

Putting up the barricades

By laying seige to foreign vessels and grabbing hostages, Spanish fishermen have declared war on the EU fishing policy

For Spanish fishermen, 16 July, the day of the feast of St. Carmen, their patron saint, was no occasion for festivities. Instead of celebrating, they declared war on European fishing policy, sending out a tidal wave of protest against tuna drift-nets.

On the high seas that day, they boarded and seized the French fishing vessel *La Gabrielle*, 700 km north of La Coruna, and escorted it back to the port of La Burela in Galicia in north-west Spain. Here it was held hostage by 300 Spanish tuna boats until 21 July, while officials from the European Union (EU) and the French and Spanish governments negotiated its release.

Five days later, the fishing guilds of Galicia, Cantabria, Asturias and the Basque Country laid seige to the key northern ports of Spain and Hendaye in France, trapping commercial shipping and thousands of tourists. The seige was lifted on 29 July, when the Spanish government promised to take action in the European Commission to see that 'illegal use of giant nets to catch tuna would be stopped'.

The northern coast of Spain has a very short continental shelf and for centuries, powerful Basque and Galician whale hunters have ventured as far as the Arctic sea and the Canadian Labrador coast. During the Franco regime, modernization of fleets took place.

Today Spanish fishworkers represent almost half of Europe's fishing force. To fish tuna, they operate huge 30-in boats equipped with pole-and-line. They move in large fleets, following fish shoals in their migration to the north. Each boat carries 25 to 30 fishworkers, who work from sunrise to sunset.

This type of operation yields very fresh fish which is carefully preserved. But it is limited to the daytime and, as scientists point out, young fish make up the bulk of the catch. With profitability low, these fishermen do not wish to be disturbed by any other gear in the same area, since they fear that the tuna shoals may get dislocated. Early this year, they had warned French and other European fishworkers to keep off their usual fishing grounds or face trouble.

French fishermen are far less numerous. In the 1970s, they abandoned pole-and-line fishing and, helped by technologists from the national institute for modernization of fisheries, IFREMER, they built smaller boats (12 to 20 m) and began to operate long drift-nets with only five fishworkers.

Soon the drift-nets earned a very bad reputation in the Pacific. Environmentalists campaigned actively against these 'curtains of death'. The call for a ban on drift-nets in the Pacific was echoed in the EU regulation of 1991 which limited the length to 2.5 km.

The French fishermen were temporarily exempted and could use 5-km nets for some time. But in 1994, they had to abide by the new rules. They protested saying that such short nets would never catch enough and that they would have to rely too much on the coastal demersal stocks of flat-fish already fully exploited. If they were no longer allowed to fish the Atlantic tuna, they would have to stop fishing altogether, they said.

French minister's support

The French minister of fisheries promised his support and induced fishing boats to take aboard a spare net in case the legal one was damaged. Such signals caused a swift reaction and Spanish fishermen

were soon convinced that every drift-net at sea was above the legal dimension.

Clashes forced the French navy to accompany its national fishing boats and eventually impose fines on some of them. British warships had to patrol around their own drift-netters, thousands of miles from their home ports.

Essentially, the tuna war is all about technology and access rights. Tuna fishing in Spain uses a variety of hook-and-line techniques, including pole-and-lining. These techniques are claimed to be selective and environmentally sound, whereas drift-nets are overefficient and dolphin-unfriendly.

The technology factor gives Spain an opportunity to claim exclusive access to the tuna resources of the North Atlantic, as it is the only nation in the zone specializing in fishing without drift-nets.

The North Atlantic tuna fishery is outside the EEZ of the EU. It is a high-seas fishery and therefore would not seem to be subject to EU regulations.

However, all EU fishing vessels which operate there are subject to EU regulations. In theory, non-EU fishing vessels could fish in that area with any gear they choose. It is surprising not to hear of 'flags of convenience' vessels operating there.

Three main species of tuna are targeted in the North Atlantic: *Thunnus thynnus* (giant blue-fin), *Thunnus albacares* (yellow-fin) and *Thunnus alalunga* (albacore, long-fin or white tuna). In 1992, five thousand tonnes of tuna—about 20 per cent of the total catch—were caught by nets, while pole-and-line accounted for 18,000 tonnes or about 80 per cent.

Most studies have shown that, in the case of the Atlantic tuna fishery, the catch of dolphins and other whales is relatively low, compared to the 50-km 'Wall of Death' drift-nets used in the Pacific.

However, catches of shark can be significant. Dolphins are but one of the by-catch of drift-nets. In 1991, French drift-nets reportedly caught 19,000 blue

sharks, while drift-nets of all nations put together caught 2,000 dolphins.

Other 'non-target' species include other mammals, sea birds, sharks, bream, marlin (sword fish) and other fish. The by-catch also includes thresher, porbeagle and blue sharks. These fish produce very few young, and therefore have very slow reproductive rates.

Intensive fishing effort on sharks can quickly decimate their populations. Unluckily for them, sharks do not have the same friendly image as dolphins! Unlike most of the other by-catch like the bream and sword fish, which are often as valuable as the tuna, shark is generally discarded or wasted.

The tuna drift-net fishery could therefore have a significant impact on shark populations in the North Atlantic. This is not only lamentable for the sharks, but could also mean the loss of a potentially valuable fishery resource.

Also of concern is the wastage of tuna and other species caught by the drift-nets. Once caught, tuna and other fish like marlin die quickly and begin to rot. After a couple of hours in the net, the fish may get quite badly damaged. They are therefore discarded.

In the case of fish caught with lines, the quality is much better, as they are landed alive. Line-caught fish therefore receive a much higher price than net-caught fish and is destined mainly for the fresh market. Tuna caught in nets is an inferior product and goes mainly for canning.

In Spain, the fishing industry, particularly in the north, is an important source of employment and wealth creation in a country where unemployment averages 25 per cent. Spain is a recent entrant to the EU and will become a full member in 1996.

European waters

The Spanish fishing fleet accounts for about 60 per cent of the total EU fleet. Though its access to EU waters is currently restricted, Spain is looking to European waters for new fishing opportunities. Only in 1996 will it have equal access to the seas of other EU states. In the tuna fishery of Biscay on the southwest Irish

coast, Spain caught about 80 per cent of the fish landed in 1990. It is estimated that today the Spanish use six times the number of boats and four times the manpower to get three and a half times the catch of the French tuna fleet of around 300 to 400 vessels. Catches have dropped from 28,000 tonnes in 1987 to 18,100 tonnes in 1992.

Past experience with Spanish fishing boats have made British fishermen bitter. The boats have been found fishing illegally, sometimes under flags of convenience. They were also found using hidden fish holds, catching and storing undersized fish, and exceeding quota limits. In July 1993, a film crew was badly beaten up while trying to film the landing of illegal fish.

British fishermen see the Spaniards as a threat to their resources and livelihoods, and are very suspicious of them. The EU recognizes that its fishing fleet has already developed well beyond capacity, and a programme to reduce fishing effort is being implemented. There is deep mistrust and fear that British fishing grounds will be sacrificed to appease Spain.

Suspicion has been further fuelled by Greenpeace's observations on Spanish fishing boats around the Straits of Gibraltar in August 1994. At least three of a group of 10 boats working about eight

miles off the Spanish coast were reportedly observed using nets larger than the regulation size of 2.5 km. Their sizes ranged from 3.4 km to 4.3 km.

Earlier, on 30 July, a Greenpeace ship arrived on the fishing ground and started measuring the drift-nets. The French navy protested and some gunshots narrowly missed the Greenpeace activists. The media gave wide coverage to these events. By 14 August, Greenpeace withdrew from the scene and started monitoring nets in the Mediterranean sea.

The policing action by Greenpeace dragged the conflict into the spotlight and demonstrated the weaknesses of the European control systems.

It became clear that, during periods of tension, national navies may not be the best instrument to check their own fishermen. The EU inspectors who are supposed to notify violations of the law have no power. The need for a European coastguard is obvious.

Dialogue with ecologists

A week later, at the Summer University of the French Green Party, fishermen accepted a dialogue with the ecologists of Greenpeace. They spoke about tuna stocks and pointed out that some modern gear, specifically the 'pelagic trawl', was much worse than the drift-net. This is a mid-water trawl pulled by two powerful



Spain

vessels. The introduction of this new gear in the early 1980s was patronized by IFREMER but today small-scale fishermen have only harsh words to denounce the very technologists of this institute who brought into France this highly destructive gear.

The first ones were large enough, but the new ones feature openings of 30,000 sq m. It is said that a dozen Boeing 747s can enter the mouth of the latest trawl, the 'Gloria'. Tuna trawling is very successful and yields around 10 to 20 tonnes in one haul, but the fish is often smashed by the pressure inside the net.

On 17 August, 10 'pelagics' from Hendaye were attacked by the Basques because they started to trawl for tuna. One fish-worker was seriously wounded. Not surprisingly, a hot debate is now on to demand rules and regulations to control the existing units and stop the entry of new ones. The *pelagiques* are accused of destroying declining stocks traditionally fished by coastal boats.

Moreover, rocky bottoms which were unfit for bottom trawls and were the preserve of small-scale fishermen who could lay traps, longlines and bottom-set nets, are now exploited by the mid-water trawls. They have the advantage of being able to adjust the depth of the net with great accuracy. No stock seems out of their reach now!

There have also been other recent incidents of Spanish vessels with nets up to six km. long, being sent back to port. It is believed that Spain banned drift-nets in 1990. Cornish fishermen complain that, nonetheless, the Spanish authorities turn a blind eye to what is happening in its own waters, though they cry 'foul' when it comes to international waters. There is genuine concern amongst British fishermen that the Spanish government is doing nothing to enforce fishing regulations.

Spain's fish war is part of the current dispute in Europe over tuna fishing on the high seas. It also highlights the context in which they occur, namely, recent UN and EU fisheries regulations. Community ownership and management has been subsumed by state and regional

management. Through quota systems and joint venture agreements, commercial interests are able to buy up marine resources. This has grave implications for traditional livelihoods and food production systems which are sustained by marine resources.

The UN General Assembly Resolution No. 44/225, adopted by consensus in December 1989, established the so-called 'driftnet ban'. It asked for an immediate halt to the expansion of large-scale pelagic drift-net fishing in all regions of the high seas, and a moratorium by 30 June 1992 on such fishing in all ocean regions, except where effective conservation and management measures have been implemented.

The recommendation contained in the resolution refers to a moratorium, that is, an agreed suspension of activity, on large-scale pelagic drift-nets (which can reach up to 30 miles or 48 km). However, it says this 'will not be imposed in a region or, if implemented, can be lifted, should effective conservation and management measures be taken ...'. Hence, the UN Resolution is not a ban. It only recommends a moratorium under certain conditions.

The International Commission for the Conservation of Atlantic Tuna (ICCAT) supports this resolution but has not specifically demanded a drift-net ban. Despite the claims of environmental organizations, neither any UN body (including the FAO) nor the International Whaling Commission has called for a world-wide blanket ban on drift-net fishing. Hence, to call this resolution a ban is incorrect.

Legal length

The current EU regulations which seek to restrict the use of tuna drift-nets were formulated as a result of the UN Resolution No 44/225, to which all EU member states are signatories. The legal length for high-seas drift-nets, introduced in January 1994, is 2.5 km. This also means that any EU vessel found carrying more than 2.5 km of net is breaking the law. Many French boats have been carrying 5 km., claiming that the second 2.5 km is spare', and a precaution against losing the other 2.5 km. It is, however, an illegal

practice. It is being argued by British fishermen that the steps they have taken to introduce 'dolphin doors' into their nets represent effective conservation and management measures.

Regardless of all this, focus on the current EU limit of 2.5 km is a bit of a red herring. The EU plans to phase out, by 1997, 'all drift-net fishing activities causing ecological difficulties, including nets of less than 2.5 km.' However, 'ecological difficulties' are not defined. This leaves the door wide open to debate and conflict.

The EU is now proposing that a scientific study into drift-nets should be carried out by member states whose fishermen use them. It is likely that salmon drift-nets will also come under scrutiny, and possibly be banned. These nets are over 20 km long and are exempted from current high-seas drift-net regulations. These incidents seem to indicate that technology is at stake. The gill-net may be a good gear as a passive one, with big meshes which are selective and let small fish pass through. But there are also giant gill-nets drifting away without any control. For fishing enterprises, the alternative may well be to abandon the gill-nets and go for fine-mesh purse-seines or, worse, mid-water trawls.

The defence of the traditional way of life of the Spanish fishermen and their

labour-intensive technologies may be respectable, but how long can they hold out against the forces of economics and the global market? Their fight has so far been rather successful because of the close links in the community, as reflected by their *confradías*, where owners and workers are all members and knit by a very active nationalist spirit. Further, everyone seems to agree that the decision to label tuna caught by hook is a very good one. Yet, low salaries and poor productivity could still prove stumbling blocks. Some observers wonder whether the depiction of the French villain as a powerful foreign enemy is actually hiding the internal social contradictions of the Spanish fisheries sector.

The battle for fish will not be resolved by unilateral actions of fishermen, or by non-consultative regulations formulated by bureaucrats in capital cities far from the sea. International conferences which proclaim lofty ideals, but continue to exclude the participation of fisherfolk are also unlikely to alleviate the situation. ♣

This article is based on reports for Brian O'Riordan in the UK and Pierre Gillet in Belgium