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Scottish Government Consultation on Wild Fisheries Reform: Response from Nourish Scotland

About Nourish

1. Nourish Scotland is a not-for-profit organisation campaigning for a fairer food system in Scotland. Nourish facilitates this change through engaging with organisations, community initiatives, politicians and officials, producers and individuals. We work to influence policies from local to EU level and provide a platform for networking and sharing best practice. We make sure that food is brought to the fore in public debates of various kinds, making the link between a localised food system and its positive outcomes for economic development, community cohesion, job creation, skills development, public health, environmental stewardship and justice.
2. Nourish is pleased to be able to provide a response to the Scottish Government's Consultation on Wild Fisheries reform. The consultation is wide-ranging in its scope and Nourish only comments here on the sections on which we feel we have interest or expertise.

Background

3. Nourish understands that substantial thought has already gone into considering what a sustainable, proportionate and accountable management regime for wild fisheries in Scotland might look like. We pay tribute to the time, expertise and skill brought to bear in producing Andrew Thin's 2014 report on wild fisheries in Scotland and believe that the report generally provides a sound basis for future decisions.
4. The sector at the moment is fragmented, with a somewhat jumbled relationship between regulators, central and local government, proprietors, non-governmental organisations and fishery boards. Nourish does not believe that the continuation of the status quo is a sustainable option.
5. We strongly support the proposed approach of developing a clear, robust strategy for the sustainable development of the sector in tandem with enacting a new wild fisheries bill, which will set out a new statutory management regime. Scotland requires a new wild fisheries management framework that will allow us to meet our international conservation obligations, manage stocks based on sound scientific knowledge and the application of the precautionary principle, protect the habitats that our wild fisheries rely on and promote the attractiveness and reach of recreational fishing as a sport open to all.

6. The framework must ensure sound governance, transparency and accountability of decision-making (both nationally and locally) and ensure that national strategy can be effectively implemented at a local level. At the same time, we must be careful to build on and not sweep away local expertise, skills and goodwill and to provide for local priorities where these can be accommodated within a broader national framework. This may not be an easy balance to achieve in practice and may require considerable give and take on all sides.
7. We would not take issue with any of the statements made in paragraph 24, Chapter 2 setting out the fundamental principles of wild fisheries management. However, we would note in passing that sustainable development is very much at the heart of many other government reforms, such as land reform and community empowerment. It seems a little curious that this section refers to “management of wild fisheries resources to deliver environmental, economic and social outcomes” rather than referring to sustainable development. If there is a reason for the difference, it would be useful to have it clearly articulated as we can see no clear and compelling reason for natural resources such as wild fisheries and land to be managed with different underlying principles in mind.
8. Any reforms must be driven by the overarching need to ensure the sustainable management of the sector to deliver maximum public benefits. Any public funding should be applied with this clear purpose in mind and a clear understanding of the benefits that will be obtained. Benefits may cover a wide range of issues from effective habitat management, developing skills and expertise, widening participation, protecting stocks, or delivering jobs in rural communities.

Roles and Responsibilities

9. Nourish endorses the proposal for a separate unit within government to fulfil national functions. Wild fisheries have long been the “poor relation” in terms of the policy attention and resources devoted to them within the fisheries portfolio and it is time that balance was redressed.
10. We further agree that there must be a balance in roles – and accountabilities – between the national and local levels and that these roles must be clearly set out and understood. The proposed split of responsibilities seems sensible although there will doubtless be detailed points to work through during the progress of any legislation and once the functions of any new bodies have been fully articulated.
11. We note that it is proposed that local FMO’s should be constituted as charitable bodies (SCIOs). We can see the attraction of that model, especially in relation to accessing a wider range of funding and resources. We agree that they should be membership bodies, reflecting a wide range of local interests and believe it would be useful to develop some common resources such as model constitutions or advice on governance. In terms of membership we would expect to see a balance between scientific advisers, people who actively fish (with appropriate representation for various species and methods), environmental and habitat protection advisers, and proprietors, along with representatives of tourism and ancillary businesses.
12. However, we also believe that there is a need to scenario plan and to consider how Scottish Ministers can best ensure that FMOs contribute to national strategy. We note the proposal for FMOs to be bodies subject to an approval process by Scottish Ministers. What if a local grouping constitutes itself as an FMO but does not seek to be an approved body? What if an FMO agrees to take local action that undermines or is inconsistent with the national strategy? What if an FMO fails to ensure that it has an appropriately balanced membership? What if the character or the

governance of an FMO change over time, and after approval has been obtained? There is a need to clearly set out the levers that will exist for national government to ensure that national priorities are achieved, while still allowing for the FMOs to be accountable at a local level (presumably through their membership and/or to OSCR). These mechanisms for local accountability must also be clearly spelt out.

13. A plan-led approach to the delivery of FMO services, where FMOs submit 3 year plans for approval, updated on an annual basis, and with clear links between ministerial approvals and the granting of national funds, seems sensible. These plans, and the strategy for the development of the sector, should also be capable of clearly linking to the national performance framework, so that it is clear how the sector is intended to contribute to these outcomes.
14. We agree that FMOs should provide comprehensive geographic coverage across the country, including the Tweed but excluding the Esk, as these boundaries are consistent with those in the Scotland Act. We agree that the suggested boundaries should be set by Scottish Ministers.

Resourcing

15. We agree, given the private, commercial nature of fishing rights, that a national levy should be raised from proprietors, collected centrally and distributed across the network of FMOs for the purposes of implementing the national strategy. Subject to finding workable administrative arrangements, we also agree that local FMOs should be able to agree - perhaps subject to Ministerial approval - to apply a supplementary levy to be used for more local priorities. We further agree that FMOs should continue to be able to seek charitable or grant funding for local or national priorities.

Sustainable Harvesting, Science and Skills

16. We agree that Scottish Ministers should have power to regulate the taking and killing of all wild fisheries stocks and that the precautionary principle should be applied to this. The framework and basis for these Ministerial decisions must be clearly set out in legislation and the scientific and management advice underlying the decisions must be published or made available to FMOs, proprietors, netters, non-governmental organisations and other interest groups.
17. The development of a national research and data strategy, to ensure that reliable, high quality data exists (on a nationwide basis) to base such management decisions on, is well overdue. This does require a consistent approach, subject to national standards, and peer review. However, there remains a valuable role for local FMOs to undertake this research, including the application of citizen science, and to determine potential additional local research priorities in addition to any core national requirements.
18. In relation to skills, we agree that there is a need to retain and develop skills in this sector, especially if the appeal of the sector is to be widened. In addition to the skills outlined at paragraph 67, if FMOs are to be charitable partnership organisations there will be a need for expertise on charity finance requirements and effective organisational planning. Given the tensions that have existed in the past, mediation skills may also be appropriate in addition to basic stakeholder management.

Regulation and Compliance

19. We agree that both annual and weekly close times are best considered at a local level by the approved local management body, taking account of the national strategy, local circumstances, the agreed fisheries management plan and the best available science. However, these decisions must be made on the basis of the

scientific evidence available and the application of the precautionary principle. We welcome the proposed review of close time arrangements.

20. We agree that the existing bailiffing arrangements should be developed and enhanced, to ensure more effective and consistent enforcement of regulations. We agree that bailiffs should be able to be employed on a national basis, subject to supervision, training and CPD, along with clear arrangements for complaint handling and accountability.

Opportunities and Access

21. One of the reasons for the slow pace of reform in this sector has been its fragmentation. In addition to slowing any impetus for reform, this may have also resulted in less effective lobbying and potential loss of opportunities for developing the sector. While it will not be easy, Nourish believes there will be considerable benefits in forming a body which could speak with a national voice on wild fisheries issues. The current plurality of viewpoints makes it easier to ignore the needs of the sector, while a common voice could provide a much stronger push for positive change.
22. We agree that widening access and seeking opportunities to develop the nature and range of services to visitors should be a focus of the strategy, provided that this is done in a manner consistent with the precautionary principle. We believe that it is for the sector itself to develop a considered view on rod licensing, but agree that if pursued, any fees should be used to promote access to the sport and develop national or regional infrastructure to facilitate this access.

Conclusion

23. Nourish agrees with much of what is proposed in this paper. Implementation of the proposals could lead to a step change in the management and development of wild fisheries in Scotland. The proposals will require careful thought to balance competing interests and decisions must be made on the basis of the best scientific advice and the precautionary principle. Decisions must also be guided by the need to develop a strategy for the sector which displays a clear link to international, local and national outcomes and obligations. The overriding factor must be the need to manage the resource in accordance with the principles of sustainable development and to obtain the maximum public good.