



Allt-na-Ceirde

Whiting Bay

Isle of Arran

14th August 2009

Supplementary Marine Bill RAEC Comments

COAST is pleased to play its part in helping Scotland to move towards a more sustainable approach to the marine environment around its coasts and the resources it can support. It is coming from a position supported widely in our communities, that with few exceptions our marine resources are badly depleted and degraded by overexploitation going back many decades: This is a condition our present government has consistently failed to acknowledge. It is vital that radical measures are adopted in order to help rebuild productivity and diversity. A healthy marine resource will help secure a valuable food source on our doorstep for the future, a need so strongly emphasised in recent days in our media. The Scottish Government has an important role in reversing the decline in both the marine environment and fish stocks.

A small but highly significant start has been made with the Lamlash Bay No Take Zone (NTZ), a product of heightened community interest and desire, backed by dedicated lobbying of government and interested parties including the fishing fraternity. It shows what can be achieved when genuine community interest finds expression and politicians respond imaginatively. We have a light to lead us forward. With Scotland's coastline being one of the longest in Europe, we should be at the forefront of marine conservation. Unfortunately, we presently lag well behind other nations. Taking Spain as an example, since 1995 their government has created a network of 23 national Marine Protected Areas (MPAs) with many more local ones. With areas from 1,700 to 70,000 hectares that include no take zones under protection and marine management, they are a decade ahead of Scotland in fulfilling their European and world commitments to create a coherent network of marine reserves by 2010. Scotland has just 268 hectares fully protected in part of Lamlash Bay.

We believe however, from our experience, that our civil service in Scotland is somewhat entrenched at present in the status quo and that the innovative and creative leadership necessary to turn around the Titanic before it collides with the iceberg of total marine resource exhaustion, is simply not present. For example, the Clyde, once Europe's most fecund white fishery now only has commercially viable stocks of prawns and to a lesser extent scallops. True 'fish' such as cod, haddock and herring have been completely depleted but their passing has barely caused a ripple of interest in Scotland's fisheries management. The Clyde is now a microcosm of what was graphically illustrated by Canada's experience on the Grand Banks.

COAST urges members of the Rural Affairs and Environment Committee to take 45 minutes of their time tonight to view the film "Caught in Time" filmed in 2006. It tells the stories of a cross section of Clyde stakeholders, their tales of the past and hopes for the future and reinforces the wide spectrum of community interest in reversing decline.

Across the entire EU there is a drive to implement initiatives on protecting and restoring our marine environment. Scotland's Marine Bill needs to reflect this ambitious aim. It is in this context that COAST draws your attention to five strategic points that need serious consideration.. We have a huge coastline that could benefit far more than the well-connected few who currently exploit it. Our hope is that in the future we can proudly say that Scotland leads in marine conservation, and that its seas provide a sustainable resource for all of Scotland's people.

- (1) The Marine Bill should be strengthened to empower new structures and wider involvement within the Scottish Government administration**

If this Marine Bill is restricted to taking the existing structures which support commercial fishing activity and aquaculture and slot them into a new framework, it will not yield the wider benefits due to all of us as a society. Marine Scotland must immediately start balancing the aspirations of all Scotland's people not just the mobile sector of the commercial fishing industry or the largely Norwegian-owned aquaculture industry. The management structures must be a true reflection of those with interests in the sea, including: anglers; divers; hoteliers; conservationists. Additionally those structures must have in place proper conflict of interests mechanisms of the sort widely used in terrestrial planning and resource management, but largely lacking in the marine. To date far too much weight in government stakeholder engagement has been given to those parties with direct short-term financial incentives.

(2) Focus of implementation within the Marine Bill should be moved away from the Inshore Fisheries Groups and directed to the proposed Marine Planning Partnerships

It is imperative that fishery management take account of plans developed under the new marine planning system and the Marine Bill. In our view it is not clear how this will happen. Our members have a major problem with the new Inshore Fishery Groups (IFGs). Most particularly, in how their constitution allows stakeholder representation in what is after all the management of a public resource. These IFGs develop management plans for fisheries, on the advice of a small advisory group of NGOs and scientists. IFGs are completely comprised of fishermen who would have to be saints not to act in their short-term interests and ignore scientists' advice when developing these management plans. We feel the Government is being extraordinarily naïve if it expects IFGs to deal with the systemic failure evident in much of fishery management. We are also advised that there are aspects of the delegation of authority to IFG which may be illegal, and we have notified the Government of this advice. We see a future for IFGs in regulating gear conflict but little else. In summary, although we have the utmost respect for the IFG officers, we feel that excluding everyone except commercial fishermen from proposing and voting on a management plan of the fishery resource will not be in the best interests of the public, to whom the fishery actually belongs.

(3) There is a need within the Marine Bill for greater legal acceptance of the precautionary principle rather than tacit endorsement of the call for more 'study and scientific research' as the easy opt-out

COAST feels strongly that many valuable years have been lost due to successive governments not applying the "precautionary principle" in decisions relating to the establishment of Marine Protective Areas and No Take Zones. For far too long have the often repeated words 'more research before we can do anything' been used to continue with the now unacceptable status quo. This approach must be changed if Scotland is to have a healthy and sustainable marine ecosystem.

(4) There needs to be much more emphasis within the Marine Bill on enforcement of protected areas designated under legislation to ensure that agreed objectives are realised.

In Part 4, Enforcement of MPAs must be simple or Scotland will just end up with more "paper" reserves. COAST's experience over the past 12 months of the NTZ is that a prosecution of anyone contravening the NTZ is virtually impossible.

Section 85 clause 2 (i) of the Marine Bill states that it is a defence for a person who is charged with an offence within a MPA, if it was an act done while the person was in the course of sea fishing.

COAST feels that if this section is included in the act it is debatable whether there is value in setting up MPAs in the first place. There seems absolutely no justification for fishermen to be above the law. COAST is concerned that there is a lack of political will to make proper enforcement of MPAs. Both police and marine enforcement officers must be able to prosecute. Recreational and commercial fishermen should have to prove that they are not fishing within an MPA rather than, as at the moment, fishery protection officers trying to prove fish or shell fish were caught within the MPA area.

What is required is clear and unequivocal law, with the public receiving a fine and possible imprisonment, and with the commercial sector having their licence temporary withdrawn on first offence and with permanent withdrawal of licence on a second offence as well as fines and possible imprisonment. This is what happens in other countries and has proved very effective. Fishery protection without teeth is no fishery protection.

(5) The Marine Bill should include a much more committed approach to buying-in community and stakeholder support and continuing involvement in the forthcoming network of Marine Protection Zones

The community and indeed all stakeholders are essential in setting up a network of MPAs envisaged by the Bill and consequently in sustaining interest and conservation in the wider environment. Coastal communities must feel that they are involved and have a feeling of ownership of their piece of sea. This is why COAST was delighted with the proposal for Marine Protected Areas at the nomination of coastal communities' on page 63 of the "Sustainable Seas for All" document. Unfortunately, in the Marine Bill, this now seems to have been virtually dropped or made too difficult to achieve. Without local community buy-in most MPAs will not succeed. It is therefore important that these guidelines are clearly defined as part of the Marine Bill.

Summary

On the face of it the Marine Bill purports to take marine management to a more professional and sustainable level. The reality is that the lobbyists have already been at work, and this Bill has already been watered down from its first incarnation. We are proud that the institution of the Scottish Parliament gives communities like ours the chance to involve our working knowledge in the development of the Bill. This Bill needs to be set back on track.

Howard Wood

Chair

Community of Arran Seabed Trust

COAST has provided a copy of "The End of the Line" film for each member of committee, with the kind permission of the Fish Film Company.

We feel that it is essential for policy makers to view both DVDs which reveal the current state of our seas locally and internationally and put into perspective the importance of the Scottish Marine Bill