

**CCAMLR-XXVI**

**COMMISSION FOR THE CONSERVATION OF  
ANTARCTIC MARINE LIVING RESOURCES**

**REPORT OF THE TWENTY-SIXTH MEETING  
OF THE COMMISSION**

**HOBART, AUSTRALIA  
22 OCTOBER – 2 NOVEMBER 2007**

CCAMLR  
PO Box 213  
North Hobart 7002  
Tasmania AUSTRALIA

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Telephone: 61 3 6210 1111  
Facsimile: 61 3 6224 8744  
Email: [ccamlr@ccamlr.org](mailto:ccamlr@ccamlr.org)  
Website: [www.ccamlr.org](http://www.ccamlr.org)

Chair of the Commission  
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### **Abstract**

This document is the adopted record of the Twenty-sixth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 22 October to 2 November 2007. Major topics discussed at this meeting include: review of the Report of the Scientific Committee; illegal, unreported and unregulated fishing in the Convention Area; assessment and avoidance of incidental mortality of Antarctic marine living resources; new and exploratory fisheries; current operation of the System of Inspection and the Scheme of International Scientific Observation; compliance with conservation measures in force; review of existing conservation measures and adoption of new conservation measures; management under conditions of uncertainty; and cooperation with other international organisations including the Antarctic Treaty System. The Reports of the Standing Committee on Administration and Finance and the Standing Committee on Implementation and Compliance are appended.

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**REPORT OF THE TWENTY-SIXTH MEETING OF THE COMMISSION**  
(Hobart, Australia, 22 October to 2 November 2007)

OPENING OF THE MEETING

1.1 The Twenty-sixth Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources was held in Hobart, Tasmania, Australia, from 22 October to 2 November 2007, chaired by Mr P. Amutenya (Namibia).

1.2 All 25 Members of the Commission were represented: Argentina, Australia, Belgium, Brazil, People's Republic of China (hereafter referred to as China), Chile, European Community, France, Germany, India, Italy, Japan, Republic of Korea, Namibia, New Zealand, Norway, Poland, Russian Federation, South Africa, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.

1.3 Other Contracting Parties, Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, Netherlands, Peru and Vanuatu, were invited to attend the meeting as observers. The Cook Islands, Greece, Netherlands and Vanuatu were represented.

1.4 The Agreement on the Conservation of Albatrosses and Petrels (ACAP), the Antarctic and Southern Ocean Coalition (ASOC), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Committee for Environmental Protection (CEP), the Convention on International Trade in Endangered Species (CITES), the Coalition of Legal Toothfish Operators (COLTO), the Permanent Commission on the South Pacific (CPPS), the Food and Agriculture Organization of the United Nations (FAO), the Forum Fisheries Agency (FFA), the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Intergovernmental Oceanographic Commission (IOC), the World Conservation Union (IUCN), the International Whaling Commission (IWC), the Scientific Committee on Antarctic Research (SCAR), the South East Atlantic Fisheries Organisation (SEAFO), the Scientific Committee on Oceanic Research (SCOR), the Secretariat of the Pacific Community (SPC), the United Nations Environment Programme (UNEP) and the Commission for the Conservation and Management of the Highly Migratory Fish Stocks of the Western and Central Pacific Ocean (WCPFC) were also invited to attend the meeting as observers. ACAP, ASOC, CEP, COLTO, FFA, IUCN, IWC, SCAR and SEAFO attended.

1.5 It was agreed at last year's meeting to invite the following non-Contracting Parties to CCAMLR-XXVI as observers: Angola, Belize, Bolivia, Cambodia, Colombia, Democratic People's Republic of Korea, Equatorial Guinea, Georgia, Indonesia, Kenya, Madagascar, Malaysia, Mexico, Mozambique, Panamá, Philippines, Seychelles, Singapore, Thailand, Togo and Vietnam (CCAMLR-XXV, paragraph 19.1). These countries were known to have an interest in fishing for, or trade in, *Dissostichus* spp. Cambodia and Mozambique were represented at the meeting.

1.6 The List of Participants is given in Annex 1. The List of Documents presented to the meeting is given in Annex 2.

1.7 The Chair welcomed all participants to the meeting, particularly China which was attending the Commission's meeting for the first time as a full Member. China had become a Member on 2 October 2007 (see paragraphs 2.3 and 2.4).

1.8 The Chair said that it was a great privilege for Namibia to chair the Commission's annual meeting in the 'silver anniversary' year of the Convention entering into force. He thanked the Government of Australia, the Depositary of the Convention and the State of Tasmania for their hospitality. The Commission looked forward to its annual meeting with eager anticipation.

1.9 The Chair introduced His Excellency the Honourable William Cox AC RFD ED, Governor of Tasmania.

1.10 His Excellency welcomed delegates to Hobart and Tasmania. He said that it was fitting that the International Polar Year (IPY), the largest internationally coordinated effort to study both the Arctic and Antarctic, coincided with the CAMLR Convention having been in force for 25 years on 8 April 2007.

1.11 His Excellency said that with the IPY taking place against a background of the ever-evolving climate change debate, it appeared reasonable to ask where CCAMLR stood in this regard. He noted that the CCAMLR Ecosystem Monitoring Program (CEMP) had long been collecting data for selected species, and in key areas, which can potentially be used to tease apart changes due to natural variability and those that are human-induced. Furthermore, the provisions of Article II.3(c) of the Convention clearly identified the need to take into account the effects of environmental change as this may affect sustained conservation of marine living resources in the Convention Area. He also noted that, at its last meeting, the Commission recognised this need and called on Members to consider where the potential effects of climate change on Antarctic marine living ecosystems might be felt, and how such knowledge could be used to advise the Commission on management of the krill fishery specifically.

1.12 When opening the Commission's meeting last year, His Excellency noted that 'the sum of CCAMLR's achievements has fully surpassed the sum of its individual parts' and was now more convinced of this view than ever. By coming to terms with the possible effects of climate change on the resources it manages, and by addressing some difficult issues such as deep bottom trawling, the control of nationals and conservation of sharks, the Commission continued to take the global lead in the sustainable management of our planet's ocean spaces.

1.13 The Commission continued to draw heavily on logical, carefully formulated and robust scientific advice and this was apparent in its recent initiatives to develop an objective bioregionalisation of the Convention Area as a tool to underpin spatial management and future options aimed at managing selected species. His Excellency said he awaited with interest the eventual outcomes from this daunting and farsighted task.

1.14 Finally, he noted that the CCAMLR Headquarters had come of age as a unique meeting place for Antarctic parishioners, both nationally and internationally. It had served as a meeting venue for the International Association of Antarctic Tour Operators (IAATO), the Australian Antarctic Division (AAD), the Tasmanian Midwinter Festival, the Tasmanian Antarctic Polar Network, the second round of negotiations for a South Pacific regional fisheries management organisation, and the Commission for the Conservation of Southern



Bluefin Tuna (CCSBT), as well as a number of Tasmanian civil and commercial organisations. It was comforting to know that Tasmania is able to provide such a distinguished venue and to draw so many esteemed participants to our beautiful island.

1.15 His Excellency said that such achievements served to secure the Commission's standing in the Tasmanian community as well as its global position as a leader in the conservation of marine living resources for the benefit of present and future generations. It was therefore fitting that delegates were participants today in this Antarctic gateway city.

1.16 His Excellency concluded by wishing the Commission every success with its Twenty-sixth Meeting.

## ORGANISATION OF THE MEETING

### Adoption of the Agenda

2.1 The Provisional Agenda (CCAMLR-XXVI/1), had been distributed prior to the meeting and was adopted without amendment. The agenda is given in Annex 3.

2.2 The Chair referred Agenda Item 3 to the Standing Committee on Administration and Finance (SCAF), and Agenda Items 8 to 10 to the Standing Committee on Implementation and Compliance (SCIC). The reports of SCAF and SCIC are given in Annexes 4 and 5 respectively.

### Report of the Chair

2.3 The Chair reported that, with China becoming a full Member on 2 October 2007, the Commission now had 25 Members and nine other States party to the Convention.

2.4 China made the following statement:

‘First of all, on behalf of the Chinese Government, I would like to express our appreciation to all Members of CCAMLR for their trust and assistance with regard to China's membership acknowledgement. We thank the Australian Government for its help in many ways during the whole application process. Australia has not only done an excellent job as Depositary, but also offered the capacity building workshop in Beijing in August, which was a precious opportunity for us to become familiar with the Convention.

China acceded to the *Convention for the Conservation of Antarctic Marine Living Resources* on 19 October 2006. A full membership of CCAMLR is a new start for China to cooperate with other Members to implement and enhance the objective of the Convention, its provisions and its conservation measures.

We are willing to share our experience in this field as well. China is a Contracting Party to the *United Nations Convention on the Law of the Sea (UNCLOS)* as well as a Signatory of the *Agreement for the Implementation of the provisions of the United*

*Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)*. As a responsible fishing country, China faithfully implements *the 1995 Code of Conduct for Responsible Fisheries (CCRF)* of FAO and issued the *Program of Action on the Conservation of Living Aquatic Resources of China* in 2006 according to the CCRF. China has membership of a number of Regional Fisheries Management Organisations (RFMOs), such as the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC) and the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC). China has also participated in the negotiation for the establishment of the South Pacific Regional Fisheries Management Organisation. China plays an active role in the above RFMOs and strictly abides by the relevant conservation measures and regulations.

CCAMLR is a leading organisation in many aspects of international marine resource conservation and management. We believe CCAMLR will continue to play an important role and achieve greater success in the 21st century. China has made the right decision to join this organisation, and we believe that CCAMLR has also made the right decision to accept China as its Member. We will give our every effort to contribute to the conservation of Antarctic marine living resources and to enhance scientific research and international cooperation towards the objective of conservation and sustainable development of the world fisheries.’

2.5 Four Scientific Committee working group meetings, along with associated subgroup meetings and workshops, had been held during the intersessional period; details of these meetings are elaborated in SC-CAMLR-XXVI, paragraph 1.7.

2.6 For the 2006/07 season, 71 inspectors had been designated, in accordance with the CCAMLR System of Inspection, by Australia, Chile, France, New Zealand and the UK. A total of 27 at-sea inspections were reported: 23 conducted by UK-designated CCAMLR inspectors in Subarea 48.3 and four conducted by Australian-designated CCAMLR inspectors in Division 58.4.3b.

2.7 CCAMLR-designated scientific observers were on board all vessels in all finfish fisheries in the Convention Area (see paragraph 11.1 for further details).

2.8 During the 2006/07 season, CCAMLR Members had actively participated in 13 fisheries in the Convention Area. In addition, three other managed fisheries were conducted in national Exclusive Economic Zones (EEZs) within the Convention Area. Vessels fishing in fisheries managed under conservation measures in force in 2006/07 had reported, by 5 October 2007, a total of 104 364 tonnes of krill, 14 023 tonnes of toothfish and 3 941 tonnes of icefish. A number of other species were taken as by-catch.

2.9 The Catch Documentation Scheme for *Dissostichus* spp. (CDS) has been operating since 2000 and now includes the participation of two non-Contracting Parties to CCAMLR: Seychelles and Singapore; along with three Acceding States: Canada, Mauritius and Peru. The total number of catch documents (i.e. landing/transshipment, export and re-export documents) received and processed by the Secretariat to date is well over 33 000.

2.10 In accordance with the Commission’s request, the Secretariat continues the development of the electronic web-based CDS (E-CDS) documentation.

2.11 The Centralised Vessel Monitoring System (C-VMS) continues to be implemented under Conservation Measure 10-04. Since its commencement, 53 vessels have been monitored in 12 subareas or divisions, as well as voluntarily outside the Convention Area.

2.12 During the year, the Commission and the Scientific Committee had been represented by observers at a number of international meetings (sections 15 and 16; SC-CAMLR-XXVI, section 10).

## FINANCE AND ADMINISTRATION

3.1 The Chair of SCAF, Dr H. Pott (Germany), presented the report of SCAF (Annex 4) outlining the results of the Committee's discussions and recommendations for decisions by the Commission.

### Examination of audited Financial Statements for 2006

3.2 Noting that a review audit had been carried out on the 2006 Financial Statements and that an unqualified report had been provided by the auditor, the Commission accepted the audited Financial Statements for 2006.

### Audit requirements for the 2007 Financial Statements

3.3 The Commission endorsed the advice of SCAF that a full audit be performed on the 2007 Financial Statements as previously determined in 2006 (CCAMLR-XXV, paragraph 3.3).

### Secretariat Strategic Plan

3.4 The Commission received the advice of SCAF with respect to the Executive Secretary's report, which forms a key element of the annual assessment of his performance.

3.5 The Commission noted the various issues highlighted by the report as listed in CCAMLR-XXVI/6.

3.6 The Commission endorsed the recommendation of SCAF that a review of the Secretariat's data management and scientific functions should be undertaken by the Executive Secretary in 2008 following the new Science Officer's assumption of duties and a suitable settling-in period.

3.7 The Commission also noted the Secretariat's heavy and growing workload. The Commission agreed that, as the Secretariat's tasks continue to grow in complexity and content, there may be a concomitant need to strategically evaluate Secretariat staffing levels and funding, with prioritisation of task assignments also being necessary.

3.8 The Commission endorsed a proposal that the Compliance Officer would benefit from the Secretariat Professional Development Program by visiting various RFMOs (namely the Northwest Atlantic Fisheries Organization (NAFO) and the North East Atlantic Fisheries Commission (NEAFC)) in 2008. The Commission conceded that benefits from the visits to NAFO and NEAFC will accrue notwithstanding the differences between CCAMLR and these organisations. Argentina pointed out that caution should be exercised while undertaking cooperation with international organisations whose membership and objectives differ from those of CCAMLR.

3.9 The Commission noted changes to the Australian taxation system which has affected Secretariat Staff who are Australian citizens or permanent residents. The Commission agreed that, in principle, CCAMLR staff should be treated equitably compared to other Australian taxpayers. The Commission endorsed the SCAF recommendation that the Executive Secretary be given authority for the payment of the mature-age tax offset, and that the negative gearing payment be made as an interim measure from now on until clarity is received from the Australian Department of Foreign Affairs and Trade, and that dispensation be subject to a legal opinion. The Commission also agreed that the Executive Secretary should report back to SCAF until the issue is resolved.

#### Review of budget for 2007

3.10 The Commission approved the budget for 2007 as presented in Annex 4, Appendix II, noting the adjustments outlined in CCAMLR-XXVI/4, Part III.

#### Interpreting services for SCIC

3.11 The Commission recalled its deliberations of 2006 (CCAMLR-XXV, paragraph 3.11) and endorsed the recommendation of SCAF that a total of A\$88 000 be included in the 2008 budget for SCIC interpretation.

3.12 Many Members indicated their support for simultaneous interpretation services being available to SCIC meetings, and noted the advice of the SCIC Chair that SCIC interpretation is a high priority to facilitate SCIC's work. Argentina stated that by providing full interpretation services for SCIC meetings, the Committee's work will not only become more efficient but will also allow for enrichment of deliberations at SCIC, and increased participation for the benefit of all Members.

3.13 The Commission agreed that the proposed budget of \$88 000 for SCIC interpretation, comprising \$A22 000 for one-off set-up costs and \$A66 000 for interpretation services, should be included in the 2008 budget (see paragraph 3.22).

#### Wireless computer network

3.14 The Commission received advice that the wireless computer network had been installed and is fully operational and requested the Secretariat to monitor ongoing costs as full

access is permitted. The Commission noted that there were concerns about misuse of the facility, especially with respect to internet access, and supported the application of charges for excessive use in those circumstances. The Commission agreed that the wireless computer network was useful, but it also agreed that this was an evolving situation which needed monitoring with a view to ensuring full access to the system during all CCAMLR meetings.

#### Contingency Fund

3.15 The Commission noted that expenditure of A\$25 850 had been incurred from the Contingency Fund to purchase an emergency generator to ensure an uninterrupted power supply to the Secretariat's computer servers.

3.16 The Commission noted that the Contingency Fund will be reimbursed from the General Fund at the end of the 2007 financial year.

#### Professional Staff salaries

3.17 The Commission agreed with the SCAF recommendation that this item be kept on the agenda and further consideration deferred to its next meeting.

#### Budget for 2008

3.18 The Commission received advice from SCAF that SCIC had requested funding of A\$50 000 for a Compliance Evaluation Workshop to be held in conjunction with the Working Group on Ecosystem Monitoring and Management (WG-EMM) in 2008, and funding of A\$100 000 for a Performance Review of the organisation. Many Members expressed concern regarding the rapid growth of the Commission budget and as a consequence the Commission agreed that the funding for the Performance Review be included in the budget for 2008, but that the Compliance Evaluation Workshop be deferred until 2009. The Commission decided that the Performance Review and the SCIC interpretation were two priority items to be included in the 2008 budget.

3.19 The Commission noted the importance of the tasks presented in the Scientific Committee's proposed budget. It endorsed the SCAF recommendation that A\$91 000 for the CCAMLR-IWC Workshop be included in the budget, taking into account that this amount was equivalent to the contribution made by the IWC. It also noted that the total administrative cost attached to holding the meeting at the CCAMLR Secretariat would require an additional A\$32 000 being shared equally between CCAMLR and the IWC.

3.20 The Commission approved the Scientific Committee budget of A\$386 800 for inclusion in the Commission's budget for 2008.

3.21 The Commission requested that the Scientific Committee endeavour to prioritise its budget requests in the future and that the proposed budget increase for 2008 should not be seen as a precedent for the future.

3.22 The Commission endorsed the recommendation of SCAF to adopt the Commission's budget for 2008, as presented in Annex 4, Appendix II, less A\$50 000 representing the costs associated with the Compliance Evaluation Workshop, which was deferred until 2009 (paragraph 3.18).

3.23 The Commission noted that, while still being attached to the principle of zero real growth, it was not possible to limit the growth of the revised 2008 budget. Consequently, Members' contributions could not be held to zero real growth, and the Executive Secretary was directed to explore all opportunities for cost savings during 2008.

3.24 The Commission noted that the overall increase to Members' contributions for 2008 is 11.39%, as presented in Annex 4, Appendix II, taking into account China's full annual contribution for 2008.

#### Members' contributions

3.25 In accordance with Financial Regulation 5.6, the Commission granted Argentina, Belgium, Brazil, China, Japan, South Africa, Spain, Ukraine, USA and Uruguay an extension to the deadline for the payment of 2008 contributions. The Executive Secretary noted the unprecedented number of requests for extensions and respectfully requested that Members make every effort to pay their contributions as soon as possible.

3.26 The Commission noted that SCAF had discussed various options aimed at providing incentives for Members to pay their annual contributions by the due dates required in Financial Regulation 5.6. The Commission agreed with SCAF that the problem of late payments needs to be addressed, and requested that a possible solution be discussed at the 2008 meeting of SCAF.

#### Forecast budget for 2009

3.27 The Commission noted the forecast budget for 2009 as presented in Annex 4, Appendix II, supplemented by the A\$50 000 deferred from 2008 in respect of the Compliance Evaluation Workshop, and also noted the inclusion of funding for an ad hoc technical group meeting and publication of a *CCAMLR Science* special issue.

3.28 The Commission again noted the importance of reducing expenditure wherever possible to maintain the budget within its customary target of zero real growth (i.e. within inflationary limits only).

3.29 The Commission noted that the budget and Members' contributions tables, included in Annex 4 as Appendices II and III respectively, are replaced with revised tables reflecting the alterations made to the budgets for 2008 and 2009 during its deliberations. It also noted the resultant changes to Members' contributions for 2009.

## Other

3.30 The Commission received advice from SCAF that it had considered the status of Ukraine in relation to Convention Article XIX.6 and the interpretation of the Commission's decision regarding definition of the 'period of default' attached to the timing of an individual Member's contribution, made at CCAMLR-XVIII, paragraph 3.12. The Commission also noted that SCAF had received information relating to Ukraine's Member contribution payments for 2005, 2006 and 2007, and that the views of Ukraine's status in respect of its period of default varied.

3.31 The Commission noted that Ukraine had advised that A\$20 000, as part-payment for its contribution for 2007, would be forthcoming in the near future.

3.32 The Commission decided that the definition of the period of default set out in CCAMLR-XVIII, paragraph 3.12, would not be applied in these circumstances. It asked SCAF, at its next meeting, to discuss interpretation of Article XIX.6 of the Convention.

## Chair and Vice-Chair of SCAF

3.33 The Commission noted that India had been appointed as Chair of SCAF for the 2008 and 2009 meetings, and that New Zealand had been reappointed Vice-Chair until the end of the 2008 meeting. The Commission paid appreciation to Dr Pott for his five years of chairing SCAF, and for presentation of its report.

## SCIENTIFIC COMMITTEE

4.1 The Chair of the Scientific Committee, Dr E. Fanta (Brazil) presented the report of the Scientific Committee (SC-CAMLR-XXVI). The Commission thanked Dr Fanta for her comprehensive report (CCAMLR-XXVI/BG/50).

4.2 The Commission noted the Scientific Committee's general recommendations, advice, research and data requirements. The Commission also discussed substantive matters arising from the Committee's deliberations under other parts of the former's agenda, including fisheries management and conservation under conditions of uncertainty (section 5); assessment and avoidance of incidental mortality (section 6); illegal, unreported and unregulated (IUU) fishing (section 10); Scheme of International Scientific Observation (section 11); new and exploratory fisheries (section 12); data access and security (section 14); cooperation with other international organisations (section 16); and CCAMLR-IPY activities (section 20).

## Intersessional activities

4.3 The Commission noted the extensive activities of the Scientific Committee in 2007 (SC-CAMLR-XXVI, paragraphs 1.9 and 1.14). The Commission joined the Scientific Committee in thanking the conveners of the working groups, subgroups and workshops for their contributions to the work of CCAMLR.

4.4 The Commission joined the Scientific Committee in encouraging all Members to participate fully in the future work of the Scientific Committee, and to send experts to the meetings of all working groups (SC-CAMLR-XXVI, paragraphs 1.8 and 14.10).

4.5 The Commission recognised that the work of the Scientific Committee and its working groups was expanding, and the methodologies used were becoming increasingly complex. Some Members identified difficulties in engaging scientists in the work of the working groups because of the high degree of CCAMLR-specific methodologies and terminology used by working groups, and the frenetic pace of the work during meetings.

4.6 The Commission encouraged the Scientific Committee and its working groups to consider the issues raised by some Members, and develop approaches which facilitated greater participation by CCAMLR's scientific community.

#### CCAMLR Scheme of International Scientific Observation

4.7 CCAMLR-designated scientific observers were deployed on all vessels fishing for finfish in the Convention Area in 2006/07. In addition, scientific observers were deployed on krill fishing vessels under the scheme. The Scientific Committee's advice on scientific observation is considered in section 11.

#### Advances in statistics, assessments, modelling

4.8 The Commission noted the progress made by the Scientific Committee and the Working Group on Statistics, Assessments and Modelling (WG-SAM) in developing methodologies in two broad technical areas in 2007 (SC-CAMLR-XXVI, paragraphs 2.2 to 2.17 and Annex 7):

- (i) fish stock assessment methods, including:
  - (a) evaluation of a proposed depletion method for assessing toothfish in Division 58.4.3b;
  - (b) advancements with respect to new methods for assessing by-catch species;
  - (c) review of the preliminary work towards the Working Group on Fish Stock Assessment's (WG-FSA) toothfish assessment in Subarea 48.3, Division 58.5.2 and the Ross Sea (Subarea 88.1 and SSRUs 882A–B) using CASAL;
  - (d) further developments toward evaluation of management strategies;
  - (e) examination of the consequences of conducting assessments of toothfish stocks at multi-year intervals (see also paragraphs 4.57 and 4.58);



- (ii) krill and predator–prey modelling, including:
  - (a) development of a staged approach towards subdividing the krill catch among SSMUs which, at each stage, would involve:
    - evaluation of the risks to krill, predators and the fisheries of the different options for subdividing the catch given the uncertainties in model structures, our understanding of the dynamics of the krill-based ecosystem and the future interactions of the fishery with the system;
    - formulation of advice on the strategy for subdividing catch along with the attendant risks at different aggregate catches;
  - (b) identification of data types needed for the development of an integrated assessment of krill.

4.9 The Commission endorsed the advice of the Scientific Committee and related future work on fish stock assessment methods, including:

- (i) improvements in data collection for by-catch species for assessment purposes, with a focus on rajids (skates) in 2008/09 (Year of the Skate, see SC-CAMLR-XXVI, paragraph 4.181), and macrourids (rattails) in the future;
- (ii) identification of factors responsible for the high variability of the data quality arising from different vessels in Subareas 88.1 and 88.2, to ensure consistent high-quality data for assessments in multi-vessel, multi-nation fisheries.

4.10 The Commission noted the need for a more descriptive analysis of the tag–release and recapture data, further research into the spatial pattern of tag recaptures and methods to describe movement (SC-CAMLR-XXVI, paragraph 2.3).

4.11 The Commission welcomed the Scientific Committee’s progress in developing a staged approach to subdivide the precautionary catch limit for krill in Area 48 among SSMUs. The advice from the Scientific Committee on this matter was considered in paragraphs 4.18 to 4.25.

4.12 The Commission also noted that the Scientific Committee had endorsed the role and terms of reference of WG-SAM, and the relationship between WG-SAM and the other working groups (SC-CAMLR-XXVI, paragraph 2.16).

#### Advances in acoustic survey and analysis methods

4.13 The Commission noted the progress made by the Scientific Committee and the Subgroup on Acoustic Survey and Analysis Methods (SG-ASAM) in developing methodologies in acoustic analysis and survey design (SC-CAMLR-XXVI, paragraphs 2.18 to 2.22; SC-CAMLR-XXVI/BG/2).

4.14 The Commission noted that SG-ASAM's recommendations on krill and icefish were considered by WG-EMM and WG-FSA in 2007. The Commission also noted the prevalence and ecological importance of myctophids in Antarctic waters and encouraged further work on these species (SC-CAMLR-XXVI, paragraphs 2.19 and 2.20).

4.15 The Commission endorsed the Scientific Committee's proposal to hold a fourth meeting of SG-ASAM in conjunction with the ICES WG-FAST meeting in 2009 to consider acoustic results from IPY surveys, developments in TS modelling and other new observations (SC-CAMLR-XXVI, paragraphs 2.21 and 2.22).

#### Ecosystem monitoring and management

4.16 The Commission noted the progress made by the Scientific Committee and WG-EMM in 2007 (SC-CAMLR-XXVI, paragraphs 3.1 to 3.100 and Annex 4). This work included:

- (i) further development of management procedures to evaluate options for subdividing the krill catch limit among small-scale management units (SSMUs) and consideration of the advice from WG-SAM;
- (ii) a workshop to review estimates of  $B_0$  and precautionary catch limits for krill;
- (iii) development of requirements for scientific observation and other data from krill fisheries;
- (iv) review of management plans for CEMP sites and the Antarctic Treaty Consultative Meeting's (ATCM) proposed Antarctic Specially Managed Area (ASMA);
- (v) Workshop on Bioregionalisation of the Southern Ocean.

4.17 The Commission considered the Scientific Committee's advice on management plans and bioregionalisation in section 7.

4.18 The Commission endorsed the Scientific Committee's advice on a staged approach to subdivide the precautionary catch limit for krill in Area 48 among SSMUs (SC-CAMLR-XXVI, paragraph 2.14). In particular, the Commission agreed that the initial subdivision (Stage I) of the catch limit for krill should be based primarily on one of Options 2 (based on the spatial distribution of predator demand), 3 (based on the spatial distribution of krill biomass) and 4 (based on the spatial distribution of krill biomass minus predator demand).

4.19 The Commission endorsed the Scientific Committee's work plan aimed at providing advice on Stage I in 2008, including the further development of performance measures and risk assessments. The Commission agreed that consideration of Options 5 (based on spatially explicit indices of krill availability that may be monitored or estimated on a regular basis) and 6 (pulse-fishing strategies in which catches are rotated within and between SSMUs) should be accorded a high priority starting in 2009 (SC-CAMLR-XXVI, paragraphs 3.36 to 3.38). The Commission also agreed that 'structured fishing' is a useful elaboration of the meaning of Option 6.

4.20 The Commission noted the progress on the development of krill and predator–prey modelling and that the FOOSA model (previously known as KPFM2) is well advanced for this task.

4.21 The Commission noted the outcomes of the Workshop to Review Estimates of  $B_0$  and Precautionary Catch Limits for Krill, and endorsed the Scientific Committee’s advice on this matter (SC-CAMLR-XXVI, paragraphs 3.18, 3.19 and 3.21; see also paragraph 4.11), including:

- (i) the most appropriate method for estimating  $B_0$  from survey data was still the Jolly and Hampton (1990) method as has been used for all CCAMLR  $B_0$  surveys to date;
- (ii) current CCAMLR protocols for the acoustic estimation of krill biomass and its variance should follow those of the CCAMLR-2000 Survey, except with regard to target strength and species identification; for these procedures, the recommendations of SG-ASAM should be followed (SC-CAMLR-XXIV, Annex 6; SC-CAMLR-XXVI, paragraph 3.19);
- (iii) any future surveys intended to produce estimates of  $B_0$  should follow the agreed protocols and be first presented to WG-EMM for its consideration and approval;
- (iv) implementation uncertainty caused by IUU fishing for krill or spatial/temporal misreporting is not currently incorporated in the assessment and decision rules, and may be either minimised by implementing appropriate control measures or explicitly represented in models (SC-CAMLR-XXVI, paragraph 3.31).

4.22 The Commission endorsed the Scientific Committee’s advice that the  $B_0$  estimate of 37.29 million tonnes (CV 21.20%) represents the best advice on the biomass estimate for krill in Area 48 during the CCAMLR-2000 Survey and that, using these values and the updated  $\gamma$  arising from the use of the GYM (0.093), compared to the KYM (0.091), the precautionary catch limit for Area 48 should be updated to 3.47 million tonnes (SC-CAMLR-XXVI, paragraph 3.21).

4.23 The Commission endorsed the Scientific Committee’s advice on the new estimate of  $B_0$  for Division 58.4.2 of 28.75 million tonnes (CV 16.18%), produced using the new simplified stochastic distorted-wave Born approximation (SDWBA) model for target strength and species identification (SC-CAMLR-XXVI, paragraph 3.22). This biomass was divided into a western subdivision between 30° and 55°E (16.17 million tonnes, CV 18.36%) and an eastern subdivision between 55° and 80°E (11.61 million tonnes, CV 29.82%), with  $\gamma$  values being calculated using the GYM. The resulting precautionary catch limits for krill were 1.448 million tonnes and 1.080 million tonnes in the western and eastern subdivisions respectively.

4.24 The Commission noted the deliberations of the Scientific Committee and WG-EMM on the wider Antarctic ecosystem. In particular, the Commission noted the importance of the long time series of krill density and recruitment indices collected as part of the BAS, US AMLR and LTER national programs contributing to CCAMLR work, and the continuing need to collect and submit such data to the working groups into the future (SC-CAMLR-XXVI, paragraphs 3.32 and 3.33).

4.25 The Commission urged Members to develop and maintain long-term scientific monitoring programs studying the krill-based ecosystem as these will provide data that will allow the Scientific Committee to investigate the effects of climate change as well as the effects of the fishery. The Commission noted that this work may be facilitated by coordination of future long-term research to develop the best sites and data.

4.26 The Commission endorsed the Scientific Committee's priorities for the 2008 meeting of WG-EMM (SC-CAMLR-XXVI, paragraph 3.40).

4.27 The Commission noted progress by the Scientific Committee and WG-EMM on the estimation of land-based marine predator abundance in the southwest Atlantic. WG-EMM will hold a Predator Survey Workshop in Hobart in June 2008, and has identified a considerable program of work beyond 2008 (SC-CAMLR-XXVI, paragraphs 6.4 to 6.6).

4.28 The Commission also noted that the Scientific Committee has endorsed the invitation and participation of appropriate SCAR experts at the abovementioned workshop, and the participation of one invited expert who should be experienced in the statistical estimation of land-based predator populations. The results of the workshop would be reported to the 2008 meetings of WG-SAM and WG-EMM (SC-CAMLR-XXVI, paragraphs 6.7 to 6.9).

#### Interactions between WG-EMM and WG-FSA

4.29 The Commission noted the Scientific Committee's progress in developing interactions between WG-EMM and WG-FSA, including the results of a one-day joint WG-EMM and WG-FSA workshop to begin developing ecosystem models that examine the effects of fisheries in fish-based ecosystems (SC-CAMLR-XXVI, paragraphs 3.93 to 3.100 and SC-CAMLR-XXVI/BG/6).

4.30 The focus of the workshop was to identify the potential risks from some CCAMLR fisheries and to review progress on work being undertaken that might contribute to assessing those risks. Presentations were made on approaches to developing ecosystem models for CCAMLR fisheries:

- *Euphausia superba* in the south Atlantic
- *Chamsocephalus gunnari* at South Georgia
- *C. gunnari* and *Dissostichus eleginoides* at Heard Island
- *D. mawsoni* in the Ross Sea.

4.31 The Commission endorsed the Scientific Committee's advice on future work, including the development of ecosystem models which could take into account the complex interactions between predators, target species, prey and other fisheries as outlined in SC-CAMLR-XXVI, paragraph 3.99.

## Harvested species

### Krill resources

4.32 The Commission noted that six vessels from four Member countries targeted krill in 2006/07. A total catch of 104 364 tonnes of krill was reported to the Secretariat by the beginning of October 2007. The total catch of krill reported in 2005/06 (to the end of November) was 106 591 tonnes (SC-CAMLR-XXVI, Tables 1 and 3).

4.33 The Commission noted that some catch and effort data submitted by Poland in previous seasons may not be reported on a haul-by-haul basis. Poland agreed to address this issue in consultation with the Secretariat.

4.34 The Commission noted that the total catch of krill initially notified for the 2007/08 season was 764 000 tonnes, and was expected to be caught by 25 vessels from seven Member countries and two Acceding States (Table 2). However, during the meeting of the Scientific Committee, the Secretariat had been advised that Vanuatu had withdrawn its notification to participate in the krill fishery. This brought the total notified catch of krill for 2007/08 to 684 000 tonnes. The notified catch was in excess of the trigger level in Area 48 (620 000 tonnes).

4.35 The Commission endorsed the Scientific Committee's advice on notifications for krill fisheries in 2007/08 (SC-CAMLR-XXVI, paragraphs 4.2 to 4.24), and noted:

- (i) the significant increase in the number and scale of notifications, which reflects a genuine increase in interest in krill products and was likely to result in a significant increase in krill catches over the next year;
- (ii) a need for the orderly development of the krill fishery (see SC-CAMLR-XXVI, Annex 4, paragraphs 4.73 to 4.76) in order to ensure that the CCAMLR objectives are met;
- (iii) a scientific need for systematic observer coverage in the krill fishery;
- (iv) a need for additional information on a number of operational aspects of the krill fishery.

4.36 The Commission also noted that three fishing methods had been notified for 2007/08:

- (i) conventional trawling, with catches brought alongside the vessel and then either lifted or pumped on board;
- (ii) continuous fishing system using a single trawl, with catches continuously pumped on board whilst the vessel was fishing;
- (iii) pair trawling using a single trawl towed between two vessels.

4.37 The Commission noted Members' concerns about the notifications, including:

- (i) pair trawling was a new method for catching krill and has not been used in the Convention Area;

- (ii) based on experience in other pair-trawl fisheries, pair trawling may result in high levels of incidental mortality of marine mammals, sharks and penguins;
- (iii) there was a large number of vessels notified for some areas;
- (iv) uncertainty over the beneficial ownership and flag of some notified vessels;
- (v) difficulties in recording accurate catch-per-unit-effort taken by the continuous fishing system;
- (vi) observed instance where seals are attracted to the continuous fishing system;
- (vii) the need to develop the method for recording catch and effort from pair trawling;
- (viii) variable levels of coverage by scientific observers proposed in the notifications.

4.38 In response to some of these concerns, the Cook Islands advised that:

- (i) all vessels notified by the Cook Islands would be flagged to the Cook Islands prior to licences being issued for krill fishing in the Convention Area;
- (ii) government officials have verified beneficial ownership of notified vessels and are satisfied that a genuine link exists to the Cook Islands, and the notification reflects in-depth arrangements with long-term benefit to the Cook Islands;
- (iii) mitigation measures (grid method) will be implemented on the pair trawlers, and scientific observer coverage will be increased to address concerns expressed by the Commission;
- (iv) it will comply with all relevant conservation measures and was prepared to work closely with the Commission to address any concerns raised by Members and the Scientific Committee.

4.39 Norway advised that it is developing a system which allowed vessels using the continuous fishing system to measure catch in real-time, and to accurately report catches at two-hour intervals. It also advised that its vessel was employing efficient mitigation measures and had not observed any incidental mortality of marine mammals or seabirds. In addition, the by-catch rates of larval fish caught in the continuous fishing system were comparable to those observed in conventional trawls (WG-EMM-07/16 synopsis in SC-CAMLR-XXVI/BG/14).

4.40 New Zealand expressed concern regarding the use of pair trawling in the Convention Area. This was a new fishing method which was untested in the Convention Area. New Zealand urged the Commission to maintain its precautionary approach, and refer the matter to ad hoc WG-IMAF for detailed evaluation prior to the method being introduced in the krill fishery.

4.41 ASOC urged the Commission to develop a strategic plan for krill fisheries as the most effective way to address scientific, policy and regulatory elements relevant to krill fisheries management (CCAMLR-XXVI/BG/25). Such a plan would provide structure to a diverse range of activities that are currently being conducted by the Commission in support of its

conservation objectives. It would also allow the Commission to prioritise critical and urgent issues, while keeping its long-term vision focused on the vital role of krill in the Antarctic marine ecosystem. The development of such a strategic plan should be a high priority for the Commission and the Scientific Committee.

4.42 ASOC also urged the Commission to ensure the orderly development of the krill fishery, including:

- (i) identifying the local impacts on vulnerable land-breeding predator colonies, taking into account the spatial overlap between the krill fishery and the foraging ranges of these predators;
- (ii) implementing an incremental management regime at the SSMU level in Area 48;
- (iii) establishing systematic scientific observer coverage on board vessels in the krill fishery;
- (iv) introducing VMS on krill fishing vessels as a basic measure to adequately monitor krill fishing operations;
- (v) applying Port State controls to krill fishing vessels.

4.43 ASOC indicated that it believed that the Commission has a unique window of opportunity to develop a strategic long-term plan for krill management in order to effectively implement the ecosystem approach. Recognising that the Commission had taken the initial first steps at this meeting, ASOC encouraged Members to keep making progress and to establish a management plan to provide for the orderly development of the krill fishery.

4.44 The Commission endorsed the Scientific Committee's advice to further develop details required in the krill fishery notification procedure (Conservation Measure 21-03, Annex A). In addition, the Commission noted the continuing large discrepancy between notifications for krill fishing and actual fishing effort. Extensive consideration of notifications which were not subsequently implemented reduced the time available to the Commission and the Scientific Committee to consider other matters. The Commission agreed to investigate ways to reduce the number of notifications which are not followed by fishing (SC-CAMLR-XXVI, paragraphs 3.45 and 3.46).

4.45 The Commission noted the Scientific Committee's advice that under current reporting requirements the Secretariat would need to forecast krill catches 120 days in advance to effect a closure of a krill fishery. The Commission agreed that a shorter catch reporting period would be required as the fishery approached the trigger level, and agreed to implement the 10-day catch and effort reporting system (Conservation Measure 23-02) as soon as 80% of the trigger level in any krill fishery had been reached (SC-CAMLR-XXVI, paragraph 3.48).

4.46 The Commission also noted that the Data Reporting System for Krill Fisheries (Conservation Measure 23-06) does not specify the requirement for the collection of biological information. The Commission endorsed the Scientific Committee's recommendation for reporting of biological data from krill fisheries, and noted that WG-EMM had been asked to consider the biological data reporting requirements and advise

the Scientific Committee in 2008, with the aim of adding biological data reporting requirements to Conservation Measure 23-06 (SC-CAMLR-XXVI, paragraphs 3.50 and 3.51).

4.47 The Commission recalled that it had agreed that krill catches in Area 48 should not exceed a trigger level until a procedure for division of the overall catch limit into SSMUs had been established (CCAMLR-XIX, paragraph 10.11). It further noted that the current version of Conservation Measure 51-01 would not allow the Secretariat to implement the trigger level as intended (SC-CAMLR-XXVI, paragraph 3.42). Consequently, the Commission agreed to revise this measure to clarify the intention of the trigger level (see paragraph 4.48).

4.48 The Commission endorsed the Scientific Committee's advice to revise the precautionary catch limit for krill in Area 48 to 3.47 million tonnes (see paragraph 4.22). The Commission noted that catch limits in Subareas 48.1, 48.2, 48.3 and 48.4 (each currently in excess of the trigger limit) were not necessary, given the decision to apply catch limits to SSMUs once the trigger level is reached. The Commission agreed to revise Conservation Measure 51-01 (paragraph 4.47).

4.49 The Commission endorsed the Scientific Committee's revision of the precautionary catch limit for krill in Division 58.4.2 to 2.645 million tonnes, with a further subdivision along the 55°E meridian. The Commission also agreed to introduce trigger levels to manage the orderly development of the fishery, and agreed that such trigger levels be calculated in a manner consistent with the proportion of  $B_0$  used in Area 48. It further agreed to deploy scientific observers in accordance with the Scheme of International Scientific Observation to collect data on fishing operations, by-catch and krill demographics (SC-CAMLR-XXVI, paragraphs 3.54 to 3.57).

4.50 The Commission endorsed the Scientific Committee's advice that krill fisheries in areas without precautionary catch limits (e.g. Area 88 and Subarea 48.6) should be considered as exploratory fisheries and that the conditions applied to other exploratory fisheries (Conservation Measure 21-02) should apply (SC-CAMLR-XXVI, paragraphs 3.52 and 3.53).

## Toothfish

4.51 The Commission noted that Members had targeted *D. eleginoides* in 2006/07 in Subareas 48.3 and 48.4 and Division 58.5.2, and *Dissostichus* spp. in Subareas 48.6, 88.1, 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b. Other fisheries for *D. eleginoides* occurred in the EEZs of South Africa (Subareas 58.6 and 58.7, and outside the Convention Area in Area 51) and France (Subarea 58.6 and Division 58.5.1). A total catch of 14 023 tonnes of *Dissostichus* spp. was reported in the Convention Area in the 2006/07 season (to October 2007), compared with 16 843 tonnes in the previous season (SC-CAMLR-XXVI, Tables 1 and 3).

4.52 Data reported in the CDS indicated that 9 084 tonnes of *Dissostichus* spp. were taken outside the Convention Area in 2006/07 (to October 2007) compared with 9 790 tonnes in 2005/06 (SC-CAMLR-XXVI, Annex 5, Table 4). The catch of *Dissostichus* spp. reported through the CDS in Areas 41 and 87 was 3 798 tonnes and 4 631 tonnes respectively in 2006/07, compared with 5 165 and 3 985 tonnes respectively in 2005/06.



4.53 Estimates of catches from IUU fishing for *Dissostichus* spp. inside the Convention Area are discussed in section 10.

4.54 The Commission noted that the Scientific Committee had reviewed the requirements of exploratory fisheries for *Dissostichus* spp., and this was considered in section 12.

4.55 The Commission considered matters related to by-catch in fisheries for *Dissostichus* spp. in paragraph 4.75.

4.56 The Commission noted the Scientific Committee's deliberations with respect to biennial assessments, and endorsed the management advice that assessments of long-term precautionary yield for *Dissostichus* spp. in the Ross Sea (Subarea 88.1 and SSRUs 882A–B), Subarea 48.3 and Division 58.5.2 had been moderately stable in the last few years, and stocks were at, or above, target levels (SC-CAMLR-XXVI, paragraph 14.6).

4.57 The Commission agreed that the Scientific Committee and WG-FSA may now conduct assessments for fisheries for *Dissostichus* spp. in the Ross Sea, Subarea 48.3 and Division 58.5.2 at two-year (biennial) intervals, unless any of the following factors occurred during the interval period:

- (i) new or refined methods of assessment become available and recommended by WG-SAM for use in the assessment;
- (ii) parameters used in the assessment are revised significantly; or
- (iii) a large IUU catch (unless this was anticipated in the assessment).

4.58 The Commission recalled that the introduction of multi-year assessments would allow the Scientific Committee additional time to advance other high-priority issues such as Management Strategy Evaluations to evaluate the efficacy of methods to achieve management objectives (CCAMLR-XXV, paragraph 4.53) and to progress assessments of exploratory fisheries.

4.59 The Commission endorsed the management advice for the *Dissostichus* spp. fisheries which had been assessed by the Scientific Committee (see also section 12). The Commission agreed to the following limits for the 2007/08 fishing season:

- (i) the catch limit for *D. eleginoides* in Subarea 48.3 (SGSR stock) should be 3 920 tonnes, the catch limits for management areas A, B and C should be adjusted in a pro-rata manner to 0 (excepting 10 tonnes for research fishing), 1 176 and 2 744 tonnes respectively, and the by-catch limits for rajids<sup>1</sup> and macrourids should remain at the level of 5%, that is 196 and 196 tonnes respectively (SC-CAMLR-XXVI, paragraphs 4.57 and 4.59);
- (ii) the catch limit for *D. eleginoides* in Division 58.5.2 west of 79°20'E should be 2 500 tonnes (SC-CAMLR-XXVI, paragraphs 4.73 and 4.74);
- (iii) the catch limits for *D. eleginoides* in these fisheries can be carried over into the 2008/09 fishing season, subject to the conditions detailed in paragraph 4.57.

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<sup>1</sup> Rajids refer to all skates and rays.

4.60 The Commission joined the Scientific Committee in thanking France for the resubmission of catch, effort, length and biological data to the CCAMLR database in 2007 and encouraged the continued submission of data to CCAMLR. The Commission also encouraged the estimation of biological parameters for *D. eleginoides* in the French EEZs in Division 58.5.1 (Kerguelen Islands) and Subarea 58.6 (Crozet Island) and the development of stock assessments for these areas including cooperative work between France and Australia. France was also encouraged to continue its tagging program in these fisheries, and to avoid fishing in zones where there were high rates of by-catch of other species (SC-CAMLR-XXVI, paragraphs 4.64, 4.65, 4.79 and 4.80).

4.61 The Commission also noted that France had made significant progress in mitigating seabird by-catch, including the application of area and season closures, and that the Scientific Committee had noted that the CPUE analysis would probably be robust to these changes so long as detailed haul-by-haul data continue to be available (SC-CAMLR-XXVI, paragraphs 4.67 and 4.82).

4.62 The Commission noted that the Scientific Committee was unable to provide management advice for the fishery for *D. eleginoides* in the South African EEZ at Prince Edward Islands. The Commission urged South Africa to adopt the CCAMLR decision rules for estimating yields for this fishery (SC-CAMLR-XXVI, paragraph 4.88).

4.63 The Commission agreed that the prohibition of directed fishing on *D. eleginoides* in Subareas 58.6 and 58.7, and Divisions 58.4.4 and 58.5.1 in areas outside national jurisdiction, should remain in force (SC-CAMLR-XXVI, paragraphs 4.66 and 4.89).

#### Icefish

4.64 The Commission noted that Members had targeted *C. gunnari* in Subarea 48.3 and Division 58.5.2 in 2006/07, and a total of 3 941 tonnes of *C. gunnari* was taken in the Convention Area (to October 2007), compared with 2 829 tonnes in 2005/06 (SC-CAMLR-XXVI, Tables 1 and 3).

4.65 The Commission endorsed the management advice for fisheries for *C. gunnari* which had been assessed by the Scientific Committee and agreed that:

- (i) the catch limit for *C. gunnari* in Subarea 48.3 should be revised to 2 462 tonnes in 2007/08 and 1 569 tonnes in 2008/09 based on the outcome of the short-term projection, and the catch limit and research requirements between 1 March and 31 May 2008 should be removed (SC-CAMLR-XXVI, paragraph 4.94);
- (ii) the impact of the removal of the specific requirements between March and May in the fishery for *C. gunnari* in Subarea 48.3 should be reviewed by the Scientific Committee and WG-FSA in 2008 (SC-CAMLR-XXVI, paragraph 4.95);
- (iii) the catch limit for *C. gunnari* in Division 58.5.2 should be set at 220 tonnes in 2007/08, and the remaining provisions of Conservation Measure 42-02, Annex B, should be carried forward (SC-CAMLR-XXVI, paragraphs 4.99 and 4.100).

#### Other finfish species

4.66 The Commission endorsed the Scientific Committee's advice on finfish fisheries in Subareas 48.1 and 48.2 (SC-CAMLR-XXVI, paragraphs 4.103 to 4.108).

4.67 The Commission endorsed the Scientific Committee's advice for the fishery for *D. eleginoides* in Subarea 48.4 that:

- (i) Conservation Measure 41-03 should remain in force until the end of the 2007/08 season;
- (ii) the results of the tagging experiment would be considered by the Scientific Committee and WG-FSA in 2008;
- (iii) based on the current low rates of tagging, the Scientific Committee recommended an extension of the current experiment for one or two further years;
- (iv) further development of this fishery may include a similar tagging experiment for *D. mawsoni* in the southern region of Subarea 48.4 and the introduction of catch limits for by-catch species.

#### Crab resources

4.68 The Commission noted that there had been no fishery for crab in Subarea 48.3 in 2006/07 and that no proposal to harvest crab had been received for 2007/08. The Commission endorsed the Scientific Committee's management advice that the existing Conservation Measures 52-01 and 52-02 on crabs should be carried forward (SC-CAMLR-XXVI, paragraph 4.173).

#### Squid resources

4.69 The Commission noted that there had been no fishery for *Martialia hyadesi* in Subarea 48.3 in 2006/07 and that no notification to harvest this species had been received for 2007/08. The Commission endorsed the Scientific Committee's management advice that the existing Conservation Measure 61-01 should be carried forward (SC-CAMLR-XXVI, paragraph 4.175).

#### By-catch species

4.70 The Commission noted that none of the limits on by-catch set in the conservation measures applying to the statistical areas managed by CCAMLR were exceeded in 2006/07.

4.71 The Commission also noted recent work on by-catch species, including the development of mitigation methods (SC-CAMLR-XXVI, paragraphs 4.178 and 4.179) and revised requirements for future data collection (SC-CAMLR-XXVI, paragraph 4.180).

4.72 The Commission endorsed the Scientific Committee's proposal to focus its by-catch work on rajids in 2008/09, and making that season the Year of the Skate (SC-CAMLR-XXVI, paragraphs 4.181 and 4.184). Preparations for the Year of the Skate include:

- (i) a subgroup to communicate intersessionally and coordinate planning;
- (ii) development of region-specific identification guides for skates based on characters which could be easily determined on vessels by observers;
- (iii) modification of the observer data forms (for 2008/09) to enable adequate recording of detailed information about the fate of skates caught;
- (iv) preliminary implementation of a skate tagging program in new and exploratory fisheries in 2007/08, with implementation by all vessels in 2008/09;
- (v) the Secretariat coordinating the skate tagging program in new and exploratory fisheries (including distribution of skate tagging kits, repository for recaptured tags and data archive);
- (vi) where possible in 2007/08, skates should be brought on board prior to release in order to facilitate identification and tagging, and that this practice becomes mandatory in the Year of the Skate (2008/09).

4.73 The Scientific Committee recommended that the Year of the Skate incorporate all *Dissostichus* spp. fisheries in the Convention Area, with a tagging program focusing on new and exploratory fisheries (SC-CAMLR-XXVI, paragraph 4.182).

4.74 The Commission will review the applicability of paragraph 4.72(vi) to subsequent seasons, bearing in mind the advice of the Scientific Committee, knowledge gained during the Year of the Skate and operational considerations.

4.75 The Commission noted that the Scientific Committee had been unable to provide new advice on by-catch limits (SC-CAMLR-XXVI, paragraph 4.185). Therefore, the Commission agreed to maintain the *status quo* for by-catch species catch limits in 2007/08. It encouraged the Scientific Committee to develop advice as quickly as possible on by-catch measures that are set independently from the catch limits of target species.

4.76 However, the Commission noted progress made by the Scientific Committee in developing assessments for by-catch species in Subarea 48.3 and the Ross Sea, and that further data on by-catch species would be collected during the IPY/CAML (Census of Antarctic Marine Life) survey in the Ross Sea which will be conducted by New Zealand in 2008.

4.77 The Commission further noted that the Scientific Committee and its working groups will prepare area-specific guides for the identification of benthic organisms which will enable observers to identify benthic by-catch to the phylum level, and assist in the recording of catch data (SC-CAMLR-XXVI, paragraph 4.190).

4.78 The Commission thanked the Scientific Committee for reviewing the macrourid move-on rule in Conservation Measure 33-03, paragraph 5 (CCAMLR-XXV, paragraph 4.67). The Commission endorsed the Scientific Committee's advice to introduce a

threshold level above which the macrourid catch would trigger the move-on rule (SC-CAMLR-XXVI, paragraphs 4.187 and 4.188). The Commission agreed to amend paragraph 5 of Conservation Measure 33-03 to read:

‘If the catch of *Macrourus* spp. taken by a single vessel in any two 10-day periods in a single SSRU exceeds 1 500 kg in each 10-day period and exceeds 16% of the catch of *Dissostichus* spp. by that vessel in that SSRU in those periods, the vessel shall cease fishing in that SSRU for the remainder of the season.’ (A 10-day period is defined as day 1 to day 10, day 11 to day 20 or day 21 to the last day of the month.)

4.79 The Commission noted that the Scientific Committee planned to review this move-on rule in 2008, particularly in respect of effects from changes in macrourid catches and catch rates (SC-CAMLR-XXVI, paragraph 4.189).

#### Scientific research exemption

4.80 The Commission noted that Members would conduct the following scientific surveys in 2008 using research vessels (SC-CAMLR-XXVI, paragraph 9.1):

- (i) bottom trawl survey in Subarea 48.3 by the UK
- (ii) bottom trawl survey in Division 58.5.2 by Australia
- (iii) CCAMLR-related IPY/CAML surveys by Germany, Japan, New Zealand, Norway and the UK.

4.81 The Commission joined the Scientific Committee in commending Members for their commitment to the IPY and CAML, and recognised the importance of these surveys for the future work of CCAMLR.

4.82 The Commission noted that the Scientific Committee had discussed two notifications from Japan and Australia respectively to conduct *Dissostichus* spp. longline research in 2007/08 using commercial vessels under the provisions of Conservation Measure 24-01 (SC-CAMLR-XXVI, paragraphs 9.3, 9.5 and 9.8).

4.83 The Commission recalled that the purpose of allowing research fishing under Conservation Measure 24-01 using commercial fishing vessels was to collect data which would lead to an assessment of fish stocks in the area surveyed (SC-CAMLR-XXVI, paragraphs 9.3, 9.5 and 9.8). However, the Commission recognised the need to restrict initial effort such as provided in Conservation Measure 41-09 (paragraph 12) to prevent over-harvesting before sufficient data are obtained to conduct an assessment.

4.84 The Commission endorsed the Scientific Committee’s advice and agreed that (SC CAMLR-XXVI, paragraphs 9.5, 9.6, 9.8 and 9.9):

- (i) the Japanese survey in Divisions 58.4.4a and 58.4.4b should be limited to a total catch of 80 tonnes of *Dissostichus* spp., with a limit of 20 tonnes of *Dissostichus* spp. per SSRU surveyed. In addition, in order to increase CCAMLR’s knowledge of the current stock status in this area:
  - (a) research sets should involve a random element;

- (b) detailed biological data should be collected from the target and all by-catch species (individual fish length, weight, sex, reproductive stage, otoliths for ageing studies and tissue samples for genetic studies);
  - (c) representative length-frequency data should be collected from each haul;
  - (d) information should be reported on the trotline fishing system used and the design of the survey, and the depth of fishing recorded at each set;
  - (e) tagging of *Dissostichus* spp. should be conducted at a minimum rate of three fish per tonne of green weight caught;
- (ii) the catches taken in the Australian survey in Division 58.4.3b will be considered as part of the catch limits agreed for the fishery in that division in 2007/08 (see also paragraph 13.62). In addition, in order to increase CCAMLR's knowledge of the current stock status in this area:
- (a) the survey should proceed in accordance with the research and data collection plan proposed in the notification;
  - (b) research sets should be deployed across the entire BANZARE Bank and in accordance with the notified standardised random design.

4.85 The Commission noted that the vessels engaged in the Japanese and Australian surveys will carry scientific observers appointed in accordance with the Scheme of International Scientific Observation.

4.86 The Commission noted the dilemma identified by the Scientific Committee that, without surveys, the status of stocks would remain unknown, but that the catch required to complete a survey may further deplete the stocks under investigation (SC-CAMLR-XXVI, paragraph 9.11; see also discussion under Agenda Item 12). The Commission noted that a review of Conservation Measure 24-01 may be needed.

4.87 Taking into account this advice from the Scientific Committee, and in order to address the dilemma identified by the Scientific Committee and to consider how best to manage research fishing (Conservation Measure 24-01, paragraph 3) on *Dissostichus* spp. using commercial vessels, the Commission requested the Scientific Committee to review and provide advice next year on the implementation of Conservation Measure 24-01. It also requested that the Scientific Committee consider the design of research programs undertaken by commercial vessels, and that Members ensure that appropriate scientists attend the meetings of WG-FSA.

#### Secretariat supported activities

4.88 The Commission noted the Secretariat's work in data management in 2006/07 and measures taken to maintain the integrity of CCAMLR data (SC-CAMLR-XXVI, paragraphs 13.1 to 13.4). The volume and complexity of this work continued to increase and the Scientific Committee had noted the importance of the Secretariat's support to the work of the Scientific Committee and its working groups.

4.89 The Commission endorsed the following advice from the Scientific Committee in relation to CCAMLR data, and agreed to the:

- (i) implementation of the three-step procedure to facilitate the submission of STATLANT data by Members and improve the quality of these data (SC-CAMLR-XXVI, paragraphs 13.5 to 13.11);
- (ii) revision of the longline haul-by-haul catch and effort data form (SC-CAMLR-XXVI, paragraph 13.12);
- (iii) implementation of routine error checking of vessel positions reported in haul-by-haul catch and effort and observer biological and tagging data (SC-CAMLR-XXVI, paragraph 13.15);
- (iv) development of metadata for fishery and scientific datasets held in the CCAMLR database, and public release of these metadata in accordance with the Rules for Access and Use of CCAMLR Data (SC-CAMLR-XXVI, paragraphs 13.16 to 13.19).

4.90 The Commission endorsed the following advice from the Scientific Committee in relation to CCAMLR publications, and agreed to the:

- (i) electronic dissemination of *CCAMLR Science* via the CCAMLR website (SC-CAMLR-XXVI, paragraph 13.22);
- (ii) language support for *CCAMLR Science* in 2008 (SC-CAMLR-XXVI, paragraph 13.22);
- (iii) consideration in 2008 of proposals for special issues of *CCAMLR Science*, including the publication of the results of the CCAMLR-IWC Workshop and the CCAMLR Species Profiles (SC-CAMLR-XXVI, paragraph 13.23);
- (iv) review of the publication policy, including the procedure for selecting papers, of *CCAMLR Science* in 2008 (SC-CAMLR-XXVI, paragraphs 13.24 and 13.25).

#### Scientific Committee activities

4.91 The Chair of the Scientific Committee, on behalf of the Scientific Committee, accepted with great pleasure the invitation by the Russian Federation, made during the Commission meeting, to host the next meetings of WG-EMM, the ad hoc Technical Group for At-Sea Operations (TASO) and WG-SAM in Moscow in July 2008.

4.92 The Commission endorsed the Scientific Committee's approach to developing a long-term science plan (SC-CAMLR-XXVI, paragraphs 14.1 to 14.11). The Commission also endorsed the work plan for the Scientific Committee and its working groups and subgroups in 2007/08 (SC-CAMLR-XXVI, paragraphs 14.12 to 14.24), including:

- WG-EMM Predator Survey Workshop in Hobart, 16 to 20 June 2008 (Convener – Dr C. Southwell (Australia));

- meeting of WG-SAM in Moscow, July 2008 (Convener – Dr A. Constable (Australia));
- two-day scoping workshop of TASO, held in association with the meetings of WG-SAM and WG-EMM, to begin the work of the ad hoc technical group and identify the terms of reference and long-term work plan (Co-conveners – Mr C. Heinecken and Dr D. Welsford (Australia));
- meeting of WG-EMM in Moscow, July 2008 (Convener – Dr G. Watters (USA));
- Joint CCAMLR-IWC Workshop in Hobart, August 2008, to consider, *inter alia*, the types of information needed for models on the Antarctic marine ecosystem that could be developed for providing management advice (SC-CAMLR-XXVI, paragraphs 14.16 to 14.20);
- meetings of WG-FSA and ad hoc WG-IMAF in Hobart, Australia, from 13 to 24 October 2008 (Convener WG-FSA – Dr C. Jones (USA); Co-conveners WG-IMAF – Ms K. Rivera (USA) and Mr N. Smith (New Zealand)). WG-IMAF will also hold a one-day workshop;
- SC-CAMLR-XXVII scheduled in Hobart from 27 to 31 October 2008;
- preparations for the Year of the Skate (paragraph 4.79).

4.93 The Commission endorsed the Scientific Committee's decision that all observers invited to SC-CAMLR-XXVI would be invited to participate in SC-CAMLR-XXVII.

4.94 The Commission noted that:

- Mr L. Pshenichnov's (Ukraine) term as Vice-Chair of the Scientific Committee ended in 2007 and the Scientific Committee had unanimously elected Mr S. Iversen (Norway) to the position for a term of two regular meetings (2008 and 2009).
- Dr Jones will replace Dr S. Hanchet (New Zealand) as convener of WG-FSA;
- Dr Watters will replace Dr K. Reid (UK) as convener of WG-EMM;
- WG-SAM will now be convened by Dr Constable.

4.95 The Commission joined the Scientific Committee in thanking Mr Pshenichnov, outgoing Vice-Chair of the Scientific Committee, Dr Hanchet, outgoing Convener of WG-FSA and Dr Reid, outgoing Convener of WG-EMM, for their significant contributions to the work of the Scientific Committee. The Commission joined the Scientific Committee in welcoming Mr Iversen and Drs Jones, Watters and Constable to their new portfolios.

4.96 The Commission joined the Scientific Committee in conveying delegates' best wishes to the Science and Compliance Officer, Dr E. Sabourenkov, who is retiring in early 2008, after serving in the Secretariat for 24 years. Dr Sabourenkov joined the Secretariat in 1984 and has been closely involved in the work of the Commission and the Scientific Committee. The Commission and the Scientific Committee thank Dr Sabourenkov for his dedicated service and expert contributions to the work of CCAMLR.



## FISHERIES MANAGEMENT AND CONSERVATION UNDER CONDITIONS OF UNCERTAINTY

Catches of *Dissostichus* spp.

5.1 The Commission noted the Scientific Committee's discussion on information pertaining to fishing on *Dissostichus* spp. inside and outside the Convention Area (SC-CAMLR-XXVI, paragraph 8.1 and Annex 5, Table 4). Catches of *D. eleginoides* outside the Convention Area originated mostly from Areas 41 and 87 (see also paragraph 4.52).

5.2 The Commission also noted that Argentina had provided further information on the fishery on *D. eleginoides* inside the Patagonian sector of the Argentine EEZ (Area 41). The annual catch limit for *D. eleginoides* is 2 500 tonnes and catches in 2006/07 were similar to the previous season (SC-CAMLR-XXVI, paragraph 8.2).

5.3 The Commission noted with concern that the estimated total catch from IUU fishing had increased in recent years, and IUU fishing had shifted from 'traditional' grounds in Area 58, such as Division 58.5.1, to high-seas areas and oceanic banks, such as BANZARE Bank (Division 58.4.3b) closer to the Antarctic continent. Some IUU fishing vessels were also using bottom gillnets (SC-CAMLR-XXVI, paragraphs 8.3 to 8.6). The matter was further considered in section 10.

5.4 The Commission endorsed the Scientific Committee's and WG-FSA's advice that the Secretariat's current method for estimating catches taken during IUU fishing may be further improved by including an estimate of the local density of licensed vessels (SC-CAMLR-XXVI, Annex 5, paragraphs 8.1 and 8.3). Such a measure would provide an estimate of the probability of licensed vessels detecting IUU fishing events (see also paragraph 10.51(iii)).

### Fishery Management Plans

5.5 The Commission noted progress made by the informal intersessional ad hoc group tasked with developing the concept of Fishery Management Plans (FMPs) (CCAMLR-XXV, paragraph 13.11; CCAMLR-XXVI/34). This work had included consideration of the:

- benefits gained and opportunities arising from advancing FMPs
- linkages with the Unified Regulatory Framework and Fishery Plans
- procedure and work required to develop FMPs.

5.6 The ad hoc group proposed that development of a fisheries management checklist would provide a suitable interim measure to highlight gaps in management procedures and to assess the worth of developing comprehensive FMPs (see CCAMLR-XXVI/34).

5.7 The Commission thanked the ad hoc group for its work, and agreed that this group should continue developing the concept and details of a generic CCAMLR fisheries management checklist, and outline the potential role of FMPs in the context of CCAMLR's established management approach. Noting the need to streamline the relationship between the fisheries management checklist and other existing frameworks within CCAMLR, the Commission asked the ad hoc group to report further progress at CCAMLR-XXVII, and encouraged interested Members to participate in its work.

5.8 The Commission requested that the Secretariat provide technical assistance to the ad hoc group on the interface of such a checklist with the current Fishery Plans. The Commission noted that, should it decide to implement full FMPs in the future, this may require substantial work by the Secretariat, especially during the implementation phase.

#### Bottom fishing in CCAMLR high-seas areas

5.9 The Commission reviewed its progress in meeting the requirements of the United Nations General Assembly (UNGA) Sustainable Fisheries Resolution (61/105) which calls upon States and RFMOs, or other arrangements, to take immediate action to ensure that fish stocks are managed sustainably and to protect vulnerable marine ecosystems (VMEs), including but not limited to seamounts, hydrothermal vents, cold-water corals and sponges, from destructive fishing practices. More specifically, Resolution 61/105 calls upon States and RFMOs, and other arrangements to regulate and manage all bottom fisheries in high-seas areas so as to prevent significant adverse impacts on VMEs by no later than 31 December 2008 (UNGA Resolution 61/105, OP80–OP91).

5.10 In Conservation Measure 22-05, the Commission had requested that the Scientific Committee review the criteria for determining what constitutes significant harm to benthos and benthic communities (Conservation Measure 22-05; CCAMLR-XXV, paragraphs 11.25 to 11.37). It noted that this task had been overtaken by UNGA Resolution 61/105 and thanked the Scientific Committee and WG-FSA for making considerable progress in addressing issues surrounding the implementation, from a scientific perspective, of that resolution (SC-CAMLR-XXVI, paragraphs 4.159 to 4.168).

5.11 The Commission noted that the Scientific Committee had developed practical guidelines for providing scientific advice on the different components for managing bottom fisheries in high-seas areas of the Convention Area. It also noted that many of the components identified by the Scientific Committee can draw on existing practices and procedures within the Scientific Committee and its working groups (SC-CAMLR-XXVI, paragraphs 4.162 and 4.163).

5.12 The Commission endorsed the Scientific Committee's proposed framework for indicating what research and data collection activities might be required at different stages of the process of managing bottom fishing, and what is needed to develop scientific advice (SC-CAMLR-XXVI, paragraph 4.164). The Commission noted that Conservation Measure 21-02, paragraphs 2 and 3, provide a good starting framework for data collection requirements. Future work includes developing:

- (i) practical guidelines on identifying evidence of VMEs during fishing activities
- (ii) procedures that could be followed if evidence of VMEs is found
- (iii) research and data collection programs needed to:
  - (a) evaluate VMEs and the potential for significant adverse impacts
  - (b) develop approaches to avoid and mitigate significant adverse impacts of fishing on benthic ecosystems.

5.13 The Commission agreed that the full development of the process will require further work in both the Scientific Committee and the Commission and by Members during the intersessional period to meet the requirements of UNGA Resolution 61/105 (SC-CAMLR-XXVI, paragraph 4.165). Such work could include, *inter alia*:

- (i) development of rules and data collection requirements needed to trigger actions with respect to avoidance of potentially vulnerable areas and the gathering of data to assist in identifying VMEs;
- (ii) identifying the method for specifying areas in which evidence of VMEs is detected;
- (iii) developing an approach for annual assessments of benthic interactions of bottom fishing and identification of Vulnerable and Potentially Vulnerable Areas;
- (iv) consideration of the requirements for observation and reporting;
- (v) consideration of the available management approaches to avoid and mitigate significant adverse impacts on VMEs;
- (vi) further consideration of the relationship between effective fishing footprint and geomorphological features;
- (vii) a method for assessing the amount of seabed directly affected by the fishing gears to better evaluate the potential spatial extent of disturbance of VMEs.

5.14 The Commission noted that (SC-CAMLR-XXVI, paragraphs 4.166 and 4.167):

- (i) existing practices can be used to advance the requirements of UNGA Resolution 61/105 with respect to avoiding significant adverse impacts on VMEs;
- (ii) this process makes it easier to understand what needs to be done and when and how this work contributes to CCAMLR achieving its objectives and complying with UNGA Resolution 61/105;
- (iii) additional resources will need to be brought to these tasks.

5.15 The Commission endorsed the advice and work plan which the Scientific Committee had developed to address issues surrounding Conservation Measure 22-05 and the implementation of UNGA Resolution 61/105 (SC-CAMLR-XXVI, paragraphs 4.169 to 4.171). It noted that the work to be undertaken could include, *inter alia*, existing practices to advance the requirements of the resolution. The process would also elaborate by-catch procedures already in place and will contribute towards implementing the objectives of the Convention.

5.16 The Commission noted the need to act quickly to address the requirements of UNGA Resolution 61/105 by the deadline of December 2008. Proposed work will need to be completed during the 2007/08 intersessional period, for review at CCAMLR-XXVII. In reviewing its approach in 2008, the Commission should continue to ensure that all aspects of the UNGA resolution have been implemented.

5.17 Some Members urged the Commission and the Scientific Committee to develop clear and practical procedures for identifying VMEs and guidelines for vessels which may encounter VMEs during the course of fishing. Consideration would also need to be given to the development and implementation of practical measures and devices to mitigate the impact of fishing on bottom communities.

5.18 The Commission tasked the Scientific Committee, taking into account Conservation Measure 22-06 (see paragraph 13.41), with developing pragmatic and flexible guidelines for identifying VMEs and defining actions taken by vessels which may encounter evidence of VMEs during the course of fishing. These guidelines may take account, where appropriate, of relevant international technical guidelines, including those developed by other organisations, regarding standards, criteria or specifications for identifying VMEs and the impacts of fishing activities on such ecosystems. Also, the guidelines should take account of the difficulties that some Members may have in the acquisition of some types of information to help identify VMEs and the types of fishing activities that may impact on them. The Commission agreed to review these guidelines at its next meeting.

5.19 The Commission noted that some assemblages may be readily classified as vulnerable when they are characterised by slow growing, habitat-forming, sessile species including, but not limited to, cold-water coral communities, sponge communities, hydrothermal vents and other communities associated with seamounts.

5.20 The Commission urged all Members to engage in the work identified by the Scientific Committee and its working groups in 2007/08 (paragraphs 4.4 and 4.6).

## ASSESSMENT OF INCIDENTAL MORTALITY OF ANTARCTIC MARINE LIVING RESOURCES

### Marine debris

6.1 The Commission noted that several papers had been provided to the Scientific Committee regarding surveys of marine debris and its impact on marine mammals and seabirds conducted by Members in the Convention Area.

6.2 The Commission further noted that the Scientific Committee had recommended that this item would be better delegated to ad hoc WG-IMAF for its expert consideration, and removed it from its agenda (SC-CAMLR-XXVI, paragraph 6.2).

6.3 The Executive Secretary notified the Commission that he had received a request from the International Maritime Organization (IMO) for summary data on the presence of marine debris in the Antarctic region held by the CCAMLR Secretariat. This request forms part of a comprehensive review of Annex V to the MARPOL Convention and its supporting guidelines.

6.4 The Commission endorsed the Executive Secretary's proposal to forward the Secretariat's summary report on marine debris surveys (SC-CAMLR-XXVI/BG/10) and Conservation Measure 26-01 to the IMO for the purposes of their review.

## Incidental mortality of marine mammals during fishing operations

6.5 The Commission considered and noted all items of general advice received from the Scientific Committee regarding incidental mortality of seabirds and marine mammals during fishing operations (SC-CAMLR-XXVI, paragraph 5.63).

6.6 In particular, the Commission noted with great satisfaction that for the first time no seabirds were reported killed in regulated longline fishing in the Convention Area, outside the French EEZs, and that for two consecutive years no albatross mortalities were observed. It also noted that the level of by-catch of other seabird species in the French EEZs had decreased by 13% during the 2006/07 fishing season.

6.7 France thanked ad hoc WG-IMAF and the Scientific Committee for its effective work in reducing seabird by-catch in the Convention Area. France reported that like the rest of the Convention Area, albatross mortalities had been reduced to zero in the French EEZs, but more effort is required to reduce mortalities of other seabird species. It informed the Commission of a three-year plan to reduce the current levels of incidental mortality in the French EEZs by a factor of two (SC-CAMLR-XXVI, paragraph 5.7). France also reported on its continued efforts to eliminate IUU fishing and its associated reduction in seabird by-catch, and expressed concern over the high mortality levels of Convention Area seabirds in fisheries adjacent to the Convention Area.

6.8 New Zealand agreed with France that the high mortality of Convention Area seabirds in fisheries adjacent to the Convention Area was of great concern to CCAMLR, and was disappointed with the lack of response to CCAMLR Resolution 22/XXV.

6.9 The USA welcomed the action plan from France and was eager to see it advance in the intersessional period. It noted that CCAMLR, through its effective use of seabird by-catch mitigation measures, is a role model for adjacent area RFMOs where Convention Area seabirds are caught. It also stressed that now it is more important than ever that CCAMLR most rigorously implement its Resolution 22/XXV, and that these efforts should include the use of ACAP resources (SC-CAMLR-XXVI, paragraph 5.52) and briefing materials for the CCAMLR observers at RFMOs (SC-CAMLR-XXVI, paragraph 10.48).

6.10 Regarding ACAP, the USA noted that recently the President of the USA had directed US federal agencies to increase that country's participation in this international agreement in the context of meeting its objectives to protect coastal and marine migratory birds. This long-standing interest in seabird conservation has prompted the USA to participate as an observer in ACAP meetings since the agreement entered into force and it looks forward to increasing its involvement in the future.

6.11 Chile noted with concern that the biggest threat to Convention Area seabirds outside the Convention Area are pelagic tuna and swordfish fisheries in oceans around Antarctica. Chile urged the Commission to support and maintain contact with other RFMOs and countries adjacent to the Convention Area, to maintain a flow of information on seabird issues. Chile also thanked ad hoc WG-IMAF for its work, and noted the positive contributions of ACAP and BirdLife International to this working group.

6.12 The European Community agreed with other delegations on the importance of seabird mitigation measures during fishing. It informed the Commission that it had tried to push

other RFMOs bordering the CAMLR Convention Area to adopt mitigation measures similar to CCAMLR's. It agreed that there should be a constant and effective flow of information between CCAMLR and other RFMOs.

6.13 The European Community further noted that IUU fishing in the Convention Area not only impacts fish stocks, but the entire ecosystem, including seabirds.

6.14 Australia agreed with the European Community and noted that steps to protect fish stocks from IUU fishing would also help protect seabird populations. Australia urged Commission Members to highlight wherever possible the issue of Convention Area seabirds being caught in fisheries outside the Convention Area within other RFMOs.

6.15 South Africa thanked ad hoc WG-IMAF for its work. It informed the Commission that it had implemented all CCAMLR measures for seabird mitigation in its domestic fisheries and urged other Members to do the same.

6.16 ACAP congratulated the Commission on its advances in eliminating seabird by-catch and acknowledged CCAMLR as a world leader in mitigation techniques, environmental risk assessment and its effective observer program. ACAP urged the Commission Members to play a more active role in other RFMOs by sending relevant experts to these meetings.

6.17 The Commission endorsed the series of recommendations and proposals made by the Scientific Committee in relation to the reduction of incidental mortality of seabirds and marine mammals (SC-CAMLR-XXVI, paragraphs 5.64 and 5.65).

## MARINE PROTECTED AREAS

### CEMP site protection

7.1 The Chair of the Scientific Committee advised the Commission that (SC-CAMLR-XXVI, paragraph 3.60):

- (i) the management plan for the Cape Shirreff CEMP site and the associated Conservation Measure 91-02 (2004) will be subject to review in 2009;
- (ii) because research on the Seal Island CEMP site was no longer undertaken, Conservation Measure 91-03 (2004) should be discontinued.

7.2 The Commission approved the Scientific Committee's recommendation that Conservation Measure 91-03 (2004) be discontinued.

### Workshop on Bioregionalisation of the Southern Ocean

7.3 The Commission noted the outcomes from the Workshop on Bioregionalisation of the Southern Ocean (13 to 17 August 2007 in Brussels, Belgium), Co-convened by Drs P. Penhale (USA) and S. Grant (UK) (SC-CAMLR-XXVI, paragraphs 3.71 to 3.93). The report of the Workshop was available in SC-CAMLR-XXVI/11.

7.4 The primary aim of the Workshop was to advise on a bioregionalisation of the Southern Ocean including, where possible, advice on fine-scale subdivision of biogeographic provinces (SC-CAMLR-XXV, paragraph 3.34).

7.5 The Workshop considered available bathymetric, physical oceanographic and biological data. Benthic and pelagic systems were considered separately.

7.6 It also indicated that the broad-scale pelagic bioregionalisation accomplished by the Workshop could potentially be enhanced for biological data by applying species habitat modelling, and a Boosted Regression Tree (BRT) method for modelling single-response variables using environmental predictors.

7.7 For benthic bioregionalisation, data on bathymetry, sea-floor temperature and currents, geomorphology, sediments and sea-ice concentration were considered to be important. Biological data were mostly restricted to shelf areas. Data considered for inclusion in the analysis included data on benthic invertebrates from the SCAR-MarBIN network, as well as presence/absence data on demersal finfish from SCAR-MarBIN and the CCAMLR database.

7.8 The Workshop employed a three-step process approach to a benthic bioregionalisation where physical regions were first defined, biological data were then overlaid and the final classification evaluated. The results were updated after the Workshop, to include additional physical data unavailable at the Workshop, and further evaluation of biological data layers was carried out. These results show that there will be a greater heterogeneity in benthic biodiversity and ecosystem structure and function at finer scales than originally identified by the Workshop (SC-CAMLR-XXVI, paragraph 3.80; SC-CAMLR-XXVI/BG/28).

7.9 The UK welcomed the Workshop's progress and thanked Belgium very much for hosting and facilitating this event. The UK noted the importance of the collaboration between the Scientific Committee and CEP manifest at the Workshop and which serves to broaden the advice coming to the Commission. It recommended that the Commission endorse the ongoing bioregionalisation work proposed by the Scientific Committee (SC-CAMLR-XXVI, paragraph 3.85).

7.10 Argentina thanked the Scientific Committee and the organisers of the Workshop and expressed its support for the establishment of a system of marine protected areas (MPAs) in the Antarctic. It added that such a system will require a number of definitions from the Commission with regard to risk and political issues arising from its future administration and proposed to start working on these issues, at least by correspondence.

7.11 Belgium advised the Commission that it had been particularly happy to host the Workshop and commended the quality of the work done. It noted that the question of selection criteria remained open but was hopeful of a resolution bearing in mind the expertise of CCAMLR. CCAMLR, as well as other international organisations, has expertise in the matter as mentioned in SC-CAMLR-XXVI/BG/24 submitted by the UK. Belgium reiterated its view that protected marine areas are an opportunity for the Commission to reinforce its pioneering role since few protected areas on the high seas exist outside the Southern Ocean.

7.12 Australia praised the work undertaken as an important scientific assessment. It particularly noted that it can be used to inform spatial management and is the primary foundation for understanding biological and physical heterogeneity in the Southern Ocean.

7.13 New Zealand agreed with the previous speakers and thanked Belgium for contributing to financing and hosting of this Workshop. New Zealand noted that CCAMLR now has the key tools to begin implementing the protection of marine areas in the Southern Ocean and commended the linkages being forged between the ATCM, CEP and the Scientific Committee, and noted it was necessary that the Commission support such developments.

7.14 Brazil supported the work done on MPAs and commented that it was a very important issue.

7.15 Sweden noted that this issue was very important to the Swedish Government and also thanked Belgium for hosting the Workshop.

7.16 Italy noted that this Workshop was an effective contribution to addressing CCAMLR objectives in relation to MPAs.

7.17 ASOC supported the views expressed by CCAMLR Members and praised the work undertaken to date. ASOC expressed concern that the final term for the Workshop concerning a procedure for identifying areas of protection has still not been addressed. ASOC commented on its paper and noted the need to consider relevant policy issues such as site selection, area design and implementation. ASOC also particularly mentioned its recommendation that CCAMLR establish a comprehensive adequate and fully representative series of MPAs including fully protected marine reserves by 2012. ASOC urged the Commission not to lose momentum considering this matter to be fundamental to implementing the precautionary and ecosystem approaches.

7.18 The Commission considered and endorsed the following Scientific Committee recommendations for future work on bioregionalisation:

- (i) the primary regionalisation for the pelagic environment can be regarded as useful for application by CCAMLR and CEP; and the initial regionalisation for the benthic environment should be reviewed and optimised for use by these two bodies;
- (ii) refinements to this bioregionalisation could be made in the future as methods are improved and further data are acquired and analysed. However, additional finer-scale bioregionalisation work could be undertaken in a number of areas using existing data;
- (iii) future work could include efforts to delineate fine-scale provinces, where possible with the assistance of WG-SAM, in considering approaches to fine-scale regionalisation, including use of statistical methods and other potential data sources;
- (iv) the inclusion of process and species information could be considered further, particularly in the context of systematic conservation planning, and in developing a spatial decision-making framework;
- (v) a procedure should be established for identifying areas for protection and to further the conservation objectives of CCAMLR.



7.19 The Commission also noted the Scientific Committee's view that further work should be undertaken within the context of WG-EMM, given the existing focus within that Working Group on issues relating to Southern Ocean ecosystems and spatial management.

## IMPLEMENTATION AND COMPLIANCE

### Report of SCIC

8.1 The meeting of SCIC was held from 22 to 26 October 2007 and chaired by Ms V. Carvajal (Chile). All attending Members of the Commission and observers participated in the meeting.

8.2 The SCIC Chair presented the Committee's report (Annex 5) and drew the Commission's attention to a number of recommendations. The Commission's deliberations on SCIC's recommendations on implementation and compliance matters are provided in the paragraphs below. The Commission's deliberations on SCIC's recommendations on CDS, IUU fishing and the Scheme of International Scientific Observation are provided in sections 9, 10 and 11 respectively.

### Compliance with conservation measures

8.3 The SCIC Chair reported that SCIC had considered all the information submitted by Members and collated by the Secretariat on the implementation of, and compliance with, conservation measures in force (CCAMLR-XXVI/BG/13 Rev. 2 and BG/17).

8.4 The SCIC Chair reported that CCAMLR inspectors designated by Members had conducted 27 at-sea inspections during the 2006/07 season and that one case of non-compliance with seabird mitigation measures had been reported (Annex 5, paragraph 2.1).

8.5 The Chair of SCIC also drew the Commission's attention to a number of incidents of failure to comply with requests to conduct inspections under the System of Inspection (Annex 5, paragraphs 2.3 and 2.10).

8.6 The Commission noted that some Members had failed to submit licence notifications for their flag vessels fishing in the Convention Area during the 2006/07 season as required under Conservation Measure 10-02 (Annex 5, paragraphs 2.15, 3.28 and 3.29).

8.7 SCIC also received and considered several proposals from Members on strengthening the System of Inspection (Annex 5, paragraphs 2.59 and 2.60).

8.8 In considering SCIC's report, the Commission agreed that:

- (i) Members should be encouraged to actively participate in the System of Inspection;

- (ii) C-VMS data submitted by Members voluntarily for their flag vessels fishing outside the Convention Area should be treated in accordance with existing rules of access for C-VMS data and cannot be released to any surveillance operations;
- (iii) a method proposed by the Secretariat should be used to identify and correct errors in positions reported in fine-scale and observer data via comparison with C-VMS data;
- (iv) Contracting Parties may request VMS data for their own flag vessels from the Secretariat;
- (v) the list of vessels licensed to fish in the Convention Area should be placed on a public-access section of the CCAMLR website.

8.9 The Commission noted the advice of SCIC and the Scientific Committee regarding the implementation of fish tagging requirements in accordance with Conservation Measure 41-01. It also noted various comments from Flag States in that respect (CCAMLR-XXV, Annex 5, paragraphs 5.8 and 5.9; SC-CAMLR-XXVI, Annex 5, Table 5).

8.10 The Commission also noted that some vessels in 2006/07 had not met the requirements for: (i) offal discharge, (ii) discarding of hooks, (iii) conducting bottle tests on line sink rates, and (iv) the use of net sonde cables (SC-CAMLR-XXVI, paragraph 5.16). In addition, some vessels had discharged oil, gear, debris and inorganic garbage (Annex 5, paragraph 6.4; SC-CAMLR-XXVI, paragraph 5.15) in contravention of Conservation Measure 26-01.

8.11 The Commission agreed that the Secretariat be requested to conduct a retrospective analysis of scientific observer data related to the implementation of Conservation Measures 25-02, 25-03 and 26-01 to identify whether there is consistency in non-compliance events between vessels and seasons (SC-CAMLR-XXVI, paragraphs 4.115, 4.117 and 4.118). Results of the analysis will be considered by SCIC in 2008 (Annex 5, paragraph 6.5).

8.12 The Commission requested the Secretariat to annually prepare and submit a table for SCIC's consideration containing data on individual *Dissostichus* spp. tagged and released, and the tagging rate reported by vessels operating in exploratory fisheries.

8.13 The Commission noted that SCIC had prepared drafts of a number of new and revised conservation measures and resolutions for the Commission to consider so as to:

- (i) amend Conservation Measure 10-04 to include krill fisheries in VMS reporting;
- (ii) adopt a new measure for clarifying the obligation of Flag States and their vessels regarding the closure of fisheries;
- (iii) amend the System of Inspection to clarify that it applies to Members and Contracting Parties.

8.14 The Commission adopted the proposals from SCIC as set out in paragraph 8.13 in regard to Conservation Measures 10-04 and 31-02 and the modification to the System of Inspection.

8.15 SCIC had also discussed a number of other revised and new conservation measures and resolutions to be forwarded to the Commission for consideration, including:

- (i) measures on orderly development of the krill fishery;
- (ii) amending Conservation Measure 10-02 to improve safety standards for Convention Area vessels;
- (iii) amending Conservation Measures 10-06 and 10-07 in order for CCAMLR to formally recognise the IUU Vessel Lists of other organisations;
- (iv) the adoption of a trade measure to promote compliance;
- (v) revising the System of Inspection to take account of proposals received in addition to the amendment mentioned in paragraph 8.13.

8.16 In respect of the above proposal to amend Conservation Measures 10-06 and 10-07, Argentina expressed its appreciation to Norway for its contribution and pointed out that neither the elaboration nor the acceptance of IUU vessel lists can be regarded as existing customary law. Membership in organisations is not identical and States have negotiated in each case on a specific basis. In this context there is neither a State practice nor *opinio juris*.

8.17 The new and revised measures and resolutions adopted by the Commission are discussed in paragraphs 13.6 to 13.9 and 13.28 to 13.39.

#### Compliance evaluation procedure

8.18 The Commission endorsed a SCIC recommendation that a Workshop on the Development of a Compliance Evaluation Procedure (DOCEP) be convened (Annex 5, paragraphs 2.41 and 2.42). The workshop should consider the terms of reference of the intersessional group as identified by the Commission (CCAMLR-XXV, Annex 5, paragraph 3.34).

8.19 The Commission agreed that the current DOCEP group should continue its work in the forthcoming intersessional period with a view to preparing for and conducting the above workshop in 2009 in conjunction with WG-EMM. The group and the workshop will be co-convened by Ms T. Frantz (South Africa) and Ms K. Smith (Australia).

#### CATCH DOCUMENTATION SCHEME FOR *DISSOSTICHUS* SPP.

9.1 The Commission noted with concern that Singapore continues to only partially implement the CDS (Annex 5, paragraph 4.8) and was concerned that Singapore appears to be hosting activities of IUU vessels.

9.2 The Commission also requested that actions taken by the Secretariat in accordance with Conservation Measure 10-05, Annex 10-05/C, would be comprehensively reported to the Commission at CCAMLR-XXVII.

9.3 The European Community advised the Commission that Indonesia should have been included in paragraph 4.7 of the adopted report of SCIC (Annex 5) and that it will communicate to the Secretariat details on the trade with *Dissostichus* spp. by other countries which were not mentioned in the CDS report in order that the provisions in Annex C to Conservation Measure 10-05 be also implemented towards these countries.

9.4 Argentina stated its view that the text of the conservation measure indicates that C-VMS is not applied outside the Convention Area.

## IUU FISHING IN THE CONVENTION AREA

### Current level of IUU fishing

10.1 The SCIC Chair advised the Commission that according to calculations made by the Secretariat and approved by WG-FSA, the current level of IUU catches in the Convention Area is 3 615 tonnes (Annex 5, paragraph 3.16; SC-CAMLR-XXVI, Annex 5, paragraphs 8.4 to 8.8 and Table 3). Of serious concern to SCIC was the expansion of gillnet fishing by IUU vessels and the shifting of IUU fishing to high-seas areas and oceanic banks, in particular, in the Indian Ocean sector of the Convention Area.

10.2 The Commission noted that the Scientific Committee reiterated the serious concerns raised by WG-FSA on the increasing level of IUU catches in recent years and the shifting of the IUU fishery from 'traditional' grounds in Area 58, such as Division 58.5.1, to high-seas areas and oceanic banks, such as BANZARE Bank (Division 58.4.3b) closer to the continent (SC-CAMLR-XXVI, paragraph 8.3).

10.3 The Commission noted the Scientific Committee's advice that (SC-CAMLR-XXVI, paragraphs 8.5 and 8.6):

- (i) longlines are currently being replaced by gillnets in the IUU fishery;
- (ii) gillnets require no bait, can be deployed at any time and are more powerful than longlines in their ability to catch fish;
- (iii) no information is currently available on the incidental mortality of birds, mammals and other marine biota in gillnets deployed in the Convention Area;
- (iv) gillnets have the potential to become lost and drift through the water column for an unknown amount of time while still fishing to a large extent (ghost nets).

10.4 The Commission also noted the Scientific Committee's advice that the level of IUU fishing in Division 58.4.3b and other CCAMLR subareas and divisions is undermining CCAMLR efforts to provide for a sustainable fishery. It noted that current levels of IUU fishing had exceeded the legitimate catch level several times in the last three years (SC-CAMLR-XXVI, paragraph 8.4).

10.5 The Commission noted with alarm that estimated IUU catches in Division 58.4.3b were 2 293 tonnes out of the total IUU catch in the Convention Area of 3 615 tonnes

(SC-CAMLR-XXVI, paragraph 4.142). The catch limit in Division 58.4.3b for the 2006/07 season was 300 tonnes and the estimated IUU catch was almost 10-times higher than the legal catch of 253 tonnes.

10.6 The Commission further noted that *D. eleginoides* caught on BANZARE Bank are large adult fish while juvenile fish have never been taken. The relationship of these fish to fish in other areas is still unknown. BANZARE Bank might represent a spawning area for fish which live as juveniles in other adjacent areas. The excessive exploitation of these fish in recent years by IUU vessels may have already caused substantial damage to the stock which is likely to take decades to reverse (SC-CAMLR-XXVI, paragraph 8.7).

10.7 South Africa reiterated its concerns at the increased incidence of gillnets in the Convention Area and noted that gillnetting compounds the IUU issue as it causes untold ecosystem damage. This uncertainty makes CCAMLR's work more complicated. In particular, it presents the Scientific Committee with considerable challenges in making any future recommendations. South Africa concluded that all Members should consider how the issue of gillnet fishing could be addressed, both by CCAMLR and within their domestic measures.

10.8 The European Community noted paragraphs 8.5 and 8.6 of SC-CAMLR-XXVI which indicated that gillnet fishing is a serious concern. The European Community noted that the Scientific Committee clearly expressed that IUU fishing is undermining any CCAMLR attempt to provide the basis for fishing to be sustainable (SC-CAMLR-XXVI, paragraph 8.4). The European Community called on all CCAMLR Members to take action.

10.9 Spain supported the concerns expressed by South Africa, particularly noting that gillnet fishing is occurring close to the Antarctic continent. Spain noted that gillnets are made of nylon which remains in the water column for significant periods of time and can result in ghost fishing leading to serious implications for the ecosystem around the Antarctic continent.

10.10 The UK agreed with Spain and the European Community in respect of activities of IUU vessels and noted that gillnet fishing was probably also occurring in areas shallower than 500 m and that such indiscriminate catches were utterly unsustainable.

10.11 Argentina recalled that the somewhat hasty assimilation of the concepts of IUU fishing which places these three situations on an equal footing, has generated not only confusion, but also contradictory consequences. Even though FAO's own International Plan of Action (IPOA) against IUU fishing has definitions that are partially ambiguous, a phrase at the end of its text makes it clear that not all unregulated fishing is illegal fishing.

10.12 Furthermore, Argentina pointed out its view that when fishing in the Convention Area is incompatible with the obligation to preserve the marine environment, for example, when it is of a predatory nature, or when the obligation to cooperate on the high seas is not fulfilled, either by States or by international organisations, such situations constitute infringements of UNCLOS, and therefore represent situations of illegality and not of non-regulation.

10.13 Argentina stated its view that the high level of catches and the use of destructive fishing gear by non-Contracting Party vessels in the Convention Area, well above the catch

limit for *Dissostichus* spp. that was estimated by the Scientific Committee on the basis of the best scientific evidence available, may constitute an infringement of UNCLOS, in particular of Articles 117, 118 and 119.

10.14 Argentina stated its view that fishing outside the dates specified in Conservation Measure 41-07 may contravene UNCLOS and would make Flag States responsible and liable for damages to the scientific research being conducted on behalf of the Commission in the terms of UNCLOS Article 263.

10.15 In further considering the Scientific Committee's advice on exploratory fishing (see paragraphs 12.5 to 12.12), Members made a number of comments in relation to IUU fishing in Division 58.4.3b.

10.16 The European Community thanked Australia for its proposal to undertake research surveys (SC-CAMLR-XXVI, paragraphs 4.147 and 4.148) in order to obtain more information on stocks from Division 58.4.3b, as well as for its patrol operations in the area.

10.17 The European Community noted that, in the words of Hemingway, 'the bell was tolling' for CCAMLR. The level of IUU catches recorded in the BANZARE Bank can be defined as astonishing if compared to the level of legal catches. This demonstrates that the tools at the disposal of this Commission are insufficient to fight against illegal fishery and to meet the objective of the organisation to conserve marine living resources and to ensure their rational use, therefore other measures, currently under the examination of the Commission, shall be urgently adopted.

10.18 The European Community noted that the proposed research survey by Australia would allow the opening of the area only after completion of the research survey and doubted that fishing would be possible in the area due to ice coverage at such a time.

10.19 The European Community therefore believed that this would effectively close the area to legal fishers and stated that it was important not to penalise all those fishers who make an effort to respect CCAMLR conservation measures.

10.20 The technical closure of the area will unlikely have any effect on decreasing IUU fishing and would reduce the likelihood of IUU activities being reported by legal vessels in accordance with Conservation Measure 10-02.

10.21 The European Community stressed its availability for considering a reduced catch limit in Division 58.4.3b also in order to give legal fishers the opportunity of recovering tagged fish.

10.22 It further expressed the concern that external parties reading CCAMLR reports would conclude that CCAMLR had not taken effective action against IUU fishing and therefore, further actions should be taken by the Commission, in particular adopting the market-related measures proposals.

10.23 The European Community reiterated that the reason for increased levels of IUU fishing is that IUU catches can easily find a market to be sold.

10.24 Australia stated that the Commission should not be seen to be undermining the Convention by engaging in unsustainable fisheries and that CCAMLR Members should not

take the approach that they should take all available stocks before IUU fishers had the opportunity. Australia also clarified to the European Community that scientific research was intended to be conducted by late March before the commercial fishery commenced, which should allow fishing sooner than 1 June, thereby decreasing the risk of ice coverage reducing fishing access. Australia also considered it arguable whether the presence of legal fishers or Members' fishing vessels in the CCAMLR area acts as a deterrent against illegal fishers, given that on a number of occasions IUU fishers have actually driven away Members' vessels from fishing grounds. Australia concluded that the scientific evidence clearly indicated that a survey was required in Division 58.4.3b.

10.25 Brazil expressed its concern at the figures for Division 58.4.3b but disagreed with the European Community view that CCAMLR might be perceived as failing to act. Brazil pointed out that the IUU catches from Division 58.4.3b had not been caught in accordance with the catch limits agreed by CCAMLR. Brazil acknowledged that a solution would be difficult and reiterated that it was willing to examine ways to tackle the IUU problem but that any solutions would need to conform with international law.

10.26 Argentina proposed the introduction of a statement to define IUU fishers in Division 58.4.3b as 'predatory' as a term of direct relevance to UNCLOS which could be used as a tool to combat IUU operators.

10.27 The European Community expressed some doubt in respect of the suggestion made by Argentina that UNCLOS or other institutions could take responsibility.

10.28 Uruguay expressed support for the views of the European Community and Brazil and believed that an important principle that must be maintained in terms of controlling IUU fishing was to ensure that any action should not have a negative impact on legal fishers. In other words, the issue is not so much unregulated fishing but striving to make fishing a legal activity by generating favourable conditions that will keep fishers as legal operators.

10.29 The USA stated that the objectives of the Convention must be adhered to and that CCAMLR should not authorise fishing with respect to stocks that have been depleted.

10.30 Norway observed that a very serious situation existed in respect of Division 58.4.3b in that the total catch was estimated to be 2 600 tonnes when the precautionary catch limit was only 300 tonnes. This was not sustainable and should be taken seriously. Norway agreed with the USA that CCAMLR should not authorise fishing with respect to stocks that have been depleted and suggested that the results from the research survey proposed by Australia could be awaited before opening the 2008/09 exploratory fishery in Division 58.4.3b.

10.31 Argentina pointed out that the scenario mentioned by Uruguay in paragraph 10.28 would constitute a case of unregulated fishing. Whilst that could also include illegal fishing, Argentina noted problems with the definitions contained in the FAO IPOA in relation to IUU fishing. Argentina recalled that those definitions included reference that IUU fishing does not necessarily constitute illegal fishing. Unregulated fishing is, *inter alia*, fishing by third parties in the CCAMLR context and any question of its illegality would arise from incompatibility with specific provisions of the 1982 Law of the Sea Convention. The majority of States are party to the Law of the Sea Convention and, if not, they recognise those specific provisions as customary law. Argentina believed that CCAMLR needed to regard the situation as a case of 'predatory fishing' in UNCLOS terms which would provide a basis for action or measures in

accordance with international law. Illegality would arise from the incompatibility with UNCLOS Article 118 and other related articles. Argentina acknowledged that some Members may not agree with recourse to international law in accordance with UNCLOS, but believed that this would provide a solution as it would avoid contravening international law.

10.32 The USA responded to Argentina that it was important to work in international fora to combat IUU fishing globally, but nevertheless CCAMLR needed to move forward in its own right and adopt new measures such as the proposed trade measure.

10.33 India noted that all Members of CCAMLR had a strong interest in controlling IUU activities. It believed that if all CCAMLR Members were united in combating IUU fishing, references to such activities would be removed from Commission reports in 10 to 20 years.

10.34 Germany reminded the Commission that the concept of IUU fishing is different to illegal fishing, as some measures are not necessarily binding on certain third-party States that allow their vessels to engage in activities that undermine the measures of fisheries organisations. Germany also urged the Commission to bear in mind that all States have an obligation to cooperate with each other if they exploit common resources on the high seas. States which allow their flag vessels to engage in activities which undermine measures contravene their obligation to cooperate with other States. Germany stated that CCAMLR should therefore be open to all measures to ensure cooperation, including trade-related measures.

10.35 Brazil questioned whether CCAMLR had the legal basis for imposing such trade sanctions against non-Parties as there was no UN mandate for fisheries-related organisations to go beyond requiring their cooperation with CCAMLR.

10.36 The UK noted the increase in IUU fishing from some areas of the Convention Area, particularly Division 58.4.3b, and expressed concern that the current trend indicates that catches from these areas will continue to increase beyond unsustainable levels. The UK stated that CCAMLR must act now. The UK believed that measures in place now were not sufficient and that consideration needed to be given to adopting trade measures.

10.37 Chile noted that CCAMLR has displayed leadership in combating IUU fishing. Chile also noted that this position had not been easy to achieve, taking into account that most of the current conservation measures, as well as VMS, CDS and the list of IUU vessels, had required lengthy deliberations by the Commission but now they provided a reference point for other organisations.

10.38 Chile believed however that, innovation notwithstanding, it is time to recognise that CCAMLR is not perfect and it is time to continue to progress by adopting new conservation measures to combat IUU fishing in the Convention Area. Chile noted that the UN called for international organisations to take effective measures against IUU fishing and, in Chile's view, CCAMLR could not ignore calls from international fora to which many of its Members also belong.

10.39 Argentina expressed support for Brazil's position and that the Commission was not in full agreement on the adoption of trade measures since all other legal means had not been fully explored. Argentina noted that international cooperation is a two-way situation and agreed with Germany that any breaches of international cooperation must be considered with



regard to available solutions consistent with UNCLOS. Argentina regretted that CCAMLR had previously acted prematurely against IUU fishing and, in doing so, had too promptly assimilated the concept of unregulated fishing with illegal fishing, which has had counter-productive effects. Argentina urged caution in following the solutions attempted at other organisations as these may be legally possible and also desirable under certain situations, but that such solutions needed to take into consideration the different membership and objectives of organisations other than CCAMLR, to ensure that trade measures were not contrary to international law.

10.40 France reminded the Commission that a number of documents and figures presented to the Commission across a range of agenda items indicated that IUU fishing is causing major damage on the ecosystem and on target stocks. France stated that it was time for CCAMLR to arrive at a solution to end IUU fishing as soon as possible. It stated that this responsibility could not be left to others and that the UN gives authority to organisations in terms of measures which they should adopt. France considered that commercial measures could be implemented quickly and effectively.

10.41 Spain advised the Commission that the principal victims of IUU operators were legal fishers, and recalled the situation in Division 58.4.3b during the current season when Spanish-flagged vessels were forced to leave the area due to the large number of gillnet vessels. Spain noted that the provisions in Conservation Measure 10-02, requiring legal vessel masters to provide information on IUU activities, was of little use since they only served to put individual masters at risk. Spain stated that the fight against IUU fishing would be won via political and economic means instead of by legal means, lending effective impact to the closing of ports and denial of re-supply services. Spain reiterated that a trade measure was necessary and important.

10.42 Italy expressed its astonishment at the report of the Scientific Committee and was of the view that the Commission has responsibility to address IUU fishing via all possible measures. Italy believed that trade measures were an effective tool and appropriate to the common objectives of the Commission. Italy did not believe that such a measure was incompatible with international law, noting that the World Trade Organization (WTO) preamble listed sustainable development and environmental protection amongst its objectives. Italy believed that environment and trade were internationally recognised to be mutually supportive and noted the example offered by conventions such as CITES which have successfully applied trade measures.

10.43 South Africa reiterated its alarm at the levels of IUU fishing activities which have impacted on exploratory fisheries. South Africa recalled that the Valdivia Symposium had identified IUU fishing as an immediate threat to the objectives of the Convention. The rapid depletion identified in the report of the Scientific Committee should be cause for genuine concern to all Members and, therefore, cooperation was required. South Africa recalled Argentina's point that other solutions had not been explored and requested that Argentina offer some alternatives.

10.44 Ukraine reminded the Commission that the previous experience of CCAMLR in restricting exploratory fisheries had unfortunately led to an increased level of IUU fishing. Ukraine believed that the inclusion of Division 58.4.3b in a management plan would be a restrictive factor. Ukraine was of the view that measures, such as restricting Members fishing and conducting more inspections, would have only minor results. Ukraine also considered

that international agreements complicated CCAMLR's work and needed review, for example, some provisions of the WTO and UNCLOS had been drafted 20 years ago and do not adequately deal with the state of humanity and marine resources today. Therefore, trade measures should be strengthened and this should be possible as IUU fishing is an effect of market demand and that nearly all toothfish markets consist of CCAMLR Members. Ukraine believed that the adoption of stricter trade measures by CCAMLR would have a more beneficial effect than restricting exploratory fishing by Members.

10.45 Sweden supported the views of the European Community and Norway, stating that it found IUU figures to be shocking and alarming. Sweden agreed with Italy that trade measures had been successfully applied by other organisations and concluded that more effective measures, such as trade measures, were required.

10.46 Australia disagreed with Ukraine's view and stated that a research survey in an area was not in any way restrictive as it would provide information necessary to manage the area. Australia recalled that the last time CCAMLR dealt with an area that had suffered a similar level of degradation, the area had been closed. Whilst this did not deter IUU fishers, Australia reiterated that CCAMLR Members should not be seen to be contributing to the degradation of harvested stocks in areas under its control.

10.47 Russia supported Ukraine's position on the restriction of exploratory fisheries, noting that it would not help CCAMLR to combat IUU fishing. In Russia's experience, the restriction of legal fishing vessels only encouraged IUU operators. Russia advised the Commission that it had adopted and had pending national regulations against IUU fishing. These included increasing the responsibility placed on companies, the ban of sales of all IUU-derived products and the confiscation of vessels and gear. Russia believed that such measures removed the incentive for IUU operations.

10.48 Belgium fully supported trade-related measures to complement other measures aimed at combating IUU fishing. In adopting such measures, CCAMLR would be joining the work of other organisations by reinforcing compliance measures.

10.49 Poland associated itself, in particular, with the statement made by Sweden and indicated its support for effective measures against IUU fishing.

10.50 In reflecting on the above discussions, the Commission reiterated its view stated in the past that IUU fishing continues to compromise conservation efforts to sustainably manage fisheries in the Convention Area and that IUU fishing is unfair to legal operators. It also agreed that IUU fishing remains a priority item on the Commission's agenda which, if not effectively addressed, would continue to undermine CCAMLR's conservation efforts.

#### Procedures for the estimation of IUU catches

10.51 The Commission endorsed the following SCIC recommendations that:

- (i) the traditional methodology for the estimation of IUU catches employed by CCAMLR in the past should continue to be used (Annex 5, paragraph 3.17);

- (ii) the application of the matrices developed by the Joint Assessment Group (JAG) and SCIC for the estimation of IUU catches will only be necessary where levels of uncertainty in IUU fishing information would require it (Annex 5, paragraph 3.17);
- (iii) the Secretariat was requested to consider developing of a measure (index) to identify the local density of licensed vessels on fishing grounds which would improve future estimates of IUU catches (Annex 5, paragraph 6.21).

## Review of current measures aimed at eliminating IUU fishing

### IUU Vessel Lists

10.52 The Commission approved the Proposed NCP-IUU Vessel List for 2007 (Annex 6) which was considered and adopted by SCIC (CCAMLR-XXVI, Annex 5, Appendix III).

10.53 The NCP-IUU Vessel List for 2007 contains the following three vessels: *Aldabra* (Togo), *Toto* (currently reported to be flagless) and *Tritón-1* (Sierra Leone).

10.54 The Commission considered the combined List of IUU vessels for 2003–2006 and agreed that the vessel formerly named *Apache I* should be removed from the adopted NCP-IUU Vessel List as it had been re-deployed as a French naval vessel and renamed *Le Malin*.

10.55 The Commission also agreed with SCIC's recommendation that the Panamanian-flagged vessel *Seed Leaf* remain on the adopted NCP-IUU Vessel List. The basis for this decision was that after consideration by SCIC of information submitted by Panama (SCIC-07/6), the Committee found that information from the Lloyds Registry indicated a link between the former and the current operators of the vessel (Annex 5, paragraph 3.23).

10.56 The Commission considered the matter of the vessel *Volna* which remained on the Provisional CP-IUU Vessel List for 2006 (CCAMLR-XXV, paragraph 9.40). The matter was discussed by SCIC with several Members drawing the Committee's attention to the fact that Russia had not submitted licence notifications to the Commission for either the *Volna* or *Yantar* for the 2006/07 season, although both vessels had fished in the Convention Area. Russia agreed to provide licence details for the *Volna* and *Yantar* (Annex 5, paragraph 3.28).

10.57 Russia recalled that some Members had raised questions in relation to licence details for the vessels *Volna* and *Yantar*. Russia advised that, after CCAMLR-XXV, Russian authorities had administratively extended the licences of both vessels and that the licences were therefore valid for the 2006/07 season. An administrative decision was taken between 21 and 28 November 2006 which was immediately communicated to both vessels and they were consequently permitted to enter the Convention Area. Decisions relating to fisheries beyond Russian EEZs and subject to international agreements require a formal order from the Russian Minister for Agriculture. Therefore, the two vessels were strictly instructed not to begin fishing until the procedure had been finalised. The vessels entered Subarea 88.1 on 29 November 2006 and, following their instructions, did not begin fishing until the relevant order of the Agricultural Ministry (No. 477) was signed on 22 December 2006. After this order had been conveyed to the vessels' masters, both vessels commenced fishing.

10.58 Australia recalled discussions from CCAMLR-XXV and stated that it believed that the *Volna* should have been included on the CP-IUU Vessel List at that time. Australia noted that if the licence had been extended it should still be possible for Russia to make details of the extended licence available to CCAMLR. Australia also noted that communication had occurred between the *Volna* and a New Zealand inspector in which a licence number had been referred to (Annex 5, paragraph 3.28).

10.59 The UK also recalled discussion from CCAMLR-XXV and agreed with Australia's position. The UK recalled that it had been agreed last year that measures against the *Volna* would be taken and communicated to CCAMLR in a timely fashion. The UK expressed disappointment that *Volna*'s licence had been extended immediately after CCAMLR-XXV and stated that details of this should be submitted to CCAMLR.

10.60 The European Community agreed with Australia and the UK and recalled that it had intervened at length at CCAMLR-XXV. The European Community also expressed the view that the procedures of Conservation Measure 10-06 required improvement. The European Community stressed that it was not suggesting the amendment of Conservation Measure 10-06, rather that the Commission should agree that Members with a flag vessel on the Provisional CP-IUU Vessel List should abstain from the decision-making process. The European Community stressed that this should not imply a derivation from the rule of consensus, rather that it would improve the effectiveness of the measure and the credibility of CCAMLR.

10.61 New Zealand associated itself with the views of Australia and the UK and requested that Russia make the *Volna* licence details available to the Commission.

10.62 The USA noted that Russia had not complied with Conservation Measure 10-02, which requires specific information to be submitted to the Secretariat within seven days of issue of the licence. Whilst the USA appreciated that an extended licence had been issued, it suggested that Russia should submit all details in accordance with Conservation Measure 10-02.

10.63 Russia advised that its administrative procedures had conveyed the permissions to the vessels. Russia acknowledged the lateness of the notification but explained that this was due to internal technical and administrative reasons. Russia reminded the Commission that it had made a statement in SCIC explaining the measures taken against the *Volna* following an investigation of the incident (Annex 5, paragraph 3.27). Consequently, Russia had concluded that the incident was of a technical and non-deliberate nature. Russia reminded Members that the *Volna* had demonstrated full compliance with conservation measures and national and international regulations, including tagging levels, during the current season. In doing so and in demonstrating complete compliance, the vessel and operator have proven that the incident was of a technical rather than of a legal nature. From the point of view of Russian authorities, the case of the *Volna* was therefore closed and Russia could see no reason to continue to include the vessel on the list, nor to continue discussion of the matter.

10.64 Australia agreed that further discussion would be unproductive and noted that the vessel had not been notified to participate in exploratory fisheries this season. Australia trusted that it would not be included in any future notifications.

10.65 Russia stated that, in the course of the meeting, it had submitted documentary evidence of licence details for both the *Volna* and *Yantar* to the Secretariat and requested the issue be closed. Russia also advised that it had contacted some delegations bilaterally on this subject.

10.66 The Executive Secretary confirmed the receipt, on 2 November 2007, of certain licence details for the *Volna* and *Yantar*.

10.67 Consequently, the Commission decided not to retain the *Volna* on the Provisional CP-IUU Vessel List 2006 or to include it in the adopted CP-IUU Vessel List.

10.68 The Commission also noted that the Secretariat and Chile would collate additional information on the sighting of the Panamanian-flagged cargo vessel *Rosa* during the 2007/08 intersessional period and report back at CCAMLR-XXVII.

10.69 The Commission agreed that the ownership details for the *Perseverance* be amended (Annex 5, paragraph 3.25). Spain requested that Members which had any additional information about the vessel provide it to the Secretariat.

10.70 The combined adopted CP and NCP-IUU Vessel Lists for 2003–2007 are provided in Annex 6.

10.71 The USA noted a number of SCIC documents prepared by the Secretariat which referred to Taiwan. The USA requested that the terminology ‘Taiwan, Province of China’ not be used by the Secretariat in future, but that the nomenclature ‘Chinese Taipei’ be used, as was customary in other organisations.

10.72 The UK supported the position of the USA on this matter, noting that other terminology had been accepted in other fora.

10.73 China advised that it cannot accept the suggestion of the USA and expressed a preference for the nomenclature that was employed in many cases by the Secretariat and there was no reason to change it.

10.74 The Chair requested the Parties involved to find a solution.

10.75 The Chair of SCIC informed the Commission that Ms K. Dawson-Guynn (USA) had been elected Vice-Chair of SCIC until the end of 2008 (Annex 5, paragraph 7.2). The SCIC Chair congratulated Ms Dawson-Guynn on her appointment and reminded the Commission that Ms Dawson-Guynn would be the next Chair of SCIC at its 2009 meeting.

## SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

11.1 CCAMLR-designated scientific observers (national and international) were deployed on all vessels fishing in the Convention Area for finfish and crabs (research) during the 2006/07 season. In addition, six observation programs were conducted on krill trawl vessels (SC-CAMLR-XXVI, paragraphs 7.1 and 7.2).

11.2 The Commission noted and endorsed the advice of SCIC and the Scientific Committee on implementation and improvements to the CCAMLR Scheme of International Scientific Observation (Annex 5, paragraphs 1.5, 6.15 to 6.18; SC-CAMLR-XXVI, paragraphs 3.3 to 3.6, 5.33 and 7.5).

11.3 Japan requested clarification on advice from WG-SAM concerning the need for increased high-quality length-frequency data from the krill fishery (SC-CAMLR-XXVI, paragraph 3.6).

11.4 Australia informed the Commission that the information relating to krill length-frequency data was important to understanding krill spatial structure and natural mortality. High-quality length-frequency data are required for several years in order to provide an integrated assessment of the stocks.

11.5 Japan further expressed concerns that the use of krill length-frequency data may compromise industry confidentiality associated with it, and that the free availability of such data could damage relationships with the krill fishing industry. Therefore, access to, and the use of such data should be treated with caution, for example, by confining its use to limited scientific analyses or under specific data confidentiality rules.

11.6 The UK drew the Commission's attention to the need for an assessment of the required level of observer coverage in the krill fishery, and that such assessments should be undertaken before agreeing on any observer coverage plan (paragraph 4.46; SC-CAMLR-XXVI, paragraphs 3.14 to 3.16).

11.7 The Commission welcomed the formation by the Scientific Committee of ad hoc TASO, and noted that it would initially meet for two days in 2008 to deal with high-priority issues and develop its terms of reference (SC-CAMLR-XXVI, paragraphs 7.8 to 7.13; see also paragraph 4.92).

11.8 The Commission noted that TASO would also be tasked with addressing such issues as observer training and accreditations (as outlined in SC-CAMLR-XXVI/BG/9 Rev. 1).

11.9 The USA supported the formation of TASO and suggested that development of sampling and data collection protocols for benthic invertebrate fauna by-catch could be used in identifying VMEs (SC-CAMLR-XXVI, paragraph 7.5(iic)), and that this should be included as the fifth high-priority issue for discussion along with the other four items identified in SC-CAMLR-XXVI, paragraph 7.11.

11.10 The Commission endorsed the US proposal outlined in paragraph 11.9.

## NEW AND EXPLORATORY FISHERIES

### New and exploratory fisheries in 2006/07

12.1 In 2006 the Commission agreed to seven exploratory longline fisheries for *Dissostichus* spp. (Conservation Measures 41-04, 41-05, 41-06, 41-07, 41-09, 41-10 and 41-11). These exploratory fisheries were conducted in 2006/07 in Subareas 48.6, 88.1

and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b. In most fisheries the number of vessels fishing was about half of the number notified, and the total reported catch of *Dissostichus* spp. was 4 582 tonnes (SC-CAMLR-XXVI, Annex 5, Table 6).

#### Notifications for new and exploratory fisheries in 2007/08

12.2 Twelve Members submitted paid notifications for exploratory longline fisheries for *Dissostichus* spp. in 2007/08 in Subareas 48.6, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b. There were no notifications for new fishery areas, and no notifications were received for fisheries in closed areas. The number of vessels notified was substantially larger than for the 2006/07 fishing season, except in Division 58.4.3a and Subareas 88.1 and 88.2 (SC-CAMLR-XXVI, Annex 5, Table 7).

#### Progress towards assessments

12.3 The Commission noted the significant progress made by the Scientific Committee and WG-FSA in developing assessments for exploratory fisheries (SC-CAMLR-XXVI, paragraphs 4.111 to 4.114). This work included:

- (i) further progress in assessing stocks of *Dissostichus* spp. in the Ross Sea (Subarea 88.1 and SSRUs 882A–B);
- (ii) review of a Leslie depletion analysis of Division 58.4.3b;
- (iii) reiteration of the urgent need to develop assessments for exploratory fisheries in Subareas 48.6, 58.4 and 88.2, and to ensure that appropriate data were collected to enable such assessments to be made as soon as practicable;
- (iv) examination of the power of current exploratory fishery research plans to deliver assessments of stock status;
- (v) identification of the need to review the design of research experiments that manipulate the distribution of fishing between SSRUs within exploratory fisheries, and to undertake methodological work on designing research experiments.

12.4 The Commission endorsed the Scientific Committee's advice in respect of the reporting of results from scientific surveys and research fishing on *Dissostichus* spp. conducted under Conservation Measure 24-01. It agreed that Members complete these reports as soon as possible on completion of the survey, and submit their reports to WG-FSA (SC-CAMLR-XXVI, paragraph 4.115).

#### Management advice

12.5 The Commission endorsed the Scientific Committee's discussion and advice on the requirements for fishery-based research in exploratory fisheries (SC-CAMLR-XXVI,

paragraphs 4.36 to 4.47 and 4.116 to 4.118), and agreed to revise Conservation Measure 41-01 in order to improve the collection of data in these fisheries (see also paragraph 13.53).

12.6 The Commission also noted the Scientific Committee's concern that some vessels operating in exploratory fisheries in 2006/07 had not achieved full compliance with the fishery-based research requirements for deploying research sets and the tagging program. Further, WG-FSA had noted large differences between the rates of recapture of tagged toothfish reported by vessels. The Scientific Committee advised that non-compliance with the fishery-based research requirements compromised WG-FSA's capability to develop assessments for exploratory fisheries (SC-CAMLR-XXVI, paragraphs 12.6 and 12.7).

12.7 The Commission endorsed the Scientific Committee's proposal to amend Conservation Measure 33-03 in order to increase survivorship of discarded rajids and prepare for biological work to be conducted during the Year of the Skate (SC-CAMLR-XXVI, paragraph 4.119; see also paragraph 13.51).

12.8 The Commission noted with great concern the high levels of IUU fishing in some exploratory fisheries, and the recent shift in IUU fishing activities from 'traditional' grounds in sub-Antarctic regions in Area 58 to higher latitude, high-seas areas and oceanic banks, such as BANZARE Bank in Division 58.4.3b. The Scientific Committee noted that Division 58.4.3b, and in particular the southern sector of that division, had been subject to a rapid and severe depletion, and that significant numbers of juvenile fish have still not been found.

12.9 The Commission also noted that the Scientific Committee was not able to conclude as to whether the presence of Members' vessels was likely to either increase or decrease the level of IUU fishing in exploratory fisheries (SC-CAMLR-XXVI, paragraph 4.122). IUU fishing matters were considered in section 10 (see also paragraph 5.3).

12.10 The Commission endorsed the Scientific Committee's advice on exploratory fisheries, and agreed, *inter alia*, to:

- (i) *Dissostichus* spp. in Subarea 48.6 (SC-CAMLR-XXVI, paragraphs 4.124 to 4.128):
  - subdivide SSRU 486A into two SSRUs along longitude 1°30'E
  - revise the precautionary catch limit for *Dissostichus* spp. and associated by-catch species;
- (ii) *Dissostichus* spp. in Division 58.4.1 (SC-CAMLR-XXVI, paragraphs 4.129 to 4.133):
  - allow research fishing under the 10-tonne research exemption of Conservation Measure 24-01 in SSRUs 5841D, F and H, which are currently closed to commercial fishing;
  - maintain the required tagging rate at at least three fish per tonne of green weight caught;



- (iii) *Dissostichus* spp. in Division 58.4.2 (SC-CAMLR-XXVI, paragraphs 4.134 to 4.137):
  - maintain the required tagging rate at at least three fish per tonne of green weight caught;
- (iv) *Dissostichus* spp. in Division 58.4.3a (SC-CAMLR-XXVI, paragraphs 4.138 to 4.141):
  - increase the required tagging rate to three fish per tonne of green weight caught;
- (v) *Dissostichus* spp. in Division 58.4.3b (SC-CAMLR-XXVI, paragraphs 4.142 to 4.148):
  - subdivide Division 58.4.3b into two SSRUs at latitude of 60°S;
  - close the SSRU south of 60°S (new SSRU B), given the rapid and unsustainable depletion seen in this area;
  - revise the precautionary catch limit for *Dissostichus* spp. and associated by-catch species;
  - increase the required tagging rate to three fish per tonne of green weight caught;
  - limit commercial fishing in the 2007/08 fishing season in order not to interfere with the notified Australian research survey in Division 58.4.3b in order for the survey to obtain the most scientifically useful data on the distribution of fish in the region;
- (vi) *Dissostichus* spp. in Subarea 88.1 (SC-CAMLR-XXVI, paragraphs 4.149 to 4.158):
  - continue the three-year experimental system of closed and open areas implemented in 2005 for the duration of the experiment (from 2005/06 to the end of 2007/08);
  - revise the precautionary catch limit for *Dissostichus* spp. to 2 700 tonnes, and revise the precautionary catch limit for associated by-catch species;
  - carry over the precautionary catch limit for *Dissostichus* spp. into the 2008/09 fishing season, subject to the conditions detailed in paragraph 4.57.

12.11 The Commission also noted:

- (i) the Scientific Committee's advice for the exploratory fishery for *Dissostichus* spp. in Subarea 88.1 applied to the Ross Sea (Subarea 88.1 and SSRUs 882A–B);
- (ii) the considerable progress by New Zealand in understanding the life cycle and distribution of toothfish in the Ross Sea;

- (iii) that the tagging rates and tag–recapture rates from some vessels fishing in the Ross Sea were not considered reliable enough to be used in the assessment, and WG-FSA’s assessment was only based on the rates reported by New Zealand-flagged vessels;
- (iv) there was no new advice from which to revise the catch limits for *Dissostichus* spp. in Subarea 88.2;
- (v) Spain had withdrawn its notification for research fishing in SSRU 881A in 2007/08.

12.12 The Commission agreed to revise the conservation measures dealing with exploratory fisheries and associated fishery-based research requirements (see section 13).

#### Notification procedure

12.13 The Commission noted that all notifications and associated payments for new and exploratory fisheries in 2007/08 had been submitted by the deadlines.

12.14 The Commission reviewed the Secretariat’s standard format for the notification of Members’ intentions to conduct new or exploratory fisheries in the Convention Area. The Commission agreed to retain this format, noting that it captured all the requirements for notification and assisted Members in completing the information and the Secretariat in checking the contents of notifications.

12.15 The Commission agreed that all Members should use this standard format in future fishery notifications.

### CONSERVATION MEASURES

13.1 Conservation measures adopted at CCAMLR-XXVI will be published in the *Schedule of Conservation Measures in Force 2007/08*.

#### Review of existing conservation measures and resolutions

13.2 The Commission noted that the following conservation measures will lapse on 30 November 2007: 32-09 (2006), 33-02 (2006), 33-03 (2006), 41-01 (2006), 41-02 (2006), 41-04 (2006), 41-05 (2006), 41-06 (2006), 41-07 (2006), 41-08 (2006), 41-09 (2006), 41-10 (2006), 41-11 (2006), 42-02 (2006), 52-01 (2006), 52-02 (2006) and 61-01 (2006). The Commission also noted that Conservation Measure 42-01 (2006) will lapse on 14 November 2007. All of these measures dealt with fishery-related matters for the 2006/07 season.

13.3 The Commission agreed that the following conservation measures<sup>2</sup> will remain in force in 2007/08:

Compliance

10-01 (1998), 10-03 (2005), 10-05 (2006), 10-06 (2006), 10-07 (2006) and 10-08 (2006).

General fishery matters

21-01 (2006), 21-02 (2006), 22-01 (1986), 22-02 (1984), 22-03 (1990), 22-04 (2006), 22-05 (2006), 23-01 (2005), 23-02 (1993), 23-03 (1991), 23-04 (2000), 23-05 (2000), 24-01 (2005), 24-02 (2005), 25-03 (2003) and 26-01 (2006).

Fishery regulations

31-01 (1986), 32-01 (2001), 32-02 (1998), 32-03 (1998), 32-04 (1986), 32-05 (1986), 32-06 (1985), 32-07 (1999), 32-08 (1997), 32-10 (2002), 32-11 (2002), 32-12 (1998), 32-13 (2003), 32-14 (2003), 32-15 (2003), 32-16 (2003), 32-17 (2003), 32-18 (2006), 33-01 (1995), 41-03 (2006) and 51-02 (2006).

Protected areas

91-01 (2004) and 91-02 (2004).

13.4 The Commission agreed that Conservation Measure 91-03 (2004) be rescinded (see paragraph 7.2).

13.5 The Commission agreed that the following resolutions will remain in force in 2007/08: 7/IX, 10/XII, 14/XIX, 15/XXII, 16/XIX, 17/XX, 18/XXI, 19/XXI, 20/XXV, 21/XXIII, 22/XXV, 23/XXIII and 25/XXV.

Revised conservation measures

13.6 The Commission revised the following conservation measures<sup>2</sup>:

Compliance

10-02 (2006) and 10-04 (2006).

General fishery matters

21-03 (2006), 23-06 (2005) and 25-02 (2005).

Fishery regulations

51-01 (2006) and 51-03 (2006).

Compliance

13.7 The Commission endorsed SCIC's recommendation to amend Conservation Measure 10-02 (Licensing and inspection obligations of Contracting Parties with regard to

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<sup>2</sup> Reservations to these measures are given in the *Schedule of Conservation Measures in Force in 2006/07*.

their flag vessels operating in the Convention Area) to provide minimum safety standards for all fishing vessels operating in the Convention Area (paragraph 8.15). The revised Conservation Measure 10-02 (2007) was adopted.

13.8 The Commission endorsed SCIC's recommendation to amend Conservation Measure 10-04 (Automated satellite-liked vessel monitoring systems) to include krill fisheries in VMS reporting (paragraph 8.13). The revised Conservation Measure 10-04 (2007) was adopted.

13.9 The Commission noted the discussions at SCIC, and subsequently in the Conservation Measures Drafting Group in respect of amending Conservation Measures 10-06 (Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures) and 10-07 (Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures) to formally recognise the IUU Vessel Lists of other organisations (paragraph 8.15). Significant progress had been made during the meeting; however, Members were unable to finalise an agreed revision. The Commission encouraged Members to continue consultation during the intersessional period and agreed to reconsider a revision at CCAMLR-XXVII.

#### General fishery matters

##### Notification of intent to participate in a krill fishery

13.10 Before adoption of the conservation measures, in particular those for the krill fisheries for the 2007/08 season, New Zealand stated that it recalled the concern expressed by many Members in respect of the Cook Islands notification to conduct pair trawling operations in the krill fisheries in the Convention Area in 2007/08. New Zealand also recalled that the Scientific Committee had drawn this notification to the Commission's attention and had advised that the pair trawling method has not previously been used in the Convention Area (SC-CAMLR-XXVI, paragraph 4.12). The Scientific Committee also advised that the Secretariat had not established data collection and analysis methods from pair trawling.

13.11 New Zealand stated, therefore, that the use of the pair trawling method in the Convention Area would constitute a new fishery according to Conservation Measure 21-01 which specifies that a new fishery is a fishery on a species using a particular method in a statistical subarea for which, *inter alia*, catch and effort data have never been submitted to CCAMLR. Therefore it is not possible for the Commission to deal with the notification from the Cook Islands at this meeting. If any proposal to conduct pair trawling operations in the Convention Area is to be considered by the Commission, it is necessary for a notification to be made to the Commission at a future meeting in accordance with the requirements of Conservation Measure 21-01.

13.12 New Zealand stated that the requirements of such a notification include biological information from comprehensive research or survey cruises and the details of dependent and associated species and the likelihood of them being affected by the proposed fishery – a point that is especially relevant in the case of pair trawling which is associated with serious by-catch problems in other fisheries.

13.13 New Zealand stated that, alongside other Members of the Commission, it is concerned to see the orderly development of the krill fishery. New Zealand is particularly mindful of the advice of the Scientific Committee that the failure to adequately manage the krill fishery would severely undermine CCAMLR's management of Antarctic marine living resources (SC-CAMLR-XXVI, paragraph 4.15).

13.14 Many Members shared the views expressed by New Zealand in relation to the Cook Islands intention to use a new method of fishing, pair trawls, in the Convention Area.

13.15 The European Community requested that the Cook Islands provide the following additional information:

- (i) details of the provisions to control the activities of its fishing vessels;
- (ii) the current location of notified vessels, and their current fishing activities;
- (iii) the scheme under which the notified vessels were registered (domestic or foreign);
- (iv) the location of the ports where the notified vessels will unload krill;
- (v) whether the notified vessels have been inspected by the Cook Islands' authorities in respect of their operation under the relevant CCAMLR conservation measures.

13.16 In response, the Cook Islands advised the following:

- (i) The marine resources legislation in the Cook Islands is amongst the most modern in the world. It fully implements the requirements of UNCLOS and UNFSA in respect of control of its fishing vessels engaged in harvesting activities on the high seas and beyond areas of national jurisdiction. Companies are required to enter directly into comprehensive access agreements with Government pursuant to licensing of any vessel to fish in waters beyond national jurisdiction. Conditions of licence include, *inter alia*, the provision for observers, real-time satellite VMS, and comprehensive reporting and inspection requirements. Penalties for contravention of Cook Islands' laws in this regard are severe.
- (ii) Those notified vessels which are flagged in the Cook Islands are currently either in refit or, having recently completed refit, are on their way to fishing grounds in the South Pacific, outside the CAMLR Convention Area.
- (iii) The vessels referred to above are all owned by Cook Islands-registered companies with their registered offices in the Cook Islands. The arrangements between the company and the Cook Islands Government lead to substantial benefits for the Cook Islands, including employment, funding various development projects and assisting in the development of the Cook Islands domestic fisheries.

- (iv) The ports that will be used to discharge catch are not yet known. It is unlikely that Cook Islands ports can be used due to their size being too small for the vessels concerned. The company is required to advise Cook Islands authorities of the port of discharge in sufficient time for inspection to be arranged.
- (v) The vessels are registered in full compliance with Cook Islands law, which gives full and complete effect to all IMO and international fisheries conventions to which the Cook Islands is party. In accordance with the requirements of the law, the vessels have all been subject to inspections by Cook Islands authorities and have been found to be compliant with all relevant domestic and international law and capable of complying with all CCAMLR convention measure requirements.

13.17 The Cook Islands stated that the trawl net used is identical in its dimensions to that used in other midwater trawls within the Convention Area. Other than the absence of trawl doors, necessitating the use of a second vessel to hold the net open at slow speeds, all other aspects are the same.

13.18 The Cook Islands also stated that the notified vessels would tow pair trawls at speeds as low as 1.0 knot, providing greater opportunities for mammals and other untargeted species to avoid getting caught and significantly reducing injury if mammals do encounter the trawl. In addition, a very effective barrier device can be placed in the mouth of the trawl, to ensure mammals and other untargeted species do not enter the trawl. There is every reason to believe that mitigation techniques effective elsewhere will be at least as effective in this type of pair trawling operation.

13.19 The Cook Islands stated that it expressed disappointment that, in spite of the four months that the notification has been sitting with Members, no substantial information was submitted to the Commission in support of the serious reservations expressed by some Members. All of the reservations expressed have been delivered at a very late stage. This has denied the Cook Islands the proper opportunity to address and allay the concerns expressed.

13.20 The Cook Islands stated that it acknowledged the concerns expressed and confirmed that additional scientific and monitoring, control and surveillance measures will be taken in respect of the proposed fishing activities. It did not accept that this is a new fishery in respect of Conservation Measure 21-01. The method employed, midwater trawling, is the same method as currently employed in the fishery, which has already been substantially modified without consequence (continuous fishing, pumping etc). In the absence of any other definition in the Convention or conservation measures and according to FAO, pair trawling is a subtype of a midwater trawl and not a new method.

13.21 The Commission agreed that the introduction of pair trawling for krill in the Convention Area should be considered a new fishery, since there is no information currently available on the impact and selectivity of pair trawls or catch data from the use of that method in the Convention Area. The Commission noted that the Scientific Committee and its working groups will review this matter in 2008 (SC-CAMLR-XXVI, paragraph 14.7). In the meantime it was not possible for the Commission to deal with the notification from the Cook Islands at this meeting.

13.22 The Cook Islands advised that, following instructions from its capital at the time of adoption, it was considering the implication of the Commission's deliberations with a view to the removal of their notifications. The Ministry of Foreign Affairs and Immigration will advise the Commission in writing in due course.

13.23 The Commission also recalled the Scientific Committee's advice that the development of krill fishing in Area 88 or Subarea 48.6 should be considered exploratory fisheries, since only limited information exists on the distribution and abundance of krill or predators (SC-CAMLR-XXVI, paragraphs 3.27 and 3.28).

13.24 The Commission revised Conservation Measures 21-03 (Notification of intent to participate in a fishery for *Euphausia superba*) to clarify the notification procedure and include more detail in the notification form (Annex 21-03/A). The revision also addressed the large discrepancy between notified catches of krill and reported catches during the season notified (paragraph 4.44). In addition, notifications for krill fisheries in Subareas 48.5, 48.6, 88.1, 88.2 and 88.3, where precautionary catch limits are not set, would be considered as exploratory fisheries. The revised Conservation Measure 21-03 (2007) was adopted.

13.25 Japan stated that it was gravely concerned with the increasing discrepancy between notified and reported catches of krill fisheries and the resulting confusion in the discussions of the Commission and the Scientific Committee. As reported in CCAMLR-XXVI/BG/41 Rev. 1, the notified catch in 2006/07 was more than triple the reported catch. In this regard, Japan stated that it was unfortunate that the Commission could not adopt a stronger notification measure for krill fisheries as agreed by the Scientific Committee (SC-CAMLR-XXVI, paragraph 3.46) and Japan wished to discuss the issue further in future meetings. In the meantime, Japan urged all Members intending to engage in krill fisheries to notify expected catches accurately and to the extent possible.

#### Data reporting

13.26 The Commission agreed to revise Conservation Measure 23-06 (Data reporting system for krill fisheries) to improve the forecasting of closures in krill fisheries by implementing the 10-day catch and effort reporting system when a fishery approached its trigger level. The revised Conservation Measure 23-06 (2007) was adopted.

#### Mitigation measures

13.27 The Commission agreed to revise Conservation Measure 25-02 (Minimisation of the incidental mortality of seabirds in the course of longline fishing) to provide Spanish longline-system vessel operators with the option of using either traditional weights or steel weights under the agreed line weight regimes (SC-CAMLR-XXVI, paragraph 5.24). The revised Conservation Measure 25-02 (2007) was adopted.

## New conservation measures

### Compliance

13.28 The Commission noted SCIC's consideration of a new trade measure which had been developed by the European Community (CCAMLR-XXVI/33). The measure had been proposed to augment the measures used by the Commission to combat IUU fishing in the Convention Area (Annex 5, paragraphs 2.62 and 2.63). SCIC had been unable to reach consensus on this proposal (Annex 5, paragraphs 2.64 and 2.72).

13.29 The proposal was further developed during the meeting, and redeveloped in the context of a market-related measure which would be implemented only as a last resort and when other measures had proved unsuccessful in preventing, deterring and eliminating any action which diminished the objectives of conservation measures. All Members but one agreed with this proposal.

13.30 Argentina stated that the imposition of sanctions will have legal implications, particularly in relation to its compatibility with WTO rules. Furthermore, legislating against non-Contracting Parties would constitute a breach of one of the basic principles of international law. A more rigorous application of admonitory measures (non-compliance procedures) in accordance with international law, on the other hand, is the most appropriate way to legally achieve the objectives of the Convention.

13.31 Brazil shared the views as expressed by Argentina. As an attempt to move the discussions forward, Brazil suggested amendments to the European Community proposal that would address Brazil's concerns.

13.32 All Members but one expressed their support for the proposed market-related measure, and thanked the European Community for developing the proposal and holding extensive consultations during the meeting, with the hope of reaching consensus on this matter. All Members but one agreed that the proposed market-related measure would strengthen the CCAMLR set of conservation measures aimed at preventing, deterring and eliminating IUU fishing in the Convention Area. They recalled that the Commission noted with concern that IUU fishing activities have increased in recent years (paragraph 5.3).

13.33 Members were unable to reach an agreed form of text for this new measure. The Commission urged all Members to continue consultation during the intersessional period, and hoped that it could make further progress on this matter at its next meeting.

13.34 Argentina stated that:

'While sharing the comments made by other Members at this meeting regarding the impacts of the applications of some conservation measures, Argentina expressed the view that if trade sanctions were to be applied, this would mean that both the Member concerned and CCAMLR have failed to find even the least bit of common ground to achieve compliance within an atmosphere of cooperation. Such a situation should be deemed untenable within the Antarctic Treaty System where cooperation is paramount. Further, since trade sanctions to be applied require consensus, their adoption would require the Member concerned to join such consensus. As this would



probably not be the case, other Members would feel tempted to suggest an exception to the consensus rule, a rule which is fundamental to both CCAMLR and the Antarctic Treaty System.

Trade sanctions to be recommended in the framework of a multilateral environmental agreement could certainly become a negative precedent. In such a context, it may be concluded that developing countries would be the most likely to be adversely affected by trade measures. With regard to non-Contracting Parties, Argentina has already expressed its views at CCAMLR-XXVI. It recalled that the relation between trade measures and the environment is an important issue which is still pending within WTO at the Committee on Trade and Environment, in the light of the Doha Ministerial Declaration of 2001. In this upcoming intersessional period, Argentina strongly feels that appropriate progress on this matter needs to be made within the relevant fora.’

13.35 Most Members reiterated their full support of the proposal to adopt market-related measures, which they considered fully in line with the responsibilities of Antarctic Treaty Parties to conserve the Antarctic environment, including the marine ecosystem.

13.36 Most Members also shared the concern that, in the absence of consensus, CCAMLR would have another year of IUU activity without any further development of its ability to address the issue.

13.37 The European Community stated that:

‘It would like to thank all the delegations which contributed to improve the text of the proposal on market-related measures. This text which was tabled by the European Community in 2006, following the provisions included in Conservation Measures 10-06 and 10-07 adopted in 2002, was under the examination of this Commission for two years, and again it remains at its stage of proposal and cannot be adopted as a conservation measure. This proposal is supported by all CCAMLR delegations but one, and the European Community is disappointed in this situation that, in its view, it is not justified either from a legal or a political point of view.

All CCAMLR delegations took note of the report of the CCAMLR Scientific Committee, which expressed clearly that IUU fishing is undermining “any CCAMLR attempt to provide the basis for fishing to be sustainable”. The Commission is, therefore, not in a position to meet its basic objective, which is the conservation of Antarctic marine living resources, and to guarantee its rational use, and that is determined mainly by the continuous presence of illegal vessels within the CCAMLR area of competence.

It is evident that the conservation measures adopted in previous years are not sufficient to tackle and eliminate these illegal activities, and that is the reason which led the European Community to table a market-related measure, similar to those adopted in other international fora and which have passed the scrutiny of the international community in terms of compatibility with the international law and WTO rules.

It was convinced that to combat IUU, an international organisation, such as CCAMLR, needs an arsenal of tools, and market-related measures are a basic

component of this arsenal. The European Community was also convinced that the main reason for the increasing level of IUU catches, notably in certain areas, is mainly due to the possibility for these catches to find a market to be sold.

The international community will be aware of the current CCAMLR situation in terms of illegal fishing activities and our means to combat them. This will undermine our credibility as an organisation, therefore, in order to confirm the CCAMLR leadership in conservation and management of marine living resources, the European Community Delegation asks the CCAMLR delegation which is not in a position to join the consensus to work with the Community and all the other CCAMLR Members in order to find a solution which could be beneficial for the organisation and for the Antarctic ecosystem, through the adoption of this market-related measure proposal at the next plenary session.’

13.38 Argentina stated that:

‘While sharing the suggestion made by the European Community to engage in further discussions in the upcoming intersessional period, Argentina also shares the views expressed by another Member that this is a highly controversial issue, not yet settled within WTO, which requires consideration at appropriate levels and within relevant fora which is necessary to avoid conflicting situations in the future.’

13.39 ASOC stated that:

‘It thanked the European Community for developing a proposal on trade-related measures and for all the efforts deployed at this meeting to reach consensus on this measure. ASOC is deeply concerned by the dramatic increase in IUU fishing in high-seas areas of CCAMLR, and by the wide-spread use of gillnets by IUU vessels. IUU fishing continues to pose a serious threat to toothfish populations and the ecosystem as a whole. IUU fishing continues to successfully exploit the loopholes in the CCAMLR system and continues to introduce IUU catches into the markets. Flags of convenience, or flags of non-compliance, following the CCAMLR terminology, continue to be used by IUU operators. It is clear that additional measures are needed to deter these activities. ASOC believes that the measures proposed by the European Community are fully consistent with international law and WTO rules (see ASOC’s paper CCAMLR-XXVI/BG/26).

After the extensive concern about the impacts of IUU fishing in the Convention Area expressed by CCAMLR Members at this meeting, ASOC is deeply disappointed that the Commission could not reach consensus on this measure this year. ASOC believes that the use of trade-related measures along the lines proposed by the European Community would add a strong deterrent against IUU fishing, and ASOC urges CCAMLR Members to continue working towards the adoption of this measure as a matter of urgency.’

#### Bottom fishing in the Convention Area

13.40 The Commission noted the significant progress made by the Scientific Committee and SCIC towards developing an approach which addressed the requirements of UNGA

Resolution 61/105 (paragraphs 5.9 to 5.20 and Annex 5, paragraphs 8.13 to 8.20). The Scientific Committee had developed a procedure that can be used as the framework for indicating what research and data collection activities might be required at different stages of the process of managing bottom fishing. SCIC had considered a proposal by the USA for a new conservation measure (CCAMLR-XXVI/26).

13.41 The Commission agreed to a new Conservation Measure (22-06) on bottom fishing in the Convention Area. The measure requires all bottom fishing activities in areas specified in the conservation measure, commencing 1 December 2008, to be assessed by the Scientific Committee to determine if such activities would contribute to having significant adverse impacts on VMEs. The measure also implements procedures for where evidence of a VME is encountered in the course of fishing operations.

13.42 The Commission adopted Conservation Measure 22-06 (2007), noting the reservations expressed by France and South Africa for areas under their respective national jurisdiction.

13.43 New Zealand noted the discussion in SC-CAMLR-XXVI, paragraph 4.164, on the need for research and data collection programs to evaluate VMEs and the potential for significant adverse effects and the development of approaches to avoid and mitigate significant adverse impacts of fishing on benthic ecosystems.

13.44 In this light, New Zealand wished to highlight to all Parties their obligations when undertaking bottom fishing in the next year to collect data on captures of benthic species through the existing CCAMLR data requirements (e.g. Conservation Measure 21-02).

13.45 New Zealand, supported by the UK, proposed that the Commission request the Secretariat to prepare a report on all reported by-catch of species associated with VMEs from bottom fishing relevant to the application of Conservation Measure 22-06 to the end of 2006. This should be prepared prior to the deadline for notifications to assist Contracting Parties in preparing their assessments and to assist the work of the Scientific Committee. These data will be important for the Scientific Committee and its future work.

13.46 The Commission requested that the Scientific Committee provide advice on data research and mitigation requirements for bottom fisheries under Conservation Measure 22-06 in order that the Commission can determine the requirements in the conservation measure for individual bottom fisheries for managing interactions with VMEs.

#### Closure of fisheries

13.47 The Commission endorsed the advice of SCIC in respect of a proposal by New Zealand for a new conservation measure clarifying the procedures to be followed on the closure of all fisheries (Annex 5, paragraph 2.48; CCAMLR-XXVI/35 Rev. 1). The proposal arose from a request from the Secretariat for guidance from the Commission on the actions required of Flag States and their vessels when CCAMLR fisheries are closed (CCAMLR-XXV/BG/3). The Commission adopted Conservation Measure 31-02 (2007) (General measure on the closure of all fisheries).

## General fishery matters

### Fishing seasons, closed areas and prohibition of fishing

13.48 The Commission agreed to renew the prohibition of directed fishing for *Dissostichus* spp. except in accordance with specific conservation measures. Accordingly, directed fishing for *Dissostichus* spp. in Subarea 48.5 was prohibited in the 2007/08 season, and the Commission adopted Conservation Measure 32-09 (2007).

### By-catch limits

13.49 The Commission noted that the Scientific Committee had been unable to provide new advice on by-catch limits (paragraph 4.75).

13.50 The Commission agreed to apply the existing by-catch limits in Division 58.5.2 in the 2007/08 season. Accordingly, Conservation Measure 33-02 (2007) was adopted.

13.51 The Commission agreed to apply the existing by-catch limits for exploratory fisheries in the 2007/08 season, taking account of the revised catch limit for *Dissostichus* spp. in Subareas 48.6 and 88.1 and Division 58.4.3b and the consequential changes to by-catch limits in those areas. The Commission also agreed that rajids should be released alive by cutting snoods, and when practical, removing hooks (paragraphs 4.72 and 12.7). It was also agreed to revise the move-on rule for *Macrourus* spp. (paragraph 4.78). Accordingly, Conservation Measure 33-03 (2007) was adopted.

### Toothfish

13.52 The Commission agreed to introduce new SSRUs in Subarea 48.6 and Division 58.4.3b (paragraph 12.10):

- the former SSRU A in Subarea 48.6 was divided into two new SSRUs: a new SSRU A west of 1°30'E, and SSRU G east of 1°30'E;
- Division 58.4.3b was divided into two SSRUs: SSRU A north of 60°S, and SSRU B south of 60°S.

13.53 The Commission also agreed to revise the requirements of the tagging program in Annex 41-01/C of Conservation Measure 41-01 to improve the collection of data in exploratory fisheries (paragraph 12.5). Accordingly, Conservation Measure 41-01 (2007) was adopted.

13.54 The Commission agreed to revise the catch limits on the fishery for *D. eleginoides* in Subarea 48.3 (paragraph 4.59). The revised catch limit for *D. eleginoides* was 3 920 tonnes which was divided amongst the management areas as follows: A – 0 tonnes (excepting 10 tonnes for research fishing); B – 1 176 tonnes (30% of the catch limit) and C – 2 744 tonnes (70% of the catch limit). The Commission agreed to the by-catch limits of 196 tonnes (5% of the catch limit for *D. eleginoides*) for *Macrourus* spp. and 196 tonnes

(5% of the catch limit for *D. eleginoides*) for rajids. The Commission also agreed that the catch limits in this fishery can be carried over into the 2008/09 season, subject to the conditions detailed in paragraph 4.57. The Commission adopted Conservation Measure 41-02 (2007).

13.55 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 48.6 in 2007/08 would be limited to Japanese, Korean, New Zealand and South African flagged vessels using longlines only, and that no more than one vessel per country shall fish at any one time. The Commission noted the Scientific Committee's advice in respect of catch limits in this fishery, and agreed to reduce the precautionary catch limit for *Dissostichus* spp. to 200 tonnes north of 60°S, and 200 tonnes south of 60°S. The precautionary catch limits for by-catch species were reduced accordingly (see Conservation Measure 33-03). The Commission also subdivided the region north of 60°S into two SSRUs (see Conservation Measure 41-01). Other elements regulating this fishery, including the tagging rate for *Dissostichus* spp. of one fish per tonne of green weight caught, were carried forward. The Commission adopted Conservation Measure 41-04 (2007).

13.56 The Commission recalled its discussion on increasing the tagging rate for *Dissostichus* spp. in this fishery from one fish per tonne of green weight caught to three fish per tonne (CCAMLR-XXV, paragraph 12.48). The Commission urged all notifying Members to strive towards achieving a minimum tagging rate of three fish per tonne in Subarea 48.6.

13.57 Before adopting the conservation measures on the exploratory fisheries for *Dissostichus* spp. in Subarea 58.4, Ukraine stated that in respect of Conservation Measures 41-05 and 41-11, CCAMLR-XXIV agreed with the advice of the Scientific Committee that an experiment be conducted in order to reduce uncertainty in the assessment of toothfish stock structure in the Ross Sea. To address these issues for the Ross Sea, the Scientific Committee recommended that fishing be concentrated in areas of greatest activity. On the basis of this advice, the Commission adopted Conservation Measures 41-05, 41-09, 41-10 and 41-11 for the toothfish exploratory fisheries in high-latitude seas, including the definition of the SSRUs with 'zero' catch. With the exception of Subareas 88.1 and 88.2, the Scientific Committee was unable to provide any new advice on catch limits for *Dissostichus* spp. taken in any exploratory fishery (SC-CAMLR-XXVI, paragraph 4.111).

13.58 Ukraine also stated that SSRUs with 'zero' catch in Divisions 58.4.1 and 58.4.2 were established without any appropriate justification. Currently, WG-FSA and the Scientific Committee are unable to obtain data on toothfish distribution and biological data or to carry out the tagging program in most divisions. All these data are required to assess the stock in these divisions and to reduce the uncertainty about toothfish stock structure. The conservation measures in force do not specify the dates of the experiment in particular divisions in Subarea 58.4, and the Scientific Committee was unable to conduct the necessary activities to assess the results of the three-year experiment in that subarea. Ukraine urged the Commission to request that, at its next meeting, the Scientific Committee provide information on the results of the experiment and amend the conservation measures involving SSRUs that are closed to fishing, so that these SSRUs may be opened to fishing, thus providing enhanced scientific understanding and reducing fishing pressure on particular areas.

13.59 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.1 in 2007/08 would be limited to one (1) Australian, one (1) Japanese, five (5) Korean, two (2) Namibian, three (3) New Zealand, one (1) Spanish, one (1) Ukrainian and

one (1) Uruguayan flagged vessels using longlines only. The Commission also agreed to limit research fishing under Conservation Measure 24-01 to 10 tonnes of *Dissostichus* spp. green weight and a single vessel in each of SSRUs A, B, D, F and H. Other elements regulating this fishery were carried forward. Conservation Measure 41-11 (2007) was adopted.

13.60 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.2 in 2007/08 would be limited to one (1) Australian, one (1) Japanese, five (5) Korean, two (2) Namibian, two (2) New Zealand, one (1) South African, one (1) Spanish, one (1) Ukrainian and one (1) Uruguayan flagged vessels using longlines only. Other elements regulating this fishery were carried forward. Conservation Measure 41-05 (2007) was adopted.

13.61 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3a in 2007/08 would be limited to one (1) Uruguayan flagged vessel using longlines only. The Commission also agreed to increase the tagging rate for *Dissostichus* spp. to a minimum of three fish per tonne of green weight caught (paragraph 12.10). Conservation Measure 41-06 (2007) was adopted.

13.62 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3b outside areas of national jurisdiction in 2007/08 would be limited to Australian, Japanese, Korean, Namibian, Spanish and Uruguayan flagged vessels using longlines only, and that no more than one vessel per country would fish at any one time. The Commission also implemented the revisions agreed in paragraph 12.10, including: setting a precautionary catch limit of 150 tonnes for *Dissostichus* spp. in SSRU A; closing SSRU B to fishing; allowing an additional catch limit of 50 tonnes for *Dissostichus* spp. for the notified Australian scientific research survey; and increasing the tagging rate for *Dissostichus* spp. to a minimum of three fish per tonne of green weight caught. Conservation Measure 41-07 (2007) was adopted.

13.63 The Commission agreed to revise the limits on the fishery for *D. eleginoides* in Division 58.5.2 and to extend the season for longlining (paragraph 4.59; SC-CAMLR-XXVI, paragraph 5.45). The revised catch limit for *D. eleginoides* was 2 500 tonnes which was applicable west of 79°20'E. The Commission also agreed that the catch limits in this fishery can be carried over into the 2008/09 season, subject to the conditions detailed in paragraph 4.57. Other elements regulating this fishery were carried forward. Conservation Measure 41-08 (2007) was adopted.

13.64 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.1 in 2007/08 would be limited to two (2) Argentine, five (5) Korean, one (1) Namibian, four (4) New Zealand, two (2) Russian, one (1) South African, one (1) Spanish, three (3) UK and two (2) Uruguayan flagged vessels using longlines only.

13.65 The Commission agreed to revise the catch limit for *Dissostichus* spp. in Subarea 88.1 to 2 700 tonnes, of which 40 tonnes were set aside for research fishing in SSRUs A, D, E and F, and the remaining 2 660 tonnes were applied as follows:

SSRU A:	0 tonnes
SSRUs B, C and G (northern):	313 tonnes total
SSRU D:	0 tonnes

SSRU E:	0 tonnes
SSRU F:	0 tonnes
SSRUs H, I and K (slope):	1 698 tonnes total
SSRU J:	495 tonnes
SSRU L:	154 tonnes.

13.66 As for other exploratory fisheries, the by-catch limits for this fishery are defined in Conservation Measure 33-03. However, as a number of SSRUs in Subarea 88.1 have been grouped for management purposes, the by-catch limits were explicitly stated in Conservation Measure 41-09.

13.67 The Commission agreed that research fishing under Conservation Measure 24-01 should be limited to 10 tonnes of catch and one vessel in each of SSRUs A, D, E and F. Other elements regulating this fishery, including the tagging rate for *Dissostichus* spp. of three fish per tonne of green weight caught for the 10-tonne limit research fishing, were carried forward. Conservation Measure 41-09 (2007) was adopted.

13.68 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.2 in 2007/08 would be limited to two (2) Argentine, four (4) New Zealand, two (2) Russian, one (1) South African, one (1) Spanish, three (3) UK and two (2) Uruguayan flagged vessels using longlines only.

13.69 The Commission agreed to carry forward the precautionary catch limit for *Dissostichus* spp. in Subarea 88.2 which was 567 tonnes, of which 20 tonnes were set aside for research fishing in SSRUs A and B, and the remaining 547 tonnes were applied as follows:

SSRU A:	0 tonnes
SSRU B:	0 tonnes
SSRUs C, D, F and G:	206 tonnes total
SSRU E:	341 tonnes.

13.70 As for other exploratory fisheries, the by-catch limits for this fishery are defined in Conservation Measure 33-03. However, as a number of SSRUs in Subarea 88.2 have been grouped for management purposes, the by-catch limits were explicitly stated in Conservation Measure 41-10.

13.71 The Commission agreed that research fishing under Conservation Measure 24-01 should be limited to 10 tonnes of catch and one vessel in each of SSRUs A and B. Other elements regulating this fishery, including the tagging rate for *Dissostichus* spp. of three fish per tonne of green weight caught for the 10-tonne limit research fishing, were carried forward. Conservation Measure 41-10 (2007) was adopted.

#### Icefish

13.72 The Commission agreed to revise the limits on the fishery for *C. gunnari* in Subarea 48.3 (paragraph 4.65). It agreed a catch limit of 2 462 tonnes for the 2007/08 season and 1 569 tonnes for the 2008/09 season. It also agreed to remove the catch limit and research requirements between 1 March to 31 May. The Commission agreed that vessels should use

net binding and consider adding weight to the codend to reduce seabird captures while deploying the trawl. Other elements regulating this fishery were carried forward, and Conservation Measure 42-01 (2007) was adopted.

13.73 The Commission agreed to revise the limits on the fishery for *C. gunnari* in Division 58.5.2 (paragraph 4.65). The Commission agreed a catch limit of 220 tonnes for the 2007/08 season. Other elements regulating this fishery were carried forward and Conservation Measure 42-02 (2007) was adopted.

#### Krill

13.74 The Commission agreed to revise the precautionary catch limit for *E. superba* in Subareas 48.1, 48.2, 48.3 and 48.4 combined (paragraph 4.48). The revised catch limit was 3.47 million tonnes. In addition, the Commission clarified the intention of the trigger level. Other elements regulating this fishery were carried forward. Conservation Measure 51-01 (2007) was adopted.

13.75 The Commission agreed to revise the precautionary catch limit for *E. superba* in Division 58.4.2, and to divide this division into two sectors (paragraph 4.49). The catch limit west of 55°E was set to 1.448 million tonnes, with a trigger level of 260 000 tonnes. The catch limit east of 55°E was set to 1.080 million tonnes, with a trigger level of 192 000 tonnes. The Commission also agreed that each vessel participating in this fishery should carry at least one scientific observer appointed in accordance with the Scheme of International Scientific Observation or a domestic scientific observer fulfilling the requirements of the scheme. Other elements regulating this fishery were carried forward. Conservation Measure 51-03 (2007) was adopted.

#### Crab

13.76 The Commission carried forward the measures for the crab fishery in Subarea 48.3 in 2007/08 (paragraph 4.68). Conservation Measures 52-01 (2007) and 52-02 (2007) were adopted.

#### Squid

13.77 The Commission carried forward the measure for the exploratory jig fishery for *M. hyadesi* in Subarea 48.3 in 2007/08 (paragraph 4.69). Conservation Measure 61-01 (2007) was adopted.

#### New resolutions

13.78 The Commission adopted Resolution 26/XXVI urging Contracting Parties to support and where possible contribute to the IPY, including through CAML (paragraph 20.10).



## CCAMLR System of Inspection

13.79 The Commission noted SCIC's consideration of a proposal submitted by Australia to review and strengthen the CCAMLR System of Inspection (Annex 5, paragraph 2.59; CCAMLR-XXVI/29 Rev. 1). The Commission also noted that the Conservation Measures Drafting Group has further developed the proposal through extensive consultation with Members. These discussions included consideration of practical implications for inspectors, fishing vessels, Flag States and the designating Member.

13.80 Australia stated that:

'It was with great regret that it must withdraw its proposal to amend the System of Inspection (paragraph 13.79). Australia expressed its disappointment in doing so as it had been hopeful that the early and comprehensive consultation with Members regarding the measure would have facilitated the proposal's adoption. Australia noted that many Members had provided a large number of constructive comments and the draft had significantly changed from that which had been originally circulated. Australia noted that its intention in revising the system had been to reflect the evolution of fishing practices, the expansion of vessel numbers and the increased complexity of compliance issues over time since the original System of Inspection was adopted. The changes were designed to modernise the system and to ensure it continued to be a useful compliance tool.

It reiterated its view that the changes that had been proposed were entirely consistent with the current System of Inspection and in particular, the wording relating to the main contentious issue that had resulted in the proposal's withdrawal. Australia noted that the inclusion of the language that had been proposed by another delegation on this issue would result in the Commission losing the benefits it received, and for which the Commission had thanked Australia, from its ability to conduct inspections on the high seas. Australia would be unable to undertake any more boardings or inspections. Australia reiterated that it had never envisaged or advocated the forceful or belligerent boarding of Members' vessels. However, it did not want to find itself in a position where those personnel who conduct boardings, including of non-Parties' vessels, and who do so within the constraints of domestic and international law and the System of Inspection, could not carry personal safety equipment. Australia believes this is important and under Australian domestic law, it is a requirement.'

13.81 Australia expressed its gratitude to the many Members who had supported and worked with it on this proposal and looked forward to further discussions with Members in the 2007/08 intersessional period.

13.82 The Commission noted the significant progress which had been made during the meeting; however, a few Members were unable to agree to the revised text. The Commission encouraged Members to continue consultation during the intersessional period, and agreed to reconsider the proposed revision at CCAMLR-XXVII.

13.83 The Commission endorsed SCIC's recommendation to clarify that the System of Inspection applies to Members and all Contracting Parties (Annex 5, paragraph 2.60; CCAMLR-XXVI/25). The Commission agreed to remove this ambiguity by revising footnote 2 in the Text of the CCAMLR System of Inspection.

## General

13.84 Australia advised the Commission that any fishing or fisheries research activities in that part of Divisions 58.4.3a, 58.4.3b and 58.5.2 that constitutes the Australian EEZ around the Australian Territory of Heard Island and McDonald Islands must have the prior approval of Australian authorities. The Australian EEZ extends up to 200 n miles from the Territory. Unauthorised or illegal fishing in these waters is a serious offence under Australian law. Australia seeks the assistance of other CCAMLR Members in ensuring their nationals and vessels are aware of the limits of the Australian EEZ and the need for prior permission to fish there. Australia has implemented strict controls to ensure that fishing in its EEZ occurs only on a sustainable basis. Presently, fishing concessions are fully subscribed and no further concessions for legal fishing in the EEZ are available. Australian legislation provides for large penalties for illegal fishing in Australia's EEZ, including the immediate forfeiture of foreign vessels found engaged in such activities. Any enquiries about fishing in the Australian EEZ should be made initially to the Australian Fisheries Management Authority.

## DATA ACCESS AND SECURITY

14.1 The Commission noted that the Scientific Committee had no new advice on this matter (SC-CAMLR-XXVI, paragraph 13.20).

14.2 The USA noted that the Secretariat's established practice was to make all meeting documents available to participants via a password-protected page on the CCAMLR website, and to remove these documents from the website several months after each meeting. The USA noted that a web-based archive of meeting documents would greatly facilitate its CCAMLR-related work and preparation for meetings.

14.3 Noting that other Members expressed similar needs for accessing past meeting documents, the Commission agreed to make all meeting documents available to Members via a password-protected page on the CCAMLR website.

14.4 In further discussion, the Commission tasked the Secretariat to develop a web-based archive of meeting documents. The Commission confirmed the following arrangements:

- (i) the archive would be password-protected and placed on the CCAMLR website;
- (ii) all documents submitted to CCAMLR meetings would be available in the archive, including documents submitted to the Commission, SCIC and SCAF, and to the Scientific Committee and its working groups and other groups;
- (iii) all documents in the archive would be subject to the Rules for Access and Use of CCAMLR Data (*Basic Documents*, Part 11) and, where applicable (e.g. some SCIC documents), the Rules for Access to Catch Documentation Scheme Data (*Basic Documents*, Part 12). The applicability of these rules would be indicated in the archive;
- (iv) the archive would be secured following the security protocols of the existing document access procedure thereby retaining the hierarchy of privilege currently in use.

## COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM

### Cooperation with Antarctic Treaty Consultative Parties

15.1 The Executive Secretary represented the Commission at the 30th Antarctic Treaty Consultative Meeting (ATCM XXX) in New Delhi, India. In the absence of the Scientific Committee Chair, the Executive Secretary also observed the Tenth Meeting of the Committee for Environmental Protection (CEP X). For completeness and convenience, outcomes from ATCM XXX and CEP X of interest to CCAMLR were presented by the Executive Secretary together in one report (CCAMLR-XXVI/BG/4).

15.2 The Commission noted the following main points of direct relevance to CCAMLR-XXVI as discussed at ATCM XXX and CEP X and presented in the report of the Executive Secretary:

- (i) impending submission of the management plan for the Anvers Island/Palmer Basin ASMA;
- (ii) ATCM Resolution 2 (2007) on southern giant petrel conservation;
- (iii) ATCM Resolution 3 (2007) on long-term monitoring and sustained environmental observations in Antarctica;
- (iv) CEP X support for Conservation Measure 26-01;
- (v) preparation for a CCAMLR information session to be held at CEP XI;
- (vi) report of CCAMLR Observer to ATCM XXX;
- (vii) ATCM XXX deliberations on IUU fishing in the CAMLR Convention Area;
- (viii) potential parallels between tourist vessels flagged to non-Parties and fishing vessels flying flags of non-compliance in the CAMLR Convention Area.

15.3 Australia noted the need for a growing level of cooperation between all elements of the Antarctic Treaty System, especially in respect of long-term monitoring in, and environmental protection of, the Treaty Area.

15.4 The UK welcomed the growing cooperation between the Scientific Committee and CEP, especially on consideration of bioregionalisation issues. In the UK's view this offered a useful model for such cooperation between the two bodies.

15.5 The UK and New Zealand expressed disappointment that a CCAMLR information session could not be accommodated in the CEP X deliberations.

15.6 The USA noted that there are many important elements of cooperation within the Antarctic Treaty System which should be promoted. The reciprocal exchange of observers between CEP and the Scientific Committee was a good example of where this had occurred.

15.7 The Executive Secretary advised that he would pursue the issue of including the CCAMLR information session on the agenda of the next meeting of CEP with the Chair of the Scientific Committee, the Treaty Secretariat and the organisers of ATCM XXXI in Kiev, Ukraine.

15.8 The Commission also noted the following general matters which the Executive Secretary had drawn to the attention of the Commission and the Scientific Committee:

- (i) ways to improve the processing of management plan proposals that contain marine areas through expediting administrative application of ATCM Decision 9 (2005);
- (ii) potential need for action in respect of CEP calls for observer data from the krill fishery on incidental mortality of fur seals;
- (iii) possible inclusion of 'climate change' as an agenda item, or subitem, on the Commission's and the Scientific Committee's agendas similar to CEP;
- (iv) continued involvement in ATCM deliberations on reviewing Annex II of the Protocol on Environmental Protection;
- (v) potential future involvement in ATCM initiatives concerning bioprospecting.

15.9 In respect of item (i) in the previous paragraph, the Commission noted that the administrative procedures implemented by the Secretariat in respect of the Anvers Island ASMA proposal (ASMA X; CCAMLR-XXVI/BG/3) had meant that the proposal had been speedily dealt with (in approximately six months) in conformity with ATCM Decision 9 (2005) and CCAMLR's own internal procedures. It agreed that future referrals from the ATCM to CCAMLR on protected areas with marine areas should be administered in the same way.

15.10 In her advice to the Commission, the Scientific Committee Chair observed that from the report presented by the CEP Observer to the Scientific Committee there is an increasing number of issues of mutual interest to both the Scientific Committee and CEP.

15.11 CEP X had considered the potential for designating southern giant petrels as a specially protected species (CCAMLR-XXVI/BG/4, paragraphs 20 and 30; SC-CAMLR-XXVI, paragraph 10.3). Members of the CCAMLR Scientific Committee with relevant data were requested to provide them to SCAR so as to assist that organisation in its assessment of the species population status. The Commission also noted that Ross seals had been retained on the list of specially protected species given the uncertainty over the current status of the species' population (SC-CAMLR-XXVI, paragraph 10.4).

15.12 The Scientific Committee had also noted that CEP intended to focus its attention on long-term ecosystem and environmental monitoring at its next meeting. The latter had therefore welcomed the CCAMLR Observer's offer to report on CCAMLR's experience in the development of the ecosystem monitoring program (CCAMLR-XXVI/BG/4, paragraph 24; SC-CAMLR-XXVI, paragraph 10.6). The Commission agreed that this would serve to further enhance cooperation between the Scientific Committee and CEP.

15.13 The Commission noted a proposal considered by the Scientific Committee that a joint CEP-Scientific Committee workshop be held in 2009. This would further strengthen cooperation between the two bodies. WG-EMM members in particular should be encouraged to participate in the workshop (SC-CAMLR-XXVI, paragraphs 10.8 and 10.9).

15.14 The Commission considered the proposal of the Executive Secretary that the CCAMLR Science Officer periodically attend CEP meetings to assist the Scientific Committee Chair and to ensure institutional continuity between SC-CAMLR and CEP on mutually relevant matters (CCAMLR-XXVI/BG/4, paragraphs 37 to 40, 44 and 45; SC-CAMLR-XXVI, paragraph 10.10). It was therefore proposed that the new Science Officer should attend CEP XI and thereafter attend further CEP meetings whenever a new Scientific Committee Chair is attending. The Commission supported the proposal but clarified that the formal observer role to CEP should remain with the Chair of the Scientific Committee (SC-CAMLR-XXVI, paragraph 10.10).

15.15 The Commission agreed that CCAMLR should be represented at ATCM XXXI by the Executive Secretary and at CEP XI by the Chair of the Scientific Committee, and that the Science Officer should also participate.

#### Climate change on the agenda of CCAMLR

15.16 The Commission noted a joint Norwegian and UK proposal that climate change and its impact on physical and biological processes in the Antarctic marine ecosystem should be placed on the Commission's agenda (CCAMLR-XXVI/39). The proposal comprised three elements:

- (i) the issue of climate change should be included in future agendas of both the Scientific Committee and the Commission;
- (ii) a scientific assessment be undertaken to consider the impact of climate change on the Southern Ocean;
- (iii) SCAR should be the 'organisational nexus' for the project and should appoint a steering committee for it. Updated information from the project should be reported annually to CCAMLR and the ATCM.

15.17 The UK, as co-sponsor of the proposal presented by Norway (CCAMLR-XXVI/39), noted that some changes in the climate have already become evident. In that regard, the Commission was referred to an ASOC paper (CCAMLR-XXVI/BG/28) which, in particular, provided a selection of abstracts from recent publications on climate change and marine ecosystems. Thirteen of these abstracts were from research conducted by British Antarctic Survey scientists. The UK recommended that special consideration should be given to the effects of climate change on the Antarctic ecosystem and that it was CCAMLR's duty to provide responsible policy action on the matter. The matter of climate change should therefore become an important agenda item for CCAMLR.

15.18 The European Community supported the Norwegian/UK proposal, noting that the issue of climate change is one of the European Community's political priorities. The

European Community noted that it would be appropriate for this issue to be placed on the agendas of both the Commission and the Scientific Committee as these bodies are responsible for conservation of marine living resources in the Convention Area.

15.19 Italy noted that CCAMLR has a special role in monitoring climate change.

15.20 Australia noted that the ATCM had already commenced discussions on how to bring climate change issues to the attention of other elements of the Antarctic Treaty System. It advised that during early IPY surveys under CAML, scientific data had been collected highlighting the impacts of climate change. Australia expressed the view that the Scientific Committee should consider the scientific aspects of the issue and that the Commission is able to respond to the advice it receives.

15.21 China agreed with the importance of climate change for the Antarctic ecosystem. It recalled that climate change was not introduced as a separate item but as a subitem under the state of the environment monitoring at both the ATCM and CEP. It proposed that it may be appropriate for the Scientific Committee to discuss climate change as a subitem under the current agenda item 'Ecosystem monitoring and management'.

15.22 New Zealand agreed that early IPY voyages have already delivered important information on climate change and that it would be important for the Commission to find an appropriate place for such an item on its various agendas.

15.23 Japan agreed with the importance of climate change to CCAMLR but it also shared China's view, noting that CCAMLR should avoid any duplication of work being carried out by other fora.

15.24 South Africa supported the proposal and advised that climate change is a high priority on its national agenda.

15.25 In considering placement of a climate change item on the Commission and the Scientific Committee agenda, the USA suggested that it was for the Scientific Committee to consider whether and how to focus its work related to climate change. The Commission could then consider issues related to climate change as part of its discussions of the Scientific Committee report.

15.26 Russia supported the proposal to include a climate change item on the Scientific Committee agenda, as CCAMLR should continue to maintain its leading position in the application of an ecosystem approach to conservation and management of marine living resources. Russia also noted that the work on the issue should be coordinated between CCAMLR, CEP and SCAR to avoid duplication.

15.27 Brazil shared the views expressed by China and others on the need to find an appropriate place on CCAMLR's agenda for discussions of climate change issues. If the focus was on monitoring, then climate change could be a separate agenda item. However, if discussions were only on a scientific assessment of climate change impacts, a permanent agenda item would not be required.

15.28 Belgium reminded the Commission of the need to avoid duplication of work and to strengthen cooperation with other Antarctic Treaty System elements.

15.29 Uruguay supported the proposal as contained in CCAMLR-XXVI/39.

15.30 The SCAR Observer, Dr G. Hosie, welcomed the proposal, noted that SCAR was proposed to act as a project coordinator as identified in CCAMLR-XXVI/39 and advised that SCAR would be willing to discuss establishment of a steering committee. He also noted that SCAR may need to find additional resources to undertake the project.

15.31 ASOC introduced CCAMLR-XXVI/BG/28 entitled 'Climate change and implementation of CCAMLR's objectives'. The paper suggested that CCAMLR could play an important role in monitoring the effects of climate change on marine ecosystems and species. This would entail regularly reporting on the likely effects and consequences that climate change may have on the Antarctic marine environment in the Convention Area. In this context, ASOC urged CCAMLR Members to take the following steps at CCAMLR-XXVI:

- adopt a resolution acknowledging that climate change is a major factor currently affecting the Southern Ocean and commit Members to deal with the issue;
- establish a Commission standing agenda subitem 'Consequences of climate change' under Agenda Item 17 'Implementation of the Objectives of the Convention';
- establish mechanisms whereby CCAMLR can identify and annually report on the likely effects and consequences that climate change may have on the Antarctic marine environment in the Convention Area.

15.32 The UK urged the Scientific Committee to consider the issue of climate change further by having a separate agenda item. By definition, consideration of a policy to deal with climate change would be the responsibility of the Commission based on advice received from the Scientific Committee.

15.33 Norway agreed with the UK and urged Members to cooperate with SCAR by making resources available and to proceed with any recommendations. Norway recommended that the issue of climate change remain open and asked the Scientific Committee to report back with advice on how to proceed so as to enable the matter to be placed on next year's Commission agenda.

15.34 The European Community suggested the issue of climate change should be placed on the Scientific Committee's agenda with the Committee's agreement. In its view, the Commission will therefore be able to analyse this issue together with other subjects included in the Scientific Committee report.

15.35 The Republic of Korea proposed that the Scientific Committee be requested to consider where the issue of climate change could be placed on its agenda and how it could be addressed and to report back to the Commission for further discussion next year.

15.36 The Commission agreed with the proposal made by the Republic of Korea and to ask the Scientific Committee how it will address the issue of climate change in relation to the conservation of Antarctic marine living resources within its agenda, and how it will formulate advice accordingly to the Commission.

## Cooperation with SCAR

15.37 The SCAR Observer to CCAMLR presented his report and highlighted SCAR's intersessional activities of direct relevance to the work of CCAMLR (CCAMLR-XXVI/BG/36 and BG/37). In addition, the Chair of the Scientific Committee referred to the discussions on cooperation with SCAR by the Scientific Committee contained in its report (SC-CAMLR-XXVI, paragraphs 10.11 to 10.15).

15.38 Most of SCAR's activities in 2007 have focused on IPY field projects, including direct collaboration with CCAMLR. SCAR had participated in the CCAMLR-IPY planning meeting and in the CCAMLR Bioregionalisation Workshop where SCAR-MarBIN and Continuous Plankton Recorder data were used extensively. In turn, SCAR had invited CCAMLR onto the SCAR-MarBIN Scientific Steering Committee and the Action Group on CPR Research. The SCAR Executive has welcomed closer interactions with CCAMLR and the Scientific Committee in particular, and has invited the Chair of the Scientific Committee to participate in its 2008 meetings. SCAR is keen to develop further collaborations with CCAMLR, particularly on research projects of mutual interest.

15.39 A summary of key areas of cooperation between CCAMLR and SCAR is given in SC-CAMLR-XXVI, paragraph 10.11.

15.40 The Commission welcomed the ongoing and growing cooperation between CCAMLR and SCAR.

## Assessment of proposals for Antarctic Specially Protected Areas and Specially Managed Areas, which include marine areas

15.41 The Commission noted that the Scientific Committee had considered a proposed management plan submitted by the USA for ASMA No. X: Southwest Anvers Island and Palmer Basin (CCAMLR-XXVI/BG/3) which had been forwarded to CCAMLR under ATCM Decision 9 (2005). The proposed ASMA has a small marine component, and has not been subjected to sustained commercial harvesting.

15.42 The Commission noted that under Annex V of the Protocol on Environmental Protection to the Antarctic Treaty, ASMAs are not prohibited-access areas, but are intended to provide a means to coordinating the range of activities occurring in such an area.

15.43 The Scientific Committee had indicated that the proposed ASMA would create an important coordination framework for activities such as scientific research and tourism. In particular, the area would enhance Members' ability to undertake scientific research in furthering both CCAMLR and CEP objectives.

15.44 The Commission noted the Scientific Committee's advice that:

- (i) the marine component of the proposed ASMA contains a very tiny fraction of the krill population distributed throughout Area 48 (only comprising 0.5% of Subarea 48.1) and that, should fishing activities be undertaken, these should be carried out in such a way as to not impact research activities;



- (ii) the research being undertaken in marine areas within the ASMA would:
  - (a) be for an important and representative area in terms of potential ecosystem interactions involving krill and that this would assist WG-EMM and, as such, would enhance CCAMLR's work;
  - (b) contribute to cooperative research important for the work of CEP, CCAMLR and the Antarctic Treaty System as a whole;
  - (c) be compromised if activities in the marine area are not appropriately managed and thus should interfere with research.

15.45 The Commission further noted the Scientific Committee's advice that:

- (i) there are no restrictions on the navigation of any vessels through the marine areas concerned, with the exception of seasonal buffer zones extending 50 m from the shore at a small number of islands aimed at protecting sensitive bird colonies during the breeding season;
- (ii) scientific research can be undertaken within the ASMA by any CCAMLR Member or an Antarctic Treaty Consultative Party, in accordance with the general Code of Conduct and the Scientific and Environmental Guidelines contained within the management plan;
- (iii) text could be inserted into the management plan to indicate that fishing activities are permitted within the ASMA, but that any such activities must be conducted in accordance with the provisions of the management plan, and in coordination with the research and other activities taking place in the area. This could include the development of a research plan for fishing in the Area.

15.46 The Commission agreed to forward the draft management plan for ASMA No. X with CCAMLR comments to the ATCM for approval under Annex V to the Protocol on Environmental Protection to the Antarctic Treaty.

15.47 In future, all draft management plans for ASMAs and ASPAs submitted to CCAMLR by the ATCM should be dealt with in accordance with the procedure described in paragraph 15.9.

15.48 The Commission noted that a draft management plan for Southwest Anvers Island had been submitted to CEP X and is now in the process of intersessional review under CEP. In this regard, CEP's expectation is that, in due time, the Scientific Committee will provide input to this review.

15.49 At the conclusion of the Commission's deliberations on cooperation with other elements of the Antarctic Treaty System, Australia made the following statement:

'It is important in this the fourth IPY, 50 years since the International Geophysical Year which spawned the Antarctic Treaty, and 25 years since this Convention came into force, to acknowledge this Commission's past achievements and its future challenges.

Article 2 of the Convention establishes the objective of the Convention: the conservation of Antarctic marine living resources, which includes rational use. In framing the Convention, the Parties foresaw the importance of taking into account the whole ecosystem in considering rational use of its resources. The development of CCAMLR's precautionary catch limits takes into account the whole ecosystem.

The Scientific Committee and Commission have established two important principles that set CCAMLR apart in conserving and managing marine living resources. The first is that a CCAMLR fishery should not advance faster than our ability to manage it. The second is that Antarctic marine living resources are managed "under uncertainty", which means that population and ecological uncertainty and statistical uncertainty are considered in establishing precautionary catch limits in order to protect the whole ecosystem.

Discussions in CEP, here in the Scientific Committee, and in other international fora including the Valdivia Symposium, highlight that these important ecological relationships cannot be underestimated. We have the largest under-exploited fishery in the world (the krill fishery). As other world fisheries collapse, there will be increasing focus on this resource. We need to ensure that we are prepared to react to this emerging pressure and manage this fishery appropriately.

Scientific research shows that parts of Antarctica are changing as a result of climate change, especially around the Antarctic Peninsula. Ocean acidification is considered by some to be the greatest ecological threat to the world's oceans. This will also impact on the Southern Ocean ecosystems and CCAMLR's ability to conserve Antarctic marine living resources.

Australia believes therefore that the relationships between the Antarctic Treaty, CEP, CCAMLR and its Scientific Committee should be strengthened to allow this Commission to stay at the forefront of the conservation of Antarctic marine living resources.'

## COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

### Reports of observers from international organisations

#### Intergovernmental organisations

#### 16.1 The ACAP Observer made the following statement:

'It is pleasing to see the positive progress that CCAMLR continues to make with regard to the reduction and elimination of seabird by-catch in the CAMLR Convention Area. There is now widespread recognition that seabird by-catch is not restricted to longline fishing operations and the Agreement welcomes and encourages the work that CCAMLR is doing in addressing seabird by-catch in other fisheries.

There have been many significant achievements within the Agreement since I last reported to you. There are now eleven Parties to the Agreement with the accession of Norway early this year, and a number of other Range States are actively examining the

possibility of also joining. Unfortunately, at this stage no Asian States managing distant water fleets have joined the Agreement. The participation of these States would be warmly welcomed in the work of the Agreement.

In November last year, the second Meeting of the Parties (MoP2) was held in Christchurch, with excellent support being provided by the host Government of New Zealand. This meeting adopted the Headquarters and staffing regulations for the ACAP Secretariat and following the implementation of the HQA by the Australian Government, the final steps will have been taken to allow the Secretariat to be formally established, here in Hobart.

MoP2 agreed also to the revision of the taxonomy of a number of species listed under the Agreement and reviewed progress made by Parties in implementing the Action Plan to the Agreement. The meeting also agreed to a recommendation from its Advisory Committee that a Seabird Bycatch Working Group be established.

In June this year, the third meeting of ACAP's Advisory Committee was held in Valdivia, Chile. It was preceded by meetings of its Status and Trends, and Seabird Bycatch Working Groups. Again, thanks must go to Chile as the host Government for the excellent level of support provided to these meetings.

Key outcomes from these meetings included the decision to establish a relational database to bring together relevant data on species listed under the Agreement. The first product to be produced from this database will be individual species assessments that will for the first time provide a comprehensive, up-to-date assessment of the conservation status of each ACAP listed species. Importantly, these assessments will also identify where data is lacking so that priority can be given to obtaining this data.

As well, a comprehensive review of pelagic seabird mitigation measures was undertaken by the Seabird Bycatch Working Group. This identified many gaps in our knowledge of effective mitigation measures for use in pelagic fisheries and highlighted the need for further research to address these gaps. The review also highlighted that individual States alone do not have the resources to undertake this research and that a collective approach involving Parties, Range States and fisheries management organisations is essential.

The meeting also reviewed the criteria for listing new species under the Agreement and noted that it appeared the three northern species of albatross were worthy candidates for inclusion. It was agreed that further assessment and consultation with relevant Range States was required before consideration was given to making a recommendation to the next Meeting of Parties on whether they should be listed.

Over the past year, the Agreement has engaged actively with regional fisheries management organisations and I am pleased to report that a number have adopted, or are considering adopting, binding measures requiring the use of a combination of seabird mitigation devices, following the effective example provided by CCAMLR conservation measures. The ecological risk assessment approach taken by CCAMLR in the management of its fishery is also being examined by some RFMOs and this development is strongly welcomed as a means of not only achieving a sustainable fishery but also in addressing the impacts on associated species caught as by-catch.

A key strength of the Agreement is the sharing of expertise and advice between Parties, and in June this year a tangible demonstration of this was given when the Agreement assisted Peru with the organisation and conduct of a workshop to address conservation issues affecting the waved albatross, which breeds in Ecuador but forages widely in Peruvian waters. Following the successful outcomes of this workshop a further workshop is planned to be held in Ecuador next year to address the conservation issues there.

Although a lot has been achieved over the past year there is still much to be done. In addition to the need for further research on mitigation measures, the lack of by-catch observer data is a serious limitation which prevents effective assessment and management of seabird by-catch. This limitation can only be addressed by action within the relevant fisheries management organisations and ACAP will continue to encourage and support the adoption of effective by-catch observer schemes by these organisations.’

16.2 Australia thanked the ACAP Observer for his report which highlighted important issues. It encouraged all Members and CCAMLR Contracting Parties to cooperate with, and if necessary ratify, ACAP as a matter of priority, especially fishing countries and/or those which are albatross and petrel Range States.

16.3 The following statement was made by the IUCN Observer:

‘First of all, IUCN is very pleased that China is now a Contracting Party to CCAMLR and a Member of this Commission and looks forward to strengthen collaboration with China in advancing the objectives of the Convention.

Following your suggestion Mr Chair, I will focus my intervention on a few major issues addressed at this meeting and I kindly refer the distinguished delegates to the IUCN report submitted in CCAMLR-XXVI/BG/44.

IUCN would like to congratulate the Commission on the progress made with regard to bioregionalisation of the Southern Ocean. We believe that the results of the work undertaken by the Scientific Committee greatly contribute to achieving the objectives of CCAMLR as stated in Article II of the Convention. In addition, bioregionalisation will assist States that are also Parties to the Protocol on Environmental Protection to the Antarctic Treaty to fulfil their obligation under Annex V, Article 3 of the Protocol<sup>3</sup>.

With respect of marine ecosystems in Antarctica, IUCN is concerned that few are currently included within Antarctic Specially Protected Areas (ASPAs) or Antarctic Specially Managed Areas (ASMAs) and believes that Parties to CCAMLR have an important role to play in addressing this gap. The constructive input and support provided by the Scientific Committee to the management plan of the proposed ASMA No. X is a valuable example of the important cooperation between CCAMLR and CEP. IUCN encourages the Commission to continue its efforts to expedite the establishment of ASMAs and ASPAs with marine components. Such action will also

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<sup>3</sup> To ‘seek to identify, within a systematic environmental-geographical framework, and to include in a series of Antarctic Specially Protected Areas...representative examples of major terrestrial, including glacial and aquatic ecosystems and marine ecosystems.’

contribute to achieving the commitments made at the World Summit for Sustainable Development to establish representative networks of marine protected areas before 2012.

IUCN is appreciative of the continued and exemplary efforts by CCAMLR to reduce and eliminate IUU practices. IUCN also believes that the management of marine ecosystems must address the needs of global market forces as well as the mitigation of the impacts on the ecosystems and resources. In this regard, IUCN urges the Commission to strengthen its use of trade-related measures as one of tools available to combat IUU fishing, as called for by several international agreements, including the 2006 UNGA Resolution 60/31 on sustainable fisheries that, and I quote, “Urges States, individually and through regional fisheries management organisations and arrangements, to adopt and implement internationally agreed market-related measures in accordance with international law, including principles rights and obligations established in the WTO agreements, as called for in the IPOA-IUU”. End of Quote

While the conservation and management measures of CCAMLR are not directly binding on non-Members of the Convention, most States are Parties to other instruments that contain obligations for cooperation, for example UNCLOS (Art. 117)<sup>4</sup>, and the Convention on Biological Diversity (Art. 5)<sup>5</sup>, that require their Parties to cooperate with the implementation of conservation and management measures of competent international organisations, regardless of whether they are a member of these organisations.

Experience has shown that trade-related measures play an important role in improving catch estimates and combating IUU fishing and there is evidence that trade sanctions provide incentives for countries to join Regional Fisheries Bodies and/or to cooperate in the implementation of their conservation and management measures. Over the past decade, relevant WTO provisions have been successfully applied to trade measures relating to management of fisheries resources.

The trade-related measure proposal before the Commission today is not an economic means for regulating harvesting of the Antarctic resources as can be fees, resource excise taxes, and tradable quotas. Indeed, the regulation of harvesting within the Convention Area is based on robust science, and in that regard, the proposed measure does not go against the provisions of the Antarctic Treaty. CCAMLR has already introduced a series of trade-related measures to combat IUU and to encourage States not a party to CCAMLR and who fish in the CCAMLR area to cooperate and to accede to the Convention. However, there remains evidence that IUU activities continue in the Convention Area and undermine the work of the Commission. Trade sanctions remain one of the few tools that CCAMLR has not yet used to strengthen the implementation of its conservation measures and we urge the Commission to continue playing a leadership role in the fight against IUU fishing.

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<sup>4</sup> Article 117 specifies that: All States have the duty to take, or to cooperate with other States in taking, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

<sup>5</sup> Article 5 provides that: Each Contracting Party shall, as far as possible and as appropriate, cooperate with other Contracting Parties, directly or, where appropriate, through competent international organisations, in respect of areas beyond national jurisdiction and on other matters of mutual interest, for the conservation and sustainable use of biological diversity.

Another avenue to address IUU fishing is for States, as is their right, to regulate the activities of their nationals, including companies, through domestic legislation. IUCN urges all CCAMLR Parties to enact legislation that would allow for such regulation as a way to combat IUU activities. For example, States should make it illegal for their nationals to be involved in the import, export, or other trade or commerce of fish products that were caught in contravention of CCAMLR conservation measures.

IUCN is concerned by the significant increase of intent to fish for krill in the upcoming 2007/08 season, the introduction of new gear for this fishery and its appeal to non-CCAMLR Members. IUCN urges the Commission to immediately initiate a process for ensuring a comprehensive management plan for the krill fishery that has comparable standards to other CCAMLR fisheries and that ensures adequate reporting mechanisms for all krill fishing.

IUCN commends the Scientific Committee on its work addressing issues surrounding Conservation Measure 22-05 and advancing the scientific considerations for the implementation of the 2006 UNGA Resolution on sustainable fisheries (61/105) with regard to bottom fishing. Adoption of the procedure presented by the Scientific Committee would again confirm CCAMLR's leadership in applying an ecosystem approach to managing its fisheries. IUCN thus urges the Commission to endorse this work and to give timely effect to the UNGA resolution.

Climate change is undoubtedly one of the major drivers for change in marine ecosystems and IUCN believes that CCAMLR should take urgent actions to monitor the impacts of climate change on the Southern Ocean's ecosystems and resources and to incorporate that information into its decisions on the management of Antarctic living resources.

Lastly, IUCN believes that CCAMLR should undertake an evaluation of its performance in the context of global recognition of the institution's standing as a recognised "leader" in responsible, precautionary and ecosystem-based management of the marine living resources in Antarctica. IUCN shares the views that the criteria used in other RFMO reviews should be regarded as a minimum standard to undertake the assessment. In addition, IUCN believes that the Review Panel should include a suitable mix of external and internal assessors, from governments and from non-governmental and intergovernmental bodies, to ensure a full range of experiences and to promote an outcome that will be received as fair and balanced. As transparency is of critical importance in this work, the Panel should receive information internally from Members of the Commission and externally from the interested public. Their proceedings should be open to all interested observers and their reports should be posted electronically.'

16.4 The IWC Observer advised the Commission that pertinent information concerning the IWC was contained in CCAMLR-XXVI/BG/20 and in the Scientific Committee Report (SC-CAMLR-XXVI, paragraphs 10.34 to 10.36). He noted that a point of interest to the Commission was that southern hemisphere right whale and blue whale populations are still a tiny fraction of their pre-exploitation sizes. However, encouraging figures from the IWC indicate an increase in the population size of these two species over the past 15 to 25 years (7.5 and 8% per year for right and blue whale populations respectively).

## Non-governmental organisations

### ASOC

#### 16.5 The ASOC Observer made the following statement:

‘The Antarctic and Southern Ocean Coalition would like to express its appreciation for the opportunity to be an observer at this 26th annual meeting of the Commission.

In addition to the climate change paper that was introduced in an earlier intervention, ASOC would like to draw attention to its papers CCAMLR-XXVI/BG/25, BG/26 and BG/27.

ASOC welcomes China as new Member to CCAMLR and looks forward to China’s contribution to the fulfilment of CCAMLR’s objectives. ASOC regrets that China was not able to ratify CCAMLR on behalf of Hong Kong, which would be an important step towards better monitoring legal and illegal toothfish trade.

IUU fishing activities continue to be a matter of deep concern for CCAMLR, and further measures are needed in order to improve controls over fishing and trade of toothfish. ASOC is concerned about the evidence presented at SCIC on the increased IUU activity on high-seas areas of the Antarctic, such as the BANZARE Bank, and the wide-spread use of gillnets by IUU vessels in the Southern Ocean. CCAMLR Members need to intensify their collective efforts to reduce this IUU activity. French–Australian patrols reported 11 IUU vessels with gillnets between November 2006 and April 2007. South Africa also reported on the increased use of gillnets by IUU vessels as reported through the Scheme of International Scientific Observation, as well as the increased conversion of IUU longliners to gillnetters. ASOC strongly encourages the increase of cooperation by Contracting Parties on patrols in the Convention Area.

A series of sound proposals are under discussion by CCAMLR Members that would increase the effectiveness of the CCAMLR regime to combat IUU fishing, including enhanced cooperation between CCAMLR and other regional arrangements on the use of IUU Vessel Lists, the strengthening of CCAMLR’s System of Inspection, and the establishment of a procedure to implement trade-related measures against Flag States that undermine CCAMLR’s conservation measures. ASOC urges further discussion of these proposals so that the Commission adopts these measures.

With regards to krill, ASOC is concerned by the sharp increase in notifications of intent to fish for krill in the upcoming season, the introduction of new fishing methods and the interests of new states in this fishery, including non-Members of this Commission. ASOC believes that the Commission should amend conservation measures for krill taking on board the specific recommendations made by the Scientific Committee and SCIC last week. This would be an important step towards an appropriate management regime for krill. As an urgent priority, CCAMLR Members need to establish the necessary arrangements to obtain systematic scientific observation data as required by the Scientific Committee. The inability to gather such data would impede CCAMLR to achieve its fundamental objectives.

ASOC is deeply concerned about notified plans to catch krill in the Convention Area using pair trawling, a method that has never been used in the Antarctic before and that is known for causing high by-catch of marine mammals in other parts of the world. We believe that pair trawling is a destructive fishing practice and that it should not be authorised. Any new fishing method should be evaluated first by the Scientific Committee in order to fully assess the effects on the Antarctic ecosystem.

With regards to bioregionalisation of the Southern Ocean, ASOC particularly recommends that CCAMLR commit at CCAMLR-XXVI to establishing a comprehensive, adequate and fully representative series of marine protected areas by 2012. ASOC welcomed the Scientific Committee's endorsement of the outcomes of the CCAMLR Workshop on Bioregionalisation of the Southern Ocean held in Brussels in August 2007. ASOC congratulates CCAMLR on the impressive progress it has made to date regarding bioregionalisation of the Southern Ocean. However, ASOC is concerned that the final term of reference of the CCAMLR Bioregionalisation Workshop concerning the establishment of a procedure for identifying areas for protection to further the conservation objectives of CCAMLR has still not been addressed and has now been deferred to WG-EMM, a body with an already demanding workload. ASOC urges the Commission to now not lose momentum on this fundamental issue.

With regards to seabird by-catch, ASOC is delighted at the by-catch mitigation performance of licensed fishers and the French commitment to continued improvements in performance by the fishers they license within their EEZs. ASOC is concerned, however, at the lack of response from southern hemisphere RFMOs in response to CCAMLR requests for collaborative engagement and urges delegations to work within and between governments to ensure that relevant tuna RFMOs, in particular, cooperate appropriately on timely and effective mitigation of seabird incidental mortality.

With regards to bottom fishing, ASOC strongly urges that UNGA Resolution 61/105 relating to avoiding adverse impacts from destructive fishing practices in high-seas areas be fully implemented in all relevant fora by the due date of December 2008. Last year ASOC welcomed CCAMLR's measures on gillnetting (Conservation Measure 22-04) and bottom trawling (Conservation Measure 22-05) adopted in 2006.

ASOC is heartened by the comprehensive discussion in the Scientific Committee last week and looks forward to effective measures being approved by the Commission this week.

With regards to vessel safety, ASOC is delighted that CCAMLR is considering adopting a measure to mandate high standards for vessel safety, especially with respect to ice strengthening and urges the Commission to adopt such a measure at this meeting, including a port control provision allowing for detention of non-compliant vessels.

With regards to performance review, ASOC is delighted that CCAMLR is considering conducting a performance review pursuant to recent UNGA commitments based on the review of the UN Fish Stocks Agreement (UNFSA) and on discussions at the FAO



Committee on Fisheries (COFI), and that consideration is being given to including someone from the conservation NGO sector on the Review Panel. ASOC urges the Commission to agree to conduct such a review as proposed.’

16.6 The European Community thanked ASOC for its exhaustive coverage of a wide range of issues relevant to the Commission’s agenda. Although the European Community may not agree with all NGO views on RFMO issues, on this occasion the European Community indicated that it supported the issues raised in the ASOC papers, particularly concerning gillnetting in the BANZARE Bank area, illegal fishing activities, regulation of the krill fishery, cooperation with other organisations with a responsibility for managing fisheries (especially concerning by-catch issue), and the CCAMLR Performance Review which is a high priority.

16.7 New Zealand supported the European Community’s comment and looked forward to addressing the issues raised.

16.8 Argentina thanked ASOC for its presentation. However, it noted that in relation to CCAMLR-XXVI/BG/26, it did not share ASOC’s opinions. Argentina further indicated that in its view, seeking to impose commercial sanctions on Convention Parties, as well as on non-Parties, has serious legal implications particularly in respect to compatibility with WTO regulations. Therefore, for CCAMLR to legislate in respect of third-party States would represent a breach of international law. Argentina therefore believed that strengthening applicability of measures and non-compliance procedures offers the most adequate and appropriate manner to seek compliance with the Convention’s objectives consistent with international law.

16.9 Brazil shared Argentina’s concerns on the inclusion of trade measures into CCAMLR actions against third-party States.

## COLTO

16.10 The COLTO Observer made the following statement:

‘Once again the Coalition of Legal Toothfish Operators’ (COLTO) membership has increased this year, and now comprises 29 companies, from nine CCAMLR Member countries, along with supporters from marketing and distribution networks. Together, COLTO members caught in excess of 75% of the legal toothfish in CCAMLR waters in 2007.

I refer to our background paper, CCAMLR-XXVI/BG/29, which outlines some of the details from our website. We continue to have significant interest from the public in our activities to help expose and eliminate IUU fishing for toothfish, and our website has had over 200 000 hits to date.

Our COLTO paper submitted also gives detail of a slight change of direction by COLTO where we intend to focus our efforts on promoting the legal and sustainable fisheries for toothfish, in which COLTO members play an important role. COLTO

will still be vigilant and active with its many contacts globally, to make sure that IUU operators understand that there are people both at sea, and on land, who are watching and reporting IUU activity.

COLTO members have noticed a significant decline in illegal fishing of toothfish within Exclusive Economic Zones and some subareas over the past year. For this, we would like to congratulate CCAMLR, and encourage continued efforts to eliminate IUU fishing for toothfish. We also believe that the presence of COLTO member vessels in the Convention areas helps deter IUU activity.

COLTO members are present in all parts of the globe. South Africa's presentation on the IUU gillnet activity in Division 58.4.3b, and the fact that a crew member supplied photographic evidence of this activity, is applauded, and encouraged by COLTO. We are well aware of the effect ghost fishing by gillnets has. That there are vessels using this method inside the Convention Area is a great concern to COLTO, as it will be to all CCAMLR Members.

At the same time, COLTO remains concerned at the increased fishing by vessels using Flags of Convenience, particularly in Division 58.4.3b, as well as Division 58.4.1. COLTO members have been reporting activities of these boats, and we know that a number of patrol vessels have also located these operators. While these unregulated boats may be flying flags from nations not party to CCAMLR, COLTO knows that they usually carry both crew and officers who are nationals from CCAMLR member countries.

In that regard, we hope that CCAMLR Members can follow up information on the nationalities of crews and officers, and take action against their nationals, found to be working on these vessels.

COLTO again encourages CCAMLR to:

- tighten domestic Port State controls against IUU vessels on the CCAMLR IUU Vessel List, to prevent refuelling, unloading, and provisioning of those vessels;
- use Flag State controls to prosecute nationals who are using flags of non-compliance, to avoid CCAMLR rules;
- move towards requirements that any vessel catching toothfish in CCAMLR waters must first be flagged to a Member country of CCAMLR.

We look forward to working with CCAMLR Members again in 2008, and appreciate the efforts and advances made by CCAMLR in 2007 to eliminate IUU fishing. COLTO Members have significant expertise fishing in CCAMLR waters and will be pleased to participate and assist the Commission in any review committee it may choose to set up for CCAMLR.'

Reports of CCAMLR representatives at meetings  
of international organisations in 2006/07

16.11 The following reports from CCAMLR representatives were noted by the Commission:

- meetings on the establishment of a South Pacific RFMO – Second Meeting, CCAMLR-XXVI/BG/7 submitted by the Executive Secretary, and Third Meeting, CCAMLR-XXVI/BG/35 submitted by Chile;
- 2007 Joint Meeting of Tuna RFMOs – CCAMLR-XXVI/BG/12 submitted by the USA;
- 11th Session of the IOTC – CCAMLR-XXVI/BG/42 submitted by Australia;
- 4th Meeting of SEAFO – CCAMLR-XXVI/BG/43 submitted by Norway.

16.12 In CCAMLR-XXVI/BG/20, the CCAMLR Observer, the USA, reported on the 59th Annual Meeting of the IWC and highlighted the following issues arising from the meeting:

- approval of new five-year quotas for aboriginal subsistence whaling in the Russian Federation, the USA, Greenland, and St Vincent and the Grenadines;
- Japan's proposal that four of its historic whaling towns be allowed to resume small-scale hunts for minke whales in Japan's coastal waters;
- consideration of the question of lethal whale research conducted by Japan in the North Pacific and Southern Ocean;
- the passing of a resolution by consensus that: (i) condemns violent protests at sea; (ii) cites international rules on maritime safety; and (iii) calls on all Parties to protect the fragile Antarctic marine environment and investigate maritime incidents that pose a threat to it.

16.13 ASOC noted that the IWC resolution on safety at sea does not condemn protest actions; rather it condemns 'any actions that are a risk to human life and property in relation to the activities of vessels at sea'. It also recognised the right to legitimate and peaceful forms of protest and demonstration and urged governments to protect the fragile Antarctic environment. ASOC likewise condemned any actions that put lives at risk and also actions that might lead to the pollution of the Antarctic environment.

16.14 Brazil submitted its Observer's Report on the 15th Special Meeting of ICCAT (CCAMLR-XXVI/BG/45). The European Community noted that at this meeting, trade measures were adopted by consensus.

16.15 The Executive Secretary submitted a report on his attendance at the Chatham House IUU Workshop (CCAMLR-XXVI/BG/6). Argentina stated that last year it had undertaken consultations in relation to the nature of the attendance at that workshop which is usually done bearing in mind the so-called Chatham House Rules, which imply a certain level of confidentiality and that expressions are made on a personal basis.

16.16 With regard to CCAMLR-XXVI/BG/6 and BG/31, Argentina expressed reservations to both documents introduced by the Secretariat since, while it may share some of the recommendations contained therein, other views may reflect the matrix of an initiative carried out by a limited number of States, the conclusions and the further developments of which deviate from the Law of the Sea and international law. Some Members had noted this already at CCAMLR-XXV. Therefore, Argentina recommended caution in this context.

16.17 The outcomes of the 27th meeting of the FAO Committee on Fisheries (COFI-27) were brought to the Commission's attention in the Executive Secretary's report of that meeting (CCAMLR-XXVI/BG/4). The following issues were of particular importance to CCAMLR:

- the convening of an FAO Expert Consultation to further develop a comprehensive record of fishing vessels;
- further FAO consideration, subject to funds, of developing criteria for assessing Flag State performance and for possible actions when such criteria are not met;
- other items, *inter alia*, dealing with harmonisation of catch documentation, MPAs, the effects of global climate change, all of which were being discussed within the CCAMLR context;
- encouragement to join or cooperate with the International MCS Network which is a network of information relating to monitoring, control and surveillance, particularly as this relates to IUU fishing.

#### Cooperation with CITES

16.18 The European Community reported on its attendance at CoP14 as CCAMLR Observer. It reminded the Commission that, in CITES Resolution Conf. 12.4, CITES had requested CCAMLR to maintain a permanent flow of information to the Parties to CITES and to make available any information on illicit trade of *Dissostichus* spp. This task has been fulfilled through the exhaustive document submitted by the Secretariat and introduced by the European Community as CoP14 Doc. 61.

16.19 The European Community noted that CITES Parties' attention was drawn to CCAMLR's achievements in terms of management of toothfish as well as in tackling illegal fishing activities targeting this species. CCAMLR results have been remarkable since the adoption of the CDS and other measures such as those on the identification and listing of Contracting and non-Contracting Parties' IUU vessels. It was also stressed what CCAMLR Parties would still have to achieve in the future, in particular through increased international cooperation among its own Members, and among different international bodies, as is the case for CITES.

16.20 Some CITES Parties noted the positive results which had been obtained as a result of CCAMLR efforts in the overall reduction of IUU catches.

16.21 The European Community indicated that ongoing illegal fishing activities for toothfish in the CAMLR Convention Area were also noted at CoP14 and that CITES Parties were

asked to implement the recommendations made in Resolution Conf. 12.4. However, some CITES Contracting Parties noted that toothfish was not a CITES-listed species and that requirements under Resolution Conf. 12.4 were therefore not binding to CITES Parties. Other CITES Parties commented that implementation of Resolution Conf. 12.4 was hampered by the species concerned not being included in CITES Appendix II.

16.22 The European Community also noted that CITES CoP12 had mentioned the need for an overall assessment of the toothfish stock. Nevertheless, the report from CCAMLR was noted with appreciation by Committee II, and CITES encouraged all its member countries to cooperate with CCAMLR. No draft proposals were introduced on toothfish.

16.23 Argentina made a further statement regarding sanctions and trade measures, bearing in mind a reference made by the European Community when it referred to CITES. Argentina wished to record that CCAMLR is part of the Antarctic Treaty System. Argentina believed that it is important to strengthen the impact that CCAMLR measures may have in relation to the Antarctic Treaty System. It wished to remind Members that the Convention was achieved through a number of diplomatic representations, the content of which drew on ATCM recommendations in the 1970s. Within that mandate, a ban on harvesting marine living resources was not sought. However, allocation of quotas and other economic considerations were not considered as essential for managing the utilisation of marine living resources within the Convention. Having to impose trade measures would possibly lead to CCAMLR not being able to attain its own objectives in respect of excluding non-Parties, as well as not optimising benefits from the fisheries. Therefore, all deliberations within CCAMLR ought not to focus on trade measures or CCAMLR would lose its legitimacy.

16.24 The European Community responded that it had only wished to provide Members with factual information on the outcomes of the CITES meeting and was not requesting any amendments to text.

#### Cooperation with CCSBT

16.25 Australia had submitted its observer's report on the outcomes of the recent 14th Meeting of CCSBT (CCAMLR-XXVI/BG/46). The Executive Secretary advised that he was still awaiting communication from CCSBT regarding its cooperation with CCAMLR. Once received, it would be circulated to Members.

#### Cooperation with WCPFC

16.26 The USA noted that the Draft Memorandum of Understanding (MOU) between CCAMLR and WCPFC contained in CCAMLR-XXVI/BG/9 had been the subject of a number of Commission circulars during the intersessional period and that it had submitted comments on the draft which had been prepared by the Secretariat. The USA indicated that it had an interest in ensuring that there is cooperation between organisations that manage adjacent waters, and in its view, it would be desirable to promote cooperation between these two bodies. The USA suggested that further consultations should continue to improve the Draft MOU with the goal of providing a mandate for offering it to WCPFC after this meeting.

16.27 China supported the USA's concern regarding cooperation between CCAMLR and WCPFC. As a member of both organisations, China welcomed this cooperation, however, it believed that CCAMLR is not a tuna RFMO, and the form of cooperation between CCAMLR and WCPFC should differ from that between WCPFC and IATTC.

16.28 Japan shared the comments made by the USA and China. In noting that the nature and work of the two organisations are different, Japan felt that further consideration regarding paragraph 2 of the Draft MOU 'Manner of cooperation' is necessary, particularly bearing in mind the cost implications of the identified activities versus the benefits to CCAMLR. Japan supported the USA's view that the matter be considered further.

16.29 Argentina did not agree with the proposal to have an MOU establishing a permanent relationship with WCPFC or with other organisations whose purposes and memberships differ substantially from those of CCAMLR.

16.30 Argentina understands that harmonisation of measures adopted in accordance with WCPFC criteria would not be possible without limiting the objectives, competence and functioning of CCAMLR in two ways:

- CCAMLR objectives would be thwarted by WCPFC criteria of 'optimal use' of resources;
- secondly, the fundamental differences of membership in both organisations in that CCAMLR admits any State with interest in the conservation, fishing or research referred to Antarctic marine living resources, whilst WCPFC limits its membership to States that exercise jurisdiction in its area or that carry out fishing activities. This group is also not open to any State other than through specific invitation by WCPFC as, *inter alia*, it distributes fishing quotas and therefore protects the fishing interests of its members.

16.31 The UK agreed with those Members who had spoken in support of the development of the draft MOU. The UK had also submitted comments to the Secretariat but these had not been included in CCAMLR-XXVI/BG/9. One of the points made was that CCAMLR has not yet forged any formal links with other organisations. It was the UK's view that having arrangements with RFMOs, particularly those which neighbour CCAMLR's Convention Area, would extend delivery of the CAMLR Convention's objectives and not compromise them. In particular, there would be virtue in cooperating with WCPFC in respect of IUU fishing activities where the UK saw great virtue in harmonisation of an approach. The UK supported further work being undertaken on drafting the MOU.

16.32 The European Community shared the comments made by the USA. As such, the Draft MOU was a very naïve interpretation relating mainly to information exchange with action being limited in relation to either forum and because the two organisations have bordering areas of competence. In the European Community's view, the same kind of understanding, for instance with IOTC, could also be promoted and this would not compromise CCAMLR's specificity. This would provide a way to access, and reflect on, new ideas. It would also allow CCAMLR to draw on relevant experiences already faced by other organisations as well as communicating lessons learned from CCAMLR's experiences. In the latter case, communicating what CCAMLR has achieved in seabird mortality mitigation would be very useful for other organisations and would not compromise their independence. In respect to

WCPFC objectives, the European Community indicated that it would leave the floor to Australia and New Zealand as the promoters of that organisation, noting that neither of those Parties held views very far from promoting conservation as in that organisation. In the European Community's view, implementing principles and objectives is not the issue, rather it is that the WCPFC has an objective in common with CCAMLR to ensure conservation of the stocks for which it is responsible, as well as the sustainable and rational use of those stocks.

16.33 Australia indicated that it was important for CCAMLR to establish a framework for discussions with organisations such as WCPFC. The vast majority of seabirds that CCAMLR is responsible for are being killed in tuna fisheries adjacent to CCAMLR waters. Unless CCAMLR is engaged in exchanging information with neighbouring organisations and they are actively engaged with CCAMLR, this environmental tragedy will continue. In Australia's view, it is entirely consistent with the Convention's purpose that appropriate action is taken to engage with other regional bodies in furthering this purpose. Australia also noted the fact that on one recent occasion, some tuna vessels fished in the CAMLR Convention Area, which in Australia's view was contrary to the obligations of the Flag State as a Party to this Convention. One of the reasons for endeavouring to establish such dialogues was to ensure that this kind of confusion does not occur between adjacent regional bodies in the future. Australia endorsed the USA's view that CCAMLR should continue to look at the MOU.

16.34 Chile supported the idea that CCAMLR establish links and engage in cooperation with other RFMOs in general and WCPFC in particular. The fact that there are different objectives, goals or fundamental differences in relation to functioning between CCAMLR and other organisations should not be a reason to ignore or waive what is actually taking place in waters adjacent to the Convention Area. In that regard, Chile believed it to be appropriate to establish this type of MOU. Members were encouraged to work closely on the terms of the MOU, but Chile believed that CCAMLR should start considering this type of approach with other organisations at the same time. Chile stated it will support institutional arrangements between CCAMLR and the South Pacific RFMO once the latter organisation is established.

16.35 Argentina believed that cooperation should be undertaken in all cases when needed. However, cooperation with some organisations should be on a specific basis, that is a case-by-case basis. It should be reviewed on an ad hoc basis as to when it may be necessary to engage in such cooperation. As Argentina had indicated over many years, there is a real danger of possible overlapping of competence in many areas. In many instances therefore, the issue of different membership criteria should not have the consequential effect that CCAMLR directly endorses regulations adopted by another Commission. For example, to include within a particular list illegal vessels that other organisations have included in their respective lists, Argentina as a Member of this Commission, believed that the Commission should have no reason to incorporate such regulations or recommendations, particularly from certain organisations. In the case of tuna fisheries in the Convention Area, as mentioned by Australia, the subject matter is different since, if involved in fishing, Member States are bound by CCAMLR measures. Argentina therefore reiterated that cooperation should be decided on a case-by-case basis on specific matters.

16.36 Uruguay supported the Argentine view, particularly in relation to the need to engage in cooperation with various organisations working in the field of conservation. It also noted that it should be borne in mind that many such agreements should not be binding for other organisations.

16.37 The USA said it is mindful of Argentina's view that CCAMLR and WCPFC have different mandates. There can be no question of CCAMLR exercising its authority outside the Convention Area, but as some other Members have stated, the purpose of this MOU is to have an exchange of information. The MOU includes reciprocal participation in meetings, so that, *inter alia*, the Secretariat and others may inform themselves, information can be shared about stocks and species and meeting reports can be actively and regularly exchanged. In fact, the USA indicated that cooperation under the MOU would be very limited, but would allow CCAMLR to improve its work with respect to seabird by-catch in particular.

16.38 South Africa reiterated that there are many RFMOs with challenges similar to those faced by CCAMLR and that there is room for transparent exchange of information where organisations could complement and perhaps assist each other in achieving the Convention's objectives. South Africa urged all Members to treat this in a positive way, and it should not be seen as a barrier to cooperation.

16.39 It was agreed that the Secretariat should undertake further work intersessionally to finalise an MOU that would be presented to WCPFC once there is endorsement by the Commission, taking into account the views of all Members.

#### Partnership in FIRMS

16.40 The Report of the Fourth Meeting of the FIRMS Steering Committee, which was attended by the CCAMLR Data Manager (CCAMLR-XXVI/BG/19), was presented. The Executive Secretary also brought Members' attention to the issue of sharing information on toothfish with RFMOs in general, and with SEAFO in particular.

#### Participation in CCAMLR meetings

16.41 The Executive Secretary advised Members that, as discussed last year (CCAMLR-XXV, paragraphs 16.47 and 16.48), this matter relates to approaches to the Secretariat by non-Contracting Parties invited to the CCAMLR meeting this year, to facilitate access to the UN Trust Fund for monies to finance their attendance. No such requests had been received. The Executive Secretary was unaware of future developments with respect to this fund as an FAO representative was not present to advise on the matter and it had not been discussed at SCAF.

#### Nomination of representatives to meetings of international organisations in 2007/08

16.42 The following observers were nominated to represent CCAMLR at meetings of international organisations in 2007/08:

- FAO Technical Consultation on Guidelines for Responsible Fish Trade, 5 to 7 November, Rome, Italy – no nomination.



- FAO Workshop on Data and Knowledge on Deep-sea Fisheries, in the High Seas, 5 to 7 November, Rome, Italy – Data Manager (funded by FAO).
- 20th Regular Meeting of the Commission of ICCAT, 9 to 18 November 2007, Antalya, Turkey – European Community.
- Fourth Regular Session of WCPFC, 3 to 7 December 2007, Tumon, Guam, USA – USA.
- 3rd Session of SWIOFC, 18 to 21 December 2007, Seychelles – no nomination.
- FAO Technical Consultation on International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, 4 to 8 February 2008, Rome, Italy – no nomination.
- 5th International Meeting on the Establishment of a South Pacific RFMO, 4 to 15 March 2008, Guayaquil, Ecuador – Chile.
- Intersessional Meeting on the Future of the IWC, 6 to 8 March 2008, London, UK – UK.
- FIRMS Technical Working Group meeting, 31 March to 4 April, 2008, FAO, Rome, Italy – Data Manager.
- 12th Session of the IOTC, 26 to 30 May, Seychelles – Australia.
- ATCM XXXI, 2 to 13 June 2008, Kiev, Ukraine – Executive Secretary.
- CEP XI, 2 to 6 June 2008, Kiev, Ukraine – Chair, Scientific Committee and the CCAMLR Science Officer.
- 11th Session of the COFI Sub-Committee on Fish Trade, 2 to 6 June 2008, Bremen, Germany – European Community.
- Open-ended Informal Consultative Process on Ocean Affairs and the Law of the Sea, Ninth Meeting, 9 to 13 June 2008, New York, USA – no nomination.
- 60th Annual Meeting of the IWC, 23 to 27 June, 2008, Santiago, Chile – Chile.
- FAO Technical Consultation on Port State Measures, 23 to 27 June 2008, Rome, Italy – Spain.
- FIRMS Steering Committee meeting, June/July 2008, NAFO Secretariat, Dartmouth, Canada (dates to be confirmed) – Data Manager.
- Global IUU Fishing Conference (MCS Network), August, Trondheim, Norway (dates to be confirmed) – Norway.
- 5th Annual Meeting of SEAFO, 6 to 9 September 2008, Windhoek, Namibia – Norway.

- 2008 Annual Meeting of NAFO, 22 to 26 September 2008, Vigo, Spain – European Community.
- CCSBT 15th Annual Meeting, 14 to 17 October 2008, Auckland, New Zealand – New Zealand.
- 9th Meeting of the CMS Conference of Parties, 9 to 21 November 2008, Rome, Italy – no nomination.

16.43 The Executive Secretary reminded Members that the Secretariat provides a briefing document to CCAMLR observers attending various meetings. The document is prepared on the basis of outcomes from the Commission's report and any additional items that the Commission would wish to include. This practice would continue and Members were requested to advise the Secretariat of any particular items that they wished to be emphasised in the document.

## IMPLEMENTATION OF THE OBJECTIVES OF THE CONVENTION

17.1 The Chair opened this item which was first introduced at the 1996 meeting of the Commission, stating that Chile had continued to lead discussion on the matter each year.

17.2 The European Community introduced a joint proposal with the USA for a Performance Review of CCAMLR. The request for a review is consistent with considerations of COFI-27 and the First Meeting of Regional Fisheries Body Secretariats Network (RSN-1) and UNGA Resolution 61/105.

17.3 Many Members supported the proposal in principle. However, some Members requested revisions to the draft presented. Some Members emphasised that CCAMLR is not just an RFMO and that the proposal needed redrafting to fit the organisation.

17.4 Argentina pointed out that a Review Panel does not have a mandate to propose the text of a new Convention, but to assess the performance of CCAMLR. The assessment should consider if the Convention's conservation objectives have been met.

17.5 Argentina added that further consideration should be given to determining the criteria to be applied for reviewing the performance of CCAMLR, particularly when referred to cooperation with other international organisations with a different membership and different objectives from those of CCAMLR. It also pointed out that caution is required when considering criteria based on market-related measures and when direct and indirect reference is made to international instruments which are non-binding to all Members of CCAMLR, such as UNFSA.

17.6 Argentina also stated that all Review Panel members must be independent of any interest groups. This view was supported by other delegations.

17.7 A number of Members expressed the view that the Review Panel must reach conclusions by consensus, with opportunity given to individual members to provide personal views, and that the Review Report should be considered firstly by SCIC, SCAF and the Scientific Committee and then by the Commission for discussion and action, if needed.

17.8 Members discussed the composition of the Review Panel with a view to ensuring a geographic balance as well as the need for appropriate technical expertise. Some Members supported a suggestion from Brazil that Members could provide up to two nominees to the Review Panel, along with CVs, to the Commission.

17.9 Australia and Chile recalled the 2005 Symposium on CCAMLR held in Valdivia, Chile, and suggested the outcomes of that symposium be taken into account by the Review Panel. Argentina suggested that no formal outcomes arose out of the symposium and that the proposal could refer to discussions.

17.10 South Africa expressed concern that logistical support expected from the Secretariat would place an additional burden on the Secretariat. South Africa also suggested that the Review Panel may consider including additional criteria.

17.11 Norway requested that the proposal contain definite time lines and suggested that any requirement for a subsequent meeting is beyond the competency of the current meeting and that this should not be included in the proposal. A number of Members supported Norway's view.

17.12 The Executive Secretary suggested the Review Report would be required 60 days before CCAMLR-XXVII so that it could be circulated to Members with the Provisional Agenda 45 days before the meeting as required in Commission Rule of Procedure 17.

17.13 A number of Members spoke on the review criteria requesting reference to action in accordance with international law, reference to conservation measures in lieu of management measures and possible non-inclusion of criteria relating to market-related measures.

17.14 The Commission reviewed the final draft of the proposal noting the following amendments:

- paragraph 5: replace '31 December 2008' with '31 December 2007'
- paragraph 5: replace 'NGO observers' with 'NGO experts'.

17.15 Argentina stated that while joining consensus on the Performance Review, it reserved its position in reference to criteria to be used by the Panel regarding trade-related measures which should not be used by the Panel to guide its work. Furthermore, Argentina pointed out that the Review Panel should be aware that none of the provisions of the New York Agreement on Straddling and Highly Migratory Fish Stocks of 1995 may be deemed to be binding on the States that have not expressly manifested their consent to be bound by that Agreement. It recalled once more that Argentina did not ratify that Agreement.

17.16 Brazil supported the draft, but pointed out that the *modus operandi* of both SCIC and the Commission did not favour adequate opportunity for a thorough discussion of the proposal before moving into the drafting exercise.

17.17 The Commission noted that the full report of the Performance Review Panel will be placed on the public-access section of the CCAMLR website.

17.18 ASOC and COLTO indicated they were collaborating in identifying an appropriate NGO expert.

17.19 The Commission supported the inclusion of funding of A\$100 000 for the Performance Review of CCAMLR to be carried out in 2008, in the proposed budget for that year.

17.20 The Commission adopted the proposal to undertake a Performance Review of CCAMLR in 2008. The proposal, as amended, is attached as Annex 7 to this report.

## ELECTION OF VICE-CHAIR OF THE COMMISSION

18.1 The Commission elected Sweden as Vice-Chair of the Commission from the end of this meeting until the conclusion of the 2009 meeting.

18.2 In accepting the position of Vice-Chair, Sweden thanked the Commission for the honour bestowed on it. It assured the Commission it will work closely with Namibia, and reinforced the concept of a non-fishing Member playing a role as Vice-Chair when a harvesting Member occupies the Chair.

## NEXT MEETING

Invitation of observers to the next meeting

19.1 The Commission will invite the following States to attend the Twenty-seventh Meeting of the Commission as observers:

- Acceding States – Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, Netherlands, Peru and Vanuatu;
- non-Contracting Parties, participating in the CDS, that are involved in harvesting or landing and/or trade of toothfish – Seychelles and Singapore;
- non-Contracting Parties, not participating in the CDS, but possibly involved in harvesting or landing and/or trade of toothfish – American Samoa, Belize, Bolivia, Cambodia, Colombia, Democratic People’s Republic of Korea, Equatorial Guinea, Indonesia, Kenya, Malaysia, Mexico, Mozambique, Panamá, Philippines, Sierra Leone, Thailand, Togo and Vietnam.

19.2 The Executive Secretary advised the Commission that a list of non-Contracting Parties to be invited to CCAMLR-XXVII will be circulated to Members for comment prior to meeting invitations being issued in July 2008.

19.3 The following intergovernmental organisations will be invited: ACAP, CCSBT, CEP, CITES, CPPS, FAO, FFA, IATTC, ICCAT, IOC, IUCN, IWC, SCAR, SCOR, SEAFO, SPC and UNEP (for full designation of these acronyms please refer to paragraph 1.4).

19.4 The following non-governmental organisations will be invited: ASOC and COLTO.

## Date and location of the next meeting

19.5 The Commission noted that the next meeting would be held at the CCAMLR Headquarters in Hobart, Australia.

19.6 The Commission agreed that its Twenty-seventh Meeting would be held from 27 October to 7 November 2008. Heads of Delegation were requested to be in Hobart for a meeting on 26 October 2008.

19.7 The Commission noted that the Twenty-seventh Meeting of the Scientific Committee would also be held at the CCAMLR Headquarters, from 27 to 31 October 2008.

## OTHER BUSINESS

### International Polar Year

20.1 The Commission noted the progress made by the Scientific Committee and the CCAMLR-IPY Steering Committee in planning CCAMLR-related activities during the IPY (SC-CAMLR-XXVI, paragraphs 2.23 to 2.31; SC-CAMLR-XXVI/BG/3), including:

- (i) a Norwegian survey in the northern part of Subarea 48.6 on the *G.O. Sars* focusing on krill and the pelagic ecosystem, and a study of target strength of icefish and krill in Subareas 48.3 and 48.6;
- (ii) a German survey on the *Polarstern* in the southern region of Subarea 48.6, which will collect acoustic data and research midwater trawl (RMT) samples;
- (iii) a New Zealand survey in the Ross Sea on the *Tangaroa*;
- (iv) a Japanese survey on the *Umitaka Maru* in Divisions 58.4.1 and 58.4.2;
- (v) UK surveys on the *James Clark Ross* in the Scotia Sea and western Antarctic Peninsula (including Subareas 48.1 and 48.3).

20.2 The Commission also noted that:

- (i) the USA will undertake a 30-day survey in the area of the South Orkney Islands that will include acoustic data collection;
- (ii) some Members, who were not able to contribute ship-time for IPY surveys, will be participating on board vessels listed above.

20.3 The Commission urged Members involved with CCAMLR-related work during the IPY to consult the CCAMLR-2000 Survey protocols and information on krill sex and maturity stages which are available in a public IPY-related area of the CCAMLR website.

20.4 The Commission endorsed the Scientific Committee's recommendations for archiving of CCAMLR-related data from IPY surveys (SC-CAMLR-XXVI, paragraphs 2.29 and 2.30).

20.5 The Commission joined the Scientific Committee in congratulating the Steering Committee on its role in coordinating the CCAMLR-IPY initiative.

20.6 The Commission noted the Scientific Committee's advice concerning CCAMLR-IPY projects and activities (SC-CAMLR-XXVI, paragraphs 2.23 to 2.31 and 14.15). It was recognised that a number of Members have committed to extensive scientific research during the IPY.

20.7 New Zealand noted the important role that international polar years have played, with the last in 1957–1959 (International Geophysical Year) providing the impetus for development of the Antarctic Treaty and the attached Antarctic Treaty System of which CCAMLR is an integral part. New Zealand indicated that given this importance, it had tabled a resolution together with Australia on acknowledging the IPY and encouraging the participation of CCAMLR Members in relevant activities such as CAML.

20.8 Australia supported New Zealand and encouraged Members to adopt the proposed resolution. It also thanked Members for their contribution of 17 vessels to the important IPY-sponsored CAML. The census will take place primarily in the 2007/08 austral summer and will include the involvement of tourist vessels under the banner of IAATO. Further information on CAML is available from the Australian Antarctic Division which serves as the international CAML coordination centre.

20.9 Spain supported both the New Zealand and Australian statements and noted that the IPY is a clear demonstration of polar cooperation. It is also important to the study of global climate change effects at both poles.

20.10 The Commission adopted Resolution 26/XXVI 'International Polar Year/Census of Antarctic Marine Life' (CCAMLR-XXVI, paragraph 13.78).

20.11 The Commission congratulated the Executive Secretary on being awarded the WWF Duke of Edinburgh Conservation Medal by Prince Philip at Buckingham Palace on 17 October 2007. Several Members noted that this was an extremely prestigious global award that not only reflected Dr Miller's long-standing involvement with CCAMLR but also recognised CCAMLR's many notable achievements. For such an acknowledgement to have been made during the IPY was doubly meaningful. Australia, Chile, New Zealand, UK and the USA indicated that the Commission was extremely proud of Dr Miller's award.

#### Other

20.12 The representative from Vanuatu provided information on that Contracting Party's intention with regards to krill fishing, and its ultimate intent to becoming a full Member of the Commission. He noted that Vanuatu had withdrawn its notification to fish for krill in the coming season, and that no fishing had been undertaken by Vanuatu-flagged vessels in 2006/07 (CCAMLR-XXVI/BG/8).

20.13 The Vanuatuan representative also confirmed the Party's continued interest in fishing for krill in CCAMLR waters as well as its commitment to abiding by all the conservation measures established by the Commission. To this end, Vanuatu will not authorise any fishing in the CAMLR Convention Area until the Commission is satisfied that the information

provided and the control measures implemented by Vanuatu are appropriate and sufficient. It was noted that the Government of Vanuatu is currently preparing legal instruments to apply for Commission membership in the near future.

20.14 While Vanuatu has taken steps to ensure that it exercises effective Flag State control over the fishing vessels on its register, it is also relevant to note that the vessels identified in the withdrawn 2007/08 krill notifications have been on the Vanuatu register for 15 years and have been engaged in the South Pacific jack mackerel fishery for the last five years. If, as anticipated, there is a notification from Vanuatu to fish for krill in the 2008/09 season, it will be for these same vessels.

20.15 The Commission noted this information with interest.

20.16 Argentina made the following statement:

‘With regard to incorrect references to the territorial status of the Malvinas Islands (Falkland), South Georgias and South Sandwich Islands made in documents produced by the Secretariat and other bodies such as SC-CAMLR-XXVI/BG/31 and BG/2, Argentina rejects any reference to those islands as a separate entity of its territory giving them an international status that they do not have. In addition, Argentina recalled that actions carried out in the CCAMLR area by vessels based in or operating out of the Malvinas Islands (Falkland), South Georgias and the South Sandwich Islands, or flagged to the alleged authorities thereof which Argentina does not recognise, as well as port inspections, the illegal imposition of fishing licences to other Member vessels operating in the CCAMLR area, and further unilateral actions by the UK, are all invalid.

The Malvinas Islands (Falkland), South Georgias and South Sandwich Islands and the surrounding maritime areas are an integral part of the Argentine national territory which are subject to the illegitimate occupation of the UK.

Argentina recalled once again that only the multilateral scheme of the Convention is legally applicable in Statistical Subareas 48.2, 48.3 and 48.4.’

20.17 The UK made the following statement:

‘In response to Argentina’s statement the UK reiterates that it has no doubts about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas, as is well known to all delegates.

In that regard, the UK has no doubt about the right of the Government of the Falkland Islands to operate a shipping register for UK-flagged vessels. As we have stated on previous occasions, the port inspections undertaken by the Port authorities of the respective governments of the UK’s Overseas Territories of South Georgia and the South Sandwich Islands and the Falkland Islands were conducted pursuant to the UK’s obligations under CCAMLR Conservation Measure 10-03 and were reported to the Commission as such.

Furthermore the UK has the right to undertake inspections within those of its jurisdictional waters that lie within Subareas 48.2, 48.3 and 48.4 in the way that it sees

fit. In addition, the UK remains committed to the implementation of the System of Observation and Inspection of CCAMLR and our record of doing so is clearly apparent in this Commission.

The UK would reiterate its views expressed previously that we remain wholly committed to the principles and objectives of CCAMLR. We intend to ensure that the highest standards of fisheries management will be implemented in our jurisdictional waters – through licensing and inspections, and also through the imposition of tough measures that are in line with, and back up, the provisions of CCAMLR.’

20.18 In response to the statement made by the UK, Argentina rejected it and reiterated its well known legal position.

## ADOPTION OF THE REPORT

21.1 The Report of the Twenty-sixth Meeting of the Commission was adopted.

## CLOSE OF THE MEETING

22.1 On behalf of all Members, Dr A. Press (Australia) thanked the Chair for his guidance during the meeting. He also thanked the Chairs of the Commission’s subcommittees, the Executive Secretary and the Secretariat staff. In particular, he thanked the translators and the interpreters for their hard work. Dr Press also expressed his gratitude to all Commissioners for their work which had resulted in a very productive meeting, despite a couple of issues not reaching resolution. He thanked all for their assistance and cooperation.

22.2 The Executive Secretary said that it was always a challenge to service the needs of this dynamic, far reaching and important organisation. He expressed his sincere gratitude to his staff and hoped that the Commission would join him in thanking them for this magnificent task.

22.3 Prof. C. Moreno (Chile) supported the words expressed by the Executive Secretary. In particular, he wished to especially comment on a person who had been with the Secretariat for 24 years. He said that Dr Eugene Sabourenkov had been an outstanding Science/Compliance Officer of this Commission, helping and assisting all participants in various aspects of their work. Chile appreciated his work immensely and was extremely grateful to Dr Sabourenkov who had been the backbone in some very difficult tasks, such as the creation of ad hoc WG-IMAF. He had also played a significant role in supporting the work of SCIC. Dr Sabourenkov’s work and dedication were greatly appreciated and it was with much sadness that, on behalf of the Commission, Chile said goodbye. Dr Sabourenkov received a very warm applause and standing ovation from the Commission.

22.4 Dr Sabourenkov said that he was honoured to have worked for CCAMLR and for the conservation of Antarctic marine resources for the past 24 years. He was very grateful that by chance or by providence he had been part of the team in 1979/80 which worked on the CAMLR Convention. He recalled the supervision of Dr V. Zilanov who many may remember as ‘Stan’. Dr Sabourenkov said that he was happy and proud to have worked with



the Secretariat and to have had the opportunity to work with all those present. He was also very grateful to have had brilliant, patient and professional mentors as supervisors, beginning with Dr Darry Powell, then Mr Esteban de Salas and Dr Denzil Miller. He said it had been a great thrill to serve the Commission and he was grateful to have been part of such a good and friendly team of friends and colleagues. Dr Sabourenkov also expressed his gratitude to Australia, as host country, for its hospitality during his tenure. Dr Sabourenkov finished by saying that he would cherish every second of his life with CCAMLR.

22.5 Before closing the meeting, the Chair thanked all Commissioners for their support, understanding, cooperation and patience to ensure the successful completion of the Commission's deliberations. He also thanked the Chair of the Scientific Committee for her unshakeable support, dedication and assistance, the Chairs of all subcommittees, the Secretariat and interpreters. He particularly thanked the sound technicians and IT personnel who had worked around the clock to ensure the smooth running of all the equipment.

22.6 The Chair then closed the Twenty-sixth Meeting of CCAMLR.

**LIST OF PARTICIPANTS**

## LIST OF PARTICIPANTS

### CHAIR

Mr Peter Amutenya  
Ministry of Fisheries and Marine Resources  
Windhoek, Namibia  
pamutenya@mfmr.gov.na

### CHAIR, SCIENTIFIC COMMITTEE

Dr Edith Fanta  
Departamento de Biología Celular  
Universidade Federal do Paraná  
Curitiba, PR Brazil  
e.fanta@terra.com.br

### ARGENTINA

#### Representative:

Sr. Ariel R. Mansi  
Director General de Asuntos Antárticos  
Ministerio de Relaciones Exteriores,  
Comercio Internacional y Culto  
Buenos Aires  
rpc@mrecic.gov.ar

#### Alternate Representatives:

Sr. Máximo Gowland  
Dirección General de Asuntos Antárticos  
Ministerio de Relaciones Exteriores,  
Comercio Internacional y Culto  
Buenos Aires  
rpc@mrecic.gov.ar

Dr. Enrique Marschoff  
Instituto Antártico Argentino  
Ministerio de Relaciones Exteriores,  
Comercio Internacional y Culto  
Buenos Aires  
marschoff@dna.gov.ar

Dra. Viviana Andrea Alder  
Instituto Antártico Argentino  
Ministerio de Relaciones Exteriores,  
Comercio Internacional y Culto  
Buenos Aires

Dr. Esteban Barrera-Oro  
Dirección Nacional del Antártico  
Ministerio de Relaciones Exteriores,  
Comercio Internacional y Culto  
Buenos Aires  
ebarreraoro@dna.gov.ar

Adviser:

Sra. Paola Gucioni  
Dirección Nacional de Coordinación Pesquera  
Ministerio de Economía y Producción  
Buenos Aires  
pgucio@mecon.gov.ar

## AUSTRALIA

Representative:

Dr Anthony Press  
Australian Antarctic Division  
Department of the Environment  
and Water Resources  
Tasmania  
tony.press@aad.gov.au

Alternate Representatives:

Dr Andrew Constable  
Australian Antarctic Division  
Department of the Environment  
and Water Resources  
Tasmania  
andrew.constable@aad.gov.au

Mr Clinton Dengate  
Department of Foreign Affairs and Trade  
Canberra  
clinton.dengate@dfat.gov.au

Ms Jacinta Innes  
Department of Agriculture, Fisheries and Forestry  
Canberra  
jacinta.innes@daff.gov.au

Ms Gillian Slocum  
Australian Antarctic Division  
Department of the Environment  
and Water Resources  
Tasmania  
gill.slocum@aad.gov.au

Advisers:

Mrs Rhonda Bartley  
Australian Antarctic Division  
Department of the Environment  
and Water Resources  
rhonda.bartley@aad.gov.au

(week 1)

Ms Caroline Best  
Department of Foreign Affairs and Trade  
Canberra  
caroline.best@dfat.gov.au

Ms Deborah Bourke  
Australian Antarctic Division  
Department of the Environment  
and Water Resources  
Tasmania  
deborah.bourke@aad.gov.au

(week 2)

Mr Steven Darby  
Border Protection Command  
Australian Customs Service  
steven.darby@customs.gov.au

(week 1)

Dr Nathan Evans  
Department of the Prime Minister and Cabinet  
Canberra

Mr Alistair Graham  
Representative of Conservation Organisations  
Tasmania  
alastairgraham1@bigpond.com

Dr So Kawaguchi  
Australian Antarctic Division  
Department of the Environment  
and Water Resources  
Tasmania  
so.kawaguchi@aad.gov.au

(week 1)

Dr Steve Kennelly  
Representative of State and Territory Government  
New South Wales  
steve.kennelly@dpi.nsw.gov.au

Dr Keith Martin-Smith  
Australian Antarctic Division  
Department of the Environment  
and Water Resources  
Tasmania  
keith.martin-smith@aad.gov.au

Mr Peter Neave  
Australian Fisheries Management Authority  
Canberra  
peter.neave@afma.gov.au

(week 1)

Ms Janet Norenbergs  
Border Protection Command  
Australian Customs Service  
Canberra  
janet.norenbergs@customs.gov.au

(week 1)

Mr Christopher Oberscheider  
Border Protection Command  
Australian Customs Service  
Canberra  
chris.oberscheider@customs.gov.au

Mr Les Scott  
Representative of Australian Fishing Industry  
Tasmania  
rls@petunasealord.com

Ms Kerry Smith  
Australian Fisheries Management Authority  
Canberra  
kerry.smith@afma.gov.au

(week 1)

Mr Alan Specketer  
Australian Fisheries Management Authority  
Darwin  
alan.specketer@afma.gov.au

Dr Dirk Welsford  
Australian Antarctic Division  
Department of the Environment  
and Water Resources  
Tasmania  
dirk.welsford@aad.gov.au

## **BELGIUM**

Representative: Mr Alexandre de Lichterfelde  
International Affairs  
Federal Ministry of the Environment  
Brussels  
alexandre.delichterfelde@health.fgov.be

Alternate Representative: Mr Daan Delbare  
Institute for Agriculture and Fisheries Research  
Oostende  
daan.delbare@ilvo.vlaanderen.be

Adviser:  
(week 1) Mrs Sophie Hottat  
Embassy of Belgium  
Canberra, Australia  
sophie.hottat@diplobel.fed.be

## **BRAZIL**

Representative: Mr Felipe Hees  
Embassy of Brazil  
Canberra  
felipe.hees@brazil.org.au

## **CHILE**

Representative: Sr. Francisco Berguño  
Jefe del Departamento de Asuntos Marítimos  
Ministerio de Relaciones Exteriores  
Santiago  
fberguno@minrel.gov.cl

Alternate Representative: Sra. Valeria Carvajal  
Undersecretariat for Fisheries  
Valparaíso  
vco@subpesca.cl

Advisers: Ms Elsa Cabrera  
Centro de Conservación Cetácea  
Santiago  
info@ccc-chile.org

Prof. Carlos Moreno  
Instituto de Ecología y Evolución  
Universidad Austral de Chile  
Valdivia  
cmoreno@uach.cl

Sr. Rubén Darío Rojas Todorovich  
Armada de Chile  
Dirección General del Territorio Marítimo  
y de Marítima Mercante  
Valparaíso  
rrojast@directemar.cl

## CHINA

Representative:

Mr Hong Xu  
Department of Treaty and Law  
Ministry of Foreign Affairs  
Beijing  
xu\_hong@mfa.gov.cn

Alternate Representatives:

Ms Ting Li  
Department of Treaty and Law  
Ministry of Foreign Affairs  
Beijing  
li\_ting@mfa.gov.cn

Mr Xiaobing Liu  
Division of International Cooperation  
Bureau of Fisheries  
Ministry of Agriculture  
Beijing  
inter-coop@agri.gov.cn

Dr Jiang Zhao  
Division of Distant Water Fisheries  
Bureau of Fisheries  
Ministry of Agriculture  
Beijing  
bofdwf@agri.gov.cn

Advisers:

Mr Zongyu He  
Chinese Arctic and Antarctic Administration  
Beijing  
hezongyu@chinare.gov.cn



Ms Lei Zhao  
Department of Treaty and Law  
Ministry of Foreign Affairs  
Beijing  
zhao\_lei@mfa.gov.cn

Mr Xianyong Zhao  
Yellow Sea Fisheries Research Institute  
Chinese Academy of Fishery Sciences  
Qingdao  
zhaoxy@ysfri.ac.cn

## **EUROPEAN COMMUNITY**

Representative: Mr Roberto Cesari  
Directorate-General for Fisheries and Maritime  
Affairs of the European Commission  
Brussels, Belgium  
roberto.cesari@ec.europa.eu

Alternate Representative: Mr Jean-Pierre Vergine  
Directorate-General for Fisheries and Maritime  
Affairs of the European Commission  
Brussels, Belgium  
jean-pierre.vergine@ec.europa.eu

Adviser: Dr Volker Siegel  
Sea Fisheries Research Institute  
Hamburg, Germany  
volker.siegel@ish.bfa-fisch.de

## **FRANCE**

Representative: M. Serge Segura  
Ministère des Affaires étrangères et européennes  
Paris  
serge.segura@diplomatie.gouv.fr

Alternate Representative: Mme Caroline Krajka  
Ministère des Affaires étrangères et européennes  
Paris  
caroline.krajka@diplomatie.gouv.fr

Advisers: Prof. Guy Duhamel  
Muséum National d'Histoire Naturelle  
Paris  
duhamel@mnhn.fr

(week 2) M. Marc Ghiglia  
Union des Armateurs à la Pêche de France (UAPF)  
Paris  
uapf@wanadoo.fr

(week 2) M. Jean-Pierre Kinoo  
Cap Bourbon S.A.  
Boulogne-sur-Mer  
jpkino@legarrec.fr

M. Eric Pilloton  
Administrateur des Terres australes  
et antarctiques françaises  
La Réunion  
eric.pilloton@taaf.fr

M. Emmanuel Reuillard  
Chargé de mission auprès de l'administrateur  
supérieur des Terres Australes  
et Antarctiques Françaises  
Saint Pierre de la Réunion  
emmanuel.reuillard@taaf.fr

M. Ludovic Schultz  
Ministère de l'Agriculture et de la Pêche  
Paris  
ludovic.schultz@agriculture.gouv.fr

## **GERMANY**

Representative: Dr Hermann Pott  
Federal Ministry of Food, Agriculture  
and Consumer Protection  
Bonn  
hermann.pott@bmelv.bund.de

Advisers:  
(week 2) Mr Klaus Hartmann  
Ocean Food  
Bremerhaven  
oceanfood@t-online.de

Dr Karl-Hermann Kock  
Federal Research Centre for Fisheries  
Institute of Sea Fisheries  
Hamburg  
karl-hermann.kock@vti.bund.de

## **INDIA**

Representative: Mr Perumal Madeswaran  
Ministry of Earth Sciences  
New Delhi  
mades-dod@nic.in

Alternate Representatives: Mr Arun Kumar Rath  
Ministry of Earth Sciences  
New Delhi  
ak.rath@nic.in

Dr V.N. Sanjeevan  
Centre for Marine Living Resources and Ecology  
Ministry of Earth Sciences  
Kochi  
sagarsampada@vsnl.net

## **ITALY**

Representative: Ambassador Arduino Fornara  
Ministero Esteri Direzione Generale Asia  
Roma  
arduino.fornara@esteri.it

Alternate Representative:  
(week 1) Dr Marino Vacchi  
Museo Nazionale Antartide  
Università degli Studi di Genova  
Genoa  
m.vacchi@unige.it

Advisers: Mrs Francesca De Crescenzo  
Ministry of the Environment  
Rome  
decrescenzo.francesca@minambiente.it

Prof. Silvano Focardi  
Università degli Studi di Siena  
Siena  
focardi@unisi.it

(week 1)

Dr Sandro Torcini  
Consorzio Antartide (ENEA)  
Roma  
sandro.torcini@consorzio.pnra.it

## **JAPAN**

Representative:

Mr Kiyoshi Katsuyama  
International Affairs Division  
Japan Fisheries Agency  
Tokyo

Alternate Representative:

Mr Shuya Nakatsuka  
Fisheries Agency  
Ministry of Agriculture, Forestry and Fisheries  
Tokyo  
shuya\_nakatsuka@nm.maff.go.jp

Advisers:  
(week 2)

Mr Shuji Kashiwagi  
Taiyo A & F Co. Ltd  
Tokyo  
kani@tafco.maruha.co.jp

(week 2)

Mr Daisuke Kiryu  
Fishery Division  
Ministry of Foreign Affairs  
Tokyo  
daisuke.kiryu@mofa.go.jp

(week 2)

Mr Hiroki Miyamoto  
Nippon Suisan Kaisha Ltd  
Tokyo  
miyamoto@nissui.co.jp

Dr Mikio Naganobu  
National Research Institute of Far Seas Fisheries  
Yokohama, Kanagawa  
naganobu@affrc.go.jp

Mr Noriaki Takagi  
Japan Deep Sea Trawlers Association  
Tokyo  
ntakagi@jdsta.or.jp

Dr Kentaro Watanabe  
National Institute of Polar Research  
Tokyo  
kentaro@nipr.ac.jp

## **KOREA, REPUBLIC OF**

Representative: Mr Yeonjean Yoon  
Ministry of Foreign Affairs and Trade  
Seoul  
yjyun91@mofat.go.kr

Alternate Representatives: Mr Jong Sung Kim  
Ministry of Maritime Affairs and Fisheries  
Seoul  
kj0606@momaf.go.kr

Mr Young Min Seo  
Ministry of Foreign Affairs and Trade  
Seoul  
ymseo05@mofat.go.kr

Advisers: Mr Jong Won Kang  
Insung Corp.  
Seoul  
iskang@insungnet.co.kr

Dr Doonam Kim  
National Fisheries Research and  
Development Institute  
Busan  
dnkim@nfrdi.re.kr

Dr Hyoung-Chul Shin  
Korea Polar Research Institute  
Seoul  
hcshin@kordi.re.kr

## **NAMIBIA**

Representative: Mr Steven Ambabi  
Ministry of Fisheries and Marine Resources  
Windhoek  
sambabi@mfmr.gov.na

Alternate Representative: Mr Peter Schivute  
Ministry of Fisheries and Marine Resources  
Walvis Bay  
pschivute@mfmr.gov.na

Adviser: Mr Titus Iilende  
Ministry of Fisheries and Marine Resources  
Windhoek  
tiilende@mfmr.gov.na

## **NEW ZEALAND**

Representative: Mr Trevor Hughes  
Ministry of Foreign Affairs and Trade  
Wellington  
trevor.hughes@mfat.govt.nz

Alternate Representative: Dr Kevin Sullivan  
Ministry of Fisheries  
Wellington  
kevin.sullivan@fish.govt.nz

Advisers:  
(week 2) Mr Andrew Bignell  
Department of Conservation  
Wellington  
abignell@doc.govt.nz

(week 2) Ms Rebecca Bird  
WWF-New Zealand  
Wellington  
rbird@wwf.org.nz

(week 1) Mr Jack Fenaughty  
Silvifish Resources Ltd  
Wellington  
jmfenaughty@clear.net.nz

(week 1) Dr Neil Gilbert  
Antarctica New Zealand  
Christchurch  
n.gilbert@antarcticanz.govt.nz

(week 1) Dr Stuart Hanchet  
National Institute of Water and Atmospheric  
Research (NIWA)  
Nelson  
s.hanchet@niwa.cri.nz

Ms Ingrid Jamieson  
Ministry of Fisheries  
Wellington  
ingrid.jamieson@fish.govt.nz

Ms Suzannah Jessep  
Ministry of Foreign Affairs and Trade  
Wellington  
suzannah.jessep@mfat.govt.nz

(week 2)

Mr Greg Johansson  
Sanford Ltd  
Timaru  
gjohansson@sanford.co.nz

(week 1)

Mr Phillip Kerr  
Ministry of Fisheries  
Wellington  
phillip.kerr@fish.govt.nz

(week 2)

Mr Malcolm McNeill  
Sealord Group Ltd  
Nelson  
mam@sealord.co.nz

(week 1)

Dr Johanna Pierre  
Department of Conservation  
Wellington  
jpierre@doc.govt.nz

Ms Alice Revell  
Ministry of Foreign Affairs and Trade  
Wellington  
alice.revell@mfat.govt.nz

(week 1)

Mr Darryn Shaw  
Sanford Ltd  
Timaru  
dshaw@sanford.co.nz

(week 2)

Mr Ben Sims  
Ministry of Fisheries  
Wellington  
ben.sims@fish.govt.nz

(week 1)

Mr Neville Smith  
Ministry of Fisheries  
Wellington  
neville.smith@fish.govt.nz

Mr Barry Weeber  
EcoWatch  
Wellington  
ecowatch@paradise.net.nz

## **NORWAY**

Representative: Ambassador Karsten Klepsvik  
Royal Norwegian Ministry of Foreign Affairs  
Oslo  
kkl@mfa.no

Alternate Representative: Mr Terje Løbach  
Directorate of Fisheries  
Bergen  
terje.lobach@fiskeridir.no

Advisers: Mr Jan Pieter Groenhof  
Ministry of Fisheries and Coastal Affairs  
Oslo  
jpg@fkd.dep.no

Mr Svein Iversen  
Institute of Marine Research  
Bergen  
sveini@imr.no

## **POLAND**

Representative: Mr Leszek Dybiec  
Fisheries Department  
Ministry of Maritime Economy  
Warsaw  
ldybiec@mgm.gov.pl

Adviser: Mr Boguslaw Szemioth  
Atlantex Ltd  
Warsaw  
szemioth@atlantex.pl



## **RUSSIAN FEDERATION**

Representative: Dr Viacheslav A. Bizikov  
Russian Federal Research Institute of Fisheries  
and Oceanography (VNIRO)  
Moscow  
bizikov@vniro.ru

Advisers: Mr Nikolay Androsov  
JSC Murmansk Trawl Fleet  
Murmansk  
androsov@mtf.ru

Mr Andrei Makavchik  
OOO Albatros  
Moscow  
makavchik@yahoo.com

Dr Konstantin Shust  
VNIRO  
Moscow  
antarctica@vniro.ru

## **SOUTH AFRICA**

Representative: Ms Theresa Frantz  
Marine and Coastal Management  
Department of Environmental Affairs and Tourism  
Cape Town  
takkers@deat.gov.za

Alternative Representative: Mr Lisolomzi Fikizolo  
Marine and Coastal Management  
Department of Environmental Affairs and Tourism  
Cape Town  
lfikizolo@deat.gov.za

Advisers: Mr Patrick Jacobs  
Department of Foreign Affairs  
Pretoria  
jacobsp@foreign.gov.za

Ms Estelle Van der Merwe  
NGO Representative  
Cape Town  
estellevdm@mweb.co.za

Mr Barry Watkins  
BirdLife South Africa  
FitzPatrick Institute  
University of Cape Town  
seabirds@birdlife.org.za

## **SPAIN**

Representative: Dra. Carmen-Paz Martí  
Secretaría General de Pesca Marítima  
Madrid  
cmartido@mapya.es

Advisers: Mr Luis López Abellán  
Instituto Español de Oceanografía  
Centro Oceanográfico de Canarias  
Santa Cruz de Tenerife  
luis.lopez@ca.ieo.es

Ms Adriana Fabra  
Barcelona, Spain  
afabra@yahoo.es

(week 2) Mr Juan Regal  
Grupo Regal  
Lugo  
juan.regal@gruporegal.com

## **SWEDEN**

Representative: Ambassador Greger Widgren  
Ministry for Foreign Affairs  
Stockholm  
greger.widgren@foreign.ministry.se

Alternate Representative: Prof. Bo Fernholm  
Swedish Museum of Natural History  
Stockholm  
bo.fernholm@nrm.se

Adviser:  
(week 1) Mr Ashley Harris  
Honorary Consul for Sweden  
Hobart  
aharris@awpanels.com.au

## **UKRAINE**

Representative: Mr Viktor Kazimirchuk  
Deputy Chair  
State Committee for Fisheries of Ukraine  
Kiev

Alternate Representative: Dr Volodymyr Herasymchuk  
Head of the Department for Fisheries Policy  
and Science  
State Committee for Fisheries of Ukraine  
Kiev  
nauka@i.kiev.ua

Advisers: Dr Gennadi Milinevsky  
Head of Space Physics Department  
National Taras Shevchenko University of Kiev  
Kiev  
genmilinevsky@gmail.com

Dr Leonid Pshenichnov  
YugNIRO  
Kerch  
lkp@bikent.net

## **UNITED KINGDOM**

Representative: Ms Jane Rumble  
Polar Regions Unit  
Overseas Territories Department  
Foreign and Commonwealth Office  
London  
jane.rumble@fco.gov.uk

Alternate Representatives: Dr David Agnew  
Renewable Resources Assessment Group  
Imperial College  
London  
d.agnew@imperial.ac.uk

Prof. John Beddington  
Department of Environmental Science  
and Technology  
Imperial College  
London  
j.beddington@ic.ac.uk

Advisers:

Mr Gerald Adamson  
Foreign and Commonwealth Office  
London  
gerry.adamson@fco.gov.uk

Ms Jill Barrett  
Foreign and Commonwealth Office  
London  
jill.barrett@fco.gov.uk

Ms Harriet Hall  
C/- Foreign and Commonwealth Office  
London  
harriet.hall@fco.gov.uk

Ms Indrani Lutchman  
Institute for European Environmental Policy  
London  
ilutchman@ieeplondon.org.uk

Mr Scott Parnell  
Foreign and Commonwealth Office  
London  
scott.parnell@fco.gov.uk

Dr Keith Reid  
British Antarctic Survey  
Cambridge  
k.reid@bas.ac.uk

Dr Philip Trathan  
British Antarctic Survey  
Cambridge  
p.trathan@bas.ac.uk

**UNITED STATES OF AMERICA**

Representative:

Mr Evan Bloom  
Bureau of Oceans and International  
Environmental and Scientific Affairs  
US Department of State  
Washington, DC  
bloomet@state.gov

Alternate Representative: Ms Robin Tuttle  
National Marine Fisheries Service  
Silver Spring, Maryland  
robin.tuttle@noaa.gov

Advisers: Dr Gustavo Bisbal  
Bureau of Oceans and International  
Environmental and Scientific Affairs  
US Department of State  
Washington, DC  
bisbalga@state.gov

(week 1) Mr Andrew Cohen  
NOAA Fisheries Law Enforcement  
Gloucester, Massachusetts  
andrew.cohen@noaa.gov

Ms Kimberly Dawson-Guynn  
National Seafood Inspection Laboratory  
National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
Pascagoula, Mississippi  
kdguynn@bellsouth.net

Ms Meggan Engelke-Ros  
Office of General Counsel  
National Oceanic and Atmospheric Administration  
Silver Spring, Maryland  
meggan.engelke-ros@noaa.gov

Mr Robert Gorrell  
National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
Silver Spring, Maryland  
robert.gorrell@noaa.gov

Dr Rennie Holt  
Southwest Fisheries Science Centre  
National Marine Fisheries Service  
La Jolla, California  
rennie.holt@noaa.gov

Dr Christopher Jones  
Southwest Fisheries Science Centre  
National Marine Fisheries Service  
La Jolla, California  
chris.d.jones@noaa.gov

Ms Nicole LeBoeuf  
Office of International Affairs  
NOAA Fisheries  
Silver Spring, Maryland  
nicole.leboeuf@noaa.gov

Ms Kim Rivera  
Alaska Region  
National Marine Fisheries Service  
Juneau, Alaska  
kim.rivera@noaa.gov

Mr Frank Sprtel  
Office of General Counsel for Fisheries  
National Oceanic and Atmospheric Administration  
Silver Spring, Maryland  
frank.sprtel@noaa.gov

Mr Mark Stevens  
WWF-United States  
Washington, DC  
mark.stevens@wwfus.org

Ms Pamela Toschik  
Department of Commerce  
National Oceanic and Atmospheric Administration  
Washington, DC  
pamela.toschik@noaa.gov

## **URUGUAY**

Representative: Min. Julio Lamarthée  
Comisión Interministerial CCRVMA – Uruguay  
Ministerio de Relaciones Exteriores  
Montevideo  
comcruma@mrree.gub.uy

Alternate Representative: Dr. Daniel Gilardoni  
Dirección Nacional de Recursos Acuáticos  
Montevideo  
dgilardoni@dinara.gub.uy

Advisers: Sr. Alberto T. Lozano  
Comisión Interministerial CCRVMA – Uruguay  
Ministerio de Relaciones Exteriores  
Montevideo  
comcruma@mrree.gub.uy

Sr. Javier Nóbile Duarte  
Instituto Antártico Uruguayo  
Montevideo  
dirlogistica@iau.gub.uy

Prof. Oscar Pin  
Dirección Nacional de Recursos Acuáticos  
Montevideo  
opin@dinara.gub.uy

#### OBSERVERS – ACCEDING STATES

##### **COOK ISLANDS**

Mr Garth Broadhead  
Maritime Cook Islands Ltd  
Rarotonga  
garth@maritimecookislands.com

(week 2)

Mr Joshua Mitchell  
Ministry of Marine Resources  
Rarotonga  
j.mitchell@mmr.gov.ck

##### **GREECE**

(week 2)

Mr Nicholas Christodoulidis  
Consulate-General of Greece  
Sydney, Australia  
greek.econ.trade@bigpond.com

##### **NETHERLANDS**

Mr Jan Groeneveld  
Special Adviser to the Director for Fisheries  
Ministry of Agriculture, Nature and Food Quality  
Remagen, Germany  
groeneveld1938@hotmail.com

(week 2)

Dr Erik Jaap Molenaar  
Netherlands Institute for the Law of the Sea  
Utrecht  
e.molenaar@law.uu.nl

##### **VANUATU**

(week 2)

Mr Gerry Geen  
Fishing Industry Representative  
Sydney, Australia  
ggeen@bigpond.net.au

## OBSERVERS – INTERNATIONAL ORGANISATIONS

### **ACAP**

Mr Barry Baker  
ACAP Interim Secretariat  
Tasmania, Australia  
barry.baker@latitude42.com.au

Mr Warren Papworth  
ACAP Interim Secretariat  
Tasmania, Australia  
warren.papworth@acap.aq

### **CEP**

(week 1)

Dr Neil Gilbert  
Antarctica New Zealand  
Christchurch  
n.gilbert@antarcticanz.govt.nz

### **FFA**

(week 1)

Mr Steve Shanks  
Forum Fisheries Agency  
Honiara, Solomon Islands  
steve.shanks@ffa.int

### **IUCN**

Ms Imèn Meliane  
IUCN Regional Office for Mesoamerica  
Moravia, Costa Rica  
imene.meliane@iucn.org

### **IWC**

Prof. Bo Fernholm  
Swedish Museum of Natural History  
Stockholm, Sweden  
bo.fernholm@nrm.se

Dr Karl-Hermann Kock  
Federal Research Centre for Fisheries  
Institute of Sea Fisheries  
Hamburg, Germany  
karl-hermann.kock@vti.bund.de

### **SCAR**

Dr Graham Hosie  
Australian Antarctic Division  
Department of the Environment  
and Water Resources  
Tasmania, Australia  
graham.hosie@aad.gov.au



## OBSERVERS – NON-GOVERNMENTAL ORGANISATIONS

### ASOC

Ms Virginia Gascón  
Río Negro, Argentina  
virginia.antarctica@gmail.com

Dr Lyn Goldsworthy  
Gordon, Australia  
lyn.goldsworthy@ozemail.com.au

Ms Nina Jensen  
WWF-Norway  
Oslo, Norway  
njensen@wwf.no

Ms Constance Johnson  
WWF–Australia  
Brisbane, Australia  
cjohnson@wwf.org.au

(week 2)

Mr Gerald Leape  
National Environmental Trust  
Washington DC, USA  
gleape@net.org

Mr Richard Page  
Greenpeace  
London, UK  
richard.page@uk.greenpeace.org

(week 2)

Dr Sian Prior  
WWF-ASOI  
Emsworth, UK  
sianprior9@hotmail.com

(week 2)

Ms Ayako Sekine  
ASOC  
Washington DC, USA  
ayakos04@yahoo.co.jp

Dr Rodolfo Werner  
Antarctic and Southern Ocean Coalition  
Bariloche, Argentina  
rodolfo.antarctica@gmail.com

**COLTO**

Mr Martin Exel  
Austral Fisheries Pty Ltd  
Western Australia  
mexel@newfish.com.au

(week 2)

Mr Brian Flanagan  
Flantrade Fishing  
Cape Town, South Africa  
albacore@iafrica.com

Mr Andy Smith  
Talleys Fisheries Ltd  
Nelson, New Zealand  
andy@latsouth.co.nz

**OBSERVERS – NON-CONTRACTING PARTIES**

**CAMBODIA**

(week 1)

Mr Ear Se  
Royal Embassy of Cambodia  
Canberra, Australia  
cambodianembassy@ozemail.com.au

**MOZAMBIQUE**

Mr Augusto Nhampule  
Ministry of Fisheries  
Maputo  
anhampule@mozpesca.gov.mz

## SECRETARIAT

### **Executive Secretary**

General Office Administrator  
Conference Facilitator

Denzil Miller  
Rita Mendelson  
Robyn Miller

### **Science/Compliance and Enforcement**

Science/Compliance Officer  
Scientific Observer Data Analyst  
Compliance Administrator  
VMS-CDS Support Officer  
Analytical Support Officer  
AFMA Intern

Eugene Sabourenkov  
Eric Appleyard  
Natasha Slicer  
Ingrid Karpinskyj  
Jacquelyn Turner  
Bella Burgess-Wilson

### **Data Management**

Data Manager  
Data Administration Officer  
Database Administrator/Programmer

David Ramm  
Lydia Millar  
Simon Morgan

### **Administration/Finance**

Administration/Finance Officer  
Finance Assistant

Ed Kremzer  
Christina Macha

### **Communications**

Communications Officer  
Publications and Website Assistant  
French Translator/Team Coordinator  
French Translator  
French Translator  
French Translator  
Russian Translator/Team Coordinator  
Russian Translator  
Russian Translator  
Spanish Translator/Team Coordinator  
Spanish Translator  
Spanish Translator

Genevieve Tanner  
Doro Forck  
Gillian von Bertouch  
Bénédicte Graham  
Floride Pavlovic  
Michèle Roger  
Natalia Sokolova  
Ludmila Thornett  
Vasily Smirnov  
Anamaría Merino  
Margarita Fernández  
Marcia Fernández

### **Website and Information Services**

Website and Information Services Officer  
Information Services Assistant

Rosalie Marazas  
Philippa McCulloch

### **Information Technology**

Information Technology Manager  
Information Technology Support Specialist

Fernando Cariaga  
Tim Byrne

### **Interpreters**

Ms Joëlle Coussaert  
Mr Vadim Doubine  
Ms Roslyn Lacey  
Ms Isabel Lira  
Mr J.C. Lloyd-Southwell

Dr Ludmila Stern  
Mr Philippe Tanguy  
Ms Irene Ulman  
Dr Emy Watt

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**AGENDA FOR THE TWENTY-SIXTH MEETING  
OF THE COMMISSION**

## **AGENDA FOR THE TWENTY-SIXTH MEETING OF THE COMMISSION**

1. Opening of the meeting
2. Organisation of the meeting
  - (i) Adoption of the agenda
  - (ii) Report of the Chair
3. Finance and administration
  - (i) Report of SCAF
  - (ii) Audited Financial Statements for 2006
  - (iii) Audit requirement for the 2007 Financial Statements
  - (iv) Secretariat matters
  - (v) Contingency Fund
  - (vi) Special funds
  - (vii) Budgets for 2007, 2008 and 2009
  - (viii) Members' contributions
4. Scientific Committee
5. Fisheries management and conservation under conditions of uncertainty
  - (i) Fishery Plans
  - (ii) Bottom fishing
6. Assessment and avoidance of incidental mortality
  - (i) Marine debris
  - (ii) Incidental mortality of seabirds and marine mammals during fishing operations
7. Marine Protected Areas
  - (i) Current activities
  - (ii) Future developments
8. Implementation and compliance
  - (i) Report of SCIC
  - (ii) Compliance with conservations measures
  - (iii) Compliance evaluation procedure
9. Catch Documentation Scheme for *Dissostichus* spp. (CDS)
  - (i) Report of SCIC
  - (ii) CDS annual report
  - (iii) E-CDS
10. Illegal, unregulated and unreported (IUU) fishing in the Convention Area
  - (i) Reports of SCIC
  - (ii) Current level of IUU fishing
  - (iii) Review of current measures aimed at eliminating IUU fishing

11. Scheme of International Scientific Observation
12. New and exploratory fisheries
13. Conservation measures
  - (i) Review of existing measures
  - (ii) Consideration of new measures and other conservation requirements
14. Data access and security
15. Cooperation with other elements of the Antarctic Treaty System
  - (i) Cooperation with Antarctic Treaty Consultative Parties
  - (ii) Cooperation with SCAR
  - (iii) Assessment of proposals for Antarctic Specially Protected Areas and Specially Managed Areas, which include marine areas
16. Cooperation with other international organisations
  - (i) Reports of observers from international organisations
  - (ii) Reports from CCAMLR representatives at meetings of international organisations in 2006/07
  - (iii) Cooperation with CITES
  - (iv) Cooperation with CCSBT
  - (v) Cooperation with WCPFC
  - (vi) Partnership in FIRMS
  - (vii) Participation in CCAMLR meetings
  - (viii) Nomination of representatives to meetings of international organisations in 2007/08
17. Implementation of the objectives of the Convention
  - (i) Performance review
18. Election of Vice-Chair of the Commission
19. Next meeting
  - (i) Invitation of observers
  - (ii) Date and location
20. Other business
  - (i) International Polar Year in 2007/08
21. Report of the Twenty-sixth Meeting of the Commission
22. Close of the meeting.

**REPORT OF THE STANDING COMMITTEE  
ON ADMINISTRATION AND FINANCE (SCAF)**

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## **REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE (SCAF)**

The Commission had deferred Item 3 (Finance and Administration) of its Agenda (CCAMLR-XXVI/1, Appendix A) to SCAF. The Committee's Agenda was adopted (Appendix I).

### EXAMINATION OF AUDITED FINANCIAL STATEMENTS FOR 2006

2. The Committee noted that a review audit had been carried out on the 2006 Financial Statements. The report had identified no incidents of non-compliance with Financial Regulations or International Accounting Standards. The Committee **recommended that the Commission accept the Financial Statements as presented in CCAMLR-XXVI/3.**

### AUDIT REQUIREMENT FOR 2007 FINANCIAL STATEMENTS

3. The Committee noted that the Commission had decided in 1994 that a full audit should be performed on average once every two years, and in 1995 that this would be required at least once every three years (CCAMLR-XIV, paragraph 3.6). Full audits were carried out in 2003 and 2004 and review audits in 2005 and 2006. The Committee therefore **recommended that the Commission require a full audit to be performed on the 2007 Financial Statements as determined in 2006 (CCAMLR-XXV, paragraph 3.3).**

### SECRETARIAT STRATEGIC PLAN

4. The Executive Secretary presented his report (summarised in CCAMLR-XXVI/6). The Committee noted that this report forms a key element in annually assessing the Executive Secretary's performance. The report made specific reference to the Secretariat's Strategic Plan and Secretariat Staff matters. The Executive Secretary advised that key Secretariat activities are executed under the Strategic Plan to address diverse, complex and extensive tasks identified by the Commission and the Scientific Committee.

5. The Committee also noted the various issues highlighted by the report as listed at the end of CCAMLR-XXVI/6. In particular, the following matters were emphasised.

6. The Committee **recommended that a review of the Secretariat's data management and scientific functions should be undertaken by the Executive Secretary in 2008 following the new Science Officer's assumption of duties and a suitable settling-in period (CCAMLR-XXVI/6, paragraphs 10 to 12).**

7. The Committee also noted the Secretariat's heavy, and growing, workload (CCAMLR-XXVI/6, paragraphs 54 to 61, Appendices I and II). In this respect, the Committee indicated to the Commission that as the Secretariat's tasks continue to grow in complexity and extent, there may be a concomitant need to strategically evaluate Secretariat staffing levels and funding with prioritisation of task assignments possibly also being necessary. The matter is to be kept under review, particularly in respect of any need for task prioritisation, and revisited at CCAMLR-XXVII.

8. The Committee endorsed a proposal from the Secretariat that the Compliance Officer would benefit from the *Secretariat Professional Development Program* by visiting various RFMOs (namely NAFO and NEAFC in 2008 (CCAMLR-XXVI/9)). This could be carried out in conjunction with her invited attendance at a Monitoring Control and Surveillance Network Meeting in Norway. The Committee was sceptical that benefits from the Compliance Officer's visits to NAFO and NEAFC could accrue in the context of explicit recognition of differences between CCAMLR and these organisations. Equally, the Compliance Officer would be bound in accordance with the authority designated to the Executive Secretary in terms of international cooperation involving the Secretariat (CCAMLR-XXI, paragraph 3.14 and Annex 4, paragraphs 11 and 12; CCAMLR-XXV, paragraph 3.6).

9. The Committee noted changes to the Australian taxation system, which has resulted in Secretariat Staff, who are Australian citizens or permanent residents, being potentially disadvantaged in respect of national tax conditions as applied to other Australian taxpayers (CCAMLR-XXVI/6, paragraphs 15 to 18). The Committee noted that, in principle, CCAMLR staff should be treated equitably compared to other Australian taxpayers. It noted that the Secretariat has corresponded with the Australian Department of Foreign Affairs and Trade (DFAT) for resolution of the anomaly and recommended that it continues to press for a timely resolution. The Committee also **recommended that the Executive Secretary be given the authority for payment of the mature-age tax offset (CCAMLR-XXVI/6, paragraph 17) and that the negative gearing be paid as an interim measure from now on until clarity is received from DFAT and that this dispensation be subject to a legal opinion. The Committee also recommended that the Executive Secretary reports back to SCAF until the issue is resolved.**

## REVIEW OF 2007 BUDGET

10. The Committee noted the expected outcome of the 2007 budget as presented in CCAMLR-XXVI/4.

11. It received advice from the Secretariat that a New Member contribution was received from the People's Republic of China following it becoming a Commission Member on 2 October 2007.

12. Additional income of A\$40 000 was received from unbudgeted forfeited funds from new and exploratory applications received in 2006 and transferred through the Contingency Fund, along with a surplus of A\$177 225 from 2006.



13. The Committee noted the transfer of A\$20 000 from the Training subitem to the Insurance and Maintenance subitem to cover the additional cost of consultants' support for the C-VMS computer system (CCAMLR-XXVI/4, paragraph 20). The Committee also noted additional expenditure relating to the Equipment subitem to cover the cost of replacing the Secretariat's computer servers in 2007 (CCAMLR-XXVI/4, paragraph 20).

14. The Committee noted savings in the Meeting Facilities, Travel and Communications subitems resulting in an overall forecast surplus of A\$194 237 to be carried forward from 2007 to the 2008 Budget (CCAMLR-XXVI/4, paragraph 18).

15. The Committee recommended that the revised Budget for 2007 be adopted by the Commission.

16. The Committee noted that approximately A\$15 000 to A\$18 000 will be paid into the Asset Replacement Fund from leasing of the Secretariat's premises to outside organisations in 2007 (CCAMLR-XXVI/6, paragraph 31) following the creation of the Fund in 2006 (CCAMLR-XXIV, Annex 4, paragraph 20). It also noted monies from the Fund have been used to enhance the sound system in the Convention Room and that the lighting in the Chapel had been improved. These modifications benefit all Members.

#### INTERPRETING SERVICES FOR SCIC

17. The Committee noted the Commission's 2006 deliberations (CCAMLR-XXV, paragraph 3.11), and the Secretariat's paper (CCAMLR-XXVI/5), on the set-up cost (A\$22 000) for interpreting services for SCIC. This one-off cost is accompanied by a recurrent annual cost in the order of A\$66 000 (CCAMLR-XXVI/4, paragraph 19). On advice from the SCIC Chair, the Committee noted that interpretation for SCIC meetings is a high priority to facilitate SCIC's work. SCAF therefore **recommended that a total of A\$88 000 be included in the 2008 budget for SCIC interpretation.**

#### WIRELESS COMPUTER NETWORK

18. The Committee received advice that the wireless network has been installed and is fully operational (CCAMLR-XXVI/6, paragraph 40). The system provides access to all meeting papers as well as the internet. It noted concerns that there may be some instances of misuse of the facility, in respect of internet access, and supported the application of charges for excessive use in those instances. The Committee also agreed that this was an evolving situation which needed monitoring, with a view to ensuring full access to the system during all CCAMLR meetings.

#### CONTINGENCY FUND

19. The Committee noted that expenditure of A\$25 850 has been incurred from the Contingency Fund to purchase an emergency generator to ensure an uninterrupted power supply to the Secretariat's computer servers (COMM CIRC 07/6). It recognised that this

expenditure was a legitimate use of the Fund and that it complied with the rules defining the use of the Contingency Fund established in 2002 (CCAMLR-XXI, Annex 4, paragraphs 20 and 21) pursuant to Financial Regulation 5.

20. The Committee noted that the Contingency Fund will be reimbursed from the General Fund at the end of the 2007 Financial Year.

## PROFESSIONAL STAFF SALARIES

21. As in past years, no proposals on specific alternative salary structures for Professional Staff were tabled (e.g. CCAMLR-XXIV, paragraph 3.16 and CCAMLR-XXV, Annex 4, paragraph 21). The Committee agreed to keep this item on its agenda and defer further consideration of the matter to its next meeting.

## BUDGET FOR 2008

### Advice from other Committees

22. The Chair of SCIC advised that SCIC had requested funding (A\$50 000) for a Compliance Evaluation Workshop to be held in conjunction with WG-EMM in 2008. It had also considered and brought forward a proposal for funding (A\$100 000) of a Performance Review of CCAMLR for SCAF's consideration. SCAF agreed to include both items in the 2008 draft budget.

23. The Committee received advice from the Chair of the Scientific Committee on the Committee's budget for 2008 and on relevant items in the Commission's budget in respect of the Scientific Committee's work.

24. The Committee noted the importance of the tasks presented in the Scientific Committee's proposed budget. It also received assurances that attempts would be made to source external funds to support the CCAMLR-IWC Workshop. As a point of principle, SCAF agreed that every effort should be made to ensure that the costs of the workshop are shared equally between CCAMLR and the IWC. SCAF endorsed the amount of A\$91 000 for the Workshop, taking into account that this was equivalent to the contribution from the IWC. It was also noted that the total administrative cost attached to holding the workshop at the CCAMLR Secretariat would require an additional A\$32 000 which should be shared equally between CCAMLR and the IWC.

25. The Committee requested the Scientific Committee to endeavour to prioritise its budget requests in the future. In making this request, the Committee emphasised that the expenditure increase proposed for the 2008 budget should not be seen as a precedent for the future.

26. It was noted that overall, the funding requested by the Scientific Committee was covered by provisions made in the draft budget presented (CCAMLR-XXVI/4). SCAF **recommended that the Commission approve the 2008 Scientific Committee budget of A\$386 800.**

27. In proposing the 2008 budget, SCAF noted the Executive Secretary's remarks in respect of a concomitant increase in the Secretariat's workload and again recognised that prioritisation of tasks may be necessary (see paragraph 7 above) in the future. It also noted that timely identification of budget items would serve such prioritisation if necessary, in order to maintain Members' contributions close to the zero real growth principle, as well as facilitate budget planning.

28. While still being attached to the principle of zero real growth, SCAF also noted that it was not possible to limit the growth of the revised 2008 budget. Consequently, Members' contributions could not be held to zero real growth, and the Executive Secretary was directed to explore all opportunities for cost savings during 2008. The Committee noted the overall increase to Members' contributions for 2008 is 11.39% as presented in Appendix II. This takes into account China's full annual contribution for 2008.

#### MULTI-YEAR FUNDING OF SCIENTIFIC COMMITTEE TASKS

29. In presenting its budget for 2008, the Scientific Committee requested that the already deferred funds for the review of the Generalised Yield Model and the *Scientific Observers Manual* be carried forward to 2008 in accordance with the procedures adopted in 2004 for the Science Special Fund (CCAMLR-XXIII, Annex 4, paragraph 26).

#### MEMBERS' CONTRIBUTIONS

30. SCAF highlighted that the CCAMLR Financial Year commences on 1 January. Under Financial Regulation 5.6 contributions are due for payment on that date and shall be paid not later than 60 days after that date. Under the same regulation, the Commission has the authority to permit extension of the due date for a period of up to 90 days for individual Members who are unable to comply with the regulation due to the timing of the financial years of their governments (i.e. until 31 May of the year in which the contribution falls due).

#### Timing of contributions

31. The Committee **recommended that, in accordance with Financial Regulation 5.6 and in accordance with past practice, the Commission grant extensions to 31 May 2008 for Argentina, Belgium, Brazil, China, Japan, South Africa, Spain, Ukraine, USA and Uruguay in respect of the due date for payment of their 2008 budget contributions.**

#### Treatment of late payments

32. Following the Commission's decision in 2006 (CCAMLR-XXV, paragraph 3.22), SCAF discussed various options aimed at providing incentives for Members to pay their contributions by the due dates attached to Financial Regulation 5.6. Such options included distributing a proportion of the previous year's surplus to those Members who paid by the due

date, the imposition of additional interest for late payments and the provision of rebates for payments made by the due date. While the Committee agreed generally that the problem of late payments has to be addressed, a possible solution will have to be discussed next year.

#### FORECAST BUDGET FOR 2009

33. The Committee presented a forecast budget for 2009 to the Commission, noting that a 5.8% increase in Members' contributions was anticipated following the inclusion of an ad hoc technical group meeting and publication of one *CCAMLR Science* special issue.

34. However, SCAF recalled its advice of previous years that the figures are indicative only and that care should be taken when they are used as a basis for financial budgeting by individual Members. The Committee noted the importance of reducing expenditure wherever possible to maintain the budget within its customary target of zero real growth (i.e. within inflationary limits only).

#### CDS FUND

35. The Committee noted that no requests for expenditure in 2008 from the CDS Special Fund had been received from the CDS Fund Review Panel.

#### ANY OTHER BUSINESS

36. The Committee considered the status of Ukraine in relation to Convention Article XIX.6 and the interpretation of the Commission's decision regarding definition of the 'period of default' attached to the timing of an individual Member's contribution (CCAMLR-XVIII, paragraph 3.12). The Committee received information from the Secretariat relating to Ukraine's Member contribution payments for 2005, 2006 and 2007. Views on Ukraine's status in respect of its period of default varied. The Committee agreed it was necessary for the Commission to consider Ukraine's status in respect of its period of default from a legal perspective. One delegation expressed its view that the question of whether Ukraine was in default, was unclear. The Delegation of Ukraine advised that a part-payment of A\$20 000 would be forthcoming in the near future.

#### ELECTION OF CHAIR AND VICE-CHAIR OF SCAF FOR 2008 AND 2009

37. The Committee agreed that India should serve as SCAF Chair from the end of the 2007 meeting until the end of the 2009 meeting.

38. The Committee agreed that New Zealand should continue to serve as SCAF Vice-Chair from the end of the 2007 meeting until the end of the 2008 meeting.

#### ADOPTION OF THE REPORT

39. The report of the meeting was adopted.

#### CLOSE OF MEETING

40. The Chair, Dr H. Pott (Germany), closed the meeting. The Committee thanked Dr Pott for his excellent chairmanship of the meeting for the past five years.

**AGENDA**

Standing Committee on Administration and Finance (SCAF)  
(Hobart, Australia, 22 to 26 October 2007)

1. Organisation of the meeting
2. Examination of audited Financial Statements for 2006
3. Audit requirement for the 2007 Financial Statements
4. Secretariat Strategic Plan
5. Review of 2007 budget
6. Interpreter services for SCIC
7. Wireless computer network
8. Contingency Fund
9. Professional Staff salaries
10. Budget for 2008
  - (i) Scientific Committee budget
  - (ii) Advice from SCIC
11. Multi-year funding of Scientific Committee tasks
12. Members' contributions
  - (i) Timing of Members' contributions
  - (ii) Treatment of late payments
13. Forecast budget for 2009
14. CDS Fund
15. Any other business
16. Election of Chair and Vice-Chair of SCAF for 2008 and 2009
17. Adoption of the report
18. Close of the meeting.

## APPENDIX II

**REVIEW OF 2007 BUDGET, BUDGET FOR 2008 AND FORECAST FOR 2009**

(all amounts in Australian dollars)

Budget for 2007				2008	2009
Adopted in 2006	Revised	Variance		Budget	Forecast
			<b>INCOME</b>		
2 726 700	2 726 700	0	Members' Annual Contributions	3 160 500	3 449 000
0	53 312	(53 312)	New Members' Contributions	0	0
150 000	190 000	(40 000)	From (to) Special Funds	135 000	135 000
86 000	91 000	(5 000)	Interest	96 000	102 000
480 000	480 000	0	Staff Assessment Levy	500 000	520 000
93 300	171 225	(77 925)	Surplus from Prior Year	194 000	0
<u>3 536 000</u>	<u>3 712 237</u>	<u>(176 237)</u>		<u>4 085 500</u>	<u>4 206 000</u>
			<b>EXPENDITURE</b>		
600 500	595 500	5 000	Data Management	643 100	678 000
702 500	722 500	(20 000)	Compliance	779 900	971 000
812 900	812 900	0	Communications	855 500	899 700
304 500	304 500	0	Information Services	323 500	346 000
325 000	352 000	(27 000)	Information Technology	386 300	411 700
790 600	730 600	60 000	Administration	1 097 200	899 600
<u>3 536 000</u>	<u>3 518 000</u>	<u>18 000</u>		<u>4 085 500</u>	<u>4 206 000</u>
			<b>Expenditure allocated by subitem</b>		
2 595 000	2 595 000	0	Salaries and Allowances	2 765 000	3 013 000
163 000	196 000	(33 000)	Equipment	220 000	226 000
97 000	117 000	(20 000)	Insurance and Maintenance	117 000	122 000
39 000	19 000	20 000	Training	19 000	20 000
250 000	225 000	25 000	Meeting Facilities	230 000	235 000
178 000	158 000	20 000	Travel	214 000	306 000
57 000	57 000	0	Printing and Copying	58 000	60 000
83 000	77 000	6 000	Communications	78 000	80 000
74 000	74 000	0	Sundry	384 500	144 000
<u>3 536 000</u>	<u>3 518 000</u>	<u>18 000</u>		<u>4 085 500</u>	<u>4 206 000</u>
Surplus for the year		(194 237)			

**MEMBERS' CONTRIBUTIONS 2008**  
 General Fund Contributions – Payable by 1 March 2008  
 (all amounts in Australian dollars)

Member	Basic	Fishing	Total
Argentina*	122 081	1 000	123 081
Australia	122 081	11 966	134 047
Belgium*	122 081	-	122 081
Brazil*	122 081	-	122 081
Chile	122 081	4 719	126 800
China*	122 081	-	122 081
European Community	122 081	-	122 081
France	122 081	24 623	146 704
Germany	122 081	-	122 081
India	122 081	-	122 081
Italy	122 081	-	122 081
Japan*	122 081	12 505	134 586
Korea, Republic of	122 081	15 083	137 164
Namibia	122 081	-	122 081
New Zealand	122 081	6 696	128 777
Norway	122 081	2 264	124 345
Poland	122 081	2 552	124 633
Russia	122 081	2 630	124 711
South Africa*	122 081	2 120	124 201
Spain*	122 081	3 641	125 722
Sweden	122 081	-	122 081
Ukraine*	122 081	7 072	129 153
UK	122 081	7 657	129 738
USA*	122 081	1 745	123 826
Uruguay*	122 081	2 202	124 283
	3 052 025	108 475	3 160 500

\* Extension of deadline approved by Commission



**REPORT OF THE STANDING COMMITTEE ON  
IMPLEMENTATION AND COMPLIANCE (SCIC)**

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## **REPORT OF THE STANDING COMMITTEE ON IMPLEMENTATION AND COMPLIANCE (SCIC)**

### **I. OPENING OF THE MEETING**

1.1 The meeting of the Standing Committee on Implementation and Compliance (SCIC) was held from 22 to 26 October 2007.

1.2 The Chair of SCIC, Ms V. Carvajal (Chile) opened the meeting and all Members of the Commission participated. China was welcomed as a new Member. No Members invoked a ruling in accordance with Rule 32(b) of the Commission's Rules of Procedure. Therefore, all observers invited by the Commission to participate at CCAMLR-XXVI were invited to participate in the meeting of SCIC as appropriate. SCIC welcomed all observers present at the meeting.

1.3 The Committee urged Members to continue to follow the CCAMLR guidelines for the submission of papers and submit them as far in advance of the deadline as possible.

1.4 The Committee discussed the Provisional Agenda and added the following two new items: 'Advice from the Scientific Committee' and 'Election of Vice-Chair of the Committee'. The Agenda adopted by SCIC and the List of Documents are provided in Appendices I and II respectively.

1.5 The Committee endorsed the view that any recommendations for measures on the placement of observers on board krill vessels should first be submitted via the Scientific Committee for consideration by the Commission.

### **II. REVIEW OF COMPLIANCE AND IMPLEMENTATION-RELATED MEASURES AND POLICIES**

#### **System of Inspection**

2.1 During the 2006/07 intersessional period, a total of 73 inspectors were designated by Australia, Chile, France, New Zealand and the UK. A total of 27 at-sea inspections were reported; 23 conducted by UK-designated CCAMLR inspectors in Subarea 48.3 and four conducted by Australian-designated CCAMLR inspectors in Division 58.4.3b. A report submitted by a UK-designated inspector in respect of the Republic of Korea-flagged vessel *Insung No. 22* noted a violation of Conservation Measure 25-02 as separations of over 5 m were found on the streamer line.

2.2 The UK and Australia encouraged other Members to participate actively in the System of Inspection, to designate inspectors and to conduct inspections in the Convention Area.

2.3 Chile reported on the attempted inspection of the Polish krill vessel *Dalmor II* which, on 7 February 2007, had ended contact with the Chilean-designated CCAMLR inspector

when he informed of his intent to board in order to conduct an inspection in Subarea 48.1 (COMM CIRC 07/74). Full details of correspondence and reports from Chile and Poland were presented to SCIC in CCAMLR-XXVI/BG/39 and SCIC-07/7.

2.4 The European Community advised the Committee that it had contacted the Polish administration to seek explanation, as the incident happened in the high seas, on the basis of its exclusive competences. Following the information provided by the Polish administration, the European Community informed the Committee that the unfortunate event was due to different elements: administrative as well as of practical implementation of the CCAMLR System of Inspection. The European Community mentioned that the inspector's name at the time of the incident was not on the CCAMLR list of designated inspectors. The European Community stated that the *Dalmor II* is a legal vessel and that no infringement has been committed. The European Community in this context, supported the need for strengthening the CCAMLR System of Inspection, sharing and supporting the concepts and elements expressed by Chile in CCAMLR-XXVI/BG/39, in order to avoid any possible repetition of this incident in the future.

2.5 Poland had responded intersessionally by transmitting to the Secretariat, a copy of a letter from the fishing company that stated that the Chilean inspection vessel had not identified that CCAMLR inspectors were on board and that the inspection vessel was not flying the CCAMLR inspection pennant. Poland also stated that it had initiated proceedings in connection with the non-response by the vessel *Dalmor II*.

2.6 Chile advised that following the Polish communication to the Secretariat, a new investigation was launched and had concluded that the inspector had identified himself as a CCAMLR inspector and the vessel was flying the inspection pennant. However, Chile acknowledged that by the time of the attempted inspection it had not yet notified the Commission of its designated inspectors. Chile also noted that under the current System of Inspection there are no compulsory sanctions for cases of non-compliance; it is for the Flag State to consider the incident and apply sanctions. Chile concluded that it remained convinced that the *Dalmor II* incident was a clear breach of the System of Inspection and that the lack of follow-up procedures in respect of failure of vessels to comply with requests for inspection undermines the system's credibility and effectiveness.

2.7 Several Members expressed the opinion that the responsibility for the control of vessels lies with their Flag States and that the European Community does not flag vessels. Therefore, Poland as a Member of CCAMLR should have provided an explanation directly to SCIC.

2.8 The European Community advised SCIC that the European Community law applied in respect of all vessels flagged to any European Community Member State. The European Community has exclusive competences in fisheries-related matters in the high seas and in Community waters on the basis of the European Community treaty.

2.9 Several other Members expressed concern at the incident and believed that this reinforced the need to strengthen and improve the System of Inspection.

2.10 The Committee noted that four vessels flagged to China had refused permission for an Australian-designated CCAMLR inspector to board in order to conduct inspections in Division 58.4.3b in November 2006 and January 2007 (SCIC-07/3).

2.11 China reported that its interpretation of the System of Inspection was that it applied to Members and under ‘appropriate’ circumstances applied to Contracting Parties. China reminded SCIC that it had not been a CCAMLR Member at the time the inspections had been attempted. China reported that it had withdrawn the licences issued to the vessels, which effectively restricted them to remaining in port for the next year at the expense of the owner.

2.12 Some Members disagreed with China’s interpretation of the System of Inspection and raised their concern regarding these incidents and expressed the view that China’s interpretation of the System of Inspection was not an acceptable excuse for failing to comply with it.

2.13 Argentina supported strengthening the System of Inspection so long as amendments were in accordance with the Law of the Sea Convention. Argentina stated, for example, that inspectors are not entitled to board vessels carrying arms, as was reported with respect to an inspection which occurred in the 2006/07 season. Other Members noted that carrying weapons was not inconsistent with the System of Inspection or the UN Convention on the Law of the Sea (UNCLOS). Russia supported the opinion of Argentina.

2.14 The Committee considered proposals submitted by Australia, Chile, European Community, New Zealand and the USA on strengthening the System of Inspection and provided in CCAMLR-XXVI/25, 29 Rev. 1 and BG/39. Further information on the matter is provided in paragraphs 2.59 and 2.60.

#### Reports on compliance with conservation measures

2.15 The Committee noted that, at the time of the meeting, licence notifications in respect of the Republic of Korea-flagged vessels *Kwang Ja Ho*, *Insung No. 22* and *Insung No. 1* and the Russian-flagged vessels *Volna* and *Yantar* had not been submitted.

2.16 Korea consequently submitted licence information for the vessels *Kwang Ja Ho*, *Insung No. 22* and *Insung No. 1* during the meeting.

2.17 The Committee considered summaries of compliance information submitted by Members for 2006/07 and provided in CCAMLR-XXVI/BG/13 Rev. 2.

2.18 The Committee noted with satisfaction that Namibia, South Africa and Spain had inspected or otherwise taken action against IUU-listed vessels which had attempted to access their ports.

2.19 Spain reported that it had implemented a national scheme of port inspection and control, involving several ministerial departments in order to prohibit any vessel included on the IUU vessel lists from entering Spanish ports. Spain noted that these actions were different from port inspections of vessels carrying toothfish in accordance with Conservation Measure 10-03.

2.20 Spain inspected and took action against four vessels included on CCAMLR’s IUU-NCP Vessel List: *Amorinn*, *Perseverance*, *Comet* and *Rex*, as well as *Tritón-1*, which was on the 2007 Provisional NCP-IUU Vessel List. Spain reported that none of the vessels

had toothfish on board, nor intended to carry out landings or transshipments. Access to port was sought in order to carry out maintenance and repairs of both the vessels and of their fishing gear.

2.21 Spain reported that it had taken action in respect of the captain of the *Tritón-1*. Spain also reported that it had apprehended the *Perseverance* and imposed a bond of €300 000 upon it, and had initiated a legal prosecution. Spain also denied port access to the *Rex* and *Comet*. Full details were reported to the Commission in CCAMLR-XXVI/BG/34 and COMM CIRC 07/121. Australia commended Spain for the action it had taken against IUU fishing vessels consistent with its obligations as a Member of the Commission.

2.22 The Secretariat drew the attention of SCIC to summaries of compliance-related information from reports of scientific observers (WG-FSA-07/8). The summaries contained information on the implementation by vessels of measures on the reduction of incidental mortality of seabirds and marine mammals (Conservation Measures 25-02 and 25-03) and environmental protection (Conservation Measure 26-01). The summaries have already been presented for consideration to the Scientific Committee and its working groups in order to evaluate performance of the abovementioned measures (CCAMLR-XXIII, paragraph 6.7). The data collected by scientific observers will provide a basis for the evaluation of compliance with these measures once a compliance evaluation procedure is developed (see paragraphs 2.36 to 2.43).

2.23 The Committee took note of a number of sightings of IUU vessels in the Convention Area as provided in CCAMLR-XXVI/BG/13 Rev. 2. The Committee requested the Secretariat to update the summary by listing any gillnet vessels sighted by South Africa during the 2006/07 season (CCAMLR-XXVI/BG/30).

2.24 In addition, Argentina advised SCIC that the Panamanian-flagged cargo vessel *Rosa* had been sighted in the Convention Area. Furthermore, it stated 'the vessel firstly reported that it was flagged to Myanmar while information later indicated that it was probably flagged to Panama. The vessel subsequently sailed to the Malvinas Islands (Falklands) and later called at Punta Arenas, Chile'. Chile stated that it had inspected the vessel and found it to contain frozen krill that had been transhipped from the Polish-flagged vessel *Dalmor II*. Argentina advised SCIC that, in its opinion, this constituted a clear case of unregulated fishing (see paragraph 3.19).

2.25 The Secretariat was requested to seek more information regarding the vessel. Chile advised that it would provide full reports of all documentation collected during the Punta Arenas inspection to the Secretariat.

2.26 Spain recalled that amendments to Conservation Measure 10-02 in 2006 now required fishing vessel masters to report sightings of vessels in the Convention Area. SCIC was advised that four vessels had been sighted by two vessel masters during the 2006/07 intersessional period but that all reports had been submitted via their Flag States. The other report had been submitted via the Flag State from the scientific observer reports. Most of the vessels reported had also been sighted by a patrol vessel in the corresponding period.

2.27 The Secretariat reported on the implementation and operation of the Centralised Vessel Monitoring System (C-VMS) during the 2006/07 intersessional period. The Secretariat reported that it had released C-VMS data in accordance with Conservation

Measure 10-04, paragraph 20, in support of two surveillance operations conducted by New Zealand in January 2007. No requests for C-VMS data were received by the Secretariat in support of claims made to verify *Dissostichus* catch documents (DCDs) from the Catch Documentation Scheme for *Dissostichus* spp. (CDS) contact officers.

2.28 The Secretariat advised the Committee that, while no operational problems had been experienced, clarification was needed on several items.

2.29 The Secretariat informed the Committee that one Member has requested C-VMS data for its own flagged vessel, and that there was currently no provision in Conservation Measure 10-04 to allow for this. The Committee recommended that the paragraphs of Conservation Measure 10-04 relating to access to C-VMS data be amended to allow Flag States to be able to access their own data from the Secretariat (see paragraphs 2.45 and 2.47).

2.30 The Secretariat also informed the Committee that clarification was needed with respect to the treatment of VMS data voluntarily submitted by Members for their vessels operating outside the Convention Area. The Committee agreed that this type of data should be treated in accordance with the existing rules for secure and confidential VMS data outlined in Conservation Measure 10-04, Annex 10-04/B.

2.31 The Committee also agreed that paragraphs 21, 22 and 23 of Conservation Measure 10-04 are not applicable with regard to the release of these data from outside the Convention Area for surveillance operations, or to any CDS contact officer unless the Flag State has agreed to the release of these data.

2.32 Following a request from the Commission at CCAMLR-XXV, the Secretariat was tasked with conducting a feasibility study on the administrative and resource implications of using C-VMS data to validate positions reported in fine-scale haul-by-haul and observer data (CCAMLR-XXV, paragraph 7.5(iv)). The Secretariat presented its findings of this study (CCAMLR-XXVI/BG/16). The Secretariat reported that the current system was not suitable for this task and proposed an alternative method for validating fine-scale and observer data using a routine which it has developed specifically for this purpose.

2.33 The Committee agreed to recommend to the Commission the use of this method to identify and correct errors in the database, and where necessary use the C-VMS data to approximate positions which cannot otherwise be identified (CCAMLR-XXVI/BG/16).

2.34 The Secretariat also sought the guidance of SCIC as to how to deal with a request from the USA to satisfy the requirements of a new regulation in respect of imports of toothfish to the USA which require that all vessels exporting toothfish to the USA participate in C-VMS reporting to the Secretariat regardless of whether the vessel had fished inside or outside the Convention Area.

2.35 The Committee discussed the possibility of including a field in an E-CDS report which provided an indication of VMS reporting (see paragraph 4.22) in the context of the application of the US requirement. Argentina raised an objection to the application of C-VMS outside the Convention Area.



## Compliance evaluation procedure

2.36 At its meeting in 2006, the Commission approved advice received from SCIC that further examination of key compliance elements and development of evaluation criteria could best be advanced intersessionally by a group of experts nominated by Members and that this group should be convened by the SCIC Vice-Chair, Ms T. Frantz (South Africa) (CCAMLR-XXV, paragraph 7.30; CCAMLR-XXV, Annex 5, paragraph 3.34).

2.37 The group for the Development of a Compliance Evaluation Procedure (DOCEP) was convened and worked intersessionally according to its terms of reference developed by SCIC (CCAMLR-XXV, Annex 5, paragraph 3.35). Participants from Australia, European Community, France, New Zealand, Russia, UK and the USA took part in the work of the group.

2.38 The group's Convener reported the results of intersessional work to the Committee (CCAMLR-XXVI/BG/32). Most of the discussion of the group was focused on the development of quantifiable criteria against which to measure the compliance elements by taking into account the severity of violations and their impact. The group generally agreed that the criteria should be kept simple, but it was critical that the criteria developed should be able to quantify violations in the following impact categories:

- fishery administration
- resource management (target species)
- resource management (dependent and related species)
- resource management (environment).

2.39 Australia prepared and submitted to the group an example of a compliance evaluation methodology based on the risk assessment methodology used by Australia, New Zealand and South Africa. The group did not have sufficient time to thoroughly examine the example or consider any other potential methodology. Australia also presented to SCIC details of the example as contained in CCAMLR-XXVI/BG/32, Appendix C.

2.40 The Committee noted that, although the group had not addressed all of its terms of reference, the work conducted by the group has proved to be invaluable in providing insights into the complexity of developing a compliance evaluation procedure. SCIC also shared the view of the group that the procedures to be developed should facilitate the objectivity of compliance evaluation.

2.41 The Committee considered the group's recommendations and recommended to the Commission that a workshop on the development of a compliance evaluation procedure be convened. The workshop should consider all the intersessional group's terms of reference as identified by the Commission (CCAMLR-XXV, Annex 5, paragraph 3.35). The workshop should also select key compliance elements and consider the methodology prepared by Australia and other potential methodologies so as to evaluate their properties in terms of applicability for straightforward and objective compliance evaluation.

2.42 The Committee further recommended to the Commission that the current group should continue its work in the next intersessional period with a view to prepare for and conduct the above workshop in 2008, preferably in conjunction with WG-EMM. The group and the workshop will be co-convened by Ms Frantz and Ms K. Smith (Australia).

2.43 The Secretariat was requested to prepare an estimation of funds required for holding the workshop in order for the SCIC Chair to convey advice to SCAF (see paragraph 9.1).

#### Proposals for new and revised measures

2.44 A number of new measures and amendments to existing measures were submitted by Members and considered by the Committee:

- amendments to Conservation Measures 10-06 and 10-07 – removal of flagless vessels from the IUU Vessel Lists (Uruguay; CCAMLR-XXVI/10);
- amendments to Conservation Measure 10-06 and 10-07 – formal recognition of IUU Vessel Lists established by other Regional Fishery Management Organisations (RFMOs) (Norway; CCAMLR-XXVI/38);
- orderly development of the krill fishery (Australia; CCAMLR-XXVI/31);
- procedure for the closure of fisheries (New Zealand; CCAMLR-XXVI/35 Rev. 1);
- trade measure to promote compliance (European Community; CCAMLR-XXVI/33);
- proposals to amend the CCAMLR System of Inspection (European Community, New Zealand, USA; CCAMLR-XXVI/25);
- proposal to review and strengthen the System of Inspection (Australia; CCAMLR-XXVI/29 Rev. 1);
- improvement of vessel safety standards (Australia; CCAMLR-XXVI/28).

#### VMS

2.45 The Committee considered two proposals to amend Conservation Measure 10-04. The first proposal by the Secretariat in CCAMLR-XXVI/BG/16 was to amend Conservation Measure 10-04 to clarify that Contracting Parties may request and receive VMS data for their own flag vessels from the Secretariat. In general discussion it was noted that Flag States were required by paragraphs 1 and 5 of Conservation Measure 10-04 to collect these data.

2.46 A further proposal from Australia contained in CCAMLR-XXVI/31 was to amend Conservation Measure 10-04 so that it applied to vessels participating in krill fisheries, but excluded these vessels from the requirement to participate in the C-VMS (see paragraphs 2.49 to 2.54).

2.47 SCIC agreed with both proposals and recommended that the Commission amend Conservation Measure 10-04 in accordance with the revised text provided in CCAMLR-XXVI/BG/47.

## Closure of fisheries

2.48 The Committee considered a proposal by New Zealand for a new conservation measure clarifying the procedures to be followed on the closure of all fisheries (CCAMLR-XXVI/35 Rev. 1). The proposal arose from a request from the Secretariat for guidance from the Commission on the actions required of Flag States and their vessels when CCAMLR fisheries are closed (CCAMLR-XXV/BG/3). SCIC agreed to recommend that the Commission adopt the draft measure (CCAMLR-XXVI/BG/47).

## Krill fisheries

2.49 Australia submitted a proposal for compliance requirements for an orderly development of the krill fishery and urged Members to adopt it (CCAMLR-XXVI/31). Australia was of the opinion that compliance measures were required to ensure that the expanding krill fishery remains consistent with the objective of the Convention. Australia recommended that the following measures should apply to the krill fishery:

- Conservation Measure 10-03 (Port inspections of vessels carrying toothfish) be amended to also apply to the krill fishery;
- Conservation Measure 10-04 (Automated satellite-linked Vessel Monitoring System) be amended to also apply to the krill fishery;
- transshipment operations be overseen by the Flag State, similar to the unloading of catches at port in Conservation Measure 10-03 (Port inspections of vessels carrying toothfish);
- Components of Conservation Measure 21-02 (Exploratory fisheries) be applied to Conservation Measure 21-03 (Notifications of intent to participate in a krill fishery).

2.50 A number of Members thanked Australia for the proposal and expressed support for it, noting that the krill fishery was expanding rapidly and that it was less regulated than other fisheries in the Convention Area. These Members noted that krill was an integral part of the Antarctic marine ecosystem and the last under-exploited fishery in the world and therefore CCAMLR had an obligation to conserve and manage krill stocks.

2.51 Japan thanked Australia for its proposal and also supported orderly development of the krill fishery, but drew SCIC's attention to CCAMLR-XXVI/BG/41 Rev. 1 which reported that krill catches were stable at around 100 000 tonnes which was less than 3% of the precautionary catch limit and less than 20% of the trigger level of Conservation Measure 51-01. Japan stated that, although it supported the requirement for krill vessels to be notified to the Commission in advance, its krill vessel was not unregulated but was regulated by national authorities in addition to CCAMLR regulations and did not see the need for port inspections, the supervision of transshipments or VMS reporting. Japan pointed out that krill vessels were required to submit haul-by-haul data and that these could be used to check fishing information.

2.52 Some Members supported Japan's view.

2.53 The European Community stated that catches of krill and the number of vessels participating in the fishery were low and at this stage, therefore, very stringent measures, such as those adopted for toothfish, are not entirely necessary. However, the European Community considered it not acceptable for an organisation such as CCAMLR to leave fisheries under expansion, such as krill, without any basic regulatory and monitoring measures, such as the use of VMS and the obligation to collect biological data. The European Community also reiterated that the potential market demand for krill could result in a potential explosion of fishing effort. The European Community stated that its own investigations had found that only two CCAMLR Members used specific customs codes to identify krill international trade and suggested that other Members should introduce such codes to improve knowledge of the volume and trade of krill.

2.54 The Committee considered all proposals and agreed with the item relating to the application of VMS reporting to krill vessels (see paragraph 2.46).

#### Safety standards

2.55 Australia submitted a proposal for amending Conservation Measure 10-02 to improve safety standards for vessels licensed to fish in the Convention Area (CCAMLR-XXVI/28). When introducing the proposal, Australia noted that the difficulties in responding to emergencies in Antarctica required vessels to be adequately prepared. The proposal was designed to provide minimum standards for all fishing vessels operating in the CAMLR Convention Area. Members agreed that safety in the Convention Area was an important issue, as reflected in Resolution 23/XXIII. However some Members expressed concern about links with work currently being undertaken in the International Maritime Organization (IMO), and wanted to investigate this link further. SCIC agreed to forward the draft to the Commission for further consideration (CCAMLR-XXVI/BG/48).

2.56 South Africa noted that it would be extremely helpful for port and CDS officials if a list of vessels licensed by Members to fish inside the Convention Area were to be made available on the public-access section of the CCAMLR website.

2.57 The Committee endorsed placing the list of licensed vessels on the public-access section of the CCAMLR website.

#### IUU Vessel Lists

2.58 Norway had submitted a proposal to amend Conservation Measures 10-06 and 10-07 in order for CCAMLR to formally recognise the IUU vessel lists of NAFO, NEAFC and SEAFO (CCAMLR-XXVI/38). Some Members expressed concern that the objectives, purposes, membership and standards of these RFMOs differed from those of CCAMLR. They had reservations about including these IUU lists in CCAMLR's own list. The draft was amended to take account of some Members' serious concerns and SCIC agreed to forward the draft to the Commission for further consideration (CCAMLR-XXVI/BG/48).

## System of Inspection

2.59 Australia had submitted a proposal to review and strengthen the CCAMLR System of Inspection (CCAMLR-XXVI/29 Rev. 1). Members discussed the proposed changes in detail, including its practical implications for inspectors, fishing vessels, Flag States and the designating Member. The draft was amended to take account of some Members' concerns and SCIC agreed to forward the draft to the Commission for further consideration (CCAMLR-XXVI/BG/48).

2.60 The USA, European Community and New Zealand submitted a proposal to clarify that the System of Inspection applies to Members and Contracting Parties. The Committee agreed to recommend to the Commission a change in the text of the System of Inspection to reflect this (CCAMLR-XXVI/25).

## Trade measure

2.61 Following discussions at CCAMLR-XXV (CCAMLR-XXV, Annex 5, paragraph 3.55), the European Community presented a proposal to adopt a trade measure in respect of toothfish (CCAMLR-XXVI/33).

2.62 The European Community noted that vessels included on the IUU Vessel List continued to engage in IUU fishing in the Convention Area and their Flag States generally do not take action against them.

2.63 The European Community further noted that actions against these vessels on the IUU List, including diplomatic demarches to their Flag States or patrol actions, have not been effective enough to discourage them from continuing their IUU activities. It therefore believed that more concrete action was required including trade-related measures against those States. The European Community recommended the procedure to identify situations of possible non-compliance with conservation measures, to engage appropriate consultations with the States concerned, to encourage them to take corrective measures, to cooperate with CCAMLR or join this organisation. If these steps remain unsuccessful, trade-related measures in compliance with international law, in particular the World Trade Organization (WTO), could be taken as a last resort and be lifted where the situation could be corrected by the State concerned.

2.64 Brazil thanked the European Community for its initiative and agreed with the motivation underpinning the document, namely the need to tackle non-compliance. However, Brazil expressed concerns that imposing trade sanctions against both Contracting and non-Contracting Parties could have serious legal implications outside CCAMLR, particularly in respect of compatibility with WTO obligations. Brazil also noted that the concept of trade measures lacked legal precision and pointed out that the meaning of the term 'non-discriminatory' could be interpreted differently outside CCAMLR. Brazil raised the question that an import prohibition could constitute a violation of the General Agreement on Tariffs and Trade (GATT) Articles I, paragraph 1 and XI, paragraph 1.

2.65 Brazil also expressed concern regarding the legal basis for CCAMLR imposing sanctions against non-Contracting Parties. Some Members agreed with this and instead urged more effort in respect of existing measures aimed at addressing non-compliance.

2.66 Whilst supporting the views expressed by Brazil, Argentina made the following statement:

‘At this stage we should reflect on the impact that such measures would have on CCAMLR as a part of the Antarctic Treaty System. The Convention was drafted at a number of diplomatic meetings under terms of reference set out in Antarctic Treaty Consultative Meeting (ATCM) recommendations in the late 1970s. In those terms of reference and accompanying report language the ATCM recognised that “harvesting would not be prohibited, but the regime would exclude catch allocation and other economic regulation of harvesting” (ATCM IX).

In effect, CCAMLR operates as an administrator of the resources with a mandate to keep the ecosystem within limited and reversible changes derived from “rational use” and not as the owner of the resources. The key to CCAMLR’s success resides in not claiming exclusivity in the exploitation of the resources. The experience with most RFMOs is that they divert from the consideration of conservation objectives into the discussion of economical interests. Imposing economic sanctions on either Contracting Parties or non-Contracting Parties will put CCAMLR in the path of becoming just another RFMO, based on the exclusion of non-Contracting Parties and the optimisation of the benefits derived from the fishery. Thus, the deliberations within CCAMLR would start to concentrate on commercial issues, losing then its legitimacy.’

2.67 Australia and the USA pointed out that the measure was not intended to legislate against non-Contracting Parties but rather to address the problem of non-cooperation.

2.68 Whilst Japan supported the measure in principle, it reminded the Committee that CCAMLR already has a CDS, a licensed vessel list and an IUU Vessel List and expressed some doubt as to the value of adopting an additional trade measure in addition to these existing measures.

2.69 Spain recalled Resolution 19/XXI dealing with flags of non-compliance and pointed out that, with the adoption of the CDS, IUU product should not enter the markets of CCAMLR Members in any case.

2.70 Several Members stated that they did not agree that a trade measure conflicted in any way with the principles of the Antarctic Treaty System. The ATCM had recognised in several resolutions adopted that IUU fishing was a serious threat to the conservation of the Antarctic ecosystem and had been supportive of CCAMLR measures to address the problem. Having the provision of a trade measure for use in negotiations with non-compliant States would strengthen CCAMLR’s fight against IUU activity.

2.71 Several Members noted that the idea of trade sanctions was not new and that ICCAT had already adopted such a measure. These Members believed that the proposal was consistent with international law and that CCAMLR could confidently follow the precedents set by ICCAT.

2.72 The draft was amended to take account of some Members’ concerns and SCIC agreed to forward the draft to the Commission for further consideration (CCAMLR-XXVI/BG/48).

### III. IUU FISHING IN THE CONVENTION AREA

#### Current level of IUU fishing

3.1 The Committee reviewed presentations by Australia and South Africa regarding IUU fishing developments in the Convention Area during the past few years.

3.2 Australia's presentation provided a background of IUU activities in Area 58 and Australian actions in response since 2004 and showed that IUU fishing in the Australian Exclusive Economic Zone (EEZ) had not been detected since the commencement of the dedicated patrol program. Australia advised the Committee, however, that the problem had moved, particularly to the high-seas area of BANZARE Bank (Division 58.4.3b). It noted that relatively few vessels were involved but that these were persistent offenders and frequently changed names and flags. Australia reported that the current flags of such vessels include Democratic People's Republic of Korea, Equatorial Guinea, Sierra Leone and Togo. It expressed the view that these countries were in breach of their obligations under UNCLOS. As reported by Australia, the Port States currently being used by the vessels include Indonesia, Kenya, Malaysia, Mozambique and Singapore.

3.3 Australia reiterated the need for a patrol presence in the Convention Area as it provided valuable information on IUU activity within the Convention Area, as well as deterring IUU activity within EEZs. Australia noted that CCAMLR initiatives had made it more difficult for IUU vessels to operate but that more effort was required and urged all Members to make a concerted effort.

3.4 The Committee thanked Australia for its efforts against IUU fishing and urged further effort by all CCAMLR Members.

3.5 South Africa reported on the conversion of many former IUU longliners to gillnet operations as described in papers presented to the meeting (CCAMLR-XXVI/BG/30 and BG/33). A presentation was made that focused on information provided by a former crew member on board the IUU-listed vessel *Black Moon*, since renamed *Ina Maka*, and showed the vessel fishing for, and transshipping significant quantities of, toothfish during 2005.

3.6 South Africa reported that the vessel had called at Durban in December 2006 under the name *Black Moon* and had been denied port access. The vessel called again in August 2007 using the name *Ina Maka* and unloaded shark products. South Africa apprehended the vessel on the basis that it had not reported that it had gillnets on board, confiscated its gear worth US\$43 000 and fined the vessel an additional US\$58 000.

3.7 South Africa also drew the Committee's attention to a number of other IUU vessels which had converted to gillnetters and pointed out that there was a high level of discarded gear, that the vessels transhipped new gear between them and targeted species such as toothfish, grenadiers, squid and crabs. South Africa reported that the owner of many of the vessels was Vidal Armadores and opportunities might be provided in order to launder catches from such IUU vessels via licensed vessels. South Africa urged greater cooperation between CCAMLR and RFMOs in order to combat IUU fishing.

3.8 The Committee thanked South Africa for its excellent presentation.

3.9 France reported on its actions and observations in respect of IUU fishing in Area 58 during the 2006/07 intersessional period as reported in CCAMLR-XXVI/BG/23. France noted a large number of vessels had been sighted and identified outside its EEZ and that most of these were using gillnets. This high level of IUU activity is mostly concentrated in Division 58.4.3. France observed that most vessels were active during the austral summer but moved to other fisheries outside the Convention Area during winter months.

3.10 Despite the elimination of IUU fishing inside the EEZs, France expressed the view that the System of Inspection should be strengthened and that the adoption of trade-related measures would be useful to act efficiently against IUU activity.

3.11 France informed SCIC that it had undertaken diplomatic demarches during the 2006/07 intersessional period to Togo and Equatorial Guinea, with the aim of obtaining permission to board, inspect and detain any of their flag vessels in the Convention Area, including on the high seas.

3.12 France reported that it had received no response from Togo, but that a diplomatic note had been received from the authorities of Equatorial Guinea in September 2007 which authorises France to take action, if required, in order to combat IUU fishing in the Convention Area.

3.13 France strongly encouraged other Members and Contracting Parties to undertake similar diplomatic demarches.

3.14 Several Members noted that they had already sent letters to non-Contracting Parties, especially when their nationals were involved with IUU vessels.

3.15 The European Community reported that it had also undertaken a number of diplomatic demarches to Togo and Equatorial Guinea during the 2006/07 intersessional period, details of which had been circulated to Members (COMM CIRC 06/112 and 07/93). The European Community stressed the importance of the letter received from the Togolese government (FISH/B-2 RC/ig D(2007), 3 August 2007) in which Togolese authorities authorised the boarding and inspection of Togolese-flagged vessels listed in the NCP-IUU List by patrol vessels of CCAMLR Members.

3.16 The Secretariat reported on the estimates of IUU catches of toothfish using the compliance-based methodology in the Convention Area for 2006/07. The estimate of 3 615 tonnes was approved by WG-FSA as reported in SCIC-07/8. The Secretariat also advised SCIC that the previous year's estimation had been revised to 3 420 tonnes to take into consideration new information received after the meeting of CCAMLR-XXV.

#### Procedure for the estimation of IUU catches

3.17 The Secretariat reported on intersessional testing of the two matrices adopted by the Joint Assessment Group (JAG) and SCIC accounting for uncertainties attached to IUU vessel sightings. The Secretariat noted that there was little difference between the IUU catch estimates produced by both matrices. The Secretariat also noted that a high level of patrol coverage in the Convention Area had resulted in less uncertainty concerning the veracity of reported sightings, which in most cases then negated the need for application of the matrices.



The Secretariat therefore concluded that the traditional methodology employed by CCAMLR could continue to be used with application of the matrices only being necessary where uncertainty existed. However, the extent of gillnet fishing was unable to be reflected by the matrices and this will therefore need to be reviewed when more information on catch rates by gillnet vessels can be obtained.

## IUU Vessel Lists

3.18 The Committee reviewed the Provisional List of non-Contracting Party Vessels (CCAMLR-XXVI/7) along with supplementary information (SCIC-07/6). The Committee also reviewed the IUU Vessel Lists adopted in previous years.

3.19 Several Members expressed the view that more evidence of engagement of the cargo vessel *Rosa* in IUU activities in accordance with paragraph 4 of Conservation Measure 10-07 was required. Members also noted that Panama, as probable Flag State of the vessel, had not been notified in accordance with paragraphs 7, 8, 10 and 12 of Conservation Measure 10-07. It was therefore decided to seek further information regarding the *Rosa* incident during the 2007/08 intersessional period and keep Members advised.

3.20 The Committee decided to:

- (i) adopt a Proposed NCP-IUU Vessel List (Appendix III);
- (ii) recommend to the Commission that the former Honduras-flagged vessel *Apache* be removed from the adopted NCP-IUU Vessel List as it had been apprehended by France and converted to a State naval vessel under the new name *Le Malin* and would continue to be used as such (Appendix IV);
- (iii) recommend to the Commission that the Panamanian-flagged vessel *Seed Leaf* be retained on the adopted NCP-IUU Vessel List on the grounds described in paragraph 3.23 (Appendix IV).

3.21 Noting that a number of flagless vessels were included on the adopted IUU Vessel Lists, Uruguay submitted a proposal that flagless vessels which were not involved in fishing activities be removed from the lists (CCAMLR-XXVI/10).

3.22 Australia advised the Committee that two flagless vessels included on the adopted CP-IUU Vessel List (Appendix IV) are currently the property of the Australian Government. Australia asked that these vessels remain on the list until such time as their fate had been decided.

3.23 Correspondence from Panama regarding the ownership of the vessel *Seed Leaf* had been presented to SCIC. The Committee, however, reviewed information from the Lloyds Registry which indicated a link between the former and current operators of the vessel. The Committee therefore agreed to retain *Seed Leaf* on the adopted NCP-IUU Vessel List.

3.24 China noted that four vessels flagged to China were included on the adopted CP-IUU Vessel List and advised SCIC that it had not issued the vessels with toothfish licences and would, therefore, contribute to the decrease in the level of IUU fishing in the Convention

Area. China also advised SCIC that the vessels were being reconfigured and would be redeployed to other fisheries outside the Convention Area in the future. Therefore China proposed that the vessels be removed from the IUU Vessel List. However, some Members did not agree with the proposal. China noted that it would put forward a similar proposal at CCAMLR-XXVII.

3.25 Spain requested that the ownership details for *Perseverance* be amended on the adopted IUU Vessel List.

3.26 The Committee also reviewed the case of the vessel *Volna* which remained on the Provisional CP-IUU Vessel List from 2006 (CCAMLR-XXV, paragraphs 9.16 to 9.53) (Appendix III).

3.27 Russia made the following statement:

‘Under SCIC agenda item 3(iii) concerning the Russian-flagged vessel *Volna*, the Russian Delegation has been instructed to make the following statement.

During the last CCAMLR session, the Russian Federation committed itself to conduct additional investigations and undertake necessary proceedings with regard to the fishing vessel *Volna* owned and operated by Laguna LLC. Complying with the CCAMLR decisions, the Russian fishing authorities, immediately after the CCAMLR meeting, requested that the *Volna* shipowner provide full details of an incident involving this vessel along with written explanations and evidence of actions taken. At the same time a special group was set up by the fishing authorities to further investigate the case.

From November 2006 to January 2007 several meetings were held in the Federal Agency for Fisheries and in the Ministry of Agriculture. Some meetings were chaired by the Deputy Minister for Agriculture, Mr Izmailov. So, the issue was brought up to the highest level of the Russian fishery administration. The owner’s information and explanations were thoroughly analysed and compared with other available information, including the materials distributed by some delegations in the course of the last CCAMLR meeting. The shipowner and managing director were called to Moscow to attend the proceedings. As a result, the shipmaster (captain) and the fish master were dismissed. The crew bonus for the cruise was cut by 50%. The company and its accounts were inspected. Having analysed the case in full detail, the Russian authorities concluded that the incident was a non-deliberate technical infringement.

After the last CCAMLR meeting, in November 2006, the *Volna* was ready to start work in the Convention Area on the basis of a notification which had been confirmed before at both the national and international levels. Under the Russian law there were no legal grounds to impose any special sanctions on this fishing vessel, for instance, to withdraw its fishing licence. Consequently, the vessel’s licence was extended for the 2006/07 fishing season. At the same time, the *Volna* was seriously warned about full compliance with CCAMLR provisions.

During the last season (2006/07), the *Volna* demonstrated full compliance with conservation measures and all national and international requirements. By doing so, and by their full cooperation, the vessel and its operator have proved that the incident

was rather technical than legal. As such, for the Russian fishing authorities the *Volna* file has been closed. Based on this conclusion, the Russian Federation sees no grounds to include the *Volna* on the IUU-Vessel List and resume debates on this subject.'

3.28 Several Members drew the Committee's attention to the fact that Russia had not submitted a licence notification to the Commission for either the *Volna* or *Yantar* for the 2006/07 fishing season, although both vessels had fished in the Convention Area. Russia agreed to provide licence details for the *Volna* and *Yantar*.

3.29 Russia advised that this was a purely technical communication problem rather than a case of the vessels engaging in unlicensed fishing. The problem occurred owing to a new administrative procedure implemented with regard to licensing the abovementioned vessels.

3.30 Several Members also expressed strong concern that Russia had allowed the vessel to fish whilst the matter of the incident in 2006 remained unresolved.

3.31 Russia advised that its fisheries administration responsible for licensing vessels had not received any information from the *Volna*'s owners that could indicate their intention on future activities of the vessel in the Convention Area.

3.32 The Committee decided that any further consideration of the case of the vessel *Volna* should be referred to the Commission.

#### IV. CATCH DOCUMENTATION SCHEME (CDS)

##### Implementation and operation of the CDS

4.1 The Committee reviewed the implementation of the CDS during the 2006/07 intersessional period.

4.2 The Secretariat reported on one notification of undocumented unloading of 575 tonnes of toothfish by the vessel *Bigaro* in Malaysia in January 2007. The European Community reported the results of its ongoing research work that indicated that this quantity has been internationally traded under the incorrect Harmonised System (HS) customs code 030379. The results of this work will be communicated to the Secretariat.

4.3 The Secretariat also advised the Committee that it had received a currently unconfirmed report that the vessel *Chilbo San 33* had unloaded 16 containers of fish in Kenya in October 2007.

4.4 China was requested to clarify the situation in respect of the Hong Kong Special Administrative Region (SAR).

4.5 China informed the Committee that its acceding to the Convention did not mean that the Convention automatically applied to Hong Kong SAR. China advised that Hong Kong SAR could voluntarily implement the CDS, but that Hong Kong SAR had advised that it believed that it was not necessary to do so, as it imported only small quantities of toothfish and that this level was expected to decrease even further in the future.

4.6 New Zealand noted that Hong Kong SAR provides a potential loophole because a large commercial organisation actively involved in toothfish harvesting and processing was headquartered there and urged China to address the problem.

4.7 The European Community reported that in addition to the countries trading in toothfish mentioned in the last section of Table 1 of CCAMLR-XXVI/BG/14 Rev. 1, several other countries had been found to import or export toothfish on the basis of ongoing research work on trade flows under the specific HS codes for toothfish. Details will be forwarded to the Secretariat to implement Annex 10-05/C of Conservation Measure 10-05. The European Community also requested that information be provided on the steps taken for the proposal to implement Annex 10-05/C of Conservation Measure 10-05 in respect of the countries mentioned in Table 1 of CCAMLR-XXVI/BG/14 Rev. 1. It also drew the attention of the Committee to the fact that two countries, Malaysia and Singapore, mentioned in the same table, are known to receive IUU listed vessels in their ports.

4.8 The Committee noted with concern that Singapore continued to implement the CDS only partially in that its only function was to authorise re-export documents upon request from the exporting company.

4.9 The USA, in particular, expressed its disappointment at Singapore's partial implementation of the CDS as, in its view, implementation of the CDS should be in full.

4.10 The Secretariat reported that it had continued to contact non-Contracting Parties on a routine basis regarding cooperation with CCAMLR and will more comprehensively adhere to the requirements of Annex 10-05/C of Conservation Measure 10-05 in order to provide a full report on the matter at CCAMLR-XXVII.

4.11 The European Community requested clarification from the Secretariat with respect to communications it has had with non-Contracting Parties regarding their cooperation with CCAMLR in the implementation of the CDS as required in accordance with Annex 10-05/C.

4.12 The Executive Secretary informed the Committee that due to a misinterpretation of the amendments in Annex 10-05/C it had not provided all the information contained in the annex to non-Contracting Parties.

4.13 The Committee reminded the Secretariat of the conditions of Annex 10-05/C and its obligation to write formally to non-Contracting Parties and include Annex 10-05/C. This will provide non-Contracting Parties with all the relevant information to enable them to consider implementation of the CDS.

4.14 The Executive Secretary informed the Committee that it will proceed in contacting all non-Contracting Parties that it has dealt with in the past, as well as those newly identified non-Contracting Parties mentioned by the European Community. This would be routinely done on an annual basis from now on and a report will be provided to the Committee detailing the outcomes of this correspondence.

4.15 The Secretariat advised the Committee that a report from CCAMLR had been considered at the recent meeting of the Convention on International Trade in Endangered Species (CITES CoP14). CCAMLR's report informed CITES that a number of vessels flagged to CITES Parties, namely Equatorial Guinea and Togo, were currently involved in

IUU fishing in the Convention Area. It also informed CITES that another CITES Party, Singapore, continues to implement the CDS only partially and that Hong Kong SAR and Indonesia had not yet implemented the CDS.

4.16 The CCAMLR report to CITES recommended that CITES reinforce the provisions of Resolution Conf. 12.4 by requesting that CITES Parties involved in the harvest or trade of toothfish voluntarily cooperate with CCAMLR in the implementation of the CDS.

4.17 However, no response to the report of CCAMLR to CITES had yet been received.

#### Electronic Web-based Catch Documentation Scheme for *Dissostichus* spp. (E-CDS)

4.18 The Committee reviewed the ongoing use and development of the E-CDS (CCAMLR-XXVI/BG/15) and noted that virtually all Members are now using the E-CDS format exclusively.

4.19 The Committee noted that a number of modifications and improvements to the E-CDS website had been undertaken during 2007.

4.20 The Committee also noted that the USA had adopted new regulations for the import of toothfish into the USA. The regulations require all toothfish imported into the USA to be accompanied by E-CDS documentation, as well as requiring information to indicate that all toothfish imported into the USA must have been caught by vessels which report VMS data to the Secretariat, regardless of whether the vessels fished inside or outside the Convention Area.

4.21 The USA advised the Committee that it did not necessarily wish to receive full position data for all vessels involved but that it did wish to receive information from the Secretariat as to whether the vessel was reporting VMS to the Secretariat.

4.22 In order not to impose any delays on the trade of toothfish into the USA, the Secretariat had therefore proposed the inclusion of a field on a secure section of the E-CDS website which would provide port and import Parties participating in the CDS with an indication as to whether the vessel was reporting VMS data to the Secretariat. Argentina raised an objection regarding the application of Conservation Measure 10-04 outside the Convention Area.

## V. SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

5.1 A summary of all scientific observation programs undertaken in 2006/07 was presented in SC-CAMLR-XXVI/BG/8.

5.2 The Committee noted that scientific observers appointed under the CCAMLR Scheme of International Scientific Observation were deployed on all vessels in all finfish fisheries in the Convention Area. A total of 56 observation programs were undertaken, including 50 in

toothfish and icefish fisheries (40 longline, 9 finfish trawl and 1 pot gear fishing) and 6 on krill fishing vessels. All programs were undertaken in accordance with the CCAMLR scheme.

5.3 There were no proposals received by SCIC from Members on improvements to the scheme. Further discussion on the scheme's implementation and priorities in scientific observations is provided below (paragraphs 6.15 to 6.17).

## VI. ADVICE FROM THE SCIENTIFIC COMMITTEE

6.1 The Chair of the Scientific Committee, Dr E. Fanta, presented the Scientific Committee's preliminary advice of relevance to SCIC (SC-CAMLR-XXVI, paragraphs 12.1 to 12.30). The SCIC considered this advice and made a number of comments as described below.

### Mitigation measures

6.2 The Committee noted with great satisfaction that Members had achieved 100% implementation of all seabird mortality mitigation measures in 2006/07, except for streamer line design and use, discard of offal and the discard of hooks in offal. As a result, the total extrapolated seabird mortality due to interactions with fishing gear in longline fishing for *Dissostichus* spp. in the Convention Area in 2006/07, with the exception of the French EEZs in Subarea 58.6 and Division 58.5.1, was estimated to be zero.

6.3 The Committee urged Members to remain vigilant and ensure that all mitigation measures were fully implemented at all times.

6.4 The Committee noted with concern the Scientific Committee's advice that some vessels in 2006/07 had not met the requirements for offal discharge and the discarding of hooks, the conducting of bottle tests on line sink rates and the use of net sonde cables. Some vessels had discharged oil, gear debris and inorganic garbage (SC-CAMLR-XXVI, paragraph 5.15).

6.5 The Committee requested the Secretariat to conduct a retrospective analysis of scientific observer data related to the implementation of Conservation Measures 25-02, 25-03 and 26-01 as presented in WG-FSA-07/8 Rev. 1 for the 2006/07 season to identify whether there is consistency in non-compliance events between vessels and seasons. Results of the analysis will be considered by SCIC in 2008.

### Exploratory fisheries

6.6 The Committee agreed that non-compliance with fishery-based research requirements would compromise the Scientific Committee's capability to develop assessments for exploratory fisheries. In particular, it was noted that some vessels operating in exploratory

fisheries in 2006/07 in Divisions 58.4.1 and 58.4.2 and Subarea 88.2 had not achieved full compliance with the fishery-based research requirements for deploying research sets and the tagging program (Conservation Measure 41-01, Annexes 41-01/B and C).

6.7 The Committee decided to continue close scrutiny of all instances of non-compliance with tagging requirements on a vessel-by-vessel basis, e.g. based on information as reported in SC-CAMLR-XXVI, Annex 5, Table 5.

6.8 In addition, SCIC noted that there were large differences between the rates of recapture of tagged toothfish reported by vessels. The Scientific Committee advised that such differences may arise due to factors such as differential survival rates of tagged fish, vessel- or region-specific factors, and variations in tagging rates, tag-detection rates and reporting.

6.9 The Committee agreed that, in addition to the reasons listed by the Scientific Committee, the following potential reasons for the abovementioned problem should be investigated and taken into account:

- deliberate non-reporting by vessels of recaptured tags
- a link between low rates of recapture and low rates of actual tagging on a vessel-by-vessel basis.

6.10 The Committee agreed with the Scientific Committee that vessels should be required to continue tagging *Dissostichus* spp. at the specified rate until they leave the fishery and Members were urged to tag fish during the entire course of fishing, and in proportion to the species and sizes of *Dissostichus* spp. present in the catches. New Zealand observed that the failure to comply with scientific research requirements by many vessels was a serious compliance issue and should be taken into account when access was afforded to vessels to CCAMLR exploratory fisheries.

#### Fishery notifications

6.11 The Committee noted that the Scientific Committee reviewed the notifications for krill fisheries in 2007/08 and drew attention, in particular, to the following points:

- (i) the large number of notifications received from the Cook Islands;
- (ii) for the first time, the total notified catch (684 000 tonnes) was greater than the trigger level in Area 48 (620 000 tonnes);
- (iii) the increasing number of notifications for fishing using new fishing methods (continuous fishing system and pair trawling);
- (iv) the actual reported catches in recent seasons were less than the amounts notified.

6.12 The Committee recalled its work on a number of proposals received from Members on potential improvements to krill fisheries governance and management, and reaffirmed its understanding that mechanisms for orderly development of krill fisheries were urgently required (see paragraphs 2.49 to 2.54).

6.13 The Committee noted that the large difference between the total notified and reported catches was of considerable concern because information submitted by Members in notifications did not necessarily reflect factual expected levels of catches and areas to be fished. It agreed that the situation should be improved and Members be requested to notify as correct information as possible.

6.14 Japan informed SCIC that the Scientific Committee had considered some potential mechanisms for improving correctness of information in krill fishery notifications. One such mechanism could be defining a rule that would temporarily prohibit entry to krill fisheries for Members who have not undertaken notified fisheries, for example, for two consecutive seasons.

#### Scheme of International Scientific Observation

6.15 The Committee noted that the Scientific Committee agreed to establish an ad hoc technical group to address observation priorities, improvements in the reporting of observer data and other aspects of the Scheme of International Scientific Observation. It also noted that scientific observers, technical coordinators and representatives of the fishing industry will be invited to participate in the work of the ad hoc group.

6.16 The Committee noted with concern that the reported percentage of hooks observed in longline fisheries fell below the recommended minimum of 20% on several vessels in 2006/07 (as low as 0%). It agreed with the Scientific Committee that clarification be sought from the Members which designated the international observers for these cruises.

6.17 The Committee noted the Scientific Committee's ongoing work on the elaboration of requirements for the collection of standard scientific observations on krill fishing vessels. Systematic scientific observer coverage of the krill fishery is required across all fishing methods so as to allow the Scientific Committee to develop advice on the fishery, including evaluation of by-catch and the efficacy of mitigation measures.

6.18 The Committee expressed the view that any decision on the application of the System of International Scientific Observation with respect to krill fishing vessels should be considered by the Commission based on advice received from the Scientific Committee.

#### Gillnet fishing in the Convention Area

6.19 The Committee noted that there was no new advice received from the Scientific Committee on matters related to the interim prohibition of deep-sea gillnetting and the extent of shark stocks in the Convention Area.

#### Estimation of levels of IUU catches

6.20 The Committee took note of the Scientific Committee's advice that the method for estimating IUU catches currently used by the Secretariat could be further improved by the



addition of a measure to identify the local density of licensed vessels. Such measures would provide an estimate of the probability of detecting an IUU fishing event, and may indicate areas where such a probability was low.

6.21 The Committee agreed that the Secretariat be requested to consider including a measure of the local density of licensed vessels in its calculations of IUU catches.

## VII. ELECTION OF THE VICE-CHAIR OF THE COMMITTEE

7.1 The current Vice-Chair of the Committee, Ms Frantz, had advised the Committee that she was unable to continue serving her current term as Vice-Chair due to other commitments.

7.2 South Africa nominated Ms K. Dawson-Guynn (USA) as the new Vice-Chair of SCIC and she was unanimously elected for 2008 and 2009. Ms Frantz was thanked for her work as Vice-Chair and Ms Dawson-Guynn was congratulated on her appointment.

## VIII. OTHER BUSINESS

8.1 At its opening session, the Commission had referred the following two additional items to SCIC for its consideration:

- (i) a proposal to undertake a performance review of CCAMLR (CCAMLR-XXVI/32);
- (ii) a proposal for a conservation measure for bottom fishing activities in the Convention Area (CCAMLR-XXVI/26).

### Performance Review

8.2 The Committee considered a paper submitted by the European Community and the USA (CCAMLR-XXVI/32) which proposed that CCAMLR conduct a Performance Review of the organisation in line with the 2006 United Nations General Assembly (UNGA) Resolution 61/105. It was proposed that the review should be undertaken as early as 2008.

8.3 The European Community and the USA urged the Committee to favourably consider the proposal as it would provide an opportunity for CCAMLR to lead by example. It was furthermore noted that, whilst CCAMLR is an effective organisation, a review would help to identify aspects in which CCAMLR could continue to improve its performance.

8.4 Most Members expressed general support for the proposal but some Members noted that CCAMLR is regarded as an extremely effective organisation and therefore questioned the need for such a review to be undertaken as a matter of urgency.

8.5 Several Members raised points on the composition of a Review Panel in the above proposal, particularly in respect of the delegation of functions to the Chairs of the various CCAMLR committees and the lack of a panel member representing the Commission. These

Members also raised the question of non-governmental organisation (NGO) participation and whether it was necessary for CCAMLR to fund their participation. Some Members considered that the make-up of any Review Panel should take geographic factors into consideration and the framework should also consider the needs of new Members.

8.6 Other Members noted that CCAMLR is an important part of the Antarctic Treaty System and has a much broader scope of its objectives than the functions normally attached to an RFMO.

8.7 Argentina recalled that Article V of the Convention states that the primary responsibility for the protection of the Antarctic ecosystem pertains to the Antarctic Treaty Consultative Parties and proposed that the ATCM should play an important role in the Review Panel.

8.8 Norway advised that a similar review undertaken by NEAFC had taken six to seven months and involved a budget of GB£50 000. The costs estimated by the Secretariat to conduct a CCAMLR Performance Review were in the range of A\$90 800–101 600 with \$A100 000 being considered as reasonable.

8.9 The European Community responded to the questions and comments raised by Members. It noted reservations regarding the proposed criteria but pointed out that the criteria were intended to provide a basis for discussion and were open for review. The European Community believed that there was enough time to conduct a review prior to consideration by the Commission at CCAMLR-XXVII and that there was no reason for delay.

8.10 Regarding the involvement of external parties in the Review Panel, the European Community reiterated the need for external reviewers as this was, in its view, an essential factor for the credibility and transparency of the proposed review. The European Community recognised the difficulties associated with including and providing financial support to NGO representatives, but expressed the view that NGOs played an important role and should always be consulted. The European Community therefore believed that the inclusion of NGOs was highly desirable and suggested that NGOs could fund their own participation. However, the European Community believed that CCAMLR could fund the participation costs of the three committee chairs.

8.11 The Committee expressed general support for a Performance Review and agreed that it was an important process for any international forum but that it should proceed in a manner which would take into account special criteria applicable to CCAMLR. Consequently, any review panel would need to be selected with care and consideration.

8.12 Additional discussion on the Performance Review was conducted by Members outside the SCIC meeting and the results of these deliberations will be reported directly to the Commission for further consideration.

#### Bottom fishing

8.13 The Committee considered a proposal by the USA (CCAMLR-XXVI/26) to implement UNGA Resolution 61/105 that contains detailed provisions calling on States, the FAO and RFMOs and arrangements concerning the protection of vulnerable marine

ecosystems (VMEs) from bottom fishing activities that would have significant adverse impacts on such ecosystems. The US Delegation noted that the UNGA resolution provisions encompass a range of elements that are not currently reflected in Conservation Measures 22-04 and 22-05, such as the assessment of whether individual bottom fishing activities would have significant adverse impacts on VMEs, the closure of certain areas to bottom fishing unless conservation measures to prevent significant adverse impacts on VMEs are established, and what actions to take if a VME is encountered in the course of fishing operations.

8.14 The USA stated that it was important to act quickly not only so that the Commission could show leadership on this issue, but because, according to the UNGA resolution, if CCAMLR had not acted by 31 December 2008 to assess and protect VMEs, bottom fishing in the Convention Area would have to stop.

8.15 The Committee generally welcomed the proposal, thanked the USA for tabling it and expressed general support for the UNGA resolution.

8.16 Japan noted that CCAMLR already has strict measures in respect of bottom fishing, particularly for bottom trawling and deep-sea gillnetting, in place and in a way, it had already considered implications for VMEs and that an FAO Expert Consultation is preparing draft guidelines on bottom fishing which would be useful for the discussion of the Commission. Japan pointed out that terms such as VMEs or significant harm should be clearly defined for any conservation measure on VMEs to be smoothly implemented.

8.17 Norway noted the importance of cooperation through the Scientific Committee in order to provide relevant scientific assessments.

8.18 While supporting the US proposal, Argentina reiterated its position regarding UNGA Resolution 61/105, in the sense that none of its recommendations may be interpreted as implying that the provisions of the United Nations Fish Stock Agreement (UNFSA) adopted in New York in 1995, may be deemed to be binding on the States that have not expressly manifested their consent to be bound by that agreement. Argentina once more recalled that it had not ratified it.

8.19 Several Members noted that the proposal would require a significant input from the Scientific Committee and that the identification of VMEs would place an additional burden on the provision of scientific advice.

8.20 Further discussion on the measure for bottom fishing was conducted by Members outside the SCIC meeting and the results of these deliberations will be reported directly to the Commission.

## IX. ADVICE TO SCAF

9.1 The following matters considered by the Committee have financial implications:

- (i) a Performance Review of CCAMLR (A\$100 000)
- (ii) a workshop to develop a compliance evaluation procedure (A\$50 000).

## X. ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

10.1 The report of SCIC was adopted and the meeting was closed. The Chair thanked the Committee and the Secretariat, in particular Dr E. Sabourenkov, for the invaluable help and support he has provided during her term as Chair. The Chair also thanked Ms I. Jamieson and Ms A. Revell (New Zealand) for their work co-convening the task group on conservation measures. The Committee thanked the Chair for her excellent chairmanship of SCIC.

**AGENDA**

Standing Committee on Implementation and Compliance (SCIC)  
(Hobart, Australia 22 to 26 October 2007)

1. Opening of the meeting
  - (i) Adoption of the agenda
  - (ii) Organisation of the meeting
  - (iii) Review of submitted papers, reports and other presentations
2. Review of compliance and implementation-related measures and policies
  - (i) Compliance with conservation measures in force
  - (ii) Compliance evaluation procedure
  - (iii) Proposals for new and revised measures
3. IUU fishing in the Convention Area
  - (i) Current level of IUU fishing
  - (ii) Procedure for estimation of IUU catches
  - (iii) IUU Vessel Lists
4. Catch Documentation Scheme (CDS)
5. Scheme of International Scientific Observation
6. Advice from the Scientific Committee
7. Election of Vice-Chair of the Committee
8. Other business
9. Advice to SCAF
10. Adoption of the report and close of the meeting.

## LIST OF DOCUMENTS

Standing Committee on Implementation and Compliance (SCIC)  
(Hobart, Australia, 22 to 26 October 2007)

SCIC-07/1	Provisional Agenda for the 2007 Meeting of the CCAMLR Standing Committee on Implementation and Compliance (SCIC) (includes List of Documents by agenda item)
SCIC-07/2	List of documents
SCIC-07/3	Correspondence from Australia and People's Republic of China regarding the attempted inspection of the <i>Ocean</i> vessels Secretariat
SCIC-07/4	Summary of exploratory fishery notifications for 2007/08 Secretariat
SCIC-07/5	Catch Documentation Scheme (CDS) annual summary reports 2007 Secretariat
SCIC-07/6	Supplementary information for consideration under Conservation Measures 10-06 and 10-07, IUU Vessel Lists Secretariat
SCIC-07/7	Correspondence from Chile and Poland regarding the attempted inspection of <i>Dalmor II</i> Secretariat
SCIC-07/8	Extracts from the Report of the Working Group on Fish Stock Assessment (total removals of <i>Dissostichus</i> spp. including IUU catches in the Convention Area) Secretariat
SCIC-07/9	New methodology for estimating IUU catches Secretariat
Other Documents	
CCAMLR-XXVI/7	Implementation of Conservation Measures 10-06 and 10-07 Provisional Lists of IUU Vessels, 2007 Secretariat

CCAMLR-XXVI/10	Combined list of IUU vessels (Removal of 'flagless' vessels) Delegation of Uruguay
CCAMLR-XXVI/25	A proposal to amend the CCAMLR System of Inspection Delegations of the European Community, New Zealand and the USA
CCAMLR-XXVI/28	A proposal to amend Conservation Measure 10-02 to improve safety standards for vessels licensed to fish in the CCAMLR Area Delegation of Australia
CCAMLR-XXVI/29 Rev. 1	A proposal to review and strengthen the CCAMLR System of Inspection Delegation of Australia
CCAMLR-XXVI/31	Compliance requirements for an orderly development of the krill fishery Delegation of Australia
CCAMLR-XXVI/32	Proposal for a CCAMLR decision to undertake a performance review of the organisation Delegations of the European Community and the USA
CCAMLR-XXVI/33	Proposal for a conservation measure concerning the adoption of a trade measure to promote compliance Delegation of the European Community
CCAMLR-XXVI/35 Rev. 1	Proposed conservation measure on the closure of CCAMLR fisheries Delegation of New Zealand
CCAMLR-XXVI/38	Illegal, unreported and unregulated (IUU) fishing. Proposal for amending CCAMLR Conservation Measure 10-06 (2006) and CCAMLR Conservation Measure 10-07 (2006) Delegation of Norway
CCAMLR-XXVI/BG/13 Rev. 2	Implementation of the System of Inspection and other CCAMLR enforcement provisions in 2006/07 Secretariat
CCAMLR-XXVI/BG/14 Rev. 1	Implementation and operations of the Catch Documentation Scheme in 2006/07 Secretariat
CCAMLR-XXVI/BG/15	E-CDS trial and software improvements Secretariat

CCAMLR-XXVI/BG/16	Implementation and operation of the Centralised Vessel Monitoring System (C-VMS) in 2006/07 Secretariat
CCAMLR-XXVI/BG/17	Implementation of conservation measures in 2006/07 Secretariat
CCAMLR-XXVI/BG/23	Assessment of IUU fishing in the French waters bordering Kerguelen and Crozet for season 2006/07 (1 July 2006 to 30 June 2007) Reports of sightings of fishing vessels in the Convention Area General information concerning CCAMLR Area 58 Delegation of France (available in French and English)
CCAMLR-XXVI/BG/26	The use of trade-related measures to deter IUU fishing: a step ahead for CCAMLR Submitted by ASOC
CCAMLR-XXVI/BG/30	Incidences of gillnet fishing in the Convention Area reported through the Scheme of International Scientific Observation Delegation of South Africa
CCAMLR-XXVI/BG/32	Convener's report on the work of the intersessional group for the Development of a Compliance Evaluation Procedure (Convener, South Africa)
CCAMLR-XXVI/BG/33	A photographic record of the <i>Black Moon</i> , an IUU vessel fishing with gillnet gear, operating in the Southern Ocean October 2005 to May 2006 Delegation of South Africa
CCAMLR-XXVI/BG/34	Información complementaria sobre actuaciones inspectoras en puertos españoles contra buques ilegales listados por CCRVMA Delegación de España
CCAMLR-XXVI/BG/39	The failed inspection of <i>Dalmor II</i> within Subarea 48.1 of the Convention Area Delegation of Chile
SC-CAMLR-XXVI/BG/8	Summary of scientific observation programs undertaken during the 2006/07 season Secretariat
WG-FSA-07/8 Rev. 1	A summary of scientific observations related to Conservation Measures 25-02 (2005), 25-03 (2003) and 26-01 (2006) Secretariat
WG-FSA-07/10 Rev. 5	Estimation of IUU catches of toothfish inside the Convention Area during the 2006/07 fishing season Secretariat



**PROPOSED LIST OF NON-CONTRACTING PARTY IUU VESSELS 2007  
(CONSERVATION MEASURE 10-07)**

**AND**

**PROVISIONAL LIST OF CONTRACTING PARTY IUU VESSELS 2006  
(CONSERVATION MEASURE 10-06)**

**PROPOSED LIST OF NON-CONTRACTING PARTY IUU VESSELS 2007 (CONSERVATION MEASURE 10-07)**

Current name	Current flag	Lloyds/IMO number	Current call sign	Name at time of incident(s) (if different)	Reported flag at time of incident (if different)	Previous name(s)	Ownership history	Nature of Activity	Date(s) of incident	Year included
<i>Aldabra</i>	Togo	Unknown	5VAA2			Unknown	Cecibell Securities	Denied permission to unload and steamed away	03 Nov 05	2006
								Fishing inside Division 58.4.4b	10 Nov 06	
<i>Toto</i>	Unknown	7020126	V3NJ5		Belize	<i>Sea Ranger V</i>	Sharks Investments AVV (05)	Resupplying in Area 51 outside Convention Area	09 Feb 07	2007
<i>Tritón-1</i>	Sierra Leone	9037537	9LYC09			<i>Kinsho Maru No. 18</i>	Punta Brava Fishing (06)	Fishing inside Division 58.4.1	19 Mar 07	2007

**PROVISIONAL LIST OF CONTRACTING PARTY IUU VESSELS 2006 (CONSERVATION MEASURE 10-06)**

Current name	Current flag	Lloyds/IMO number	Current call sign	Name at time of incident(s) (if different)	Reported flag at time of incident (if different)	Previous name(s)	Ownership history	Nature of Activity	Date(s) of incident	Year included
<i>Volna</i>	Russia	9262833	UEEH			<i>Isabel</i>	LLC Laguna	Fishing inside Subarea 88.2	01 Feb 06	2006

**IUU VESSEL LISTS FOR 2003, 2004, 2005 AND 2006 COMBINED**

## COMBINED IUU VESSEL LISTS ADOPTED IN 2003, 2004, 2005 AND 2006

Contracting Party IUU Vessel List (Conservation Measure 10-06)

Names and flags under which the vessels were originally listed are underlined.

Current name	Current flag	Lloyds/IMO number	Current call sign	Nature of activity	Date(s) of incident	Year listed	Ownership history <sup>1</sup>	Previous name(s)	Previous flag(s)
<i>East Ocean</i> <sup>2</sup>	People's Republic of China*	9230660	BZZW6	Fishing inside Division 58.4.3	22 Apr 04	2004	- Sunhope Investments (01) <b><u>- Profit Peak (Oct 04)</u></b> (Operator: Kando Maritime)	1. <i>Champion</i> <b><u>2. Champion-1</u></b> 3. <i>Kang Yuan</i>	1. Bolivia <b><u>2. Russia</u></b> 3. Georgia
<i>Maya V</i> <sup>3</sup>	Flagless	8882818		Fishing inside Division 58.5.2 Apprehended	23 Jan 04	2004	- Globe Fishers (98) - Campopesca (99) - Rainbow Fisheries (Feb 03)		Uruguay
<i>North Ocean</i> <sup>2</sup>	People's Republic of China*	9230658	BZZW5	Fishing inside Division 58.4.3b	25 Feb 05	2005	- Sunhope Investment (00) - Great Feat Inc. (c/- Sunhope Investment) (Oct 04) <b><u>- China National Fisheries Corporation</u></b>	1. <i>Boston</i> 2. <i>Boston-1</i> <b><u>3. Jian Yuan</u></b>	1. Bolivia 2. Russia <b><u>3. Georgia</u></b>
<i>South Ocean</i> <sup>2</sup>	People's Republic of China	9230646	BZTX9	Inside Division 58.4.3	24 Apr 04	2004	- Sunhope Investment (00) - Koko Fishery (Feb 03) <b><u>- Great Feat Inc., c/- Sunhope Investment (Sep 05)</u></b> China National Fisheries Corporation	1. <i>Austin</i> 2. <i>Austin-1</i> <b><u>3. Koko</u></b>	1. Bolivia 2. Russia <b><u>3. Georgia</u></b>
<i>Viarsa I</i> <sup>3</sup>	Flagless	8001335		Sighted inside Division 58.5.1 Apprehended 58.5.2	7 Aug 03 3 Feb 04	2003	- Viarsa Fishing Co. (Jan 02) - Operator: Navalmar SA	<i>Starlet No. 901</i>	Uruguay
<i>West Ocean</i> <sup>2</sup>	People's Republic of China	9230672	BZTX8	Fishing inside Division 58.4.1	9 Dec 05 21 Feb 06	2006	- Sunhope Investments - Pacific Andes Enterprises - Profit Peak <b><u>- China National Fisheries Corporation</u></b>	1. <i>Darwin</i> 2. <i>Darwin-1</i> 3. <i>Kiev</i>	1. Bolivia 2. Russia 3. Georgia

<sup>1</sup> Ownership history is sourced mainly from Lloyds Registry and only records dating back to 1980 have been listed here. The date in parenthesis is the date on which the ownership was reported to have come into effect. The latest reported owner is underlined. However, this information may not necessarily be current or correct.

<sup>2</sup> China advised that the vessels participated in IUU activity prior to China becoming a Contracting Party and that it was not the Flag State at the time that the vessels were included on the IUU Vessel List.

<sup>3</sup> Currently owned by the Government of Australia.

\* Names and/or flags which have changed since 2006 are marked with \* in the 'current name' and 'current flag' columns.

Non-Contracting Party IUU Vessel List (Conservation Measure 10-07)  
Names and flags under which the vessels were originally listed are underlined.

Current name	Current flag	Lloyds/IMO number	Current call sign	Nature of activity	Date(s) of incident	Year listed	Ownership history <sup>1</sup>	Previous name(s)	Previous flag(s)
<i>Amorín</i>	Togo	7036345	5VAN9	Inside Division 58.4.2	23 Jan 04	2003	- Infitco (1998) - Seric Business SA (unknown) <b>- Sold to undisclosed interests (Jul 03)</b>	1. <i>Noemi</i> 2. <i>Lome</i> 3. <i>Iceberg II</i>	1. Belize 2-3. Togo
<i>Bigaro*</i>	Togo	5428908	5VSO3	Inside Division 58.5.1 Inside Division 58.5.1	1 Dec 02 4 Jun 03	2003	- Jose Lorenzo SL (80) <b>- Vibu Pesquera (Oct 05)</b>	<b>1. <u>Lugalpesca</u></b> 2. <i>Hoking</i> 3. <i>Sargo</i>	<b>1. <u>Uruguay</u></b> 2. Togo 3. Togo
<i>Chilbo San 33</i>	Democratic People's Republic of Korea*	9042001	HMWM5	Undocumented landing, Malaysia	Aug 04	2004	- Fadilur SA (Aug 04) <b>- Global Intercontinental Services (05)</b> (Operator: Vidal Armadores)	1. <i>Carran</i> <b>2. <u>Hammer</u></b>	1. Uruguay <b>2. <u>Togo</u></b>
<i>Comet</i>	Togo	8324139	5VCT0	Fishing inside Division 58.4.3b	10 Dec 05 23 May 06	2006	- Peche Avenir S.A. <b>- Credraf Associates S.A. c/- Jose Manuel Salgueiro, Spain</b>	1. <i>Esperance Anyo</i> 2. <i>Anyo Maru No. 23</i> 3. <i>Aldebaran I</i> 4. <i>Odin</i>	1. France 2. Japan 3. France 4. Cambodia
<i>Duero</i>	Panama	7322926	Unknown	Inside Division 58.5.1	20 Dec 02 3 Feb 04	2004	- C&S Fisheries (Sep 96) <b>- Muner SA (00)</b>	1. <i>Sherpa Uno</i> <b>2. <u>Keta</u></b>	1. Uruguay <b>2. <u>Unknown</u></b>
<i>Ina Maka*</i>	Democratic People's Republic of Korea*	7322897	HO3746	Inside Division 58.5.2	31 Jan 04	2003	<b>- Meteora Development Inc (Feb 04)</b> (Operator: Vidal Armadores)	1. <i>Dorita</i> 2. <i>Magnus</i> 3. <i>Thule</i> <b>4. <u>Eolo</u></b> 5. <i>Red Moon</i> 6. <i>Black Moon</i>	1. Uruguay 2. St Vincent & Grenadines <b>3-4. <u>Equatorial Guinea</u></b> 5. North Korea
<i>Gold Dragon</i>	Equatorial Guinea	6803961	3CM2150	Fishing inside Division 58.4.3	22 Apr 04	2003	<b>- Monteco Shipping (Feb 03),</b> (Operator: Capensis)	1. <i>Mare</i> 2. <i>Notre Dame</i> <b>3. <u>Golden Sun</u></b>	1. Namibia 2. Bolivia <b>3. <u>Equatorial Guinea</u></b>
<i>Perseverance</i>	Equatorial Guinea	6622642	3CM2190	Inside Division 58.4.3b	22 May 06	2006	- Prion Ltd - Mercury Ltd <b>- Mar de Neptuno SA</b>	1. <i>Mila</i>	1. UK

(continued)

Non-Contracting Party IUU Vessel List (Conservation Measure 10-07) (continued)  
Names and flags under which the vessels were originally listed are underlined.

Current name	Current flag	Lloyds/IMO number	Current call sign	Nature of activity	Date(s) of incident	Year listed	Ownership history <sup>1</sup>	Previous name(s)	Previous flag(s)
<i>Red Lion 22</i>	Equatorial Guinea	7930034	3CM2149	Fishing inside Division 58.4.3	22 Apr 04	2003	- Big Star International (Oct 98) - Praslin Corporation (Nov 00) <b><u>- Transglove Investment Inc.(Sep 03)</u></b>	1. <i>Big Star</i> 2. <i>Praslin</i> <b><u>3. Lucky Star</u></b>	1. Honduras 2. Seychelles <b><u>3. Ghana</u></b> 3. Equatorial Guinea
<i>Rex</i>	Togo	6818930	5VRX8	Fishing inside Division 58.4.3b Fishing inside Division 58.4.4a	25 Feb 05 2 Aug 05	2005	- Arcosmar Fisheries (99) - Lopez JMS (01) <b><u>- Premier Business (03)</u></b> (Operator: Jose Manuel Salgueiro)	1. <i>Cisne Azul</i> 2. <i>Viking</i> 3. <i>Inca</i> <b><u>4. Condor</u></b>	1. Belize 2. Seychelles <b><u>3-4. Togo</u></b>
<i>Ross</i>	Togo	7388267	5VRS4	Fishing Division 58.7	Mar-Apr 04	2003	- Lena Enterprises (01) <b><u>- Grupo Ova Perez SL (Aug 03)</u></b>	1. <i>Lena</i> <b><u>2. Alos</u></b>	1. Seychelles <b><u>2. Ghana</u></b>
<i>Seed Leaf</i>	Panama	8913992	3ENS8	Undocumented transshipment	23 Feb 06	2006	- Eastern Reefer AS (Jan 07)	na	na
<i>Taruman</i>	Cambodia	7235733	XUGW9	Fishing inside Subarea 88.1	15 Jun 05	2005	<b><u>- Rulfend Corporation (05)</u></b> (Operator: Rivadulla MD)	1. <i>Sora</i>	1. Panama
<i>Tropic</i>	Equatorial Guinea	6607666	3CM2191	Fishing inside Division 58.4.3b	23 May 06	2006	- Arniston Fish Processors (Pty) Ltd - Pesca Antartida <b><u>- Nalanza S.A., Canary Islands</u></b>	1. <i>Isla Graciosa</i>	1. South Africa
<i>Typhoon-1</i>	Togo	6905408	5VTN6	Fishing inside Division 58.4.2	5 Feb 06	2006	- Southern Shipping Ltd <b><u>- Vitasur Holding Inc., Spain</u></b>	1. <i>Arctic Ranger</i> 2. <i>Rubin</i>	1. UK 2. Seychelles
<i>Ulyses*</i>	Democratic People's Republic of Korea*	8713392	HMWM7	Supporting IUU activities of <i>Thule</i> Fishing inside Division 58.5.1 of the Convention Area	5 Apr 04 19 Jul 07	2004	- Cazenove International SA (03) <b><u>- Canela Shipping, c/- Jose Argibay Perez, Spain</u></b>	1. <i>Piscis</i> <b><u>2. South Boy</u></b> 3. <i>Gale</i>	1. Uruguay <b><u>2. Equatorial Guinea</u></b> 3. North Korea

<sup>1</sup> Ownership history is sourced mainly from Lloyds Registry and only records dating back to 1980 have been listed here. The date in parenthesis is the date on which the ownership was reported to have come into effect. The latest reported owner is underlined. However, this information may not necessarily be current or correct.

\* Names and/or flags which have changed since 2006 are marked with \* in the 'current name' and 'current flag' columns.

**COMBINED IUU VESSEL LISTS ADOPTED FROM 2003 TO 2007**

## COMBINED IUU VESSEL LISTS ADOPTED FROM 2003 TO 2007

Contracting Party IUU Vessel List (Conservation Measure 10-06)

Names and flags under which the vessels were originally listed are underlined

Current name	Current flag	Lloyds/IMO no.	Current call sign	Nature of activity	Date(s) of incident	Year listed	Ownership history <sup>1</sup>	Previous name(s)	Previous flag(s)
<i>East Ocean</i> <sup>2</sup>	People's Republic of China*	9230660	BZZW6	Fishing inside Division 58.4.3	22 Apr 04	2004	- Sunhope Investments (01) <b><u>- Profit Peak (Oct 04)</u></b> (Operator: Kando Maritime)	1. <i>Champion</i> <b><u>2. Champion-1</u></b> 3. <i>Kang Yuan</i>	1. Bolivia <b><u>2. Russia</u></b> 3. Georgia
<i>Maya V</i> <sup>3</sup>	Flagless	8882818		Fishing inside Division 58.5.2 Apprehended	23 Jan 04	2004	- Globe Fishers (98) - Campopesca (99) - Rainbow Fisheries (Feb 03)		Uruguay
<i>North Ocean</i> <sup>2</sup>	People's Republic of China*	9230658	BZZW5	Fishing inside Division 58.4.3b	25 Feb 05	2005	- Sunhope Investment (00) - Great Feat Inc. (c/- Sunhope Investment) (Oct 04) <b><u>- China National Fisheries Corporation</u></b>	1. <i>Boston</i> 2. <i>Boston-1</i> <b><u>3. Jian Yuan</u></b>	1. Bolivia 2. Russia <b><u>3. Georgia</u></b>
<i>South Ocean</i> <sup>2</sup>	People's Republic of China	9230646	BZTX9	Inside Division 58.4.3	24 Apr 04	2004	- Sunhope Investment (00) - Koko Fishery (Feb 03) <b><u>- Great Feat Inc., c/- Sunhope Investment (Sep 05)</u></b> China National Fisheries Corporation	1. <i>Austin</i> 2. <i>Austin-1</i> <b><u>3. Koko</u></b>	1. Bolivia 2. Russia <b><u>3. Georgia</u></b>
<i>Viarsa I</i> <sup>3</sup>	Flagless	8001335		Sighted inside Division 58.5.1 Apprehended 58.5.2	7 Aug 03 3 Feb 04	2003	- Viarsa Fishing Co. (Jan 02) - Operator: Navalmar SA	<i>Starlet No. 901</i>	Uruguay
<i>West Ocean</i> <sup>2</sup>	People's Republic of China	9230672	BZTX8	Fishing inside Division 58.4.1	9 Dec 05 21 Feb 06	2006	- Sunhope Investments - Pacific Andes Enterprises - Profit Peak <b><u>- China National Fisheries Corporation</u></b>	1. <i>Darwin</i> 2. <i>Darwin-1</i> 3. <i>Kiev</i>	1. Bolivia 2. Russia 3. Georgia

<sup>1</sup> Ownership history is sourced mainly from Lloyds Registry and only records dating back to 1980 have been listed here. The date in parenthesis is the date on which the ownership was reported to have come into effect. The latest reported owner is underlined. However, this information may not necessarily be current or correct.

<sup>2</sup> China advised that the vessels participated in IUU activity prior to China becoming a Contracting Party and that it was not the Flag State at the time that the vessels were included on the IUU Vessel List.

<sup>3</sup> Currently owned by the Government of Australia.

\* Names and/or flags which have changed since 2006 are marked with \* in the 'current name' and 'current flag' columns.



Non-Contracting Party IUU Vessel List (Conservation Measure 10-07)

Names and flags under which the vessels were originally listed are underlined

Current name	Current flag	Lloyds/IMO no.	Current call sign	Nature of activity	Date(s) of incident	Year listed	Ownership history <sup>1</sup> (last reported is underlined)	Previous name(s)	Previous flag(s)
<i>Aldabra</i>	Togo	Unknown	5VAA2	Fishing inside Division 58.4.4b	10 Nov 06	2007	- <u>Cecibell Securities</u>	Unknown	Unknown
<i>Amorinn</i>	Togo	7036345	5VAN9	Inside Division 58.4.2	23 Jan 04	2003	- Infitco (1998) - Seric Business SA (unknown) - <u>Sold to undisclosed interests (Jul 03)</u>	1. <i>Noemi</i> 2. <i>Lome</i> 3. <i>Iceberg II</i>	1. Belize 2-3. Togo
<i>Bigaro*</i>	Togo	5428908	5VSO3	Inside Division 58.5.1 Inside Division 58.5.1	1 Dec 02 4 Jun 03	2003	- Jose Lorenzo SL (80) - <u>Vibu Pesquera (Oct 05)</u>	<u>1. Lugalpesca</u> 2. <i>Hoking</i> 3. <i>Sargo</i>	<u>1. Uruguay</u> 2. Togo 3. Togo
<i>Chilbo San 33</i>	Democratic People's Republic of Korea*	9042001	HMWM5	Undocumented landing, Malaysia	Aug 04	2004	- Fadilur SA (Aug 04) - <u>Global Intercontinental Services (05)</u> (Operator: Vidal Armadores)	1. <i>Carran</i> <u>2. Hammer</u>	1. Uruguay <u>2. Togo</u>
<i>Comet</i>	Togo	8324139	5VCT0	Fishing inside Division 58.4.3b	10 Dec 05 23 May 06	2006	- Peche Avenir S.A. - <u>Credraf Associates S.A. c/- Jose Manuel Salgueiro, Spain</u>	1. <i>Esperance Anyo</i> 2. <i>Anyo Maru No. 23</i> 3. <i>Aldebaran I</i> 4. <i>Odin</i>	1. France 2. Japan 3. France 4. Cambodia
<i>Duero</i>	Panama	7322926	Unknown	Inside Division 58.5.1	20 Dec 02 3 Feb 04	2004	- C&S Fisheries (Sep 96) - <u>Muner SA (00)</u>	1. <i>Sherpa Uno</i> <u>2. Keta</u>	1. Uruguay <u>2. Unknown</u>
<i>Gold Dragon</i>	Equatorial Guinea	6803961	3CM2150	Fishing inside Division 58.4.3	22 Apr 04	2003	- <u>Monteco Shipping (Feb 03)</u> , (Operator: Capensis)	1. <i>Mare</i> 2. <i>Notre Dame</i> <u>3. Golden Sun</u>	1. Namibia 2. Bolivia <u>3. Equatorial Guinea</u>
<i>Ina Maka *</i>	Democratic People's Republic of Korea*	7322897	HO3746	Inside Division 58.5.2	31 Jan 04	2003	- <u>Meteora Development Inc (Feb 04)</u> (Operator: Vidal Armadores)	1. <i>Dorita</i> 2. <i>Magnus</i> 3. <i>Thule</i> <u>4. Eolo</u> 5. <i>Red Moon</i> 6. <i>Black Moon</i>	1. Uruguay 2. St Vincent & Grenadines <u>3-4. Equatorial Guinea</u> 5. North Korea
<i>Perseverance</i>	Equatorial Guinea	6622642	3CM2190	Inside Division 58.4.3b	22 May 06	2006	- Prion Ltd - Mercury Ltd - <u>Mar de Neptuno SA</u>	1. <i>Mila</i>	1. UK

<sup>1</sup> Ownership history is sourced mainly from Lloyds Registry and only records dating back to 1980 have been listed here. The date in parenthesis is the date on which the ownership was reported to have come into effect. The latest reported owner is underlined. However, this information may not necessarily be current or correct.

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Non-Contracting Party IUU Vessel List (Conservation Measure 10-07) (continued)  
Names and flags under which the vessels were originally listed are underlined

Current name	Current flag	Lloyds/IMO no.	Current call sign	Nature of activity	Date(s) of incident	Year listed	Ownership history <sup>1</sup> (last reported is underlined)	Previous name(s)	Previous flag(s)
<i>Red Lion 22</i>	Equatorial Guinea	7930034	3CM2149	Fishing inside Division 58.4.3	22 Apr 04	2003	- Big Star International (Oct 98) - Praslin Corporation (Nov 00) <b><u>- Transglove Investment Inc.(Sep 03)</u></b>	1. <i>Big Star</i> 2. <i>Praslin</i> <b><u>3. Lucky Star</u></b>	1. Honduras 2. Seychelles <b><u>3. Ghana</u></b> 3. Equatorial Guinea
<i>Rex</i>	Togo	6818930	5VRX8	Fishing inside Division 58.4.3b Fishing inside Division 58.4.4a	25 Feb 05 2 Aug 05	2005	- Arcosmar Fisheries (99) - Lopez JMS (01) <b><u>- Premier Business (03)</u></b> (Operator: Jose Manuel Salgueiro)	1. <i>Cisne Azul</i> 2. <i>Viking</i> 3. <i>Inca</i> <b><u>4. Condor</u></b>	1. Belize 2. Seychelles <b><u>3-4. Togo</u></b>
<i>Ross</i>	Togo	7388267	5VRS4	Fishing Division 58.7	Mar-Apr 04	2003	- Lena Enterprises (01) <b><u>- Grupo Ova Perez SL (Aug 03)</u></b>	1. <i>Lena</i> <b><u>2. Alos</u></b>	1. Seychelles <b><u>2. Ghana</u></b>
<i>Seed Leaf</i>	Panama	8913992	3ENS8	Undocumented transhipment	23 Feb 06	2006	- Eastern Reefer AS (Jan 07)	n/a	n/a
<i>Taruman</i>	Cambodia	7235733	XUGW9	Fishing inside Subarea 88.1	15 Jun 05	2005	<b><u>- Rulfend Corporation (05)</u></b> (Operator: Rivadulla MD)	1. <i>Sora</i>	1. Panama
<i>Toto</i>	Unknown	7020126	V3NJ5	Re-supplying in Area 51	09 Feb 07	2007	- <b><u>Sharks Investments AVV 05</u></b>	<i>Sea Ranger V</i>	<b><u>Belize</u></b>
<i>Tritón-1</i>	Sierra Leone	9037537	9LYC09	Fishing inside Division 58.4.1	19 Mar 07	2007	- <b><u>Punta Brava Fishing (06)</u></b>	<i>Kinsho Maru No. 18</i>	Japan
<i>Tropic</i>	Equatorial Guinea	6607666	3CM2191	Fishing inside Division 58.4.3b	23 May 06	2006	- Arniston Fish Processors (Pty) Ltd - Pesca Antartida <b><u>- Nalanza S.A., Canary Islands</u></b>	1. <i>Isla Graciosa</i>	1. South Africa
<i>Typhoon-1</i>	Togo	6905408	5VTN6	Fishing inside Division 58.4.2	5 Feb 06	2006	- Southern Shipping Ltd <b><u>- Vitasur Holding Inc., Spain</u></b>	1. <i>Arctic Ranger</i> 2. <i>Rubin</i>	1. UK 2. Seychelles
<i>Ulyses*</i>	Democratic People's Republic of Korea*	8713392	HMWM7	Supporting IUU activities of <i>Thule</i> . Fishing inside Division 58.5.1 of the Convention Area	5 Apr 04 19 Jul 07	2004	- <b><u>Cazenove International SA (03)</u></b> <b><u>- Canela Shipping, c/- Jose Argibay Perez, Spain</u></b>	1. <i>Piscis</i> <b><u>2. South Boy</u></b> 3. <i>Gale</i>	1. Uruguay <b><u>2. Equatorial Guinea</u></b> 3. North Korea

<sup>1</sup> Ownership history is sourced mainly from Lloyds Registry and only records dating back to 1980 have been listed here. The date in parenthesis is the date on which the ownership was reported to have come into effect. The latest reported owner is underlined. However, this information may not necessarily be current or correct.

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**CCAMLR DECISION TO UNDERTAKE A PERFORMANCE REVIEW  
OF THE ORGANISATION**

## **CCAMLR DECISION TO UNDERTAKE A PERFORMANCE REVIEW OF THE ORGANISATION**

The Commission for the Conservation of the Antarctic Living Marine Resources (CCAMLR),

Recalling Article II of the CAMLR Convention which states that the objective of the Convention is the conservation of the Antarctic marine living resources and that, for the purpose of the Convention, the term 'conservation' includes rational use,

Also recalling Article V of the CAMLR Convention, which highlights the special obligations and responsibilities of Antarctic Treaty Consultative Parties for the protection and preservation of the environment of the Antarctic Treaty Area,

Further recalling that any harvesting and associated activities in the CAMLR Convention Area are to be conducted in accordance with the provisions of the Convention and with principles of conservation as set forth in the Convention,

Noting the discussions held at the CCAMLR Symposium in Valdivia, Chile, from 5 to 8 April 2005,

Considering the recent calls of the international community to organisations with management and conservation responsibilities with respect to fisheries and marine living resources to strengthen their efforts to attain their objectives and to implement adequate approaches to fisheries management,

Further considering the 2006 UN General Assembly Resolution 61/105 calling for Regional Fisheries Management Organisations and arrangements with management and conservation responsibilities on fisheries and marine living resources, to undertake urgently a Performance Review,

Deciding that it would be appropriate to undertake for itself such a Performance Review,

decides, in accordance with Article IX, paragraph 1:

1. That a Performance Review of CCAMLR shall be conducted during the 2007/08 intersessional period and a final report shall be submitted to the Contracting Parties at the 2008 annual meeting.
2. The Review shall be carried out on the basis of the attached list of criteria.

The Review Panel may consider adding criteria, if needed. The Panel may take into consideration the discussions held at the Valdivia Symposium referred to above.

3. The Review Panel will be composed of nine persons, as follows:
  - (i) four internationally recognised persons who have experience in the CCAMLR context and a thorough understanding of the CAMLR Convention, and who shall reflect the composition of the Members of CCAMLR;

- (ii) the Chair of the Committee for Environmental Protection (CEP);
- (iii) an expert from a CCAMLR non-governmental organisation (NGO) observer;
- (iv) three external experts, among whom there is experience in relevant areas of science, fisheries management and legal matters (including compliance and enforcement issues).

The Review Panel shall be appointed by the Commission.

The external experts shall be internationally recognised in their field, but shall have no involvement or direct experience with CCAMLR.

The Panel members shall be independent and participate in their personal capacity.

The Review Panel Chair shall be a Panel member selected by the Panel.

4. CCAMLR Members may provide in writing two names, each accompanied by a one-paragraph curriculum vitae (CV), for each category ((i) internal members, (ii) external expert in science, (iii) external expert in fisheries management, (iv) external expert in legal matters related to international law) to the Chair of the Commission, through the Secretariat, by 31 December 2007.

The Chair of the Commission shall provide to Members, by 15 January 2008, four lists, containing the names proposed by the Members for the appointment of:

- (i) the four persons who have experience in the CCAMLR context; and
- (ii) the three external experts to the Review Panel.

The Members shall immediately acknowledge receipt of the communication. Members may respond in writing to the Chair of the Commission within 30 days indicating preferences for two persons from each list.

The Chair of the Commission, at the end of the 30-day period shall, through the Secretariat, inform Members of the names of the persons for whom preference has been expressed through the selection process described above.

Once these persons have been identified, the Secretariat shall write to each person selected by the Members for appointment to the Review Panel, indicating CCAMLR's desire to appoint him or her and seeking their positive response.

5. The NGO expert will be recommended to the Commission by the NGOs accredited as official observers to CCAMLR by 31 December 2007. The name of the NGO expert selected will be communicated to the Chair of the Commission through the Secretariat.

The Chair of the Commission will provide the name of the NGO expert to the Members of the Commission together with the four lists of candidates mentioned above.

6. The Review Panel will meet at the CCAMLR Headquarters during May/June 2008.

7. The CCAMLR Secretariat shall provide logistical support and information to the Review Panel and shall not form part of this Panel.
8. The Review Panel shall decide by consensus. In the event consensus cannot be reached, individual members of the Panel may include their views in the Panel's report.
9. Travel and accommodation costs for the participants in the Review Panel meeting shall be borne by the CCAMLR budget, except for the NGO representative.
10. The report and the conclusions (including recommendations) of the Performance Review shall be communicated by the Panel Chair to CCAMLR Members, the Chair of the Commission and the Executive Secretary 45 days in advance of the 2008 annual meeting at which they will be considered firstly by SCIC, SCAF and the Scientific Committee and then by the Commission for discussion and action, if needed.

SCIC, SCAF and the Scientific Committee shall report to the Commission the results of their discussions on this issue.

The Report and the conclusions shall also be distributed to Contracting Parties and observers at the 2008 annual meeting, and shall be placed on the CCAMLR website.

11. Following the first review, subsequent reviews may be conducted if deemed appropriate by the Commission.

## Criteria for Reviewing the Performance of CCAMLR

Area	General criteria	Detailed criteria
1. <i>Role of CCAMLR within the Antarctic Treaty System</i>	Relationship with the Antarctic Treaty System	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR effectively implements its obligations under Articles III and V of the Convention.</li> </ul>
	Environmental protection	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR has effectively observed measures, resolutions and decisions of the Antarctic Treaty Consultative meetings related to the protection of Antarctic marine living resources.</li> </ul>
	Conservation	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR has taken into account the effects of harvesting, research, conservation and associated activities on the marine ecosystem, the known or potential effects of environmental changes in its management of Antarctic marine living resources, and the risks and effects of the introduction of alien species.</li> </ul>
	Protected areas	<ul style="list-style-type: none"> <li>• Effectiveness of CCAMLR's relationship with the ATCM in considering proposals for ASPAs and ASMAs with marine components and providing advice to the ATCM.</li> <li>• What management and administrative tools are available to build up a system of protected areas.</li> <li>• Extent to which CCAMLR has made progress to respond to the WSSD target to establish a representative network of marine protected areas by 2012.</li> </ul>
	Marine pollution	<ul style="list-style-type: none"> <li>• Effectiveness of CCAMLR to implement measures to provide for protection of the Southern Ocean and Antarctic environment from the impacts of vessels engaged in harvesting, research, conservation and associated activities, including measures relating to marine pollution and vessel safety.</li> </ul>
2. <i>Conservation and management</i>	Status of living marine resources	<ul style="list-style-type: none"> <li>• Status of Antarctic marine living resources under the purview of CCAMLR.</li> <li>• Trends in the status of those resources.</li> <li>• Status of species that belong to the same ecosystems as, or are associated with or dependent upon, targeted Antarctic marine living resources.</li> <li>• Trends in the status of those species.</li> </ul>
	Ecosystem approach	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR decisions take account of and incorporate an ecosystem approach to management.</li> </ul>
	Data collection and sharing	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR has agreed formats, specifications and timeframes for data submissions.</li> <li>• Extent to which CCAMLR Members and Contracting Parties, individually or through CCAMLR, collect and share complete and accurate data concerning Antarctic marine living resources and other relevant data in a timely manner.</li> <li>• Extent to which fishing and research data and fishing vessel and research vessel data are gathered by CCAMLR and shared among Members.</li> <li>• Extent to which CCAMLR is addressing any gaps in the collection and sharing of data as required.</li> </ul>

Area	General criteria	Detailed criteria
2. <i>Conservation and management</i> (continued)	Quality and provision of scientific advice	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR receives and acts on the basis of the best scientific advice relevant to the Antarctic marine living resources under its purview, as well as to the effects of harvesting, research, conservation and associated activities, on the marine ecosystem.</li> </ul>
	Adoption of conservation and management measures	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR has adopted conservation and management measures for Antarctic marine living resources that ensure the conservation, including rational use, of those resources and are based on the best scientific evidence available.</li> <li>• Extent to which CCAMLR has applied a precautionary approach as set forth in the Code of Conduct for Responsible Fisheries Article 7.5, including the application of precautionary reference points.</li> <li>• Extent to which CCAMLR is applying uniform principles and procedures to all species in the Antarctic ecosystem.</li> <li>• Extent to which CCAMLR has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries.</li> <li>• Extent to which CCAMLR has taken due account of the need to conserve marine biological diversity and minimise harmful impacts of harvesting, research, conservation and associated activities on marine living resources and marine ecosystems.</li> <li>• Extent to which CCAMLR has adopted measures to minimise pollution, waste, discards, catch by lost or abandoned gear, catch of non-target Antarctic marine living resources, and impacts on associated or dependent species through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.</li> </ul>
	Capacity management	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR has identified fishing capacity levels commensurate with the conservation, including rational use, of Antarctic marine living resources.</li> <li>• Extent to which CCAMLR has taken actions to prevent or eliminate excess fishing capacity and effort.</li> <li>• Extent to which CCAMLR monitors the levels of fishing effort, including taking into account annual notifications for participation by Contracting Parties.</li> </ul>
3. <i>Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR Members are fulfilling their duties as Flag States under the treaty establishing CCAMLR, pursuant to measures adopted by CCAMLR, and under other international instruments, including, <i>inter alia</i>, the 1982 Law of the Sea Convention and the 1993 FAO Compliance Agreement, as applicable.</li> </ul>
	Port State measures	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR has adopted measures relating to the exercise of the rights and duties of its Members and Contracting Parties as Port States, as reflected in the Code of Conduct for Responsible Fisheries Article 8.3.</li> <li>• Extent to which these measures are effectively implemented.</li> </ul>
	Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR has adopted integrated MCS measures (e.g. required use of VMS, observers, catch documentation and trade tracking schemes, restrictions on transshipment, boarding and inspection schemes).</li> <li>• Extent to which these measures are effectively implemented.</li> </ul>



Area	General criteria	Detailed criteria
3. <i>Compliance and enforcement</i> (continued)	Follow-up on infringements	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR, its Members and Contracting Parties follow up on infringements to management measures.</li> </ul>
	Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g. compliance committees, vessel lists, sharing of information about non-compliance).</li> <li>• Extent to which these mechanisms are being effectively utilised.</li> </ul>
	Market-related measures	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR has adopted measures relating to the exercise of the rights and duties of its Members and Contracting Parties as Market States for Antarctic marine living resources.</li> </ul>
4. <i>Decision-making and dispute settlement</i>	Decision-making	<ul style="list-style-type: none"> <li>• Efficiency of Commission meetings and working groups in addressing critical issues in a timely and effective manner.</li> <li>• Extent to which CCAMLR has transparent and consistent decision-making procedures that facilitate the adoption of conservation measures in a timely and effective manner.</li> <li>• Existence of an informal mechanism of cooperation between Members based on reciprocities.</li> </ul>
	Dispute settlement	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR has established adequate mechanisms for resolving disputes.</li> </ul>
5. <i>International cooperation</i>	Transparency	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR is operating in a transparent manner, taking into account the Code of Conduct for Responsible Fisheries Article 7.1.9.</li> <li>• Extent to which CCAMLR decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.</li> </ul>
	Relationship to non-Contracting Parties cooperating with various CCAMLR measures	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR facilitates cooperation between Members and non-Members, including through encouraging non-Contracting Parties to become Contracting Parties and Members of the Commission or to implement voluntarily CCAMLR conservation measures.</li> </ul>
	Relationship to non-cooperating non-Contracting Parties	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR provides for action in accordance with international law against non-Contracting Parties undermining the objective of the Convention, as well as measures to deter such activities, as well as encouraging them to become Contracting Parties and Members of the Commission or to implement voluntarily CCAMLR conservation measures.</li> </ul>
	Cooperation with other international organisations	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR cooperates with other international organisations.</li> </ul>
	Special requirements of Developing States	<ul style="list-style-type: none"> <li>• Extent to which CCAMLR recognises the special needs of Developing States and pursues forms of cooperation with Developing States, taking into account the Code of Conduct for Responsible Fisheries Article 5.</li> <li>• Extent to which CCAMLR Members, individually or through the Commission, provide relevant assistance to Developing States.</li> </ul>
6. <i>Financial and administrative issues</i>	Availability of resources for activities	<ul style="list-style-type: none"> <li>• Extent to which financial and other resources are made available to achieve the aims of CCAMLR and to implement CCAMLR's decisions.</li> </ul>

Area	General criteria	Detailed criteria
6. <i>Financial and administrative issue</i> (continued)	Efficiency and cost-effectiveness	<ul style="list-style-type: none"> <li>• Extent to which CCAML R is efficiently and effectively managing its human and financial resources, including those of the Secretariat.</li> <li>• Extent to which the schedule and organisation of the meetings could be improved.</li> </ul>