

Briefing Paper

The Marine Bill: A sea change in action.

Developing the structure for the sustainable management of UK seas.

The Issue.

September 2006.

Due to a combination of over-fishing allied to misguided fisheries policies over a number of years; due to serious pollution arising from shipwrecked tankers and polluting discharges from ships as they clean their holds and get rid of the resulting toxic waste water; due to the impact of current and historic industrial discharges into estuaries and the off-shore dumping of sewage and waste chemicals; due to offshore extractive practices such as dredging the seabed for sand and gravel for use as aggregate by the construction industry; and, due to a widespread mistaken belief that the marine environment can tolerate abuse unscathed, it is now commonly agreed that the health of UK seas and its once abundant marine life is at an all-time low. Serious damage has occurred to marine biodiversity and fish populations, yet despite the knowledge that this has occurred [ref. 1 and 2] damage continues to occur with little prospect that it will significantly decline or be reversed.

Against this grim background, scientific reports have been written by many authorities including The Royal Commission on Environmental Pollution [1], English Nature [2], and the Department for the Environment, Food and Rural Affairs (Defra) [3]. These record the damage to our marine environment in clear detail, urge upon us the necessity for change and make a number of serious proposals in order to turn this very grave situation around. Yet, are these recommendations being heeded? Is serious action afoot?

The UK government asserts that it has answered these questions in the affirmative, and it has declared its intention to introduce a Marine Bill into the 2008 session of Parliament. This sounds as if it is good news, but the question that still needs to be asked is - what will this Marine Bill actually propose and do?

In MARINET's view the Marine Bill must do the following things if matters are to change for the better and result in a return to health for our seas.

- **UK governments must accept political responsibility for the good management of our seas, extending this active management to the 200 nautical mile boundary from UK coasts.** This political responsibility must be coherent and unified across government, and be centred on a **Ministry for the Sea with a Secretary of State at Cabinet level.**
- **The UK government must formulate all of its policies in accordance with the principles of an ecosystem approach to marine management,** and thus ensure that all decisions and actions have the maintenance of the integrity of the marine ecosystem as their primary objective.
- **The UK government must recognise that the management of fisheries within the UK 200 nautical mile boundary must, as a matter of urgency and primary importance, be founded on the ecosystem approach** and take whatever steps are necessary to secure this objective.
- **A network of inter-linked Marine Reserves must be established within the 200 nautical mile boundary, covering at least 30% of UK seas. In these reserves all extractive activity, including fishing, will be forbidden.** These reserves must seek to protect *representative areas* of our seas which reflect the diversity of marine habitats, processes and populations so as to regenerate fisheries and thus serve the **economic and social (human) purpose of sustainability** as well as the conservation purpose.

The Government's Proposals.

The Timetable: The government has issued a consultation document [4] which seeks views as to the issues which the Marine Bill should address, and this document provides a timetable for the Bill:

June 2006: The public submit their views in response to the opening consultation document.

Autumn 2007: Following the consultation during 2006, the government produces a draft Marine Bill and puts this draft Bill out to consultation.

Autumn 2008: Marine Bill introduced into Parliament.

Marine Spatial Planning: The government is proposing a strategic, plan-led approach to managing marine activities (marine spatial planning). This will map the resources, uses and main features of UK seas, region by region and up to 200 nautical miles from the coast. A pilot project implementing these broad principles has already been done for the Irish Sea [5].

Licensing Marine Activities: The licensing regime is currently complex, with licences for different activities split between four government departments (Transport [DfT], Environment Food and Rural Affairs [Defra], Trade and Industry [DTI], and Communities and Local Government [DCLG, formerly ODPM]). Current procedures are widely regarded as bureaucratic and lacking in transparency. The government has declared that it would like to create a “modern, transparent, efficient and effective system” firmly grounded in the new framework provided by marine spatial planning.

Marine Conservation: Marine nature conservation is currently managed at both devolved and UK levels. Scotland, Wales and N. Ireland manage their territorial waters up to 12 nautical miles. The Westminster government manages England's up to 12 nautical miles and, beyond this territorial limit, all of UK seas up to 200 nautical miles. At present, powers exist to create Marine Nature Reserves but these reserves are confined to 3 nautical miles from the coast, and marine habitats and species gain their main protection from a limited interpretation of the EU Habitats Directive. The government proposes to introduce marine ecosystem objectives into marine licences, and to create marine protected areas (MPAs) in all UK seas.

Marine Management: There is currently no single UK government organisation responsible for the marine area, and responsibility is split between many different government departments, devolved administrations and other bodies. As a result, the government is considering creating a marine management organisation (MMO) which, as an agency of government, would be responsible for devising and administering the new marine spatial planning framework, and be responsible for the issuing and supervision of marine licences. However, the government regards the principal UK fisheries which lie beyond the 12 nautical miles territorial limit as outside the remit of this Bill, and proposes to continue to delegate their management to the European Union.

MARINET's Comments.

The Timetable: Our response to the June 2006 consultation and a full statement of our proposals can be seen on the MARINET website [6]. We will be campaigning for these during the forthcoming months, and some of our main comments are outlined below.

Marine Spatial Planning: We strongly welcome a plan-led approach for the management of our seas. However, it is most important that the planning framework adopts and implements the ecosystem approach to marine management. A definition of the ecosystem approach is to be found on our website [6].

Marine Conservation: We strongly welcome the government's greater commitment to marine nature conservation. However it is essential that conservation is used as an instrument to *regenerate the whole marine ecosystem*, and is not just used to protect damaged habitats and endangered species. Marine conservation must be a creative force by which we restore health and fecundity to our seas. It must be the dynamo for renewal and marine reserves – its principal tool – must cover at least 30% of our seas and be selected by all users of the sea, including fishermen, in order to put the marine economy back on an even keel.

Marine Management: Successive governments have failed in their management of our seas, and the proposal to create an agency (MMO) responsible for the marine area is a step forward. But, will it achieve anything if political responsibility remains divided in government? We believe the answer is, no. Political responsibility must be clear, unified and coherent. Therefore we propose a Ministry for the Sea, with a Secretary of State at Cabinet level who is responsible for *all* marine issues. Only if the Marine Bill grasps this political dimension will it be able to deliver the sea change in action which is so urgently required.

References and further information:

1. Royal Commission on Environmental Pollution, Turning the Tide, 25th report, 2005, ISBN 0101639228 www.rcep.org.uk/fishreport.htm
2. English Nature, State of Nature: Maritime – getting onto an even keel, 2002, ISBN 1857166474 www.english-nature.org.uk/pubs/publications/PDF/SONmar.pdf
3. Defra, Safeguarding Our Seas, PB 6187, 2002. www.defra.gov.uk/environment/water/marine/uk/stewardship/pdf/marine_stewardship.pdf
4. Defra, Marine Bill: Consultation Document, PB11751 www.defra.gov.uk/corporate/consult/current.htm
5. JNCC, The Irish Sea Pilot, 2004, ISBN 861075596 www.jncc.gov.uk/default.aspx?page=2836
6. MARINET's response and proposals to Defra, see: www.marinet.org.uk/marinebill.html and MARINET's briefing on ecosystem approach and marine reserves, see: www.marinet.org.uk/mreserves/ecosystem.html

This Briefing Paper is published by MARINET, the Marine Network of Friends of the Earth Local Groups.