

Oral evidence

Taken before the Environment and Rural Affairs Committee

Sub-Committee on Cetacean By-Catch

on Monday 10 November 2003

Members present:

Mr David Drew

Mr Mark Lazarowicz

Mr Austin Mitchell

Diana Organ

In the absence of the Chairman, Mr Austin Mitchell was called to the Chair.

Memoranda submitted by The Wildlife Trusts and Whale & Dolphin Conservation Society

Examination of Witnesses

Witnesses: MS JOAN EDWARDS, Head of Marine Policy, MR RICHARD WHITE, Marine Conservation Officer, The Wildlife Trusts, and MS ALI ROSS, Fisheries Consultant, Whale & Dolphin Conservation Society, examined.

Q85 Mr Mitchell: Welcome. I apologise for holding you up. We have had certain problems with attendance; some of our members on the Conservative side have been elevated to positions beyond our comprehension, and we are just in awe! We will try and go through the areas of questioning. It is possible there may be a division. Two of you have come from the West Country, which is a considerable distance, and we are very grateful to you for coming. We are taking everybody together. I assume that Ali Ross will come in on issues that are wider than West Country issues; there is life outside the West Country, particularly in the North Sea and Baltic. If you want to add anything to what has been said, please indicate to me. Do not wait to be questioned because you might not get the question you want. Can I ask first about the scale of the problem and how significant you think the by-catch problem is in terms of the population level and the threat to stocks of cetaceans.

Ms Ross: We divided it up into fairly discrete issues within the whole by-catch problem. I wanted to start with the problem of harbour porpoise by-catch, which occurs mostly in bottom set gill net fisheries. This is a problem that has been identified in many areas of the world, but was identified in this region originally in Danish fisheries in the North Sea. They started monitoring those fisheries, and have calculated that during the 1990s, at the peak level of by-catch, there were over 7,000 porpoises just in the Danish gill nets alone in the North Sea each year. That is a level that is very high - it is a huge number of animals dying - but also a level that is calculated to be something like 4 per cent of the population of porpoises in the North Sea. That level, by any international judgment of cetacean sustainability, would be considered well above what a population could sustain. The UK also has gill net fisheries in the North Sea, largely targeting species like cod, but also turbot, sole and a number of others. The UK fisheries were monitored slightly later in the 1990s; and they calculated a level up to 800 porpoises getting caught in the UK gill net. That is in addition to the 7,000 that were being caught by Danish nets, adding to the unsustainability of that catch. We clearly have a major problem in the North Sea that is fairly widespread.

Q86 Mr Mitchell: Do we know the total populations?

Ms Ross: We have an estimate from a survey that was done in 1994, the SCANS survey, which is Small Cetacean Abundance Survey of the North Sea and north-east Atlantic waters. There is a figure for harbour porpoise, which I think is included in our evidence. That is where this calculation of 4 per cent of the

population comes from. Equally, there is an abundance estimate for the porpoise in the Celtic Sea, the areas to the south-west. If I move on to the south-west now, following the concerns about the gill nets in the North Sea, a study was initiated in the gill net fisheries off the south-west in the Celtic Sea. There, the fishery of main concern is the hake gill net fishery, set net fishery. A study of UK and Irish fleets involved in hake gill net fishing put observers on boats and calculated that certainly in the years they were looking at, it was a total catch of 2,200 porpoises each year. Again, that is a very large number, but if you take it in the context of the population of that area, which again came from the SCANS survey that I mentioned, we are talking of over 6 per cent of that population. I should mention that the judgment of what is a sustainable catch has been assumed by a number of international bodies of scientists, and a figure of 1 per cent of a population being taken is generally considered to be a matter of great concern. Several bodies have made fine-detail calculations, but I think we should take that 6 per cent of even 1 per cent being a major issue of concern. To continue with the hake net fishery in the Celtic Sea, it is important to note that the observer work, where they established that level of by-catch, was done in 1992-1994. The results of that were published in 1997, including the fact that it represented over 6 per cent of the population. It is therefore an acute problem in terms of conservation of that porpoise population. Research was started in 1998 to look at potential mitigation measures in that Celtic Sea hake fishery, particularly looking at pinger use. Despite three years of trials, eventually showing that pingers could substantially reduce catches in ----

Q87 Mr Mitchell: What is the importance of the post-mortems on stranded cetaceans, the small cetacean population?

Ms Ross: The strandings data is an additional source of data. In terms of the harbour porpoise catches, because we have quite good survey data from observers actually on boats, that is our best estimate, the most reliable way of establishing the scale of the problem. In fisheries where we do not have good observer data on boats, then the strandings data assumes a greater significance, because that is the best evidence of the scale of the problem. Where you have a good observer programme, with observers on boats, that will always be your most reliable measure; although most people acknowledge that even having observers on boats is at most only going to give a minimum estimate of rate of capture. Even on boats, people miss some of the animals. You will not always see all the animals that are coming up; it will only ever be a minimum estimate.

Ms Edwards: We have talked about porpoises and bottom set nets. There are several different fishing issues, by-catch issues, and obviously the south-west is the one we are particularly aware of. In the local community, the common dolphin issue has caused great concern. We tend to have mass strandings of common dolphins between January and March, and it is felt that these animals are caught in the pelagic trawl fishery for bass and other pelagic fish. Bass fishery starts in the Bay of Biscay. Bass spend a lot of time in estuaries during the summer, and are very important in terms of the economics of the south-west community because of sea angling. Come the winter months, however, bass come together in large numbers and spawn. They go to different areas, depending on where they originate from, but they spawn out to sea, beyond six miles, anything from Start Point right down to the Bay of Biscay. The problem is that probably about ten or twelve years ago, fishermen realised that these fish were coming together in very large numbers and provided a great fishing opportunity. Obviously, common dolphins are also aware of this great fishing opportunity, and that is where we are having a problem at the moment. As pelagic boats go after the bass, we then see strandings occurring in the south-west. This year, there were 265 common dolphins found on beaches in Devon and Cornwall. When you come across an animal on the beach, you can see how it has died. It has often got very obvious breakages in its bill. Its bill is quite delicate. It is surprising because you imagine a dolphin in the sea would be quite robust and large, but it has a quite fragile beak, and with an awful lot of the dolphins you come across the beak has just snapped. The view is that it is going along, gets caught in the net, decides it needs to breathe, goes up and gets caught in the net. It probably dies while thrashing the net and actually drowns.

Q88 Mr Mitchell: They are then hauled on board and chucked overboard, are they?

Ms Edwards: When the net is pulled in, that is when they tend to be removed. We had 265 dolphins this year. This fishery is quite well offshore, and the view is that we are probably only seeing about 10 per cent of the animals killed; so we could have had 2,650 dolphins killed this winter off the English coast. Also, there are dolphins coming offshore in the Channel Islands and France as well, so it is a very, very large number.

Q89 Mr Lazarowicz: How extensive is the monitoring of the various fisheries in UK waters and the fisheries fished by UK vessels elsewhere?

Ms Edwards: It is a very different story for each fishery. With the bass fishery, it is unlicensed, so there are no quotas. We know how many vessels are involved because you tend to get that information via Defra. For example, we were well aware that there were eight Scottish boats, four pairs working in a fishery this year, and probably up to 30 pairs, so 60 boats from the French, and probably 15 to 20 Danish and Irish boats. There is no way of knowing how much fish they have landed. Last week you were talking about the issue of by-catch in inshore waters. We do not know how many fishermen fish in 0-6 nautical miles. We have no idea, or Defra has no idea, how many miles of net are placed in the 0-6 nautical miles. There is varying information on different fisheries, but there is a lot of lack of knowledge.

Ms Ross: In addition to the lack of information about what fisheries are occurring where and how much net is in the water, obviously there is also an issue about monitoring of by-catch. That, again, varies tremendously. The cases we have highlighted to you are the relatively few fisheries that have been subject to substantial monitoring. In terms of the gill net fisheries, there has been very little monitoring in the UK with regard to inshore fisheries, particularly in the south-west, which is important because although they know about the hake net fisheries, which were subject to the detailed study I told you about, there has been very little monitoring done of the smaller boats that operate inshore, using a great deal of gill net around the south-west in various fisheries. Those have not been looked at. That does not mean there is not a by-catch problem; it just means we do not know what the by-catch problem is there. Equally, in the Irish Sea and around Wales, there has been very little monitoring, so again there could be a problem there.

Mr White: To follow on from the point Ali was making about not having any information, work has been carried out in south-west Cornwall by Wildlife Trust volunteers, which is leading us to be concerned about potential by-catch impacts on bottlenose dolphin populations. That is based on two sets of evidence. First, the average group size of bottlenose dolphins has been monitored since 1991 - and the Committee will have received the appendix with a graph - and the group size has declined dramatically. That, combined with similar studies on where those animals move, show that a lot of them move very close inshore, in exactly the areas where there is a fair amount of bottom set gill nets. There is concern that there may well be a problem with bottom set gill nets inshore and bottlenose dolphin populations. It has been estimated that the total bottlenose dolphin population around the UK is about 350, so even one or two animals will cause a significant problem. We are fairly sure that one group moves around the south-west and we have started to get a clearer picture of that, and we have concerns about it.

Q90 Diana Organ: You have mentioned concerns about the sea bass fishery and the by-catch of common dolphin. What evidence is there about common dolphins being caught in the pelagic trawl fisheries such as hake, tuna and horse mackerel? What evidence do you have for that?

Ms Ross: Most fisheries that occur in the north-east Atlantic region have not been subject to rigorous observer monitoring to establish by-catch levels. Several have: one is the UK's sea bass fishery, which demonstrated very high by-catch rates. Another one that has been looked at is the Dutch mackerel and horse mackerel fishery, which again occurs over winter months, more westerly, towards south-west Ireland, towards the Continental Shelf area. It demonstrated very high dolphin catch levels, mostly in that case of Atlantic white-sided dolphins but also some common dolphins. Studies were done in the early nineties, looking at a whole range of pelagic trawl fisheries. Unfortunately, for most of them the sample size was quite low, so it was difficult to get a good idea of the overall scale of the problem. They did demonstrate that dolphin catches were occurring in the French hake fishery, the bass fishery, the Albacore tuna fishery, and one other. They also looked at a range of other fisheries that are at a very low level, and the researchers made a very strong point that although they did not happen to record dolphin by-catches in those fisheries, this did not indicate that there is not a by-catch problem in the fisheries. Perhaps I can list the species that are caught using pelagic trawl and pair trawl fisheries in the north-east Atlantic area, so that you would expect to be affecting animals in the Biscay/Celtic Sea channel area, we are talking about Albacore tuna, which is a summer fishery but is caught using pair trawls; hake; herring; mackerel; horse mackerel; blue whiting; bass; pilchard; sardine and anchovy. Most of those have not yet been monitored for by-catch, but they are using the same sort of gear. Most of them, except, as I said, for tuna, are occurring over these winter months, when we are seeing the big problem of dolphins being washed up as by-catch. Until all those fisheries are properly

monitored, it is reasonable to assume that quite a few of them, if not all, may well be involved in the by-catch problem to some extent.

Q91 Mr Mitchell: Can we trust the French on the figures? There are more that have been thrown up on the beaches in France, and there is a suggestion in some of the evidence that the French have been less than forthcoming in providing evidence.

Ms Ross: On their strandings levels, or on the by-catch levels?

Q92 Mr Mitchell: On both.

Ms Ross: It is hard to judge that. They do seem to have a fairly good system of recording strandings, and they do report annually on it. I do not think we have reason to believe that those are inaccurate, and that they report very, very high levels of dolphin strandings; but I would also add that the fleets that are involved in those fisheries I mentioned are not just French and UK boats; they also involve Dutch, Danish and Irish boats.

Ms Edwards: In the UK, Defra does, via the Natural History Museum, collect stranding data. It is up to local volunteers and people who have an interest in dolphins to collect the data. Within the Wildlife Trust we have forty or fifty volunteers who literally go walking the beaches, particularly during the winter months, and will record what they see. That information is then sent through to the Natural History Museum and then to Defra.

Q93 Mr Mitchell: We have more intensive scrutiny here.

Ms Edwards: We do, and because there has been a lot of press coverage in the south-west, people are going out of their way to look for these animals.

The Committee suspended from 4.32 pm to 4.41 pm for a division in the House.

Q94 Mr Lazarowicz: Returning to the question of the by-catch problem in the North Sea, I was staggered by the proportion in the Danish fisheries. Your estimate for the UK gill net fishery was about 800 porpoises annually.

Ms Ross: That is the figure that was established in the mid 1990s; actually, there has been a revision downwards because most North Sea fisheries are in such a state, particularly cod, that there has been a reduction in fishing efforts. Therefore, there is a revised by-catch estimate that has gone down since then to about 400-500 animals, because there is less gill netting being done because there are less cod around, in the North Sea in particular. There is so much restriction on fishing effort at the moment that we are assuming by-catch rates at least temporarily are reduced there. Having said that, we are still looking at quite a big problem overall when you consider the Danish effort.

Q95 Mr Lazarowicz: Overall, which countries appear to be responsible for the cetacean by-catch problem in the North Sea?

Ms Ross: The biggest gill netting fleet is the Danish fleet, although others - the UK was probably the second most important, and the others have a relatively smaller contribution. There are other North Sea countries that participate on a much smaller scale.

Q96 Mr Lazarowicz: Who is responsible for monitoring of by-catch in the North Sea, particularly as far as the British boats are concerned?

Ms Ross: Monitoring in the UK is Defra responsibility, and most of the monitoring around the UK has been contracted to the Sea Mammal Research Unit, which co-ordinates pretty well all of the by-catch monitoring that has been done.

Q97 Mr Mitchell: Neither of your organisations appears to have much faith in the Government's will and commitment to implement its commitments under the agreement on the Baltic and North Sea. Why is that? Do you think the Government has made genuine progress towards this 1.7 per cent target?

Ms Ross: ASCOBANS in the agreement you are talking about has identified targets and an overall aim to minimise, i.e., reduce to zero, by-catch within its area; but, quite frankly, the UK and the other parties have really done little, if anything, to actively reduce by-catch levels.

Q98 Mr Mitchell: Why is that?

Ms Ross: Well, they have done research and they have done some monitoring. The UK, probably more than most other parties, has done by-catch monitoring in a fair number of fisheries. They have done a fair bit of research, looking at pingers, and in the case of pelagic trawls looking at escape mechanisms; but actually, if you look at any of the fisheries that have been identified with serious by-catch problems, no active mitigation measures have been introduced. In fact, there has been a fairly mind-numbing inertia on that front.

Ms Edwards: It is probably worth saying that it was twelve years ago that the evidence was brought forward on the hake fishery, where we had 6.2 per cent by-catch, and also the pelagic fisheries, when we realised we were getting large numbers. To be honest, the Fisheries Minister, Mr Morley, only three years ago, was announcing on the *Tonight* programme that there is not a problem. Government has, for many years, hidden and said it is not a problem, or that it is not the UK that is involved. We were very pleased to see the By-Catch Response Strategy, and it says an awful lot of good things, but it has taken twelve years. Now, although we have the strategy, it suggests that it will be another three years before most of the things it suggests are implemented. It is a very, very slow process. At the same time, when we think of 6.2 per cent of porpoises being killed, that is 6.2 per cent each year, so the population is getting smaller and smaller, and the 6.2 per cent is becoming more significant. There is a frustration among the NGOs and the public in general at the fact it is so slow. We know there is a problem, so why are we not doing something about it?

Q99 Mr Mitchell: There is the 1.7 per cent target and then eventually 1 per cent, but I do not know of any commitment to reduce it to zero. You have put that figure.

Ms Ross: It is agreed by ASCOBANS parties that their overall aim with regard to fisheries by-catch is to minimise - this is the actual text of the by-catch resolution agreed - i.e., ultimately reduce to zero takes mortality of cetaceans from fisheries by-catch; but that is acknowledged that that is a long-term aim and that there should be intermediate objectives.

Q100 Mr Mitchell: Do either of you think we are likely to attain this 1.7 per cent?

Ms Edwards: I believe that if everything that was in here was implemented now, we could start reducing by-catch numbers, but to get it to 1.7 we need a lot more than what is down here. It is a step in the right direction, but it is only a step in the right direction if implementation starts now and not in three years' time.

Q101 Mr Mitchell: Have any of the partners reduced their levels to below the target of 1.7 per cent?

Ms Ross: Do you mean other parties to ASCOBANS, other North Sea states? No. At the recent meeting of the parties in August this year, a further resolution on fisheries by-catch was passed, and part of that resolution was a clause regretting the fact that the objective of reducing to below the 1.7 per cent definition of "unacceptable" had not been met.

Q102 Mr Mitchell: It is "Lord make us virtuous, but not yet". You say we have a programme which, if implemented, would do it, but -----

Ms Edwards: Would make a positive step.

Q103 Mr Mitchell: Do not any of the others have the ability to make a positive step?

Ms Ross: The provisions proposed in the UK strategy are only addressing the gill netting problem and are not addressing the problem of the pelagic trawl. There is only research for further development of measures contained in this regard in the pelagic trawl issue, so gill netting potentially could be addressed at least within the short term by the provisions in here. With respect to the other parties, the only part that has taken some concrete steps is Denmark, which has a very serious problem with its gill net fisheries. In 2000 they introduced a compulsory requirement for pingers to be attached to a particular sector of their gill net fleet, which is the cod wreck net fishery, that is gill nets that are fished over wrecks literally. That particular sec-

tor, in the third quarter of the year, was found to have a very high porpoise catch level; so they have required pingers to be used in that very discrete part of their fleet. The rest of their fleet, the rest of the cod fisheries and the turbot, are not subject to any measures yet. That is really the only mitigating step that has been taken.

Q104 Diana Organ: I am concerned about the measures that you would like to see implemented by Defra. What would you like to see happen in the first year of operation of Defra's proposed strategy for small cetacean by-catch?

Ms Edwards: Again, the UK Small Cetacean By-Catch Response Strategy is very focussed on fisheries between 0-6 nautical miles, and to 12 miles to an extent. It is very much looking at gill nets and porpoises. It suggests that pingers are deployed on nets. Pingers are noisy and they scare porpoises away. They are not the ideal answer and there are concerns about them, but they are all we have in the toolkit at the moment. They could be implemented very, very quickly.

Q105 Diana Organ: That is what you would like to see.

Ms Edwards: Yes, we would.

Q106 Diana Organ: Do you have any concerns about Defra's proposal not to review the operation of the strategy for three years? Do you think that could be detrimental?

Mr White: One of the problems, not just with this aspect of fisheries management, but all aspects, is the lack of ability to react in a short time. Three years is a long time to wait to see if there is any result either way. We need a mechanism which would allow fisheries managers at all levels to react quickly in the event of events happening on the ground; and to say we are only going to review after three years does not give you that ability.

Ms Ross: Although we recognise that pingers can be very effective, and could, if introduced, dramatically reduce porpoise by-catches - and it is a scandal that nothing has been done with this research to use them - we still do have big concerns. The first is whether the pingers will be used properly, because they are undoubtedly unpopular with fishermen. They are hassle and involve extra work. The second concern is whether they will be properly monitored to make sure they are working and reducing by-catch, and the third is whether they will have any negative effect on the population of porpoises. Unless all those things are constantly monitored - and we think that it should be monitoring with compulsory observers - introducing something new like this is almost pointless unless you are going to monitor it properly - then we do not think it will be a worthwhile operation. Those things have to be properly and continually evaluated, with a process by which the requirements could be modified if necessary to make the things work - to either change the sort of pingers they are using or the way they are being operated or enforced; or indeed to change the whole approach to mitigation if pingers are found to be detrimental to the populations of porpoises. We think that three years is too long to be able to react to these sorts of changes.

Ms Edwards: It is not enough to do what is in here over the next three years and then think about what is next. We need a toolkit of mitigation measures and we need more research. We should be doing the research at the same time, working with the fishermen and trying to find other conservation measures that can be brought in to reduce by-catch.

Q107 Diana Organ: If you are critical about the review taking three years before anything is done, how do you react to the comment that if we reviewed only after one year, any scientific conclusion drawn after one year would not be sound?

Mr White: I do not think it is a question of having spot reviews; it is a question of stakeholders, fishermen and scientists working together all the time, conducting a continual review process. It is a matter of keeping an up-to-date picture of what is going on.

Ms Ross: A year is a very long time if you are monitoring these things effectively; you can get a heck of a lot of data in that time. In the monitoring that we have had already, most of these trials have only been a matter of weeks or at the most months; so we would get a lot more information.

Mr Mitchell: Your point about carrying on research is important. Government always defers problems to more research.

Q108 Mr Lazarowicz: How far have there been trials of pingers and the work in commercial fisheries, as opposed to controlled experiments?

Ms Ross: So far, in the UK the main trials have been in research conditions; but elsewhere, for instance in the US, where pingers have been in use a lot longer, one of the concerns we have is that once they were introduced into the commercial operations, they found that the efficacy and reduction of by-catch dropped off once they were used in a commercial setting. That is possibly because they were not being properly used or maintained; but, equally, it could have been because porpoises were habituating and therefore not being deterred. We do not know what was the cause of that. In the UK, once the UK's by-catch response strategy had been released, there was a response from the fishermen saying, "we do not think these pingers are going to survive in our fishing conditions, particularly off the south-west" - where they have a fairly robust fishing technique in the hake fishery. In the last few weeks there has been a deployment trial within a commercial fishing setting, actually testing the four commercially available pingers. This is just happening now, and we have only just got the results of that. It is going to be a longer term thing to look at whether the pingers can stand up to the operation in the particular fishery off the south-west and whether they continue to operate effectively in terms of the electronics continuing to function.

Q109 Mr Lazarowicz: Have you had some results back so far, or is it too early to say?

Ms Ross: The results from the first stage of the trial - which have only just been discussed on Friday last week - were that three out of the four types of pinger tried did not survive satisfactorily to the end of a very brief first commercial trial. The manufacturers were present at this meeting where it was discussed and have undertaken to correct the faults that were identified so that they would be operational and suitable for the fishing conditions down there by January.

Q110 Mr Mitchell: Let us get the views of the south-west on this.

Ms Edwards: The industry that produces these pingers is saying that by January they will produce pingers that will survive in the severe conditions in the south-west. They call it the "bash" test. It does mean that we will have pingers very soon. To be honest, there has been a lot of discussion about how it will affect the local fishing community, whether it would put people out of jobs because of the additional costs to the individual fisherman. I understand that a set of pingers per fisherman is probably going to cost about £1,200 per year.

Mr White: It is an interesting point because one of the features of working for a wildlife trust is that you are working next to people who work in terrestrial conservation as well. We seem to have a completely different attitude to conservation and livelihood on the land as we do at sea. When you look at Defra, farmers and land-owners are quite rightly concerned about their livelihoods, but they do not let that stop them trying to introduce conservation measures. In fact, farmers and land-owners can get payment for carrying out management. On the way up here we were doing some rough back-of-the-envelope calculations., and Defra are currently trialling a new entry-level scheme which is going to be open to all land-owners who, for very, very basic land management changes, can get £30 a hectare. For the average farm size in Devon of 40hectares, that is about £1,200, which is, coincidentally, what it would take to put pingers on a small inshore boat. We should be looking at a level playing-field across land and marine conservation.

Q111 Mr Lazarowicz: Can I ask you about the possible willingness of skippers to carry observers in relation to use of pingers? Do you think that is an unrealistic fear?

Ms Edwards: It is our view that observers should be mandatory anyway. It is pointless putting pingers on nets if you do not have observers; you have to have observers to see if they are working and what the results are, and also to check whether you are having any by-catch at the same time.

Q112 Mr Lazarowicz: At present of course it is a voluntary system for carrying observers. Are you aware of any fishing vessels that have refused to carry observers?

Ms Edwards: There are several Newlyn boats that have refused to take observers.

Q113 Mr Lazarowicz: Is there a problem anywhere else in the UK that you are aware of?

Ms Ross: I could not name specific fleets, but every observer programme, every trial, has had to very, very carefully approached fleets; and it has always been a matter of delicate negotiations to get observers on board. It is not something they could take for granted by any means.

Q114 Diana Organ: We have talked at length about the waters of the south-west and the North Sea, and what is happening to populations there. What action should be taken by Government and others in relation to the English Channel, where, obviously, there are very small cetacean populations, either because they have moved elsewhere because it is not the best environment for them, or they have died? What can you do about that?

Ms Ross: We are certainly concerned that within the By-Catch Response Strategy, although mention is made of the fact that at least in the eastern Channel and the very southern North Sea, there are very few, particularly harbour porpoises, left; and it is an area where there would originally have been harbour porpoises. Obviously, from the point of view of the fisheries management, it is not addressed here. We are concerned about that because there is an extremely high level of gill netting effort off the south-east of England, the most intensively gill netted area of waters around Britain. Clearly, there is not a lot of chance of recovery of that population with that sort of netting effort. Whether it is appropriate to look at the same sort of measures with pingers, or whether we should be looking at other measures such as restrictions on gill netting effort, is a matter for debate and consideration; but basically I do not think it should be an option to present no recovery measures for this sort of area.

Q115 Mr Drew: Can I ask a question, which came up on the back of last week, concerning the degree to which you accept the minimum level of observation that is being recommended by the EU. There are two questions: is this going to be adhered to, or will it be a bit of a fudge; and who does this? What level of expertise is there out there so that you can expect this to be done well, given you know that some of the fishing organisations take the view it does not need to be done, that they have already done what they can? There is not always going to be a degree of coalescence of views. I would welcome your opinions on that.

Ms Edwards: It is right to say we were disappointed that the proposal suggests mandatory observers of 5 per cent, considering that ISES, which provides the scientific advice, suggested 5-10 per cent. More importantly, ISES suggested substantially more observer levels for the pelagic fishery. Again, we are always seeing the figure of 5 per cent; so it is disappointing, to say the least.

Q116 Mr Drew: You think the EU has been far too tentative in what it is proposing, and therefore there are going to be all sorts of problems, even if this minimalistic regime is introduced?

Ms Edwards: Any regime is better than nothing. For many years, there have not been observers. The UK Government has put observers on British pelagic boats, and it has given us some very unsurprising results; but the French have refused for many years. I think for the last three years the Commission has been asking the French to put observers on their boats, and they have refused to do so. I am also concerned that while the proposal says it should be 5 per cent of observers, it gives no indication of how the observers will report the results. There is no transparency in the system. Considering the Member States' reactions to the Commission's invitation to put observers on board, we are slightly concerned that the French will not take it seriously; or we may end up in a situation where we will get the results in five or six years time. It is a very slow process and not transparent at all.

Q117 Mr Drew: Are the real bad guys in this the French? We did get some variable arguments in last week's session on the degree to which we can be "holier than thou", and that it is the blessed French who do not seem to have any interest in it whatsoever, as against those who say it is a problem across the whole of the EU and we have got to get our act together.

Ms Edwards: It is an EU problem. The UK has pelagic boats which do catch dolphins. It is a problem across the EU. I am sure when you speak to Mr Bradshaw he will put across that this Government has asked constantly for the French to put observers on board, and for years the French have denied there is a problem. Mr

Morley stated at a meeting about two years ago that it was not our fishermen that were catching the dolphins. It has been a very naive attitude. Politically, it has not been taken seriously.

Ms Ross: In terms specifically of the bass fishery, the French clearly are the other big players, but there are quite a few other pelagic trawl fisheries out there, most of which, equally, have not had observers on board. We saw from the small-scale monitoring that was one in the early nineties that several fisheries were approached and asked to take observers on board, and a number refused because there was no compulsion. One notable fleet was the Irish mackerel fleet, which is a substantial fleet. By analogy with the Dutch fleet, which we know catches a large number of dolphins, probably the Irish do as well, but because there was no compulsion on them, they just refused to participate in the trials. Equally, there are a number of other nationalities that have just not undertaken observer monitoring under their own volition, including the Danish pelagic trawls. Going back to the 5 per cent level, it is important to note that the scientific advice was not just between 5 and 10 per cent of the fishing effort but particularly with regard to the pelagic trawl fisheries - and that is all of them operating in the area, not just the sea bass fishery - the advice was that observer effort should be as high as feasible during the critical December to March period when we know there is a big problem.

Q118 Diana Organ: You said that something is better than nothing, but you are obviously advocating a wider management framework, because that is ideally what you would like to see. Would you prefer that we delayed any implementation until we could get a wider management framework in place, or are you happy to go with something instead of nothing; but then, as a result of that, how effective is it going to be if it is not implemented in the context of that?

Mr White: I do not think we can wait to put the full management framework in place. We have to work towards that. The measures talked about in the response strategy may well form part of the final toolkit that the management framework has at its disposal to address these issues, so we can start looking at those. We cannot wait. We have to put those in place first, but to make sure the whole thing is sustainable long term, we need to put the management framework in place afterwards.

Ms Ross: In term of the Commission's proposals, in the explanatory memorandum they acknowledge that a management framework should be put in place; but their argument is that we cannot do that until we have all the information about where this by-catch is going on and what it is. We would certainly argue that that is the wrong analysis, and that the management framework should be there at the beginning. It can be introduced in parallel with these very specific measures, but we do not think you should be waiting until your first three years of data have been called in before you start putting that formal procedure framework in place to deal with the information that is coming in.

Q119 Diana Organ: In all probability it will not be in place, will it? How effective therefore would the Commission's draft regulation be?

Ms Ross: I would certainly say that the measures they are proposing for the Baltic Sea are absolutely critical, and if we could get that tomorrow you would be saving porpoises straight away. In terms of the observers on boats, if we could get that going now, we have pelagic trawlers and gill nets now that should be monitored. Equally, if we could get pingers on boats we would be starting to cut down on the by-catch problem. Obviously, we want the rest as well so that we can evaluate and adjust all these measures appropriately as we get the feedback from what is being implemented. All of these problems are critical and we should not be waiting. We have known about them and have been waiting year upon year upon year, and doing nothing for any longer is really not an option.

Mr White: Observer schemes and monitoring are very, very important, but alone they will not stop by-catch happening; they are just going to tell us how much is happening. When we are talking about a wider framework of fisheries management, that would be beneficial not just in terms of cetacean by-catch response, but in terms of managing fisheries and looking at holistic, across-the-board management, not just a framework for this particular issue.

Q120 Mr Lazarowicz: You have pointed out that the sea bass fishery is largely unregulated, and the Wildlife Trust has called for the European Commission to regulate the fishery as a matter of urgency. We have also

been told that the Scottish Pelagic Fishermen's Association proposed a licensing scheme. Do you, in your organisations, support the introduction of any type of quota system for the pelagic sea bass fishery, or a system of licensing vessels for a particular fishery?

Ms Edwards: It is only common sense that the bass fishery needs licensing and that we need some sort of quota system because at the moment anybody can take the fish. If we license the fishery or bring in quotas, it will not really make any difference to the by-catch problem, because it is about conserving the bass population. But it is something to think very seriously about because at the moment very large numbers of fish are being caught during the winter months and fetching a very low price. Bass is a very important fish to the local community in the south-west, Wales and southern Ireland and is particularly important in terms of sea angling. If you put the value on the bass, it is probably worth at least ten times more when it is caught by a sea angler, in terms of the local community. At the moment, we do not think strategically on how the bass fishery should be fished and when. It may be that if we looked at it in a more strategic manner, we may well say that pelagic trawling for bass is not the most appropriate manner to catch a fish and that it is better to be caught by rod and line, because that will bring more economic value to the local communities; but again may, as a result reduce by-catch victims as well.

Q121 Mr Lazarowicz: Have you got a specific position on quotas?

Ms Edwards: We believe this fishery should be licensed; we should not, in this day and age, have unlicensed fisheries of this sort of size.

Q122 Mr Lazarowicz: What is the position of the WDCS?

Ms Ross: The conservation of the bass stock itself is not something we have particularly taken a view on. Having said that, better management of fishery all round is of advantage both to the fishing industry and to the marine environment, so we would obviously support better regulation of that fishery.

Q123 Mr Lazarowicz: Is there any case for emergency closure of fisheries? I understand that the purse-seine tuna fishery in the Eastern Pacific Ocean is a cetacean mortality limit scheme which has been implemented. Do you suggest a similar scheme to deal with these problems as well?

Ms Ross: In terms of emergency closures, on the conservation side emergency measures are introduced in fisheries from a fish conservation point of view - we have seen that in cod and hake fisheries - but when it comes to wider environmental wildlife protection measures, then the same measures are not being applied, even though there are powers within the common fisheries policy for emergency measures to be taken when there is a significant threat to marine living resources. Our concern is that at the moment, although the powers legally are there to take emergency measures, there does not seem to be the will to apply them when it comes to wider environmental matters. We would like to see, both within the UK by-catch response strategy and more widely in the Commission's proposals a specific clause that would allow that measure to be taken where a critical problem is identified, which is a threat to a population and cannot be resolved by any other means. If there is not a mitigation measure that could solve the problem, then there has to be the capacity to introduce emergency restriction or closure of a fishery where an acute problem to cetaceans or other wildlife has been identified.

Q124 Mr Mitchell: Is it possible to implement some kind cetacean mortality limit? Do you regard that as practical politics?

Ms Ross: It is obviously possible to do it; this has been done in the Eastern Tropical Pacific tuna fishery as a result of many years of working on how to reduce what was an extremely serious cetacean by-catch problem there as part of this international dolphin conservation programme. It is worth pointing out, as mentioned in the Government's strategy document, that in that case they have an extremely precautionary cap on the level of dolphins taken by that fishery. Here, we are looking at an ASCOBANS precautionary limit of 1 per cent of the dolphin population. Over there, in the Eastern Tropical Pacific, where they are looking at this catch quota level, they are looking at 0.1 per cent, a tenth of that level, as the limit of dolphin mortality.

Q125 Mr Mitchell: That industry is more vulnerable, in the sense that you can tackle it through the consumer here by the building up of pressure not to buy things which are dolphin-friendly or whatever - but

which are damaging to cetacean catches; and that is a very powerful piece of pressure which is not applicable in any other area. Is there any other area where that could be tried?

Ms Ross: Nominally, you could apply the idea of labelling something as dolphin-friendly or dolphin-deadly to any fish project.

Q126 Mr Mitchell: That is an obvious one, is it not, where there has been a big problem, and which is quite specific.

Ms Ross: Because there was a lot of publicity associated with it. I would also add that in that fishery, in order to properly police the catch limit level, they have 100 per cent compulsory observer coverage. Every boat over a specified size has to carry an observer. To be able to make a system like that work, you have to be able to verify that boats are not catching dolphins in order to ascertain whether they are exceeding their catch limit, but also to be able to qualify for a label saying it is dolphin-friendly or dolphin-safe. You have to have a completely foolproof monitoring system with observers on every boat and the product being tracked from the net right up to the consumer. For most of our fisheries, we do not have anything like that level of scrutiny.

Q127 Mr Mitchell: I wondered if fishermen are going to accept some of the disciplines which pursuit of your case would impose on them. You talked about closures. Fishermen will grudgingly accept closures on the grounds that the stock they are catching will become extinct, because it will threaten their livelihood. However, they are not going to accept a closure for other catches, for wildlife protection.

Mr White: The difficulty at the moment is that we are having to talk about large-scale whole fishery closures, and that is difficult. If we can get an eventual management scheme with the flexibility we are envisaging, you would not necessarily have to have whole fishery closures for long periods of time. If you had a much more flexible management system with full observer coverage on board, you could probably get away with small area closures or small time closures, which could be more acceptable. If you can then tie that in with the concept of more sustainable fishing and more market value for sustainably caught fish, then you could make it a whole package that is more acceptable. The only reason it is difficult at the moment is because we are in such a state that we have to think about closing whole fisheries or very large areas.

Q128 Mr Mitchell: But your caveat there was with observers on board.

Mr White: I think that has to be part of any -----

Q129 Mr Mitchell: Otherwise, fishermen are going to cheat if they are not wholeheartedly-----

Mr White: Yes, but any effective fisheries management for any issue, not just the by-catch issue, has to have a very clear understanding of what is going on on the ground at any time - what the catch is, what species are being caught, especially in multi-species fisheries - and what the by-catch is. Again, if you can sell this not as a burden but as a way of achieving the sustainability that you can get extra market value for, you can start to look at these things. We have not got all the solutions, but we are talking about a quantum shift sideways in the way we think about the way these fisheries are managed.

Q130 Mr Mitchell: In our next session we will be hearing from the fishermen, but I think it would take more than a Peter Mandelson to sell anything like that to them as not a burden.

Q131 Mr Drew: The predecessor committee to this, had as a principle that there should always be environmental impact assessments where there were fundamental changes to fishing regimes. How practicable is that in regard to this change? Would you welcome that, or is that just going to cause further delay and give opportunities to those who will oppose this as a solution and give the ammunition to which they will just drag their feet?

Ms Edwards: Generally, it is the view of the NGOs that any new fishery should have an environmental impact assessment. The environmental impact assessment will depend on the size of a new fishery. Again, when people think of environmental impact assessments, they think of consultants, lots of money and a big burden; but an environmental impact assessment can pull together round a table with the correct people. EIAs for fisheries are in place now. When a new fishery is proposed for an SAC, for example, then the Sea

Fisheries Committee, the Countryside Agency and the fishermen go about carrying out environmental impact assessments. In a few cases, as a result of these EIAs, some fisheries have been stopped and a regulatory order has been brought in. We want more than an EIA, which are for specific fisheries. If you think of the English Channel, Bay of Biscay area, and think particularly of the pelagic issue, what we probably need is a strategic environmental assessment. That would look at the whole area and think strategically about what fisheries should take place and what is best for both conservation of the stock, issues such as by-catch, and the economics of the region. For example, when you consider the bass, the individual bass is possibly worth more if it is allowed to grow to a large size and is caught by rod and line than if it is caught in large numbers on this side. That is something that a strategic environmental assessment would actually look at. Probably, SEAs. Should be carried out by government policy advisors and scientists, working with the regional advisory councils. This is so that you can ensure that the stakeholders, the fishermen and the NGOs, are involved in that process, so that we get all the different information on the table, and the RACs can produce a strategic statement on what is best for that area and all the fishermen and fisheries in that area; and also the marine environment.

Q132 Mr Drew: What is the authority that you believe should carry out the EIA, and can that be the same authority that is responsible for policing an effective change in regime?

Ms Edwards: The EIA Directive suggests that it should always be the developer that carries out an EIA. In this case, the developer is actually the fisherman. In terms of enforcement, that would be carried out, obviously, by the appropriate fishing body, whether it is the Sea Fisheries Committee or Defra, if it is beyond 6 nautical miles.

Q133 Mr Drew: What level of detail would we expect from an EIA? I know you are not necessarily over keen on seeing this as the answer to how we get some degree of understanding and consensus, but we have concentrated more or less on regime change, which is a favourite study of politicians, but I am interested in where we might be looking at new fisheries and the degree to which you expect that EIA to lock in? Will it be at the level of the individual boat that decided to go off and pursue a slightly different fishing area, or has it got to be more generalistic?

Ms Edwards: Again, it depends on what is most appropriate. For example, an EIA was carried out for a razor fishery in the Wash, which involved two boats. They were persuaded to produce an EIA. Another new fishery in Cardigan Bay involved about ten boats, and they produced an EIA collectively. I think an EIA has to fit what is appropriate, and, again, the size and expense of the EIA depends on whether we are talking about one fisherman carrying out a very small activity, or a group of fishermen carrying out brand new activity that potentially has a significant impact.

Ms Ross: To illustrate the point a bit more, we should look at the pelagic trawl fishery that has grown up for albacore tuna in the north-east Atlantic, the Biscay area, Celtic Sea. That fishery, was initially a driftnet fishery in the 1990s, when the driftnet ban was agreed in the EU, and there was a great deal of interest in developing a pelagic trawl fishery to catch bass. Indeed, ECONOMIC money was put into investigating this as a possibility and developing this new way of catching tuna in the albacore fishery. With that sort of international fishery, with France, UK and Ireland, all pursuing albacore tuna and looking at new ways of catching it when driftnets were being phased out, clearly a strategic environmental assessment at that point would probably have picked up the fact that there was likely to be a problem with cetacean by-catch in that fishery. However, what has happened now is that we have a substantially established pair trawl fishery catching tuna and catching a lot of dolphins, which could potentially have been prevented at an early stage, rather than now looking at how to mitigate a problem that has already been established.

Q134 Mr Lazarowicz: A brief last point. You will see from the front of the document on the UK Cetacean By-Catch Strategy that it has the logos not just of Defra but of the devolved administrations as well. Insofar as it is relevant to them, are you happy with the co-operation there has been between Defra and the devolved administrations in this area?

Ms Edwards: That is a very difficult one to answer.

Q135 Mr Lazarowicz: If you care to comment on that.

Ms Ross: Certainly my experience is that the devolved administrations seem to have had rather little to say on the matter. I think this has been a rather Defra-led operation. I think the others have kept their heads fairly low on the matter.

Ms Edwards: That would be a concern for the future because obviously implementation of devolved matters will be the responsibility of those devolved authorities. There is always the concern that proposals put forward by the UK Government would be implemented in England and probably Wales, but what happens in Northern Ireland and Scotland is difficult to know. They may well do something better, we would hope, but I would like to know just how seriously the Scottish Assembly has taken this strategy.

Q136 Mr Lazarowicz: It is the UK which has signed the international obligations and it is a matter for Defra to pursue it with those devolved administrations. Is that a concern?

Ms Edwards: It is a great concern to the Wildlife Trust because we have just made a complaint to the European Court about Strangford Lough, and Strangford Lough is a nature reserve, an SAC, an SPA, it has umpteen SSSIs all round the foreshore, and it was put forward as an SAC because within it it supports a very unusual community, the modioulus community, which is only found in Strangford Lough. The Northern Ireland Assembly is responsible for that SAC but unfortunately despite warnings over the last 20 years the modioulus community has been completely destroyed. You sense when you deal with people in Northern Ireland that conservation and the Habitats Directive are not taken as seriously as they are here in Westminster.

Q137 Mr Lazarowicz: I saw Ms Ross nodding when you made your comments earlier. What is your experience of the relationship between the devolved administrations and Defra on this issue?

Ms Ross: Particularly on the matter of cetacean by-catch we have not seen an awful lot of activity or active input certainly from Edinburgh. I cannot really think of an awful lot from Wales either but that would come under Defra.

Ms Edwards: Definitely nobody from Northern Ireland.

Q138 Mr Mitchell: Any more points you want to put to us? I have given you a quick march or yomp, whatever the Marines call it, through the territory. Is there anything you want to say now which you have omitted to say?

Ms Ross: It is in our written evidence but on the point of the SEA, the EIA, one additional point is that it is in our view vitally important that any provisions both for the prior assessment of fisheries but also for their on-going monitoring and hopefully their by-catch mitigation, must be equally applied to distant water fisheries. We have a great deal of concern about the cetacean by-catch in a number of the distant water fisheries operated by EU vessels, particularly down off the African coast where we think a huge number of dolphins are being caught and at the moment they are not being monitored. None of the proposals put forward are going to affect those so we really would like to highlight the fact EU vessels are probably causing a lot more damage elsewhere without being looked at.

Q139 Mr Mitchell: Any EU suggestions for monitoring and reporting which are developing gradually in the fishing areas rather than the coast do not apply to the EU fleet elsewhere?

Ms Ross: Some regulations do apply to EU fleets wherever they fish but a lot of them do just apply to EU waters. For instance, the proposed regulation specifies where they require observers on boats but they specify the areas and the fisheries and those are all within EU waters; nothing will apply outside as far as that monitoring is concerned.

Q140 Mr Mitchell: Has the South West anything to add?

Ms Edwards: Just to say there is real public outcry in the South West. If you live in the South West it is on the local news every night when the dolphins start coming ashore in the winter, and people are really angry, is the best way to describe it. We really do need to make sure the numbers are reduced significantly.

Q141 Mr Mitchell: Thank you very much indeed. I am aware I have marched us through this fairly quickly but I am very grateful to you for coming, particularly of course from the South West, and for the courteous way you have given us the answers. I think you have given us some very interesting information and it has been a good session. Thank you very much indeed.

Ms Edwards: Thank you.