CCAMLR is poised at a policy crossroads. Finally, delegates are considering CCAMLR to be more than just another fisheries agreement. Governments can no longer consider traditional fisheries conservation measures or implement measures that incorporate only flag state responsibility. Governments must adopt measures which will create responsibilities for port and market states.

Ultimately, illegal and unregulated fishing will not be controlled at sea but in the ports and markets of CCAMLR member countries – where the toothfish pirates must come to make their ill-gotten gains. This is the situation we were in at the beginning of the meeting - and we're still there! All this talk about the sacrosanct nature of flag state responsibility is a red herring; flag state actions alone will not eradicate illegal and unregulated fishing.

If CCAMLR XVII is to be allowed to retain its competency as the international body responsible for the conservation and management of the Southern Ocean, the development of conservation measures to combat the problem of illegal and unregulated fishing must be more visionary and broad-based in focus.

Firstly, a port control measure based on port state responsibility must be adopted. All CCAMLR Contracting Parties must agree to close their ports to all fishing vessels carrying toothfish (including reefer) unless those vessels can prove that the toothfish they are carrying were caught in compliance with CCAMLR measures. An integral part of any such measure must be a requirement that proof of origin is based on VMS generated data.

Secondly, a market control measure based on market state responsibility must be adopted which not only requires all Contracting Parties to document all landings and transfers of consignments of toothfish and to report such trade statistics to the CCAMLR Secretariat, but also requires Contracting Parties to prohibit imports of toothfish from all fishing vessels, companies and port states which do not operate in compliance or conformity with CCAMLR Conservation Measures.

The shift in emphasis from taking action within the CCAMLR area to taking action within the territory of CCAMLR members requires an enormous shift in perspective by delegates to CCAMLR XVII. People must stop pretending that the exercise of flag state responsibilities is sufficient to fix the illegal fishing problem. They must stop pretending that CCAMLR members cannot agree to measures which commit them to taking action at home, as well as at sea.

The principles and practice of international law clearly allow states party to an agreement such as CCAMLR to bind themselves to taking action at home. It might be a novel development for CCAMLR to adopt port and market controls but it is not novel for these same governments in many of their other capacities, competencies and responsibilities.

Whether countries are prepared to adopt new measures at this meeting will be a good test of rhetoric that unsustainable fishing and albatross extinctions pose serious problems for CCAMLR and the Southern Ocean ecosystem. Just as importantly, this is also a test of the CCAMLR Commission's commitment to the Antarctic Treaty System. It is imperative that Antarctic resources are managed in a manner which is consistent with the Antarctic Treaty, the Madrid Protocol to the Treaty, and with the CCAMLR Convention.

It is time for governments to 'get real' and stop regarding illegal and unregulated fishing for toothfish as just another global fisheries problem. As delegates are now beginning to admit, a number of commercial operators residing within the territories of CCAMLR member countries have 'thumbed their noses' at governments, sending fishing vessels to operate in the Convention Area in defiance of CCAMLR rules.

Now, either all CCAMLR members are going to agree on effective measures at CCAMLR XVII or well-intentioned countries will be forced to take unilateral action and so expose the hypocrisy of other countries.
SENATOR HILL DEMANDS PIRATE PLUNDER STOPS

The recent speech to the CCAMLR Commission and subsequent press conference by Australian Environment Minister, Senator Robert Hill, reflects the growing awareness of the Southern Ocean ecosystem and perceived inability of CCAMLR to stop the imminent collapse of fish stocks and extinction of some albatrosses.

"Time is not on our side. I note with grave concern the report by CCAMLR’s Scientific Committee on the virtual commercial extinction of some toothfish stocks due to illegal fishing. Illegal fishing is continuing to threaten remaining viable toothfish populations. A failure to deal effectively with illegal fishing at this year's meeting will mean that CCAMLR will be failing in its primary objective of conserving Antarctic marine living resources. CCAMLR's credibility as an effective international organisation will be seriously undermined."

ECO believes that Hill’s words reflect the sentiments of the broader community and cannot be ignored. CCAMLR can no longer afford to be seen to be just talking about the problem of illegal, unreported and unregulated fishing. Effective action to stop the problem is needed now.

"While important, it is not enough to focus on traditional approaches such as flag and port State controls. We must be able to track the trade in illegally and legally caught fish. We must strengthen measures to outlaw illegal fishers and prevent them trading their ill-gotten goods throughout CCAMLR Parties and the rest of the world. We must take action against those traders and others who support illegal fishing", Senator Hill said.

Senator Hill also noted that CCAMLR is attended by officials who do not have the authority to make appropriate decisions, and noted that if ministers attended the decision making process would be considerably accelerated. Senator Hill also remarked on the lack of transparency in CCAMLR. He would like to see the meeting open to NGOs, journalists, and ministers. If CCAMLR fails to take concrete action, Senator Hill said he would organise a ministerial level meeting to cut through the bureaucratic inertia.

Effectively, Hill mounted a sustained and comprehensive criticism of CCAMLR. If CCAMLR does not fulfil its conservation mandates, this sort of criticism may well become the norm.

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