CCAMLR’S NEXT STEPS TO STOP IUU FISHING

Submitted by ASOC
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Abstract

Illegal, unreported and unregulated (IUU) fishing continues to be a problem in the Convention Area, undermining the intrinsic values of CCAMLR and of the Antarctic Treaty. In spite of the package of Conservation Measures on IUU fishing adopted by CCAMLR, there are still significant steps that CCAMLR Members can take individually and collectively to eliminate IUU fishing in the CCAMLR Area. At this meeting, CCAMLR should improve its system of port State measures, while not weakening any of its measures currently in force. In order to achieve this goal, CCAMLR Members should allocate special funds for the effective implementation of those enhanced port State measures by developing countries. At the same time, in order to improve transparency and the implementation of control measures, CCAMLR should require that the owner of any fishing or support vessel authorized to operate in the CCAMLR Area registers with IHS-F, obtains an IMO number, and reports this number in all relevant communications.

1. Introduction

Illegal, unreported and unregulated (IUU) fishing continues to undermine CCAMLR’s efforts. At its 2010 meeting, the Scientific Committee estimated that IUU fishing catches had increased by 72 percent in one single year -- from 938 tonnes in 2008/09 to 1,615 tonnes in 2009/10. In addition, the Scientific Committee expressed concern about the threats to the ecosystem resulting from the use of gillnets by IUU fishers, the increasing level of IUU activities close to the continent and the uncertainty surrounding estimates of IUU catches.1

IUU fishing activity in the high seas involves vessels, ports, markets and nationals of many States. Thus far, in spite of the number of Conservation Measures (CMs) on IUU fishing adopted by CCAMLR, there are still significant steps that CCAMLR Members can take individually and collectively to eliminate IUU fishing in the CCAMLR Area.

2. Improved Port State Measures

Port State Measures (PSMs)2 are a particularly cost-effective tool to combat IUU fishing. The negotiation and subsequent adoption of the Port State Measures Agreement (PSMA)3 in 2009 shows international recognition of the role that port States can play in stopping IUU fishing. The UN General Assembly has urged States to cooperate regionally through RFMOs to adopt all necessary port State measures consistent with international law4.

CCAMLR has developed a fair number of PSMs, but they are not as comprehensive as the PSMA, which provides the new international minimum standard on the matter. Research conducted by the Pew Environment Group, an ASOC member, comparing CCAMLR’s PSMs with the PSMA shows the existence of a number of weaknesses in CCAMLR’s regime.5 Although CCAMLR’s port

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2 PSMs are requirements established or interventions undertaken by port States that a foreign fishing vessel must comply with or is subjected to as a condition for use of ports within the port State.
5 Preliminary findings of this gap analysis for CCAMLR were submitted for the consideration of CCAMLR Parties at the XXIX meeting of the Commission in September 2010. See CCAMLR-XXIX/BG/25. In that occasion, the Pew Environment Group and ASOC invited CCAMLR CPs to assist in refining this analysis by commenting and providing additional information where appropriate. The final report of this study, which is
inspection scheme on toothfish (CM 10-03) is among the strongest PSMs adopted by any regional
fisheries management or equivalent organization, there are still several elements that could be
strengthened. In relation to other species, CCAMLR’s PSMs are weaker and there is significant room
for improvement. CCAMLR Members should continue taking steps to improve the system. These
include:

Adding clarity to the regime. CCAMLR has adopted a port inspection scheme, which addresses
only toothfish vessels (CM 10-03). In addition, CCAMLR has adopted other CMs, which contain
some PSMs, such as CMs 10-06 and 10-07, on IUU-listed vessels. These CMs overlap with CM 10-
03 in some important respects. There are also cross references between these CMs and CCAMLR’s
System of Inspection designed for inspections at sea. As a result, it is sometimes unclear which rules
apply to each case.

Tightening port use restrictions on IUU vessels. CCAMLR requires Contracting Parties (CPs) to
deny support to IUU-listed vessels that have been allowed entry into port, although only “where
possible.” This expression significantly weakens the obligation to deny port services compared with
the PSMA. CPs are also required to refuse landings or transshipments from these vessels, but only if
“the origin of the catch cannot be adequately verified.”6 This represents a less stringent standard than
the PSMA’s, which considers the inclusion on an IUU vessel list as sufficient proof of IUU fishing
and then prohibits any kind of port use to such vessels.7

Strengthening PSMs for non-toothfish vessels. Important duties of the PSMA, such as the
requirement that vessels provide a minimum set of information prior to entry allowing sufficient time
for the port State to examine the information, only apply in the CCAMLR regime to vessels carrying
toothfish.8 Similarly, CCAMLR’s inspection requirements are much less stringent when it comes to
non-toothfish vessels. CCAMLR's recent experience shows that IUU fishing is constantly changing.
Because of this, and the ability of IUU fishing operators to circumvent existing rules, a minimum
standard of controls and information-sharing requirements, in line with those in the PSMA, should
apply to all vessels entering ports of CCAMLR CPs, regardless of the species they carry.

Requiring designation of ports for entry of foreign vessels. CCAMLR does not include any
obligation for port States to designate and publicize ports for entry of vessels, nor to ensure that ports
of CPs have the required capacity to conduct inspections, as directed by the PSMA.9 These provisions
are important as they improve clarity for operators and help port States focus their efforts on
developing the capacity to perform adequate controls in selected ports only.

3. Assisting developing States implement CCAMLR PSMs

ASOC is aware that a number of CCAMLR CPs cannot fully implement the provisions of the PSMA
immediately. This should not, however, be an impediment to CCAMLR taking the initiative to
strengthen its PSMs. The Members of the Commission can initiate constructive action at this meeting
towards the development of stronger measures by adopting enhanced PSMs in line with the PSMA.

As part of this commitment to strengthen CCAMLR PSMs, Members should identify what capacities
are required in their ports to effectively implement these additional commitments and at the XXX
meeting of the Commission identify specific steps to take in the 2011-12 intersessional period in order
to improve capacity on port State controls. CCAMLR should ensure that necessary resources are
made available to developing countries. This should not only involve the use of existing CCAMLR
funds (such as the Catch Documentation Scheme Fund) but also an effort by developed State
Members to identify how to assist developing country States in effectively implementing PSMs.

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6 CMs 10-06:18 (v) b; CM 10-07: 22 (iv) b.
7 Art. 9.6 of the PSMA.
8 Art. 8 and Annex A of the PSMA.
9 Art. 7 of the PSMA.
4. International Maritime Organization (IMO) Numbering System

The implementation of the IMO numbering system for fishing and support vessels is critical to increase transparency in the fisheries sector and to enhance coordinated action against IUU fishing operators. Research presented by ASOC to the XXVIII meeting of the Commission demonstrated the difficulty in identifying CCAMLR IUU-listed vessels due principally to important information gaps. The research also confirmed the need for mandatory participation in the IMO numbering system for all vessels authorized to operate in the CCAMLR Area.  

Efforts are underway internationally to improve identification of fishing vessels. The U.N. General Assembly has called on RFMOs to expedite efforts to develop a unique vessel identifier (UVI) system.

The only fully developed UVI system in current use is the IMO numbering system, provided through registry with the IHS-Fairplay ship numbering scheme (IHS-F, previously Lloyd’s Register). Currently, CMs 10-03 (port inspection of toothfish vessels) and 10-05 (Catch Documentation Scheme) only require vessels to notify port State authorities of IMO numbers ‘if available’ or ‘if issued’. CCAMLR should require that all vessels fishing in the CCAMLR Area fully comply with the IMO system, which should be used in all relevant communications. It should not be difficult to implement this requirement given that most vessels fishing in the CCAMLR Area already have IMO numbers.

5. Recommendations

ASOC calls on CCAMLR Members to take the following actions at this CCAMLR XXX Meeting, to more effectively combat IUU fishing:

- Review CCAMLR’s CMs to streamline existing PSMs to systematize current overlaps between measures and increase clarity in the regime.
- Adopt a set of PSMs aligned with those in the PSMA that are applicable to all vessels entering or in ports of CCAMLR’s CPs, while not weakening any of its measures currently applicable to toothfish vessels.
- Allocate special funds for the effective implementation of CCAMLR PSMs by developing countries.
- Require that the owner of any fishing and support vessel authorized to operate in the CCAMLR Area register with IHS-F and obtain an IMO number, and maintain all required information up to date. This number should be on record, used in all relevant communications and be made publicly available.

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11 The Committee on Fisheries (COFI) of the FAO has reiterated its support for the Global Record of Fishing Vessels, Report of the Twenty-Ninth Session of COFI (February 2011), para. 36.