



*Sustainable Fisheries Partnership Briefing Paper*

Effectiveness of the Catch Documentation Program for Atlantic Bluefin Tuna and Alternative Measures for Promoting Sustainable and Legal Bluefin Tuna Supplies

16 September 2009

Earlier this month the release of the first phase of a study for the United Kingdom government entitled “Best Practice Study of Fish Catch Documentation Schemes” drew attention to potential shortcomings in the design of various Regional Fisheries Management Organization (RFMO) systems for documenting the legal provenance of fish<sup>1</sup>. In addition to summarizing the history and key issues for catch documentation schemes in general, the report provided a critical review of each existing scheme, including the International Commission for the Conservation of Atlantic Tunas (ICCAT) Catch Documentation Program (CDP) for Atlantic bluefin tuna.

The objective of the report was to identify which, if any, of the existing schemes’ designs represents best practice, rather than to draw definitive conclusions about whether certain schemes are unacceptable and need to be improved. Nevertheless several key weaknesses were identified in the ICCAT bluefin CDP which are reviewed below (weaknesses in other schemes were also identified but are not summarized here). It should be noted that this first phase of the study only examined the design of the schemes, not how they operate in practice. An assessment of the operational

---

<sup>1</sup>The full report can be downloaded at <http://www.wcpfc.int/doc/wcpfc-tcc5-200924-rev1/catchtrade-documentation-ec-council-regulation-ec-10052008-and-wcpfc> (Attachment B)

performance of the schemes, to the extent that this is possible given existing information, is intended.

The study evaluated the catch documentation schemes on the basis of three principles:

- **Inclusivity** - the extent to which the scheme is designed to provide documentation for all legally-caught fish of the species/fishery in question.
- **Impermeability** - the extent to which the scheme is designed to exclude illegal fish.
- **Verifiability** - the extent to which the scheme is audited by those other than the parties directly responsible for filling out and validating the forms.

### Inclusivity

It may appear that inclusivity is not particularly important as long as all fish which do enter the market are properly documented. However, the exemption of legally caught fish from any particular scheme makes it impossible for that scheme to cross-check catch amounts because it would not be expected that the number of fish documented would match the number of fish caught. Under such circumstances, the scheme would not serve to verify that catch quotas are being complied with and thus would not assist in preventing overfishing.

In terms of inclusivity, the ICCAT bluefin CDP compares favorably with existing best practice because it includes imports and re-exports as well as landings, deliveries to farms and harvests from farms. The only substantial problem regarding inclusivity of the ICCAT bluefin CDP is that tagged fish do not require validated Bluefin Catch Documents (BCDs). Although the number of tagged fish may currently be low relative to the total catch, this exemption creates a potentially large loophole: only a summary of the implementation of the tagging program is required to be submitted to ICCAT. While it remains to be investigated what details are included in such summaries it is quite likely that the summary is less detailed than the individual BCDs and if so the provenance and trading routes of tagged fish are considerably less transparent. It is noted that the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) will implement a catch documentation scheme in January 2010 which requires that all fish be both tagged and issued with catch documents.

## Impermeability

Impermeability refers to the ability of the design of the scheme to prevent IUU fish from entering markets. The scheme's impermeability directly determines, in particular, its effectiveness for combating IUU fishing and, more generally, for preventing detrimental effects to the resource due to overfishing.

It is difficult to draw conclusions about the impermeability of the ICCAT CDP without examining its performance in practice, but the report highlighted several shortcomings in the scheme's design. First, the ICCAT CDP allows for government authorities to delegate BCD validation responsibilities to "other authorized individuals or institutions". On similar issues, importing industries have voiced strong arguments for requiring that national customs authorities provide all trade documentation as a minimum degree of protection against fraud<sup>2</sup>. Second, there are several ways in which the information on the BCD may be insufficient to determine whether the catch has been legally taken. For example, no specific precision is required for catch location (despite the fact that there are different quotas and closed seasons by area) and no information needs to be provided on what product form is being weighed (e.g. gilled and gutted), thus making it difficult to interpret reported catch weight. Furthermore, while BCDs should only be validated by flag States when the catch amounts are within the quotas or catch limits for each management year and when the vessel was authorized to fish, there is no way of knowing whether this is actually done based on the information provided on the form. Third, and finally, the standard for re-export under the CDP appears to allow for legal and illegal bluefin to be mixed by requiring only that re-exports are "are wholly or partly the same products" as those on the validated import form.

## Verifiability

The third factor, verifiability, links to several of the points raised above. In particular, if the data necessary to verify the legal provenance of the bluefin are not provided on the BCD itself, then a sufficient level of confidence in the ability of the authorities completing the forms is necessary. This confidence can only be confirmed through an independent audit process.

---

<sup>2</sup>See Clarke, S. 2009. Understanding China's Fish Trade and Traceability. TRAFFIC East Asia, Hong Kong. Available online at [www.traffic.org/fisheries-reports/traffic\\_pub\\_fisheries9.pdf](http://www.traffic.org/fisheries-reports/traffic_pub_fisheries9.pdf) (Appendix 3).

Under the ICCAT CDP, the ICCAT Secretariat receives copies of all BCDs but has no clear or ongoing authority to independently audit either individual documents or the program as a whole. This is in contrast to the CCSBT scheme in which the Secretariat is actively involved in managing the documents and cross-checking the information. Under the ICCAT scheme, the only mechanism by which incidents of improper documentation, rejection and/or confiscation by individual member States are reported is through annual reports. This could conceivably result in the following scenario: a certain flag State is validating BCDs which are over its catch limit; these BCDs are rejected by one member State who requests a verification but is not satisfied with the response; the rejected fish proceed to another member State who unwittingly accepts them; and the problem is only (potentially) discovered one year after the fact either by the second member State reading and actioning the first member State's annual report or by the Secretariat which has no authority, on its own, to take any action in response.

### Next Steps

Having highlighted these potential weaknesses in the ICCAT CDP, the ongoing UK government analysis will next examine whether available data indicate that the potential problems in these areas do indeed occur. If so, specific suggestions for strengthening the program can be proposed. However, given the time required to effect reforms of the ICCAT CDP and the urgent situation with regard to Atlantic bluefin stock status, more immediate measures should also be considered. These could take the form of voluntary initiatives by bluefin tuna importers and other buyers who have both a long-term interest in stock sustainability and the means to implement their own standards for provenance documentation. Some suggestions for voluntary measures are listed below.

1. Importers of bluefin tuna collectively institute internal systems which strengthen the BCD procedures with regard to the specific areas of weakness identified above and refuse purchase if these conditions are not met:
  - a. Plug the loophole for undocumented fish: Demand that all traded bluefin tuna be accompanied either by a validated BCD or, if a validated BCD is not required by ICCAT (e.g. for tagged fish or other exemptions), a document providing the same information as required by the BCD is copied to the flag State and to the ICCAT Secretariat.
  - b. Fail-safe flag State catch verification: Demand that sellers provide documented assurance that the fishing vessels and any associated vessels or facilities involved in obtaining the fish) are listed on the ICCAT Record of Vessels, ICCAT Record of BFT Farming Facilities, ICCAT Record of BFT Traps and/or ICCAT Record of BFT Ports; that the fish were caught in compliance with all gear type and area closures; and that quota limits have been respected.
  - c. Refuse mixed shipments: Demand that the total quantity of fish in the shipment is covered by attached BCDs equal to or in excess of the shipment quantity (and the BCDs have not been re-used or double counted), and any re-export certificates are accompanied by a statement attesting that “the products are wholly the original product, or an unadulterated portion of the [imported] product...” (a higher standard than ICCAT).
2. Additional procedures for consideration, i.e. beyond those related to strengthening the ICCAT BCDs, could include the following:
  - a. Agree to purchase only from vessels and facilities which cooperate fully with, and have an untarnished compliance record as proven by, the ICCAT vessel and farm observer program.

- b. Agree to refuse purchase from all vessels or carrier vessels which are currently listed on any of the RFMO vessel blacklists or on the EC blacklist (to be compiled and maintained by the EC starting January 2010).
- c. Draw up and apply a list of those flag States which have not sufficiently implemented the ICCAT bluefin CDP, based on tables from the ICCAT Compliance Committee Annual Reports, and refuse purchase from these flag States until the identified issues are remedied.
- d. Implement an independent audit program for the Atlantic bluefin supply chain, including periodic, random checks of supplier records and procedures, and publicly release a summary of the findings.
- e. Require that all suppliers maintain standards of product integrity (non-mixing); one-up, one-down traceability; and recordkeeping for Atlantic bluefin similar to those required by the Marine Stewardship Council's chain of custody standard<sup>3</sup>.

Further elaboration of these systems/procedures will be necessary (for example whether they would be based on letters of warranty provided by suppliers (as in the AIPCE models), on independent audit reports by suppliers, or on uniform evaluation standards applied by importers to submitted data). It is suggested that cooperation amongst importers will be necessary to the extent that a majority agree to strictly apply the procedures. Leakage may always occur at some level but if procedures can be applied to 70-80% of the supply, the net effect would be to improve traceability of legally caught fish, and shrink the potential channels for illegally caught fish thereby reducing the incentive for IUU fishing. While such procedures can be adopted independently of government and ICCAT, consideration should be given to how the information could be contributed to improved fisheries management (i.e. rather than simply resulting in rejected shipments).

---

<sup>3</sup>See MSC (Marine Stewardship Council) (2008a). myMSC Chain of Custody Handbook. Available online at [http://www.msc.org/html/content\\_1167.htm](http://www.msc.org/html/content_1167.htm)