Proposals on improving the governance and control of fishing vessels operating in the Southern Ocean

Submitted by ASOC
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ASOC

Abstract

There are a number of actions that CCAMLR and its members should implement to improve the governance and control of fishing vessels in the Southern Ocean, thereby enhancing safety, and improving ecosystem-based management and environmental protection. These actions include a mandatory requirement for ice-strengthening for krill fishing vessels, a two-tier system of training for vessels crews and Masters, and identification of requirements for environmental response and monitoring in the event of an incident. Additionally, CCAMLR should make a commitment to engage fully in the extension of the Polar Code to non-SOLAS vessels including fishing vessels and should inform the IMO of recent incidents involving fishing vessels in the Southern Ocean and developments introduced by CCAMLR.

1. Introduction

In recent years, ASOC has expressed concern at the number of vessel incidents in the Southern Ocean involving fishing vessels and, in 2013, submitted a paper to CCAMLR XXXII\(^1\) analysing three recent incidents involving the *Insung No. 1*, which capsized and sank in the Ross Sea in December 2010 with greatest loss of life in the Antarctic in the past decade; the *Sparta*, which was holed by ice in December 2011 and, following a rescue response, was repaired and escorted from the ice by an icebreaker; and the *Jeong-woo 2*, which caught fire and sank with the loss of 3 lives. The analysis identified a lack of attention to safety in the design and operation of fishing vessels in the Antarctic and identified a need for CCAMLR to improve vessel safety and operation by addressing:

- ice strengthening,
- crew communication and training,
- reporting on environmental impact of incidents and subsequent environmental monitoring, and
- vessels converted for polar operation meeting minimum standards for polar operation including onboard working and living conditions as well as the design and construction of the vessel.

In the past two summer seasons, there have continued to be incidents involving fishing vessels in the Southern Ocean. In April 2013, the Chinese-flagged krill fishing vessel, *Kaixin*, caught fire and sank near the Bransfield Strait on the Antarctic Peninsula\(^2\). Everyone on board was fortunately rescued before the vessel sank. Then in March 2014, the Australian Rescue Co-ordination Centre (RCC) initiated a search for a 75 metre fishing support vessel, thought to be the *Tiantai*, following detection of an emergency beacon signal in the Southern Indian Ocean, 648km north of the Antarctic mainland in the Australian Search and Rescue

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\(^1\) CC-XXXII-BG-18 Proposals for the governance and control of fishing vessels and fishing support vessels operating in the Southern Ocean. Submitted by ASOC.

\(^2\) See CCAMLR _XXXII/BG/10_ Summary report on the fire incident of the fishing vessel Kaixin. Submitted by the People’s Republic of China.
Region. The vessel and crew were not located but debris was seen in the area that the signal had been received from and, after receiving medical advice that even in the best circumstances there was no prospect of survival, the search was suspended. It is assumed that the vessel foundered with the loss of all lives on board.

The importance of full reporting on all incidents, including thorough investigation into the causes of incidents, monitoring of any associated pollution and environmental response and restoration actions, should be recognised. The implementation of recommendations that arise from each investigation will ensure that maritime activities become safer for everyone.

In this paper, ASOC focuses on measures that CCAMLR should adopt to improve vessel safety and reduce the impact on the environment.

2. Ice Strengthening

The Sparta incident in December 2011 highlighted the need for a comprehensive review of ice strengthening for fishing vessels operating in varying environmental conditions, particularly as some vessels are operating in conditions at the limits of safety and navigability. Although the Russian-flagged Sparta is an ice-strengthened vessel, it would appear that at the time of the accident the Sparta was not sufficiently ice-strengthened for the heavy sea ice conditions experienced in the Ross Sea. There has been, however, no report of the investigation into the Sparta incident submitted to CCAMLR, despite New Zealand calling on flag states to expeditiously undertake investigations of incidents as required under paragraph 10 of CCAMLR Conservation Measure 10-02 (2011) for consideration at the annual CCAMLR meeting in October 2012.

Ice classification standard ICE-1C is currently the minimum standard recommended for fishing vessels to operate in the Antarctic Treaty area, however it is considered a minimum and a higher standard could be warranted in some regions and circumstances. Ice conditions are changing and there are some areas where multi-year ice may be encountered. Furthermore, recent rescue operations for fishing vessels have been resource intensive, requiring a multinational response and hundreds of hours of effort. In the paper to ATCM XXXV, New Zealand recommended that ATCM urge CCAMLR to reaffirm and strengthen CCAMLR Resolution 20/XXII on Members only licensing vessels with ice classification standard ICE-1C. However in 2012, CCAMLR Members failed to adopt a conservation measure on ice strengthening.

In 2014, ASOC urges Members to consider once again the importance of adopting a conservation measure (see Annex I) on ice strengthening for fishing vessels. ASOC recommends that a CM addresses the overall minimum requirement for ice class for all vessels and a requirement for Members to notify the CCAMLR Secretariat of each registered fishing vessel’s ice class and for the information to be included in CCAMLR’s list of licensed vessels. ASOC notes that ice class is indicated for only 5 of 17 krill vessels listed on

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4 ATCM XXXV WP049 ATCM Response to CCAMLR Fishing Vessel Incidents. Presented by New Zealand.

5 In the current version of CM 10-02, amended in 2013, this is paragraph 9.

6 ATCM XXXV WP049 ATCM Response to CCAMLR Fishing Vessel Incidents. Presented by New Zealand.
CCAMLR’s Licensed Vessels web page and for 15 of 33 listed toothfish and icefish vessels\(^7\) although further investigation of global registers indicates that at least 65% of the listed krill vessels and 58% of the toothfish / ice fish vessels have an ice class\(^8\). Secondly, ASOC calls on CCAMLR to develop an initiative to investigate the need for and to agree additional requirements for all vessels operating in areas with greater levels of ice cover.

3. Training for crews and Masters

Training of crews has been identified as an area for improvement in standards following a number of recent vessel incidents, including the loss of the Insung No 1. At the New Zealand Coronial court hearing, Coroner McElrea found there had been no onboard emergency or evacuation drills and no safety training. As a priority, CCAMLR should urge all Members to ratify and implement the IMO Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) that entered into force in September 2012 (but was adopted nearly 20 years earlier). The Convention establishes basic requirements and minimum standards on training, certification and watchkeeping for fishing vessel personnel on an international level, but doesn’t address training of personnel for operations in polar waters.

In addition to supporting the STCW-F Convention, CCAMLR should adopt a Conservation Measure introducing a two-tier level of training for fishing vessel Masters and crews operating in waters south of 60°S:

- requiring training for all personnel on vessels operating in polar waters to equip them with basic information about the challenges of operating in polar environments, including on-board practices, procedures and use of emergency equipment, and
- strengthened standards for training of Masters and officers in charge of the navigational watch, including training in ice-covered waters relevant to the vessel’s intended area of operation.

4. Environmental response, monitoring and restoration post-incidents

In ATCM XXXV IP 53\(^9\), ASOC reviewed a number of vessel incident reports relating to incidents in the Southern Ocean and identified 6 or 7 incidents in which pollution of the sensitive environment probably occurred. Only in one case was there any attempt to report on the pollution. It also appears that there has been no monitoring of pollution impacts, even when it was reported. The potential for oil and other pollution from the fishing vessels lost in recent years needs to be considered. In ATCM XXXV WP049 by New Zealand\(^10\), Governments were urged to agree to report efforts undertaken to limit the environmental impacts of stricken vessels, including vessels that they have licensed to operate in the CCAMLR Convention area, to the ATCM’s Committee for Environmental Protection, consistent with obligations under Article 17 of the Environmental Protocol to the Antarctic Treaty. To this end, ASOC proposes that CCAMLR Members should adopt a new Resolution setting out the requirements for response to an incident in which pollution or damage to the

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\(^7\) http://www.ccamlr.org/en/compliance/licensed-vessels and note there is some overlap in vessels targeting krill and icefish.

\(^8\) http://www.ccamlr.org/en/compliance/licensed-vessels and ISHM Fairplay Register.

\(^9\) ATCM XXXV IP53 Follow-up to Vessel Incidents in Antarctic Waters. Presented by ASOC.

\(^10\) ATCM XXXV WP049 ATCM Response to CCAMLR Fishing Vessel Incidents. Presented by New Zealand.
marine environment could or is likely to occur. Such a Resolution should address both the
response to an incident, including training of crew in the appropriate procedures for spill
response and the use of response equipment, and the need for monitoring following an
incident.

5. Polar Code

The draft International Code for Ships Operating in Polar Waters (Polar Code) is due to be
adopted in 2014 with safety aspects delivered through amendment to the Safety of Life At
Sea (SOLAS) Convention, and environmental measures adopted through amendment of the
MARPOL Convention in 2015. A second phase of work, to include fishing vessels, was
expected to commence soon after adoption of the Polar Code. This work has now been
delayed until 2016 at the earliest. CCAMLR Members should adopt a Resolution setting out
the commitment of Members to engage in the development of appropriate provisions for
fishing vessels operating in polar waters, and undertaking to inform the IMO of recent
incidents in the Southern Ocean and in particular any lessons arising, as well as existing
CCAMLR measures, resolutions and initiatives which contribute to fishing vessel safety and
the safety of crews in the Southern Ocean.

Recommendations

In brief, ASOC submits that CCAMLR should:

- upgrade CCAMLR Resolution 20/XXII on ice strengthening standards to a binding
  Conservation Measure that sets a minimum standard of ICE-1C for all vessels (see
  Annex I),

- develop an initiative to investigate the need for additional ice strengthening standards
  reflecting the extent and severity of ice conditions likely to be encountered in
different sub-regions of the CCAMLR Area,

- adopt a Conservation Measure requiring a two-tier level of training for fishing vessel
  crews (see Annex II),

- adopt a Resolution addressing the importance of environmental response, including
  training of crew, and monitoring following an incident that could result in pollution,
  and

- adopt a Resolution on CCAMLR’s engagement in the development of a Polar Code
  for fishing vessels.
CONSERVATION MEASURE 10-XX (2014)

Ice-strengthening standards in high-latitude fisheries

The Commission,

Further to the provisions of Conservation Measure 10-02, paragraph 3,

Recognising the unique circumstances in high-latitude fisheries, especially the extensive ice coverage which can pose a risk to fishing vessels operating in those fisheries,

Recognising also that the safety of fishing vessels, crew and CCAMLR scientific observers is a significant concern of all Members,

Further recognising the difficulties of search and rescue response in high-latitude fisheries,

Concerned that collisions with ice could result in oil spills and other adverse consequences for Antarctic marine living resources and the pristine Antarctic environment, and could also put human life at risk,

Considering that vessels fishing in high-latitude fisheries should be suitable for ice conditions,

hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. All Contracting Parties shall ensure that all fishing vessels licensed in accordance with Conservation Measure 10-02 to operate in those areas of the Convention Area which are south of 60°South, have, as a minimum, ice classification standard of ICE-1C, which must remain current for the duration of the planned fishing activity,

2. All Contracting Parties shall notify the CCAMLR secretariat of the ice classification standard of all fishing vessels.

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11 Subareas and divisions south of 60°S and adjacent to the Antarctic continent.
12 Includes permitted.
13 As defined in the Det Norske Veritas (DNV) Rules for Classification of Ships or an equivalent standard of certification as defined by a recognised classification authority. (See http://www.dnv.com/industry/maritime/servicesolutions/classification/notations/additional/icec.asp).
The Commission,

Further to the provisions of Conservation Measure 10-02,

Recognising the unique circumstances in high-latitude fisheries, especially the extensive ice coverage which can pose a risk to fishing vessels operating in those fisheries,

Recognising also that the safety of fishing vessels, crew and CCAMLR scientific observers is a significant concern of all Members,

Recalling the provisions of the IMO Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) that entered into force in September 2012,

Further recognising the difficulties of search and rescue response in high-latitude fisheries,

Concerned that accidents in Antarctic waters could result in oil spills and other adverse consequences for Antarctic marine living resources and the pristine Antarctic environment, and could also put human life at risk,

Considering that Masters and crews of vessels fishing in high-latitude fisheries should be trained for operation in ice conditions,

hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. All Contracting Parties shall require that Masters and officers in charge of the navigational watch on fishing vessels licensed in accordance with Conservation Measure 10-02 to operate in the those areas of the Convention Area which are south of 60°S, undertake training for operation in polar waters including training in ice-covered waters relevant to the vessel’s intended area of operation,

2. All Contracting Parties shall require that all personnel on fishing vessels licensed in accordance with Conservation Measure 10-02 to operate in those areas of the Convention Area which are south of 60°S, receive training about the challenges of operating in polar environments, including on-board practices, procedures and use of emergency equipment.

14 Subareas and divisions south of 60°S and adjacent to the Antarctic continent
15 Includes permitted.