IS CCAMLR FIXABLE?

The problem of IUU fishing for toothfish in Antarctic waters has been recognised for many years. The ramifications of the IUU fishery are many:

- unsustainable for target fish populations;
- unsustainable for seabirds and other taxa caught along the way;
- undermines the very basis of the CCAMLR regime which supposedly manages the regional fishery;
- steals catch from those parts of the industry that do comply with the management regime; and
- imposes huge costs on those states which pursue IUU vessels.

This much is agreed across the scientific, environmental and fishing communities working within CCAMLR. The imperative need to halt IUU activity informs the declaratory positions of all Members of CCAMLR.

Formally at least, CCAMLR Member states insist that the proper body to address the problem of IUU fishing in this region is CCAMLR.

After a good deal of delay, in recent years we have seen a lengthening menu of response options proposed at successive meetings of the Commission. Current options include proposals for – centralised VMS, electronic DCDs, and ‘black-lists’ of offending vessels against which sanctions should be taken.

But when it comes to actually biting the bullet and agreeing to something specific in the Commission, it suddenly becomes all just too hard. Let’s take a look at just a couple of specific proposals:

The Black List - Members are all for a black-list – except when one of their vessels is put on it.

At that point all sorts of fairy stories are concocted. It just happened to have re-flagged to some other country; it wasn’t where everybody else knows it was; we had no idea it was even a fishing vessel; previously overlooked provision 73.5.1(i)(a) of some text
is invoked which renders black white – and so on.

Centralised VMS - This is of course the sort of affront before which empires and currencies collapse, the natural order is upended and motherhood itself put at risk.

The fact that the present national arrangement is utterly useless, known to be corrupt, and regularly declares that vessel X was fishing in the eastern Mediterranean when mistakenly spotted longlining for albatross in area 58.5 is of course perfectly fine.

But, beyond the self-serving special pleading, we also see exploitation of the structural limitations of the CCAMLR regime.

The discontinuous nature of CCAMLR’s Commission means that the standard tactic of delay is very effective – in the face of any resistance, the issue is referred to the next meeting in a year’s time.

‘Consensus’ decision-making enables you to block anything that would be disadvantageous to your state. It is as if the person charged with the offence sat on the jury and the legal system required all 12 to agree for a conviction.

When one stands back and looks at the CCAMLR area, one finds that the majority of substantial efforts to rein in IUU activities are not sourced to CCAMLR at all, but the unilateral acts of particular states.

These states are Members of CCAMLR, and the action can always be argued to be in furtherance of CCAMLR obligations, but the real drivers are particular state interests. And who can blame them? Bugger-all use waiting for CCAMLR to present a coherent response to the issues.

But the need to act unilaterally raises the obvious question – what future for a Convention when its own most active Members can’t rely on it? Can it be fixed? ECO isn’t sure.