

Patagonian and Antarctic Toothfish

Dissostichus eleginoides and *D. mawsonii*

Prop. 12.39 (Australia) List Patagonian toothfish (*Dissostichus eleginoides*) and Antarctic toothfish (*Dissostichus mawsonii*) in Appendix II. Annotated (+200 series) as follows:

Populations of *Dissostichus* species (spp.): The conservation, management or other relevant measures or resolutions adopted for *Dissostichus* spp. by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), relating to *Dissostichus* spp. harvested from within the CCAMLR Convention Area, shall apply for the purposes of regulating trade in *Dissostichus* spp. under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) including for the purposes of Article IV of CITES. States Party to CITES conducting trade in *Dissostichus* spp. harvested and traded in compliance with the conservation, management and other relevant measures or resolutions adopted by CCAMLR, including the Catch Documentation Scheme for *Dissostichus* spp., shall be regarded as having fulfilled their obligations under CITES as regards trade in *Dissostichus* spp. Trade in *Dissostichus* spp. harvested outside the CCAMLR Convention Area shall be subject to the relevant provisions of CITES and shall be regulated accordingly.

Doc. 12.44 (Australia) includes a draft resolution setting out the rules for implementing a toothfish listing under CITES.

SSN VIEW: Support Adoption of Proposal and Draft Resolution

- Patagonian toothfish (*Dissostichus eleginoides*) and Antarctic toothfish (*D. mawsonii*) meet the criteria for listing on Appendix II. *D. eleginoides* is internationally traded; some wild populations are declining; and international trade is having a detrimental impact on wild populations. *D. mawsonii* warrants inclusion in Appendix II under look-alike provisions.
- *D. eleginoides* is a slow growing, long lived species, with relatively low fecundity and a life history that makes it vulnerable to over-exploitation. Specimens grow to approx 100kg, can live for 50 years, and may not attain sexual maturity until 12-15 years old.
- CCAMLR sets catch limits for *D. eleginoides* that would be sustainable if these were the only removals from the populations. Illegal, unregulated and unreported (IUU) fishing, however, results in over-harvesting. In the past four years *Dissostichus* spp. caught in IUU fisheries accounted for almost 50% of international trade in the species.
- Population declines due to IUU fishing have been severe and rapid. The *D. eleginoides* population at Prince Edward and Marion Islands was reduced to 10% of pre-exploitation levels in just three years, leading to the closure of that legal fishery. Illegal fishing reduced the *D. eleginoides* population at Crozet Island to 55% of its pristine abundance in just one year. IUU fishing has been sequentially depleting populations from west to east in the Indian Ocean, currently concentrating on the Kerguelen Plateau, which could be depleted within 5 years.
- An Appendix II listing would complement and strengthen existing management arrangements under CCAMLR. Despite ongoing efforts by CCAMLR to establish tight controls over IUU fishing, including the adoption of the Catch Documentation Scheme (CDS) in 2000, IUU fishing continues, increasing by as much as 30% in 2001. An Appendix II listing would greatly enhance the ability of CCAMLR to control IUU fishing.

AN APPENDIX II LISTING WOULD STRENGTHEN THE CDS AND EXTEND ITS REACH TO ALL COUNTRIES INVOLVED IN THE DISSOSTICHUS TRADE THAT ARE NOT MEMBERS OF CCAMLR

IUU fishers deliberately choose non-CCAMLR States to register their vessels, and to land and trade their catches, as a means of avoiding CCAMLR obligations. A CITES Appendix II listing will extend trade controls to all countries involved in the *Dissostichus* trade – to all 158 Parties to CITES.

A TRAFFIC study by Lack and Sant (2001) revealed that "some 56 countries were involved in the trade of Patagonian toothfish in 2000." By contrast, only 24 States are full Members of CCAMLR and six additional States have acceded. This means that at least 26 States involved in the trade are not regulated by CCAMLR's conservation measures or its CDS.

Non-members to CCAMLR have been invited to cooperate with its conservation measures voluntarily. This invitation is not going to be taken up by enough countries to close the large loopholes for IUU trade. Whereas, the proposed CITES Appendix II listing will *require* CITES Parties trading in *Dissostichus* spp. to either join CCAMLR and be bound by its measures or be bound by CITES Appendix II obligations.

AN APPENDIX II LISTING, AS ANNOTATED, WOULD NOT DUPLICATE CCAMLR'S MEASURES FOR TRADE CONDUCTED IN COMPLIANCE WITH CCAMLR

The CITES permit and certificate requirements under an Appendix II listing are very similar to those required under the CCAMLR CDS. The provisions of both CCAMLR and CITES require the presentation of valid documentation at all stages of import and export. Therefore, Australia proposes that CITES Parties conducting trade in *Dissostichus* spp. in compliance with CCAMLR's measures, including the Catch Documentation Scheme, be regarded as having fulfilled their obligations under CITES.

AN APPENDIX II LISTING WOULD EXTEND TRADE CONTROLS TO TRADE BETWEEN NON-CCAMLR MEMBERS

Australia proposes that trade in specimens of *Dissostichus* spp. taken from waters outside the CCAMLR convention area require a Certificate of Introduction from the Sea be issued only when: the State of introduction can verify that the specimens have not been harvested in waters of a coastal State in contravention of that State's laws, and have been harvested in a manner that is "consistent with long-term conservation and sustainable harvesting of the species".

A Certificate of Introduction from the Sea would be required for *Dissostichus* specimens harvested from waters that are not included in the Exclusive Economic Zone, territorial sea or internal waters of a State, or in the archipelagic waters of an archipelagic State, as defined in the United Nations Convention on the Law of the Sea (UNCLOS).

Concerns have been raised that, since the major *Dissostichus* importers (Japan, U.S. and E.U.) are CCAMLR Members, a CITES listing would have little additive impact. However, trade is also conducted between non-CCAMLR Members — for instance, Canada and Indonesia, or Canada and China. Without a CITES listing, there is no reason to expect that either State would require a *Dissostichus* Catch Document to accompany traded toothfish, even if that non-Member had agreed to participate in the CDS.

AN APPENDIX II LISTING WOULD PROVIDE ENFORCEMENT FOR FAILURE TO COMPLY WITH TRADE CONTROLS

CITES has well-established processes to encourage compliance with its provisions, including the ability to recommend to Parties that they suspend imports of particular Appendix II species from Parties found not to be making proper non-detriment findings with regard to those species as required by Article IV of the Convention (Resolution Conf. 8.9, the Significant Trade Process).

AN APPENDIX II LISTING COULD INCREASE TRADE FOR STATES THAT FOLLOW THE RULES

An Appendix II listing should enhance market share for fishers who trade *Dissostichus* legally and restrict market access for those that engage in IUU fishing. Whereas, if an Appendix II listing is not applied and IUU continues to cause severe population depletion, legal fisheries will face closure. For this reason, the CITES listing proposal is strongly supported by Austral Fisheries, an Australian fishing company trading in *D. elegenoides*. The proposal also allows for the continuation of sustainable trade in *Dissostichus* spp. from regulated fisheries within the Exclusive Economic Zones of coastal States.

AN APPENDIX II LISTING WOULD NOT UNDO THE WORK THAT CCAMLR HAS ACHIEVED

Australia has proposed that a working relationship be established between CITES and CCAMLR. The intent of the CITES Appendix II listing is to support, reinforce and extend the reach of the CDS. Indeed, the CITES listing, as proposed, should provide a strong incentive for countries involved in *Dissostichus* fishing and trade to join CCAMLR and comply with its measures.

INCIDENTAL BENEFITS FOR ALBATROSS AND PETRELS

If a CITES listing reduces IUU fishing, an important incidental benefit would be a reduction in albatross and petrel by-catch associated with IUU fishing for *Dissostichus* spp. Several albatross and petrel species are threatened with extinction as a result of incidental drowning in longline fisheries.