

## The poor, lonely, homely turbot

**As the whale world of fisheries watches with great interest, Canada and the EU continue to glower at each other across the fish battle lines**

**P**oor, lonely, homely turbot—this is how Canada's Minister of Fisheries, Brian Tobin, described one of the last commercially exploitable groundfish stocks left on the once-rich Grand Banks of Newfoundland.

With their slimy skin and bulging eyes delicately arranged at art angle atop their heads, turbot are undoubtedly homely. They must also be as lonely as any fish can get, with the northern cod and other historical friends and relations now so greatly depleted.

But, in fact, the homely turbot has never been a prized commodity. The only reason for its current popularity is because fishers have little else to harvest. The pattern of 'pulse overfishing' targeting species down the food chain and into deeper waters is part of the tragedy of the ongoing crisis in world fisheries.

The piteous turbot may also be lonely for their own kind. Whether or not the stock is actually strong enough to withstand any further exploitation is one of the unanswered questions. Certainly, the data collected by Canadian fisheries scientists over the past few years shows a precipitous decline in turbot biomass all over the traditional fishing grounds, which lie mostly within Canada's 200-mile Exclusive Economic Zone (EEZ) limit and extend from the Grand Banks north to Davis' Strait.

Particularly disturbing is the fact that the remaining fish include very few of reproductive size. Turbot are very slow-growing, long-living fish, and the disappearance of spawning biomass means that recovery will be very slow.

One does not have to look far for a possible reason for declining stocks inside

Canada's EEZ. Although Canadian fishers have not exploited turbot heavily themselves, there is a recent history of joint-venture fishing, with Russian factory trawlers operating inside Canadian waters, in collaboration with a Canadian processing company. These boats did what mobile gear does best—they targeted the spawning aggregations of turbot in deep waters off Baffin Island, and they fished with brutal efficiency.

However, there is also evidence that indicates that the fish have not simply been fished out. An alternate hypothesis is that, in response to recent changes in ocean water temperatures, they have migrated east and south in search of warmer, deep-slope water—a migration that has taken many of them beyond Canada's EEZ to the nose of the Grand Banks.

This migration, if it did occur, would have taken them out of the reach of the technology used by Canadian fishing vessels and into the deep-water trawls of the Spanish fishing fleet (operating, in some cases, below 1,000 m. depth).

Until 1980, the existence of turbot in deep-slope waters had not been investigated and the high-seas turbot fishery was unregulated. Once the Spanish fleet came in search of unexploited stocks in the late 1980s, however, the estimated catch rose from 7,600 tonnes in 1989 to over 45,000 tonnes in 1991, 1992 and 1993.

### **Small-mesh trawls**

By 1994, the retorted catch was close to 60,000 tonnes. At the same time, Canadian research vessels observing the high-seas fishery documented declines in fish size and the increasing use of small-mesh trawl nets.

**T**he Spanish fleet, which has recently returned to the Grand Banks after being expelled from Namibian waters, is desperate for fish to support their coastal communities in Galicia, which are suffering greatly from the worldwide downturn in fisheries.

This fleet uses very destructive bottom-dragging technology, combined with sophisticated fish-finding abilities and skilled crew.

The Spanish also have a long record of arrests and disputes related to non-compliance with management and conservation measures in a variety of jurisdictions.

Their motivation is a vigorous domestic market which happily consumes fish of any size—even very small, non-reproductive fish. Therein lies the basis of the dispute between Canada and the European Union.

Due to clear evidence of declining biomass, condition and size of turbot in the traditional fishing areas, the Canadian government slashed quotas for domestic fishers and lobbied the Northwest Atlantic Fisheries Organization (NAFO) to introduce quotas for turbot.

In a meeting in February 1995, NAFO members agreed to a total allowable catch

of 27,000 tonnes, with only 3,400 tonnes being apportioned to the EU, whose boats took 60,000 tonnes in 1994.

The EU promptly contested this allocation, awarding themselves 18,630 tonnes instead. Their fleet continued to fish hard, at a rate which would have exceeded the total allowable catch very quickly.

Concerned with the depletion of straddling stocks of cod and other fish which had migrated to warmer deep waters in recent years, the government of Canada in 1994 exempted itself from the authority of the world court with regard to fisheries and amended a domestic law called the Coastal Fisheries Protection Act.

This amendment unilaterally gave the government the right to board, inspect and, if necessary, seize any stateless or flag-of-convenience vessel fishing in contravention of NAFO conservation measures in the NAFO fishing areas beyond 200 miles.

#### **Vessel arrested**

Under this new law, Canada arrested the *Cristina Logos*, a Portuguese-Canadian vessel which became temporarily stateless while fishing outside of 200 miles. The *Cristina Logos*' hold bore cartons of tiny fish labelled x, xx and xxx small—clear evidence of a fishery directed at baby fish. The net on board had several layers of small-meshed liners.

Canadian authorities monitoring the activities of Spanish vessels fishing turbot outside of 200 miles became increasingly concerned through January, February and March of 1995. The rate at which biomass was being caught indicated to scientists that the boats must be using very small-mesh nets, because Canadian boats with legal-size nets could not catch enough fish to cover their operating expenses.

However, under existing international law, there was no recourse beyond requesting Spain to monitor and enforce NAFO rules on their vessels. The request was made, but no action was taken by EU authorities.

In March, Canada amended the Coastal Fisheries Protection Act once more, granting themselves authority to board and, if necessary, arrest not just flag-of-convenience vessels but also Spanish and Portuguese vessels deemed to be fishing in contravention of NAFO agreements. Actions specifically allowed under the amended CFPA included the cutting of trawl warps and boarding of vessels.

The stage was now set for a fish war.

On 9 March, after issuing warnings to the Spanish vessels fishing on the Grand Banks, Canadian fisheries officers closed in on the vessel *Estai* and asked leave to board the vessel in order to arrest it for illegal fishing practices.

This vessel had been noted in 1993, when the Canadian authorities asked the EU to investigate the *Estai* for fishing species under moratorium. The investigation was never pursued.

As the Canadian fisheries officers attempted to board the *Estai*, the crew cut the warps on their nets, letting it fall to the ocean floor, and then, after casting off the ropes, steamed away into the fog.

The Canadian boat pursued the *Estai* for several hours, while other Spanish vessels attempted to run interference. The *Estai* stopped and was boarded after Canadian officers fired four bursts of gunfire over her bow. The vessel was escorted to the port of St. Johns, the captain arrested, and

an investigation launched. Investigators found duplicate fishing logs which were significantly different.

In the logs being kept for NAFO, catches of turbot were over-reported for 1994 and under-reported for 1995. Catches of by-catch species under moratorium, particularly American plaice, were also under-reported, compared to the captain's private log. Inspection of the holds revealed tonnes of immature turbot and plaice. The *Estai's* net was retrieved and found to be illegal in mesh size, with an even smaller mesh liner in the cod end.

For the government of Canada, the timing was opportune. With Canadian boats tied up, Canadian fishworkers were demanding action to curb overfishing of stocks that represent their only hope for a future fishery.

Focusing attention on foreign fishing vessels distracted Canadians from the thorny issues of the use and abuse of technologies in their own fisheries, past and future, and the problems of deciding who would benefit from allocations in any future fishery—corporations or communities.

The rest of Canada was also in the mood for a diversion. After a brutal deficit-slashing budget and with the separatist referendum looming in Quebec, finding an external enemy was a standard political manoeuvre.

Further, there was the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks scheduled for the end of March to mid-April—the perfect media opportunity.

#### Masterful media event

Fisheries Minister Brian Tobin brought all these together masterfully in a media event in New York Harbour on 28 March. Three busloads of reporters were given a ferry ride across the harbour to a barge upon which was a crane holding up the *Estai's* net.

There, to explain how the net worked, were two young fisheries officers who had escorted the exhibit down from Newfoundland. The net was artfully arranged to frame the view of the UN



buildings in the background. In addition to measuring the mesh size with NAFO-approved calipers, the officers displayed tiny turbot and plaice taken from the hold of the Spanish boat.

Then Minister Tobin made his impassioned speech to save the lonely, homely turbot—part of which he referred to as a planetary treasure and an essential component of the protein needed to feed the world's people. As a consciousness-raising effort, the New York media event was terrific. In terms of the UN Conference, however, it was not so positive, as wrangling between Canada and the EU dominated comments on the floor at a time when delegates needed to concentrate on co-operation.

Most disheartening of all was the evidence that the Canadian delegation was not going to follow through on their Minister's dedication to conservation.

In a discussion on the practical application of the precautionary approach in fisheries management, Canada argued that this section of the convention should not be mandatory because, although they were, of course, committed to a precautionary approach, the poor developing nations could not afford it. Therefore, it should not be mandatory for any nation. Suddenly, preserving fish for the common good of all people on the planet was off the

agenda, just as suddenly as it had surfaced. This reflects the true agenda of Canada's current government—deficit reduction at any cost. In the recent national budget, aid to developing countries and north-south NGO project assistance were both slashed.

At the time of writing, Canada and the EU have not come to any agreement. The Spanish boats are still dragging tiny turbot off the deep ocean floor, even though nobody knows whether the year's total allowable catch for turbot has been caught or not. According to the new agreement, these boats must now carry an independent observer who will report to NAFO any violations of their fisheries management policy—for instance, the use of illegal small-mesh nets or the by-catch of endangered stocks. The fleet will also be under surveillance by satellite.

We are waiting to see whether the Canada-EU agreement will be implemented and enforced, and whether there will be the political will in the EU to prosecute any of their vessels that may be reported by the observers to be violators.

More importantly, have these measures been put in place in time to save the turbot from commercial extinction? And what will be Canada's future policy on the exploitation of spawning biomass by joint-venture or domestic draggers operating inside the 200-mile limit?

#### **Conflicting needs**

Unless the UN Conference on Straddling and Highly Migratory Fish Stocks makes a rapid and major forward movement, we can only expect more fish wars to erupt, as stocks continue to decline and governments wrestle with the conflicting needs of long-term conservation and immediate economic returns. 3

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