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The Effectiveness of Legislation for Marine Protected Areas

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Marine Protected Areas

- Two types:
 - ‘De Facto’ MPA
 - MPA for conservation purposes

Apology

- Going to talk a lot about fisheries law
 - Fisheries are very important
 - Fisheries legislation is messy

OSPAR Convention (1)

“Duty to identify, implement and establish management plans for an ecologically coherent network of MPAs by the year 2010”

OSPAR Convention (2)

- But:
 - Woolly wording
 - no “*measure ... relating to fisheries management*”
 - Common Fisheries Policy
- Enforcement by embarrassment

Common Fisheries Policy

- Part of Common Agricultural Policy:
 - Increase productivity
 - Fair standard of living
 - Stabilise markets
 - Ensure supply
 - Price
- Nothing in there about conservation per se

CFP (2)

- Sole 'Title' EU
- Delegates back inshore controls until 2013
- UK sole control in 0 - 6
- UK cannot control permitted foreign vessels in 6 - 12

CFP (3)

- If you want to establish MPA in 0 - 6
Use UK Government and Devolved
Administration

Habitats Directive

- 'Shared' Title
- European legislation is benchmark
- No hidden protectionist measures
- Out of date
 - Specified Habitats
 - Specified Species
 - (normally) within Special Areas of Conservation
- Applies to 200 miles / Edge of continental shelf

Habitats Directive (2)

- Implemented by domestic legislation
- Can domestic legislation which goes further than the HD affect fisheries?

UK Fisheries Regulators

- Sea Fisheries Committees (not scotland)
 - Byelaws (take ages)
 - £5,000
 - Bloke on the ground
- DEFRA / WAG
 - Orders
 - Fishing Vessel Licences?

Other Activities

- Oil
 - Licenced BERR
- Windfarm
 - Various Consents
 - Leased from Crown Estate
- Fish Farms
 - Various Consents
 - Lease from Crown Estate

Lessons

- MPAs can be created to 6 miles / 6 - 200 will involve EU
- Don't forget Crown Estate / BERR's ability to control as owner
- Take "no" with a pinch of sea salt



Paper

- Available on MPA Centre Website