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## **ASOC Priorities for CCAMR XXIV**

# **THE ANTARCTIC AND SOUTHERN OCEAN COALITION (ASOC)**

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# ASOC Priorities for CCAMLR XXIV

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### Introduction

ASOC is pleased to provide a number of sensible proposals to the 24<sup>th</sup> meeting of the CCAMLR Scientific Committee and Commission that we believe will lead to an end to Illegal, Unreported, and Unregulated (IUU) fishing for toothfish and broad protection of the Antarctic marine ecosystem by managing the krill fishery to maintain healthy krill populations as well as healthy predator populations. ASOC once again challenges the Commission to take immediate action to shut down the IUU fishery for toothfish by adopting our proposals, or by offering its own solutions. Briefly, ASOC urges CCAMLR to do the following:

- Improve monitoring, control and surveillance in the CCAMLR Area by closing loopholes in the current Vessel Monitoring System and by sharing satellite intelligence
- Require the use of electronic *Dissostichus* Catch Documents
- Improve and update the IUU Vessel List and create a list of vessels authorized to fish for toothfish in the CCAMLR Area
- Adopt enforcement measures for taking action against Member and non-Member States and vessels engaged in IUU fishing activities
- Establish a strictly regulated and enforceable precautionary management regime for the second generation krill fishery

### Background

The 2004-05 fishing season has been a busy one for IUU vessels in the Southern Ocean. As of the end of September 2005, ASOC had learned of at least a dozen instances of suspected IUU fishing activity within the CCAMLR Area. Most recently, the vessel *Taruman* was arrested and brought here to Hobart with a reported 130 tonnes of toothfish on board. This indicates to ASOC that a lucrative market for IUU-caught toothfish still exists and that IUU operators are willing to risk arrest in order to take advantage. Some of the other vessels suspected of having engaged in IUU fishing over the past year are familiar repeat-offenders such as the *Hammer*, and the *Ross*, both on the IUU Vessel List.

A year ago, ASOC was celebrating the arrest, following a 21-day high seas pursuit, of the *Viarsa I* by Australian and South African authorities. Now we are closely following the trial of five crew members from the *Viarsa I* taking place in Perth.

At CCAMLR XXIII, the Commission rejected a number of innovative and sensible proposals to bring IUU fishing under control. As noted above, the pillage of toothfish stocks in the Southern Ocean, and the killing of seabirds as by-catch in longlines, has continued. Among the vessels suspected of IUU activity are those of Commission Members States, a fact which seriously undermines CCAMLR's credibility. ASOC commends those Member States that have adopted domestic measures or entered into bilateral and multilateral agreements that take the steps CCAMLR as a whole has been unable to take to address IUU fishing. Member States are becoming increasingly anxious about the need to act now to stop the plunder of these valuable resources. CCAMLR was established to bring about international cooperation for the

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conservation and rational use of the Southern Ocean, and it must find the way now to agree on effective measures that fulfill its goals. Each year that goes by without strong collective action makes it more difficult for toothfish and seabird populations to survive.

Toothfish, albatross and petrel populations cannot afford to wait another year to see whether the current system proves capable of controlling the problem and preventing imminent collapse. Strong measures are urgently needed, including stringent Monitoring Control and Surveillance (MCS) measures, market-related measures, and clear and decisive actions against non-complying states. In addition, the IUU Vessel list could be complemented by the adoption of an Authorized Vessel list of vessels authorized to fish for toothfish by CCAMLR Members. The Commission should also instruct the CCAMLR Secretariat to increase cooperation and information exchange with other RFMOs and international bodies such as FAO, which are working on positive and negative lists of vessels.

CCAMLR Members must re-commit themselves to the primacy of the Convention's Objectives as stated in Article 2, in particular the need to prevent the decrease in the size of fished populations to levels below those which ensure stable recruitments, and the need to maintain the ecological relationships between fished, dependent and related populations of Antarctic marine living resources. For example, in the toothfish fishery surrounding South Georgia Islands (Area 48.3), the Scientific Committee has been unable to provide management advice to the Commission for two years running. A precautionary approach, in the absence of scientific advice, requires that the total allowable catch in that area be set at zero until there is assurance that the current levels of fishing are not compromising the long-term stable recruitment of toothfish populations. The 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.

ASOC remains committed to contributing to the work of CCAMLR, its committees and working groups through active participation in relevant meetings and workshops, particularly in the annual Commission meeting in Hobart. As the primary international Convention committed to the conservation of Antarctic marine living resources, it is incumbent upon CCAMLR to actively seek the involvement of stakeholders in its decision-making process, consistent with the trend towards broad public participation established by the Rio Declaration and furthered under the UN Fish Stocks Agreement. This should include the participation of observers in all relevant CCAMLR meetings and workshops. We are confident that CCAMLR XXIV will be a model of transparency and public participation, giving observers the opportunity to contribute to all relevant discussion and decision-making sessions.

### **The Priorities**

- **Monitoring, Control and Surveillance:** The primary goal of Conservation Measure 10-04 (2004) is to ensure that the vessel's geographical location is automatically transmitted to an objective third party to verify independently information contained in catch documents, and to allow for adequate surveillance and inspections of CCAMLR fisheries. Unfortunately, uneven implementation by flag states has made this goal elusive. Exceptions in CM 10-04 currently allow flag states to report VMS data to the Secretariat

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after departure from the Convention Area, which is insufficient for an adequate control of the fishery. Additionally, vessels are not required to report their positions throughout their time at sea, only when within the CCAMLR Area. This loophole provides an additional opportunity for fraud. In addition, CCAMLR XXIII discussed requiring port-to-port operation of VMS, but rejected it in the end.

Closing loopholes to the centralized VMS will improve monitoring of legal vessels, but still leaves out IUU vessels. Using and sharing satellite imagery, whether from government or privately-owned satellites, CCAMLR Members could monitor the entire CCAMLR Area for illegal activity in a much more effective way.

- **Conservation Measure 10-04 (2004) should be amended to require that VMS data is reported automatically to the CCAMLR Secretariat in real time (i.e., with a maximum delay of four hours) and that vessels operate and report VMS data at all times (port-to-port).**
- **Establish a working group to share sophisticated satellite imagery from those states with such capability, in order to efficiently track IUU fishing activity and apply adequate enforcement actions either at sea or when vessels come to port to offload their IUU catches.**
- **Electronic *Dissostichus* Catch Documents (DCD):** After two years of a successful trial program, it is time to make electronic DCDs mandatory. This 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. Electronic DCDs would also prevent illegal catches from being introduced into the markets through the use of forged DCDs.
  - **Conservation Measure 10-05(2004) should be amended to require the use of electronic DCDs.**
- **IUU Vessel List.** Conservation Measures 10-06 (2004) and 10-07 (2003) 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”. Development of this list has been impeded by CCAMLR Members who block the inclusion of their own vessels on the IUU Vessel list.
  - **Conservation Measure 10-06(2004) must be amended to prevent CCAMLR Members from blocking the inclusion of their own registered vessels in the IUU Vessel List in the face of overwhelming evidence that the vessels were involved in illegal fishing.**
  - **Conservation Measures 10-06 and 10-07 should be amended to preclude the delisting of IUU vessels from CCAMLR’s IUU Vessel List solely due to a change in ownership.**

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- **Authorized Vessel List:** 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 only those vessels licensed to fish for toothfish by CCAMLR Members, together with details on their authorized fishing areas and times. This Authorized Vessel List would help identify non-licensed vessels and would also help prevent the introduction of illegal toothfish into the market. Once a vessel has been listed in the IUU Vessel List, it should be automatically removed from the positive list to avoid inconsistencies. This list should be available to the public on the CCAMLR website.
  - **Establish a publicly available Authorized Vessel List of vessels licensed to fish for toothfish**
  - **Instruct the CCAMLR Secretariat to intensify cooperation and information exchange with other RFMOs and international bodies such as FAO, which are working on positive and negative lists of vessels, in order to make progress towards the integration of these lists into international lists of IUU /authorized vessels.**
- **Enforcement Measures:** CCAMLR Member States should be held accountable when their vessels do not comply with CCAMLR's Conservation Measures. CCAMLR currently lacks any mechanism to apply sanctions against States. ASOC believes that CCAMLR Member States whose vessels violate CCAMLR's Conservation Measures should face suspension from the Commission. Similarly, unregulated vessels flagged to non-Member States should face sanctions sufficiently punitive to keep them from operating within the CCAMLR Area. The UN Fish Stocks Agreement provides that only member states are allowed to fish within the boundaries of regional fisheries agreements. Recent developments in international law and practice, such as the Proliferation Security Initiative and its "Interdiction Principles" might provide a useful model for interdiction by CCAMLR states of unregulated (non-Member) vessels operating within the CCAMLR Area.
  - **Establish mechanisms for the suspension of CCAMLR Members persistently in breach of the Convention or its Conservation Measures**
  - **Take effective trade-related actions, such as import prohibitions, against Contracting and Non-Contracting Parties whose vessels have been repeatedly involved in IUU fishing, as determined by the CCAMLR IUU Vessel List.**
  - **Ensure compliance with CCAMLR Conservation Measures by non-Member states fishing in the CCAMLR Area, consistent with Art 8, Para 4 of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of 10 December 1982, Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks 1995.**

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- **Establishment of mechanisms drawing on other international initiatives, such as the Proliferation Security Initiative, to cooperatively interdict IUU vessels operating in the CCAMLR Area.**
  
- **Precautionary Management of the Krill Fishery:** At CCAMLR XXIII, Member States submitted their krill fishing plans for the 2004/05 season. The total projected catch is 226,000 tonnes, which is nearly 50% more than the total catch for the 2003/04 season. The increasing trend in the krill fishery is continuing, new countries are entering the fishery, and technological and market developments indicate that an imminent expansion of the fishing effort is likely. Consequently, the present trigger level of 620,000 tonnes in Area 48 could be reached faster than CCAMLR's capacity to adequately provide precautionary management of the fishery that avoids impacts on predators. In addition, the absence of complete and reliable information from the fishery and on markets for krill products, together with the insufficient control requirements applicable to krill, are precluding CCAMLR bodies from developing appropriate management procedures for krill. CCAMLR should improve its krill management regime by taking the following decisions:
  - **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. This subdivision of catches should be decided on the basis of precaution, ensuring that the catch limit allocated for each SSMU does not compromise krill availability for predators.**
  - **Require all vessels fishing for krill in the Convention Area to maintain an automated Vessel Monitoring System.**
  - **Require that each vessel fishing for krill in the Convention Area shall have at least one scientific observer on board.**
  - **Require the submission of standardized, fine-scale data on a haul-by-haul basis for the krill fishery.**
  - **Require Members to submit annual reports of their detailed krill fishing plans, including number of vessels, locations of planned fisheries and expected catch levels.**
  - **Enhance scientific coordination of scientific programs related to krill.**

Please see ASOC's paper, "Ecosystem Management of the Antarctic Krill Fishery" for additional details on our recommendations.

- **Protection of sensitive areas and habitats:** ASOC strongly encourages CCAMLR to establish an ecologically representative network of Marine Protected Areas in the Convention Area. CCAMLR's adherence to the ecosystem and precautionary principles in its management of the Convention Area, places the Commission in a unique position to

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afford greater protection to vulnerable and highly sensitive habitats (e.g. seamounts and cold water coral communities), to areas that are critical to the healthy functioning of Southern Ocean ecosystem processes (e.g. spawning grounds, foraging areas etc), and to protect areas that are important for scientific research.

ASOC welcomes the initiative by CCAMLR to hold a first MPA workshop. And while ASOC regrets the decision of the workshop steering committee not to invite observer organizations, we look forward to the results of the workshop as well as to future development of the MPA concept by CCAMLR and Antarctic Treaty Consultative Meetings.

- **Bottom Trawling in the CCAMLR Area:** At last year's CCAMLR meeting, ASOC drew attention to the growing international calls to address the damage to vulnerable deep-sea areas and biodiversity from destructive practices such as bottom trawling.

The November 2004 UNGA Sustainable Fisheries Resolution called on States either by themselves or through competent Regional Fisheries Management Organizations "to take action urgently, and consider on a case-by-case and on a scientific basis, including the application of the precautionary approach, the interim prohibition of destructive fishing practices including bottom-trawling that have adverse impacts on vulnerable marine ecosystems" (A/RES59/25 para 66). It also called on Regional Fisheries Management Organizations with the competence to regulate bottom fisheries to urgently adopt appropriate conservation and management measures to address the impact of such destructive fishing practices and to ensure compliance with such measures (A/RES/59/25 para 67).

The June 2005 United Nations Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS) recommended accelerated progress on the UNGA Resolutions.

Beyond the UN there is a groundswell of support for a moratorium on high seas bottom trawling while sustainable management and conservation measures for the high seas are developed and implemented. Accordingly, ASOC urges CCAMLR, as the appropriate regional institution, to respond to the UN Resolution and implement spatial and temporal measures to protect vulnerable Antarctic marine ecosystems as a matter of urgency, and in particular to implement an interim prohibition of the destructive fishing practice of bottom trawling within the CCAMLR Area.