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Collaborating to eliminate Illegal, Unreported and Unregulated (IUU) fishing in the Southern Ocean

Submitted by ASOC and COLTO
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Abstract
In this paper, ASOC and COLTO discuss developments in IUU fishing enforcement as well as efforts to improve monitoring and compliance within the Convention Area. Significant progress has been made in recent years, but there are some additional actions CCAMLR could take to make greater progress towards eliminating IUU fishing. Key recommendations include continuing to support the trial satellite enforcement project; implementing the new e-CDS; providing funding for Project Scale; and supporting the US-Australia proposal to improve oversight of transshipments. These and other recommendations will further enhance CCAMLR’s ability to ensure the compliance of licensed vessels with CCAMLR CMs and prevent IUU vessels from operating in the Convention Area.

Important IUU enforcement actions over the past year

- **Denial of port access by Namibia and the Republic of Korea**, to the Cambodian flagged vessel, Andrey Dolgov, trying to offload toothfish without a valid DCD. Subsequently, this vessel was inspected by China, with results indicating the vessel had mis-reported its load of Antarctic toothfish as Pacific cod. The toothfish has been confiscated by China and the vessel departed.
- **Sinking of the Viking, by the Indonesian government.** The Viking was a member of the so-called “Bandit 6” group of IUU toothfish vessels that made headlines in 2015. On 26 February 2016, the Indonesian navy intercepted the vessel in the Indonesian EEZ. After an inspection, the vessel was determined to be in violation of Indonesian law and was destroyed. Indonesia has blown up dozens of IUU vessels over the past few years.
- **Operations Sparrow and Yuyus.** In 2015 and 2016, the Spanish government, in cooperation with INTERPOL Project Scale, conducted the Operation Sparrow and Operation Yuyus law enforcement investigations. Operation Sparrow was focused on administrative violations of fishing regulations and Operation Yuyus was focused on criminal violations. The targets of the operations were the notorious Vidal family and their illegal fishing operations, which have been heavily involved in illegal fishing in the Convention Area for well over a decade. Operation Sparrow ultimately resulted in €17.84 million in fines, while Operation Yuyus resulted in six arrests for charges including money laundering and integration in a criminal organization. Vidal and associated businesses were responsible for a large proportion of the IUU catch in the Southern Ocean, and these actions will significantly hamper their ability to continue operating.

Next steps to improve monitoring and compliance

**Satellite enforcement**
CCAMLR’s trial of using satellite imagery to improve enforcement appears to be off to a good start. The Secretariat has reported that at least three vessels of unknown identity were found in the imagery. This suggests that illegal vessels may still have been operating in the Convention Area between September 2015 and January 2016.

- **ASOC and COLTO strongly encourage CCAMLR Members and the Secretariat to continue supporting this trial project.**
- **In addition, CCAMLR Members are encouraged to provide the resources for the Secretariat to expand the project to include other areas where IUU vessels have been known to fish.**

**New e-CDS**
COLTO took part in the e-CDS workshop that took place in Hobart in July. Participants spent the four days testing and refining the new e-CDS. The new e-CDS aims to be implemented as a pilot in early
January 2017 before full implementation in February 2017. Participants agreed that the new e-CDS was user-friendly, logical and showed greatly improved security and data quality constraints, including the management of reference data.

- ASOC and COLTO encourage Members to adopt the new e-CDS as soon as possible.

**Improved VMS**

To ensure compliance with CCAMLR requirements, including restricted fishing areas and closure periods, it is essential that vessels be monitored via VMS. COLTO and ASOC supported the efforts of the VMS Technical Working Group, and welcome last year’s amendments to Conservation Measure 10-04, which have improved some of the VMS technical requirements and increased the frequency of data transmission to one hour for finfish operations.

- ASOC and COLTO encourage CCAMLR Members to continue to enhance their ability to track and monitor vessels in the Convention Area by mandating that all vessels report simultaneously to their Fisheries Monitoring Centre and to the CCAMLR Secretariat on an hourly basis. In addition, minimum standards for ALCs should be adopted. Port-to-port monitoring of all catches, including of activities such as transshipment, would also significantly reduce the likelihood of IUU activities taking place.

**Hongjin 707**

ASOC has separately submitted CCAMLR-XXXV/BG/08, *The Hongjin 707: Case study and recommended next steps for CCAMLR.*

- ASOC and COLTO encourage CCAMLR Members to prevent the *Hongjin 707* from operating in the Convention Area until it can demonstrate that it is in compliance with CCAMLR CMs.

**CCAMLR Members’ Cooperation through INTERPOL: Ensuring the future of Project Scale**

Project Scale, launched in 2013, has been a vital addition to the fight against IUU fishing and associated fisheries crime worldwide. In a CCAMLR context, INTERPOL’s Project Scale has played an integral role in assisting CCAMLR Members in a suite of investigations aimed at eliminating IUU fishing in the Southern Ocean. Starting in 2014 and continuing until the present day, INTERPOL, at the request of Members, has issued Purple Notices (*Thunder, Snake, Kunlun, Songhua, Yongding*) and organised and facilitated multiple operations.

The work undertaken by INTERPOL Members facilitated by Project Scale during Operations Spillway, Stingray II and Yuyus led to the disruption of the IUU fishing fleet active in the Southern Ocean and to the arrest of the operators of the fleet of vessels owned by the Spanish company Vidal Armadores. These Operations built on thePurple Notices issued at the request of Member States and stimulated a range of new information. Using these networks, Project Scale was able to initiate further cooperation and revitalize the sharing of relevant police information held by multiple jurisdictions and accumulated over recent years.

CCAMLR members are increasingly engaging with Project Scale to share information. Project Scale has initiated Regional Investigative Analytical Case Meetings (RIACMs), which have led to important breakthroughs and eventually provided the wherewithal to enable prosecutions to be initiated by key States. Project Scale, supported by Members, has also provided investigative support teams (ISTs), which enabled detailed analysis of both product and digital forensic analysis of information from the *Kunlun, Perlon* and *Thunder*.

These operations demonstrate how important it is to connect the efforts of the full range of coastal, port and flag States so as to disrupt the criminal activity and provide the key States with the ability to identify and prosecute beneficial owners. CCAMLR Members working with INTERPOL’s Project Scale team have been able to substantially reduce IUU fishing in the Convention Area.

Funding for Project Scale comes from voluntary contributions made to INTERPOL’s Environmental Security Sub-Directorate (ENS). ENS receives no core funding from INTERPOL. Initially, the Norwegian Government and the Pew Charitable Trusts provided grant funding for Project Scale. This
has been renewed and continues to be an important source of funding for Project Scale. More recently the US Department of State and USAID have also provided grant funding.

To ensure the expertise available within Project Scale is maintained and not lost, ongoing funding to maintain core functions is required. Project Scale staff acknowledge the vital contribution made by grant funders to date and are working to broaden the funding base. Interim funding is required to enable this to occur. Ideally, CCAMLR should provide some funding support to Project Scale. In doing so, CCAMLR would not only recognise the important role the project has had and is still playing to reduce IUU fishing, but such a gesture would also be a tangible commitment by CCAMLR Members to the fight against IUU fishing and no doubt provide positive recognition for CCAMLR's work on IUU.

- **ASOC and COLTO welcome and support the paper from the Secretariat (CCAMLR-XXXV/BG/17) that proposes CCAMLR make a voluntary funding contribution of AUD $50,000 per year for three years in support of Project Scale.**

**Controlling transshipment at sea**

Globally, oversight of transshipments is relatively minimal, and unscrupulous operators and IUU vessels often exploit this. CM 10-09 (2011) could be more robust by limiting transshipment to only previously authorised vessels, requiring observers on board, and VMS reporting to the Secretariat every hour. In the context of the Antarctic krill fishery in the Convention Area, some krill fishing operators are concerned that transshipment operations are not fully covered by observers, allowing for catch underreporting. Thus, an observer coverage of 100% will not only improve the availability of krill fishing data to WG-EMM, but will also secure full observation coverage during transshipment operations.

- **ASOC and COLTO welcome the US-Australia proposal to establish an authorized transshipped vessel list with the accompanying requirement that they carry VMS, which should be strengthened through a requirement that transshipment vessels be required to carry observers.**

**Increased action on nationals of CCAMLR Members potentially involved in IUU fishing**

We reiterate our congratulations to Spain and Chile on actions taken against nationals allegedly involved in IUU fishing for toothfish. Removal of corporations and key individuals involved in illegal fishing practices in the Southern Ocean is pivotal to the ending of IUU fishing in this region. We recommend that a database be established by CCAMLR to track those actions; record the details of crew or officers prosecuted and the relevant penalties, which can then be accessed by other Members when undertaking enforcement or prosecution actions. A portion of this information could be linked to the appropriate vessel in the CCAMLR licensed vessel list or in the IUU vessel list. This database would also facilitate consideration of how appropriate the penalty applied to a national may be compared to that provided by the law, and if there are aspects which perhaps could be aided by input from Members and Observers at CCAMLR. It could provide a reference document, for example, to be used by COLTO members when considering the employment of new crew or officers.

- **ASOC and COLTO call on CCAMLR members to thoroughly monitor the involvement of corporations and individuals directly or indirectly involved in IUU fishing operations in the Southern Ocean and to strengthen the effectiveness of current CCAMLR requirements by reporting to the CCAMLR Secretariat information on enforcement action taken against their nationals and developing a database with all such data, subject to appropriate confidentiality requirements.**

**Enhance the effectiveness of the IUU vessel lists**

The listing of IUU vessels can only be effective if it accurately reflects what is happening on the water. An IUU vessel list is of limited use if it is to be adopted once a year, perhaps after months of a rogue vessel having been fishing in the CCAMLR Area. Acknowledging that some RFMOs authorize the withdrawal of vessels from the IUU vessel list intersessionally, we ask CCAMLR Members to cooperate in amending Conservation Measures 10-06 (2008) and 10-07 (2009) so they allow both the listing and de-listing of IUU vessels intersessionally. The Commission has considered this in past years but did not take a decision on the issue.
• ASOC and COLTO reiterate that CCAMLR Members take steps to improve the effectiveness of the IUU vessel lists by amending Conservation Measures 10-06 and 10-07 to regulate the intersessional listing and de-listing of vessels on the IUU vessel lists.

Conclusion
ASOC and COLTO have been pleased to see that CCAMLR is continuing its efforts to combat IUU fishing. The additional recommendations listed above will further enhance CCAMLR’s ability to ensure the compliance of licensed vessels with CCAMLR CMs and prevent IUU vessels from operating in the Convention Area.