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WORKING TOGETHER -- WHAT INDUSTRY CAN DO TO HELP

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WORKING TOGETHER - WHAT INDUSTRY CAN DO TO HELP

1. The Coalition of Legal Toothfish Operators (COLTO) is a group of legal industry members, working to assist Governments, environmental organisations and other authorities to eliminate illegal, unregulated and unreported fishing for toothfish in sub Antarctic and Antarctic waters. The unique environment of these southern oceans, together with the remoteness and hostile environment has meant that effective enforcement is extremely difficult to achieve by Government actions alone.

2. Governments are more classically regarded as "responsible" for the enforcement of fisheries management regimes, including surveillance and compliance of rules and regulations. With toothfish fisheries it became very clear to legal operators that IUU fishing was able to deplete stocks to non-commercially viable levels faster than Governments could eliminate or control IUU operations. It was essential that industry had to help Government agencies to "clean up" IUU fishing, or there would be no future for the legal toothfish industry.

3. The main drivers in the process of legal operators deciding to work together against IUU fishing operations was the essential need to provide for toothfish stock sustainability into the future. Management measures in the Commission for the Conservation of Marine Living Resources (CCMLR) are amongst the most precautionary in the World, and IUU fishing was directly jeopardising a number of stocks in the CCAMLR region. The IUU fishing was therefore, in turn, directly reducing available quantities of fish to legal operators, as well as making legal fishing non-viable.

4. COLTO was launched in May 2003, less than a year ago. It comprised 27 companies, from 10 separate countries, and is fully industry funded. Over the course of the past 11 months, COLTO has:

- set up a website at www.colto.org with details on IUU vessels, as well as recent press articles or reports;
- had a global "Wanted" campaign, with rewards offered up to \$USD100,000 for information leading to the conviction of illegal operators;
- created a database of information on vessel movements, product unloadings, individuals and companies involved in IUU fishing;
- participated as an official observer at CCAMLR in November 2003;
- produced a public report, titled "Rogues Gallery" summarising IUU operations;
- provided information either on request or informally to governments and government agencies;
- provided analyses of vessels for identification where names and/or flags have been changed;
- worked to encourage publicity against IUU fishing, and to support Governments in their actions against IUU operators.

5. The concept of industry working closely with governments has been mooted often, and works in a number of smaller fisheries. The real test with COLTO was the ability to bring together varied operators from different countries with differing views on IUU approaches and make a positive contribution. To date, the impacts have been positive and, with sufficient energy and responsiveness from authorities to information provided by industry, COLTO will continue to provide a central role of linkage between legal operators, conservation groups, and governments.

6. Industry members are motivated primarily by the maintenance of their livelihoods – and that is only going to come with access right security, well managed fisheries that are ecologically sustainable, clarity of management measures, and effective enforcement and compliance arrangements in the fishery. This, in the case of toothfish, is going to necessitate new concepts of management for the RFMO to control more effectively not just the high seas areas, but also those States party to CCAMLR who are not as effectively implementing their flag state responsibilities over vessels and IUU operators.

7. The weaknesses in the system that need to be addressed include:

- the need for government agencies to develop effective and rapid mechanisms to exchange information and data on vessels that are identified as IUU;
- CCAMLR to consider the development regular publication of “white lists” of legitimate operators in addition to the existing black list;
- CCAMLR to develop effective access right security management arrangements for high seas areas, as opposed to competitive TAC arrangements;
- Consideration for changes on the current IUU loopholes that are facilitated under UNCLOS such as the “freedom of the high seas” which enables reflagging to non-party States by IUU boats;
- Development and/or enhancement of market-based mechanisms such as paper trails for trade in toothfish which can be used to assist identification of legal catch.

8. These challenges are not unique to CCAMLR or toothfish fisheries, and many agencies and governments have been working to achieve the best results possible. The biggest challenge is to achieve the desired results before IUU fishing undermines management measures to the extent that legal fishing is no longer viable, and stocks are reduced to critically low levels.