

**PRIORITY ISSUES AND RECOMMENDATIONS
OF
THE ANTARCTIC AND SOUTHERN OCEAN
COALITION (ASOC)
FOR
THE XXIII MEETING OF THE CONVENTION ON
THE CONSERVATION OF ANTARCTIC MARINE
LIVING RESOURCES**

The Antarctic and Southern Ocean Coalition

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ASOC Priorities for CCAMLR XXIII

October 22, 2004

In the year since the twenty-second Meeting of the Commission for the Conservation of Antarctic Marine Living Resources, we have witnessed more arrests of illegal toothfish vessels in the Southern Ocean (such as the *Maya V*). In addition, we have seen ongoing and successful prosecutions of those involved in illegal fishing and trade of toothfish, in Australia (prosecution of the crew on board the *Viarsa I*) and in the United States (indictment of Arnold Bengis).

These arrests and prosecutions were an impressive testament to the commitment of these states to stop IUU toothfish fishing. ASOC looks forward to the same fighting spirit from all CCAMLR Members in adopting conservation measures that make expensive prosecutions and dangerous pursuits a thing of the past. **The following proposals are of ASOC's highest priority for adoption at the twenty-third Meeting of CCAMLR:**

- **Centralized Vessel Monitoring System.** As evidence has shown to CCAMLR Members in the past, sole reliance on flag states' supervision of vessel monitoring systems is problematic. A centralized system ensuring that the vessel's geographical location is automatically transmitted to an objective third party, such as the CCAMLR Secretariat, is the only way to verify independently that declared catches correspond with the locations where they have been taken. **Consequently, Conservation Measure 10-04 (2002) should be amended to establish a centralized VMS. It should also be improved to ensure compliance with VMS requirements.**
- **Electronic *Dissostichus* Catch Documents (DCD).** **Conservation Measure 10-05 (2003) should be amended to require the use of electronic DCDs.** An electronic DCD system would establish a clear, mandatory, and enforceable procedure for transfer of information about catch documentation between Members, importing states and the Secretariat. Electronic DCDs would also prevent illegal catches from being introduced into the markets through the use of forged DCDs. An electronic system must ensure that landed weight and exported weight are verifiable and equivalent, and should include the required reporting timeframe and a facility to provide appropriate transparency for non-government stakeholders.
- **Actions regarding non-Complying Vessels and States.** Conservation Measures 10-06 (2002) and 10-07 (2002) instruct the Commission to identify, at each annual meeting, those Contracting Party and non-Contracting Party vessels which have engaged in IUU fishing activities in the Convention area, and to include them in the "IUU Vessel List". **This system should be improved to avoid the de-listing of vessels due to a change of ownership, and to prevent CCAMLR Members from blocking the listing of their own vessels.** In addition, CCAMLR Members must take effective trade-related actions, such as import prohibitions, against Contracting and Non-Contracting Parties whose vessels have been repeatedly involved in IUU fishing for toothfish, as determined by the CCAMLR IUU Vessel List. The IUU Vessel List

would be effectively complemented by the adoption of a positive list, in which vessels licensed by CCAMLR Members to fish for toothfish would be included.

- **Precautionary Management of the Krill Fishery: CCAMLR must establish a strictly regulated and enforceable management regime for the second-generation krill fishery.** CCAMLR finfish fisheries are required to follow regulations such as standardized reporting, VMS operation, observer requirements, and fishing seasons. **The krill fishery must now be held to this same standard.**

ASOC RECOMMENDATIONS FOR CCAMLR XXIII OCTOBER 22, 2004

At CCAMLR XXII, a number of innovative and sensible proposals to bring IUU fishing under control were rejected by the Commission. Since then, the pillage of toothfish stocks in the Southern Ocean, and the killing of thousands of seabirds as by-catch in the longlines has continued. The most troubling factor is that a number of Commission Members seem to be regularly breaching their obligations, a fact which seriously undermines CCAMLR's credibility. Each year that goes by without strong collective action makes it more difficult for toothfish and seabird populations to survive.

CCAMLR Members cannot afford to wait another year to see whether the current system proves capable of controlling the problem. **A new set of strong measures is urgently needed to prevent the imminent collapse of the toothfish fishery in some areas, and the extinction of several populations of albatrosses and petrels. These include stringent Monitoring Control and Surveillance (MCS) measures, market-related measures, and clear and decisive actions against non-complying countries. In addition, the IUU Vessel list could be effectively complemented by the adoption of a positive list.**

Furthermore, CCAMLR Members must re-establish the primacy of the Convention's Objectives as stated in Article 2, in particular the need to prevent the decrease in the size of harvested populations to levels below those which ensure stable recruitments, and the need to maintain the ecological relationships between harvested, dependent and related populations of Antarctic marine living resources. For example, in the Ross Sea (Area 88.1), the number of vessels notifying has been recently increasing. We have precious little information on Antarctic toothfish populations in the Ross Sea. A precautionary approach to this expanding fishery requires that current fishing operations not be expanded until we are certain that the toothfish population as well as associated and dependent species in the ecosystem can survive additional fishing pressure. This precautionary approach should also guide CCAMLR's management of the krill fishery, as well as the protection of biodiversity and sensitive habitats in the Southern Ocean.

In summary, ASOC has prioritized the following five issues for attention at the 2004 meeting of the Commission:

- **Adoption of a centralized VMS and enforcement and inspection measures for VMS systems;**
- **Adoption of electronic DCDs;**
- **Adoption of actions, including trade-related measures, to be taken against non-complying states;**
- **Adoption of a positive list of licensed vessels to complement the IUU Vessel List;**

- **Improvement of the current management regime on Antarctic krill to ensure that localized depletion of krill populations is prevented, effectively protecting the basis for life in the Antarctic marine environment.**

In addition to these five priorities, ASOC offers a number of recommendations below:

1. Amendments to the Catch Documentation Scheme (CDS)

Adopted in 1999, the CDS is CCAMLR's most ambitious attempt to stop IUU fishing for toothfish by tracking the legal trade and by requiring CCAMLR Members to import only toothfish that is accompanied by a valid *Dissostichus* Catch Document (DCD). Unfortunately, the scheme continues to be riddled with loopholes that provide inlets for illegal operators to launder their illegal catch and introduce them into legitimate markets. **CCAMLR must give highest priority to the following measures to strengthen the CDS and close these loopholes:**

- 1.1 **CCAMLR must adopt an electronic system for DCDs**, which would establish a clear, mandatory, and enforceable procedure for transfer of information about catch documents between Members, importing states and the Secretariat - including the required reporting timeframe and a facility to provide transparency for non-government stakeholders. Consequently, Conservation Measure 10-05 (2003) should be amended to require the use of electronic DCDs.
- 1.2 **CCAMLR Members must develop actions to be taken when port states are presented with toothfish without a verifiable DCD, including sanctions against offending importers and flag states.** This toothfish must be confiscated and not allowed to enter the market elsewhere.
- 1.3 **CCAMLR Members must reject all imports from states not fully implementing the CDS.**
- 1.4 **CCAMLR Members must reject all imports from unregulated areas**, meaning all high seas areas falling outside of the CCAMLR Convention Area and EEZs.

2. Monitoring, Control and Surveillance (MCS)

- 2.1 **Centralized Vessel Monitoring System (VMS): Conservation Measure 10-04 must be amended to establish a centralized VMS that requires the geographical location of a vessel to be automatically transmitted to an objective third party such as the CCAMLR Secretariat.** Furthermore, Member States must be subject to periodic inspections to ensure compliance with VMS requirements.
- 2.2 **International Observers: CCAMLR should require that all vessels fishing within the CCAMLR Area have an international fisheries observer on**

board. Recent events have shown that in many cases a national fisheries observer is inadequate.

3. Actions against Non-Complying Vessels and States

- 3.1. **Listing of vessels engaged in IUU fishing in the Convention Area.** At its meeting in 2002, CCAMLR XXI made important changes to the Scheme to Promote Compliance by Non-Contracting Party Vessels with CCAMLR Conservation Measures (CM 10-07), and developed a parallel system for Contracting Party Vessels (CM 10-06). Both schemes instruct the Commission to establish a list of IUU vessels operating in the Convention Area ("IUU Vessel List"). **It is imperative that CM 10-06 is amended to prevent CCAMLR Members from blocking the inclusion of their own registered vessels in the IUU Vessel List, when indisputable evidence exists that the vessels were involved in illegal fishing.**

In addition, **CMs 10-06 and 10-07 should be amended to preclude the de-listing of IUU vessels from CCAMLR's IUU Vessel List solely due to a change in ownership.** Currently, the system allows for the laundering of illegal vessels simply through a change of ownership. Confirming the identity of the true beneficial owners of such vessels has always been problematic. Therefore, the establishment of a new shelf-company, supposedly 'owning' the IUU vessel under a different name, may be an easy way for such a vessel to reenter the legal system with the seeming approval of CCAMLR. Hence, CCAMLR should amend CMs 10-06 and 10-07 to prohibit the "de-listing" of identified IUU vessels just for a change of ownership.

- 3.2. **Adoption of a "positive list" of licensed vessels. CMs 10-06 and 10-07 could be effectively complemented by the adoption of a positive list sanctioned by the Commission.** This list should include those vessels licensed to fish for toothfish by CCAMLR Members, together with details on their authorized fishing areas and times. This positive list would help identify non-licensed vessels and would also help prevent the introduction of illegal toothfish into the markets. **Once a vessel has been listed in the IUU Vessel List, it should be automatically removed from the positive list to avoid inconsistencies.**
- 3.3. **Actions against non-complying states.** Paragraph 19 of CM 10-06 (IUU Contracting Party Vessels) and paragraph 16 of CM 10-07 (IUU non-Contracting Party Vessels) instruct the Commission to take appropriate measures in respect of IUU fishing for toothfish by non-complying countries. Particularly, it is stated that multilateral trade-related measures may be used to ensure that such toothfish trade does not undermine the effectiveness of CCAMLR. Other regional management organizations, such as the International Commission for the Conservation of Atlantic Tunas (ICCAT), have effectively established multilaterally agreed trade-related measures, like

prohibitions on the import of certain relevant fish species against states - both Parties and non-Parties to the Convention - whose vessels have been fishing in a manner that diminishes the relevant conservation and management measures.

ASOC urges CCAMLR to take effective trade-related measures, such as import prohibitions, against Contracting and Non-Contracting Parties whose vessels have been repeatedly involved in IUU fishing for toothfish, as determined by the CCAMLR IUU Vessel List.

In addition, on entering the ports of Parties or non-contracting participating states, vessels flying the flags of identified non-complying states must be closely scrutinized in accordance with existing conservation measures. **Any such vessels suspected of having fished for toothfish in contravention of CCAMLR measures should be denied port access unless they can prove that they have not been engaged in fishing activities in the CCAMLR Area by the provision of computer-generated and verifiable VMS data.**

4. Krill

At CCAMLR XXII, the Commission stated that the projected krill catch for the 2003/04 season was more than 30% greater than the expected total catch for the 2002/previous season. If this trend continues, the trigger level of 620,000 tonnes in Area 48 could be reached in five to six years, which may be faster than CCAMLR's capacity to adequately provide a precautionary management of the fishery that avoids excessive local impacts on predators in certain areas.

In addition, the absence of complete and reliable information on Members' future fishing plans, together with the insufficient reporting and control requirements applicable to krill fishing, are precluding CCAMLR bodies from predicting fishing trends and assessing key aspects of the krill fishery.

CCAMLR should improve its krill management regime by taking the following decisions:

- 4.1 Subdivide the precautionary catch limits for Area 48 among the 15 SSMUs established in 2002, well before the 620,000 tonnes trigger level is reached.**
- 4.2 Require the submission of standardized, fine-scale data on a haul-by-haul basis for the krill fishery.**
- 4.3 Require all vessels fishing for krill in the Convention Area to maintain an automated Vessel Monitoring System.**
- 4.4 Require that each vessel fishing for krill in the Convention Area shall have at least one scientific observer on board.**
- 4.5 Require Members to submit annual reports of their detailed krill fishing plans, including number of vessels, locations of planned fisheries and expected catch levels.**

5. CITES - Convention on International Trade in Endangered Species of Fauna and Flora.

ASOC urges CCAMLR Members to strengthen cooperation with CITES, and to encourage debate at this meeting and inter-sessionally, on the complementarity of these two Conventions for the conservation of toothfish stocks. Members must seriously consider extending CCAMLR's CDS to control the trade in toothfish to all CITES Parties through the listing of Patagonian and Antarctic toothfish (*Dissostichus eleginoides* and *D. mawsoni*) on Appendix II of CITES.

The listing of toothfish on CITES Appendix II would extend already existing CCAMLR trade controls globally, effectively closing many of the loopholes undermining the effectiveness of CCAMLR's conservation measures. In particular, a CITES listing would greatly increase the impact and effectiveness of the CDS in combating IUU fishing and trade. A CITES listing would mean that virtually all states involved in the toothfish harvest, landing or trade could only trade toothfish caught in compliance with CCAMLR conservation measures.

In addition, a CITES listing would provide transparent global monitoring of trade flows, which would assist and complement the efforts of CCAMLR. An Appendix II CITES listing of toothfish, with the appropriate CITES Resolution and Annotation, would have the effect of making current CCAMLR management measures applicable to all catches, imports and exports of toothfish, and not only to those traded between CCAMLR Members or cooperating countries.

6. Protection of sensitive areas and habitats

CCAMLR is the regional management organization entrusted with the task of conserving marine living resources in the Southern Ocean in accordance with the ecosystem and precautionary approaches. As such, CCAMLR must support the establishment of Marine Protected Areas in the Convention Area, and the integration of such protected areas into CCAMLR's management regime.

ASOC strongly encourages CCAMLR Members to take account of different recommendations to promote the development of Marine Protected Areas - including areas falling outside national jurisdiction - from relevant fora like the World Parks Congress (South Africa, 2003), the Convention of Biological Diversity (i.e., Conference of the Parties 7, Malaysia, 2004), or the UN General Assembly (i.e., 2003 UNGA Oceans and the Law of the Sea Resolution).

CCAMLR's adherence to the ecosystem and precautionary approaches as integral to the management of the Convention Area, places the Commission in a unique position to take concrete action to protect critical vulnerable and highly sensitive deep-sea habitats in the Southern Ocean, particularly cold water corals and their associated and

dependent species. Special attention should also be granted to the Ross Sea, which has been highlighted as the largest intact marine ecosystem remaining on Earth.

7. Bottom trawling in the CCAMLR Area

In 2002, the UN General Assembly called for urgent consideration of the risks to vulnerable deep-sea areas and biodiversity. This was reiterated by the UN General Assembly in 2003. In February 2004, the 7th Conference of the Parties to the Convention on Biological Diversity (CBD) stressed the need for rapid action to address threats to the marine biodiversity of deep-sea areas including seamounts, hydrothermal vents, cold-water corals and other vulnerable marine ecosystems and features beyond national jurisdiction. **Decision 7/V of the CBD called upon the UN General Assembly, as well as other relevant international and regional organizations to take urgent measures to eliminate destructive practices, including the interim prohibition of destructive practices adversely impacting the marine biological diversity associated with these areas.**

Over 1000 deep-sea scientists from around the world have also released a statement calling for swift action to protect imperiled deep-sea coral and sponge ecosystems. They identified bottom trawl fishing as an especially grave threat to these communities and urged the United Nations and other international bodies to establish an immediate moratorium on bottom trawling on the high seas.

ASOC, as a member of the broad-based Deep Sea Conservation Coalition (DSCC) believes that CCAMLR and its Member countries have a high stake in ensuring effective, sustainable and equitable governance of high seas biodiversity within the Convention Area. **ASOC thus urges CCAMLR to recognize the calls for urgent action to protect vulnerable deep-sea ecosystems, from the Convention on Biological Diversity and the United Nations General Assembly, and actively work to take necessary action, including consideration of establishing an immediate moratorium on bottom trawl fishing in the CCAMLR Area until the Scientific Committee has had the opportunity to assess the extent of such vulnerable biodiversity and ecosystems within the Convention Area, and the Commission has developed measures that facilitate the effective precautionary and ecosystem management of such areas.**