

Greenpeace Critique of the CCAMLR Catch Documentation Scheme [1999] as a Mechanism to Prevent Illegal, Unregulated and Unreported Fishing For Toothfish Species in the Southern Ocean

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The Problem

Over the last six years there has been a rapidly escalating problem of illegal, unregulated and unreported [IUU] fishing for Patagonian Toothfish in the Southern Ocean. IUU fishing, or "Pirate Fishing" as it is sometimes known, occurs mostly within the area managed under the 23-member Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the sub-Antarctic exclusive economic zones of some member states.

The Commission of the same name meets annually in Hobart, Australia. The eighteenth meeting of CCAMLR concluded on 5/11/99. The members of CCAMLR are Argentina, Australia, Belgium, Brazil, Chile, European Community, France, Germany, India, Italy, Japan, Republic of Korea, New Zealand, Norway, Poland, Russian Federation, South Africa, Spain, Sweden, Ukraine, United Kingdom, USA, and Uruguay.

CCAMLR XVIII concluded that whilst on paper it appeared that IUU fishing had decreased during 1989/1999, the uncertainties in estimating the actual level of IUU fishing had increased, estimates were conservative, and the true catch figure might in fact be higher. Even if the IUU catch has declined, the concern is that this reflects depleted fish stocks rather than lessened fisheries effort, let alone better enforcement action by CCAMLR.

Uncertainties about the actual fish catch level create in turn massive uncertainties about the level of fish and seabird bycatch. Conservative estimates of around 60,000 seabirds drowned annually on IUU long lines are horrendous enough, but the true figure may be several times this – the data is that uncertain. Seabird victims include the ocean-wandering albatrosses and petrels. Long lining is now the greatest single threat to the survival of most of the 24 albatross species.

The Catch Documentation Scheme

The supposed major success at CCAMLR XVIII was the adoption of a Catch Documentation Scheme (CDS). This has been projected as central to a package of measures to improve CCAMLR's monitoring and enforcement capabilities. CDS requires CCAMLR members to ensure that all toothfish entering their markets come from a certified source, that is, caught in accordance with CCAMLR conservation measures.

Unfortunately CCAMLR's CDS on its own does not ensure this. It requires the broader membership and established implementation mechanisms of an international trade monitoring and regulatory body, which CCAMLR does not have. Greenpeace believes that the Convention on International Trade in Endangered Species of Wild Fauna and Flora [CITES] is the body which has precisely those characteristics.

CITES

During 1999, the Australian government prepared and circulated to range states a proposal to protect Patagonian toothfish under CITES. CITES only meets every 2-3 years and the next meeting will be in April 2000. 150 countries are party to the CITES convention. It is well established and members have domestic procedures in place to enforce the trade regulations they agree to. Unfortunately, the Australian government decided that with CCAMLR's CDS agreed, it need not pursue toothfish listing under CITES.

But CITES, with its much greater membership than CCAMLR is the essential underpinning for the CDS. It includes all the states involved in toothfish trade or which provide potential new markets, such as China and Thailand. CCAMLR is restricted to its 23 members, and alone cannot therefore oblige non-members to participate in the CDS.

Why the CDS Will Not Work on Its Own

The Australian Environment Minister's decision not to proceed with a CITES nomination for Patagonian toothfish was based on a poor understanding of what the CCAMLR Catch Documentation Scheme will provide.

There appears to be a misapprehension in the Minister's office that the CDS would require CCAMLR members to refuse entry to toothfish catches from the Convention area that were caught by non parties. It does not. At Japan's insistence, members are only required to refuse entry permits if the documentation has not been filled in correctly.

CCAMLR states (with the exception of Japan) have said they will not import toothfish that has been caught in the Convention area but not in accordance with CCAMLR conservation measures. This presents little problem to a vessel's captain, who has only to complete a form and declare the fish was caught outside the Convention area – unlikely to be a moral dilemma for an individual who is likely to be fishing illegally. This done, the fish is admitted to CCAMLR member markets with no impediment.

CCAMLR countries currently account for more than 90% of the global catch [both legal and IUU]. Japan alone imports more than 50% of the global catch. Unfortunately, Japan is not willing to comply even with the weakened version of the CDS, as it says it will not prevent imports even if the fish were caught in the CCAMLR area in contravention of CCAMLR Conservation Measures, so long as the catch document has been filled in correctly.

Japan, as a contracting party to the International Convention for the Conservation of Atlantic Tunas [ICCAT], must take appropriate measures to prohibit the importing of Atlantic bluefin tuna and products from certain non-contracting parties. Japan has steadfastly resisted attempts to apply the same standards to imports of Patagonian toothfish via CCAMLR, and another endangered fish species, the southern bluefin tuna via the Commission for the Conservation of Southern Bluefin Tuna [CCSBT].

No Verification Mechanisms

There are almost no verification mechanisms in the CDS, which, relies on the veracity of the declaration made by the capabilities of the fishing vessel. So it can, for example, assert that the toothfish it is landing was caught, say, on the Williams Sea mounts just outside the Convention area, to the east of Heard Island. There is no way to independently verify this, say by Vessel Monitoring Systems using satellite tracking because pirate fishing vessels are not required by their flag state to report back their activities using this system, so the flag state provides no mechanism for validation. The toothfish could have been caught, undetected, inside the Australian EEZ at Heard, or the French EEZ at Kerguelen. But there is no way to challenge the captain's statement.

In March 1999, Greenpeace found and chased an illegal fishing vessel, the Salvora, from Kerguelen Island to Port Louis, in the Indian Ocean island of Mauritius. When the Mauritian Government inspected the Salvora's logbook it claimed the vessel was 310 miles east of the actual position she was found near Kerguelen, indeed putting it well outside the Convention area.

The only other means of verification would have been via the vessel's navigational plotter. However there was no memory backup or diskette to show the vessel's path. Illegal fish pirates cannot be relied upon to record accurate positions that would prove their illegal activities. All this is documented in the report the Mauritian Government produced of the inspection of the Salvora on 2 March 1999.

Under such circumstances, CCAMLR member states cannot confidently accept toothfish catches from the vessels of non- CCAMLR countries and tell their citizens that the toothfish on their domestic markets is from a sustainable and verified source.

What Will the Fish Pirates Do Now?

There are several choices for the pirates:

The pirates can fill in their Catch Documents claiming fish was caught in the convention area but not in accordance with CCAMLR conservation measures, and export more of it to Japan, safe in the knowledge it will be granted entry.

The pirates can claim the fish were caught on Williams Seamounts and other non-Convention area fishing spots where toothfish might be found, and cannot be challenged on this as there are no mechanisms to do so.

The pirates develop markets in non-CCAMLR countries [e.g. China and Thailand], where they won't need a catch form to get the fish sold.

Conclusions

The IUU fishing season has already begun. The CDS does not come into force until 4th May 2000. CCAMLR is therefore losing half a year of valuable data if all parties, particularly the major market countries, do not implement it immediately.

The CITES nomination remains critical as a backup to the CDS. Australia's failure to proceed with the CITES nomination for toothfish has meant that the effectiveness of the CDS has been further undermined. CCAMLR governments must recognise the present weaknesses and take steps to rectify this problem.

The CDS might eventually be useful for whatever the next “gold-rush” fish species is in the Southern Ocean, but in the short term, and without CITES, it will do little to prevent the collapse of toothfish populations under current conditions.

Greenpeace Demands

An immediate moratorium on the commercial fishery for toothfish in the Southern Ocean supported by a trade ban. The moratorium cannot be lifted until there is adequate scientific data to prove that stocks can sustain commercial fishing pressure and strong trade regulations and enforcement mechanisms in place to prevent renewed pirate fishing activity.

CCAMLR governments use the Precautionary Approach to the assessment of applications for fishing licenses for toothfish: science should be the basis for access to fish stocks, not pressure from domestic fishing industry lobbyists.

CCAMLR governments commit to adequate funding to Southern Ocean research projects to ensure unbiased scientific assessments of Antarctic marine living resources prior to quota setting.

All commercial fishing activities in the CCAMLR area must adopt a zero bycatch goal for Southern Ocean seabirds.

Ends.