

# Fishing in Troubled Waters

by Michael Curtis



**On May 5, 2021,** French President Emmanuel Macron laid a wreath and spoke at the tomb of Napoleon at the ceremony commemorating the 200<sup>th</sup> anniversary of the death of the emperor. Macron maintained that the historic figure was both ogre and eagle, Alexander and Nero, the soul of the world and the demon of Europe. He added, “We love Napoleon because his life gives us a taste of what is possible if we accept the invitation to take risks”.

A day later, Frenchmen accepted that invitation, and taking risks, engaged in a confrontation, a dispute over access to waters in the English Channel, with the fishermen of the island of Jersey. The island is a self-governing British crown dependency, not part of the UK, and is 14 miles off the coast of France. Jersey has substantial freedom from Westminster, and has day to day control over its fishing waters, but the UK

is ultimately responsible for its defense and international relationships. Therefore, access to Jersey fishing waters is part of the EU-UK trade agreement of Brexit. Under post-Brexit requirements, Jersey introduced new requirements for fishing boats to submit evidence of their past fishing activities in order to get a license to carry on operating in Jersey waters.

French fishermen claimed Jersey had imposed unfair terms, created restricted zones, and limited the kind of fishing equipment that can be used. Jersey granted access to its waters to 41 French fishing vessels larger than 39 feet, though 344 applied. The French fishermen on May 6, 2021 protested over the new fishing licensing arrangements in the Channel Islands, and among other things over licenses for smaller vessels. For a moment there was fear of another "scallop" war, a one-day war, against Jersey and implicitly Britain, similar to the Great Scallop War, *guerre de la coquille*, of October 2012.

A flotilla of 70 French trawlers staged a protest at and tried to blockade St Helier, the capital of Jersey, firing flares, waving banners, and shouting slogans. Prime Minister Boris Johnson declared unwavering support for Jersey responded with gunboat diplomacy, sending, as a "precautionary measure," two Royal Navy gunboats, H.M.S Tamar and H.M.S. Severn to the scene. Macron then issued an order for two French military patrol boats to face off against the British navy gunboats, but almost immediately withdrew the order. Johnson urged de-escalation of the crisis, and called on France and Jersey to stop friction, while stating that UK had unwavering support for Jersey, any blockade would be completely unjustified.

However, Macron threatened to cut energy supply, mostly delivered through underseas cables, to Jersey which gets 95% of its energy from France if French fishermen were not given bigger quotas by Jersey.

The event was not a restaging of Trafalgar but a manifestation

of nationalism to which Macron, in supporting the French fishermen, is resorting to show his credentials as a way of appealing to the right-wing base of his presidential rival Marine le Pen. Though there is no exact parallel, Macron's attitude is reminiscent of the belligerence of Leopoldo Galtieri, Argentinian general and president, unpopular at the time in his own country, who on April 2, 1982, ordered the invasion of the Falkland Islands (Malvinas), the South Atlantic archipelago, a British overseas territory. He never believed that the UK would respond militarily. However, the British government led by Prime Minister Margaret Thatcher sent a naval task force to retake the Islands. After a ten-week war, the event ended with the Argentine surrender to the British forces, and in Argentina the removal of Galtieri from power.

The event in May 2021 is the result of the Brexit arrangements. Until January 1, 2021, the UK was subject to the EU common fisheries policy, according to which the fishing fleets from the EU countries had equal access to the EEZ, exclusive economic zone, which by agreement is 200 nautical miles from the coast of each state or maritime halfway point between neighboring countries. After the Brexit deal, the right of EU fleets to UK waters was reduced by 15% and will further decrease until 2026. Then the UK has the right to ban foreign fishing fleets altogether, though there will be annual negotiations. This is significant since the UK EEZ is the fifth largest in the world. The UK and EU require a license to fish in each other's waters. The French fishermen are angry about the regulations by the Jersey government in order to get a license, and assert that Jersey has been slow to approve licenses.

Fish has for long been a slippery issue for Britain and neighbors. This is not the first time of friction and confrontations. Over a twenty year period, mid 1950s to mid 1970s, UK was in dispute with Iceland over the cod wars, after

Iceland in 1958 expanded its territorial waters to 12 nautical miles and banned foreign fleets from fishing in these waters. Since 1982, a 200 nautical mile zone has been the international standard. Iceland won the cod wars, as is shown by the flaunting of the Iceland gunboat that opened fire on a British navy vessel as an upscale restaurant in Reykjavik harbor. More disputes between UK and Iceland and Faroe Islands are likely because Iceland has increased its agreed quota of mackerel while the competitor Scotland gets less. This issue between UK and Iceland is disconcerting because it is a dispute between two NATO allies; Iceland has threatened to withdraw from NATO and to close the U.S. base on Icelandic soil over a fishing dispute with UK.

A dispute over scallops in the English Channel took place in October 2012 off the coast of Le Havre. The Great Scallop War resulted from the fact that there were different fishing restrictions for British and French boats. British scallop fishermen are allowed to fish for scallops all year long, while the French are not allowed to fish between May and October. Further friction occurred the same year when 40 French fishing boats surrounded five British boats, attacking them with rocks and nets. Another incident took place in August 2018 when 35 French boats tried to prevent British fishermen from catching scallops off the Normandy coast. Some British trawlers and then French boats were damaged.

In September 2018 Cornish fishermen accused France of sabotaging their crab pots, dragging and breaking them. In October 2018, dozens of French fishermen interested in scallops faced off with some British rivals, leading to some scanning of vessels, stone throwing, and smoke bombs.

In October 2020 two British boats near the 12 mile French territorial limit were surrounded by French boats which threw flares and frying pans. In April 2021, French fishermen briefly blockaded trucks carrying British fish to processing plants in Boulogne sur Mer

The confrontation continues. On May 7, 2021, France , going beyond simply stopping British boats, issued a legal notice that British fishermen were no longer welcome to French ports. It had officially banned Jersey fishermen from offloading their catch at French ports. One Jersey boat was threatened with violence and turned back. Because France won't let British boats dock and offload in France, British fish supplies normally going to France have piled up in Jersey. The surprising result is that because the export to France has virtually stopped, Jersey fishermen have been giving away lobster hauls free.

The present dispute is symptomatic of the anger and bad feelings left by British exit from EU, and the new role of Britain in the post Brexit world. It is yet another problem between UK and EU , together with differences over the coronavirus developed at Oxford and produced by Astra-Zeneca. However, for Prime Minister Johnson his gunboat diplomacy was a triumph, not only in checking hostilities by the French, but helping his Conservative party be very victorious at the local and regional elections held the same week.

The Royal Navy patrol ships have returned to their base in Portsmouth but they are constantly ready to protect UK fishing waters. Boris Johnson and Macron are supposed to be holding emergency peace talks. What is unexpected that Boris, the person regarded by some as a clownish buffoon, a figure with an unorthodox private life, a man clearly not destined for sainthood, would defuse the crisis and manifest the mantle of Lord Palmerston and Winston Churchill and be the incarnation of British patriotism.

In his public announcement of the Brexit deal in December 2020, Johnson symbolically wore a fish patterned tie and a herringbone shirt to illustrate his concern for British fish. His position is clear, the UK will be "an independent coastal state with full control of our waters." For Britain, it's time for dover sole.

