

Northern Ireland Affairs Committee

Oral evidence: [Brexit and Northern Ireland: Fisheries](#), HC 878

Wednesday 2 May 2018

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Members present: Dr Andrew Murrison (Chair); Mr Gregory Campbell; Mr Robert Goodwill; Lady Hermon; Jack Lopresti; Ian Paisley; Jim Shannon; Bob Stewart.

Questions 166 - 233

Witnesses

I: Dr Jade Berman, Living Seas Manager, Ulster Wildlife; Dr Kenneth Bodles, Marine Conservation Officer, RSPB Northern Ireland; Mrs Jennifer Fulton, Vice Chair of Northern Ireland Environment Link and Chief Executive of Ulster Wildlife; Donal McCarthy, Senior Policy Officer, RSPB.

Written evidence from witnesses:

- [NI Marine Task Force](#)

Examination of Witnesses

Witnesses: Dr Jade Berman, Dr Kenneth Bodles, Jennifer Fulton and Donal McCarthy.

Q166 **Chair:** Good morning everyone. Thank you very much indeed for coming here today. As you know, we are embarked upon a series of investigations with a Brexit feel to them, and obviously fisheries is an important part of that piece. That is what we are focused on at the moment. You are experts particularly in relation to the environmental impact of fishing and fish. It is really that on which we are focused today. Thank you very much indeed for agreeing to take part in our investigation. I know what you say will be important in informing our report when it emerges in the near future. I wonder if I can perhaps ask you very briefly to introduce yourselves and where you are coming from on this, and say just a very little bit about how you think Brexit is going to impact upon your spheres of influence.

Donal McCarthy: Thank you very much, Chair. My name is Donal McCarthy and I am a senior policy officer at the RSPB. Unlike the rest of my colleagues here, I am actually based at our headquarters just north of London in central Bedfordshire, working closely with colleagues in Northern Ireland, Scotland, Wales and indeed England. I am responsible for helping to co-ordinate our cross-cutting work on the environmental implications of Brexit, particularly in terms of issues such as devolution, common frameworks, future co-operation and governance arrangements.

Jennifer Fulton: I am Jennifer Fulton, chief executive of Ulster Wildlife, which is affiliated to Wildlife Trusts across the UK, of which there are 47. In our organisation we also are the lead partner for Northern Ireland Marine Task Force. We do a lot of environmental marine type work, so we have a number of marine biologists. We are quite heavily involved in Brexit and our staff sit on the Brexit stakeholder group in Northern Ireland. We also sit across most of the Brexit groups, land-based and others.

Dr Bodles: Good morning. My name is Dr Kenneth Bodles. I am the marine conservation officer for RSPB Northern Ireland, and I also sit on the Northern Ireland Marine Task Force steering group. I should say from the outset that, whilst I represent RSPB today, I am not just bird-centric. The RSPB is very interested in the wider marine environment and the impacts of the likes of fisheries, as we are talking about here today. My work then obviously looks at wider marine policy, so the likes of marine protected areas, marine spatial planning and, within the context of today, fisheries.

Dr Berman: Thank you for having me. My name is Dr Jade Berman. I am the living seas manager at Ulster Wildlife. I also sit on the steering group for the Northern Ireland Marine Task Force and manage the officer who is normally in post. In terms of being here today, my work encompasses a wide range of marine issues, from the policy side of



things to also working with stakeholders, both bottom up and top down. In terms of today, I will be covering a lot more of the environmental perspectives relating to the marine management around fisheries, as well as fisheries itself.

Q167 Chair: Thank you very much. That is very helpful. Can I start with a question? Obviously, we are very much awaiting the Fisheries Bill, which has been delayed and delayed and delayed. We will be quizzing the Minister on this shortly. That clearly has to anticipate what is going to happen in relation to fish after the UK leaves the European Union. What would you like to see in that Bill? Do you feel that the time has come, with our departure from the European Union and the potential upside that that may involve in relation to fisheries, to look at a different way of ensuring sustainability in the marine environment? In particular, do you think things like the maximum sustainable yield might be replaced by maximum economic yield, as I believe has been the case in Australia, with the effect of reducing the biomass that is produced in the oceans, whilst not impacting adversely on the economic wellbeing of those who depend on fishing for their livelihoods?

Dr Bodles: We are anticipating that the Fisheries Bill will bring out an opportunity for us to develop fisheries and sustainable fisheries in Northern Ireland. That is not only in Northern Ireland but also at an EU level. One of the main points we would like to bring to the Committee today is this idea of an ecosystems-based approach to fisheries management. We see fisheries as an intrinsic part of the health of our seas. We see an opportunity, through redesigning policy, to be able to look at how we can integrate fisheries within specific targets for the restoration of the marine environment.

We have a couple of principles that we would outline for our ecosystems-based approach, a number that I will touch on now briefly. One in particular is this idea of having a co-designed common framework of fisheries across the UK. That allows Northern Ireland, for example, to be privy to the development of the management proposals on fisheries management. It allows us to design that with colleagues in Scotland, England and Wales. By doing that, we avoid regulatory divergence between the four countries. That is not good for fisheries, it is not good for fish and it is not good for the environment.

If we are managing this public resource, we want to see a common framework that allows fisheries to work together to address the issue of shared stocks. Shared stocks is a difficult issue for us to comprehend and to manage with. To a degree, the common fisheries policy has helped us work towards producing sustainable stocks of those that straddle our borders and those that we all exploit and rely upon.

The Fisheries Bill also offers us the opportunity to open up new opportunities outside of the common fisheries policy. One which is close to our heart is this idea of active stakeholder participation in the development of fisheries. That is fisheries helping to collect data, put



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their insight into how we develop fisheries and work on socioeconomic issues. We would like to see that brought together within the Fisheries Bill. We would like to see active stakeholder participation throughout the development of the Bill.

For us, it is all about how we enshrine the good parts of the sustainability that we have achieved. The common fisheries policy has stocks from pre-reform in 2013, and we were looking at maximum sustainable yield being less than 10% of our fishing stocks. About 90% of our stocks were overfished. Now we are at a point, in 2017-18, where estimations are that around 47% of our stocks are overfished, so there is improvement there. We are moving in the right direction. We would like the Fisheries Bill to build on that and to bring in the environmental context and look at how we can build fisheries alongside environmental targets.

Q168 Chair: How about the maximum economic yield as a replacement for the maximum sustainable yield? Do you think that is viable?

Dr Bodles: Maximum sustainable yield is something that we should be achieving by 2020. We have a target to achieve maximum sustainable yield. For us to assess that, just on a practical level, we are probably better to stay at the maximum sustainable yield model until 2020, until we know that we can compare our stocks, how we are using our stocks and how our stocks are reacting to change. I do not have a position for you on using maximum economic yield, but I would be happy to come back to the Committee with some more information on that.

Q169 Chair: Does Ulster Wildlife have a view?

Dr Berman: I just wanted to add that we have an obligation, under international and national legislation, for maximum sustainable yield. That is one of the indicators. It is the only indicator at the moment, but it is important to look at other aspects of the stock. We need to look at age structure and we need to look at the population dynamics as well, in terms of judging that.

In terms of maximum sustainable yield, it is important to note that there is a report from the New Economics Foundation that said that rebuilding European fish stocks to maximum sustainable yield will provide the UK with an additional 442,000 tonnes of fish landed every year, equivalent to an additional £500 million in earnings. That could support 6,600 jobs. That is by 2020, which is when we have to have done that by under our obligation.

Q170 Chair: In terms of UNCLOS and its requirement for maximum sustainable yield, how does Australia get round that? They do not use it. They use maximum economic yield, do they not?

Dr Berman: They do. I would have to get back to you on that one.

Q171 Jim Shannon: It is obviously very nice to have you all here. I suppose in the past all of us, as MPs from Northern Ireland, or indeed



representatives from Northern Ireland, would have interaction with you through the RSPB, through Environment Link, and indeed through the Ulster Wildlife Trust in particular. I know that I certainly have, so I just want to say thanks for all that.

In the past at the three organisations there may have been—indeed I suspect there were—occasions when there might have been a difference of opinion in relation to the fishing sectors and how we move forward. I am glad to say that, over the years, Mr Chairman, that perhaps difference of opinion has moved away from that and has moved towards how we can deliver sustainable fishing for Northern Ireland. Obviously when we look towards Brexit we are looking towards that.

I want to ask you, first of all, what discussions you have had with the major fishing organisations, the Northern Ireland Fish Producers Organisation and the Anglo-North Irish Fish Producers Organisation. I am aware from both of them that they have been in contact with you and they work closely together. I think it is good for this Committee that we know how that working relationship is. The focus of all organisations is to find a sustainable fishing sector that can support jobs and employment into the future. Can you give us some thoughts on what discussions you have had with them, please?

Dr Berman: In terms of working with them, we sit together on the stakeholder steering group. There are two groups. There is the Brexit fisheries group where we sit with them, and there is the inshore fisheries partnership group where we sit with them, meet and talk about potential solutions. We have been working both on the inshore strategy together and then also looking at what the potential is post Brexit for fisheries as well. One of the things that we are all agreed on is that we want sustainability of commercial fish stocks and fishing practices inextricably linked to the health of the marine environment. We have been working towards the ecosystem-based approach. That has been signed up together as part of a jointly produced report.

Also, on a more interactive level, Ulster Wildlife has a trainee programme, and we make sure that our trainees go down and spend time with the fishing industry. As part of their development we go down. They go and visit one of the fish producers. They spend time on the boats. They get a real world perspective on fisheries, so it is not just theoretical. It is actually a practical grounding, which is quite important.

Q172 **Jim Shannon:** From what you are saying, Jade, the discussions you have had have been very positive and constructive, and, ultimately, with different perspectives of course, the goal is the same: sustainable fisheries.

Dr Berman: Yes, the end goal is the same. Of course, we have disagreements about ways to get there, but we are trying to work together to reach that common goal.

Q173 **Jim Shannon:** In the discussions, one of the big issues that comes



forward many times for the fishing sectors as well, but I suspect for your organisations that are represented here today, is the issue of bycatches and discarding of unwanted catches. I know it is a massive issue for the fishing sector. As we look towards Brexit and we look forward to a more sustainable, productive future out of the EU, one of the great issues we have is about how that works. I am curious again, in your discussions you have had with the fishing organisations, about whether there has been agreement on how they address the bycatches and, I suppose, ultimately the fish that are thrown back in the sea. That is a terrible waste.

Dr Bodles: Bycatches and the issue of discards is quite a tricky one, and it has been a difficult challenge for the common fisheries policy to deal with. We are still of the opinion that the sustainability of fishing stocks and the health of the seas is reliant on us reducing unwanted bycatch by as much as possible. We recognise that is a principle within the common fisheries policy and it is something we should continue to be committed to.

It is not good for the sea and it is not good for the industry, particularly when you are faced with the challenge of choke species, when they are targeting one species and filling up on a quota for another that they are not intending to catch. We feel that there have been good moves through the common fisheries policy in funding research into how we can improve selective gear types. We recognise that AFBI have been working on a project with the fishing industry to try to be more selective in the fish that they catch. We think that is a good move in the right direction.

One of the challenges that we are seeing through Brexit, or we are anticipating through Brexit, is continued funding in order to promote selective gear types. That will be extremely useful for providing science around bycatch. That will help us deal with what is quite a tricky situation for the industry, in terms of trying to achieve maximum sustainable yield for all fish stocks.

Q174 **Jim Shannon:** One of the past issues has been the cod recovery programme, which the fishing sector bought into. You and other organisations were probably keen to see that in place as well, I understand. We have now moved a great deal and I think the cod recovery programme has been very successful. It has increased the numbers of cod in the sea. Indeed, the fishing sector says we will make a sustainable fishing sector specifically in that for the future. What discussions have you had with the fishing organisations in relation to the cod recovery programme that there was and how that has delivered? We believe it has. Do you have the same opinion?

Dr Bodles: The Northern Ireland Marine Task Force prides itself on a scientific approach and looking at data to back up any movement and development of fisheries in the future. This is an opportunity for us to look at an increase in what appears to be more cod in the Irish Sea.



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However, we do recognise that there is some scepticism as to how good the recovery has been.

You might have heard from Mr Schön in the previous session. He was showing how science is a little bit divided about whether this is a true reflection of recovery. One point he was focusing on was that this might be a strong year class from 2013. There is some caution being advised as to how quickly we start to exploit that stock now, if the likelihood is that it is a good year class coming through, in terms of the ecosystem.

One thing that we would recommend in order to exploit this in a sustainable manner is to take an adaptive precautionary approach to how we develop a new and upcoming fishery. A lot of work and investment has gone into getting the cod stock back and we are seeing the benefits of that. We would like to see an adaptive precautionary approach put in place, which will set specific objectives for the industry to show that the cod stock is indeed exploitable. That will allow us to have a feedback loop working with the industry, getting their opinions on what they think they are able to exploit safely, and working with the likes of AFBI, who will provide the scientific basis to support that.

We would suggest caution in going straight in and exploiting and pushing the stock at its maximum output, but actually to take a precautionary approach and go slowly and softly, softly in terms of how we start to exploit this stock. That will ensure that we do not just get a good yield now in the short term but that it extends on to the long term.

Q175 **Jim Shannon:** I think nobody could disagree with the logic of what you said there. The fact was that the gentleman last week referred to cod recovery. Everyone is convinced that there is cod recovery in the Irish Sea. My colleague, Ian Paisley, and I were talking beforehand about the excellent fish and chips that we have in Portavogie, as an example. I understand that the cod are of such a size in the Irish Sea now that it would indicate a massive recovery. However, as you rightly say, the fishing sector is very keen to have it sustainable, so they will not be rushing either, but it is a fish we can catch.

One of the problems we have—and I will say this before others say it—is a non-functioning Northern Ireland Executive. It is a pity. It is certainly not what anyone round this table wants, but Sinn Féin are very clear; they are trying to obstruct it and make sure that it does not happen. In the meantime, can you tell us how the network has continued to move forward even with the absence of a Northern Ireland Executive?

Jennifer Fulton: Much of the work that has been done on Brexit has been done by stakeholders, which have been pulled together by DAERA. Now that environment and agriculture have merged in Northern Ireland, it has actually proved a very positive step. It enables all the issues to be considered in the round and a way forward to be found for everybody. We have had meetings on fisheries. We have had them on land. Those meetings have been a very good way for everyone to put forward their



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views and to try to find consensus, in terms of how Northern Ireland moves forward. There comes a point where Ministers are going to be required to make decisions. It is not up to civil servants to take those decisions, so at some point in the not too distant future there will have to be decisions made.

Q176 Jim Shannon: Certainly last week the fishing sector was very positive in its outlook for the fishing sector in the future outside of the EU and Brexit. There would be opportunities for jobs and more factory places as well, both onshore and offshore. Would you share that optimism?

Jennifer Fulton: We would all like to see a very viable, sustainable fishing industry. It is part of our culture in Northern Ireland, but it is back to how we get a sustainable industry. Even post Brexit, when you look at the direction of travel with the World Trade Organization, sustainability is something that they are looking at, trying to deliver on the UN sustainable goals. Whatever route we take, we need to bear that in mind. It does not matter whether we are part of Europe or whether we are looking at world markets. We still have to prove that we have sustainability at the core. That is one of the core elements of any free trade agreement that we will encounter in the future.

Donal McCarthy: Just to come in on that point about some of the challenges and some of the gaps that need to be filled, we have talked a little bit about a precautionary approach. The UK Government have promised, in their 25-year environment plan, to consult on proposals for a new statement of environmental principles to underpin policy-making. That is based on this recognition that there are currently a set of principles in the EU treaties, which include the precautionary principle, the polluter-pays principle and others, that help to underpin sustainable fisheries management and other areas of environmental policy.

Our understanding at the moment is that this is for an England-only statement of principles. The question is how we avoid a situation where a gap opens up in Northern Ireland, in this case in terms of the underpinning of the sustainable fisheries policy. You then have the same issue in terms of this question of the new environmental watchdog, which was also included in the 25-year environment plan to help ensure that, effectively, the Government can be held to account on their sustainability commitments post Brexit. Again, you have a situation where this is a gap that will open up in all four nations of the UK. It is particularly acute in Northern Ireland, but, as yet, we do not know how this will be addressed on a co-operative basis across the four nations.

Q177 Chair: The assertion was made that there will be a problem if the Executive is not restored soon, in relation to decisions being made. That is something that is often said. It is an assertion that is often made. Can you identify a pinch point coming up around a particular issue, where, if a decision is not capable of being made because there are no Ministers, there will be a material impact upon the area that you deal with?



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Jennifer Fulton: Brexit is looming very quickly and there will be a whole raft of key decisions to be made, even in terms of environmental governance, as Donal has said, and how we do that so that there is no post-Brexit gap. We are all going to have to meet certain conditions within Brexit and looking forward to WTO. There will be key decisions that will have to be taken around all those issues: environmental governance, what form the policy takes. There is lots of debate about what are devolved competencies and what are UK-centric competencies within the Brexit process. All those decisions really cannot be taken by a civil servant in Northern Ireland acting in the public interest. They will require ministerial direction.

Q178 **Chair:** Could you foresee a situation where civil servants felt obliged to perhaps step over the mark a little bit in terms of their decision-making, and the matter then being challenged judicially?

Jennifer Fulton: That is certainly a consideration that many civil servants in Northern Ireland are thinking about and a very real proposition. There are obviously quite large divergences of opinion in Northern Ireland with the political parties around many issues relating to Brexit.

Q179 **Mr Goodwill:** I would like to ask you a little bit about the quality of the scientific information we have about fish stocks. I have to say in my own constituency we have two fishing ports, and I cannot remember a time when the fishermen had not said, "There are more fish out there than the scientists say". Indeed, I think the words they used were that, when the Cefas Endeavour goes out to do sampling, "They could not catch a cold". However, we also heard evidence that we could have a good year group coming through, and that might mislead us. Also, I think we heard evidence that, when fish stocks are declining, they can sometimes congregate, so if you go to the right place you can catch plenty of fish, but that is not necessarily an indication. Could I ask: do we have good scientific information to base what we are doing on, or do we need to do more to make sure that we know more about what is actually going on with specific species?

Dr Bodles: Our current process in terms of scientific advice is our relationship with ICES. ICES collates all the data, in terms of fisheries, and provides advice to Ministers setting quotas and making agreements at the December Fisheries Council. One criticism we would have of that approach at the minute is that the scientific advice is extensive, peer-reviewed and collated in a common framework. However, when it comes to the setting of total allowable catches, historically the scientific advice has not been heeded. Total allowable catches tend to be set higher than what the scientific advice recommends.

If I can give a couple of figures on this, in December 2015, 63 out of the 111 fish stocks were set with TACs higher than scientific advice. In 2016, that had dropped to 54%. In December 2017 that had dropped to 44%. I wonder if, because, it is getting close to the 2020 deadline, we are



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starting to see, “We need to get a lot more of these stocks into maximum sustainable yield”. We are moving more towards aligning total allowable catches with the scientific advice.

Q180 Mr Goodwill: Is that because politicians have chosen to ignore scientific advice and gone for the popular decision with their local fishermen?

Dr Bodles: We recognise that it is a highly political issue, in terms of setting the total allowable catch after scientific advice. We feel that, if we are most likely to achieve maximum sustainable yield, one of the best ways of doing that—and ICES would agree—is that we set total allowable catches to maximum sustainable yield.

In the UK, for example, there was a recent report from the New Economics Foundation, which found that Ireland, the UK, Belgium and the Netherlands had the highest percentage of their fishing quotas for 2018 in excess of scientific advice. In terms of actual tonnage on the ground, the UK comes out at around 80,000 tonnes above scientific advice. Aligning that is one way in which we can make better use of the data that is there.

Q181 Mr Goodwill: In a nutshell, are you saying that it is not so much that the scientific advice has been wrong but rather that the politicians have ignored it and gone for a compromise?

Dr Bodles: There are always ways of improving data, and there are always ways of going through the scientific method of trying to accurately reflect what is going on in what is a very complex environment. Funding from the EU, for example, is one of the main ways in which we can fund projects to look at sustainability and getting more data. Interreg, for example, is one of the areas that funded a lot of new science in Northern Ireland, and AFBI has capitalised on that. If we want to continue to build our knowledge and our understanding, we need to continue to fund it. I keep coming back to this point about having active stakeholder participation in advisory roles, looking for new areas of data and bringing that into our considerations.

Donal McCarthy: I think it would be worth adding to that. In terms of this question about political pressure and how short-term or long-term a view you take of sustainability of stocks, this is one of those areas where independent institutions can play quite an important role. Kenneth has talked about the scientific monitoring and the independent, transparent reporting and oversight of performance. This is one of those areas where you can help to dilute some of the pressures around these key decisions by having an arm’s-length body that is able to hold Government to account against these critical decisions for future sustainability.

Q182 Mr Goodwill: We have been talking about the economically valuable stocks and the science on those. Of course, seabirds will be fishing lower down the food chain; there will be sand eels or indeed some immature juveniles that will eventually possibly become economically worthwhile



catching. How much do we know about the food chain situation in the waters off Northern Ireland? How much conflict is there between the stocks of, for example, sand eels that fish are eating but also seabirds are eating? How well informed are we, in terms of that particular ecosystem?

Dr Berman: In terms of sand eels, there is not currently a stock allocation for the Irish Sea as there is for the North Sea, for example. I just wanted to add to your previous point there about scientific data and how that can feed in. One of the areas we have worked on is looking at co-management. Once you have that data it is about having that trust. When we talk about stakeholders, we are talking about the fishing industry, but it is important that there are other stakeholders there who have an interest as well, such as the environmental sector.

It is a participatory sort of management. One of our members of staff has been off on a Churchill Fellowship to Australia, New Zealand and Canada. They have come back with a lot of case studies that we would like to feed back to you as part of the evidence for this Committee. Those are in terms of alternate ways of managing and working around the stocks.

Dr Bodles: I will just add to your question about the wider ecological stability, for the want of another term, and how we deal with that, in terms of its relation to fisheries. We are very keen that the ecosystems-based approach that we are proposing and the principles that we have outlined will allow us to align fisheries targets within biodiversity targets and those wider marine organisms and species that do not have a direct commercial value.

One thing I would like to highlight to the Committee is a report the Northern Ireland Marine Task Force produced a few years ago. It is looking at the ecological coherence—sorry to use some technical terms—of the Northern Ireland marine protected area network. We can use marine protected areas as a tool to build up the wider ecosystem and to look at species like prey species and habitats that they are relying on.

We found that, if we were to implement a fully cohesive, ecologically coherent network in Northern Ireland, this could be worth up to £54 million to the UK or to the Northern Ireland economy. There are more details in that report. I am happy to share that with the Committee if they would like to have a look. It shows how we can gain more than just economical value from fisheries. It looks at how the natural capital of the Northern Ireland seas can bring much more to the economy. That is through a number of key indicators that we assess, so, for example, resilience to change. We can look at recreation, tourism and all those areas that bring added value as a result of healthy seas.

Q183 **Mr Goodwill:** Can you actually see that starting to happen in places like Rathlin, Waterfoot, Outer Belfast Lough and Carlingford Lough?



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Dr Bodles: Yes. We were heavily involved in the marine conservation zone campaign. This is the first tranche of marine conservation zones for Northern Ireland. It is worth pointing out that some of those species are in decline. The marine conservation zone for Rathlin, for example, is for black guillemot. That is one that is very close to the RSPB's heart and we have seen declines in that species. This is an opportunity and a tool—a proactive tool—for us to help recover that.

One problem is that we are waiting for an assessment from the department on ecological coherence, to see whether we have achieved it or not. We do not have that yet. It is overdue and we would quite like to see it soon, because we are approaching our 2020 deadline for our good environmental status. One thing that we would like to see is that the second tranche of marine conservation zones and marine protected areas are promoting the recovery of the marine environment and not just protecting the areas that are pristine, because they are not really particularly used. We would like to see an ambitious programme of marine conservation zones coming through this second tranche process. That will allow us to build the health and productiveness of our seas.

Q184 **Bob Stewart:** Could I speak to Ms Fulton particularly? How the heck does anyone calculate maximum sustainable yield in Northern Ireland water? How do we do it? I may be ignorant on this matter, but I am sure there are others who would like to know. Do you count them? My colleague, Robert Goodwill, has talked about scientific evidence. How do you work out what the maximum sustainable yield is? Who does it?

Jennifer Fulton: It is complicated.

Bob Stewart: I thought it would be.

Jennifer Fulton: I am going to pass that question to Kenneth.

Bob Stewart: Oh no, I was going to put you on the spot.

Jennifer Fulton: That is alright. He has more intimate knowledge of this.

Dr Bodles: Not a whole pile, to be honest. I agree with Jennifer's sentiments that it is extremely complicated. Maximum sustainable yield is a biomass representation of what stock is supposedly exploitable.

Bob Stewart: The evidence is that fishermen come back with less or more. Is that how you do it?

Dr Bodles: Sorry?

Q185 **Bob Stewart:** When a fishing vessel comes back into port and it has not caught much, you might say, "Actually, we are finding it difficult". Robert Goodwill is probably really good on this sort of stuff, because he has fishing things. I am just intrigued. Presumably after Brexit you are hoping that you can have more yield perhaps. I do not know.



Dr Bodles: I have limited knowledge on this, but we recognise the role of AFBI. AFBI is one of the key collectors of data in terms of maximum sustainable yield in Northern Ireland. They have fisheries officers to go out on to boats and they record things like landings and size classes, and they age fish in order to try to get a better understanding of species composition and where species are distributed.

Q186 **Bob Stewart:** It is a whole series of things, with fisheries officers on fishing vessels looking at how the catch comes in. You are looking at what has landed. Maybe you have these radar things that look at undersea fish stocks as well on the Northern Ireland fisheries vessels.

Dr Bodles: Technology has helped us a lot. As technology has advanced, obviously we have a better understanding of what is going on with our fish stocks. One of the things that might help us for managing it in the future is this idea of vessel monitoring systems. Getting cameras on board boats is a cheap way of showing that we are meeting our maximum sustainable yield targets. We can use technology to boost our scientific understanding and also to help enforce our—

Q187 **Bob Stewart:** I do not want to bang on about this, because clearly I am an ignoramus by comparison with a lot of people, but who actually says? Who is the authority? Is it the common fisheries policy at the moment who says, "That is the maximum sustainable yield that you can take in Northern Irish waters"? After Brexit it is presumably going to be some sort of authority in Northern Ireland.

Dr Bodles: The data is collected by ICES. We will be privy to ICES post leaving the European Union.

Q188 **Bob Stewart:** Who collects this?

Dr Bodles: It is collected by each of the individual countries and submitted to ICES. ICES then make recommendations to the STECF. That information is then collated to the December Fisheries Council, which sets the total allowable catch.

Q189 **Bob Stewart:** Presumably all your intentions are to have sustainable yields, but possibly be more sophisticated about it and actually get greater yields after Brexit. Is that your intention? Is that what you are working towards, despite the fact there is no Northern Ireland Executive? Civil servants always manage to somehow have some contingency plans that can be put in place.

Dr Bodles: Yes. Ultimately, sustainability and movement towards sustainability is helping us look at more fish being available. One of the key parts about sustainability is that it builds in resilience to then exploit the stock. It allows it to cope with change. One of the big changes we have is climate change. We are concerned about how to cope with that. That will impact the distribution of fish species. We want to make sure that sustainability will allow more fish, so that if something were to change in the future we are able to cope with that.



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Donal McCarthy: Kenny is probably more qualified than I am to talk about it, but the issue of taking a more sophisticated approach would be very welcome. There is then obviously the question of the fact that many of these stocks are shared, and not just within UK waters or Northern Ireland waters. They will continue to cross boundaries, so, on the question of boosting them within one set of waters, they will still be leaving those waters at certain times of year. There is this question of co-operation, which will be pretty crucial.

Q190 **Bob Stewart:** My last and rather silly question is in the high oceans, beyond territorial waters, presumably there is an international agreement as to how much you can take from various areas. Is that right?

Dr Bodles: Yes. The stock would be assessed in a similar way.

Bob Stewart: I am sorry for my educational-type questions, for myself probably, more than anyone else. I know Goodwill is such an expert on fisheries and farming and that sort of thing. They were just silly questions.

Ian Paisley: It is very beneficial to the Northern Ireland Committee to provide that role.

Bob Stewart: Thank you very much for educating me.

Q191 **Ian Paisley:** Ladies and gentlemen, thank you very much for your attendance. Dr Kenneth Bodles, I would like to say a big thank you to your organisation for what they do in my constituency, around Rathlin in particular, with the RSPB and other work. I have visited that work numerous times over the last number of years. That is very impressive. The commitment by your staff is exceptional. I just wanted to put that on the record.

We have heard a bit about scientific endeavour. In terms of scientific endeavour, am I right to say it does not matter who actually harvests from our sea, as long as what is harvested is sustainable? Is that a fair point?

Dr Bodles: Yes.

Q192 **Ian Paisley:** Turning to the business of Brexit, which we are looking at, and the sustainability of our seas, it would be right therefore that, without changing total available catch allowances, we could have a situation where the United Kingdom were to deny Republic of Ireland boats, and other EU boats, catches and levels of catches in our waters, and give those catches to our own fishermen. They would therefore increase their business, increase their sales opportunity and develop their trade around the world. That would be something that scientists would not really be worried about, because the business of who harvests from the sea, as long as it is sustainable, is the key thing. You are nodding, Jennifer.



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Jennifer Fulton: Yes, that is largely the case and what many fishermen are actually looking for out of Brexit. There is a longer transition period, which is a concern to the fishing industry. Sustainability is what everyone is after. The allocation of that quota is something for Government and others to agree post Brexit.

To go back to the point on science that we touched upon earlier, resources for administering and implementing any post-Brexit policy, in the run up to Brexit, and underpinning scientific understanding, are really key for Northern Ireland and the UK as a whole. Some of that research will need to be done on a UK basis, as well as on a Northern Ireland basis, because we need to increase our understanding and make sure that we can fulfil our obligations, but what you are saying should be possible.

Q193 **Ian Paisley:** My impression is that the fishermen are working closer than ever before with scientists now. That is my impression. It is a very good relationship. Beforehand it was a suspicious relationship, for want of a better word, but it has improved dramatically. That is my impression from talking to scientists and fishermen across the piste. That being the case, we heard evidence last week that the Republic of Ireland harvests some of its stocks to the tune of 70% from Northern Irish waters, and leaves Northern Ireland fishermen with less than 30% in some instances of certain species. If that was turned around, there would be a very obvious benefit to the Northern Ireland fishing industry. Again, that is something that scientists would not object to.

Jennifer Fulton: From a scientific point of view, it is basic fact. Everyone is looking for sustainability. How that allocation is done is a matter for Government.

Q194 **Ian Paisley:** In the last two sessions we have had, we heard evidence from fishermen and people in the industry about infrastructure. Have you any views on what infrastructural improvements should be put in place to help the industry? I know, Dr Berman, you have work from New Zealand and the Highlands and Islands. Have you seen infrastructural programmes in place that are actually helpful to the industry that could be brought to Northern Ireland? I am thinking in particular of proposals to extend Kilkeel Harbour and proposals in other harbours around Northern Ireland.

Dr Berman: In terms of infrastructure, I know more about the technological applications. For example, in New Zealand at the moment they are looking at select catch. They can actually take the catch swimming into the boat in different size categories, so there is more survivability of the stock they do not want. That is another way around the discards, in terms of the stock going back in alive to the water.

In terms of infrastructure for the industry, I guess the major thing is what to do with the discards, in terms of development of Kilkeel Harbour. I cannot comment on behalf of the industry, but it is about thinking about



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how they can introduce more selective technology to reduce the number of discards they would have to process. They can have better infrastructure available in Kilkeel for the boats that come in.

Q195 Ian Paisley: Is infrastructure part of the conversation going forward on the task force that you are represented on and that you give your expert opinions to?

Dr Bodles: We would not normally engage in infrastructure, except within the context of infrastructure that supports sustainability. That might sound like an obvious comment. If infrastructure were to support a fleet that is more efficient and catches more of its quota and less of its unintended bycatch, if it allows the industry to move towards a position where it is better placed to recover its own stock, then we would be supportive of that. Typically, as Jade has said, we focus more on the environmental issues.

Q196 Ian Paisley: The only reason I ask, Dr Bodles, is that, if you go back to my first question, if the Northern Ireland fleet is allowed to catch more fish, obviously that could see an increase in the number of boats, or indeed in the size of boats. Therefore, infrastructure may become critical to allowing that to be a successful and sustainable industry.

Dr Bodles: Yes. Infrastructure could be a potential pinch-point. I go back to the point about scientific advice and data. If it is showing that there is more sustainability and more opportunity around changing and aligning our practices, then we want to make sure that we have a fleet in order to be able to capitalise upon that.

Q197 Chair: Can I press you on maximum economic yield? It seems to me that maximum economic yield is much better environmentally than maximum sustainable yield, notwithstanding the stricture in UNCLOS Article 62, which requires maximum sustainable yield. In your view, is it the case that maximum economic yield would be helpful, in terms of biomass in the waters around Northern Ireland? I accept the pragmatic point you put earlier on that has to do with maximum sustainable yield and aiming for that and the benefits that is clearly having. Nevertheless, is it the case that the maximum economic yield represents something of an environmental gold standard, or am I barking up the wrong tree?

Dr Bodles: I apologise for disappointing you. I do not have an answer for you on the comparison between maximum sustainable yield and maximum economic yield. What I would say is that, as part of our coalition, we have members that live and breathe this stuff. I know there are position statements out there on maximum sustainable yield versus maximum economic yield. I am sorry that it is a poor answer, but I can offer that to you and provide that to the Committee after our session today.

Chair: Yes. A view would be good, so if you could provide such a thing that would be helpful.



Dr Bodles: I would not like to give an incorrect view here.

Q198 **Chair:** No, that is fine. I fully understand. Before we finish our deliberations on this matter in a few days' time—sorry to put pressure on—it would be helpful if you could perhaps come back to us with a view on what the benefits of maximum economic yield would be. The reason I am pressing the point is that obviously with Brexit we potentially have more latitude to determine our future in the marine environment. Particularly as we come up to the Fisheries Bill, these things will be extremely pertinent issues to be raising with Ministers. If you could do that, I would be most grateful.

Dr Bodles: I will do that as soon as possible.

Q199 **Lady Hermon:** Thank you very much for coming to give us evidence this morning. It has been very interesting. I have made some notes and I just want to ask you to elaborate on some of the points that you have already made. I am very interested in the work of the Marine Task Force. I think, Jennifer, you described the Wildlife Trust as the lead partner in the Marine Task Force. I will direct this question to you. I have the distinct impression that, even though we have not had a functioning Assembly since January of last year, 2017, actually the Task Force, the expertise that we have here before us, has carried on. It has carried on doing a lot of very detailed planning for post Brexit. Am I right?

Jennifer Fulton: Yes, there has been considerable investment of time, expertise and effort into all things relating to Brexit in terms of the marine environment.

Q200 **Lady Hermon:** Has the absence of the Assembly for such a long period of time had an impact on your work at all?

Jennifer Fulton: Probably not hugely to date. However, there will come a point where ministerial decisions will have to be made. DAERA has invested a lot of time and effort in this process as well.

Dr Berman: I can give a specific example, in terms of our work where we have been waiting for the marine spatial plan to come out. The marine spatial plan would have fisheries integrated within it. However, that has been on hold for quite a long while. The consultation has just come out, which is good. However, in order to make any decisions around that and to have it in place by 2020, when it is obligated to be in place and active, we are coming very close to the timeframe where decisions need to be made by Ministers on what the results of that consultation are and how to implement them.

Q201 **Lady Hermon:** Jade, you said it is very close to when you need a ministerial decision. Jennifer, you said earlier that you would need ministerial decisions in the "not too distant future". Could you translate that into months? Do you mean before the summer? When do you need the Assembly and Ministers back in place again? That would be very helpful.



Jennifer Fulton: It is really dependent on the activity that is happening at Westminster and when key decisions that impact upon Northern Ireland are required from Northern Ireland. You have the 25-year plan that Michael Gove has recently put out. It is great to see that leadership happening. There are lots of very forward-thinking, forward-looking suggestions within the plan, but then there is a whole raft of work that is falling in behind it, for devolved nations as well as England, that will require decisions around fisheries policy and around agriculture policy. That will have to happen before we leave the European Union in some cases, which is fast approaching. The positive side is in Northern Ireland the working relationships between stakeholders have probably never been better.

Q202 **Lady Hermon:** In the absence of the Assembly?

Jennifer Fulton: We all sit round tables discussing policy issues and recommending the way forward. That has been very constructive, and people understand everyone's point of view. There has been a lot of time invested in that. That has been a positive during the last year that we have not had an Assembly.

Dr Bodles: May I add a specific example to the marine plan, of how not having an Assembly is worrying us in the short term? The marine plan is out for consultation. There is an eight-week consultation period that started several weeks ago. What is unclear is how the department will be able to take that information and what they will do in terms of publishing the marine plan. The marine plan must be in place by 2020. We have no short-term answer as to how the department will take that information and publish the marine plan. It is having an impact now. Within the next couple of months, we would like to see an Executive in a position to be able to sign off on what is a very important document for marine policy in Northern Ireland.

Donal McCarthy: Could I comment briefly just on the Brexit deadline point? There are obviously a whole host of other environmental issues that are perhaps either not being progressed or opportunities are being missed, for example. On the Brexit deadline, there is the question of how the domestic statute book and governance arrangements are all sorted, if you like, in time for when we leave. Obviously, with this potential transition period or implementation period, it means some of the cliff-edge moments in terms of environmental governance are potentially further down the road than they might otherwise have been. Nevertheless, there are ongoing discussions and processes that are taking place.

An obvious example would be the work of the Joint Ministerial Committee on the question of common frameworks and where common frameworks need to be agreed across the four nations. I understand that, from a Northern Ireland perspective, officials from DAERA, for example, are going to represent Northern Ireland in these discussions around if we need frameworks, et cetera. Those decisions will need to be reached



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quite soon. The UK Government have already published assessments of where these frameworks are needed and there is a real need for input on those.

Q203 Lady Hermon: Given the importance of meeting deadlines, and in the absence of the Assembly and the Ministers in Northern Ireland, have any of your organisations had the opportunity to meet with the Secretary of State for Northern Ireland, who obviously sits in the Brexit committee in Downing Street? Jennifer, you are nodding your head, going "Yes", so you have had the opportunity to meet the Secretary of State.

Jennifer Fulton: Not the Secretary of State. We have written to the Secretary of State and asked to meet, but we have met the Under-Secretary of State and had long discussions, which were very positive and beneficial.

Q204 Lady Hermon: Good. May I just ask you, in terms of the fisheries industry in Northern Ireland, how would it be impacted if the UK were to fall out of the EU without a deal being struck before 29 March next year? You obviously must be making contingency plans, because, sadly, we hear the Prime Minister repeat the line that no deal is better than a bad deal. I do not like that myself, but you must be making contingency plans.

Dr Berman: We are not making contingency plans for the industry as such, but it would be quite difficult. For example, there would be a lot of quota issues, in terms of how that would be decided with Europe. There would be issues in terms of the tariffs and them going up straightaway. It would be quite difficult, in terms of costs, for getting their fresh produce back across the water.

In terms of environmental perspectives, if we just fell out of Europe and we had not put in place a proper common framework in order to manage the fisheries, there could be an issue with fishing out the stocks, in terms of not having that management in place. There would be that fear and maybe a bit of mistrust about what other areas are doing, so making sure that you have your own stocks in place.

Jennifer Fulton: The issue of tariffs would impact on any contingency arrangements, because our fishing fleet and their catch would immediately be subject to WTO tariffs. That is going to be a significant challenge for them, which could affect the shape of that industry.

Q205 Lady Hermon: What is that in terms of?

Jennifer Fulton: In terms of if it is sustainable and if it is economically viable, because you are looking at 12% to 16% tariffs going on to produce. Then you have the issues that surround the transport of fish across the border. It has a huge impact if we fall out of Europe with no trade deal. If that happens, we would all have to deal with that very quickly.



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Donal McCarthy: Just to reiterate, there was a very interesting academic report recently. It was an independent report by this group, UK in a Changing Europe, which is assessing impacts of Brexit across a range of different scenarios. It very much highlighted that fisheries and marine protection would be one of those areas of very high risk, in terms of environmental outcome, under a no-deal scenario. They particularly talked about the issue of disruption to co-operation and the risk that stocks come under greater pressure in the absence of that co-ordination.

Q206 **Lady Hermon:** Is that a report that could be made available to the Committee?

Donal McCarthy: Yes, certainly. Yes, I am very happy to share that.

Q207 **Lady Hermon:** It would be very helpful. I am staying with you, Donal. I was particularly struck with one thing you mentioned, because other people mentioned it. That was what was described as a post-Brexit gap. There are clear concerns that you have expressed in your evidence in the earlier part of this session about wanting to avoid a gap opening up between the four nations of the United Kingdom, in terms of sustainability of fishing stocks. Donal, you are going to elaborate on that, please.

Donal McCarthy: Yes, I certainly can. At the moment, fisheries and marine conservation issues are fully devolved.

Lady Hermon: Yes, exactly, they are.

Donal McCarthy: Obviously they operate within this common EU legislative and policy framework, which, effectively, helps to maintain a degree of consistency, co-ordination and co-operation across the four nations. The big question is what would happen to that common framework. Part of that discussion is around the European Union (Withdrawal) Bill and bringing across the existing set of standards. There are then also these discussions going on at an official level and via the Joint Ministerial Committee on where the four nations can agree that common framework should be replicated, or a new common framework should be created to manage some of these issues.

Our concern at the moment would be the co-ordination challenge, were there to be no common framework agreed. This could represent quite a backwards step in terms of the co-ordination and effective governance of environmental issues.

Q208 **Lady Hermon:** Let us just clarify that you are not saying that there should not be the devolution to Northern Ireland of control over fisheries post Brexit.

Donal McCarthy: It is not an issue we have a position on. What we are really keen to see is that the four countries co-operate and that we do not have any backwards step in terms of sustainability.



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Q209 **Lady Hermon:** Jennifer, how would that be managed? You have talked about this post-Brexit gap. We have talked about sustainability. We heard a lot of evidence last week, and we all know that fish move. Fish move but fishing is devolved to Scotland and to Northern Ireland, with a responsibility for the fisheries policy to the four nations. How is that going to be managed?

Jennifer Fulton: It could be managed by putting in place high-level strategies with principles, for example a marine plan that covers all the four nations, but with each devolved area having their own marine plan that sits underneath that. That would feed upwards and downwards and be co-designed. There are always ways of dealing with such issues, but agreement and understanding on the key principles and issues are required. That is then translated into legislation. It could be a common framework standard. It can be by embedding in domestic legislation. Making sure there is a degree of commonality is very important for many environmental issues.

Q210 **Lady Hermon:** You mean commonality throughout the United Kingdom.

Jennifer Fulton: Yes, principles that all the United Kingdom can sign up to, whilst still maintaining devolution in terms of devolved competencies.

Q211 **Lady Hermon:** There are the principles of sustainability that are being, quite rightly, advanced by Michael Gove, as the Secretary of State at Defra. Am I right in thinking you had hinted earlier that your concern is that those do not seem to have extended to Northern Ireland?

Jennifer Fulton: We are working on it, and there have been advances in terms of delivering sustainability and how we actually do that in practice. Looking forward, it will become more of an issue. You talked about hard Brexit. If you fall out, you are going to be straight into WTO and negotiating free trade agreements as the UK, and it will be the UK who negotiates that free trade agreement. There will be certain standards that the UK has to meet, so we all need to play our part in that process to make sure that we are delivering what the UK as a whole needs so that can happen.

Q212 **Lady Hermon:** Civil servants are doing a brilliant job in Northern Ireland in the absence of an Assembly. Could you confirm to us that, in the absence of the Minister that should be responsible for this policy, civil servants at the most senior level support the principles of sustainability that Michael Gove has been talking about? Is it the case that in Northern Ireland those principles are also being actively supported?

Jennifer Fulton: Yes. Before I came here yesterday I had a discussion with a senior official and we were discussing things like the future generations Bill in Wales. That gives a level of oversight over the next 25 years. The civil service has certainly bought into the same sustainability principles in Northern Ireland, so it is just making sure that those are implemented in practice. Northern Ireland is under considerable resource pressure as well. We have had a lot of people leaving on voluntary exit



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schemes. The budgets have been reducing. They are doing an amazing job with the staff that they have. It is how we make sure that there are adequate resources there to do it to the standard that is required.

Q213 **Lady Hermon:** Resources of the actual department.

Jennifer Fulton: Resources in the department

Q214 **Lady Hermon:** You have said that was much better now that fisheries and agriculture were amalgamated within the same department.

Jennifer Fulton: Yes, that has made a positive difference. There is much greater understanding of the key issues.

Q215 **Lady Hermon:** What about the importance of north-south co-operation, in terms of post Brexit and achieving a sustainable fisheries policy in Northern Ireland. How important is that?

Dr Berman: That is essential because there are shared fish stocks there. Especially in the case of the department and in particular in relation to Interreg funding, officials have had more opportunity to negotiate more and to work together. They have looked at managing the Foyle and Carlingford and looked at ways round to work in those areas. In terms of co-operation, the EU funding has given that opportunity for that to happen.

There also need to be more talks, not just with the civil servants. When the Ministers come back into post, there needs to be more discussion there. That is why it is really important there is regulatory alignment, so that what is happening with the fish stock on one side of Lough Foyle is the same as what is happening on the other, or Carlingford Lough in that case. Again, the Loughs Agency has been doing a good job in terms of managing those areas, but there is more work that could be done in that area as well, in terms of that preparation thing.

Donal McCarthy: There is a really welcome commitment from all sides to protecting co-operation across the piece. Looking at it from an environmental governance perspective, the real question is how you make it happen in practice. The UK Government have not themselves come forward with any specific proposals on this. I know in one of the Committee's previous reports you made a recommendation that the Government should come forward with some targeted proposals on how to maintain co-operation in areas that are currently dominated by EU law.

On the EU side, obviously we have seen this protocol that has been published, which is a backstop solution in the absence of any other solution. That makes reference to alignment in terms of some specific areas of the EU rules around fisheries, production and marketing. From our perspective, what it does not really do is talk to the wider issues around north-south co-operation and some of the cross-cutting environmental rules that maintain a level playing field and effectively frictionless trade on a sustainable basis. At the moment, there is not



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really a clear solution there that will actually address some of these environmental issues.

Also, on the UK Government side, it is worth mentioning that there has been quite a lot of talk about outcomes alignment as a solution, so where shared outcomes are agreed but both sides are free to meet those outcomes in their own way. That needs to be explored a little bit because, from our experience, it is often the process requirements linked to those outcomes that ensure they are delivered and enable some of the co-operation around particular issues. There are definitely some questions that need to be addressed.

Q216 **Lady Hermon:** Jennifer, did you want to add to that?

Jennifer Fulton: That is fine in terms of an explanation, yes.

Q217 **Lady Hermon:** Co-operation between Northern Ireland and the Republic of Ireland is essential on fisheries.

Dr Berman: I can give you a specific example. In Carlingford Lough, an MCZ, a marine conservation zone, has been designated, even though the border is not legally binding. Because of that gentlemen's agreement in that area, both sides have worked together to allow that to happen. That has not been possible up in Lough Foyle, due to more discussions around the border there. In particular in relation to the wild oysters, there is a gap in terms of the ecologically coherent network in that area.

Q218 **Lady Hermon:** In the Foyle?

Dr Berman: In the Foyle. Oysters would be a key gap, in terms of what we found in the Hull report, which I spoke about before, with the ecologically coherent network for Northern Ireland. We are awaiting to see what feeds back from the JNCC report in relation to any other gaps that may be there. That certainly identified the Foyle as a key area where we do need protection. Wild oysters, our native oyster, used to be a very productive fishery. Potentially, if that recovers, there could be again a productive fishery in that area as well. At the moment that just happens across in Donegal.

Q219 **Lady Hermon:** We are working on making that a sustainable wild—

Dr Berman: Because it is not possible to designate in that area at the moment, that is a particular risk.

Q220 **Lady Hermon:** What is the reason it is not possible to designate?

Dr Berman: It is because there is not a set border that has been agreed in Lough Foyle.

Q221 **Lady Hermon:** Will Brexit exacerbate that?

Dr Berman: Potentially, yes.

Q222 **Lady Hermon:** I think there was a definite yes there from Kenneth.



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Dr Bodles: Yes. I agree entirely with what you were saying and the sentiments. Oysters are a good example of how this does not work.

Q223 **Lady Hermon:** Forgive me for interrupting. I was just asking how valuable the oyster business in Foyle, or indeed in Carlingford, is to Northern Ireland. What are we talking about?

Dr Bodles: I do not have the exact figures but I know, as an industry, on the north coast, in and around Lough Foyle and Carlingford, there is a fishery—

Q224 **Lady Hermon:** It is a very valuable industry.

Dr Bodles: It is a very valuable and valued fishery. There is a cultural fishery as well. It is also an exploitation of a wild resource, so we must consider it within the context of Brexit. How do we ensure that is going to be encompassed within this model of one half of the lough potentially being outside the European Union and the other remaining within it?

Q225 **Lady Hermon:** It is clearly a difficulty in Lough Foyle and also in Carlingford Lough. Is that clearly recognised at the highest level, if I can put it that way? When you met with the Minister of State, was this a point of conversation with him?

Jennifer Fulton: I think it was covered at the time. Obviously, when Brexit happens the Republic of Ireland will still have to also meet the environmental acquis in its entirety. That includes all the marine legislation. We, as the UK, want to be a global environmental leader. For that to happen, there needs to be some discussion to see if such issues can be resolved, because they are important.

Q226 **Lady Hermon:** Not just discussion of course. There needs to be agreement.

Jennifer Fulton: Agreement, yes.

Lady Hermon: Thank you very much. We have not had oysters and the problem with oysters mentioned before. It has been really very interesting. Thank you.

Q227 **Chair:** To be a world leader in environmental sustainability, the UK has to meet certain targets that are set worldwide. To comply with the environmental acquis, we have to sign up to a whole load of rules that have the effect of enabling us to meet targets set in Europe. There is a difference between the two. Coming back to Donal, to what extent do you think it is necessary to be heavily exercised by process, as opposed to outcomes? It is a crucial difference in relation to the environment in, in this case, Northern Ireland and the UK more generally. Can you think of a specific example in your domain where it is absolutely crucial that we should be signed up to process, rather than having the latitude to meet targets by way of different means than those laid down by the environmental acquis?



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Donal McCarthy: I cannot give you a specific example in a fisheries case, because fisheries is not my area of expertise. I was asked to come along for some of the other issues.

Q228 **Chair:** I am sorry to pick on you, but you made the point. It is a general point around environmental sustainability. You can extend that to other issues, other than fish.

Donal McCarthy: It is not necessarily about the UK having to be signed up to process. It is more recognising the fact that process requirements are important and that commitment to outcomes on its own is not a guarantee that they will be delivered. It is more around that point. There are lots of examples of where process requirements are necessary. An example I am quite familiar with are the rules around protected sites, for example. There are high-level commitments to creating a network of coherent protected sites for species and habitats across the EU and across the UK.

On its own, that is not enough. There are also the process requirements for how you select sites, and then how those sites are managed, and how you assess the impact of particular developments and how you compensate for potentially negative impacts on species and habitats. Those sorts of process requirements are the ones that really bite in practice, and the ones that are actually enforceable in court if necessary. If outcomes are not specified clearly enough, in practice they can be very difficult to enforce and to hold to account. That is probably the point.

Q229 **Mr Goodwill:** Would you say Lough Foyle was a classic example of that? Because there is no agreement, we have seen oyster trestles increasing from 2,000 to 20,000 over the last 10 years or so. Nobody is in control. That must have big ecological effects on other fisheries and also on traffic in the lough as well, I guess.

Dr Bodles: That has been a difficult challenge for us, the environmental loophole or legislative loophole, in terms of trestles being put out on Lough Foyle. We recognise it as a special protected area. It is an important area for seabirds, for breeding birds and overwintering birds as well. Yes, it is another classic example of where we need to consider very closely how we interact around our borders and our areas that are probably, potentially, going to be shared. It is one of the few examples of a disputed water still within the EU.

Q230 **Mr Goodwill:** This is what is called a leading question, but would we see similar examples like that if co-operation also broke down not only between Ulster and the Republic, but also, more widely, across the commonly fished areas?

Dr Bodles: I do not know that we necessarily may. The example in Lough Foyle and Carlingford is very much based on the geography of the area. The fact that the shipping channel runs close to Inishowen means that there is disagreement in setting a border down the middle of the shipping channel and Northern Ireland getting the vast majority of access



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to the lough. That is something that has come out of what could be a potential blip, in terms of how we deal with borders.

In terms of our borders, if we go back to our points about common frameworks, we need to make sure that there is not any regulatory divergence between a border that sits side by side, and make sure that when fish cross across it they are not exploited in a different way. We can manage that much more easily than the challenge that is still provided to us by Lough Foyle and Carlingford.

- Q231 **Chair:** Can I finish with a question about the European Maritime and Fisheries Fund? That is obviously something that Northern Ireland has benefited from across a whole range of fronts actually, because an impressive range of activities have been funded through that particular mechanism. What do you think might be the future of whatever replaces that? How might it be adapted or amended, since it would clearly now become a domestic responsibility rather than one that is disbursed through the European Union? One has to assume that something will be there to replace it. Otherwise there will, I suspect you will say to me, be something of a hole, a gap created that was previously filled by this particular pot of money.

Jennifer Fulton: It is essential that is replaced for Northern Ireland. It is very important to the viability and sustainability of the fisheries industry. In terms of how it could be modified, a sustainability focus for the activities would be very apt, in terms of if it can support research to help address the problem around selective fisheries or adaptive gear, if it can encourage co-operative working, and if it can deal with infrastructure. Those are all the questions that need to be thought about as a replacement is put in place, but it is essential that it is there.

- Q232 **Chair:** Do you think it can be changed in some way? Could its direction perhaps be a bit refocused in some areas?

Jennifer Fulton: As soon as the fisheries policy for the future is set then the fund needs to be a catalyst to move the industry in that direction. It is sitting down at that stage and looking at what we need to do to achieve the outcomes that we need to achieve and how that fund accelerates progress within Northern Ireland. Once we get that we can come up with specific proposals as to what would be beneficial to position within that. Certainly, co-operative working and looking at how we can all help each other, in terms of achieving sustainability, would be very useful. For example, some of the Wildlife Trusts in England have been working with the fishing industry to achieve and promote sustainability of local produce. Initiatives like that could add considerable value as well.

- Q233 **Chair:** Does the RSPB have a particular view on this pot of money?

Dr Bodles: We recognise the EMFF has changed since its predecessor and it was much more brought in line with the requirements of the 2013 reform, which is to deliver for sustainability and to build up coastal communities. We see that as a good direction of travel. We would like to



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see new funding coming in to support a scientific, evidence-based approach to how we develop sustainability and for conservation projects that will sit alongside the rebuilding of coastal communities.

Chair: Thank you. Ladies and gentlemen, thank you very much indeed for your attendance today. We have grilled you fairly thoroughly. What you have said from your expert perspectives has been very useful in developing our thinking and will certainly inform the report when we produce it in the near future. Thank you very much indeed for being with us today.