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The End of the Road at ICCAT

Greens' blog about ICCAT (International Commission for the Conservation of Atlantic Tunas)

29 November 2010

The End of the Road at ICCAT

ICCAT is over for another year and the diplomats have gone home, or off on holiday. Let's hope that hope for some of the species that ICCAT is supposedly conserving isn't over as well.

During the past ten days a number of issues have been raised in this blog, usually ending with the phrase "This is not yet decided". Here are the answers.

First, ICCAT failed spectacularly to salvage its honour on **bluefin tuna**. The entire meeting lasted for nine days and there were no serious discussions on the bluefin fishery on the floor of the meeting until the afternoon of the last day, when the "important" members of ICCAT emerged from their secret negotiations in the shadowy corridors to announce the result - a cosmetic reduction of less than 5% in the Total Allowable Catch for the eastern stock (including the Mediterranean) to 12,900 tonnes.

Clearly, bluefin tuna is worth too much money to be left alive, swimming free in the seas.

There was a small shuffling of the allocation for bluefin. Algeria, who was not present at the beginning of the meeting, saw its share slashed from 5% of the total to 1%. That was distributed among Egypt, Libya and Turkey.

ICCAT continued to exhibit its particular version of transparency. There are 16 countries with a quota for bluefin but the clandestine discussions didn't even include all 16. Some of them were presented with the results of the secret negotiations on the floor of the meeting at the same time as NGOs and other observers.

For example, one country that was not "important" enough to be in the discussions asked a logical question - what criteria were used to decide the re-allocation of the bluefin quota? Why was Algeria punished and the others rewarded? There was no answer provided, merely a magnificent example of diplo-babble. It certainly wasn't because Algeria was any worse at implementing measures than other parties. Such things

are far too important to be discussed in the full meeting!

As for the cheaters (see blog of 19 November), there was nothing to celebrate there either, except for the cheaters themselves. In 2009, almost every member of ICCAT got a letter outlining serious problems with their compliance - the countries were "identified" in the jargon, which could have led to trade sanctions. This year, ICCAT resorted to its usual form, retracted many of those identifications and simply expressed its "concern" over compliance. It is not clear how such a letter is to resolve the problems of IUU fishing, failure to report data, failure to abide by the rules.... These same sorts of letters have been issued for years.

About the only moderately good news was for sharks (see blog of 27 November), where protection was awarded to hammerheads, shortfin mako and oceanic whitetip sharks. Other species, also deserving, such as porbeagle and threshers, were not included.

Finally, the French elephant (the possible rescheduling of the repayment by the EU of thousands of tonnes of bluefin tuna that France overfished in 2007, see blog of 25 November) did appear. As expected, France found a proxy country to raise the idea of a deferral in the repayment schedule. It was all done very discretely and without mentioning France by name, but it was clear for all to see. This issue was raised, consistent with other serious matters, on the afternoon of the last day. Fortunately, one country spoke out against it and so the idea fell

This was the fourth year that Greens have participated in the ICCAT meetings. It is increasingly difficult to disagree with the NGOs who insist that ICCAT does not mean the International Commission for the Conservation of Atlantic Tuna, but rather the International Conspiracy to Catch All Tunas.

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27 November 2010

Sharks are also part of the game

Even though the star species in ICCAT continues to be bluefin tuna, there are other species that attract special attention as well. This is the case, among others, for sharks.

Several species of sharks are at stake in this meeting of ICCAT. They are captured in the course of many types of fishing activities, both as the direct target of the fishing fleets or as accidental capture. In both cases the main attraction is their valuable fins.

The **oceanic whitetip** (Carcharhinus longimanus), a large shark found far from the coast with fins which are especially prized for sharkfin soup, could well receive total protection across the Atlantic Ocean. ICCAT is also considering a prohibition for **hammerhead sharks** (Sphyrnidae) and **bigeye thresher sharks** (Alopiidae). These species are especially vulnerable to trawl fishing and their populations are in decline. **Porbeagle sharks** (Lamna nasus), a species similar to the white shark, has also entered the debate and deserves the protection of ICCAT. This species is considered by the IUCN (International Union for the Conservation of the Nature) to be endangered in the Northwest Atlantic and critically endangered in the Northeast Atlantic and Mediterranean Sea.

To conclude, the **shortfin mako** (Isurus oxyrinchus) is the second most important species in terms of

weight of catches in the ICCAT area. However, its catches are not subject to any measure of control even though scientists continue to insist that it is an overfished species. Several organizations, such as Oceana, hope that measures such as catch limits could be agreed to ensure long-term sustainability of the exploitation of this species.

The subject of shark finning has also been discussed, with many voices in favour of a policy of "fins attached", meaning that all sharks would be landed with their fins still naturally attached to their body. This is the simplest, most reliable and effective means of applying the prohibition of finning already in force in ICCAT but which has been poorly enforced. However, there are few possibilities of promoting this measure in ICCAT until the European Union concludes its internal review of its domestic finning ban.

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25 November 2010

The French Elephant in the Room

There is an issue here at ICCAT that is rarely mentioned on the floor of the formal discussions and yet dominates the economics – and therefore the politics – of the bluefin tuna discussions. It offers interesting insights into the rivalries and power struggles among the European institutions.

It is known in the jargon as the French payback and has caused headaches for the EU for weeks.

In 2005 and 2006, the EU exceeded its quota for bluefin. Under both ICCAT procedures and EU law, the EU should have had its quota for bluefin in the following year reduced by the amount of over-fishing. But the EU argued so eloquently about the harm that this would cause to the industry that ICCAT forgave the over-fishing and the EU did not have its quota reduced.

The EU was so grateful for this understanding on the part of ICCAT that in 2007, it again over-fished, this time by a massive 5,021 tonnes – the French fleets fished over twice their national quota. There is a limit to how often the EU can twist arms, though, so in 2008 ICCAT insisted on a partial payback spread over four years (most of this comes from the French allocation). Thus the EU has had its quotas for 2009 and 2010 reduced by 500 tonnes each year. The payback plan calls for much larger quota reductions for each of 2011 and 2012 – 1,510 tonnes. Note that once again the EU negotiated well, so the plan only requires a repayment of 4,020 tonnes rather than the full 5,021 tonnes. The 1,000 tonnes not to be paid back is worth some EUR 20 million.

A payback of 1510 tonnes would hurt a great deal more than a payback of 500, so France has been making very loud noises about requesting ICCAT to spread the payback over a longer period.

This is where the EU institutions come into play. Before the ICCAT meeting, the European Commission, who represents the EU here, was given a mandate by the Council on what it should strive for in the negotiations. The battle between the Commission and Council was widely reported in the press and it is no secret that the Commission wanted a mandate for a very strong, precautionary approach with a reduction in the quota for bluefin. Council resisted, led largely to France, so that the final mandate was less conservation-oriented than the Greens had been hoping for.

As the negotiations here at ICCAT got underway (almost entirely behind the scenes and in the corridors, by the way, people here have difficulties even pronouncing the word "transparency" without stuttering) it became clear that France wanted to raise the issue of its payback. This could be done in one of two ways – either by persuading the EU to ask for a delay in the payback or by asking another country here to do it (in return for some other favour, naturally). Getting the EU to raise the issue would be politically very sensitive, since it would require the entire EU to agree to embarassing itself to ask for more lenient treatment for one Member State. Given normal EU politics, this would mean France doing something for the others, so it depends on how important it is for France.

We shall see how that plays out but so far, nothing has been said in the meeting.

In a similar vein, I had suggested a few days ago that most countries were so concerned about minimising any reduction to the TAC that they were not opening up the very thorny question of reallocating the current distribution of access to the bluefin fishery. That was rather optimistic, for the question has been raised, though the countries that consider themselves to be the most important ones quickly and strongly resisted. Again, that is still open.

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25 November 2010

Money Rears its Head

Yesterday morning was a session of the finance committee of ICCAT, with another obscure name – STACFAD. Sometimes it is as if even the names of the committees are chose to make them as obscure as possible.

Like every organisation, ICCAT has a budget to pay for administration, research, data analysis and other things. The money comes from the countries that are Contracting Parties, which pay according to a formula based upon their overall catches in the ICCAT area and their economic wealth (the richer countries pay more than the poorer countries).

For several years, ICCAT has had a budget problem since many countries are not paying their bills on time. This year, there are 13 countries that have not paid their dues from 2009, and some of those have debts outstanding from before 2007. In total, almost EUR 2 million is still owed from previous years.

In most countries, if you don't pay your taxes, you have a problem and there are consequences, which can include going to jail. In ICCAT, nothing happens! From time to time there are suggestions that if a country doesn't pay it should lose its voting rights, or maybe even lose some of its quota, but the discussion always concludes with "next year". And the next year, it is put off again.

No organisation can function effectively that way. ICCAT needs to improve its data collection programmes, its scientific analyses, its verification of surveillance reports, etc. In short, ICCAT needs to move into the 21st century. This costs money, but ICCAT doesn't have money.

This has extremely serious consequences for the fish. Consider bluefin tuna. The ICCAT management measures result in an enormous amount of data being sent to ICCAT on the traceability of the fish which

should be used to identify illegally-caught fish. But the secretariat has not enough human resources to analyse those data. In fact, it was two NGOs – Greenpeace and WWF – which did the most complete examination of the data. So it is not clear how much of the bluefin was legal since the necessary analyses were not done.

Research can also suffer. If scientific research is not conducted, the stock assessments are not as good as they could be. Too often, the weakness of the scientific analyses is used as an excuse to not reduce fishing pressure – the opposite of the precautionary approach. A major research programme on bluefin tuna was adopted but it seems that some countries do not want to make their contributions.

In short, keeping ICCAT on the verge of bankruptcy is a very efficient way of keeping it ineffective.

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22 November 2010

The Thrill of International Negotiations

International negotiations often have the reputation of being interesting, dynamic and progressive. Most of the time, though, ICCAT does not fit that description.

Today is Tuesday and we have been meeting for a week except for Sunday. Much of today was taken up by the Compliance Committee, in fact close to half the meeting so far has been Compliance – that fact alone speaks loudly about the problems besetting ICCAT.

The meetings are tedious in the extreme and reminds me of children in kindergarten! The idea is to examine the way that countries have followed the rules and, if appropriate, to propose penalties for non-compliance. Instead of dignified and serious discussions about how to improve respect for the rules, country after country offers excuses as to why they couldn't send in the data they are obliged to, or why they couldn't help catching too much fish, or why they missed some other rule. Since most countries have been guilty of something, they all tread softly in criticising the others. Today discussions have begun on what to do to those who have not sufficiently justified their activities. It takes a long, long discussion for each country since they are all very worried about being sanctioned, and at times the comments are essentially "you didn't punish so-and-so so you can't punish me."

So far, after a week, no decisions have been made. Every once in a while somebody mentions the public attention that is focussed on ICCAT, saying that ICCAT will lose its credibility. Everybody nods wisely, saying "yes, how true" and then business as usual.

Another four days and a long, long way to go.

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22 November 2010

Who Should have the Right to Fish?

One of the battles that is shaping up at ICCAT is over a simple yet fundamental question - who should have the right to fish? This is a critical issue, for there are many different ways of catching fish and the choice of who is allowed to fish can determine the sustainability of the fishery.

This sort of discussion is not unique to ICCAT, though, it occurs all the time, at other fisheries management organisations and even within the EU itself.

The normal way of dividing up the fish (referred to as "allocation") is to base it on historical rights. That means that if you have been in the fishery for awhile, then you can keep on fishing, while new-comers are frowned upon and sometimes actively discouraged, so it can be very difficult to start. A specific historical period is used as a reference, sometimes many years earlier, and the shares of future quotas are based upon average catches in that historical period.

This sort of approach obviously serves the vested interests of those who already fish. Since in many cases it is the developed countries that have been active the longest, developing countries are often disadvantaged. In those cases where a stock is over-exploited or even greatly depleted, this approach often ends up by rewarding those who are responsible for the depletion in the first place!

Discussions along these lines had openly begun in a few fisheries last year, notably bluefin tuna and swordfish. The politics of the two, though, are not the same.

Bluefin tuna is the most high-profile fishery under ICCAT responsibility and it is badly depleted. The NGOs are arguing for dramatic reductions in the total allowable catch (TAC) of bluefin, and most countries in ICCAT are fighting tooth-and-nail to keep any quota reduction to a minimum. In such high stakes battles - recall that a single fish is worth thousands of dollars and the best ones go for up to $100,000 for a single fish - there is no serious discussion on changing the shares of each country that have already been agreed to a few years ago.

Swordfish is rather different. It was depleted several years ago but has recently recovered. In theory, if a stock is abundant it should be easier to discuss allocation, especially when, as in the case of swordfish, some countries were not catching their full national quota. It would seem normal to let others come into the fishery by giving them some of the quota that was not being used by other countries and this did happen to a limited extent.

But most countries resisted giving up more than token amounts, in case they might want to catch more in future years. So ICCAT did some funny accounting, the fisheries equivalent of printing money - they gave quota to a number of new entrants and increased the allocation to a few others, so that the sum of the national quotas was well in excess of the TAC. Inflation had hit the swordfish fishery! If this sounds like a strange way to manage a fishery, it is.

So now ICCAT is faced with a politically charged situation where they must decide who now has to lose quota.

Predictably enough, everybody is saying that they must keep their current quota and using whatever argument comes to hand. The powerful, developed countries say they have historical rights so should be allowed to continue. A number of developing countries insist that the old guard must give way to the new countries to allow them to develop their fisheries. They also argue, logically, that if the fish is in their

waters, they should be able to catch part of the TAC. A third line of argument by a few countries is that they fish in a more environmentally sustainable maner by using gear that catches fewer sharks, turtles and other animals that are caught accidentally and often get discarded.

How to decide?

Greens believe that the right to fish should be based upon a number of environmental and social criteria. Fishing fleets that operate in a more environmentally responsible manner, do not damage the marine environment and make significant contributions to coastal fishing communities should be given priority when deciding how to allocate the right to fish http://www.cfp-reformwatch.eu/2010/09/greens-present-new-idea-on-allocating-access-to-fish-stocks/

Two NGOs have recently published a proposal on how to use this approach in international fisheries, including some of the ones that are managed by ICCAT
http://www.cape-cffa.org/spip.php?article168 .

The allocation question has only begun to be discussed so far this year. There is no guarantee that the problem will be resolved, unfortunately.

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20 November 2010

The Calm Before the Storm

This is the second full day of ICCAT (the first two were a sub-committee) and things are still relatively calm. The initial presentations have been made on the scientific advice for the various species are concerned (some not so bad, some not very good, some we have no idea) and we have completed the overview of how well the rules were followed (better than earlier years but still far from perfect).

Many negotiations are going on behind the scenes, in informal discussions over coffee (or, sometimes, a glass of wine, this being France). These include the quota for the next few years for bluefin tuna and other species and whether to finally give some protection to heavily depleted shark species.

One enormous discussion that underpins most issues is the quality of the science and the extent to which not knowing how much fish there is means that fishing should be reduced. The precautionary approach says if there is uncertainty in science, we should err on the side of caution, but the fishing industry and countries that defend the industry have difficulty with taking that approach to its conclusion.

Over the next week, we shall talk about all of these, while also trying to give some idea of the high-stakes politics that colour all the discussions and decisions. So stay tuned.

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19 November 2010

Punishment for Cheaters?

So far discussions have focussed on how well the various countries respect the rules. It must be said, the answer is "not very well".

For the past two days (Wednesday and Thursday) there has been a meeting of the Committee on Compliance (affectionately known as the COC). ICCAT has a great many rules, concerning everything from quotas on how much fish can be caught and gears that are illegal to complex systems to increase traceability of the fish that is caught. Each country (Contracting Party or CPC) sends in reports on how well they respected the rules as well as data on fish caught, number of vessels that fished, etc.

The purpose of the COC is to examine what each country has done, or not done, and then propose sanctions if the rules have not been observed.

The system sounds very good – if countries do not respect the rules that they themselves have formally agreed to, then they are punished, possibly even by trade sanctions.

However, it is more theoretical than real.

As ICCAT is an international organisation, its members are governments. And governments are loathe to criticise other governments, for fear that they will be criticised in turn. Since none of them are perfect, they are all vulnerable and so hesitate to throw the first stone, as it were.

There are exceptions, of course. Powerful countries have no difficulty in blaming weak countries for poor behaviour - unless they need the votes of those small countries for other issues! Occasionally a country accuses another country since they have a grudge against that country for an earlier issue. The easiest of all is to criticise a country that is not even a member of ICCAT, for that country has little chance to defend itself.

With that background, it is easy to understand why so few countries are punished in any serious way.

For instance, CPCs are to send in data on how much fish they caught, where, what size they were, etc. and there is a deadline for this. These data are important as part of scientific efforts to estimate how large the stock is, so they need the data. But many countries send no data or they send it when it is too late to be of use to the scientists. They apologise, blame insufficient resources or the mail system, and everybody else politely ask them to do better next year. Meanwhile, every year the data are poor, the quality of scientific advice is reduced. Of course, if the scientific advice is poor, it is easy to say that the scientists do not know what is the true situation, so there is no need to follow scientific advice.

Another examplle concerns over-fishing of the quota. In 2007, France caught almost twice its quota. Under both EU law and the rules of ICCAT, it should have had its quota reduced the following year by the amount that it over-fished. But *real politik* being what it is, the EU delegation managed to convince ICCAT that the quota should be reduced by less than the amount that was over-fished.

The COC continues, for they have not yet finished the overview of each country. Only then will discussions begin on what sanctions are applied – if any.

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Wednesday 17 November 2010

First day at ICCAT

The annual meeting of ICCAT, the International Commission for the Conservation of Atlantic Tunas, gets under way today in Paris (17-27 November 2010). The hottest topic on the agenda is the bluefin tuna, famed for its importance in sushi and other dishes. The status of the species is critical, and many fear for its future survival. There has been a great deal of illegal fishing of bluefin and scientists have warned for years that fishing should be reduced. Discussions on what to do to conserve bluefin will dominate the next ten days of discussions.

There are many other species that are part of the ICCAT mandate, though, including sharks, swordfish and other tuna species. Though these species receive far less publicity, they are equally important.

Today and tomorrow, the members of ICCAT review the various reports about how well they have obeyed the rules, the Compliance Committee. Past experience suggests that there have been plenty of illegal actions, but ICCAT does not always take action to punish the offenders. Hopefully, this year will be better.

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