

Japan
Fisheries
Association



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Views and Opinions of Japan's Fisheries Industry

UN's DECISION SHOULD BE BASED ON SCIENCE *Another threat to the global food security*

The JFA newsletter ISARIBI calls for the attention of the global community to a threat to the global food security and the rights to fish stipulated in the UN Convention on the Law of the Sea.

On November 17, 2004, the United Nations adopted a resolution to encourage prohibition of bottom-trawling without receiving either technical or scientific advice from the UN's specialized agency for fisheries, the Food and Agriculture Organization (FAO). Progress on action taken in response to the Resolution is to be reviewed within two years and this can develop into closure of the fishery. This move reminds fishermen of a tragic precedence more 10 years ago.

In the early 1990s, more than 40,000 fishermen and employees of related industry in the world lost their job. The driftnet used by these fishermen had been demonized with the emotional name, 'curtains of death' given by the environmental community. The fishermen were simply defenseless against this heavily-funded emotional and political campaign. The frenzy of the anti-driftnet



movement was then compared to stampede. In the decision-making process of the regulation of the driftnet fisheries, there was extremely insufficient discussion on their adverse impacts. The issue of premature discussion was brought to an inappropriate place to scrutinize the question of marine biology, the United Nations General Assembly, where the resolution to ban driftnet fisheries on the high seas was adopted. This tragedy should never be repeated.

ICFA URGES ALL NATIONS TO REJECT MORATORIUM ON TRAWLING IN THE HIGH SEAS

The Annual Meeting of the International Coalition of Fisheries Associations (ICFA) was held in Honolulu, Hawaii, November 22-24, 2004. The ICFA discussed various fisheries issues including the UN resolution on bottom-trawling and expressed a strong concern on the

issue, adopting the following two resolutions.

(ICFA is a non-governmental organization of national fishery trade groups of the leading fishing nations of the world founded in 1988. Its objective is to preserve and maintain the oceans as a major food source for people of the world.)

ICFA POLICY DIRECTIVE Regarding the United Nations General Assembly

Noting the prominent role of the United Nations General Assembly in fostering international norms and policies in a broad array in policy arenas;

Noting that multiple UN agencies and programs provide the UN General Assembly with technical information on these policy arenas; and

Further noting there can be considerable overlap between and amongst the policy arenas covered by these various agencies and programs.

ICFA calls on the UN General Assembly:

To recognize the leadership role of the Food and Agriculture Organization - Department of Fisheries - regarding fishery conservation and management matter;

To require that all fishery conservation and management policy matters be routed through FAO-Fisheries before being formally considered by the UN General Assembly;

To submit any fishery conservation and management policy matters that have not been so routed to FAO-Fisheries for expert comment and analysis prior to being considered by the UN General Assembly.

ICFA RESOLUTION ON BOTTOM TRAWLING

Whereas ICFA:

- + Notes that more than 90% of fishing activity takes place within nation's Exclusive Economic Zones (EEZs) and that trawling is the major fishing method used around the world, accounting for more than 60% of production;
- + Notes that trawling is acknowledged to be a sustainable fishing method contributing to global food supply and security;
- + Notes lobbying of UN member states by environmental NGOs in support of a moratorium on bottom trawling on the high seas;
- + Disputes these NGOs unsubstantiated and unscientific claims that trawling, particularly on sea mounts, destroys benthic biodiversity;

- + Is disturbed that the recent UN General Assembly discussion on the issue of trawling in the high seas took place without receiving either technical or scientific advice from the UN's specialist agency for fisheries, the FAO;
- + Rejects and abhors assertions that trawling is a "destructive fishing practice".

ICFA therefore:

- + Urges all nations to reject all proposals for a moratorium on trawling in the high seas; and
- + Urges nations to engage in appropriate regional fisheries arrangements for the high seas that provide for the utilization of demersal fish resources through trawl fishing while ensuring sustainability, including ensuring that any significant adverse effects on the aquatic environment are avoided or mitigated.

SCIENTIST'S VIEW - Unjustifiable Adoption of the UN Driftnet Ban as Bad Precedence

Dr. Uozumi, the author of 'Are Tunas Endangered,' parts of which ISARIBI has published in the past, witnesses the unjustifiable process of the adoption of the driftnet ban in the same book as follows.

In the latter half of the 1980s, when the high seas driftnet fisheries were under intensive attack from environmental protection organizations, the forces that opposed driftnet fisheries frequently resorted to the term "Precautionary Principle." Under this principle, they asserted that the driftnet operations should be suspended until such time when non-existence of the impact of the incidental catch on marine mammals, seabirds and marine turtles can be demonstrated.

The problem of incidental catch had been far more serious in driftnet operations taking place in the coastal areas within exclusive economic zones than in the offshore area in the high seas. This fact had been utterly ignored and the

argument had focused on the high seas driftnet fisheries. Furthermore, such an unreasonable demand was forced despite the full recognition that if driftnet fisheries had been fully suspended it would become virtually impossible to assess the impact of incidental catches in the driftnet fisheries.

And this mounting voice prompted the passage of a U.N. resolution on the prohibition of driftnet fisheries on the

high seas, causing elimination of high seas driftnet fisheries in less than only three years since the issue was first raised. The consequences of the prohibition forced as many as 600 fishing vessels and 40,000 people related to driftnet fisheries in Japan alone to undergo severe hardships. This application of the "Precautionary Principle" for the ban of high seas driftnet fisheries later came under fierce criticism from legal experts from Canada and other countries.

JAPANESE INDUSTRY LEADER EXPOSES SINISTER MOTIVATION FOR UN RESOLUTION

Proposed Ban on High Seas Trawling without Scientific Basis

Kunio Yonezawa, President of the Japan Deep Sea Trawlers Association, expresses his resentment to the UN resolution on bottom-trawling and its advocates as follows.

On November 17, 2004, the General Assembly of the United Nations adopted Resolution A/RES/59/25 calling for urgent action, including consideration of an interim prohibition, to prevent adverse impacts on vulnerable marine ecosystems beyond national jurisdiction by destructive fishing practices, including bottom trawling. This resolution is reminiscent of the series of three resolutions (44-225, 45-197, and 46-215) adopted by the United Nations General Assembly beginning in 1989 proposing a worldwide moratorium on all high seas drift net fishing that was to be in effect by December 1992. However the present resolution distinguishes itself from its infamous predecessors in that it includes two qualifiers; namely, that the issue be considered "on a case-by-case basis" and "on a scientific basis."

Obviously, these two qualifiers, included at the last stage of the draft negotiations, do not alleviate concerns that the intention of the original sponsor of the resolution (Costa Rica) and its fiery advocates, the same anti-fishing NGOs that were behind the drift net resolutions, is nothing short of a total ban on high seas bottom trawling and that the current resolution is not the end of the matter. This is because the same paragraph of the resolution that refers to consideration "on a case-by-case basis" and "on a scientific basis" also refers to application of the much abused "precautionary approach" and because a further paragraph in the resolution agrees to a review of progress on action taken within two years "with a view to further recommendations."

The real intention of these NGOs is also demonstrated by the fact that the IUCN World Conservation Congress, held in Bangkok in November 2004, adopted a resolution urging the United Nations General Assembly to declare an immediate moratorium on high seas bottom trawling. That resolution had been proposed by 11 NGOs and Costa Rica.

But, there is more sinister motivation for the resolution related to the increasing demands of NGOs for participation in the management of high seas fisheries resources. Calls for the establishment of high seas marine protected areas and bans on fishing activities in international fora where NGOs have participatory rights gives NGOs an increasing say in world governance at the expense of the sovereign rights of States provided for under the 1982 United Nations Convention on the Law of the Sea. By calling for the



A driftnet fishing vessel being scrapped, a victim of environmental movement

Matters concerning fisheries should be dealt with by the FAO and RFMOs.

establishment of new international organizations and new international laws, the current resolution is part of that process.

Why, for example, does the current resolution confine itself to the high seas, when almost all trawling activities are taking place in waters under national jurisdiction? It is a fact that there is virtually no bottom trawling on the high seas except in such localized areas as the Flemish Cap in the Northwest Atlantic regulated under the NAFO Convention or specific areas in the Southern Oceans under the CCAMLR. And there is little prospect of further development of these fisheries because of the topographic and oceanographic features of the high seas. In other words, the substance of the resolution is not the important point. The important point is that NGOs are achieving their objective: increased involvement in the governance of ocean resources.

In the 1980s, environmental NGOs lobbied hard for the implementation of the ban on drift nets with advertisements referring to drift nets as “curtains of death” and managed to make drift net fishing a political issue by misusing science and abusing the precautionary principle. The same tactic is

now being applied to the issue of deep sea trawling. Just as there was no scientific evidence that drift net bycatches were having a negative effect on the populations of fish, sea birds or marine mammals caught in the driftnets, there is no scientific evidence to demonstrate the sweeping statement in the resolution that bottom trawling is a “Destructive fishing practice.” The strategy of those opposed to fishing is clear.

They have bypassed the FAO and regional fisheries management organizations with competence on matters concerning fisheries management and science and instead, used the highest political institution of the United Nations system.

No one would argue that fisheries harvesting practices should be sustainable and that management can be improved. Much effort and considerable resources are being expended at the national and intergovernmental level to achieve these objectives through scientific research programs and, among other things, implementation of the UN Food and Agriculture Organization’s Committee on Fisheries’ “Code of Conduct for Responsible Fisheries” (UNFAO 1995). Fishing is a major food security issue for Japan and the major supplier of protein to much of the developing world. The increasing trend towards banning fisheries on the basis of exaggerated claims of resource depletion and destruction of fisheries habitat is therefore a serious concern.

ABUSE OF THE PRECAUTIONARY PRINCIPLE

Finally ISARIBI reminds readers of the precautionary principle, which served as a logical foundation for adoption of the driftnet ban, briefly reexamines the justification for its application to the ban, and cautions against future abuse of the principle.

The precautionary principle that is most commonly quoted can be found in ‘Agenda 21’ adopted in 1992 at the Rio Earth Summit as follows: “Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”

Was the application of the precautionary principle legitimate? The introduced measure was hardly cost-effective. At least 40,000 fishermen lost their jobs and 600 vessels were scrapped. In the adoption of the driftnet ban,

what was lacking was not full scientific certainty but fundamental scientific verification of the effects of the driftnet fisheries. Naturally, therefore, it remains extremely doubtful that there were threats of serious or irreversible damage to the marine ecosystem. As far as irreversibility of damage is concerned, what is clear is that driftnet fisheries on the high seas, one of the rational means to utilize renewable marine living resources, were irreversibly eradicated. The lives of fishermen, as well as those of their wives and children, who had been engaged in their calling with self-esteem were irreversibly affected or disturbed in the name of environmentalism.

It is the wish of ISARIBI that the global community learns from this mistake and the UN prudently handles future issues of conservation and management of marine living resources.