

# The experience of the Treaty of the Rio de la Plata and its seafront between Argentina and Uruguay

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## **Abstract**

The Treaty of the Rio de la Plata and its seafront, signed in 1973 by Argentina and Uruguay, established a Common Fishing Zone (CFZ) for both countries. At the same time, the Joint Technical Commission of the Frente Marítimo (Comisión Técnica Mixta del Frente Marítimo (CTMFM)) was created, an intergovernmental body composed of Argentina and Uruguay, whose task is to study and adopt measures for the conservation and rational exploitation of living resources and the protection of the marine environment in the CFZ. The Administrative Commission of the Rio de la Plata (CARP) delegated to the CTMFM part of its competencies for fisheries research and management in the entire area of the Treaty. In the last ten years, the CTMFM has made significant progress in the implementation of management decisions based on science, applying the ecosystem approach to the management of fisheries in the area. The CTMFM receives annual scientific advice of six working groups on the state of fisheries resources and the environment. At the same time, CTMFM promotes scientific activities and training for researchers of both countries. In the area of the Treaty, more than 70 species of fish and shellfish are captured, and 90% of the volumes have management measures such as total allowable catch, fishing effort restriction, areas of spatial and temporary fishing closures, and minimum sizes of landing (among others), based on scientific advice. Among other obligations, fishing vessels operating in the area of the Treaty must have a valid license granted by one of the two States, be equipped with a System of Location of Vessels (SLV) and report to the fisheries authority the information about their activities and catches.

**Keywords:** Argentina, Uruguay, Frente Maritima; Industrial fisheries, Treaty of the Rio de la Plata

## **1. INTRODUCTION**

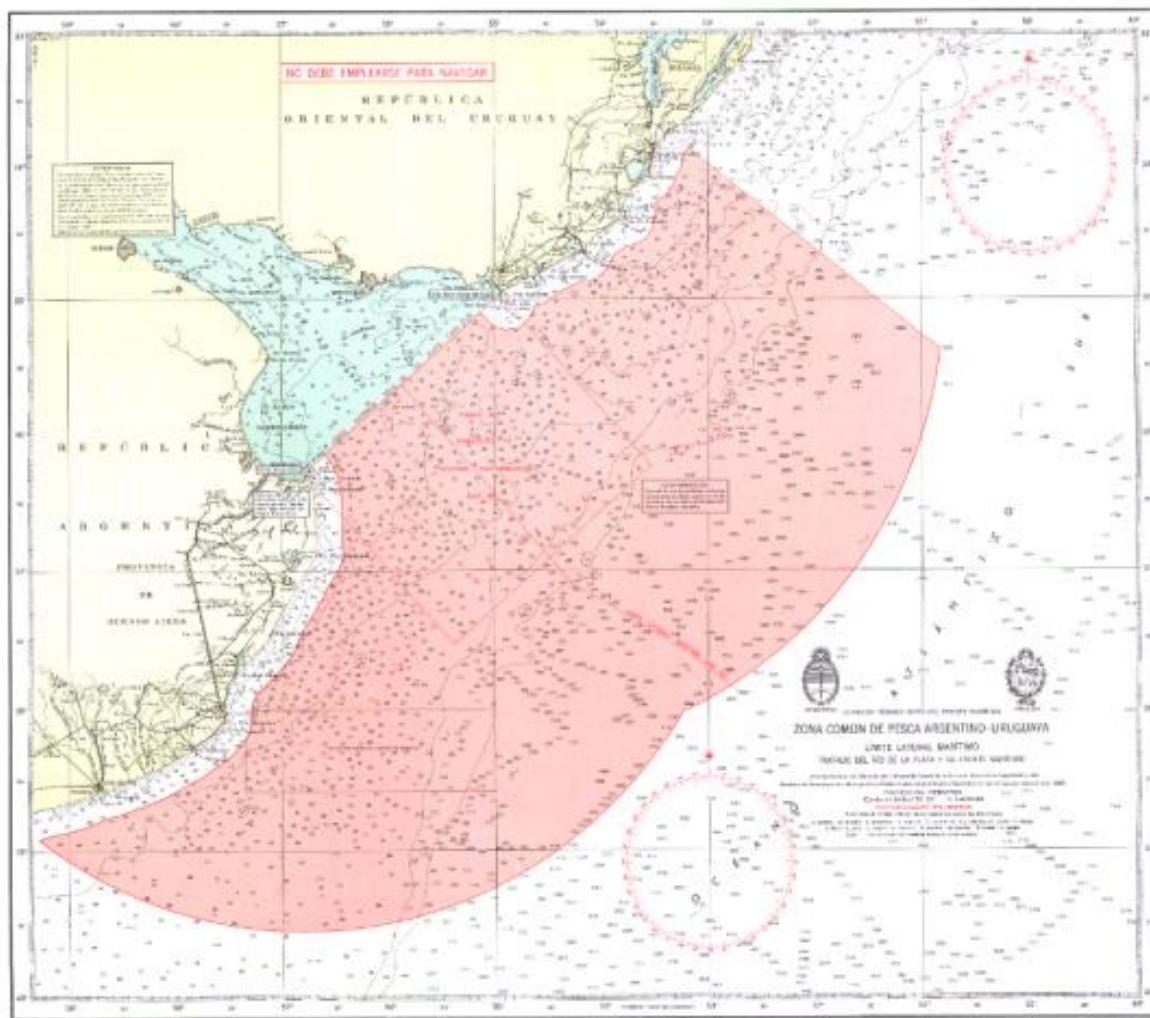
### **1.1 Description of the fishery**

In the Rio de la Plata and its maritime front, artisanal or small-scale fishing and industrial fishing coexist. These two fisheries share fishery resources, allocating their products to the domestic market and export markets. Small-scale fisheries usually develop on the fringes of exclusive jurisdiction of coastal States (Argentina and Uruguay) or the territorial waters thereof.

This case study will concentrate on the industrial fisheries, since this is what provides the largest volume of landings in the area of the Treaty, directing its effort to two groups of species: the varied coastal species, where croaker (*Micropogonias furnierii*), the Striped weakfish (*Cynoscion guatucupa*), Brazilian flathead (*Percophis brasiliensis*) and chondrichthyans fish, among others, constitute the major landings and fishing for hake (*Merluccius hubbsi*). These two industrial fisheries by bottom trawlers, twin trawling for the coastal species and otter trawls for the hake fisheries. There are other fisheries of lower volume, such as fishing for bream (*Pagrus pagrus*) with traps or pots, or anchovy (*Engraulis anchoita*) with midwater trawling, among others. Fishing licenses generally belong to commercial companies and to a lesser extent to cooperatives or individuals.

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<sup>1</sup> The statements and opinions expressed in this work are the sole responsibility of the author, therefore, its contents do not reflect the official position of the Joint Technical Commission of the Frente Marítimo or that of its Member States



**Figure 1. Common Fishing Zone under the Treaty of the Rio de la Plata.**

Source: Joint Technical Commission of the Maritime Front between Argentina and Uruguay, <http://ctmfm.org/sitio/documentos-basicos/carta-de-la-zona-comun-de-pesca-argentino-uruguay/>

### 1.2 Economic contribution and social implications of the fishing activity

The catches in the area of the Treaty mainly target the export market, with only small quantities going to the domestic market. The main export markets for hake are the European Union, United States and Brazil; for croaker and other fish in whole frozen form, they are African and Asian countries (mainly Nigeria, China and Taiwan Province of China). Exports in the year 2017 of the three main species can be estimated at approximately USD 80 million. In their vast majority, landings are processed on land, and then frozen and packaged for subsequent export. There are some factory ships where the fish is processed, frozen and stored until it is unloaded to freezer containers.

There are no updated figures on the number of fishers in the area of the Treaty, but estimates based on the number of boats operating regularly indicate that both fleets currently generate about 2 000 direct jobs in the area of the Treaty. This number is the lowest since the 1980s and the decline is due to multiple causes related to the availability of resources, market prices in recent years, and the development of other fisheries that have attracted vessels and fishers (e.g. fishing for shrimp in the Exclusive Economic Zone (EEZ) of Argentina).

## 2. MANAGEMENT OF THE FISHERY AND RIGHTS-BASED APPROACHES

### 2.1 Management of the fishery

The management of the fishery is under the CTMFM and the management authorities of the two countries party to the Treaty. The States part of the CTMFM set their policies and national legislation for fisheries. Fisheries research, monitoring, control and surveillance and control are performed by the authorities of each country. In all these tasks, the CTMFM and CARP support the national fisheries authorities and research institutes. At the same time, the two countries must submit the information relevant to the work of the CTMFM. Vessels authorized to fish in the CFZ must deliver information, which includes data on species, volumes and geographical references of the catches. They also possess an SLV that reports, each time, the location, direction and speed of the unit.

CTMFM primarily deals with the fishery regulations, establishing management measures by resolution. It is thus CTMFM that ensures the sustainability of fisheries resources by implementing management measures based on scientific advice. These regulate:

- Total Allowable Catch (TAC)
- spatial and temporal fishing bans
- restrictions on fishing effort
- minimum sizes for catch
- good practices for the catch of some species

These measures are taken on the basis of the scientific advice received from groups of scientists from both countries. CMTFM carries out regular monitoring (monthly, bi-weekly, or weekly as appropriate) of catches with the aim to determine eventually fishing bans and TACs.

In the case of Uruguay, there is a non-binding Consultative Council for fisheries management integrated by the National Direction of Aquatic Resources (DINARA), other ministries with related competencies, entrepreneurs, and workers in the sector. In Uruguay the tax regime is similar to that of other industries and is linked to the business income. As a peculiarity, fishing licence holders must pay for the fishing license and also an export tax, which should be destined at the national fisheries research fund.

In Argentina, the Federal Council of Fisheries (FCF) brings together representatives of the national government and provincial governments. It has competencies for fisheries policy and the policy of national fisheries research, as well as the planning of the national fisheries, the establishment of the maximum allowable catch by species (outside the CFZ and the Rio de la Plata Treaty) and catch quotas. At the same time, the FCF is in charge of approving experimental and commercial fishing permits, setting guidelines for sharing in the National Fisheries Fund, fees for fishing, and establishing catch rights.

Both countries have in their legislation a punitive system that includes temporary suspensions of the license (to the final withdrawal of permission to a repeated serious fault) and fines.

### 2.2 Brief history of former rights-based approaches used in the fishery

As the CTMFM has been operating for more than 40 years, former rights-based approaches are not presently significant.

### 2.3 Rights-based approach: allocation and characteristics

The granting of fishing permits for the area of the Treaty is the responsibility of each state. Requirements for access permissions or access rights to fishing are set out by the law N° 19.175 of 20

December 2013 (Responsible Fisheries and Aquaculture Development Act) in Uruguay and the law Nº 24.922 (Federal Fishing Regime), of 9 December 1997, in Argentina.

To obtain a fishing permit, interested parties, natural persons or legal residents in the country (not existing restrictions on communities or on gender) must submit a project that demonstrates its biological, environmental and socio-economic sustainability. The permission granted is tied to the vessel for which it is requested.

In the case of Argentina, the permissions are granted to vessels only to access the fishery. Also necessary is an assigned catch quota or authorization of capture, in the event that the species is not under quota. Permission may only be transferred to another unit or units of equivalent capacity, not involving an increase in fishing effort. The replacement can be done if it becomes necessary, due to accident, force majeure, or when the vessel needs to be replaced due to age. This is always contingent upon agreement from the enforcement authority.

Permissions granted in Uruguay include the target species to which the fishing can be directed, identifying whether it is coastal fishing (croaker and its by-catch), high sea fishing (hake and associated species) or non-traditional species. The vessel associated with the permission can be replaced by another unit of equivalent capacity that does not involve an increase in the fishing effort (for species fully exploited). Sales or donations of permissions are forbidden. The validity of the permits granted is five years in Uruguay and ten years in Argentina, which can reach ten and 30 years respectively for vessels belonging to fish processing plants on land.

### **3. CONTRIBUTION OF THE RIGHTS-BASED APPROACH TO ACHIEVING SUSTAINABILITY**

#### **3.1 Sustainable use of the resources**

In 2017, 88 percent of the landings were species that have management measures established by the CTMFM, according to the scientific advice received from the six Advisory working groups. Of the 15 main species landed, 11 have annual resolutions that set the Total allowable catch (TAC). Seventy-three percent of them are levels of sustainability. The remaining do not suffer from overfishing and, for example, hake (*Merluccius hubbsi*) is under a management plan for the recovery of the stock, showing encouraging signs. For two other species, the TAC has been reduced and now the resource situation is stable.

At the same time, CTMFM promotes scientific activities, publications, and training for researchers of the two countries, as well as playing an important role in other joint activities, such as the recent publication of the Regional Plan for the conservation of the chondrichthyans fish in the Area of the Treaty or the binational program of marking and capture of narrow nose smooth-hound (*Mustelus schmitti*), currently underway.

Most of the species landed in the area of the Treaty are straddling stocks and also are subject to fishing by foreign fleets, in international waters or in the EEZ of other countries. This means that measures taken by the CTMFM are undermined, as equivalent standards do not exist in these fishing areas.

#### **3.2 Economic viability of the fishery**

The CFZ fishery is a fishery with limited access to those vessels that have a valid license. Both countries party to the Treaty have limited entries to the fisheries, with the purpose of ensuring efforts on major species under full exploitation do not increase. Hake, currently under a recovery management plan, was the subject of overfishing in the past, which led to a decrease of size and Catch per Unit of Effort (CPUE). This saw a consequent increase in the duration of the fishing trips.

Argentina implemented a system of quotas for hake (and other species) in its EEZ. However, transferring these to the CFZ presents some difficulties, in particular, the setting of quotas for each country in the first instance. The legislation includes a reserved quota for artisanal fishers. In Uruguay, without a quota system, there was previously a concentration of permits in the hands of commercial societies. This phenomenon was attributable to the economic capacity of the enterprises and their production and marketing strategies. The already commented situation of hake, but also other situations, especially related to prices and markets, has been the cause of the reduction in the number of fishers in the area, which induced a loss of positions in the value chain.

### **3.3 Social equality**

There are no legal restrictions on the participation of women, either in the crews of fishing enterprises owners of industrial vessels or in fishing licenses. However, women's participation in these activities remains minimal. In the small-scale fisheries, which take place mostly in adjacent waters under national jurisdiction, the participation of women in activities linked to fishing is more visible. Its activities are fishing, preparation and repair of Arts and rigs, support processing of capture, and so on.

## **1. MAIN CHALLENGES AND WAY FORWARD**

### **4.1 Challenges for the fishery**

As already mentioned, in waters under the states' jurisdiction, adjacent to waters of the Treaty, a small-scale fishery takes place directed to coastal species, mainly croaker. This fishery creates conflicts with the industrial fisheries, targeting the same croaker, competition for the resource and the territory. These tensions are mitigated by controls that are applied mainly on the industrial fleet and are based on the SLV preventing their entry into shallow waters, where the effort of the artisanal vessels focuses.

The resolution of the conflicts in the fishery is addressed by the countries party to the Treaty. However, the work of the CTMFM is important to establish management measures, following the advice from scientists of the two countries in joint projects. It allows information to be standardized, data to be validated, and joint recommendations to be formulated. At the same time, the transparency in the work of the CTMFM - publishing on its website the biological, fisheries and species stock assessment information, as well as monthly catch statistics - contributes to standardize the information available to the main actors of the system.

### **4.2 Improving fishery sustainability in the future**

The CTMFM performs important work for the sustainability of the fishery in the region. However, in order to ensure the sustainability of the fishery in the CFZ, it is necessary to continue analyzing internal factors. For example, adjusting fishing capacity to the established allowable catch volumes and advancing an analysis of the percentages of the TAC that correspond to each of the countries, in order to optimize the development of the fishery. These two issues of significant impact on the management of the fishery, are already examples in the resolution of the Commission. On the other hand, there are external factors related to the pressure suffered by some of the species, whose fishing is shared with vessels of third countries in international waters or EEZ of coastal countries, for which there is a lack of reliable and up-to-date information. No less important in what corresponds to the socio-economic sustainability is access to external markets, the natural destination of fishery products, and the establishment of limits on fishing subsidies since these contribute to overcapacity and overfishing. These factors combine to damage access to the fishing grounds and distort the market access of riparian countries with less economic capacity.

### **4.3 Lessons learned**

Collaboration for coastal countries in the managing of joint fish resources is a must, in order to guarantee the sustainability of the fisheries. However, it is difficult to mitigate conflicts over shared

resources outside the CFZ, such as the small-scale fisheries on the one hand, and foreign vessels on the other. The different fishing management systems in the two countries, ITQs in Argentina, fishing licenses and quotas in Uruguay create problems when trying to define fishing allocations for the two countries in the CFZ for the first time.

#### Appendix 1.

##### Acronyms

CARP	Administrative Commission of the Rio de la Plata
CFZ	Common Fishing Zone
CPUE	Catch per Unit of Effort
CTMFM	Comisión Técnica Mixta del Frente Marítimo or Joint Technical Commission for the Maritime Front (of the Treaty of the Rio de la Plata)
DINARA	Dirección Nacional de Recursos Acuáticos (National Direction of Aquatic Resources)
EEZ	Exclusive Economic Zone
FCF	Federal Council of Fisheries
SLV	System of Location of Vessels
TAC	Total Allowable Catch
USD	United States of America dollars