

## Rural Affairs and Islands Committee

### Governance of inshore fisheries

The purpose of this paper is to provide background information to support the Committee's consideration of inshore fisheries issues.

The paper sets out information on the governance of inshore fisheries in Scotland and comparisons with models in England.

### Introduction

#### What are inshore fisheries?

Inshore fisheries are generally considered to be commercial fishing that takes place within twelve nautical miles (n.mi) of the coast, although in Scotland this mostly falls within six n.mi. In most of the UK, this activity is dominated by fishers on small boats (less than 10 metres in length) targeting shellfish, namely crabs, lobsters, scallops, prawns (a.k.a. Scottish langoustine, or "Nephrops", which is the Latin genus name) and others such as clams and whelks. These fisheries were worth £155 million at first sale value (the value at first purchase before processing into other seafood products) in 2021, which was 28% of the total value of all fish landed into Scotland. However, in terms of employment these fisheries accounted for 2072 (62%) of the 3357 FTE in Scotland's fishing fleet.

Prawns are the most valuable of inshore fisheries, accounting for 45% of all shellfish landings by value. Prawns are managed in a very similar manner to fish stocks, with a number of "functional units" (rather than "stocks"), each assigned an annual total allowable catch, based on annual scientific assessments, and conducted under the auspices of ICES in line with internationally recognised sustainable practices.

Other shellfish are managed differently: scientific assessments are less regular, less rigorous and no catch limits are advised. Instead, the activity is regulated by restricting the number of entrants (through licensing), minimum landing sizes, dredge number restrictions (for scallops) and the provision of regulating orders (see more on regulating orders below). The Shetland Isles is the only place where such an order is in place, and it is used to set limits on the activity of shellfish fisheries (closed areas, seasons and times; creel/pot limits; gear restrictions), and their own minimum landing sizes. [Link to Shetland Shellfish Management Organisation website.](#)

## **Governance and management**

Fisheries governance requires strong institutions to assess the status of stocks, provide advice on their sustainable exploitation as harvest strategies, and enforce regulations to comply with these strategies. Harvest strategies need to align with both national and international policies on sustainability but are increasingly affected by other activities which interact with, or are affected by, fisheries. These include the protection of marine biodiversity, the production of offshore energy, aquaculture, and the effects of climate change.

Fisheries management is devolved. In Scotland, fisheries are governed by the Scottish Government through the Marine Directorate and its various portfolios covering policy, compliance and science (in collaboration with international organisations such as the International Council for the Exploration of the Sea - ICES).

The marine environment is complex, and managing interactions between fisheries and other marine activities is complicated by those activities having their own government departments and associated executive agencies (e.g. the Environment and Forestry Directorate and NatureScot govern Scotland's biodiversity) with their own priorities and policies.

Debates over sustainable inshore fisheries management in Scotland have become increasingly polarised, particularly between fisheries industry groups and environmental stakeholders. Appropriate governance of inshore fisheries is therefore key to encouraging collaboration among different stakeholders with an interest in fisheries management and the wider marine environment.

Furthermore, Scotland's shellfish stocks are in a poor state with many species overexploited. This highlights the importance of their effective management and governance. More detail on the status of inshore stocks is provided in the companion briefing on science and data in inshore fisheries.

## **Stakeholder engagement**

Increasingly, it is acknowledged that effective fisheries governance needs to provide incentives and mechanisms for stakeholders to engage in the management process.

The importance of 'participatory decision-making' in fisheries is recognised in section 3.6 of the [Joint Fisheries Statement](#) which states:

"There are different models of participatory decision making in place across the UK, which provide the seafood and marine sectors, non-government organisations and coastal communities with a voice in the decisions that impact them. The fisheries policy authorities are committed to further developing and strengthening these arrangements for moving toward co-management of our fisheries and promoting inclusivity and involvement in our management approach across all parts of society."

Similarly, the Scottish Government's [Future Fisheries Management Strategy 2020-30](#) states:

“We recognise that there are a wide range of groups that are involved in fishing, both directly and indirectly, and want to ensure that we are inclusive in our management approach and our policies. Women play an active role in many parts of the industry although this is not always readily acknowledged. Going forward we will seek to recognise the important role that all parts of society make to the fishing industry, and to promote involvement across all genders and equalities groups in a positive and inclusive way.”

## Timeline of inshore fisheries governance

A brief timeline of the emergence of current governance frameworks for inshore fisheries in Scotland is set out below:

- **2003:** [Partnership Agreement of the second coalition government of Scotland between Scottish Labour and the Scottish Liberal Democrats](#) committed to “*set in place an urgent review of the management of all fisheries within the 12-mile coastal zone with a view to delegating responsibility to local stakeholders, if necessary through reform of the Inshore Fisheries Act and other regulatory measures for inshore fisheries.*” This review culminated in the publication of ‘[A Strategic Framework for Inshore Fisheries in Scotland](#)’ in 2005.**2005:** Scottish Ministers proposed the introduction of Inshore Fisheries Groups (IFGs) tasked with “*developing local objectives for inshore fisheries management within the geographical area that the group covers and developing management plans to deliver those objectives.*”
- **2009:** Six pilot IFGs were established in the Clyde, Moray Firth, North West, Outer Hebrides, Small Isles & Mull, and South East. Shetland was excluded due to the existence of the Shetland Islands Regulated Fishery (Scotland) Order, which confers licensing and other regulatory powers directly on the Shetland Shellfish Management Organisation (discussed further below).
- **2013:** The Inshore Fisheries Management and Conservation group (IFMAC) is established as a national forum to complement IFGs.
- **2015:** Publication of “[Scottish inshore fisheries strategy](#)” (see below).
- **2016:** The six IFGs were replaced by three Regional Inshore Fisheries Groups (RIFGs) covering the North and East Coast (NECRIFG), the West Coast (WCRIFG), and the Outer Hebrides (OHRIFG), with two ‘associated network groups’ in Orkney and Shetland.
- **2022-23:** The West Coast RIFG was divided into the Northwest Coast and Southwest Coast, reflecting the difference in character between the fleets in each area. Independent Chairs were also appointed for Orkney and Shetland. With five of the six Chairs replaced in the first quarter of 2023 the network only became fully operational again in May 2023.

## Framework of inshore fisheries governance

The framework for inshore fisheries governance broadly consists of the following:

- **Regional Inshore Fisheries Groups (RIFGs):** RIFGs are non-statutory bodies with the stated aim *“to improve the management of inshore fisheries in the 0-6 nautical mile (n.mi) zone of Scottish waters, and to give commercial inshore fishermen a strong voice in wider marine management developments.”* [Link to Scottish Government website.](#)
- **[The FMAC \(Fisheries Management and Conservation\) group](#)** is a co-management stakeholder forum concerned with all issues connected to sea fisheries management. It has several subgroups on specific themes and issues including an inshore fisheries subgroup.

FMAC is chaired by the Marine Directorate and has representatives from:

- fishing industry representative bodies
- fish producer organisations
- environmental organisations
- Marine Directorate Policy and Science

### Roles and remits

The stated role and remit of RIFGs varies across different Scottish Government documents. For example, the Scottish Government’s [Fisheries Management Strategy 2020-2030](#) states that the aim of RIFGs is to “improve inshore fisheries” which is “achieved by development of localised fisheries management projects and by offering fishers a strong voice in wider marine developments.”

[A Marine Directorate topic sheet on RIFGs](#) states:

“Each RIFG has a management committee which is responsible for maintaining a Fisheries Management Plan. This plan may be divided into geographic regions to recognise Scottish marine regions and Marine Planning Partnerships constituted under the Scottish National Marine Plan.

Local Working groups are key to the functioning of RIFGs and are convened to consider specific issues within the RIFG, whether a single topic affecting the whole RIFG or a local issue specific to one area.

The RIFGs are a key stakeholder within the National Marine Plan and Scottish Marine Region marine planning process.”

[The RIFG website](#) states the following:

“The RIFG Management Committee is expected to bring forward a Fisheries Management Plan for the region which can be broken down to define important local issues or those issues directly influencing a Scottish Marine

Region Marine Planning Partnership (MPP) in determining spatial management arrangements.”

## Scottish Government policy

The Scottish Government published an [Inshore Fisheries Strategy in 2015](#). This strategy listed three areas of focus:

- Improving the evidence base on which fisheries management decisions are made;
- Streamlining fisheries governance, and promoting stakeholder participation; and
- Embedding inshore fisheries management into wider marine planning.

On governance, the strategy set out the following outcome:

“Marine Scotland will ensure that there are clear governance arrangements with effective streamlined structures and support in place for the important role that the new regional fisheries groups will need to play in the marine planning process. The new regional bodies will become the authoritative voice on inshore fisheries matters in mainland marine regions.”

This strategy was followed by a commitment in the [Scottish Government’s 2016-17 programme for government](#) to review the inshore fisheries legislative framework and bring forward a new inshore fisheries bill. An inshore fisheries bill has not been introduced.

The 2015 inshore fisheries strategy has been superseded by the [Fisheries Management Strategy 2020-2030](#). On governance, the strategy states:

“We believe that strong and transparent governance arrangements should be in place, to ensure that the right level of engagement takes place and that decisions are taken at the right level. We think there is room to strengthen governance arrangements in some areas, and policy proposals to do this will be taken forward as part of the implementation of this strategy.”

This strategy further commits to *“strengthening the role of the Regional Inshore Fisheries Groups (RIFGs) so that they are recognised as the main delivery vehicle for local management, and have the right resources in place to deliver improvements and tackle local issues such as gear conflict and fishing effort”*.

The [Fisheries Management Strategy was accompanied by a delivery plan published in September 2022](#) published in. The delivery plan states:

“We will undertake a review of our co-management groups in partnership with FMAC during 2022. Part of this will include how we can strengthen and streamline our processes, particularly around communication.

In the longer term we will review the status of our RIFGs and consider additional improvements.”

## **Alternative models of inshore fisheries governance**

RIFGs are not the only form of inshore governance operating in Scotland and the approach in England differs from the approaches taken in Scotland. These are briefly set out below.

### **Shetland & Orkney**

In Shetland, powers have been devolved via a regulating order ([The Shetland Islands Regulated Fishery \(Scotland\) Order](#), made under the Sea Fisheries (Shellfish) Act 1967) to manage commercial shellfish fisheries in inshore waters. [The Shetland Shellfish Management Organisation \(SSMO\)](#) was set up in 2000 and was granted the legal right to manage the regulating order. This includes powers to issue licenses, make regulations and impose restrictions on certain fishing activities.

The SSMO is legally constituted as a company limited by guarantee and is run by a board of directors, most of whom are active fishermen. [The SSMO works closely with scientists at Shetland UHI to produce stock assessments](#) for inshore shellfish stocks. This is currently the only region in Scotland where a regulating order has been made to devolve powers for the purpose of fisheries management.

In Orkney, a proposal to establish the management of inshore shellfish fisheries in Orkney waters through the establishment of a regulating order was rejected by a majority of Orkney fishers in 2001. The Orkney Fisheries Association has explained that the regulating order struggled to gain support because it lacked consensus from the fishers due to concerns about the ability to control the licences. Unlike Shetland, Orkney’s fishing industry is entirely reliant on shellfish and there were fears about the future of the industry if barriers to entry were introduced locally.

In 2006, the [Orkney Sustainable Fisheries Ltd](#) (OSF) was set up as a not-for-profit company to run the local lobster hatchery and take forward research initiatives to support development of the local shellfish sector. OSF used to function as the Orkney RIFG, however, it is understood that as of 2020, the RIFG Chair position is now contracted out to an individual rather than OSF as an organisation. OSF [established links with Heriot-Watt University’s International Centre for Island Technology](#) in Orkney, which provides scientific support for the development of crab and lobster stock assessments and relevant research.

### **England**

In England, [Inshore Fisheries and Conservation Authorities \(IFCAs\)](#) were created by the Marine and Coastal Access Act 2009 as successors to the Sea Fisheries Committees (SFCs). The IFCAs became fully operational in 2011 and, in addition to the existing responsibilities of the SFCs as the inshore sea fisheries regulator out to six nautical miles from the coast, their remit was expanded to include a responsibility for the protection of marine ecosystems.

The additional duties to protect the marine environment centred on ensuring that fisheries management measures in marine conservation zones (equivalent to Marine Protected Areas in Scotland) were in place to protect vulnerable habitats and species from the most damaging fishing gears. The IFCAs also became responsible for fisheries management measures in other marine protected areas in their districts, such as special areas of conservation (SACs) and special protection areas (SPAs).

Whereas RIFGs can only advance management recommendations to Marine Scotland, IFCAs are statutory bodies that have the power to set local by-laws and have enforcement powers (such as criminal prosecution or financial penalties for non-compliance).

[The Marine Management Organisation \(MMO\)](#) appoints IFCA general members in accordance with [guidance set out by Defra](#). The guidance states:

“membership of IFCAs has been set up to achieve a better balance of membership that reflects the economic, social and environmental needs of that IFCA and some members are appointed according to the relevant expertise they will bring to the committee. This helps to ensure that, on balance, each IFCA has the right level of representation and knowledge across all the relevant sectors”

The MMO also has a responsibility to support the development of byelaws by providing quality assurance, liaising with IFCAs to provide legal and policy advice on draft byelaws and impact assessments.

## **Criticism of inshore fisheries governance in Scotland**

RIFGs have received criticism on issues such as:

- Diversity of membership
- Lack of transparency
- Delivery of fisheries management plans
- Lack of funding and resources
- Unclear relationship between RIFGs and marine planning partnerships

Critics of the current system of inshore fisheries governance in Scotland also frequently make comparison to the English system of governance through IFCAs. These issues are discussed further below.

### **Diversity of membership**

[A comparative study of RIFGs and IFCAs published in 2015](#) noted that RIFGs had less diversity in membership compared to IFCAs. A summary comparison table from this study is provided below.

**Table 1: Comparative summary of RIFGs and IFCA's ([Pieraccini and Cardwell, 2015](#)).**

	<b>IFGS (Scotland)</b>	<b>IFCAs (England)</b>
<b>Empowerment</b>	Can advance management recommendations to Marine Scotland	Statutory powers to make by-laws and enforce law subject to approval by Secretary of State
<b>Deliberants' diversity</b>	Low diversity: (1) Representative of fishermens' association  (2) Owner, skipper, or crew of UK fishing vessel (not within fishermens' association)  (3) Other representatives of legitimate commercial interests	High diversity: (1) Representative of Environment Agency  (2) Representative of MMO  (3) Representative of Natural England  (4) Councillors  (5) MMO appointees
<b>External inclusion</b>	Marine Scotland provides chair for each IFG and determines initial membership. Changes to membership will be made with the agreement of the Group, subject to review after 18 months. All members must be representatives of commercial fishing interests only.	Anyone acquainted with the needs and opinions of the fishing community in the district or has knowledge of environmental matters can apply to becoming an MMO nominee. Orders establishing IFCA district can specify appointment rules, subject to approval by Secretary of State.

An [independent evaluation of IFCA's commissioned by Defra](#) and published in 2021 noted that IFCA's tended to be *“very involved with their local communities on a personal level, and tend to have a greater balance of members and come to what are viewed by the interviewees as fairer decisions.”*

[In written evidence to the Committee](#), the Marine Conservation Society also drew comparison between IFCA's and RIFGs:

“The English Inshore Fisheries and Conservation Authorities (IFCA's) are a valuable model, fulfilling many aims of the co-management agenda, with one study highlighting that 12 stakeholder groups were members of IFCA



Committees or Boards compared to only two (mobile and static commercial fishing) for Scotland's IFGs.”

However, IFCAs are not without their criticism. The Defra review also found the following:

- IFCAs did not have sufficient funds to fulfil their duties and inadequate staff training.
- Whilst the IFCAs' statutory remit is defined by national legislation, the methods by which they enforce legislation within their districts vary considerably.
- Enforcement activities of some IFCAs were not deemed appropriate by some stakeholders.
- A need for greater representation of commercial fishers often commenting that there are barriers to their involvement.
- A divergence of views on whether a balance between conservation and sustainable exploitation has been achieved.
- Differing views on engagement, the ability to influence decisions, and approach to enforcement activities has led to a lack of trust between the fishing industry, recreational anglers and the IFCAs.
- Use of the precautionary principle where data are lacking is thought, by some IFCA officials and customer interviewees, to have been economically and socially detrimental to fisheries.

[During the Committee's roundtable on inshore fisheries](#), the Orkney Fisheries Association argued against wider stakeholder involvement in RIFGs:

“The IFGs are incredibly important to fishing, and it is really important that we have that dedicated set of groups for fishers. They should be transparent, and having a dedicated space is really important. If there is a need for other groups to have their own dedicated spaces, that should be looked at, but the IFGs should remain as they are for fishermen.”

### **Lack of transparency**

In 2018, the [Sustainable Inshore Fisheries Trust \(SIFT\)](#) [published two position papers on reform of RIFGs](#). These papers raised issues around transparency including:

- the lack of transparency concerning RIFG membership;
- the lack of transparency regarding decision-making processes attributed to these groups operating as unconstituted bodies.

SIFT sets out that the original guidance for inshore fisheries groups anticipated that they would be formally constituted, with clear rules of procedure to guide the conduct of their business. However, since the formation of RIFGs in 2016, subsequent guidance confirmed that they could operate as non-constituted groups. SIFT argues that this has had implications for membership and decision-making “with a significant loss of transparency and a lack of clarity about who can be involved in the process”.

[In written evidence](#), the Marine Conservation Society advocated broadly for more transparency in decision making:

“A high level of accountability, visibility and transparency in decision making is essential to deliver [Aarhus-compliant fisheries management](#). Co-management must deliver inclusive and robust Aarhus-compliant governance, embracing participative management of fisheries on a regional sea-basin ecosystem basis with effective stakeholder engagement. We would support wide engagement across civic society, who all stand to benefit from well-managed seas.”

Transparency was also raised during the [Committee’s roundtable on inshore fisheries](#).

Hannah Fennell from the Orkney Fishermen’s Association said:

“Having trust and accountability is also incredibly important. Having clear pathways so that we know when people have put in their opinions or thoughts, whether as an individual or as a group, where they go to and what the process is, and how they are incorporated and weighed up against other experiences or other evidence is very important, and that it is not always clearly defined in our current processes.”

Sheila Keith from the Shetland Fishermen’s Association spoke of how transparency is ensured in regional marine planning in Shetland:

“[...] anybody who was involved had to set out clearly why they wanted to be involved in the management process, in terms of who they represent, their aims and objectives, their governance and their transparency on funding, and so on. That is imperative when community groups and people who say they have a social interest are involved in fisheries management. They must be clear and transparent about what their aims and objectives are.”

## **Delivery of fisheries management plans**

[SIFT notes](#) criticism of progress in implementing management measures proposed by RIFGs. It states that it has taken up to seven years for some proposals in RIFG management plans to be adopted as regulatory measures by the Marine Directorate and those that had been developed had serious deficiencies in scope and substance.

During the Committee’s roundtable on inshore fisheries, [Alasdair Bally Philp from the Scottish Creel Fishermen’s Federation criticised the lack of progress on RIFGs in delivering fisheries management plans](#) and stated “*locally, the IFGs are known as*

*the place where fisheries management goes to die*". This is expanded on in written evidence to the Committee:

"Despite 10 years of trying, three distinct pilot proposals and unanimous consensus from all the full time fishers operating in the Inner Sound the IFG has never supported any of the Inner Sound fishers proposals. Not one of our fisheries management initiatives; per vessel creel limits, area based creel limits, effort caps, spawning area protections, fisheries management plans, spatial management etc has ever been supported or progressed by the IFG."

[The Scottish Government's Future Fisheries Management Delivery Plan](#) acknowledges criticism of RIFG fisheries management plans. It states:

"In the longer term we will review the status of our RIFGs and consider additional improvements. There has been significant criticism of the lack of either scope or substance in the RIFG FMPs. They do not translate high-level fisheries policies and principles into detailed frameworks for decision and action in relation to a particular fishery."

## **Funding and resources**

Marine Scotland Officials have informed SPICe that RIFG budget for financial year 2022/23 was £200k.

In Shetland the SSMO has financial support via licence fees, local government support and has gained external funding for specific projects.

In England, IFCAs are funded by levy charged to their sponsoring local authorities, with some additional revenue generated through fees charged for permits, interest from bank reserves, and recovered court costs from successful prosecutions of marine offences. IFCAs are also encouraged to explore other ways to generate revenue including surveying and service delivery, vessel chartering, data management or support for leisure activities. In total, IFCAs receive around £8.4 million per year.

[In written evidence to the Committee](#), the Shetland Fishermen's Association called for RIFGs to be better resourced stating:

"At the moment each RIFG is the responsibility of one person- if they are off sick or ill then the RIFG does not function. We need to build in resilience to the system to allow RIFGs to allow them to live up to their potential".

## **Relationship with regional marine planning partnerships**

Under the Marine (Scotland) Act 2010, marine planning can be undertaken at a regional level through Regional Marine Plans. Regional marine plans are developed by Marine Planning Partnerships (MPPs). MPPs are made up of marine stakeholders who reflect marine interests in their region. The partnerships can vary in size and composition depending on the area, issues to be dealt with and the existing groups.

In Session 5, the Environment, Climate Change and Land Reform Committee conducted an inquiry into the implementation of regional marine planning. [The Committee published its final report in December 2020](#). [Research commissioned by the Committee](#) identified good practice of interaction between the RIFG and marine planning partnership in Shetland:

“In Shetland, the RIFG, the SSMO has worked with the Shetland marine planning partnership to identify areas of high biodiversity value. After the SSMO commissioned survey work to map important habitats, these areas were then subject to statutory closures (due to the Shetland Regulating Order which gives the SSMO extended powers compared to other RIFGs). These areas are now recognised and protected in policy within the draft Shetland Marine Plan.”

[The ECCLR Committee’s final report](#) recognised this as good practice and made the following recommendations:

- That legislation should be introduced to provide a statutory underpinning for RIFGs with provisions requiring joint working between RIFGs and marine planning partnerships in developing fisheries management plans and regional marine plans.
- That fisheries management plans and regional marine plans should be developed in tandem to facilitate partnership working to avoid conflicting policy proposals.

[The Scottish Government published a response to the ECCLR Committee report in July 2023](#). The Cabinet Secretary for Transport, Net Zero and Just Transition stated:

“The [RIFG] network was refreshed in early 2023, recruiting six new Chairs to ensure widest possible stakeholder engagement and better alignment with the Scottish Government’s strategic direction of travel. The network will be reviewed again in Summer 2024, which will include consideration of statutory underpinning for the RIFGs.”

**Damon Davies, Senior Researcher, SPICe Research**

**Professor Paul Fernandes, Committee Advisor**

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## ANNEX A: Geographic coverage of RIFGs

