Aspects of Illegal, Unreported and Unregulated Fishing in the Southern Ocean

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Aspects of Illegal, Unreported and Unregulated Fishing in the Southern Ocean

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*Wild is the cry of the sea in the caves by it-
Sea that is smitten by the spears of the snow;
Desolate songs are the songs of the waves by it-
Down in the south where the ships never go.*

(Extract from *Beyond Kerguelen* by Henry Kendall. H. Kendall, *Leaves from an Australian Forest-Poetical Works of Henry Kendall* (1869). This poem was written following a whaling trip in 1853 to the Southern Ocean by 14 year old Henry Kendall.

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Abstract

Overfishing threatens the viability of high seas living resources. Furthermore, controls to prevent overfishing are inadequate. Illegal, Unreported and Unregulated (IUU) fishing is a product of overfishing and affects all marine fisheries. Southern Ocean fisheries have been particularly targeted by IUU fishing. The efforts of the *CCAMLR* Commission and the Australian government to adopt complementary measures to deter IUU fishing in the Southern Ocean form the basis of this study, although the examination is conducted following a comprehensive review of the legal and other factors contributing to the development of IUU fishing as well as the applicable international law.

The conclusions reached in the final Chapter are that in the absence of flag State control, alternative measures and strategies have proved to be effective in influencing the behaviour of IUU fishing vessels. By improving coastal State surveillance, enhancing regional cooperation, imposing port and market State controls, establishing IUU vessel databases and vigorously prosecuting offenders, RFMOs and coastal States can jointly increase the risk of conducting IUU fishing activities. At the same time financial returns can be diminished so that engaging in IUU fishing becomes economically unattractive. It is concluded that the application of a combination of these measures is required in order to achieve a degree of success in deterring IUU operators.

This study is up to date in law and facts to 30 October 2005.

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When one contemplates undertaking a research exercise of the magnitude required to produce a text of this type, I think it is easy to underestimate the impact it will have, not on your academic life but on your 'other' life. I talk of the important people in your life such as family and friends. As I became more single minded in my determination to complete my research, I also became harder to live with. The phrase, 'It won't be so bad when I've finished the book' was one that was greeted with a mix of amusement and resignation in my house.

I must thank my supportive husband Hugh who did not say a word when I announced my plan, when four months pregnant with child No. 2, to embark upon the PhD research which ultimately led to this book. Child No. 2 and No. 3 have come and grown and he remains supportive. So too have my three dear children who put up with 'cranky mummy' or 'distracted mummy'. They have given up asking when the fish book will be done and have ceased submitting fish illustrations for inclusion.

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Abbreviations

Abbreviation	Full Name
AAD	Australian Antarctic Division
AFZ	Australian Fishing Zone
CCAMLR	Convention on the Conservation of Antarctic Marine Living Resources
CDS	Catch Documentation System
Code of Conduct	Code of Conduct for Responsible Fisheries 1995
Compliance Agreement	Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas 1993
Conservation Convention	1958 Convention on Fishing and Conservation of Living Resources of the High Seas
EC/EU	European Community/European Union
EEZ	Exclusive Economic Zone
CITES	Convention on International Trade in Endangered Species 1976
FAO	Food and Agriculture Organisation
GATT	General Agreement on Tariffs and Trade 1947
ICJ	International Court of Justice
ILC	International Law Commission
IPOA-IUU	International Plan of Action- Illegal, Unreported and Unregulated Fishing 2001
IMO	International Maritime Organisation

ISOFISH	International Southern Ocean Long line Fisheries Information Clearing House
ITLOS	International Tribunal for the Law of the Sea
IUU Fishing	Illegal, Unreported and Unregulated Fishing
IWC	International Whaling Commission
LOSC	Law of the Sea Convention 1982
NAFO	Northwest Atlantic Fisheries Organisation
NGO	Non-Governmental Organisation
OECD	Organisation for Economic Cooperation and Development
RFMO	Regional Fisheries Management Organisation
UN	United Nations
1992 UNCED	United Nations Conference on the Environment and Development 1992
UNCLOS III	Third United Nations Convention on the Law of the Sea
UN Fish Stocks Agreement	United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks 1995.
USA	United States of America
USSR	Union of Soviet Socialist Republics
VMS	Vessel Monitoring System
WTO	World Trade Organisation

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