



**25** YEARS IN FAVOR OF THE PEOPLE AND THE SALMON OF THE VALLEY OF TORNE-MUONIO RIVER  
TORNE-MUONIO RIVER ASSOCIATION

## EUROPEAN COMMISSION

THE DIRECTORATE GENERAL FOR  
MARITIME AFFAIRS AND FISHERIES

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*The wild salmon in the Baltic Sea comprise a mixed stock of salmon from various rivers of different sizes and of various stock sizes. Thus, the salmon of each river are differentiated from those of other rivers both due to river specific conditions and to hereditary characters. Historically, salmon fishing was always directed at the own stock of each river as salmon fishing has been practiced only in spawning rivers and their estuaries. The last salmon weir was withdrawn from the mouth of River Torne in 1970, and after that commercial fishing has only been taking place at sea, where it is impossible to tell apart different wild salmon stocks of different rivers. At sea, the salmon fishing is always directed at mixed stocks of salmon, as salmon migrate across sea areas in mixed stock shoals making their spawning runs at sea in such mixed stock shoals, too. As a result, many small wild salmon stocks have been driven close to extinction. The recovery of these stocks may only be guaranteed by terminating mixed stocks fishing, i.e. by ceasing all salmon fishing at sea. In the Atlantic, commercial fishing of salmon has already been prohibited in the sea areas of Canada, Iceland, Great Britain and Northern Ireland and Ireland.*

## CONSERVATION OF THE NORTHERN WILD SALMON STOCKS AND THE RIGHTS OF THE NORTHERN EUROPEAN PEOPLE

Most respectfully, we propose the following:

### 1. TERMINATION OF MIXED STOCK FISHING OF BALTIC SALMON

Stock specific fishing must be adopted by reverting fishing from sea areas to the salmon's home rivers and their estuaries. [page 2]

### 2. CHANGING THE QUOTA ALLOCATION OF BALTIC SALMON

TACs and quotas are based on the past catch (1980's) of reared salmon; for this reason, it is an incorrect basis for distributing the TACs and quotas of wild salmon stocks. Wild salmon is a natural resource of rivers. Thus, the European Union must revise its fishing policies for salmon. [page 2]

### 3. ALLOWING THE NORTHERN WILD SALMON RETURN TO RIVERS

The management policy of salmon stocks must be changed from hatchery based management to strengthening the wild salmon stocks so that an adequate amount of salmon run into their home rivers. When the state of each river is assessed based on smolt amounts, the smolt production level target must be set to 90% for wild salmon rivers. [page 3]

## 1. MIXED STOCK FISHING OF SALMON MUST BE TERMINATED by reverting to fishing salmon in salmon rivers and their estuaries.

All fish stocks are to be fished for in view of the stock resiliency. Mixed stock salmon fishing taking place at sea even in coastal areas is extremely harmful to weak and endangered salmon stocks. Mixed stock fishing tailored according to the strong stocks leads to an irreversible loss of critical genetic characteristics of smaller salmon stocks, while the probability of the whole stock perishing remains too high. As it is not possible to differentiate between stocks of rivers at sea, mixed stock fishing of salmon may be practiced in a sustainable way only when it is tailored according to the weakest smolt production year of the weakest stock. *The Maximum Sustainable Yield, MSY*, of each certain river cannot be taken into account in mixed stock fishing at sea. Accordingly, stock specific fishing must be adopted by reverting from fishing salmon at sea to fishing in the salmon's home rivers and their estuaries.

Longline fishing used in mixed stock fishing at sea is especially detrimental to immature wild salmon. Therefore, salmon fishing using longlines must be completely, and as soon as possible, terminated all over the Baltic Sea.

## 2. THE ALLOCATION BASIS OF TACS AND QUOTAS OF THE BALTIC SALMON MUST BE CHANGED as it does not consider primary interests and responsibilities of the states in which the salmon originate.

*The Common Fisheries Policy, CFP*, of the European Union is based on the principle of relative stability, which has been applied for fishing under the ECC after the CFP came into force in 1983. Accordingly, the *Total Allowed Catches, TACs*, and quotas are confirmed for each stock on a yearly basis. These TACs are distributed among the EU member states according to a fixed allocation basis which is based on their historical catches. For the Baltic Sea, the allocation of TACs and quotas was adopted by the decision of the Warsaw Commission (IBSFC) in 1991. The distribution of salmon quotas has been executed according to the mean catches of most successful years in commercial harvesting of reared salmon; therefore, the allocation principles of salmon TACs and quotas are inappropriate for wild salmon stocks.

According to ICES, the catch of reared salmon in the Baltic Sea in 1990 was 5,636t and the average catch between 1981 and 1990 was 3,564t. During the past ten years the average yearly catch has been 1,473t, the wild salmon stocks from the rivers around the Bothnian Bay now comprising most of the catch. In 2010, the salmon catch was 886t which is under 16% of the one in 1990, and 80% of the catch was comprised of wild salmon, the total value of the catch being only 2.7 million Euros.

The present allocation of TACs and quotas in the Baltic Sea must be changed to conform to the Article 66 (Part V Exclusive Economic Zone) of the *United Nations Convention on the Law of the Sea, UNCLOS*. The only biologically sustainable way to distribute the salmon TACs and quotas is to set these separately for each river stock in view of the state of each wild salmon stock evaluated with scientific methods. By the proposal on 12 August 2011 for a "REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a multiannual plan for the Baltic salmon stock and the fisheries exploiting that stock", the European Commission proposed that the fishing mortality rate index be  $F=0.1$ . This index is based on the total amount of salmon migrating in the Baltic Sea area and corresponds to the calculation formula of TACs and quotas for cod. Accordingly, it is completely unsuitable as the basis of TACs and quotas for anadromous wild salmon.

For salmon fishing in the Baltic Sea, the CFP must conform to the UNCLOS Article 66 (Part V Exclusive Economic Zone).

At an international level, the UNCLOS Article 66 titled “Anadromous Stocks” came into force in 1996. The EU and Baltic Sea countries have ratified this convention. As the most prominent international political convention, it is applied regardless of what has otherwise been agreed or concluded. According to the Article 66, anadromous stocks such as salmon are considered separately from marine species of the sea. The article 66 stipulates on how wild salmon stocks and fishing thereof must be administered. The Baltic Sea is a sea area to which the UNCLOS is applied; therefore, salmon management responsibilities and primary interests must be determined in accordance with the Article 66 of the Convention.

The European Commission must establish whether salmon is a matter for which the Community has exclusive competence.

Anadromous stocks, as fishes born in the rivers and running into them to spawn, when migrating in sea, are different from marine species. The UNCLOS Article 66 is an exception which defines anadromous stocks as the natural resources of rivers: “States in whose rivers anadromous stocks originate shall have the primary interest in and responsibility for such stocks.” Thus, the Commission should determine whether salmon is, as other marine species, under the exclusive competence of the European Union, before the multiannual plan for the Baltic Sea salmon stock is given legal force by the European Parliament and the Council of Europe.

In each case, salmon must be administered in accordance with the Article 66.

In mixed stock fishing at sea, the wild salmon stocks of rivers cannot possibly be differentiated between each other. The States of origin of these anadromous stocks, namely Finland and Sweden, are not able to protect their weakened wild salmon stocks in accordance with the Rio Convention as long as the EU allows commercial mixed stock fishing of salmon in the Baltic Sea. Accordingly, the European Commission must see to that commercial mixed stock fishing is terminated in all of the sea areas of the Baltic Sea, as the EU administers the commercial fishing of its member states in the Baltic Sea.

**3. AN ADEQUATE AMOUNT OF SALMON MUST RETURN INTO THEIR HOME RIVERS.** For this reason, the target level for smolt production in the unbuilt wild salmon rivers must be set to 90%.

In its proposal as the multiannual salmon management plan for the Baltic Sea, the European Commission focuses on the maximization of the bulk salmon catch from the entire Baltic Sea so that *“the Baltic salmon stock is exploited in a sustainable way according to the principle of maximum sustainable yield”*. In order to achieve maximal catch yield, the European Commission has proposed that its targeted level of smolt production is at least a 75% of the river potential. This ‘sounds reasonable’; however, the terms ‘smolt production’ and ‘MSY’ (Maximum Sustainable Yield) are used when salmon is to be caught at sea also by other states than the states of origin. In this case, the rivers are seen merely as the nursery areas for commercial fishing at sea, which contradicts not only the UNCLOS Article 66 but also the positive goals of the proposal by the European Commission that aim “to protect the genetic integrity and diversity of the Baltic Sea salmon stocks”. The management policy of salmon stocks must be changed from hatchery based management to the strengthening of wild salmon stocks.

Instead of the catch volume, the target should be the profit.

In 2010, the value of the whole commercial salmon catch was 0.92 million Euros in Finland. Salmon comprised less than 0.2% of the total catch volume and, respectively, 3.5% of the total catch value (Finnish Game and Fisheries Research). Of the consumption of red meat salmonoids in Finland, the total salmon catch 215t of the professional salmon fisheries only accounted for half a percent (0.63%). This was due to the fact that the domestic rainbow trout production amounted to around 11,000t (37.6 million Euros) and 23,000t of bred salmon was imported from Norway. Commercial harvesting of salmon has been unprofitable for years while the centuries old culture closely related to salmon still sets the pace for the lives of the people in the Torne Valley and the River Torne mouth areas. Emotionally, it is an extremely element. According to the National Audit Office of Finland (VTV155/2007), the recreational fishers' share of the salmon catch should indeed be increased. *"The extra benefit from recreational fishing would be several times greater than the losses from reduced sea fishing. The National Audit Office of Finland considers that a more efficient utilization of salmon in tourism would be justified from a socio-economic perspective."*

Salmon is a sought after target of recreational fishermen; to maximize the profit of salmon, salmon should be caught by recreational fishermen as a part of fishing tourism. A socio-economic report in Great Britain in 1988 assessed that the value of commercial salmon fishing was £9.1m - £16.8m and that the value of recreational fishing was £326.8m. In 2002, NASCO analysed the value of Atlantic salmon fishing in England and Wales. The value of the salmon catch of commercial fishing was assessed to be £2.5m and the value of recreational fishing, respectively, £247.5m. In 2003, the wild salmon stock in Ireland was evaluated on a socio-economic basis (Indecon 2003: An Economic/Socio-Economic Evaluation of Wild Salmon in Ireland). If the structures of fishing are not changed, the study evaluates that the value of commercial salmon fishing would be 35.9 million Euros during 2003-2012 (3 million Euros per year) and that of recreational fishing 91.6 million Euros. By limiting commercial fishing by 50%, its value in that time frame would be 23.9 million Euros, whereas recreational fishing would amount to 146.8 million Euros.

According to an audit report on the River Torne by the National Audit Office of Finland, *"The essential issue here is not the total benefit from fishing, but the change in social net benefits if the distribution of salmon resources is changed. If we estimate that the increase in salmon stocks would mainly bring out-of-towners to the river, the total fishing days of whom would increase by, for example, 30%, the increase in net benefit would be around 838,000 Euros."* In 2008, when driftnet fishing in the Baltic Sea was terminated and a larger than before portion of the salmon was able to return into their home rivers, making a 'good salmon year', the value of recreational fishing in the River Torne on Finland's side increased by 50% already during the same year (from 2 to 3 million Euros).

Fishing tourism is based on 'guaranteed catches' and an abundance of salmon in the river, which cannot be evaluated using MSY, the concept of marine catch yield.

To make salmon fishing as profitable as possible (*Maximum Economical Yield, MEY*), the 75% level of smolt production proposed by the European Commission is too modest. If the state of rivers is assessed in terms of smolt production, the production level of smolts must be set to 90% for unbuilt wild salmon rivers. It would be wiser to consider spawning salmon stocks of rivers, i.e. salmon running into rivers and spawning pairs formed by them, without forgetting that the wild salmon stocks of rivers are also comprised of several different stocks.

Respectfully, we wish that

You would pay special attention to the fact that we, here in the North, are also Europeans who are not to be discriminated by other Europeans. We consider it discriminating that our traditional rights to the salmon in our rivers have been handed over by the administrative authorities to the benefit of people who should not have any interests in the salmon of our northern rivers. Our forefathers inhabited these riversides following salmon and fished for these stocks in a sustainable way for a millennium. Our rights to the salmon in our home rivers are based on centuries-old land ownerships and the usage and fishing rights related to tax collection.

When, after the World War II, other rivers were dammed up for electricity production and their salmon stocks destroyed, this was compensated to the people of the riversides and river mouth areas (VY41/1978 – The Supreme Water Rights Court of Finland in the 9th June 1982 VYO 33/1982). Our privilege in the salmon has been taken from us without any compensation by handing the preferential right to choose the share of the salmon in our rivers over to commercial fisheries at sea. We ask You to understand that each salmon caught at sea means less salmon to us – the more salmon run into our rivers, the higher is the value of our home district.

Referring to the above remarks please answer to us:

1. Will the European Commission inspect whether the wild salmon is a marine species, and thus under the exclusive competence of the European Union, or a natural resource of rivers, as it is prescribed by the UNCLOS Article 66 Anadromous Stocks?
2. We have been informed that the Commission has a plan to allocate the wild salmon TACs and quotas in the Baltic Sea to the commercial fisheries at sea as a real property – is this true and how do you think the justice will be done and the rights of the people of the river valleys restored?

Pello the 11th January 2012

Yours faithfully

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Tornio-Muonio River Association <http://www.tornionjoki.fi/jokiseura> is working in Lapland on both sides of Torne river and Muonio river in Finland and in Sweden. We have been working for 27 years in favor of our people and our salmon. We say our salmon because salmon has been a very important nature resource for us as long as Lapland has been inhabited.

The River Torne (510 km) and its tributary the River Muonio (387 km) are rivers in the Natura 2000 both in Finland FI1301912 and in Sweden SE0820430; nowadays it is widely accepted that the river system have potential to more than 3,5 million smolts.