

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

Current level of IUU fishing

8.1 The Commission noted the following advice received from SCIC (Annex 5, paragraphs 2.2 to 2.5):

- (i) the total estimated IUU catch in the Convention Area of 2 086 tonnes;
- (ii) general agreement, with some exceptions, to the IUU catch estimates for 2005 using the current assessment methodology;
- (iii) that pressure from surveillance operations around sub-Antarctic islands had pushed IUU fishing into high-seas areas of the Convention Area;
- (iv) the observed decline in estimates of IUU catch in the Convention Area for the past three years.

8.2 The Commission considered that observed declines in IUU fishing could be a consequence of the impact of improved monitoring, control and surveillance (MCS) and CDS measures on IUU activities, uncertain accuracy of the current IUU catch assessment methodology and reduction in toothfish catches overall.

Procedure for the estimation of IUU catches

8.3 The Commission considered SCIC's advice on developing a new standard methodology for estimating IUU catches in the Convention Area (Annex 5, paragraphs 2.11 to 2.16). The Commission endorsed a proposal made by SCIC that JAG should be re-established, and that it should first meet in 2006 in conjunction with the meetings of WG-EMM and WG-FSA-SAM. The first meeting of JAG would consider the agenda proposed by SCIC (Annex 5, Appendix V).

8.4 The terms of reference of JAG as adopted by the Commission in 2003 (CCAMLR-XXII, Annex 6), and a draft agenda for the JAG meeting in 2006 as proposed by SCIC, are appended (Annex 7).

8.5 The Commission agreed that, in preparing for the JAG meeting in 2006, Members should consider:

- (i) adequate participation
- (ii) preparation of key papers
- (iii) establishment of a small steering group or committee
- (iv) nomination of a convener of JAG.

8.6 The Commission decided to establish a small steering group in order to further consider the work of JAG intersessionally. The following Members indicated willingness to participate in the steering group: Australia, UK and the USA. The steering group was requested to nominate a convener.

IUU Vessel Lists

8.7 The Commission considered SCIC's advice (Annex 5, paragraphs 2.23, 2.24, 2.26 to 2.28 and Appendix III) on the IUU Vessel Lists and agreed to:

- (i) consolidate the 2003 and 2004 IUU Vessels Lists into a combined List of Contracting Party Vessels and a combined List of non-Contracting Party Vessels;
- (ii) remove the now Madagascar-flagged vessel *Eternal* from the combined List of Contracting Party Vessels;
- (iii) note SCIC's advice that no Contracting Party vessels were to be included on the IUU Vessel List of Contracting Party Vessels in 2005;
- (iv) adopt SCIC's recommended IUU Vessel List of non-Contracting Party Vessels for 2005;
- (v) remind Members to pay particular attention to future activities of the Togolese-flagged vessel *Aldabra*;
- (vi) request that the Secretariat seek information from St Kitts & Nevis on the current name and flag status of the vessel *Keta*, formerly the *Sherpa Uno*.

Review of current measures aimed at eliminating IUU fishing

8.8 The Commission noted that most IUU vessels sighted in the Convention Area were flagged to Equatorial Guinea, Georgia and Togo. It endorsed SCIC's advice that diplomatic demarches be made to these States as possible 'Flags of Non-Compliance' (Annex 5, paragraphs 2.10 and 2.11).

8.9 The Commission adopted Resolution 24/XXIV on a non-Contracting Party Cooperation Enhancement Program (paragraph 11.97). This aims to provide information, training materials and technical assistance to non-Contracting Flag and Port States with an interest in controlling toothfish harvesting and trade, but which lack the expertise and resources to do so.

8.10 The Commission generally agreed that stronger diplomatic actions were required in respect of non-Contracting Parties which did not exert an appropriate level of control over IUU-related activity in respect of their flag vessels or within their territories and that joint diplomatic initiatives should be undertaken as appropriate.

8.11 The Commission considered and approved the text of a standard letter to be used by Members in the course of diplomatic actions mentioned in paragraph 8.10 (Annex 8).

8.12 The Commission agreed that Members be urged to use any existing positive relationships with non-Contracting Parties in order to encourage compliance with CCAMLR conservation measures. Dialogue could be undertaken on a bilateral basis by Members with

existing economic or cooperative relationships with identified non-compliant Flag States. Ukraine offered further assistance in respect of Georgia, and South Africa offered to approach Equatorial Guinea and Togo.

8.13 Spain advised the Committee of its efforts to implement national legislation in respect of its nationals who engaged in IUU-related activities and urged other Members to take all possible action in order to address such activities.

8.14 Argentina, while sharing several of the preceding views with respect to Flags of Convenience, highlighted the need to distinguish between the concepts of non-Contracting Parties, Flags of non-Compliance and Flags of Convenience. Argentina believed that it was incorrect to make a generalised assumption that these terms are equivalent, as the problems they give rise to are different in nature.

8.15 Several Members expressed the view that States are likely to respond more positively to initiatives which fostered awareness and cooperation, rather than actions such as trade sanctions, which should only be considered as a last resort.

8.16 The FAO Observer advised the Commission that FAO has two new programs designed to provide financial assistance to assist developing countries to effectively administer fisheries regulations. The FAO Observer noted that three non-Contracting Party Flag States relevant to CCAMLR – Equatorial Guinea, Georgia and Togo – would be likely to qualify for assistance. The FAO Observer also advised that, in order to qualify for these programs, States must voluntarily show willingness to cooperate. The FAO Observer advised that the issue could be raised at the next FAO Committee on Fisheries (COFI) meeting.

8.17 Several Commission Members considered that further measures should be contemplated towards Flag States, nationals and operators and supported the development of a regime of trade measures against States consistently involved in IUU fishing, and in trade of fish caught in an IUU manner, in the Convention Area. The Commission noted that Conservation Measures 10-06 and 10-07 provided for the use of trade-related measures as well as procedures to be used where diplomatic approaches were ineffective. The European Community noted that criteria and procedures setting out when and how these sanctions might be applied should be developed. The European Community undertook to form an intersessional working group with other Members. Australia, France and Norway expressed an interest in participating in this group.

8.18 The Commission noted that SCIC had considered the current situation with the CCAMLR Plan of Action (POA) on IUU Fishing proposed in 2002 (CCAMLR-XXIV/36). The Commission endorsed the decision of SCIC to suspend the project and to instead analyse whether the current set of CCAMLR conservation measures adequately meets all actions required by the FAO IPOA-IUU, and to identify potential gaps. It was noted that Chile agreed to conduct the required analysis and report to the next meeting of SCIC.