

News Round-up

A new home

ICSF's Brussels Office has shifted to new premises, and Brian O'Riordan has taken over from Pierre Gillet as secretary. Please note the name of the new port of call: ICSF Brussels Office, Rue du Midi 165, B-1000 Brussels, **Belgium**. Tel: (32) 2 513 1565 Fax: (32) 2 513 73 43 Email: icsfbrussels@yucom.be

Law's claws

A new Marine Environmental Protection Law, which went into effect on 1 April, is expected to help **China** expand its fishery industry.

In recent years, the Fisheries Bureau, under the Agriculture Ministry, has recorded an average of 80 contamination cases in China's seas annually.

This has resulted in yearly losses of 150 million yuan (about US\$18.1 million). Marine pollution has

caused annual losses of 240,000 tonnes of aquatic products in

the Yellow and Bohai seas.

Compared to the 1982 version, the new marine code delegates the power of environmental protection in fishing grounds and fishing ports to the Fisheries Bureau, which will also act as the supervisor and investigator of water pollution.

TED not dead

Remember the contested US ban on import of shrimp from all nations not certified by the US State Department as trawling for shrimps with mechanized vessels fitted with turtle excluder devices (TEDs)?

Well, TEDs live. The WTO's Appellate Body had found that the US national certification requirement amounted to an obligation for exporters to adopt

essentially the same policy as the US and, as such, had an unjustifiably 'coercive effect' on foreign governments' policy decisions.

National certification also discriminated against exporters that did use TEDs in uncertified countries, as well as against Asian countries, which were given less time and technical assistance to adjust to the measure than their Latin American counterparts.

Furthermore, the Appellate Body deemed the certification process to be non-transparent and arbitrary.

It also faulted the US for not having seriously sought multilateral environmental co-operation aimed at protecting endangered sea turtles.

In response to these findings, the US did not lift the import embargo, but changed its application guidelines.

The centrepiece of the new guidelines is replacing the nation-by-nation certification requirement by a shipment-by-shipment certification

procedure. Changes were also made to implement the trade measure in a more transparent and non-discriminatory fashion.

In addition to the new guidelines, the US will offer technical training in the design, construction, installation and operation of TEDs.

While the US government thinks it has implemented the WTO ruling in full, its compliance measures are contested from two very different quarters: the complainants in the case and US conservation organizations.

The complainants—**India, Malaysia, Pakistan and Thailand**—still maintain that only lifting the import ban would constitute 'good faith implementation'.

US conservation organizations are equally dissatisfied. Earth Island Institute, the Humane Society of the United States, the American Society for the Prevention of Cruelty to Animals and the Sierra Club have brought a case against the new guidelines to the US Court of International

Trade, claiming that they would be impossible to monitor and enforce.

The litigants argue that shipment-by-shipment certification would not effectively protect sea turtles, and thus falls short of adequately fulfilling the law's ultimate purpose.

In April 1999, the Court of International Trade issued a preliminary ruling against shipment-by-shipment certification, finding it was 'on its face not in accordance' with Congressional intent in passing Section 609.

That section provides that shrimp harvested with technology that may adversely affect sea turtles protected by the US Endangered Species Act may not be imported into the US.

Both sides have submitted supplementary information to the Court, whose final decision is still pending.

Should the Court oblige the government to go back to nation-by-nation certification, a WTO compliance panel seems a near certainty.

Hake stake

Argentina has decided to cut this year's hake catch by

almost two-thirds of the tonnage fished in 1999, after a report warned that the South Atlantic stock was in a "critical state".

Hake is Argentina's top catch, making up half of the US\$1 billion fishing industry's annual exports, mainly to Spain, Japan, Brazil, Italy and the US.

After a 1994 deal granted the European Union (EU) rights to

catch hake, squid and cod under quotas, catches of hake off Argentine shores touched one million tonnes.

Argentina's commercial fleet caught 312,051 tonnes of hake in 1999, even though Argentina's National Fisheries Institute (NFI) had set a 188,200-tonne limit.

In a report, the NFI urged the government to suspend the hake catch altogether this year or at least limit it to 110,000 tonnes.

"The total biomass has been in decline over time, and the reproductive biomass was found to be below biologically

acceptable levels and was also showing the same trend," the NFI said. "The fall in the reproductive biomass is due to overfishing. Therefore, future catches will have to be low," it said. "We can only continue with a low-level catch this year."

Last year, some EU ships skirted attempts to suspend the hake catch, while 12,000 other fishermen were left unemployed during Argentina's deepest recession in a decade. Enforcement has been a chronic problem in Argentina's 200-mile economic zone.

Gown under

In Australia, women perform 50 per cent of administrative tasks, and contribute between 26 and 50 per cent of the family income.

While most seemed satisfied with their role, half of them yearn for better recognition and status for their work.

These findings come on the heels of the launch of the Women's Industry Network (WIN) Action Plan for women in the seafood industry and a Bureau of Rural Sciences (BRS) report on women in the fishing industry.

The Action Plan—Empowering Fishing Women to Capitalize

on Networks—responds to findings in the BRS report and provides a national framework for women in the seafood industry to work from, and set, goals.

The BRS report, *Fishing for Women: Understanding Women's Roles in the Fishing Industry*, commissioned by WIN, is an important part of the Action Plan. It provides the preliminary research necessary to better understand the role of women in the fishing industry.

One of the major findings of the report was that women's roles in the fishing industry were poorly reflected in statistics, including women's contributions to output and productivity.

The Federal Government is helping a number of

national non-government rural women's groups in several ways.

Among other things, it has given a grant of Aus\$10,000 for WIN through a programme designed for national NGOs.