



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Affairs, Islands and Natural Environment Committee

Wednesday 23 March 2022

Session 6



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RURAL AFFAIRS, ISLANDS AND NATURAL ENVIRONMENT COMMITTEE

9th Meeting 2022, Session 6

CONVENER

Finlay Carson (Galloway and West Dumfries) (Con)

DEPUTY CONVENER

*Beatrice Wishart (Shetland Islands) (LD)

COMMITTEE MEMBERS

*Karen Adam (Banffshire and Buchan Coast) (SNP)

*Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)

*Ariane Burgess (Highlands and Islands) (Green)

*Jim Fairlie (Perthshire South and Kinross-shire) (SNP)

*Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)

*Jenni Minto (Argyll and Bute) (SNP)

*Mercedes Villalba (North East Scotland) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Allan Gibb (Scottish Government)

Mairi Gougeon (Cabinet Secretary for Rural Affairs and Islands)

Professor James Harrison (University of Edinburgh)

Elsbeth Macdonald (Scottish Fishermen's Federation)

Paul McCarthy (Scottish Government)

Helen McLachlan (Future Fisheries Alliance)

Charles Millar (Sustainable Inshore Fisheries Trust)

Edward Mountain (Highlands and Islands) (Con) (Committee Substitute)

Elaine Whyte (Communities Inshore Fisheries Alliance)

CLERK TO THE COMMITTEE

Emma Johnston

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Affairs, Islands and Natural Environment Committee

Wednesday 23 March 2022

[The Deputy Convener opened the meeting at 09:00]

Decision on Taking Business in Private

The Deputy Convener (Beatrice Wishart): Good morning, everyone, and welcome to the 10th meeting in 2022 of the Rural Affairs, Islands and Natural Environment Committee. I remind committee members who are using electronic devices to switch them to silent.

We have apologies from our convener, Finlay Carson, who will not be at the committee for a few weeks. We wish him a speedy recovery. I invite his substitute, Edward Mountain, to declare any relevant interests.

Edward Mountain (Highlands and Islands) (Con) (Committee Substitute): All my interests are declared in the register of interests. In summary, I am part of a family farming partnership. I farm 500 acres, and I am the tenant of another 500 acres. I grow barley and beef cattle, and there are some ancillary let properties. I have a 50 per cent share in a salmon fishery on the River Spey, and I am a chartered surveyor; I am not currently practising, but that is one of my qualifications.

Any other details that the committee needs to see are laid out in my entry in the register of interests.

The Deputy Convener: Thank you.

Agenda item 1 is a decision on whether to take item 4 in private. Do members agree to do so?

Members indicated agreement.

Draft Joint Fisheries Statement

09:02

The Deputy Convener: Item 2 is two evidence sessions on the draft joint fisheries statement. First, we will take evidence from stakeholders, and that will be followed by a session with the Cabinet Secretary for Rural Affairs and Islands and Scottish Government officials.

I welcome our panel of stakeholders, who are attending remotely. Professor James Harrison is from the University of Edinburgh; Elspeth Macdonald is chief executive officer of the Scottish Fishermen's Federation; Helen McLachlan is from the future fisheries alliance; Charles Millar is executive director of the Sustainable Inshore Fisheries Trust; and Elaine Whyte is from the Communities Inshore Fisheries Alliance.

Will the stakeholders elaborate on their view that the draft joint fisheries statement lacks ambition in setting out a new post-European Union fisheries framework for the United Kingdom? We will start with Professor Harrison, please.

Professor James Harrison (University of Edinburgh): Good morning, committee, and thank you for the opportunity to talk to you.

There are various things that the joint fisheries statement has to achieve. It is designed to be part of a common framework, and we need to remember what its prime objectives are. It aims to ensure some sort of consistency in the way in which the four fisheries administrations in the UK proceed in implementing their own measures over the years to come. It is inevitable that there will be some flexibility for each of the fisheries administrations but, equally, in order to achieve its ultimate objectives, the joint fisheries statement has to have enough in it to ensure that there is consistency. A balance has to be struck between those two things.

The balance is probably about right for certain issues. For issues such as co-management, there are lots of different models across the UK, and there is no reason why we need a single co-management model in all the jurisdictions. On other issues, if there is too much inconsistency of approach, there could be problems down the line. One example would be discards—the idea of four separate discards regimes without much coherence between them could cause problems in terms of not only fishing operations but enforcement. How that balance is struck will vary from policy to policy. Sometimes, the balance is right; sometimes, there are questions to be asked about how that balance between consistency and flexibility is struck.

I imagine that there will be further questions on the fisheries objectives and the interpretation of those, and I certainly have things to say on that. I imagine that there will also be questions about the fisheries management plans, where I think there is a real lack of ambition. However, I do not want to take up too much time on those points in a preliminary observation if we are going to come back to them.

The Deputy Convener: We are, thank you. I move on to Elspeth Macdonald.

Elspeth Macdonald (Scottish Fishermen's Federation): Thank you for inviting me today.

I agree with Professor Harrison that this is part of a much broader framework. It is important that we understand the complexity of what officials have been attempting to do in trying to draft something that gives coherence where coherence is necessary but flexibility where that is desirable.

Where we see a lack of ambition is in moving away from the constraints of the common fisheries policy and the rules that have been set under it for many years, which the industry has had to follow. It feels as though these are very small steps away from the current regulatory regime and we are missing an opportunity to look at things more innovatively and more radically—when I say “radically”, I do not mean that we should act in a cavalier way, but perhaps we could take a different approach.

An example is some of the text around the means of managing discards in future; from what we can see, it is not taking us terribly far away from the landings obligation. We do not underestimate the difficulties of drafting such a document—it is challenging to strike the right balance—but we would have liked to see more ambition being set out in the document. There are a number of areas of inconsistency, too, which I am sure we will touch on as we go through the session.

Helen McLachlan (Future Fisheries Alliance): Thank you for the opportunity to be here this morning. Our alliance represents the WWF, the Royal Society for the Protection of Birds and the Marine Conservation Society. From our perspective, I would agree with quite a few of the previous comments; there are a lot of things to be welcomed in the statement, but there is an overwhelming lack of detail on how some of those welcome points will be delivered.

We are at a point now where we have the opportunity to do things differently. If we look across our marine environment, we see that we are not doing very well. Under 70 per cent of assessed stocks are in a healthy state, and that is before we take in those stocks that we do not have data for. We have large amounts of bycatch of

sensitive species being caught in fisheries and, to improve things, we need to do some things quite differently. I am not sure that we are convinced that there is enough evidence in the JFS of what those improvements will be.

We appreciate the sensitivities of devolution in relation to four nations coming together and being respectful of the settlements. However, on climate change, although there is a very welcome commitment and an acknowledgment that the fishing sector—the supply chain—has the ability to make changes to contribute to a net zero future, there is not very much detail about how that will be done. The administrations could have said, for example, “We agree that by a certain date we will have set out a series of milestones that we need to achieve,” That would have been possible. Similarly, they could have come together to recognise that remote electronic monitoring with cameras is a key way of underpinning sustainable management and to make it clear that, by a certain date, they would have set out how that would be rolled out.

Those are missed opportunities, but I will stop there, as I am sure that we will be picking up these issues in the discussion.

Charles Millar (Sustainable Inshore Fisheries Trust): Good morning and thank you for giving me the opportunity to talk to the committee this morning.

I, too, will slightly echo what you have already heard from the other witnesses. We welcome the concept of the JFS and the opportunity that it presents as the basis of a coherent management regime across the different parts of the United Kingdom. We also welcome the fact that it commits the authorities to taking account of the natural environment and the importance of an ecosystem-based approach, as they are important aspects, and we also broadly endorse and adhere to the fisheries objectives in the statement.

However, as you have heard from other stakeholders, a lack of ambition can be seen in the lack of time-bound commitments, the aspirational tone of a lot of the document and the fact that it is, at time, heavily caveated. As a result, although some of the document's elements are really quite welcome, they are phrased in such a way as to make it clear that there is no binding commitment to move in the direction that is identified in the objectives.

In short, I endorse the document's general thrust. However, I will leave my comments there, because I appreciate that we will be coming back to discuss these matters.

Elaine Whyte (Communities Inshore Fisheries Alliance): I echo a lot of the points that have already been made, but it is important to

remember that this is a strategic, overarching document, which means that it was always going to be difficult to fill in the detail. After all, we are talking about four devolved nations with different priorities.

The key, therefore, will be in the interpretation and implementation of the objectives. For example, each of the devolved nations—in fact, each of the regions in those nations—might have a different level of resource for delivering the key targets that have been outlined. Indeed, resource differs even from region to region in Scotland with regard to, for example, inshore fisheries groups, and the question is how, given their capacity, they will deliver these objectives. It is also important to point out that our fisheries have not only different systems but different priorities. For example, the statement talks about commercially important stocks, but what is commercially important will, again, vary from region to region.

Having this kind of statement is sensible, but I do not know how it will square the circle of, say, the advantages that Northern Irish trade has over Scotland. In fact, it cannot do so. That said, as a strategic document, it is very helpful.

The Deputy Convener: Thank you for that. We will move to questions from Ariane Burgess.

Ariane Burgess (Highlands and Islands) (Green): As Professor Harrison touched on this issue, I will direct this question at him. In your opinion, does the joint fisheries statement provide enough detail to explain how the fisheries policy authorities will achieve the objectives in the UK Fisheries Act 2020?

Professor Harrison: In my view, the draft statement does little more than restate those objectives. It adds very little, although I would admit that, as far as some of the objectives are concerned, little could be added. However, I would have liked to have seen more detail on others.

At the beginning of the document, there are references to the various international documents, both binding and non-binding, that the UK is seeking to give effect to, but I was particularly disappointed to find that they are not used to give a bit more substance to the objectives.

The precautionary objective is a good example. I think that there are two paragraphs in the draft statement on that, but they simply restate what is in the act about the precautionary approach. A lot more could be drawn on from various international instruments, be that the United Nations fish stocks agreement or the UN Food and Agricultural Organization “Code of Conduct for Responsible Fisheries”. Those emphasise that the precautionary approach in fisheries must be applied broadly. That is not just about a negative duty not to use a lack of science as an excuse to

avoid taking action; it is also about a positive duty to always be more cautious when taking fisheries—[*Inaudible.*]

09:15

These issues will be critical. I agree completely with Elaine Whyte that it will depend on the individual measures that fisheries administrations take to give effect to the act and the statement, but the statement must provide some guidance to them on how to do that. At the moment, it is lacking.

As you saw a few weeks ago when you were discussing the cod closures in the Clyde, these are difficult and challenging issues. Therefore, the more guidance that can be included in the joint fisheries statement on what, for example, the precautionary approach and the ecosystem objective mean, the easier it might be for fisheries administrations to make more robust, transparent and clear decisions.

Ariane Burgess: Thank you very much for that response. As no one else wants to come in on that question, I will move on.

I will direct my next questions to Charles Millar and then Helen McLachlan. Do you have concerns about the way in which the joint fisheries statement proposes to meet the sustainability, climate and/or bycatch objectives? Do you think that the proposed measures are enforceable? Are the timeframes that are set out adequate? You both referred to that earlier. Is the language strong enough to require rather than merely encourage actions to be taken?

Charles Millar: I will not drill down into each objective, but the same problem runs through each of them: the lack of detail. Take the ecosystem objective as an example, and look at that alongside the proposed fisheries management plans. The whole point of an ecosystem objective is to take everything into account, essentially. However, we have fisheries management plans for single species. That seems to me to be an indicator of the problems associated with the joint fisheries statement. Even from the get-go, there is a failure to see the potential to implement the objectives through fisheries management plans. Somewhere along the line, there is a problem.

As I said earlier, the issue is to do with the broader lack of time-bound commitments in the document and to do with its aspirational nature. There are references in the document to “exploring potential” and opening up Government to consideration, for example, but very little in it that is binding. I think that it is fair to say that that theme runs through it.

Ariane Burgess: Thank you very much, Charles. It is very helpful that you have pointed out that, on the one hand, we are trying to look at an ecosystem objective but, on the other, we are considering single species. Maybe that is to do with a greater awareness of ecosystems, the need to look at the interconnectedness of everything and how we take care of a single species within that.

I address my question about objectives to Helen McLachlan. I have focused on the sustainability, climate and bycatch objectives, but you are welcome to speak about any of the objectives if you want to.

Helen McLachlan: I agree with Charles Millar. We have reached the point at which we realise that we must manage our fisheries with consideration to the broader environmental impacts. Therefore, putting in place the ability to do that will be key.

Fisheries management plans, which we might touch on in more detail later, are being seen as one of the main means of delivering on management, per se, but there is not much evidence on how the time-bound commitments to recover depleted stocks will deliver the broader ecosystem-based approach. We hoped that the JFS would touch on that more. We have a raft of issues, and we need to take account of not just target stock but the wider impacts.

On the bycatch objective and the impact of fishing on sensitive species, as I said earlier, marine mammals and seabirds are being caught in their thousands each year. We have known about issues relating to harbour porpoise bycatch and gillnets for decades, and we have increasing evidence and data on the impact on seabirds.

A bycatch mitigation initiative has been proposed. We expected that document to be published at the end of last year, but it remains to be published. It might be published in May, but we are not sure. The statement flags up delivery in another document, but stakeholders have no clue as to what that will entail, so that is quite a big omission.

There are things that could have been included in the statement. We know where high-risk fisheries and some of the hotspots are. We do not need more statements that say that we would like to do something; we need statements that say that we will actually do X, Y and Z. We need change on the waters and in fisheries to mitigate the bycatch issues and monitor them.

On the climate change objective, what I have said previously remains the case. We welcome the recognition, and it is absolutely true that, throughout the whole fisheries supply chain, there is a job to be done in assessing climate impacts

and how they can be reduced. However, the statement does not go into much detail beyond saying that we will consider how we can do that; it does not give much detail about the options that might be available.

We hope that things will come down the line. We need to have ambition and be bold in what we do if we are to turn things around over the coming years and meet our net zero ambitions.

Ariane Burgess: That was a very helpful response. You mentioned that a bycatch mitigation initiative is due to be published. Is that a Scottish Government document or a joint document?

Helen McLachlan: It is a joint administrative document, so it should talk to all four nations, but it is unclear how engaged all four nations have been in the detail of that.

Ariane Burgess: Thank you.

The Deputy Convener: Mercedes Villalba has a quick supplementary question.

Mercedes Villalba (North East Scotland) (Lab): While we are on the subject of fisheries objectives, I wonder whether we could hear from Elspeth Macdonald and Elaine Whyte on whether their organisations have proposed any specific plans or policies that are needed to meet the climate change objective.

Elspeth Macdonald: The climate change objective is particularly interesting. We need to recognise a number of points in that regard. The statement is trying to address extremely complicated issues, and we have not really touched on that today, although Professor Harrison mentioned it.

We have to recognise that we do not understand all these issues, there is a lot that we do not know and there are many things that we will perhaps never know. For example, the document touches on the importance of blue carbon in the context of the climate change objective. There is much talk about blue carbon, but we must recognise that we have a fairly limited understanding of blue carbon issues and of what impact—if any—fishing has on them. We have to be cognisant of the fact that the document and the fisheries administrations are trying to manage something that is extremely complicated, in which there are a lot of uncertainties and unknowns.

On the climate change objective, it is important to recognise that, if we compare fisheries with other activities, fisheries are starting in a pretty good place. If we compare the impacts of fishing with those of other protein sources, for example, in the context of food production, we see that we are starting in a better place. It is important to see that broader context.

That is not to say, of course, that there are not more things that the fishing industry can do to mitigate and reduce emissions as far as possible. That is very much a key part of the industry's activities as it tries to make its operations more efficient and therefore more carbon efficient.

It is clear that this will be a very important part of our future fisheries management. However, we need to recognise that our sustainable and successful fishing industry and our fisheries production are part of our journey towards net zero and are not just things that need to be managed in the context of reaching net zero. We are part of that journey, and there is still much to do, but there is also much that we still do not understand.

Elaine Whyte: I think that all the fisheries organisations responded to the consultation on the future of fisheries management, in which we outlined our ambitions. Those include things such as looking at how we can make our fleets smarter. A lot of the inshore boats in particular are up to 60 years old. The issue is the ways in which we can potentially modernise that fleet. We are working on a strategy to look at that, because that is very much needed.

To caveat that, capacity in the inshore fleet is at an all-time low because of the many different challenges that are coming towards it. However, there is a strong will to look at how it can improve its environmental standing as well as its efficiency.

When it comes to climate change and how we understand that with respect to resilience, we have to look at the resilient communities aspect, as well. Somebody mentioned the cod discussions. In the Clyde, for instance, we now get sea bottom temperatures of 8°C from our members, but cod are usually found in 4°C to 7°C. That means that we might not be able to restore stocks but we might see other stocks coming in. We have members on the Solway who are keen to look at bass fisheries, and members on the Western Isles are keen to look at spurdog fisheries.

Looking at how the climate and the stocks are changing and how we can make communities fish in a more sustainable way in reflection of the stocks is very important for us. However, we certainly—[Inaudible.]

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): I direct this question to Professor Harrison. On international obligations and the JFS, you said in your submission to the committee:

“if no international obligation exists, it would appear that the Secretary of State cannot act unilaterally and the consent of the devolved administrations may be needed for the determining a fishing opportunity insofar as the determination falls within the competence of a devolved administration.”

Do you have concerns about that? Can you expand on what your concerns are?

Professor Harrison: I certainly can.

The Fisheries Act 2020 is very clear—and I have it in front of me. Section 23(2) states:

“A determination under subsection (1)—

that is, a determination of fishing opportunities—

“may be made only for the purpose of complying with an international obligation of the United Kingdom.”

The rationale and the basic principles are that fisheries are a devolved area but foreign affairs and international negotiations are reserved. It is in those reserved areas that the secretary of state has exclusive powers, although there is a duty to consult when fishing opportunities are being set.

09:30

I do not see a reflection in the draft statement of section 23(2) of the 2020 act, with its limitation on the powers of the secretary of state to set fishing opportunities

“only for the purpose of complying with an international obligation”.

I have a question, at least, about whether that is compatible with the balance in the 2020 act that was struck in terms of devolution, and I would certainly encourage the fisheries administrations to consider that again to determine why that particular condition is not reflected in the fisheries statement. The consequence is that, if there is not an international obligation, the Scottish ministers should be playing a much greater role in setting fishing opportunities.

Jim Fairlie: So, you think that the three devolved nations should have a much bigger say in all of those negotiations. Is that what you are saying?

Professor Harrison: Where there are international negotiations, the UK secretary of state has the power to make the determination, but not all fishing opportunities relate to shared stocks. The fisheries statement gives the impression that the secretary of state has the power to make fisheries opportunity determinations over all stocks. That is what I am questioning. I am not convinced that the secretary of state has that power under the Fisheries Act 2020. Where the stock is not shared with other nations and there are no international negotiations, Scottish ministers should have a stronger role in determining fishing opportunities.

Jim Fairlie: I was interested in what Elaine Whyte was talking about earlier. It is a hugely complex thing to deal with fishing. I know from a farming point of view that a hill farmer has no

relation to an arable farmer on the east coast, and the relationships seem to be 10 times more complicated in fishing. It would appear from Elaine's evidence—Elaine might wish to come in on this—that there needs to be a much tighter agreement with the devolved Administrations to decide what is happening in their waters. Is that a fair assessment?

Professor Harrison: The vast majority of stocks in UK waters are shared with other countries—with neighbouring states. In most cases, the secretary of state will have that power under section 23 of the 2020 act. There might be other situations, however, in which they do not, and I think that that should be reflected accurately in the fisheries statement.

Jim Fairlie: Okay. What is your view, Elaine?

Elaine Whyte: I agree that it would be good to have some more clarity on that. From my perspective, more of the uncertainties over unevenness of decisions probably come from domestic bodies. In one region, a marine planning partnership, NatureScot, a fisheries department, an aquaculture department and a renewables department might all be making decisions that do not tie up. Ultimately, there is no point in having quota for a species if you do not have it in your area. There is no point in having quota if you cannot operate because there is a renewables site there. It is about having those join-ups and having capacity at a domestic level.

It will be for ministers to decide at a strategic level, but the devolved nations should have as much control as they can over their waters, because they understand them the most, in the same way as a local authority should have as much control as it can over its area, because it understands it.

Edward Mountain: I want to push on that point a little bit with James Harrison, if I may. Surely the beauty of things being slightly vague is that that allows the devolved Administrations to discuss who the lead person should be when negotiating internationally on the uptake of quota when we are unable to fill the quota ourselves. I believe that we have an obligation to exploit the quota if we have not got to the sustainable yield limit. There could surely be some merit in Scotland taking the lead on some aspects and England taking the lead on others. Surely that is a merit of what is being suggested. Do you agree?

Professor Harrison: I think that I am making a slightly different point in that I am talking about situations in which we might want to constrain fishing opportunities but there is no international negotiation. My point is that, in such a situation, it should not be a case of the UK secretary of state exercising that power on behalf of the devolved

Administrations. Instead, the devolved Administrations should be working together with the secretary of state and jointly coming up with these fishing opportunities.

Edward Mountain: That is exactly the flipside of what I was saying. It would be the devolved Administration with the majority of the stock in question that would take the lead and encourage all the other devolved Administrations to follow the same line. The objective would be achieved both ways.

Professor Harrison: That is right.

Edward Mountain: Thank you.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): As has been alluded to, international negotiations are going to have an impact, just as the changed landscape post-Brexit is having a wider social impact on fishing and other rural communities. I know that a number of members are keen for the committee to look at that in the future. How will negotiations impact on the delivery of the JFS's policies? Can you give an example of how those negotiations will determine our ability to implement those policies? That question is for Professor Harrison in the first instance.

Professor Harrison: As some stocks are shared between coastal states and high-seas states, there is a need for negotiation in that respect. There will be a significant impact on what we can achieve domestically if we do not co-operate with other states; after all, we are talking about a shared stock, so there will need to be some co-ordination.

As for examples of issues that should be covered in fisheries management plans, the fact is that a number of the stocks for which Scottish ministers are responsible for developing such plans on are shared. It does not make sense to have a Scottish fisheries management plan for Scottish waters that does not take into account what other states are doing with the same stock in their own waters. Indeed, long-term management strategies for many of the stocks that are listed, such as blue whiting and the Atlanto-Scandian herring, are already in place, and they will have to be taken into account in the development of fisheries management plans. The fact is that, where you have multiple states fishing the same stock, it complicates fisheries management hugely.

The Deputy Convener: Do any other panel members wish to comment?

Elsbeth Macdonald: Another example of that complexity is the trade and co-operation agreement between the UK and the European Union. The governance of that treaty has required a number of specialised committees to be set up,

one of which is the specialised committee on fisheries. Around 70 stocks are shared between the UK and the EU, and, for the past two years, they have had annual discussions and negotiations on those stocks. However, the fact is that many issues covered in those negotiations are likely to be remitted to that specialised committee on fisheries, which has barely got off the ground but will nevertheless have to do a lot of work on issues such as non-quota stocks. We therefore need to recognise that delivering some of the policies and achieving some of the objectives in the 2020 act and the joint fisheries statement might be impacted by how things are progressed and move through that specialised committee process. That is probably one example of how these international negotiations and discussions on fisheries management and fishing opportunities might start to impact on delivering the act's objectives.

Elaine Whyte: That is a point on which the ambition is a concern. How I see the future being and how policy might work out are different.

We have been included, as an inshore organisation, in the international negotiation core groups this year. That has been helpful but also, in a way, distant, because it seems that the inshore issues are quite far away.

We talked about having access to quota and considering stocks that we would not normally be able to fish in order to allow local communities to diversify. My major concern through those discussions has been the fact that we are considering giving out new additional quota and not thinking about how we redistribute the quota that we have at the moment. There is a lot of talk about lack of access to third countries and larger fleets having to pick up quota opportunities. That has led to a lot of swaps from inshore communities to allow that to happen.

I support all sustainable fishing regardless of the scale at which it happens. There needs to be an understanding that there is probably still a massive disconnect between that and the opportunities for the smaller fleets to become more resilient and less of a monospecies fishery, because they are not really in that discussion.

A priority is ensuring that the boats that we have at the moment stay at sea. With the squeeze on inshore communities, we need to think about how we can make the situation sustainable for them as well. I would like the ambition to include those new communities and new partners in a sensible way.

Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con): I have a follow-up question for Elspeth Macdonald on the total allowable catch. The UK advocates an evidence-based approach to managing stocks. What is the reality

of that? Is that approach fair and balanced in the quota exchanges?

Elspeth Macdonald: I go back to the point that I made about complexity. We need to recognise that, although we know some things, we do not know everything. There are many things that we do not know and there is a lot of uncertainty around some of the things that we know—I am sounding a bit Rumsfeldian. For example, let us think about the situation with North Sea cod. Science tells us that the distribution of cod in the North Sea is very different from what it was 20 or 30 years ago. There do not appear to be many cod in the southern North Sea, but they still appear to be quite numerous in the northern North Sea.

That is what some of the data collection tells us, but we then have models that are used to make predictions and to provide fisheries with catch advice about those stocks. Those models do not necessarily take into account what is likely to have changed. For example, it is widely thought, not just in the industry but generally, that many of our fish species are shifting northwards as a consequence of warming seas. Elaine Whyte mentioned that that is climate-change driven. However, the scientific modelling is not keeping pace with or reflecting perhaps quite fast-moving changes in our environment.

Science and evidence should underpin decision making, but we must recognise how they might be lacking, are out of date or need to be improved. I have made that point in my comments on the joint fisheries statement.

Throughout the draft JFS, there are many references to science but they are inconsistent. In places, the draft talks about the “best available science”, but that best available science might, at times, not be very good. Therefore, decisions might be made on science that could be poor because it is out of date or not particularly comprehensive. We have to acknowledge that. In some places, the draft talks about being world class and world leading on science, but, in other places, we say that we might not have good enough science, so we will have to make decisions on where there might be data gaps.

Science is really important in all of this, but it is also really important that we understand its limitations and where it might not be very good. The industry would be keen to work with the Government on how fisheries science can be improved and to have constructive and ambitious discussions about what might be possible on the scientific front, so that we can make better decisions.

09:45

The Deputy Convener: We have a very brief supplementary question from Ariane Burgess.

Ariane Burgess: I want to continue on the science theme. Last week, the cabinet secretary announced a consultation on remote electronic monitoring with cameras to gather data and feed it into decision making and policy setting, so there is talk about rolling out and it is at the consultation stage. I would love to hear your initial thoughts on remote electronic monitoring giving you, your organisation, your members and the Government the science that you need to make better decisions.

Elsbeth Macdonald: It is important that we make and understand the distinction between what data and information might be gathered for. If REM is used in the context of assurance and compliance, we have to see that as distinct from data gathering for scientific purposes. We have to be clear about the purpose for the data that would be gathered through the REM proposals. We will, of course, look carefully at and respond to that consultation.

It is really important that we do not conflate monitoring, compliance and assurance and scientific data gathering. There is much more work that we need to do—for example, in developing Government and industry surveys. We have tried to develop lots of things with the Government, and we would be keen to have those discussions. However, as I said, we must make a clear distinction between compliance and data gathering for scientific purposes.

Jenni Minto (Argyll and Bute) (SNP): In her introduction, Elaine Whyte mentioned that there are difference resources across the different inshore fishery areas and that regional areas differ across Scotland. In your most recent answer, you talked about the need for communities to diversify their catch. Will you expand on that? How could the JFS provide opportunities in that regard? Perhaps Charles Millar has thoughts on that, too.

Elaine Whyte: I am not sure that the JFS can pin it down. As I said at the beginning of my statement, it is an overarching strategy document and we will pin those issues down at devolved and local management levels.

On whether we would look to have the same catch if we had different types of boats in the future, I note that we cannot move over to a lot of stocks because we do not have access to the quota. I think that it is about international negotiations and people understanding that there is a will to diversify.

This is not a criticism, because, as I said, we have been very much involved in the negotiations.

However, we are the new kid on the block and the priority has been to keep the larger boats—those that are used to international negotiations—going. We must make the case that communities around the coast need to have a way in; that the fact that they are not fishing something now does not mean that they do not want to; and that we might have science in the future that enables communities to be flexible enough to move from a monospecies opportunity to a different opportunity that puts less stress on stocks. We need to bring that home.

The situation at the moment is that new quota will be distributed and we do not know what that will be from year to year—it might be for a stock that nobody would want to fish inshore. It is a question of how we can be flexible enough to meet flexible needs, which can happen domestically rather than just through the JFS.

Charles Millar: There is a really important issue around how section 25 of the UK Fisheries Act 2020—on the distribution of fishing opportunities—is integrated into all of this. It is really important that we do not lose sight of that and that the JFS brings that out. Section 25 establishes a lot of criteria around environmental performance, including

“the impact of fishing on the environment ... the history of compliance with regulatory requirements relating to fishing”.

It also mentions

“the contribution of fishing to the local economy”.

That is quite an important factor in determining how fishing opportunities will be allocated around the coast. It is about tying it in to that wider concept of the community and coastal benefits so that it is not simply a question of track record. That is a really important point that needs to be borne in mind.

The Deputy Convener: Thank you. We move on to questions from Rachael Hamilton.

Rachael Hamilton: The joint fisheries statement says that

“The fisheries policy authorities are committed to further developing ... inclusivity and involvement”.

Does the panel believe that co-management currently exists? Do you believe that, within this framework, future policy should be co-designed in a better way? Could you give some examples of how it works and how it does not work? We will start with Elspeth Macdonald.

Elsbeth Macdonald: It is an interesting question, and a good one. Currently, we have engagement in Scotland—we have stakeholder engagement, consultation and quite a lot of discussion. However, that does not always translate into what we would call co-management.

There is an opportunity now, as we look at how we can do things differently in Scotland and in other parts of the UK, to really think about how we engage the right people in discussions about how we design our fisheries management. Inclusivity and involvement is a positive aspiration, but it is really important that we include and involve the right people, who have the necessary understanding and knowledge to become involved in co-designing and co-managing things.

You do not want to have such a broad church that some people in that church do not necessarily have all the knowledge and understanding to design effective fisheries management. However, you absolutely want to have the right people from whatever parts of that broad church who have the relevant knowledge and information and can be part of that co-design process.

At the moment, we have forums for engagement, discussion and consultation, but it does not feel as though those are genuinely part of a co-designing and co-management process. There is much more that we can do there. However, it is important that we have the right knowledge and input into that process.

Rachael Hamilton: Elspeth, are there any examples from across the globe of good co-management?

Elspeth Macdonald: There may be. I do not know that I have any immediate examples to hand. I have learned from discussions with colleagues who have worked there that New Zealand has been able to pioneer fisheries management plans in ways that I think have been successful. There have been some good examples there. I think that some of the early thinking around fisheries management plans draws on some of those examples.

A workshop was held a couple of years ago—before I was in this role—that brought together best practice on fisheries management plans from other parts of the world to start to help the UK to see how it might do that. There are examples from elsewhere, and it is recognised that the UK and Scotland can learn from them and should do so.

Rachael Hamilton: Can I bring in Helen McLachlan, please? How can we improve our co-designing to ensure that we have a good approach to future fishing policy?

Helen McLachlan: I largely agree with Elspeth on where we are in Scotland, but the situation is different across the four nations of the UK. I would say that Scotland is some way ahead of the other fisheries Administrations by virtue of the fact that we have regular connections with key stakeholders, which is good. However, as Elspeth said, that does not quite equate with co-management at this point in time.

I know from my experience of working with colleagues around the world that there are examples of co-management elsewhere but, depending on the scale of your ambition, your geography and your fishery, the process can be quite capacity intense, especially if you are talking about people from far-flung parts of the country coming together. Obviously, in recent years, we have improved our ability to connect remotely, which has been really helpful, but it is important to have face-to-face connection and to get a few key people in a room who understand the bigger political context of the fishery, as well as the nuts and bolts of what actually happens on the water. We need to have an understanding of who we are talking to. Different people bring different things to the table; they might have amazing experiences of situations in the US or parts of Asia, where we have seen co-management on quite a small scale, but it might be possible for it to be scaled up.

It depends on the level that you want to look at for co-management, and on doing a good job of getting the right people in the room and managing the process effectively. It is absolutely a good ambition, but it needs to be adequately resourced and supported to make it happen properly. A good example of that is in the US, where they have regional bycatch response teams for each of the regions of the US. That means that you have the compliance people, the guys who are fishing, the scientists who are underpinning the data, the policy makers and so on. It is quite a group of people and it is quite a commitment.

Rachael Hamilton: We are under a bit of time pressure, but I want to pick up on how we monitor the effectiveness of decision making. Does Professor Harrison have any views on that?

Professor Harrison: I have lots of views on your previous question, but fewer on that one.

Rachael Hamilton: In that case, please answer the first question.

Professor Harrison: Okay. There is no perfect model of co-management. Every country has a slightly different industry and slightly different stakeholders, so I do not think that we can just lift and paste a model from another country. It is time that we looked again at co-management. Our regional inshore fisheries groups have been operating since about 2016, and there is room to look at them. They give a good voice to the fishing industry, but there is less room for other stakeholders to come on board.

It is important that we do not operate in silos. Fisheries policy should be developed with all relevant voices around the table, and it is definitely time for a review of our co-management arrangements in Scotland. Shetland, with its regulating board, is often held up as an interesting

example. That model very much involves a co-management, industry-led initiative, but it is not without recent criticism. We need to look at the issue carefully.

Fisheries management plans will provide a good test of how we go forward and involve all relevant stakeholders, including the industry and others. The future catching policy flags up that the Scottish Government's fisheries management and conservation group will be key in implementing that policy. How we get that right should be a priority.

10:00

The Deputy Convener: We need to move on, because we are under a bit of time pressure.

Karen Adam (Banffshire and Buchan Coast) (SNP): We have been hearing that there are some differences in how the four nations are planning. I think that I heard Professor Harrison talk about a lack of continuity—please correct me if I am wrong. Is it not important that we are sensitive to our individual coasts, particularly in relation to inshore fishing, which has extremely bespoke needs in each area? Which aspects of the other nations' approaches would you like to be implemented in Scottish waters in order to have continuity, and why?

Professor Harrison: It is about consistency and coherence. We are talking about a common framework. Fisheries are a shared resource. Many stocks straddle the boundaries of the four fisheries Administrations, so there is a need for coherent decision making.

Equally, as I said in my opening statement, there is a need for some flexibility. There needs to be space for different fisheries Administrations to pursue policies in particular areas. The statement, of course, should not constrain the innovation that Elaine Whyte talked about in relation to inshore fishing and local stocks. There is a balance to be struck.

Earlier, I gave the example of the approach to discards, on which more consistency is probably needed, because there are challenges in having four completely separate regulatory frameworks for discards in the UK. That conversation needs to be thought through.

Karen Adam: I ask Elaine Whyte to come in next, please.

The Deputy Convener: I am sorry to jump in, but I think that Elspeth Macdonald is short of time, so I will bring her in first.

Elspeth Macdonald: Yes, I am afraid that I need to leave at 10 past 10, so thank you for bringing me in.

Yesterday, an example of what we are talking about came up in another meeting, at which we discussed the joint fisheries statement with officials. I raised the issue of the displacement of fishing by other marine activities. That gets very short billing in the statement—I think that there are only a few lines about it—but it is a really big issue for the fishing industry, given the expansion of offshore wind developments and the designation of highly protected marine areas, for example. Other initiatives, policies and industries at sea could have a displacement effect on fishing. I queried why there was so little to address that in the joint fisheries statement. The answer was that the four Administrations will want to think about such issues separately, as they affect their own waters, because they might have different ways of dealing with displacement and different policies for achieving a solution.

I agree, to an extent, with the comments that have been made by other witnesses. There is a balance to be struck between having alignment when that is sensible and having divergence when that is important and has merit because the situations are different. There is not a one-size-fits-all answer. It is about finding the sweet spot that gives the Administrations sufficient flexibility to deal with different situations, while not having differences just for the sake of it.

Karen Adam: I will ask a very quick supplementary question before you have to go. Would you like any science from the other nations to be included? How does our science compare with that of the other nations?

Elspeth Macdonald: When we look at fishing and fisheries in Scotland, we see that the sector accounts for about 60 per cent of total UK landings in both tonnage and value. As far as the numbers are concerned, therefore, Scotland is the biggest part of the UK when it comes to fishing.

I do not have numbers and statistics to hand, but I expect that, in that context, Scotland probably punches above its weight, certainly compared with Wales and Northern Ireland. There is good co-operation and collaboration with regard to the science effort in the Administrations, with good joining up and co-operation between, for example, Marine Scotland science and the Centre for Environment, Fisheries and Aquaculture Science south of the border.

Again, given that resources for science and public sector budgets are going to be challenged in the years ahead, it is important that we have such frameworks—of which the joint fisheries statement is part—to allow the Administrations to think about how to make best use of the resources that are available for science and to ensure that they are not duplicating effort, that they are using those resources wisely and that they are getting

the best bangs for their buck in ways that reflect the domestic priorities of each of the Administrations. The framework could be useful in helping us achieve that balance.

The Deputy Convener: I think that Helen McLachlan wants to come in, too.

Helen McLachlan: I want to give a quick example of where we would like to see some consistency of approach. If the four Administrations were to move forward with remote electronic monitoring with cameras, which has already been mentioned, you would want a similar system to be rolled out to ensure that vessels operating further offshore and crossing boundaries did not have to deal with multiple systems.

To go back to a point that James Harrison raised, I think that we need common targets, goals or even time-bound objectives. The different Administrations might well have to put in place different timeframes or use different mechanisms to get there, but having that shared objective and ambition is key.

Elaine Whyte: I can highlight another example with regard to cod. When we were in Norway about four or five years ago, I asked the people we were with how they managed to work with the local fishermen. Each of those fishermen was taking a citizen science-type approach and working with the Government as a reference fleet; as a result, they could tell the Government, "There's a spawning happening in this or that fjord," and the fjord in question would be closed down for a few weeks before being reopened. The situation varied from fjord to fjord.

If we are reflecting on how we can help with communication and fisheries management, I would say that you are right—there needs to be divergence between not just the devolved nations but the regions in Scotland, and we need to make a far better link between the fleets, which are basically floating science stations and want to get involved in that work, and our Government.

It is also important that we ask the right questions and get a baseline before we get into narrower questions about what is out there—the baseline will lead us to that. We must also ensure that the Government's resources are joined up. As I have said, different organisations, including Marine Scotland science and NatureScot, are all doing different science projects, dedicating different resources to the same things or coming at the same things from slightly different angles. It is essential that we figure out how we join all of that up.

I also want to mention capacity. Each of the regions will have a different fishing capacity—one might have a very small fleet, and the next a very large one—but we also have to think about the

other stakeholders in the area. One area might have a lot of very active lobbying or community groups pulling down millions of pounds in funding each year, while the same might not be happening in another area. You might find that one area could be under a lot of pressure in terms of how it engages and the questions that it must react to compared with other areas. Engagement is important, but the balance must be right.

It is really important that we understand what each mechanism is for. The JFS is a strategic mechanism—an overarching strategy—but some people are talking about pinning a lot of detail to it. I see that happening in a lot of forums. Marine Scotland carries out public consultations, and anyone can take part, irrespective of whether you work in Asda or you are a fisherman. There is an inshore fisheries management and conservation group, a fisheries management and conservation group and inshore fisheries groups. There is an opportunity for just about all the stakeholders to engage in something that is appropriate to them.

However, I often see people coming with their own interests. For example, someone might go along to a marine planning partnership to look solely at fisheries management. All the parties need to understand what the purpose is of the framework on which we are engaging. We all have our own aspirations, but we do not want to drive the framework too far away from what it is.

Dr Allan: As has been touched on, regional inshore fisheries groups play an important part in developing fisheries management plans under the JFS. Do you see the role of RIFGs changing? If so, how might it change, and how might that be supported in future? I put that to Helen McLachlan.

Helen McLachlan: One of our concerns is about the lack of detail on how fisheries management plans will be developed. Those plans were heralded as a key tool with which we would start to look at restoring stocks and at wider ecosystem-based management. There is no great sense of how that will be progressed, and we will have to come back to that. In our written response, we have set out some of the things that we would like fisheries management plans to address.

Charles Millar: The RIFGs have already been charged with producing fisheries management plans. There has been quite a range in the—*[Inaudible.]*—and content of those plans, which has caused us considerable concern, not least because, although RIFGs are good at representing the fishing industry, they are not multistakeholder for a. They do not provide an opportunity for different stakeholders to contribute to the whole management of a fishery under an ecosystem-based management approach that takes into account all the different human interactions, as well as multiple—both target and

non-target—species. Therefore, there are significant shortcomings in some of the RIFG fisheries management plans.

We welcome the clear importance that is attached to fisheries management plans. However, we have concerns about what appears to have been proposed in the Scottish area. There seem to be significant gaps—there is no scallop fisheries management plan, for example. Surely, that ticks the criteria of economic value, socioeconomic importance and ecosystem significance. There are significant questions around why certain fisheries management plans in Scotland have been proposed. We are really interested in drilling down into that.

Another aspect of that relates to the ecosystem-based approach, which is the third objective of the act and the JFS. Managing species in isolation is counterintuitive to the ecosystem-based approach. Scotland's proposed fisheries management plans are almost exclusively single species, whereas the FMPs in other regions cover the whole range of demersal species, which is a much more coherent approach.

To come back to your question, the RIFGs have done something. We think that there is a lot of scope to do more around FMPs to get them right, but the direction of travel for Scotland, as indicated in the JFS, is a cause for concern.

The Deputy Convener: We will move on to questions from Edward Mountain.

10:15

Edward Mountain: I will follow up on that last question first, if I may.

In 2016, the Scottish Government announced that it wanted to produce an inshore fisheries bill. The rationale was that the Government did not feel that it understood or had control of the inshore fisheries as it should. Part of the plan was to include management plans on a zonal basis, as I understand it. The bill never came about. Was that a missed opportunity? Because of the shortness of time, I am happy to take a yes or no answer from Charles Millar and Elaine Whyte, if they are prepared to do that.

Charles Millar: Yes, it was a missed opportunity; I hope that the opportunity will come around again.

Elaine Whyte: Yes, but there is a potential opportunity to do that through the framework. There is definitely scope for improvements.

Edward Mountain: On that, do we need greater regulation of inshore fisheries on the basis that we do not fully understand who is taking what, where, when, and how?

Charles Millar: From SIFT's point of view, there is considerable scope for further regulation and, indeed, for more science. No stock assessments are done on the wrasse fishery or the scallop fishery, for example. A lot more could be done on inshore fishing, which represents 70 per cent of the fleet.

Elaine Whyte: If you look at some of the discussions of the IFGs, you will see that fishermen are suggesting better regulation. Charles Millar said that there are no scallop plans, but there are regional scallop plans. Such things are being discussed at the IFGs. Perhaps we can talk another time about how much resource there is to take them forward.

The Deputy Convener: Edward, do you have your main question?

Edward Mountain: Yes. My question is on spatial planning, so in some ways it is a pity that Elspeth Macdonald has left the meeting.

One of the conflicts is that everyone—wind farms, aquaculture, dredgers, scallop fishermen and diving—wants to use a bit of the resource. How do we regulate to ensure that everyone gets to use the resource and that they are good neighbours to the other people who want to use it?

Professor Harrison: It is important that we understand the joint fisheries statement and the 2020 act as being part of a much bigger puzzle of marine governance, sitting alongside the marine spatial planning system under the Marine (Scotland) Act 2010. We have a national marine plan, which is partly about dealing with that, and it is due for review. We are waiting to see whether the Scottish Government will actually review it.

There is—given the debates about displacement, the new developments and the post-Brexit scenario—a strong argument to be made that we need a new national marine plan. We also need more regional marine plans. Regional marine plans have been rolled out so slowly, but that is where you could get into much more detailed spatial planning.

The current approach is not very spatial. I have a lot of sympathy for the fishing industry and with Elspeth Macdonald's comment that it is being pushed aside. We are asking lots of questions, including about where we put wind farms and where we put MPAs. Those are important questions, but we also need to be asking which areas of the sea we should prioritise for fisheries. At the moment, fishers are being left with the scraps that other sectors or policy areas are not taking up. Regional marine planning is a forum for having conversations about where to put different activities and for making sure that each activity is given the value that it deserves.

Edward Mountain: Helen, do you want to come in on that? I think that there has to be a space for nature in there somewhere, as well.

Helen McLachlan: Absolutely. Over the past 20-odd years, we have identified areas that are important for features, habitats and species in our marine environment and we have designated those as protected areas, but very few of them have had measures put in place to end what have been identified as destructive activities.

Fishing is one of the activities that is often cited as being a problem for benthic species and habitats in particular. We need to sort that out. Let us protect some of those key spaces for nature.

As other witnesses have said, the big national discussion—about how we use our seas for the environment and the nation's social benefits, and to address the nature and climate targets that we need to meet with the greatest possible levels of ambition and urgency—is important. There is definitely a need for such conversations, because offshore wind and other renewables are not going away—they are coming down the track. However, we also want to have a vibrant and thriving fishing industry. How can we strike a balance?

As Edward Mountain said, space for nature is absolutely vital, because we are consistently failing to meet good environmental status across our marine indicators: 11 out of 15 of them are not green, which is a failure. That is why it is vital that we get right the policies that we are talking about, in order to make that step change.

Charles Millar: I endorse a lot of what we have just heard. It is clear that spatial management is important. We have heard that regional marine planning is an obvious route to take that forward; I concur with that.

It is important to remember that spatial management is not quite as simple as just designating an area for a certain activity and thinking that that activity will suffer by not being in that area. What matters to the fishing industry is how many fish there are to catch, not the number of square kilometres that its boats can move over. If there is a smaller area in which fishing can take place but there are more fish in it, that is a win for the fishing industry.

That is an issue that Marine Scotland seems to move very slowly on. Other nations recognise that, if areas are created under a spatial management regime in which there is spawning and there are opportunities for fish stocks to increase, albeit that there is a smaller area in which the fishing industry can operate, there will be a richer fishing industry.

Some of those complexities need to be looked at through multistakeholder engagement

opportunities. That is the way to go forward. Regional marine planning is key.

Elaine Whyte: The issue is really important, and the point that James Harrison made is very important. We need to start to be less reactive and more proactive about how we plan where fishing can happen. James Harrison is right: we are being left with the scraps. Fishing cannot happen everywhere. If there is access to 70 per cent of an area, maybe only 30 per cent of that will be helpful to some fishermen, depending on what species they go for.

I do not know about everyone else, but I get a minimum of 60 to 100 emails on an average day. They are usually about future aquaculture sites for seaweed, finfish aquaculture sites, and new renewables sites. They are from various industries. About 70 per cent to 80 per cent of my work is about reacting to various industry requirements, such as laying cables. The space that is left in a day to look at how to develop the fishery is negligible.

The future of fisheries management strategy is important, but we need a map that takes in local fishers' knowledge of where fishing happens. There needs to be a fair balance in decisions, because the onus is on us to object to everything that affects us, and to provide the socioeconomic information and the data. We need to look at that process because, if we do that so many times in a day, we are not effectively planning.

The Deputy Convener: I am afraid that we have run of time. I thank the witnesses for their evidence. As always, we are pressed for time. We could have discussed the issue for a lot longer.

I suspend the meeting for a comfort break and a change of witnesses. We will reconvene at 10.30.

10:24

Meeting suspended.

10:30

On resuming—

The Deputy Convener: For our second evidence-taking session, I welcome to the meeting Mairi Gougeon, who is the Cabinet Secretary for Rural Affairs and Islands. I also welcome, from the sea fisheries division of Marine Scotland, Allan Gibb, who is acting deputy director, and Paul McCarthy, who is policy manager for funding and strategy.

Before I invite the cabinet secretary to make a brief opening statement, I remind members that Parliament will be observing a silence for the national day of reflection at 12 noon. I therefore

aim to conclude this evidence session just before 12.

Cabinet secretary, please make your opening statement.

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): Thank you, convener. I also thank the committee for providing me with an opportunity to introduce briefly and discuss the draft joint fisheries statement and the UK fisheries framework.

Together, the documents help to explain how, in future years, fisheries will be managed across the UK in a way that allows the UK as a whole to share common goals on fisheries management and marine protection while, at the same time, protecting the Scottish Government's devolved powers in the area as it decides its approach to the goals and the implementation of policy.

The future of fisheries management strategy and the future catching policy, along with the blue economy strategy that will be launched this spring, set out how I intend to make Scotland a world-class fisheries manager by focusing on the issues that are of importance and relevance to Scottish waters and Scottish communities. As the documents show, the commitment to achieving sustainable management of fisheries is locked into our overarching fisheries management strategy and will drive many of the new policies.

In that context, the JFS and the framework help to establish the high-level UK policy and describe how the UK Administrations will work together to ensure that devolution is respected. They also identify where we need to work together to deliver sustainable management of our seas. With the high-level goals having been established at a UK level through the JFS and the framework, both will be implemented through the Scottish Government's actions to achieve our goals on marine protection, recovery of biodiversity, net zero and growing the blue economy.

The documents are split, because the draft joint fisheries statement predates the UK frameworks process, but broadly speaking the JFS sets out the joint policies that the four UK Administrations will pursue and the framework sets out how the Administrations will work together. The JFS sets out the Administrations' policies to achieve the eight policy objectives in the Fisheries Act 2020. It also sets out how the objectives in the 2020 act have been interpreted and how the Administrations aim to deliver a vibrant, profitable and sustainable fishing industry that is supported by a healthy marine environment.

The policies cover sea fisheries policy and management both within UK waters and in negotiation with other coastal states. They also cover fisheries science; fisheries management;

determination and apportionment of fishing opportunities; access to UK waters; bycatch; illegal, unreported and unregulated fishing; marine protected areas; climate change and a number of other areas. In order to protect devolved competence, the policies are set at a high level, with the detail to be delivered by the Scottish Government to ensure that policy is tailored to Scottish waters and Scottish circumstances while achieving the high-level goals.

The JFS also sets out our approach to fisheries management plans, which the Government will take the lead in drafting in relation to many of the stocks that are of greatest interest to us, including pelagic and demersal stocks.

The UK fisheries management and support framework is a more operationally focused document that, broadly speaking, addresses how the Administrations should engage with each other, and establishes groups and processes by which we will regulate day-to-day business.

The structure of the memorandum of understanding consists of one high-level agreement covering common principles on working together, dispute avoidance and resolution, and data collection and sharing. Underneath that MOU sit more detailed operational agreements that detail how exactly the Administrations will work together on a number of other areas. That approach allows Administrations to approach each issue independently by allowing, for example, changes to quota management to be made without the entire MOU needing to be reopened. The ability to take issues singly should allow for considerable flexibility in deciding when and how we wish to amend any part of the MOU or any of its annexed agreements.

Together, the documents help to explain how fisheries will be managed across the UK for future years in a way that allows the UK as a whole to share common goals on fisheries management and marine protection while protecting the Scottish Government's devolved powers in decisions on how the goals should be approached and how policy should be implemented.

I hope that it has been helpful to set that out. I am happy to take questions from the committee.

The Deputy Convener: Thank you, cabinet secretary. We move to questions from committee members.

Dr Allan: On the back of your statement, cabinet secretary, will you say something about what the process of developing the joint fisheries statement has been like from the Scottish Government's point of view? Does it say anything more generally about the relationship between the four Administrations? Could the process be changed or improved in the future?

Mairi Gougeon: The process of developing the statement has shown how effectively the four Administrations in the UK can work together. It also, importantly, shows the alignment that we have on the high-level goals and ambitions that have been set out in the JFS.

The process also shows how devolution should work. A key consideration has been that we want to ensure that devolved powers are respected and adhered to. The agreement that we have set out in the joint fisheries statement and the framework identifies that. It sets out the high-level ambitions while allowing us the flexibility to determine the individual policies that are right for our industry and sectors.

It has been a positive piece of work. We will continue to see how it develops, but it shows that we are aligned on our ultimate objectives for the issues that it covers. That is not to say that that has always been the case and that we will always agree on every element. One example on which there has been disagreement—which we have raised with the committee previously—is the UK seafood fund, which cuts across devolved competence and spends in an area that is entirely devolved. That has caused confusion for the industry. It spends in areas that we already plan to fund in Scotland. However, although there are specific issues, the process shows how we can work together positively and effectively.

The Deputy Convener: Will you respond to a previous witness's comments about the level of ambition that is set out in the draft joint fisheries statement?

Mairi Gougeon: We have set out a high level of ambition in the JFS because it shows our ambitions for our fishing industry and marine environment. We want to have a profitable industry and, as part of that, a healthy marine environment. It sets out a world-leading ambition.

There have been concerns expressed by various stakeholders about specific details that are not included in the statement. However, as I said in my opening statement, not only is it important that we have the overall high-level ambitions that we seek to achieve and that we are aligned on them, but it is vital that it is up to each Administration to determine and set out how the policy objectives will be achieved and that, in that sense, the JFS respects devolution.

The committee will be aware of the statement that I made to Parliament last week, which is a good example of that. In that statement, I set out what we intend to do on our future catching policy and remote electronic monitoring. Those two policies are out to consultation at the moment. That shows how we are actively delivering on the ambitions that have been set out in the JFS and

how we intend to deliver on them through the strategies and policies that we have set out. We will continue to do that.

Jim Fairlie: Will you outline the process for agreeing the interpretation of the fisheries objectives in the JFS between the UK Government and the devolved Administrations? Were stakeholders involved in that?

Mairi Gougeon: Yes, there were discussions between the four Administrations in setting out the JFS. I am glad that we have been able to align on the policies and objectives that are set out in it.

Stakeholder engagement has been critical to that. In the development of the JFS, a community of interest sought to gather stakeholder views from throughout the UK and kept stakeholders involved throughout the process.

Perhaps Paul McCarthy or Allan Gibb will want to say more about stakeholder engagement.

Paul McCarthy (Scottish Government): A UK community of interests was set up. The Scottish representatives on that community of interests were all the stakeholders on FMAC and IFMAC; that covers most of the fishermen, the scientists, the non-governmental organisations and other interested parties. They were informed on and engaged with the drafting of the JFS, and they were able to provide feedback. In addition, of course, they will also be fully engaged in the full public consultation exercise that we are doing, which will provide another forum for them to feed back views.

Jim Fairlie: I have a question about how you managed to keep them all thinking in the same way, but that might be a question for another day.

Mercedes Villalba: I have a couple of supplementaries about the fisheries objectives. The “national benefit objective” is that

“fishing activities of UK fishing boats bring social or economic benefits to the United Kingdom or any part of the United Kingdom.”

What measures will the Scottish Government take to achieve that objective?

Mairi Gougeon: I refer to the example that I provided earlier of the future catching policy and REM. The future catching policy sets out how we will meet not just the national benefit objective, but the other objectives that are set out in the Fisheries Act 2020. It is critical that the delivery mechanisms that we use for our policies meet the objectives that are set out. I would say that the future catching policy is an example of how we will meet that objective.

Mercedes Villalba: I understand that the economic link that was announced in November last year requires only 50 per cent of catches that

are made by Scottish boats to be landed in the UK, and that that is less than the requirement for their English counterparts. Do you intend to match the English rules, or will the requirement for Scottish boats remain lower than that for English boats?

Mairi Gougeon: In last year's debate in Parliament, I set out that we would be looking to introduce new economic link measurements as of the start of 2023. I will provide more detail on that in due course.

Mercedes Villalba: Do you expect the requirement for Scottish boats to match that for English boats?

Mairi Gougeon: It is not possible for me to say at the moment. That detail will come when I look to make that announcement.

Mercedes Villalba: The 2020 act states that the Administrations must meet the bycatch objective, part of which requires that

"the catching of fish that are below minimum conservation reference size, and other bycatch, is avoided or reduced."

The joint fisheries statement does not seem to include any plans for how that will be done. The future catching policy, which was published last week, states that, in the case of undersized fish, "we propose allowing discarding". Could you explain how those two positions are consistent with each other?

Mairi Gougeon: Yes, I am happy to do that. It would not be for the JFS to set out the detail of how that will be delivered; as I said, it sets out the high-level policy ambitions. Ultimately, it is the policies and the delivery mechanisms that we introduce that will achieve the objectives that are set out in the act.

You correctly referred to the future catching policy. I mentioned in a previous response how that meets the other objectives. In relation to the bycatch objective, the technical and spatial measures that we have set out as part of the consultation will help us to deliver on the bycatch objective. Those measures are out to consultation. We have developed the proposals in consultation with our stakeholders and with industry. It is crucial that the policy that we introduce will work and will be effective in tackling the issues. The future catching policy is out to consultation, and we will consider any correspondence that comes in as a result of that.

Allan Gibb would like to come in on that point, too.

10:45

Allan Gibb (Scottish Government): The consultation document on the future catching

policy makes it explicit that the objective is to reduce or remove such unwanted bycatch. It seeks to mitigate that issue altogether by greater selectivity and measures such as increasing mesh sizes and so forth.

On discarding fish that have been caught unavoidably, it is key that that is accounted for as part of the overall catch. We are totally aligned with the current European Union principles in that regard. There are mechanisms to allow for that in relation to whether the fish could survive being discarded, with high levels of survivability; whether there is de minimis catch, which would come off the existing quota; or whether there would be a disproportionate cost in forcing somebody to take the catch. For example, if a small trawler landed in Islay or Jura with as little as a handful or a bucket of fish, the fisherman would have to store the fish, get it transported on a ferry to the mainland at West Loch Tarbert, and then get it transported somewhere else so that it could be disposed of. That would involve imposing a wholly disproportionate cost on anybody. In such cases, we would permit the fish to be discarded, as long as they were accounted for. We give a costed example in the consultation.

Mercedes Villalba: To clarify, in relation to how the Government will achieve the bycatch objective, do we need to wait until the consultation on the future catching policy has concluded?

Mairi Gougeon: We would need to implement the policy that would deliver on the objective.

Mercedes Villalba: Thank you.

Rachael Hamilton: I have a quick supplementary question on recording and accounting for discards. Will you wait for stakeholders to say how practical that would be?

Mairi Gougeon: The proposals in the consultation were developed following consultation with our stakeholders, because, as I said, if we implement that policy, we want to ensure that we get it right. That will involve discussion and consideration of the responses to the consultation so that we can shape a policy that will deliver on the objective.

Rachael Hamilton: Is there the potential to have a tolerance if what is proposed is impractical according to the feedback, which we obviously have to wait for?

Mairi Gougeon: What we have set out will help to tackle the issues that there have been. We believe that the practical measures can be adhered to and will help us to tackle some of the challenges. We are in the middle of the consultation process, so we await further feedback on the issue.

Jim Fairlie: In the earlier session, we heard evidence from Professor Harrison, who has concerns about the secretary of state having powers to determine fishing opportunities for the whole of the UK. Can you clarify what powers the secretary of state will have in relation to fishing opportunities for stocks that are exclusively within Scottish waters? How will the matter be dealt with in the draft JFS?

Mairi Gougeon: That issue was subject to a lot of discussion during consideration of the legislative consent memorandum for the Fisheries Bill. The setting of the total allowable catch for the UK is reserved to the secretary of state. That is the case for all stocks bar one, the responsibility for which is delegated. A key example relates to Clyde herring. The Scottish Government takes the lead on building the evidence in that regard and in setting the TAC. We also consult with our stakeholders, which advise on the TAC for the stock, and the information on the TAC is then given to the secretary of state for determination. As far as I am aware, there have been no issues in that regard, and we do not anticipate there being any.

Jim Fairlie: That relates to my next question. The Scottish Government determines what the TAC should be, and the matter is then passed back to the UK secretary of state. I assume that a decision that was made by the Scottish Government would always be adhered to.

Mairi Gougeon: Yes, it would be adhered to. That measure is more about efficiency. It is important to remember that the framework includes a memorandum of understanding, which determines how we would address any potential conflicts or issues and the stage at which those would be dealt with. However, we do not anticipate that being an issue. As I said, the matter was subject to a lot of discussion when the LCM was considered.

Ariane Burgess: I will continue on the theme of fishing opportunities. The Communities Inshore Fisheries Alliance called for

“a recognition that some coastal areas may wish to change and develop their current operations through diversification into new stocks or a changing of scale of fishing operations.”

Do you believe that the JFS should be more explicit about providing opportunities to inshore fleets to encourage that diversification and a transition to lower-impact modes of fishing?

Mairi Gougeon: I would reflect on some of the comments that I made earlier about what the JFS is there to do, about the overall framework and about the high-level ambitions that have been set out in relation to that. I do not think that it would be appropriate to have those explicit provisions within

the JFS, as I think it should ultimately be up to the fisheries administrations and authorities to determine how quota and fishing opportunities should be allocated. Obviously, we must adhere to what is in the Fisheries Act 2020 in relation to that, as set out in section 25.

It is important that devolution is respected in that regard and that we have the flexibilities to consider what has been set out, as individual administrations and authorities. Given some of the issues that could potentially arise, if such considerations were included in the JFS, they could almost be subject to a UK veto, with other Administrations having an impact on how we allocate or distribute our own fishing opportunities. It is important that we have that high-level vision but also that we have the powers and are able to deliver what works best for our industry here, according to how we think the quota and opportunities should be allocated and distributed.

The Deputy Convener: Thank you. Edward Mountain is next, please.

Edward Mountain: Sorry—you have wrong-footed me there, convener. I was not sure that I was due to come in at this stage.

You are right, in fact, convener. I apologise—I should have been paying greater attention.

It is very nice to see you, cabinet secretary. My question is about the Scottish Government’s role in international fisheries. I was interested to hear you saying to Jim Fairlie that the Scottish Government would lead on some areas of fisheries management where the stocks were in its waters. Would the Scottish Government also lead when international negotiations are taking place, as it has the expertise, or would that be a question for the secretary of state? What would you like to see, and what do you think will happen?

Mairi Gougeon: We have a strong leading role at the moment in international negotiations. I will hand over to Allan Gibb in a second so that he can provide more detail on that, given that he takes the lead and can provide more information.

Given the size of the marine area that we have, it is only fair that we would have an important role when it comes to international negotiations, and we are the joint heads of delegation when it comes to specific stocks. I will hand over to Allan Gibb on that point, as he can provide more detail of how things work.

Allan Gibb: We have very good working relations with our UK counterparts. I recognise that international discussions are reserved but, in all fairness to my counterparts and to officials at the Department for Environment, Food and Rural Affairs, when the discussions concern stocks that are of significant importance to Scotland or that

are dominant in Scottish waters—for example, we have a 98 per cent share of blue whiting, 93 per cent of herring and 75 per cent of mackerel—our views are dominant, and they are routinely taken account of. That includes what we think the position should be, whether it concerns management or the quota setting.

We do that in a collective way. We do not agree 100 per cent all of the time, but that is part of a negotiation. We manage to come to situations that we are content with and agree an overall package. Occasionally we might have to revert to the cabinet secretary to escalate an issue, and there will be minister-to-minister discussions, but that is the exception. Broadly speaking, there are good relations, and Scotland's interests are well represented in the forums concerned.

Edward Mountain: It sounds like it all works very well and that you all work very well together. It sounds perfect.

Mairi Gougeon: To touch on one of the points that Allan Gibb has made, there are occasionally issues that we must escalate, but it works well in general.

Edward Mountain: I am sure that you do not always agree with what Allan Gibb says, but that is life.

Rachael Hamilton: Cabinet secretary, why has the Scottish Government not proposed the development of fisheries management plans in the period after 2022?

Mairi Gougeon: I hope that you will have seen the plans set out in the JFS. We have tried to focus on stocks that are of commercial interest to our industry in Scotland, and we also wanted to put our initial focus on developing FMPs for stocks on which we already knew much of the detail. That is not to say that there will be no further iterations of fisheries management plans or any more plans beyond 2022, but I think that we have put our initial focus on the right place.

I know that plans proposed by other administrations cover non-quota stocks. We will of course be monitoring the development of that work, but it is far more complex. I think that our initial focus is the right one, but Paul McCarthy and Allan Gibb might want to elaborate on some of the issues that might arise if we were to focus on other areas.

Paul McCarthy: As the cabinet secretary has outlined, we initially focused on stocks of key commercial importance to Scotland and on which we have the most information. We note that other Administrations are looking to take forward more complex and challenging FMPs; we are looking to learn from their experience, and we are also

considering how we might wish to manage stocks as we move forward.

We can revisit the list of FMPs at a future date if we decide to introduce FMPs for non-quota stocks. I will stop there, except to say that the list is not set in stone and can be revisited and reviewed in the light of experience. I should also say that the absence of a fisheries management plan does not prevent our taking action to manage a fishery, should we decide that that needs to be done. We can act in the absence of or while we are waiting to draft an FMP.

Rachael Hamilton: I want to push you on this, because the proposed timescales for FMPs in Scotland are very short compared with the six-year timescale for the other fishing policies authorities. I also note that those timescales coincide with the joint fisheries statement itself. Why do you have nothing in place beyond 2022? I just do not feel confident that you have answered the question sufficiently to allow us to understand why that six-year period has not been put in place.

Mairi Gougeon: We will be discussing these things with other administrations and working jointly with them as we develop FMPs. I would just note that although we have not set out anything beyond that timescale, the timescales for developing the FMPs set out in the JFS will be very challenging to meet. It is important that we focus on the stocks that we have highlighted as a priority, but that is not to say that there will be no other FMPs. The issue will be subject to review, but I think that that is where we need to focus. Instead of setting out some definitive list of every stock that we would look to consider and the timescales in that respect, we need to focus on this initial set of FMPs.

Rachael Hamilton: Going back to your comment about the focus on a single species and the commercial element of that, I would just point out that stakeholders have contacted me to raise concerns about the fact that other species, including wrasse and scallops, have not been included in this list of FMPs. I hope that the issue will be teased out during the consultation process—indeed, it sounds to me as if you, too, are aware that it needs to be considered.

Mairi Gougeon: We will be closely monitoring the work on developing FMPs for non-quota stocks that other administrations are leading on. As I have said and as Paul McCarthy has highlighted, that work will be very complex, and it is important that we continue to monitor it before we set out what FMPs we plan to take forward in that area.

The Deputy Convener: Mercedes Villalba has a short supplementary question.

Mercedes Villalba: I note that the English and Welsh Administrations have already agreed that fisheries management plans should be developed for key fisheries such as the scallop dredge fishery and the largely unregulated wrasse fisheries. It sounds like you are not able to commit to those within the JFS. Are you considering that? Do you have an idea of when you will be able to commit to establishing and delivering plans for those fisheries?

11:00

Mairi Gougeon: I cannot set out a definitive timescale on that yet, for the reasons that I have outlined. Dealing with the stocks that you mentioned and the non-quota stocks is very complex. We have a long list of FMPs that we seek to develop and deliver for the stocks that we have mentioned in the JFS. That is not to say that what you suggest will never happen, but I cannot give you a definitive timescale for that work yet.

Allan Gibb: I reiterate Paul McCarthy's comment that the absence of FMPs for non-quota stocks does not mean that we cannot manage such fisheries. We will manage the scallop fisheries and other non-quota stock fisheries.

Wales and England have taken a certain approach and we have taken a different view on the complexity. We need to learn. We will see what they are doing and we will get feedback on the consultation.

There are a number of factors. There are no maximum sustainable yield proxies for some of the non-quota stocks. Some of them are explicitly referenced in the trade and co-operation agreement with the European Union. That brings into play a level of detail about allocation and shared access, for instance. In the Scottish Government, we need to work that through and understand it better rather than committing to something now. However, we very much look to introduce such FMPs in the future.

The Deputy Convener: What role will regional inshore fisheries groups have in the development of FMPs under the JFS? Do they have the necessary capacity and resources?

Mairi Gougeon: The development of FMPs will be subject to consultation. We will look to develop them through discussion with our stakeholders. We use and engage with a number of fora, whether the FMACs, IFMACs or our regional inshore fisheries groups, so I imagine that they will be part of the process. We want to work with our stakeholders in the production of the FMPs. It is an integral part of the process.

The Deputy Convener: Do they have the resources and capacity?

Mairi Gougeon: We will have to examine that and keep it under review. We provide resources to our regional inshore fisheries groups to enable them to operate. By their nature, they bring together fisheries interests and people who have not traditionally been represented by other organisations, because they are smaller businesses. We have tried to develop those fora to enable them and give them the capacity to engage, but if any issues emerged with capacity and resources, we would monitor the situation. However, I hope that those groups will play a part in the process, along with our other stakeholders.

Jim Fairlie: I assume that the stakeholders will have a full understanding of the complexity and will be comfortable with the fact that you would rather take your time to get a fisheries management plan right than introduce it quickly. Is that fair?

Mairi Gougeon: It is not as if we develop such measures in isolation and without any engagement. We will look to keep our various stakeholders informed throughout the process. That is partly so that they can work with us. There is no point in developing policies or plans that, fundamentally, will not work or cannot be implemented by the people who are responsible for implementing them. Therefore, that engagement is critical.

We are ambitious and we want to deliver on the objectives that have been set out in the 2020 act and the policies that we have set out that will, ultimately, deliver those objectives. However, we also want to get it right. We want to take the right amount of time to have engagement and deliver the right policy.

Jim Fairlie: So, the speed of the plan's development is less important than the plan's ability to do its job.

Mairi Gougeon: Of course, that is something that has to be managed. As I said, challenging timescales have been set out for the FMPs in the JFS. Trying to meet those timescales is important, because that is what has been set out in the legislation, but we want to make sure, when we are creating the FMPs, that we are getting that right, that it is not rushed and that we are able to undertake that work in the way that we wish to.

The Deputy Convener: There are supplementary questions from Edward Mountain and Mercedes Villalba.

Edward Mountain: The whole of the previous panel, except for Elspeth Macdonald who had already left, lamented the loss of the inshore fisheries bill that the Government announced that it was going to introduce in 2016. It would be helpful to use such a bill as a vehicle to come up

with inshore fisheries management plans. Do you agree and will you introduce such a bill?

Mairi Gougeon: I do not see a particular need at the moment to introduce a specific bill. Objectives were set out in the 2020 act and we are here today to discuss the framework in the JFS and the policy ambitions in that. I also set out last week how we intend to deliver on our fisheries management strategy, which was published towards the end of 2020. I do not know what other specific legal mechanisms we would need to bring forward to enable us to deliver on the policy objectives that we have set out, because I believe that we have the means to do that at the moment.

Mercedes Villalba: Given that regional inshore fisheries groups are not formally constituted or legally accountable, and that they do not provide an opportunity for public or environmental representation, how will the Government ensure transparency and accountability of any fisheries management plans that the groups develop?

Mairi Gougeon: I hope that I was able to explain in my previous response, even partially, how the regional inshore fisheries groups have come together. That was a means of trying to engage with fishers who have been hard to reach. It is vital that we have been able to do that work and that we established that network.

We covered stakeholder engagement a couple of weeks ago when I was at the committee talking about the co-management processes that we want and the people with whom we want to engage. Rather than their being in silos, this is about how we can bring our stakeholders together and collaborate. We are giving that active consideration. The issue is out for consultation at the moment, as are our other policies, which I hope all stakeholders will engage with. I am happy to take any feedback about the processes or any thoughts that stakeholders have about how those processes might be improved for the future.

Mercedes Villalba: Do you think that the principle of transparency and accountability is important in relation to those plans?

Mairi Gougeon: Yes. Transparency and accountability are important.

Dr Allan: One of the things that has potentially changed post-Brexit is the opportunity for Europe-wide co-operation on fisheries science and innovation. Can you say anything about the Scottish Government's approach to that and how it works with the fishing industry to ensure that the science continues and enjoys support?

Mairi Gougeon: Yes. I start by noting that Marine Scotland's science is recognised for the expertise that we are able to provide, but leaving the EU means that we do not have the same

opportunities for collaboration with our EU partners that we had previously. Perhaps Paul McCarthy or Allan Gibb would like to elaborate on that. Do we have specific examples of previous collaborations?

Allan Gibb: As part of the EU and the common fisheries policy previously, we played an active role in regional groups such as the North Sea regional group and the North Western Waters Regional Advisory Council on scientific elements, primarily around the landing obligation. There were good co-operation opportunities there for a consistent approach. Sometimes it was too consistent in that a one-size-fits-all approach was taken, but that forum has been lost.

That is balanced by Marine Scotland science still being actively considered in ICES—the International Council for the Exploration of the Sea—which provides catch advice. That represents engagement with many international partners. Marine Scotland science is leading on pushing ICES to look at how we manage North Sea cod differently, which I believe Elspeth Macdonald mentioned in the first session this morning. There is probably a need to manage geographically in different areas rather than to manage an entire area such as the North Sea. We are still feeding into that international collaboration.

Mairi Gougeon: We are always looking at how we can improve our science and collaboration and at how we develop evidence. Allan Gibb raised that point at our previous appearance at the committee in relation to collaboration that we would like to have. We will be working with our stakeholders and academia on how we can better collaborate on specific areas that we might wish to look at in the future.

Jenni Minto: Following on from that and from some of the evidence that we took from the previous witnesses, you talked about resources being joined-up between Marine Scotland and NatureScot, given that the science budget is limited. How are you working to use your scarce resources in the most appropriate manner to provide the right science?

Mairi Gougeon: I have touched on further collaboration; the question about where we can look to collaborate with other partners is really important.

Paul McCarthy might have more information on specific bodies and the collaboration that happens with NatureScot.

Paul McCarthy: I am afraid that I do not have any further information on that to hand, but we can always come back to the committee in writing on that point.

Jenni Minto: Thanks, Paul.

The Scottish Government has recently published proposals on a future catching policy and remote electronic monitoring. How will those proposals contribute to the science and innovation aims that are set out in the JFS?

Mairi Gougeon: The future catching policy and remote electronic monitoring take us a huge step forward in relation to meeting the objectives. As I said earlier, there are eight objectives in the legislation. I will not run through them all now but I referred to the technical and spatial measures in a previous response to Mercedes Villalba. Those relate to how we will deliver on the bycatch, ecosystem and climate change objectives, together with REM and the management measures that we are looking to develop, which will also deliver on the sustainability, precautionary and scientific objectives. We can meet quite a lot of the objectives through what we plan to deliver via the two policies. As I set out the other week, there is a step change in respect of our leading the world with some of the measures that we are looking to introduce.

Rachael Hamilton: In the light of the recent calamitous Scottish Government process for seasonal closures on the Clyde, what can you say to reassure the fishing industry that participatory decision making, in the spirit of the joint fisheries statement, will be followed? How does the Government intend to do that?

Mairi Gougeon: That is a really important question and, as I set out to the committee the other week, the process that led to the introduction of that Scottish statutory instrument was not ideal—far from it—and did not meet the standards of co-management that, ideally, we would like to have and have had previously with stakeholders.

I apologised for that at the time but, of course, we want to ensure that we learn lessons from what happened. The legislation and the joint fisheries statement set out the importance of co-management and working with our stakeholders. We are committed to that; we want very much to achieve that.

We have talked today about the future catching policy. Again, that is being developed in consultation with our stakeholders. We have also set out that we intend to engage with all our stakeholders after the closure. We will monitor things throughout the period of the closure to see how we can improve them; that collaboration is really critical.

As I told the committee previously, the situation on the Clyde cod closure was far from ideal. We want to learn lessons from that, because we recognise that co-management is vital and we want to have that going forward.

11:15

Rachael Hamilton: Thank you for your reassurance that that will not happen again, but ministers are accountable. What is in the joint fisheries statement to prevent that—God forbid—happening again?

Mairi Gougeon: The JFS would not be the place to set that out. As I said, that is about setting out the high-level ambitions—

Rachael Hamilton: But the matter is covered in paragraphs 3.6.3 and 3.6.4 of the JFS. Paragraph 3.6.3 talks about

“the early participation of stakeholders, to identify issues and potential solutions”.

There is a framework to ensure that the Government takes that approach and does so in a transparent way.

We put our trust in ministers. Other than your words of reassurance, how will you ensure that that approach is taken forward?

Mairi Gougeon: It is important to remember that, as part of the process, there will be regular reviews of and reports on the JFS and the fisheries management plans that we will introduce. I think that there will be a review every three years and a report every six years. Therefore, we will have to show how we have achieved the policy ambitions that are in the JFS.

I come back to the point that we have a strong track record of co-management and working with our stakeholders. As I said, the Clyde cod closure is an example of where that did not work, which we have accepted. We want to learn lessons from that. It is important that we do that and that we work with our stakeholders to implement the policies and the objectives that are set out in the JFS.

Jim Fairlie: You might remember that I was self-isolating when you were before the committee talking about the Clyde box closure at a previous meeting. I missed quite a bit of the evidence that was given. Earlier on, we were talking about engagement with communities and how that must be localised. As, I think, you said, I also do not see how the JFS relates to the point that has been made about the Clyde cod box. You fully accepted that bits of the process went completely wrong. You have taken responsibility for that and you will move on from it.

However, my understanding is that you engaged with and took evidence from relevant communities and changed your position during that process. Does that not answer Rachael Hamilton’s question? You were already in the process of engaging with people. You got it wrong, and you accept that, but you were engaging with them anyway. Is that fair?

Mairi Gougeon: After we laid the original Scottish statutory instrument, we listened to our stakeholders. As a result of that, we tried to bring them together to see whether there was a means by which we could work together to find a solution. That resulted in the SSI that we discussed at the committee. Through it, we are still trying to meet the policy objective of protecting spawning cod while ensuring that we protect the areas where spawning takes place. The engagement led to our reducing the size of the overall closed area by 28 per cent, which will allow more fishing activity to take place.

The process leading up to that decision was not ideal. However, we tried to listen. I reflected on the evidence that we heard, which ultimately led to our changing our position. We listened to and engaged with our stakeholders to find a solution to some of the issues that had been identified.

Jim Fairlie: As someone who does not have much experience of the fishing industry, that highlights to me how hugely complex it is to ensure that one sector is not overly affected by another, and how complex everything else that goes with that is.

Mairi Gougeon: I agree. It is a hugely complex issue, and there are lots of competing interests that we must try to balance throughout the process. The JFS, the framework and the Fisheries Act 2020 set that out—they identify that there can be competing interests and that there are various factors to take account of when trying to reach difficult and challenging decisions.

Although the process for the Clyde cod closure was not the most straightforward and was not conducted in the way that we like to engage with our stakeholders, the decision that we reached about the revised closure was the right one.

Karen Adam: I have been thinking about participation and have been looking back at statements that were made by Michael Gove back in 2019. He stood at Buckie harbour, which is in my constituency, and he pledged to reverse four decades of decline in the fishing industry, as he saw it. We all know about the rhetoric that was spoken at that time.

Having spoken to fishers in my area, I know that they feel betrayed and let down by that rhetoric that was spouted, and that their voices were not heard. In conversations that I have had with them during the past few months, there has been a feeling that, when it comes to participation in decision-making, it is not always their voices that are being represented. How can the Scottish Government ensure that participation in decision-making includes the voices of the people whose lives and livelihoods will be directly impacted by the decisions that are made?

Mairi Gougeon: You are absolutely right: it is critical that we ensure that we hear those voices. That is referenced throughout the JFS, which is always looking to consider the impact that decisions will have, not just on immediate stakeholders but on our wider communities. We want to make sure that engagement is as transparent, open and inclusive as it can be.

Of course, there are lots of complex issues to balance within that, and ultimately we want to make sure that we have a healthy marine environment and a profitable fishing industry that provides a sustainable source of protein, which is vital for our diet. We need to get the balance right between all the different considerations. However, you are absolutely right—we want the people who are most impacted by the decisions that we make to be part of the process and we want to work with them.

As I highlighted in my previous responses, we have a strong track record of co-management and engagement with stakeholders. We have a variety of forums in which we engage with stakeholders but, as I have also said, it is important that we do not just consider them in silos. This is about bringing our stakeholders together to find a way forward through the complex issues that we face, and to discuss the other challenging decisions that we will no doubt face, as we go into the future.

Edward Mountain: When the earlier panel of witnesses gave evidence to the committee, they said that there were some conflicts around where they could fish or carry out activities. I guess that we can all accept that there is a conflict around where certain activities can take place. We have to balance nature, renewables, aquaculture, fishing, and tourism, but I would not say that we have got it right at the moment. Will we be able to get that right? Will that come under the JFS, or is that something that you will come up with so that the JFS will be based on how we are going to use our coastline sustainably?

Mairi Gougeon: That is my ultimate aim, and I want to make sure that we get it right. However, as I said in my previous response, it is challenging because, although it seems that we have a huge area of sea surrounding us and a large coastal area, it is an increasingly busy space, with lots of different and competing interests that we must manage. We are working our way through some of that to see how we can balance all those interests. Specific stocks will only be in a specific area at a specific time and, as you mentioned, there is renewable energy and we have our marine protected area network and are looking to develop our highly protected marine areas. We are in the process of looking at some of that work at the moment.

We also have statutory processes to follow, whether we are establishing MPAs or looking at the planning and consenting process for offshore renewables, but we are very much trying to get to grips with those issues so that we are as fair and balanced as possible. There is some reference to that in the JFS, which talks about some of the other measures and the need to ensure that the ambitions that it sets out are aligned with other management measures around MPAs.

There is no doubt that this is a difficult and complex area, but I hope that it is one that we will be able to work our way through.

Edward Mountain: When you are considering the issues, do you think that you will be able to think far enough forward? People who are involved in the aquaculture sector have said that it is no longer sustainable for their facilities to be as close to shore as they are at the moment, due to water temperatures and the problems with disease and lice, and they want them to be placed further offshore, which might bring them into conflict with wind turbines or wave energy facilities. How are you going to plan for the future so that the policies are flexible enough to cope with the demands of all the industries that Scotland wants to support?

Mairi Gougeon: Some of what you have mentioned will be harnessed in the work that is done around the commitment in the programme for government for the blue economy action plan and the blue economy vision, which I mentioned in my opening statement. That approach recognises the breadth of sectors and interests that we have in our marine environment and ensures that all the strategies and policies across all those areas are aligned and take cognisance of each other, as much as possible. Obviously, we have been undertaking work on aquaculture, and I am sure that you will be aware of that and of the review that we have undertaken in that regard.

A number of strands of work are going on in this area. It is vital that we capture all of that and set out our clear vision for the future and say how all those interests will operate together for a sustainable blue economy.

Edward Mountain: Each of those industries contributes different amounts to Scotland, either financially or through, for example, supporting the local economy by encouraging people to live there. How will you balance out the economic benefits of each of those industries and not disadvantage the perhaps less economic activities of people such as, for example, creel fishers, who are also important to their local economy? I do not see how you will strike that balance. Do you think that you will be able to do so?

Mairi Gougeon: I certainly hope so. Part of the challenge that we face is the balancing of all those

different interests. Like you say, inshore fisheries, for example, are hugely important to local economies and communities. Not long ago, I had a meeting with Dr Allan and some of his constituents at which we discussed the impact of those industries on employment and population levels in some of our most remote and rural locations. As I am the Cabinet Secretary for Rural Affairs and Islands, ensuring that we get a balance that enables people to live in our most remote and island communities is vital to me. I am not saying that I have all the solutions to the issue today, but I understand the complexities that we must balance, and we certainly take them into consideration when we are thinking about those issues.

Edward Mountain: Thank you. We will be watching closely.

Mairi Gougeon: I am sure that you will be.

The Deputy Convener: How will the fisheries framework outline agreement, the memorandum of understanding and the joint fisheries statement work together to manage cross-UK governance of fisheries?

Mairi Gougeon: Hopefully, they should all work together well in terms of meeting the overall objectives. We have the overall framework which, unlike other frameworks that I know that the committee will be considering, predates those other elements, as I outlined in my opening statement, which is why it is almost split into two parts. We have the joint fisheries statement, which sets out the overall policy ambitions that all the administrations would look to achieve as part of the framework, and we have the memorandum of understanding, which goes through the day-to-day elements of how the administrations would work together and resolve any conflicts that might arise. The memorandum of understanding also contains the operational agreements, which concern some of the more day-to-day technical issues that we would look to align on. Together, that is quite a cohesive package of measures that should enable us to work together in a positive way.

As I said at the start of the session, the fact that the four Administrations have agreed the overarching ambitions that are set out in the JFS and are aligned on them is positive. That shows that we can work together effectively in areas such as these while respecting devolved competences.

11:30

Ariane Burgess: I am aware of the potential for the Subsidy Control Bill to constrain the Scottish Government's ability to diverge from the UK Government on subsidy levels and policies. How might that bill affect the operation of the fisheries management and support common framework with regard to fisheries grants and subsidies?

Mairi Gougeon: I do not think that the UK Government itself has thought through how the Fisheries Act 2020, the United Kingdom Internal Market Act 2020 and the Subsidy Control Bill will all work together or align. The full ramifications of fisheries and aquaculture coming within the bill's overall remit have not been made clear to us, and we need that further guidance so that we can see how that legislation will work in practice. However, from what we have seen so far, full consideration has not been given to the interaction between these key pieces of legislation.

I do not know whether Paul McCarthy or Allan Gibb would like to elaborate.

Paul McCarthy: I have not much more to add. As the cabinet secretary has said, there is a number of pieces of legislation to take into account, including the United Kingdom Internal Market Act 2020 and the Subsidy Control Bill as well as the grant and subsidy provisions in the Fisheries Act 2020 and the framework. Finding out exactly how all those things work together is still a work in progress.

Rachael Hamilton: Is there as part of the operational planning for the MOU any intention for the four administrations to discuss having a shared information technology platform to deliver these objectives?

Mairi Gougeon: Do you mean the objectives within the—

Rachael Hamilton: I mean the subsidy and grant provisions that Paul McCarthy mentioned.

Mairi Gougeon: I am not aware that those discussions have taken place yet. I do not know whether Allan Gibb or Paul McCarthy can provide any more information on that.

Paul McCarthy: I am afraid to say that I cannot provide much more information about that. In Scotland, we have a platform that tracks the grants and subsidies that we hand out—or, I should say, award—to the industry, and the other administrations have their own platforms. I am not aware of any discussions to build a common joint platform, but we have systems that allow us to jointly report or compile who is being awarded what, if that makes sense.

Mairi Gougeon: We would also have to be clear about the benefits or otherwise of such an approach. Given that we have not considered it, that work has not been done.

Rachael Hamilton: I just wanted to put the issue on the record, given that the draft MOU talks about

“success evaluation and delivery mechanisms such as the use of common IT platforms.”

Perhaps it is something that we need to watch for the future.

The Deputy Convener: I thank the cabinet secretary and her officials for their evidence this morning. As we seem to have drawn to a close early, it looks as though you will be getting back half an hour of your day.

Subordinate Legislation

Import of Animals and Animal Products and Approved Countries (EU Exit) (Amendment) Regulation 2022

11:33

The Deputy Convener: Item 3 is consideration of a consent notification for a UK statutory instrument. I refer members to papers 3 and 4.

If members have no comments, is the committee content to agree with the Scottish Government's decision to consent to the provisions that are set out in the notification being included in UK rather than Scottish subordinate legislation?

Members *indicated agreement.*

The Deputy Convener: Is the committee also content to delegate to me authority to respond to the Government and, in so doing, include the information that is set out in paragraph 2 of annex A of paper 4?

Members *indicated agreement.*

The Deputy Convener: That concludes the public part of our business. We now move into private session.

11:35

Meeting continued in private until 11:54.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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