



OPRT

NEWSLETTER INTERNATIONAL OCT. 2021 No. 76

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FOR CONSERVATION AND SUSTAINABLE USE OF TUNAS

Forced labor issues attracting more international attention

Labor issues on fishing vessels referred to as “forced labor,” “labor exploitation” or “slave labor” are attracting more international attention. According to the ILO Forced Labour Convention, 1930, the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. The ILO also established eleven indicators for forced labor. These are: (1) Abuse of vulnerability; (2) Deception; (3) Restriction of movement; (4) Isolation; (5) Physical and sexual violence; (6) Intimidation and threats; (7) Retention of identity documents; (8) Withholding of wages; (9) Debt bondage; (10) Abusive working and living conditions; and (11) Excessive overtime.

The US government announced last May that it would impose a new import ban on seafood, including tuna and swordfish, from a Chinese fishing company as it was alleged to be involved in forced labor. The US government also submitted to the WTO a proposal for the negotiation on fisheries subsidies to address the problem of forced labor on fishing vessels. The proposal consists of three elements: (i) addition of “subsidies to fishing-related activities in support of IUU fishing” to the list of subsidies to be eliminated, recognizing that certain fishing-related activities such as transshipment may also be associated with the use of forced labor; (ii) the need to recognize that the use of forced labor on fishing vessels is often associated with IUU fishing and effective disciplines on subsidies to IUU fishing operators can contribute to elimination of forced labor; and (iii) addition of “any vessels and operators for which the Member has information that reasonably indicates the use of forced labor” to the list of information to be provided by Members. While such US actions could be considered to be part of the US policy against China, the world is more closely scrutinizing the forced labor of foreign crew on fishing vessels.

The WCPFC has been discussing this issue in a more extensive manner than other tuna RFMOs. At its 2020 annual meeting, Indonesia raised the need for the WCPFC to discuss the labor standards for fishing vessel crew and the meeting decided to continue the discussion intersessionally towards the 2021 annual meeting. The discussion was triggered by a series of reports indicating human rights violations, including an incident in May 2020 in which an Indonesian crew member working on board a Chinese fishing vessel died and was abandoned in the sea. Based on the

discussion at the annual meeting, the WCPFC held an online workshop last July to discuss a proposal jointly submitted by two co-chairs, Indonesia and New Zealand. The joint proposal titled “Conservation and Management Measure on Labour Standards for Crew on Fishing Vessels” is based on the WCPFC Conservation and Management Measure for the Protection of WCPFC Regional Observer Programme Observers, the WCPFC Resolution on Labour Standards for Crew on Fishing Vessels and C188 – Work in Fishing Convention of the ILO. The joint proposal aims to specify in detail the obligations of flag members and vessel owners such as insurance; repatriation; minimum age; fair and decent working conditions; actions in case of sickness, injury, missing, falling and death of crew members; and actions in case of possible abuse such as assault, intimidation, threat or harassment. This new conservation and management measure could greatly affect how distant-water fisheries should be operated.

Discussion will continue, taking into account the views expressed at the workshop. The final decision is expected to be made at the WCPFC annual meeting in November. If it is formally adopted there, a fishing vessel that is considered to be involved in forced labor may be placed on the IUU vessel list. Taking into account the discussion in the WCPFC, the United States has expressed its desire to also take up this issue in ICCAT. The final conclusion of the WCPFC on this issue could affect the policy of other RFMOs on labor issues.

(This article is based on an article in OPRT Japanese Newsletter No. 109 and has been expanded slightly with additional information.)

Mystery of Atlantic bluefin tuna migration – Why have they disappeared from the fishing ground off Brazil and could they come back in the near future?

Atlantic bluefin tuna are known to have the characteristic of changing their migration pattern drastically, which is not found in other tuna species. From the middle of the 1950s to the early 1960s, Atlantic bluefin tuna migrated between the Gulf of Guinee and Argentina, with more fish found off Brazil. Many Atlantic bluefin tuna were caught incidentally by Japanese long-line fishing vessels targeting yellowfin tuna and albacore tuna in the area. In recent

years, no Atlantic bluefin tuna catch has been reported, although long-line fishing is conducted in the same area. The catch of Atlantic bluefin tuna in the area peaked at about 8,000 metric tons in 1964, but fell to almost zero in the late 1960s and has remained so until now. Why did this disappearance occur?

Bluefin tuna are found both in the Pacific and Atlantic, but these species are different in terms of taxonomy. The main distribution area of bluefin tuna is temperate areas. As the fish grow, they develop a more sophisticated body temperature adjusting system, which enables them to adapt to a wider temperature and migrate into areas where the surface temperature is only 10 degrees Celsius. On the other hand, their migration to tropical zones is rare. Spawning takes place in subtropical zones from early to late summer, with a minor part of the fish spawning in temperate zones. In the Pacific Ocean, where bluefin tuna are mainly distributed in the Northern hemisphere, a small number of large bluefin tuna are found off Australia and New Zealand. These basic facts mean that the past dense distribution of Atlantic bluefin tuna in the tropical area off Brazil is very exceptional.

The Atlantic bluefin tuna stock has now recovered after it experienced depletion for many years. As the stock was recovering, the fish started returning to areas where they used to migrate to but had disappeared from when the stock was depleted. These include the North Sea, the seas off Norway and the Black Sea, among others. Norway has resumed bluefin tuna fishing, although the scale is still small. Scientists have been saying that there are two distinct spawning grounds for Atlantic bluefin tuna: the Mediterranean and the Gulf of Mexico. In recent years, spawning activities were found in the US mid-Atlantic coastal areas and the Bay of Biscay, which may be associated with the stock recovery. If these phenomena indicate that the area of bluefin tuna distribution, which once contracted due to the depletion of the stock, has re-expanded to the original area, why have the fish not come back to the area off Brazil? There may be three hypotheses which can explain this. The first one is that the stock is recovering but has not yet reached the past high level at which the fish migrated there. The second one is that the ecology of Atlantic bluefin tuna and/or the ecosystem has changed and they stopped migrating there. The third one is that catch actually happens but no reports are made due to the strict catch regulations introduced by ICCAT through the setting of the total allowable catch and allocation to its members and the fact that ICCAT members in the southern hemisphere have no allocation. These three hypotheses are further elaborated on below.

In order to examine the first hypothesis, one needs to look at the past stock assessment, which has been conducted based on a two sub-stock hypothesis (east and west). The stock assessment for the eastern sub-stock cannot be used because it does not cover the period during which the fish migrated into areas off Brazil. On the other hand, one of the simulation models used in the stock assessment for the western sub-stock covers the period. According to this, the level of the stock

used to be much larger than the current level, suggesting that the stock has not yet fully recovered. At present, both sub-stocks are in good shape and likely to further increase. If the stock is still on the way to full recovery, the past distribution pattern may be replicated in the near future. It should be noted, however, that the fish found off Brazil are old and large measuring 250 cm, and it may take ten years to see the effect of the recovery.

Regarding the second hypothesis, in addition to the fact that no catch reports have recently been made from the area, information on migration patterns derived from a recent experiment using archival tags does not indicate any migration to the area off Brazil or the southern hemisphere. Then, why did a large number of bluefin tuna once exist in this tropical area? Was it for spawning or feeding? With respect to spawning, the surface temperature in the area is too high for bluefin spawning (24 degrees Celsius is a good temperature for the fish) and does not show significant seasonal temperature changes that trigger the spawning. It is not likely that the purpose of the exceptional migration was for spawning. Then, the purpose is likely to be to feed on something. As bluefin tuna have great diving ability, they can eat other creatures found at various depths and can stay in tropical areas if the temperature in deep waters is suitable for their survival, even if the surface temperature is too high for them to stay there. Further, it is well known that bluefin tuna are distributed widely from coastal areas to high seas far from the continents and their distribution pattern has been changing. This suggests that their adaptability to changing environments or new environments is high and they may even have some sociality. It may be the decision of the group not to migrate into the tropical area. In conclusion, Atlantic bluefin tuna that used to stay in the tropical area are likely to have ceased to migrate there due to changes in the area's ecology or the ecosystem.

There is a low possibility of the third hypothesis. If Japanese long-line fishing vessels incidentally catch bluefin tuna in the tropical area of the southern hemisphere, a certain tolerance of bycatch is allowed and there is not much incentive to hide such bycatch. In addition, some vessels have observers aboard who are supposed to report the bycatch of bluefin tuna. There have been no reports of such bycatch.

To summarize the discussion on the three hypotheses for why bluefin tuna have disappeared from the tropical area off Brazil, the possibility of the third one is low, while both the first and second ones are possible. It is difficult to say which one is more plausible. If the first one is right, the fish are likely to show up in that area in the near future. If the second one is right, the fish will never show up. This will become clear as we monitor the stock level, as well as the migration and movement, of Atlantic bluefin tuna in the coming years.

(This article is a translation of an article written by Dr. Ziro Suzuki (tuna biologist) that was originally featured in OPRT Japanese Newsletter No. 109.)