

2024.10.22

3.3 Deputy H.L. Jeune of the Minister for External Relations regarding an update on the Government's discussions with the European Commission, France and the UK in respect of the fishing industry (OQ.197/2024):

Will the Minister provide an update on the Government's discussions with the European Commission, France and the U.K. in respect of the fishing industry?

Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter (The Minister for External Relations):

The management of fisheries is primarily, of course, the responsibility for the Minister for the Environment. However, I can provide an update on the Government's discussions with external partners. Firstly, of course, I should say that we understand the frustrations within the fishing community and remain in close contact with our French, U.K. and European colleagues on these matters. Recently key stakeholders, including fishers from Normandy, Brittany and Jersey, as well as U.K. and E.U. (European Union) officials, met at a regional forum in Jersey on 2nd October. This is a demonstration of our continued constructive dialogue under post-Brexit arrangements and, of course, we fully support the opening of a veterinary border inspection post in Granville, which would greatly enhance trade between both Jersey and Normandy.

3.3.1 Deputy H.L. Jeune:

What provisions have been put in place to enable Jersey to input into any T.C.A. (Trade and Co-operation Agreement) review that will be commencing in 2025, 2026?

Deputy I.J. Gorst:

As the Deputy will be aware, the United Kingdom has a tabled review for its elements of the T.C.A. in 2026. That does not apply to the clauses that cover Jersey's involvement in the T.C.A.

3.3.2 Deputy P.F.C. Ozouf:

Having discharged the Minister's role during the clear-up operation that was needed for the difficult issue of issuing fishing licences, he will understand my knowledge of the importance of communicating with French authorities at the highest Ministerial and regional levels. In relation to the question that is being asked, he referred to discussions that are being held with France. Could he indicate as to whether or not he is concerned about the reputational damage or otherwise with France and French fishers who, with Jersey fishers, we are receiving representations are concerned about the debate about the marine and spatial strategy? Can he elucidate exactly what discussions he has had, what his concern is, if he has any, and whether it is going to be damaging?

Deputy I.J. Gorst:

Of course, I hope all Assembly Members recognise the good work that he and the predecessor to my colleague in the Environment Department did in ensuring that a normal relationship was delivered post the difficulties of licences and the current Minister keeps up that good work and is working very closely with colleagues in France. In relation to his actual question, this has been the subject of a number of conversations which I have had with Ministers in Paris, with Her Excellency the French Ambassador in London. We have had those conversations with regional officials. The Chief Minister was at the Normandy Summit only a fortnight ago, and

I supported him in that work. It was very clear to me, and is very clear to me, we remind ourselves that the French gave strong representations into the consultation about the Marine Spatial Plan. It is very clear to me that we must balance the interests of marine conservation with having a viable fishing fleet and it is reducing, which is why we are working on the veterinary post, continuing his work, and also why we must balance the decisions that we have got in this Assembly very carefully to make sure we do actually have a fishing industry into the future. It is clear to me that if we accept the amendments today, well-meaning as they will be, we will be back in a very, very difficult situation with our relationships, with not only our local fishing fleet, but also the Norman and Breton fishing fleet, and with our political contacts in Brussels as well.

3.3.3 Deputy P.F.C. Ozouf:

Let me, if I may, just drill and ask the Minister directly. He speaks, and I understand the balance between difficult decisions that Governments must make and the interests of the industry and them sometimes liking it/not liking it. Can he say definitively whether his political counterparts or the counterparts of the Minister are in agreement with the Marine Spatial Strategy Regulations that are coming before this Assembly? In other words, would they make the same approach that we are making in their waters? Therefore, does the political body in France, regional, national, or E.U., support the Government decisions of Jersey?

Deputy I.J. Gorst:

It sounds an easy question to answer, but it is difficult because the French have got a political policy which is 30 per cent by 2030. But French political counterparts have reminded me in person that just because there is a political policy, it does not mean to say it is going to get delivered within the timescale and in the way that we, when we make a political policy, might deliver. There are already concerns in some quarters about the Marine Spatial Plan that the Minister himself has lodged, and there are areas there which are uncomfortable to both fishing communities. I personally think that that balance is right, but I am absolutely clear, and we will get to this in the debate, I will not be supporting the amendments for all of the reasons that the Deputy is suggesting in his question. It has been made clear to me that that would cause us great difficulty.

Deputy P.F.C. Ozouf:

But my question was, is whether the political body of France agrees with the political stance of Jersey in essence, and that has not been answered.

The Bailiff:

Perhaps you could just provide that ... I have to say I was trying to concentrate but I did not fully hear what the answer might have been.

Deputy I.J. Gorst:

I think I said that my political counterparts in Normandy had made it clear that while there are some areas of the existing Marine Spatial Plan that they are uncomfortable with - he will know about the certain of the no-catch zones - the real difficulty that would be presented to them and the areas that they have real difficulty is moving beyond what the Minister has already presented. That is notwithstanding their own political desire to have 30 per cent by 2030 of their own waters of marine spatial plans.

3.3.4 Deputy J. Renouf:

Would the Minister agree with me that the foundation of the success of Jersey in negotiating the situation so far with fisheries has been the careful application of the T.C.A.? In particular,

Article 494, which commits to the precautionary principle to promoting the long-term sustainability of shared stocks and ensuring selectivity in fisheries to protect juvenile fish as found in maerl beds. Would he agree that whatever we do going forward, we should ensure the firm application of the T.C.A. and that that will give us the strongest negotiating hand in negotiations with France as it has in the past?

Deputy I.J. Gorst:

Of course I would agree with the commentary and the reading out of the Articles in the T.C.A. “Carefully”, I think was a word that he referred to, and “carefully” is an important word. There is a quadrilateral group that discusses all of these matters. The previous questioner pushed me on saying what my view was and what French politicians had said to me. I have relayed that to the Assembly, therefore it will be for the Assembly to make these decisions. The details about fisheries management of course is well outside of my brief and falls very squarely in the brief of the Minister for the Environment.

3.3.5 Deputy J. Renouf:

The point I am trying to make is that we do of course have to have due regard for the French and we should consult with them and we need to have good relations. But so long as we are acting with the full legal authority of the T.C.A., then we find ourselves on a firm foundation. Could I therefore ask whether he is prepared to explain these points to the French when they make their arguments about our desire for marine protected areas and to push back using the T.C.A. as his foundation?

Deputy I.J. Gorst:

Yes, and the reason I say yes is because I already have. He is absolutely right to remind us that the firmest of firm foundations are when we are acting in line with the T.C.A. in regard to our relationships. That does not mean to say that when we simply push back in those terms that our arguments are accepted.

3.3.6 Deputy H.L. Jeune:

The Minister explained that the T.C.A. review is specifically for the U.K., but it is well known that fishing is one of those elements that will be reviewed. Will the Minister advise if he is concerned that the negotiating parties will use this T.C.A. review to open up the T.C.A. on fishing, including Article 494, which provides sovereignty to apply a precautionary approach to fishers’ management for those signatories?

Deputy I.J. Gorst:

I stand by what I just said in answer to the immediate preceding question, which is we must stand on the certainty of the T.C.A., notwithstanding what our partners might try to argue in their interest. We must stand on the terms of the T.C.A. It is quite clear to us here and to Guernsey that there should be no review of our element of the T.C.A. or our fisheries settlement in 2026. That is not to say that others will not make the case that she has just indicated in her question but I will continue to, in the firmest terms possible, push back and say that we are not included in that review.