



Dealing with Mediterranean bluefin tuna: A study in international environmental management

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ABSTRACT

Bluefin tuna management is a high profile conservation issue, generating significant public interest. The species is in decline due to overfishing, with the Mediterranean population of particular concern. Japanese demand for bluefin tuna is driving overexploitation and there are no indications that this will diminish in the foreseeable future. The system of allocating catch quotas to fishing parties under the International Convention on Conservation of Atlantic Tunas (ICCAT) has been ineffective in the past. This paper argues that other avenues of international law, including via the World Trade Organisation, are unable to provide suitable alternative remedies. However, the interaction and political leveraging effect of these multilateral instruments has now established an enabling environment for an effective management regime, with a revitalised ICCAT now universally recognised as the most appropriate forum to address the threats to bluefin tuna. It is advised that ICCAT parties continue to work collaboratively, as has begun in recent years. The body should seek to maintain not only a scientifically derived sustainable fishing quota but also to address high levels of illegal, unreported and unregulated fishing, which threaten to undermine progress in restricting quota allocations. This could be supported by inclusion of a formal dispute resolution mechanism with the Convention or by developing linkages to related UNCLOS articles. However, ultimately, this complex issue is probably best dealt within the international body most well positioned to convene a consensus amongst stakeholders, namely ICCAT.

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1. Introduction

The bluefin tuna has become a high profile symbol in a new era of international environmentalism [1]. The past decade has seen an increased emphasis on marine ecosystems [2], and issues relating to exploitation of the seas [3]. A species that has become a flagship for overexploitation of fisheries is the bluefin tuna [4], with its impressive species characteristics and shocking decline in light of increased demand and fishing capacity [4].

Japan is the world's largest importer of bluefin tuna. With estimates that around 80% of the Japanese market is supplied by the countries of the Mediterranean, this fishery represents a central component of global trade [5]. However, the species is recognised by the International Union for the Conservation of Nature (IUCN) as Endangered [6], and is on the verge of collapse [4].

This paper will critically review the status of the Mediterranean bluefin tuna population in the context of international law, trade and environment by focusing on the role of key multilateral bodies in

sustaining global stocks. The first part explains the conservation status of East Atlantic bluefin tuna (BFT-E), providing a snapshot of the major actors in global trade. The second part examines the international mechanisms related to the management and governance of these trade relationships. Finally, the paper considers these multilateral bodies as a whole and considers potential improvements to the major international management body, the International Commission for the Conservation of Atlantic Tunas (ICCAT).

2. Mediterranean bluefin tuna

Bluefin tunas comprise a number of separate species under the *Thunnus* genus. The species that supply the Japanese 'bluefin' trade are Southern bluefin tuna (*Thunnus maccoyii*) (SBT), Pacific bluefin tuna (*Thunnus orientalis*) (PBT) and the Atlantic bluefin tuna (*Thunnus Thynnus*) (BFT). The Atlantic species is divided into Eastern and Western populations [7]. This paper will focus upon the Eastern population (BFT-E),¹ and specifically on the complex trade and

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¹ The Western population of Atlantic bluefin tuna predominantly breeds in the US Gulf of Mexico and the population is estimated at only a fraction of the

environment dichotomy caused by overfishing of BFT-E in the languid waters of the Mediterranean Sea. To date, a range of multilateral environmental agreements (MEAs) have failed to halt the decline [4].

Fishing of BFT-E in the Mediterranean has been traced back to the 7th Century [4], and artisanal fishing still supplies local markets [8]. However, the cause of recent steep population declines has been a massive increase in fishing catches over the past 60 years [4].

Captive breeding has only in the past 5 years shown potential [9], and so all bluefin stocks are presently taken from the wild.² Yields have increased from around 5 to 8000 t annually between the 1950s and 1970s, to ca. 40,000 t in the mid-1990s [10]. Improved fishing and ranching methods (including purse-seine trawling and in-situ fish farms) are now placing populations under unsustainable pressure [4].

As noted in the introduction the key body established to manage stocks has been ICCAT, established under an international treaty [11]. This entity has been a controversial caretaker of the species, often spectacularly failing to meet its responsibilities [12]. However, recent developments have been more positive. Whilst the path to conservation of this species has certainly taken a turn for the better since 2011 [13], much remains to be done.

3. Supply and demand – unpacking the trade dynamics

3.1. Establishing quotas for Mediterranean fisheries

Many of the coastal countries of the Mediterranean have large tuna fishing fleets [8] and, coupled with a voracious Japanese appetite [14], this valuable fish is in high demand. In 1966, the Food and Agriculture Organisation (FAO) convened a conference to manage the Mediterranean and other Atlantic tuna fisheries [11]. Seventeen states agreed to the Convention, establishing ICCAT. Since 1966, membership has increased to 48 contracting party countries (CPCs) [11].

Of these, 16 CPCs received an allocation of the BTF-E quota in 2013 (with the EU operating as a bloc), representing the major actors in the BTF-E fishing industry (Table 1).³ It is clear from the figures in Table 1 that the EU is the major beneficiary of BTF-E quotas, and with Croatia having just joined the EU this dominance will increase. As can be seen in Fig. 1 the next major regional grouping is MENA (Middle East and North Africa)⁴ which often shares economic priorities and, in the case of ICCAT, holds similar negotiating stances [15].

The ICCAT quota is agreed amongst CPCs based upon four allocation criteria [16]:

- A. historical and present fishing practices,
- B. status of the fish stock, including distribution and biology,
- C. relative commercial dependence on stocks by local coastal communities,
- D. past record of compliance with, and contribution to, ICCAT measures.

(footnote continued)

Mediterranean population. It has been confirmed that there is intermingling of populations [Jens Carlsson, et al., Genetic heterogeneity of Atlantic bluefin tuna caught in the eastern North Atlantic Ocean south of Iceland. ICES J Mar Sci 2006;63:1111].

² Much of the stock comes from fish farms, but these are stocked with wild caught juveniles.

³ These figures also incorporate allowances that may be fished outside Mediterranean waters.

⁴ A World Bank acronym used to refer to this region.

Table 1

CPCs allocated a portion of the ICCAT BTF-E quota in 2013^a.

CPC	2011 catch(t)	Percentage of TAC ^b	2013 quota (t)
EU			
Italy ^c	1783		
Spain ^c	942		
France	805		
Greece	172	56	7548
Malta ^c	142		
Cyprus	10		
Portugal	0		
Tunisia ^c	852	8	1057
Turkey ^c	519	4	557
Croatia ^c	371	3	391
Morocco	182	9	1270
Japan	0	9	1140
Libya ^c	0	7	938
Algeria	0	1	149
Korea	0	1	81
Egypt	N/R	1	67
Taiwan	0	Less than 1	41
China	0	Less than 1	38
Albania	0	Less than 1	34
Syria	N/R	Less than 1	34
Iceland	0	Less than 1	31
Norway	0	Less than 1	31

N/R – no record.

^a Synthesised from ICCAT, 'Report of Standing Committee on Research and Statistics' (Report PLE-104/2012, October 2012), 88.

^b Rounded to nearest whole number.

^c Fish farms operating.

However the relative weighting to be given to each criterion is not determined, leading to backroom deals and politicking for agreeing to allocations. The relevant documents merely state the requirement for allocation in a fair and equitable manner with the goal of ensuring opportunities for all qualifying participants [17]. In addition ICCAT has no dispute resolution mechanism, leaving it uncertain as to how any such prohibition might be enforced.

3.2. Bluefin 'ranches' in the Mediterranean

An important consideration when reflecting on these quotas is the increasing tendency towards so-called 'tuna ranching' [18]. This method of holding and fattening BTF-E caught during the limited fishing season has had a profound effect on trade volumes and temporality. Fish can be fattened by as much as 20% [19]. This method has also been the beneficiary of a Japanese preference for fatty tuna, known as *o-toro*, from the fish's belly.⁵ However this type of 'farming' is problematic as it requires the capture of young wild specimens [20], negatively affecting the breeding ecology of the population.

3.3. Overcapacity of fishing fleets

The fishing fleets of the Mediterranean have grown exponentially in recent years, with EU subsidies driving mechanisation via purse seine capture techniques and ranching. As a result, quotas allocated to ICCAT CPCs are now nowhere near the levels required to sustain domestic fleets [21]. It can be taken as a rule of thumb that a boat capturing less than 50 t of tuna per season is unprofitable. This begs the question of how Turkey, with a 557 t annual quota, is able to maintain 302 tuna boats [22]. Officially, only nine boats catch fish, with 293 merely assisting [22]. Recent

⁵ *Chu-toro* is also belly tuna, but of a lower quality (www.otoro.com).

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