

A Future for our Seas

Wildlife and Countryside Link (Link) is calling for comprehensive legislation to achieve better protection for marine wildlife and effective management of our seas.

Achieving these improvements will require coordinated action at UK level and by the devolved administrations. This paper has been developed in consultation with colleagues in sister Link organisations - Wales Environment Link, Scottish Environment LINK, and Northern Ireland Environment Link - who will be calling for specific changes to improve the devolved management of the marine environment.

Better protection for marine wildlife

The wealth of wildlife that inhabits our seas – from whales and dolphins to fish, shellfish and corals - faces daily threats from human activities. Existing wildlife law is difficult to implement at sea and is failing to protect marine species and their habitats.

What is needed?

We need a robustly enforced system to protect marine species throughout UK waters from damaging human impacts, coupled with coordinated survey and monitoring of listed species and habitats to enable the implementation of species conservation and recovery measures.

Why is reforming the law important?

The current legal system does not always offer the level of protection required to prevent or remedy the damaging effects of human activities on our marine species and habitats. The legislation is often based on terrestrial principles making it difficult to apply in the marine environment. Its proper implementation often relies on a level of knowledge that is not available for many of our marine species, rendering necessary actions to promote their conservation or recovery difficult. In addition, our domestic wildlife law applies only out to 12 nautical miles. This is out of line with European wildlife legislation, which applies to the UK continental shelf and waters out to a limit of 200 nautical miles.

The interim report of the Government's Review of Marine Nature Conservation concluded that species protection should be a fundamental component of the marine nature conservation legal and policy framework.

How can the law help?

- **Stronger legislation to support conservation and recovery measures**

Proactive measures need to be developed to protect and conserve populations of species and their habitats. Many countries have enacted species recovery legislation to achieve this aim but the UK currently has no such framework backed by statute. The UK Biodiversity Action Plan (BAP) process has developed plans for a number of marine species and habitats, and in England and Wales duties exist on government to 'have regard' to conserving biodiversity, and to 'take steps to further the conservation of biodiversity'. However, this falls far short of a statutory species recovery framework. The BAP process is least well developed in the marine environment with a key problem being the continued lack of baseline information for marine species.

Legislative backing to the species recovery process is necessary to ensure sustained, long-term commitment at all levels of government.

- **Strengthened protection against human impacts**

Loopholes in our domestic wildlife protection law allow the killing of protected species provided it is not done intentionally or occurs as the result of an otherwise lawful activity.



These loopholes must be tightened so that activities known to pose a threat to protected marine species are not allowed to continue unchecked.

Powers should be made available to competent authorities (such as Local Authorities) to pro-actively protect marine wildlife through the use of byelaws - for example to create inshore zones to regulate the use of vessels for reasons of wildlife protection. In addition, steps – such as information provision and regulatory codes of conduct – should be taken to ensure that the welcome growth in marine wildlife-watching from boats is not allowed to disturb or harm wildlife.

Increased protection is also needed for marine wildlife against the growing problem of noise pollution in our seas.

Some terms in wildlife law need to be adapted to be usefully applied to marine species – for example, current laws offer protection to any structure or place used by protected species for shelter and protection, and to their breeding sites and resting places. These concepts are difficult to apply in the marine context, where many animals breed in the water column. Protection of 'structures, shelters or habitats important for stages of the life cycle' would be more useful for marine species.

Where areas important for protected marine species have been identified, and damage is caused to them as a result of a breach of the law, courts should have the power to require the perpetrators to restore the damaged areas as far as possible.

- A robust enforcement system

To make new or reformed legislation effective, the difficulty in enforcing wildlife law at sea must be addressed. In England and Wales, the Countryside and Rights of Way Act (2000) has produced great advances in tackling terrestrial wildlife crime, but at sea, the necessary systems are simply not in place. Extension of wildlife law enforcement powers to those agencies that operate in the marine environment such as the Maritime and Coastguard Agency, the development of a centrally coordinated national system for recording wildlife crime incidents at sea, and the establishment of a national registration scheme for all boat owners will be important tools.

- Application of wildlife protection laws throughout UK waters

To be in line with EU and other international conservation legislation, and in the light of increasing human activity offshore, the UK's domestic species protection and conservation measures must be applied to the UK continental shelf and waters out to the 200 nautical mile limit.

Nature conservation in Scotland's territorial waters is the responsibility of the Scottish Executive. Scottish Environment LINK is calling for parallel reforms.

For more information

To receive further copies of this or other Link marine briefings, or for further information on any of the issues raised, please contact Annie Smith at Wildlife and Countryside Link on 020 7820 8600 / annie.smith@wcl.org.uk.

The following Link marine briefings are also available:

- *Act before it's too late;*
- *The right governance of our seas;*
- *What future do we want for our marine environment?;*
- *Protecting our nationally important marine wildlife sites; and*
- *A planning system for our seas.*

To receive information on Scottish Environment LINK's parallel campaign for marine reform, please contact Calum Duncan on 0131 2266360 / scotland@mcsuk.org.