

SUSTAINABLE FISHERIES: Response to the European Commission's Green Paper on Reform of the Common Fisheries Policy

Summary

- *The CFP has been a manifest failure under which, in the absence of individual property rights, no individual or state is restrained from over-exploiting a valuable resource. However, the inter-connected nature of the European shelf seas demands an integrated approach to fisheries policy at European level. What we should seek, therefore, is regional management of a pan-European policy.*
- *The political haggling between 27 member states that characterises decision-making in the Council undermines the goal of a sustainable European fishing industry. The focus of politicians on securing short term 'gains' for national fleets results in policy decisions that do not reflect the long term interests of Europe's diverse seas.*
- *In order to secure a sustainable long-term future for Europe's fishing industry, the priorities for the reformed CFP must be to recover healthy stocks, maintain sustainable harvesting and protect biodiversity. It is only through achieving these objectives that socioeconomic challenges can be addressed.*
- *High-level direction setting and the co-ordination and control of fisheries must remain at European level in order to achieve the necessary integration of policy. However, this should be accompanied by the devolution of responsibility for regionally appropriate management of fish stocks.*
- *The RSE asserts that regional management organisations must be able to rely on sound, independent scientific advice in the development of management plans. The broad scientific framework should be set at European level with regional scientific priorities consistent with the European framework.*
- *The reformed CFP must aim to minimise discards. Where they are unavoidable, discards should be landed, not dumped at sea. Measures needed to protect the wider marine environment from the negative impacts of fishing must also be considered, while more effective and consistent enforcement is urgently needed.*
- *Looking to the future of European fisheries, the RSE endorses activity to differentiate European fish from imports on the basis of traceability, quality and sustainability rather than price. Aquaculture may play an increasingly important role in meeting demand for marine species and therefore must be considered carefully together with the reform of the CFP. Indeed, the reform of the CFP must take place within the context of the Integrated Maritime Policy.*
- *The EU must play its full role in pressing for the global fishing industry to take a responsible approach to development, leading by example of good governance.*

Introduction

- 1 The Royal Society of Edinburgh (RSE), Scotland's National Academy, welcomes the opportunity to contribute to the European Commission's discussion of reform of the Common Fisheries Policy (CFP). The RSE is well-placed to respond to this because of the expertise of its Fellowship in the areas of fisheries policy, marine science, coastal management, regional development, environmental impacts and economics. Additionally, the Society has carried out a major independent inquiry into the *Future of the Scottish Fishing Industry* (2004)¹ which is highly relevant to the debate on the future of the CFP.
- 2 Rather than concentrating on detail, we address the high level issues that should dictate the future of the CFP: the objectives for a successful, sustainable fishing industry and the management infrastructure that must be in place to achieve them.

Principles

- 3 The starting point for our contribution is the manifest failure of the CFP since its inception. The CFP continues to be subject to fierce criticism. As the Green Paper acknowledges, the current policy has done little to address the long-standing problems facing Europe's fishing industry: overcapacity, over fishing, declining stocks and little economic resilience.
- 4 Much policy at EU level is negotiated between the perceived interests of member states. This is a problematic approach for fisheries. The eco-systems of the European shelf seas are inter-connected, such that their sustainable exploitation demands an approach that integrates activity across the whole region. Whilst in principle a single, integrated approach at European level, based on scientific estimation of stocks and the estimated sustainable yield of fisheries, would seem to be an ideal approach, in practice the CFP has failed to halt the deterioration of ecosystems and the decline in stocks.
- 5 In practice, the CFP has been a "tragedy of the commons", where in the absence of individual property rights, none, individuals, families or states, are restrained from over-exploiting a valuable resource, given their realisation that if they do not do so, others will. Each has an overriding short-term interest in doing what is not in their long-term interest. Where fisherfolk live in isolated communities without competitors for their resources, they may develop traditions that limit over-exploitation of fish; but these go by the board when competitive enterprises come onto the scene. It is a process whereby many fisheries have been harvested to extinction.

- 6 Even individual states have found this issue intractable, as exemplified by the devastation of the once rich Grand Banks fisheries. The issue is compounded in the CFP through the involvement of 27 member states in agreeing decisions that may affect only one region. It leads to compromises that rarely reflect the best for the long-term sustainability of fishing in a region, but more frequently the short-term interests of countries that may have no real stake in that region's future.
- 7 It would be simplistic to assert that the solution is to return fishery policies to the control of member states. Firstly there is no guarantee that the tragedy of the commons will not be perpetuated under their auspices, and secondly we must recognise that the argument for strong EU role in fisheries remains valid: that fish, and therefore the influence of fishermen, move across national borders and the activity of one fleet will directly impact upon the future prospects of another. What we should seek therefore, is regional management of a pan-European policy.

Priorities for a reformed Common Fisheries Policy

- 8 The foremost priorities of the reformed CFP must be to recover healthy stocks, maintain sustainable harvesting and protect biodiversity. It is only through such an overarching policy that a sustainable, responsible and successful fishing industry will be maintained in the long-term.
- 9 As the Green Paper notes, recovering and maintaining stocks to sustainable levels, and protecting the wider marine environment in which these stocks can thrive, is the only basis from which socioeconomic issues can be addressed. In the long term, therefore, the responsible harvesting of stocks is a common path to securing an environmentally sustainable, economically viable industry that provides stable employment. This must be the guiding principle of the reformed CFP despite the harsh reality that to achieve long term sustainability the industry must face up to difficult restructuring and restrictions in the short term.

¹ <http://www.rse.org.uk/enquiries/scottishfisheries/index.htm>

Delivering the priorities of a reformed CFP: management of EU Fisheries

- 10** The principal barrier to the development and implementation of the fundamental reforms needed to address the long standing problems of the fishing industry is the political wrangling that is a consequence of the involvement of 27 member states in decision-making within the Council. Political interests that focus on delivering short term 'gains' for individual national fleets, which in many cases do not have a vested interest in the long term sustainability of a particular marine environment in which they operate, are inimical to the long term need for the responsible exploitation of stocks. Furthermore, micromanagement at EU level, that has developed complex, opaque and inflexible regulations that arise from lengthy negotiations and inevitable trade-offs between 27 member states, does not, and cannot, provide the best management solution for all of Europe's diverse seas and regions.
- 11** On the other hand, if Europe is to achieve the necessary integration of policy for fish stocks, there must be high-level direction setting, co-ordination and control of fisheries at European level in recognition of the cross-border transient nature of fish stocks and fleets. This should be accompanied by the devolution of responsibility for regionally appropriate management of fish stocks in ways that are consistent with European-level policy and accountable in relation to that policy. This devolution of function needs to reflect the scales that are most appropriate for good management of fish stocks. This does not necessarily mean devolution to individual member states, groups of contiguous littoral and other states could share responsibility for management. At the same time it must be recognised that individual member states should be responsible for implementation and compliance.
- 12** The establishment of the Regional Advisory Councils (RACs) in 2002 provides a starting point for considering how a new management structure might operate. Grouping member states, industry representatives and scientists into management organisations for specific regions would bring advantages. Firstly, regional groupings will have a vested interest in the long term development of their own marine environment and will act accordingly, including addressing the problem of fleet overcapacity. Secondly, the ability of these groups to produce management regulations for their region, within the overall direction set at EU level, will significantly enhance the suitability, flexibility and responsiveness of fisheries policy to the diverse and changing needs of Europe's seas. The transfer of the burden of proof that fisheries are being properly managed to these regional groups from the Commission will firmly place responsibility, and ownership, on the shoulders of those directly involved.
- 13** Of course, there are a number of factors to be taken into account when considering how regional management of fisheries would operate in practice. Primarily, there is the question of membership of regional groupings. In principle it could be argued that the littoral regional states would best manage fisheries in their region given that they have a long term stake in the sustainability of fisheries, and that non-littoral states with quotas for fishing in that region should have confidence in regional management. However, if regional groupings are to have a substantial role in policy setting and regulation then non-littoral states will want to ensure they have a say. A balance will have to be found, with the caveat that management and decision making on fisheries policy will become increasingly complicated the greater the number of countries involved. It is important that a new fisheries regime does not simply repeat the mistakes of the past, by making fisheries the subject of haggling between short-term sectional interests. The role of science should be crucial here, as discussed below.
- 14** It is important that any devolution of responsibility to member states and stakeholders is accompanied by devolution of the powers needed to discharge them efficiently. RACs have for some time been pressing for a system where it would be the responsibility of stakeholders (fishers and others) to prepare their own management plans for regional fisheries, with the approval of a regional grouping of member states. They would also obtain their own advice from scientists and economists and take responsibility for monitoring and auditing the performance of their fishery. Indeed considerable progress has already been made in the development of draft plans, for example for the Scottish langoustine fishery and the horse mackerel fishery. If this is an approach to be taken forward by a regional grouping with greater responsibility then it would be important to find a role for all members of the fisheries sector, the environmental NGOs and local communities in the preparation of such plans. Broad objectives should be adopted through cooperation and consensus while clearly defining the level at which management plans are produced and then sanctioned.

The role of science in future fisheries management

- 15** Scientific research and advice must play a key role in any reform of the CFP and any change to its management structure. RACs, or any other future regional management grouping, must be able to rely on sound scientific and expert advice to assist in the development of management plans. The necessary pre-requisite for sustainable fisheries in Europe is, as we suggest in paragraph 8, to recover healthy stocks, maintain sustainable harvesting and protect biodiversity. This must be the primary imperative for any management plans. The broad scientific framework for this should be set at EU level because of the inter-dependent ecology of European shelf seas, and the regional scientific priorities for stock recovery and sustainability should be consistent with the European framework. There should be iteration between developing regional management strategies and regional scientific priorities, but acceptable management strategies must be consistent with the latter. Otherwise, we risk repeating the past failures of the CFP.
- 16** Currently RACs must request research through the Commission and then through ICES which, while politically independent, has become in the eyes of many strongly institutionalised. Dependence on a sole supplier also has the effect of discouraging fisheries and marine research from being carried out elsewhere. Given the vital need for innovation, the option for RACs and regional management organisations to commission their own research, particularly from universities, could provide the stimulus required. This would provide a more efficient route for integration of scientific expertise into fisheries management than the present system. The role of ICES should be reconsidered, with the potential to reorient the organisation from being a sole supplier of research to being the scientific co-ordinating body at EU level.

Scientific monitoring and the policing of the Common Fisheries Policy

Determining the state of fish stocks

- 17** In the drive for responsible harvesting, accurate determination of the state of stocks is essential. Better knowledge of the fish stocks will ultimately shape fisheries management plans, including the measures required to return stocks to healthy numbers and enable levels of catches that are sustainable for the long term survival of fish species.
- 18** However, there will always be considerable uncertainty in the assessment of fish stock levels and a major difficulty with the CFP to date is how this uncertainty has been dealt with.

When scientific data on stock levels is presented with wide confidence limits, lobbying often leads to quotas being agreed in line with the upper confidence limit. This has been a significant contributor to the depletion of stocks. Instead, management decisions must explicitly take account of this uncertainty and take a sustainable approach by recognising the more conservative limit. There are many models elsewhere from which the EU could learn to deal with uncertainty, for example the scientific committees of the regional management councils in the US. The acceptability of regional management plans should also depend therefore on satisfying rigorous criteria that will ensure a sustainable yield. The determination of the state of stocks must be based on independent scientific advice and subject to an agreed process in which estimates are not disputed, limiting opportunities for political influence and lobbying for national interests.

Measures for delivering sustainable harvesting

- 19** Clearly there is a toolkit of measures that can be used to regulate the levels of stocks caught in Europe's seas and ensure sustainability. Traditional measures such as quotas and Total Allowable Catches (TACs) have, however, brought their own problems, most seriously that of discards – a practice that discredits the fishing industry and impairs our ability to properly monitor stock levels.
- 20** Alternative measures, or a combination of measures, must be found that effectively enable fishing to be limited, without resulting in the discarding of fish. There are lessons for the EU in the approaches taken by Iceland, Norway and the Faroe Islands. Some countries require discards to be landed while providing incentives to prevent the fish being caught in the first place. The reformed CFP should have as one of its objectives the minimising of discarding and also, where these are unavoidable, a requirement that discards, should be landed and not dumped at sea.

Addressing the environmental impact of the CFP

- 21** In recent times there has been a greater awareness amongst the public, the industry and politicians that marine resources are not 'free'; there are environmental costs attached to their exploitation and these must be evaluated and addressed. Indeed, if we were to use a system of environmental valuation that fully reflected the costs and benefits of fishing, some fisheries – particularly those that can only really justify themselves through social returns rather than economic benefits – may, on balance, become unattractive.

- 22 The marine environment is complex and difficult to observe, such that there is a clear need for more focused and better integrated research in the areas of marine ecology and biological oceanography in wider fisheries science to improve our understanding of the impact of fishing on the ecosystems of which fish are a part.
- 23 While the development of eco-system based management is at an early stage there are methods of monitoring changes to parts of systems and in the food web as a whole which should be employed. For example, we would recommend consideration of the use of indicator species i.e. identifying species that are sufficiently easy to measure, that form an important component of their trophic structure, that are responsive to changes in the environment and that, through measuring their populations, can provide a benchmark against which the health of ecosystems can be measured. Furthermore, we strongly advise that the problems of eco-system based management should not prohibit vigorous and prompt attention to the conservation of vulnerable habitats such as cold-water corals which are likely to be of importance to commercial fish populations as well as other species.
- 24 Consideration must also be given to more comprehensive use of Marine Protected Areas (MPAs). In particular, the procedure for designating areas as MPAs under the Habitats and Species Directive must be reviewed. This Directive was never intended to apply to offshore marine waters. There may be a case for MPAs to be made integral to the reformed CFP.

Compliance with the CFP

- 25 The enforcement of compliance with the rules and regulations of the CFP has long been a major weakness undermining the policy. Lack of political will across member states to enforce regulations has led to serious inconsistencies in monitoring and enforcing compliance across European waters. This inconstancy and lack of equity undermines efforts to maintain sustainable levels of stocks and protect the wider marine environment. It has exacerbated the tragedy of the fisheries commons. The Community Fisheries Control Agency has to date proved ineffective in addressing this problem as member states refuse to give it the powers it would need to be effective.
- 26 In order to secure a successful fishing industry in the long term the problem of poor compliance must be addressed. In part it results from over-capacity and poor profitability within the fishing industry. Compliance is much better in those sectors of the fleet which provide a good return on investment. Reduction in fleet capacity would be a major step

towards improving compliance. Regional fisheries management plans should reduce the need for policing as stakeholders and industry have more ownership over the control measures in place. Additionally, national policing could be reported to the Commission through the regional management organisation. With increasingly effective low-cost technologies available to monitor vessels and catches there is potential for fisheries control to become much stronger.

The future of European fisheries

Improving markets for European fish

- 27 Prices for European fish remain consistently low while levels of imports are high. To remain competitive, European fishers are therefore unable to pass increasing production costs on to consumers and are in an extremely vulnerable position when faced with rising costs, for example in fuel. The recent drive in demand for high quality, sustainably sourced local products, led in part by supermarkets, provides an ideal opportunity to differentiate European fish on this basis, moving away from competing solely on price. The RSE supports activity by producer organisations to gain certification and accreditation in respect of traceability, quality and sustainability and would endorse any move to enhance this process.

Aquaculture and the CFP

- 28 There is continued demand for marine species as a source of high quality protein particularly as Food Standards Agencies, including that of the UK, call for human consumption of fish to significantly increase for nutritional reasons. However this must be considered in parallel with the need to exploit marine resources responsibly. It is widely accepted that aquaculture will have to play an increasingly important role in providing fish for human consumption. Although there is much work to be done in developing the sector in a sustainable manner, for example with respect to the expansion of carnivorous fish production, there is great potential for farmed fish to safely and sustainably meet increased need, especially for poorer countries.
- 29 The RSE believes that there is an absolute need to consider aquaculture policy with fisheries policy as the former impacts on all, or almost all, of the proposed objectives of the reformed CFP. We welcome the Communication presented by the Commission in April 2009 to provide new impetus for the Strategy for the Sustainable Development of European Aquaculture. The Scottish Government has also recently launched a renewed strategic framework for Scottish aquaculture which recognises the importance of aquaculture as a major sector of the Scottish fishing industry. It is important that these strategies are considered very much in light of wider fisheries policy.

The future of dependent communities

- 30** An important question underpinning thinking on the reform of the CFP is where the balance lies between creating an industry that sustainably supplies food to European citizens and an industry that supports coastal communities traditionally dependent upon it.
- 31** While recognising the importance of the fishing industry to coastal communities in Scotland, the RSE believes that advances in technology and the increased harvesting capacity of vessels mean that it is no longer realistic to expect to be able to sustain fishing communities at anything like historical sizes. Indeed we believe that the assumptions that have long formed the basis of political argument – that fishermen have the right to employment in the fishing industry in a particular location – should be reconsidered. Parallels could be drawn with the decline of the mining industry, steelworks and ship building. In fact, our recent inquiry into the *Future of Scotland's Hills and Islands* (2008)² showed that in Scotland unemployment was highest in central areas, not coastal areas, and that many traditional fishing regions have been areas of strong job creation in recent decades.
- 32** The RSE recommends that thought is given to how funds could be directed toward early retirement schemes for fishermen, resettlement grants, retraining and promotion of small businesses in communities traditionally reliant on fishing. The possibility of retraining fishermen for employment in the growing aquaculture sector would be one option.

Integration with wider maritime policy

- 33** The RSE welcomes the Integrated Maritime Policy approach being developed by the EU. Recognition of the interconnectedness of issues such as ecosystem management, sustainable development, spatial planning, food security and climate change is crucial in planning for the future. Consideration of how a reformed Common Fisheries Policy will fit with the Integrated Maritime Policy is vital.

The external dimension of the CFP

- 34** It is the RSE's belief that the EU must play its full role in pressing for the global fishing industry to take a responsible, sustainable approach to its development. This can best be achieved by demonstrating good governance over its own waters and fleets. Further, the reputation of the EU will be greatly affected by the impact of its fleet on the economies of other countries, particularly in fragile communities such as those along the African coast. With an increased focus on sustainable development of such communities and environmental impacts of the fishing industry it is difficult to justify any subsidies to EU vessels operating in third countries regardless of any support given to those countries under partnership agreements.

² http://www.rse.org.uk/enquiries/hill_and_island_areas/index.htm

Additional Information and References

- The Royal Society of Edinburgh's *Inquiry into the Future of the Scottish Fishing Industry* (March 2004)
- The Royal Society of Edinburgh's submission to the UK Government on the *draft Marine Bill* (June 2008)
- The Royal Society of Edinburgh's *Inquiry into the Future of Scotland's Hills and Islands* (September 2008)
- The Royal Society of Edinburgh's submission to the Scottish Government *Sustainable Seas for all: proposals for Scotland's first Marine Bill* (October 2008)
- The Royal Society of Edinburgh's letter to the Scottish Parliament's Rural Affairs and Environment Committee on the *Marine (Scotland) Bill* (May 2009)
- The Royal Society of Edinburgh's submission to the Scottish Parliament's European and External Relations Committee on the *Reform of the European Union Budget* (September 2009)

Any enquiries about this submission and others should be addressed to the RSE's Consultations Officer, Ms Susan Bishop (evidenceadvice@royalsoced.org.uk).

Responses are published on the RSE website (www.royalsoced.org.uk).

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