

**CCAMLR-XX**

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

**REPORT OF THE TWENTIETH MEETING  
OF THE COMMISSION**

**HOBART, AUSTRALIA  
22 OCTOBER – 2 NOVEMBER 2001**

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Chair of the Commission  
November 2001

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### **Abstract**

This document is the adopted record of the Twentieth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 22 October to 2 November 2001. 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 Observation and Inspection are appended.

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**REPORT OF THE TWENTIETH MEETING OF THE COMMISSION**  
(Hobart, Australia, 22 October to 2 November 2001)

**OPENING OF THE MEETING**

1.1 The Twentieth 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 2001, chaired by Dr N. Sasanelli (Italy).

1.2 All 24 Members of the Commission were represented: Argentina, Australia, Belgium, Brazil, 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, Finland, Greece, Netherlands, Peru and Vanuatu, were invited to attend the meeting as observers. The Netherlands attended.

1.4 The Antarctic and Southern Ocean Coalition (ASOC), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Commission on the South Pacific (CPPS), the Committee for Environmental Protection (CEP), the Food and Agriculture Organisation 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 Scientific Committee on Oceanic Research (SCOR) the South Pacific Community (SPC) and the United Nations Environment Programme (UNEP) were invited to attend the meeting as observers. ASOC, CCSBT, CEP, FAO, IUCN, IWC and SCAR attended.

1.5 Belize, People's Republic of China, Mauritius, Panama and Seychelles, who were known to have an interest in fishing for, or trade in, *Dissostichus* spp., were also invited to attend as observers in accordance with CCAMLR-XVIII, paragraphs 16.2 and 16.5. The People's Republic of China, Mauritius and Seychelles were represented.

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 Members and introduced His Excellency the Honourable Sir Guy Green, AC, KBE, Governor of Tasmania.

1.8 His Excellency extended a welcome to all delegates to Tasmania. In his address he outlined the State Government's publication of a new Tasmanian Antarctic, sub-Antarctic and Southern Ocean policy framework, which is a significant development relevant to CCAMLR.

1.9 He acknowledged the success of CCAMLR's dynamic approach, particularly in respect of the Catch Documentation Scheme for *Dissostichus* spp. (CDS), which had to overcome considerable difficulties during its implementation. He paid tribute to the skill and

commitment of all those involved and commended the extensive and growing cooperation between various Member and non-Member States, including in particular, the People's Republic of China, Mauritius and Singapore.

1.10 His Excellency noted that the continuing relevance and standing of CCAMLR is demonstrated by the fact that its membership continues to grow with the Republic of Namibia becoming a Member and by the presence at this year's meeting of a delegation from the People's Republic of China.

1.11 His Excellency felt that an important challenge for CCAMLR is to ensure that it is adequately resourced and was pleased to see that special funding had been generated as a result of the operation of the CDS and the control of illegal fishing; a trend he hoped would continue.

1.12 In concluding his address, His Excellency said he looked forward to taking part in the celebrations to mark the Twentieth Meeting of CCAMLR and wished the delegates a productive meeting and enjoyable stay in Tasmania.

## ORGANISATION OF THE MEETING

### Adoption of the Agenda

2.1 The Provisional Agenda (CCAMLR-XX/1) had been distributed prior to the meeting. Following a proposal by Japan, the Commission added a subitem to its agenda: 'Announcement by Japan of an International Conference/Workshop on Conservation and Sustainable Use of Marine Living Resources in the Antarctic, organised by the Government of Japan, in 2002 or 2003' (Subitem 18(ii)). With this addition, the Commission adopted its agenda as attached to this report in Annex 3.

2.2 The Chair referred Agenda Items 3 and 15 to the Standing Committee on Administration and Finance (SCAF), and Agenda Items 5 and 8 to the Standing Committee on Observation and Inspection (SCOI).

### Report of the Chair

2.3 The Chair reported on intersessional activities. He informed the meeting that Namibia had become a full Member of the Commission on 5 February 2001 and Vanuatu had acceded to the Convention on 20 June 2001. There are now 31 Contracting Parties of CCAMLR, of which 24 are Members of the Commission.

2.4 There had been six CCAMLR meetings held during the intersessional period (paragraph 4.2).

2.5 For the 2000/01 season, 56 inspectors from six Member countries had been designated under the CCAMLR System of Inspection. Eight reports were received from CCAMLR-designated inspectors, all from the UK. Under the CCAMLR Scheme of International



Scientific Observation, as was the case last year, international scientific observers were on board all vessels fishing for toothfish. A number of observers were also deployed on vessels fishing for other finfish.

2.6 During the 2000/01 season, 14 CCAMLR Members had actively participated in nine fisheries in the Convention Area. Vessels fishing in fisheries managed under conservation measures in force in 2000/01 had reported a total of 95 919 tonnes of krill, 6 771 tonnes of toothfish, 2 365 tonnes of icefish and 2 tonnes of squid; other species were taken as by-catch.

2.7 The CDS had been in operation for over 16 months and now included the participation of four non-Contracting Parties to CCAMLR: the People's Republic of China, Mauritius, Seychelles and Singapore. Over 7 800 export and re-export catch documents had been received and processed by the Secretariat.

2.8 During the year, the Commission and the Scientific Committee had been represented by observers at a number of international meetings (sections 11 and 12; SC-CAMLR-XX, section 11).

#### Statement by Namibia

2.9 On behalf of the Commission, the Chair welcomed Namibia to the meeting as a full Member of the Commission. Mr P. Schivuté, as the Representative of Namibia, addressed the meeting.

2.10 Mr Schivuté stated that it was a great honour to represent his country at CCAMLR-XX; the first time Namibia had attended since becoming a full Member. Namibia's accession had further consolidated its unwavering commitment to the management and conservation of marine living resources, including those found in the Antarctic within the CCAMLR Convention Area. He was pleased to advise that the Namibian Government had now enacted new fisheries legislation which gave Namibia a legal framework to control its vessels outside the EEZ.

2.11 On behalf of Namibia, Mr Schivuté expressed gratitude and appreciation to those Member States who had assisted Namibia with training in completion of catch documentation forms. Specifically, the Australian Fisheries Management Authority had provided two experts who had conducted a training course for 16 officials.

2.12 Mr Schivuté advised that Namibia had fully cooperated with CCAMLR since it began attending Commission meetings. During the last three years, Namibia had provided the Secretariat with data on toothfish which had been landed in its ports. In addition, its fisheries inspectors were in constant contact with the Secretariat for advice. For example, through the assistance of the Secretariat and other Contracting Parties, Namibia had succeeded in turning away two foreign-flagged vessels which had attempted to land toothfish at its ports in violation of CCAMLR requirements.

2.13 In conclusion, Mr Schivuté emphasised Namibia's unwavering commitment to the conservation of Antarctic marine living resources, including *Dissostichus* spp., and assured the Commission of its full cooperation and support of all measures to attain the Commission's aims and objectives.

## FINANCE AND ADMINISTRATION

3.1 The Chair of SCAF, Mrs C.-P. Martí (Spain), presented the report of the Committee (Annex 4), outlined the results of its discussions and noted the recommendations for decision by the Commission.

### Examination of Audited Financial Statements for 2000 and 2001

3.2 Noting that a review audit had been carried out on the 2000 Financial Statements and that an unqualified report had been provided by the auditor, the Commission accepted the audited Financial Statements for 2000.

3.3 The Commission agreed that, as the new Executive Secretary would be taking up his position in February 2002, a full audit would be required for the 2001 Financial Statements.

### Member Contributions

3.4 The Commission noted the advice of SCAF that two Member contributions were currently still outstanding and that one Member was in default under Article XIX.6 of the Convention.

3.5 In view of the fact that nine Members had not paid their contributions in 2001 by the date payable, the Commission urged Members to respect the deadlines set out in Financial Regulation 5.6. It noted that SCAF had received suggestions as to how those Members who cannot currently pay on time could achieve this in the future. These suggestions included the possibility of paying twice in one budget year. The Commission also noted that a proposal of applying interest to overdue contributions had been discussed by SCAF but that, after much debate, no agreement had been reached as to mandatory application.

### Review of Budget for 2001

3.6 The Commission noted the significant increase in Professional Staff salary costs resulting from large exchange rate fluctuations. Although compensatory savings in other expenditure had been made, it was nevertheless necessary to record Namibia's New Member Contribution in the current year.

3.7 In view of this unexpected increase in budget expenditure, the Commission endorsed the recording of Namibia's New Member contribution as income in 2001. It was therefore necessary to revise the Commission's 2001 budget as originally presented. The revised 2001 budget as presented in Annex 4, Appendix II, was then adopted.

3.8 The Commission also noted the concern expressed with the budgetary uncertainty caused by the fact that the salary costs of the four members of Professional Staff, which equated to 36% of the Commission's total budget, were subject to variations caused by fluctuations in the US\$/A\$ exchange rates, and the intricacies of the UN pay system, which

would not necessarily reflect the cost-of-living changes in Australia. Although the UN is itself reviewing its pay system, it was agreed that an independent review would be carried out and reported to the next meeting. The report would include the results of the UN review of its salary system, to the extent that these results were relevant to CCAMLR.

3.9 The Commission noted the suggestion of the SCAF Chair that funding for this review could come from the budget transfer allocated to the Contingency Fund. The UK suggested that Members themselves would have adequate experts for carrying out this review without having to pay for a consultant, including Australia as the depositary.

3.10 The Commission agreed on directions for the review, including goals, specific tasks and required outcomes. These are presented in Annex 6.

#### Budget for 2002

3.11 The Commission noted the advice of SCAF that the Secretariat will investigate education grant policies in other intergovernmental organisations of similar size and report to next year's meeting for further consideration by SCAF.

3.12 The recommendation of SCAF that all Commission circulars be placed on the CCAMLR website only and that their appearance there be notified to Members by email was endorsed.

3.13 The Commission noted that some delegates were experiencing administrative difficulty in receiving passwords to access appropriate pages of the CCAMLR website. It therefore adopted the recommendation of SCAF that passwords be issued to heads of delegations to the 2001 Commission meeting.

3.14 The Commission accepted for inclusion in the 2002 budget, the budget of the Scientific Committee, and the specific items of expenditure which the Scientific Committee had requested be included in the Commission's own budget.

3.15 The Commission adopted the budget for 2002 as presented in Annex 4, Appendix II.

#### Contribution Formula for 2002

3.16 The Commission accepted the advice of SCAF that the contribution formula be revised to reflect a total contribution from harvesting activities of at least 3% of the total contributions, that the fishing contribution from any fishing Member should be at least A\$1 000 and that the weighting applying to *Dissostichus eleginoides* should also apply to *Dissostichus mawsoni*.

3.17 In presenting the revised formula (Annex 4, paragraph 16), the SCAF Chair noted that arriving at agreement in SCAF had been the result of goodwill from all Members. Fishing Members, particularly those with the largest and smallest catches, had agreed to increases and, for 2002, the non-fishing Members had agreed that, in real terms, their contributions would not be reduced.

3.18 The UK proposed two minor changes, for clarification purposes only, to paragraphs I(v) and III, and with these changes the Commission adopted the new formula to be used for the 2002, 2003 and 2004 contributions as follows:

- I. (i) Those countries engaged in harvesting in the Convention Area will, in respect of the amount harvested, contribute at the rate of 13% of total Members' contributions per 100 000 contribution units, a unit being defined as:
    - 1 tonne of *Dissostichus* spp.;
    - 10 tonnes of krill and/or myctophids; or
    - 5 tonnes of any other harvested resource.
  - (ii) The amount of all marine living resources harvested is included in the calculation, including catches in new and exploratory fisheries, but excluding:
    - catches which, in accordance with conservation measures in force, are under exploratory harvesting regimes; and
    - any catches which the Commission may, from time to time, require to be exempted.
  - (iii) Catches by Members under the research provisions of Conservation Measure 64/XIX will not be taken into account for the purpose of calculating their contributions to the budget.
  - (iv) The amount harvested shall be calculated as the average catch over a three-year reporting period, ending at least 12 months prior to the Commission meeting at which the budget in question is approved.
  - (v) The percentage of total contributions to be paid in respect of the amount harvested shall not exceed 50%.
  - (vi) Any Member with catches included in the above-stated three-year period shall pay at least A\$1 000 in respect of such catches.
- II. The balance of total contributions will be equally shared amongst all Members of the Commission.
  - III. The percentage of total contributions to be met by any individual harvesting country shall not exceed 25%.

3.19 While thanking the Chair of SCAF for presenting this revised formula, Japan expressed regrets about time constraints of the SCAF meeting during this annual meeting, which prevented SCAF from fully discussing issues of budget and contributions. Japan noted that the revision of formula for calculation of contribution adopted in 1996 had been introduced at this meeting, and therewith Japan was subject to the largest contribution increase, level-wise and percentage-wise. Japan further stated its position that although it did not necessarily oppose such largest increase itself where the formula is appropriate, it had difficulties with the process taken. Japan, while emphasising that elements such as equity, transparency and predictability are critical for the budget process for preparation of contributions, regretted that the draft revised scheme, which included the formula and amount

of the contribution to be paid by Japan, had not been available to Japan until the first day of the SCAF meeting and which caused serious difficulties to Japan, where the domestic budget process for the next fiscal year, including preparation of its contribution to CCAMLR for 2002, had commenced with the old estimate (over 10% less than the revised amount) and the room for increase was small at this stage. Japan further stated its basic position that the revision of the contribution formula should be considered for 2003 and thereafter so that the Members were able to fully examine this issue and to commence related domestic budget processes with at least transparency and predictability.

3.20 Having said so, Japan mentioned that it did not oppose the adoption of the budget and contribution allocation for 2002, although there was no guarantee that Japan would be able to pay the revised contribution amount for 2002. However, Japan expressed its intention to make its utmost effort to fulfil the revised level of contribution with the recognition of financial difficulties the Commission faced, on the premise that future work will ensure the three critical elements mentioned above, and the same arrangement for the due date for payment as the previous year, will be applied.

#### Establishment of a Contingency Fund

3.21 The Commission accepted the recommendation of SCAF that a Contingency Fund in accordance with Financial Regulation 6.2 be established and that this fund be financed through transfers from the General Fund over a period of three years. It also noted that any interest earned on the fund be retained in the fund in accordance with Financial Regulation 8.3.

3.22 The SCAF Chair noted that, in establishing the Contingency Fund, the Commission should finance it only by transfers from the General Fund, rather than by separate contributions from Members, and that use of the Fund would be strictly controlled by the Commission. As the terms of use will not be determined until the next meeting, an intersessional decision by the Commission will be required for any expenditure from the Fund before then.

3.23 The Commission noted that by not reducing individual non-fishing contributions below zero real growth, it was possible to make available up to A\$62 090 from the General Fund to the Contingency Fund in 2002 as presented in the budget presented in Annex 4, Appendix II to this report. The Commission adopted the recommendation to transfer this amount to the Contingency Fund.

3.24 The SCAF Chair advised the Commission that SCAF had considered a number of suggestions for financing, including the introduction of fees on proposals for new and exploratory fisheries, the establishment of the principle of user pays and the charging of fees to non-Contracting Parties, of which there are only four at present participating in the CDS, but there could soon be more. There were many issues concerning these suggestions and SCAF had not had time to give them the full consideration required. Consequently, SCAF had deferred these options for further consideration at next year's meeting. To assist the Committee's work next year, the Commission asked the Secretariat to prepare a summary of

new and exploratory fishery proposals received over recent years, including an analysis of those carried out. It also requested an information report from the USA based on the details of its user-pays system with regard to the CDS as had been presented to SCAF.

3.25 The Commission noted the concerns of SCAF about insufficient time being available for the work of the Committee.

#### Forecast Budget for 2003

3.26 The Commission noted the forecast budget for 2003, as presented in Appendix II to the SCAF Report.

#### CDS Fund

3.27 The Commission noted with appreciation the contribution of A\$284 800 that had been made by the UK to the CDS Fund, and recalled that the terms of reference for the use of the CDS Fund, as set out in Annex 170/B of Conservation Measure 170/XX, required proposals for expenditure from the fund to be first considered by a review panel of six Members to be designated by the Commission. The Commission charged the incoming Chair of SCAF with assembling a suitable group of six Members to participate on this panel.

3.28 The SCAF Chair emphasised to the Commission that the CDS Fund, as with other special funds, was self-contained, could not be used to offset any General Fund budget deficiencies, and interest earned by it would be retained in the fund.

#### US Special Fund

3.29 The Commission was also pleased to acknowledge receipt of A\$101 950 from the USA, to be used to improve effective monitoring of fishing activities in the Southern Ocean, including the funding of additional observers and inspectors in the area. It noted that tentative suggestions had already been made for possible uses of this new fund, specifically with respect to work on the CDS.

#### Chair and Vice-Chair of SCAF

3.30 The Commission noted that Mr P. Panayi (Australia) had been elected Chair of SCAF for the next two years, and Dr W. Klapper (Germany) Vice-Chair, from the end of the 2001 meeting until the end of the 2003 meeting.

3.31 The Commission congratulated Mrs Martí for the achievements of SCAF during her term of office which were, to a large extent, due to her passion and dedication to the work.

## SCIENTIFIC COMMITTEE

4.1 The Chair of the Scientific Committee, Dr R. Holt (USA) reported on the meeting of the Scientific Committee. The Commission noted the general recommendations, advice and research and data requirements of the Scientific Committee. Substantive matters arising from the deliberations of the Scientific Committee were discussed under other parts of the agenda: illegal, unregulated and unreported (IUU) fishing (section 5), incidental mortality and marine debris (section 6), new and exploratory fisheries (section 7), CCAMLR Scheme of International Scientific Observation (section 8), management under uncertainty (section 10) and assessment of proposals for Antarctic Specially Protected Areas (ASPAs) (section 11).

### Intersessional Activities

4.2 Six CCAMLR meetings were held during the 2000/01 intersessional period:

- The International Coordination Subgroup held a three-day workshop in Seoul, Republic of Korea, in June 2001. The workshop was co-convened by Prof. S. Kim and Dr Y. Lee (Republic of Korea), and analysed data from five hydroacoustic surveys conducted in Subarea 48.1 from December 1999 to March 2000. These surveys had been conducted in conjunction with the CCAMLR-2000 Krill Synoptic Survey of Area 48 (CCAMLR-2000 Survey).
- A workshop to consider options for publishing a special issue of papers arising from the CCAMLR-2000 Survey was held in Cambridge, UK, from 30 May to 6 June 2001. It was convened by Dr J. Watkins (UK) and was attended by 15 participants.
- The seventh meeting of the Working Group on Ecosystem Monitoring and Management (WG-EMM) was held from 2 to 11 July in Fiskebäckskil, Sweden. It was convened by Dr R. Hewitt (USA) and was attended by 30 participants.
- A Workshop on Estimating Age in Patagonian Toothfish was held from 23 to 27 July 2001 at the Centre for Quantitative Fisheries Ecology (CQFE), Old Dominion University, Norfolk, Virginia, USA. The workshop was convened by Dr I. Everson (UK) and was attended by 17 participants.
- The Workshop on Approaches to the Management of Icefish (WAMI) was held from 3 to 5 October in Hobart, immediately prior to the meeting of the Working Group on Fish Stock Assessment (WG-FSA). This workshop was co-convened by Drs G. Parkes (UK) and K.-H. Kock (Germany), and was attended by 15 participants.
- The meeting of WG-FSA was held from 8 to 19 October 2001 in Hobart prior to the Scientific Committee meeting. It was convened by Mr R. Williams (Australia) and was attended by 35 participants. This meeting included a meeting of the ad hoc Working Group on Incidental Mortality Arising from Longline Fishing (WG-IMALF), convened by Prof. J. Croxall (UK).

The Commission joined the Scientific Committee in thanking the conveners of these working groups and workshops for their contributions to the work of CCAMLR.

## Fishery Status and Trends

4.3 CCAMLR Member countries actively participated in eight fisheries in the Convention Area during the 2000/01 season (1 December 2000 to 30 November 2001) under conservation measures in force:

- exploratory jig fishery for squid (*Martialia hyadesi*) in Subarea 48.3;
- exploratory longline fishery for toothfish (*Dissostichus* spp.) in Subarea 88.1;
- exploratory trawl fishery for spiny icefish (*Chaenodraco wilsoni*) in Division 58.4.2;
- longline and pot fishery for Patagonian toothfish (*Dissostichus eleginoides*) in Subarea 48.3;
- trawl fishery for mackerel icefish (*Champscephalus gunnari*) in Division 58.5.2;
- trawl fishery for mackerel icefish (*Champscephalus gunnari*) in Subarea 48.3;
- trawl fishery for Patagonian toothfish (*Dissostichus eleginoides*) in Division 58.5.2; and
- trawl fishery for Antarctic krill (*Euphausia superba*) in Area 48.

Other fisheries for *D. eleginoides* had taken place within the EEZ of France in Subarea 58.6 and Division 58.5.1, and the EEZ of South Africa in Subareas 58.6 and 58.7.

4.4 Fourteen Members fished: Australia, Chile, France, Japan, Republic of Korea, New Zealand, Poland, Russia, South Africa, Spain, Ukraine, UK, Uruguay and the USA.

4.5 The Commission noted the following points regarding the fishery for krill (*E. superba*) in Area 48:

- 98 414 tonnes of krill have been caught so far in Area 48 in the current 2000/01 season (SC-CAMLR-XX, Table 1). This catch was taken by Japan, Republic of Korea, Poland, Ukraine and the USA.
- 114 425 tonnes of krill had been caught in Area 48 in the previous 1999/2000 season (Subarea 48.1 – 71 977 tonnes, Subarea 48.2 – 16 891 tonnes and Subarea 48.3 – 25 557 tonnes) (SC-CAMLR-XX, Table 2).
- Fishing activity in Area 48 has shifted towards Subareas 48.1 and 48.2 during the austral autumn and winter since 1996. Easier access through reduced sea-ice extent was recognised as a major factor influencing this change in the fishery.



- The Scientific Committee had noted the growing value of catch and effort data from the Japanese fishery and had encouraged submission of similar data from other participants in the fishery. The value of data reported in a systematic and compatible fashion was emphasised and a high priority was assigned to re-examining the use of indices derived from these data.
- The Scientific Committee had requested updated information on krill processing, market developments, economic analyses and any other information that may assist WG-EMM in monitoring the development of the krill fishery.

4.6 The Commission noted Members' plans for krill fishing during the 2001/02 season: Japan expects to have three vessels catching ~65 000 tonnes; Republic of Korea, one vessel catching ~8 000 tonnes; Poland, three vessels; Ukraine, three to four vessels catching ~40 000 to 50 000 tonnes; Uruguay, one vessel; and the USA, two vessels. At the time of adoption, Russia announced that it may also participate in this fishery with one or two vessels.

4.7 Ukraine stated that its level of participation in the krill fishery in 2001/02 would depend on prevailing economic factors.

4.8 The Commission noted with concern that the expected catch in 2001/02 could be about 50% higher than the catch in 2000/01 based on these fishing plans. While an increase in the current level of catch of this magnitude is small in comparison with the precautionary catch limit in Area 48, such an increase in catches may have a substantial local effect, if these catches were taken in a small area and at a time of low krill abundance. The Commission noted the Scientific Committee's work plan for the development of small-scale management units for the krill fishery (see paragraph 4.13).

4.9 The Commission noted the following points regarding other fisheries in the Convention Area (SC-CAMLR-XX, Tables 1 and 2).

- 9 995 tonnes of *D. eleginoides* have been caught so far in the current 2000/01 season. This catch was taken in Subarea 48.3 (4 055 tonnes), Division 58.5.1 in the French EEZ (2 546 tonnes to 30 June 2001), Division 58.5.2 (2 274 tonnes), Subarea 58.6 in the French (861 tonnes to 30 June 2001) and South African (16 tonnes) EEZs, Subarea 58.7 in the South African EEZ (211 tonnes) and Subarea 88.1 (34 tonnes).
- 16 395 tonnes of *D. eleginoides* had been reported for the previous 1999/2000 season.
- 624 tonnes of *D. mawsoni* have been caught so far in the current 2000/01 season, and this catch was reported from Subarea 88.1. During the previous season, 751 tonnes of *D. mawsoni* were reported from Subarea 88.1.
- 2 368 tonnes of *C. gunnari* have been caught so far in the current 2000/01 season. This catch was taken in Subarea 48.3 (1 429 tonnes) and Division 58.5.2 (938 tonnes). In comparison, 4 200 tonnes of *C. gunnari* were reported in the previous season (Subarea 48.3 – 4 114 tonnes, Division 58.5.2 – 87 tonnes).
- Two other species were targeted in the current 2000/01 season: *C. wilsoni* (Division 58.4.2 – 11 tonnes) and *M. hyadesi* (Subarea 48.3 – 2 tonnes).

- 14 tonnes of crab have been taken so far as by-catch in the pot fishery for *D. eleginoides* in Subarea 48.3 in the current 2000/01 season.

4.10 The Commission noted that the presentation of catch data in Tables 1 and 2 of the report of the Scientific Committee (SC-CAMLR-XX) had been revised as requested (CCAMLR-XIX, paragraphs 4.10 and 4.11; CCAMLR-XVIII, paragraph 8.11).

#### Dependent Species

4.11 The Commission noted the further development of analyses of data from species monitored under the CCAMLR Ecosystem Monitoring Program (CEMP) and the proposal to undertake a review of CEMP. The Commission noted that WG-EMM would be holding a preliminary session at its 2002 meeting, to address the terms of reference, and to make detailed plans for a workshop to be held in conjunction with the 2003 meeting of WG-EMM (SC-CAMLR-XX, paragraph 4.6).

#### Harvested Species

##### Krill Resources

4.12 The Scientific Committee had made progress in the development of management advice in the krill fisheries based on recent research, including:

- the results of the CCAMLR-2000 Survey, and the publication of selected papers in a special issue of the journal *Deep Sea Research* in 2002; and
- the findings of regional surveys conducted in 2000/01.

4.13 As part of this development, the Commission noted that WG-EMM had identified two types of management units:

- small-scale 'predator units', based on local predator demand, local krill distribution and fishing fleet patterns (SC-CAMLR-XX, Annex 4, paragraphs 4.4 to 4.11); and
- larger-scale 'harvesting units' which were formed by subdividing the large existing statistical areas (SC-CAMLR-XX, Annex 4, paragraphs 4.12 to 4.15).

4.14 The Commission also noted that detailed data from krill fisheries were critical for the development of smaller management units which will need to take into account the behaviour of the fishing fleets (SC-CAMLR-XX, paragraph 5.7). The Commission agreed that there was an urgent need for these data to be reported, and to be reported in a consistent format.

4.15 The Commission reiterated that the advice of the Scientific Committee should be based on the best information available. The Commission noted that haul-by-haul and catch and effort data were routinely submitted from finfish fisheries using the data forms specified in Conservation Measure 122/XIX.

4.16 The Commission noted the Scientific Committee's caution on the potential for overshooting the catch limit in krill fisheries because of the current method of forecasting the closing date based on catch rates (SC-CAMLR-XX, paragraph 5.19). The Secretariat was requested to review mechanisms that could be used for managing the krill fishery based on periodic reports from the fishery that would be able to ensure that overshoot of the catch limit was unlikely to occur. Although the potential to overshoot currently might not appear critical given the low level of overall catch compared to the precautionary catch limits, it would be important when considering catches in relation to smaller management units.

#### Finfish Resources

4.17 The Commission noted the recent findings of research on finfish which had been reported to, and taken place during, the meetings of WG-FSA, WAMI and the Workshop on Estimating Age in Patagonian Toothfish.

4.18 In particular, the Commission noted that fisheries for icefish in Subarea 48.3 and Divisions 58.5.1 and 58.5.2 shared many characteristics including: large fluctuations in catch, periods of low or zero commercial catches, reliance of fisheries on few age classes (ages 3 and 4 mainly), and age 5+ fish are poorly represented in survey and commercial catches, suggesting an age-specific increase in natural mortality (SC-CAMLR-XX, paragraph 5.53).

4.19 The Commission also noted that changes in the ecosystem in the recent past may be affecting the dynamics of *C. gunnari* stocks. For the first time, in the context of Article II, it was conceivable that changes may have occurred in the ecosystem which may not be reversible in two or three decades (SC-CAMLR-XX, paragraphs 5.55 and 5.56).

4.20 The Commission endorsed the management advice for finfish fisheries which had been provided by the Scientific Committee (SC-CAMLR-XX, Section 5).

#### Other Species

4.21 The Commission noted that the Scientific Committee had not addressed the status of *Electrona carlsbergi* in Subarea 48.3, and no new management advice was available. In the absence of new information from this fishery, Dr Holt advised that the elements of Conservation Measure 199/XIX may be carried forward to the 2001/02 season. Alternatively, the Commission may consider closing this fishery because no fishing had been reported since 1992. Management advice for this species may now be outdated.

4.22 The Commission endorsed the management advice for crab and squid which had been provided by the Scientific Committee (SC-CAMLR-XX, Section 5).

4.23 The Commission endorsed the management advice on by-catch which had been provided by the Scientific Committee (SC-CAMLR-XX, Section 5).

## Ecosystem Monitoring and Management

4.24 The Commission encouraged the Scientific Committee to continue considering smaller-scale 'predator units' within the context of the krill fisheries. This work was essential because the Commission was mandated to apply precautionary catch limits to smaller management units in Area 48 once catches of krill in that area in any fishing season reached a trigger level of 620 000 tonnes (Conservation Measure 32/XIX).

4.25 The Commission also encouraged the Scientific Committee to generally review existing statistical boundaries and to develop advice on appropriate ecological or physical units of krill and other stocks.

4.26 The Commission noted that WG-EMM had considered various alternatives for subdividing the precautionary yield of krill in Area 48 so as to avoid the concentration of fishing effort in, and hence excessive catch from, small but critical areas. The existing statistical subareas are too large for this purpose and a method was sought to divide these areas into smaller-scale management units.

4.27 The Commission agreed that the Scientific Committee should develop the concept of 'predator units' as an integral part of establishing smaller-scale management units.

4.28 The Commission noted that the definition of 'predator units' will require information on: (i) local predator foraging ranges and consumption; (ii) krill abundance, dispersion and movement; and (iii) fishing fleet behaviour and patterns of fishing. Available data will be considered at the workshop to be convened during the 2002 meeting of WG-EMM.

4.29 The Commission also noted that the IWC Scientific Committee had successfully developed small-scale management units, and the CCAMLR Secretariat was requested to approach the IWC Secretariat for documents relating to that work.

4.30 The Commission noted that WG-EMM had developed an agenda for its future work over the next several years. The Commission endorsed the goal of this work to define and develop an ecosystem approach to the management of fisheries on Antarctic krill which may also be used as a model for other fisheries regulated by CCAMLR. The Commission also noted that this work would require input from specialists representing a wide range of expertise including resource assessment, statistics and mathematical modelling. The Commission encouraged Members to involve such specialists from their countries in the work of WG-EMM.

## Research Exemption

4.31 The Commission encouraged the Scientific Committee to define the minimum level of expected catch which required notification under Conservation Measure 64/XIX (SC-CAMLR-XX, paragraph 8.2).

## CCAMLR Data Management

4.32 The Commission noted the main activities of the Data Centre during the 2000/01 intersessional period (SC-CAMLR-XX, Section 10). The Data Centre had continued to support the work of the Commission, Scientific Committee and working groups, including the recently held WAMI.

4.33 One of the Data Centre's key functions was the monitoring of all fisheries conducted under the conservation measures in force. Fishing activities are monitored using the catch and effort reporting system established under Conservation Measures 51/XIX (five -day catch and effort reporting system), 61/XII (10-day catch and effort reporting system) and 40/X (monthly catch and effort reporting system).

4.34 The Commission noted with concern that overdue catch and effort reports continued to jeopardise the Secretariat's ability to monitor fisheries in accordance with conservation measures in force. Twice in 2000/01 Members failed to advise the Secretariat of a vessel's entry into a CCAMLR fishery, and failed to submit five -day catch and effort reports by their respective deadlines. The Secretariat had detected the operation of these vessels through ancillary information. Formal notices were issued under Conservation Measure 51/XIX (paragraph 9), and data were subsequently submitted.

4.35 The Commission agreed that the revision of Conservation Measure 148/XVII (Automated Satellite-linked Vessel Monitoring Systems (VMS)), which had been discussed by SCOI, would alleviate this problem.

## Publications

4.36 The eighth edition of *CCAMLR Science* had been published just prior to CCAMLR-XX and was available at the meeting. The Commission thanked Dr E. Sabourenkov (Editor) and other Secretariat staff involved in this publication.

4.37 The following documents were also published in 2001:

- (i) *CCAMLR's Management of the Antarctic*;
- (ii) *CCAMLR Scientific Abstracts*, covering abstracts of papers presented in 2000;
- (iii) *Statistical Bulletin* , Volume 13 (1991–2000); and
- (iv) Revisions of *Scientific Observers Manual*, *CCAMLR Inspectors Manual* and *CEMP Standard Methods*.

4.38 The Commission noted that the Scientific Committee had agreed that the present format and contents of material on the website met its needs and those of its working groups. The Secretariat was thanked for these further developments.

## Activities of the Scientific Committee during the 2001/02 Intersessional Period

4.39 The Commission noted the work planned by the Scientific Committee for the 2001/02 intersessional period, including:

- a meeting of WG-EMM (5 to 16 August 2002, Montana, USA); and
- a meeting of WG-FSA (7 to 16 October 2002, Hobart, Australia).

4.40 It was indicated that the work of the Scientific Committee would be assisted by the presence of more scientists with modelling and statistical expertise at working group meetings. The Commission requested that Members endeavour to provide scientists with this expertise to the coming intersessional meetings and into the future.

## Scientific Committee Budget

4.41 The Commission endorsed the budget of the Scientific Committee for 2002, and the forecast budget for 2003 (SC-CAMLR-XX, section 14), including:

- the report of the 2002 meeting of WG-EMM will include the findings from two workshops, resulting in a report of approximately the same size as the report in 2000; and
- WG-FSA's newly formed otolith exchange network would look into the feasibility of holding a workshop in 2003 to examine the techniques for determining the age of *C. gunnari*. The approximate cost of this workshop was included in the 2003 forecast budget.

4.42 The Commission also endorsed the following expenditures under its budget for 2002:

- participation by the Chair in the 2002 meeting of CEP;
- participation of the Data Manager in the 2002 intersessional meeting of CWP;
- development of computing facilities in support of data management;
- publication of laminated waterproof species identification sheets; and
- a contribution to the cost of publishing the results of the CCAMLR-2000 Survey in a special issue of *Deep Sea Research*.

## Vice-Chairs of the Scientific Committee

4.43 The Commission congratulated Dr S. Kawaguchi (Japan) and Mr L. López Abellán (Spain) on their appointment as Vice-Chairs of the Scientific Committee. The Commission thanked Drs E. Fanta (Brazil) and S. Nicol (Australia), outgoing Vice-Chairs, for their contribution to the work of the Scientific Committee during their two-year term.

4.44 The Commission noted that Dr Everson had agreed to convene the 2002 meeting of WG-FSA and that Dr S. Hanchet (New Zealand) will assume the convenership in 2003. The Commission thanked Mr Williams for his excellent leadership of WG-FSA during the last three years.

4.45 The Commission thanked Dr Holt for his comprehensive report, and his leadership during his first year as Chair of the Scientific Committee.

#### ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE CONVENTION AREA

5.1 During the meeting of SCOI, the Chair of the Scientific Committee had conveyed preliminary advice on matters relating to IUU fishing activities. SCOI considered the advice received and took it into consideration (Annex 5, paragraphs 2.57 to 2.62).

5.2 At the meeting of the Commission, the Chair of the Scientific Committee reaffirmed advice of the Committee on the estimated level of IUU catches taken from the Convention Area. The estimation was carried out by WG-FSA and CDS data were extensively used.

5.3 The estimated IUU catch for all areas of the Convention Area in the 2000/01 split-year was 7599 tonnes, compared with 6546 tonnes in 1999/2000 and 4913 tonnes in 1998/99. When added to 30152 tonnes of toothfish reported via CDS as caught outside the Convention Area, the total global removal of toothfish in 2000/01 is estimated at 51129 tonnes (SC-CAMLR-XX, paragraph 2.10).

5.4 The Chair of the Scientific Committee advised the Commission that the catches reported from Area 51 were not credible. Therefore the Committee 'concluded that practically all the toothfish catches reported from Area 51 represent catches taken as a result of IUU fishing in other areas inside the Convention Area' (SC-CAMLR-XX, paragraphs 2.12 and 2.13).

5.5 The Commission endorsed the Scientific Committee's recommendation that the Secretariat be tasked with providing information to WG-FSA on catches reported via the CDS for inside and outside the Convention Area, vessel sightings and reported catch data. It also agreed that the CDS records for Area 51 be investigated more closely.

5.6 The Commission considered advice prepared by SCOI on IUU fishing activities in the Convention Area. Specific references in brackets given in the following paragraphs relate to paragraphs in the SCOI report (Annex 5).

#### Information provided by Members in accordance with Articles X and XXII of the Convention and the System of Inspection

5.7 SCOI had considered information provided. This included reports on sightings and apprehension of IUU fishing vessels during the 2000/01 intersessional period, factual data on sightings of vessels reported by scientific observers, port inspections of vessels and instances of the fraudulent use of catch documents under the CDS (Annex 5, paragraphs 2.1 to 2.25).

5.8 With respect to a port inspection of the Namibian-flagged vessel *Mare*, South Africa clarified that the results of the inspection had been communicated to Namibia (Annex 5, paragraph 2.24). Namibia advised the Commission that the fishing licence of the vessel had been cancelled and that Namibia is currently considering a legal mechanism to delete the vessel from its register.

5.9 The Republic of Korea provided additional information on the apprehension by Australia of the vessel *South Tomi* (Annex 5, paragraphs 2.15, 2.16 and 2.22). The Republic of Korea had not issued a licence to the vessel, which is flagged by Togo. The owner of the vessel had left Korea some 20 years ago and it is currently impossible to verify his nationality.

5.10 Russia noted that France had reported increased inspection effort in recent years and asked whether France had any evidence to confirm that any Russian-flagged vessel was involved in IUU fishing activities in the Convention Area.

5.11 France responded that currently no Russian vessel was noted as engaged in IUU fishing in French EEZ waters in the Convention Area. The report of France to SCOI listed 20 vessels of other Flags which had been apprehended in the Kerguelen and Crozet EEZs since 1997 (Annex 5, paragraph 2.3).

5.12 Russia made the following statement:

‘When discussing paragraphs 2.12 and 2.13 at the time the report of the Scientific Committee was presented, the oceanographic and biological aspects of toothfish distribution in the very large Area 51 had been already noted. We consider that conclusions made by France that toothfish is absent in Area 51 are unsubstantiated.

We also have doubts with the statement that there is a large increase in catches reported from Area 51 compared with previous years. CDS data have become available only this year. Annual landings of toothfish compiled by FAO for previous years are not complete because not all countries distinguish toothfish in landing statistics as a separate category. Therefore the use of FAO data for the comparison made is not justified.

The statement made by France that CDS is apparently being used to traffic fish caught illegally in the Convention Area, is based on CDS data submitted by the Secretariat in SCOI-01/23 (Annex 5, paragraph 2.6). SCOI only noted this document and decided that it should be considered further intersessionally (Annex 5, paragraph 2.74).

We would like to emphasise that statements and conclusions made at the meetings of SCOI and the Scientific Committee with respect to Area 51 (Annex 5, paragraph 2.6; SC-CAMLR-XX, paragraph 2.13) undermine fundamental maritime law principles of Flag State responsibilities with respect to their vessels. These statements and conclusions also dispute the performance of the CCAMLR System of Inspection and the CDS.

The statement by France that some States issue CDS documents for Area 51 in order to traffic fish illegally caught in the Convention Area is completely unfounded.’



5.13 France responded that the conclusion on the presence of toothfish in Area 51 is based on the report of Scientific Committee (SC-CAMLR-XX, paragraphs 2.13 and 2.14), the paper SCOI-01/23 was analysed by the Delegation of France and that FAO statistics could be incomplete because correct information has not been provided to FAO.

5.14 South Africa noted that catches reported from Area 51 raised the possibility of uncertainty about the veracity of CDS data. However, from a small sector of its EEZ around Prince Edward and Marion Islands, which is to the north of the Convention Area, annual toothfish catches ranged from 9 to 14 tonnes for the past three years. This does not indicate there is a substantial source of toothfish to the north of the Convention Area in Area 51 and demonstrates the high level of uncertainty surrounding the reported levels and location of catches attributed to Area 51.

5.15 Ukraine drew the attention of the Commission to results of earlier exploratory surveys conducted by the Soviet Union in the 1980s to the north of the Convention Area in Area 51. Toothfish was found in these surveys but not in large concentrations mainly because no seabed areas suitable for trawl fishing were found. Catches were in the order of those indicated by South Africa. Results of these surveys were published in Soviet scientific journals. The attention of the Scientific Committee should be drawn to these publications.

5.16 France stated that these discussions confirmed its strong suspicion with respect to catches taken in Area 51 and that it therefore looked forward to the Commission adopting a resolution, the draft of which was discussed at SCOI (Annex 5, Appendix III). This was supported by Belgium, European Community, Italy and Spain. Following further substantive debate, the Commission adopted Resolution 17/XX.

5.17 Chile drew the attention of the Commission to the need to have a set of rigorous integrated measures to control all steps in the movement of catch from landing to export and import, including the use of VMS in the verification of catch origin. Chile noted that the Members who fish in areas adjacent to those of the Convention could voluntarily report their catches to assist in the work of the Scientific Committee.

5.18 Argentina stated that while functionality of the CDS inside and outside the Convention Area on the high seas should be enhanced, altering the balance of competencies achieved under the UN Convention on the Law of the Sea (UNCLOS) should in all cases be avoided.

5.19 The Commission endorsed the advice received from SCOI on IUU fishing in the Convention Area (Annex 5, paragraphs 2.21, 2.63 and 2.66) and decided that:

- a list of Flags of Convenience should be compiled and maintained by the Secretariat together with a consistent process for identifying such flags;
- CCAMLR efforts to eliminate IUU fishing in the Convention Area should be further strengthened; and
- toothfish landings attributed to Area 51 needed to be properly verified, and that the level of misreporting could seriously undermine the objective of the Commission.

5.20 The Commission asked Russia and Uruguay to report next year on their respective verification procedures used for catches taken in Area 51. It was also agreed that Seychelles be invited as an observer to the next meeting of CCAMLR and asked to report to the Commission on the matter.

5.21 Uruguay advised that all landings of toothfish from Area 51 by its vessels were conducted in the presence of a national inspector who had access to all vessel documentation required to verify the landing. Uruguay also advised that all of its vessels presently fishing outside the Convention Area carry VMS and that next year they will also carry scientific observers.

5.22 All Uruguayan vessels fishing outside the Convention Area for *D. eleginoides* must report their position at sea every eight hours (three times a day) via VMS to the Fishing Authority (DINARA). Vessels must request a special authorisation prior to disembarkation at ports other than Uruguayan ports. Once the vessel is authorised to disembark, an inspector designated by the Fishing Authority attends the port in question with the corresponding VMS report in order to verify the vessel's activities and crosscheck details against the fishing logbook. The inspector must also verify other Uruguayan regulations pertaining to longliners (related to the utilisation of streamer lines, line weighting regimes etc). The inspector must ascertain the identity of the vessel by checking the name on its hull, and its call sign. The shipmaster must provide a fishing log where details of the fishing operations are recorded daily and for each haul (CPUE). The inspector must witness the landing and report on the number of boxes and the size of the catch. All the details must be in accordance with those notified in the *Dissostichus* Catch Documents (DCDs).

5.23 The Commission approved continuation of the information exchange on IUU fishing begun by the Secretariat with Lloyd's Register (Annex 5, paragraph 2.126). Members were urged to submit, on a voluntary basis, details of their flag vessels licensed to fish for *Dissostichus* spp. outside the Convention Area (Annex 5, paragraphs 2.111 and 2.112).

#### Cooperation with Non-Contracting Parties and Contracting Parties not Members of the Commission

5.24 SCOI considered information presented on the following subjects (Annex 5, paragraphs 2.26 to 2.55):

- landings of toothfish at Port Louis since July 2000 submitted by Mauritius;
- implementation of the CCAMLR Policy to Enhance Cooperation between CCAMLR and Non-Contracting Parties submitted by the Secretariat;
- participation in the CDS of Canada – a CCAMLR Contracting Party; and
- the FAO International Plan of Action on Illegal, Unreported and Unregulated Fishing (IPOA–IUU).

5.25 The Commission noted that during 2001 the Secretariat corresponded with Belize, Indonesia, Panama and St Vincent and Grenadines; States which had been identified as having an interest in the harvesting, landing or importing of toothfish. These States were

provided with relevant information about the CDS and invited to participate. Madagascar and Mozambique were also recently identified as States providing ports for landing toothfish. The Secretariat was asked to write to these States and invite them to participate in the CDS.

5.26 The Commission endorsed the advice received from SCOI on measures to deal with Flag State responsibilities of non-Contracting Parties along with national control of vessels flying their flags and to deal with States which provide ports of convenience and markets for IUU-caught fish (Annex 5, paragraph 2.54).

5.27 The Commission noted that following a decision taken at CCAMLR-XVIII (paragraph 5.30), and the adoption of the Policy to Enhance Cooperation between CCAMLR and non-Contracting Parties, a variety of correspondence has been sent to the following:

Belize, People's Republic of China, Denmark (in respect of the Faroe Islands), Guinea Bissau, Guyana, Indonesia, Malaysia, Maldives, Mauritania, Mauritius, Panama, Sao Tome and Principe, Seychelles, Singapore, St Vincent and the Grenadines, Taiwan, Thailand and Togo.

5.28 This correspondence invited these countries to cooperate with CCAMLR in various areas and in the implementation of the CDS.

5.29 Information available in the CCAMLR vessel database also lists a number of vessels sighted and/or apprehended for IUU fishing in the Convention Area. These vessels were flying a variety of flags.

5.30 Recognising that addressing non-cooperation by non-Contracting Parties with CCAMLR remained a key priority, the Commission revised Conservation Measure 118/XVII to provide a clear and consistent process to evaluate the cooperation of non-Contracting Parties, and to provide for effective measures to address non-cooperation. It was adopted as Conservation Measure 118/XX.

5.31 Chile regretted that a resolution regarding flags of convenience could not be adopted, and that the text of the final report did not identify Flag States that undermine the integrity of the Convention. It hoped that the process initiated by the revision of Conservation Measure 118/XX would be accompanied by a genuine political will.

5.32 Argentina and South Africa strongly supported the statement made by Chile.

5.33 The Commission recalled that Singapore and Seychelles had joined CCAMLR in the implementation of the CDS in 2000.

5.34 The Commission welcomed the People's Republic of China which joined CCAMLR in the implementation of the CDS in July 2001.

5.35 The observer from the People's Republic of China made the following statement:

'The Delegation of the People's Republic of China thanked the Commission for inviting the People's Republic of China to participate in the CCAMLR-XX meeting as an observer. The Delegation of the People's Republic of China presented some information on the implementation of the CDS.

At the Antarctic Treaty Constulative Meeting in September 2000, the People's Republic of China agreed to voluntarily implement the CDS, and informed the Commission of the national CDS contact officer on 5 July 2001.

In addition, the Fisheries Authority of the People's Republic of China informed the Secretariat on 18 June 2001 that the China Fisheries Association was authorised to sign the re-export documents for *Dissostichus* spp. on behalf of the Government of the People's Republic of China. By the end of August 2001, 66 re-export documents had been signed by the association for eight companies of the People's Republic of China, with a total re-export amount of 816 tonnes. The Government of China is willing to combat IUU fishing in cooperation with the international communities by voluntary implementation of the CDS.

Companies of the People's Republic of China are obliged to submit catch documents when they apply for re-export documents. The authenticity of catch documents has been verified through the cooperation between the People's Republic of China and the Secretariat, as well as through bilateral cooperation between Members of CCAMLR and the People's Republic of China.

Fishing vessels of the People's Republic of China have so far not yet conducted commercial fishing activities within the Convention Area.

The Fisheries Authority of the People's Republic of China is willing to cooperate with the Secretariat and relevant Parties to CCAMLR to ensure that the trading of *Dissostichus* spp. be conducted in a legitimate manner and to deter illegal fishing and transfer trading.'

5.36 Mauritius had introduced some elements of the CDS on 1 January 2001 and requires that a valid catch document be presented before a vessel is granted landing permission in its ports.

5.37 The Commission welcomed steps taken by Mauritius on the implementation of the CDS but expressed concern that the CDS is not yet implemented in full. The observer from Mauritius informed the Commission that activities undertaken this year included participation in CDS training conducted by CDS officers from Australia. During the training Mauritius identified some aspects of the CDS which, it believes, do not apply to transshipments in the free-port area of Port Louis. Fish transhipped do not represent imports and therefore Mauritius does not have the duties of an exporting State under the CDS. Nevertheless, each vessel is required to have on board a valid catch document. A mechanism to ensure an operational VMS is carried on board is being worked out.

5.38 The Commission shared a view expressed by Australia that the existing text of the CDS and definitions of landings and transshipments provide clear guidance that catches transhipped in the free ports of Mauritius can be treated as landings if the Flag or Port State records them as such. Additional guidelines for the application of CDS will be provided in the Guide for the Completion of Catch Documents being developed by the Secretariat.

5.39 The Commission encouraged Mauritius to implement fully the CDS and invited it to become a Party to the Convention (Annex 5, paragraphs 2.29 and 2.107). It also requested Mauritius to consider providing additional information on landings of toothfish reported since July 2000 as detailed in a letter from the Secretariat of 29 August 2001.

5.40 The attention of the Commission was also drawn by Japan to the absence of proper CDS implementation procedures in Singapore and Hong Kong. The Commission decided to write to Singapore and Hong Kong and urge them to implement the required CDS procedures including issuing re-export documents (Annex 5, paragraph 2.70).

5.41 In general, the Commission agreed that it should provide clear guidance for all States on the implementation of the CDS by non-Contracting Parties and to convey this to those States either participating in the CDS, or wishing to do so. The CDS Intersessional Group and the Secretariat were tasked with the development of such guidance (see paragraph 5.45).

5.42 The Commission also decided to again write to Canada and urge it to become a Member of the Commission and immediately participate in the CDS (Annex 5, paragraph 2.106).

#### Operation of the CDS

5.43 The Commission considered advice prepared by SCOI on the operation of and improvements to be made to the CDS (Annex 5, paragraphs 2.67 to 2.118). Conservation Measure 170/XIX was revised to include revisions of procedures dealing with export verification, greater use of VMS for verification of catch documents, confiscated or seized catches and operation of the CDS Fund (paragraphs 2.88, 2.92, 2.99, 2.102 and 2.103); it was adopted as Conservation Measure 170/XX.

5.44 The Commission noted, as described in paragraph 2.95 of the SCOI report (Annex 5), that while the current CDS system may allow the opportunity for fraudulent practices, it is having a positive impact on addressing IUU fishing activities, in that it is providing new and valuable data and information to CCAMLR, fraudulent catch documents are being identified and acted upon, and seizures and confiscations of possible IUU products are occurring. It was recommended that further improvements could be made such as establishing a paperless web-based electronic CDS. In this regard, the USA advised the Commission it plans to host a workshop on the development of such an electronic CDS system. The Commission also noted with gratitude that the USA has made a one-time voluntary contribution of US\$50 000 to CCAMLR which is intended to improve effective monitoring of fishing activities, including the funding of additional observers and inspectors.

5.45 The Commission recognised the need to revise the Guide for the Completion of Catch Documents and requested the Secretariat to make the necessary changes resulting from CCAMLR-XX and make it available via the CCAMLR website to all CCAMLR Members and non-Contracting Parties which joined CCAMLR in the implementation of the CDS (Annex 5, paragraph 2.94).

5.46 The Commission noted progress with a procedure being developed bilaterally by Chile and the USA for dealing with artisanal fisheries for toothfish in Chile (Annex 5, paragraphs 2.113 and 2.114).

5.47 The Commission agreed that the following list of projects might be eligible for funding or part-funding from the CDS fund (in no particular order):

- training of the Secretariat staff in understanding fish trade practices and procedures, including processing of trade -related statistics;
- participation in the CDS and trade-related meetings of international organisations, e.g. FAO, Committee on Trade and Environment of the World Trade Organization (WTO/CTE), World Customs Organization (WCO), ICCAT and IATTC, including contributions that may be made by CCAMLR to the development of international initiatives within the FAO IPOA–IUU;
- conducting training workshops and CDS-related consultations with CDS authorities of Contracting and non-Contracting Parties to provide guidance on aspects of implementation of the CDS, including implementation of VMS;
- development of an electronic web-based system for the CDS; and
- establishing an interface to the international electronic enforcement database of the Monitoring, Control and Surveillance (MCS) Network.

5.48 Members were urged by the Commission to nominate contact officers, especially with operational experience of the CDS, for correspondence on matters of domestic CCAMLR legislation and provide links to websites which contain the legislation mentioned above (Annex 5, paragraph 2.109).

5.49 The Commission agreed that the informal CDS group should continue to meet for the next two to three years after which time the continued need for such a group would be reviewed (Annex 5, paragraph 2.117). The Commission accepted the offer by the USA for Mr E. Spencer Garrett to chair the CDS group to continue its work intersessionally on the tasks identified by SCOI (Annex 5, paragraph 2.118 and Appendix V). The Secretariat was requested to set up a web-based bulletin board or chat room to assist the group in its work and to reduce the amount of email (Annex 5, paragraph 2.118). The group's Convener was requested to advise Members as soon as possible after the meeting on when the work is to commence and what contact points should be used.

5.50 The Commission endorsed a proposal from the European Community that all tasks identified for intersessional work should be categorised and prioritised according to their immediate impact on the operation of the CDS.

## ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY OF ANTARCTIC MARINE LIVING RESOURCES

### Marine Debris

6.1 The Commission noted that at the request of the Scientific Committee the Secretariat had developed a set of standard forms and guidelines which should be used for reporting data on the following topics relating to marine debris (SC-CAMLR-XX/BG/22):

- (i) loss or discarding of fishing gear;
- (ii) collection of marine debris by vessels at sea;
- (iii) surveys of marine debris on beaches;
- (iv) entanglement of mammals (and birds) in marine debris;
- (v) marine debris associated with seabird colonies; and
- (vi) animals externally contaminated (i.e. soiled) by hydrocarbons or other substances.

6.2 The Commission also noted that the Scientific Committee considered a review prepared by the Secretariat of all data submitted by Members since 1986.

6.3 The Commission noted that the Scientific Committee had recommended discontinuing the current system of reporting on collection of marine debris by vessels at sea. Few reports had been received and all were essentially anecdotal. The Commission endorsed this recommendation and noted that the Scientific Committee would prefer to receive data from standardised quantitative surveys from vessels of debris at sea; Members engaged in such activities were encouraged to report on this and their methods to the Secretariat (SC-CAMLR-XX, paragraph 4.100).

6.4 The Commission endorsed the Scientific Committee's recommendations that in respect of the other topics (SC-CAMLR-XX, paragraph 4.101):

- (i) the current versions of instructions for collecting data should be adopted, subject to any amendments notified to the Secretariat before the end of the Commission meeting;
- (ii) the current versions of the standard recording/reporting forms for these data should be adopted, subject to any amendments notified to the Secretariat before the end of the Commission meeting;
- (iii) the CCAMLR Secretariat should only accept data on these topics which are submitted on the standard reporting forms and which have been collected according to the prescribed standard methods;
- (iv) data provided by Members on:
  - (a) surveys of marine debris on beaches,
  - (b) entanglement of mammals in marine debris, and
  - (c) marine debris associated with seabird colonies

should be incorporated into the CCAMLR database once appropriate consultation and validation with relevant Members had been undertaken (SC-CAMLR-XX, paragraph 4.102), for sites where at least five years of data exist. Other submitted data would be archived in appropriate electronic formats; and

- (v) the submission of Members' Reports on Assessment and Avoidance of Incidental Mortality should now be discontinued.

6.5 The Commission noted that Members are still encouraged to provide reports to the Scientific Committee on their own data, where these contain information that would amplify and assist the interpretation of trends and/or when they are reporting on data not yet submitted in part or in full to the CCAMLR database (SC-CAMLR-XX, paragraph 4.101).

6.6 The Commission noted the following points from the rest of the Scientific Committee report on this topic (SC-CAMLR-XX, paragraphs 4.110 to 4.121):

- (i) that reports on surveys of beached marine debris conducted in accordance with the CCAMLR standard method, by Uruguay (King George Island – Subarea 48.1), Chile (Cape Shirreff, Livingston Island – Subarea 48.1) and the UK (Bird Island, South Georgia – Subarea 48.3, and Signy Island, South Orkney Islands – Subarea 48.2) indicated a general increase this year in levels of debris, including numerous plastic packaging bands;
- (ii) that entanglements of Antarctic fur seals at Bird Island, South Georgia, have doubled compared with last year and that plastic packaging bands accounted for the majority of entanglements; and
- (iii) that unprecedented levels of longline fishing hooks were recorded in association with wandering albatrosses at Bird Island, South Georgia, indicating widespread discarding of gear and offal complete with hooks; similar findings had been reported from Marion Island (Subarea 58.7).

6.7 The Commission noted the Scientific Committee's concern in relation to the overall trend this year of increasing levels of debris and entanglement and the increase in reports of plastic packaging bands (SC-CAMLR-XX, paragraph 4.121). It requested Members to improve their standards of disposal and treatment of debris, particularly in respect of plastic packaging bands.

#### Trends in Marine Mammals and Bird Populations

6.8 The Commission noted that new data on this topic had been reported by the Scientific Committee based on discussions at WG-EMM and ad hoc WG-IMALF (SC-CAMLR-XX, paragraphs 4.124 and 4.125), and that WG-EMM might review how to incorporate data on long-term trends in populations of seabirds and marine mammals into its work on assessment of the marine ecosystem.

#### Incidental Mortality of Marine Animals during Fishing Operations

6.9 The Commission reviewed the report of the Scientific Committee and its ad hoc WG-IMALF in respect of assessment and avoidance of incidental mortality of Antarctic marine living resources (SC-CAMLR-XX, paragraphs 4.24 to 4.96). It endorsed the report and its conclusions, subject to the comments set out below.



## Status of Seabirds at Risk

6.10 The Commission noted evidence of recent population declines of seabird species in Subareas 48.3 and 58.6, attributed mainly to combinations of longline fishing in areas adjacent to the Convention Area and IUU fishing for toothfish within the Convention Area (SC-CAMLR-XX, paragraph 4.27). This provides the first potential evidence of the initial impact of IUU fishing on Convention Area seabirds.

## Incidental Mortality of Seabirds during Regulated Longline Fishing in the Convention Area

6.11 The Commission noted that, in respect of seabird by-catch, the operation of the main regulated longline fisheries in 2001 had maintained the high standard of last year in Subarea 48.3 and had shown considerable improvement in the South African EEZ in Subareas 58.6 and 58.7. It endorsed associated advice relating to fishing seasons in Subareas 58.6 and 58.7 (SC-CAMLR-XX, paragraphs 4.30 and 4.33 to 4.36).

6.12 Considerable concern was expressed at the levels of seabird by-catch reported by France for its EEZs in Subarea 58.6 and Division 58.5.1 in 1999 and 2000; these were regarded as unacceptably high, especially in relation to levels in regulated longline fisheries elsewhere in the Convention Area.

6.13 France indicated that it shared these concerns, had progressively applied all elements of Conservation Measure 29/XIX and had achieved a considerable reduction in seabird by-catch, which was now confined to white-chinned petrels. The total number of birds killed needed to be viewed in the light of the large local populations of white-chinned petrels and the potential high levels of by-catch of this species in IUU fishing in these areas. France indicated that it was engaged in equipping new vessels for this fishery and would do everything possible to reduce seabird by-catch given the characteristics of the fishery and its environment. This issue should also be considered by the international organisations and countries whose scope includes the regulation of fishing activities outside the Convention Area. It would be desirable to strengthen the cooperation between CCAMLR and these organisations, such as, for example, organisations involved in tuna fishing (ICCAT, IOTC, CCSBT).

## Compliance with Conservation Measure 29/XIX

6.14 The Commission noted that overall compliance with Conservation Measure 29/XIX this year, compared to last year, was substantially improved in all subareas and divisions and was again complete in Subarea 88.1 (SC-CAMLR-XX, paragraph 4.37 and Table 56). However, it also recognised that some vessels were still failing to comply with elements of the conservation measure which had been in place for several years and which were operationally very simple to achieve (SC-CAMLR-XX, paragraphs 4.37 and 4.38) and that only four of 24 vessels longline fishing in the Convention Area had fully complied with Conservation Measure 29/XIX (SC-CAMLR-XX, paragraph 4.39).

6.15 The Commission also noted the advice of the Scientific Committee both this year (SC-CAMLR-XX, paragraph 4.41) and last year (SC-CAMLR-XIX, paragraphs 4.40 and 4.41) on the topic of excluding from fishing those vessels which fail to comply with Conservation Measure 29/XIX.

6.16 Some Members indicated that it would be premature to act in accordance with SC-CAMLR-XX, paragraph 4.41 because:

- (i) despite their best endeavours in working with technical coordinators and fishing companies, it was sometimes difficult to ensure that all fishing operations exactly met the precise specifications of Conservation Measure 29/XIX, especially with respect to the design of streamer lines, the timing of setting and the operational difficulties of achieving the prescribed line-weighting regime;
- (ii) there were potential difficulties in ensuring total accuracy of reporting through the Scheme of International Scientific Observation; and
- (iii) no (or negligible numbers of) seabirds had been killed by several vessels that narrowly failed to comply with certain elements of Conservation Measure 29/XIX.

6.17 Other Members felt that given:

- (i) the simplicity and feasibility of complying with Conservation Measure 29/XIX;
- (ii) the changes to be introduced for next year to improve reporting through the Scheme of International Scientific Observation; and
- (iii) the feasibility and desirability of using two scientific observers;

vessels which do not comply with Conservation Measure 29/XIX next year should be prohibited from fishing in the Convention Area. This should be emphasised to technical coordinators, fishing companies and national authorities at the earliest opportunity.

6.18 Taking these views into account, the Commission stated that vessels equipped or configured so that they are unable to comply with Conservation Measure 29/XIX should not be allowed to fish in the Convention Area. It was the responsibility of Members to ensure, *inter alia*, through in-port inspection, that vessels were appropriately equipped and configured.

6.19 The Commission further recommended that, for vessels persistently failing to comply with Conservation Measure 29/XIX, Members should take all steps possible either to ensure strict compliance in the future or to prevent such vessels from fishing in the Convention Area.

6.20 The Commission recognised that achieving compliance with Conservation Measure 29/XIX has important implications as a precondition for extending longline fishing seasons for toothfish (SC-CAMLR-XIX, paragraph 4.41; SC-CAMLR-XX, paragraphs 4.48 and 4.49).

6.21 In this regard, several Members noted that failure to achieve 100% compliance with each element of Conservation Measure 29/XIX could arise by accident, through

misunderstanding or by misreporting. They noted that not all elements of the conservation measure are equally effective in reducing seabird by-catch, and, in any case, failure to meet the exact specification of some elements of the measure (e.g. streamer line design) was unlikely to affect seabird by-catch rates.

6.22 On behalf of ad hoc WG-IMALF, Prof. Croxall agreed that not all elements of Conservation Measure 29/XIX were likely to be equally effective in reducing rates of seabird by-catch. However, he noted:

- (i) the advice last year (SC-CAMLR-XIX, paragraph 4.40) that appropriate line-weighting regimes are likely to be the best single measure but that further work on their performance in areas of high seabird abundance is still required; and
- (ii) that the Scientific Committee had endorsed the WG-IMALF proposal for rigorous experiments to investigate the contribution that each element of Conservation Measure 29/XIX, singly or in combination, made to reducing potential seabird by-catch rates (SC-CAMLR-XX, paragraphs 4.62 and 4.63). Until this was done, objective reassessment, or prioritisation, of the elements of Conservation Measure 29/XIX could not be undertaken.

6.23 The Commission advised that, in regard of assessments next year of compliance with Conservation Measure 29/XIX, particularly with respect to extension of fishing seasons, that Members, technical coordinators, fishing companies and fishers should work together with scientific observers to ensure that complete compliance is achieved. The Commission may need to determine whether any discretion might be accorded, in regard of uncertainties in reporting or in other circumstances, in respect of failure to comply with minor technical details of Conservation Measure 29/XIX.

#### Incidental Mortality of Seabirds during Longline Fishing outside the Convention Area

6.24 The Commission noted that the estimated potential level of seabird by-catch arising from IUU fishing in the Convention Area in 2001 is, at 36 000–69 000 birds (lower level) to 48 000–90 000 birds (higher level), comparable to the totals in recent years (SC-CAMLR-XX, paragraph 4.50). It is, therefore, still potentially unsustainable for populations of albatrosses, giant petrels and white-chinned petrels breeding in the Convention Area (SC-CAMLR-XX, paragraph 4.53); this forms an important part of the Commission's determination to take even more stringent measures to combat IUU fishing.

6.25 The Commission noted several reports, concerning incidental mortality of Convention Area seabirds, from areas outside the Convention Area (SC-CAMLR-XX, paragraphs 4.56 to 4.58). It endorsed the recommendation of the Scientific Committee that responses be sought by the Secretariat on seabird by-catch levels, mitigation measures in use and observer programs from all Members and other countries conducting or permitting longline fishing in areas where seabirds from the CCAMLR Convention Area are killed (SC-CAMLR-XX, paragraph 4.59).

## Research into and Experience with Mitigating Measures

6.26 The Commission welcomed the ongoing research into improvements to mitigating measures (SC-CAMLR-XX, paragraphs 4.60 and 4.61). It recalled its discussions on compliance with different elements of Conservation Measure 29/XIX (see paragraphs 6.15 to 6.23) and endorsed the proposal of the Scientific Committee that rigorous experiments be conducted on the effect of different elements of the measure, when applied to the Spanish longline system. It noted the importance of the proposal in terms of its potential to improve and simplify Conservation Measure 29/XIX (SC-CAMLR-XX, paragraphs 4.62 and 4.63) and strongly urged Members to support the proposal as a high priority.

## International and National Initiatives relating to Incidental Mortality of Seabirds in relation to Longline Fisheries

6.27 The Commission encouraged Members who have not yet developed and implemented national plans in support of the FAO IPOA–Seabirds, to do this as soon as possible (SC-CAMLR-XX, paragraph 4.65), recalling that it had originally requested that this be done by February 2001. It commended those Members, particularly Japan, New Zealand and the USA, who had produced plans.

6.28 Australia emphasised that its Albatross Threat Abatement Plan, developed in 1999, is still fully operational and will also serve to implement its NPOA–Seabirds.

6.29 Japan advised on its extensive activities to minimise seabird by-catch in longline fisheries outside the Convention Area. Japan noted that some comments were made on its national plan in support of IPOA–Seabirds at the meeting of ad hoc WG-IMALF. It will review these comments and will modify and improve the plan if necessary and practicable. Japan also advised that it had introduced mandatory use of streamer lines on its vessels fishing while targeting southern bluefin tuna and the issue of seabird by-catch would be addressed in the relevant tuna management fora.

6.30 The European Community recognised the importance of this and suggested that CCAMLR Members should promote the introduction of conservation measures in relation to seabirds in regional fisheries organisations responsible for areas adjacent to the CCAMLR Convention Area.

6.31 The European Community noted that this issue is likely to be discussed at the Annual Meeting of ICCAT in Murcia, Spain, later this month. In that case, the European Community will be pleased as CCAMLR Observer to convey information on the work accomplished by CCAMLR in this area, and encourage progress thereon in the ICCAT framework.

6.32 Brazil reported on the development of a new South American strategy for the conservation of albatrosses and petrels (see SC-CAMLR-XX, paragraphs 4.69 and 4.70). This strategy includes promotion of research into levels of seabird by-catch and appropriate mitigation measures, development of training and education programs, promotion of national measures to protect seabirds and of Environmental Impact Assessments prior to starting new fisheries and promotion of cooperation between fishing companies, non-governmental organisations, government agencies and research institutes.

6.33 The Commission noted the view of the Scientific Committee that the greatest threats confronting the conservation at sea of albatrosses and petrels breeding in the Convention Area are the levels of mortality likely to be associated with IUU longline fishing inside the Convention Area and with longline fishing for species other than *Dissostichus* in areas adjacent to the Convention Area. It agreed that there is an urgent need for collaborative work with appropriate regional fisheries organisations. The Commission requested Members to give every assistance to developing appropriate collaboration and data exchange with the relevant tuna commissions and other regional fisheries organisations (SC-CAMLR-XX, paragraphs 4.73 and 4.74).

#### Incidental Mortality of Marine Mammals in Longline Fisheries

6.34 The Commission noted that there was only one (unidentified) marine mammal reported killed by a longline vessel in the Convention Area in 2001 (SC-CAMLR-XX, paragraph 4.76).

#### Incidental Mortality in Trawl Fisheries

6.35 The Commission noted that one Antarctic fur seal was reported killed by a trawl vessel in Division 58.5.2 and that no instances of incidental mortality of seabirds were reported in Divisions 58.4.2 and 58.5.2. However, in Subarea 48.3, trawlers fishing for icefish reported 132 birds entangled of which 92 were killed, a total three times the estimated seabird by-catch mortality for all regulated longline fishing in this subarea in 2001. One of the vessels responsible was the same trawler responsible for all seabird trawl mortality (19 black-browed albatrosses) last year (SC-CAMLR-XX, paragraphs 4.77 and 4.78).

6.36 The Commission noted, however, the advice of the Scientific Committee that insufficient data were available to determine the precise cause of the high levels of seabird by-catch associated with certain vessels fishing for icefish in Subarea 48.3 and the consequent difficulty in proposing appropriate remedies, e.g. in the form of a binding conservation measure (SC-CAMLR-XX, Annex 5, paragraphs 8.19 and 8.20).

6.37 Accordingly, noting the advice of the Scientific Committee (SC-CAMLR-XX, paragraph 4.80) the Commission recommended that in respect of vessels trawl fishing for icefish in Subarea 48.3 in 2001/02:

- (i) new data recording and reporting arrangements be put in place for scientific observers, to ensure that more data are available to investigate and resolve the causes of the problem; and
- (ii) mitigating measures be tested with the aim of incorporating appropriate recommendations into Conservation Measure 173/XVIII.

6.38 The Commission further noted the advice of the Scientific Committee concerning interim precautionary limits on the number of seabirds killed by each vessel trawl fishing for icefish in Subarea 48.3 in 2001/02 (SC-CAMLR-XX, paragraphs 4.80 and 4.83).

6.39 Taking into account the extensive discussion on this topic (SC-CAMLR-XX, paragraphs 4.84 to 4.93), the Commission endorsed the advice of the Scientific Committee that a catch limit per vessel of 20 birds should not restrict most of the fishing fleet but could suffice as an appropriate interim measure this year for protecting seabirds while maintaining by-catch rates at levels not dissimilar from the longline fishery in the area and requiring improvements in fishing practice.

#### Incidental Mortality in Other Fisheries

6.40 The Commission noted that no instances of incidental mortality of marine mammals or seabirds had been recorded for the exploratory squid fishery or the toothfish pot fishery in Subarea 48.3 (SC-CAMLR-XX, paragraph 4.95).

#### NEW AND EXPLORATORY FISHERIES

##### New and Exploratory Fisheries in 2000/01

7.1 The Commission noted that 14 conservation measures relating to exploratory fisheries were in force during 2000/01, but fishing only occurred in respect of four of these (SC-CAMLR-XX, Annex 5, Table 16).

7.2 In most of the active exploratory fisheries, the numbers of days fished and the catches reported were small. As was the case last year, the notable exception was the exploratory fishery for *Dissostichus* spp. in Subarea 88.1 conducted under Conservation Measure 210/XIX. During 2000/01, 417 vessel days of effort were reported, taking 658 tonnes of *Dissostichus* spp. Vessels from New Zealand, South Africa and Uruguay participated in this fishery.

7.3 The Commission noted that most of the fisheries notified in 2000/01 had not been fished, such as the exploratory longline fisheries for *Dissostichus* spp. in Subareas 48.6, 58.6, 88.2 and Divisions 58.4.3 and 58.4.4. In addition, many of these fisheries have been the subject of repeat notifications in recent years (e.g. longline fishery in Division 58.4.3, SC-CAMLR-XX, Annex 5, Table 19).

7.4 The Commission understood that some Members had not undertaken exploratory fisheries due to economic considerations or may have postponed fishing operations so as to better comply with measures adopted by CCAMLR.

7.5 Brazil referred to CCAMLR-XX/BG/32 pointing out that, in order to assure compliance with CCAMLR's conservation measures, Brazil has decided not to fish in CCAMLR waters, as it had previously announced. This was communicated to CCAMLR in due time, according to its rules of procedures. The reasons pointed out in the document show the seriousness of Brazil in carrying out responsible fisheries. Therefore, withdrawal from fishing and its consequences to the work of WG-FSA and the Commission should be considered on a case-by-case basis.

7.6 The Commission recognised that repeat notifications for fisheries which are yet to be explored had placed a high burden on the work of the Scientific Committee and WG-FSA. Consequently, Members were urged to minimise the number of future notifications for fisheries which were unlikely to be fished in the season notified. It was agreed that it would be inappropriate for the Commission to use sanctions as a means of reducing the number of such notifications.

#### New and Exploratory Fisheries in 2001/02

7.7 The Commission noted that 13 notifications of new or exploratory fisheries had been made for the 2001/02 season (SC-CAMLR-XX, Annex 5, Table 17). All areas notified were outside areas under national jurisdiction. With the exception of the new fishery for *Macrourus* spp. in Division 58.4.2, all of the notifications referred to fisheries or regions that have been considered previously by WG-FSA. New and exploratory fisheries notified in the 2001/02 season and considered by the Commission are summarised in Table 1. The Commission also noted notifications to fish for crabs in Subarea 48.3 (Japan and the USA). It was noted, with pleasure, that all notifications had been received by the specified deadline.

7.8 The Commission noted that there are still inconsistencies in the way in which notifications specify intended catch levels in particular. As was the case last year, some notifications attempted to specify realistic levels of intended catches, while others simply specified an intended catch that was equal to the current precautionary catch limit. While this inconsistency continues, the task of assessing the likely effects of multiple new or exploratory fisheries in an area is made much more difficult. Members were urged to specify realistic levels of intended catches in future notifications.

7.9 The Commission also noted that this year, once again, there has been a large number of notifications for Division 58.4.4 (five notifications for a maximum of up to 10 vessels). As the recommended precautionary catch limit is only 103 tonnes (see paragraph 7.11) there is a clear potential for the catch limit to be taken in a very short time and with the extreme likelihood of it being exceeded (see also Section 9).

7.10 In examining proposals for new and exploratory fisheries, New Zealand drew attention to the preamble to Conservation Measure 65/XII which underlines that fishing should not be allowed to expand faster than the acquisition of information necessary to ensure that the fishery can and will be conducted in accordance with the principles set forth in Article II. New Zealand stated that it had taken careful note of the Scientific Committee's report regarding Division 58.4.4 and had decided to withdraw its notification for Division 58.4.4. New Zealand added that the ability to implement applicable conservation measures was an important prerequisite to licensing and approving vessels for new and exploratory activities, as was the implementation of Resolution 13/XIX.

Table 1: New and exploratory fisheries notified in the 2001/02 season.

Target Species	Region (outside EEZs)	Gear	Member
<i>Dissostichus</i> spp.	48.6	Longline	Japan, New Zealand, South Africa, Uruguay
<i>Dissostichus</i> spp.	58.4.2	Trawl	Australia
<i>Macrourus</i> spp.	58.4.2	Trawl	Australia
Mixed species <sup>1</sup>	58.4.2	Trawl	Australia
<i>Dissostichus</i> spp.	BANZARE Bank (58.4.3b)	Longline	France, Japan
<i>Dissostichus</i> spp.	Elan Bank (58.4.3a)	Longline	France, Japan
<i>Dissostichus eleginoides</i>	58.4.4	Longline	France, Japan, New Zealand <sup>2</sup> , South Africa, Uruguay
<i>Dissostichus eleginoides</i>	58.6	Longline	Chile, France, Japan, South Africa
<i>Dissostichus</i> spp.	88.1	Longline	Japan, New Zealand, South Africa, Russia
<i>Dissostichus</i> spp.	88.2	Longline	Japan, New Zealand, South Africa, Russia
<i>Dissostichus</i> spp.	88.3	Longline	New Zealand <sup>3</sup>

<sup>1</sup> *Chaenodraco wilsoni*, *Lepidonotothen kempfi*, *Trematomus eulepidotus*, *Pleuragramma antarcticum*

<sup>2</sup> Notification withdrawn at the meeting

<sup>3</sup> Notification withdrawn (Addendum to CCAMLR -XX/12)

### Precautionary Catch Limits

7.11 The Commission noted that the Scientific Committee had only provided new advice on precautionary catch limits for stocks in Subarea 88.1 and Division 58.4.4, as these were the only areas for which sufficient data were available. For all other subareas and divisions for which notifications had been made, the Scientific Committee was unable to provide any new advice on precautionary catch limits.

7.12 In addition, the Commission noted that an assessment of *D. eleginoides* in the Prince Edwards Islands EEZ had suggested that the stock in that area had been greatly reduced from its unexploited level primarily by IUU fishing. This raised major concerns about the status of *D. eleginoides* stocks throughout Subarea 58.7.

7.13 The Commission agreed that the precautionary catch limits defined for the exploratory fisheries for *Dissostichus* spp. in 1999/2000 (CCAMLR-XVIII, Table 1) remained appropriate, with the following revisions:

- (i) the catch limit for *Dissostichus* spp. in Subarea 88.1 was revised to 2508 tonnes as a result of applying a discount factor of 0.50 to the estimated potential yield of 5016 tonnes (SC-CAMLR-XX, paragraphs 9.9 and 9.10, see also Annex 5, Table 22); and
- (ii) the catch limit for *D. eleginoides* in Division 58.4.4 was revised to 103 tonnes (SC-CAMLR-XX, paragraph 9.14).

7.14 New Zealand stated the following:

‘We would refer to the position reflected in paragraph 9.11 of the Scientific Committee’s report where the query was raised as to whether, from a management perspective, there is any necessity to increase overall catch limits to achieve the



objectives of the exploratory fishery. For example, in Subarea 88.1 the fishery has not been constrained by the previous catch limit with catches in 2000/01 at about 30% of the precautionary catch limit.

We note in this connection that paragraph 2(vi) of Conservation Measure 65/XII, which governs new and exploratory fisheries, suggests that effort should not be substantially above that necessary to enable the Commission to fulfil the evaluations under paragraph 1(ii) of Conservation Measure 65/XII to ensure the collection of sufficient and consistent information specified in the data collection plan. New Zealand considers that the maintenance of the current catch limit for Subarea 88.1 would also be consistent with this approach. However, we recognise and appreciate that the assessments produced in WG-FSA were based on the best available data and that Subarea 88.1 is one of only two exploratory fisheries where WG-FSA felt there was sufficient data to undertake new advice on precautionary catch limits.’

### Research Requirements

7.15 The Commission agreed to revise the elements of Conservation Measure 200/XIX (General Measures for Exploratory Fisheries for *Dissostichus* spp.) so as to include (SC-CAMLR-XX, paragraphs 9.15 to 9.17): a reduction in the minimum distance between research hauls, from 10 n miles to 5 n miles; and a maximum number of 10 000 hooks for research sets.

### Revision of the Boundaries of Division 58.4.3 and Adjacent Areas

7.16 The Commission in 2000 requested that the Scientific Committee review the definition of the boundaries of subareal division of Divisions of 58.4.1 and 58.4.3 (CCAMLR-XIX, paragraph 9.47). The request was made because new and exploratory fisheries proposed for Division 58.4.3 in the 1999/2000 and 2000/01 seasons were given separate catch allocations for BANZARE and Elan Banks. These banks are separated by a trough of deep water at least 130 n miles wide. Each bank had to be specifically defined in the conservation measures in order to allocate individual catch limits, rather than apportioning a catch limit to an entire statistical division. Various options for modifying the boundaries were reviewed in SC-CAMLR-XX/5.

7.17 The Commission endorsed the Scientific Committee advice to move the boundaries of Division 58.4.3 and adjacent areas within the Convention Area, so as to separate catch allocations for BANZARE and Elan Banks (SC-CAMLR-XX, paragraphs 9.21 to 9.23). The revised coordinates of the boundaries in this region are given in Annex 7. As a result of this revision, Elan Bank now lies in Division 58.4.3a and BANZARE Bank lies in Division 58.4.3b (Annex 7, Figure 1).

7.18 The Commission noted that a further amendment could be to extend the eastern boundary of Subarea 58.5 (which also defines the outer boundary of the CCAMLR Convention Area) from 80°E to 86°E in order to include William’s Ridge that currently lies outside the CCAMLR Convention Area. The Commission also noted the recommendation of the Scientific Committee that consideration be given to extending the Convention Area in

Subareas 58.5, 58.6 and 58.7 to include as much as possible of the distribution range of the species for which it has primary responsibility, i.e. toothfish (SC-CAMLR-XX, paragraphs 9.25 to 9.27).

7.19 The FAO Observer (Mr R. Shotton) had indicated that he could not foresee problems from his organisation's point of view in amending the Convention Area boundaries and that consideration of this issue would best be done prior to the finalisation of discussions on the proposed new Southwest Indian Ocean Fisheries Commission.

7.20 The Commission agreed that such a change would require further consideration.

## OBSERVATION AND INSPECTION

### Operation of the System of Inspection and Compliance with Conservation Measures

8.1 The Chair of SCOI reported that in 2000/01 there were 56 CCAMLR inspectors designated by Argentina, Australia, Chile, New Zealand, UK and the USA. CCAMLR inspectors were deployed mainly in Subareas 48.3 and 88.1.

8.2 Eight inspection reports were received from CCAMLR inspectors designated by the UK. All inspections took place in Subarea 48.3. In general, all inspections indicated compliance with conservation measures in force, except that the presence of packaging bands was reported from two vessels in contravention of Conservation Measure 63/XV. Comments of Flag States were received from Russia and Chile (Annex 5, paragraphs 3.2 to 3.4).

8.3 The Commission requested that the Secretariat keep track of all reports received from Flag States on steps taken to investigate and, if necessary, prosecute and impose sanctions with respect to violation of conservation measures by their flag vessels as reported by CCAMLR inspectors (Annex 5, paragraph 3.11).

8.4 This year, reports had been received from Australia, Chile and South Africa (Annex 5, paragraphs 3.6 to 3.9).

8.5 The Commission decided that the inspection report form should be revised by the Secretariat as proposed by SCOI and printed and circulated to Members (Annex 5, paragraph 3.12).

8.6 The Commission considered the advice of SCOI and adopted the revised Conservation Measures 119/XVII and 148/XVII as Conservation Measures 119/XX and 148/XX.

8.7 The Commission noted that SCOI discussed a proposal put forward by the USA on the effective date of CCAMLR conservation measures as defined in Article IX.6 of the Convention. The Commission discussed the proposal further and adopted Conservation Measure 217/XX.

## Implementation of Conservation Measures

8.8 As required, SCOI considered information compiled by the Secretariat on the implementation of conservation measures, both fisheries and enforcement related (Annex 5, paragraphs 3.17 to 3.27).

8.9 In particular, SCOI discussed compliance with Conservation Measure 29/XIX (Minimisation of the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fisheries Research in the Convention Area) and noted that, while there had not been full compliance with all elements of the conservation measure, there had been substantial improvement compared with previous seasons.

8.10 The Commission also received advice from the Scientific Committee relating to compliance with Conservation Measure 29/XIX. The advice was based on the analysis of factual data collected and reported by international scientific observers. It was reported that full compliance with Conservation Measure 29/XIX was reported from Subarea 88.1 and that seabird by-catch levels in Subarea 48.3 were negligible for the second successive season. However, for Subarea 48.3 full compliance was not achieved and it was not possible to recommend an extension of the fishing season for 2001/02. It was noted that full compliance could be reached with relatively small improvements to operation practices (SC-CAMLR-XX, paragraphs 4.37 to 4.47).

8.11 The Commission urged Members to take all possible steps in order to provide for their vessels to fully comply with all elements of the Conservation Measure 29/XIX (see also paragraphs 6.14 to 6.23).

## Implementation of the Scheme of International Scientific Observation

8.12 The Chair of the Scientific Committee advised that in 2000/01 there were 60 fishing trips in the Convention Area observed by CCAMLR-designated international scientific observers from Argentina, Australia, Brazil, Chile, France, New Zealand, South Africa, Spain, Ukraine, UK and Uruguay. Scientific observers provided 100% coverage of all trips undertaken in CCAMLR fisheries targeting mackerel, icefish, toothfish and squid as well as partial coverage of the fisheries of krill (SC-CAMLR-XX, paragraph 3.1).

8.13 All but four of the observer logbooks, and all but five observers' cruise reports, had been submitted before the start of the meeting of WG-FSA. Members are taking steps to ensure that the remaining observer documents are submitted to the Secretariat after the meeting.

8.14 The Commission noted the advice received from the Scientific Committee and joined the Committee in thanking all scientific observers for their work and for the great deal of very useful information and material collected.

## Review of SCOI Working Arrangements

8.15 The Commission's attention was drawn to a proposal by the European Community to review the working arrangements of SCOI (Annex 5, paragraphs 5.1 to 5.4 and 8.1(vi)(a)). The Commission noted the recommendation of SCOI that the proposal be considered intersessionally and that Members were requested to submit any comments directly to the European Community. The Commission also noted that SCOI had recommended that the matter be considered as a priority at next year's meeting of SCOI.

8.16 However, during the meeting the Commission established a task group convened by the European Community in order to consider the proposal further. The group drafted terms of reference for a new 'Standing Committee on Implementation and Compliance (SCIC)' and also made suggestions for the organisation of its work (Annex 8).

## CONSERVATION MEASURES

9.1 Conservation Measures adopted at CCAMLR-XX are included in the *Schedule of Conservation Measures in Force 2001/02*.

9.2 The Commission agreed that, as in previous years, the full text of the conservation measures and resolutions adopted at its meeting, together with measures and resolutions remaining in force, would be published immediately after CCAMLR-XX in the *Schedule of Conservation Measures in Force in 2001/02*.

9.3 Given this usual practice, the Commission agreed that it would not be necessary to include the full text of the conservation measures and resolutions adopted at CCAMLR-XX in the final version of its report. However, during the interim period between the adoption of the report and its publication, the Commission agreed that the full text of the conservation measures and resolutions adopted at the meeting would be appended to the pre-publication version of its report.

9.4 New conservation measures dealing with fisheries, along with the revised measure for the krill fishery in Division 58.4.2, were drafted in the new format adopted by the Commission (see paragraphs 10.4 to 10.8). With the aim of further simplifying the presentation of the measures, the Commission requested that the Secretariat review in 2001/02 the numbering system used for conservation measures along with the sequence in which measures and resolutions were presented in the annual publication.

9.5 The UK drew attention to the inclusion in paragraphs 16 and 17 of Conservation Measure 236/XX of conditions drawn from the Protocol of Environmental Protection to the Antarctic Treaty 1991 and MARPOL, even though all Members to which the measure will apply were already bound by the two treaties. Even if in the future a new Member were not so bound, the Commission needs to consider carefully whether it is necessary or desirable to import such provisions into conservation measures. Instead, the Commission might consider encouraging those Members who are not yet Parties to the Environmental Protocol or MARPOL to become parties to both and, until they do, to require (perhaps by licence conditions) their flag vessels fishing in the Convention Area to conform to the relevant provisions of the two treaties. The UK suggested that CCAMLR-XXI might consider adopting a resolution to this effect.

## Review of Existing Conservation Measures

### Lapsed Measures

9.6 Conservation Measures<sup>1</sup> 192/XIX, 193/XIX, 194/XIX, 195/XIX, 196/XIX, 197/XIX, 198/XIX, 199/XIX, 200/XIX, 201/XIX, 202/XIX, 203/XIX, 204/XIX, 205/XIX, 206/XIX, 207/XIX, 208/XIX, 209/XIX, 210/XIX, 211/XIX, 212/XIX, 213/XIX, 214/XIX and 215/XIX would lapse at the end of the period defined in each of these measures.

### Measures remaining in Force

9.7 Conservation Measures<sup>1</sup> 2/III, 3/IV, 4/V, 5/V, 6/V, 7/V, 18/XIX, 19/IX, 29/XIX, 31/X, 32/XIX, 40/X, 51/XIX, 61/XII, 62/XIX, 63/XV, 64/XIX, 65/XII, 72/XVII, 73/XVII, 82/XIX, 95/XIV, 106/XIX, 121/XIX, 122/XIX, 129/XVI, 146/XVII, 147/XIX, 160/XVII, 171/XVIII, 173/XVIII and 180/XVIII remained in force.

9.8 In carrying forward Conservation Measure 29/XIX, the Commission noted its decisions designed to achieve improved compliance with this measure (paragraphs 6.18 and 6.19).

9.9 Resolutions 7/IX, 10/XII, 13/XIX, 14/XIX, 15/XIX and 16/XIX remained in force. The Commission agreed to review Resolution 7/IX (Driftnet Fishing in the Convention Area) at its 2002 meeting.

### Revised Measures

9.10 Conservation Measures<sup>1</sup> 45/XIV, 118/XVII, 119/XVII, 148/XVII and 170/XIX were revised by the Commission. The revisions are detailed in the following section.

### CDS and Other Enforcement-related Measures

9.11 The Commission endorsed the recommendation of SCOI concerning the revision of the CDS and the amendments to Conservation Measure 170/XIX (paragraph 5.43). Accordingly, the measure was revised and adopted as Conservation Measure 170/XX.

9.12 The Commission noted that Russia had agreed with the proposed revised text of paragraph 14 of Conservation Measure 170/XX subject to its later revision in the light of establishment of the web-based paperless catch documents issuing system which would necessitate a much greater role of the Secretariat in issuing documents and facilitating exchange of information between CDS parties which is required for the verification of catch documents.

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<sup>1</sup> Reservations to these measures are given in the *Schedule of Conservation Measures in Force in 2000/01*.

9.13 The Commission endorsed the recommendation of SCOI to enhance cooperation between CCAMLR and non-Contracting Parties (Conservation Measure 118/XVII) (paragraph 5.30). Accordingly, this measure was revised and adopted as Conservation Measure 118/XX.

9.14 The Commission also endorsed the recommendations of SCOI regarding Conservation Measures 119/XVII and 148/XVII (paragraph 8.6). Accordingly, the revised measures were adopted as Conservation Measures 119/XX and 148/XX.

*Euphausia superba*

9.15 The Commission agreed to revise the fishing season for krill in Division 58.4.2 so as to bring it into line with that of other krill fisheries in the Convention Area. Consequently, the season in Conservation Measure 45/XIV was revised to 1 December to 30 November of the following year, and this measure was adopted as Conservation Measure 45/XX.

9.16 Australia noted that a number of issues regarding conservation measures for the krill fishery had been discussed during the meeting. It also noted that catch limits for small-scale management areas need to be in place in Area 48 by the time the trigger level of 620 000 tonnes is reached. Australia considered that this catch level signals when monitoring of the fishery will need to be fully established in order that routine assessments can be undertaken by the Scientific Committee. In that context, Australia requested that the Commission consider the implementation of conservation measures for krill fisheries regarding VMS, the presence of observers on krill fishing vessels and routine reporting of catch and effort data at its next meeting such that they be in place by the time the trigger levels are reached.

9.17 Japan made the following statement:

‘Consideration of the possible introduction of the measures noted by Australia must be based on the current status of the fishery and the necessity for such measures. It is apparent that there is still a vast margin between the actual catch (approximately 100 000 tonnes for 2000/01) and the precautionary catch level (4.0 million tonnes), or even the trigger level (620 000 tonnes). Japan does not deny the possibility that the catch level could reach the trigger level in the future, however this is unlikely to happen in the near future. In this situation, for the krill fishery, there is no incentive to make a false report.

For the data collection and analysis, Japan has been voluntarily providing finer-scale data (10 n miles x 10 n miles x 10 days) to the Commission for many years. Japan is also regularly providing the fishing positions accumulated by 10-day period to the WG-EMM meeting. Moreover, it is possible for the government to track the vessels using the vessels’ daily reports. For the placement of observers, Japan has been continuing the practice to carry international observers on a voluntary basis, and is willing to continue this practice in the future. Krill fishery is also well known as a ‘clean’ fishery in terms of by-catch. Therefore, Japan does not think it is appropriate to apply additional measures of data submissions and a VMS system to krill fisheries.

The data accumulated by the Commission to date should be analysed and evaluated before additional data are requested.

In conclusion, it would not be acceptable to Japan that the data collection is requested for the sake of collection of data, although Japan respects outcomes from scientific work.’

## New Conservation Measures

### Fishing Season

9.18 The Commission noted that, for the first time, all fishery conservation measures in the forthcoming season will be in force for the period 1 December 2001 to 30 November 2002. The Commission adopted Conservation Measure 217/XX defining this uniform fishing season.

### Assessed Fisheries

#### *Champscephalus gunnari*

9.19 Argentina noted that the Scientific Committee had endorsed the findings of WG-FSA in the context of Article II of the Convention that populations of *C. gunnari* are depleted throughout the Convention Area and that changes in the ecosystem may have occurred which cannot be reverted in 20 or 30 years (SC-CAMLR-XX, paragraphs 5.55 and 5.57). Argentina also recalled other elements of Article II: the need to provide for a stable recruitment and to restore depleted populations.

9.20 Consequently, Argentina proposed that the same degree of protection be afforded to *C. gunnari* as that granted by the Commission in 1985 (CCAMLR-IV) to *Notothenia rossii* when the fishery for that species was closed throughout the Convention Area.

9.21 The UK, supported by Russia, pointed out that neither WG-FSA nor the Scientific Committee had made any reference to the status of *C. gunnari* stocks, except to indicate their dynamic nature. There was no indication whatsoever that they were depleted throughout the Convention Area.

9.22 The ecosystem changes referred to by Argentina related to such general matters as sea-ice extent, mean air temperature and changes to seal and seabird populations at South Georgia. None of these changes had been generated by the icefish fishery.

9.23 The UK noted that WG-FSA and the Scientific Committee had paid particular attention to *C. gunnari* during 2001, specially in convening WAMI. The advice of the Scientific Committee and WG-FSA had been unanimous in respect of management of this species, and, as Australia had indicated, there was already a full program of work before the Scientific Committee on this species.

9.24 The Chair of the Scientific Committee confirmed that neither the Scientific Committee nor WG-FSA had made any reference to depletion of *C. gunnari* stocks.

9.25 Argentina pointed out that if a 'recovery' is expected as in paragraph 5.57 of the Scientific Committee report, it obviously means that the stock is below a desirable level. In the view of Argentina, current management methods for this species provide for its rational use but not for the recovery of the stocks. As this question implies a definition of management objectives, a decision should be made by the Commission.

9.26 The Commission noted with concern that in trawl fishing for *C. gunnari* in Subarea 48.3 in 2000/01, 132 seabirds were entangled, with at least 92 fatally. This represented a total of three times the estimated total seabird by-catch mortality for all regulated longline fishing in that subarea in 2001 (SC-CAMLR-XX, Annex 5, paragraphs 8.5, 8.6 and 8.18).

9.27 The Commission endorsed the Scientific Committee's advice on the trawl fishery for *C. gunnari* in Subarea 48.3 in the 2001/02 season (SC-CAMLR-XX, paragraphs 5.76 to 5.81). This advice included setting the catch limit for *C. gunnari* at 5 557 tonnes, allowing limited fishing during the spawning period (1 March to 31 May), setting a limit to the total number of seabirds that may be accidentally caught during fishing, and conducting fishery-based research during the spawning season. Accordingly, the conservation measure for the trawl fishery for *C. gunnari* in Subarea 48.3 in the 2001/02 season was adopted as Conservation Measure 219/XX.

9.28 The Commission agreed that mitigation measures, similar to those in use in New Zealand domestic trawl fisheries, be tested on vessels trawl fishing for *C. gunnari* in Subarea 48.3 in 2001/02 (SC-CAMLR-XX, paragraph 4.80(ii)).

9.29 The Commission endorsed the Scientific Committee's advice on the trawl fishery for *C. gunnari* on the Heard Island Plateau part of Division 58.5.2 in the 2001/02 season (SC-CAMLR-XX, paragraphs 5.87 to 5.89). This advice included setting the catch limit for *C. gunnari* at 885 tonnes and allowing fishing from 1 December 2001 to 30 November 2002, or until the catch limit is reached, whichever is sooner. Accordingly, the conservation measure for the trawl fishery for *C. gunnari* on the Heard Island Plateau part of Division 58.5.2 in the 2001/02 season was adopted as Conservation Measure 220/XX.

#### *Dissostichus eleginoides*

9.30 The Commission endorsed the Scientific Committee's advice on the longline fishery for *D. eleginoides* in Subarea 48.3 in the 2001/02 season (SC-CAMLR-XX, paragraphs 5.35, 5.36 and 5.103). This advice included setting the catch limit for *D. eleginoides* at 5 820 tonnes; allowing fishing from 1 May to 31 August 2002, or until the catch limit is reached, whichever is sooner; counting any catch of *D. eleginoides* taken in other fisheries in Subarea 48.3 against the catch limit for *D. eleginoides*; and limiting the by-catch of skates and rays and *Macrourus* spp.

9.31 The Commission also agreed that the measures for this fishery should continue to include pot fishing for *D. eleginoides*. Fishing using pots could take place year-round, or



until the catch limit is reached, whichever is sooner. It was also agreed that any crabs taken in the pot fishery for *D. eleginoides* should be counted against the catch limit for crabs in that subarea.

9.32 Accordingly, the conservation measure for the longline fishery for *D. eleginoides* in Subarea 48.3 in the 2001/02 season was adopted as Conservation Measure 221/XX.

9.33 The Commission endorsed the Scientific Committee's advice on the trawl fishery for *D. eleginoides* in Division 58.5.2 in the 2001/02 season (SC-CAMLR-XX, paragraphs 5.41 to 5.45), including the catch limit of 2 815 tonnes. Accordingly, the conservation measure for the trawl fishery for *D. eleginoides* in Division 58.5.2 in the 2001/02 season was adopted as Conservation Measure 222/XX.

9.34 Australia wished to advise the Commission that any fishing or fishery research activities in those parts of Divisions 58.4.3a,b and 58.5.2 which constitute the Australian EEZ around the Australian territory of Heard Island and the McDonald Islands must have the prior approval of Australian authorities. The Australian EEZ extends up to 200 n miles from the territory. Australia regards unauthorised fishing in its waters as a serious matter that undermines efforts to ensure that fishing occurs only on an ecologically sustainable basis. Australia seeks the assistance of other CCAMLR Members in ensuring their nationals 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. These controls include a limit on the number of fishing concessions issued. Presently, fishing concessions are fully subscribed. Australia has legislation to provide for large penalties for fishing illegally in Australia's EEZ, including the immediate forfeiture of foreign vessels found engaged in such activities, and operates regular fishery enforcement patrols in the region. Any enquiries about fishing in the Australian EEZ should be made initially to the Australian Fisheries Management Authority.

#### *Electrona carlsbergi*

9.35 The Commission noted that no new advice was available from the Scientific Committee on the trawl fishery for *E. carlsbergi* in Subarea 48.3 in the 2001/02 season. The last assessment conducted for this fishery was in 1994, based on survey data collected in the late 1980s. Further, no fishing had been reported since 1992.

9.36 Since that time, acoustic technology had greatly improved and the comprehensive CCAMLR-2000 Survey had been undertaken. Consequently, the Commission requested that the Scientific Committee provide advice next year on the status of the assessment of this species in Subarea 48.3, the role of myctophids in the ecosystem in that area and future approaches to the management of this fishery.

9.37 Recognising that the current management of this fishery includes a catch limit for *E. carlsbergi* of 14 500 tonnes in a small-scale management unit in the region of Shag Rocks, and a fishery-based research component when the catch of *E. carlsbergi* reaches 20 000 tonnes, the Commission agreed to carry forward the elements of Conservation Measure 199/XIX for one more season. Conservation Measure 223/XX was adopted for the 2001/02 season.

9.38 The Commission agreed to review the management of this fishery at its 2002 meeting in the light of updated advice from the Scientific Committee.

#### By-catch Species

9.39 The Commission endorsed the Scientific Committee recommendation that interim precautionary measures should be adopted for the forthcoming year to place upper limits on the by-catch of *Macrourus* spp. and skates and rays, and reduce the potential for local depletion of these species groups.

9.40 With respect to *Macrourus* spp. and skates and rays, the Commission agreed that if any vessel catches more than 1 tonne of a by-catch species in a longline set or haul, it should be required to move its fishing position (defined as the midpoint of the set or haul) by at least 5 n miles. It should not return to the position of the high by-catch to fish within five days. For the purposes of this recommendation, 'by-catch' refers to *Macrourus* spp. and skates and rays. '*Macrourus* spp.' and 'skates and rays' should each be counted as a single species.

9.41 For the longline fishery in Subarea 48.3, an interim precautionary by-catch limit for *Macrourus* spp. and skates and rays should be set at 5% for each by-catch species group of the catch limit of the target species, or 50 tonnes, whichever is the greater.

9.42 The upper limit on by-catch of *Macrourus* spp. in exploratory fisheries is recommended to be 100 tonnes in small-scale research units (SSRUs) (as defined in Table 1 and Figure 1 of Annex 227/B to Conservation Measure 227/XX) in Subarea 48.6, Division 58.4.2 and Subarea 88.1 south of 65°S, and on BANZARE Bank (Division 58.4.3b), and 40 tonnes in all other SSRUs.

9.43 Existing by-catch measures for species other than *Macrourus* spp. and skates and rays should remain in force.

9.44 General measures dealing with the limitation of by-catch were adopted as Conservation Measures 224/XX (Division 58.5.2) and 228/XX (new and exploratory fisheries). An upper limit on the by-catch of *Macrourus* spp. and skates and rays was also specified in Conservation Measure 221/XX (longline fishery in Subarea 48.3).

#### General Measure for Exploratory Fisheries for *Dissostichus* spp.

9.45 The Commission endorsed the Scientific Committee's advice on exploratory fisheries for *Dissostichus* spp. (SC-CAMLR-XX, section 9).

9.46 The Commission updated the general measure for exploratory fisheries for *Dissostichus* spp. in light of the advice of the Scientific Committee and further discussions during the Commission meeting. This measure included changes to the research plan (SC-CAMLR-XX, paragraphs 9.15 to 9.18). By-catch catch limits in new and exploratory fisheries were removed from this general measure and placed in Conservation Measure 228/XX. Accordingly, Conservation Measure 227/XX was adopted.

9.47 The Commission recalled its advice that proposals for new or exploratory fisheries with specific research plans endorsed by the Scientific Committee can be exempted from the general research requirements under Conservation Measure 227/XX (CCAMLR-XIX, paragraphs 9.42 to 9.45).

9.48 The Commission endorsed the exemption for trawl fisheries in Division 58.4.2 from the general research provisions of Conservation Measure 227/XX. This exemption was for the 2001/02 season only.

#### Exploratory Fisheries for *Dissostichus* spp.

9.49 The Commission adopted eight conservation measures for exploratory fisheries for *Dissostichus* spp. in 2001/02 (Table 2). The timing of the fishing seasons, and catch limits for target species and by-catch species were based on the Commission's deliberations.

Table 2: Summary of adopted conservation measures for exploratory fisheries for *Dissostichus* spp. in 2001/02.

CM	Region	Fishing Gear	Member Countries	Fishing Season	Catch Limit (tonnes)	
229/XX	48.6	Longline	Japan New Zealand South Africa Uruguay	N of 60°S	1 Mar–31 Aug 02	455
				S of 60°S	15 Feb–15 Oct 02	455
230/XX	58.4.2	Trawl	Australia		1 Dec 01–30 Nov 02	500
231/XX	Elan Bank* (Division 58.4.3a)	Longline	France Japan		1 May–31 Aug 02	250
232/XX	BANZARE Bank* (Division 58.4.3b)	Longline	France Japan		1 May–31 Aug 02	300
233/XX	58.4.4*	Longline	France Japan South Africa Uruguay		1 May–31 Aug 02	103
234/XX	58.6*	Longline	Chile France Japan South Africa		1 May–31 Aug 02	450
235/XX	88.1	Longline	Japan New Zealand Russia South Africa	N of 65°S	1 Dec 01–31 Aug 02	171
				S of 65°S	1 Dec 01–31 Aug 02	2 337
236/XX	88.2	Longline	Japan New Zealand Russia South Africa	S of 65°S	1 Dec 01–31 Aug 02	250

\* Outside areas of national jurisdiction

9.50 The Commission agreed that vessels participating in the exploratory fisheries for *Dissostichus* spp. in Subareas 48.6, 88.1 and 88.2, south of 60°S, may be exempted from paragraph 3 of Conservation Measure 29/XIX (night setting), if prior to licensing, each vessel can demonstrate its capacity to comply with experimental line-weighting trials approved by the Scientific Committee. The experimental line-weighting trials were adopted as Conservation Measures 216/XX.

9.51 Vessels operating in Subareas 48.6, 88.1 and 88.2 which comply with Conservation Measure 216/XX and consistently demonstrate a minimum line sink rate of 0.3 m/s, may set longlines during daylight hours when fishing south of 60°S. However, the Commission agreed that any vessel catching a total of three (3) seabirds in these subareas in the 2001/02 season shall immediately revert to night setting in accordance with Conservation Measure 29/XIX.

9.52 The exploratory trawl fishery for *Dissostichus* spp. in Division 58.4.2 was agreed by the Commission, and Conservation Measure 230/XX was adopted. This conservation measure also details the requirements for the new trawl fishery for *Macrourus* spp.

9.53 The exploratory longline fisheries notified by France and Japan on BANZARE and Elan Banks outside areas of national jurisdiction were adopted as Conservation Measures 232/XX and 231/XX respectively. The statistical areas to which these measures apply reflect the new subdivision of Division 58.4.3 (Annex 7).

9.54 The Commission recalled the potential for the precautionary catch limit of *Dissostichus* spp. in Division 58.4.4 being taken in a very short time and with the extreme likelihood of it being exceeded (paragraph 7.9). It was agreed that the exploratory fishery would be limited to a single vessel at any one time.

9.55 In addition, the Commission agreed that every longline haul in this exploratory fishery should meet the requirements of research hauls in Conservation Measures 227/XX (Annex B, paragraph 4). This provision would ensure that the maximum amount of information is collected under the fishery-based research.

9.56 The Commission agreed that one Japanese, four New Zealand, three Russian and two South African-flagged vessels would be allowed to operate in the exploratory longline fishery for *Dissostichus* spp. in Subarea 88.1.

9.57 The Commission noted that New Zealand's notification for this fishery included a proposal to prohibit longline fishing within a 10 n mile radius of significant breeding sites for seabirds and marine mammals (CCAMLR-XX/11, Appendix 1).

9.58 In 2000/01 vessels from New Zealand, South Africa and Uruguay did not fish in the Convention Area within 10 n miles of 23 seabird and marine mammal breeding sites in Subarea 88.1. For 2001/02, Japan, New Zealand, Russia and South Africa advised that they would on a voluntary basis ensure that their vessels fishing for *Dissostichus* spp. in Subarea 88.1 did not fish within 10 n miles of these sites as listed in Appendix 1 of CCAMLR-XX/11. Although these additional voluntary measures were not incorporated in the relevant conservation measure for Subarea 88.1, it was noted that this matter could be reviewed in future in light of further information provided to the Scientific Committee and its subsidiary bodies.

9.59 Accordingly, Conservation Measure 235/XX was adopted.

9.60 Australia welcomed the voluntary prohibition of fishing within 10 n miles of seabird and marine mammal colonies in Subarea 88.1. Australia stated it was disappointed that the manner in which proposals for the orderly development of exploratory fisheries are considered by the Commission was not given an opportunity to be discussed fully despite being raised at various times during the meeting. Australia wished to advise the Commission that in providing ideas for discussion it was not endeavouring to introduce those ideas for immediate agreement without being given due consideration or discussion by the Commission. In withdrawing these discussion points, Australia requested that the Commission ask the Scientific Committee and subsidiary bodies to give due attention to notifications of new and exploratory fisheries in light of the intent and specification of the conservation measures for new and exploratory fisheries, taking account of the specified deadlines for submission prior to the Commission meeting.

9.61 The Commission agreed that one Japanese, three New Zealand, one Russian and two South African-flagged vessels would be allowed to operate in the exploratory longline fishery for *Dissostichus* spp. in Subarea 88.2. Accordingly, Conservation Measure 236/XX was adopted.

9.62 In accordance with Article IX of the Convention, the Commission adopted Conservation Measure 218/XX prohibiting directed fishing on *Dissostichus* spp. except in accordance with specific conservation measures in the 2001/02 season. This prohibition applied to Subareas 48.5, 88.2 north of 65°S and 88.3, and Divisions 58.4.1 and 58.5.1 outside the French EEZ.

#### Other Fisheries

##### *Chaenodraco wilsoni* and Other Species

9.63 The Commission noted the Scientific Committee's advice on the trawl fishery for *C. wilsoni*, *Lepidonotothen kempi*, *Trematomus eulepidotus* and *Pleuragramma antarcticum* in Division 58.4.2 in the 2001/02 season. Accordingly, Conservation Measure 237/XX was adopted.

##### *Macrourus* spp.

9.64 The Commission noted the Scientific Committee's advice on the new trawl fishery for *Macrourus* spp. in Division 58.4.2 in the 2001/02 season. Accordingly, the elements of this fishery were included in Conservation Measure 230/XX.

### *Martialia hyadesi*

9.65 The Commission agreed that the existing management regime for the exploratory jig fishery for *M. hyadesi* in Subarea 48.3 be maintained for the 2001/02 fishing season (SC-CAMLR-XIX, paragraph 5.119). Accordingly, Conservation Measure 238/XX was adopted.

### *Paralomis* spp.

9.66 The Commission agreed that the existing catch limits for this fishery be maintained for the 2001/02 fishing season (SC-CAMLR-XX, paragraphs 5.125 to 5.128). The Commission also endorsed the Scientific Committee's advice that the minimum legal size for male *Paralomis spinosissima* be revised to 94 mm (SC-CAMLR-XX, Annex 5, paragraph 4.273 and Table 44). Accordingly, the elements of Conservation Measures 214/XIX and 215/XIX were carried forward to the 2001/02 season and adopted in Conservation Measures 226/XX and 225/XX respectively.

9.67 The Commission noted that experimental harvest for crabs in Subarea 48.3 may result in significant levels of by-catch of *D. eleginoides*. It was agreed that these catches should be counted against the catch limit for *D. eleginoides* in Subarea 48.3.

9.68 The Commission also noted that Japan and the USA planned to fish for crab species in Subarea 48.3 during the 2001/02 season. Conservation Measure 226/XX requires that all vessels carry out the experimental harvest regime. The Commission noted that the US-flagged vessel notified for this fishery had already fulfilled the requirement set out in this conservation measure. However, the Japanese vessel notified in this fishery would need to complete the experimental harvest regime.

### New Resolution

9.69 The Commission adopted a new resolution 17/XX addressing misreporting and misuse of the CDS (paragraph 5.16).

## MANAGEMENT UNDER UNCERTAINTY

### Regulatory Framework

10.1 The Commission noted the further progress in developing a unified framework for providing management advice on all fisheries in the Convention Area (SC-CAMLR-XX, Section 7). During the intersessional period, the Scientific Committee and its working groups had reviewed draft fishery plans prepared by the Secretariat for the krill fishery in Area 48 (SC-CAMLR-XX, Annex 4, Appendix D) and the *C. gunnari* fishery in Subarea 48.3 (SC-CAMLR-XX, Annex 5, Appendix E).

10.2 The Commission agreed that the next step should be to prepare such fishery plans for other fisheries in the Convention Area. Priority fisheries are those for *D. eleginoides* in Subarea 48.3 and Division 58.5.2, *Dissostichus* spp. in Subarea 88.1 and *C. gunnari* in Division 58.5.2. The development of fishery plans for other fisheries was considered of a lower priority.

10.3 The Commission also noted the introduction of fisheries summaries (SC-CAMLR-XX, Annex 5, Table 19) which the Scientific Committee proposed to consider annually both in the context of the assessments conducted and as an important item in the regulatory framework. The Scientific Committee agreed that a 'prospecting default arrangement' should be put in place in the absence of a formal assessment of these fisheries. The currency of this advice is described in Table 19 as 'multi-year in the absence of surveys or fishery-based research information'. For those fisheries notified previously, and for which notifications were received again this year, but for which no new information was available, no new assessment was undertaken. The Commission agreed that until new information was received, the Scientific Committee should not attempt to undertake any further work on such fisheries. Hence, the 'prospecting default arrangement' would remain in place as the current advice. The Commission requested the Scientific Committee consider all notifications next year to ensure that all elements have been reviewed as necessary.

#### Review of Existing Conservation Measures by the Secretariat

10.4 In 2000 the Commission had recognised that the suite of conservation measures that it regularly reviews and adopts had become large and complex. The Commission had agreed that there was considerable merit in reviewing the structure of the conservation measures and their presentation, and had remitted the task to the intersessional period (CCAMLR-XIX, paragraph 9.72).

10.5 During the 2000/01 intersessional period, the Secretariat reviewed the development and structure of conservation measures adopted so far by the Commission (CCAMLR-XX/BG/4). This review indicated that some of the work of the Commission may be simplified by the use of standard text in conservation measures dealing with many of the fisheries within the Convention Area. Two alternative options for simplifying the process of drafting conservation measures dealing with fisheries were developed by the Secretariat (CCAMLR-XX/20 Rev. 1).

10.6 The first method would identify relevant standard paragraphs and the specifications to be used in each fishery conservation measure. It would also include non-standard requirements, if any. The paragraphs, specifications and special requirements, if any, would then be combined to produce the conservation measure in a format similar to that used in previous years.

10.7 In the second method, relevant standard paragraphs, specifications and 'non-standard' requirements, if any, for each fishery would be identified but would be listed in table format.

10.8 The Commission agreed to use the first option in the preparation of measures dealing with fisheries in the 2001/02 season. This was also the option favoured by the Scientific

Committee (SC-CAMLR-XX, paragraph 7.11). The Commission also agreed that management advice must have the flexibility to include non-standard approaches and diverse opinions where agreements are not reached.

## COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM

### Twenty-fourth Antarctic Treaty Consultative Party Meeting

11.1 The Executive Secretary reported on his participation at ATCM-XXIV (CCAMLR-XX/BG/11 to which his statement to ATCM-XXIV is appended). The main points of direct relevance to CCAMLR-XX were: the decision to establish a permanent ATCM Secretariat in Buenos Aires, Argentina; Resolution No. 1 in support of CCAMLR and its measures to combat IUU fishing in the Convention Area; and the Declaration of ATCM-XXIV.

11.2 The Chair of the Scientific Committee participated at the fourth meeting of the Committee on Environmental Protection (CEP-IV) (CCAMLR-XX/BG/3). The most important issues of relevance to CCAMLR were: the development of criteria for, and a mechanism to ensure consistency in, the designation of Antarctic Specially Protected Species; evaluation of the risk that human activities in Antarctica might introduce diseases; and presentation of papers prepared by the CCAMLR Secretariat on data management and monitoring of marine debris and its impact on marine living organisms. CEP agreed to consider at CEP-V more extensive cooperation with CCAMLR.

11.3 Sweden indicated that the Executive Secretary's report on the ATCM and the Scientific Committee Chair's report on CEP-IV highlight the close interrelation between different parts of the Antarctic Treaty System (ATS). Such contacts are welcome and should continue, and cooperation should be strengthened.

11.4 The Protocol on Environmental Protection has been in force for almost four years. CEP has had four meetings and is developing rapidly into a major advisory body of the ATS.

11.5 Sweden indicated that it will be important to avoid any inconsistency between the different parts of ATS as the systems above evolve. Issues of overlap include:

- criteria for Specially Protected Species and whether this designation should extend to marine species;
- ASPAs that include marine components; and
- fishing activities that impact on seabird populations.

11.6 Sweden recommended that to enhance cooperation, the chairpersons of CEP and CCAMLR's Scientific Committee should meet and that, to strengthen and develop the relationship with other parts of the ATS, the Commission considers asking the incoming Executive Secretary to report to the next CCAMLR meeting, ideas and proposals on how to promote cooperation.



11.7 Other Members, in particular, Australia, Chile, Italy, Norway, South Africa, UK and USA endorsed the statement made by Sweden. The observer from CEP, Dr A. Press (Australia), drew the Commission's attention to the fact that much of the work conducted by CEP is of specific importance to CCAMLR, and encouraged closer links between CCAMLR and CEP.

11.8 Following substantial discussion, the Commission agreed to:

- strengthen cooperation with ATCM and CEP, especially on issues such as monitoring and protection of the environment, preparation of the State of the Antarctic Environment Report (SAER), protected species and areas, environmental pollution and other common responsibilities;
- maintain contact with the permanent ATCM Secretariat, once established, and provide it with assistance as required;
- coordinate activities with respect to the implementation of the Protocol on the Environmental Protection and, in particular, on the issue of whether under Article 8 of the Protocol, a Party to the Protocol can require activities pursuant to CCAMLR in the Antarctic Treaty Area to be subjected to environmental impact assessment; and
- maintain the distinct identity and responsibility of CCAMLR in the light of the overlapping of some matters of competence between CCAMLR and ATCM, especially taking into account that not all Members of CCAMLR are now parties to the Antarctic Treaty and the Environmental Protocol.

#### Cooperation with SCAR

11.9 There was no full meeting of SCAR in 2001. The SCAR/CCAMLR Observer, Dr Fanta presented a summary of the intersessional activities of SCAR in 2001 (CCAMLR-XX/BG/31). The Scientific Committee also considered a report from SCAR (SC-CAMLR-XX, paragraph 11.22).

11.10 A SCAR Biology Symposium 'Antarctic Biology in a Global Context' was held in August–September 2001 in Amsterdam, the Netherlands. A large number of scientific presentations was of direct interest to the CCAMLR working groups, in particular, on biology and population dynamics of krill, seals and seabirds.

11.11 A meeting of the Subcommittee on Evolutionary Biology of Antarctic Organisms was held in August 2001 immediately before the SCAR Symposium. The Evolution in Antarctica project (EVOLANTA) was approved at last year's meeting of SCAR and the Committee is now implementing its objectives. It was decided at this year's meeting to establish a website containing all the available information on the program. The website would be of considerable importance to CCAMLR in stimulating research.

11.12 The Group of Specialists on Environmental Affairs and Conservation (GOSEAC) has not met for two years. The next meeting will take place in the USA in April 2002, prior to the next meeting of SCAR. Its agenda will include the preparation of the SAER, the

environmental impact of marine acoustic methods on marine organisms, biological environmental monitoring and proposals for protected areas under the Antarctic Treaty System.

11.13 Dr Fanta emphasised that there were many ways for further improvement of cooperation between CCAMLR and SCAR.

#### Assessment of Proposals for Antarctic Specially Protected Areas which include Marine Areas

11.14 Last year the Commission requested the Scientific Committee to continue its work on the development of scientific advice on the review by CCAMLR of protected area proposals put forward by the ATCM under the Protocol on Environmental Protection to the Antarctic Treaty, that contain a marine component. In particular, the requirement is to develop advice on steps to be taken to determine:

- (i) whether a site proposed for designation as a marine protected area affects actual or potential harvesting of marine resources in relation to Article II of the Convention; and
- (ii) whether the draft management plan for the proposed site might prevent or restrict CCAMLR-related activities.

11.15 Dr Fanta called the attention of the Commission to the criteria that were already established by the Scientific Committee in 1994 (SC-CAMLR-XIII, paragraph 6.11) and agreed by the Commission (CCAMLR-XIII, paragraphs 11.16 to 11.19) and that the procedures elaborated by Articles V and VI, Annex V to the Protocol on Environmental Protection to the Antarctic Treaty should be followed by CCAMLR (CCAMLR-XIII, paragraphs 11.17 and 11.18).

11.16 The Commission noted the Scientific Committee's latest report (SC-CAMLR-XX, paragraphs 4.11 to 4.21) and its request for clarification from the Commission on several specific issues involved in the review of draft management plans for ASPAs or Antarctic Specially Managed Areas (ASMAs) under the Protocol of Environmental Protection to the Antarctic Treaty, that contain a marine component, forwarded to CCAMLR for comment (SC-CAMLR-XX, paragraph 4.22), namely:

- (i) Should the Scientific Committee review the values of protection identified in an Antarctic Treaty management plan or limit its comments to issues related to items in paragraph 11.14?
- (ii) What is the pathway of submission and referral to the Scientific Committee and its working group(s) for review of proposals received for comment by CCAMLR?
- (iii) Should the Scientific Committee review proceed independently of any review process under way within SCAR?
- (iv) What is the timeline for a CCAMLR review of an ATCM management plan?

11.17 In response, the Commission:

- (i) reaffirmed that the two criteria set out in CCAMLR-XIX, paragraphs 11.20 and 11.21 were central to the consideration of such proposals by the Scientific Committee. However, the advice of the Scientific Committee should not be limited exclusively to consideration of these two criteria;
- (ii) indicated that proposals received by the Secretariat should be immediately referred to the Scientific Committee for attention at the next meetings of its subsidiary bodies. These bodies would provide advice to the Scientific Committee which would, in turn, advise the Commission. It was noted, however, that there might still be some uncertainty as to whether proposals could be submitted directly by ATCPs or could only be submitted via an ATCM;
- (iii) confirmed that the Scientific Committee shall, while considering advice from other scientific bodies such as SCAR, review proposals irrespective of whether any review of a proposal is being undertaken within SCAR; and
- (iv) indicated that it hoped that proposals could be reviewed by the Scientific Committee and considered by the Commission within one calendar year of receipt. However, it noted that this would depend on the timing of submissions to the Secretariat relative to the timing of meetings of the subsidiary bodies of the Scientific Committee and, perhaps more critically, on the complexity of the proposal.

11.18 The review process would include the following procedural steps:

- submission of an ATCM proposal to the Secretariat and immediate forwarding to the Scientific Committee;
- consideration of issues by WG-EMM and WG-FSA;
- development of advice by the Scientific Committee;
- consideration of issues and decisions by the Commission; and
- reporting of discussions and decisions to the ATCM.

11.19 The Commission tasked the Executive Secretary with contacting Poland, host of the forthcoming ATCM, to outline these procedural steps, and to request that the ATCM forward current proposals, if any, to CCAMLR by June 2002 so that these may be first considered at the 2002 meeting of WG-EMM. The Commission also requested clarification from the ATCM on its process for the submitting proposals to CCAMLR (e.g. would individual countries submit proposals directly to CCAMLR or would proposals be reviewed by the ATCM prior to submission).

11.20 In the absence of such proposals, the Commission recognised the difficulties faced by Scientific Committee and its working groups in developing an approach to the scientific review of ATCM management plans.

11.21 It was recognised that the range of issues to be addressed by the Scientific Committee will vary depending on the type and size of the proposals under consideration.

11.22 The Commission also noted advice from the Scientific Committee on its request on the application of the provisions in Article IX.2(g) of the Convention on ‘the designation of the opening and closing of areas, regions or subregions for purposes of scientific study or conservation, including special areas for protection and scientific study’ (CCAMLR-XIX, paragraph 11.21).

11.23 The Scientific Committee had noted the global interest in the use of marine protected areas and that consideration of Article IX.2(g) could be included in discussions of management options for fisheries (SC-CAMLR-XX, paragraph 4.20).

## COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

### Reports of Observers from International Organisations

#### FAO

12.1 The FAO Observer (Mr Shotton) drew the meeting’s attention to his report (CCAMLR-XX/BG/33) which outlined FAO activities of interest to CCAMLR.

12.2 Of particular relevance to CCAMLR is the establishment of an international fisheries commission for the southern Indian Ocean, with a proposed southern boundary contiguous with that of CCAMLR. A major issue will be the management of deepwater high-seas stocks, notably ocean roughy (*Hoplostethus atlanticus*). It is expected that many of the countries represented at CCAMLR will be members of the new commission and will have the responsibility of dealing with similar problems, including perhaps the need for a future catch documentation scheme for lower-latitude deepwater species.

12.3 The preparatory meetings for this commission will continue in forthcoming meeting in South Africa; a second ad hoc technical meeting is planned for May 2002 in Perth, Western Australia. The FAO Observer stressed that it had not yet been decided on whether this commission would be an FAO body – this decision would be taken by the commission.

12.4 A second topic of particular relevance is the proposed New Zealand/Australian FAO International Conference on the Management of Deepwater Fisheries Resources. Other fisheries organisations, including CCAMLR, will be invited to co-sponsor and help organise this conference. The program planning has just begun, but it is intended that the conference be comprehensive, and deal with issues ranging from governance of deep sea (and, thus, often high seas) fisheries through the evolving technology involved in these fisheries, and the marketing and processing of deepwater fish products. It will be a conference for industry as much as for governments and conservationists.

12.5 In closing, the FAO Observer drew the Commission’s attention to the draft IPOA–IUU as adopted by the Second Technical Consultation on Illegal, Unreported and Unregulated Fishing held in February 2001. Details of the report are available at [www.fao.org/docrep/meeting/003/y0220e/Y0220e01.htm#g](http://www.fao.org/docrep/meeting/003/y0220e/Y0220e01.htm#g).

12.6 The Commission highlighted the importance of the IPOA on IUU fishing activities which is a key area of focus of the Commission. In particular, the Commission noted that national plans would need to be developed in support of IPOA–IUU.

12.7 Dr Fanta stressed the need of a close collaboration between FAO and CCAMLR and that the IPOAs have been of great importance for the establishment of National Plans of Action to avoid or at least minimise the mortality of seabirds in fisheries outside the CCAMLR Convention Area. These Plans of Action will, hopefully, lead to actions, worldwide, in harmony with CCAMLR’s conservation measures relating to this topic.

12.8 The European Community made the following statement:

‘The European Community is fully and deeply committed in the fight against IUU fishing in all fora where this key issue is discussed and addressed. It took active part in the development of FAO’s IPOA on IUU and has engaged in developing action at Community level in the relevant different fields – in this context: control of fishing activities, port control and trade in fish products from IUU fishing. As the discussions during this meeting have shown, its Member States share in this action and take important initiatives in line with the Community’s overall concern. It is therefore with pleasure and pride that it wishes to introduce a statement from Spain in relation to the efforts carried out by this Member in the fight against IUU fishing.’

12.9 Spain made the following statement:

‘Spain will take on the presidency of the European Community in the first half of 2002. Spain intends to encourage European Community Members to combat illegal fishing and the associated incidental catches of seabirds and marine mammals.

Moreover Spain, in cooperation with FAO, is finalising arrangements for conducting during the last quarter of 2002 an international conference aimed at promoting the development of National Plans of Action for combating IUU fishing and adopting common measures to eradicate IUU fishing.

This approach will allow full and thorough consideration of the question of the Flags of Convenience (FOC).

The aim is to establish the foundations, at an international level, for implementing a ban on all landings by vessels fishing under flags of convenience.

This is an ambitious project that requires international concerted actions to set criteria and procedures related to FOC and the subsequent adoption of measures at the level of regional fishery organisations.

It is therefore necessary to first identify the problems, and we believe that during this meeting many will arise. We therefore urge all Members interested in participating and cooperating in the development of this conference to contact the Spanish Delegation.’

12.10 Spain thanked all delegates for their efforts in addressing the issue of flags of convenience. It was noted that the common interest of protecting birds does not exclude the genuine concern for men at sea working under exploitative conditions on vessels sailing under

flags of convenience. Undoubtedly, this is a subject with a complex history whose solution depends on the enhancement of the relationships between CCAMLR and non-Contracting Parties. In Spain's opinion, progress on this matter hinges on the development of appropriate procedures. Finally, Spain again drew attention to the international conference identified above which is scheduled to be held in the last quarter of 2002, and which will provide a useful opportunity to discuss this matter (paragraph 12.9).

## ASOC

12.11 ASOC presented its report to the Commission (CCAMLR-XX/BG/23 Rev.1) and made the following statement:

'ASOC reminds delegates that at the Nineteenth Meeting of CCAMLR we proposed a moratorium on all toothfish fishing as a temporary, emergency measure to stop IUU fishing and associated seabird by-catch.

In the past year: IUU fishing in the CCAMLR Convention Area has increased; the CDS continued to fail to distinguish legal and IUU toothfish; and CDS data indicated a surprisingly productive toothfish fishery in Area 51, just outside the CCAMLR Convention Area. ASOC agrees with the conclusion of the Scientific Committee that this toothfish is likely IUU catch from within the Convention Area. Mandatory VMS and independent observer verification of DCDs would close this loophole in the CDS.

Unless delegates can develop an alternative to a moratorium that will end IUU fishing and protect threatened seabirds, we will continue to urge CCAMLR to suspend all toothfish fishing. CCAMLR must stop expressing concern over IUU fishing and proceeding to approve higher TACs and welcome more and more boats into the fishery. Rather, CCAMLR ought to develop a plan to stop IUU fishing for toothfish.'

## IUCN

12.12 IUCN presented its report to the Commission as contained in CCAMLR-XX/BG/28 and BG/29. It noted that, while the Commission would no doubt be aware of the work of IUCN, it may be less familiar with the work of the TRAFFIC Network on fisheries issues, the international wildlife monitoring network, established as a joint program of IUCN and the conservation organisation World Wildlife Fund (WWF).

12.13 IUCN submitted to CCAMLR two reports prepared by TRAFFIC: one on Patagonian toothfish and the other on Antarctic toothfish, as CCAMLR-XX/BG/28 and BG/29 respectively. These reports were considered by SCOI (Annex 5, paragraphs 2.78 to 2.81) and by the Scientific Committee (SC-CAMLR-XX, paragraphs 11.7 to 11.10).

12.14 In particular, IUCN drew the attention of the Commission to the following:

- (i) possibility that CCAMLR's reported and estimated catches of both Patagonian and Antarctic toothfish may be significantly lower than actual removals;

- (ii) concerns regarding the possibility of continuing high levels of IUU fishing activity in the Convention Area;
- (iii) disappointment that stronger action against the likely misreporting of catches taken in the Convention Area as having been taken in FAO Statistical Area 51 had not been agreed; and
- (iv) significant impacts of IUU fishing activities on by-catch species, in particular on seabirds.

12.15 IUCN noted that the TRAFFIC reports contained a number of specific recommendations, relevant to the work of the Commission, which had been brought to the attention of both SCOI and the Scientific Committee, and urged the Commission to consider these during its deliberations.

12.16 Further to the two reports already released, IUCN advised that TRAFFIC would be continuing its analyses of trade in toothfish.

12.17 The Commission noted that the reports received from ASOC and IUCN contain useful information which provide another view of the work of CCAMLR. The Commission also noted the comments by SCOI that the reports prepared by TRAFFIC contained a number of discrepancies which could be resolved bilaterally between the parties involved. It was also agreed that Members should consider and assess these reports, in particular, the recommendations contained therein, in detail during the intersessional period, possibly as part of the work of the CDS group.

12.18 Argentina expressed its appreciation to IUCN for having issued addenda to CCAMLR-XX/BG/28 and BG/29.

12.19 Uruguay noted that, with respect to the lack of trade codes for specific species, it has put forward a proposal to the Southern Common Market (MERCOSUR) forum to assign codes to *Dissostichus* spp. products, in order to facilitate their identification.

12.20 In general, the Commission also stressed the necessity of making CCAMLR data, in particular CDS data, more transparent and available to international organisations such as ASOC and IUCN for their work.

#### Reports of CCAMLR Observers at Meetings of Other International Organisations

##### FAO/COFI

12.21 The Executive Secretary reported on the work of the FAO Committee on Fisheries (COFI) (CCAMLR-XX/B/12 and BG/13). The meeting was preceded by the Second Meeting of the FAO Regional Fisheries Bodies or Arrangements (RFBs).

12.22 Key issues discussed at these meetings were progress on the implementation of the Code of Conduct of Responsible Fisheries, feasibility and practicability of harmonisation of catch certification schemes and the adoption of IPOA-IUU.

## IWC

12.23 The CCAMLR Observer to the IWC (UK) and Prof. B. Fernholm (IWC Chair) presented reports to the Commission (CCAMLR-XX/BG/16 and BG/34), highlighting the following points of interest.

- (i) A review of whale sanctuaries, including the Southern Ocean Sanctuary, will be held in 2004. The IWC Scientific Committee recommended the establishment of an intersessional group to develop criteria/guidelines for this review.
- (ii) The Revised Management Scheme is still under development. Recent actions include the development of observation and inspection elements of the scheme. However very little progress has yet been achieved.

12.24 The IWC also focused its effort on the development of a more equitable scheme for financial contributions. The new scheme should reduce the financial burden of membership for small developing countries.

12.25 The Commission noted the report and highlighted the importance of continued cooperation with the IWC, especially on matters of research into the relationship between krill and whales in the Antarctic ecosystem.

12.26 Dr Fanta stressed the importance of collaboration, at the scientific level, between CCAMLR and IWC and that joint activities, such as surveys which would allow a better understanding of the interactions between whales and krill, and other elements of the ecosystem, should be encouraged.

## CCSBT

12.27 The CCAMLR Observer to CCSBT (New Zealand) submitted its report as contained in CCAMLR-XX/BG/6.

12.28 Three meetings of CCSBT have been held since CCAMLR-XIX: a Special Meeting in November 2000, CCSBT-7 in April 2001 and CCSBT-8 in October 2001. All three meetings continued progress on two of the key issues facing the Commission: the development of a Scientific Research Program (SRP) and the participation of non-members. CCSBT-8 advanced the SRP, focusing on characterisation of catch, catch-per-unit-effort modelling, tagging (initially on dissemination of 10–15 000 tags on juvenile fish in Australia's surface fishery), and an observer program.

12.29 The Republic of Korea presented its instrument of accession during CCSBT-8 and was welcomed as a new member. Taiwan expressed its intention to join the Extended Commission for the Conservation of Southern Bluefin Tuna before 31 December 2001.

12.30 The Ecologically Related Species Working Group (ERSWG) will meet in Japan at the end of November to consider a number of issues concerning ecologically related species including mitigation of seabird by-catch. CCSBT-9 will be held in Australia in early November 2002.



## ICCAT

12.31 The CCAMLR Observer at ICCAT (European Community) presented a report on the annual meeting of ICCAT which took place in Marrakesh, Morocco, in November 2000.

12.32 The difficulties ICCAT is facing at this time are becoming very evident. These are mainly due to the poor state of the regulated stocks, together with an increasing demand by Members who have not so far participated in the key fisheries to be allocated a fishing quota. For this reason unfortunately, ICCAT was unable to agree on allocation in relation to two very important species, bluefin tuna and South Atlantic swordfish. This places the ICCAT Working Group on Allocation at the forefront of ICCAT's main challenges in the near future. In terms of control of fishing activities, ICCAT adopted a resolution establishing a working group mandated to develop an integrated control scheme.

12.33 ICCAT is very active in combatting IUU fishing. In Marrakesh, the organisation adopted trade sanctions, consisting of an import ban for bigeye tuna, to five new countries (Belize, Cambodia, Equatorial Guinea, Honduras and St Vincent and the Grenadines), and several others were identified as fishing for bigeye tuna and swordfish without quotas. Also, and very much in line with the line taken by CCAMLR, ICCAT is addressing trade control issues, such as the establishment of statistical documents to control the trade of illegally caught bigeye tuna and swordfish.

## SPC

12.34 France presented the recommendations adopted by the second Conference of Fishery Officers of SPC, which was held in Noumea, New Caledonia, from 23 to 27 July 2001 (CCAMLR-XX/BG/30). These recommendations dealt with the future work of SPC, concerning the pricing of fisheries products, management of coastal fisheries, aquaculture and fishing communities. Of interest to CCAMLR is the fact that the fishery officers recognise the extent of the problems caused by by-catches, and agree that it will be necessary to redouble their efforts to collect data and to extend the current observation program, particularly on the high seas.

## CMS

12.35 South Africa reported that the final negotiation session for the Agreement on the Conservation of Albatrosses and Petrels (ACAP), under the auspices of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), was held in January–February 2001 in Cape Town, South Africa (SC-CAMLR-XX/BG/17). Australia reported on further progress of the ACAP (SC-CAMLR-XX/BG/20). The Scientific Committee and its working group, ad hoc WG-IMALF, had considered the reports in detail.

12.36 The Cape Town meeting was attended by 23 Range States of Southern Hemisphere albatrosses and petrels. The ACAP was adopted by consensus. In its role as interim Secretariat, Australia arranged for the agreement to be open for signature on 19 June 2001; seven states have already signed. Australia has already ratified the ACAP. New Zealand announced that it had ratified the agreement as of 1 November 2001. Brazil, Chile, South

Africa and UK advised that they intend to ratify the ACAP in the near future but relevant legislative processes are still under way. The agreement will enter into force after three more states have ratified.

12.37 The Commission noted that the ACAP is of importance to CCAMLR as it includes issues of direct concern to the Commission and the Scientific Committee. The Commission urged CCAMLR Members to ratify the agreement as soon as possible.

#### SEAFO

12.38 Namibia, the depositary, reported on the adoption of the convention establishing the South East Atlantic Fisheries Organisation (SEAFO).

12.39 The Commission noted that SEAFO would have a joint boundary with the CCAMLR Convention Area in the Atlantic Ocean sector of the Southern Ocean. At present there are nine signatories to the convention, including Namibia.

12.40 The Commission welcomed these reports from its observers at meetings of international organisations. It noted the importance of developing closer collaboration with organisations with responsibility for the management of marine areas contiguous with and/or adjacent to the Convention Area, particularly in relation to issues of IUU fishing and incidental mortality of seabirds from the Convention Area. It agreed to develop closer links with the relevant regional fisheries organisations involved (e.g. CCSBT, IATTC, ICCAT, IOTC, SEAFO, SPC etc.), and requested Commission Members which are also members of these organisations to facilitate this.

#### World Summit on Sustainable Development

12.41 South Africa drew the Commission's attention to the World Summit on Sustainable Development (WSSD) (Rio+10) to be held in South Africa from 4 to 11 September 2002.

12.42 The WSSD is scheduled to be the largest forum to date in which to discuss a wide range of issues related to the management of environmental protection and sustainable use of resources.

12.43 The Commission agreed that the WSSD offered a unique opportunity to present CCAMLR's many and significant achievements in the conservation and rational use of Antarctic marine living resources.

12.44 The Commission also agreed that it would be appropriate for the Chair of the Scientific Committee (and/or the Chair of the Commission) and the Executive Secretary to attend the WSSD if possible, given the summit's undisputed importance. In addition, the declaration of the Commission on its 20th Anniversary (paragraphs 14.1 to 14.4) as well as other documents, such as *Understanding CCAMLR's Approach to Management*, should be tabled at the appropriate WSSD sessions.

12.45 The Commission noted that there may be a clash between the scheduled dates of the WSSD and ATCM-XXV/CEP-V. Should this clash remain, it was agreed that South Africa (paragraph 12.50) would serve as the CCAMLR Observer at the WSSD.

#### Nomination of Observers to 2001/02 Meetings of International Organisations

12.46 The Commission reviewed the existing practice of nominating observers to international organisations. Two main tasks of representing CCAMLR were identified: to report to international organisations on the work of CCAMLR and to report back on activities of international organisations which are of particular interest to CCAMLR. It was agreed that when CCAMLR is being represented by the Secretariat, both tasks would be undertaken. Observers being provided by CCAMLR Members would be expected mainly to fulfil the second task.

12.47 However, depending on the meeting and its importance to CCAMLR, the Commission could also identify additional specific tasks. For example, for the past several years there was a specific request to CCAMLR observers at meetings of international commissions responsible for the management of various tuna species in respect of measures applied by these commissions to reduce by-catch of seabirds. The Commission noted that the Scientific Committee had amplified that request this year and had requested the Secretariat to supply additional material to CCAMLR Members and observers, as appropriate, in order to improve interactions and information exchange at the meetings of these bodies and other relevant regional fisheries organisations.

12.48 The second specific task identified by the Commission this year for CCAMLR observers is to report back to the Commission on all international initiatives on the elimination of IUU fishing and, in particular, on IUU fishing under 'flags of convenience'.

12.49 It was decided that the Secretariat should annually prepare a standard set of documents for CCAMLR observers. It should include a summary of the most important activities of CCAMLR during the past year, similar to reports submitted by CCAMLR to the ATCM. The Secretariat should also coordinate or prepare, as appropriate, documents for observers relating to specific requests or responsibilities assigned to them by the Scientific Committee or Commission.

12.50 Taking into account the abovementioned revision, the following observers were nominated to represent CCAMLR at meetings of international organisations in 2001/02:

- Annual Meeting of ICCAT, November 2001, Murcia, Spain – European Community.
- Sixth Session of IOTC, 10 to 14 December 2001, Seychelles – no nomination.
- FAO Consultation on the Development of Model Uniform Catch Documentation and Reporting Measures, 9 to 11 January 2002, La Jolla, California, USA – CCAMLR Secretariat.

- Eighth Session of the COFI Sub-Committee on Fish Trade, 12 to 16 February 2002, Bremen, Germany – Germany.
- First Meeting of the Pacific Rim Debris Commission, March 2002, Hawaii, USA – no nomination.
- 54th Annual Meeting of IWC, 20 to 24 May 2002, Shimonoseki, Japan – Japan.
- WTO meetings, March and June 2002 – New Zealand.
- 2002 Annual Meetings of IATTC, 25 to 28 June 2002, Mexico – USA.
- XXVII SCAR Meeting, 15 to 26 July 2002, Shanghai, China – Dr E. Fanta (Brazil).
- World Summit and Sustainable Development (Rio+10 Conference), early September 2002, Johannesburg, South Africa – Chair of the Scientific Committee (and/or Chair of the Commission) and the Executive Secretary (alternatively South Africa) (see paragraphs 12.41 to 12.45).
- ATCM-XXV, 3 to 14 September 2002, Warsaw, Poland – Executive Secretary.
- CEP-V – Antarctic Treaty, 3 to 14 September 2002, Warsaw, Poland – Chair, Scientific Committee.
- 12th Meeting of the Conference of Parties of CITES, 4 to 15 November 2002, Santiago, Chile – Prof. D. Torres (Chile).
- CCSBT-IX Annual Commission Meeting, early November 2002, Australia – Australia.
- Fourth Global Meeting of Regional Seas Conventions and Action Plans, 21 to 23 November 2002, Montreal, Canada – USA.

#### CONSIDERATION OF THE IMPLEMENTATION OF THE OBJECTIVE OF THE CONVENTION

13.1 Chile presented CCAMLR-XX/BG/37 emphasising that the paper was not intended to address in detail issues which are considered by specific items on the Commission's agenda, but rather to give a consolidated, less fragmented focus to the more important matters currently facing the Commission, in the context of the objective of the Convention.

13.2 Chile highlighted significant recent initiatives of the Commission that it considered to be important in strengthening the institutional framework of the Convention. These included revision of the structure of SCOI, standardising the format of conservation measures, and development of a unified regulatory framework for fisheries to cover the entire lifespan of a fishery rather than just one year at a time. In addition, there were a number of additional measures which Chile believed had not yet been developed to their full potential. These included the use of VMS and the development of a list of Flags of Convenience.

13.3 The Commission has established an important regimen of cooperation with non-Contracting Parties, and this was an important step in the consolidation and harmonisation of the Commission's operations. However, Chile believed that it was important that this should not make Members lose sight of their own responsibilities under the Convention.

13.4 Finally, Chile drew to the attention of the Commission that future development of the conservation and management regime for the Southern Ocean could not happen independently of the wider context of world fisheries. In particular, Chile noted that fisheries in seas adjacent to the Convention Area must have appropriate conservation frameworks. Also, the development of other international conventions are increasingly important to the Commission. The signing of the ACAP for example, was an important step forward for conservation in the region.

13.5 Argentina stated that it found of great interest the document presented by Chile. However, while sharing some of the views contained in the document, it noted that there were other developments which might raise some concern. Since more time is needed to examine the document, Argentina reserved its right to express its position at a later stage after the CCAMLR meeting.

13.6 Other Members thanked Chile for once again presenting a useful summary of issues affecting the Commission which are otherwise only dealt with in terms of their practical implementation on a piecemeal basis. It was agreed that it was timely for the Commission to start to address more deeply some of the issues. As a matter of priority, three issues were identified for specific consideration:

- the Commission's relationship with other elements of the ATS;
- the development of a policy for cooperation with regional fisheries bodies; and
- restructuring the operations of SCOI to enable it to focus more effectively on IUU fishing.

13.7 It was recognised that adequate consideration of these issues would require more time than the Commission had available at the current meeting, so options for achieving more extensive consideration were discussed.

13.8 The European Community pointed out that work on the reorganisation of SCOI was under way, and that substantial progress had already been made at the current meeting.

13.9 The UK noted that CCAMLR-XX/BG/37 indicated a number of the Commission's strengths and weaknesses and referred particularly to the suggested lessening of importance of the System of Inspection. While the system was now supported by additional measures, such as the use of VMS, port inspections and notes on sightings from scientific observers, it was the belief of the UK that it is not the System of Inspection itself which is less effective, but rather insufficient implementation. This is unfortunate given the current high levels of IUU fishing.

13.10 Chile noted that the paper indicated trends only and did not provide final solutions, although it did refer to some which are already being developed by the Commission. Chile was pleased to be able to continue contributing to discussions on this agenda item, and had

taken note of the general consensus that the context of the meeting did not provide sufficient opportunity for such open-ended discussions that the subject requires. The meeting considered that perhaps a symposium was needed to address the issues that had been identified.

13.11 Australia agreed that, however it is achieved, it was important that time be made available for discussion, and noted the actions that the Antarctic Treaty Parties had taken in similar circumstances. Australia was, therefore, consulting with Chile with a view to arranging an appropriate symposium to address the matters identified.

## CCAMLR DECLARATION

14.1 Chile introduced CCAMLR-XX/19 Rev. 1. This paper presented a draft of a declaration by the Commission, as requested by the Commission at its last meeting, which could be used by Members as the basis of publicity campaigns to promote the work of CCAMLR (CCAMLR-XIX, paragraph 17.6). Chile noted that a number of Members had contributed to the draft, which was essentially an analysis of the progress that the CCAMLR protection regime has achieved, and of the expected future developments.

14.2 Norway thanked Chile for its work and noted that the declaration could have a number of uses, including to make more widely known the operations of CCAMLR and as a basis for a presentation to WSSD. The declaration presented well the ecosystem approach, the concept of rational use, the concerns over IUU fishing and a clear reference to the organisation's leadership role, as an innovator in its field.

14.3 A number of Members noted the well-balanced presentation of the issues contained in the declaration. The Commission made some amendments to the draft to reflect additional points raised and adopted the declaration as presented in Annex 9.

14.4 Chile acknowledged the appreciative comments of other Members for the work on the draft, and noted that it was pleasing to find that there had been very little disagreement on the content of the declaration.

## ELECTION OF VICE-CHAIR OF THE COMMISSION

15.1 The Commission elected Chile as Vice-Chair of the Commission from the end of this meeting to the conclusion of the 2003 meeting.

15.2 South Africa noted that in electing Chile, the Commission was also paying tribute to the many years of dedicated effort that Ambassador J. Berguño has given to the Commission and elsewhere in the ATS.

## APPOINTMENT OF EXECUTIVE SECRETARY

16.1 The Chair reported to the Commission that a selection committee comprising the Heads of Delegations of Commission Members had selected Dr D. Miller (South Africa) to take over from the present Executive Secretary in February 2002. The Commission congratulated Dr Miller on his appointment. Dr Miller accepted the appointment, thanking the Commission for entrusting him with such an important role and assuring the Commission that he would ensure that the trust is justified.

16.2 The Commission noted that Dr Miller had already given many years of service to CCAMLR, both through South Africa as a Member, and as a convener of working groups of the Scientific Committee, with the last four years as Chair of the Scientific Committee itself. The Commission was confident, therefore, of Dr Miller's willingness and ability to meet the challenges set before him.

16.3 The Commission expressed its gratitude to the outgoing Executive Secretary, Mr E. de Salas, for his leadership of the Secretariat over the last 10 years. The Commission wished Mr de Salas happiness and success in his next endeavour.

## NEXT MEETING

### Invitation of Observers to the Next Meeting

17.1 The Commission invited the following States to attend the Twenty-first Meeting of the Commission as observers:

- Accessing States – Bulgaria, Canada, Finland, Greece, Netherlands, Peru and Vanuatu; and
- non-Contracting Parties involved in trade of toothfish – the People's Republic of China, Mauritius, Seychelles and Singapore as States participating in the CDS, and Columbia, Indonesia, Malaysia, Mexico, Philippines and Thailand, who are not participating in the scheme.

17.2 It was also agreed to invite Belize, Panama, Sao Tome and Principe, St Vincent and the Grenadines, and Togo as Flag States for vessels operating in the Convention Area, and Angola, Madagascar and Mozambique as Port States possibly involved in landings of toothfish.

17.3 The following international organisations were also invited: ASOC, CCSBT, CEP, CPPS, FAO, FFA, IATTC, ICCAT, IOC, IUCN, IWC, SCAR, SCOR, SPC and UNEP.

17.4 Australia noted that observers to the meetings are permitted to participate in all sessions of the Commission and its subsidiary bodies unless a Member objects to their presence at discussions of a particular agenda item. To avoid having to consider such objections during the sessions of the meeting, Australia suggested that any Member intending to raise such an objection should do so before the meeting, and preferably during the meeting before.

## Date and Location of the Next Meeting

17.5 Noting the advice of SCAF that the current location was the only one available in Hobart for 2002, Members agreed that the Twenty-first Meeting of the Commission and Scientific Committee would be held in Hobart, Australia, during the period 21 October to 1 November 2002. Heads of Delegation were requested to be in Hobart for a meeting on 20 October 2002.

17.6 The Commission requested that the new Executive Secretary, with the support of Australia, as offered in SCAF, give priority to ascertaining the best possible location for future meetings.

17.7 The Commission endorsed the comments of the SCAF Chair that it was not appropriate for cost-saving measures to be taken to excess in terms of meeting services. In particular, adequate computing, copying and internet facilities should be made available to rapporteurs and the various Chairs, and that suitable meeting rooms must be provided for all subsidiary bodies and work groups.

17.8 Consideration was given to the necessity for groups to meet concurrently, particularly SCOI and SCAF, both of whom had expressed concern that they needed additional time to give proper attention to the matters which the Commission had referred to them. It was recognised that this would present further difficulties to those Members who are represented by small delegations, but no alternative could be identified.

17.9 The Commission also took note of the suggestion by Brazil that such smaller delegations could fulfil their responsibilities better if ways could be found to improve the communication of meeting arrangements and papers during the meeting.

## OTHER BUSINESS

### Participation of ASOC in Meetings of Subsidiary Bodies of the Commission

18.1 The Commission received a request from ASOC to participate in the meetings of subsidiary bodies, as presented in CCAMLR-XX/18, and noted that all aspects of the request had already been addressed. With respect to the Scientific Committee's work, this was considered by the Scientific Committee itself (paragraphs 18.7 to 18.10), while the involvement of all observers in the Commission's meeting is referred to in paragraph 17.4.

### International Conference/Workshop on Conservation and Sustainable Use of Living Marine Resources in the Antarctic

18.2 Japan presented an information paper (CCAMLR-XX/BG/39) outlining a conference/workshop which Japan, as host country to the 1995 Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security, intends to host in 2002 or 2003.



Japan mentioned that the conference/workshop was announced at the meeting of COFI/FAO in February/March this year and the material presented here is identical to that presented to COFI/FAO.

18.3 The objectives of the conference/workshop presented here are to review developments related to the sustainable use of marine living resources and the conservation of the Antarctic ecosystem, to identify and analyse issues and options for utilising these resources in the near future and to maximise the benefits for mankind with particular emphasis on developing countries.

18.4 The UK, supported by the USA, while grateful for the information, regretted that it had not been made available to this year's meetings of WG-EMM and the Scientific Committee. Instead, it had been made available first to COFI/FAO, and the results of the conference/workshop were also intended for COFI/FAO. It was disappointing that CCAMLR had not been fully consulted, or in a timely manner.

18.5 The USA also pointed out that the report of the COFI meeting had stated that the Scientific Committee would be pleased to be consulted on this matter.

18.6 New Zealand agreed with the UK and the USA, and noted that raising this matter under the 'Other Business' agenda item did not permit sufficient time for answers to be provided to delegates, particularly as to why the matter had not been raised through the Commission, which would be the natural place for discussion of these issues, but rather through FAO, and for the report of the workshop/conference to be through FAO also. It was hoped that Japan would reflect further on the concerns being raised by other Members.

18.7 Australia further pointed out that CCAMLR is the recognised expert in matters concerning the Southern Ocean, and that the objective of the Convention includes rational use. Furthermore, the report of the Scientific Committee outlined the Committee's expected work over the next five years (SC-CAMLR-XX, paragraph 6.2) and this clearly covered elements that were included in the paper presented by Japan.

18.8 Chile shared the concerns of other Members but mentioned that it was apparently not yet decided whether the intended forum was to be a workshop, to address specific issues, or a conference, which could raise wider debate. Chile noted that the resource to be focused on would be krill, as other resources had no scope for expansion. Although there could be some aspects of the workshop/conference results that could usefully be taken to FAO, the paper presented had omitted the fundamental requirement for the results to be presented to the Scientific Committee.

18.9 While expressing general support for Japan's initiative, Russia stressed that more details of the proposed conference/workshop were required particularly on its location and under what auspices it will be convened. In addition, participation of CCAMLR and, in particular, of its Scientific Committee, in the proposed workshop/conference would be highly desirable.

18.10 Responding to the concerns, Japan advised the Commission that no further details are available as they have not yet been concretely configured, and therefore it could not explain whether the forum will be a workshop or a conference. Japan also explained that the material now presented had been developed just before the last COFI/FAO meeting, which was why it

had first been presented there. In addition, Japan mentioned that it had been announced at the meeting of COFI/FAO because the forum seeks broader participation from developing countries, which is not the case for CCAMLR at present.

18.11 Japan was prepared to report the results back to the CCAMLR meeting immediately following the conference/workshop and noted that it welcomes constructive comments from anyone, including the Scientific Committee and CCAMLR Members.

18.12 In response to the enquiry of South Africa as to whether CCAMLR, as the organisation with competence in the CCAMLR Convention Area was invited or simply informed, Japan noted that FAO had been considered to be the more appropriate body, due particularly to the reference to developing countries. Japan further advised that arrangements are continuing and further details will be provided to the Secretariat when they are available.

18.13 In thanking Japan for its response, South Africa noted that Japan had highlighted the need for developing States to participate in the conference, and FAO was a body with wider developing State participation than CCAMLR. In South Africa's view, such participation would not detract from CCAMLR's competence.

18.14 Australia and the European Community were concerned that doubt was being cast on the competence of CCAMLR with respect to the sustainable use of Antarctic marine resources. CCAMLR was open to all countries for membership.

18.15 The USA agreed that it was surprising that a signatory to the Convention should consider that FAO, rather than CCAMLR, has primary competence in this area.

18.16 Japan reiterated that it was willing to receive any constructive input and would welcome participation by scientists from the Scientific Committee and CCAMLR Members. It did not doubt CCAMLR's competence. Japan stressed that the objective of this conference/workshop is not to create a new body which would compete with CCAMLR for competence, but address the issues mentioned above.

18.17 New Zealand noted that the use of one body as a forum for addressing the issues in the competence of another should be as much a concern to FAO as it should be to the Commission.

## ADOPTION OF THE REPORT

19.1 The Report of the Twentieth Meeting was adopted.

## CLOSE OF THE MEETING

20.1 On behalf of the Commission, Ambassador J. Berguño (Chile) recalled that Mr de Salas was attending his final Commission meeting as Executive Secretary. He expressed the gratitude of the Commission for Mr de Salas's years of dedicated and enthusiastic service to CCAMLR following his distinguished career in the Spanish Civil Service, and wished him and his family good fortune for the future.

20.2 The Chairman added his best wishes to those of the Commission delegates and thanked the Executive Secretary, Secretariat staff, interpreters and sound technicians for their admirable support of the meeting. He also noted that the many achievements of the meeting were due to the spirit of cooperation shown by the delegates, who all gave top priority to the aims of the Convention.

20.3 The Chair of the Commission closed the meeting.

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Administration/Finance Officer	Jim Rossiter
Coordinator, Publications and Translation	Genevieve Tanner
Information Resources Administrator	Rosalie Marazas
Compliance Administrator	Natasha Slicer
Receptionist	Rita Mendelson
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Rozalia Kamenev  
Demetrio Padilla  
Ludmilla Stern  
Irene Ullman



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CCAMLR-XX/3	Examination of the audited financial statements for 2000 Executive Secretary
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CCAMLR-XX/5	Notification of Australia's intention to continue an exploratory trawl fishery in Division 58.4.2 for <i>Chaenodraco wilsoni</i> , <i>Lepidonotothen kempi</i> , <i>Trematomus eulepidotus</i> and <i>Pleuragramma antarcticum</i> Delegation of Australia
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- CCAMLR-XX/BG/30      Secrétariat général de la Communauté du Pacifique  
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- CCAMLR-XX/BG/33      FAO Observer's Report  
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- SC-CAMLR-XX/1 Provisional Agenda for the Twentieth Meeting of the Scientific Committee for the Conservation of Antarctic Marine Living Resources
- SC-CAMLR-XX/2 Provisional Annotated Agenda for the Twentieth Meeting of the Scientific Committee for the Conservation of Antarctic Marine Living Resources
- SC-CAMLR-XX/3 Report of the Working Group on Ecosystem Monitoring and Management  
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- SC-CAMLR-XX/4 Report of the Working Group on Fish Stock Assessment  
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- SC-CAMLR-XX/5 A proposal to modify the boundaries of Statistical Division 58.4.3 and neighbouring divisions to define Elan and BANZARE Banks  
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- SC-CAMLR-XX/BG/1 Catches in the Convention Area in the 2000/2001 split-year Secretariat
- SC-CAMLR-XX/BG/2 Beach debris survey – Main Bay, Bird Island, South Georgia 1999/2000  
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- SC-CAMLR-XX/BG/3 Entanglement of Antarctic fur seals *Arctocephalus gazella* in man-made debris at Bird Island, South Georgia during the 2000 winter and the 2000/01 breeding season  
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- SC-CAMLR-XX/BG/4 Entanglement of Antarctic fur seals *Arctocephalus gazella* in man-made debris at Signy Island, South Orkney Islands 2000/01  
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- SC-CAMLR-XX/BG/5 Beach debris survey, Signy Island, South Orkney Islands 2000/2001  
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- SC-CAMLR-XX/BG/6 United Kingdom report on the assessment and avoidance of incidental mortality in the Convention Area 2000/01  
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- SC-CAMLR-XX/BG/7 Anthropogenic feather soiling, marine debris and fishing gear associated with seabirds at Bird Island, South Georgia, 2000/01  
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- SC-CAMLR-XX/BG/8 CCAMLR Report to the Nineteenth Session of the Coordinating Working Party on Fisheries Statistics (CWP) Secretariat
- SC-CAMLR-XX/BG/9 Data Management Report to the Fourth Meeting of the Committee for Environmental Protection (CEP) Secretariat
- SC-CAMLR-XX/BG/10 Summary of Notifications for New and Exploratory Fisheries in 2001/02 Secretariat
- SC-CAMLR-XX/BG/11 Rev. 2 IMALF assessment of new and exploratory fisheries by statistical area (Working Group on Fish Stock Assessment)
- SC-CAMLR-XX/BG/12 Report on the assessment and avoidance of incidental mortality – 2000/01 Delegation of South Africa
- SC-CAMLR-XX/BG/13 Report on beach debris surveys – 2000/01 Delegation of South Africa
- SC-CAMLR-XX/BG/14 Data Management report on activities during 2000/01 Secretariat
- SC-CAMLR-XX/BG/15 Rev. 1 Calendar of meetings of relevance to the Scientific Committee in 2001/02 Secretariat
- SC-CAMLR-XX/BG/16 Monitoring marine debris and its impact on marine living resources in Antarctic waters Secretariat
- SC-CAMLR-XX/BG/17 Report to the Scientific Committee on the final drafting meeting for the Agreement on the Conservation of Albatrosses and Petrels (Cape Town, 27 January to 2 February 2001) Delegation of South Africa
- SC-CAMLR-XX/BG/18 Rev. 1 Importancia de los estudios patológicos en depredadores tope del ecosistema marino Antártico Delegación de Chile
- SC-CAMLR-XX/BG/19 Summary report of the International Fishers' Forum – Solving the Incidental Capture of Seabirds in Longline Fisheries CCAMLR Observer (New Zealand)

- SC-CAMLR-XX/BG/20 Progress toward an Agreement on the Conservation of Albatrosses and Petrels  
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- SC-CAMLR-XX/BG/21 Relevamiento de desechos marinos en la costa de la base científica Antártica Artigas (BCAA) en la Isla Rey Jorge / 25 de Mayo – temporada 2000/01  
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- SC-CAMLR-XX/BG/22 Review of data submitted by Members on marine debris and its impact on marine living resources  
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- SC-CAMLR-XX/BG/23 Summary of observations conducted in the 2000/01 season by designated CCAMLR Scientific Observers  
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- SC-CAMLR-XX/BG/24 Subdivision of large CCAMLR Statistical Areas for the management of the krill fishery  
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- SC-CAMLR-XX/BG/25 Marine debris collected at Cape Shirreff during the Antarctic season 2000/01  
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- SC-CAMLR-XX/BG/26 Conservative management of the Antarctic krill fishery  
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- SC-CAMLR-XX/BG/28 Measures taken by Brazil to minimise the incidental mortality of seabirds outside the Convention Area  
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- SC-CAMLR-XX/BG/29 Preliminary report on IWC-SO GLOBEC collaborative research in the western Antarctic Peninsula study area, March–June 2001  
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- SC-CAMLR-XX/BG/30 Modelling whale distribution: a preliminary analysis of data collected on the CCAMLR-IWC Krill Synoptic Survey, 2000  
Observer (IWC)
- SC-CAMLR-XX/BG/31 The ICES Annual Science Conference  
CCAMLR Observer (Belgium)

SC-CAMLR-XX/BG/32 Observer's report from the 53rd Meeting of the Scientific  
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CCAMLR Observer (K.-H. Kock, Germany)

**AGENDA FOR THE TWENTIETH MEETING  
OF THE COMMISSION**

## AGENDA FOR THE TWENTIETH 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 2000 and Audit Requirement for 2001  
Financial Statements
  - (iii) Members' Contributions
  - (iv) Budgets for 2001, 2002 and 2003
  - (v) Management Review of the Secretariat
4. Scientific Committee
5. Illegal, Unregulated and Unreported (IUU) Fishing in the Convention Area
  - (i) Information provided by Members in accordance with Articles X and XXII of  
the Convention
  - (ii) Operation of the Catch Documentation Scheme for *Dissostichus* spp. (CDS)
    - (a) Annual Summary Report
    - (b) Access to CDS Data
    - (c) Confiscated or Seized Catches
    - (d) UK Special Contribution
    - (e) Improvements to the CDS
  - (iii) Implementation of Other Measures aimed at the Elimination of IUU Fishing
    - (a) Cooperation with Non-Contracting Parties
    - (b) CCAMLR Vessel Database
    - (c) Implementation of CDS-related Conservation Measures and  
Resolutions
    - (d) Additional Measures
6. Assessment and Avoidance of Incidental Mortality of Antarctic Marine Living  
Resources
  - (i) Marine Debris
  - (ii) Incidental Mortality of Marine Animals during Fishing Operations
7. New and Exploratory Fisheries

8. Observation and Inspection
  - (i) Report of SCOI
  - (ii) Operation of the System of Inspection and Compliance with Conservation Measures
  - (iii) Operation of the Scheme of International Scientific Observation
  - (iv) Review of SCOI Working Arrangements
9. Conservation Measures
  - (i) Review of Existing Measures
  - (ii) Consideration of New Measures and Other Conservation Requirements
10. Management Under Uncertainty
11. 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 Special Protected Areas which include Marine Areas
12. Cooperation with Other International Organisations
  - (i) Reports of Observers from International Organisations
  - (ii) Reports from CCAMLR Representatives at 2000/01 Meetings of International Organisations
  - (iii) Nomination of Representatives to 2001/02 Meetings of International Organisations
13. Consideration of the Implementation of the Objective of the Convention
14. CCAMLR Declaration
15. Election of Vice-Chair of the Commission
16. Appointment of Executive Secretary
17. Next Meeting
  - (i) Invitation of Observers to Next Meeting
  - (ii) Arrangements for Future Meetings
18. Other Business
  - (i) Application by ASOC for Observer Status at Meetings of Subsidiary Bodies
  - (ii) Announcement by Japan of an International Conference/Workshop on Conservation and Sustainable Use of Marine Living Resources in the Antarctic, organised by the Government of Japan, in 2002 or 2003
19. Report of the Twentieth Meeting of the Commission
20. Close of the Meeting.

**REPORT OF THE STANDING COMMITTEE  
ON ADMINISTRATION AND FINANCE (SCAF)**

## **REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE (SCAF)**

The Committee noted that the Commission had deferred to it Item 3 of the Commission's Agenda (Finance and Administration). The Committee also noted that the Commission had identified the CDS Fund for consideration by SCAF. The Agenda, as included as Appendix A to the Commission's Provisional Agenda (CCAMLR-XX/1), was adopted (Appendix I).

### **EXAMINATION OF AUDITED FINANCIAL STATEMENTS FOR 2000**

2. The Committee **recommended that the Commission accept the financial statements as presented in CCAMLR-XX/3**. The Committee noted from the audit report of the 2000 Financial Statements that there were no cases of non-compliance with Financial Regulations or International Accounting Standards. It also noted that the audit report had been provided on the basis of a review audit only and that it did not provide the same degree of assurance as would a full audit.

### **AUDIT REQUIREMENT FOR 2001 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. A full audit was performed on the 1999 Financial Statements and a review audit on those for 2000, so it was noted that either a full audit or a review audit would be acceptable for the 2001 Statements. As the new Executive Secretary would be taking up his position in 2002, the Committee **recommended that the Commission require a full audit to be performed on the 2001 Financial Statements**.

### **TIMING OF PAYMENT OF MEMBERS' CONTRIBUTIONS**

4. The Committee noted that 2001 contributions from two Members were currently still outstanding and that one Member had not yet fully paid its contribution for 2000 and was therefore in default under Article XIX.6 of the Convention.

5. The Committee noted that nine Members had not paid their contributions in 2001 by the date payable. To encourage Members to pay on time, the Committee considered the following proposal from Australia for applying interest to overdue contributions:

Any contribution not paid by the date payable will accrue interest at the rate earned by the Commission on that date. Interest will continue to accrue at that rate on a daily basis on the amount outstanding until all amounts due from the Member for the year are received by the Commission. If the entire amount outstanding is paid within



30 days of the date payable, then this interest will be waived. The interest accrued by a Member in any year will be due and payable at the same time as the Member's contribution for the following year.

After much debate, the Committee was unable to come to agreement on a mandatory application of interest. The Committee **recommended that the Commission urge Members to respect the deadlines set out in Financial Regulation 5.6 in order to avoid the Secretariat's cash flow problems having to be addressed in the future.**

#### REVIEW OF BUDGET FOR 2001

6. The Committee received the report of the Secretariat on the expected outcome of the 2001 expenditure budget as presented in CCAMLR-XX/4, which noted the significant increase in Professional Staff salary costs resulting from large exchange rate fluctuations. It recognised that, in addition to compensatory savings in other expenditure, it had been necessary to record Namibia's New Member Contribution in the current year. The Committee **recommended that the Commission endorse the recording of Namibia's New Member Contribution as income in 2001 and adopt the revised budget for 2001 as presented in Appendix II.**

7. Australia, Belgium, European Community, France, Germany, Italy, Japan, Namibia, New Zealand, Norway, Poland, South Africa, Spain, Sweden and the UK expressed concern with the high level of wages and salaries for the four members of Professional Staff, which equates to 36% of the Commission's total budget, and which fluctuates widely, affected by the US\$/A\$ exchange rates. They noted that it was largely due to the intricacies of the UN pay scheme and, in their view, inadequately reflects the actual changes in the cost of living in Australia. These Members proposed that an independent review be conducted in time for the next meeting in order to decide on a possible modification of the way the wages and salaries of the professional staff are fixed, in particular vis-a-vis the possibility to consider as a base the salaries and wages in Australia. The Republic of Korea and the USA suggested that, before the Commission direct a review, it await the report of the review of the UN pay scheme.

#### BUDGET FOR 2002

8. The Committee considered the proposal of the Secretariat that education grants be applicable in relation to attendance at Australian universities in addition to other forms of education. The Committee asked the Secretariat to investigate such policies in other intergovernmental organisations of similar size and report to next year's meeting for further consideration by SCAF.

9. The Committee considered the options available for annual meetings of the Commission and Scientific Committee **and recognised that the existing location at Wrest Point is the only location currently available.** The Committee was pleased to receive the offer from Australia to work with the Secretariat to secure appropriate meeting venues at competitive prices.

10. In considering opportunities for the Commission to operate more efficiently, SCAF recognised the increasing availability of electronic communications. **It recommended that the Commission require that all circulars be placed on the CCAMLR website and their appearance there be notified to Members by email. No additional forms of communication of such circulars will be required except to those Members who advise the Secretariat that, in the short term, they require receipt of the circulars by email also.**

11. The Committee noted the concerns of some delegates that administrative difficulties were preventing them from receiving passwords to enable them to gain access to appropriate pages on the CCAMLR website. **It recommended that the Commission authorise the Secretariat to issue Commission Member passwords to the heads of delegations to the 2001 Commission meeting.**

12. The Chair of the Scientific Committee presented to SCAF the Scientific Committee's budget for 2002 and explained the expenditure items included. The Scientific Committee was congratulated on providing a budget which was lower than had previously been forecast. **SCAF recommended that the Commission approve the Scientific Committee proposed budget of A\$160 000 for inclusion in the Commission's 2002 budget.**

13. The Chair of the Scientific Committee also presented to SCAF a number of items for which it recommended expenditure in 2002 and which related to the Commission's own budget. These had already been taken into account in the draft budget which had been presented to the Commission by the Secretariat except for a proposed contribution of A\$10 000 to *Deep Sea Research* for the publication of data from the CCAMLR-2000 Survey.

14. The Committee received the advice of SCOI concerning possible financial implications of decisions made at its current meeting. SCAF noted that no changes to the 2002 budget would be required as a result of these decisions.

15. SCAF considered the draft budget for 2002 as presented by the Secretariat in CCAMLR-XX/4, with the addition of items referred to above, and **recommended that the Commission adopt the budget for 2002 as presented in Appendix II to this report.**

## FINANCING ISSUES

### Contribution Formula for 2002

16. The formula being used to calculate Members' Contributions to the annual budget of the Commission was last agreed for the three years 1997, 1998 and 1999, and subsequently used also for 2000 and 2001. The Committee considered that the formula should yield a total contribution from harvesting activities of at least 3% of the total contributions, that the fishing contribution from any fishing Member should be at least A\$1 000 and that the weighting applying to *Dissostichus eleginoides* should also apply to *Dissostichus mawsoni*. Consequently it **recommended that the Commission adopt the following formula for use in 2002, 2003 and 2004:**

- I. (i) Those countries engaged in harvesting in the Convention Area will, in respect of the amount harvested, contribute at the rate of 13% of total Members' contributions per 100 000 contribution units, a unit being defined as:

1 tonne of *Dissostichus* spp.;  
10 tonnes of krill and/or myctophids; or  
5 tonnes of any other harvested resource.

- (ii) The amount of all marine living resources harvested is included in the calculation, including catches in new fisheries and exploratory fisheries, but excluding:

- catches which, in accordance with conservation measures in force, are under Exploratory Harvesting Regimes; and
- any catches which the Commission may, from time to time, require to be exempted.

- (iii) Catches by Members under the research provisions of Conservation Measure 64/XIX will not be taken into account for the purpose of calculating their contributions to the budget.

- (iv) The amount harvested shall be calculated as the average catch over a three-year reporting period, ending at least 12 months prior to the Commission meeting at which the budget in question is approved.

- (v) The maximum percentage of total contributions to be paid in respect of the amount harvested shall be fixed at 50%.

- (vi) Any Member with catches included in the above-stated three-year period shall pay at least A\$1 000 in respect of such catches.

II. The balance of total contributions will be equally shared amongst all Members of the Commission.

III. The maximum percentage of total contributions to be met by any individual harvesting country is fixed at 25%.

17. It was noted that, although there was no provision in the proposal for an increase in contributions from non-fishing Members in 2002, this did not mean that there would be no increases in future years. The Committee noted that all Parties benefited from rational use and conservation of Antarctic marine living resources.

18. The Committee noted the situations beyond the control of the Commission which had occurred in recent years that had adversely affected expenditure. It considered that the establishment of a fund which could be used in such circumstances in the future was now essential. **It recommended that the Commission establish a Contingency Fund in accordance with Financial Regulation 6.2, and that this fund be financed through**

**transfers from the General Fund over a maximum period of three years, and that the interest earned on the fund be retained in the fund in accordance with Financial Regulation 8.3.**

19. The Committee noted that terms of reference and authorisation required for the use of this fund should be determined by the Commission at its next meeting and that until that time it would not be available for use without the full agreement of the Commission.

20. The Committee noted that by applying the new contribution formula to the 2002 budget and, at the same time, not reducing individual non-fishing contributions below zero real growth, it was possible to make available up to A\$62 090 from the General Fund to the new Contingency Fund in 2002. SCAF therefore **recommended that the Commission transfer A\$62 090 from the General Fund to the Contingency Fund in 2002, as presented in the budget (Appendix II).**

#### Introduction of Fees on Proposals for New and Exploratory Fisheries

21. The Committee considered the possibility of charging fees to Members in respect of notifications of new and exploratory fisheries. The intention was to discourage Members from submitting notifications of fisheries which are not likely to be carried out and therefore represent an unnecessary work burden for the Secretariat. In this respect it was suggested that the fee might be a deposit, refundable if the proposed fishery is carried out. Other Members were of the view that the fee should be viewed as a fee for a service rendered by the Secretariat, on a non-refundable basis. As there was insufficient time to give this subject adequate consideration during the meeting, SCAF agreed to continue its discussions at the 2002 meeting.

#### Establishment of the Principle of User Pays

22. The possibility of introducing a policy of 'user pays' with respect to the CCAMLR Catch Document Scheme for *Dissostichus* spp. (CDS) was also raised at the meeting. The Committee agreed that it would continue to consider this option at next year's meeting.

#### Charging Fees to Non-Contracting Parties

23. The Committee considered the possibility of charging fees to non-Contracting Parties for participation in the CDS. This would include a basic fee for participation in the scheme as well as ongoing charges on the basis of usage. The Committee decided to continue its discussions on this subject at the next meeting.

#### FORECAST BUDGET FOR 2003

24. In considering the forecast budget for 2003, as presented in Appendix II, SCAF noted the extent of assumptions that have had to be made in many expenditure items. It

**recommended that the Commission note the forecast budget and drew attention to the fact that the figures in this budget are indicative only and caution should be taken when these are used as a basis for financial budgeting by individual Members.**

#### CDS FUND

25. The Committee noted the special contribution of A\$284 800 that had been made by the UK to the CDS Fund. After earning interest, this fund stands at A\$292 500 as at 26 October 2001. The creation of the Fund had been agreed by the Commission at its 2000 meeting to receive from Members any net proceeds from the sale of confiscated illegal catches or shipments, if they so decided. The Committee received from SCOI the proposed terms of reference for this fund. It **recommended that the Commission express its appreciation to the UK for the amount received and adopt the terms of reference for the CDS Fund as presented in Appendix IV to the SCOI report.**

#### US SPECIAL FUND

26. The Committee noted that on 15 October 2001, the USA had provided a special contribution of A\$101 950, to be used to improve effective monitoring of fishing activities in the Southern Ocean, including the funding of additional observers and inspectors in the area. The Committee **recommended that the Commission express its appreciation to the USA for this payment and receive suggestions from the USA as to its possible specific use .**

#### CHAIR AND VICE-CHAIR OF SCAF

27. The Committee appointed Mr P. Panayi (Australia) as Chair of SCAF, and Dr W. Klapper (Germany) as Vice-Chair, from the end of the 2001 meeting until the end of the 2003 meeting.

28. The Committee congratulated the retiring Chair, Mrs C.-P. Martí, for her masterly presidency of the Committee for the past two years. She had done a fantastic job in adverse conditions, with the result that the Committee had made its best progress for many years.

#### ADOPTION OF THE REPORT

29. The report of the meeting was adopted.

**AGENDA**

Standing Committee on Administration and Finance (SCAF)  
(Hobart, Australia, 22 to 27 October 2001)

1. Organisation of the Meeting
2. Examination of Audited Financial Statements for 2000
3. Audit Requirement for 2001 Financial Statements
4. Members' Contributions
  - (i) Timing of Members' Contributions
  - (ii) Contribution Formula
5. Review of Budget for 2001
6. Budget for 2002 and Forecast Budget for 2003
  - (i) Higher Education Allowance for Dependents of Professional Staff
  - (ii) Consideration of Future Meeting Arrangements
  - (iii) Scientific Committee Budget
7. Management Review of the Secretariat
8. Any Other Business Referred by the Commission
9. Election of Chair and Vice-Chair of SCAF
10. Adoption of the Report.

## APPENDIX II

**REVIEW OF 2001 BUDGET, BUDGET FOR 2002  
AND FORECAST BUDGET FOR 2003**  
(all amounts in Australian dollars)

<b>2001 BUDGET</b>			<b>2002 BUDGET</b>							<b>2003</b>	
Adopted	REVISED	Variance	TOTAL	SCIENTIFIC COMMITTEE			CDS	COMMISSION ADMINIS- & MEETINGS TRATION		<b>FORECAST</b>	
			Budget	Own	Other	Total					
<b>INCOME</b>											
2173 666	2173 666	0	Members' Contributions	2371 990						381 800	
(45 766)	(43 562)	2 204	From (to) Special Fund	(62 090)						0	
			Items from previous year								
20 100	18 550	(1 550)	Interest	18 000						18 000	
0	93 264	93 264	New Members' Contributions	0						0	
322 200	308 534	(13 666)	Staff Assessment Levy	372 700						377 700	
0	0	0	Surplus	0						0	
<u>2470 200</u>	<u>2550 452</u>	<u>80 252</u>		<u>2700 600</u>						<u>2777 500</u>	
<b>EXPENDITURE</b>											
<b>Salaries and Allowances</b>											
741 500	864 600	123 100	Professional Staff	950 100	0	347 800	347 800	88 800	324 600	186 900	974 100
318 400	318 400	0	Translation	343 500	57 700	21 300	79 000	3 200	231 200	30 100	349 500
668 700	660 200	(8 500)	Support Staff	670 850	40 450	236 200	276 650	81 500	177 800	134 900	700 800
<u>1728 600</u>	<u>1843 200</u>	<u>114 600</u>	<b>Total</b>	<u>1964 450</u>	<u>98 150</u>	<u>605 300</u>	<u>703 450</u>	<u>173 500</u>	<u>733 600</u>	<u>351 900</u>	<u>2024 400</u>
<u>8 300</u>	<u>11 900</u>	<u>3 600</u>	<b>Capital Expenditure</b>	<u>12 200</u>	<u>2 000</u>	<u>0</u>	<u>2 000</u>	<u>2 100</u>	<u>1 900</u>	<u>6 200</u>	<u>12 600</u>
<b>Communication</b>											
32 300	29 100	(3 200)	Postage and Freight	29 900	3 400	2 300	5 700	500	4 400	19 300	30 800
31 000	31 000	0	Internet	31 900	0	9 500	9 500	8 200	9 100	5 100	37 900
13 700	12 000	(1 700)	Facsimile	12 300	0	1 100	1 100	3 300	7 400	500	12 700
12 600	11 100	(1 500)	Telephone	11 400	0	0	0	600	2 400	8 400	11 700
<u>89 600</u>	<u>83 200</u>	<u>(6 400)</u>	<b>Total</b>	<u>85 500</u>	<u>3 400</u>	<u>12 900</u>	<u>16 300</u>	<u>12 600</u>	<u>23 300</u>	<u>33 300</u>	<u>93 100</u>
<b>Hire and Lease</b>											
112 300	104 500	(7 800)	Computers	101 700	5 900	11 300	17 200	29 100	16 200	39 200	107 600
29 000	29 000	0	Maintenance and Training	29 800	0	6 500	6 500	5 600	6 700	11 000	30 700
14 500	14 500	0	Photocopying Equipment	14 900	0	0	0	0	11 800	3 100	15 300
48 000	48 000	0	Meetings Venue	49 300	0	0	0	0	49 300	0	50 800
138 400	138 400	0	Translation/Interpretation	142 300	8 100	0	8 100	0	134 200	0	146 600
35 100	35 100	0	Multilingual Equipment	36 100	0	0	0	0	36 100	0	37 200
16 200	16 200	0	Translation Facilities	16 700	0	0	0	0	16 700	0	17 200
<u>393 500</u>	<u>385 700</u>	<u>(7 800)</u>	<b>Total</b>	<u>390 800</u>	<u>14 000</u>	<u>17 800</u>	<u>31 800</u>	<u>34 700</u>	<u>271 000</u>	<u>53 300</u>	<u>405 400</u>
<u>117 200</u>	<u>107 000</u>	<u>(10 200)</u>	<b>Travel</b>	<u>125 650</u>	<u>43 250</u>	<u>0</u>	<u>43 250</u>	<u>0</u>	<u>55 200</u>	<u>27 200</u>	<u>128 700</u>
<b>Support Costs</b>											
7 000	7 000	0	Auditor	12 000	0	0	0	0	0	12 000	7 900
14 700	18 800	4 100	Insurance	19 300	0	0	0	0	0	19 300	19 900
17 300	17 300	0	Light and Power	17 800	0	0	0	0	0	17 800	20 300
35 500	35 500	0	Printing and Copying	37 800	1 200	14 200	15 400	6 500	8 500	7 400	26 600
19 800	19 800	0	Stationery	20 400	0	600	600	300	9 200	10 300	21 000
38 700	21 052	(17 648)	Miscellaneous	14 700	0	4 600	4 600	600	6 300	3 200	17 600
<u>133 000</u>	<u>119 452</u>	<u>(13 548)</u>	<b>Total</b>	<u>122 000</u>	<u>1 200</u>	<u>19 400</u>	<u>20 600</u>	<u>7 400</u>	<u>24 000</u>	<u>70 000</u>	<u>113 300</u>
<u>2470 200</u>	<u>2550 452</u>	<u>80 252</u>		<u>2700 600</u>	<u>162 000</u>	<u>655 400</u>	<u>817 400</u>	<u>230 300</u>	<u>1109 000</u>	<u>541 900</u>	<u>2777 500</u>

**2002 CONTRIBUTIONS FOR EACH MEMBER**  
(in Australian dollars)

	REVISED FORMULA			ADDITIONAL FACTOR FOR 2002			<i>Original Calculation in Draft Budget</i>	
	Non-Fishing	Fishing	Total	Non-Fishing	Fishing	Total		
Argentina	93 152	1 000	94 152	95 739	1 000	96 739	96 048	Argentina
Australia	93 152	10 509	103 661	95 739	10 509	106 248	100 212	Australia
Belgium	93 152	0	93 152	95 739	0	95 739	95 739	Belgium
Brazil	93 152	0	93 152	95 739	0	95 739	95 739	Brazil
Chile	93 152	4 906	98 058	95 739	4 906	100 645	98 024	Chile
Germany	93 152	0	93 152	95 739	0	95 739	95 739	Germany
European Community	93 152	0	93 152	95 739	0	95 739	95 739	European Community
France	93 152	15 691	108 843	95 739	15 691	111 430	103 047	France
India	93 152	0	93 152	95 739	0	95 739	95 739	India
Italy	93 152	0	93 152	95 739	0	95 739	95 739	Italy
Japan	93 152	20 280	113 432	95 739	20 280	116 019	105 188	Japan
Korea, Republic of	93 152	1 649	94 801	95 739	1 649	97 388	96 507	Korea, Republic of
Namibia	93 152	0	93 152	95 739	0	95 739	96 507	Namibia
New Zealand	93 152	1 126	94 278	95 739	1 126	96 865	95 858	New Zealand
Norway	93 152	0	93 152	95 739	0	95 739	95 739	Norway
Poland	93 152	5 471	98 623	95 739	5 471	101 210	98 287	Poland
Russia	93 152	1 000	94 152	95 739	1 000	96 739	96 087	Russia
South Africa	93 152	3 396	96 548	95 739	3 396	99 135	97 321	South Africa
Spain	93 152	1 000	94 152	95 739	1 000	96 739	96 026	Spain
Sweden	93 152	0	93 152	95 739	0	95 739	95 739	Sweden
Ukraine	93 152	2 556	95 708	95 739	2 556	98 295	96 929	Ukraine
United Kingdom	93 152	3 124	96 276	95 739	3 124	98 863	97 195	United Kingdom
Uruguay	93 152	1 546	94 698	95 739	1 546	97 285	96 459	Uruguay
USA	93 152	1 000	94 152	95 739	1 000	96 739	95 740	USA
	<b>2 235 646</b>	<b>74 254</b>	<b>2 309 900</b>	<b>2 297 736</b>	<b>74 254</b>	<b>2 371 990</b>		

Application of additional factor yields 62 090

Contributions from harvesting activities represent 3.1% of total contributions



**REPORT OF THE STANDING COMMITTEE  
ON OBSERVATION AND INSPECTION (SCOI)**

## **REPORT ON THE STANDING COMMITTEE ON OBSERVATION AND INSPECTION (SCOI)**

### **OPENING OF THE MEETING**

1.1 The meeting of the Standing Committee on Observation and Inspection (SCOI) was held from 22 to 26 October 2001 and chaired by Dr H. Nion (Uruguay). All Members of the Commission and observers from the People's Republic of China, Mauritius and Seychelles participated in the meeting.

1.2 The Committee adopted the Agenda as contained in CCAMLR-XX/1 (Appendix I). At the request of one Member, in accordance with Rule 32(b) of the Commission Rules of Procedure, discussions of Agenda Items 2(i), 3(i) and 3(ii) of the Agenda were restricted to Members and State observers. Observers from international organisations took part in discussions of all other items.

1.3 The list of papers considered by the Committee is contained in Appendix II.

### **ILLEGAL, UNREGULATED AND UNREPORTED FISHING IN THE CONVENTION AREA**

Information Provided by Members in Accordance with Articles X and XXII  
of the Convention and the System of Inspection

2.1 The Committee considered information submitted by Members relating to activities in the Convention Area which affect the implementation of the objectives of the Convention and compliance with conservation measures in force, including reports on illegal, unregulated and unreported (IUU) fishing activities in the Convention Area.

2.2 The Secretariat presented summaries of reports submitted by Members on sightings and apprehensions of IUU vessels during the 2000/01 intersessional period (CCAMLR-XX/BG/24). Five vessels were apprehended and charged with IUU fishing activities by Australia and France in Divisions 58.5.2 and 58.5.1 respectively (CCAMLR-XX/BG/19 and BG/17). South Africa reported radar sightings in Subarea 58.6 of five unidentified vessels.

2.3 France recalled that 20 vessels had been apprehended in the Kerguelen and Crozet EEZs since 1997. The Flag States and names of vessels were Belize (*Belgie 111* and *Arbumasa XXV* in 1997; *Mar Del Sur Dos* and *Suma Tuna* in 1998; *Grand Prince* in 2000), Portugal (*Praia do Restello* in 1998), Argentina (*Kinsho Maru* and *Magallanes* in 1997; *Vierasa Doce* in 1997 and 1998), Panama (*Explorer* in 1998; *Camouco* in 1999), Vanuatu (*Golden Eagle* in 1998), Chile (*Ercilla*, *Antonio Lorenzo* and *Mar del Sur Uno* in 1998), Seychelles (*Monte Confurco* in 2000), Sao Tome and Principe (*Vedra* in 2000) and St Vincent and Grenadines (*Castor* in 2001).

2.4 Two sightings had been reported for 2000/01 for identified vessels *Nao* (Panama) and *Samwoo* (Sao Tome and Principe, now *South Tomi*, flagged to Togo). Also, when the vessel

*Amur* sank in the Kerguelen EEZ, the vessel *Arvisa Primero* (Uruguay) was in the area at the same time. Finally, one to five unidentified vessels were sighted each month in the Kerguelen EEZ. Australia noted that the *Samwoo* had been renamed as the *South Tomi* and was subsequently apprehended by Australia in April 2001 for fishing illegally in the Australian EEZ around Heard and McDonald Islands (Division 58.5.2).

2.5 France noted that, in that context, it appears that IUU fishing is flourishing and that longliners dispose of their cargoes primarily at Port Louis (Mauritius) and Walvis Bay (Namibia). There is also no doubt that other Asian, African and South American ports are used. These ports are used when the IUU vessels do not tranship on the high seas, which allows them to escape inspection, particularly in regard to the certificates of origin. These IUU vessels fly various flags, but the captains and the crews, of diverse nationalities, do not belong to these countries.

2.6 France pointed out that the present implementation of the Catch Documentation Scheme for *Dissostichus* spp. (CDS) by itself does not resolve the problem of IUU fishing and meets partially the aim of the Convention. One particular concern was the huge increase of declaration of catches in FAO Statistical Area 51 by both Contracting Parties (Russia and Uruguay) and non-Contracting Parties (Seychelles) and exported with a *Dissostichus* Catch Document (DCD) (SCOI-01/23). This indicated the concern that the CDS is used to traffic fish caught illegally in the CCAMLR Convention Area.

2.7 In that context, France asked CCAMLR to take action against the countries identified above, which are undermining the objective of the Convention, and, in particular, the CDS.

2.8 Uruguay also reported on the presence of the *Arvisa Primero* in the area, and also advised that the vessel had informed national authorities before it had entered the Convention Area in response to a distress call of another vessel, as they were obliged by national and international law (Law of the Sea, Article 98) to provide assistance in that situation. In accordance with Resolution 13/XIX, Uruguay had requested from the CCAMLR Secretariat the previous history of compliance of the *Arvisa Primero* with CCAMLR conservation measures, prior to reflagging the vessel to Uruguay.

2.9 France again noted that when the vessel *Amur* sank in the Kerguelen EEZ, the vessel *Arvisa Primero* (Uruguay) ex *Camouco* (Panama) which was apprehended in the Crozet EEZ in 1999, was in the area at the same time.

2.10 France recalled paragraph 5.5 of CCAMLR-XIX where it is stated that: ‘...The Commission also noted that SCOI had considered the sinking, with many casualties, of the IUU vessel *Amur* in the EEZ of the Kerguelen Island. The vessel was involved in IUU fishing. Two other vessels in close proximity, and suspected of IUU activities, refused to cooperate with the French rescue effort.’

2.11 France also recalled Resolution 13/XIX, which ‘urges all Contracting Parties, consistent with their domestic legislation, to avoid flagging a non-Contracting Party vessel or licensing such a vessel to fish in waters under their fisheries jurisdiction, if that particular vessel has a history of engagement in IUU fishing in the Convention Area.’

2.12 Additionally, the Secretariat paper summarised factual data reported by CCAMLR international observers deployed on vessels in the Convention Area on sightings of vessels

(CCAMLR-XX/BG/24). Out of all the vessels sighted, most were fishing vessels licensed by CCAMLR Members. The remaining list contains the vessel *Mila* (UK) which was subsequently prosecuted by its Flag State for illegal fishing in Division 58.5.2 (SCOI-01/12). It also contains three other fishing vessels and two unidentified vessels. Other vessels in the list are research, passenger, resupply and cargo vessels.

2.13 In accordance with established practice, the Secretariat will continue to correspond with Flag States whose vessels are sighted in order to clarify details of the vessels and of their activities in the Convention Area.

2.14 Uruguay presented SCOI-01/25 which provided comprehensive details of all its fishing vessels licensed to fish or carry out research on *Dissostichus* spp. and have provided more information than is normally required for the notification of licences. This has been done in order to avoid possible identification mistakes with Uruguayan-flagged vessels as has happened in the past.

2.15 Australia presented CCAMLR-XX/BG/19 which gave details of the apprehension of the *South Tomi*, flagged to Togo, in April 2001 for fishing illegally in the Australian EEZ in Division 58.5.2. Australia thanked South Africa for its assistance in facilitating the boarding of the *South Tomi* by Australian Defence Force personnel and thanked France and Spain for their cooperation in other aspects. Australia noted that the crew of the *South Tomi* included a Spanish master and nationals from other Contracting and non-Contracting Parties.

2.16 Australia further noted that the owner of the vessel had not been confirmed, but appeared to be a Korean national based in Spain. Later information provided by the Republic of Korea, through Spain, suggested the person concerned may now be a Togo national.

2.17 Guided by the will to fulfil Spain's policy of full cooperation, the Secretary General for Fisheries (the highest Fisheries Authority officer in Spain) received in Madrid an Australian delegation in order to respond to their requests.

2.18 With respect to the identification of the company owning the vessel:

- Spain verified that the vessel does not appear in the Lloyd's Register, and therefore this search did not help to identify the company;
- port authorities in the Canary Islands advised that no records existed which indicate that the vessel had landed or even visited any port in the Canary Islands; and
- finally, through the Korean Consulate in the Canary Islands, a list of all Korean companies in these islands was obtained, and this list was remitted to Australia in order to assist with the investigations.

2.19 With respect to the captain of the vessel, Spain has written to the authorities in Togo asking them to initiate actions pertaining to the responsibilities of a Flag State, and offering Spain's cooperation. No answer has been received.

2.20 The Spanish Fisheries Act, which became effective in March 2001, imposes sanctions on infringements committed by either Spanish companies or by nationals operating on board vessels navigating under flags of convenience. The law qualifies these infringements as 'serious' and 'very serious'.

2.21 In relation to the vessel *South Tomi*, Spain was unable to initiate proceedings against the captain, because a list of countries acting as Flags of Convenience within the Convention Area does not exist. Therefore, in order to facilitate action by its Members, the Commission should consider establishing a list of countries who act as Flags of Convenience.

2.22 The Republic of Korea advised the Committee that they have investigated the nationality of the owner of the vessel and that at this stage there is an unconfirmed report that the owner now holds a passport of Togo.

2.23 Chile suggested that all reports concerning vessels presumed to have engaged in IUU fishing should include, to the extent possible, information about the nationality of captains, masters and owners of these vessels, as well as their flag and call sign.

2.24 South Africa also informed the Committee that it had undertaken a port inspection in 2001 of the Namibian-flagged vessel *Mare*. The outcome of this inspection has been communicated to the Government of Namibia.

2.25 Since the start of its operation in May 2000 the CDS has identified three fraudulent DCDs. Additionally, one DCD was found fraudulently used in relation to export transactions (see CCAMLR-XX/BG/22 Rev. 2).

#### Cooperation with Non-Contracting Parties and Contracting Parties not Members of the Commission

2.26 In September 2001 Mauritius provided the Secretariat with a list of vessels which had unloaded toothfish in Port Louis since July 2000 (SCOI-01/19 Rev. 1).

2.27 The Secretariat cross-checked details of all landings reported by Mauritius with CDS data and identified vessels for which DCDs had not been submitted. The landings without DCDs took place before Mauritius began to implement elements of the CDS. The Flag States of the vessels involved were: Belize, Panama, Sao Tome and Principe, St Vincent and the Grenadines and Togo.

2.28 The Secretariat wrote to Mauritius with a request for additional information on landings by vessels without DCDs. Where possible, it also contacted the Flag States of the vessels concerned and asked for clarification on the activities of their fishing vessels. A detailed response has already been received from Belize (SCOI-01/19 Rev. 1).

2.29 The Committee thanked Mauritius for the information provided as it assists CCAMLR in the identification of IUU fishing vessels. However, the Committee expressed disappointment that this information contained many of the deficiencies identified in the information provided by Mauritius in 2000, including the form of fish product landed, the statistical area where the catch was harvested and how the catch origins were identified, and that no replies had been received to correspondence from the Commission to Mauritius. SCOI recommended to the Commission that it again write to Mauritius seeking full implementation of the CDS and the provision of the additional details noted above, and inviting it to become a Party to the Convention.

2.30 SCOI noted information presented by the Secretariat which is given in the paragraphs below.

2.31 Following a decision taken at CCAMLR-XVIII (paragraph 5.30) and the adoption of the Policy to Enhance Cooperation between CCAMLR and non-Contracting Parties, the Chair of the Commission wrote a letter in December 1999 to a number of non-Contracting Parties and invited them to cooperate with CCAMLR in the implementation of the CDS. All documentation relating to the implementation of the CDS was appended to the letter. The letter was sent to the following non-Contracting Parties: Belize, People's Republic of China, Denmark (in respect of the Faroe Islands), Guinea Bisseau, Guyana, Indonesia, Malaysia, Maldives, Mauritania, Mauritius, Namibia, Panama, Portugal, Seychelles, Singapore, Taiwan, Thailand and Vanuatu.

2.32 A second letter advising non-Contracting Parties that the CDS conservation measure became effective under the Convention on 7 May 2000 and reminding them of the invitation to cooperate with CCAMLR in the implementation of the CDS was dispatched on 1 June 2000. By October 2000, replies had been received from the following: People's Republic of China, Denmark (in respect of Faroe Islands), Guyana, Indonesia, Namibia, Mauritius, Seychelles and Taiwan.

2.33 Of these replies, Mauritius and Seychelles expressed an interest in participating in the CDS.

2.34 Separate correspondence containing information on the CDS was also sent to Singapore in response to information suggesting that it was involved in the trade of toothfish.

2.35 Following CCAMLR-XIX and in accordance with Resolution 14/XIX, the Secretariat wrote letters to non-Contracting Parties who had expressed an interest in participating in the CDS. The letter informed them of amendments to Conservation Measure 170/XIX and the resolutions adopted at CCAMLR-XIX, and again urged them to implement the CDS.

2.36 Seychelles and Singapore joined CCAMLR in the implementation of the CDS in 2000. Mauritius introduced some elements of the CDS on 1 January 2001 by requiring a valid DCD to be presented before a vessel is granted landing permission in Mauritian ports.

2.37 Namibia, which acceded to the Convention in late 1999 and became a Member in February 2001, has introduced the CDS.

2.38 The People's Republic of China advised of its implementation of the CDS in June 2001.

2.39 During 2001, Belize, Indonesia, Panama and St Vincent and the Grenadines were identified as having an interest in the harvesting, landing or importing of *Dissostichus* spp. They were sent all relevant information about the CDS and invited to participate.

2.40 Indonesia was subsequently advised that its ports were being reported as places of landing under the CDS, with landing certificates authorised by Indonesian port authorities.

2.41 The Secretariat has continued to correspond with Mauritius during 2001, requesting the contact details of national authorities responsible for the implementation of the CDS.

2.42 The European Community noted that Portugal (listed in paragraph 2.31) is a Member of the European Community, and as such has implemented CCAMLR conservation measures, including those associated with the CDS.

2.43 Canada was first advised of, and invited to participate in, the CDS in December 1999 and again in March 2000. In December 2000 Canada was informed of amendments to Conservation Measure 170/XIX and the resolutions adopted at CCAMLR-XIX and was again invited to participate in the CDS. In March 2001, a letter was received by the USA from the Director of Oceans, Economic and Environmental Law Division of the Canadian Government. This letter stated 'the Canadian Government is currently reviewing the feasibility of implementing the Catch Documentation Scheme'. The Secretariat was also advised by TRAFFIC, North America, of a similar response received from Canada in March 2001.

2.44 Additionally, Canada, as an Acceding Observer State, continues to receive from the Secretariat copies of Commission circulars relating to the CDS.

2.45 Further, the Committee noted the following information provided by the Secretariat with respect to correspondence with non-Contracting Parties in relation to IUU fishing.

2.46 On receipt of any IUU information, it is the general practice of the Secretariat to contact the Flag State of the vessel(s) concerned.

2.47 In the past, the Secretariat has received substantial information from Belize and Panama and based on information from CCAMLR, Belize has deregistered several vessels for IUU activities. The Secretariat has also obtained the contact details for St Vincent and the Grenadines and Vanuatu. Vanuatu has now become a CCAMLR Contracting Party and, prior to doing so, had given an undertaking that it would take action against any vessels reported to have engaged in IUU activities.

2.48 The Secretariat continues to seek contact details for registries in Sao Tome and Principe and Togo.

2.49 The Committee noted the adoption in March 2001 of the FAO International Plan of Action on Illegal, Unreported and Unregulated Fishing (IPOA-IUU) and its relevance to addressing the issue of IUU fishing, particularly paragraphs 18 and 19 which state respectively:

'In the light of relevant provisions of the 1982 UN Convention, and without prejudice to the primary responsibility of the Flag State on the high seas, each State should, to the greatest extent possible, take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing. All States should cooperate to identify those nationals who are the operators or beneficial owners of vessels involved in IUU fishing.'

and that

'States should discourage their nationals from flagging vessels under the jurisdiction of a State that does not meet its Flag State responsibilities.'

2.50 Paragraph 68 of the IPOA–IUU asserts that:

‘... multilateral trade-related measures envisaged in regional fisheries management organizations may be used to support cooperative efforts to ensure that trade in specific fish and fish products does not in any way encourage IUU fishing or otherwise undermine the effectiveness of conservation and management measures which are consistent with the 1982 UN Convention.’

2.51 Paragraphs 73 and 74 of the IPOA–IUU were also noted:

‘States should take measures to ensure that their importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers, other services suppliers and the public are aware of the detrimental effects of doing business with vessels identified as engaged in IUU fishing, whether by the State under whose jurisdiction the vessel is operating or by the relevant regional fisheries management organizations in accordance with its agreed procedures, and should consider measures to deter such business. Such measures could include, to the extent possible under national law, legislation that makes it a violation to conduct such business or to trade in fish or fish products derived from IUU fishing. All identifications of vessels engaged in IUU fishing should be made in a fair, transparent, and non-discriminatory manner.’

‘States should take measures to ensure that their fishers are aware of the detrimental effects of doing business with importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers and other services suppliers identified as doing business with vessels identified as engaged in IUU fishing, whether by the State under whose jurisdiction the vessels is operating or by the relevant regional fisheries management organization in accordance with its agreed procedures, and should consider measures to deter such business. Such measures could include, to the extent possible under national law, legislation that makes it a violation to conduct such business or to trade in fish or fish products derived from IUU fishing. All identifications of vessels engaged in IUU fishing should be made in a fair, transparent, and non-discriminatory manner.’

2.52 Paragraph 84 of the IPOA–IUU reads:

‘When a State fails to ensure that fishing vessels entitled to fly its flag, or, to the greatest extent possible, its nationals, do not engage in IUU fishing activities that affect the fish stocks covered by a relevant regional fisheries management organization, the member States, acting through the organization, should draw the problem to the attention of that State. If the problem is not rectified, members of the organization may agree to adopt appropriate measures, through agreed procedures, in accordance with international law.’

2.53 Viewing this in the light of CCAMLR Resolution 14/XIX on the implementation of the CDS by Acceding States and non-Contracting Parties and its paragraph 4 which:

‘reminds Members of the Commission of their obligation under the Catch Documentation Scheme to prevent trade in *Dissostichus* spp. in their territory, or by their flag vessels, with Acceding States or non-Contracting Parties when it is not carried out in compliance with the Scheme.’



2.54 Noting the large number of non-replies to the correspondence from the Secretariat, and in light of paragraphs 18, 19, 63 and 74 of the IPOA-IUU and Resolution 14/XIX of CCAMLR, the Committee recommended that the Commission adopt appropriate measures, through consistent procedures, and in accordance with international law, to deal with non-Party State responsibilities and national control of vessels flying their flags and to deal with States which provide ports of convenience and markets for IUU fish.

2.55 The Committee tasked the Secretariat with ensuring that the Commission had before it all the information required under Conservation Measure 118/XVII to identify those non-Contracting Parties that at this time are engaging in IUU fishing practices. On this basis the Committee recommended that the Commission strengthen Conservation Measure 118/XVII and develop a resolution on Flag State responsibilities of non-Contracting Parties in the Convention Area.

#### Toothfish Catches from Area 51

2.56 The Committee also noted with concern the high levels of catches being reported harvested from FAO Area 51 under the CDS and the possibility that misreporting of areas fished may be occurring.

2.57 The Chair of the Scientific Committee (Dr R. Holt) presented information to the Committee based on the work of the Working Group on Fish Stock Assessment (WG-FSA) (SCOI-01/20). The estimated total catch within the Convention Area for 2000/01 was 20 870 tonnes, including an estimated IUU catch of 7 599 tonnes, some 39% of the total catch in 2000/01 compared with 32% in 1999/2000.

2.58 The Scientific Committee reported that the estimated total catch in the Convention Area from the Indian Ocean during 2000/01 was 14 947 tonnes compared with 3859 tonnes at South Georgia. The proportion of unreported catches in the two areas is 62.6% and 8.5% of the reported catches respectively.

2.59 The Committee also considered advice based on the work of WG-FSA which reported that the mean CPUE for Patagonian toothfish (*Dissostichus eleginoides*) implied by CDS data for Area 51 was some 23% higher than that in Subarea 48.3, and 44% higher than Subarea 58.6 (a CCAMLR subarea adjacent to Area 51) during both 2000 and 2001. This suggests that Area 51 may be more productive than other areas. However, compared with other potential toothfish fishing grounds within the Convention Area, areas of likely toothfish productivity in Area 51 are relatively small. An alternative was that the catch location listed in the CDS-reported *Dissostichus* spp. catches from Area 51 are being misreported. Furthermore, catches transhipped at sea in Area 51 might be attributed to that area rather than their areas or origin.

2.60 The Chair of the Scientific Committee reported that some members of the Scientific Committee felt the likelihood of catches of this magnitude coming from Area 51 was unlikely.

2.61 The Committee also noted information from the Scientific Committee that the estimated mortality of seabirds in the Convention Area from IUU activity during the 2000/01 split-year was between a lower range of 36 000 to 69 000 and an upper range of 48 000 to 90 000.

2.62 The Committee also noted the Scientific Committee's advice that additional data under the CDS had confirmed the high levels of uncertainty about the status of some *Dissostichus* spp. stocks. More information should be available when CDS data for another year had been collected.

2.63 Therefore, the Committee reiterated its advice from last year that given the information presented to the Committee from a range of sources, it was clear that more effort was required to eliminate IUU activity and recommended to the Commission that Members take further steps to ensure conservation measures were not undermined. Given the obligations in Articles X, XXI, XXII and XXIV of the Convention, the Committee expressed its concern about information reported to SCOI which related to activities clearly affecting the implementation of the objectives of the Convention. The Committee recommended to the Commission that it continue to reinforce its efforts to eliminate IUU fishing in the Convention Area.

2.64 The Committee noted that scientific information from Area 51 is not sufficient to evaluate stocks of *Dissostichus* spp. and their distribution. Views were expressed that there is a need to make more intensive use of the CCAMLR System of Inspection in the Convention Area adjacent to Area 51.

2.65 Chile suggested validation of all *Dissostichus* spp. catches attributed to Area 51 through the use of VMS and the possibility of participants in that fishery voluntarily contributing data to assessments by WG-FSA and the Scientific Committee.

2.66 After consideration of all available information the Committee agreed that the following be brought to the attention of the Commission:

- There are concerns about the veracity of CDS landing data in relation to Area 51.
- More data and improved verification procedures are needed to be able to confirm the origin of catches attributed to Area 51.
- The Committee is concerned with the possibility that the CDS is being used to legitimise fish caught within the Convention Area, but reported to be caught in Area 51, and therefore gain access to Members' markets.
- The Committee believes that the level of misreporting attributed to Area 51 could be very serious and undermines the objectives of the Convention.
- Many members of the Committee agreed to the need for a resolution on the matters listed above (Appendix III). Other members were of a different view.

## Operation of the CDS

2.67 The Secretariat presented a paper which described actions taken by all Parties to the Scheme (CCAMLR Contracting Parties, non-Contracting Parties and the Secretariat) on the implementation and operation of the CDS (CCAMLR-XX/BG/22).

2.68 The Committee noted that Russia and the European Community had fully implemented the CDS in May and June 2001 respectively. Namibia became a Member of the Commission and advised of its implementation of the CDS in February 2001. No details of national administrations responsible for the implementation of the CDS have yet been received from India and Poland.

2.69 In addition to Seychelles and Singapore, who joined CCAMLR in the implementation of the CDS in 2000, Mauritius and the People's Republic of China also joined CCAMLR in the implementation of the CDS in December 2000 and June 2001 respectively.

2.70 The Committee noted that the absence of adequate procedures by some non-Contracting Parties, such as Singapore and Hong Kong, has caused difficulties in implementing the CDS and recommended that the Commission communicate further with non-Contracting Parties to seek cooperation, which is indispensable for effective implementation of the CDS, including the issue of re-export documents.

2.71 As of October 2001, the total number of catch, export and re-export documents received by the Secretariat was 8 213 (3 062 documents in respect of each landing/transshipment; 4 884 documents reporting individual exports and 267 re-export documents). During the operation of the CDS, DCDs have been issued to a total of 433 vessels, excluding the Chilean artisanal fleet.

2.72 The Secretariat also reported to the Committee that all Parties to CDS now have access to CDS information via password-protected pages of the CCAMLR website (CCAMLR-XX/BG/22). Access to CDS data is in full accordance with 'Rules for Access to CDS Data' adopted by the Commission at CCAMLR-XIX.

2.73 The Committee noted that the CDS database, which has been developed and maintained by the Secretariat, together with the provision for access to CDS data via the CCAMLR website, have become a valuable and indispensable tool for all Parties to CDS in their every-day CDS operations.

2.74 The Committee noted the CDS data analyses prepared by the Secretariat (SCOI-01/23 and 01/24) and agreed that the matter of analysis should be considered further intersessionally. In particular, the Committee believed that a decision on the types of analyses required should take into account objectives of their use from perspectives of Flag and Port States as well as exporting and importing States.

2.75 The following topics were identified for consideration intersessionally:

- collection of national trade statistics and their reconciliation with CDS and other toothfish-related data;
- consideration of possible additional analyses; and

- provision of summaries of CDS data available to the public taking into account confidentiality aspects of CDS information.

2.76 ASOC presented a paper with its evaluation of CDS (CCAMLR-XX/BG/20). In particular, ASOC summarised its concerns with the operation of the CDS and made several recommendations to strengthen the scheme. These included:

- the use of VMS and independent scientific observers on all vessels catching toothfish inside and outside the Convention Area in order to verify data recorded on DCDs;
- adoption of specific regulations with respect to fish confiscated as the result of actions against IUU fishing in order to prevent the entry of IUU fish to the market;
- a clear, mandatory procedure must be established for transfer of information between all Parties of the CDS and the Secretariat;
- CCAMLR must adopt an enforcement protocol that includes imposing sanctions and increased surveillance of the Convention Area; and
- CCAMLR Members should nominate and support the nomination of *Dissostichus* spp. for an Appendix II listing by CITES to expand the scope of the CDS.

2.77 Chile expressed appreciation for ASOC's proposal for improvements to the CDS, and for its review of the scheme. Support for the CDS required, in Chile's view, not to engage in actions totally inconsistent with its aims, such as the unfair and unjustified boycott in the US market of Chilean sea-bass, without discriminating its origin and therefore seriously damaging a coastal artisanal fishery which voluntarily operates under the CDS but lies outside the Convention Area, and exports fresh fish not associated in any way to IUU fishing.

2.78 The IUCN Observer provided a report to the meeting, drawing the Committee's attention to the two papers it had submitted, CCAMLR-XX/BG/28 and BG/29, which contained reports by the TRAFFIC Network on the results of its trade analyses of both Patagonian toothfish and Antarctic toothfish.

2.79 In presenting the reports, the IUCN Observer acknowledged the difficulties in undertaking trade analyses due to the lack of species-specific codes and publicly available information, particularly CDS information. The IUCN Observer strongly recommended that the Commission reinforce its earlier recommendation that Members introduce trade codes specific to Patagonian toothfish and Antarctic toothfish, and ensure that product type can be accurately identified throughout trade. The IUCN Observer also requested that CDS information be made publicly available, accepting that this would need to be done in a manner than addressed confidentiality issues.

2.80 The IUCN Observer advised the Committee that the trade analyses undertaken by TRAFFIC concluded that the levels of Patagonian toothfish and Antarctic toothfish catches were far in excess of the reported catch and CCAMLR's estimates of IUU catch. In relation to Patagonian toothfish, the analysis indicated that the global level of IUU catch in 2000 was up to four times that estimated by CCAMLR. The trade analysis of Antarctic toothfish showed that the level of removals may be 70% higher than the level of catch reported to the Commission and could be as much as 147% higher.

2.81 The IUCN Observer provided a number of recommendations to the Committee, including the need to further strengthen the CDS through verification processes, wider application of VMS and investigation of the potentially complementary role of other conventions and agreements, such as the recently adopted IPOA-IUU.

2.82 Chile thanked the IUCN for a very interesting document which requires further examination. The statement in paragraph 9 of the Executive Summary which mentions that only New Zealand reported catch of Antarctic toothfish was worth exploring since all catch in the Convention Area, including by-catch, had to be reported, and in the case of Chile, its vessels had complied with their obligations. Nevertheless, exchange of information on this matter remains useful.

2.83 Australia also welcomed the TRAFFIC reports and supported the proposal that, to the extent that it is compatible with the rules regarding confidentiality of CDS data, CDS data and reports should be made publicly available in order to promote transparency.

2.84 Argentina noted that both IUCN papers contained unacceptable legal errors regarding disputed sub-Antarctic islands in the Convention Area. It welcomed the information that Addenda to be issued to the two documents would address those concerns.

2.85 The Committee thanked ASOC and IUCN for the material submitted. It also noted that Members could take concerns raised in the reports of non-governmental organisations into account during intersessional CDS work. In particular, the Committee noted that a number of concerns raised have already been successfully dealt with by CCAMLR.

#### Report of the Informal CDS Group

2.86 Mr E. Spencer Garrett (USA), Chair of the informal CDS group (hereinafter referred to as the CDS group), presented to the Committee the results of the CDS group meeting which took place on 18 and 19 October 2001 (SCOF-01/28). Participating Parties comprised Australia, Brazil, Chile, European Community, Japan, New Zealand, South Africa, UK and the USA.

2.87 The group's discussions were based on the deliberations and suggestions developed by the electronic intersessional open-ended CDS group established by the Commission (CCAMLR-XIX, Annex 5, paragraph 2.34). The intersessional group, which was chaired by Ms K. Dawson (USA), developed an agenda that included all tasks identified at CCAMLR-XIX and also by the Secretariat, and discussed over 30 issues that could be improved in the CDS.

2.88 The Committee took into account a proposal made by the CDS group that paragraphs 8 and 10 of Conservation Measure 170/XIX need to be changed. Changes are required because the current wording of paragraphs 8 and 10 strictly speaking, preclude customs and other officials from demanding to see CDS documentation for exports. The Committee recommended that the Commission adopt the revised paragraphs 8 and 10 of Conservation Measure 170/XIX (Appendix IV).

2.89 The group considered a number of papers submitted to the Committee by Members and the Secretariat. In particular, presentations were made at the group meeting on the

US Patagonian Toothfish Import Control Program (SCOI-01/22) and by Japan on trading data and the implementation of the CDS (SCOI-01/16). The USA also submitted a proposal to develop and establish an electronic paperless web-based system to implement and track the CDS (SCOI-01/21).

2.90 The representative of the European Community informed the group on the implementation of the CDS within the Community. It was noted that the scheme has been implemented in all European Community Member States (and not just European Community Member States that are also Members of CCAMLR) by way of a Community Regulation that entered into force in June 2001. Due to the fact that the European Community is an internal market, transfers between European Community Member States are not regarded as exports and imports under this regulation. Spain had previously applied the system on a provisional basis. The UK and France had introduced separate legislations in respect of their overseas territories, as those territories do not form part of the European Community.

#### Improvements to the CDS

2.91 The Committee considered the report of the CDS group and agreed to bring a number of its recommendations to the attention of the Commission. In particular, the Committee agreed that there was an immediate need to clarify and strengthen the verification procedures of the CDS, including making greater use of VMS to verify the location of catches. The Committee considered that, in view of the potential for misreported catches to undermine the objectives of the Convention, it was necessary that such verification procedures should apply to catches taken inside the Convention Area and on the high seas outside the Convention Area. While sharing these concerns, the view was expressed that this should not be regarded as constituting a precedent for CCAMLR regulating beyond the Convention Area.

2.92 Accordingly, the Committee revised paragraph 14 of Conservation Measure 170/XIX (Appendix IV). The revision contains exclusion for by-catches of *Dissostichus* spp., taken by trawlers on the high seas outside the Convention Area. The Committee recommended to the Commission that the revised paragraph be adopted.

#### Guide for the Completion of Catch Documents

2.93 A draft Guide for the Completion of Catch Documents as prepared by the Secretariat was submitted to the CDS group and the Committee (SCOI-01/26) but the Committee did not discuss it in substance. The group suggested that a number of changes to the draft would be needed mainly in light of proposed revisions to Conservation Measure 170/XIX. During the work of the Committee it became apparent that the draft would require further modifications in order to take account of all recommendations agreed by the Committee on the improvement of the CDS.

2.94 The Committee recommended that the revised draft Guide for the Completion of Catch Documents be forwarded to the Commission for further consideration (CCAMLR-XX/BG/35).

## Development of Electronic Paperless Web-based Catch Documents

2.95 The CDS group noted that the current system of issuing and copying catch documents for transmission between Parties to CDS allows the opportunity for fraudulent practices. Nevertheless, it was understood that the current system has had a positive impact on addressing IUU fishing activities, in that it is providing new and valuable data and information to CCAMLR, fraudulent catch documents are being identified and acted on, and seizures and confiscations of possible IUU products are occurring. It was recommended that further improvements could be made, such as CCAMLR establishing a paperless electronic web-based catch document issuing system with an associated database to be accessed by all Parties to the CDS. It was also recommended that the current system be improved to the extent possible while an electronic paperless web-based system was being considered.

2.96 The Committee approved these recommendations and agreed that the issue be considered further intersessionally. The Committee also noted with gratitude that the USA has made a one-time voluntary contribution of US\$50 000 to CCAMLR. This contribution is intended to be used to improve effective monitoring of fishing activities in the Southern Ocean, including the funding of additional observers and inspectors in the area.

2.97 The USA advised the Committee that it plans to conduct in the near future a workshop on the development and use of an electronic paperless web-based system for the CDS.

## Procedure for Dealing with CDS Confiscated or Seized Catches

2.98 At CCAMLR-XIX the Commission agreed a procedure that if a State participating in the CDS had cause to sell or dispose of a catch or shipment, it may issue a valid DCD with an accompanying explanation of the reasons for its issue.

2.99 The Committee considered the procedure and recommended to the Commission that the procedure be adopted as paragraphs 15 and 16 of the revised Conservation Measure 170/XIX (Appendix IV).

## CDS Fund

2.100 At its Nineteenth Meeting the Commission considered a proposal that Parties may deduct a reasonable amount from the proceeds of sales of seized and confiscated catches to compensate for sale costs, legal expenses and unpaid fines, and transfer the remainder into a national fund whose purposes were consistent with the objectives of the Commission or to a special fund established by the Secretariat.

2.101 In April 2001 the UK transferred A\$284 798.78 into a special fund established by the Secretariat as proceeds from the sale of catch seized from the vessel *Mila* which was prosecuted for illegal fishing in the Australian EEZ in November 2000.

2.102 Members were requested to consider intersessionally provisions for the operation of the CDS Fund and purposes for its use. Proposals were received at the meeting from the USA and the European Community. The process agreed for the use of the fund was drafted as an annex to the amended Conservation Measure 170/XIX (Appendix IV).

2.103 The Committee recommended to the Commission that the procedure for the operation of the CDS Fund be adopted.

2.104 The Committee noted projects identified by the CDS group that might be eligible for funding or part-funding from the CDS Fund (in no particular order):

- training Secretariat staff in understanding fish trade practices and procedures, including processing of trade-related statistics;
- participation in CDS and fish trade-related meetings of international organisations, e.g. FAO, WTO/CTE, WCO, ICCAT and IATTC, including contributions that may be made by CCAMLR to the development of international initiatives within the FAO IPOA-IUU;
- conducting training workshops and CDS-related consultation with CDS authorities of Contracting and non-Contracting Parties to provide guidance on aspects of implementation of the CDS, including implementation of VMS;
- development of an electronic paperless web-based system for the CDS; and
- assistance in the development of the Monitoring, Control and Surveillance (MCS) Network.

#### Participation in the CDS by Canada as a Contracting Party to CCAMLR

2.105 Discussion took place on how best to persuade Canada to implement the CDS as soon as possible. Several delegations noted their diplomatic efforts in this regard, but it is recommended that stronger measures need to be taken, including the possible use of trade-related measures. The Committee recommended that the Commission should attempt to persuade Canada to become a Member of the Commission and therefore participate in the CDS by raising the points described in Attachment 3 of the CDS group report (SCOI-01/28), but not to consider the use of trade-related measures until all other attempts of persuasion had proved unsuccessful.

2.106 Japan, sharing these concerns and admitting the need to take collaborative action in this respect, expressed its strong concern about trade-related measures. However, understanding that mentioning the exploration of the possibility of such measures by Members would lead to full participation of Canada in the CDS system, it did not oppose this arrangement.



### Participation in the CDS by Mauritius

2.107 Considerable discussion took place at the meeting of the CDS group concerning a letter sent by Mauritius to CCAMLR describing its reluctance as a Port State to validate landing information on DCDs regarding the origin of toothfish landed in Mauritius. The CDS group recommended that the Commission reply to Mauritius welcoming its participation in the CDS and seeking further clarification of the concerns of Mauritius. The reply should address Mauritian concerns about the duties of Flag States and Port States in determining whether a catch was harvested in full compliance with CCAMLR conservation measures prior to the issue of a validated DCD. This reply should again request that Mauritius provide CDS officer contacts.

2.108 This was agreed by the Committee.

### Access to National CCAMLR Legislation and Regulations

2.109 The CDS group recommended that each Contracting Party should nominate a contact person familiar with Contracting Party domestic CCAMLR legislation. It also recommended that links to websites which provide details of domestic legislation be posted on the CCAMLR website.

2.110 The Committee recommended that the Commission urge Members to submit the information required to the Secretariat.

### Details of Vessels Licensed to Fish in Areas Adjacent to the Convention Area

2.111 The CDS group recommended that it would be beneficial to the CDS if all CDS participating Parties provided the Secretariat with details of their flag vessels licensed to fish for *Dissostichus* spp. in areas outside the Convention Area.

2.112 The Committee recommended that the Commission urge Members to submit the information required on a voluntary basis.

### Artisanal Fishery and the CDS

2.113 The CDS group considered the progress of negotiations between Chile and the USA on the establishment of a procedure for dealing with artisanal toothfish fisheries in Chile. A large number of small vessels may be engaged in domestic artisanal fisheries, each landing daily a very small amount of toothfish, making it impractical to issue DCDs to each vessel (SCOI-01/6).

2.114 The Committee noted that agreement on the import of toothfish from coastal artisanal fisheries in Chile to the USA had been reached and included email notification when a specific shipment of toothfish bound for the USA is leaving Chile.

## Cooperation with International Organisations

2.115 The CDS group considered a proposal made by the Secretariat on the development of cooperation with the WTO Committee on Trade and Environment (CTE) as described in CCAMLR-XX/BG/21. The group generally favoured development of a stronger relationship with CTE and agreed to consider specific ways to further this relationship intersessionally. It was noted that a FAO-sponsored Consultation on the Development of Model Uniform Catch Documentation and Reporting Measures will be held in January 2002. The group recommended that the consultation should include participation of the CCAMLR Secretariat.

2.116 The Committee noted this recommendation and forwarded it to the Commission for consideration. It also noted the necessity of developing cooperation with other trade-related international organisations such as the World Customs Organisation (WCO).

## Future Work on the CDS

2.117 Various views were expressed with regard to a recommendation by the CDS group to form a permanent CDS Standing Subcommittee. The Committee recognised the need to continue examining ways to enhance the effectiveness of the CDS but that this should be in a manner that would have minimal budgetary implications. It was therefore recommended that the CDS group continue to meet for the next two to three years, after which time the need for such a group would be re-evaluated.

2.118 The Committee identified a number of issues which should be discussed intersessionally by the group (Appendix V). The USA offered to again chair the intersessional work and the Committee agreed. Further, the Committee recommended that a chat room or bulletin board be set up on the CCAMLR website to reduce the amount of email.

## Implementation of Other Measures aimed at the Elimination of IUU Fishing

### CCAMLR Vessel Database

2.119 The Secretariat has redesigned its vessel database in order to accommodate the maintenance of IUU fishing information and to integrate it with other compliance and fisheries-related information. The new database is designed to display vessel history relating to changes in name, flag status, history of IUU activity and the sources of these reports (CCAMLR-XX/BG/24).

2.120 Currently, the vessel database contains 302 records in respect of licences issued to vessels since 1998 and 128 records in respect of illegal fishing activity since the beginning of 1998, naming 21 vessels.

2.121 Online access for Members to the vessel database via the CCAMLR website is being developed.

2.122 The Secretariat was also asked to continue collection of all available information, including from the Lloyd's Register, concerning vessels which were reported to be active in the Convention Area.

2.123 In July 2001 the Science Officer visited the office of the Lloyd's Register in order to explain in detail CCAMLR activities on the elimination of IUU fishing and to discuss problems experienced with the trial use of on-line services and possible cooperation with Lloyd's, in particular, on access to information on vessels reported to be engaged in IUU fishing (SCOI-01/7).

2.124 As a result of this visit, CCAMLR has been offered a CD-ROM version of the Lloyd's Register of Ships on an extended six-month trial. It was accepted that, initially, the Secretariat would make extensive use of the database until its backlog of work is removed. Thereafter, the Lloyd's Register will provide free-of-charge access to its on-line services and will consult the Secretariat on other sources of potential information with regard to IUU vessels. In return, it is expected that there will be a regular exchange of information between CCAMLR and Lloyd's on details of vessels found engaged in IUU fishing and any irregularities found by the CCAMLR Secretariat in the Lloyd's Register of Ships.

2.125 Therefore, information to be provided by CCAMLR in exchange for free access to the Lloyd's Register of Ships, as described above, would include:

- details of vessels from the CCAMLR vessel database which were found to be different from records in the Lloyd's database such as vessel name, call sign, registration number etc.;
- details of vessels reflagged by CCAMLR Members; and
- information from Members' reports on vessels found engaged in IUU fishing activities in the Convention Area.

2.126 The Secretariat believes that the current CCAMLR policy on access to information on IUU fishing activities allows acceptance of the conditions put forward by Lloyd's for use of their vessel register and that use of the register would significantly assist the Secretariat in its work. The Committee noted that the Secretariat has tentatively accepted this offer and recommended that the Commission agree to its continuation.

## OPERATION OF THE SYSTEM OF INSPECTION AND COMPLIANCE WITH CONSERVATION MEASURES

### Inspections Undertaken in the 2000/01 Season

3.1 The Secretariat reported that there were 56 CCAMLR inspectors nominated by Argentina, Australia, Chile, New Zealand, UK and the USA. CCAMLR inspectors designated by New Zealand (13) were deployed during the season in Subarea 88.1 and CCAMLR inspectors designated by the UK (15) were deployed in Subarea 48.3 from December 2000 to August 2001.

3.2 In the 2000/01 season eight inspection reports were received from CCAMLR inspectors, all designated by the UK. All inspections took place in Subarea 48.3. Vessels inspected were of the following flags: Chile (1), Japan (2), Republic of Korea (1), Russia (1), UK (1), Ukraine (1) and Uruguay (1). In general, all vessels inspected were reported as complying with conservation measures in force. However, the vessel *Ural* (Russia) did not have on board a copy of the fishing licence and vessels *No. 1 Moresko* (Republic of Korea) and *Isla Santa Clara* (Chile) did not fully comply with Conservation Measure 63/XV 'Regulation of the Use and Disposal of Plastic Packaging Bands on Fishing Vessels'.

3.3 With respect to the vessel *Ural*, Russia commented that the licence to the vessel was issued as required but, due to technical reasons, the owner did not deliver the licence to the vessel at the time the fishing season began.

3.4 Chile commented with respect to an inspection conducted on board the vessel *Isla Santa Clara* that the matter had been investigated and appropriate actions would be taken.

3.5 In accordance with paragraph XII of the System of Inspection, CCAMLR Flag States reported to the Commission on prosecutions and sanctions imposed as a consequence of inspections conducted on vessels flying their flags.

3.6 Reports have been received from the following Members: Chile (CCAMLR-XX/BG/25), Australia (BG/19) and South Africa (BG/5).

3.7 In particular, Chile informed the Committee about the action it had taken against vessels involved in infringements of CCAMLR conservation measures reported by inspections undertaken nationally (CCAMLR-XX/BG/25). The paper contained details of the court proceedings initiated over the period from 1992 to September 2001 with respect to four vessels.

3.8 South Africa advised that a fishing company is under investigation for being allegedly involved in irregular activities relating to violation of both South African domestic law and the requirements of the CDS (CCAMLR-XX/BG/5). The outcome of these investigations will be reported to CCAMLR in due course.

3.9 Argentina informed the Committee that proceedings carried out in relation to presumed infringements of conservation measures by *Estela*, *Magallanes I*, *Vieirasa Doce*, *Marunaka* and *Kinsho Maru* await a final decision. Proceedings are in place with regard to the fraudulent DCD referred to in Table 3 of CCAMLR-XX/BG/22 Rev. 2. In addition, Argentina wished to report that, according to information available to the Fishing Authority, some misreporting of *D. eleginoides* as *Eleginops maclovinus* has occurred on landing of catches by trawlers operating outside the Convention Area. This constitutes presumably an infringement of Conservation Measure 170/XIX as well as of internal fishing legislation, therefore proceedings have recently started.

3.10 Australia advised that legal action regarding the forfeiture of the *South Tomi* for fishing illegally in the Australian EEZ in Division 58.5.2 is still under way. Australia will advise the results of this action once it is complete.

3.11 The Committee noted reports of Members and requested that the Secretariat keep track of all reports received from Flag States on steps taken to investigate and, if necessary,

prosecute and impose sanctions with respect to violations of conservation measures by their flag vessels as reported by CCAMLR inspectors (System of Inspection, paragraphs XI and XII).

3.12 Following a proposal received intersessionally from the UK on the revision of the inspection report form and comments on the matter received from Uruguay (SCOI-01/18 Rev. 1), the Committee requested the Secretariat to revise the form as proposed, print new forms and circulate them to Members.

3.13 The Secretariat proposed that the Committee consider the feasibility of amending Conservation Measures 119/XVII and 148/XVII. A rationale for the amendments proposed was submitted in CCAMLR-XX/BG/24.

3.14 In particular, the Secretariat proposed that:

- (i) Conservation Measure 119/XVII 'Licensing and Inspection Obligations of Contracting Parties with regard to their Flag Vessels Operating in the Convention Area' be revised in order to incorporate a provision for reporting details of fishing licences issued; and
- (ii) Conservation Measure 148/XVII 'Automated Satellite-linked Vessel Monitoring Systems (VMS)' be revised in order to include reporting limited positional information on movements by vessels in and out of the Convention Area and CCAMLR statistical areas.

3.15 The Committee recommended to the Commission that Conservation Measure 119/XVII be adopted as revised (Appendix VI).

3.16 The Committee revised the proposal and recommended to the Commission that Conservation Measure 148/XVII be adopted as revised (Appendix VII).

#### Implementation of Conservation Measures

3.17 In accordance with Article XX.3 of the Convention, Members are required to inform the Commission periodically of steps taken to implement and ensure compliance with conservation measures adopted by the Commission.

3.18 At CCAMLR-XIX, the Secretariat was requested to compile an annual summary of information relating to compliance with conservation measures (CCAMLR-XIX, paragraph 8.15).

3.19 Details of compliance with fisheries management measures and data submission are given in CCAMLR-XX/BG/7. Assessment of compliance with all elements of Conservation Measure 29/XIX has been undertaken by WG-FSA based on factual data submitted by scientific observers. The report of the Scientific Committee will contain advice to the Commission on the matter.

3.20 The Committee discussed compliance by Members' vessels with Conservation Measure 29/XIX and noted that, while there had not been full compliance, there had been substantial improvement compared with the previous season. The Committee noted that

Argentina, Australia, Chile and South Africa were conducting research on improved seabird mitigation measures. Chile, Republic of Korea and South Africa also provided information on the activities of their vessels.

3.21 The Committee noted that several vessels had failed to comply with Conservation Measure 29/XIX for at least two seasons. The Committee again asked that Members check a vessel's ability to comply with Conservation Measure 29/XIX before it is authorised under Conservation Measure 119/XVII to fish in the Convention Area, and also to examine other ways in which compliance could be further improved.

3.22 No instances of discarded bait-box bands were reported by CCAMLR inspectors or observed by scientific observers (Conservation Measure 63/XV 'Regulation of the Use and Disposal of Plastic Packaging Bands on Fishing Vessels'). The report of the Scientific Committee will contain additional comments on the issue of compliance with the measure based on factual data submitted by scientific observers.

3.23 During the year Members are required to notify within seven days of the issue of each licence to their vessels for fishing in the Convention Area. (Conservation Measure 119/XVII and System of Inspection, paragraph IV(c)). Out of 53 notifications received, 13 notifications were received after the imposed deadline.

3.24 In addition, Chile reported that five of its flagged vessels were inspected in ports in accordance with Conservation Measure 119/XVII (SCOI-01/15). New Zealand, South Africa and Uruguay reported that all their flagged vessels were inspected.

3.25 Argentina, Namibia, New Zealand, South Africa, UK and Uruguay reported port inspections of vessels of Contracting and non-Contracting Parties made in accordance with Conservation Measures 118/XVII, 119/XVII and 147/XIX. The flags of the vessels inspected were Belize, France, Namibia, Russia, South Africa, Spain and Uruguay.

3.26 In accordance with paragraphs 7.22 and 7.23 of CCAMLR-XV, Members are required to inform the Secretariat of name changes, reflagging and re-registration of their vessels. No reports of reflagging had been received in the 2000/01 intersessional period.

3.27 The Committee received and discussed a proposal put forward by the USA on the effective date of CCAMLR conservation measures which noted the effect of Article IX.6 of the Convention on the ability to enforce CCAMLR conservation measures. The proposal was conveyed to the Scientific Committee for review. After hearing from the Chair of the Scientific Committee, SCOI agreed to submit the proposal to the Commission during its opening session on 29 October for consideration during its deliberations on conservation measures.

## IMPLEMENTATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

4.1 A summary of all scientific observation programs undertaken in accordance with the scheme is given in SC-CAMLR-XX/BG/23. As required, international scientific observers were deployed on all vessels engaged in exploratory fisheries in 2000/01 with the exception of the EEZs of some coastal states in the Convention Area.

4.2 The Committee noted that, as in the past, the report of the Scientific Committee will include its advice to the Commission on all aspects of the scheme and also on the scientific observation requirements for 2001/02 fisheries.

4.3 Reports received from scientific observers with factual detail on sightings of fishing vessels were discussed by SCOI together with other information on IUU fishing activities in the Convention Area (see paragraph 2.12).

4.4 SCOI noted that this year it had not received any requests from the Scientific Committee relating to the operation of the scheme and to the need for its improvement. Therefore, no advice was forwarded to the Commission on the operational requirements of the scheme.

## REVIEW OF SCOI WORKING ARRANGEMENTS

5.1 At CCAMLR-XIX, Members were requested to consider during the intersessional period a proposal by the European Community to adjust the Committee's terms of reference, with a view to discussing the matter further at this year's meeting (CCAMLR-XIX, paragraph 8.38). There were no comments or proposals submitted intersessionally.

5.2 Due to the lack of time at this year's meeting, the Committee decided to postpone discussions on the subject, addressed as a matter of priority, until next year's meeting.

5.3 The Committee recommended that the Commission should urge Members to consider the proposal by the European Community as submitted in CCAMLR-XIX/22, and provide it intersessionally with comments and suggestions on the proposal in order to take a decision on future arrangements for the work of the Committee at CCAMLR-XXI.

5.4 The Committee decided to draw to the attention of the Commission that any changes to working arrangements of the Committee should take into account problems of small delegations which are unable to attend several meetings of CCAMLR bodies being run concurrently.

## ADVICE TO SCAF

6.1 The Committee noted that the only item relating to SCAF is the printing of inspection report forms and this has already been taken into consideration in the provisional budget for 2002. No other projects by the Committee would entail any financial obligation.

## ELECTION OF VICE-CHAIR OF SCOI

7.1 The Committee elected Mr J. Turenne (France) as Vice-Chair for the next two years taking effect from the end of CCAMLR-XX.

## ADVICE TO THE COMMISSION

8.1 The Committee made the following recommendations that the Commission:

- (i) in relation to IUU fishing in the Convention Area:
  - (a) consider establishing a list of countries which act as Flags of Convenience (paragraph 2.21);
  - (b) strengthen Conservation Measure 118/XVII and develop a Resolution on Flag State responsibilities of non-Contracting Parties in the Convention Area (paragraph 2.55);
  - (c) continue to reinforce its efforts to eliminate IUU fishing in the Convention Area (paragraph 2.63); and
  - (d) consider SCOI's concerns with toothfish landings reported from Area 51 (Indian Ocean) (paragraph 2.66);
- (ii) in relation to the CDS:
  - (a) adopt the revised Conservation Measure 170/XIX which includes revisions of procedures dealing with export verification, greater use of VMS for verification of DCDs, confiscated or seized catches and operation of the CDS Fund (paragraphs 2.88, 2.92, 2.99 and 2.103);
  - (b) consider further the draft Guide for the Completion of Catch Documents (paragraph 2.94);
  - (c) persuade Canada to become a Member of the Commission and participate in CDS (2.105);
  - (d) write to Mauritius seeking full implementation of the CDS, provision of details on landing information and inviting it to become a Party to the Convention (paragraphs 2.29 and 2.107);
  - (e) urge Members to nominate contact officers for correspondence on matters of domestic CCAMLR legislation and provide links to websites that provide details of this legislation (paragraph 2.110);
  - (f) urge Members to submit, on a voluntary basis, details of their flag vessels licensed to fish for *Dissostichus* spp. outside the Convention Area (paragraph 2.112);
  - (g) consider development of cooperation with FAO, WTO/CTE and WCO on CDS matters (paragraph 2.116); and
  - (h) continue work of the CDS group (paragraphs 2.117 and 2.118);



- (iii) in relation to the implementation of other measures aimed at the elimination of IUU fishing:
  - (a) approve continuation of information exchange on IUU fishing tentatively established by the Secretariat with Lloyd's Register (paragraph 2.126);
- (iv) in relation to the operation of the System of Inspection and compliance with conservation measures:
  - (a) adopt the revised Conservation Measure 119/XVII (paragraph 3.15);
  - (b) adopt the revised Conservation Measure 148/XVII (paragraph 3.16); and
  - (c) consider the proposal on the effective date of the implementation of CCAMLR conservation measures (paragraph 3.27);
- (v) in relation to the review of SCOI working arrangements:
  - (a) consider the proposal intersessionally, as a matter or priority, for discussion at the next year's meeting (paragraph 5.2).

#### ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

9.1 The Report of SCOI was adopted and the meeting closed.

**AGENDA**

Standing Committee on Observation and Inspection (SCOI)  
(Hobart, Australia, 22 to 26 October 2001)

1. Opening of Meeting
2. Illegal, Unregulated and Unreported Fishing in the Convention Area
  - (i) Members' reports submitted in accordance with Articles X and XXII of the Convention, the System of Inspection and the Scheme of International Scientific Observation
  - (ii) Operation of the Catch Documentation Scheme (CDS)
    - (a) Annual Summary Report
    - (b) Access to CDS Data
    - (c) Confiscated or Seized Catches
    - (d) CDS Fund
    - (e) Improvements to the CDS
  - (iii) Implementation of Other Measures aimed at the Elimination of IUU Fishing
    - (a) Cooperation with Non-Contracting Parties
    - (b) CCAMLR Vessel Database
    - (c) Implementation of CDS-related Conservation Measures and Resolutions
    - (d) Additional Measures
  - (iv) Advice to the Commission
3. Operation of the System of Inspection and Compliance with Conservation Measures
  - (i) Inspections Undertaken
  - (ii) Actions of Flag States in respect of Inspections undertaken
  - (iii) Improvements to the System of Inspection
  - (iv) Compliance with Conservation Measures
  - (v) Advice to the Commission
4. Operation of the Scheme of International Scientific Observation
  - (i) Observation Programs Undertaken
  - (ii) Improvements to the Scheme
  - (iii) Advice to the Commission
5. Review of SCOI Working Arrangements
6. Advice to SCAF

7. Other Business
8. Election of Vice-Chair of SCOI
9. Adoption of the Report
10. Close of Meeting.

### LIST OF DOCUMENTS

Standing Committee on Observation and Inspection (SCOI)  
(Hobart, Australia, 22 to 26 October 2001)

SCOI-01/1	Provisional Agenda
SCOI-01/2	List of documents
SCOI-01/3	South African schedule of information for submission to SCOI for the split-year 2000/2001 South Africa
SCOI-01/4	Informe anual sobre la aplicación del VMS Uruguay
SCOI-01/5	Proposal for a revision of Conservation Measures 119/XVII and 148/XVII Secretariat
SCOI-01/6	Aplicación de la MC 170/XIX de la CCRVMA en la pesca artesanal de Chile Chile
SCOI-01/7	On cooperation with Lloyd's Vessel Register Secretariat
SCOI-01/8	New Zealand: compliance and enforcement-related activities (from the Report of Member's Activities in the Convention Area 2000/2001)
SCOI-01/9	Listado de naves con licencia internacional de Panama Secretariat
SCOI-01/10	Report on SCOI-related activities Republic of Korea
SCOI-01/11	Report on SCOI-related activities Ukraine
SCOI-01/12	Report on SCOI-related activites United Kingdom
SCOI-01/13	Resumen de las inspecciones portuarias realizadas de conformidad con las Medidas de Conservación 118/XVII, 119/XVII y 147/XIX Uruguay

SCOI-01/14	Correspondence between the Secretariat and Japan regarding confidentiality of CDS import details Secretariat
SCOI-01/15	Resumen de las inspecciones portuarias realizadas de conformidad con las Medidas de Conservación 118/XVII, 119/XVII y 147/XIX Chile
SCOI-01/16	Report of trading data and system about toothfish Japan
SCOI-01/17	Reports of CCAMLR inspectors submitted in accordance with the CCAMLR System of Inspection for 2000/2001
SCOI-01/18 Rev. 1	Member comments on the UK proposal to revise the CCAMLR 'Report of Inspection' form Secretariat
SCOI-01/19 Rev. 1	Reports of landings in Mauritius during 2000/2001 Secretariat
SCOI-01/20	Extract from the Report of the Working Group on Fish Stock Assessment (8 to 19 October 2001, Hobart, Australia) 'Estimates of Catch and Effort from IUU Fishing' and associated tables
SCOI-01/21	Proposal – institute electronic issuance of DCDs by CCAMLR K. Dawson (USA)
SCOI-01/22	Patagonian Toothfish Import Control Program E. Spencer Garrett (USA)
SCOI-01/23	Summaries of landing, exports and re-exports reported under the CDS 2000 – 17 October 2001
SCOI-01/24	Summaries of trade statistics for <i>Dissostichus</i> spp. and comparisons with data from the CDS database Secretariat
SCOI-01/25	Contribution to make preservation measures effective Uruguay
SCOI-01/26	Draft Guide to the Completion of <i>Dissostichus</i> Catch Documents Secretariat
SCOI-01/27	Port inspection in accordance with Conservation Measure 147/XIX Argentina

SCOI-01/28 Rev. 1	Report of discussions by the CDS Contact Group on the CCAMLR Catch Documentation Scheme (CDS) for toothfish (Convener, Mr E. Spencer Garret, USA)
Other Documents	
CCAMLR-XX/21	Cooperation with the Committee on Trade and the Environment of the World Trade Organization Secretariat
CCAMLR-XX/BG/4	CCAMLR conservation measures: a review Secretariat
CCAMLR-XX/BG/5	Report on inspection and implementation of sanctions – 2000/2001 Delegation of South Africa
CCAMLR-XX/BG/7 Rev. 1	Implementation of conservation measures in 2000/01 Secretariat
CCAMLR-XX/BG/17	Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen et Crozet pour la saison 2000/2001 (1er juillet 2000–30 juin 2001). Informations générales sur la zone CCAMLR 58 Délégation française
CCAMLR-XX/BG/17 Additif	Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen et Crozet pour la saison 2000/2001 (1er juillet 2000–30 juin 2001). Informations générales sur la zone CCAMLR 58 Délégation française
CCAMLR-XX/BG/19	Illegal, unregulated, unreported toothfish catch estimates for the Australian EEZ around Heard and McDonald Islands, 1 July 2000 – 30 June 2001 Delegation of Australia
CCAMLR-XX/BG/20	ASOC evaluation of the CDS The Antarctic and Southern Ocean Coalition
CCAMLR-XX/BG/21	Report on training conducted by Australia in Mauritius and Namibia to assist their implementation of the CCAMLR Catch Documentation Scheme Delegation of Australia
CCAMLR-XX/BG/22 Rev. 1	Implementation and operation of the Catch Documentation Scheme in 2000/2001 Secretariat

- CCAMLR-XX/BG/24 Implementation of the System of Inspection and other CCAMLR enforcement provisions, 2000/2001  
Secretariat
- CCAMLR-XX/BG/25 Informe causas sustanciadas en Chile por infracciones a la norma CCRVMA Septiembre del año 2001  
Delegación de Chile
- CCAMLR-XX/BG/28 Patagonian toothfish – are conservation measures working?  
Submitted by the IUCN
- CCAMLR-XX/BG/29 Antarctic toothfish – an analysis of management, catch and trade  
Submitted by the IUCN

**PROPOSED RESOLUTION**

[The Commission,

Noting that CDS data show very large catches of *Dissostichus* spp. attributed to FAO Statistical Area 51,

Noting advice from the Scientific Committee which casts doubt on the fact that catches of *Dissostichus* spp. of this magnitude could be taken in FAO Statistical Area 51,

Conscious of advice of SCOI that these catches may be being misreported,

Concerned by the fact that the CDS could be used to legitimise IUU catches of *Dissostichus* spp.,

Recognising the potential for catches of *Dissostichus* spp. attributed to FAO Statistical Area 51 to have come from within the Convention Area,

Concerned that such misreporting would seriously undermine the effectiveness of CCAMLR Conservation Measures,

urges States participating in the CDS to review their domestic laws and regulations with a view to prohibiting landings/transshipments/imports of toothfish declared as having been caught in FAO Statistical Area 51 (except in the case of toothfish declared as having been caught in the waters under the jurisdiction of Contracting Parties.)



## PROPOSED REVISION

**CONSERVATION MEASURE 170/XIX**  
**Catch Documentation Scheme for *Dissostichus* spp.**

The Commission,

Concerned that illegal, unregulated and unreported (IUU) fishing for *Dissostichus* spp. in the Convention Area threatens serious depletion of populations of *Dissostichus* spp.,

Aware that IUU fishing involves significant by-catch of some Antarctic species, including endangered albatross,

Noting that IUU fishing is inconsistent with the objective of the Convention and undermines the effectiveness of CCAMLR conservation measures,

Underlining the responsibilities of Flag States to ensure that their vessels conduct their fishing activities in a responsible manner,

Mindful of the rights and obligations of Port States to promote the effectiveness of regional fishery conservation measures,

Aware that IUU fishing reflects the high value of, and resulting expansion in markets for and international trade in, *Dissostichus* spp.,

Recalling that Contracting Parties have agreed to introduce classification codes for *Dissostichus* spp. at a national level,

Recognising that the implementation of a Catch Documentation Scheme for *Dissostichus* spp. will provide the Commission with essential information necessary to provide the precautionary management objectives of the Convention,

Committed to take steps, consistent with international law, to identify the origins of *Dissostichus* spp. entering the markets of Contracting Parties and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into their territories was caught in a manner consistent with CCAMLR conservation measures,

Wishing to reinforce the conservation measures already adopted by the Commission with respect to *Dissostichus* spp.,

Inviting non-Contracting Parties whose vessels fish for *Dissostichus* spp. to participate in the Catch Documentation Scheme for *Dissostichus* spp.,

hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. Each Contracting Party shall take steps to identify the origin of *Dissostichus* spp. imported into or exported from its territories and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into or exported from its territories was caught in a manner consistent with CCAMLR conservation measures.
2. Each Contracting Party shall require that each master or authorised representative of its flag vessels authorised to engage in harvesting of *Dissostichus eleginoides* and/or *Dissostichus mawsoni* complete a *Dissostichus* catch document for the catch landed or transhipped on each occasion that it lands or tranships *Dissostichus* spp.
3. Each Contracting Party shall require that each landing of *Dissostichus* spp. at its ports and each transhipment of *Dissostichus* spp. to its vessels be accompanied by a completed *Dissostichus* catch document.
4. Each Contracting Party shall, in accordance with their laws and regulations, require that their flag vessels which intend to harvest *Dissostichus* spp., including on the high seas outside the Convention Area, are provided with specific authorisation to do so. Each Contracting Party shall provide *Dissostichus* catch document forms to each of its flag vessels authorised to harvest *Dissostichus* spp. and only to those vessels.
5. A non-Contracting Party seeking to cooperate with CCAMLR by participating in this Scheme may issue *Dissostichus* catch document forms, **in accordance with the procedures specified in paragraphs 6 and 7**, to any of its flag vessels that intend to harvest *Dissostichus* spp.
6. The *Dissostichus* catch document shall include the following information:
  - (i) the name, address, telephone and fax numbers of the issuing authority;
  - (ii) the name, home port, national registry number, and call sign of the vessel and, if issued, its IMO/Lloyd's registration number;
  - (iii) the reference number of the licence or permit, whichever is applicable, that is issued to the vessel;
  - (iv) the weight of each *Dissostichus* species landed or transhipped by product type, and
    - (a) by CCAMLR statistical subarea or division if caught in the Convention Area; and/or
    - (b) by FAO statistical area, subarea or division if caught outside the Convention Area;
  - (v) the dates within which the catch was taken;
  - (vi) the date and the port at which the catch was landed or the date and the vessel, its flag and national registry number, to which the catch was transhipped; and
  - (vii) the name, address, telephone and fax numbers of the recipient(s) of the catch and the amount of each species and product type received.

7. Procedures for completing *Dissostichus* catch documents in respect of vessels are set forth in paragraphs A1 to A10 of Annex 170/A to this measure. The standard catch document is attached to the annex.
8. Each Contracting Party shall require that each shipment of *Dissostichus* spp. imported into **or exported from** its territory be accompanied by the export -validated *Dissostichus* catch document(s) and, where appropriate, validated re-export document(s) that account for all the *Dissostichus* spp. contained in the shipment.
9. An export-validated *Dissostichus* catch document issued in respect of a vessel is one that:
  - (i) includes all relevant information and signatures provided in accordance with paragraphs A1 to A11 of Annex 170/A to this measure; and
  - (ii) includes a signed and stamped certification by a responsible official of the exporting State of the accuracy of the information contained in the document.
10. Each Contracting Party shall ensure that its customs authorities or other appropriate officials request and examine the ~~import~~ documentation of each shipment of *Dissostichus* spp. imported into **or exported from** its territory to verify that it includes the export-validated *Dissostichus* catch document(s) and, where appropriate, validated re-export document(s) that account for all the *Dissostichus* spp. contained in the shipment. These officials may also examine the content of any shipment to verify the information contained in the catch document or documents.
11. If, as a result of an examination referred to in paragraph 10 above, a question arises regarding the information contained in a *Dissostichus* catch document or a re-export document the exporting State whose national authority validated the document(s) and, as appropriate, the Flag State whose vessel completed the document are called on to cooperate with the importing State with a view to resolving such question.
12. Each Contracting Party shall promptly provide by the most rapid electronic means copies to the CCAMLR Secretariat of all export-validated *Dissostichus* catch documents and, where relevant, validated re-export documents that it issued from and received into its territory and shall report annually to the Secretariat data, drawn from such documents, on the origin and amount of *Dissostichus* spp. exported from and imported into its territory.
13. Each Contracting Party, and any non-Contracting Party that issues *Dissostichus* catch documents in respect of its flag vessels in accordance with paragraph 5, shall inform the CCAMLR Secretariat of the national authority or authorities (including names, addresses, phone and fax numbers and email addresses) responsible for issuing and validating *Dissostichus* catch documents.
14. Notwithstanding the above, any Contracting Party, **or any non-Contracting Party participating in the Catch Documentation Scheme**, may require additional

verification of catch documents **by Flag States** by using, *inter alia*, VMS, in respect of catches<sup>1</sup> ~~by its flag vessel~~ **staken on the high seas** outside the Convention Area, when landed at, **imported into or** ~~and~~ exported from its territory.

- 15. If a Contracting Party participating in the CDS has cause to sell or dispose of seized or confiscated *Dissostichus* spp., it may issue a specially validated *Dissostichus* Catch Document (SVDCD) specifying the reasons for that validation. The SVDCD shall include a statement describing the circumstances under which confiscated fish are moving in trade. To the extent practicable, Parties shall ensure that no financial benefit arising from the sale of seized or confiscated catch accrue to the perpetrators of IUU fishing. If a Contracting Party issues a SVDCD, it shall immediately report all such validations to the Secretariat for conveying to all Parties and, as appropriate, recording in trade statistics.**
  
- 16. A Contracting Party may transfer all or part of the proceeds from the sale of seized or confiscated *Dissostichus* spp. into the CDS Fund created by the Commission or into a national fund which promotes achievement of the objectives of the Convention. A Contracting Party may, consistent with its domestic legislation, decline to provide a market for toothfish offered for sale with a SVDCD by another State. Provisions concerning the uses of the CDS Fund are found in Annex B.**

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<sup>1</sup> Excluding by-catches of *Dissostichus* spp. by trawlers fishing on the high seas outside the Convention Area. A by-catch shall be defined as no more than 5% of total catch of all species and no more than 50 tonnes for an entire fishing trip by a vessel.

A1. Each Flag State shall ensure that each *Dissostichus* catch document form that it issues includes a specific identification number consisting of:

- (i) a four-digit number, consisting of the two-digit International Standards Organization (ISO) country code plus the last two digits of the year for which the form is issued; and
- (ii) a three-digit sequence number (beginning with 001) to denote the order in which catch document forms are issued.

It shall also enter on each *Dissostichus* catch document form the number as appropriate of the licence or permit issued to the vessel.

A2. The master of a vessel which has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures prior to each landing or transhipment of *Dissostichus* spp.:

- (i) the master shall ensure that the information specified in paragraph 6 of this conservation measure is accurately recorded on the *Dissostichus* catch document form;
- (ii) if a landing or transhipment includes catch of both *Dissostichus* spp., the master shall record on the *Dissostichus* catch document form the total amount of the catch landed or transhipped by weight of each species;
- (iii) if a landing or transhipment includes catch of *Dissostichus* spp. taken from different statistical subareas and/or divisions, the master shall record on the *Dissostichus* catch document form the amount of the catch by weight of each species taken from each statistical subarea and/or division; and
- (iv) the master shall convey to the Flag State of the vessel by the most rapid electronic means available, the *Dissostichus* catch document number, the dates within which the catch was taken, the species, processing type or types, the estimated weight to be landed and the area or areas of the catch, the date of landing or transhipment and the port and country of landing or vessel of transhipment and shall request from the Flag State, a Flag State confirmation number.

A3. If, for catches<sup>1</sup> taken in the Convention Area or on the high seas outside the Convention Area, the Flag State ~~determines~~ verifies, by the use of a VMS (as described in paragraphs 5 and 6 of Conservation Measure 148/XVII), the area fished and that the catch to be landed or transhipped as reported by ~~the~~ its vessel is

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<sup>1</sup> Excluding by-catches of *Dissostichus* spp. by trawlers fishing on the high seas outside the Convention Area. A by-catch shall be defined as no more than 5% of total catch of all species and no more than 50 tonnes for an entire fishing trip by a vessel.

**accurately recorded and taken in a manner** consistent with its authorisation to fish, it shall convey a unique Flag State confirmation number to the **vessel's** master by the most rapid electronic means available.

- A4. The master shall enter the Flag State confirmation number on the *Dissostichus* catch document form.
- A5. The master of a vessel that has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures immediately after each landing or transshipment of *Dissostichus* spp.:
- (i) in the case of a transshipment, the master shall confirm the transshipment by obtaining the signature on the *Dissostichus* catch document of the master of the vessel to which the catch is transferred;
  - (ii) in the case of a landing, the master or authorised representative shall confirm the landing by obtaining a signed and stamped certification on the *Dissostichus* catch document by a responsible official at the port of landing or free trade zone;
  - (iii) in the case of a landing, the master or authorised representative shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing or free trade zone; and
  - (iv) in the event that the catch is divided upon landing, the master or authorised representative shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing or free trade zone, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.
- A6. In respect of each landing or transshipment, the master or authorised representative shall immediately sign and convey by the most rapid electronic means available a copy, or, if the catch landed was divided, copies, of the signed *Dissostichus* catch document to the Flag State of the vessel and shall provide a copy of the relevant document to each recipient of the catch.
- A7. The Flag State of the vessel shall immediately convey by the most rapid electronic means available a copy or, if the catch was divided, copies, of the signed *Dissostichus* catch document to the CCAMLR Secretariat to be made available by the next working day to all Contracting Parties.
- A8. The master or authorised representative shall retain the original copies of the signed *Dissostichus* catch document(s) and return them to the Flag State no later than one month after the end of the fishing season.
- A9. The master of a vessel to which catch has been transhipped (receiving vessel) shall adhere to the following procedures immediately after landing of such catch in order to complete each *Dissostichus* catch document received from transshipping vessels:
- (i) the master of the receiving vessel shall confirm the landing by obtaining a signed and stamped certification on the *Dissostichus* catch document by a responsible official at the port of landing or free trade zone;

- (ii) the master of the receiving vessel shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing or free trade zone; and
  - (iii) in the event that the catch is divided upon landing, the master of the receiving vessel shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing or free trade zone, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.
- A10. In respect of each landing of transhipped catch, the master or authorised representative of the receiving vessel shall immediately sign and convey by the most rapid electronic means available a copy of all the *Dissostichus* catch documents, or if the catch was divided, copies, of all the *Dissostichus* catch documents, to the Flag State(s) that issued the *Dissostichus* catch document, and shall provide a copy of the relevant document to each recipient of the catch. The Flag State of the receiving vessel shall immediately convey by the most rapid electronic means available a copy of the document to the CCAMLR Secretariat to be made available by the next working day to all Contracting Parties.
- A11. For each shipment of *Dissostichus* spp. to be exported from the country of landing, the exporter shall adhere to the following procedures to obtain the necessary export validation of the *Dissostichus* catch document(s) that account for all the *Dissostichus* spp. contained in the shipment:
- (i) the exporter shall enter on each *Dissostichus* catch document the amount of each *Dissostichus* spp. reported on the document that is contained in the shipment;
  - (ii) the exporter shall enter on each *Dissostichus* catch document the name and address of the importer of the shipment and the point of import;
  - (iii) the exporter shall enter on each *Dissostichus* catch document the exporter's name and address, and shall sign the document; and
  - (iv) the exporter shall obtain a signed and stamped validation of the *Dissostichus* catch document by a responsible official of the exporting State.
- A12. In the case of re-export, the re-exporter shall adhere to the following procedures to obtain the necessary re-export validation of the *Dissostichus* catch document(s) that account for all the *Dissostichus* spp. contained in the shipment:
- (i) the re-exporter shall supply details of the net weight of product of all species to be re-exported, together with the *Dissostichus* catch document number to which each species and product relates;
  - (ii) the re-exporter shall supply the name and address of the importer of the shipment, the point of import and the name and address of the exporter;
  - (iii) the re-exporter shall obtain a signed and stamped validation of the above details by the responsible official of the exporting State on the accuracy of information contained in the document(s); and

- (iv) the responsible official of the exporting state shall immediately transmit by the most rapid electronic means a copy of the re-export document to the Secretariat to be made available next working day to all Contracting Parties.

The standard form for re-export is attached to this annex.







**THE USE OF THE CDS FUND**

- B1. The purpose of the CDS Fund ('the Fund') is to enhance the capacity of the Commission in improving the effectiveness of the CDS and by this, and other means, to prevent, deter and eliminate IUU fishing in the Convention Area.**
- B2. The Fund will be operated according to the following provisions:**
- (i) The Fund shall be used for special projects, or special needs of the Secretariat if the Commission so decides, aimed at assisting the development and improving the effectiveness of the CDS. The Fund may also be used for special projects and other activities contributing to the prevention, deterrence and elimination of IUU fishing in the Convention Area, and for other such purposes as the Commission may decide.**
  - (ii) The Fund shall be used primarily for projects conducted by the Secretariat, although the participation of Members in these projects is not precluded. While individual Member projects may be considered, this shall not replace the normal responsibilities of Members of the Commission. The Fund shall not be used for routine Secretariat activities.**
  - (iii) Proposals for special projects may be made by Members, by the Commission or the Scientific Committee and their subsidiary bodies, or by the Secretariat. Proposals shall be made to the Commission in writing and be accompanied by an explanation of the proposal and an itemised statement of estimated expenditure.**
  - (iv) The Commission will, at each annual meeting, designate six Members to serve on a Review Panel to review proposals made intersessionally and to make recommendations to the Commission on whether to fund special projects or special needs. The Review Panel will operate by email intersessionally and meet during the first week of the Commission's annual meeting.**
  - (v) The Commission shall review all proposals and decide on appropriate projects and funding as a standing agenda item at its annual meeting.**
  - (vi) The Fund may be used to assist Acceding States and non-Contracting Parties that wish to cooperate with CCAMLR and participate in the CDS, so long as this use is consistent with provisions (i) and (ii) above. Acceding States and non-Contracting Parties may submit proposals if the proposals are sponsored by, or in cooperation with, a Member.**
  - (vii) The Financial Regulations of the Commission shall apply to the Fund, except in so far as these provisions provide or the Commission decides otherwise.**
  - (viii) The Secretariat shall report to the annual meeting of the Commission on the activities of the Fund, including its income and expenditure. Annexed to the**

**report shall be reports on the progress of each project being funded by the Fund, including details of the expenditure on each project. The report will be circulated to Members in advance of the annual meeting.**

- (ix) Where an individual Member project is being funded according to provision (ii), that Member shall provide an annual report on the progress of the project, including details of the expenditure on the project. The report shall be submitted to the Secretariat in sufficient time to be circulated to Members in advance of the annual meeting. When the project is completed, that Member shall provide a final statement of account certified by an auditor acceptable to the Commission.**
- (x) The Commission shall review all ongoing projects at its annual meeting as a standing agenda item and reserves the right, after notice, to cancel a project at any time should it decide that it is necessary. Such a decision shall be exceptional, and shall take into account progress made to date and likely progress in the future, and shall in any case be preceded by an invitation from the Commission to the project coordinator to present a case for continuation of funding.**
- (xi) The Commission may modify these provisions at any time.**

**ISSUES TO BE DISCUSSED INTERSESSIONALLY  
BY THE INFORMAL CDS GROUP**

1. **CDS data analysis:** Define the user data analysis requirements from perspectives of Flag States, Port States, and importing/exporting States.
2. **CDS data access:** Provision of summaries of CDS data to the public taking into account confidentiality aspects of CDS information.
3. **Verification procedures:** Define catch document verification procedures for Flag States, Port States, and importing/exporting States.
4. **Differences between weights of fish exported and landed:** Investigate possible reasons for existing differences in landings and exports in a number of catch documents identified by the Secretariat.
5. **Conversion factors:** Assist the Secretariat in collecting conversion factors used by the fishing industry for different types of toothfish products.
6. **Multiple transshipments:** Investigate how the CDS and the catch document form can be modified to account for multiple transshipments.
7. **Definitions:** Further consideration is required regarding any possible changes to the definitions of landing and transshipment used in the CDS Explanatory Memorandum.
8. **Cooperation with international organisations:** Consider policy of cooperation with the FAO Consultation on the Development of a Model Uniform Catch Documentation and Reporting Measures, WTO Committee on Trade and the Environment (CTE) and the World Customs Organisation.
9. **Use of observers:** Consider the utility and feasibility of deploying scientific observers on board vessels fishing for toothfish in Area 51.
10. **Domestic CCAMLR implementing laws and regulations:** Provide the Secretariat with references to websites containing national AMLR laws for each Contracting Party and nominate national contact persons familiar with Contracting Parties' domestic CCAMLR implementing laws and regulations.
11. Other issues not addressed during the meeting of the Informal CDS Group held on 18 and 19 October 2001.

**PROPOSED REVISION****CONSERVATION MEASURE 119/XVII<sup>1,2</sup>  
Licensing and Inspection Obligations of Contracting Parties  
with regard to their Flag Vessels Operating in the Convention Area**

1. Each Contracting Party shall prohibit fishing by its flag vessels in the Convention Area except pursuant to a licence<sup>3</sup> that the Contracting Party has issued setting forth the specific areas, species and time periods for which such fishing is authorised and all other specific conditions to which the fishing is subject to give effect to CCAMLR conservation measures and requirements under the Convention.
2. A Contracting Party may only issue such a licence to fish in the Convention Area to vessels flying its flag, if it is satisfied of its ability to exercise its responsibilities under the Convention and its conservation measures, by requiring from each vessel, inter alia, the following:
  - (i) timely notification by the vessel to its Flag State of exit from and entry into any port;
  - (ii) notification by the vessel to its Flag State of entry into the Convention Area and movement between areas, subareas/divisions;
  - (iii) reporting by the vessel of catch data in accordance with CCAMLR requirements; and
  - (iv) operation of a VMS system on board the vessel in accordance with Conservation Measure 148/XVII.
3. **Each Contracting Party shall provide to the Secretariat within seven days of the issuance of each licence the following information about licences issued:**
  - **name of the vessel;**
  - **time periods authorised for fishing (start and end dates);**
  - **area(s) of fishing;**
  - **species targeted; and**
  - **gear used.**
4. The licence or an authorised copy of the licence must be carried by the fishing vessel and must be available for inspection at any time by a designated CCAMLR inspector in the Convention Area.
5. Each Contracting Party shall verify, through inspections of all of its fishing vessels at the Party's departure and arrival ports, and where appropriate, in its Exclusive Economic Zone, their compliance with the conditions of the licence as described in paragraph 1 and with the CCAMLR conservation measures. In the event that there is

evidence that the vessel has not fished in accordance with the conditions of its licence, the Contracting Party shall investigate the infringement and, if necessary, apply appropriate sanctions in accordance with its national legislation.

6. Each Contracting Party shall include in its annual report pursuant to paragraph 12 of the CCAMLR System of Inspection, steps it has taken to implement and apply this conservation measure; and may include additional measures it may have taken in relation to its flag vessels to promote the effectiveness of CCAMLR conservation measures.

<sup>1</sup> Except for waters adjacent to the Kerguelen and Crozet Islands

<sup>2</sup> Except for waters adjacent to the Prince Edward Islands

<sup>3</sup> Includes permit

**PROPOSED REVISION****CONSERVATION MEASURE 148/XVII  
Automated Satellite-Linked Vessel Monitoring Systems (VMS)**

The Commission hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. Each Contracting Party shall, no later than 1 March 1999, establish an automated Vessel Monitoring System (VMS) to monitor the position of its fishing vessels, which are licensed<sup>1</sup> in accordance with Conservation Measure 119/XVII, to harvest marine living resources in the Convention Area, and for which catch limits, fishing seasons or area restrictions have been set by conservation measures adopted by the Commission.
2. Any Contracting Party unable to establish VMS in accordance with paragraph 1 shall inform the CCAMLR Secretariat within 90 days following the notification of this conservation measure, and communicate its intended timetable for implementation of VMS. However, the Contracting Party shall establish VMS at the earliest possible date, and in any event, no later than 31 December 2000.
3. The implementation of VMS on vessels while participating only in a krill fishery is not currently required.
4. **Each Contracting Party, within two working days of receiving the required VMS information, shall provide to the Secretariat dates and the statistical area, subarea or division for each of the following movements of its flag fishing vessels:**
  - (i) **entering and leaving the Convention Area; and**
  - (ii) **crossing boundaries between CCAMLR statistical areas, subareas and divisions.**
5. For the purpose of this measure, VMS means a system where, *inter alia*:
  - (i) through the installation of satellite-tracking devices on board its fishing vessels, the Flag State receives automatic transmission of certain information. This information includes the fishing vessel identification, location, date and time, and is collected by the Flag State at least every four hours to enable it to monitor effectively its flag vessels;
  - (ii) performance standards provide, as a minimum, that the VMS:
    - (a) is tamper proof;
    - (b) is fully automatic and operational at all times regardless of environmental conditions;
    - (c) provides real time data;



- (d) provides the geographical position of the vessel, with a position error of less than 500 m with a confidence interval of 99%, the format being determined by the Flag State; and
  - (e) in addition to regular messages, provides special messages when the vessel enters or leaves the Convention Area and when it moves between one CCAMLR area, subarea or division within the Convention Area.
- 6. In the event of technical failure or other non-function of the VMS, the master or the owner of the fishing vessel, as a minimum:
  - (i) shall communicate at least once every 24 hours, starting from the time that this event was detected, the data referred in paragraph 4(i) by telex, by fax, by telephone message or by radio to the Flag State; and
  - (ii) shall take immediate steps to have the device repaired or replaced as soon as possible, and, in any event, within two months. If during that period the vessel returns to port it shall not be allowed to commence a further fishing trip without having the defective device repaired or replaced.
- 7. In the event that the VMS ceases to operate, the Contracting Party as soon as possible shall advise the Executive Secretary of the name of the vessel, the date, time and the location of the vessel when the VMS failed. The Party shall also inform the Executive Secretary when the VMS becomes operational again. The Executive Secretary shall make such information available to Contracting Parties upon request.
- 8. Contracting Parties shall report to the Secretariat before the start of the annual meeting of the Commission in 1999, on the VMS which has been introduced in accordance with paragraphs 1 and 2, including its technical details, and each year thereafter, on:
  - (i) any change in the VMS; and
  - (ii) in accordance with paragraph XI of the CCAMLR System of Inspection, all cases where they have determined, with the assistance of the VMS that vessels of their flag had fished in the Convention Area in possible contravention of CCAMLR conservation measures.

<sup>1</sup> Includes permitted

**REVIEW OF PROFESSIONAL STAFF SALARIES AND ALLOWANCES**

## **REVIEW OF PROFESSIONAL STAFF SALARIES AND ALLOWANCES**

### **Goals**

- Enhance the stability and predictability of the Commission's budget, including against fluctuations in international exchange rates.
- Ensure that the international character of the Secretariat is maintained and that the efficiency of the Secretariat is not diminished.
- Not affect existing staff arrangements, including the Executive Secretary.

### **Tasks**

- Have the review conducted by persons who are independent of the Commission's Secretariat.
- Investigate the appropriate proportion of the current professional staff salaries and allowances item of the budget against the entire budget.
- Examine if the use of the Commission's resources is optimised by reallocation of funds from this item of the budget, to other high priority projects of the Commission.
- Compare the job responsibility, salary and allowances of the current professional staff with similar positions in Australia, including comparative international organisations.
- Examine options for salary and allowance packages that would attract recruitment of suitably qualified international staff to Australia.
- Consider de-linking the current system of calculating the current professional staff salaries and allowances from the UN pay system and from foreign currency.
- Take into account the 'CCAMLR Secretariat: Management Review – Report of Experts Group' of April 1997, as well as the CCAMLR Headquarters' Agreement and relevant Staff Regulations.

### **Outcome**

- Carry out the review in order to provide recommendations at CCAMLR-XXI, but the review should also include in its consideration any outcome of the UN review of its pay scheme.

**REVISION OF THE BOUNDARIES OF DIVISION 58.4.3  
AND ADJACENT AREAS**

## **REVISION OF THE BOUNDARIES OF DIVISION 58.4.3 AND ADJACENT AREAS**

At CCAMLR-XX, the Commission revised the boundaries of Division 58.4.3 and adjacent areas, and created two subdivisions in Division 58.4.3 (Figure 1): 58.4.3a (Elan Bank) and 58.4.3b (BANZARE Bank). The revised coordinates of the boundaries in this region are listed below.

2. This revision came about because new and exploratory fisheries proposed for Division 58.4.3 in the 1999/2000 and 2000/01 seasons had been given separate catch allocations for BANZARE and Elan Banks. These banks are separated by a trough of deep water at least 130 n miles wide. Each bank had to be specifically defined in the conservation measures in order to allocate individual catch limits, rather than apportioning a catch limit to an entire statistical division.

3. The revised coordinates of the boundaries in this region are as follows:

(i) Division 58.4.3

Division 58.4.3 has been divided into Subdivision 58.4.3a and Subdivision 58.4.3b. Subdivision 58.4.3a is bound by the following coordinates: 56°S 60°E, 56°S 73°10'E, 62°S 73°10'E and 62°S 60°E. Subdivision 58.4.3b is bound by the following coordinates: 56°S 73°10'E, 56°S 80°E, 55°S 80°E, 55°S 86°E, 64°S 86°E and 64°S 73°10'E.

(ii) Division 58.5.2

The boundary between Division 58.5.2 and Division 58.4.3 has been moved southwards from 55°S to 56°S. No other change has been made to Division 58.5.2.

(iii) Division 58.4.2

The northern boundary between Division 58.4.2 and Subdivision 58.4.3a is located at 62°S. The boundary between Division 58.4.2 and Subdivision 58.4.3b is located at 64°S. The boundary between Subdivision 58.4.3a and 58.4.3b is located at 73°10'E.

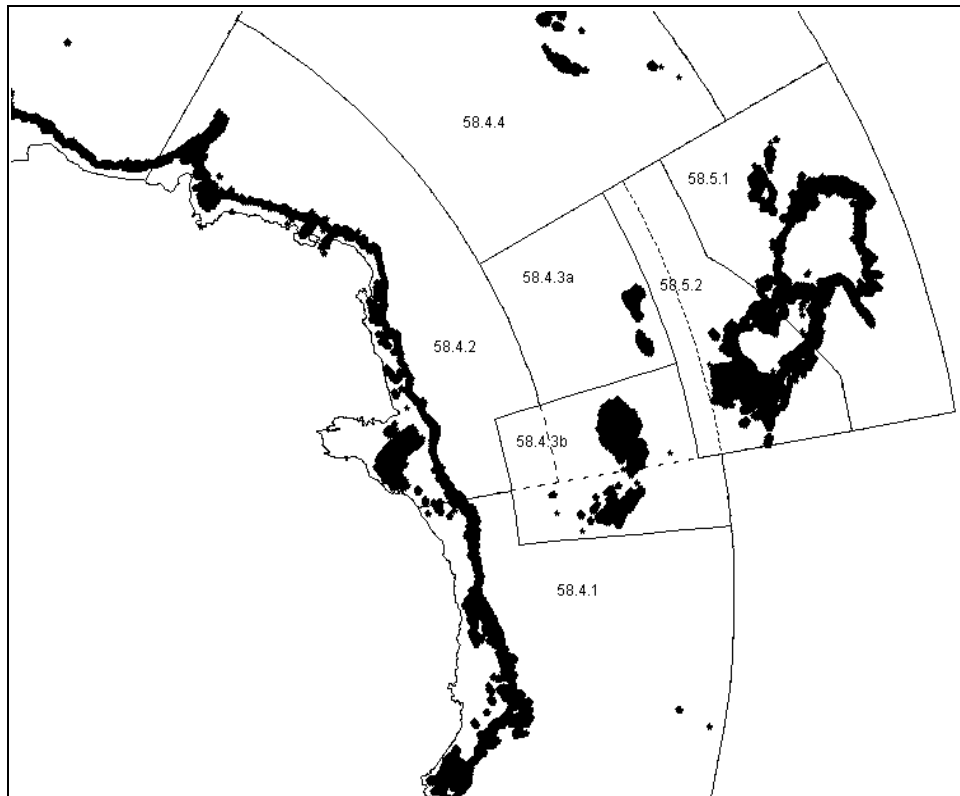


Figure 1: Boundaries of Division 58.4.3 and adjacent areas (solid line), showing the newly created Subdivision 58.4.3a (Elan Bank) and Subdivision 58.4.3b (BANZARE Bank). Previous boundaries for Division 58.4.3 are indicated (dashed line). Areas in the fishable depth range 500 to 1 500 m are shown in black.

**STANDING COMMITTEE ON IMPLEMENTATION  
AND COMPLIANCE (SCIC)**

(Draft terms of reference and a proposal for the organisation of the work of SCIC)

## **STANDING COMMITTEE ON IMPLEMENTATION AND COMPLIANCE (SCIC )**

(Draft terms of reference and a proposal for the organisation of the work of SCIC)

The Committee shall be tasked with providing the Commission with information, advice and recommendations necessary to give effect to Articles X, XXI, XXII and XXIV of the Convention.

2. The Committee's terms of reference will be:

- (i) review and assess compliance by Contracting Parties with conservation and management measures adopted by the Commission;
- (ii) review the implementation of conservation and management measures, as appropriate, by non-Contracting Parties which have agreed to apply such measures;
- (iii) provide technical advice and recommendations on means to promote the effective implementation of and compliance with conservation and management measures;
- (iv) review and analyse information pertaining to activities of Contracting Parties and non-Contracting Parties which undermine the objectives of the Convention, including in particular IUU fishing, and recommend actions to be taken by the Commission to discourage such activities;
- (v) review the operation of, and recommend priorities of and improvements to, the System of Inspection and the Scheme of International Scientific Observation;
- (vi) exchange information with the Scientific Committee and its subsidiary bodies as well as SCAF, as appropriate, on matters of relevance for the exercise of their respective functions;
- (vii) provide the Commission with recommendations on appropriate interaction with other fisheries management, technical or scientific organisations on matters of relevance to the effective implementation of, and compliance with, conservations and management measures; and
- (viii) perform such other functions consistent with its terms of reference as the Commission may decide.



[Organisation

1. SCIC would create such working groups / subcommittees as it saw fit, for example:
  - (i) a [Working Group / Subcommittee] on observation and inspection to review item (v);]
  - (ii) an [ad hoc Working Group / Subcommittee] on [CDS / Compliance with Conservation Measures] under TOR [paragraph (iv) / paragraphs (i) to (iv)].
2. [All Working Groups / Subcommittees] would prepare a report for consideration by SCIC at its meeting. The TOR and Agendas for the [Working Groups / Subcommittees] would be set by SCIC, along with decisions about meeting frequency, duration etc.
3. [Working Groups / Subcommittees] would have convenors/chairpersons and rapporteurs, and Secretarial support as appropriate. Funding would be determined by the Commission.
4. The work of SCIC would therefore be considerably simplified and its agenda would be revised according to the new terms of reference.

**STATEMENT FOR THE COMMEMORATION  
OF 20 YEARS OF CCAMLR**

## STATEMENT FOR THE COMMEMORATION OF 20 YEARS OF CCAMLR

The seventh of April 2002 will be the 20th Anniversary of the entering into force of the Convention for the Conservation of Antarctic Marine Living Resources, which was adopted in Canberra (Australia) in 1980. This anniversary is a landmark in the process, initiated by the Antarctic Treaty Consultative Parties, of comprehensive and systematic protection of the Antarctic environment and dependent and associated ecosystems from harmful human interference. With the entry into force of the Madrid Protocol and its Committee for Environmental Protection, and the decision to establish the Secretariat of the Antarctic Treaty in Buenos Aires, cooperation among all the components of the Antarctic Treaty System will be strengthened. With Namibia recently becoming a Member of the Commission and Vanuatu acceding, the Convention unites 31 Parties with interests in its area of application, all of whom celebrate with well-founded pride and optimism these first two decades of the organisation's existence.

Indeed, through its conscientious and persistent efforts, CCAMLR has developed a practical and efficient regime for the protection and preservation of Antarctica's marine living resources. The aim of this international instrument is the conservation of Antarctic marine living resources, a concept which includes their rational use. The rigorous application of the CCAMLR Conservation Principles enshrined in Article II set the Convention apart from other marine resources regimes. In its broader context, this approach requires that the management of fisheries should take into account the effects of human activity on the living organisms of the Antarctic ecosystems and sub-ecosystems. It also requires that such management be consistent with the precautionary approach, which takes account of circumstances of biological uncertainty.

In accordance with this conservation-oriented and precautionary approach, the Convention provides for the mechanisms necessary to enforce its underlying principles, such as a Commission which adopts each year a series of measures and governs their enforcement; a Scientific Committee as a consultative body responsible for providing essential information, conducting scientific assessments and recommending appropriate measures; and a system of observation and inspection aimed at promoting the objective of the Convention and ensuring compliance with its provisions. CCAMLR, with its high standards of internal organisation and its significant achievements, is an exemplary instrument of ecosystem protection. Over the past 20 years, it has established a comprehensive code of responsibility for its Member countries through the adoption and implementation of over 200 conservation measures.

The illegal, unregulated and unreported (IUU) fishing of *Dissostichus* spp., or toothfish, is one of the greatest challenges the Commission has had to face. In recent years, the catch rate of IUU fishing has been more than double that of the regulated fisheries, causing a significant decline of the toothfish populations in certain areas and depleting populations of seabirds, especially albatrosses and petrels which are caught incidentally in the longline fisheries. The firm commitment of the Members of the Commission to combat this problem has resulted in the adoption of a series of measures to enforce a stricter control. Of these, the most important has been the introduction of the Catch Documentation System for *Dissostichus* spp., which aims to ensure that the international trade of these species is consistent with CCAMLR's aims and conservation measures. This system represents a major step forward in the

implementation of the objective of CCAMLR and shows the commitment of Contracting Parties towards the conservation and protection of the environment, consolidating the effectiveness of CCAMLR, its credibility as an organisation within the international community and its leadership in the management of marine living resources.

Having noted the important achievements of this Convention, it is now appropriate to focus on its future work and other challenges arising worldwide. Among these, and giving due consideration to UNCLOS, is the need to develop a more extensive network of international contacts among fisheries organisations and, if appropriate, particularly those with competence over marine living resources in areas bordering that of the CCAMLR Convention. It is also necessary to continue to develop cooperation with other relevant organisations such as the Food and Agriculture Organisation of the United Nations, the World Trade Organisation etc., and to take duly into consideration the effects of the implementation of the other instruments of the Antarctic Treaty System, as well as other agreements applicable to the Convention Area. There is a need to ensure the effectiveness of the multilateral system of the CCAMLR and expand, if appropriate, the cooperation on conservation on areas adjacent to the Convention Area.

Finally, conscious of what needs to be done in the future and in appreciation of what has already been achieved, we, the Member countries gathered in Hobart in October 2001 to celebrate the Twentieth Meetings of the Commission and Scientific Committee of CCAMLR, commit ourselves to redouble our efforts to make certain that the marine ecosystems surrounding the Antarctic continent are preserved so as to contribute to the overall ecological equilibrium, to the sustainable use of marine living resources and, in particular, for the benefit of future generations.

Therefore, we commit ourselves to continue developing and perfecting the achievement of CCAMLR's objectives.