The vast marine area around the Antarctic continent and sub-Antarctic islands – the Southern Ocean – has been particularly affected by illegal, unreported and unregulated (IUU)\(^1\) fishing for Patagonian Toothfish (*Dissostichus eleginoides*) since the mid-1990s. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR),\(^2\) established by the 1980 Convention on the Conservation of Antarctic Marine Living Resources (CAMLR Convention),\(^3\) has responsibility for fisheries management in the area.

In this chapter, we outline CCAMLR’s experiences in combating IUU fishing over the past decade and a half. Our analysis provides a brief history

\(^{1}\) See further Miller, chapter 4 in this book, for definition of ‘IUU fishing’.

\(^{2}\) There has been a considerable debate concerning CCAMLR’s exact mandate and role. This is attributable to the fact that Article II of the CAMLR Convention (see next footnote) requires CCAMLR to manage both harvested species and the Antarctic marine ecosystem as a whole. Nevertheless, CCAMLR’s fishery regulation functions do not differ from those of many other marine fishery bodies with competency to manage fishing in the areas for which they are responsible. Therefore, for the purposes of this chapter, CCAMLR is regarded as a regional fisheries management organisation (RFMO).

of Toothfish IUU fishing in the CAMLR Convention area, and discusses the jurisdictional challenges faced in its regulation. CCAMLR’s efforts to combat IUU fishing are documented, including some pioneering actions, diverse regulations and related compliance-enforcement activities. The chapter concludes by commenting on CCAMLR’s effectiveness in combating the IUU problem.

HISTORY OF IUU FISHING FOR TOOTHFISH IN THE CONVENTION AREA

The CAMLR Convention Area

The boundaries of the CAMLR Convention area (see Figure 9.1) are confined within the Antarctic Polar Front (APF) to the north and the Antarctic continental margin to the south (i.e., a major part of the ‘Southern Ocean’). The APF is the zone where colder, less saline waters flowing north from the Antarctic meet warmer, more saline waters flowing south from the Atlantic, Indian and Pacific Oceans. The term has effectively replaced that previously in common use, ‘the Antarctic Convergence’, which is referred to in Article I of the CAMLR Convention. The mean position of the APF is between 45° and 60°S, depending on longitude.

Assignation of the APF as the Convention’s northern boundary essentially places the CCAMLR’s area of responsibility within a hydrographic domain which determines the bio-geography of the many marine species confined therein. For instance, the presence of deep-ocean basins south of the APF induces a high degree of species endemism, particularly for fish which usually inhabit the shallower Antarctic continental shelf and areas close to the many oceanic islands that are a common feature of the Southern Ocean.\(^4\)

The 1980 CAMLR Convention remains a key example of a regional marine arrangement that explicitly balances conservation with rational (‘sustainable’) use in implementing a precautionary and holistic approach to managing the exploitation of harvested species, as well as other key components of the Antarctic marine ecosystem. In jurisdictional terms, CCAMLR has had to account for mixed territorial sovereignty imperatives to ensure that the regulation, monitoring, reporting and enforcement of fishing regulatory measures are coherent within the entire Convention area. That area itself includes the high seas as well as areas under some form of national jurisdiction. Finally, south of 60°S, application of the Convention is subject to the sovereignty considerations imposed by the Antarctic Treaty.\(^5\)

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\(^5\) See Art. III of the CAMLR Convention.