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**PORT VISITS OF VESSELS ON CCAMLR'S IUU VESSEL LISTS:
LESSONS ON PORT STATE PERFORMANCE**

Submitted by ASOC

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Port Visits of Vessels on CCAMLR's IUU Vessel Lists:

Lessons on Port State Performance

Introductory Note

ASOC is submitting for the consideration of the Commission and of the Standing Committee on Implementation and Compliance (SCIC) the preliminary results of research conducted by The Pew Environment Group to investigate the impact of port State measures on the operations of vessels that have been listed as IUU vessels by CCAMLR and seven other Regional Fishery Management Organizations (RFMOs). The Pew Environment Group is a member of ASOC. The results of the research submitted in this paper cover issues of interest to CCAMLR Members, especially at a time when the text of an *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* has been concluded within the framework of FAO, and there is a renewed global call for enhanced port State measures.

After compiling all information and discussing the research results with stakeholders, including RFMOs, The Pew Environment Group will publish a final report at the beginning of 2010. In order to provide the best available information in this final report, The Pew Environment Group welcomes any information from CCAMLR, its Members and observers, which verifies, supplements or contradicts information that is available from the public databases that were consulted in undertaking this research.



PORT VISITS OF VESSELS ON CCAMLR'S IUU VESSEL LISTS: LESSONS ON PORT STATE PERFORMANCE

1. Research objectives and methodology

Pew considers that port State measures are a necessary and cost-effective tool in the fight against illegal, unreported and unregulated (IUU) fishing. In the past decade, national, regional and global initiatives have focused on the adoption and implementation of increasingly stringent port State measures to deter, prevent and eliminate IUU fishing. This culminated in the conclusion of the text of an *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* (Port State Agreement or PSA) in August 2009. The Agreement, once in force, establishes the duty of port States to assist flag and coastal States in enforcing conservation management measures. CCAMLR, and some other fishery management organizations, have already established such port State obligations for their members.

The Pew Environment Group is committed to helping to enhance the effectiveness of port State measures. To this end, last year it initiated a research project focusing on the application of port State measures to vessels listed on IUU vessel lists adopted by regional fishery management bodies, including CCAMLR. A first step in the research was to assemble a combined IUU vessel list, which brought together the IUU vessel lists of eight organizations during the period January 2004 to March 2009: the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), Northwest Atlantic Fisheries Organisation (NAFO), North East Atlantic Fisheries Commission (NEAFC), Southeast Atlantic Fisheries Organisation (SEAFO), Inter-American Tropical Tuna Commission (IATTC), International Commission for the Conservation of Atlantic Tunas (ICCAT), Indian Ocean Tuna Commission (IOTC) and Western and Central Pacific Fisheries Commission (WCPFC). This resulted in a list of 176 IUU-listed vessels.

In a second step, Pew screened publicly available databases (Lloyd's Register–Fairplay (Sea-web), Lloyd's MIU, shipspotting.com) and port logs to investigate where each of the 176 IUU-listed vessels went while on an IUU vessel list. The results were communicated to port States that showed the most port visits of IUU-listed vessels in order to verify and supplement the available data. Following this process, 16 States replied to Pew, providing additional information that has been incorporated into the research results. As part of the research project, findings are also being presented to the RFMOs to identify and discuss aspects that require further consideration if effective port State measures are to be in place. On August 25, during the last Technical Consultation at the FAO, where the text of the Port State Agreement was finalized, Pew presented the first part of the results of this research and launched a website that contains all the results of this project, presented in a clear and interactive manner, which is being regularly updated with new information as it becomes available. It may be visited at www.portstateperformance.org. The review phase of this project, where States, RFMOs and other stakeholders may contribute to refine the research, is open until the end of 2009. Once this period is closed, a final report of *Port State Performance* will be prepared and distributed.

2. Preliminary findings of the research

Low visibility of IUU listed vessels. A primary finding was that visibility of IUU-listed vessels is rather limited: two-thirds of the 176 IUU-listed vessels showed no movement, that is, based on publicly available information they did not enter ports. It is worth noting that information on the movement of reefers is much better than that of fishing vessels. Of the 55 vessels that showed movement during their IUU-listing period, 45 (82 percent) were fishing vessels and eight (15 percent) were reefers; however, reefers made 243 of the 419 recorded port visits (58 percent). Visibility of vessels listed by different RFMOs also varied considerably. For example, while only 8 percent of vessels listed by IATTC were recorded by at least one of the movement databases, there were recordings of movements of 81 percent of vessels on NEAFC's IUU vessel lists. The retrieval rate of CCAMLR IUU-listed vessels lies between these two extremes. Of the 29 IUU-listed vessels 15 vessels (52 percent), among them 12 fishing vessels and two reefers, have been recorded

undertaking port visits during the research period (Table 1). In most cases, vessels without International Maritime Organisation (IMO) numbers, were difficult to track and no movements could be identified.

Table 1 Number of IUU-listed vessels and number of vessels that showed port visits during the research period, broken down into reefers, refrigerated cargo vessels and other vessels

IUU-listing RFMO	Vessel type	IUU-listed vessels	Vessels with recorded port visits	Percentage of vessels with port visits	Number of port visits	Port visits per IUU-listed vessel	Port visits per recorded vessel
CCAMLR	Fishing vessel	24	12	50%	43	1.8	3.6
	Reefer	2	1	50%	28	14.0	28.0
	Other	3	2	67%	3	1.0	1.5
	All	29	15	52%	74	2.6	4.9
IATTC	Fishing vessel	76	6	8%	42	0.6	7.0
	Reefer						
	Other						
	All	76	6	8%	42	0.6	7.0
ICCAT	Fishing vessel	17	5	29%	10	0.6	2.0
	Reefer						
	Other	10					
	All	27	5	19%	10	0.4	2.0
IOTC	Fishing vessel	8	3	38%	5	0.6	1.7
	Reefer	1	1	100%	1	1.0	1.0
	Other	5		0%		0.0	
	All	14	4	29%	6	0.4	1.5
NEAFC	Fishing vessel	19	15	79%	58	3.1	3.9
	Reefer	7	6	86%	217	31.0	36.2
	Other	1	1	100%	1	1.0	1.0
	All	27	22	81%	276	10.2	12.5
WCPFC	Fishing vessel	2	2	100%	14	7.0	7.0
	Reefer						
	Other	1				0.0	
	All	3	2	67%	14	4.7	7.0
NAFO	Fishing vessel	18	13	72%	56	3.1	4.3
	Reefer	6	5	83%	217	36.2	43.4
	Other	1	1	100%		0.0	0.0
	All	25	19	76%	273	10.9	14.4
SEAFO	Fishing vessel	42	25	60%	99	2.4	4.0
	Reefer	9	7	78%	245	27.2	35.0
	Other	4	3	75%	3	0.8	1.0
	All	55	35	64%	347	6.3	9.9

Information gaps. The research found that significant gaps in documenting and communicating data were a major reason for the low visibility of IUU vessels. Where inspectors and port authorities rely solely on the information on the IUU vessel list provided by the RFMO, they may have few means to identify IUU listed vessels. Of the 176 vessels that appear on one or more of the IUU vessel lists, only 69 vessels (39 percent) are listed with the correct IMO number. Use of incorrect IMO numbers, or lack of a number for example, allows operators to disguise their vessels after being added to an IUU vessel list. The quality of IUU vessel lists differs significantly among RFMOs: while all but two vessels on the CCAMLR, NAFO and NEAFC IUU lists have an IMO number, only five of 75 vessels on the IATTC list and one of 27 vessels on the ICCAT list provide IMO numbers. Because fishing vessels are not obliged to have an IMO number, vessels on the IUU vessel lists may not have one. However, the research team was able to track down and assign an IMO number to 32 of the vessels without an IMO number on the combined IUU vessel lists. All except one of these vessels were on the ICCAT or IATTC IUU vessel lists.

In addition, there are other problems related to information: a) information on RFMO IUU vessel lists tends to be rapidly outdated: forty-three percent of vessels on IUU vessel lists are recorded by a different name on the more frequently updated databases of Seaweb and Lloyd's MIU; b) major databases do not publicize all available information: of 26 visits registered in port logs, only 12 were picked up by Lloyd's MIU, while Sea-web shows only three; c) port logs often have insufficient information on vessels: all but one of the 12 examined port logs did not record the IMO number, relying instead on changeable vessel characteristics such as name, flag or International Radio Call Sign. The combined

deficiencies in the handling of vessel-related data make it almost impossible for port authorities to clearly identify most IUU-listed vessels.

Absence of vessel/port movement patterns. Of 490 movements, 413 were visits to 133 ports in 71 countries. Among the remaining 77 movements, four were passages through the Suez Canal, 40 through the Panama Canal and eight through the Bosphorus Strait. Port visits per country differed significantly, ranging from one to 30 documented port visits during the research period. There is no clear trend which explains the differences in these results.

Lack of effectiveness of regionally fragmented port State measures. The research examined in more detail 357 port visits of IUU-listed vessels of the 33 countries with more than four recorded port visits. It found that 43 percent of the documented port visits were to ports of States, which were Non-contracting parties of the RFMOs where the vessels were listed. This demonstrates a high mobility among the IUU-listed vessels picked up by this research, underlining the limited effect of port State measures if they are only implemented locally or regionally. The research found that the percentage of vessels moving to ports of Non-contracting parties was 67 percent for vessels on NAFO's IUU vessel list, 53 percent both for vessels on the NEAFC and the CCAMLR IUU vessel lists.

3. Visits of IUU listed vessels to ports of contracting parties to CCAMLR

The research tracked movements of 176 vessels on IUU vessel lists over the period from January 2004 to March 2009, and documented 413 port visits by 55 IUU-listed vessels to 71 countries. Of these port visits, the research documents 74 port visits of vessels listed on CCAMLR's IUU vessel lists. Of all CCAMLR visits, 39 recorded port visits are to ports of Contracting Parties (CPs) (see Figure 1).

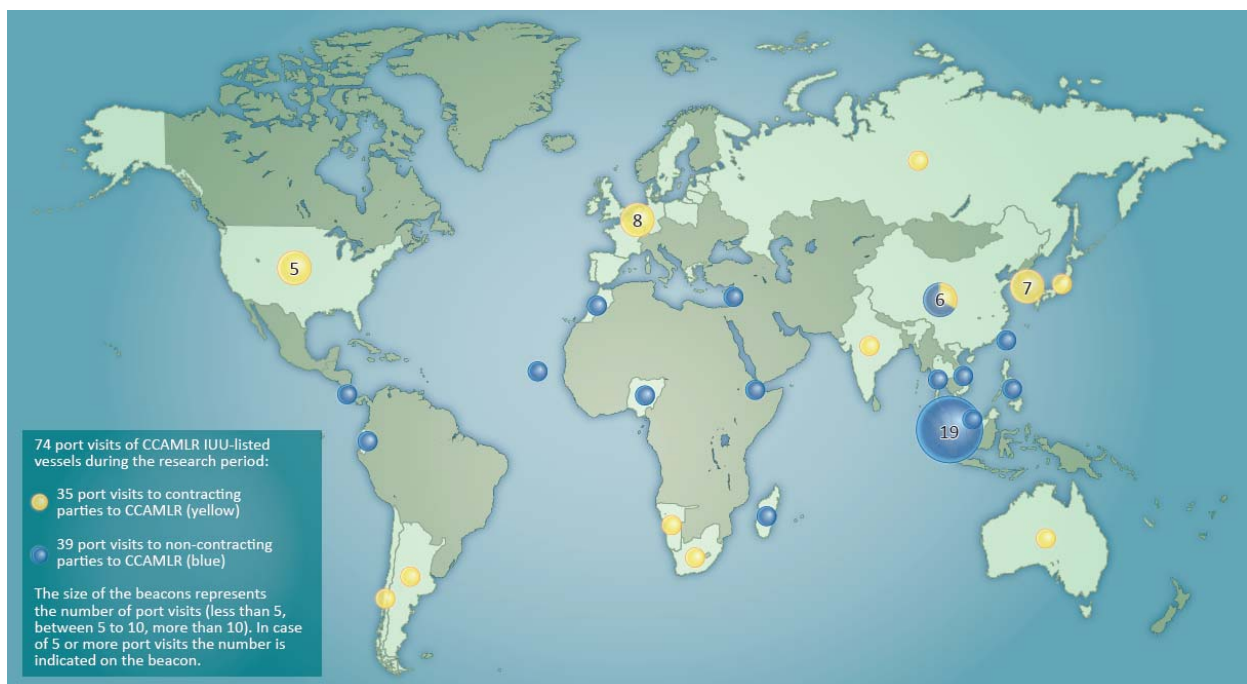


Figure 1. World map with beacons referring to port visits to CPs (yellow) and NCPs (blue) of CCAMLR, size of beacons indicating the number of port visits; in case of 5 or more port visits the number is given on the beacon.

Pew considers that 27 of these visits could be potential violations of CCAMLR Conservation Measures (CMs) that establish, with some exceptions, denial of access to port to IUU-listed vessels since December 2006 (see Table 2). The remaining 35 port visits were to ports in 14 Non-Contracting Parties (Table 3). For further information please see the information below on CCAMLR IUU vessel port visits.

Table 2: Port visits by CCAMLR IUU-listed vessels to contracting parties indicating potential violations, non-violations (lawful visits) and port State actions.

COUNTRY	RFMO VESSEL NAME	PORT STATE ACTION	OTHER VISIT #	POTENTIAL VIOLATION		TOTAL
				CCAMLR	NON VIOLATION*	
Argentina	Seed Leaf			1		1
Total Argentina				1		1
Australia	Taruman	1	1			2
Total Australia				1	1	2
Chile	Seed Leaf			1		1
Total Chile				1		1
China	Seed Leaf			1	4	5
	Sibley				1	1
Total China				1	5	6
France	Apache I				1	1
Total France					1	1
India	Taruman		1			1
Total India					1	1
Japan	Seed Leaf			1	1	2
Total Japan				1	1	2
Malta	Apache I				1	1
Total Malta					1	1
Namibia	Ross			3		3
Total Namibia				3		3
Netherlands	Typhoon			1		1
Total Netherlands				1		1
Russia	Seed Leaf			1		1
Total Russia				1		1
South Africa	Muravyev Amurskiy			1		1
	Toto			1		1
Total South Africa				2		2
South Korea	Seed Leaf			7		7
Total South Korea				7		7
Spain	Bigaro			4		4
	Perseverance	1				1
Total Spain				1	4	5
United States of America	Seed Leaf			5		5
Total United States of America				5		5
Total		2	2	27	8	39

Port visits of CCAMLR-IUU listed vessels in ports of CPs that are considered as other visits: (1) Australia: last run for scrapping in India; (2) India: scrapping.

* Port visits that are considered as non-violations: (Port visits 1-4) China: port visits before China became Member of CCAMLR in 02/10/2007; (5) port visit in Hong Kong, China has advised that "unless otherwise notified, [the Convention] shall not apply to the Hong Kong Special Administrative Region of the People's Republic of China."; (6) France: port visit of military vessel in Overseas Territory La Réunion (department); (7) Japan: port visit to Nagoya before 1/12/2006 when CM 10-06 (2006) applied and required denial of port access. Japan advised that the vessel was not engaged in fishing related trade, and hence not violating landing and transshipment requirements set out in CM10-06 (2002); (8) Malta: port visit in Valletta as military vessel.

Table 3: Port visits by CCAMLR IUU-listed vessels to Non-Contracting Parties indicating non-violations.

COUNTRY	RFMO VESSEL NAME	TOTAL VISIT
Cape Verde	Comet	1
	Rex	1
Total Cape Verde		2
Costa Rica	Typhoon	1
Total Costa Rica		1
Djibouti	Apache I	1
Total Djibouti		1
Ecuador	Seed Leaf	1
Total Ecuador		1
Lebanon	Typhoon	1
Total Lebanon		1
Madagascar	Apache I	1
Total Madagascar		1
Malaysia	Liberty	1
Total Malaysia		1
Morocco	Comet	1
	Rex	1
Total Morocco		2
Nigeria	Seed Leaf	1
Total Nigeria		1

COUNTRY	RFMO VESSEL NAME	TOTAL VISIT
Philippines	Sibley	1
Total Philippines		1
Singapore	Comet	2
	Liberty	2
	Rex	1
	Ross	2
	Seed Leaf	1
	Sibley	1
	Thor 33	4
	Tropic	3
	Typhoon	3
Total Singapore		19
Taiwan	Seed Leaf	1
Total Taiwan		1
Thailand	Seed Leaf	2
Total Thailand		2
Vietnam	Typhoon	1
Total Vietnam		1
Total		35

4. Conclusions and recommendations

This research, supplemented by information received from 16 port States, suggests that port State measures can be effective when well-implemented across the region in question. But the research also indicates that much needs to be done if port State measures are to significantly contribute to combating the mounting pressure of IUU-listed vessels on increasingly vulnerable fish stocks. CCAMLR has a good set of port measures, which have contributed to combating IUU fishing. However, there is room for improvement. Taking into account the results of research conducted on ports performance, CCAMLR and SCIC might wish to consider the following recommendations:

- There is a need to expand harmonised port State measures from the regional level to a global level. To this end, the adoption of the Port State Agreement will assist in establishing a global regime, facilitating for example that IUU vessel lists adopted by one particular RFMO be used as evidence of IUU fishing activities by any port State. However, recognition of IUU vessel lists is a pending issue at CCAMLR. To this end:
 - CCAMLR, following the spirit of the Port State Agreement, should agree to take action against vessels listed on IUU vessel lists adopted by other international organizations.
 - All CCAMLR Contracting Parties should take steps to be in a position to ratify the Port State Agreement as soon as possible to facilitate its prompt entry into force.
- Information gaps and inadequate quality of information are a significant ongoing problem. CCAMLR has tended to use IMO numbers as identifiers and has provided good historical data (where known) on IUU vessels and ownership. However, additional measures would be necessary:
 - CCAMLR should further improve its vessel lists by doing more background work on IUU listed vessels and regularly following up and updating this information.
 - CCAMLR should take steps to ensure that information used is available and updated in real time. In this regard, we recommend that CCAMLR consider coordinating with other RFMOs to create a common internet platform for all RFMO IUU lists which would provide a combined and properly

updated IUU list, making use of available databases such as Lloyd's Register–Fairplay (Sea-web) and Lloyd's MIU, which are frequently updated. This would serve as a "one stop shop" for port authorities to identify IUU listed vessels. The combined IUU vessel list that has been prepared for this research would be available if of assistance to further this initiative.

5. Further contribution to Pew's research on ports performance

Pew hopes that this research project is of assistance to CCAMLR and SCIC in assessing the current implementation of CCAMLR port State measures. Pew would be interested in receiving information from CCAMLR and its Members that may verify, supplement or contradict the data obtained in this research project, so that we can incorporate the best available information for the final report, which will be published in early 2010. In particular, we would like to ask CCAMLR and/or its Members to provide us with information on:

- the accuracy of port visits documented by this research;
- whether CCAMLR or contracting Parties are aware of other port visits of vessels while they were on CCAMLR's IUU vessel list;
- which of the port visits identified by this research as a potential violation of CCAMLR Conservation Measures would be considered by SCIC to be violations of such measures;
- what recommendations would SCIC suggest to improve the effective implementation of CCAMLR port State measures.

Pew looks forward to receiving any information, comments or questions in relation to this research. Please direct any correspondence to:

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