

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

Wildlife and
Countryside



Marine Bill Bulletin

A Future for our Seas – What the Marine Bill must contain

Bulletin No: 1

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Wildlife & Countryside Link (Link) is calling for comprehensive legislation to achieve better protection for marine wildlife and effective management of our seas. Over the coming months, Link will be producing a series of Marine Bill Bulletins, which will be widely circulated to all stakeholders in order to inform and focus thinking as the Marine Bill develops.

This first bulletin sets down a broad foundation of what Link believes the Marine Bill must contain, as a minimum, in order to fulfill the Government's commitments to protect marine biodiversity and ecosystems. The Marine Bill must provide a coherent legislative framework that will deliver the Government's stated goal of "clean, healthy, safe, productive and biologically diverse oceans and seas" ('Safeguarding Our Seas', Defra, May 2002). This framework should set out clear goals, objectives, targets and indicators for social, economic and environmental elements, but must place the environment at the heart of our management of marine activities to achieve an ecosystem approach. The policy framework should be guided by the precautionary principle and should be based on explicit recognition that a healthy marine ecosystem is essential for many of the economic and social benefits we derive from the sea.

Link believes that the Bill must include:

- **A forward looking statutory marine spatial planning system, which enables better and more sustainable use of the marine resource and appropriate protection of the natural and historic environment;**
- **Legislation to provide for the designation of a representative network of Nationally Important Marine Sites which must include a series of Highly Protected Marine Reserves;**
- **Statutory underpinning of the list of nationally important marine features (see overleaf) and a duty on all competent authorities to conserve and monitor these features, along with stronger measures to safeguard protected species throughout the marine environment;**
- **A duty on the appropriate competent authorities to enforce marine protection measures;**
- **Legislation that addresses the existing weaknesses and gaps in the management of inshore fisheries, strengthens the powers of the Sea Fisheries Committees, requires the adoption of a proactive, precautionary ecosystem-based approach to fisheries management, and underpins this management with new, adequate and secure funding.**

Over the last five years Link, working with other stakeholders, has been involved in the most fundamental and comprehensive review of marine nature conservation undertaken in the UK (the Review of Marine Nature Conservation – RMNC). The RMNC Working Group delivered its recommendations to the Government in July 2004, and we

welcomed these. Ministers are likely to respond to the RMNC's recommendations in the early part of this autumn. The RMNC's recommendations were developed against a background of significant improvement in our understanding of the natural marine environment and how best to approach its management. The emphasis has shifted from focusing exclusively on the protection of specific species and habitats to one which focuses on whole ecosystems. As noted in the RMNC report "This requires us to better integrate marine conservation with sustainable social goals and economic growth and address our objectives for marine nature conservation alongside the full range of human activities and demands that we place on the marine environment. It places emphasis on a management regime that maintains the health of ecosystems alongside appropriate human use of the marine environment." (RMNC Working Group Report to Government; para. 3, pg. i) The RMNC Working Group concluded that the current system for marine nature conservation "...is not fit for purpose" (RMNC Working Group Report to Government; para. 7, pg. ii).

The RMNC Working Group's report to Government was agreed by a Steering Group of stakeholders with widely varying perspectives, including representatives of different Government Departments, commercial and recreational interests, fishing organisations and environmental bodies. There was good reason for the considerable level of consensus reached by the RMNC. It was clearly understood that all would benefit from a well-managed and healthy marine environment. The World Bank estimates the costs of environmentally sustainable management of the Mediterranean to be half the cost of dealing with the consequences of mismanagement. Prevention is better than cure, and more cost-effective ('State of Nature', English Nature, 2002).

Link was delighted to see the Government's commitments to marine legislation, first in its General Election Manifesto and more recently in its legislative agenda for 2005-06. We are encouraged that the Government is proposing a wide-ranging Bill, which will address marine nature conservation as well as the management of human activities at sea. Link now urges the Government to accept the challenges set by the RMNC, and to adopt a new approach to the way we manage and protect our seas in line with its recommendations.

Those responsible for drafting the Marine Bill must be innovative, and not rely on existing inappropriate models such as those that apply to land management. There are fundamental differences between the land and the sea, and any governance framework must consider these differences. Marine governance must take into account the relative lack of information and understanding about the marine environment and the effects of development upon it. This demands a more proactive and **precautionary approach** than we are perhaps used to on the land.

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This bulletin is supported by the following organisations:



A Marine Agency and marine spatial planning

The Government has, on a number of occasions, suggested that there will be a Marine Agency, in England at least. This Agency may incorporate the current role of the Sea Fisheries Inspectorate, some consenting responsibilities, and a role in marine spatial planning. Natural England, which will replace English Nature as England's statutory nature conservation adviser in October 2005, is set to retain English Nature's independent advisory role for the marine environment. Link considers this role essential, and would strongly advise **against moving this role** across to any new Marine Agency.

The Marine Bill should not only allow English Nature (soon to be Natural England) and the other country conservation agencies (including the Joint Nature Conservation Committee (JNCC) for offshore areas) to be responsible for giving marine conservation advice, but also place a duty on them to designate **marine protected areas (MPAs)**, co-ordinate MPA management plans and, through others, to enforce nature conservation legislation.

If, as is the situation at present, various Government Departments continue to have responsibility over particular activities in the marine environment, it will be essential that there is good communication and co-ordination between these Departments. The Departments must also be required to exercise their relevant responsibilities, in particular consenting, in line with marine spatial plans. A new Marine Agency could provide the necessary co-ordination, at least in England.

Marine Protected Areas (MPAs)

Link is calling for the Bill to provide for a representative network of **Nationally Important Marine Sites** which must include a series of Highly Protected Marine Reserves. This network is needed in addition to Natura 2000 sites and sites which the UK is committed to designating under OSPAR (North East Atlantic Convention). We would emphasise that the RMNC supported the need for better protection for nationally important marine sites, and that the Government itself backed the principles of John Randall MP's 2001-02 Marine Wildlife Conservation Private Member's Bill, which would have allowed for the identification and designation of a network of such sites, which might be compared to Sites of Special Scientific Interest (SSSIs) on land. Although marine activities will be able to continue in some sites where they don't damage the protected wildlife, there is also a desperate need for a series of **Highly Protected Marine Reserves**.

Despite the Government's support for the principles of the Marine Wildlife Conservation Bill and its commitment to designating nationally important sites in 'Safeguarding Our Seas', coupled with the overwhelming evidence supporting the need for such sites, it is still unclear whether a network of this kind will be delivered. Link believes that it is vital that Ministers use the precious legislative opportunity provided by the Marine Bill to make real progress on protecting Nationally

Important Marine Sites. It is an opportunity which may not be repeated for many years.

Protection of biodiversity in the wider sea

JNCC is currently leading work to develop a list of nationally important marine species and habitats (collectively known as features). The Marine Bill must, at the very least, give this list statutory backing, and Link believes a duty should be placed on all competent authorities to conserve and monitor these features. New and strengthened measures to safeguard our protected marine species (those which merit inclusion on the Schedules of the Wildlife and Countryside Act) are also needed, and these must be applied throughout the marine jurisdiction of the countries to which the Bill applies.

Enforcement and duty of care

A duty to enforce marine protection measures should be placed on the appropriate competent marine authorities, and their responsibilities clarified, whether they be existing authorities such as the Royal Navy and the Maritime and Coastguard agency, or a new marine enforcement body. Particularly where more than one authority is involved, there should also be a requirement to work together and share information through a central system for recording environmental offences at sea.

Link would also like to see all competent marine authorities given a statutory duty of care for the marine environment and its biodiversity. This would aim to ensure that the environment is taken into account properly in the exercise of public bodies' functions, essential if we are to achieve a healthy marine ecosystem, which should be an overarching goal of the Marine Bill.

Management of inshore fisheries

We support the continuation and development of the Sea Fisheries Committees. They have a strong track record of managing inshore fisheries in a sustainable and environmentally-aware manner. They acknowledge that they could be doing better, but are hampered by out-of-date legislation and inadequate resources.

New legislation and a new management framework must be developed to provide the opportunity for authorities to move away from the current narrow, exclusive, sectoral management of fisheries towards a new system of stewardship, inclusive decision making, and integrated management. Only this will enable inshore fisheries to deliver long-term sustainability and a healthy marine environment.

For more information on Link's marine campaign please log on to our website www.wcl.org.uk or contact Helen Meech on 020 7820 8600 or helen.meech@wcl.org.uk