

The turbot war

## Beyond quotas and mesh size

Though Newfoundlanders may have wanted tougher measures in the Canada-EU skirmish, the real message in the 'turbot wars' is a much larger one

**T**he recent dispute between Canada and the European Union over Greenland halibut (turbot) quotas on the Green Banks has drawn widespread international attention to the tragedy that has befallen fishing communities on Canada's Atlantic coast.

The high-stakes, high-profile dispute dominated European and Canadian newscasts and newspapers for weeks and attracted a great deal of attention elsewhere in the world as well.

Now that the dispute has been resolved, the tens of thousands of Atlantic Canadians who have been displaced by the crisis in our groundfish resources will be watching closely to see if this dispute will mark a real turning point in our struggle to rebuild our fishing society.

Nearly 40,000 Atlantic Canadians have been affected by the closure of 14 principal groundfish stocks on the Atlantic coast. Approximately 30,000 of the affected workers live in the province of Newfoundland, which has a total employed workforce of just over 200,000.

To understand the significance of the turbot dispute, it is necessary to comprehend the nature of Newfoundland society. Two years from now, we will be commemorating the 500th anniversary of the discovery by European settlers of Newfoundland, Canada's most easterly province, which today has a population of about 577,000, scattered in 700 communities over 17,500 km. of coastline.

It was the tremendous abundance of fish off Newfoundland's coast that attracted settlement in the first place. For centuries, the fishery has been our main employer and the mainstay of most of our coastal

communities. This has made all the more devastating the impact of the disastrous decline in key groundfish stocks.

As recently as 1988, quotas for the major groundfish stocks fished by Newfoundlanders—cod, flounder, turbot, redfish and others—were slightly over 500,000 tonnes. By 1994, these had dropped below 45,000 tonnes—a decline of over 90 per cent in just six years.

The prognosis for the future of these stocks is not encouraging. A total of fourteen stocks are under moratorium, including the stock that was historically Canada's largest, the so-called Northern Cod stock, which for centuries supported a fishery ranging between 200,000 and 300,000 tonnes annually, all of which was fished with fixed gear until the advent of the distant-water factory-freezer trawler fleet from Europe in the 1950s.

On 2 July 1992, when Canada's Minister of Fisheries and Oceans closed the Northern Cod stock for two years (later extended by five more years), the effect on our province was overwhelming. The economic impact was partially offset by a government compensation programme for the affected fish harvesters and processing workers.

### Centuries old

But the greater impact arose from the abrupt halt to centuries of activity that had been passed on from generation to generation. As one fisherman put it in an interview shortly after he was put out of work by the moratorium, "If I'm not a fisherman, what am I?"

Since then, the situation has worsened, as more fisheries have been closed in a desperate attempt to let the stocks recover from all-time low levels. Dozens of fish

plants were closed and hundreds of large and small vessels decommissioned or just left tied to the wharf. For many years, fixed-gear fishermen have been warning about the decline in our stocks.

**T**hough shellfish and some pelagic fisheries still exist, for generations the groundfish stocks have provided most of the employment in the Newfoundland fishery. Significantly, Canada's 200-mile EEZ does not encompass our total continental shelf. An accident of nature has given us a continental shelf which extends beyond 200 miles, and a number of our most important fish stocks straddle the 200-mile limit.

While Canadian fishermen and fish-plant workers were forced to absorb the cutbacks and closures outlined above, European vessels just beyond our 200-mile limit have actually increased their fishing effort. With callous disregard for quotas, mesh sizes and other fisheries management regulations, the Europeans have played a primary role in the destruction of our crucial stocks.

From 1988 to 1994, the Europeans had quotas totalling 164,400 tonnes from the Northwest Atlantic Fisheries Organization (NAFO), the international body responsible for managing the area of Canada's continental shelf which lies beyond 200 miles. During that period, the

EU reported a catch of 851,600 tonnes. But, according to the estimate of Canadian enforcement authorities, the Europeans actually caught 1,362,600 tonnes. Even the catches they reported came to more than fivefold the quotas awarded to them by NAFO.

NAFO, unfortunately, has been a toothless tiger. It has only 10 per cent observer coverage, and that too by the flag state. There is no provision for real-time reporting and the enforcement regime is full of loopholes. That is why, in May 1994, the Parliament of Canada passed a law authorizing the federal government to designate classes of vessels against which it can take enforcement action beyond the 200-mile zone.

The government initially designated flag-of-convenience countries, outside the jurisdiction of NAFO. The designation of these countries and bilateral pressure on the various states by Canada effectively drove the flag-of-convenience vessels off the so-called 'nose and tail' of the Grand Banks, the key fishing areas just outside 200 miles.

#### **Howls of protest**

Effectively, this act and the accompanying regulations extended the boundaries of international law. The EU howled in protest. The reason soon became clear. Earlier this year, NAFO had set a total allowable catch.



This totalled 27,000 tonnes for the declining Greenland halibut stocks and the EU was awarded only 3,400 tonnes. The EU announced that it would take advantage of the ultimate loophole in the NAFO Convention, the so-called "Objection Procedure", which allows any NAFO member country to file a formal written objection to any quota and thereby choose not to be bound by it.

When this happened and the Europeans fished more than their quota, the government of Canada acted, arresting the Spanish trawler *Estai*. With that arrest, came the disclosure of dual logs on board the vessel, a high percentage of undersized fish, and the discovery of a hidden hold containing 25 tonnes of American plaice, a stock under moratorium. Canadian authorities also retrieved the *Estai's* net, which, to no one's surprise, carried undersized mesh containing an illegal liner or inner mesh.

This led to the protracted dispute that included a diplomatic war of words, Canadian patrol ships cutting the ropes of another Spanish trawler, protests and demonstrations on both sides of the Atlantic, and ultimately, a settlement, against which Spanish fishing interests are still protesting bitterly. The settlement of the turbot dispute gave the EU approximately three times as much Greenland halibut as they received under the original NAFO Convention. It includes

100 per cent observer coverage, 35 per cent satellite coverage, improved inspection, hailing and reporting of catches, and other measures intended to give the authorities the tools to enforce and police quotas, mesh sizes and other fisheries management regulations.

To be sure, the settlement is not ideal. Newfoundlanders would have preferred tougher enforcement measures which did not give any more fish to the Europeans. Having said that, we believe the new agreement is a major step in managing straddling fish stocks. We expect that there will be problems with the new regime and it will require further amendment and correction.

This agreement at least holds out a glimmer of hope for a fishing society whose future has looked very bleak for a long time. There is now some hope that the painful cutbacks we have had to endure, may not have been totally in vain. It has also been very encouraging to see the support that we have received, not only from across Canada, but from other countries, notably Great Britain.

During the course of this dispute, we have exposed to the international community an issue that is vital to our livelihoods. We believe the outcome pushes the whole debate on the management of straddling fish stocks and all fish stocks, in general, to a higher level. The message has to go out that fishing countries and fishing people are serious about conservation and enforcement.

The so-called 'turbot wars' always stood for more than mere turbot. They are about all straddling fish stocks in the northwest Atlantic. But they are really about the fishing crisis that has gripped the world fishing community. 

This article is by Earle McCurdy, president of the Fish, Food and Allied Workers (FFAW/CAW), which represents over 20,000 fish harvesters and processing workers in the province of Newfoundland and is affiliated with The Canadian Auto Workers Union