about the need to get coastal protection right. If we leave aside ancient history, more recent examples should remind us of the necessity of a considered plan.

Case Study 1: the Cod Wars.

The UK and Iceland on three occasions engaged in high-risk confrontations over rights of access to the latter's territorial waters. As these relate directly to the economic issues arising from Brexit (the definition and patrolling of sovereign seas) we should pay particular attention to the lessons learned.

The First Cod War took place in 1958, when in response to overfishing, Iceland extended its waters out to the twelve mile limit. Despite having traditional access rights, and despite deploying warships, the UK ultimately backed down.

The Second Cod War took place in 1972 as Iceland further extended its territorial waters, this time to take advantage of ongoing international negotiations defining the EEZ. In response, UK vessels re-entered the 12 mile limit. This time, live ammunition was used by Icelandic agencies. One UK fishing boat was impounded. A negotiated settlement

recognised the extended waters but provided UK vessels previously in those waters with a fleeting (and Brexit-relevant) derogation.

The Third Cod War began when the derogation ran out, which was also at the time that Iceland pre-empted the introduction of an international default of an EEZ at 200nm. This time, RN and Icelandic patrol vessels clashed directly, with dozens of reported ramming incidents (to the point that bows of RN vessels were strengthened before deploying locally). Iceland escalated the issue diplomatically by threatening to close key NATO facilities on the island. A further deal was consequently reached allowing for a very brief derogation again.

The loss of access to these waters correspondingly badly hit UK trawler fleets in Scotland and the north of England. But with international law on the side of Iceland, and a government prepared to stand up for its fishermen, the result was inevitable.

Case Study 2: the Gulf of Sirte

In the early 1970s, Colonel Gaddafi declared that he interpreted Libya territorial waters as extending further north, as he saw the Gulf of Sidra as being 'internal waters' (a territorial status which would put it in a par with the likes of the strait separating the Scottish mainland from the Outer Hebrides). This was, understandably, contested by other countries.

On several occasions over the 1970s and 1980s, US military aircraft or vessels entered the disputed area to make a point. There were military engagements that followed.

International law appears to reject the claim by the old Libyan Government. The issue over control of those waters remains a live issue today, however, because of the migrant issue. The lack of effective sovereign control results in dangerously unseaworthy vessels filled with illegal migrants setting out for European shores, exacerbated by disastrous EU policy making that encourages risk-taking in the expectation that naval assets and even NGOs will intervene to assist after part of the journey is made.

Case Study 3: the Success of the Norwegian model

Norwegian voters have twice rejected EU membership at the polls. They have done so largely because of the real prospective of loss of their territorial waters and the economic advantages that these bring.

In the 1972 accession negotiations, the Norwegian fisheries minister was so outraged by the cobbling-together of a fisheries policy into the *acquis* (in order to grab the resources of the fish-rich Brits, Irish, Danes and Norwegians) that he resigned in protest, and the scandal destroyed Oslo's pro-accession campaign. In 1994, voters were again reminded of the issue in a second accession referendum, when the Spanish and French threatened to scupper the deal unless their fishermen won special access to Norway's fish. The naked self-interest revealed how '*anti-communautaire*' were the main beneficiaries of the Common Fisheries Policy (CFP).

By staying outside of the EU however, Norway has been able to manage its resources far more successfully, based on actual stocks rather than late-night bartering (involving states

that don't even have a fishing fleet). The experience is not unique to Norway. Greenland left the EEC in order to run its own fisheries. The Faroes entered under the Danish umbrella, but swiftly decided they were better off outside. All have been able to manage their waters effectively as they have sovereign power over them.

There is a further and crucial economic point arising from that comparison. While the option has been dismissed by the Government, the 'EEA route' is considered by some commentators as one possible model for post-Brexit transition. It is critical to note, however, that even these terms mean that Norway and Iceland face EU tariffs on their exports of both fish and fish products, and some quotas on the latter.⁴ Correspondingly, **it makes no sense for the UK to be unduly generous in providing competitive advantage to foreign companies exploiting a UK resource**, when UK fishermen and food industries are well-placed to exploit and develop a commodity that is continentally in high demand and short supply.

Enduring EU Encroachment in Policy

The unhappy truth is that the CFP is part of a longstanding unbalanced arrangement that was set up to favour some states over others; and it has now become one plank of the wider ambitions within the Brussels administration to form a collective model of governance for the EU as a single political entity.⁵

The concept of 'EEC waters' was introduced into the *acquis* with unseemly haste, in order to pre-empt receipt of the formal applications to join by the 'Atlantic Four' – so much so that Dutch diplomats were openly embarrassed. What it did mean, however, was that with the UK as a member state, when the UK's EEZ was established at 200 nm in 1977, the fisheries part of this fell straight into the hands of the EEC. Meanwhile, the Inshore Waters elements were retained by the UK (and by other member states), but only as a derogation.

The consequence has been that every ten years, extensions of the derogation would have to be renegotiated. As the default in each case was the loss of a national asset, in turn this implied the UK having to concede points elsewhere merely in order to retain what otherwise, outside of the EU, would under international law already be hers.

This was bad enough, but a further consideration within the EEZ is that of mineral exploitation. The Commission has on a number of occasions demonstrated an interest in acquiring a role over North Sea energy production. Its attempts to push at directly communitarising them long failed for obvious reasons (since the UK still held a veto against

⁴ The quotas are protectionist and designed to push food processing inside the EU. They are in turn mitigated by a bribe: Oslo signs up to a parallel agreement for subsidies to Eastern Europe. However, it would be an error to assume that the UK has to do likewise: the Norwegian Government has been seeking to join the EU and has correspondingly gone along with these *quid pro quos* as a means to circumvent public opposition. The reality is that there is a high consumer demand for fish, and the EU is required to pay a number of states for access rights under Fisheries Partnership Agreements (FPAs). In Mauretania's case it is €59m a year.

⁵ Brexit analysts owe a particular and extremely longstanding debt of gratitude to the campaigners at *Save Britain's Fish* (now: *Fishing for Leave*) when reflecting on these points.

including them in future treaties, and other states and in particular the Dutch had their own objections). However, that did not prevent including these assets as reference points in agreed Council documents, traditionally the first step in justifying policy development extending to cover them. Floated texts put out by the Commission tried then to include them in policy documents relating to wider energy supply.⁶

Meeting only limited success over time, the next leap really came with the draft European Constitution. New article III-157 gave the EU increased legislative authority not only to ensure the functioning of the energy market, but also to “ensure security of energy supply in the Union”. Even watered down in the text of the Lisbon Treaty, this led to the establishment of a common energy policy into which fell not only trans-North Sea cables, but also the principle that North Sea energy was an issue of common concern.

Subsequent to this, the Commission was able to get its first foothold into North Sea legislation. It did so in the same way as it had in John Major’s time, by turning to Health and Safety. The 2013 *Safety of Offshore Oil and Gas Operations Directive* has given the Commission a buy-in to the processes of exploring, licencing, standards checking, public information output, environmental protection, territoriality, and compensation.

The EU’s threat to the sovereignty of UK waters has come from different angles. It is, for example, highly likely that aspects of the international energy grid feature as part of the EU’s anti-terrorism analysis. The energy reserves feature as part of the EU’s strategy on secure delivery (with potential implications for the UK’s freedom of movement during an energy crisis, despite it holding so much of the immediate stocks). Conditions on the rigs themselves are increasingly subject to decisions made in Brussels, while the platforms themselves physically sit in waters where the UK has surrendered its rights above ground, at a time when the EU is increasingly activist on ecological issues in the context of global warming.

But to understand the full threat, and why the UK needs to fully extract itself from the EU treaties, we have to understand that there is a Common Maritime Policy, of which the CFP makes up merely a part.

The Common Maritime Policy is far less well-known, but is far-more encompassing in its ambition. As the Commission explained in a 2007 policy document,

The seas are Europe's lifeblood. Europe's maritime spaces and its coasts are central to its well-being and prosperity – they are Europe's trade routes, climate regulator,

⁶ At an early stage in acts of EU integration during the Major and Blair years, it was often enough to identify an ‘enabling’ paragraph, inform the press, and let the resulting public outrage require otherwise emollient UKREP diplomats to up their game and stall these proposals (which is why the process is not as far on as it otherwise might have been). This was, however, dependent on a couple of under-resourced and overworked Eurosceptic analysts spotting the material; and with accelerated EU drive that is no longer a sufficient safeguard today.

sources of food, energy and resources, and a favoured site for its citizens' residence and recreation.⁷

The Commission was clear what this would lead to;

The following projects are of particular importance:

- *A European Maritime Transport Space without barriers*
- *A European Strategy for Marine Research*
- *National integrated maritime policies to be developed by Member States*
- *An European network for maritime surveillance*
- *A Roadmap towards maritime spatial planning by Member States*
- *A Strategy to mitigate the effects of Climate Change on coastal regions*
- *Reduction of CO2 emissions and pollution by shipping*
- *Elimination of pirate fishing and destructive high seas bottom trawling*
- *An European network of maritime clusters*
- *A review of EU labour law exemptions for the shipping and fishing sectors*

It should be pointed out, however, that this direction had been set out well before, even as part of earlier CFP mapping, though the scale of the ambition was now much greater. Basically, if it swam in, floated in, bobbed on top of, scuttled about in, or reminisced about the sea, it was a part of the policy. Because beyond the above, the Common Maritime Policy was also interested in providing for laws, plans and funds covering;

- Maritime surveillance in
 - Navigation
 - Marine pollution
 - Law enforcement
 - Overall security
 - Fisheries policing
- The gradual achievement of an integrated network of vessel tracking and e-navigation systems for European coastal waters and the high seas, including satellite monitoring and long range identification and tracking (LRIT)
- Coordination of control of external borders and other law enforcement activities
- Maritime Spatial Planning and Integrated Coastal Zone Management (ICZM), covering
 - Maritime transport
 - Fishing
 - Aquaculture
 - Leisure activities
 - Off-shore energy production and other forms of sea bed exploitation
- Policy on maritime logistics

⁷ *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - An Integrated Maritime Policy for the European Union, COM(2007) 574 final*

- Marine equipment
- Off-shore wind energy
- Recreational boating
- Cruise shipping
- Construction and technological research relating to the above
- Creation of the Motorways of the Sea/Short Sea Shipping Networks.
- Energy applications directly relevant to cross-border transport links
- Ports policy, including air pollution from ships in ports, shore side electricity, environmental legislation to port development
- Shipbuilding, and repair
- Marine equipment industries and in particular SMEs in blue biotech, offshore-renewable energies, underwater technology and equipment and marine aquaculture
- Search for oil and gas
- Renewable energies, energy transportation, diversifying energy transport routes and thus reinforcing security of supply
- Formation of multi-sectoral clusters
- Increasing the number and quality of maritime jobs for European citizens
- Improved staffing policies and working conditions (including Health and Safety)
- Maritime studies and skills and qualifications for the maritime professions
- Carbon storage
- Climate change in coastal zones
- Greenhouse gas emissions from ships
- Dismantling obsolete ships
- Fisheries management
- On-the-job safety of fishermen
- Coastal and maritime tourism
- Sustainable tourism policy
- Outermost regions and islands
- Community Disaster Prevention Strategy highlighting the risks to which coastal regions are exposed
- Taking the lead on behalf of member states in International Maritime Affairs
- Fight against illegal activities in international waters
- Strategic issues relating to the Arctic Ocean
- Increased co-operation in managing the Mediterranean and the Black Seas, and the Arctic
- Raising the Visibility of Maritime Europe – ie “raising public awareness of the value of the maritime economy and heritage, and [...] creating a sense of common purpose and identity between stakeholders”
- Promoting a sense of common maritime heritage, including funding heritage organisations, and museums
- Funding aquaria.

Relevance to the UK Today

This is an incredibly large list, demonstrating the immense range of policy interests the EU currently has, and where the UK's own civil servants will be able to exploit direct policy opportunities after Brexit. This will require considerable intelligent thought, especially in those areas where competences have been surrendered completely to Commission management over the past few decades.

We might usefully break these down into the following key areas;

Defence and policing: obviously a key part of this paper, regaining sovereign control of UK waters means ensuring that the mechanisms, policy and training exists to enforce those sovereign rights from the outset, and that robustness is appreciated in advance to deter those seeking to test Government resolve in protecting its waters.

Energy supplies: clearly the UK has retained responsibility for the physical protection of its energy assets in the North Sea, though some consideration will now need to be given on reviewing whether legislative burdens have emerged as a result of the Commission's latter engagement on policy making, and to ensure that current agreements over interlocking energy supplies are confirmed after Brexit (we do not anticipate there being any particular problems, as the French want to sell their electricity, the Irish to receive it, and the Norwegians to export their own fuel).

Transport: A number of maritime issues will need confirming. These largely fall under the category of technical and transitional arrangements, for example certification for ro-ro ferries, and a number of these are based on international not EU agreements. Other aspects, such as physically prepping for border post inspections on the introduction of customs points, will be resolved by the shape of the talks (for example, the extent to which IT can mitigate, checks can be undertaken upstream and downstream in the logistical chain, the extent to which mutual recognition of standards will continue, and the continuation of the recognition of standards certifiers). These are heavily dependent on certain key 'horizontal' issues that generate domino effects across the whole deal and other than pointing to the need to prep administratively (for example, by having standby sites in military establishments in case of surge stacking requirements at the time of transition) that is largely an issue of strategic planning and beyond the narrow scope of this paper.⁸

Smuggling: If tariffs are to be reintroduced in certain items, particularly those of popular consumption, it is likely that certain contraband will become commercially viable. This will need to be mitigated by public information campaigns, spot checks and fines for commercial and private road and rail traffic; and coordinated intelligence, maritime surveillance and policing of waters and harbours for private and commercial vessels. The likelihood will obviously be reduced if it is not necessary for high tariffs to be levied against certain imports from the EU. This is not, however, to dissuade policy makers from resorting to *quid pro quo*

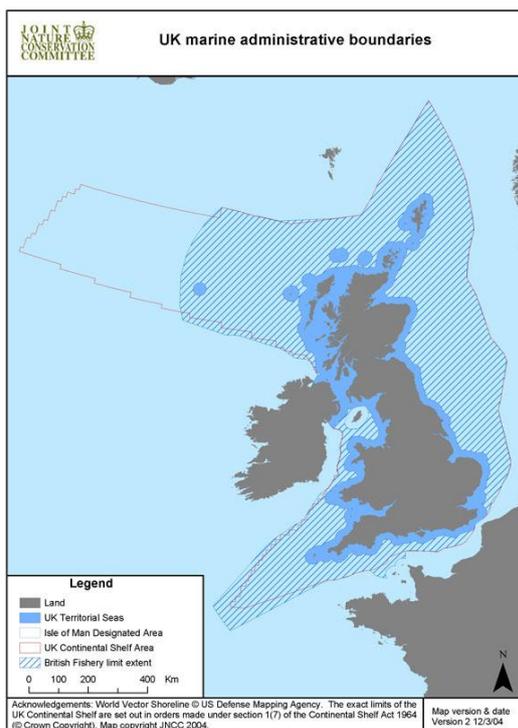
⁸ Readers in Whitehall should already have access to the 216 page Red Cell *Risk Register* that itemises them. Further copies can be supplied to ministers and to civil servants on request.

tariffs if protectionist elements seek to introduce them against UK exports, but it is to encourage joined up thinking on managing their consequences.

Illegal immigration: We recommend that the UK continues to provide financial support to frontier forward operations in locations such as Calais. But there may also be a surge period where people smugglers may potentially seek to increase their profits by suggesting Brexit may be a prime opportunity to take a more Ionian approach to crossing the Channel. A demonstrable early media presence showing border force officers at sea, or coordinating with other agencies' aerial assets, may act as a useful deterrent in this regard.

Coastal communities: Any area covered by the EU's Common Maritime Policy, including those communities affected by disastrous EU fisheries management, will now see major potentials emerging to slow and then over time to reverse years of neglect and decline. While we will focus on the CFP, we might also for example raise the issue of VAT relief for seaside hotels and key attractions in areas otherwise featuring in Morrissey lyrics, or areas around planning consent.

UK Territorial Waters and the UK EEZ



Dark blue shows the current extent of UK-managed fisheries. The hatched area shows waters currently falling under CFP management which would also become UK (EEZ) waters after Brexit, with extended seabed rights also held as shown by the brown line. Source: JNCC and as cited.

Importance of the Fisheries Sector

Some Remain campaigners, fighting rearguard actions to keep the UK as closely affiliated to EU structures as possible, downplay the importance of the fisheries sector as a part of the UK economy. This is to parochially disregard the increased economic relevance of the resource prior to accession and to ignore the increased importance of the seas in the wake of the extended EEZ, as much as it is a gross injustice to a sector that was wilfully and knowingly abandoned by the FCO and by pro-Europeans within the Ted Heath circuit. It also, notably, fails to account for why a country such as Spain by contrast does prioritise the sector as a greater national interest rather than as a bartering chip to be deployed merely for concessions elsewhere in fields that have been more familiar to certain occupants of Whitehall.

A 2017 academic study makes a number of points about landings in waters that have been under long term threat through the EU derogation running out (the 12 mile limit) and the waters where UK writ will extend to after Brexit (the UK EEZ).⁹ Looking at a five year period, it observes;

- Less than half of the fish and shellfish landed from the UK EEZ by EU fishing boats (43% by weight) was caught by UK boats.
- If landings by non-EU (Faroese and Norwegian) fishing boats are included, UK boats' share of the total landings from the UK EEZ falls to less than one-third of the total (32% by weight).
- Non-UK European Union fishing boats landed about 700,000 tonnes of fish and shellfish, worth almost £530 million, from the UK EEZ each year on average. By contrast, UK fishing boats landed 92,000 tonnes of fish and shellfish, worth about £110 million, from other areas of the EU EEZ each year on average.
- Non-UK EU fishing boats therefore landed almost eight times more fish and shellfish (by weight) from the UK EEZ than UK boats did from other areas of the EU EEZ, or almost five times more by value.

Other reports have historically shown much larger figures; we may simply note that here and observe that if properly managed, over an extended period of time, there is perhaps a significantly greater potential for revenue arising in the future.

Obviously (as the report shows) the nature of catch varies from species to species. For example, 74% of herring by weight within the UK EEZ is caught by EU (non-UK) boats; 42% of mackerel; and 98% of sandeels (an industry long challenged as being largely fished for turning into continental pig swill, while damaging the bottom of the marine food chain).

⁹ *Fish Landings from the UK Exclusive Economic Zone and UK Landings from the EU EEZ*, NAFC Marine Centre (University of the Highlands and Islands), 2017

Clearly, with reduced economic prospects from landings, it is not only the fleet itself which is harmed but associated industries, whether those associated with the vessels (such as net makers) or the processing industries. In addition to the direct effect this has on coastal communities, there is also the question of indirect effect since economic decline of an area has a social consequence and cost, and discourages tourism; stock issues also impact meanwhile on shore anglers.

The Common Fisheries Policy has had a disastrous impact. Its damage has not only be economic, but ecological as well. Even the long-awaited policy of ending automatic discards over quota (which in practice often means dumping dying fish back into the sea) has been reversed without any real understanding of the survivability by species of returned fish, or whether particular fish have less chance of facing swim bladder damage because of trawl rates from shallower depths. Other problems such as bycatch of cetaceans remain highly problematic.

Leaving the EU generates an opportunity for correcting the many faults associated with the joint management of UK EEZ waters, providing certain precursors are set. The first key one is that UK waters are actually taken fully under UK control. Secondly, that a sensible set of policies are set in place that are rationally developed in synergy with the UK fishing community's (or, perhaps rather, *communities*) needs, and are adaptable to changing circumstances. Thirdly, the policy needs to be properly policed. Fundamental to all this are two admissions that should be made by politicians. In the first instance, UK fishermen have been appallingly short-changed and abused by law makers and regulation drafters over some decades; in the second, that the sector provides an opportunity for long term as much as overnight gain.

There are some 'easy wins' that should be exploited to ensure vastly increased UK take of what are as much UK natural resources as the oil and gas that the fish swim above (while recognising in some cases a genuine historic right of access by certain foreign trawlermen); an immediate sign of a robust policy will see a big increase in the UK share of catch and of landings. This may well have consequences in terms of share partnerships, UK entrepreneurial buy up of boats, and reflagging of vessels that DEFRA will need to anticipate as it draws up its policies. That said, other gains will be generational as coherent policies allow for stocks over time to re-establish themselves over many years.

The two wins should not be incompatible, with UK control over its EEZ allowing opportunities for a reduction in foreign vessels, and increase in the UK fleet, and also a reduction in overall catch to begin an early policy of stock improvement. A prudent approach to this may be to encourage precisely the sort of policy that DfID is pushing in overfished waters around the world: greater recourse to larger numbers of smaller vessels centred on family businesses, and a move away from large ships that sweep up entire shoals in a single session.

Fisheries Management

Fisheries management consists in effect of three main pillars;

- Territorial oversight, ie viewing to see if vessels are in waters they are not supposed to be through visual or by electronic reporting;
- Physical checks, ie boarding or alongside checks on illegal nets or unlogged catch, which may also occur at port (assuming landings are made in the UK);
- Administrative checks, for instance checking log books.

Thus illegal fishing does not necessarily only get uncovered by a vessel being boarded at sea, though in terms of securing convictions being caught red-handed is optimal. Clearly, there are limits to what can be achieved if any of those pillars are only partial. A vessel 'tagged' as being present in the wrong waters but not observed fishing, or able to be boarded and checked for drift nets or black (illegally-caught and hidden) fish, and landing its catch overseas, is not being effectively policed. In turn that reduces the deterrent factor.

Consequently, we would suggest that an effective transition from EU-managed waters to ones where the UK assumes primacy requires certain preconditions to be met. Examples of issues to be addressed will likely include;

- Current mechanisms for electronic 'tagging' of vessels need to be retained, and data shared between the UK and counterparts both within the European Commission and at EU member state level.
- Counterpart systems need to be able to share data effectively.
- Agencies need to be able to communicate internationally where a suspect vessel crosses sovereign boundaries, to ensure port authorities are able to conduct a search when it docks.
- Formats for logging activity need to be retained, to facilitate UK and counterparts being able to effectively pursue illegal actions.
- Agreement needs to be reached on basic principles on primacy over pursuing prosecutions.

These are certainly not unsurmountable administrative points and in the main will likely be accommodated by simple Memoranda of Understanding, with referencing to various existing bilateral agreements made with counterparts from the Faroes, Greenland, and Norway.

Ultimately however, the key shift will not be one of the level of oversight, but one of attitude in policy development. Canada was able as far back as 1998 to develop a Code of Conduct for Responsible Fishing Operations.¹⁰

¹⁰ <http://www.dfo-mpo.gc.ca/fm-gp/policies-politiques/cccrfo-cccpr-eng.htm>

Principles of Responsible Fishing, Canadian Code of Conduct (1998)

Principle #1

Fish harvesters will take appropriate measures to ensure fisheries are harvested and managed responsibly to safeguard sustainable use of Canada's freshwater and marine resources and their habitats for present and future generations of Canadians.

For the purposes of this Code, sustainability is understood to mean the harvesting of a stock in such a way, and at a rate, that does not threaten the health of the stock, or inhibit its recovery if it has previously been in decline, thereby maintaining its potential to meet the needs and aspirations of present and future generations of fish harvesters.

Principle #2

Taking into account the economic importance of the fisheries to industry participants and their communities, fish harvesters will take appropriate measures to pursue the ecological sustainability of Canadian fisheries.

Principle #3

Fish harvesters will acknowledge that conservation and sustainable use of freshwater and marine resources is a shared responsibility, and requires a spirit of cooperation, among all industry participants and the appropriate regulatory authorities.

Principle #4

Fish harvesters will address problems of fisheries in Canada, adopting specific mechanisms and regulations as required.

Principle #5

Fish harvesters will work to balance the level of fishing effort with the sustainable supply of fisheries' resources to ensure responsible management and responsible professional harvesting.

Principle #6

To the extent practical, fish harvesters will minimize unintended bycatch and reduce waste and adverse impacts on the freshwater and marine ecosystems and habitats to ensure healthy stocks.

Principle #7

Fish harvesters will develop, maintain and promote public awareness and understanding of the issues surrounding responsible fishing and the measures taken by fishers to conserve stocks and protect the environment.

Principle #8

Fish harvesters will promote the recognition of their specialized knowledge gained through experience, and the integration of this knowledge within scientific analyses and fisheries management policies and regulations.

Principle #9

Fish harvesters will conduct harvesting operations in accordance with Canadian fisheries' laws and regulations; international laws, regulations, conventions, declarations and protocols adopted by Canada; and harvesting plans adopted by each fishery.

This model contrasts with the abysmal system for running the CFP, which pays lip-service to conservation principles while suborning actual end quotas to midnight political bartering.

The policy underpinning what happens with future extended UK waters needs to be based as much on the principles of good management as they are of solid policing. A UK equivalent model is critically needed. All this is only possible if the UK does literally take back control.

Coastal Policing

The UK currently has assets to police its waters. But they are finite.

Maritime protection falls mainly in the purview of the Royal Navy and the Royal Air Force. Both are constrained by functionality. For example, the new Queen Elizabeth class aircraft carriers are obviously not best designed to operate in coastal policing roles (consider how one might seek to board a Spanish trawler from one to conduct a spot check). Excluding submarines, ice survey vessels, auxiliary vessels like tankers and so on, that leaves;

- 6 Type 45 Destroyers (which at a billion pounds each are not necessarily the most ideal workhorses, assuming first the engines are operational)
- 13 Type 23 frigates, normally deployed well away from home waters
- 0 Type 26 frigates (since these have just entered production)
- 15 minehunters (with glass-reinforced plastic hulls designed to avoid triggering mines rather than endure ramming)
- 14 Archer Class patrol vessels (2 dedicated to protecting Faslane, the remainder already engage in inshore maritime patrolling)
- 4 River Class patrol vessels (1 assigned to the Falklands) already tasked with fisheries protection
- 2 Scimitar Class patrol vessels (in Gibraltar)

Of those, HMS Severn is in the process of being decommissioned as at October/November. **As an absolute priority, this needs to be immediately halted** as the vessel could be usefully deployed during the period of transition. HMS Mersey and HMS Clyde are set for decommissioning in 2019, precisely at the time when they will be in need.¹¹ Their flag service needs to be extended (they are relatively young vessels) to provide critical additional support at the period of policing pressure while replacement Batch 2 vessels come in. Strategic planning seems to have been lacking over the value of these vessels in particular, and their absence will otherwise be felt at this critical juncture.

Certain survey vessels may be re-rollable (at risk to expensive equipment) since as part of their activities they do provide overwatch to activities of other vessels, including potential illegal fishing. But in any event, re-tasking of specialist vessels away from their existing duties and what they were designed to do generates risk elsewhere as the UK's increasingly overstretched Fleet finds reduced support in its operations elsewhere. Additionally, a portion

¹¹ HMS Clyde's duties cover the Falklands, and redeployment will depend on the arrival time of her replacement.

of the Fleet at any time is not at sea for obvious reasons of duty leave and vessel refitting, a reality whose timing might be partially mitigated against if dockside scheduling is factored into Brexit surge demands well in advance.

DEFRA itself is not directly responsible for policing UK waters for two reasons. Firstly, the issue is a devolved matter; and secondly even in England, responsibility is passed down to local areas.

England is administratively divided into ten Inshore Fisheries and Conservation Authorities (IFCA). Each is responsible for managing inshore waters and has a budget and certain assets to facilitate this.¹²

Inshore Fisheries and Conservation Authority (IFCA)	Maritime Asset (as at 2015) ¹³
Cornwall	FPV <i>St Piran</i> (27m) 2 RIBs, <i>Lyonesse</i> and <i>Avalon</i> Survey catamaran <i>Tiger Lily</i>
Devon and Severn	No FPV – it was sold in 2014 to Cameroon RIB, <i>Enforcer</i> . 2 chartered RIBs
Eastern	Cabined RIB <i>John Allen</i> Research vessel <i>Three Counties</i> (18m) on order
Kent and Essex	FPV <i>Ken Green</i> (16m) with RIB, replacements on order <i>Tamesis</i> survey catamaran (12m)
North Eastern	FPV <i>North East Guardian III</i> RIB
Northumberland	FPV <i>St Oswald</i> (21m) due to be replaced by a twin-hulled catamaran
North Western	<i>Solway Protector</i>
Isles of Scilly	RIB <i>Matt Lethbridge</i> : “Before that, enforcement at-sea depended on the Honorary Patrol Officer using his own vessel, or chartering the Duchy of Cornwall’s harbour launch.”
Southern	<i>Southern Trident</i> is the large Cat 2 offshore sea going vessel. <i>Tenacity</i> , <i>Endeavour</i> and <i>Protector</i> are Category 3 vessels, operating closer to the coast.
Sussex	<i>Watchful</i> , cat 2 large RIB <i>Merlin</i> RIB.

While the data is a little out of date, it does underline that the structure of locally-managed assets are heavily orientated towards coastal policing rather than coping with the extended UK EEZ. Only the Fast Patrol Vessels display any prospect of deployability in an extended policing mission at any distance (that is to say the Category 2 types), though some of them would be stretched in the new EEZ. Even then the small number of staff on them (and indeed their civilian backgrounds) raises questions about their ability to face down any trawler larger in size and manning that their previous experience has required them to

¹² The list of assets set out in this section come from a range of sources, some slightly dated, but they at least provide some perspective of what is currently available to police existing UK waters under present conditions. Some assets are notably shared with other agencies and police forces, but a breakdown of relative use is not readily available.

¹³ Taken from *Inshore Fisheries and Conservation Authorities Conduct and Operation 2010 – 2014*, DEFRA, March 2015

interact with, and potentially hosting a hostile crew. Note also that assets are not simply designated to patrol fisheries but also monitor protected sites and in some cases waterways.

To these we need to add the devolved assets, and other authorities that may encounter Brexit-related maritime surge challenges.

Administration	Assets
Scotland ¹⁴	<i>MPV Minna</i> (42m), crew of 15, used mainly for inshore enforcement tasks <i>MPV Jura</i> (84m), crew of 17 <i>MPV Hirta</i> (84m), crew of 17
Wales	<i>MPV South Fisheries</i> (26m) and <i>MPV North Fisheries</i> (19m catamaran patrol vessel) due for launch in 2018. The status of the existing, older vessels and the possibility of temporarily retaining and deploying them to assist in other fisheries areas is not clear.
Northern Ireland	<i>FPV Queen of Ulster/Banríon Uladh</i> (26m) with RIB Lough patrol vessel
Isle of Man	<i>FPV Barrule</i> (22m) with RIB
Gibraltar	RN assets: see above
Channel Islands	<i>FPV Norman Le Brocq</i> (Jersey) <i>FPV Leopardess</i> (Guernsey) – in process of replacement
SBA's Cyprus	SBA Police Marine Unit RIB

OCT vessels tend to be smaller and multitasked with policing and rescue missions, limiting scope for expanding their patrol range. Channel Island waters have historically focused heavily on the 3 mile limit until as recently as 2013. On the other hand, new OCT waters will be limited, if not identical; and in the case of the Cyprus Sovereign Base Areas, EEZ exploitation rights have been set in abeyance by the UK.¹⁵

We leave to one side those assets deployed in OCTs beyond Europe, though secondary planning will be required locally if a small number of long range EU trawlers test local surveillance, particularly though not exclusively in the South Atlantic.

Let's turn now to the air. Similar problems in relation to limited assets apply to the RAF, which also has global commitments. Obviously, the RAF has a much reduced capability to directly intervene where illegal fishing is identified and would be primarily engaged in general surveillance duties (such as identifying vessels that are fishing in waters to which they do not have permission) for relaying coordinated to an intercepting vessel.

In this regard, the loss of the UK's key maritime surveillance platform, Nimrod, will be strongly felt. Happily, in 2016 it was announced the RAF would be receiving 8 P-8A airframes to be based in Lossiemouth. However, the first one is not due to arrive before 2019-20, suggesting a Brexit transition gap.

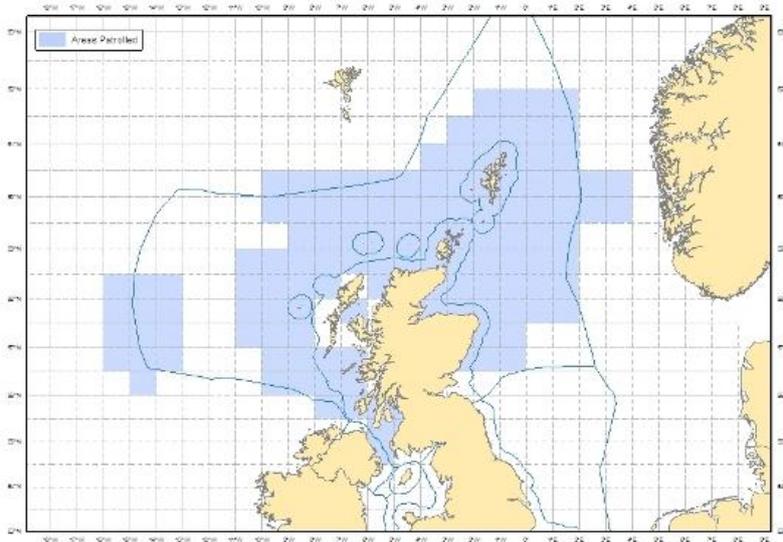
¹⁴ We exclude the marine laboratory ship, which in any event will likely have priority taskings in relation to offshore platforms

¹⁵ The SBA does not have its own fishing fleet. The role of the patrol vessel in maritime customs policing meanwhile is likely to be marginal, but will be dependent on the nature of the end agreement on local customs formalities (if any).

The armed forces do have other surveillance assets, but their suitability for remote assessment of whether a small boat may be crossing a territorial line remains open to serious question. More logical given range and loiter time than using heli or fast jets might be to re-task multi-seat prop airframes held by the Army Air Corps, since these models have in fact been deployed by Mauritius in a maritime patrol capability.

DEFRA's predecessor, MAFF, used to operate its own maritime surveillance wing, understood to consist of five aircraft. This asset was privatised.¹⁶ A commercial company now operates aerial surveillance on behalf of all UK fisheries. This may operate as a useful safety valve in providing a ready mechanism potentially to surge support through existing commercial sector channels.

Areas tasked to aerial surveillance in Scotland (source: Scottish Government)



Aerial surveillance within English and Welsh zones is undertaken by a private company (Directflight Ltd) which is contracted to DEFRA. Activity is directed from an operational centre in London.

Aerial surveillance in Scotland is meanwhile directed by SFPA HQ Operations in Edinburgh. The SFPA own two aircraft operated under contract also by DirectFlight, and operate out of various Scottish airfields depending on tasking requirements. One of the aircraft is fitted with a visible light and infra-red video camera. This camera also has a laser illuminator which aids vessel identification in low and no light conditions.

¹⁶ The present status of DEFRA's atmospheric testing aircraft, which was infamously stripped down halfway through a refit precisely when the Icelandic volcano Eyjafjallajökull erupted (and air quality data was most needed), is uncertain.

Asset Shortfalls

Taken together, the risk correspondingly emerges that a UK maritime patrol capability, currently tailored for monitoring present requirements, may be taken short after Brexit. Planners should focus their work on the possible need for surge capability covering perhaps a three to six month window after the UK reasserts control over its EEZ, and individual boat owners test the resolve of the UK.

That prep will need to cover not just physical assets, but also contingency training, and rules of engagement. A two-pronged diplomatic approach will need to accompany it. An information campaign will need to be deployed in advance, to warn of the consequences and to inform potential trespassers. At the same time, the authorities of countries whose fishermen have demonstrated physical violence in the past will need to be reassured that policing will be fair and just rather than escalatory; but that the UK will display necessary force commensurate with its rights under international law (thus taking a leaf out of the Icelanders' book).

Two cases demonstrate that the UK will need to be prepared to face vessels testing UK resolve. In 1963, well before the advent of EU membership, Bruges resident Victor Depaepe went out of his way to test the modern validity of seventeenth century treaty terms allowing a number of his fellow townspeople to fish in UK waters. The question as to whether those rights technically still exist after a subsequent treaty are less relevant to this paper than the fact that the principle was asserted at sea.

A similar incident happened in 1983, when Danish skipper Kent Kirk entered the UK's twelve mile limit in the wake of a failure to extend the derogation retaining those waters as British. The Luxembourg Court supported his claims but the derogation was hastily extended to plug the gap. Notably, in both cases, the skippers had a strong case in law, and this will no doubt be a motivator or demotivator both for foreign trawlermen and for UK negotiators in the next couple of years depending on the actual specifics (thus varying across waters).

Add to this the ongoing contention relating to UK rights around Rockall, plus some resentment over the Irish Box (albeit more directed against Iberian skippers), and there are a number of potential flash points where a foreign fishermen may seek to test international law in person. Of particular relevance are areas of past tension over sovereign waters delineation near the Channel Islands, and Gibraltar.

Or they may simply ignore legal niceties, aim by *force majeure* to take the law into their own hands, seek to fish regardless of any actual right, and aim to land the fish either openly or illegally as black fish in a non-UK port. In any eventuality (and that prospect is perhaps the most likely to be escalatory), the UK's maritime agencies will need to be prepared.

There are a number of measures that could be pursued to mitigate surveillance gaps and, if publicised in advance, reduce the risk of confrontation at sea;

- Agree a clear definition in advance of Brexit which vessels do have grandfather rights to access UK waters under UK law, if ownership can be considered 'descended' from principles set out under the 1964 terms;

- Confirm the intention to cooperate positively with European Commission fisheries officials on stock data, GPS vessel locations, discoveries of illegal net use by named vessels, and other such matters;
- Ensure that parties involved in the Dover Channel Navigation Information Service and associated maritime mechanisms continue to talk to one another (there is no obvious legal, technical or practical reason why they should not);
- Plug immediate asset gaps by hiring, over the short term, “Brexit Sloops” from the private sector to be manned by RN personnel and in particular Royal Marines;
- Develop robust rules of engagement on boarding, checking, and confiscating vessels engaged in illegal fishing (to include a review of existing law and fine scales). Publicise this policy in advance – the primary objective is to act as a *deterrent*. Deploy firmly but courteously;
- Retask existing RN assets, in particular those supporting University Royal Navy Units (URNU);
- Declare an intent well in advance that there will need to be a temporary asset relocation for RN vessels tasked with North East Atlantic duties – this will involve coordinating in particular with US, Canadian and Norwegian partners at NATO;
- Liaise with Norway, Canada and Iceland, including to generate ‘lessons learned’ from their own blue water fisheries policing experience;
- Revisit the archives held by Whitehall on the Cod War experience;
- Establish clarity with our continental counterparts that the UK will be even-handed in ensuring compliance with its fisheries management policies under international rules;
- Plug any gaps post-Nimrod (this may require considering the relative value of tasking Astor or RN Type 45s, review of maritime uses of UAVs, or more likely involve the transitional hiring of civilian prop aircraft);
- Determine the role to be played by satellites.

Further Considerations

Taking back control of waters that fall to the country under international law is not simply a matter of patrolling them. A range of other issues will also need to be considered.

Fisheries policy should not be withheld and guarded at Westminster (and Edinburgh). It should flow down as close to the practitioners (the fishermen) and the communities as possible. True devolution means transversing the devolved administrations, which will prove particularly advantageous in Scotland where political leaders had so heavily bought into EU membership despite their very own political grassroots in fishing communities wanting to take back control.¹⁷

¹⁷ In many areas, inevitably involving at least some DEFRA output, this will require legislation to be codified and clarified first at Westminster before powers are devolved, to ensure there is transitional uniformity across the whole UK and therefore legal certainty.

Cooperation mechanisms will be needed with the Republic of Ireland, on this as in other areas. It is noteworthy that the greatest disputes over access to waters of Irish interest have not involved UK vessels, but the Spanish, who have forcefully pursued access rights and consistently chased quota since accession. This approach by their government (acting, it must be said, in their own national interests) has failed to see an equally robust response by UK ministers even when EU agreements already provided specific rights that could have benefited UK trawlermen. This has been particularly the case with respect to the Hague Preference, a mechanism designed to adjust quota allocations to take account of the needs of certain fisheries-dependent areas in northern parts of the UK and in the Republic of Ireland. These arrangements could provide additional fishing opportunities to the UK and the Republic of Ireland when quotas for certain stocks fall below determined trigger levels. But as Ben Bradshaw, the then-Fisheries Minister, astonishingly and absurdly declared in 2004,

*We have refrained from invoking Hague Preference in some cases where stocks are seriously depleted, as in these cases the full operation of Hague Preference could transfer the bulk—or in some cases all—of other member states' allocations to the UK.*¹⁸

Hague Preferences will fall with the CFP, though running a more robust (and just) policy enforced across the board will carry enforcement obligations that require planning around. This goes beyond merely those waters that UK ministers have direct responsibility for. The requirements of policing support for other territories, including the Channel Islands and Gibraltar, should also feature as part of this process; and it may be useful to set up in advance a wargaming scenario to which representatives from these administrations are invited.

Furthermore, ensuring that there are enough platforms in the air and at sea to provide a visible and active surge deterrent will not be enough. To secure a successful three-pillar strategy, broader policing will also be required including checks at landing locations. This will need some consideration for staffing planning, even perhaps to the point of temporarily reassigning back-office staff in support (such as has happened in recent years to cope with passport and border controls manning shortfalls). But staff will also need to be briefed to ensure that checks are done applying common sense. Focus should be on informing skippers, providing a visible deterrent to illegal landings, and baseline checks rather than checking to see if landings are a couple of kg over a half tonne limit.

Ministers might meanwhile reflect on how they can, subject to international rules on state aid, facilitate the slow turnaround of the fisheries sector. There will be an initial boost thanks to the prospect of a considerably increased national share of catch and of the number of UK vessels catching it. Consideration might then be given to whether transitional funds might be supplied for particularly run-down maritime communities to help facilitate landings and onward market delivery made by small boats based locally. Thought might be given to the extent to which smallholders seeking to pass on or revitalise family businesses might be given some support to ensure that more ecologically-friendly small vessels that are comparatively much more run down than their (EU-subsidised) competitors might merit

¹⁸ Response to Parliamentary Question by John Hayes MP, Hansard, 16 December 2004, c1220W

transitional support to meet any new compliance costs.¹⁹ That might particularly apply in terms of support for fish processors if tariffs are introduced by the EU on seafood products, and in any event negotiators should robustly reciprocate against any tariff introduction in an area of equal concern for the states seeking to introduce tariffs for their own protectionist benefit.²⁰

This is without even considering what precisely will define the UK's new waters. International law as we saw above allows for states to declare "contiguous waters". As at November 2014, ie before the referendum vote, there were no plans to declare a contiguous zone. A working group of government officials, led by the National Crime Agency, was set to meet in December to start considering the case for introducing the domestic powers which would be required before any contiguous zone could be enforced. Quite where this has got to (despite the increased urgency and relevance) is unclear. But with the establishment of national EEZ rights, such planning should be accelerated, allowing for some additional control over vessels relating to customs, monetary, immigration or sanitary laws and regulations and extending out up to 24 nm.

Beyond national waters, international organisations hold some sway. The UK will have an opportunity now to reclaim fully its place in fisheries management organisations covering the North Atlantic. These organisations will primarily be ICCAT, NAFO, NASCO and NEAFC; but also UN programmes and offshoots such as FIDP, FIDF, FIP, FIPI, FIPS, FIPM, FIR, FIRA, FIRO, FIRF and so on. Without going into the detail we simply note that the UK has an opportunity to engage either more directly or more fully with policy development covering waters that are not its own even after Brexit, but where the EU institutionally has increasingly played the dominant or even sole role operating on behalf of the EU states. Correspondingly, Whitehall should start to reflect on what policies it wants to have.²¹

Conclusion

The scrapping of the Common Maritime Policy, of which the Common Fisheries Policy is a component, generates considerable opportunities but also certain challenges for the country. These will be particularly apparent at the point of transition itself, but they can be mitigated and even removed by judicious planning and forward messaging. In this, the UK armed forces will have a significant, but not sole, role in providing support to the civil authorities.

The UK, together with its Dependant Overseas Territories, has the fifth largest collective EEZ in the world, running at just short of 2 million square nm. Its coastline is 7,700 (land) miles. The UK's global commitments to policing these waters, international shipping lanes,

¹⁹ Perhaps raised from a portion of overall tariffs raised in the UK in response to tariffs levied against the UK by the EU. Though ideally, tariffs would be mitigated across the board. Support would need to be WTO-compliant (for instance, by focusing on duty relief on red diesel), but this is explored in the Business for Britain publication *Change or Go*.

²⁰ The WTO principle of Most-Favoured Nation treatment requires states to apply common terms and rates of access unless a free trade agreement is reached. The complexities underpinning this principle fall beyond the immediate scope of this paper.

²¹ Again, see *Change or Go* (Chapter 14) which covers this in greater depth.

and in support of allies around the world will limit what can be achieved using what are already stretched assets.

Currently, assets are already heavily engaged. The Royal Navy Fisheries Protection Squadron boarded 278 vessels within British fishery limits in 2016/17.²² While this trend is downwards, we must assume it will significantly rise in the near future: indeed, a key reason underpinning the drop has been because of unit re-tasking since 2012/3 when more duties were handed over to civil marine counterparts as RN vessels have been needed elsewhere. Consequently the recent shift in the nature of the policing personnel away from elements of the armed forces needs to be borne in mind when considering current direction for post-Brexit surge policing, as does the increased dependence on resources that in certain maritime sectors appear to have much weaker blue water endurance and capability.

The Squadron's activity over the last reporting period, hardly a 'hot' period, resulted in six convictions. It should also be observed that one third of all convictions since 1999/2000 have been of UK nationals, if we are to put interpretations of pursuit of criminality into context, and the full range of who needs to be messaged.

Policing the EEZ against the risk of foreign trawler owners intent on provoking an international incident is best achieved by having capable assets in play, with robust Rules of Interception, by people who are properly trained and equipped. Past track record has seen (in 1993) UK fisheries inspectors taken captive; while in other EU waters, fishing disputes have escalated into fatalities. Such risks need to be guarded against through proper drills and capability.

Successful transition will require considerable forethought in terms of asset relocation, manpower planning, and capacity rental. The first three to six months of Brexit are likely to be the critical ones. They will probably require greater attention to maritime surveillance in the future, although thankfully mechanisms already exist to engage the private sector in supplying this. Cooperation with fisheries protection counterparts and law enforcement authorities in other countries will be important to ensure no concept of 'safe haven' abuse develops, with the resulting likely increase in public ill will towards transgressing states (as witnessed in the 'Turbot War' between Canada and Spain).

It is too late now to build blue water naval assets to assert our naval rights in time for transition. That does not mean that they may not be rented. Equally, notwithstanding the UK's global commitments, that does not prevent the Navy from gridding with its NATO and other partners a period where particular UK assets may be concentrated in home waters and their role is temporarily taken up by others. By the same measure, deployment timings, dockyard slots and leave periods should already be gridded to allow for the maximum units to be at sea as possible – noting in particular how the key catches change seasonally, which may impact on port basing plans. Meanwhile, facilities will need to be prepped to allow for rebasing of aviation assets as needs develop.

²² *Military Aid to Civil Authorities 2016/17*, MoD, 2017

Strategically, there may end up being wider ramifications. Increased EEZ responsibilities may encourage the MoD to reconsider past policy of employing limited numbers of expensive platforms and generating more of the cheaper platforms to provide increased simple physical presence – as it were, a shift back towards maritime beat policing. As part of that process, that would logically include considering where such assets might also usefully be deployed in escort roles against fast boat threats, particularly in the Persian Gulf. In turn, that means thinking about wider issues of design flexibility. Historical archives might usefully be trawled to draw out forgotten lessons on process and strategy from the period where the UK did deploy riverine and coastal craft globally in defence of its interests.

Fundamentally however, the issues boil down to this.

While the political and legal arguments will need a great deal of unravelling post Brexit, the key question is how we can regain our fishing rights and more importantly enforce them.

The crux of the problem here is a lack of assets. While air surveillance is key, any enforcement will only be possible by ships at sea, requiring boarding and arresting if necessary those foreign vessels that flout the UK waters. It is fine to arrest a foreign fishing vessel but the law and courts must also be able to uphold this.

The Fishery Protection Squadron, not to mention the wider methodology underpinning control of our own existing 12 mile limit, is woefully under-resourced. The vessels that are available are too few and not suited for the role. Chartering is at best a stop-gap, but may at least be one element behind a short term option to police our waters and stop foreign fishing vessels abusing our waters immediately we exit the EU.

An immediate priority must be to halt decommissioning of fisheries patrol vessels that, incredibly, is happening right now.

The UK's territorial waters are a tremendous asset, but they do require some investment. The UK needs to properly re-establish an effective FPV Squadron (or Coastal Protection Squadron) again to support any change in the law. This will be tough to sell to the Treasury, but very feasible given the political will. The economic, ecological, and social rewards will be ample enough.

About the Authors



Sheryll Murray, MP (@sheryllmurray) was born in the village of Millbrook, South East Cornwall, where she went to school before continuing her secondary education at nearby Torpoint Comprehensive School. Sheryll lives in Millbrook with her partner Bob and has two grown up children. Her daughter Sally is an officer in HM Forces and her son Andrew works in marine electronics.

Sheryll was widowed when she lost her fisherman husband Neil to the sea in March 2011. Prior to this she worked with her husband in his fishing business and represented the fishing industry in the UK and the EU for over 20 years. She has worked at the heart of the Department for Environment, Food & Rural Affairs as a Parliamentary Private Secretary to the then Secretary of State. Sheryll currently sits on the Environment, Food & Rural Affairs Select Committee and is Co-Chairman of the Fisheries All Party Parliamentary Group. Sheryll has been Secretary of the Looe Fishermen's Protection Society, Director of the Fishermen's Association Ltd., Chairman of a Fish Producer Organisation involving all aspects of quota management, Member of the Seafish Training Board Southwest, Member of Cornwall Sea Fisheries Committee, Member of the Fishing Industry Safety Group and Associate of the Royal National Mission to Deep Sea fishermen.



Rear Admiral Roger Lane Nott, CB (@mrrogerln) was educated at Pangbourne College and Britannia Royal Naval College. He was appointed Commanding Officer of the submarine HMS Walrus, of HMS Swiftsure, and HMS Splendid during the Falklands War. He went on to be Commander of the 3rd Submarine Squadron, Assistant Director of Defence Concepts at the Ministry of Defence, and Commanding Officer of the frigate HMS Coventry as well as Captain of the 1st Frigate Squadron in 1990. He subsequently became Chief of Staff, Submarines and Commander Operations and Flag Officer

Submarines before retiring.

He subsequently worked in Formula One and the British Racing Drivers' Club, as well as in other areas of business management; and is Chairman of the Governors at Pangbourne College.



Dr Lee Rotherham (@DrBrexit) is the Executive Director of Veterans for Britain. He has been an adviser to John Major's whipless rebels, Eurosceptic MEPs, three Shadow Foreign Secretaries, the Conservative delegate to the Convention on the Future of Europe, a delegate to the Council of Europe, and government ministers. He began in politics advising fisheries MP Sir Richard Body, his first report being based on analysis conducted from a trawler out on the Wash and which proved a key reference document for successive shadow fisheries spokesmen grappling with the CFP.

He was Head of Opposition Research for the No Campaign in the AV Referendum, and Director of Special Projects at Vote Leave, the designated pro-withdrawal campaign during the 2016 referendum. Outside of Westminster he has worked in publishing, teaching, heritage, and in Defence. Lee is a reservist in the British army, and has served on three overseas deployments (pictured here by the Ziggurat of Ur).

About Veterans for Britain



Veterans for Britain is led by ex-Armed Forces personnel but welcomes support from everyone who cares about the UK's autonomy, particularly in defence.

It campaigned during the referendum for a Leave vote, and now seeks to make that a practical reality by ensuring that UK links with the EU are not constrictive or damaging the country's strategic interests.

The UK and its Armed Forces would be freer, more effective, under more democratic control, and more able to retain their distinctive capabilities and ethos if they were without the impositions being applied by the EU in defence command, defence structures, operations, procurement, intelligence and the development of new technology.

We believe it is essential to maintain and where necessary re-establish the United Kingdom's autonomy in defence in the context of its pre-existing alliances and to ensure it is directly and solely accountable to the UK Parliament.

You can sign up to the campaign at www.veteransforbritain.uk to keep in touch with us.

Or you can follow us on twitter @VeteransBritain.