

Sustainable Marine Fisheries for Northern Ireland

Written evidence to the AERA committee from Northern Ireland Environment Link and Northern Ireland Marine Task Force

Northern Ireland Environment Link (NIEL) is the networking and forum body for non-statutory organisations concerned with the built and natural environment of Northern Ireland. Its 65 Full Members represent over 120,000 individuals, 262 subsidiary groups, have an annual turnover of £70 million and manage over 314,000 acres of land. Members are involved in environmental issues of all types and at all levels from the local community to the global environment. NIEL brings together a wide range of knowledge, experience and expertise which can be used to help develop policy, practice and implementation across a wide range of environmental fields.

This briefing has been prepared by Nature Matters NI - our public facing campaign created to protect nature in NI and secure the best future for our environment after we leave the European Union (EU).

The Northern Ireland Marine Task Force (NIMTF) is a coalition of environmental organisations working towards healthy, productive and resilient seas for Northern Ireland. NIMTF leads the Marine and Fisheries element of the Nature Matters NI campaign and represents NI within Greener UK.

We welcome the opportunity to provide evidence regarding the UK Fisheries Bill and the associated implications for Northern Ireland to the AERA Committee.

Summary

- Northern Ireland Environment Link (NIEL) and Northern Ireland Marine Task Force (NIMTF) broadly welcome the Fisheries Bill as a piece of framework legislation which aims to deliver sustainable fisheries management alongside a healthy marine environment. However, despite welcome ambition and additions to the Bill, we believe the Bill falls short in delivering a legal commitment to fish sustainably.
- The seas around NI support our daily lives, providing multiple resources and services such as food, transport, recreation and health & well-being. But our marine environment is in trouble with many recent global, UK and NI-wide assessments showing stark declines in biodiversity and ecosystem functioning.
- The Fisheries Bill is a framework piece of legislation which includes eight high-level fisheries objectives on the face of the Bill:
 - a) The sustainability objective;
 - b) The precautionary objective;
 - c) The ecosystem objective,
 - d) The scientific evidence objective;
 - e) The bycatch objective;
 - f) The equal access objective;
 - g) The national benefit objective; and
 - h) The climate change objective.
- It is vital that the Fisheries Bill includes a legal duty on public authorities to achieve these objectives to ensure that our seas, industries and local communities are sustained into the future.
- To put sustainability at the heart of our fisheries management system, binding legal commitments to fish within scientifically recommended levels must be a requirement,

alongside robust Fishery Management Plans (FMPs) for all commercially exploited stocks and any other stocks of sea fish that fall below sustainable levels.

- Adequate enforcement and monitoring is required to ensure compliance across the UK fisheries management regime and to provide essential data to inform future management decisions.
- A strong approach to the management of shared stocks will be important to avoid the potential negative environmental, economic and social impacts of stock disputes.
- As a framework Bill, a Joint Fisheries Statement (JFS) will be published by the Secretary of State and Devolved Administrations, setting out how each relevant authority will work towards the achievement of the fisheries objectives.
- We recommend that alongside the development of a JFS, a discussion document which reviews NI fisheries policy and legislation should be produced, with input from all stakeholders, in order to highlight any potential gaps in our ability to meet the ambitions of the UK fisheries objectives.

Background

1. As an island nation, the sea around us is at the heart of our culture, well-being and prosperity. Our seas support our daily lives, providing multiple resources and services including food (fish, shellfish); energy (e.g. renewable tidal and wave); reduction of climate stress (e.g. carbon regulation); coastal protection; tourism, leisure and recreation opportunities; physical and mental health benefits; and cultural heritage and learning experiences¹.
2. However, our marine environment is in trouble. Last year, a global UN biodiversity assessment stated that about 66 % of the marine environment has been significantly altered by human actions². Similarly, the UK Government's 2019 assessment of Good Environmental Status found that the UK is failing to meet 11 out of the 15 indicators for healthy seas, including biodiversity, seafloor habitats, food webs and commercial fish and shellfish³. In Northern Ireland, the latest State of Nature report (2019) highlighted that one in five local species are facing extinction, stating that NI is the most nature depleted part of the UK⁴.
3. As part of the UK, NI is obligated by a range of international commitments to sustainably manage our marine environment. These include:
 - Sustainable Development Goals - Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development, which includes the provision '*By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics*'.

¹ UK National Ecosystem Assessments (2011): Marine <http://uknea.unep.wcmc.org/Resources/tabid/82/Default.aspx>

² IPBES (2019), https://ipbes.net/sites/default/files/202002/ipbes_global_assessment_report_summary_for_policymakers_en.pdf

³ Defra (2019), https://consult.defra.gov.uk/marine/updated-uk-marine-strategy-partone/supporting_documents/UKmarinestrategypart1consultdocumentfinal.pdf

⁴ State of Nature reports, <https://nbn.org.uk/stateofnature2019/reports/>

- UN Convention on the Law of the Sea (UNCLOS): includes duties to maintain or restore populations of harvested species at levels which can produce Maximum Sustainable Yield and to operate with other states upon measures necessary to coordinate and ensure the conservation and development of shared stocks.
- UN Fish Stocks Agreement (UNFSA): includes measures to ensure the long-term conservation and sustainable use of straddling stocks (i.e. fish stocks which migrate across state borders such as mackerel and herring).

The 2020 UK Fisheries Bill

4. The Fisheries Bill provides an unprecedented opportunity to rethink the way we manage our fisheries, both at a UK level and locally within Northern Ireland. We broadly welcome the aspirations in the Fisheries Bill to enshrine sustainable fisheries in law. However, the current drafting of the Bill does not fully deliver on this aspiration, for the reasons outlined below.
5. The Fisheries Bill is a framework Bill which will legislate for access to and management of UK waters now that we have left the EU. There are eight high-level ‘fisheries objectives’ on the face of the Bill (Clause 1), including:
 - a. The sustainability objective;
 - b. The precautionary objective;
 - c. The ecosystem objective,
 - d. The scientific evidence objective;
 - e. The bycatch objective;
 - f. The equal access objective;
 - g. The national benefit objective; and
 - h. The climate change objective.
6. We welcome these objectives, notably: the sustainability, precautionary, ecosystem and scientific evidence objectives. We are encouraged to see the addition of the new climate change and bycatch objectives since the previous Bill was published in October 2018. These objectives will help fisheries to mitigate and adapt to climate change and minimise the incidental bycatch of sensitive species such as seabirds and dolphins, respectively.
7. It is important to note that the Fisheries Bill is a framework piece of legislation. To create truly sustainable fisheries, Devolved Administrations must be required to deliver the fisheries objectives by way of the Joint Fisheries Statement (JFS), Fisheries Management Plans (FMP) and local legislation.

Priorities for Sustainable Fisheries Management in Northern Ireland

8. As a member of the Greener UK coalition, we are working to ensure that the Fisheries Bill fully delivers on its aspirations to enshrine sustainable fisheries in law. Together, we are calling for strong, sustainable fisheries legislation that will support our commercial stocks and the wider marine environment that they rely on, enabling healthy seas for the future. We believe the following elements are crucial to achieving this:
9. A legal duty on public authorities to achieve the fisheries objectives and to be accountable by publishing regular updates. We welcome the inclusion of the fisheries objectives, but

these must be underpinned by a clear legal duty on relevant authorities to achieve them. The Bill requires the Secretary of State and Devolved Administrations to publish a Joint Fisheries Statement (JFS; Clause 2 - 3) which will set out how they propose to achieve the objectives. A high level of coherency between the UK Fisheries Bill, JFS and devolved legislation is crucial for the achievement of the fisheries objectives. There is little guidance or restriction on how strongly the JFS will deal with the objectives and, therefore, there is no guarantee that the JFS will contain effective policies that will achieve the objectives.

10. Binding legal commitments not to fish above scientifically recommended sustainable levels. There should be a commitment on the Secretary of State to set fishing limits at sustainable levels. Devolved policy authorities must ensure that there is robust enforcement of the agreed fishing limits. The Fisheries Bill does not contain the legal commitment set out in Article 2 of the Common Fisheries Policy (CFP) to set catch limits at maximum sustainable yield (MSY) by 2020. This represents a significant regression in environmental standards from the CFP. Last year, just 59 % of all UK fish stocks were fished at or below sustainable levels, down from 69 % in 2018⁵. In the Irish Sea Region (VII), five of the seven 2020 agreed Total Allowable Catch (TAC) levels for the main stocks of interest to NI have been set in line with MSY and a legal commitment must be maintained in future legislation to continue this trend towards sustainable fishing for all commercially exploited stocks.
11. Ambitious fisheries management plans for all commercially exploited stocks and any other depleted fish stocks, including timeframe for implementation and achievement of objectives. Instead of a legally binding commitment to set catch limits at sustainable levels, the Fisheries Bill introduces the concept of fisheries management plans (FMPs) to set out how stocks will be fished at sustainable levels (Clause 8 - 11). However, there is no provision in the Bill to require authorities to introduce FMPs to restore or maintain a stock at a sustainable level. FMPs must be introduced for all commercially exploited stocks and any other non-target depleted fish stock.
12. An approach which seeks to ensure that shared stocks are managed sustainably. Effective management of shared stocks, especially those within the Irish Sea, will be crucial for safeguarding our environment and the industries and communities which rely upon healthy seas. However, the Fisheries Bill does not make any firm commitment as to how shared stocks will be managed. A previous dispute between the EU, Norway, Iceland and the Faroes resulted in the 'Mackerel Wars' where stocks were overfished by 35 % and lost Marine Stewardship Council certification. Setting an objective for the Secretary of State to consider clear sustainability criteria, in relation to negotiations with the EU and other countries, including a commitment to agree catch limits in line with scientific advice, would help to avoid another "mackerel wars" scenario.
13. A commitment to roll out Remote Electronic Monitoring (REM) with CCTV cameras on all vessels fishing in UK waters to collect data for management, ensure full and verifiable documentation of catches and robust monitoring and enforcement. Full and verifiable documentation of catches is needed to understand what is being caught in our waters. As well as improving data, it is vital that this is backed up by robust monitoring and

⁵ Lord Boswell of Aynho, March 2019, Chair of the Lords EU Committee letter to the Minister of State for Agriculture, Fisheries and Food https://www.parliament.uk/documents/lords-committees/eu-energy-environment-subcommittee/scrutiny-2017-19/fishing-opportunities/13731_18LBtoRG-2019fishingopportunities-13.03.19.pdf

enforcement. The Lords EU Energy & Environment Sub-Committee have recently highlighted the lack of monitoring and enforcement, recommending that the government and Devolved Administrations “urgently take steps to put robust mechanisms in place to monitor and enforce compliance” and “we remain of the view that REM is the only way to monitor compliance with the landing obligation”. Robust monitoring and enforcement will ensure compliance across the UK fisheries management regime and provide essential data to inform future management decisions. In NI, the initiation of the Vessel Monitoring Scheme for the inshore fleet (iVMS) has been proposed which will supply crucial data on fishing effort within our inshore region.

14. A future funding mechanism should be developed to support the sustainability of our fisheries and marine ecosystems. Current financial support by way of the European Maritime and Fisheries Fund (EMFF) closes at the end of 2020. UK administrations are in the process of developing a future funding scheme (2021 - 2026). The EMFF has provided crucial financial support to the NI fishing sector and marine environment, for example by supporting technological innovation such as gear trials and combating marine litter. The intended scope of the current EMFF structure is, in our opinion, wide ranging and holistic, for example the 6 Union Priorities cover a range of objectives such as promoting environmentally sustainable, resource-efficient, innovative, competitive and knowledge-based fisheries (UP 1) and fostering the implementation of the IMP through (UP 6). However, this scope for certain articles is not realised under the current funding allocation. For example, Article 40 (UP 1) is intended to cover ‘*protection & restoration of marine biodiversity & ecosystems and compensation regimes on the framework of sustainable fishing*’ but the only activity currently funded under this is the ‘Fishing for Litter’ Scheme. A future national funding scheme must support the sector and marine environment, holistically.

Next Stage – Fisheries Bill and Joint Fisheries Statement 2020

15. The UK Fisheries Bill is currently proceeding through the House of Lords before entering the House of Commons. To achieve truly sustainable fisheries and a healthy marine environment, we recommend that the UK Fisheries Bill is strengthened based on the recommendations we have outlined above.
16. The development of the Joint Fisheries Statement (JFS) will be commenced this year and must be published by the Secretary of State and Devolved Administrations within 18 months of the Fisheries Bill passing.
17. We recommend that the JFS discussions should be conducted alongside a review of Northern Ireland’s fisheries policy and legislation to highlight any potential gaps in our ability to meet the ambitions of the UK fisheries objectives. This review should be published as a discussion paper to allow input from all stakeholders. We call on the Minister to bring forward a Fisheries Discussion Paper to begin engaging all local stakeholders in this process.
18. For further information, please contact: Rebecca Hunter, Living Seas Manager (Ulster Wildlife) and Chair of the Nature Matters NI Marine & Fisheries Group, rebecca.hunter@ulsterwildlife.org