

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA



Sixteenth meeting of the Conference of the Parties  
Bangkok (Thailand), 3-14 March 2013

Interpretation and implementation of the Convention

Species trade and conservation

TOOTHFISH: REPORT OF CCAMLR

1. This document has been submitted by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Secretariat<sup>1</sup> pursuant to the CITES Resolution Conf. 12.4 on "Cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources regarding trade in toothfish".

Background

2. In November 2002, the CITES Conference of Parties (CoP12) adopted Resolution 12.4, "Cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources Regarding Trade in Toothfish", and Decisions 12.57 to 12.59 on the trade of toothfish.
3. Pursuant to Resolution 12.4 and Decisions 12.57 to 12.59, Parties to CITES involved in the harvest and/or trade of toothfish were requested to cooperate with CCAMLR's Catch Documentation Scheme (CDS) for *Dissostichus* spp. They were also requested to report on the implementation of the CDS to the CITES Secretariat for the information to be communicated to CCAMLR (CCAMLR-XXII, paragraphs 14.1 and 14.2).
4. The adoption of the CITES Resolution Conf. 12.4 in 2002 has not yet resulted in any new Parties to CITES, which are not Parties to the CAMLR Convention, acceding to the CAMLR Convention or seeking the status of non-Contracting Party cooperating with CCAMLR by participating in the CDS. To date, no information has been made available to CCAMLR pursuant to the provision of the CITES Resolution Conf. 12.4 with regard to the international trade in toothfish.

CCAMLR's Catch Documentation Scheme (CDS)

5. CCAMLR implemented the CDS in 2000 in accordance with Conservation Measure (CM) 10-05 (Appendix I), to support its efforts to control illegal, unreported and unregulated (IUU) fishing for toothfish. The CDS is an electronic web-based application developed to track toothfish from the point of landing throughout the trade cycle. In combination with other conservation measures, the CDS has had a major impact on the trade of legal toothfish and reduced the scope for trade in illegally caught product. Despite these efforts, last year the Commission expressed concern that IUU fishing continues to be a problem in the Convention Area (CCAMLR-XXX, paragraph 9.6).
6. Non-contracting Parties involved in the harvest and/or trade of toothfish are invited to cooperate with CCAMLR by voluntarily implementing the CDS. A non-Contracting Party may then request the Commission

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<sup>1</sup> *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

to consider granting it the status of a non-Contracting Party cooperating with CCAMLR by participating in the CDS. Currently, the Seychelles is the only non-Contracting Party with this status.

7. Non-Contracting Parties not cooperating with CCAMLR by participating in the CDS that may be involved in the harvest and/or trade of toothfish in 2012 include: Antigua and Barbuda, Bahamas, Colombia, Dominican Republic, Ecuador, Indonesia, Kenya, Malaysia, Mexico, Morocco, Nigeria, Philippines, Singapore, St Kitts and Nevis, Thailand, Trinidad and Tobago, Turkey, United Arab Emirates, and Vietnam. All these States, with the exception of St Kitts and Nevis are Parties to CITES.
8. CCAMLR formally approaches non-Contracting Parties that may be involved in the harvest and/or trade of toothfish not cooperating with CCAMLR biannually to seek their cooperation and to provide data regarding the trade of toothfish.
9. In 2011/12, Ecuador, Philippines, Singapore and Thailand formally replied to CCAMLR's correspondence. Additionally, Thailand has appointed a CDS Contact Officer and has received access to the CDS to monitor the importation of toothfish.
10. At the Commission meeting last year, Members requested that a list be provided on the CCAMLR website detailing those non-Contracting Parties that have failed to respond to CCAMLR's biannual letters ([www.ccamlr.org/en/compliance/non-contracting-parties](http://www.ccamlr.org/en/compliance/non-contracting-parties)).
11. Singapore was a non-Contracting Party cooperating with CCAMLR by participating in the CDS from 2008 to 2011. At the Commission meeting last year, Members considered that Singapore continued to only partially implement the CDS and had been repeatedly urged to take immediate action to fully implement the CDS in accordance with CM 10-05 in order to maintain its status. The Commission also noted that the ports of Singapore had been visited by CCAMLR IUU-listed vessels over a number of years and in light of this the Commission decided to revoke Singapore's status as an NCP cooperating with CCAMLR by participating in the CDS (CCAMLR-XXX, paragraph 8.12)<sup>2</sup>.
12. The Commission expressed concern last year that CCAMLR IUU-listed vessels continue to benefit from access to ports in Malaysia and that Malaysia does not cooperate with CCAMLR by participating in the CDS. The Commission Chair, Mr Terje Løbach (Norway), sought the assistance of the Antarctic Treaty Consultative Parties to raise these issues with Malaysia and to explore opportunities to work collaboratively to address the Commission's concerns.
13. The CDS has provided CCAMLR with an opportunity to promote multi-lateral co-operation to combat IUU fishing for toothfish. In contrast to other CCAMLR conservation measures, the CDS is applicable beyond the CAMLR Convention Area and CCAMLR Members encourage Parties to CITES that are involved in the harvest and/or trade of toothfish to cooperate with CCAMLR by voluntarily implementing the CDS.
14. The elimination of any remaining IUU fishing in the CCAMLR Convention Area requires more coordinated international effort and CDS provides an effective tool to assist in achieving this.
15. A number of Parties to CITES are reported to be the flag States of vessels on the CCAMLR NCP-IUU Vessel List (Appendix 1) and include Belize, Iran, Panama, Nigeria and Mongolia.

## Conclusion

16. CoP16 may wish to consider:
  - i) requesting Parties to CITES that are involved in the harvest and/or trade of toothfish not cooperating with CCAMLR report their position in respect of the implementation of Resolution Conf. 12.4 and providing such reports to CCAMLR;
  - ii) highlighting that a number of Parties to CITES are flag States to vessels that are listed on the CCAMLR NCP-IUU Vessel List and have been deemed to be undermining the objectives of the CAMLR Convention;

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<sup>2</sup> Singapore has formally requested the Commission to consider granting it the status of a non-Contracting Party cooperating with CCAMLR by participating in the CDS at its annual meeting to be held on 23 October – 1 November 2012. To assist the Commission in its consideration, Singapore has provided supporting information regarding its implementation of Conservation Measure 10-05.

- iii) re-enforcing the provisions of CITES Resolution Conf. 12.4 by requesting that all Flag and Market States, that are Parties to CITES involved in the harvest and/or trade of toothfish and not cooperating with CCAMLR consider acceding to the CCAMLR Convention and to cooperate with CCAMLR by voluntarily implementing the CDS.

#### COMMENTS FROM THE SECRETARIAT

- A. The Secretariat welcomes this report from the Secretariat of the Commission for the Conservation of Antarctic Marine Living Resources, as requested in Resolution Conf. 12.4.
- B. It should be noted that Decisions 12.57 to 12.59, referred to in paragraph 4, are no longer in effect. Also, by way of correction to paragraph 8, it should be noted that St Kitts and Nevis is in fact a Party to CITES, having acceded to the Convention in February 1994.
- C. With regard to the conclusion in paragraph 16 of the present document:
1. The Secretariat supports the first suggested action. This could be implemented by the inclusion of the following new text in Resolution Conf. 12.4 as a second paragraph under “*With regard to international trade in toothfish*”:

RECOMMENDS also that Parties whose nationals are involved in the harvest of or trade in toothfish and that do not cooperate with CCAMLR report on their implementation of the present Resolution to the Secretariat, which should forward such reports to the Secretariat of CCAMLR;

2. Regarding the second suggested action, the Secretariat believes that this is already covered by the final preambular paragraph of Resolution Conf. 12.4, which is as follows:

*URGING the Parties to CITES to use all measures within their power to ensure that ships flying their flag are not used to undermine conservation measures adopted by CCAMLR or adopted voluntarily outside the scope of that Convention by countries in whose jurisdictional waters specimens of *Dissostichus spp.* are captured;*

3. Regarding the third suggested action, the Secretariat believes that the suggested request to Parties is already covered by the first and final operative paragraphs of the Resolution, which are as follows:

*RECOMMENDS that, regarding these species, the Parties adopt the *Dissostichus* Catch Document used by CCAMLR for *Dissostichus spp.* and implement requirements for verification in all cases where specimens of these species are introduced into or exported from or transit through the territory under their jurisdiction; ....*

*RECOMMENDS to the Parties that capture toothfish or that trade in toothfish products, and which have not yet done so, to adhere to the Convention for the Conservation of Antarctic Marine Living Resources and, in any case, to cooperate voluntarily with its conservation measures.*