

Comprehensive reform of how the seas are managed and protected, including new legislation, is urgently needed. Current threats are having severe impacts and endanger not only marine ecology and wildlife but also maritime culture and the social and economic stability of those reliant on the seas. Without action we will witness the death of our seas as we know them.

In light of the continued inadequacy of domestic action and the need to implement international obligations, the time for reform is now.

This Charter is issued by a coalition of twenty eight organisations supported by over 6 million people in the UK. We hope all those affected by a lack of action to save our seas will join with us in calling for new laws and better management.

We now call upon the members of UK and devolved governments to support this charter, which outlines our suggestions for comprehensive reform of UK marine law and policy.



We will work to improve marine conservation overseas and in the UK.

### Labour Party Manifesto

"We will be launching measures to improve marine conservation here and abroad"

Tony Blair, March 6th 2001



# Marine Charter

A call for reform of how our seas are managed and protected

"The seas around Britain are home to some of the most diverse wildlife in the world. However, they are severely threatened by our activities. We need to act now to bring them back from the brink."

Sir David Attenborough

October 2001

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Wildlife and  
Countryside







The seas around the British Isles are something to treasure and protect. Our marine environment supports many thousands of jobs and industries and is a place of enjoyment for millions of people each year. It is also home to an extremely rich maritime cultural heritage and one of the most diverse marine environments of any country in Europe.

However, there are clear signs that our seas are in crisis. We have long regarded the ocean as an endless resource and as a natural cleanser of all pollutants, no matter how toxic. The truth is the ocean has limits. In the last decade we have witnessed:

- dramatic declines in fish stocks facing imminent collapse;
- increasingly litter strewn and oil covered beaches;
- the poisoning of marine mammals by toxins; and
- the disappearance of natural sea defences such as wetlands.

There are also numerous less obvious, but just as worrying, signs of stress, such as:

- build up of radio-active substances in sediment;
- the impact of sex changing chemicals on marine life;
- human health and cultural heritage under increasing threat;
- and changes in sea conditions due to climate change.

There is every indication that the situation will continue to deteriorate if changes are not introduced quickly. International Agreements such as the 1992 OSPAR Convention acknowledge this threat and require the UK to protect and restore marine areas adversely affected by human activities. Both the UK government and Prime Minister Tony Blair have acknowledged the need to identify and maintain marine conservation areas of all kinds, to safeguard their future.

Despite the range of threats and the public acknowledgements that something needs to be done about them, there is still no single holistic government policy that provides guidance to those with marine-related responsibilities and duties. There is no overarching planning system to enable strategic decision-making to take place and what legislation there is has been built up in ad hoc fashion. There is also currently no effective system for the protection and management of features and sites of national ecological and cultural importance.



## Current marine management arrangements

The UK has jurisdiction over activities occurring over a considerable area of sea within the UK Continental Shelf (UKCS), and superjacent waters and the Exclusive Fisheries Zone (EFZ). However, this jurisdiction is complicated by issues of political authority. Important aspects of fishing and aquaculture are now a direct responsibility of the European Union or a shared responsibility between the European Union and the member state governments. Other international treaties and commitments, such as the Oslo and Paris Convention (OSPAR), shape and guide the UK's marine management policies and actions. Voluntary international processes, such as the North Sea Ministerial Conferences, also have an influence.

In 1999 this situation was made increasingly complex with the establishment of the Scottish Parliament, and Welsh and Northern Ireland Assemblies. Jurisdiction over many aspects of inshore seas, such as fisheries and the environment, have been transferred from the UK Parliament to these devolved administrations.

Devolution, however, offers many environmental benefits, and has the potential to provide a more open approach to governance enabling more inclusive and responsive solutions to marine issues. Sustainability and community aspirations can be given more equal weighting compared to shorter term economic considerations. This approach should be at the heart of any new UK-wide marine framework.

The management of the UK's seas continues to be beset by three institutional problems:

- Governance spread across many authorities with differing priorities.
- General lack of strategic co-operation in management between authorities and lack of overarching policy as each sectoral issue is considered separately.
- Limited restrictions on types and scale of utilisation of marine resources.

## Creating the right framework

There is currently a lack of joined up thinking in Government with regard to the marine environment. In particular, there is no properly resourced overarching framework that provides standards for consultation and decision-making about marine activities. To rectify this we are calling for the following:

- Clear identification of **Ministers** in each of the devolved administrations **with responsibility for the marine environment**, its sensitive management, the conservation of marine resources and the protection of features of ecological and cultural interest.
- A **duty on all Government bodies** to protect the marine environment and human health, whilst promoting good stewardship of marine resources.

It should be an objective of the identified Minister in each administration to oversee the preparation and co-ordination of:

- Devolved but co-ordinated **strategies with clear objectives** for the delivery of effective and comprehensive marine conservation and restoration throughout UK waters;
- A **comprehensive enforcement strategy** for marine management and protection;
- A **comprehensive survey** of the UK continental shelf and **ongoing** marine science and **monitoring programmes**.



In addition we are calling for the following:

- A **duty of care** on owners of land and the sea-bed and on users of the sea to protect the marine environment in the public interest and for the public good;
- **Clarification of the roles of the statutory agencies** with respect to the marine environment and harmonisation of their monitoring and information dissemination systems and mechanisms;
- The creation of a **unifying marine planning system** to manage the demands of existing and proposed activities affecting the marine environment;
- A statutory requirement to undertake a **Strategic Environmental Assessment** of all relevant plans, policies and programmes, including those for fisheries, and an environmental assessment (including of impacts to marine cultural heritage) of all new proposals;
- The integration of the **'precautionary principle'** into marine management tools, including risk assessment, and cost benefit analysis;
- The development and implementation of devolved yet consistent **coastal zone management strategies**.

- The implementation of the **Water Framework Directive** to take full account of the UK and devolved administrations and consider all sectors including fisheries and aquaculture.

The laws to deliver an effective marine framework should have a clearly stated purpose: to safeguard and promote, to best effect and in the public interest, marine conservation and the protection of the historic and natural marine environment, for the long term.

## Powers to manage



There is much that can be achieved to improve the marine environment through increased community involvement and improved stewardship. However effective regulation is also needed; there is currently no domestic conservation legislation that covers the whole of our seas and there are too few powers which enable effective management of damaging activities. Surveillance and enforcement in the marine environment is also severely limited. We therefore call for the introduction of the following regulatory powers:

- It should be a general **offence to intentionally or recklessly disturb, damage or destroy** features of the marine environment.
- The relevant UK or devolved Minister should have the **power to introduce restrictions and controls** on activities on land and sea that pollute the marine environment. **Strict conditions** should be applied where offshore activities are licensed to take place.
- The relevant UK or devolved Minister should have the power to make **'emergency' and 'stop' orders** to restrict activities that have the potential to damage the marine environment.
- **Restoration powers** are needed to remedy any illegal damage to protected sites or features.
- **Monitoring, inspection and observation powers** must be vested in relevant authorities for the purpose of delivering marine management policy and law.
- **Powers of arrest** should be extended for example to the Coastguard, Fisheries Officers and the Navy.
- **Stiff penalties** should apply for all illegal activities including fines, confiscation of equipment and restoration of damage.

## Conservation of sites, features and species

A tiny percentage of our seas currently receive protection. International obligations for wildlife conservation have still to be met and domestic legislation is not properly drafted to address marine issues. Consequently the marine environment lags far behind the terrestrial environment in terms of the protection afforded to sites, features and species of conservation interest or ecological importance. To rectify this we call for the following:



- Appropriate mechanisms should be agreed to establish a **representative and well-managed network of nationally important marine protected areas** out to the 200 nautical mile limit, where activities are strictly controlled, to prevent or repair damage to features of conservation or ecological importance.
- **Special management areas** should be established where specified activities are managed, controlled and enforced. For example Marine Environmental High Risk Areas, Fisheries No Take Zones, and Marine National Parks (including protection measures for significant cultural sea-scapes).
- The **designation and protection of sites and features** for their historic and cultural interest should be increased.
- The value of **locally important sites** should be recognised and a sense of stewardship for their coastal resource developed amongst local communities.
- The full designation and sustainable management of **Special Areas for Conservation and Special Protected Areas** out to 200nm should be made a priority.
- Existing **criteria for selection of protected species** under the Wildlife and Countryside Act 1981 and Biodiversity Action Plan **must be reviewed** and the precautionary principle adopted in light of limitations on our ability to assess the status of marine species as compared to those on land.
- Effective **species conservation measures** should be introduced to apply to all UK waters including appropriate amendments to devolved legislation.
- Additional marine species (eg turtles, sea fans) should be covered by existing provisions to protect them from **reckless disturbance**.
- Legal underpinning is required for:
- A monitoring, control and response programme to **prevent the introduction and establishment of non-native species**.
- A **national Bycatch Response Strategy and action plan** designed to reduce bycatch of protected species to levels that do not threaten their conservation status.