

IUU FISHING IN THE CONVENTION AREA

Current level of IUU fishing

10.1 The Chair of the Scientific Committee advised the Commission that the Secretariat's current estimate of 1 169 tonnes of IUU-harvested toothfish for the 2007/08 season to 1 September 2008 had been endorsed by WG-FSA and the Scientific Committee (SC-CAMLR-XXVII, Annex 5, paragraph 3.12 and Table 2). The Commission noted that this was a reduction of 2 446 tonnes from the 2006/07 estimate of 3 615 tonnes.

10.2 Whilst encouraged to note that fewer sightings of IUU vessels had been reported and that IUU fishing in the Convention Area appeared to be declining, the Commission nevertheless expressed caution as it took into consideration advice from SCIC and the Scientific Committee that the majority of the IUU fleet was reported to be using gillnets (SC-CAMLR-XXVII, paragraph 7.2). SCIC and the Scientific Committee had also advised that there was little information as to the likely catch rates or incidental mortality associated with fishing by such vessels. This had introduced considerable uncertainty in the estimates of IUU removals of toothfish from the Convention Area and was consequently undermining confidence in the assessments conducted by the Scientific Committee.

10.3 The Commission noted that the Scientific Committee could not unequivocally conclude that the level of IUU fishing had significantly declined. The Commission also noted advice from the Chair of the Scientific Committee that IUU fishing had been reported in some areas in which it had not been observed for several years, particularly Subareas 58.6 and 88.1 (SC-CAMLR-XXVII, paragraph 7.3).

10.4 The Commission agreed that it was important to obtain more information on characteristics of gillnets and the catch and incidental mortality rates of gillnet vessels. It requested that SCIC and the Scientific Committee work intersessionally to seek this information.

10.5 France requested that the Chair of the Commission write to Mauritius to ask why the vessel *Sibley*, which had called at Port Louis in June 2008, had not been inspected at the time of the port call in accordance with Conservation Measure 10-07, paragraph 22(iii). France recommended that such inspections should be conducted on all occasions when a vessel included on the IUU Vessel List enters the port of a Member or Contracting Party. The European Community supported this action and also requested that the outcome be reported to the Commission.

10.6 The Commission agreed that the Chair write to Mauritius to seek information on the circumstances reported by France.

IUU Vessel Lists

10.7 The Commission agreed to adopt the Proposed NCP-IUU Vessel List for 2008 forwarded by SCIC (CCAMLR-XXVII, Annex 5, Appendix III). *Paloma V* was therefore included on the combined NCP-IUU Vessel List. The Combined IUU Vessel Lists adopted from 2003 to 2008 are available at www.ccamlr.org/pu/e/sc/fish-monit/iuu-list-08.pdf.

10.8 Namibia reminded the Commission of the content of the statement made during SCIC that was included in the SCIC report (Annex 5, paragraph 3.13). The statement provided information on the action taken by Namibian authorities regarding the vessel *Paloma V* and reiterated its appreciation to the Government of New Zealand on this matter.

10.9 The Commission also considered advice from SCIC regarding vessels included on the combined CP and NCP-IUU Vessel Lists for 2003–2007.

10.10 The Commission agreed that with respect to the four Chinese-flagged vessels, *North Ocean*, *East Ocean*, *South Ocean* and *West Ocean*, these vessels shall be deemed removed from the CP-IUU Vessel List once China informs the Commission via a Commission circular that the vessels have been sold to Insung Corp. of Korea and that the sales are final.

10.11 In relation to the removal of *North Ocean*, *East Ocean*, *South Ocean* and *West Ocean* from the CP-IUU Vessel List, a few Members acknowledged the exceptional circumstances leading to the decision to delist the four vessels and noted that the determination was made with the understanding that the requirements of Conservation Measure 10-06, paragraph 14(iii), would eventually be met. These Members, however, requested that the deletion of vessels from the IUU Vessel Lists should be done strictly in accordance with the criteria set out in Conservation Measure 10-06, paragraph 14, in future. Japan also stated that Conservation Measure 10-06 should be applied fairly and consistently to vessels of all flags in future.

10.12 The Commission agreed with SCIC's recommendation that the vessels *Maya V* and *Viarsa I* be deleted from the CP-IUU Vessel List as they had been deconstructed.

10.13 The Commission agreed with SCIC's recommendation that the vessel *Comet* be deleted from the NCP-IUU Vessel List as it had sunk.

10.14 The Commission also agreed with SCIC's recommendation that the Marshall Islands-flagged cargo vessel *Seed Leaf* be deleted from the NCP-IUU Vessel List as Marshall Islands had demonstrated that the vessel had undergone a genuine change of ownership and had clarified previous concerns regarding a possible link between the previous and current owners (CCAMLR-XXVI, paragraph 10.55).

10.15 The Commission agreed with SCIC's recommendation to retain the Panamanian-flagged vessel *Sibley* on the NCP-IUU Vessel List.

10.16 The European Community recalled information it had provided to SCIC on diplomatic demarches to Equatorial Guinea and Sierra Leone which it had undertaken during 2007/08. In particular, the European Community informed the Commission that Equatorial Guinea had reported in correspondence to ICCAT in May 2007 that it had no industrial fishing vessels on its registry. The European Community also drew the Commission's attention to an ICCAT circular of 16 October 2008 in which Togo informed ICCAT, through an official communication dated 6 October 2008, that it only registered 10 vessels. This information did not correspond with the number of vessels reported flagged to Equatorial Guinea and Togo respectively in CCAMLR's adopted NCP-IUU Vessel List for 2008.

10.17 Several Members thanked the European Community for its efforts. The Commission agreed with the European Community's recommendation that the Chair of the Commission

write to Equatorial Guinea, Togo and the ICAAT Chair in order to clarify which vessels, if any, were flagged by Equatorial Guinea and Togo. It was also suggested that Equatorial Guinea be requested to advise CCAMLR in the event that it flagged any new vessels or received any information with respect to their flagged vessels.

10.18 In thanking the European Community, Australia reminded Members that Conservation Measure 10-07, paragraph 25, requires Members to submit any new or updated information received in respect of vessels included on the IUU Vessel List.

10.19 The USA praised the diplomatic efforts of the European Community and proposed that the Commission request the Chair to communicate with the Government of Equatorial Guinea for two purposes: (i) to request the Government of Equatorial Guinea to confirm that it does not flag or register any fishing vessels and to confirm that it does not authorise any of its vessels to engage in fishing or fishing-related activities outside its waters; and (ii) assuming that the Government of Equatorial Guinea provides such confirmation, to request that the Government of Equatorial Guinea inform the Commission, through the Secretariat, that CCAMLR Members may regard any fishing vessel sighted flying the flag of Equatorial Guinea in the CAMLR Convention Area as having no genuine link with the Government of Equatorial Guinea, and may treat such vessels as without nationality, in accordance with international law. The Commission endorsed the proposal.

10.20 Argentina suggested that in the letter to be addressed to the Government of Equatorial Guinea, CCAMLR should request it be informed of the issuance of new vessel registrations as soon as they occur, so as to avoid mistakes being made.

10.21 New Zealand advised the Commission that it had conducted intersessional consultations with Sierra Leone which resulted in Sierra Leone deregistering the vessel *Triton-1* which is included on the NCP-IUU Vessel List and which had been sighted by a New Zealand patrol in SSRU 881A in January 2008.

10.22 The Commission thanked New Zealand for its efforts and also expressed its appreciation to Sierra Leone and commended it for its actions undertaken against IUU fishing.

10.23 On the deletion of the four Chinese-flagged vessels from the CP-IUU Vessel List, ASOC requested that any future proposals to delete vessels from the adopted CP-IUU Vessel Lists be accompanied by all the information required by Conservation Measure 10-06, paragraph 14(iii).

10.24 China stated that SCIC had made every effort on this issue and the Commission had endorsed the recommendation of SCIC by consensus. Therefore, China indicated that it is inappropriate for an observer to make such requirements to the Members of the Commission.