



**Submission to Defra's White Paper consultation, "Sustainable fisheries for future generations"**

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## Overview

The Pew Trusts welcomes the UK government's white paper and consultation on future UK fisheries management. In particular, we are encouraged by the ambition to set a "gold standard" for sustainable fishing, and the Secretary of State's stated aim that the UK become "a world leader in managing our resources while protecting the marine environment".

To realise this commendable ambition as it embarks on setting its own direction and designing new legislation, it is crucial that the UK learn from the best fisheries managers around the world and from the policy failings of the past, while fully taking into account international commitments and obligations regarding the management of fish stocks and the protection of the marine environment.

The white paper sets out certain principles that are critical to successfully delivering sustainable UK fisheries. The paper does not however include the policy detail that would live up to these principles and to the government's stated ambitions. It is important that this detail is set out explicitly as UK policy is developed, and we offer suggested approaches in our answers to the consultation questions.

Certain proposals in the white paper are cause for concern. The government's intentions to weaken important management measures, including the removal of quota controls or the reintroduction of the discarding of fish, represent backward steps. Such policies risk setting a lower ambition for the UK than the EU's Common Fisheries Policy (CFP), leaving the UK with less control over its fisheries and risking sustainability, in contravention of the UK's aim to be a "world leader".

## Consultation Questions

### Section 1 – Setting our course

*Q1: Do you agree with the proposed powers in the Fisheries Bill?*

The wide range of new powers and new primary legislation proposed in the bill could ensure operability in the absence of directly applicable EU legislation, and ensure the UK government can respond quickly with measures under secondary legislation. These new powers should come with clear accountability, so that even technical rules are subject to appropriate scrutiny.

We welcome the proposed amendment of the Marine and Coastal Access Act to allow the regulation of fishing activity in line with UK environmental legislation.

*Q2: What are your priorities for UK negotiations with the EU on fisheries?*

Sustainability should be at the heart of future UK fisheries management. The social and economic benefits of good fisheries management can only be maximised through an approach which delivers environmental sustainability. During the 2013 reform of the EU's Common Fisheries Policy, the UK fought for ambitious sustainability objectives, including

strict limits on fishing mortality and the aim to restore stocks above levels that can produce the Maximum Sustainable Yield (MSY). This benchmark aims to ensure environmental sustainability while producing high yields for the benefit of the fishing industry and consumers. Similarly, the UK pressed for new measures to eliminate the wasteful discarding of fish which led to the introduction of the EU's landing obligation.

The EU has been slow to put these principles into practice, so it is important that the UK ensures, through its international negotiations, that shared management delivers on these objectives, whatever relative shares of catches and trading arrangements are agreed. Any agreements on access should also ensure, as far as possible, a level playing field in terms of the rules that apply to different vessels in UK waters.

*Q3. What are your priorities for controlling our waters after exit?*

The UK management framework should ensure high sustainability standards in its waters. All catches should be recorded and effectively monitored. A risk-based monitoring, control and enforcement programme should be adopted to ensure a high level of confidence in terms of enforcement of fisheries regulations, including the landing obligation and UK conservation measures. While enforcement activity should be based on risk, controls should ensure comprehensive coverage, on a par with the levels of control in well managed fisheries around the world. Additionally, programmes and systems for the collection of data should be complementary and cost-effective, for example, using remote electronic monitoring for both enforcement and scientific data collection.

*Q4: What are your priorities for the UK's international role in fisheries (beyond the EU)?*

The UK should demonstrate leadership to improve the global management of fisheries. The latest [UN Food and Agriculture Organisation \(FAO\) report on the state of world fisheries](#) paints a worrying picture of declining sustainability. The UN Sustainable Development Goal on Oceans (SDG 14) sets a 2020 deadline to end overfishing. With little time remaining to achieve this target, the UK should set a positive example, ending overfishing in its own waters and agreeing shared international management that restores stocks and safeguards productive fisheries.

The UK has the opportunity to champion measures to combat Illegal, Unreported and Unregulated (IUU) fishing globally, both as a fishing nation and as an important coastal, flag, and market state for fish products from around the world. These measures include ratification of the UN FAO Agreement on Port State Measures (PSMA) which seeks to limit opportunities for landing or transshipping IUU catch; ratification of the International Maritime Organisation (IMO) Cape Town Agreement on fishing vessel safety; properly fulfilling flag state obligations on vessel registration (applying unique vessel IDs such as IMO numbers), monitoring, and information exchange; supporting and participating in initiatives such as the FAO's Global Record of Fishing Vessels; and enacting the precepts of existing IUU, control and fleet management regulations, particularly in relation to market state obligations, vessel tracking and electronic catch documentation. The government's commitment to achieving sustainable fisheries should also be reflected in its future bilateral trade agreements.

The UK should also support initiatives to improve cooperation between countries on issues related to IUU fishing and the safety of fishers: establishing anti-IUU procedures and advocating for their harmonisation across Regional Fisheries Management Organisations (RFMOs); supporting mutual recognition of IUU vessel listings across relevant RFMOs; promoting operational improvements and regular performance reviews; supporting better cooperation between global and regional organisations; promoting multilateral action on IUU fishing, including international initiatives such as the FAO's Global Record and the ratification of key international instruments; the allocation of IMO numbers; and establishment of catch documentation schemes.

As a prospective member of multiple RFMOs the UK has an important role to play in securing sustainable management of fisheries and conserving vulnerable species beyond its waters. In addition to pursuing its own interests on specific Northeast Atlantic stocks, the UK should aim higher, in line with its ambitions, to ensure RFMOs put in place harvest strategies for the long term, and policies which safeguard the sustainability and productivity of global fisheries, on which its market depends. Those policies include development and implementation of effective RFMO compliance regimes, procedures to verify at-sea transshipment of fish, and reforms to the use of damaging fishing gear, such as longlines and Fish Aggregating Devices (FADs) in tuna fisheries. The UK should also promote transparency in RFMO decision-making, and inclusivity with respect to participation by members of civil society.

We welcome the UK's commitment to meeting international obligations and the desire to reinvigorate its role in organizations such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS). UK leadership on marine issues is vital for securing conservation measures in international fora, most recently achieving greater protection for six threatened shark species at the CMS Conference of Parties (COP) in 2017 and for silky and thresher sharks along with mobula rays at the last CITES COP in 2016. We recognize the important role the UK has played as a champion for the conservation of vulnerable species, such as sharks, and we hope it will remain a strong advocate for shark conservation within these organizations in the future.

The government's commitment in the white paper to press for an end to [harmful fisheries subsidies](#) in the World Trade Organisation (WTO) is particularly timely. SDG 14 sets a 2020 deadline to prohibit subsidies that contribute to overcapacity and overfishing and to eliminate subsidies that contribute to IUU fishing. Eliminating these subsidies would represent a significant step forward in global fisheries management and the WTO is the key forum for reaching agreement on this issue. The UK is well placed to build support for this initiative and should take a public stand in favour of a strong fisheries subsidies agreement at its earliest opportunity.

Given the complexity of many of the above international issues and the likely overlap of responsibility with other government departments, mechanisms for internal coordination should be set up for the effective collaboration of all relevant bodies involved in these policy areas (e.g. DEFRA, DFID, FCO etc).

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

Bearing in mind the nature of UK fisheries, it is important that management objectives, rules and controls are well understood and consistent, with a level playing field for vessels operating in UK waters. The overall framework setting out management objectives and standards needs to be written into law, with consistent controls and clear democratic accountability, as a non-legislative approach is insufficient.

Where it is necessary to devolve technical or local decisions within that framework, a clear decision-making and scrutiny process is needed to ensure these details comply with, and deliver, the overall objectives and standards for UK fisheries management. It is important to ensure clear accountability for specific decisions, and for the outcomes of overall management.

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

Non-legislative frameworks will be useful in explaining policy objectives and for securing a mandate for the UK's international negotiating positions among stakeholders. However, to ensure accountability and successful delivery of management objectives it will be critical that the UK sets management benchmarks in law.

Policy statements are insufficient to guard against short term political pressure to delay or weaken management measures which are necessary to ensure long term sustainability and profitability, albeit sometimes unpopular in the short term. Clear legislation that provides for automatic policy responses will help avoid the short-termism that has dogged European fisheries management in the past, while providing accountability for decisions. Setting such a legislative framework means agreeing harvest control rules for the long term and sticking to them.

Allowing flexibility to derogate from long term objectives and avoid difficult decisions only embeds political short-termism that will prevent the UK from meeting its management targets. Avoiding this recipe for instability is the most pertinent lesson of decades of management in the EU. Delays in ending overfishing have proved self-defeating, resulting in lower yields and a cycle of boom and bust for individual stocks when fishing limits ultimately catch up with the ecological reality. Breaking out of that cycle requires managers to set sustainable objectives for the long term, include clear rules in law, and live up to those rules despite short-term pressures.

## Section 2 – Pursuing sustainable management

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

The white paper outlines the evolution of the MSY objective and the UK's role in consolidating this benchmark through the UN process and the most recent reform of the EU's Common Fisheries Policy. MSY objectives were also included in: the UN Convention on

the Law of the Sea in 1982; the political commitments of the World Summit on Sustainable Development in 2002, with a deadline of 2015; the framework of International Council for the Exploration of the Sea (ICES) scientific advice from 2010; the EU's Common Fisheries Policy since 2014, with a deadline of "2015 where possible" and "at the latest by 2020"; and the Sustainable Development Goals agreed in 2015, with a deadline of 2020.

It is striking that, despite a long-standing commitment to the MSY concept (which itself dates back to the mid-twentieth century), and lengthy transitional periods to allow its gradual implementation, the EU has made [very slow progress in achieving the objective](#). Meanwhile, states with clearer and more legally binding requirements have made [more substantial progress](#).

We therefore welcome the stated commitment to "achieving MSY", but note our concern regarding the lack of precision around this MSY objective, particularly where it implies a lower standard of sustainability, and lower yields, than are currently required under the CFP. For example, the white paper commits the government to setting "harvest rates that restore and maintain stocks at least to levels that can produce MSY". This is a lower objective than the CFP's, which aims to restore stocks "above levels which can produce" MSY. While this distinction might seem small and technical, it is nonetheless important. The history of CFP implementation demonstrates that the weakest possible interpretation of biomass objectives will be used to give the most [optimistic measure of progress](#), with implementation being weakened as biomass limits are redefined.

The white paper does not set out any clear mechanisms designed to rebuild stocks over a specific timeframe. Recovery plans are proposed for stocks "falling below safe biological limits" to "ensure they are restored to a healthy condition". This sets a very low bar, triggering action only when the stock is at risk of collapse without requiring rebuilding to achieve the stated objective of restoring biomass "at least to levels that can produce MSY". Moreover, this proposal lacks the detail that is necessary to ensure that stocks are rebuilt in practice: for example, a ten-year timescale, or legal provisions that ensure course-correction where necessary. Such provisions exist in other jurisdictions (e.g., in the [USA](#)). By comparison, this proposal is far from a "gold standard".

The reference to "MSY ranges" in the white paper, without detail on the definition of such ranges, suggests that the UK will continue to support the use of ranges that allow fishing above the  $F_{MSY}$  level. Fishing in the upper parts of these ranges requires increased fishing effort and brings a reduction in yield, instability, and increased risk that stock biomass will fall below reference levels, as ICES recognised in their original [advice on ranges for the Baltic and North Seas](#). These levels of fishing mortality would, by definition, prevent the restoration and maintenance of stocks "at" or "above" MSY (whichever objective is chosen). Allowing fishing pressure above  $F_{MSY}$  rates is not a sustainable policy response, particularly when  $F_{MSY}$  is a median value (i.e. in half of all cases the value might be above the reference point). Implementing such ranges in UK fisheries is therefore far from a "gold standard" and would leave the UK with weaker sustainability standards than other fishing nations, including the [USA](#) and [Australia](#).

Flexibility may well be necessary to account for disparities in mixed fisheries, but the evidence generally supports not exceeding  $F_{MSY}$  exploitation rates, and reducing fishing mortality below the  $F_{MSY}$  level for some stocks where necessary, to optimise productivity across a mixed fishery and safeguard the resilience of the ecosystem in the face of impacts from fishing, other pressures, and environmental changes. This would also contribute to the implementation of ecosystem-based fisheries management, which may require more cautious single species fishing mortality levels, to account for inter-species dynamics and the impact of fishing activity on the wider marine ecosystem.

The ecosystem-based approach is referenced in various parts of the white paper, but more elaboration is required on this and the associated safeguards, including spatial and technical measures, and how the ecosystem approach will be applied in setting fishing opportunities. Far from providing an excuse to overfish in the context of mixed fisheries, this approach requires impacts of fishing on the wider ecosystem to be minimised, and additional safeguards to be put in place to protect the composition, structure and functioning of habitats, across all fisheries.

The white paper includes very little on the implementation of a precautionary approach to fisheries management, another area in which the current EU management system underperforms. As UK policy develops it will be important to clarify that the precautionary approach will be applied in line with the UK's international commitments. This should mean more caution in cases where data is lacking, rather than choosing more risky management standards and reference points in these instances, as sometimes [happens](#) in EU policy.

Our [briefing paper](#) sets out in much more detail the sustainability standards that would govern “world-leading” fisheries management.

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

No. As the white paper recognises, fish “are a public resource and therefore the rights to catch them are a public asset”. It follows that these assets should be allocated in line with the objectives of good fisheries management, maximising public goods and using quota to incentivise sustainability and any other objectives, e.g. social or economic, that the government sets explicitly for the policy. Despite committing to objective allocation criteria during the most recent reform of the CFP, UK quota is still allocated predominantly on a Fixed Quota Allocations (FQA) basis. While the UK's departure from the EU is not a necessary precursor for a change in allocation criteria, the government should nevertheless take the opportunity to improve quota allocation, giving notice to those who currently benefit from FQAs of this intention and consulting on allocation criteria.

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

As above, any fishing opportunities should be allocated in line with their status as public assets, to achieve wider policy objectives, and to incentivise sustainability.

The agreement of “additional quota” through a renegotiation of “relative stability” shares will depend partly on the negotiations of the UK’s withdrawal from, and future relationship with, the EU. Bearing in mind that most UK stocks are currently managed jointly with the EU and other states, it is important that management collaboration continues and that any potential future disagreement over shares does not lead to unilateral catch limits and cumulative overfishing, as was the case with [Northeast Atlantic mackerel](#) in the last decade.

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

No. Converting a management system with output controls such as quota into one with limits on “days at sea” would be a significant step backwards, simply incentivising fishers to maximise catch while removing controls on fishing pressure. Internationally, fisheries managers generally see days at sea controls as a primitive tool, or a stepping stone on the path to ensuring more robust controls through quotas. Rather than a “gold standard,” moving in the opposite direction and aiming for less control would signal a deregulatory “race to the bottom” in management standards.

Fishermen are generally skilled at catching fish efficiently, and “technological creep” further improves their ability to catch fish each year. Limiting fishing pressure only through days at sea, without putting in place a raft of additional safeguards, risks increasing fishing mortality and incentivising the least selective fishing techniques, which will do little to eliminate discarding of unwanted catches.

Effort schemes have been piloted in the UK before, and only [confirmed](#) that catching capacity is easy to underestimate. The use of effort controls in [Faroese fisheries](#) similarly led to overfishing and stock depletion. The ongoing reliance on effort management in Mediterranean fisheries has left stocks subject to the highest levels of overfishing in Europe. Effort controls to manage catches of [Pacific halibut](#) resulted not only in depleted stocks but also in a reduction in allowed days from over a hundred each year down to a matter of hours. Ultimately it is fishermen who suffer from this ineffective management tool in the long term, as regulatory burdens are increased, either to keep up with technological creep, or to undo the damage caused by the lack of control.

If the UK government intends to proceed with pilots of effort (or hybrid) control systems, the pilots themselves will require stringent safeguards to mitigate their risks and account for the lack of control on their catches, which could have a knock-on effect on fishing opportunities held by others in the same fisheries. Some of the proposals for hybrid management systems discussed so far only highlight the necessity for complex, bureaucratic and resource-intensive layers of control in addition to the effort limit, highlighting the proliferation of risks this approach brings.

Such systems will weaken control, add to the management burden, and send a worrying signal to other countries involved in shared management, making international agreement on fisheries more difficult. This proposal is antithetical to the stated ambitions of the white paper. Our [briefing paper](#) addressed these risks in more detail.

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

Yes.

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

Yes. Recreational angling should be factored in to stock assessments and consideration of management measures, due to the impact of recreational fishing and its economic importance. It is also important that representatives of the recreational sector are included in policy development alongside other stakeholders.

*Q13: Do you agree with the proposed package of measures and initiatives to reduce wasteful discards?*

The UK government played an instrumental role in the 2013 agreement of measures to reduce unwanted catches and prevent the wasteful discarding of fish under the CFP. We welcome its continued commitment to ending discarding, and new measures to address the challenges of choke species in mixed fisheries.

The white paper recognises the importance of effective quota management in achieving these objectives, including potential reserves of quota to help match fishing opportunities to catches. Such an approach has the dual benefits of ensuring that catch limits are respected and incentivising changes in avoidance and selectivity. Improved methods of monitoring and control, such as Remote Electronic Monitoring (REM) have similar benefits, providing more robust data that can feed into fisheries science to support sustainable management (e.g. catch for use in stock assessments).

However, the white paper is not clear in its proposed “package to reduce discards”. Section 2.6 includes measures that would seem to achieve the opposite – an increase in discards compared with the landing obligation requirements of the CFP. Removing certain species from catch limits would increase the risk that those species could be both overfished and discarded freely. It is hard to see how a stock that is being overfished, and is, by definition, in a more vulnerable state than the others in a mixed fishery, would benefit from having controls on catches removed. It is proposed that limits are only removed in cases where the science supports it and when it is consistent with commitments to sustainability. This seems inherently contradictory, and experience of EU-decision making suggests this will be done for political expediency rather than for science or sustainability reasons.

“Removing the requirement to land under-size fish” is another way of saying “re-introducing the ability to discard” those fish. While undoubtedly convenient for fishers, adopting this proposal would put the UK’s ambitions below the EU’s in terms of efforts to reduce discarding and initiatives to protect juveniles.

It therefore seems erroneous to list the above-referenced ideas as “measures to reduce wasteful discards”. Choke species in mixed fisheries are indeed a challenge to be addressed

through quota management and other policy measures, but overfishing or hiding discarding over the horizon are not the answer. These proposals contradict the aim for “gold standard” fisheries management. European organisations recently set out a series of [recommendations](#) to help avoid choke situations and implement the landing obligation while achieving the CFP’s MSY requirements.

*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)?*

Yes. The UK should lead the way in integrating fisheries measures with wider environmental commitments, particularly by ensuring the government has powers to implement comprehensive spatial, technical and other fisheries measures in its waters.

In addition to the UK’s wider objectives for spatial protections, effective fisheries management requires specific measures to protect spawning areas and juveniles. In the past, the UK has used real-time closures, seasonal measures and permanent protected areas to safeguard spawners and juveniles, and this effort should be increased for the benefit of the entire fishery and the integrity of ecosystems.

Among other protections, the UK could consider bycatch mitigation measures, such as prohibiting the use of wire leaders and shark lines, offering further protections to non-targeted species. In light of the particular biology of deep sea species and the vulnerability of deep sea stocks, it is important that spatial measures include protections for deep sea ecosystems in the UK’s waters of the northeast Atlantic.

*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?*

Integrating data from fishing vessels into the stock assessment process, and into real time management measures, would have the benefit of improving data and improving trust in the science process. The application of REM is particularly important to implement more direct data collection.

*Q16. Do you have any further comments relating to the issues addressed in this section?*

The management issues referenced in this section are crucial to the development of a framework that would deliver world-leading fisheries management. However, significant details needed to judge the policy framework’s likelihood of success are presently omitted.

We cannot reconcile the stated level of ambition with the omission of this detail, and with the inclusion of proposals for fishing mortality ranges, discarding of juveniles, removal of catch limits, and proposed trials of effort management systems. These proposals would leave the UK management system significantly behind other fishing nations in terms of sustainability, and emulating policies that are failing elsewhere, e.g. in the Mediterranean. It is concerning that much of the management framework so far outlined is based around the status quo under the EU’s CFP, and yet the proposals for new approaches generally weaken

management and introduce new risks to sustainability. If the UK takes the opportunities presented by a new management framework to deregulate and aim lower than the EU, it will increase risk for fish stocks and reduce the benefits that could accrue from ambitious fisheries management. The UK should, on the contrary, learn from the shortcomings of EU management and use this opportunity to aim higher.

### Section 3 – Resourcing the new approach

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

Public funding should be targeted toward delivering public goods. We welcome the intention to ensure domestic funding is consistent with the commitment to end harmful fisheries subsidies, and the intention to work on the world stage to that end. With that in mind, any funding should improve fisheries management and the long-term sustainability of fisheries in a way that benefits the entire UK, rather than support individual businesses.

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

It is relevant that the [latest official EU data](#) show industry profits close to their highest levels, and the UK fleet is one of the most prosperous among current EU member states. This picture is not uniform across all fleet segments, but the data show the industry is benefiting from improvements in fisheries management as stocks begin to recover. The UK's aim should be a thriving fishing industry that can sustain itself through well managed stocks.

### Section 4 – 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?*

The UK has a strong track record of collaborative stakeholder consultation, for example during the reform of the CFP and during annual Council negotiations, and we would expect this to continue. The UK should however consider whether lessons can be learned from the performance of Advisory Councils (ACs) under the EU's CFP, and their relationship with decision makers in the regional member state groups. It is important that stakeholders focus on the requirements in law for which governments are democratically accountable, and that officials foster trust with these stakeholders to improve decision-making.

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

The involvement of civil society organisations in stakeholder discussions continues to be critically important, particularly in light of the proposals in the white paper to weaken some management measures.