

ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING IN THE CONVENTION AREA

Current Level of IUU Fishing

8.1 The Commission noted the advice of the Scientific Committee and SCIC on the current level of IUU fishing and estimates of IUU catches in the Convention Area (SC-CAMLR-XXII, paragraphs 7.6 to 7.10; Annex 5, paragraphs 2.1 to 2.14).

8.2 Based on estimates of IUU catches prepared by the Secretariat (SCIC-03/13 Rev. 1) and estimates of total removal of toothfish prepared by WG-FSA (SC-CAMLR-XXII, Annex 5, Tables 3.1 to 3.3), the Commission noted that (Annex 5, paragraph 2.12):

- (i) the estimated total IUU catch (10 070 tonnes) indicates that there may have been a slight reduction in the total IUU catch in the Convention Area in the 2002/03 fishing season. However, this remained much higher than was sustainable given the current knowledge of toothfish populations in the Convention Area;
- (ii) high-seas catches reported from Area 47 have increased for the past three years (76 tonnes in 2000/01, 655 tonnes in 2001/02 and 2 852 tonnes so far in 2002/03);
- (iii) catches in Areas 51 and 57 were lower in the 2002/03 fishing season than in the 2001/02 fishing season (3 643 tonnes in 2002/03 compared to 10 620 tonnes in 2001/02 in Area 51 and 858 tonnes in 2002/03 compared to 3 803 tonnes in 2001/02 in Area 57), but this might be because of incomplete data reporting;
- (iv) some of the catches reported via the CDS may represent IUU catches from the Convention Area, misreported as coming from high seas outside the Convention Area.

8.3 The Commission endorsed the advice of the Scientific Committee that current levels of IUU fishing are unsustainable and that Members should continue to take stringent measures to combat IUU fishing in the Convention Area (SC-CAMLR-XXII, paragraphs 5.21(i) and 7.13).

8.4 The Commission also noted the advice of the Scientific Committee that levels of mortality arising from IUU fishing in the Convention Area remain high. It also continues to compromise the sustainability of albatross, giant petrel and white-chinned petrel populations breeding in the Convention Area. Many of these populations are at extremely low levels and some are close to extinction. The Commission endorsed the Scientific Committee's request that the Commission continue to take urgent action to prevent further seabird mortality by unregulated vessels in the forthcoming fishing season (SC-CAMLR-XXII, paragraph 5.21(ii); see also paragraph 5.11).

8.5 With respect to toothfish catches reported from high seas to the north of the Convention Area, the Commission noted the statement by the Republic of Korea that its flag vessels had been fishing legitimately in FAO Areas 51 and 57 since 2000. Korea was also willing to provide VMS records, and any ancillary information, indicating the fishing locations of its flag vessels to all Members, if required (Annex 5, paragraph 2.14).

8.6 Spain stated that, in accordance with international law, catches taken on high seas to the north of the Convention Area should not be qualified as being illegal. Spain also advised the Commission that one of its vessels has been issued with a licence to fish for toothfish on high seas in Area 51. The vessel has a scientific observer on board. A report of the cruise will be submitted to WG-FSA next year.

8.7 South Africa recalled its previous advice that all catches taken by South African vessels from Area 51 come from waters inside the EEZ around the Prince Edward and Marion Islands.

Cooperation with Non-Contracting Parties

8.8 The Commission noted that SCIC had considered information submitted by the Secretariat on cooperation with non-Contracting Parties (Annex 5, paragraphs 3.63 to 3.67; CCAMLR-XXII/BG/17).

8.9 The People's Republic of China reported that it has been voluntarily implementing the CDS since July 2001. It reported having re-exported 2 400 tonnes of toothfish from January to September 2003.

8.10 Seychelles informed the Commission that its involvement in fishing for toothfish had ceased with the deregistering of all four longliners previously licensed by its authorities to fish on the high seas to the north of the Convention Area. In addition, Seychelles will not authorise any of its flag vessels to harvest toothfish in the future. Even with a fully operational and well-maintained VMS, Seychelles found that control over such vessels was not always possible. Seychelles announced that its registry and ports are now closed for any vessels with a history of IUU activities. Seychelles will continue to cooperate with CCAMLR on matters in relation to the conservation of marine living resources.

8.11 The USA asked the observer from the People's Republic of China to provide the Commission with information in respect of the Hong Kong Special Administrative Region (SAR) still not cooperating with CCAMLR in the implementation of the CDS and, in particular, whether information is available on the volume of toothfish trade via Hong Kong.

8.12 The observer from the People's Republic of China advised that the Hong Kong SAR has an independent administration to that of the People's Republic of China and therefore it was not possible to report the volume of toothfish entering Hong Kong. He advised, however, that the People's Republic of China had received information suggesting that the amount was minimal.

8.13 The Commission noted information from the Chair of SCIC regarding Singapore's limited participation in the CDS. The Commission also noted a number of other non-Contracting Parties that are Flag States of vessels reported to have engaged in IUU fishing in the Convention Area, namely Belize, Bolivia, Equatorial Guinea, Ghana, St Vincent and the Grenadines and Togo.

Cooperation with International Organisations

8.14 The Commission noted that SCIC had considered information submitted by the Secretariat on cooperation with international organisations in a number of papers (Annex 5, paragraphs 3.63 to 3.67; CCAMLR-XXII/9; CCAMLR-XXII/BG/19; BG/25 and BG/26). In particular, the Commission noted that the Secretariat had tabled a draft plan of action (CCAMLR-XXII/12 Rev. 1) in support of the FAO IPOA to Prevent Deter and Eliminate IUU Fishing (IPOA-IUU). The draft was prepared in response to a request by the Commission (CCAMLR-XXI, paragraph 8.15).

8.15 The Commission agreed with SCIC's advice that the development of the above plan remained a matter of high priority for CCAMLR. It also agreed that further guidance should be provided by the Commission on the plan's preparation during the forthcoming intersessional period (Annex 5, paragraphs 3.70 and 3.71).

8.16 Chile believed that the draft plan is clear and straightforward and that the Commission needed to discuss how work on the draft could be continued and concluded by the time of CCAMLR-XXIII.

8.17 The Executive Secretary advised that the draft incorporated a number of comments received from Members intersessionally, but that the most recent comments received from the European Community may require the draft to be rewritten in a new format and form.

8.18 The European Community confirmed that its comments imply a different approach to drafting the plan. The European Community agreed to explore whether the required draft may be prepared intersessionally, possibly by the European Community itself, by the time of CCAMLR-XXIII. The Commission agreed with this course of action.

IUU Vessel Lists

8.19 The Commission considered information presented by SCIC on compiling the Proposed List of Vessels of Contracting Parties and the Proposed List of Vessels of non-Contracting Parties (Annex 5, paragraphs 2.17 to 2.71).

8.20 The Commission endorsed SCIC's recommendations made by consensus on vessels to be retained on, or removed from, the Provisional Lists (references in brackets are to paragraphs in Annex 5):

- (i) Vessels removed from the Provisional Lists were: *Lena* (paragraphs 2.41 to 2.43), *Osiris* (paragraphs 2.54 and 2.55) and *Santo Antero* (paragraphs 2.20 to 2.22).
- (ii) Vessels retained on the Provisional Lists were: *Eternal* (paragraphs 2.23 to 2.26), *Lugalpesca* (paragraphs 2.32 to 2.35), *Viarsa I* (paragraphs 2.36 to 2.40), *Alos* (paragraphs 2.66 to 2.68), *Magnus* (paragraphs 2.27 to 2.31), *Lucky Star* (paragraphs 2.62 to 2.65), *Lome* (paragraphs 2.56 to 2.59) and *Notre Dame* (paragraphs 2.60 and 2.61).

8.21 The Commission noted that SCIC had been unable to reach consensus on the removal/retention of the vessels *Strela*, *Volga* and *Zarya* (Contracting Party vessels) and *Inca* (non-Contracting Party vessel).

8.22 Australia expressed the view that it would be unfortunate if consensus could not be reached on the inclusion of some vessels on the Proposed Lists due to a perceived lack of evidence, when the Commission had, in fact, been presented with overwhelming evidence to the contrary.

8.23 Chile noted that the Portuguese-flagged vessel *Santo Antero* had been considered on the Provisional List of Contracting Party Vessels. Chile advised that it should have been included on the Provisional List of non-Contracting Party Vessels as Portugal is not a CCAMLR Contracting Party.

8.24 Norway made the following statement:

‘On the SCIC Proposed IUU List of Contracting Party Vessels, the European Community appears as a Flag State (on behalf of Portugal) for the vessel *Santo Antero*. This is of some concern to Norway.

At CCAMLR-XVIII (1999), the European Community notified a Portuguese-flagged vessel to take part in exploratory fisheries for *Dissostichus* spp. in several CCAMLR divisions and subareas. Many Contracting Parties to CCAMLR did not welcome that notification. Their view was that Portugal was not a Contracting Party to CCAMLR. Demarches were made both in Brussels and in Lisbon. The main argument for objecting to that notification was that although the member states of the European Community have transferred to the European Community their competence for fisheries, the responsibilities established by the Convention with respect to Flag States cannot be delegated. Only Flag States are able to apply these obligations in the context of the Convention.

Norway would like to refer to the report of CCAMLR-XVIII, paragraph 9.46 where “the Commission called upon Portugal to consider favourably early accession to the Convention”. Portugal has yet to accede to the Convention. Currently there are also some other member states of the European Community that are in the same category as Portugal. The potential problem might, however, increase dramatically by May next year when several significant fishing nations such as Estonia, Latvia and Lithuania will join the European Union. Norway maintains the view expressed above concerning the role of the European Community in the context of CCAMLR and vessels flagged to member states of the European Community not Parties to the Convention. In relation to possible future notifications of vessels flagged by non-Contracting Parties that are member states of the European Community, the Commission in its report should note that the listing in Appendix III of the SCIC report creates no precedent in that regard.’

8.25 The European Community pointed out that the debate in respect of Portugal took place three years ago and that its position in respect of this matter has not changed. The European Community expressed the view that this debate is entirely irrelevant.

8.26 Argentina associated itself with the views expressed by Chile in this respect, whilst thanking Norway for recalling deliberations and the results thereof, which took place at the Commission meeting in 1999.

8.27 With reference to advice from SCIC relating to the *Volna* (Annex 5, paragraphs 2.4 to 2.6), Russia noted that it had had detailed correspondence with the New Zealand authorities. It did not consider that its vessel had contravened Conservation Measure 41-02. Russia advised that it would submit a proposal to amend the current version of the measure.

8.28 New Zealand expressed the view that no ambiguities should exist regarding the current version of Conservation Measure 41-02. New Zealand was of the opinion that if a small-scale research unit (SSRU) is closed for fishing, it should be closed in its entirety.

8.29 The European Community recalled that Russia had offered to provide additional information to SCIC in respect of the vessels *Volga*, *Strela* and *Zarya* for which SCIC had been unable to make recommendations (Annex 5, paragraphs 2.47, 2.52 and 2.53).

8.30 With respect to advice received from SCIC (Annex 5, paragraphs 2.47 to 2.50), Russia made the following statement:

‘The Russian Federation would like to reiterate that the documentation earlier provided by us clearly demonstrated that Russia had nothing to do with the fish product on board the vessels *Strela* and *Zarya*, as it belonged to the previous owners.

Chronology of events:

- (i) both vessels were purchased under sales contract of 27 July 2002;
- (ii) certificates of ownership and certificates of navigation under the flag of the Russian Federation were issued in the port of Kaliningrad, Russia, on 2 September 2002;
- (iii) both vessels arrived in Jakarta, Indonesia, for the handing over from the previous Bolivian owners to the new Russian owners on 27 September 2002;
- (iv) Russia issued general fishery licences to both vessels on 2 October 2002 (these licences are subject to further licensing for specific fisheries and species);
- (v) Russia believed that the report received from Indonesia was incorrect for the following reasons: (i) it contained the wrong dates for entering port for both vessels, (ii) it alleged that vessels were in possession of catch documents although Russia had never issued such documents, and that (iii) a Russian officer had certified the landings although this certainly had not been the case;
- (vi) as no sufficient evidence pointing to the alleged involvement of the Russian-flagged vessel *Strela* was provided in the Indonesian letter,

Russia suggests that the *Strela* should be deleted from the Provisional List of IUU Vessels in compliance with paragraph 10(c) of Conservation Measure 10-06;

- (vii) Russia's statement with regard to the *Strela* is also valid for the *Zarya*, in that it should be deleted from the Provisional List of IUU Vessels in compliance with paragraph 10(c) of Conservation Measure 10-06. In addition, the *Zarya* was deregistered by Russia and it should be deleted from the Provisional List of IUU Vessels also in compliance with paragraph 10(d) of Conservation Measure 10-06.'

8.31 Russia further confirmed that the vessels were flying the Russian Flag for 20 days before entering Tanjung Priok. During this period the vessels only steamed to the port and, for operational reasons, could not have conducted any fishing. Russia also informed that the *Zarya* had been deregistered on 4 August 2003, indicating that Russia had taken appropriate action against the vessel.

8.32 Russia also advised that the *Volga* will be deregistered by Russia immediately upon completion of the court hearings in Australia. The *Volga* should be deleted from the Provisional List of IUU Vessels in compliance with paragraph 10(d) of Conservation Measure 10-06.

8.33 The European Community expressed the belief that the Commission should adopt rigorous standards of diligence in addressing the IUU Vessel Lists. The European Community noted, for example, that Indonesia had submitted very detailed information concerning the events surrounding the unloading of the *Strela* and the *Zarya* and that nobody has disputed that these landings actually occurred. The European Community recalled the views expressed by Chile regarding Flag State responsibility and noted that the *Strela* and the *Zarya* had been reflagged prior to landing and whilst still at sea. The European Community was of the belief that Russia should have taken appropriate measures, particularly as the vessels *Strela* and *Zarya* were formerly the Bolivian-flagged vessels *Hunter* and *Georgia* respectively, cited in previous years as linked to a fleet presumably involved in illegal fishing. Information that these vessels were suspected to have engaged in IUU activities had been available to Members at CCAMLR-XXI (CCAMLR-XXI, paragraph 8.40).

8.34 Russia noted the lack of documented evidence in the letter from Indonesia. Russia has requested that Indonesia be asked if it could provide any documentation to support the information as contained in its letter, e.g. copies of port and customs documents for the toothfish landed.

8.35 The UK expressed its belief that, regardless of when reflagging occurred, the *Strela* and the *Zarya* were undisputedly flagged to Russia at the time of the undocumented landing and should therefore be considered under Conservation Measure 10-06. The UK noted that the conditions of Conservation Measure 10-06, paragraph 10, for removing vessels from the List had not yet been met. In the absence of consensus for removal, the vessels should therefore be retained on the Proposed List of Contracting Party Vessels.

8.36 New Zealand agreed with the statement made by the UK and noted that Russia had informed the Commission that it was the Flag State of the vessels *Strela* and *Zarya* 20 days before the vessels entered port. Russia had also not denied that toothfish was on board these

vessels when they entered port. Russia was the Flag State of the *Strela* and the *Zarya* when the vessels unloaded 800 tonnes of toothfish. No catch document was issued for the landing of this toothfish and therefore that toothfish can only be treated as catch from IUU fishing. Consequently, the *Strela* and the *Zarya* must be treated as IUU fishing vessels.

8.37 Australia reiterated that it had provided strong evidence of IUU activities in respect of the *Strela* and that this vessel should be retained on the Proposed List of Contracting Party Vessels.

8.38 Chile stated that Conservation Measure 10-06 was consistent with Flag State responsibility set out in the UN Convention on the Law of the Sea, Article 94. Such responsibilities require that a Flag State effectively exercises jurisdiction and control over its vessels as well as maintains a public register of ships flying its flag. This requires that jurisdiction is assumed under the Flag State's own domestic legislation and under international law. Therefore, special consideration should be given to paragraph 6 of the abovementioned Article 94. This allows a State, when it has grounds to believe that proper jurisdiction and/or control has not been exercised over any vessel, to report the facts to the Flag State concerned. The latter has an obligation to investigate the matter and take appropriate action. In these terms, an international organisation comprised of sovereign States, such as CCAMLR, has a right to expect its Members to act as responsible Flag States and exercise effective control over their fishing vessels.

8.39 Russia stated that it had repeatedly drawn to the attention of the Commission the fact that in the case of the *Strela* and the *Zarya*, general category licences for commercial fishing (which are subject to further licences defining specific fisheries and target species) were issued on 2 October 2002. Therefore, before that date the Flag State neither legally nor practically could be liable for any fishing activity by those vessels. Russia had presented the documents issued by Port Kaohsiung authorities, which positively prove that due to logistical reasons the *Strela* could not be located in the area as allegedly sighted by Australia (paragraph 8.47).

8.40 Australia stated that it had seen evidence provided by Russia and was not convinced that this evidence shows positively *Strela's* location at the time provided by Russia.

8.41 The European Community associated itself with the statement by Chile concerning Flag State responsibilities. Flag States should be responsible for taking responsible actions with respect to vessels that have been reported under Conservation Measure 10-06, especially when such vessels have a history of IUU fishing.

8.42 Spain made the following statement:

'Spain is concerned about the collateral effects coming from the setting up of lists of IUU vessels. It appears that this measure is pushing Contracting Parties to rapidly deregister their IUU vessels. As a consequence, IUU vessels and the companies associated with them move to operate under flags of non-compliance, otherwise known as flags of convenience or open registries. These countries do not comply with their responsibilities under international law in respect of their jurisdiction and control of their vessels.

In doing so we export the problem outside the Commission but the devastating action of these IUU vessels and companies still affects the Southern Ocean.

Spain emphasised the need for the Commission to deal with this ongoing growing threat and recalled the existing Resolution 19/XXI “Flags of Non-Compliance” adopted last year. In this respect there is an urgent need to identify these countries so as to be effective in our actions against IUU.’

8.43 Russia agreed with the observation made by Spain that the rapid sale and reflagging of a vessel could create a legal trap for a new Flag State.

8.44 With respect to advice received from SCIC (Annex 5, paragraphs 2.47 to 2.50), Russia made the following statement:

‘While stating that in Conservation Measure 10-06 the balance of interests between “reporting States” and the Flag State is substantially violated, the Russian Federation hereby expresses its concern to the Commission that placing a vessel on the proposed IUU Draft List under the above conservation measure entails grave consequences for that vessel, resulting in banning it from fisheries the next season. Therefore, the analysis of how Conservation Measure 10-06 was used in the period under review and based on the outcome of deliberations at SCIC, the Russian Federation is honoured to recommend to the Commission the following conclusions:

- (i) Conservation Measure 10-06 violates the balance of the rights and duties of a Flag State. Juridical construction, envisaged by this conservation measure allows the Secretariat to include a vessel in the proposed IUU Draft List, purely on the grounds of any information about any alleged violations of this conservation measure. Meanwhile, some States find it possible for them to provide such information as late as possible before the CCAMLR meeting and even during the meeting, which practically prevents the Flag State from analysing, investigating the case and preparing an adequate response. According to the articulation of this conservation measure, the burden of proving that this particular vessel did not participate in IUU fisheries, i.e. the burden of proving innocence, is put on the Flag State. In other words, it is taken for granted that the vessel is guilty until the Flag State proves that it is not guilty. So, such “presumption of being guilty” puts the Flag State in unequal position, because the Commission only is authorised to delete the vessel from the proposed IUU Draft List and only by consensus, while this vessel is included in the proposed IUU Draft List by the Secretariat on the basis of any information from any State without any preliminary discussion of this issue at the CCAMLR meeting or its subsidiary bodies.
- (ii) In view of the above, the Russian Federation believes that the present version of Conservation Measure 10-06 violates the balance of interest between the Flag State and a “reporting State”, jams legitimate interests of legal operators, which fish legally and on a solid scientific basis in the Convention Area. We urge CCAMLR Member States to hold consultations with the purpose of reviewing and amending Conservation Measure 10-06.

(iii) As a general principle on which, in our opinion, such changes should be based, the Russian Federation is honoured to propose the following:

- The question of including any vessel in the proposed IUU Draft List should be considered by the Commission, based on SCIC recommendations on the basis of the information submitted and circulated by the Secretariat at least three months prior to the CCAMLR meeting. This will provide the Flag State with the opportunity to submit adequate reaction to such information.
- The Commission, on consensus, should rule out the question of including any vessel on the IUU List.'

8.45 Following its statement, Russia prepared for consideration by the Commission, a proposal for the revision of Conservation Measure 10-06 and requested the proposal be attached to the report of the Commission in order for it to be carried forward to CCAMLR-XXIII (Annex 7).

8.46 With respect to (i) in the statement above, Australia pointed out that it had submitted substantial evidence that three Russian-flagged vessels should be included on the Proposed List of Contracting Party Vessels and that this information had been available to all Members well before the current CCAMLR meeting. Information on the sighting of the vessel *Strela* in Division 58.5.2 had been circulated to all Members and placed on the CCAMLR website. Australia had also supplied this information directly to Russia and had received a response which it believed to be inadequate to the effect that the State Committee for Fisheries of the Russian Federation had no evidence to provide. Australia further pointed out that it had requested Russia to provide VMS data for the vessel *Strela* for the five-day period prior to the sighting of the vessel inside Division 58.5.2 of the Convention Area, but that this had not been supplied. With regard to the *Volga* and the *Lena*, Australia noted that Russia had not yet responded to requests for information which had been made in April 2002.

8.47 Russia responded that, in its view, all information required had been provided. With regard to the alleged sighting of the *Strela* in Division 58.5.2 on 26 June 2003, Russia had provided a document which attested that the *Strela* had been in Port Kaohsiung on 8 July 2003 and therefore could not have been in Division 58.5.2 on 26 June for logistical reasons. Following the distribution of CCAMLR-XXII/BG/48, Russia reiterated its position above and stated that:

- ‘(i) Australia reported the sighting of an alleged Russian-flagged vessel *Strela*. The whole effort in this reporting was focussed on the alleged Russian-flagged vessel, which, according to the Australian report, was photographed and a review of photos with the *Strela* conducted (taken in Indonesian Tanjung Priok). Australia unilaterally announced that those photos matched, though no dates were shown on them.
- (ii) The Russian Federation would like to draw to the attention of the Commission that the Australian report said nothing about another vessel, which was also sighted approximately at the same time, as if no reports were received this year

on other vessels, suspected of IUU fishing in this area. Australia failed to identify that vessel, as well as to take photos and match them with the known vessels.’

8.48 Australia, Belgium, Brazil, Chile, European Community, France, Germany, Italy, Netherlands, New Zealand, Norway, Poland, South Africa, Spain, Sweden, UK and the USA requested that their statement be included in the report of the Commission (Annex 8).

8.49 Australia noted that, even if a vessel changes flag between the time of the incident and the time of consideration by the Commission, the vessel should be included on the List relevant to its flag at the time of consideration by the Commission. The Commission noted that SCIC had taken this approach in respect of the vessel *Magnus* (ex *Dorita*) which had been moved from the Proposed List of Contracting Party Vessels to the Proposed List of Non-Contracting Party Vessels.

8.50 The European Community suggested that, if consensus cannot be achieved in respect of particular vessels, the report of the meeting should clearly reflect the reasons why. The European Community further expressed the view that the Commission had been unable to reach consensus on the basis of opposition by one Member which was the Flag State of the vessels concerned. The European Community noted that this situation is to be regretted, since the undocumented landings of more than 800 tonnes of processed toothfish by two of these vessels in Tanjung Priok is a fact that has not been contested. This figure in itself represents more than 10% of the total estimated IUU catches of toothfish in the Convention Area (paragraph 8.2). The European Community expressed its grave concerns that action in respect of these vessels cannot be taken under paragraph 14 of Conservation Measure 10-06 due to the lack of consensus regarding their listing.

8.51 Chile associated itself with the view of the European Community. Chile hoped that future work could be undertaken on procedural rules in order to better apply Conservation Measure 10-06. Chile noted that, whilst the Commission had not agreed to retain the vessels on the Proposed List, nor had it agreed to remove them.

8.52 Australia unreservedly supported the comments of the European Community and Chile and further noted the singular opposition to consensus by the Russian Federation. Australia reiterated that evidence submitted in respect of the IUU activities of the vessels *Strela* and *Zarya* had been overwhelming and irrefutable.

8.53 New Zealand associated itself with the views of the European Community, Chile and Australia.

8.54 South Africa associated itself with the views of the European Community and Chile and added that it saw Conservation Measure 10-06 as an extremely useful measure to strengthen the objectives of CCAMLR. South Africa expressed its concern at the lack of political will of some Members of CCAMLR to effectively address the issue of IUU fishing. South Africa urged all Members to make every effort to deal with the issue.

8.55 Russia expressed its opinion that there should be no such concept as ‘consensus minus one’. Russia did not wish the report to suggest that consensus could not be achieved because of one objection by the Flag State of the vessels concerned. Russia further pointed out that nobody could dispute Russia’s willingness to cooperate with CCAMLR as it is a responsible

Contracting Party to the Convention. Russia noted that it had suitably sanctioned the six vessels it had reported to have deleted from its registry. However, Russia could not accept that the *Strela* and the *Zarya* should be included on the Proposed List on the basis of one letter and some photographs.

8.56 The European Community reiterated that all Members except for Russia had agreed that the *Strela* and the *Zarya* should be included on the Proposed List of Contracting Party Vessels because the evidence provided not only by Indonesia, but also by Australia, had been considered convincing.

8.57 The European Community advised that it would be closely monitoring the activities of these vessels and would not fail to raise the matter under Conservation Measures 10-06 or 10-07, as appropriate, if so warranted by new information linking these vessels to IUU fishing. It urged other Members to also do so.

8.58 The Executive Secretary advised that in accordance with Conservation Measure 10-06, paragraph 15 and Conservation Measure 10-07, paragraph 12, the List of Contracting Party Vessels and the List of Non-Contracting Party Vessels, as approved by the Commission, would be placed on a secure section of the CCAMLR website.

8.59 Japan noted that paragraph 15 of Conservation Measure 10-06 and paragraph 12 of Conservation Measure 10-07 should not be construed to restrict Contracting Parties from making IUU Vessel Lists available to the general public.

Additional Information Considered

8.60 Some Members had submitted new information to SCIC in respect of a number of other Contracting Party vessels after the required deadline of 30 days before the CCAMLR annual meeting (Annex 5, paragraphs 2.73 to 2.79). In accordance with Conservation Measure 10-06, paragraph 8, these vessels were not considered for inclusion in the Proposed List of Contracting Party Vessels. However, SCIC recommended that Members note the names of those vessels and pay particular attention to their future activities. These vessels are: *Atlantic 52*, *Austin-1*, *Boston-1*, *Champion-1*, *Darvin-1*, *Eva-1* and *Florens-1*.

8.61 The Commission also noted that SCIC had recommended that on deregistering such vessels, Flag States should inform the Commission and provide as much information as possible in respect of the new flag and owner of the vessel.

8.62 The European Community made the following statement:

‘The European Community drew Members’ attention to the information provided to SCIC by Mauritius on toothfish fishing vessels visiting, and the transshipment of toothfish, in Mauritius (SCIC-03/12, Table 2). The European Community thanked Mauritius for providing this information that pointed out, among other issues, continued activities by some of the vessels cited in the framework of Conservation Measures 10-06 and 10-07 as involved in IUU fishing. It requested Mauritius to provide additional details as available in respect of these vessels, as well as in any other event involving vessels having on board, or having transhipped at sea, toothfish without indication of the required DCDs being present. In order to ensure that Flag

States are afforded the necessary means to take action in due time, it was requested that this information be made available to the Secretariat on a case-by-case basis for circulation to Members and other relevant Flag or Port States.’

8.63 Russia informed the Commission that the vessels *Austin-1*, *Boston-1*, *Champion-1*, *Darvin-1* and *Zarya* had been deleted from the Russian registry. Russia also advised that the vessels *Eva-1* and *Florens-1* had recently been sold and would therefore be deregistered in future.

8.64 Argentina made the following comment on paragraph 2.79 of the SCIC report (Annex 5):

‘Argentina believes that examination of the circumstances of IUU vessels at the meetings should be carried out on an equitable basis. It feels paradoxical that a proposal, such as the one referring to the *Virgin of Carmen*, with respect to which further details were provided by some delegations, and which has a record of IUU fishing, did not receive any substantive treatment.’

8.65 Argentina also submitted the following statement:

‘In relation to the pursuit and apprehension of the *Viarsa I*, Argentina rejects the use of British policing on the high seas departing from the Malvinas, South Georgia and South Sandwich Islands and surrounding maritime areas which are part of the national Argentine territory, and similarly rejects all other actions carried out under pretext of the illegitimate occupation of such territories.

Also, Argentina recalls that these territories are the subject of a sovereignty dispute between Argentina and the UK, that has been acknowledged by the international community and successive United Nations resolutions and declarations of the Organization of American States, urging both countries to resume negotiations in order to find a peaceful and definitive resolution to the controversy.’

8.66 The UK submitted the following statement:

‘In response to Argentina’s intervention, the UK reiterates its well-known position that it has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas.’

8.67 Argentina rejected the views expressed by the UK and reaffirmed its previous statement.