

For the attention of:

Environmental Audit Select Committee,  
House of Commons  
London SW1A 0AA.

**Committee Enquiry: Sustainable Seas.**

Submission by:

Marinet Limited  
Cedar Lodge, Allington, Chippenham SN14 6LW  
Reg. No: 9241919  
Tel. 01249 653972  
Email. [Stephen.marinet@btinternet.com](mailto:Stephen.marinet@btinternet.com)  
[www.marinet.org.uk](http://www.marinet.org.uk)

This is the submission by Marinet Limited, made by two of its Directors : David Levy (Chair) and Stephen Eades. Marinet Limited is a not-for-profit membership based company which operates on a voluntary basis. It receives no funding from sources other than its members, unless the funding is made in the form of a donation with no expectations attached. Marinet is a campaigning organisation seeking to inform the public on marine issues in the UK and worldwide. Marinet looks to secure solutions to issues in equal measure to defining them. Marinet is not a charity. It was founded in its present form in 2014.

Executive Summary.

- We believe that there is a profound dishonesty in the way in which Government and Parliament conducts its affairs with regards to the sea and ocean. It makes decisions on a continual basis which are, if they were to be challenged in a court of law, would be found to be illegal e.g. setting fishing quotas in violation of the statutory terms of fisheries legislation and, in addition, deciding to establish and manage marine protected areas in a manner that negates their purpose and integrity contrary to legal commitments in UK and international law.
- We believe that the Environmental Audit Committee is not exempt from this lack of integrity. This is not the first time that this Committee has examined these issues. It has taken evidence before – indeed, received evidence from us without failing to respond to it – where its deliberations and reports have failed to audit the legality of the Government’s and Parliament’s own behaviour and decision-making. The Committee has therefore overlooked wrongdoing and allowed such malfeasance to continue uncensored and unchecked.
- The UK’s current legal and regulatory frameworks are inadequate to protect biodiversity, both historically and with regard to the future. This deficiency is contrary to the UK’s commitments in international law; and law enacted by the UK Parliament has failed to respond to these international obligations.
- Aquaculture compared to fishing causes harm of equal severity to marine biodiversity. This is in a context where the harm caused by fishing – in terms of scale and technique - is already very profound.

- The impact of pollution, which includes climate “change” (more correctly, climate “disruption”), is immense and will lead to widespread ecological collapse unless addressed with urgency. This urgency is much debated but is, effectively, unactioned.
- The UK could eliminate the need for sand mining and aggregate dredging by installing enhanced recycling of building materials and, even more effectively, by the conversion of quarry waste into building aggregate by proven technology, currently operative in Japan and Australia.
- The action of the UK in the forthcoming UN negotiations on the conservation and sustainable use of marine resources should give and enforce primacy to the integrity of the ocean – an obligation already established under Article 118 and 192 of the UNCLOS – and so manage all the ocean on the same terms as the international community manages the Southern ocean under the Convention (Commission) for the Conservation of Marine Living Resources (CCAMLR).

### **Ocean Futures : Marinet Chairman’s perspective.**

1. The maxim in life : “Do no harm” applies to the medical fraternity. It is a sound platform in which to operate within marine management.
2. Marinet has responded to previous marine audit work done by the Environmental Audit Committee but has received no acknowledgement of its contribution and no record in its findings. This current audit requires a brief that is well resourced and is listened to, neither of which applies to Marinet Ltd.
3. What we would say is that we do not appreciate taking the time to respond to you just to be ignored. That’s a calculated strategy by Government to use up the limited resources of organisations in order to tick the box of consultation. It’s a fraud and beneath the standards that we expect.
4. We have stated previously to you that the role of Government is to provide sustainable food security for its people. Yet policy towards restoring fish stocks to historically healthy levels has been fudged by Government. And the issue of no-take marine reserves which can deliver the former has been replaced by Marine Conservation Zones (MCZs) which only protect a limited set of features whilst the slaughter of other features is allowed within their boundaries.
5. The Reform of the EU’s Common Fisheries Policy delivered a structure in which Governments should have legally operated. However from “day one” all countries breached scientific advice for quotas (Total Allowable Catch/TAC) and this is especially true of the UK. If the Government of the UK were accountable the Government would have been arraigned in court and found guilty but being a country nobody has the power to arraign, except other guilty countries. Catch 22.
6. Frankly the failure by the UK’s Government and Parliament to really engage in the issues that can deliver change indicates that the Government and Parliament - to which Government should be accountable - have abandoned their responsibility of care and management to the economic structures which seek only to drive the ecosystem of our seas into collapse for their financial benefit.
7. The current lack of debate in the context of Brexit over our marine management is another indicator that the Government sees our marine world only as a bargaining chip in the wider debate. This is a further unaudited issue which, at its heart, features the Government’s and Parliament’s total inability to provide a plan for wild fish and aquaculture food security.
8. Marinet believes we have much to learn from management of our seas and oceans as demonstrated by Norway and Iceland who rely very heavily on the marine ecosystem to provide healthily for their

gross national budget. Once we are separated from Europe we will need to develop and work with countries such as these who are likewise ploughing their own furrow, and so enable us to learn from their successes.

9. As Chair of Marinet Limited I am reluctant to waste additional time on matters that are ignored by Government and Parliament. Especially so when the checks and balances which should exist and be brought to bear by the NGO Movement have been neutered by Charitable Law - law proposed by Government and authorised by Parliament.

10. The net result of this suggests your Committee, in your role in the procedure of government, are similarly accountable to NOBODY.

### **What outcomes and protections should the UK Government be pushing for at the forthcoming UN negotiations on the conservation and sustainable use of marine biological diversity in the world's oceans?**

11. The problems being addressed in negotiations for a new High Seas Treaty could be tackled by adopting one overarching and comprehensive strategy. Namely, to properly implement and enforce existing international law, most notably the UN's very own Law of the Sea (UNCLOS III).

Article 118:

*"States shall co-operate with each other in the conservation and management of living resources in the areas of the high seas".*

Article 192:

*"States have the obligation to protect and preserve the marine environment".*

Just to clarify that: '*... protect and preserve the marine environment*' – not '*...protect and preserve **some of** the marine environment*'. Therefore the Law requires States to protect and preserve **all** of it. And yet, with this once-in-a-generation Treaty in emergence, we still plan to protect only parts of high seas in the oceans in designated areas, while leaving the rest vulnerable to over-exploitation.

12. Moreover the aim to establish marine protected areas in the high seas shows that a fundamental flaw in our thinking persists. Namely a flaw which is at the very root of virtually all human-induced degradation of the natural world. To be exact, it is the political and economic mindset which makes us defer to the demands of the businesses and industries which have created the enormous environmental problems we now face and which continue to do so.

13. Difficulties in management and law enforcement over remote oceans can and have been overcome using new strategies and technologies, as is demonstrated by The Commission for the Conservation of Marine Living Resources (CCAMLR). This is the conservation body which regulates industrial activities (principally fishing) in the Southern Ocean.

14. With 24 member States plus the European Union, CCAMLR has become the most effective international body protecting biodiversity in the high seas by applying the ecosystem approach to management in order to safeguard marine ecosystems and wildlife. This management system (the ecosystem approach) operated by CCAMLR allows the harvesting of the sea **only** if it is done in a rational and responsible manner while taking a precautionary approach – a critical safeguard which governs decisions when there is an absence of full knowledge of fish stock sizes or of how complex natural systems interact.

15. CCAMLR's jurisdiction covers almost 13,800,000 square miles (35,700,000 sq.km) of ocean. This is around 10 per cent of the Earth's ocean surface area. The explicit purpose of the Treaty is embodied in Article II:

*"The objective of this Convention is the conservation of Antarctic marine living resources".*

In practice, this means that the health of ecosystems and wild populations takes **precedence** over economic gain. Industries, such as commercial fishing, can no longer claim the 'right' to exploit the resources of the Southern Ocean – instead they must gain the permission to do so and they must follow strict fishing controls.

16. A successful model of protection which is already up and running over such a vast expanse of the ocean (the Southern Ocean) could be rolled out throughout the rest of the high seas.

17. Basically, if it is possible to make commercial interests behave responsibly in the Southern Ocean, it is possible to make them do so everywhere. Creating marine protected areas would not be necessary.

18. Changing the default position in the management of the ocean and the operation of commercial activities by putting 'earned permission' **in place of** 'assumed rights' is a critical shift in the perception of how best to use natural resources, whether of the sea or the land.

19. Well enforced regulations are essential, but the best way to compel industry to use marine resources wisely is by driving out old attitudes, by fostering a new perspective of the sea and by making good practice the norm. This new paradigm, with education and enforcement central to it, is crucial if we are to achieve an enduring and persistent turn-around in the health of the high seas.

20. The negotiations at the UN offer a rare opportunity to make a radical and far-reaching shift in hearts, minds and habits of Nations and commercial interests. If this opportunity and the necessary paradigm shift are addressed as we describe them, they will help bring the much-hailed 'sustainable blue economy' to millions and keep the high seas thriving and full of life forever.

21. Or, will it be a lost opportunity?

22. To be very blunt about the peril involved, this is an opportunity to establish a paradigm change in the principles of management which we **cannot** afford to lose. Either we protect the whole ocean under this new legally binding default position, or we continue to surrender it to chaos – and chaos means the ocean's relentless collapse and destruction followed by our none too distant extinction because we cannot expect to devitalise the ocean, the heart of the planet's life systems, and survive.

**What impact is climate change having on the ocean? What are the effects of ocean acidification now and in the future? How important is meeting the goals set out in the 2015 Paris Agreement on climate change for marine biodiversity?**

23. There will be evidence more expert than ours on this issue, but there are two aspects which we believe indicate to your Committee the grave seriousness of what is occurring in terms of the impact on the ocean due to anthropogenic land-based greenhouse emissions (primarily CO<sub>2</sub>). Both issues underline the imperative requirement of attaining the 2015 Paris Agreement's goals and, to be frank, going significantly further to a situation where the planet receives effectively zero anthropogenic greenhouse emissions in order to reverse the relentless increase since the late 18<sup>th</sup> Century.

24. The first evidence is the International Union for the Conservation of Nature (IUCN) data, reported to the IUCN World Conservation Congress, 8<sup>th</sup> September 2016. Eighty scientists worked on this data which reveals that had the ocean not acted as a “sink” for the heat generated in the atmosphere by the release of anthropogenic sourced greenhouse gases (CO<sub>2</sub>), then the heat would have entered the atmosphere instead and the Earth would have warmed not by the 1°C (1.8°F) which we have experienced so far but by 36°C (64.8°F). In other words, the debate about climate change (disruption) and global warming would already be over. We would be extinct, as would many other forms of life.

25. The second body of evidence relates to the acidification of the ocean – more precisely, reduction in the natural alkalinity of the ocean. This natural alkalinity enables the majority of marine life - from microscopic phytoplankton (vast numbers of very tiny marine plants which produce, in some estimates, over 50% of the Earth’s annual production of oxygen) and microscopic zooplankton (which are the base and bedrock of the marine food chain) to fish, crustacea, coral and mammals – to generate the calcareous skeletons and shells which are essential to the structure of their bodies. The key point is that reduction in the natural alkalinity (acidification) of the ocean due to the absorption of CO<sub>2</sub> (producing carbonic acid) inhibits the ability of marine life, from the microscopic to the largest, to take up and retain calcium carbonate in their shells and skeletal frames. This is a form of “marine osteoporosis”. It is currently taking place at a detectable rate and, if not halted, will lead to a fatal crisis where the very fabric of marine life is no longer sustainable.

26. The question for this Committee is whether the United Nations process which is producing Framework Conventions on Climate Change, such as the 2015 Paris Agreement, is genuinely aware of the cliff edge on which the ocean currently stands with regard to CO<sub>2</sub> absorption and the erosion of its alkalinity (acidification). Indeed, is the Audit Committee itself aware of this?

**Is the UK’s current legal and regulatory framework adequate to protect biodiversity given the growing demands which are likely to be placed on marine resources?**

27. In addition to being a signatory to the UN Law of the Sea, the UK is relying primarily on the Conservation of Habitats and Species Regulations 2010 (which implements the EU Habitats and Wild Birds Directives), the UK Marine and Coastal Access Act 2009 (which creates the Marine Management Organisation [with devolved administration equivalents] which manages marine legislation and commercial licensing, along with the 2009 Act also creating the UK’s own Marine Conservation Zone network and inshore fisheries management system (Inshore Fisheries Conservation Authorities/IFCAs). Fisheries are largely managed under UK membership of the EU Common Fisheries Regulations (Policy) – CFP.

28. With this formidable body of legislation, one would expect that biodiversity is being adequately protected.

29. However with the need to be brief (and testimony more expert than ours available to the Committee), it is suffice to say that the obligations of UNCLOS are acknowledged rather than observed – all marine biodiversity is not protected as a default position as required by Article 192; the Habitats and Species Regulations only protect selectively identified habitats and species within defined boundaries and the reserves created (SAC/SPA) allow commercial activity within their boundaries thus damaging the overall ecosystem structure of the reserve; the Marine Management Organisation operates on a brief to “facilitate commercial use of the marine environment” – personal communication of the MMO’s CEO to Marinet – and makes no exemption for Marine Conservation Zones when licensing commercial marine activity; and Marine Conservation Zones are largely undelivered in numerical terms (127 were identified designation as a result of widespread consultation following establishment of the 2009 Act, but only 50 have been delivered so far) and in management terms they

have no management committee and are open commercial use which damages the overall ecosystem structure of the MCZ reserves. Consequently, it is clear that the present legal and regulatory system is inadequate to manage and protect marine biodiversity and, in turn, must logically be inadequate to meet the growing demand for increased exploitation of marine resources. This is a depressing and lamentable reality and one to which government in the UK has largely been unresponsive.

**30.** When it comes to the fishing of the UK's wild stocks both within inshore territorial waters (12 nautical miles) and under the EU Common Fisheries Policy Regulations (CFP, 200 nautical miles) there are two key facts of note with regard to Government policy and the protection of marine biodiversity [fish being one of the principal classes of marine species determining the character and viability of the marine ecological structure].

**31.** The first is that fish stocks have been relentlessly over-fished for many years (well documented) and the CFP (reformed 2014) now sets quotas (total allowable catch/TAC for individual fish species based on independent scientific advice) aimed at ensuring that fish breeding stocks remain at levels which ensure that they can be harvested on a long-term basis (maximum sustainable yield). However the UK Government, in party with other EU Governments) has consistently set TAC quotas since 2014 in excess of the level recommended by scientific advice for around half (50%) of fished stocks. This serial illegality has been much protested against by conservation bodies, including Marinet, but has been consistently ignored by UK and EU Governments. It also has to be observed that the UK Parliament has itself taken no action to arrest this illegality.

**32.** The second issue, which compounds the CFP fishing quotas illegality, is that the UK is bound under the Marine Strategy Framework Regulations 2010 (implementing MSFD Directive 2008/56/EC) to implement the legal objective for the restoration of wild fish stocks to "good ecological status" (GES). GES Descriptor 3 on wild fish stocks states: *Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.* For present purposes the key section here is that all fish stocks are ". . . . exhibiting a population age and size distribution that is indicative of a healthy stock". This is because older fish are the most fecund, with older females producing twice as many eggs every time their body weight/length doubles. Thus older fish in a stock are the key to that stock's long-term reproductive health (as well as being more economically valuable when caught). UK Government policy (supported by other EU countries) is to permit net sizes which catch all fish after just one year of adulthood, thus eliminating all older and the most reproductively fecund fish from the stock. This is in violation of the legal requirement of MSFD's GES Descriptor 3 and, most worryingly, ensures that fish stocks remain permanently depressed (because the reproductive potential of the stock is artificially and deliberately suppressed) and, because a wealth of fish is vital to a healthy marine ecosystem overall, is a profound restraint on improving and restoring marine biodiversity. Has the UK Parliament or this Committee ever commented on this specific and significant illegality or sought to arrest it? We know of no such action.

## **Conclusion.**

**33.** Like Nero with his fiddle, we ask if this Committee is content to simply twiddle its thumbs as it listens to and records the evidence?

Marinet Limited, May 2018.