

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

Marine Bill Bulletin

A Future for our Seas – The Future Management of Inshore Fisheries in England

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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.

The Government's stated goal of "clean, healthy, safe, productive and biologically diverse oceans and seas" will only be achieved if the framework governing inshore sea fisheries is seen as a priority issue within the Marine Bill, given that fishing in the inshore sector is known to have a critical impact on the marine ecosystem.

Of the 12 marine Biodiversity Action Plan (BAP) Habitats 11 may be affected by fisheries activities. Of the 16 marine BAP Species, 14 may be affected by fisheries activities. In general, habitats are subject to modification due to the physical impact of fishing gear and species are either targeted or accidentally caught during fishing operations or subject to the effects of prey depletion.

A new legislative framework is required that will address the existing weaknesses, gaps and inadequacies in the current system, and allow both current and new management practices to deliver the ecosystem approach. This framework needs to clarify the aims and objectives of the Sea Fisheries Committees (SFCs) and those of the emerging regional fisheries management structures, strengthen their capacity and powers (including their powers of enforcement), require the adoption of a proactive, precautionary, ecosystem based approach and provide new, secure funding arrangements.

There are positive aspects within the existing system, which a new legislative and management framework for inshore fisheries must continue to deliver. Of particular benefit has been the potential for local decision-making and participative management by people with a detailed knowledge and experience of their local fishing grounds and also the input of public officials elected by the democratic process. It is vital that we do not lose the unique quality of community and involvement of individual fishermen that is presently found in the Sea Fisheries Committees. There must however also be a strong, central co-ordinating role to ensure consistency in structure, approach and enforcement.

Background

This situation has been considered by an extensive programme of reviews undertaken by the UK Government including the Review of Marine Nature

Conservation (RMNC), the Review of Marine Fisheries and Environmental Enforcement Arrangements in England and Wales (Bradley Review) and "Net Benefits: a sustainable and profitable future for UK fishing" (Prime Minister's Strategy Unit Report). During the latter, an Inshore Working Group was specifically set up to provide the minister with a report which takes forward both the "Bradley Review" and the "Net Benefits" report. Link supports this group's recommendation that action is required to strengthen the structure of the management system for sustainable inshore fisheries.

The Inshore Working Group carefully considered the aims and objectives of the future inshore fisheries management system. It recommended that the overarching aim should be sustainable development of sea fisheries in the marine environment and that the framework should have the following objectives:

- Ensure sustainable marine ecosystems, having due regard to a precautionary approach.
- Maintain and where necessary rebuild stocks and their supporting ecosystems, thereby enabling exploitation of living resources on a sustainable basis.
- Optimise the social and economic benefits derived from living marine resources, with a view to ensuring their long-term viability.

It stated that these objectives should be brought about through:

- Good governance.
- Good communication and engagement between all those with a stake in inshore fisheries.
- Good quality data, information and understanding to support management decisions.
- Quality management, driven and informed by best environmental and fisheries science, and delivered at an affordable cost.
- Minimal unlawful fishing.
- Effective use of skills and resources.

Achieving a more sustainable inshore fishery remains a big challenge. At a national level there remain difficulties in delivering more positive environmental outcomes in inshore fisheries due to inflexible legislation and insufficient funding.

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The question is how will the Government respond to the recommendations of the stakeholder group; will legislation be provided to enable the recommendations of the group?

A draft Marine Bill is currently being developed by Defra. It could deal with many of the elements highlighted by Link (refer to our policy paper and www.wcl.org.uk), and the recommendations of the Inshore Working Group.

The Marine Bill has the potential to have a significant positive effect on the way that inshore sea fisheries are currently managed and enforced and hence how they impact upon the marine environment.

What Link would like to see in the Marine Bill

It is our view that fishery managers must be given the powers to manage inshore fisheries in an integrated way, and must attempt to balance the various objectives - ecological, biological, economic, social, cultural and administrative - which are implicit in the concept of sustainable development. Integrated management adopts the ecosystem approach as a core feature, but it also seeks to optimise the social utility of the resource base through a more carefully considered choice between the secondary objectives of economic efficiency and social benefit (Symes, D. (2002). *Inshore Fisheries Management in England and Wales: Facing up to the Challenges of the 21st Century*. English Nature Research Report No.448).

There is a fundamental need to move away from management of fisheries on a species basis to management on an ecosystem basis. Fished species cannot be conserved without also conserving the ecosystem that supports them - noting, of course, that different life history stages of commercial species often live in very different places within different ecosystems. This requires 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, along with new and improved measures to protect species and habitats throughout the marine environment, including provisions for monitoring.

If the ecosystem approach is to be successfully adopted, resources will be required for monitoring and scientific research capabilities, to provide data and information for evidence-based management. Research is needed to establish population status baselines and trends: the need for this information is far wider than just the fishing

industry. A commitment to monitoring the environmental impacts of fisheries will allow the determination of appropriate mitigation targets and measures.

New provisions under the Common Fisheries Policy (CFP) that came into force on 1st January 2003, which allow states to take action to protect ecosystems (not just fisheries), could provide new opportunities for marine nature conservation. The requirement to ensure the integration of environmental considerations into fishery management is both an international and UK requirement. Future integrated fisheries management should incorporate and apply to all fisheries of the inshore sector, including: finfish, shellfish, mariculture and recreational sea angling.

Above all it is essential that the legislative 'toolkit' that inshore fisheries managers have at their disposal is (at the very least) sufficient for them to be able to deliver against management objectives. Defra have said very little about any changes to this framework, seeming to indicate that only minor changes are needed to existing fisheries legislation. Indeed, environmental management is not really dealt with in any meaningful way within the Bradley report.

SFCs will in the future have to take on new ways of working, be increasingly proactive in their thinking, evaluating action taken in response to research and monitoring findings, and work with others to bring about a cultural and institutional change to a point where environmental conservation is seen as an asset in fisheries management (The Wildlife Trusts (2001). *The Future of Inshore Fisheries: a discussion document*. The Wildlife Trusts). A new legislative framework is required to clarify the aims and objectives of the SFCs, strengthen their powers, require the adoption of a proactive, precautionary, ecosystem based approach and provide them with new, secure funding arrangements. Clearly they will need to integrate their activities with regional fisheries managers, FiFG officers and fisheries staff in RDAs.

Defra is currently reviewing marine fisheries and environmental enforcement. This is likely to alter the current inshore fisheries management framework and it will be essential to ensure that environmental considerations are a central element.

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Link also calls for Defra's response on inshore fisheries to the Prime Minister's Strategy Unit's "Net Benefits" report and the "Bradley Review" to recommend a broad overhaul of inshore fisheries management. In our view, failure to do this will have two serious implications:

- a) that the future of the UK inshore fisheries and marine environment will continue to be threatened by the continuation of a rigid and outdated management framework.
- b) that stakeholders in the inshore fisheries and marine environment will be excluded from the type of detailed discussions about their future that is available to those involved on the offshore industry through Sustainable Fisheries Programme stakeholder working parties.

RECOMMENDATIONS

The Government should introduce new legislation for inshore fisheries that:

1. Furnishes clear, logical and well-defined terms of reference for all authorities involved in the management framework of inshore waters.
2. Must be applied appropriately and sensitively across all sectors, and introduces effective new ways of regulating the use, management, recovery, protection and monitoring of the marine environment, coupled with better enforcement.
3. Requires a joined up approach, with Strategic Environmental Assessment (SEA) undertaken on a sea area basis, as applicable to the fisheries involved, to include all future planning strategies that are developed for inshore fisheries and aquaculture.
4. Contains a requirement for all new inshore fishery projects to be the subject of an Environmental Impact Assessment (EIA), including developments in aquaculture, new fishery projects or practices, significant changes in gear design and new areas of exploitation.

There should be new legislation for Sea Fisheries Committees that:

5. Clarifies the aims and objectives of the SFCs, strengthens their powers and capacity (including to enforce), and requires the adoption of a proactive, precautionary and ecosystem-based approach.
6. Provides the SFCs with a secure funding framework, removes the uncertainty over their future support and enables them to perform their fisheries and environmental duties to the full.
7. Assures adequate resources for monitoring and scientific research capabilities to provide data and information for evidence-based management.
8. Introduces an effective licensing system for inshore fisheries that facilitates sustainable exploitation by giving the SFCs the power to attach conditions to fishing licences when issued.
9. Allows for the establishment of environmental objectives and a mechanism to achieve them via assessment, monitoring, and mitigation, followed by feedback into the system.
10. Develops clear lines of communication between SFCs and Central Government departments, perhaps via the emerging regional fisheries administrations.

For more information on Link's marine campaign, or to obtain further copies of Link Marine Bill Bulletins or policy papers, please log on to our website www.wcl.org.uk or contact Helen Meech on 020 7820 8600 or helen.meech@wcl.org.uk