



## Marine Biological Association written submission supplied for Defra consultation, Sustainable fisheries for future generations, September 2018.

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### General comments

1. The Marine Biological Association (MBA) is a Learned Society established in 1884 and incorporated by Royal Charter in 2013. The MBA has about 1500 members (including international members) and runs The Laboratory in Plymouth where approximately 90 scientific staff work. MBA members have been at the forefront of providing scientific information to support marine environment protection, management and education and much of the scientific information that underpins decision-making about environmental protection has come from work undertaken at the Laboratory.
2. The MBA membership includes a significant number of professional marine biologists and as such regularly invites its members to provide input on a range of issues. The MBA therefore provides a 'clear independent voice to government' on behalf of the marine biological community. The following evidence follows this pattern in providing evidence submitted by MBA members on a number of the issues raised by the inquiry.

### Questions

#### Setting our course

- *Q1: Do you agree with the proposed powers in the Fisheries Bill?*
3. Yes. The MBA is pleased to see the statement that *"the powers proposed in the Fisheries Bill have therefore been developed to make sure that we can respond flexibly and quickly to a dynamic environment as we approach exit, but also manage fisheries more effectively, for example by responding to scientific advice in the years to come"* (Consultation Document P17). Enabling fisheries to be managed in this manner has the potential to put the UK at the forefront of sustainable fishing. Leaving the CFP allows the UK to make the choice to be an exemplar with regards to its fisheries management so it is important the powers are used in this way.
  4. The ambition in the proposals in terms of powers to require a policy statement on applying sustainability principles, allow management based on scientific advice, extending powers

to allow for the regulation of fishing activity and ensuring protection of the environment is admirable and again, the MBA would fully support these aims. It is important however that more information is provided on which principles and objectives will be applied and what powers will be extended? Scientific advice needs to be at the heart of the new management system so details are required to enable this advice to be provided in a timely an appropriate manner.

5. In light of point 4, more information is also required on flexible management based on science-led decision making i.e. where will the scientific advice come from and how it will reach decision-makers? Will scientific advice come from governmental organisations only? Will there be appropriate channels for independent scientific evidence? There is also a need to improve transparency in decision making.
  6. New powers for the MMO are useful but effort is required to establish processes that are applicable across the DAs. For example, the way scientific evidence is collected and interpreted needs to be coordinated and standardised. This will also facilitate cost-effective evidence gathering and monitoring, which would be a challenge if England and DAs vary significantly in their approach to fisheries management.
- ***Q2: What are your priorities for UK negotiations with the EU on fisheries?***
7. The main priority is, as stated on P9 of the consultation document, to ensure ‘continued cooperation on fisheries management and on longer term sustainable approaches’. Sharing resources related to scientific evidence gathering and advice should be key to any agreement.
- ***Q3. What are your priorities for controlling our waters after exit?***
8. The priorities are to ensure that science, not politics is at the heart of any fisheries management system so that UK fisheries are run in a sustainable manner. The UK should aim to be a model of science-based sustainable fishing practices for the benefit of future generations. The phrase ‘taking back control’ can be a positive or a negative depending on the principles applied post-Brexit.
  9. Opportunity should also be taken to stop treating marine environmental protection as separate from the issue of fisheries management and legislation (as currently happens due variations in sources and types of legislation, jurisdiction and competencies for the different areas). Management of fisheries should not be treated as unrelated to general principles for environmental governance (see point 12 below).
- ***Q4: What are your priorities for the UK’s international role in fisheries (beyond the EU)?***
10. The Fisheries Bill should clearly state how UK will work towards goals highlighted in SDG14 currently implemented through the CFP including how science will be better incorporated into decision making to achieve the SDG goals; ‘Implement science-based management plans’ and ‘Increase scientific knowledge, develop research capacity and

transfer marine technology'. Extra funding for independent fisheries science would also help fulfil these goals.

11. The UK should retain and expand its influence in international organisations where it currently participates alongside the EU (such as UNCLOS and the UN Straddling Fish Stocks Agreement 1995; Regional Fisheries Management Organisations). The UK should also negotiate its participation in international organisations such as the International Commission for the Conservation of Atlantic Tunas (ICCAT) where it currently only represents Overseas Territories and reinvigorate roles in the IUCN (where it supports shark conservation and CBD and CITES, as stated in the consultation document). A full proposal should be set forward on participation and competencies for the UK in relation to all the appropriate international organisations.

- *Q5: What are the fisheries policy areas where a common legislative or non-legislative approach (framework) across the UK is necessary?*

No Comment.

- *Q6: Do you have any further comments relating to the issues addressed in this section?*

12. The MBA has previously submitted written evidence to the Defra consultation, Environmental Principles and Governance after the United Kingdom leaves the European Union. We believe these key environmental principles should underpin all environmental policy including fisheries:

- a. Principle 7 of the Rio declaration (“States shall co-operate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem”), as coasts and oceans represent a vast, interconnected environment that needs to be considered holistically.
- b. **Precautionary Principle:** evidence gathering in the marine environment is expensive and often difficult (e.g. the deep sea environment). The application of the Precautionary Principle should be used to prevent damage to vulnerable habitats and species where there is currently a lack of basic marine ecological knowledge to assess impacts. The UK is party to the OSPAR Convention on the protection of the marine environment and various international fishery agreements such as the FAO Code of Conduct for Responsible Fisheries (CCRF) and the Precautionary Principle is enshrined in these conventions. It is also an important ‘concept’ in the CFP<sup>1</sup> and should therefore be at the heart of future fisheries management at the national level.
- c. **Sustainable Development.** Agenda 21, Chapter 17 of the Johannesburg Plan of Implementation highlights the importance of sustainable development for Oceans and Seas. Sustainable Development Goal (SDG) 14<sup>2</sup> is part of the 2030 Agenda for

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<sup>1</sup> Proelss A & Houghton, K. (2012). The EU Common Fisheries Policy in light of the precautionary principle. *Ocean Coastal Management*. 70: 22–30.

<sup>2</sup> <https://sustainabledevelopment.un.org/sdg14>

Sustainable Development and aims to “*Conserve and sustainably use the oceans, seas and marine resources for sustainable development*”. SDG 14 and the 10 associated targets underpin the United Nations Decade of Ocean Science for Sustainable Development (2021-2030), to which the UK will be a contributor through its marine science programmes. As stated by UK government “*The UK was at the forefront of negotiating the SDGs and will be at the forefront of delivering them*”<sup>3</sup>.

- d. **Polluter pays and Pollution prevention**: these principles are often listed together as key principles for the marine environment<sup>4</sup>. Pollution Prevention as a principle dates back to the Stockholm declaration (1972) where Principle 7 states that “*States shall take all possible steps to prevent pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea*”. The Polluter Pays principle is one of the central guiding principles of the OSPAR Convention along with Best Available Techniques (BAT) and Best Environmental Practice (BEP). The latter means that use of **best available evidence from research** (in this case, marine scientific research) should also be a guiding principle.

### Pursuing sustainable management

- **Q7: Do you agree with the measures proposed to ensure fishing at sustainable levels?**

13. As stated in consultation document, fish are a ‘public resource’ and should be managed to sustainably for future generations. We are pleased to see a commitment to MSY but there are some statements that give cause for concern:

- a. P28 talks of the potential for increased fishing opportunities and lighter regulation for low impact fisheries whilst taking not of cumulative impacts of medium impact vessels. It is not clear how these ‘cumulative impacts’ will be assessed.
- b. P31 of the consultation document talks of exemptions for discard obligations and also of removal of stocks from catch limits. We note the caveat that this would be based on ‘strong scientific evidence’ but the decision making process and evidence interpretation needs to be transparent and independent.

14. There is constant reference to best available evidence and to science which is excellent (particularly section 2.5 of the consultation document) but the details on this are sparse. Links should be made to wider marine biodiversity monitoring programs and assessments. The monitoring programme referred to (e.g. top P30 of the consultation document) should be integrated with the monitoring and assessments produced as part of UKMMAS, be adequately resourced and include fisheries-independent information.

15. There is also a single reference to an ‘ecosystem approach to fisheries management but limited detail on how or if ecosystem based management systems will be put in place.

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<sup>3</sup> <https://www.gov.uk/government/publications/implementing-the-sustainable-development-goals/implementing-the-sustainable-development-goals>

<sup>4</sup> Dzidzornu, D. M (1998) Four principles in marine environment protection: A comparative analysis, *Ocean Development & International Law*, 29:2, 91-123, DOI: 10.1080/00908329809546119

Work in the USA undertaken by NOAA should be investigated as they are implementing this approach in the belief that it is 'most efficient and effective way' to address responsibilities for fisheries, endangered species, mammals and marine resources<sup>5</sup>. Key principles of ecosystem based management are; consider Ecosystem Connections; Adaptive Management; Appropriate Spatial and Temporal Scales; Use of Scientific Knowledge; Stakeholder Involvement; Integrated Management; Sustainability; Account for Dynamic Nature of Ecosystems<sup>6</sup>

- ***Q8: Do you agree that existing quota should continue to be allocated on an FQA basis?***

No Comment.

- ***Q9: How should any additional quota that we negotiate as an independent coastal state be allocated?***

No Comment.

- ***Q10: Do you agree that Defra should run a targeted scientific trial of an effort system in English inshore waters?***

16. Yes but this should be run clearly as an independent scientific trial. Preferably the trial should be led by independent scientists (not government or industry scientists). and the monitoring. The trial could be targeted at where the main benefits might be expected e.g. complex multispecies fisheries or stocks where data is difficult/expensive to gather or where data is of low quality or unavailable. It should also be noted that an effort-based system requires constant review and continued adjustment as it creates incentives to maximise revenue and catch and increasing effectiveness of effort owing to technological progress can undermine sustainability as a goal. The long-term nature of monitoring an effort based system along with continuous scientific assessment should be noted – it is not just a 'one-off' trial.

- ***Q11: Do you agree with our proposals to explore alternative management systems for certain shellfisheries in England?***

17. Yes, provided an independent scientific assessment is undertaken.

- ***Q12: Do you agree that there is a case for further integrating recreational angling into fisheries management?***

18. yes. Recreational angling has frequently been overlooked both in terms of its economic contribution and its impact on stocks and the wider environment<sup>7</sup>. Day boats offering fishing for tourists for example are a well-known phenomenon around the UK coast often targeting key species such as conger.

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<sup>5</sup> <https://www.fisheries.noaa.gov/insight/understanding-ecosystem-based-fisheries-management>

<sup>6</sup> Long et al (2015). Key principles of marine ecosystem-based management. *Marine Policy*. 57: 53–60

<sup>7</sup> <http://www.mccip.org.uk/impacts-report-cards/special-topic-report-cards/fish-fisheries-aquaculture-report-card-2012/social-and-economic-consequences/>

- **Q13: Do you agree with the proposed package of measures and initiatives to reduce wasteful discards?**
19. Yes. REM in particular is a positive step. This can offer a cost-effective way to monitor compliance although there are concerns over its effectiveness where there is a concerted effort to avoid compliance as stated in a recent paper: “Among fishery inspectors, the possibility to cheat REM by bypassing the CCTV field of view was widely seen as a downside with this system”<sup>8</sup>. Other concerns included lack of ‘buy-in’ from the fishing industry. Fully documented fishery schemes for example are useful but are currently only run on a voluntary basis<sup>9</sup>.
- **Q14: Do you agree with the proposed approach to protecting our marine environment in relation to fisheries including the powers proposed in the Fisheries Bill (see section 1.2)?**
20. The most important point is that managing fisheries should not be done in isolation from managing other activities in the marine environment (see points 9 and 12). In terms of monitoring, scientific assessments and research, enforcement and general environmental principles, the marine environment should be viewed and managed as a whole wherever possible. For example, how will the new environmental body being proposed be integrated with proposals for fisheries management.
- **Q15. What opportunities are there for the sector to become more involved in both the provision and direction of science and evidence development needed for fisheries management?**
21. The key thing is for better transparency and more independent data collection that does not rely purely on government scientists for provision and advice.
22. Also, more needs to be done to improve outreach to fishing communities on how the science/evidence gathered feeds into decisions. The main work needs to go into showing that everyone desires the same outcome. i.e. long-term sustainable fisheries managed as a public resource for the benefit of current and future generations.
- **Q16. Do you have any further comments relating to the issues addressed in this section?**
- No.

### **Resourcing the new approach**

- **Q17: What would be your priorities for any future funding for the sector or coastal communities?**

No comment.

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<sup>8</sup> Plet-Hansen et al (2017). Remote electronic monitoring and the landing obligation – some insights into fishers’ and fishery inspectors’ opinion. *Marine Policy*. 76: 98-106.

<sup>9</sup> <https://marinedevelopments.blog.gov.uk/2017/03/20/fully-documented-fishery-discards-quota-fish-cctv/>

- *Q18. Do you have any further comments relating to the issues addressed in this section?*

No.

### **Partnership working**

- *Q19: How far do you agree with our future vision to pursue a partnership approach with industry and others for sustainably managing fisheries?*

23. Allowing the fishing industry to take more responsibility is to be applauded including contributing to fisheries science. However, the parameters of this engagement should be clear and the result should be a faster, dynamic, flexible decision making process based on quick access to high-quality evidence. At the European level the involvement of many parties has often had the opposite effect (i.e. where there is a tension between scientific advice and political expediency). Lessons need to be learned so that the UK does not just replicate previous mechanisms for discussion and decision making on a smaller scale.

- *Q20. Do you have any further comments relating to the issues addressed in this section?*

No.