



# **Senate inquiry into Australia's future activities and responsibilities in the Southern Ocean and Antarctic waters**

## **Australian Fisheries Management Authority Submission to the Foreign Affairs, Defence and Trade References Committee**

The Australian Fisheries Management Authority (AFMA) has an integral role in the conservation and management of Commonwealth and high seas fisheries resources in the Southern Ocean.

AFMA has implemented a range of strategies to protect Australia's Southern Ocean fisheries from illegal foreign fishing and, to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing on the high seas. Cooperation with and the support of other Australian Government agencies, industry, non-government organisations and the governments of other States have been critical to their effectiveness.

These strategies are essential to securing long term economic benefits from Australia's Southern Ocean fisheries, as is precautionary management of these fisheries, and high quality science and research. Continued support will ensure the legacy of such strategies and to further reduce the threat to Australia's Southern Ocean fisheries. This is particularly important given the health of Australian fish stocks will be attractive to illegal foreign fishers into the future.

This submission outlines AFMA's strategies and highlights opportunities to enhance their effectiveness through greater cooperation with key port, market, flag, coastal and fishing States.

### **Who is AFMA**

AFMA, an Australian Government agency, is responsible for the efficient management and sustainable use of Commonwealth fisheries resources on behalf of the Australian community. Generally, AFMA manages commercial fisheries from three nautical miles<sup>1</sup> out to the extent of the Australian Fishing Zone (AFZ), which is generally 200 nautical miles. AFMA is also responsible for managing fishing by Australian operators on the high seas, an area of international waters beyond national jurisdiction.

### **Commonwealth Fisheries in the Southern Ocean**

AFMA manages the following fisheries in the Southern Ocean which span the AFZ and high seas. These fisheries come under the competence of a number of regional fisheries management organisations (RFMOs) and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)<sup>2</sup>. Attachment A illustrates the AFZ and each RFMO's respective area of competence.

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<sup>1</sup> The states and the Northern Territory are responsible for management of recreational, commercial coastal and inland fishing and aquaculture.

<sup>2</sup> CCAMLR is a conservation organisation with the attributes of a RFMO (i.e. it is not a RFMO), but for the



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- Heard Island and McDonald Islands (HIMI) Fishery, located within the CCAMLR area of competence;
- Macquarie Island Toothfish (MIT) Fishery, located to the north of the CCAMLR area of competence;
- High seas fisheries within the CCAMLR area of competence;
- High seas fisheries managed through RFMOs whose areas of competence lie adjacent to CCAMLR's and which encompass parts of the Southern Ocean, including the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), Indian Ocean Tuna Commission (IOTC), Southern Indian Ocean Fisheries Agreement (SIOFA), South Pacific Regional Fisheries Management Organisation (SPRFMO) and the Western and Central Pacific Fisheries Commission (WCPFC).

AFMA has Management Plans in place for the HIMI and MIT Fisheries. In the HIMI Fishery, Patagonian Toothfish and Mackerel Icefish are the target species and quota is allocated to a number of Australian companies. In the MIT Fishery, Patagonian Toothfish is the only species targeted and quota is allocated to two Australian companies. Further fishery statistics are provided below.

The Australian operators are subject to strict conditions, including: the requirement to carry an AFMA observer on 100% of their fishing trips; the requirement to report the location of their vessels both to AFMA and to the CCAMLR Secretariat; restrictions on fishing practices to protect seabirds; and 100% in port inspections of catch taken.

The HIMI and MIT Fisheries have achieved Marine Stewardship Council (MSC) Certification, meaning the fisheries have passed the MSC environmental assessment. Patagonian Toothfish from both fisheries is also considered best choice by the Monterey Bay Aquarium Seafood Watch. The high value of toothfish combined with these certifications means the produce attains a premium market price.

Table 1: Fishery statistics for the HIMI and MIT Fisheries for the 2011-12 fishing season<sup>3</sup>

	<b>HIMI Fishery</b>	<b>MIT Fishery</b>
Total allowable catch (TAC) (t)	Mackerel Icefish: 30 (research) Patagonian Toothfish: 2730	Patagonian Toothfish: 510
Catch (t)	Mackerel Icefish: 5 (research) Patagonian Toothfish: 2717	Patagonian Toothfish: 344
Fishing permits	4 quota statutory fishing right holders	2 quota statutory fishing right holders
Active vessels	3	2
Fishing methods	Demersal longline, demersal trawl, midwater trawl, pot	Demersal longline, demersal trawl
Management methods	Output controls: TACs and individual transferable quotas Input controls: limited entry, gear restrictions, temporal and	Output controls: TACs and individual transferable quotas Input controls: limited entry, gear restrictions, closures

purposes of this submission has been included in the category of RFMOs for ease of reading.

<sup>3</sup> Woodhams, J, Vieira, S & Stobutzki, I (eds) 2013, *Fishery status reports 2012*, Australian Bureau of Agricultural and Resource Economics and Sciences, Canberra.



	spatial closures	
Observer coverage	100% vessel coverage	100% vessel coverage
Stock status	Not subject to overfishing / Not overfished	Not subject to overfishing / Not overfished

For further information on the HIMI and MIT Fisheries please refer to the AFMA website ([www.afma.gov.au](http://www.afma.gov.au)) or the latest ABARES Fishery Status Reports ([www.daff.gov.au/abares/publications](http://www.daff.gov.au/abares/publications)).

An Australian company has also applied for an annual permit to fish for Antarctic Toothfish on the high seas in the Ross Sea (in the CCAMLR area of competence) commencing 1 December 2014. This fishing would occur under a competitive TAC with other CCAMLR Members. For further information on high seas fisheries within the CCAMLR area of competence please refer to the CCAMLR website ([www.ccamlr.org](http://www.ccamlr.org)).

### **IUU fishing in the Southern Ocean**

IUU fishing includes fishing which does not comply with national, regional or global fisheries conservation and management measures. IUU fishing can occur within zones of national jurisdiction, within areas of control of RFMOs and/or on the high seas.

Globally, IUU fishing is estimated to cause losses between \$10 billion and \$23.5 billion annually, representing between 11 tonnes and 26 million tonnes<sup>4</sup>. IUU fishing remains a major obstacle to achieving sustainable fisheries and food security. With increasing demand for fisheries products and the pressure on wild fisheries resources, the incidence of IUU fishing is of great concern to responsible States.

For Australia, the key threats and impacts from IUU fishing, both in the AFZ and on the high seas, are to: maritime sovereignty; depletion of living marine resources including straddling, highly migratory and other high seas fish stocks; the integrity of international efforts to cooperatively manage fish stocks; marine and terrestrial biosecurity; environment and ecosystem degradation; and the commercial viability of legitimate operators.

The healthy state of Commonwealth fisheries is an attractive target for illegal operators. Australia's strategies to combat illegal foreign fishing have resulted in nine large industrial foreign fishing vessels being apprehended by Australian authorities in the Southern Ocean between 1997 and 2005. Since 2005, no illegal foreign fishing vessels have been detected inside the AFZ surrounding Australia's Southern Ocean territories of HIMI or Macquarie Island.

Of concern however is the continued IUU fishing activity on the high seas, particularly in the high seas areas adjacent to Australia's Southern Ocean territories. This IUU activity is beyond the jurisdiction of Australia.

There are at least eight IUU vessels that have been active in the CCAMLR area in recent times. These vessels are listed on the CCAMLR Non-Contracting Party (NCP) IUU Vessel List and continue to undermine CCAMLR conservation measures.

<sup>4</sup> Agnew, DJ, Pearce, J, Pramod, G, Peatman, T & Watson, R et al. 2009, *Estimating the Worldwide Extent of Illegal Fishing*, PLoS ONE, 4(2): e4570.



These vessels primarily target toothfish by demersal gillnetting, fishing gear prohibited by CCAMLR due to its destructive impacts on marine ecosystems. These vessels are also registered to States considered flags of convenience as they either do not acknowledge or implement internationally accepted conservation and management measures. In recent times, examples of such States include Mongolia, Nigeria and Tanzania.

AFMA's surveillance and enforcement operations, undertaken through Border Protection Command (BPC) within the Australian Customs and Border Protection Service (ACBPS) have provided clear evidence that these vessels are using ports primarily in the south east Asian region to unload catch and resupply<sup>5</sup>. IUU operators benefit in using these ports as they often provide low-cost port services, are in close proximity to markets and provide ease of access due to crowded ports and anonymity. Often port States are unaware of the use of their ports by IUU vessels as they lack the appropriate controls to detect them.

Recognising that IUU fishing remains a threat to the sustainable management of fisheries resources in the Southern Ocean, both in the AFZ and on the high seas, AFMA promotes a multifaceted approach to combat the problem. This includes:

- (a) on-the-water surveillance and enforcement, often extending beyond the Southern Ocean for the monitoring of vessels transiting to and from fishing grounds;
- (b) regional cooperation under the south east Asian *Regional Plan of Action to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing in the Region* (RPOA-IUU);
- (c) diplomatic representations;
- (d) in country education and capacity building;
- (e) international cooperation through RFMOs and other international agreements and arrangements.

AFMA's Southern Ocean program has evolved over many years as vulnerabilities in IUU operations have been identified and strategies developed to target them. Each component of the above program is integral in protecting Australia's Southern Ocean fisheries from illegal foreign fishing and to combat IUU fishing on the high seas.

## **Inquiry term of reference (a) Australia's management and monitoring of the Southern Ocean in relation to illegal, unreported and unregulated fishing**

### **(a) On-the-water surveillance and enforcement**

AFMA works closely with a number of Australian Government agencies in implementing its Southern Ocean program, in particular BPC which provides surveillance and enforcement assets.

Australia has maintained a presence in the Southern Ocean under bilateral treaties with France:

- In November 2003, Australia and France signed the *Treaty between the Government of Australia and the Government of the French Republic on*

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<sup>5</sup> There is also evidence to suggest that ports in Africa are also being accessed by IUU operators, though with less frequency.



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*Cooperation in the Maritime Areas Adjacent to the French Southern and Antarctic Territories (TAAF), Heard Island and the McDonald Islands* (the Treaty). This treaty entered into force on 1 February 2005 and created a framework to enhance cooperative surveillance of fishing vessels and encourages scientific research on marine living resources within the territorial seas and exclusive economic zones (EEZs) of Australia's HIMI territory and the French territories of Amsterdam Island, Crozet Islands, Kerguelen Islands and Saint-Paul Island.

- In January 2007, Australia and France signed the *Agreement on Cooperative Enforcement of Fisheries Laws between the Government of Australia and the Government of the French Republic in the Maritime Areas Adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands* (the Enforcement Agreement). This agreement entered into force on 7 January 2011 and builds on the Treaty. With the same area of application as the Treaty, it enables either party to engage in cooperative enforcement activities such as boarding, hot pursuit and apprehension.

Since the Treaty and supporting Enforcement Agreement came into force, Australia and France have carried each other's officers on their respective patrol vessels<sup>6</sup>. This allows each country to exercise fisheries enforcement powers in the other's waters<sup>7</sup>. These patrols generally cover areas in and around the CCAMLR area of competence, the French territories of the Crozet and Kerguelen Islands and Australia's HIMI territory<sup>8</sup>. On average, the French undertake four patrols each year. When combined with Australian patrols, the policy intent is to provide year round on-water response capacity.

In late 2011, Australia also participated in a New Zealand patrol covering high seas areas of the Ross Sea within the CCAMLR area of competence. This patrol focused on the boarding and inspection of fishing vessels flagged to CCAMLR member countries in order to verify the compliance of CCAMLR Members' vessels with CCAMLR conservation measures<sup>9</sup>.

In addition to on-water patrols, Australia monitors vessel activity in the Southern Ocean using commercially available satellite surveillance technology. Surveillance and enforcement operations beyond the Southern Ocean, to the north west of Australia, have also provided critical information on the movements of IUU vessels in transit to and from south east Asian ports. The information obtained is shared with other States under the RPOA-IUU, to prevent IUU vessels accessing ports and IUU catch from entering the market.

## **Future direction**

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<sup>6</sup> In the case of French patrols, AFMA and ACBPS officers are routinely deployed on French vessels.

<sup>7</sup> In February 2013, AFMA and ACBPS officers, embarked on a French patrol vessel, assisted French authorities in the apprehension of a Republic of Korea fishing vessel detected fishing without a licence in the French EEZ surrounding Crozet Island.

<sup>8</sup> Cooperative enforcement activities under the Treaty and Enforcement Agreement do not cover Australia's other Southern Ocean territory, Macquarie Island. The Australian Antarctic Division of the Australian Government Department of the Environment has maintained a permanent base on the island and fishing grounds are relatively close to the island.

<sup>9</sup> AFMA officers embarked on Southern Ocean patrols are authorised CCAMLR inspectors.



Maintaining an on-water enforcement presence in the Southern Ocean is important to ensure there is an adequate deterrent to IUU operators which remain active in areas adjacent to Australia's Southern Ocean territories and to prevent a return to past patterns of illegal foreign fishing in the AFZ.

The persistence of the threat is indicated by the fact that since 2012, Australian surveillance and enforcement assets have encountered eight IUU vessels, known to operate on the high seas in the CCAMLR area of competence. Further, in 2013, French authorities also apprehended and prosecuted a Republic of Korea fishing vessel operating without a licence in the French EEZ surrounding the Crozet Islands.

Maintaining a physical presence in the Southern Ocean also enables AFMA to identify new IUU operators. For example, during the last patrol by an Australian vessel in February 2012, one suspected IUU mother ship, the MV *Tiantai*, was sighted and one licensed fishing vessel was boarded and inspected. The sighting of the MV *Tiantai* formed the basis of its nomination and listing by Australia on the CCAMLR NCP IUU Vessel List. As a result, the vessel was subject to greater international scrutiny and enforcement action<sup>10</sup>.

In view of the importance of the cooperative arrangements between Australia and France in combating IUU fishing in the Southern Ocean, Australia should consider engagement with other like-minded States with a surveillance and enforcement presence in the Southern Ocean. For example New Zealand and South Africa have previously expressed a desire to work collaboratively with Australia in this regard. Australia should also continue to encourage other States that participate in CCAMLR fisheries to contribute to the patrolling and surveillance of the CCAMLR area of competence.

Further, under international law, Australia is unable to board and inspect foreign vessels unless there is legal authority to do so, under relevant international agreements<sup>11</sup>; or with the bilateral agreement of the flag State; or unless the vessel is considered to be without nationality<sup>12</sup>. However, the flag States of many IUU vessels are not a party to the relevant international agreements. AFMA recognises opportunities for greater engagement with these States in order to obtain the authority to board and inspect, and to take enforcement action as warranted, against vessels flagged to these States.

### **(b) Regional cooperation under the RPOA-IUU**

Recognising IUU fishing is highly organised, mobile and elusive, AFMA sees regional cooperation by port and market States as central to combating the problem by disrupting IUU operations at port and blocking the flow of IUU catch into national and international markets. In the south east Asian region, AFMA cooperates with port and market States under the framework of the RPOA-IUU to take action against IUU vessels detected by

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<sup>10</sup> There is evidence to suggest the MV *Tiantai* may have sunk in the Southern Ocean in March 2014.

<sup>11</sup> For example, legal authority may be provided under the *CCAMLR System of Inspection*, which provides the authority to board and inspect other CCAMLR Members' vessels in the CCAMLR area of competence to verify compliance with conservation measures adopted by CCAMLR. Authority may also be provided under Articles 21 and 22 of the *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*.

<sup>12</sup> Article 92 of the *United Nations Convention on the Law of the Sea*.



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Australian surveillance and enforcement operations in waters in and adjacent to the AFZ, including the CCAMLR area of competence.

In its engagement with the RPOA-IUU, AFMA works closely with a number of Australian Government agencies, in particular our portfolio department, the Department of Agriculture, who has policy responsibility for RPOA-IUU matters and the Australian Antarctic Division (AAD) of the Department of the Environment. In addition, the expert in-country support provided by the Department of Foreign Affairs and Trade (DFAT) is critical to the effectiveness of the RPOA-IUU and other strategies employed by AFMA.

The RPOA-IUU network includes Indonesia, Australia, Brunei Darussalam, Cambodia, Malaysia, Papua New Guinea, the Philippines, Singapore, Thailand, Timor-Leste and Vietnam. Consistent with the United Nations Food and Agriculture Organization *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* (PSMA) and other international agreements, these States have undertaken to deny port access to any vessel on IUU vessel lists agreed to by RFMOs, other than for emergency purposes. However, if an IUU listed vessel should enter a RPOA-IUU State's port, it is agreed that the vessel is to be fully inspected. The network also exchanges information on the activities of IUU vessels.

Australia routinely shares information with the RPOA-IUU network on the movements of IUU vessels, including that collected through 35 sightings by Australian surveillance and enforcement operations since 2012. This has led to six inspections and regular denials of port entry in south east Asian ports. The following is a summary of recent successes:

- in February 2012, Malaysian authorities inspected and denied permission for unloading to the FV *Pion* (currently named the FV *Viking*). Australia was involved in this inspection;
- in February 2012, Singaporean authorities also inspected the FV *Pion* (currently named the FV *Viking*) and denied port access to the FV *Perlon*;
- in April 2012, Singaporean authorities denied port access to the FV *Wutaishan Anhui 44* (currently named the FV *Nihewan*);
- in August 2012, both Malaysian and Singaporean authorities denied port access to the FV *Kuko* (currently named the FV *Ming 5*);
- in April 2013, Malaysian authorities detained and inspected the MV *Keshan* (last known by the name MV *Tiantai*);
- in April 2013, Malaysian authorities denied port access to the FV *Wuhan No. 4* (currently named the FV *Ming 5*);
- in April 2013, Indonesian authorities inspected and denied port services to the FV *Thunder* (currently named the FV *Ming 5*). Australia was involved in this inspection;
- in April 2014, Malaysian authorities detained and inspected the FV *Ming 5* and FV *Tai San*. These vessels are subject to ongoing investigations by Malaysian authorities.

In addition to the routine sharing of information, Australia also takes an active role in meetings of the RPOA-IUU Coordination Committee and its sub-groups. The RPOA-IUU has developed or is looking to develop a number of compliance measures targeted at combating IUU fishing. These include communication procedures for the collection and sharing of information relating to IUU vessels and an IUU vessel watch list. AFMA also provides secretariat services for the Monitoring, Control and Surveillance Sub-Regional (Arafura and Timor Seas) Group. While the activities of this group focus on combating



illegal foreign fishing to Australia's north, the relationships that have been developed through this group have opened doors for cooperation on IUU vessels operating in the Southern Ocean, and facilitated Australia's participation in the inspection of the *FV Thunder* (currently named the *FV Ming 5*) in April 2013.

### **Future direction**

The actions taken by Indonesia, Malaysia and Singapore are a clear indication of the improved cooperation and effectiveness of the RPOA-IUU network in actively combating IUU fishing. Maintaining Australia's engagement in the RPOA-IUU will be critical to its future success. Further, Australia should look to target other port and market States used by IUU operators to resupply and land IUU catch.

### **(c) Diplomatic Representations**

Australia seeks cooperation from both CCAMLR Members and those States that are not parties to CCAMLR (non-contracting parties (NCPs)) to help combat IUU fishing in the Southern Ocean. Information from surveillance and enforcement operations and inspections, as well as that shared by States cooperating under the RPOA-IUU, has formed the basis of a number of diplomatic representations. These representations are typically made to States responsible for the flagging of vessels listed on the CCAMLR NCP IUU Vessel List and States with nationals working on board such vessels. Australia requests that these States investigate and exercise jurisdiction over these vessels and/or nationals consistent with their international obligations, including those under the *United Nations Convention on the Law of the Sea (UNCLOS)*<sup>13</sup> and any RFMOs the State may be a party to.

In response to these approaches, many States have investigated and taken action under their national legislation, including the de-registration of vessels and imposition of sanctions on nationals. Of particular note, in late 2013, Chile advised it had initiated legal proceedings against nationals found to be working on board the *FV Thunder* (currently named the *FV Ming 5*). This was in response to information shared by Australia on the Indonesian inspection of the vessel in April 2013. Most recently, in February 2014, Spain announced that for the first time it had imposed sanctions<sup>14</sup> on nationals also found to be working on board an IUU vessel, also in response to information shared by Australia following an inspection of the vessel.

In addition to targeting nationals working on board IUU vessels, AFMA is working with other States through INTERPOL to target those individuals and networks that own, operate and profit from the activities of IUU vessels. One of the biggest challenges in doing so is piercing the corporate veil – the complex corporate structures the true beneficiaries of IUU fishing hide behind. A tool available to assist in this regard are INTERPOL Notices<sup>15</sup>.

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<sup>13</sup> Articles 94 and 117.

<sup>14</sup> Sanctions included financial penalties and a fishing activity disqualification.

<sup>15</sup> In December 2013, Australia in partnership with New Zealand and Norway issued an INTERPOL Purple Notice seeking information on the *FV Thunder* (currently named the *FV Ming 5*). These notices are used to seek or provide information on *modi operandi*, objects, devices and concealment methods used by criminals.





AFMA also works closely with non-government organisations and industry<sup>16</sup> in seeking to combat illegal foreign fishing in the AFZ and IUU fishing in the Southern Ocean. These organisations have provided useful information on IUU operators and promoted public awareness.

### **Future direction**

The actions taken by Chile, Spain and other States reveals a growing commitment by many States to combat IUU fishing by exercising greater control over the vessels they register and their nationals. Maintaining Australia's engagement with flag States and States whose nationals are involved in IUU operations will be important to foster sustained progress in this regard.

### ***(d) In country education and capacity building***

Australia has been proactive in using international agreements and initiatives agreed to by RFMOs to combat IUU fishing. In particular Australia has undertaken capacity building training to assist States to implement the CCAMLR Catch Documentation Scheme (CDS) and to develop the necessary skills to fulfil the inspection and control requirements that will come into force for those States that ratify the PSMA.

The CCAMLR CDS tracks toothfish from the point of landing throughout the trade cycle and came into effect in May 2000. It quickly became apparent that two NCPs, Namibia and Mauritius, were being used by IUU vessels to resupply and land IUU catch. To raise awareness of the activities of these vessels and assist these States, AFMA with the support of the CCAMLR Commission provided capacity building training to assist each of these States to implement the requirements of the CDS. Training was given in Namibia in 2001 and Mauritius in 2005 and again in 2009. These States are no longer being used by IUU vessels as they have since implemented the CDS, with Namibia becoming a Member of CCAMLR and Mauritius an acceding State<sup>17</sup>.

As ports are progressively closed off to IUU operators and vessel numbers dwindle there is a need to monitor the remaining IUU fleet to ensure they do not gain footholds in new ports. Noting that many of the remaining IUU vessels were using ports in south east Asia, AFMA, again with the support of the CCAMLR Commission, provided CCAMLR CDS and PSMA training to a number of Association of South East Asian Nations (ASEAN) States parties in Malaysia in 2008 and again in 2009. Importantly, the awareness that this training fostered of the role that the CDS and PSMA have in combating IUU fishing, led to a seminal shift in how the region responded to IUU vessels. At the 4<sup>th</sup> RPOA-IUU Coordination Committee meeting held in Siem Reap, Cambodia in 2011, States cooperating under the RPOA-IUU agreed to deny port access to any vessel on IUU vessel lists agreed to by RFMOs. The results of this were touched on earlier in this submission.

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<sup>16</sup> Including the World Wildlife Fund, Antarctic and Southern Ocean Coalition, and Coalition of Legal Toothfish Operators.

<sup>17</sup> States interested in research and/or harvesting activities in the CCAMLR area of competence may accede to the Convention on the Conservation of Antarctic Marine Living Resources. Accession occurs when a State formally advises of its agreement to be legally bound by the terms of the Convention. However, only Members contribute to CCAMLR's annual budget and participate in decisions.



In the immediate future, Singapore is hosting a PSMA training session for ASEAN States parties in July 2014 and has offered to fund AFMA officers to conduct training at that forum. Hong Kong has also advised CCAMLR that it intends to implement the CCAMLR CDS requirements and in anticipation of that, the CCAMLR Secretariat together with AFMA officers provided pre-implementation training at the CCAMLR Secretariat headquarters in Hobart in June 2014.

In addition to the above capacity building, Australia also remains proactive in terms of preventing IUU operators from gaining any new footholds in Africa. AFMA delivered capacity building training in the PSMA and detecting and preventing the flagging of IUU vessels in Tanzania and South Africa in July 2012<sup>18</sup> and Mozambique in April 2013.

### **Future direction**

In order to continue to reduce overall IUU vessel numbers, and in so doing to protect Australia's interests in the Southern Oceans as well as those of our regional partners, it is necessary to continue these types of capacity building initiatives.

## **Inquiry term of reference (b) Cooperation with international partners on management and research under international treaties and agreements**

### ***(e) International cooperation through RFMOs and other international agreements and arrangements***

#### **RFMOs**

The Australian Government Department of Agriculture has portfolio responsibility for leading international and multi-jurisdictional negotiations on international fisheries matters, including in RFMOs. The AAD of the Department of the Environment has portfolio responsibility for CCAMLR. AFMA contributes expert advice to these negotiations and implements many of the decisions and measures adopted at international fora relating to Commonwealth and high seas fisheries.

AFMA's management of straddling, highly migratory and other high seas fisheries resources is undertaken via Australia's engagement in a number of RFMOs, which in the Southern Ocean include CCAMLR, CCSBT, IOTC, SIOFA, SPRFMO and WCPFC. These organisations meet annually and here member States may adopt fisheries conservation and management measures which apply to fishing vessels operating on the high seas. Australia is bound, as a Member, to implement these measures domestically. Australia also implements complementary measures in the AFZ in relevant Commonwealth fisheries.

A strong compliance framework and supporting systems are fundamental to effective fisheries management and to combat IUU fishing. As such, to support the implementation and enforcement of fisheries management measures by Members, RFMOs develop a range of complementary compliance measures. A standard compliance toolbox will contain some or all of the following measures:

- Authorised vessel lists;

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<sup>18</sup> The workshop in Tanzania was convened by the Indian Ocean Commission. Australia, South Africa, the United Kingdom and the CCAMLR Secretariat co-convened the workshop in South Africa.



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- Specifications for the marking of vessels and gear;
- Vessel monitoring system requirements;
- Transshipment controls;
- Catch documentation schemes;
- IUU vessel lists;
- High seas boarding and inspection procedures;
- Port inspection procedures;
- Schemes to promote control of nationals;
- Schemes to promote participation by NCPs; and
- Member compliance evaluation procedures.

### **Cooperative management of the Kerguelen Plateau with France**

As stated above, the HIMI Fishery is managed through Australia's engagement in CCAMLR. The HIMI Fishery is situated on the Kerguelen Plateau and is adjacent to the French territory of the Kerguelen Islands. Scientific data indicates that there is some movement of Patagonian Toothfish between HIMI and the Kerguelen Islands. Further research to determine the extent of the movement is underway. Through this research, Australia has developed a relationship with France, however it is envisaged that further cooperation will be needed in the future as the joint research program reaches maturity.

### **Cooperative research on shared stocks with New Zealand**

Australia's EEZ surrounding Macquarie Island is adjacent to that of New Zealand. New Zealand has recently declared a domestic TAC for Patagonian Toothfish. Some preliminary analysis of existing tagging data collected at Macquarie Island has been undertaken to determine if there are links between Patagonian Toothfish stocks in the region. Further research, possibly including the tagging of fish in New Zealand waters and continued cooperation over the possibility of a shared stock is important. However AFMA does not see the need for a formal treaty or arrangement to be established.

### **International Monitoring, Control, and Surveillance Network**

Australia is also a member of the International Monitoring, Control, and Surveillance (IMCS) Network, established in 2001 to provide a mechanism for fisheries law enforcement professionals to share information and experiences as they monitor the increasingly complex harvesting and marketing of illicit catches of fish around the world. The continued presence of illegal activities that has accompanied globalization underscores the need for cooperative law enforcement across national borders. The Network has proven to be a valuable tool for information and intelligence sharing on IUU vessels' activities, and is an effective method to encourage international collaboration.

### **Future direction**

In the future, there is a need for Australia to continue to engage in the RFMOs it is a Member of, in particular taking an active role in developing and strengthening conservation and management measures. Australia also has a role to ensure that any measures that are adopted are implemented and enforced efficiently and effectively, and that other member States do the same. In order to cut off opportunities for IUU fishing, Australia should also continue to encourage greater participation of NCPs in RFMOs and other international agreements such as the PSMA. Australia also needs to continue to foster cooperation with our regional partners, not just in surveillance and enforcement



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but also to strengthen the science and research that underpins robust and effective fisheries management.

### **Inquiry terms of reference (c) Appropriate resourcing in the Southern Ocean and Antarctic territory for research and governance; and, (d) any other related matters**

Both terms of reference (c) and (d) have been addressed above.

### **Conclusion**

In summary, AFMA has implemented a multi-faceted program to protect Australia's Southern Ocean fisheries from illegal foreign fishing and to prevent, deter and eliminate IUU fishing on the high seas. It is essential that this program be maintained in order to protect Australia's Southern Ocean fisheries and to secure the long term economic benefits from them. Maintenance of the program also requires the continued cooperation and support of other Australian Government agencies, industry, non-government organisations and the governments of other States.

However, there are also opportunities to enhance the effectiveness of the program by:

- pursuing greater engagement with other like-minded States with a surveillance and enforcement presence in the Southern Ocean;
- encouraging other States actively fishing in the Southern Ocean to contribute to surveillance and enforcement efforts;
- encouraging greater participation through RFMOs and other international agreements such as the PSMA, of States that are not parties to those RFMOs or agreements;
- further cooperation with France and New Zealand on stock management issues, including research.



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