

# Everything you ever needed to know about fisheries

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We are currently going through the most significant legislative reform of the past 40 years; exactly how this will impact fisheries is unclear. There may be much to gain but also... so much to lose.

I am too young to remember the 'cod wars' between Iceland and the UK fishing fleet (1958-1976), however, throughout my time studying and working in fisheries and marine conservation these times have always struck a chord. They highlight to me the difficulties around managing fisheries and the ever present struggle that seems to exist between the social, economic and environmental issues of the industry. But they also heralded change and led to legislative reforms in fisheries which still echo today and which will play a significant role as the UK Government negotiates the transition out of the EU. Brexit represents the biggest legislative change to fisheries management since the Common Fisheries Policy (or CFP, the overarching EU policy that set the rules for EU fisheries) was introduced in 1983. It presents many challenges but also offers us an opportunity to develop a UK fishing industry with the best management in the world, to produce sustainable and productive fisheries whilst also offering highly effective environmental protections. MCS wants any new legislation to be successful. To achieve this, we must learn from mistakes of the past and build upon the successes, of which there are many. We must put the environment at the heart of any management and legislation developed for our seas and fishing industry, and we must do it now.



## ONCE UPON A TIME, OVERFISHING AND FISHY WARS

The idea of fisheries management and overfishing is not a new one. Herring fishermen raised their concerns with the UK Government about the impact of long-lining on herring fisheries in the 1800s. Although their concerns were considered unfounded at the time, only a few years later in 1902, the UK Government recognised the risks of overfishing and co-founded the International Council for the Exploration of the Sea (ICES) with Denmark, Finland, Germany, the Netherlands, Norway and Sweden. ICES is recognised as the world's oldest intergovernmental science organisation and was set up with the intention to provide scientific evidence and management for fisheries in the North Sea in response to each country's recognition that overfishing was taking place and was a significant issue.

There have been periods of reprieve for our seas – stocks increased during both world wars when people were, understandably, focusing on things other than fishing for profit. Stocks in Icelandic waters increased significantly in 1917 and 1918, and fish stocks in the North East Atlantic increased once more in the 1940s

during World War Two. It was not to last. While the years immediately following WWII saw fisheries boom, this was followed by a rapid reduction of stocks creating tensions between nations over catch shares and fishing rights culminating in the 'cod wars'. There were actually three periods of time considered to be 'cod wars' the first of which was in 1958 when Iceland declared an increase to its territorial waters out to 12nm. The UK took exception. The next took place in the early 1970s when Iceland further extended their territorial waters to 50nm, much to the vexation of the UK and West Germany (both then members of the European Economic Community (EEC)). The final 'war' took place in 1975 when Iceland claimed its waters out to 200nm. The UK and West Germany, once again, protested but the world was moving on and under the United Nations Convention on the Law of the Sea (UNCLOS) in 1982, it was agreed that all States were entitled to a 200nm Exclusive Economic Zone (EEZ).

**THE COMMON FISHERIES POLICY: PROS AND CONS** It is here, with the introduction of the EEZ, that we see the CFP, as we know it, emerge. The EU declared a joint EEZ for all of its Member States, with shared access to each other's waters (with the exception of a 12nm territorial water which may or may not allow access to other EU nations). The CFP was intended to provide consistent management across the EU for the conservation of stocks, vessels, market controls, and external agreements with other nations.

All was not plain sailing; the CFP had many flaws. Often fishers resented the restrictions and management decisions made by politicians, and conservation organisations highlighted the continued deterioration of the environment. Many issues around the CFP emerged: the lack of transparency in decision making, the disregard for scientific advice in favour of economic interests, legislation with unintended consequences (e.g. discarding), lack of flexibility and little stakeholder engagement. These issues, amongst others, fuelled dissatisfaction and a general feeling that EU laws were failing on most fronts.

The two most recent reforms tried to address these areas of dissatisfaction, particularly the most recent reform in 2013. Advisory Councils (AC) were introduced in 2002 to try and address the lack of stakeholder engagement, and progress has been made in including AC advice in decision making processes and they have more actively been advising Member States directly. Following scientific advice has become a legal requirement; this has also helped to address some of the issues around transparency. This has, perhaps, had the biggest direct impact, driving quotas and catches towards sustainable levels, with more and more stocks being set at levels in line with scientific advice and some stocks showing signs of improvement. Stocks such as North Sea cod have benefitted greatly and are returning in greater numbers as a direct result of the effort put in by the fishing industry in response to the CFP requirements.



**SO LONG EU, BUT WHAT'S NEXT?** While many improvements have been made, the CFP remains a relatively inflexible instrument in many cases and means that quick responses to arising issues are limited in scope and often in time – even emergency measures can only be put in place for a restricted time. The issue of discarding, for example, remains controversial although efforts have been made through the implementation of a landing obligation for commercial species; what is caught must be kept and landed to port. Conflict remains around the method of implementation of this new legislation, with many fishers indicating that it is detrimental to their industry.

This, amongst other factors, led to a significant proportion of the fishing industry supporting Brexit as a way to regain control over their industry – an idea that was propagated by some campaigners during the Brexit debate. Whether Brexit will, in fact, be of benefit to the fishing industry is yet to be seen. This is a very complicated and nuanced issue with lots of players each with slightly different ambitions and opinions as to what would be a successful Brexit for them. What we do know is that any potential Brexit is not going to be a simple case of kicking everyone out of 'our' waters and claiming greater shares of quota. Fish move, therefore our share of a particular stock may not change at all, or after negotiations it may change but this may not be an increase. There is also the possibility that our share of a stock will be reduced. How we share out fishing opportunities will change, we will no longer be at the EU Council negotiating table, we will be an independent coastal state negotiator, like Norway. But, unlike Norway, we have an interest in a large number of species and stocks, and will have to be involved in a much more complex set of negotiations. This will include discussions on access to UK waters – who will be allowed to continue fishing within our EEZ and under what conditions.





**WHAT ABOUT DEVOLUTION?** Currently, powers relating to most environmental and fisheries matters are devolved to Scotland, Wales and Northern Ireland. These powers are currently exercised within the context of the CFP which provides a consistent policy umbrella beneath which all management takes place, whether in Scottish, Welsh, English or Northern Irish waters. Any future fisheries management arrangements within the UK must continue to respect the current terms of devolution.

Going forward, it will be essential for the UK and devolved governments to work closely and constructively together to agree on how to embed all existing EU environmental law in domestic law, to maintain or improve existing minimum common standards and avoid legal uncertainty. Fishing is an important industry in coastal regions both economically and socially with variations in practices between home nations. For example, Welsh fisheries are predominantly for shellfish, the majority of which is sold directly to other EU nations. Similarly Northern Ireland lands a large proportion of shellfish into its ports, whereas English boats target more white and flat fish. Scotland's catch is diverse with important white fish and shellfish fisheries but its dominant catches are, by far, pelagic species such as mackerel. Large investment in the Scottish industry has resulted in a much larger proportion of the Scottish GDP reliant on fishing than the UK average: 41% of UK fishermen are based in Scotland and approximately 70% of the UK's quotas are held in Scotland; fisheries are a high priority on the Scottish political agenda.

To avoid potential discrepancies it will be essential for all four governments to work together to address the post-Brexit governance gap. This means designing new domestic governance arrangements to replace the functions currently carried out by EU institutions, ensuring compliance with common minimum standards across the four nations.

**WHERE ARE WE NOW?** Fisheries is a complex conservation area and so far progress with regards to Brexit has been slow; there have been many uncertainties and challenges in developing new policies. Delays in agreeing the scope and priorities of the 'Withdrawal Bill' and in turn the scope of any new UK fisheries legislation have pushed back publication and consultation on what they should look like. While delays are frustrating, this is something that we must get right. We have far more to lose than gain if fisheries management is not well considered and subject to proper public scrutiny.

We need to ensure that the laws governing our fisheries work, and that they take into account not just the health of the stocks but the wider direct and indirect impacts on our environment. The UK Government has opened a public consultation asking how we think they should manage our fisheries after Brexit through a new Fisheries Bill. We want to make sure that this Bill does what it needs to, to protect our seas and stocks.

As a priority it must be acknowledged that fish are a public resource, that fishing sustainably should be the law, that decisions should be transparent and that our fisheries should be subject to the highest environmental standards. We believe that our seas deserve the best, and to achieve this our seas need management with sustainability at heart!

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**WHAT MCS WANTS** The new Fisheries Bill offers the UK the opportunity to become a leader in sustainability. To achieve this, the Bill needs to ensure the management of our fisheries is:

**Holistic:** Healthy fish stocks are essential for marine life to thrive. They should be managed as a public resource and we should take into account the impact of human activities on this environment.

**Sustainable:** Fish stocks are struggling. We need to manage them carefully, allow them to recover and, wherever possible, eliminate the negative impacts of fishing on the marine environment.

**Science-led:** When making decisions about how much we can fish and when, the government should always use the best available science.

**Accountable:** Fisheries should be fully transparent and everything that is caught should be recorded. This allows fisheries to be effectively managed, which means infringements can be properly enforced and fisheries are held to account.

Fair: Fishing opportunities need to be allocated on the basis of transparent environmental, social and economic criteria, in a way that encourages the most sustainable fishing.

Equivalent: The same high environmental standards should apply to all vessels fishing in UK waters (foreign or domestic).

Fisheries management in Scotland, Wales and Northern Ireland is the responsibility of the Scottish, Welsh and Northern Irish governments so it's really important that the four UK nations work together and mutually agree on how to achieve the above sustainability goals.

This is vital for the health of our ocean. Fisheries should be managed for public benefit and with respect for our wildlife, which is why sustainability must be at the heart of their future management.

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This article was written by Debbie Crockard, Senior Fisheries Policy Advocate (MCS), for our Spring 2018 membership magazine 'Marine Conservation'. If you'd like to receive our fantastic quarterly magazine straight to your door, you can [become a member from as little as £3.50 per month](#).

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Overfishing and damaging fishing practices have reduced many fish stocks and harmed the seabed, threatening marine wildlife and coastal communities.

The UK government has opened a public consultation asking how we think they should manage our fisheries after Brexit through a new Fisheries Bill.



To have your say on the consultation, click the image. It will take 1 minute.

Actions you can take

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Did you know?...

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**41% of North East Atlantic stocks** including those around the UK are **subject to overfishing**

**MCS launched the Good Fish Guide** in 2001 to **help people make good seafood choices**

**Farmed marine fin fish production in Scotland** is estimated to **increase by 30%** between 2014-2020

What's your impact on our seas?

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You can play a key role in securing the future of our seas and marine wildlife by making more environmentally responsible choices when buying seafood.

**Make the right choice and reduce your impact - every purchase matters!**

[See our top tips](#)

The future of fisheries is being decided

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Act now!

