



Australian Government

Australian Customs Service

Australian Fisheries Management Authority



# ENFORCEMENT OPERATIONS IN THE SOUTHERN OCEAN

## ILLEGAL FISHING ACTIVITY

The Australian Government takes the protection of its sovereign territories and assets very seriously. Illegal, unreported and unregulated (IUU) fishing in the Southern Ocean presents a threat to Australia's Heard Island and McDonald Islands (HIMI) and Macquarie Island exclusive economic zones, its valuable Patagonian toothfish fishery and the fragile Southern Ocean environment. The remoteness of the HIMI and hostile Southern Ocean sub-Antarctic waters makes the detection and apprehension of vessels carrying out IUU fishing even more challenging.

Illegal activity in the Southern Ocean is being fuelled by rising fish prices, overfishing elsewhere in the world and excess fishing capacity in northern hemisphere fishing fleets. There is concern that, if left unchecked, such fishing could eventually lead to the commercial extinction of stocks of the Patagonian toothfish.

In response to this, the Australian Government, through Customs, the Australian Fisheries Management Authority (AFMA) and the Australian Defence Force, has provided surveillance and apprehension of vessels operating illegally in this remote region. This has included on-the-water cooperation with other countries with similar Southern Ocean interests.



Since 1997, eight fishing vessels have been apprehended for illegal fishing in Australian waters surrounding the HIMI. In September 2005, a vessel was apprehended for alleged illegal fishing in Australia's Macquarie Island waters.

## APPREHENDING ILLEGAL OPERATORS

The Australian Government's 2005 Budget provided \$217.2 million to continue a Customs-managed armed Southern Ocean patrol program until 2009-10. The program is a significant commitment and represents the seriousness with which the Australian Government views the issue of IUU fishing. This 2005 Budget decision builds on an earlier commitment by the Government to fund an interim patrol program in 2004-05 and 2005-06.

The Southern Ocean Maritime Patrol and Response (SOMPR) program provides a dedicated vessel able to conduct year-round patrols in sub-Antarctic weather conditions, fitted with two deck-mounted 0.50 calibre machine guns. The vessel carries a full civilian crew and steaming party capable of sailing any apprehended vessel, a Boarding Party of specialist trained Customs officers armed with handguns and Australian Fisheries officers. Under the program extension, funding is also included for Australian Customs and Fisheries officers to participate in joint Southern Ocean patrols with France, potentially doubling our on-the-water capacity.

Missions to the region are challenging. Severe weather conditions can include Force 12 gales and seas of more than 10 metres. Average temperatures are minus two to minus three degrees in still air, plus a wind chill factor.

Officers operating in the region undergo extensive training in:

- cold climate survival and safety at sea
- use of force, including side-arms and deck-mounted weapons
- vessel familiarisation
- medical training
- operational command
- Customs and Fisheries legislative provisions
- tactical boarding operations
- ship search techniques.

## The chase of the *Viarsa 1*

In August 2003, the longest civil pursuit in Australian maritime history led to the apprehension of the Uruguayan-flagged vessel, the *Viarsa 1*, after it was allegedly detected fishing illegally in Australian waters. Australian Customs and Fisheries officers, supported by colleagues from South Africa, boarded the vessel following a 3900 nautical mile chase into the South Atlantic Ocean.

The vessel was brought back to Fremantle, Western Australia and on 3 October 2003 the *Viarsa 1* and its catch (\$1.5 million worth of Patagonian toothfish) were formally seized under Australian Fisheries legislation. Initial court proceedings against the master and crew of the *Viarsa 1* led to a hung jury on 2 December 2004. The matter went to trial again in September 2005, resulting in the acquittal of all five crew members on 4 November 2005. Civil proceedings with respect to the forfeiture of the vessel are still in train.

Notwithstanding the final court result, the operation reinforced the strong degree of international cooperation between nations determined to stamp out illegal fishing, particularly France, South Africa and the UK. These nations provided significant assistance to the apprehension of the *Viarsa 1*. Other nations, including the United States, offered support by closing their markets to any potential catch found to be obtained illegally.

## The apprehension of the *Maya V*

Defence has also played a key role in protecting Australia's Southern Ocean borders.

The *Maya V* was apprehended in January 2004 by HMAS *Warrumunga* after she was detected allegedly operating illegally within Australia's HIMI EEZ.

The *Maya V* was escorted to Fremantle, where the vessel was later forfeited to the Commonwealth. Legal proceedings relating to the *Maya V* resulted in all 40 crew members being fined and given good behaviour bonds.

## Most recent apprehension

On 6 September 2005, the Government's Southern Ocean patrol vessel, the *Oceanic Viking*, apprehended a foreign fishing vessel, the *Taruman*, suspected of fishing illegally inside Australia's Macquarie Island Exclusive Economic Zone. The *Taruman*, a Cambodian registered vessel, was apprehended on the high seas with the agreement of the Cambodian Government. The Captain and Fishing Master of the *Taruman* are each facing 12 charges under the Fisheries Management Act. The matter is set down for trial on 7 August 2006. The forfeited vessel remains in Hobart pending the conclusion of legal proceedings.

## INTERNATIONAL COOPERATION

Australia continues to work closely with other nations who are committed to protecting Southern Ocean fisheries, including France, South Africa, the United Kingdom and New Zealand.

In particular, Australia has been strengthening its level of cooperation with France, whose economic zone around the French territory of Kerguelen Island adjoins the HIMI EEZ. A Maritime Cooperation Treaty on Surveillance in the Southern Ocean entered into force on 1 February 2005 and officials have been working on operational level arrangements under the Treaty. Practical cooperation with France is underway with Australian Customs and Fisheries officers participating in French patrols of the Southern Ocean and vice versa. This cooperation has the potential to provide year-round patrol coverage of the Australian and French Southern Ocean EEZs and is a further deterrent to illegal fishers.

Australia is seeking to build on this through cooperative arrangements with other countries with similar Southern Ocean interests.

Australia will also continue to work to eliminate IUU fishing through international forums such as the Ministerial task force on IUU fishing on the high seas (the High Seas Task Force), which held its final meeting in March 2006, and the Food and Agriculture Organisation (FAO) and through regional fisheries management organisations of which Australia is a member, such as the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR).



*Taruman* followed by *Oceanic Viking*