THE POWERS THAT BE IN THE IRISH SEA: ASSESSING FISHERIES POLICY

Alix Soliman • Spring 2019 • ENVS 400 Thesis

FRAMING QUESTION

Are the current policies for managing global fisheries sustainable, strong, and adaptive enough to prevent fisheries collapse and withstand the impacts of climate change?

FOCUS QUESTION

How effective is the body of marine fisheries policy in Ireland and what are the identifiable issues?

THESIS

The body of policy governing Irish waters has strong goals but lacks accurate scientific models and monitoring, has weak and lenient enforcement, and fails to sustainably manage marine fisheries.

GLOBAL CONTEXT

- The ocean stores about 93% of the world's carbon, making it especially susceptible to climate change.
- Overfishing can trigger trophic cascades, which exacerbates the decline of fish stocks.
- A growing number of people rely on marine fisheries for food security and economic benefit.

IRISH CONTEXT

- Over 90% of the fishing fleet in Ireland is controlled by small family operations concentrated in poor coastal communities.
- The south coast is home to a biologically sensitive area: nurseries for herring, cod, and haddock.
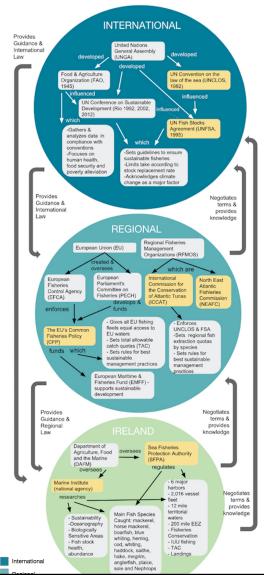- Ireland is under investigation by the European Commission for its high rate of IUU fishing.

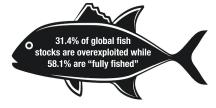## METHODOLOGY

Part I. Timeline

Chronicles the history of fisheries law and policy, illustrates important shifts in the perception of ocean resources, and highlights the important influences in this process.

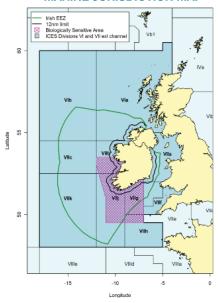### Part II. Policy Analysis

- A. Written Policy is assessed by: (1) status, (2) stated goals, (3) intended scope, (4) mechanisms, (5) strength of language, (6) administrative operability,

CONCEPT MAP

31.4% of global fish stocks are overexploited while 58.1% are "fully fished"

MARINE JURISDICTION MAP

RESULTS

- The policies have strongly stated objectives to fish as much as possible without causing stock collapse. However...
- Deficiencies in monitoring, control, and surveillance lead to insufficient data sets and only partially substantiated scientific claims...
- Which policymakers negotiate to their economic benefit and apply to MSY and TAC models that cannot adequately use the precautionary principle. Therefore...
- The policies fail to ensure the long-term protection of the fish stocks and stock...

POLICY ANALYSIS HIGHLIGHTS

United Nations Convention on the Law of the Sea (UNCLOS)
- **Goals:** determine rights over ocean resources and promote equitable economic opportunities in the ocean, which necessitates fisheries conservation
- **Mechanisms:** zone EEZs 200nm offshore, territorial sea 12nm offshore, and quotas set TAC = MSY
- **Issues:** almost no enforcement, lack of scientific data to determine MSY/TAC, lack of precautionary principle
- **Consequences:** false recordkeeping, encourages FOC loopholes, fleets move to unregulated high seas, overfishing, IUU fishing, bycatch

United Nations Straddling Fish Stocks Agreement (FSA)
- **Goals:** address the management of fish stocks that migrate between or occur in more than one EEZ or an EEZ and the high seas.
- **Mechanisms:** require states to cooperate through RFMOs to research straddling and migratory stocks, set TAC = MSY, use precautionary principle
- **Issues:** almost no enforcement, lack of scientific data to determine MSY and TAC, vague provisions for RFMO functions
- **Consequences:** some RFMOs fail to meet precautionary requirements, FSA is applied inconsistently/fragmented, overfishing, IUU fishing, bycatch

The International Commission for the Conservation of Atlantic Tunas (ICCAT)
- **Goals:** coordinate scientific data/monitoring and management of tuna and tuna-like resources among tuna fishing states to ensure MSY
- **Mechanisms:** use research of all states (public and private) and supplement with own research (budget permitting), issue reports, regulate tuna fishing practices, set quotas
- **Issues:** major gaps in data, lack of financial support, overwhelming workload, low standardization of research and monitoring practices
- **Consequences:** insufficient data leads to uninformed TAC quotas, overfishing, IUU fishing, bycatch

North East Atlantic Fisheries Commission (NEAFC)
- **Goals:** ensure the long-term conservation and optimum utilization of fisheries in the NE Atlantic, providing sustainable economic, environmental, and social benefits
- **Mechanisms:** apply scientific recomemndations from ICES, issue reports, regulate fishing practices, set quotas, sanctions for violators, use precautionary principle, special protection of VMEs
- **Issues:** insufficient deep-sea species data in ICES, some political red tape in passing new measures
- **Consequences:** inadequate protection of some deep-sea species

Common Fisheries Policy 2014 Amendments (CFP)
- **Goals:** ensure environmentally, economically and socially sustainable fishing in the EU and maintain a dynamic fishing industry
- **Mechanisms:** compile research, set TAC by state, establish rules for vessel licensing, fishing gear, trade, protected areas, and species-based seasonality/moratoriums.
- **Issues:** uncoordinated and unreliable data, low level of enforcement capacity
- **Consequences:** insufficient data, TAC quotas, overfishing, IUU fishing, bycatch

Ireland's Sea Fisheries Protection Authority (SFPA)
- **Goals:** enforcement of CFP and domestic fisheries law in Irish waters
- **Mechanisms:** vessel licensing, sea-fisheries protection officers authorized to inspect and detain vessels based on "reasonable suspicion," VMS and Electronic recording and reporting systems (ERS), fines and/or jail time for noncompliance with provisions
- **Issues:** fails to introduce penalty points legislation for serious fishing offenses, fails to exercise surveillance and enforcement capacities