Russia and NZ in 'knock out brawl' over fishing vessel in protected Antarctic waters

Will Harvie · 07:17, Jan 09 2021
Russia has accused New Zealand of falsifying evidence in a diplomatic clash over illegal fishing in protected waters around Antarctica.

New Zealand and many allies rejected the accusation but nonetheless lost this round of the diplomatic struggle, official papers show.

On January 19 last year, a routine New Zealand surveillance flight over the Southern Ocean spotted a Russian-flagged ship called FV Palmer fishing in a marine protected area where fishing is banned by international agreement.

The Palmer’s satellite tracker – officially called a “vessel monitoring system” or VMS – indicated the vessel was about 800 nautical miles (1500 kilometres) from that spot.
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It is not clear how the supposedly unhackable VMS was hacked to disguise the vessel's actual position.

New Zealand protested the deception and apparently illegal fishing in correspondence with Russia in the months that followed.
Pin 1 shows where the satellite tracker on the Russian-flagged Palmer indicated it was on Jan 19, 2020. Pin 2 shows where the Palmer was photographed by a New Zealand surveillance aircraft on the same day. The grey mass is Antarctica and the red lines define areas where, for example, fishing is allowed or not.

The matter came to a head in late October during the annual meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), held online due to the Covid-19 pandemic. New Zealand again challenged Russia with the photographic evidence, this time in front of 24 member nations, the European Union and numerous NGOs and fishing industry groups.

New Zealand’s photos showed the Palmer had “falsified its VMS data and its entry and exit notifications so that it could fish in Subarea 88.1 (Ross Sea region north of 70°S) which was closed to fishing. New Zealand stated that the situation was extremely clear, compelling and concerning”, according to the official report of the October meetings.

The vessel was “on a productive fishing feature, with an ice cage deployed, travelling at slow speed”, New Zealand said – evidence it was actually fishing and not simply transiting the area.

New Zealand called upon Russia to act against the Palmer. The United States backed New Zealand, calling the case “egregious” and “part of a pattern of illegal activity by this vessel”.

In reply, Russia took issue with the “so-called patrol” by the NZ aircraft on January 19. It said the metadata associated with the photos showed “traces of changes made on 20 January”.

Metadata normally includes information on the date, time, and longitude and latitude of the camera when photos were taken. Metadata is normally captured in the same instant as the image.

The United Kingdom said Russia’s words accused New Zealand of “falsifying evidence”.

The Russians also said “this example of aerial patrolling” did not comply with the CCAMLR inspection rules and the evidence of fishing “directly contradict[ed] the definition of fishing activity”. It had also inspected the Palmer’s VMS and found nothing wrong.

The United Kingdom “expressed disappointment at how this matter had been addressed by Russia”. The European Union noted Russia had not shared the Palmer’s VMS data as “requested repeatedly”.

The 50-metre long Palmer tied up at an unknown port in 2011.
“Discussions on the Palmer were very intense,” said Claire Christian, who attended the virtual meeting and is executive director of the Antarctic and Southern Ocean Coalition, a Washington, DC-based NGO that “defends the integrity of Antarctic and Southern Ocean ecosystems”.

She had attended CCAMLR conferences for years and "seen several disagreements" but not one like this.

“It is very serious to accuse a nation of presenting false information to an organisation such as CCAMLR,” she wrote in an email.

On Twitter, long-time Antarctic observer Andrew Darby said the tiff was "actually a knock-out brawl".

Russia could have taken action against the Palmer and its crew under Russian domestic legislation, which it declined to do. Or it could have supported New Zealand's recommendation that the Palmer be placed on the "Illegal, Unreported and Unregulated" vessel list. This would have made it very difficult for the Palmer to fish in waters around Antarctica.
However, Russia declined this too. Under CCAMLR rules, banning ships must be achieved by consensus – that is, support from 100 per cent of voting members. In the bland words of the report: “The commission did not reach consensus.” In the language of consensus governance, Russia “blocked” New Zealand.

"Illegal fishing is a serious concern in the Southern Ocean and around the world," Greenpeace oceans campaigner Jessica Desmond said.

"Globally, fish populations are struggling under the volume of fish being caught and the systems to manage the global oceans are piecemeal. We need international co-operation on this issue to ensure the oceans have adequate protection."

A Ministry of Foreign Affairs and Trade (MFAT) spokesperson told Stuff the Palmer was entitled to fish "within the CCAMLR fishery in accordance with CCAMLR rules". At present, the Palmer is likely tied up in Busan, South Korea, while the toothfish fishery is currently under way in southern waters.

"[Last] year’s CCAMLR meeting presented some challenges but New Zealand worked hard with other members, including Russia, to secure consensus across the majority of objectives," the spokesperson said.

New Zealand pressed Russia again later in the five-day meeting and the two nations covered much of the same ground. Russia again blocked New Zealand.

In August, Stuff reported that a fleet of Chinese fishing ships were falsely reporting their location within New Zealand waters while they fished off the Galapagos Islands.
The 50-metre-long Palmer was likely fishing for toothfish, sometimes marketed as chilean sea bass.

This is the original version of the photograph of the Palmer taken on January 19, 2020.

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