

Committee on Trade and Environment

Original: English/
French/
Spanish

**THE COMMISSION FOR THE CONSERVATION OF
ANTARCTIC MARINE LIVING RESOURCES**

Communication from the CCAMLR Secretariat

This background paper is circulated to Members of the CTE in preparation for the MEA Information Session on 5 July 2000.

1. The Convention on the Conservation of Antarctic Marine Living Resources, signed in Canberra in 1980, established a Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). The Commission's aims include the conservation of marine living resources and managing fishing activities in the seas surrounding the Antarctic continent. Fishing activities are regulated by the Commission in such a way as to maintain ecological relationships between harvested, dependent and related populations. All States who are interested in researching or harvesting Antarctic marine living resources are encouraged to join the Convention and become members of the Commission.

2. The institutional features of the Convention comprise, in addition to the Commission, the Scientific Committee for the Conservation of Antarctic Marine Living Resources and a permanent Secretariat, based in Hobart, Australia.

3. CCAMLR now comprises 23 Members and six Acceding States. A list of current CCAMLR Members and Acceding States is attached as Appendix I. A map of the CCAMLR Convention Area is attached as Appendix II.

4. CCAMLR Conservation Measures regulate all existing, new and exploratory fisheries, and fishing for research purposes. The CCAMLR System of Inspection has been in force since the 1989/90 season and the Scheme of International Scientific Observation has been operating since the 1992/93 season. The CCAMLR Ecosystem Monitoring Program (CEMP) was initiated in the 1987/88 season. This programme monitors several parameters of predatory and prey species selected as indicators of change in the Antarctic ecosystem, and also some parameters of the physical environment, such as sea-ice distribution and snow cover in colonies of land-based predators.

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

5. One of the major issues discussed by CCAMLR for the past three years (1997-1999) has been the illegal, unregulated and unreported (IUU) fishing for Patagonian toothfish (*Dissostichus eleginoides*) in the Convention Area.

6. In considering the issue of IUU fishing, CCAMLR Members noted the following:

- (i) Large-scale IUU fishing in the Convention Area seriously undermines the work of CCAMLR in achieving the Convention's objective;
- (ii) the extent of IUU fishing poses a serious threat to the conservation of stocks of *Dissostichus* spp. in the immediate future, and also to the survival of several species of seabirds in the Southern Ocean taken as incidental by-catch in longline fishing operations;
- (iii) information received points to a blatant disregard by non-contracting parties of the CCAMLR conservation regime and of the sovereign rights of coastal states in the Convention Area;
- (iv) not only vessels of non-contracting parties to CCAMLR, but also vessels of CCAMLR Contracting Parties were reported fishing in the Convention Area in contravention of CCAMLR conservation measures in force; and
- (v) collective efforts within CCAMLR, measures by Flag States and Coastal States and action in respect of non-contracting parties are needed to improve enforcement and compliance with conservation measures.

7. In 1997 CCAMLR started developing an integrated set of administrative and political measures for resolving this complex situation. Some measures were drawn from the experience of other fisheries organizations, in particular the Northwest Atlantic Fisheries Organization (NAFO) and the International Commission for the Conservation of Atlantic Tunas (ICCAT), while others took account of recent developments in international law. The experience of these organizations in port inspections and catch certification was found to be of great use to CCAMLR.

8. Bearing in mind Articles 19 to 23 of the 1995 UN Straddling Stock Agreement (UNIA), the Commission agreed that a system should be established for the exchange of information among CCAMLR Members on all vessels known to have fished in contravention of CCAMLR conservation measures.

9. CCAMLR has encouraged Members to ratify and promote the entry into force of such international instruments as UNIA and the FAO Compliance Agreement and the Code of Conduct for Responsible Fisheries, noting that this would contribute to the elimination of IUU fishing in the Convention Area.

10. CCAMLR has also approached all international and many regional fisheries organizations, especially those with jurisdiction over waters adjacent to the Convention Area, with a request to join in the exchange of information on IUU fishing on the high seas and to cooperate in combating these activities.

11. This work continued in 1998 and 1999, and at present CCAMLR has in place the following specific measures to improve enforcement of and compliance with the CCAMLR fisheries management regime:

- Scheme to Promote Compliance by Non-Contracting Party Vessels with CCAMLR Conservation Measures (Conservation Measure 118/XVII);
- Licensing and Inspection Obligations of Contracting Parties with regard to their Flag Vessels Operating in the Convention Area (Conservation Measure 119/XVII);
- Marking of Fishing Vessels and Fishing Gear (Conservation Measure 146/XVII);

- Cooperation between Contracting Parties to Ensure Compliance with CCAMLR Conservation Measures with Regard to their Vessels (Conservation Measure 147/XVII); and
- Automated Satellite-Linked Vessel Monitoring Systems (VMS) (Conservation Measure 148/XVII).

12. In summary, the above-listed measures include the establishment of cooperative mechanisms between Parties to improve compliance, inspections by Contracting Parties on all their vessels licensed to fish in the Convention Area, compulsory identification markings on vessels and fishing gear, further development of relations with non-contracting parties, and the introduction of a vessel monitoring system in toothfish fisheries.

13. However, the adoption in 1999 of the **Catch Documentation Scheme for *Dissostichus* spp.** is by far the most important step taken by CCAMLR to eliminate IUU fishing in its Convention Area.

II. CATCH DOCUMENTATION SCHEME FOR *DISSOSTICHUS* SPP.

14. Work on the development of a comprehensive action policy for the elimination of IUU fishing in the Convention Area began in 1998. In the initial stages CCAMLR examined approaches that could be adopted, consistent with the objectives of the Convention and international law, for areas adjacent to the Convention Area, and to develop cooperation with non-contracting parties.

15. In 1998 a catch documentation scheme for toothfish was drafted and subsequently discussed at CCAMLR-XVII. This draft scheme was further developed by CCAMLR Members (in April 1999) during an ad hoc consultation of CCAMLR Members in Brussels. The original draft was revised taking into account new proposals received from Members.

16. Later that year, at CCAMLR-XVIII, the Commission adopted Conservation Measure 170/XVIII, a "Catch Documentation Scheme for *Dissostichus* spp." (see Appendix III). The Scheme is designed to track the landings and trade flows of toothfish caught in the Convention Area and, where possible, adjacent waters. This will enable the Commission to identify the origin of toothfish entering the markets of all Parties to the Scheme, and help determine whether toothfish taken in the Convention Area were caught in a manner consistent with CCAMLR's conservation measures.

17. The Catch Documentation Scheme (CDS) became binding upon all CCAMLR Members on 7 May 2000. As part of preparation for the implementation of CDS, CCAMLR Members agreed on the following:

- (i) Each CDS party should introduce classification codes for toothfish in trade statistics at a national level as an important prerequisite for the effective implementation of CDS;
- (ii) importing CDS parties should ensure that parties exporting toothfish to them are aware of the CDS requirements; and
- (iii) it is the responsibility of each CDS party to properly protect commercially confidential information related to CDS by establishing procedures that enable import authorities to investigate *Dissostichus* spp. catch documents without unnecessary distribution of confidential information.

18. The CCAMLR Secretariat has established and currently maintains a dedicated CDS database. Parties to the Scheme exchange CDS information carried out via a secure password-protected page at

the CCAMLR Website. Only designated officials of Contracting Parties will have access to confidential CDS information, which will be compiled and maintained by the Secretariat.

19. Recognizing that the Scheme would be most effective if non-contracting parties also agree to participate, the Commission has drawn up an 'Explanatory Memorandum' and a 'Policy to Enhance Cooperation between CCAMLR and non-contracting parties' (Appendices IV and V).

20. Following a decision taken at CCAMLR-XVII in December 1999, the Chairman of the Commission wrote a letter to a number of non-contracting parties and invited them to cooperate with CCAMLR in the implementation of the CDS. All documentation related to the implementation of CDS was appended to the letter.

21. In total, the Commission has invited 16 non-contracting parties to cooperate in the implementation of the Scheme. The Commission has especially sought cooperation from non-contracting parties who may:

- Import into their territories toothfish caught in the CCAMLR Convention Area;
- inadvertently or intentionally, provide ports and landing facilities to vessels which may have been operating in IUU fisheries for toothfish, thus enabling them to continue their damaging operations; and
- have flag vessels fishing in the Convention Area.

22. CCAMLR reiterated its invitation to international and regional fisheries organizations to join in the exchange of information on IUU fishing activities on the high seas. CCAMLR would especially welcome any information about international trade in *Dissostichus* spp. (including where catches are landed, transhipped or imported, and under what product names these fish species are being marketed) and of any other international or bilateral measures which have been or are being considered to combat IUU fishing activities on the high seas including any trade-restrictive measures within the framework of the international agreements, including the World Trade Organization.

23. The operation of the Scheme will be reviewed and its performance during the first several months will be evaluated by the Commission at the forthcoming meeting of CCAMLR to be held from 23 October to 3 November in Hobart, Tasmania, Australia.

APPENDIX I

MEMBERS OF CCAMLAR (AS OF NOVEMBER 1999)

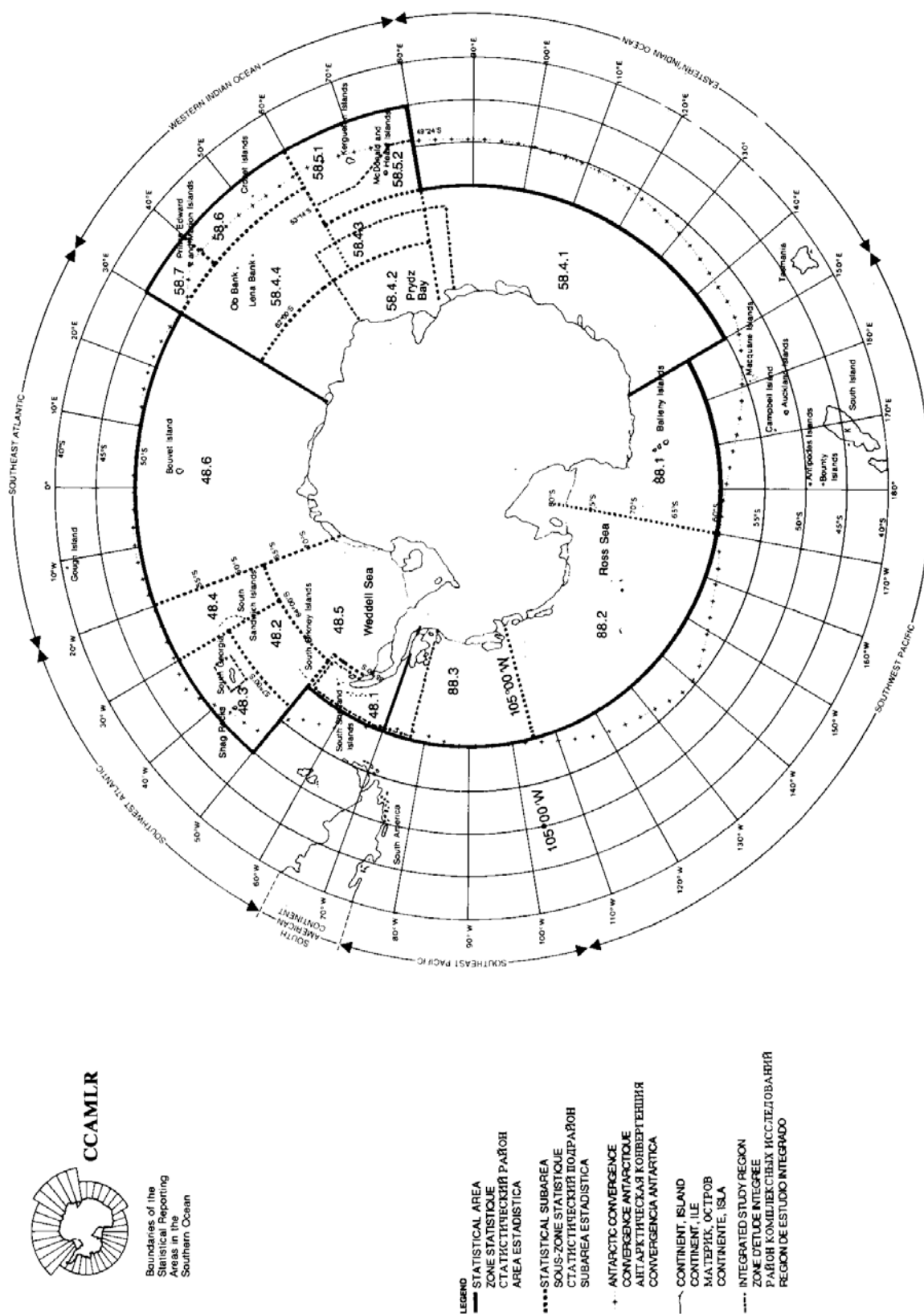
| |
|------------------------------------------------------|
| Argentina |
| Australia |
| Belgium |
| Brazil |
| Chile |
| European Community |
| France |
| Germany |
| India |
| Italy |
| Japan |
| Korea, Republic of |
| New Zealand |
| Norway |
| Poland |
| Russian Federation |
| South Africa |
| Spain |
| Sweden |
| Ukraine |
| United Kingdom of Great Britain and Northern Ireland |
| United States of America |
| Uruguay |

STATES PARTY TO THE CONVENTION BUT NOT MEMBERS OF THE COMMISSION

| |
|-------------|
| Bulgaria |
| Canada |
| Finland |
| Greece |
| Netherlands |
| Peru |

Chairman of the Commission: India (Dr. A. E. Muthunayagam)
Executive Secretary: Esteban de Salas

APPENDIX II: MAP OF THE CCAMLR CONVENTION AREA



APPENDIX III
CONSERVATION MEASURE 170/XVIII
CATCH DOCUMENTATION SCHEME FOR *DISSOSTICHUS* SPP.

The Commission,

Concerned that illegal, unregulated and unreported (IUU) fishing for *Dissostichus* spp. in the Convention Area threatens serious depletion of populations of *Dissostichus* spp.,

Aware that IUU fishing involves significant by-catch of some Antarctic species, including endangered albatross,

Noting that IUU fishing is inconsistent with the objective of the Convention and undermines the effectiveness of CCAMLR conservation measures,

Underlining the responsibilities of Flag States to ensure that their vessels conduct their fishing activities in a responsible manner,

Mindful of the rights and obligations of Port States to promote the effectiveness of regional fishery conservation measures,

Aware that IUU fishing reflects the high value of, and resulting expansion in markets for and international trade in, *Dissostichus* spp.,

Recalling that Contracting Parties have agreed to introduce classification codes for *Dissostichus* spp. at a national level,

Recognizing that the implementation of a Catch Documentation Scheme for *Dissostichus* spp. will provide the Commission with essential information necessary to provide the precautionary management objectives of the Convention,

Committed to take steps, consistent with international law, to identify the origins of *Dissostichus* spp. entering the markets of Contracting Parties and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into their territories was caught in a manner consistent with CCAMLR conservation measures,

Wishing to reinforce the conservation measures already adopted by the Commission with respect to *Dissostichus* spp.,

Inviting non-contracting parties whose vessels fish for *Dissostichus* spp. to participate in the Catch Documentation Scheme for *Dissostichus* spp.,

hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. Each Contracting Party shall take steps to identify the origin of *Dissostichus* spp. imported into or exported from its territories and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into or exported from its territories was caught in a manner consistent with CCAMLR conservation measures.

2. Each Contracting Party shall require that each of its flag vessels authorized to engage in harvesting of *Dissostichus eleginoides* and/or *Dissostichus mawsoni* complete a *Dissostichus* catch document for the catch landed or transhipped on each occasion that it lands or tranships *Dissostichus* spp.
3. Each Contracting Party shall require that each landing of *Dissostichus* spp. at its ports and each transshipment of *Dissostichus* spp. to its vessels be accompanied by a completed *Dissostichus* catch document.
4. Each Contracting Party shall provide *Dissostichus* catch document forms to each of its flag vessels authorized to harvest *Dissostichus* spp. and only to those vessels.
5. A non-Contracting Party seeking to cooperate with CCAMLR by participating in this Scheme may issue *Dissostichus* catch document forms to any of its flag vessels that intend to harvest *Dissostichus* spp.
6. The *Dissostichus* catch document shall include the following information:
 - (i) The name, address, telephone and fax numbers of the issuing authority;
 - (ii) the name, home port, national registry number, and call sign of the vessel and, if applicable, its Lloyd's registration number;
 - (iii) the number of the licence or permit issued to the vessel, as applicable;
 - (iv) the weight of each *Dissostichus* species landed or transhipped by product type, and
 - (a) By CCAMLR statistical subarea or division if caught in the Convention Area; and/or
 - (b) by FAO statistical area, subarea or division if caught outside the Convention Area;
 - (v) the dates within which the catch was taken;
 - (vi) the date and the port at which the catch was landed or the date and the vessel, its flag and national registry number, to which the catch was transhipped; and
 - (vii) the name, address, telephone and fax numbers of the receiver or receivers of the catch and the amount of each species and product type received.
7. Procedures for completing *Dissostichus* catch documents in respect of vessels are set forth in paragraphs A1 to A10 of Annex 170/A to this measure. A sample catch document is attached to the annex.
8. Each Contracting Party shall require that each shipment of *Dissostichus* spp. imported into its territory be accompanied by the export-validated *Dissostichus* catch document or documents that account for all the *Dissostichus* spp. contained in the shipment.
9. An export-validated *Dissostichus* catch document issued in respect of a vessel is one that:

- (a) Includes all relevant information and signatures provided in accordance with paragraphs A1 to A11 of Annex 170/A to this measure; and
 - (b) includes a signed and stamped certification by a responsible official of the exporting State of the accuracy of the information contained in the document.
10. Each Contracting Party shall ensure that its customs authorities or other appropriate officials request and examine the import documentation of each shipment of *Dissostichus* spp. imported into its territory to verify that it includes the export-validated *Dissostichus* catch document or documents that account for all the *Dissostichus* spp. contained in the shipment. These officials may also examine the content of any shipment to verify the information contained in the catch document or documents.
 11. If, as a result of an examination referred to in paragraph 10 above, a question arises regarding the information contained in a *Dissostichus* catch document, the exporting State whose national authority validated the document and, as appropriate, the Flag State whose vessel completed the document are called on to cooperate with the importing State with a view to resolving such question.
 12. Each Contracting Party shall provide copies quarterly to the CCAMLR Secretariat of all export-validated *Dissostichus* catch documents that it issued from and received into its territory and shall report annually to the Secretariat data, drawn from *Dissostichus* catch documents, on the origin and amount of *Dissostichus* spp. exported from and imported into its territory.
 13. Each Contracting Party, and any non-Contracting Party that issues *Dissostichus* catch documents in respect of its flag vessels in accordance with paragraph 5, shall inform the CCAMLR Secretariat of the national authority or authorities (including names, addresses, fax numbers and email addresses) responsible for issuing and validating *Dissostichus* catch documents.
 14. Notwithstanding the above, any Contracting Party may require additional verification of catch documents, including inter alia the use of VMS, in respect of catches by its flag vessels outside the Convention Area, when landed at and exported from its territory.

Annex 170/A

- A1. Each Flag State shall ensure that each *Dissostichus* catch document form that it issues includes a specific identification number consisting of:
 - (i) A four-digit number, consisting of the two-digit International Standards Organization (ISO) country code plus the last two digits of the year for which the form is issued; and
 - (ii) a three-digit sequence number (beginning with 001) to denote the order in which catch document forms are issued.

It shall also enter on each *Dissostichus* catch document form the number as appropriate of the licence or permit issued to the vessel.

- A2. The master of a vessel which has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures prior to each landing or transshipment of *Dissostichus* spp.:
- (i) The master shall ensure that the information specified in paragraph 6 of this conservation measure is accurately recorded on the *Dissostichus* catch document form;
 - (ii) if a landing or transshipment includes catch of both *Dissostichus* spp., the master shall record on the *Dissostichus* catch document form the total amount of the catch landed or transhipped by weight of each species;
 - (iii) if a landing or transshipment includes catch of *Dissostichus* spp. taken from different statistical subareas and/or divisions, the master shall record on the *Dissostichus* catch document form the amount of the catch by weight of each species taken from each statistical subarea and/or division;
 - (iv) the master shall convey to the Flag State of the vessel by the most rapid electronic means available, the *Dissostichus* catch document number, the trip start date, the species, processing type or types, the net landed weight and the area or areas of the catch, the date of landing or transshipment and the port and country of landing or vessel of transshipment and shall request from the Flag State, a Flag State confirmation number.
- A3. If the Flag State determines that the catch landed or transhipped as reported by the vessel is consistent with its authorization to fish, it shall convey a unique Flag State confirmation number to the master by the most rapid electronic means available.
- A4. The master shall enter the Flag State confirmation number on the *Dissostichus* catch document form.
- A5. The master of a vessel that has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures immediately after each landing or transshipment of *Dissostichus* spp.:
- (i) In the case of a transshipment, the master shall confirm the transshipment by obtaining the signature on the *Dissostichus* catch document of the master of the vessel to which the catch is transferred;
 - (ii) in the case of a landing, the master shall confirm the landing by obtaining the signature on the *Dissostichus* catch document of a responsible official at the port of landing;
 - (iii) in the case of a landing, the master shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing; and
 - (iv) in the event that the catch is divided upon landing, the master shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.
- A6. In respect of each landing or transshipment, the master shall sign and convey by the most rapid electronic means available a copy, or, if the catch landed was divided, copies, of the signed

Dissostichus catch document to the Flag State of the vessel and shall provide a copy of the relevant document to each recipient of the catch.

- A7. The Flag State of the vessel shall immediately convey by the most rapid electronic means available a copy or, if the catch was divided, copies, of the signed *Dissostichus* catch document to the CCAMLR Secretariat to be made available by the next working day to all Contracting Parties.
- A8. The master shall retain the original copies of the signed *Dissostichus* catch document or documents and return them to the Flag State no later than one month after the end of the fishing season.
- A9. The master of a vessel to which catch has been transhipped (receiving vessel) shall adhere to the following procedures immediately after landing of such catch in order to complete each *Dissostichus* catch document received from transshipping vessels:
- (i) The master of the receiving vessel shall confirm the landing by obtaining the signature on the *Dissostichus* catch document of a responsible official at the port of landing;
 - (ii) the master of the receiving vessel shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing; and
 - (iii) in the event that the catch is divided upon landing, the master of the receiving vessel shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.
- A10. In respect of each landing of transhipped catch, the master of the receiving vessel shall sign and convey by the most rapid electronic means available a copy of all the *Dissostichus* catch documents, or if the catch was divided, copies, of all the *Dissostichus* catch documents, to the Flag State(s) that issued the *Dissostichus* catch document, and shall provide a copy of the relevant document to each recipient of the catch. The Flag State of the vessel shall immediately convey by the most rapid electronic means available a copy of the document to the CCAMLR Secretariat to be made available by the next working day to all Contracting Parties.
- A11. For each shipment of *Dissostichus* spp. to be exported from the country of landing, the exporter shall adhere to the following procedures to obtain the necessary export validation of the *Dissostichus* catch document or documents that account for all the *Dissostichus* spp. contained in the shipment:
- (i) The exporter shall enter on each *Dissostichus* catch document the amount of each *Dissostichus* spp. reported on the document that is contained in the shipment;
 - (ii) the exporter shall enter on each *Dissostichus* catch document the name and address of the importer of the shipment and the point of import;
 - (iii) the exporter shall enter on each *Dissostichus* catch document the exporter's name and address, and shall sign the document; and

- (iv) the exporter shall obtain validation of *Dissostichus* catch document by the responsible authority of the exporting State.

A12. In the case of re-export, the re-exporter shall adhere to the following procedures to obtain the necessary re-export validation of the *Dissostichus* catch document or documents that account for all the *Dissostichus* spp. contained in the shipment:

- (i) The re-exporter shall supply details of the net weight of product of all species to be re-exported, together with the *Dissostichus* catch document number to which each species and product relates;
- (ii) the re-exporter shall supply the name and address of the importer of the shipment, the point of import and the name and address of the exporter;
- (iii) the re-exporter shall obtain validation of the above details by the responsible authority of the exporting State.

An example form for re-export is attached to this annex.

| DISSOSTICHUS CATCH DOCUMENT | | | | | | V1.0 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Document Number | | | | Flag State Confirmation Number | | |
| PRODUCTION SECTION | | | | | | |
| 1. Issuing Authority of Document | | Name | | Address | | Tel: Fax: |
| 2. Fishing Vessel Name | | Home Port & Registration Number | | Call Sign | Lloyd's Number (if applicable) | |
| 3. Licence Number (if applicable) | | | | 4. Fishing dates for catch under this document From: To: | | |
| 5. Date of Landing/Transshipment | | | | | | |
| 6. Description of Fish (Landing/Transshipment) | | | | | | |
| Species | Type | Net Weight Landed (kg) | Area Caught | Net Weight Sold (kg) | 7. Recipient name, address, tel, fax and signature. Recipient Name: Signature: Address: Tel: Fax: | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Species: TOP <i>Dissostichus eleginoides</i> , TOA <i>Dissostichus mawsoni</i> Type: WHO Whole; HAG Headed and gutted; HAT Headed and tailed; FLT Fillet; HGT Headed, gutted, tailed; OTH Other (specify) | | | | | | |
| 8. Landing/Transshipment Information: I certify that the above information is complete, true and correct to the best of my knowledge and that any <i>Dissostichus</i> spp. taken in the Convention Area was caught in a manner consistent*/not consistent with CCAMLR conservation measures. | | | | | | |
| Master of Fishing Vessel | | Signature | | | Landing/Transshipment Port and Country/Area | |
| 9. Certificate of Transshipments: I certify that the above information is complete, true and correct to the best of my knowledge. | | | | | | |
| Master of Receiving Vessel | | Signature | | Vessel Name | Registration Number | |
| 10. Certificate of Landing: I certify that the above landing information is complete, true and correct to the best of my knowledge. | | | | | | |
| Name | Authority | Signature | | Address | Tel: Fax: | |
| 11. EXPORT SECTION | | 12. Exporter Declaration: I certify that the above information is complete, true and correct to the best of my knowledge. | | | | |
| Description of Fish | | Name | Address | Signature | Export licence (if applicable) | |
| Species | Product | Net Weight | | | | |
| Type | | (kg) | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| 13. Export Government Authority Validation: I certify that the above information is complete, true and correct to the best of my knowledge. | | | | | | |
| Name/Title | | Signature | Date | Seal (Stamp) | | |
| | | | | | | |
| 14. IMPORT SECTION | | | | | | |
| Name of Importer | | | Address | | | |
| Point of Unloading: | City | State/Province | | Country | | |

* Delete whichever is not applicable

V1.0

APPENDIX IV

EXPLANATORY MEMORANDUM ON THE INTRODUCTION OF THE CATCH DOCUMENTATION SCHEME (CDS) FOR TOOTHFISH (*DISSOSTICHUS* SPP.)

1. Background

The scale of illegal, unregulated and unreported (IUU) fishing for toothfish (*Dissostichus* spp.) in the Southern Oceans is the most significant problem faced by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

Over the past three years the amounts of toothfish taken by IUU fishing have been of the order of 90 000 tonnes, more than twice the level of catches taken in CCAMLR regulated fisheries. This rate of extraction is unsustainable and has led to a significant depletion of toothfish stocks in some areas. In addition, the mortality of seabirds, principally albatross and petrel species, taken as a by-catch of the longline fisheries is also unsustainable and has resulted in declines in the populations of these species.

To address this problem a number of conservation measures have been introduced by CCAMLR over the last three years relating to the toothfish fisheries in order to combat the problem of IUU fishing on the toothfish stocks. These measures in particular include:

- Flag State licensing requirement for all vessels in the fisheries;
- conservation measures fixing fishing levels for all toothfish fisheries in the Convention's waters;
- mandatory vessel monitoring systems (VMS);
- port inspections of landings and transshipments; and
- marking of vessels and fishing gear.

In addition there has been an intensification of control in the Convention Area. Consequently, the number of inspections followed by sanctions has also increased, reaching a peak in 1998.

2. Catch Documentation Scheme

As a further means to address this problem which threatens the conservation of the toothfish stocks, the CCAMLR Commission adopted at its Eighteenth Meeting a conservation measure (170/XVIII) on the introduction of a Catch Documentation Scheme for *Dissostichus* spp. (see Appendix III of this report).

The purpose for the introduction of this Scheme is:

- (i) To monitor the international trade in toothfish;
- (ii) to identify the origins of toothfish imported into or exported from the territories of Contracting Parties;

- (iii) to determine whether toothfish imported into or exported from the territories of Contracting Parties, if caught in the Convention Area, was caught in a manner consistent with CCAMLR conservation measures; and
- (iv) to gather catch data for the scientific evaluation of the stocks.

To meet this purpose, all landings, transshipments and importations of toothfish into the territories of Contracting Parties will require to be accompanied by a completed Catch Document. This will specify a range of information relating to the volume and location of catch, and the name and Flag State of the vessel.

This Catch Documentation Scheme will become operative on 4 May¹ and will be open to all Flag States irrespective of whether they are Members of CCAMLR or not.

Non-contracting parties to CCAMLR are invited to participate in the Catch Documentation Scheme for *Dissostichus* spp. To do so they will need to ensure that their vessels are provided with *Dissostichus* Catch Documents for presentation to Contracting Party authorities as required.

3. Landing and Transshipment Procedures

3.1 Area

Toothfish are caught both inside and outside the CCAMLR Convention Area (see map, Appendix II). The importation authorities (customs authorities or other appropriate officials) of Contracting Parties to CCAMLR will require that a *Dissostichus* Catch Document accompanies all imports of toothfish.

3.2 Procedures

The document required will have the form of the attached Catch Document. This document will be issued by the Flag State to its fishing vessels authorized to fish toothfish. It will also issue this document to all vessels authorized by the Flag State to receive transshipments of toothfish.

On receipt of a request from a fishing vessel the Flag State will determine whether the catches that are intended for landing or transshipping are consistent with its authorization to fish and if so will issue the vessel with a unique Flag State Confirmation Number.

The document will need to be countersigned by a Port State official when the catch is landed. This signature will confirm that the catches landed agree with the details on the document. The person who receives the catch must also countersign the document and state on the document the amount of the landed catch that has been received. In the case that the catch is divided on landing, copies of the Catch Document must be supplied by the master and completed by each receiver of a part of the landing.

In the case of transshipment, the master of a receiving vessel will sign the Catch Document presented by the fishing vessel master. When catches are landed from a vessel that has received a transshipment of toothfish the quantity of the toothfish to be landed must be confirmed by the

¹ A formal notification to Members of conservation measures adopted at CCAMLR-XVIII was issued on 9 November 1999 (COMM CIRC 99/107). Therefore, subject to provisions of Article IX.6(b) of the Convention, the conservation measures will become binding on all Members on 7 May 2000.

countersignature of a Port State official on each Catch Document that was received from fishing vessels by the master of the receiving vessel. In all other respects the landing is treated similarly to a landing direct to port.

Originals of all copies of the document must then be returned to the Flag State of the fishing vessel that caught the fish, which will forward a copy to the CCAMLR Secretariat. The copies of the document that were provided to each receiver must remain with the catch throughout all subsequent transactions, including export and import.

Please note that for catches taken in CCAMLR waters, the Commission is seeking to determine whether catches have been taken in a manner consistent with CCAMLR conservation measures including those in Attachment A. Full details of the CCAMLR conservation measures currently in force can be obtained from the CCAMLR Secretariat.

4. Export and Import procedures

In the event that a part of the catch is exported from the country of landing, the exporter must complete the export and intended import details on the *Dissostichus* Catch Documents that account for all toothfish contained in the shipment. The exporter must also obtain validation of the Catch Documents by the relevant official of the exporting state. If a shipment is re-exported, similar validation must be obtained from a relevant official of the exporting states and copies of the original Catch Documents attached.

On importation, the relevant authorities may, if appropriate, contact the Flag State of the vessel to verify the authenticity of the content of the Catch Document. In the event that Contracting Parties importation authorities receive a shipment of toothfish that is NOT accompanied by a valid Catch Document, the shipment will be detained. In the event that checks carried out by the importation authorities with the Flag State fail to verify the legitimacy of a Catch Document, importation of the shipment will not be authorized.

5. Information

Should Flag States or fishing companies require further information or clarification on the operation of the Catch Documentation Scheme, they may contact the CCAMLR Secretariat at:

CCAMLR
PO Box 213
North Hobart 7002
Tasmania Australia

Telephone: 61 3 6231 0366
Facsimile: 61 3 6234 9965
Email: ccamlr@ccamlr.org

ATTACHMENT A

CONSERVATION MEASURES AND OTHER REGULATIONS, RELEVANT TO TOOTHFISH FISHERIES IN THE CONVENTION AREA

Licensing

The specific provisions of Conservation Measure 119/XVII and Article IV(c) of the System of Inspection must be complied with. Vessels must be licensed by their Flag States to fish in CCAMLR waters, and details of the licence (name of vessel, time period(s) of fishing, area(s) of fishing, species targeted and gear used) must be sent to the CCAMLR Secretariat within seven (7) days of the issue of the licence.

Compliance with conservation measures

The provisions of all relevant conservation measures in relation to catch limits, fishing seasons, areas, and restriction of effort to named Parties must be complied with.

Data reporting

All toothfish fisheries require in-season catch reporting for the purposes of monitoring catch, as well as reporting of all catch, effort and biological data to CCAMLR (Conservation Measures 51/XII, 121/XVI and 122/XVI), which must be complied with.

Scientific observation and inspection procedures

The relevant provisions of the CCAMLR Scheme of International Scientific Observation and the System of Inspection must be adhered to. In particular all vessels engaged in toothfish fisheries must carry a international scientific observer designated in accordance with the Scheme of Observation. Vessels fishing in the Convention's waters will be subject to inspection by inspectors designated under the System of Inspection.

Vessel monitoring and marking (Conservation Measures 148/XVII and 146/XVII)

All vessels and fishing gear must be marked according to internationally accepted standards and vessels should have on board an operational VMS reporting to the Flag State.

Mitigating measures

Measures for the mitigation of incidental mortality of birds in longline fisheries must be complied with (Conservation Measures 29/XVI). These include the deployment of bird-scaring devices, appropriate line-weighting regimes, prohibition on the use of plastic packaging bands on board vessels and the use of frozen bait, the requirement for night-time setting of lines, and the prohibition on the discharge of offal during hauling. General by-catch provisions associated with toothfish fisheries must be complied with.

Other measures

Any proposed development of new fishing areas must conform to the conservation measures dealing with new and exploratory fisheries. These include the requirement for research and data collection during the exploratory phase of a fishery (Conservation Measures 31/X and 65/XII).

Vessels will be subject to inspection by Port States on landing or transshipping catches (Conservation Measures 118/XVII and 147/XVII).

The above is only a synopsis of the relevant measures. Those intending to be engaged in the Catch Documentation Scheme are advised to consult the actual texts of the measures to ensure compliance with their provisions.

APPENDIX V

POLICY TO ENHANCE COOPERATION BETWEEN CCAMLR AND NON-CONTRACTING PARTIES

The Commission, in order to:

- Ensure the effectiveness of CCAMLR conservation measures;
- enhance cooperation with non-contracting parties, including those implicated in fishing which undermines the effectiveness of those measures (hereafter referred to as illegal, unreported and unregulated fishing (IUU) fishing); and
- eliminate IUU fishing, including that by non-contracting parties,

hereby adopts the following policy:

- I. The Executive Secretary is requested to develop a list of non-contracting parties implicated in IUU fishing and or trade either after the adoption of this policy or during the three years prior, which has undermined the effectiveness of CCAMLR conservation measures.
- II. The Chairman of the Commission shall write to the Minister for Foreign Affairs of each non-Contracting Party included in the abovementioned list explaining how IUU fishing undermines the effectiveness of CCAMLR conservation measures. The letter, as appropriate, will:
 - (a) Invite and encourage non-contracting parties to attend as observers at meetings of the Commission in order to improve their understanding of the work of the Commission and the effects of IUU fishing;
 - (b) encourage non-contracting parties to accede to the Convention;
 - (c) inform non-contracting parties of the development and implementation of the CCAMLR Catch Documentation Scheme for *Dissostichus* spp. and provide them with a copy of the conservation measure and the explanatory memorandum;
 - (d) encourage non-contracting parties to participate in the CCAMLR Catch Documentation Scheme and draw their attention to the consequences for them of not participating;
 - (e) request non-contracting parties to prevent their flag vessels from fishing in the Convention Area in a manner which undermines the effectiveness of measures adopted by CCAMLR to ensure conservation and sustainably managed fisheries;
 - (f) if their flag vessels are involved in IUU fishing, request non-contracting parties to provide information to the CCAMLR Secretariat on their vessels' activities, including catch and effort data;
 - (g) seek the assistance of non-contracting parties in investigating the activities of their flag vessels suspected of being involved in IUU fishing, including inspecting such vessels when they next reach port;

- (h) request non-contracting parties to report to the CCAMLR Secretariat on landings and transshipments in their ports in accordance with the format specified in Attachment A; and
 - (i) request non-contracting parties to deny landing or transshipments in their ports for fish harvested in CCAMLR waters not taken in compliance with CCAMLR conservation measures and requirements under the Convention.
- III. Parties shall individually and collectively take all appropriate efforts to implement or assist in the implementation of this policy; such efforts may include taking concerted action on joint demarches on non-contracting parties to complement correspondence from the Chairman.
- IV. The Commission will annually review the effectiveness of the implementation of this policy.
- V. The Executive Secretary will regularly inform non-contracting parties concerned of new conservation measures adopted by CCAMLR.

ATTACHMENT A

SUBMISSION OF INFORMATION BY NON-CONTRACTING PARTIES ON LANDINGS AND TRANSHIPMENTS OF TOOTHFISH (*DISSOSTICHUS* SPP.) IN THEIR PORTS

To the extent possible the required information should be submitted in the following format:

- (i) Whether the vessel is a fishing or cargo vessel; if it is a fishing vessel, what type of vessel (trawler/longliner);
 - (ii) the name, international call sign and registration number of the vessel;
 - (iii) the flag and port of registration;
 - (iv) whether an inspection had been conducted by the Port State and, if so, its findings, including information on the fishing licence of the vessel concerned;
 - (v) the species of fish involved, including the weight and form of catch, and whether it was landed or transhipped;
 - (vi) if a fishing vessel, the location(s) in which it had operated according to the vessel's records and where it reported the catch as having been taken (CCAMLR or non CCAMLR); and
 - (vii) the nature of any matters requiring further investigation by the Flag State.
-