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**A RENEWED STRATEGY TO COMBAT IUU FISHING
IN THE SOUTHERN OCEAN**

Submitted by ASOC

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A Renewed Strategy to Combat IUU Fishing in the Southern Ocean

I. The Need for Stronger Efforts Against IUU Fishing

Both CCAMLR and the ATCM have made periodic statements about the dangers posed by IUU fishing for toothfish in the Southern Ocean, and the importance and urgency of putting a stop to it. CCAMLR has a substantial program of work directed towards eliminating IUU fishing and CCAMLR's Executive-Secretary reports to the Antarctic Treaty Consultative Meeting (ATCM) in some detail each year about IUU fishing within the CCAMLR Area, including estimates of its scale.

IUU fishing in the Southern Ocean remains stubbornly large, even using CCAMLR's rather conservative estimation methodology.¹ TRAFFIC reports that use of the CCAMLR methodology consistently underestimates IUU catches by at least 50%, when compared to methodologies incorporating market-derived information.² A review of the current methodology would seem to be warranted. This IUU fishing activity involves the vessels, ports, markets and nationals of many States. Its existence undermines the intrinsic values of CCAMLR and the Antarctic Treaty's Environmental Protocol and, at these levels, continues to pose a dire threat to the survival of several albatross species as well as to the commercial viability of several toothfish stocks.

Thus far, in spite of the number of Conservation Measures on IUU fishing adopted by CCAMLR, and albeit with a number of States having had some success in deterring IUU fishing by actions at sea, ports and markets, the necessary political will among CCAMLR Parties as a whole has not yet been sufficient to the task. ASOC knows that combating IUU fishing is not an easy job, and that it will take time to achieve, but we submit that the effort should begin with the development of a clear coordinated strategy with the goal of eliminating IUU fishing in CCAMLR waters.

In addition, some important proposals to combat IUU fishing have been unable to reach consensus at the Commission due to different views on political or legal issues. ASOC urges that CCAMLR Members should continue their dialogue, also intersessionally, in order to design an agreed strategy to combat IUU fishing that addresses the different issues at stake.

Ideally this would be best started by a Decision at this year's CCAMLR meeting agreeing on a mission statement and a collaborative process aimed at adopting a package of more effective conservation measures next year. This process should incorporate all the recommendations from the Performance Review Panel related to IUU fishing. When CCAMLR and its Committees assess the conclusions of the Performance Review Report, suggestions for improved CCAMLR effectiveness should be checked against their contribution to better combating IUU fishing.³

Parallel to CCAMLR work, international efforts continue to increase the pressure against IUU fishing, especially on the high seas. Set out below are a few initiatives that are closely linked to CCAMLR efforts and are of special interest to the Commission.

II. FAO Port State Agreement

Those FAO Member States involved in the Technical Consultation to develop a binding *Agreement on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing* (Port State Agreement)⁴ are to be congratulated on the text agreed by the recently concluded meeting of the Technical Consultation. We now urge all FAO Member States to ensure that the agreed text is adopted by FAO

¹ See Table 3 of the report of the Working Group on Fish Stock Assessment (Hobart, 13-24 October 2008), indicating historical estimates for IUU catch. SC-CAMLR-XXVII, Annex 5.

² Lack, M., "Continuing CCAMLR's Fight against IUU Fishing for Toothfish", WWF Australia and TRAFFIC International, 2008.

³ See paper submitted to this Meeting by ASOC, "Taking action on CCAMLR's Performance Review."

⁴ See most recent text of the Port State Agreement (PSA), FAO Doc. CCLM 88/8, at ftp.fao.org/docrep/fao/meeting/017/k6051e.pdf.

Conference in November 2009 and that they ratify the treaty as soon possible in order to ensure its prompt entry into force and universal implementation.

CCAMLR has been at the forefront of regional initiatives in the area of port state controls of fishing vessels. As NEAFC and CCAMLR member states have recently demonstrated, port state control measures are very cost-effective in deterring IUU fishers compared to enforcement at sea. Regional experiences have shown that to be most effective, port control measures need to be global – in this modern age of globalization, it is too easy for IUU fishers to evade regional controls by simply using ports of non-member states. If FAO's Agreement is adopted as drafted, such universal coverage will become a realistic prospect – as long as all relevant States become party to the Agreement and implement it.

Furthermore, provisions contained in the Port State Agreement will soon represent the international minimum standard on port State measures. CCAMLR has adopted a rather developed set of port State measures, which would nevertheless require some enhancement and better implementation. ASOC would suggest to CCAMLR to start taking steps at this meeting to align CCAMLR Conservation Measures (CMs) with the provisions set out in the Port State Agreement. For example, CCAMLR may wish to address as a matter of priority the following aspects in order to align its measures with those of the Port State Agreement:

- CCAMLR port State measures should be comprehensive and applicable to vessels engaged in all fisheries and to all situations involving IUU fishing, and not be restricted to vessels listed on CCAMLR IUU vessel lists (such as in CMs 10-06 and 10-07), or to vessels catching *Dissostichus* spp., (such as in CM 10-03).⁵
- The Port State Agreement recognizes listing of a vessel in an IUU vessel list adopted by a regional fishery management organization as sufficient proof to deny that vessel entry into port. CCAMLR should consider again referring to lists adopted by other organizations as evidence of IUU fishing activities.⁶
- CCAMLR should take efforts to enhance its information processing and sharing by its Contracting Parties and by the organization itself, improving cooperation with other relevant fishery management organizations. This is rightly addressed in the Port State Agreement and requires prompt action by CCAMLR.⁷

ASOC urges all CCAMLR Members to adopt a Resolution at this meeting congratulating FAO for facilitating negotiation of a draft Agreement and requesting the FAO Conference to adopt the text finalized by the Technical Consultation and reviewed by the FAO Committee on Constitutional and Legal Matters. This Resolution should also urge CCAMLR Members to sign, ratify and implement the Agreement as soon as possible, and encourage non-members to do likewise.

III. Global Record of Fishing Vessels

ASOC would also like to draw CCAMLR's attention to the steady progress being made by FAO in developing a Comprehensive Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels. Having such a Record is widely acknowledged as an essential tool for all stakeholders involved in and interested in the global fight against IUU fishing. We urge interested CCAMLR Member States to get involved in the impending FAO Technical Consultation, to be held in late 2010, with a view to the Global Record being developed in a way which ensures that information can be appropriately collated from all relevant sources and promptly made available to all interested parties – both governmental and non-governmental – for the widest range of relevant purposes. The development of the Global Record could in itself be of great assistance to the implementation of the Port State Agreement and of CCAMLR Conservation Measures.

ASOC is particularly pleased to note convergence of thinking around the necessity to use the existing IMO/Lloyds Register unique vessel identifier system as the fundamental basis for such a register, and urges CCAMLR to immediately upgrade its relevant conservation measures to mandate inclusion of an

⁵ See in particular Article 3.3, and 1(e), PSA, note 4.

⁶ See Article 9.4, PSA, note 4.

⁷ See, among others, Articles 15, 16, and 18, PSA, note 4.

IMO/Lloyds Number when notifying fishing vessels. Likewise, ASOC appreciates the emerging consensus that the Global Record of Fishing Vessels should include the beneficial owners of listed vessels, and urges CCAMLR to similarly upgrade its relevant conservation measures to mandate notification of beneficial owners.

Most importantly, ASOC is encouraged to note the discussions at the recent FAO Port State Agreement negotiations on the importance of having real-time information electronically available to authorities responsible for implementing the agreement. We look forward to seeing the development of a modern, networked information system capable of servicing the time-bound needs of these and other agencies of government and other stakeholders – including industry, NGOs, the media and the general public.

IV. Improved Collaboration and Coordination

While the prompt implementation of a Port State Agreement and Global Record should do much to facilitate information pooling, there is a wide range of opportunities for CCAMLR members to improve cooperation for MCS, compliance and enforcement purposes. ASOC has been particularly pleased to note the development of cooperation involving Australia, France and South Africa in this regard. Mindful of the sensitivities involved, we urge other CCAMLR Members to similarly explore the potential for improved cooperation and coordination in the use of information, vessels and other relevant assets for MCS, compliance and enforcement purposes. ASOC is particularly interested in encouraging the growing number of ships and planes visiting or transiting the Southern Ocean and Antarctica or official, commercial and recreational purposes, to contribute whatever information they can collect.

V. Concluding Remarks

ASOC submits that a renewed commitment against IUU fishing in CCAMLR waters with an associated strategy that sets out how this should be done is both a practical and robust approach to solving a widespread problem that has been persisting for far too long. ASOC and its members welcome all proposals for conservation measures submitted this year to improve elements of the fight against IUU fishing. ASOC is particularly pleased to see that proposals for the development of market-related measures are again to be considered. We look forward to continuing to work with CCAMLR Members and other observers in seeking to eliminate IUU fishing within a coherent strategic framework adequate to the task.

In addition, CCAMLR can actively contribute to international progress against IUU fishing by adopting a Resolution in support of the recently negotiated draft Port State Agreement. The prompt and widespread implementation of this Agreement would be of great benefit for CCAMLR as it would significantly reduce the number of ports where IUU vessels listed by CCAMLR can offload or be serviced.