

Policy Analysis

Effects of Trade Sanctions and other alternatives to promote legal fishing practices in Mexico.

May, 2023
Oceana

Context

In 2020 several NGOs filed a lawsuit against the US Department of the Interior. This lawsuit was filed because the Secretary of the Interior failed to respond to the Petition filed in 2014. The Petition requested to certify Mexico under the Pelly Amendment for Mexico's ongoing failure to halt illegal fishing of and international trade regarding totoaba fish. They stated that this violated and diminished the effectiveness of CITES and contributed to the extinction of the vaquita marina (*Phocoena sinus*), a critically endangered species.

In a settlement reached by the parties, the State of Interior must decide by May 19th (with a public announcement by June 3rd) whether to formally certify Mexico under the Pelly Amendment. President Biden can embargo imports from Mexico, including seafood and other wildlife if Mexico is certified.

Trade sanctions

Sanctions in the form of import restrictions can negatively impact vulnerable communities and affect the population more so than the sanctioned country, especially if the sanctioned country does not take specific measures to combat the problem at hand.

In the fishing sector, especially the artisanal fishing communities, imposing an embargo on fishing products would result in the loss of jobs, income, and markets for legal fishers that comply with all national and international rules and regulations. While, as observed currently, illegal fishers still find channels to market their products.

Many fishing products imported to the United States come from artisanal fishing communities, where local economies are largely dependent on fisheries and accessing international markets. One example is the red snapper, a species fished by the artisanal fleet in 85 to 90% in both Mexican coasts.

In Oceana, we consider other tools that could contribute to tackling illegal fishing while investing in fishing, supporting legal fisherfolks in their ability to earn a living and ensuring they have a direct stake in sustainable development.

Available tools to tackle illegal fishing.

Official Traceability Standard

Mexico has been working on elaborating an Official Traceability Standard allowing seafood products to be traceable from the fishing stage to the last selling point. This system would enable buyers, distributors, processors, and producers to share responsibility for the legal provenance of their products and develop and implement a comprehensive chain of custody that can be shown to hold all parts of the supply chain accountable for their sourcing and differentiate the legal products from the one which origin cannot be verifiable.

The draft of this Official Standard was created by a multi-party working group, where NGOs, members of the fishing sector and authorities participated. Currently, the approval of this Standard has been stalled by the Fisheries Commission (CONAPESCA), the authority that should approve such Standard.

We consider this Standard is an indispensable tool to tackle illegal fishing, and it would also allow the United States to have the certainty that the products entering their market come from a legal source, mainly because the draft Standard contemplates all the requisites established by the Seafood Import Monitoring System (SIMP).

Vessel Monitoring Systems

Mexico has a mandatory vessel monitoring system for all large fishing vessels (*Sistema de Monitoreo Satelital de Embarcaciones Pesqueras*). This system allows to track the position of fishing vessels, and it is a valuable tool to know if restricted fishing areas are being respected.

In problematic areas such as the Upper Gulf of California, implementing a vessel monitoring system for all registered fishing vessels could be an appropriate measure to verify vessels are respecting restricted areas, such as the zero-tolerance vaquita area.

In the image shown below, it is clear how there is very little presence of fishing vessels in the Zero Tolerance Area and no fishing activity. This demonstrates that ships with monitoring systems rarely violate the law by entering this area or fishing in it.

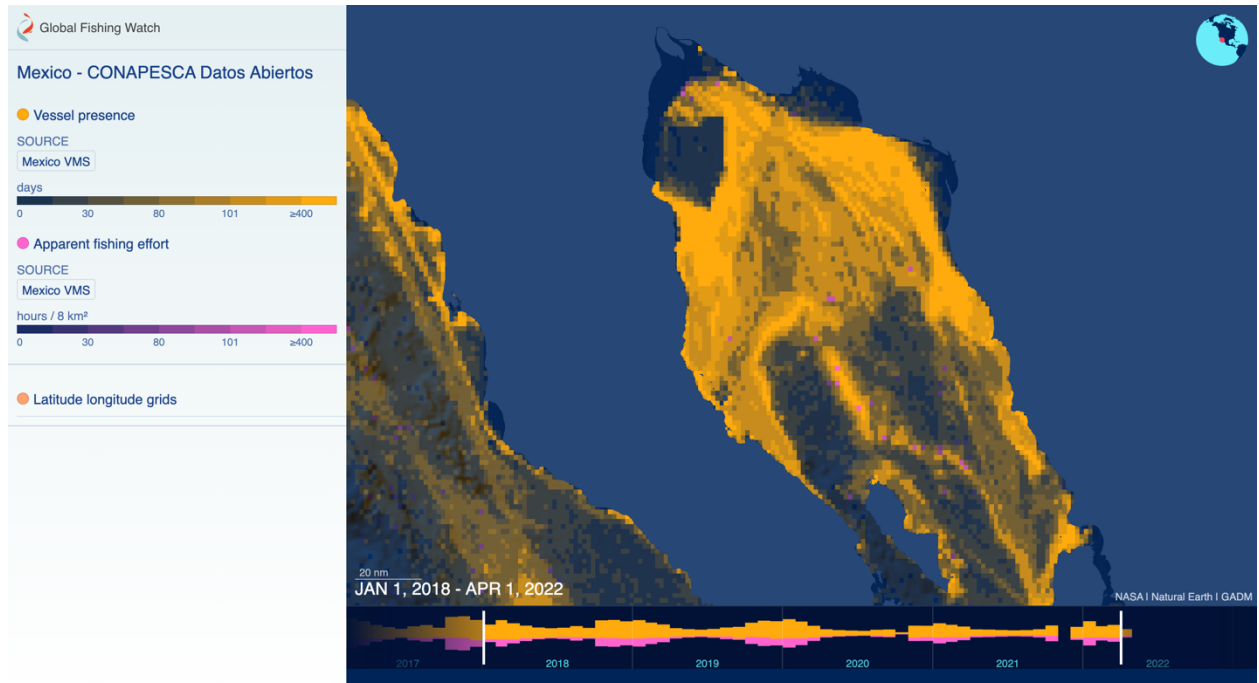


Figure 1. Fishing activity in the Upper Gulf of California from January 1st 2018, to April 1st 2022.

Implementing monitoring systems in all fishing vessels was part of the Mexican Government Plan to Protect the Vaquita, published in September 2020. However, this action item was never fully implemented. It is necessary to fully comply with this commitment to verify which fishing vessels fully comply with conservation measures.

Mexico must take direct action to combat illegal fishing and protect species of great importance, such as the vaquita. Implementing traceability standards and vessel monitoring systems is necessary to verify compliance and ensure fishing products entering the markets come from legal sources.

In Oceana, we consider these measures essential in the fight against a problem that has not been adequately tackled, such as illegal fishing, while at the same time investing in legal fishers who can continue working under fair conditions and accessing international markets.

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