

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

**REPORT OF THE SIXTEENTH MEETING
OF THE COMMISSION**

HOBART, AUSTRALIA
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Abstract

This document presents the adopted record of the Sixteenth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 27 October to 7 November 1997. 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 Systems of Inspection and 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 SIXTEENTH MEETING OF THE COMMISSION
(Hobart, Australia, 27 October to 7 November 1997)

OPENING OF THE MEETING

1.1 The Sixteenth Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources was held in Hobart, Tasmania, Australia, from 27 October to 7 November 1997 under the Chairmanship of Mr D. Bock (Germany).

1.2 In opening the meeting, the Chairman said it was an honour for Germany to hold the chairmanship of such an important and prestigious organisation as CCAMLR. Its conservation measures were exemplary and its pioneering precautionary approach had become a model for other organisations.

1.3 Unfortunately, the Chairman continued, these progressive measures had little effect if they were not effectively implemented. The extent of illegal fishing had led to great concern and had visibly undermined the conservation policy of CCAMLR. The stocks of *Dissostichus eleginoides*, in particular, were under pressure because of illegal fishing. The issue of illegal fishing – and measures to contain it – was a serious issue facing the Commission at this meeting, and central to this containment were measures of control and enforcement. The Chairman said he was, however, not intending to anticipate the discussions of the ensuing days.

1.4 All 23 Members of the Commission were represented: Argentina, Australia, Belgium, Brazil, Chile, European Community, France, Germany, India, Italy, Japan, Republic of Korea, 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.

1.5 Bulgaria, Canada, Finland, Greece, Netherlands and Peru were invited to attend the meeting as observers. Finland attended.

1.6 The Antarctic and Southern Ocean Coalition (ASOC), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Food and Agriculture Organization of the United Nations (FAO), the Forum Fisheries Agency (FFA), the Inter-American Tropical Tuna Commission (I-ATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Fisheries Commission (IOFC), 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) and the South Pacific Commission (SPC) were invited to attend the meeting as observers. ASOC, CCSBT, FAO, IUCN and IWC attended.

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

1.8 The meeting was addressed by His Excellency the Honourable Sir Guy Green, AC, KBE, Governor of Tasmania.

1.9 Attending his second meeting of the Commission, His Excellency advised the meeting of a growth of Tasmania's involvement in the Antarctic since last year's meeting.

1.10 His Excellency referred to the difficult issue of illegal fishing which CCAMLR faced this year. He believed that it was necessary for the Commission to resolve this problem in order not only to ensure the effectiveness of the Convention but also to maintain the organisation's prestige and credibility in the wider communities of the world.

1.11 In reference to some of the serious problems the Commission faced, His Excellency recalled two of the fundamentals upon which the Convention was based. The first was that the objective of the Convention was the conservation of Antarctic marine living resources, with conservation defined to include rational use. The second was that the Commission was a body having a distinct legal personality to which had been committed the mission of fulfilling the objectives of the Convention in accordance with the special ethos of the Antarctic Treaty System, thus discharging its functions with a degree of detachment from the particular interests of its Members.

1.12 In concluding his address, His Excellency said the Commission commanded respect and admiration throughout the world for the work it had done over the last 16 years and he was confident that the high regard in which the Commission and its admirable Scientific Committee was held would be fully vindicated by its approach to the important issues which confront it.

ORGANISATION OF THE MEETING

Adoption of the Agenda

2.1 The Provisional Agenda (CCAMLR-XVI/1) was distributed prior to the meeting. Following a proposal by the UK, the Commission added an item to its agenda: 'Illegal, Unregulated and Unreported Fishing in the Convention Area' (Item 5). It was noted that most matters addressing this issue would be covered by other agenda items, but that the issue is of such importance that a separate item is required. With this addition, the Commission adopted its Agenda as attached to this report as Annex 3.

FINANCE AND ADMINISTRATION

3.1 The Chairman of the Standing Committee on Administration and Finance (SCAF), Mr I. Nomura (Japan), presented the report of the Committee (Annex 4) and outlined the results of its discussions.

Report of Management Review of the Secretariat

3.2 The Commission received the recommendations from SCAF relating to the Management Review report which were within the authority of the Executive Secretary, as presented in the SCAF report. Noting that a number of the recommendations had been modified by SCAF, the Commission endorsed the recommendations as presented in paragraphs 3 and 4 of the SCAF report (Annex 4) and required that the precise manner and detail of their implementation be the responsibility of the Executive Secretary.

3.3 As suggested by SCAF, the Commission encouraged Members to provide information on matters of relevance to the Secretariat for example, current usage of technical terms, in order to maintain the high level of professional skill in the Secretariat.

3.4 The Commission noted the advice of SCAF that it was unable to reach any conclusions on two matters raised in the Management Review report, namely performance criteria for the Executive Secretary and the pay structure of professional staff, but that these issues would be considered further at next year's meeting.

3.5 The Commission also noted SCAF's understanding on the maintenance of the Science Officer's institutional links within the Secretariat.

3.6 The Commission asked the Executive Secretary to report to the 1998 meeting on the progress made in the implementation of relevant recommendations. It understood that this would be the first of a series of reports as some of the recommendations would be implemented over a period of time.

Examination of Audited Financial Statements for 1996 and 1997

3.7 The Commission accepted the audited Financial Statements for 1996.

3.8 A full audit having been performed for the previous financial year, the Commission decided that only a review audit should be performed on the 1997 Financial Statements.

Review of Budget for 1998

3.9 The Commission received advice that, due to the increased amount of data arising from the new fisheries and through the CCAMLR Scheme of International Scientific Observation, this year's report of the Working Group on Fish Stock Assessment (WG-FSA) is significantly larger than anticipated. The Commission approved the use of A\$11 100 from the Ukrainian Contribution Special Fund to cover the consequent budget overrun.

3.10 The Commission received advice that the drafting of the book *Understanding CCAMLR's Approach to Management* was in its final stages and that any final comments from Members should be received by the end of December. It was agreed that translated versions should be circulated to appropriate Members for checking before they are published. Costs relating to the production stage were included in the 1998 budget as presented by SCAF. Printing and distribution were scheduled for 1999. The Commission directed that the Secretariat liaise with the preparers of the book, possible publishers and other relevant persons with the aim of presenting to the Commission in 1998 a paper setting out options for minimising printing and distribution costs, including sales prospects.

3.11 The Commission noted the endorsement by SCAF of the establishment of a CCAMLR site on the World Wide Web.

3.12 The Commission agreed that the current policy for charging for publications should continue for 1998 with the modification that the prices, including postage, be standardised for all of each publication other than those provided free.

3.13 The Chairman of SCAF drew to the attention of the Commission, the fact that the amount included in the Commission's budget for the Scientific Committee budget is A\$4 400 less than the total of its budget presented by the Scientific Committee. The difference related to alternative funding that was hoped to be received from the UK for secretarial support at the Area 48 Workshop. Any shortfall in such funding will be met from within the Secretariat's budget.

3.14 The Commission noted SCAF's support for the Secretariat's plans to upgrade its computer equipment, utilising leasing to finance this and thereby avoiding significant effects on the budget.

3.15 The Commission adopted the budget for 1998 as presented in the table appended to the SCAF report.

1999 Forecast Budget

3.16 The Commission noted the forecast budget for 1999.

Chair and Vice-Chair of SCAF

3.17 Spain was elected Chair of SCAF for the next two years. Germany was elected Vice-Chair for the same period.

3.18 The Commission expressed its appreciation to Mr Nomura for his efficient and expeditious chairing of SCAF over the last two years.

SCIENTIFIC COMMITTEE

4.1 The Chairman of the Scientific Committee presented an overview of the Committee's report, and then returned to substantive matters and advice from the Scientific Committee pertinent to the specific agenda items of the Commission.

4.2 The Commission agreed to initially consider all recommendations, advice, research and data requirements of the Scientific Committee. Decisions concerning specific matters have been included where necessary under the agenda items to which they refer.

Intersessional Activities

4.3 The third meeting of the Working Group on Ecosystem Monitoring and Management (WG-EMM) was held from 21 to 31 July 1997; the Subgroup on Statistics and the Workshop on International Coordination met from 14 to 18 July 1997; WG-FSA met from 13 to 24 October 1997; and two ad hoc groups, the Working Group on Incidental Mortality Arising from Longline Fishing (WG-IMALF) and the group dealing with fish by-catch in krill fisheries, continued their work during the intersessional period.

4.4 Ten Member countries participated in commercial fishing; nine scientific cruises were conducted in the Convention Area. Eight Members carried out CEMP-related research programs. Forty-three scientific observation cruises were carried out in accordance with the CCAMLR Scheme of International Scientific Observation and also by national scientific observers.

Fishery Status and Trends

4.5 The Commission noted that the total reported catch of krill in 1996/97 (1 July 1996 to 30 June 1997) was 82 508 tonnes which was about 20% less than the total catch reported during 1995/96 (101 707 tonnes). The catches were taken mainly in Subareas 48.1 and 48.3 by Japan and Poland, with smaller catches taken by Ukraine and the UK.

4.6 Japan and Poland advised that they planned to continue fishing during 1997/98 at levels similar to those of the previous year. In addition, Ukraine planned a joint venture with Canada, the UK planned increased krill fishing activity, and the Republic of Korea, Russia and Uruguay would resume fishing (SC-CAMLR-XVI, paragraphs 2.3 and 2.4).

4.7 The total reported catch of finfish in the Convention Area in 1996/97 was 10 562 tonnes, of which *D. eleginoides* comprised 97%. Catches were taken mainly by Chile and France in Subarea 48.3 and Division 58.5.1, respectively, and by South Africa in Subareas 58.6 and 58.7 (SC-CAMLR-XVI, paragraph 2.8 and Table 3). The reported catches during 1996/97 were greater than those reported during 1995/96 (8 805 tonnes). In addition, unreported catches were estimated as being of the order of five- or six-times greater than the regulated catches (see paragraph 4.10 below).

4.8 The Commission noted that the new fishery for *Martialia hyadesi* by the Republic Korea and the UK, in Subarea 48.3, yielded 28 tonnes of squid in June 1997; a further 53 tonnes since then, making a total of 81 tonnes for the 1996/97 fishing season.

4.9 There was no fishery for crabs in the Convention Area during 1996/97.

4.10 The Commission noted the substantial amount of both regulated and unregulated fishing for *D. eleginoides* which occurred during 1996/97, in particular, in the Indian Ocean sector (Area 58). The total reported catch of *D. eleginoides* from Exclusive Economic Zones (EEZs) outside the CCAMLR Convention Area, and from inside the CCAMLR Convention Area, was 32 991 tonnes (SC-CAMLR-XVI, Annex 5, Appendix D, Table D.1). In addition, the unreported catch derived from landings in ports of southern Africa and Mauritius was estimated to be 74 000 to 82 200 tonnes. The total catch of 107 000 to 115 000 tonnes was estimated by WG-FSA (SC-CAMLR-XVI, Annex 5, paragraph 3.20). It was thought that about 130 000 tonnes of *D. eleginoides* were available on the world market.

Dependent Species

CCAMLR Ecosystem Monitoring Program

4.11 The Commission approved the revised management plan for the Seal Island CEMP site and extended site protection for five years (SC-CAMLR-XVI, paragraph 4.35(i)), and endorsed the establishment of a CEMP monitoring site at Bouvet Island (SC-CAMLR-XVI, paragraph 4.35(ii)).

Marine Mammal and Bird Populations

4.12 The Commission noted that the next review of the status and trends of Antarctic seals and seabirds should occur in the year 2000 and that an allowance for this would need to be made in the 1998/99 budget (SC-CAMLR-XVI, paragraphs 4.90 to 4.96).

Harvested Species

4.13 An overview of biological reference points and their use in other international fisheries management bodies was prepared by the Secretariat (WG-FSA-97/35). The Scientific Committee noted that the biological reference points used by CCAMLR are as advanced as any currently in use in fisheries management. Nonetheless, there were difficulties in applying the current decision rules to some stocks (SC-CAMLR-XVI, Annex 5, paragraphs 3.68 and 3.70). WG-FSA had been tasked with examining the implications of the key elements of the decision rules at its next meeting (SC-CAMLR-XVI, paragraph 5.23).

4.14 The Commission noted the difficulty encountered by the Scientific Committee in reconciling decision rules for *D. eleginoides* where indicators were in conflict. For example, in

Subarea 48.3, the Generalised Yield Model (GYM) suggested the stock was approaching a decision rule reference point, while the CPUE trend suggested it may already have exceeded it (SC-CAMLR-XVI, paragraph 5.55). WG-FSA had been tasked with addressing such issues as a high priority.

Future Work and Data Requirements

4.15 The Commission endorsed the plans for the synoptic survey to estimate the standing stock of krill in Area 48 (SC-CAMLR-XVI, paragraphs 5.13 to 5.19), noting that:

- (i) the survey was planned for the austral summer of 1999/2000;
- (ii) the survey would concentrate its effort in Subareas 48.1, 48.2 and 48.3; and
- (iii) task groups and a survey steering committee have been set up to deal with specific aspects of the survey.

4.16 The Commission noted that the allocation of precautionary catch limits for krill fishing to subareas within Area 48 should be deferred until the results from the planned synoptic survey in Area 48 become available (SC-CAMLR-XVI, Annex 4, paragraph 7.7).

4.17 The Commission also noted that the proposed workshop on Area 48 (SC-CAMLR-XVI, Annex 4, paragraphs 8.110 to 8.120) would provide essential input into the planning of the Area 48 krill standing stock survey.

4.18 The Commission endorsed the plans of the Scientific Committee to conduct a workshop to investigate the development of long-term management strategies for *Chamsocephalus gunnari*. The workshop is planned over a period of three-and-a-half days immediately prior to the next meeting of WG-FSA (SC-CAMLR-XVI, paragraphs 5.61 and 5.64).

Consideration of Management Areas and Stock Boundaries

4.19 The Commission considered a proposal by South Africa to move the boundary between Subareas 58.6 and 58.7 east to 45°E (see SC-CAMLR-XVI, Annex 5 and Figure 2). The proposed boundary is likely to coincide with a natural boundary between stocks in the shelf area of Prince Edward Islands and stocks in the shelf area around Crozet Island (SC-CAMLR-XVI, paragraphs 5.29 and 5.30).

4.20 France indicated that it would not be in a position to consider this matter until the next meeting of the Commission. The Commission agreed to defer a decision until CCAMLR-XVII.

Scientific Research Exemption

4.21 The Commission endorsed the conclusion of the Scientific Committee that the correct interpretation of Conservation Measure 64/XII was that the 50-tonne catch limit applied to each research cruise.

4.22 In the absence of any new information from Members, the Scientific Committee was unable to comment further on the applicability of the 50-tonne limit for krill research.

CCAMLR Data Management

4.23 The Commission noted that most of the problems with the CCAMLR databases, and tasks identified for the Secretariat last year, had been addressed. Some tasks will require further follow up and assistance from Members (SC-CAMLR-XVI, paragraphs 10.1 to 10.3, 10.6 and 10.13).

4.24 The Secretariat had processed more data in 1997 than in previous years, and this was made possible by employing contract labour. The Commission noted that a greater quantity of data is expected during 1998 because of the likely increase in activities associated with new and exploratory fisheries.

4.25 The Commission endorsed the approach outlined for the development and implementation of a CCAMLR web site (SC-CAMLR-XVI, paragraphs 10.8 to 10.11). It concurred with the Scientific Committee that development of the web site should not proceed at the expense of the higher priority database management activities essential to the assessment work of the Scientific Committee and its working groups.

4.26 The Commission noted that the Secretariat maintains two datasets whose raw data have been acquired from public domain National Oceanic and Atmospheric Administration (NOAA) (USA) datasets. It was agreed that these data should not be subject to CCAMLR's rules of data access, and that the Secretariat should entertain direct requests for access to these data from individual researchers (SC-CAMLR-XVI, paragraph 18.15).

Publications

4.27 The Commission noted that the following documents were published during 1997:

- (i) annual reports;
- (ii) *CCAMLR Scientific Abstracts* covering papers presented in 1996;
- (iii) extensively revised edition of *CEMP Standard Methods*;
- (iv) *Scientific Observer Manual*;
- (v) *Statistical Bulletin*, Volume 9; and
- (vi) *CCAMLR Science*, Volume 4.

4.28 It was also noted that the following documents are being prepared for publication:

- (i) flier and stickers for Fish the Sea Not the Sky;
- (ii) Understanding CCAMLR's Approach to Management;
- (iii) educational brochure on marine debris in the Antarctic; and
- (iv) seabird identification guide.

4.29 The Commission noted that *CCAMLR Science* was enjoying a growing reputation within the Antarctic scientific community, and thanked contributors and the editorial team for maintaining the high standard of the journal.

Activities of the Scientific Committee during the 1997/98 Intersessional Period

4.30 The Commission noted the activities planned during the 1997/98 intersessional period (SC-CAMLR-XVI, paragraphs 13.1 to 13.3, 13.8 and 13.9).

4.31 Delegations from Argentina, Brazil, Chile, Germany, Japan, Republic of Korea, UK, Ukraine and USA discussed the possibility of a cooperative research program in the near future. Members reviewed former activities which had been conducted in the Peninsula area during the 1994/95 and 1996/97 seasons, and emphasised that the major purpose of this group was to aid the activity of WG-EMM as well as other organisations which have interconnection with CCAMLR.

4.32 The Commission noted the activities planned during the 1997/98 intersessional period (SC-CAMLR-XVI, paragraphs 13.1 to 13.3, 13.8 and 13.9) including:

- (i) meeting of WG-EMM;
- (ii) meeting of WG-FSA;
- (iii) workshop focused on Area 48;
- (iv) workshop on long-term management strategies for *C. gunnari*; and
- (v) work of technical groups on IMALF, fish by-catch in krill fisheries, and international coordination.

The Commission welcomed the invitation from the Government of India to host the 1998 meeting of WG-EMM.

Election of Vice-Chairmen of the Scientific Committee

4.33 The Commission congratulated Dr V. Siegel (European Community) and Dr K. Shust (Russia) on their election as Vice-Chairmen of the Scientific Committee for the period from the end of the Sixteen Meeting until the end of the Scientific Committee meeting in 1999. Prof. B. Fernholm (Sweden) and Dr S. Kim (Republic of Korea) were thanked for their term as Vice-Chairmen.

ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE CONVENTION AREA

5.1 The Commission considered the evidence of illegal, unreported and unregulated fishing in the Convention Area advised by Members in accordance with Articles X and XXII of the Convention and with the System of Inspection, and also presented by the Chairman of the Scientific Committee as part of his report to the Commission (see paragraph 4.10 above). Deliberations of the Standing Committee on Observation and Inspection (SCOI) on the matter are given below in paragraphs 8.7 to 8.14.

5.2 The European Community considered that CCAMLR faced a major challenge resulting from the blatantly illegal and/or non-notified fishing activities. The progress accomplished by the organisation over the last fifteen years is consequently at risk, not only of being undermined, but irreparably damaged by these activities. In its view, CCAMLR must take decisive measures to address this fundamental threat to Antarctic fish stocks and bird populations. Concerted and sustained cooperation by Members was required to ensure the effective application of these measures and the development of additional measures in the intersessional period.

5.3 The Delegation of Norway said that reading the report of the Scientific Committee was a chilling experience. It left it with an alarming picture, in particular with regard to the drastic decimation of the stocks of the Patagonian toothfish and the threatening of the collapse of seabird populations killed off as by-catch.

5.4 Norway shared with other delegations the acute concern over this situation which gave to this Sixteenth Meeting of CCAMLR a note of urgency and crisis.

5.5 Overfishing, illegal, unregulated and unreported at this moment constitutes a most serious challenge to the reputation and credibility of CCAMLR as an intergovernmental organisation for rational management of living marine resources on a sustainable basis.

5.6 Norway takes pride in CCAMLR as unique in the context of the Antarctic Treaty System in that it combines the twin aims of preservation and rational utilisation of marine resources in the vast area of the Southern Ocean. With its precautionary and ecosystem approach CCAMLR was a pioneer in designing procedure for rational, sustainable and balanced harvesting of marine resources.

5.7 The situation now before the Commission added up to a serious question as to whether this was still a feasible basis and approach, whether the Commission at this critical moment shall have the political will, and practical ability to take decisions which are commensurate with the challenge, and thus break with alarming trends and rectify the situation.

5.8 The situation is aggravated by the fact – and the Commission cannot close its eyes to this sad fact – that illegal, unregulated fisheries and unreported catches today exceed reported fishing by a factor several times over. No less aggravating is the fact that more than half of the vessels presumed to engage in illegal, unregulated and unreported fishing fly the flags of CCAMLR Member States. That underlines the urgent need for CCAMLR and CCAMLR Member States to bring their own house in order. This, of course, in no way reduced the equally urgent need to bring non-Contracting Parties into compliance with CCAMLR conservation measures as well as regulations of fisheries within zones of national jurisdiction.

5.9 In short, the situation called for collective efforts within CCAMLR, measures by Coastal States and steps vis-a-vis non-Contracting Parties to enhance enforcement and compliance with existing and new measures for the conservation and utilisation of living resources in the Convention Area.

5.10 Norway was satisfied that work last week in the committees under the Commission was permeated by a shared perception of the gravity of the situation facing the Commission. There was a constructive atmosphere and will to share in the formulation of new measures to rectify the situation. In this work the Commission could benefit from the experience and work in other regional organisations as NAFO and draw on important international instruments as the 1995 Agreement on Straddling Stocks, the FAO Compliance Agreement – in particular as regards reflagging of vessels – and the FAO Code of Conduct.

5.11 Norway is convinced of the usefulness in particular of the 1995 Agreement on Straddling Stocks and the FAO Compliance Agreement for the efforts that the Commission now undertakes and Norway would like to take the opportunity to urge CCAMLR Member States to join these two instruments so that they may take effect as soon as possible.

5.12 New Zealand commented that CCAMLR faced the most serious challenge in its existence. It was grateful for the work of WG-FSA and the Scientific Committee, and also for information supplied by State Parties in building up a picture of illegal, unregulated and unreported toothfish fishing. It noted that there was a lot of other information available which added further detail to the picture by naming companies and individuals behind these operations. New Zealand knew who they were – but the information could not be tabled at the Commission. New Zealand was concerned and disappointed to learn that so much of this fishing was being carried out by flag vessels, companies or nationals associated with Contracting Parties. CCAMLR must get its own house in order. Urgent action was needed; some existing toothfish stocks would be fished out in 12 to 18 months.

5.13 New Zealand was encouraged by the very good progress made in the first week of CCAMLR-XVI, particularly by SCOI. The Commission now faced important political considerations. It needed to recognise that its reaction to the toothfish challenge would be judged in the court of public opinion.

5.14 New Zealand did not want to see the Commission's attention distracted from the problem of illegal fishing. State Parties could ensure that no vessels flying their flags were involved in the toothfish fishery – but the stocks could still be cleaned out by non-Contracting Party vessels. New Zealand believed that the Commission must pay proper attention to the needs of the legitimate fishing industry – those companies which were prepared to abide by the rules and conservation measures needed to be recognised. New Zealand was committed to the ecosystem management approach which was a fundamental principle of the Antarctic Treaty System as a whole, including the soundest way to manage all the resources of the Antarctic. The challenge for the Convention was to take timely and effective action to curb illegal toothfish fishing.

5.15 South Africa wished to strongly associate its delegation with concerns expressed by early speakers.

5.16 It expressed satisfaction with progress made last week.

5.17 As a developing nation, South Africa aspires to the sustainable utilisation of natural resources in the pursuit of economics and political empowerment for all its people. To this end, it strives to implement the 'conservation' and 'rational use' principles embodied in Article II of the CCAMLR Convention.

5.18 It is therefore with grave concern that South Africa viewed the proliferation on an unprecedented scale of unregulated and illegal fishing in the waters adjacent to the Prince Edward Islands. Not only does South Africa see these developments as a threat to CCAMLR's very existence, it also sees them as seriously undermining South Africa's efforts to ensure sustainable utilisation of the islands' resources as well as its efforts to conserve the unique biomes for which we are responsible.

5.19 Consequently, South Africa remains actively committed to cooperate with this Commission and all Members here present in the urgent development of measures to effectively curb unregulated fishing in the Convention Area. In this context, South Africa believes that the presence of regulated and responsible operators in waters close to its islands constitutes an important deterrent to unregulated and illegal fishers.

5.20 Finally, subject to South Africa's national aspirations already outlined, it is also committed to developing a process where its needs as a developing nation may be aligned with those necessary to meet the Convention's objectives.

5.21 Statements reflecting similar views were made by France, Australia, UK, Japan, Russia, USA, Italy, Chile, Argentina, Brazil and the Republic of Korea.

5.22 There was general agreement among Members of CCAMLR that:

- (i) the evidence of large-scale illegal, unreported and unregulated fishing in the Convention Area advised by CCAMLR Members during 1996/97 and in the beginning of the 1997/98 season, has seriously undermined the work of CCAMLR on achieving of the Convention's objective;
- (ii) the extent of existing illegal, unreported and unregulated fishing poses a serious threat to the conservation of stocks of *Dissostichus* spp. in the immediate future and also to the survival of several species of seabirds in the Southern Ocean taken as incidental by-catch in longline fishing operations;

- (iii) not only vessels of non-Contracting Parties to CCAMLR but also vessels of CCAMLR Contracting Parties were reported fishing in the Convention Area contrary to the CCAMLR conservation measures in force;
- (iv) all information received points to a blatant disregard by non-Contracting Parties of the CCAMLR conservation regime and of the sovereign rights of Coastal States¹ in the Convention Area; and
- (v) the situation calls for collective efforts within CCAMLR, measures by Flag States and Coastal States and steps vis-a-vis non-Contracting Parties to enhance enforcement and compliance with conservation measures regarding living resources in the Convention Area.

5.23 In addition, many Members expressed concern with illegal fishing activities by nationals of CCAMLR States contrary to CCAMLR conservation measures.

5.24 The Commission expressed its appreciation of the progress achieved at this year's meeting of SCOI in developing an integrated set of political and legal measures for dealing with this complex situation (see paragraphs 8.9 to 8.11). These measures include, *inter alia*, new conservation measures (see Annex 5 and section 9), amendments to the text of the System of Inspection and mechanisms to address actions of non-Contracting Parties.

5.25 Several measures were drawn from the experience of other organisations, in particular of NAFO and ICCAT. Other measures took into account recent developments in international law, in particular the 1995 UN Straddling Stocks Agreement and the 1993 FAO Compliance Agreement. The Commission encouraged all Members of CCAMLR to become Parties to these agreements as soon as possible. The Commission also urged Members to effectively implement and follow up measures recommended by SCOI.

5.26 New Zealand supported by Australia, South Africa, France, Russia, Chile and Ukraine drew the attention of the Commission to the necessity of protecting legitimate fishing operations in the Convention Area. These Members were also of the opinion that the presence of vessels fishing in full accordance with conservation measures constitute an important deterrent to unregulated and illegal fishing.

5.27 Some Members questioned whether the available evidence supported this view. They noted that extending the time that vessels could fish legally in the Convention Area could result in an increase in the by-catch of seabirds. In response, other Members noted that, with the mortality of seabirds in the unregulated fishery probably two orders of magnitude greater than in the regulated fishery (see e.g. paragraphs 6.52 and 6.53), the elimination of the unregulated fishery (to which extending the fishing season of the regulated fishery would contribute) was the priority task.

5.28 The UK expressed concern about the massive scale of illegal fishing which is seriously endangering both stocks of toothfish, and, through incidental mortality, populations of seabirds. The importance of the obligations of Article II can not be overstressed. The various new measures to eradicate illegal fishing to be adopted at this meeting are welcome, but their effectiveness will depend upon the good faith of each Member to implement them in full. Means should be devised to monitor the effectiveness of those measures in reducing the scale of illegal fishing. The UK recommended that the issue of illegal, unregulated and unreported fisheries remains on the Commission's agenda for the foreseeable future.

¹ Argentina, according to what was stated by them under Agenda Item 13 of CCAMLR-XV, reserves its position in the sense that references to Coastal States or sovereign rights of such States should be interpreted as applying where a state sovereignty is recognised by all Contracting Parties.

5.29 As a CCAMLR Member and a Coastal State affected by the problem, Australia is extremely concerned about the impact of illegal fishing. Australia is very pleased with the positive response of SCOI and other CCAMLR Members to take strong and immediate action to combat illegal fishing; including adoption of vessel monitoring systems (VMSs). Australia is particularly concerned about the impact of illegal fishing on the Southern Ocean ecosystem and on the operations of legal fishers who work within the requirements of CCAMLR conservation measures.

5.30 The Australian Government has committed itself to expensive national action to combat this problem as exemplified by the recent apprehension of vessels allegedly fishing illegally in the EEZ around Australia's Heard and McDonald Islands. The message to illegal fishers is that if you fish in the Australian EEZ you will get caught. Australia points out, however, that such action can result in the displacement of illegal fishing to other CCAMLR areas and that the combating of illegal fishing can only be fully effective through the action and cooperation of all Members. Australia considers that the presence of legal fishers can provide essential information required to take effective enforcement action.

5.31 Australia estimates the total wholesale value of the illegal, unreported and unregulated catch of toothfish to be of the order of half a billion dollars (A\$) and that it is likely that over 100 vessels are involved in illegal fishing activities. Given the economic value to fishers, Australia emphasises that an integrated set of measures, which builds on those considered by SCOI, including defining and implementing market control measures, is essential and that urgent action is required.

5.32 Australia encourages all CCAMLR Members to promptly ratify the 1995 UN Straddling Stocks Agreement to provide an improved basis for controlling illegal fishing. In the meantime Australia welcomes the SCOI initiative to bring forward elements of that agreement as part of the Commission's response to illegal fishing.

5.33 Australia has taken action on a bilateral basis with both CCAMLR Members and non-Contracting Parties to combat illegal fishing and has provided the Commission with the evidence that Australia has about these activities. Australia considers it a high priority for the Commission to make strenuous efforts to involve non-Contracting Parties and seek their accession to the Convention or cease actions which undermine the effectiveness of CCAMLR conservation measures. Australia also suggests that the Commission consider inviting as observers to its next meeting, some States known to be providing, perhaps unwittingly, port access and other services to vessels implicated in illegal and unregulated fishing in the Convention Area. Australia suggests that Mauritius and Namibia could be invited as two such States.

5.34 In summary, Australia seeks urgent, integrated and coordinated action by all CCAMLR nations to address the issue of illegal fishing, which is driven by the high economic value of the fish and is doing so much damage to the Southern Ocean ecosystem and to the legitimate interests of legal fishers working in accordance with CCAMLR requirements.

5.35 Chile stressed the importance of Port State control and acknowledged that market control measures might be necessary, but advised caution in their use.

5.36 It was agreed that the Commission consider inviting as observers to its next meeting, some States known to be providing, perhaps unwittingly, port access and other services to vessels implicated in illegal and unregulated fishing in the Convention Area. Members noted two such States, namely Mauritius and Namibia.

5.37 The Commission requested the Chairman of the Commission to write to the governments of these States and invite them to participate in the Seventeenth Meeting of CCAMLR as observers. The text of the agreed letter to these Governments is given in Annex 6 (Letter II).

5.38 Argentina stated that it is currently taking action against illegal fishing in order to ensure full compliance with the objectives of the Convention and its conservation measures. It also noted that the issue is complex and could only be resolved if CCAMLR takes a global approach.

5.39 Russia believed the effort of CCAMLR would be more effective if all Members adopted specific legal measures at a national level to combat non-authorized fishing in the Convention Area.

5.40 Italy also noted that the limited knowledge of the ecology of *Dissostichus* spp. and the extent of fishing suggest that more attention should be given to unregulated fishing and that strong actions should be taken to avoid long-term implications of this fishing on the marine ecosystem in the Convention Area.

5.41 The Delegation of Brazil supports and shares the opinion initially expressed by Norway and then by many other delegations.

5.42 Brazil hopes that CCAMLR as such and each one of its Member States will take serious action in order to eliminate as soon as possible the problem of illegal, unreported and unregulated fisheries.

5.43 As was pointed out in the Scientific Committee report, there is a concentrated fishing activity on toothfish, a species whose biology is still poorly known, therefore bringing a great risk to its extinction. At the same time this fishery brings a great risk to some seabirds.

5.44 Therefore, Brazil hopes for the approval of the recommendations of SCOI and their serious implementation by all Member States.

5.45 With regard to the matters under discussion, Chile and Argentina referred to the merit in maintaining in the Commission agenda the item 'The Consideration of the Implementation of the Objective of the Convention'.

ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY OF ANTARCTIC MARINE LIVING RESOURCES

Marine Debris

6.1 Reports on the assessment and avoidance of incidental mortality in the Convention Area in the 1996/97 season were submitted by South Africa, Japan, Republic of Korea, Australia, UK, USA, Brazil and Poland (CCAMLR-XVI/BG/5, 8, 11, 13, 15, 24, 34 and 39). Reports on surveys of beached marine debris were received from the UK (CCAMLR-XVI/BG/4, 6, 10 and 26), Chile (CCAMLR-XVI/BG/35), USA (CCAMLR-XVI/BG/24), Australia (CCAMLR-XVI/BG/13), Brazil (CCAMLR-XVI/BG/34), Norway (CCAMLR-XVI/MA/3) and Uruguay (CCAMLR-XVI/BG/22). The observer from ASOC also submitted a paper on oceanic debris observations in the Southern Ocean Whale Sanctuary (SC-CAMLR-XVI/BG/29).

6.2 The sixth year survey of beached marine debris at Bird Island (South Georgia) conducted by the UK in 1995/96 (CCAMLR-XVI/BG/4) revealed a total amount of debris 2% less than in 1994/95. However, whereas the total amount of debris collected during the winter (April–September) was 40% lower than in 1994/95, the number of items collected at the end of summer (March) was 75% greater than in the previous year. Nylon line, identical with that used in longline gear, accounted for 77% of items; the number of packaging bands found was the highest for many years, as was the proportion of these which were uncut.

6.3 Most of the large amount of debris collected from a 1-km stretch of beach on the south coast of South Georgia in December 1995 originated from fishing activities (CCAMLR-XVI/BG/26). The debris included 361 packaging bands of the type used to secure bait boxes; a considerable proportion of the bands were uncut.

6.4 Brief beach debris surveys were carried out by the UK at two sites in the South Sandwich Islands (CCAMLR-XVI/BG/10). Low levels of debris were recorded, probably due to the absence of fishing in this area. Although most of the debris on Candlemas Island was plastic, over half being fishing net floats, no fishing net or fishing line fragments or packaging bands were found.

6.5 The seventh beach marine debris survey was carried out by the UK at Signy Island (South Orkneys) during the 1996/97 austral summer (CCAMLR-XVI/BG/6). The total amount of marine debris collected was the lowest recorded since the surveys began in 1990, both in terms of weight and number of items, continuing a downward trend since 1993/94. However, the proportion of plastic items found remained high, accounting for 79% of all items found. Almost half of the plastic items were packaging bands, all of which were found cut.

6.6 The UK noted that the results of its surveys substantiated the strong concerns on debris and waste disposal expressed by the Commission last year (CCAMLR-XV, paragraph 5.13) and indicated the continuing need for appropriate action.

6.7 Chile conducted for the fourth consecutive season marine debris surveys on the CEMP site at Cape Shirreff along a 14-km stretch of coastline (CCAMLR-XVI/BG/35). Plastic comprised 94% of the total amount of debris collected. The amount of marine debris was lower this year, but the presence of polystyrene was observed as the most abundant for the first time. As was the case in previous seasons, partially burnt plastic material was found on the beaches, which infers that ashes produced during incineration were dumped into the sea.

6.8 Beaches of Seal Island (South Shetlands) were surveyed by American expeditioners during January 1997 (CCAMLR-XVI/BG/24). No debris was observed. Surveys were continued at Palmer Station, Anvers Island (Antarctic Peninsula).

6.9 A survey of marine debris was conducted by Australia in 1996/97 at Macquarie Island, about 300 n miles north of the Convention Area (CCAMLR-XVI/BG/13). The amount of marine debris found was similar to that of past years, although there has been an increase in debris associated with local fishing activity.

6.10 Brazil reported that every month during the Antarctic summer all debris is being collected from a 1-km stretch of coastline near the Commandante Ferraz Station (King George Island). The amount of debris has diminished since the removal of old decaying buildings that were in the area (CCAMLR-XVI/BG/34).

6.11 Norway has initiated in the 1996/97 season a long-term program of beach marine debris surveys on Bouvet Island (CCAMLR-XVI/MA/3). The surveys will be conducted in accordance with CCAMLR standard methods.

6.12 Australia reported the loss in Division 58.5.2 of two portions of trawl net and the recovery of numerous items of discarded fishing gear, including trawl netting and large sections of longline gear from illegal fishing in the same area (CCAMLR-XVI/BG/13).

6.13 No lost or discarded fishing gear in 1996/97 were reported by South Africa, Japan, the Republic of Korea, UK, USA, Brazil and Poland (CCAMLR-XVI/BG/5, 8, 11, 15, 24, 34 and 39). Japan advised that all its krill fishing vessels are equipped with incinerators for burning plastic material such as pieces of net gear, etc.

6.14 ASOC advised of the results of oceanic debris observations in the Southern Ocean Whale Sanctuary, which were conducted from December 1994 to March 1995 in the area from the Antarctic Peninsula to the Ross Sea (SC-CAMLR-XVI/BG/29). Man-made megalitter was nowhere common, but was seen mostly near and to the west of the Antarctic Peninsula, and north and northwest of the Ross Sea, and consisted mostly of plastic items, especially styrofoam fragments. Fishing gear was not a major component of man-made debris. It was pointed out that the survey was carried out prior to the escalation in fishing effort which happened in the Convention Area in recent years.

6.15 The Commission adopted a standard method for monitoring beached marine debris in 1993. Members conducting monitoring in accordance with this method have submitted a number of datasets to the Secretariat in the required standard format. In anticipation of more data being received, the Secretariat established a CCAMLR database for marine debris surveys (CCAMLR-XVI/BG/30). All data submitted so far have been loaded in to the database.

6.16 The Commission encouraged more Members to submit data from marine debris surveys to the Secretariat on a regular basis. The CCAMLR standard method and data reporting requirements are appended to CCAMLR-XVI/BG/30.

6.17 It was noted that the listings in CCAMLR-XVI/BG/30 of the data held in the database contained some errors. In addition, the data included results from surveys conducted according to the CCAMLR method as well as those from ad hoc surveys of different design. It was agreed that:

- (i) the Science Officer would correspond intersessionally with the relevant Members (if possible via the Members of the ad hoc group established by the Commission last year) to correct the current entries in the database; and
- (ii) the data collected according to the CCAMLR method should be held separately from the results reported from the use of other methods.

6.18 Argentina noted that finding of fragments of trawl netting in marine debris washed ashore in Area 48 may indicate that some commercial fishing with bottom trawls may still take place. The UK and Chile indicated the difficulty of identifying the nature and origin of the fragments of fishing net in which animals were typically entangled. However, the UK advised that most fragments of nets found in marine debris in Subarea 48.3 had a mesh size similar to that of krill trawls.

6.19 The Commission agreed with the suggestion from Argentina that efforts should be made to trace the origin of trawl net fragments and that the marine debris database established by the Secretariat could be used to keep records of this information.

6.20 The Commission noted the reports received by the Scientific Committee of entanglement in marine debris of Antarctic fur seals at Bird Island, South Georgia (Subarea 48.3), Signy Island, South Orkney Islands (Subarea 48.2), Cape Shirreff, South Shetland Islands (Subarea 48.1) and at Bouvet Island (Subarea 48.6) (SC-CAMLR-XVI, paragraphs 4.74 to 4.79). These reports indicate that the levels of injury and death of marine mammals in the Convention Area through entanglement in marine debris showed no sign of decreasing in recent years.

6.21 The Scientific Committee also reported the considerable evidence of seabirds and marine mammals entangled in debris which had clearly originated from fishing vessels. In particular, it recognised that the continuing occurrence of entanglement in packaging bands indicated inadequate compliance with Conservation Measure 63/XV, which prohibits the use of packaging bands on fishing vessels in the Convention Area. Although some of the debris and packaging bands presumably originate from the unregulated fisheries in the Convention Area, there is clear

evidence that many vessels in regulated fisheries are still using packaging bands – and some of them were observed to discard these at sea (SC-CAMLR-XVI, Annex 5, paragraph 3.38 and Table 7).

6.22 The Commission noted with concern that, despite the ban on the use of plastic packaging bands aboard fishing vessels introduced in 1996 (Conservation Measure 63/XV), considerable numbers of packaging bands are still being washed ashore. It was agreed that Members must take further steps to ensure that fishermen are aware of, and comply with, regulations preventing the disposal of debris in Antarctic waters.

6.23 The Commission agreed with the Scientific Committee that appropriate in-port inspection of vessels prior to departure for fishing grounds might assist vessels in complying with this conservation measure. Reminding fishing companies that excellent alternatives to plastic packaging bands exist might also be timely (SC-CAMLR-XVI, paragraph 4.87).

6.24 It was noted that the forthcoming CCAMLR brochure on marine debris would be an appropriate place to publicise these issues and concerns (CCAMLR-XVI/BG/29).

6.25 The Science Officer introduced the work undertaken on the draft of the marine debris brochure (CCAMLR-XVI/BG/29). It was emphasised that the present text was a draft and that some factual references still require correction. Also, the language used in the brochure would still need some editing to make use of language-specific colloquialisms appropriate for the target audience. The intention is to publish the brochure next year.

6.26 The UK stated that, despite provisions of MARPOL, Annex IV to the Environmental Protocol to the Antarctic Treaty and CCAMLR measures, there was still a major problem with marine debris in the Convention Area. It had been noted that 50% of fishing vessels are still disposing of materials at sea (SC-CAMLR-XVI, Annex 5, Table 7). The UK noted that it was important to consider the target audience and to design a range of educational materials accordingly. The principal audience was fishing companies and fishermen, and the message on disposal at sea should be succinct and eye-catching.

6.27 The Commission noted that last year it did not give clear advice to the Secretariat on the range of educational materials required, nor provide funds for their publication. It was decided that the Secretariat be requested to complete its work on the brochure and publish it within the budget allocated for this purpose in the 1998 budget of the Commission.

6.28 The Secretariat was also requested to consider if the CCAMLR marine debris placard and the flier published in 1993 could be usefully updated to include recent CCAMLR measures and initiatives. It was also requested to extract from the prepared brochure a short summary targeting fishermen and containing a simple message on how to handle waste on board fishing vessels. This work should be carried out intersessionally in consultation with the ad hoc group on marine debris. The results of this work should be reported to the 1998 meeting of the Commission.

Incidental Mortality of Seabirds and Marine Mammals during Fishing Operations

Incidental Mortality in Longline Fisheries

6.29 The Commission noted the intersessional work by the Working Group on Incidental Mortality Arising from Longline Fishing (WG-IMALF) and the Secretariat on incidental mortality in longline fisheries in 1996/97 (SC-CAMLR-XVI, paragraphs 4.36 to 4.41) and their plans for intersessional work in 1997/98 (SC-CAMLR-XVI paragraphs 4.38, 4.40, 4.51, 4.58, 4.66).

6.30 In particular, the Commission endorsed the reciprocal observership for the 1998 meetings of CCSBT Ecosystem and Related Species Working Group (CCSBT-ERSWG) and CCAMLR WG-FSA, and the provision of data to CCSBT on longline fishing effort for *Dissostichus* spp. fisheries to be used in modelling of the potential impact of longline fisheries on seabirds in the southern oceans (SC-CAMLR-XVI, paragraph 4.39).

6.31 The Commission also noted the comments and endorsed the recommendations of the Scientific Committee with respect to interactions with the secretariats of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and the Convention of Biodiversity (CBD) of CCAMLR's work in relation to albatross conservation (SC-CAMLR-XVI, paragraphs 4.41 and 4.42).

6.32 Australia indicated that, in respect of the listing of albatrosses on the appendices of the CMS, it is planning to take a lead role in developing a regional agreement with the southern hemisphere range states for conservation of albatrosses in the southern hemisphere. The Commission encouraged Australia in this initiative.

6.33 As part of the CCAMLR campaign for the prevention of incidental mortality of seabirds in longline fisheries, the book *Fish the Sea Not the Sky* was published in 1996. The Commission noted the Secretariat's report on the distribution of the book (CCAMLR-XVI/BG/23) and that it was considered in detail by the Scientific Committee (SC-CAMLR-XVI, Annex 5, paragraphs 7.8 to 7.12).

6.34 The Commission endorsed the recommendation of the Scientific Committee that the Secretariat should send copies of the CCAMLR book *Fish the Sea Not the Sky* to companies believed to be engaged in longline fishing in the Convention Area and adjacent regions, with the request that additional copies of the booklet be obtained from CCAMLR and placed on board all their vessels (SC-CAMLR-XVI, paragraph 4.37). Members were asked to advise the Secretariat, through national technical coordinators of observer programs, of the names and addresses of fishing companies of their countries which operate in the Convention Area.

6.35 Brazil informed the Commission that it was undertaking a translation into Portuguese of *Fish the Sea Not the Sky* and would be distributing this widely. This initiative was welcomed by the Commission.

6.36 In accordance with the decision of the Commission (CCAMLR-XV, paragraph 5.47), a flier and sticker to promote the message of the book were prepared. The Commission approved mock-ups of the flier and sticker which will be published in 1998 within the budget allocation for 1998.

6.37 The Commission considered the advice of the Scientific Committee on assessment and avoidance of incidental mortality of marine animals during longline fishing operations (SC-CAMLR-XVI, paragraphs 4.43 to 4.67). It noted that the advice was based partly on intersessional work undertaken by WG-IMALF and mainly on detailed assessments during WG-FSA based on data and reports provided by CCAMLR scientific observers on longline fishing vessels (SC-CAMLR-XVI, Annex 5, paragraphs 7.1 to 7.148).

6.38 The Commission welcomed the improvement in the quality and quantity of data and the quality of the reports provided by the scientific observers (SC-CAMLR-XVI, paragraph 4.44).

6.39 The Commission noted the advice of the Scientific Committee that no improvement could be made to the assessment of incidental mortality of seabirds from longline fisheries for *D. eleginoides* operating in the Convention Area in 1995/96. The estimated total seabird mortality remained at about 1 600 birds in Subarea 48.3 (SC-CAMLR-XVI, paragraph 4.43).

6.40 For the 1997 season the Commission noted the report of the Scientific Committee (SC-CAMLR-XVI, paragraphs 4.48 to 4.50), that:

- (i) the estimated total of seabird mortality in longline fisheries for *D. eleginoides* in Subareas 48.3 and 58.6/58.7 was 5 755 and 879 birds, respectively;
- (ii) the species mainly affected in the two areas were albatrosses (40% black-browed albatross in Subarea 48.3; 23% grey-headed/yellow-nosed albatrosses in Subareas 58.6/58.7) and white-chinned petrels (48% in Subarea 48.3; 73% in Subareas 58.6/58.7).

6.41 The Commission expressed concern at the number of seabirds killed in the Convention Area this year in the regulated fishery and noted that these included albatrosses of species classified as globally threatened.

6.42 It noted with concern that in 1996/97 there had been generally poor compliance with the provisions of Conservation Measure 29/XV, especially in respect of the use of streamer lines and discharge of offal but also with respect to night-time setting in Subareas 58.6/58.7.

6.43 The Commission noted a number of suggestions from the Scientific Committee on the improvement of compliance with Conservation Measure 29/XV, which include education and training in respect of CCAMLR conservation measures, access to the fishery on conditions of full compliance with conservation measures and in-port inspection of fishing vessels in order to ensure that they fully understand all relevant CCAMLR conservation measures, that they possess streamer lines of CCAMLR specification and that they can comply in full with offal discharge requirements (SC-CAMLR-XVI, paragraph 4.52).

6.44 In respect of improving education and training of fishing companies, vessel captains, fishing masters, crew and scientific observers, in relation to the use of measures to reduce by-catch of seabirds in longline fisheries, the Commission urged Members to collaborate in these initiatives, and to seek international support of them.

6.45 The Commission remitted the other suggestions in paragraph 6.43 above to SCOI for consideration next year.

6.46 The Commission noted the unanimous recommendation of the Scientific Committee that, from the perspective of achieving a significant reduction in seabird by-catch, the start of the longline fishing season in the Convention Area should be delayed until after 1 May (SC-CAMLR-XVI, paragraph 4.61). It agreed that the implications and application of this advice should be considered, in conjunction with the advice on fishing seasons in relation to new and exploratory fisheries, under the agenda item dealing with the consideration of conservation measures (paragraphs 9.20 to 9.22).

6.47 It was re-emphasised that this recommendation of the Scientific Committee had not taken into account fishery operational considerations and potential measures to combat unregulated fishing.

6.48 The Commission endorsed the advice of the Scientific Committee relating to the potential revision of footnotes to Conservation Measure 29/XV (SC-CAMLR-XVI, paragraph 4.65).

6.49 At this time it was noted that paragraph 3 of Conservation Measure 29/XV needed revision to remove inconsistencies; it was also agreed to try to improve the requirements of this paragraph in relation to offal discharge.

6.50 The European Community expressed concern with the procedure followed in regard to this conservation measure. It believed it would have been preferable for additional information to have been gathered, including from fishing companies. Nevertheless, and in the overriding interest of protecting bird populations, the Community concurred with the revised Conservation Measure 29/XVI.

6.51 The Commission noted and encouraged the initiatives of Norway and New Zealand in investigating devices for underwater setting of longlines and requested Members to report on the use of such devices. It endorsed the advice of the Scientific Committee that the use of devices enabling longlines to be set underwater may in future enable vessels to avoid restrictions to fishing seasons and also restrictions imposed by Conservation Measure 29/XV (SC-CAMLR-XVI, paragraphs 4.67 and 9.80).

6.52 The Commission noted that the Scientific Committee had tried to estimate the incidental mortality of seabird in unregulated fisheries for *D. eleginoides* in the Convention Area. They expressed great concern that, even at a conservative estimate of 16 500 to 26 800 seabirds, the level of seabird by-catch in the unregulated fishery for *D. eleginoides* in Subareas 58.6/58.7 (and probably also in Divisions 58.5.1 and 58.5.2) in 1996/97 was at least 20-times greater than that for the regulated fishery. They noted the Scientific Committee advice that the impact on white-chinned petrels and albatrosses is entirely unsustainable for the populations concerned (including those of at least two globally threatened species) – principally those at breeding sites in the Indian Ocean (Prince Edward Islands, Crozet, Kerguelen, Heard/McDonald Islands) (SC-CAMLR-XVI, paragraph 4.54).

6.53 It was noted that the values given above were based on the assumption that the estimated rate of seabird by-catch in the unregulated fishery in Subareas 58.6 and 58.7 was the same as that in the regulated fishery in these subareas. This was agreed to be a highly conservative assumption; it was noted that the alternative assumption – that the by-catch in the unregulated fishery is at a level equivalent to the highest rate observed in the regulated fishery in Subareas 58.6 and 58.7 in 1997 – gives estimates of by-catch of 66 000 to 107 000 seabirds.

6.54 The Commission agreed that the strongest possible action should be taken to eliminate unregulated fishing, which is likely to cause the collapse of the populations of several species of albatross and of white-chinned petrels (SC-CAMLR-XVI, paragraph 4.55).

6.55 The Commission also urged those responsible for regulating longline fishing in the areas immediately to the north of the Convention Area adjacent to Subareas 48.3 and 48.6, Division 58.5.1 and Subareas 58.6, 58.7 and 88.1 to adopt the provisions of Conservation Measure 29/XV and to consider restricting the fishing season to periods outside the main breeding season of albatrosses and petrels (SC-CAMLR-XVI, paragraph 4.59).

6.56 Japan wished to reiterate its reservation that, although it shares the concern expressed in the preceding paragraph, the Commission should be cautious in addressing issues which do not fall into its competence (SC-CAMLR-XVI, paragraph 4.60).

6.57 New Zealand noted that in the New Zealand EEZ, night setting and seasonal closures are being evaluated along with other possible mitigation measures including, as the Scientific Committee noted (SC-CAMLR-XVI, paragraph 4.66), underwater setting devices. New Zealand intends to report to CCAMLR next year on the outcomes of the work in the New Zealand EEZ.

6.58 Australia reported that it had listed, in July 1995, the incidental catch (or by-catch) of seabirds during oceanic longline fishing operations as a key threatening process on schedule 3 of its Endangered Species Protection Act 1992. This listing requires the preparation of a Threat Abatement Plan currently being developed in consultation with the fishing industry, non-government conservation organisation, scientists and government conservation and fisheries management agencies. The plan, which will reduce the threat to seabirds in the Australian Fishing Zone, should be available for public comment by December 1997.

6.59 The Commission also noted information reported to the Scientific Committee by scientific observers (SC-CAMLR-XVI, Annex 5, paragraphs 8.1 and 8.2). In particular, three fur seals became entangled and drowned during the August cruise of *Ercilla* (Chile) in

Subarea 48.3. Three other fur seals were entangled but were able to free themselves. South Africa's observers also reported that in Subareas 58.6 and 58.7, two sperm whales and one minke whale became entangled in longlines, but broke free.

Incidental Mortality in Trawl Fisheries

6.60 No incidental mortality of marine animals in trawl fisheries directed at *Dissostichus* spp. has been reported during the past two years (SC-CAMLR-XVI, paragraph 4.69).

6.61 Japan reported that krill fishing vessels caught one Antarctic fur seal and one penguin in Subarea 48.1 and one Antarctic fur seal in Subarea 48.3. One seal and one penguin in Subarea 48.1 died; the other seal was released alive.

Other Matters

6.62 At the last year's meeting the Commission considered a proposal from New Zealand on the publication of a seabird identification guide and agreed to contribute to its production. It took into consideration the fact that the guide would be used at sea by scientific observers designated in accordance with the CCAMLR Scheme of International Scientific Observation.

6.63 Production of the guide is being coordinated by the New Zealand Government. Together with nominees of other sponsors of this publication, the Chairman of the Scientific Committee and the Secretariat are providing technical oversight of the guide's content and quality.

6.64 The progress report on the publication of the Identification Guide to Southern Ocean Seabirds has been submitted to the Commission by New Zealand (CCAMLR-XVI/BG/41).

6.65 A meeting of sponsors of this publication (WWF, IUCN, CCAMLR and UK) was held during CCAMLR-XVI. The guide is expected to be published and distributed to sponsors and also to CCAMLR Members in early 1998, with first priority being given to CCAMLR scientific observers.

NEW AND EXPLORATORY FISHERIES

New Fisheries in the 1996/97 Season

7.1 There were seven new fisheries endorsed for the 1996/97 fishing season (SC-CAMLR-XVI, paragraphs 9.1 to 9.11, Table 1):

- (i) fishery for *M. hyadesi* notified by the Republic of Korea and UK for Subarea 48.3 (81 tonnes): there had been limited effort over a short period because of the unusually good and extended season for *Illex argentinus* in the southwest Atlantic;
- (ii) fisheries for *D. eleginoides* and *D. mawsoni* notified by Norway and South Africa for Subarea 48.6: not fished for administrative reasons;
- (iii) fisheries for *D. eleginoides* and *D. mawsoni* notified by South Africa for Division 58.4.4: not fished for administrative reasons;

- (iv) fishery for *D. eleginoides* and *D. mawsoni* notified by South Africa for Subareas 58.6 and 58.7 (total catch of 2 521 tonnes of *D. eleginoides*): this fishery operated essentially within the South African EEZ around the Prince Edward Islands;
- (v) fishery for *D. eleginoides* and *D. mawsoni* notified by New Zealand for Subareas 88.1 and 88.2 commenced in May 1997 but ice conditions greatly restricted fishing operations, and only two sets were made, resulting in a total catch of 128 kg of *D. eleginoides* in Subarea 88.1;
- (vi) fisheries for *Dissostichus* spp. in Division 58.4.3 notified by Australia (trawl) and South Africa (longline): for administrative reasons, no fishing was undertaken by South African vessels, and limited fishing by Australia on BANZARE and Elan Banks resulted in a catch of 7 kg of *D. eleginoides* on Elan Bank; and
- (vii) fishery for deepwater species not covered by Conservation Measure 109/XV and 110/XV was notified by Australia for Division 58.5.2: no catches of the intended species were made.

7.2 The Commission noted that experience in the application of the fine-scale rectangle catch provision of Conservation Measure 112/XV in 1996/97 has highlighted the need for very accurate positional information from longline vessels (SC-CAMLR-XVI, paragraph 9.74). The installation of VMS on vessels has greatly facilitated the collection of accurate positional information.

New and Exploratory Fisheries Notified for the 1997/98 Season

7.3 The Commission noted that Members had taken different approaches to notifications for new and exploratory fisheries in 1997/98. Some of the notifications for new fisheries in 1997/98 had been made for fisheries that had been new fisheries in 1996/97. In some cases, no fishing had taken place and new fisheries had been re-notified. In other cases, however, very small catches had been taken during 1996/97 and Members had either re-notified for new fisheries, or notified for exploratory fisheries. The Scientific Committee had provided advice in relation to both Conservation Measures 31/X for new fisheries and 65/XII for exploratory fisheries.

7.4 The following new fisheries were notified for the 1997/98 season:

- (i) fishery for *M. hyadesi* by the Republic of Korea and UK, under joint venture, in Subarea 48.3: a new fishery had been notified in 1996/97 and 81 tonnes were taken during the 1996/97 season;
- (ii) fishery for *D. eleginoides* by Ukraine in Division 58.4.4;
- (iii) fisheries for *Dissostichus* spp. by South Africa in Subarea 48.6 and Divisions 58.4.3 and 58.4.4: new fisheries were notified in 1996/97 for Subarea 48.6 and Division 58.4.4 but these were not fished;
- (iv) fisheries for *Dissostichus* spp. by New Zealand in Subareas 88.1 and 88.2: a new fishery was notified in 1996/97 and 0.128 tonne of *D. eleginoides* was taken in Subarea 88.1;

- (v) fishery for *Dissostichus* spp. by Norway in Subarea 48.6: a new fishery was notified in 1996/97 but it was not fished; and
- (vi) fisheries for *Dissostichus* spp. by Chile in Subareas 48.1, 48.2 and 88.3.

7.5 The Commission noted that Uruguay had submitted a preliminary notification for new fisheries for *D. eleginoides* in Subareas 48.1, 48.2 and 48.4. However, during the meeting of the Scientific Committee, Uruguay advised that this had been a notice of intent only, and that no new or exploratory fishery will be carried out during the 1997/98 season.

7.6 The following exploratory fisheries were notified for the 1997/98 season:

- (i) trawl fishery for *Dissostichus* spp. by Australia in Division 58.4.3: a new trawl fishery had been notified in 1996/97 and 0.007 tonne of *D. eleginoides* had been taken; and
- (ii) fisheries for *Dissostichus* spp. by Russia, South Africa and Ukraine in Subareas 58.6 and 58.7 outside EEZs: a new fishery had been notified in 1996/97 and 0.4 tonne of *D. eleginoides* had been taken by South Africa.

7.7 The Commission noted that France had submitted a notification for exploratory fisheries in Divisions 58.4.4, 58.5.1 and 58.5.2 and Subareas 58.6 and 58.7 (outside EEZs). This notification had arrived too late to be considered by WG-FSA. During the meeting of the Scientific Committee, France had agreed to withdraw this notification, and submit full documentation for evaluation at next year's meeting of WG-FSA.

7.8 The Delegation of Japan explained that Japan had received various requests from industry for new and exploratory fisheries for *Dissostichus* spp. in the Convention Area. However, Japan had decided not to proceed with any notification because it believed that there was insufficient information available for the expansion of fisheries on *Dissostichus* spp. It stated that whatever may be agreed on conservation measures relating to new and exploratory fisheries should not be construed as prejudicing the rights of other Members to participate in those fisheries in the future.

7.9 The European Community clarified that it too had received requests for commercial fishing. However, as a policy approach, it insisted that such projects be preceded by a survey prior to any exploratory phase.

7.10 The Scientific Committee has developed data collection plans for exploratory longline, trawl and squid jig fisheries in accordance with paragraph 2(i) of Conservation Measure 65/XII (SC-CAMLR-XVI, Annex 5, Appendix E). The Commission agreed that such plans should be applied to both new and exploratory fisheries in the Convention Area as appropriate.

Precautionary Catch Levels

7.11 Last year, the Commission agreed to a conservative approach to advising on precautionary catch limits which took into account the incomplete knowledge of areas where fishing was proposed and biology of the target species. Precautionary catch limits were derived from the estimated sustainable yields for *D. eleginoides* in Subarea 48.3 (longline fisheries) and Division 58.5.2 (trawl fisheries); the relative amount of fishable seabed in the areas where fishing was proposed (SC-CAMLR-XV, Annex 5, paragraph 4.28) was used as a discount factor.

7.12 This year, new bathymetric data prepared by the Secretariat had enabled such calculations, for each subarea and division, over three depth ranges: 0 to 600 m (possibly representative of juvenile habitat), 600 to 1 800 m (main depths fished by longline) and 500 to 1 500 m (main depths fished by trawl). Due to a general decrease in the reliability of bathymetric data south of 70°S, calculations were limited to seabed areas in the nominated depth ranges north of 70°S.

7.13 The Commission noted that New Zealand had tabled a document at the meeting of the Scientific Committee which contained alternative calculations of seabed areas for Subareas 88.1 and 88.2, including the areas south of 70°S. These calculations used the GEBCO standard International Hydrographic Organisation bathymetry data (SC-CAMLR-XVI, paragraph 9.57).

7.14 The Commission endorsed the Scientific Committee's advice that the Secretariat should undertake a comparative analysis of seabed areas calculated using Sandwell-Smith with those using GEBCO bathymetric data (including areas south of 70°S), and the request that Members should supply WG-FSA with any other relevant data (SC-CAMLR-XVI, paragraph 9.58).

7.15 The Commission reviewed the information available for new and exploratory fisheries, including:

- (i) precautionary catch limits (SC-CAMLR-XVI, Table 5);
- (ii) potential management measures for seabird by-catch (SC-CAMLR-XVI, Table 8);
- (iii) levels of unregulated fishing (SC-CAMLR-XVI, Annex 5, Appendix D);
- (iv) data collection plans (SC-CAMLR-XVI, Annex 5, Appendix E); and
- (v) allocation of catch where several Members proposed to target the same species in the same area.

7.16 The European Community recognised that the Scientific Committee had made substantial progress in developing methods for estimating precautionary catch limits for new and exploratory fisheries for *Dissostichus* spp. However, it cautioned that the catch limit recommendations were based often on the assumption that illegal and unregulated fishing activities would cease in 1998 and on extrapolations from biological information for Subarea 48.3 to some areas where there was little or no information on the stocks available.

7.17 The Delegation of Ukraine shared the concerns of the European Community.

7.18 Measures to reduce the by-catch of seabirds in longline fisheries were discussed under section 6.

7.19 The Commission agreed that the estimates of precautionary yield for *Dissostichus* spp. were the best available given the existing information. However, with the exception of Subareas 48.3, 58.6 and 58.7, and Divisions 58.5.1 and 58.5.2, there was a paucity of information on the distribution and abundance of *D. eleginoides*. Even less information was available for *D. mawsoni*.

7.20 In accepting the precautionary catch limits in Table 5 of the Scientific Committee report (SC-CAMLR-XVI) as representing the best available if based only on scientific considerations, South Africa also drew the Commission's attention to paragraphs 4.61 and 9.99 of the report which emphasise that considerations associated with paragraph 9.98 in particular do not take into account fisheries operational considerations and measures to combat unregulated fishing.

7.21 In its view the presence of responsible and regulated fisheries would serve the conservation objectives of the Convention, not only by acting as a source of essential information, but also as a physical deterrent to unregulated fishing, particularly in the waters around the Prince Edward and Crozet Islands. Simple application of the precautionary catch

limits given in Table 5 would neither serve to address the very important issue of illegal fishing in the region, nor the potentially prejudicial restriction of legitimate and responsible fishing in the face of unprecedented levels of illegal fishing.

7.22 Norway noted that the notified new fishery in Subarea 48.6 would be kept within the precautionary catch limits set out in Table 5 of the report of the Scientific Committee (SC-CAMLR-XVI), and that according to Table 8 of the same report, the risk of incidental mortality of seabirds is estimated to be low in Subarea 48.6.

7.23 CCAMLR scientific observers play a significant role in ensuring the smooth flow of information and data from new and exploratory fisheries (see paragraph 8.19). The Commission agreed that there should be 100% observer coverage in all new and exploratory fisheries.

7.24 Some Members noted that the presence of legal new fishery operations in areas where large unregulated fisheries operated may act as a deterrent. This would also provide some information on the extent of unregulated fisheries.

7.25 The Commission agreed that conservation measures developed for the 1997/98 season should not form a precedent for future allocation of *Dissostichus* catches within the Convention Area.

7.26 Several delegations, including Australia, Chile, European Community, New Zealand and the USA, identified the need to rationalise the way in which new and exploratory fisheries develop. The Commission should identify a logical sequence of stages to ensure that developments in fisheries do not outstrip the Commission's ability to collect data and understand and manage fisheries.

7.27 The European Community considered that any proposal for commercial fishing in new areas or on new species should be preceded by surveys with catch levels much lower than those required for commercial fishing.

7.28 The Commission endorsed the need for a coherent approach to the development of fisheries within the Convention Area.

7.29 It also noted that the notifications for new and exploratory fisheries of Australia, Chile and South Africa included research surveys during the early phase of development. The USA proposed that new fisheries should begin with surveys and the results of such surveys should be reviewed by the Scientific Committee before commercial fishing is initiated.

7.30 The Delegation of Russia stressed that the conduct of legal commercial fishing was the only way to focus attention on the issue of acquiring the maximum possible amount of data necessary to minimise uncertainty and increase the reliability of stock assessments.

7.31 A proposal to develop a coherent framework for the development of CCAMLR fisheries was discussed under section 10.

OBSERVATION AND INSPECTION

8.1 The Chairman of SCOI, Dr W. Figaj (Poland) presented the Committee's report to the Commission. The report of SCOI is appended as Annex 5.

8.2 The Chairman of SCOI expressed his gratitude to all Members for their most constructive contribution to the Committee deliberations, in particular on the issue of illegal, unreported and unregulated fishing in the Conventions Area.

8.3 The report of SCOI was endorsed in general. In considering the report Members made the following comments which are reflected below.

8.4 In considering implementation of Conservation Measures in the 1996/97 season, Uruguay added that amongst other provisions, measures adopted by Uruguay require that all vessels of its flag intending to fish in the Convention Area hold a 'Fishing Permit' issued by the Ministry of Livestock, Agriculture and Fisheries, through the National Fisheries Institute in accordance with the Inter-Ministerial Commission of CCAMLR Affairs. In order to obtain a permit operators must give a written commitment to comply with conservation measures in force concerning catch limits, species and fishing areas, as well as with the System of Inspection as appropriate. The main reason Uruguay did not authorise its vessels to be present in the Convention Area in the past season was that provisions currently in force (SCOI-97/15) had not yet been approved.

8.5 In considering Coastal State, Port State and Flag State cooperation in combating illegal fishing activities, Chile addressed paragraph 1.47 of the report, seeking further clarification and explanation of its position. Chile valued the reference in ASOC's paper (CCAMLR-XVI/BG/38) to additional international instruments which were not discussed but indicated a trend in international law. The reference to cooperation within the framework of the 1995 Straddling Stock Agreement was better directed to compliance than to enforcement; and the reference to articles in the Agreement could be enlarged to encompass Articles 19 to 23 since all of them contained provisions that might prove useful in attempting to control illegal fishing activities that undermine conservation measures.

8.6 The Commission then considered all recommendations made by SCOI to the Commission.

Illegal, Unregulated and Unreported Fishing in the Convention Area

8.7 Several recommendations were made in the form of proposed conservation measures. Chile noted that although the usual procedure of previous advice by the Scientific Committee had not been followed, due to the political nature of the matter (Article X) these draft measures fell within the objective of conservation under Article XI.2(i). Members agreed with that assessment and generally supported casting these SCOI recommendations as conservation measures even though some of them expressed that they could also support any form of presentation of these measures as long as it was binding in its nature.

8.8 Amendments and editorial changes were proposed and, after revision, the following conservation measures dealing with the issue of illegal, unreported and unregulated fishing in the Convention Area, were adopted by the Commission (Annex 5, paragraphs 1.22 and 1.41):

- (i) Conservation Measure 118/XVI 'Scheme to Promote Compliance by non-Contracting Party Vessels with CCAMLR Conservation Measures' (Annex 5, Appendix III);
- (ii) Conservation Measure 119/XVI 'Requirement for Contracting Parties to Licence their Flag Vessels in the Convention Area' (Annex 5, Appendix IV); and
- (iii) Conservation Measure 120/XVI 'Prohibition of Directed Fishing for *Dissostichus* spp. except in Accordance with Specific Conservation Measures' (Annex 5, Appendix V).

8.9 With regard to concerted political action which may be taken by the Commission and by individual Members, vis-a-vis non-Contracting Parties, the Commission approved the SCOI

recommendation to continue the existing procedures of transmitting the CCAMLR Commission's concerns to the attention of non-Contracting Parties, by means of a letter from the Chairman of the Commission (Annex 5, paragraph 1.23). The text of the agreed letter is given in Annex 6 (Letter I).

8.10 The Commission also agreed to invite the Governments of Mauritius and Namibia to participate as observers at the Seventeenth Meeting of the Commission with a view to encouraging these States to accede to the Convention and also to cease providing port or landing facilities for vessels which carried out unregulated fishing in the Convention Area (Annex 5, paragraph 1.24). For details see paragraphs 5.36 and 5.37.

8.11 In considering trade-related measures the Commission amended a recommendation proposed by SCOI and adopted it as follows (Annex 5, paragraph 1.39) Members should:

- (i) collect information related to trade of *Dissostichus* spp. in order to better understand the international flows (including where it is landed, transhipped or imported and under what product names it is being marketed); and
- (ii) provide that information to the Secretariat for distribution to Members for consideration in advance of the next annual meeting of CCAMLR.

8.12 Bearing in mind Articles 19 to 23 of the 1995 UN Straddling Stock Agreement, the Commission agreed that an exchange of information should be established by CCAMLR on all vessels known to have fished in contravention of CCAMLR conservation measures (Annex 5, paragraph 1.48).

8.13 The following recommendations of SCOI were endorsed by the Commission:

- (i) Members are urged to consider the acceptance of the 1993 FAO Compliance Agreement, noting that it would contribute to the elimination of unregulated fishing by non-Contracting Parties (Annex 5, paragraph 1.45);
- (ii) the Secretariat is requested to research other measures to combat illegal, unregulated or unreported fishing and report them for consideration at CCAMLR-XVII (Annex 5, paragraph 1.50); and
- (iii) all Contracting Parties are requested to submit to the Secretariat any suggestions or information they might have in regard to (ii) above for inclusion in the Secretariat's report to CCAMLR-XVII (Annex 5, paragraph 1.50).

8.14 Several amendments to the System of Inspection, recommended by SCOI, were adopted by the Commission (Annex 5, paragraphs 1.53, 1.59, 1.61 and 1.62). These amendments relate to paragraphs VIII(d) and (e), paragraph IV (change of nomenclature for the expression 'home port') and paragraph XI. France expressed a reservation regarding the application of the abovementioned amendments to paragraphs VIII(d) and (e) and IV of the System of Inspection to waters adjacent to Crozet and Kerguelen Islands². New subparagraphs to paragraph IV and paragraphs XII, XIII and XIV were also added. These amendments were adopted by the Commission without any changes.

² In correspondence dated 20 January 1998, France indicated that it wished to withdraw the reservation mentioned in paragraph 8.14 as not being necessary given that the Systems of Inspection and International Scientific Observation provided for in the Convention do not in any case apply to the waters around the Crozet and Kerguelen Islands unless France agrees that this be so, which is not anticipated at present (see the Statement made by the Chairman of the Conference on Conservation of Antarctic Marine Living Resources on 19 May 1980, *CCAMLR Basic Documents 1995*, and France's statement in paragraph 7.23 of the Report of the Fourteenth Meeting of the Commission).

Operation of the System of Inspection and Compliance with Conservation Measures

8.15 In respect of responsibility to report and assign catch, the Commission endorsed the general principle that Flag State Members are responsible for reporting, and will have assigned to them for the purposes of Article XIX.3 of the Convention, catches taken by their vessels on the high seas in the Convention Area. However, in cases of vessel charter between Members of the Commission, the Flag State and the State whose nationals control the vessel's operations may agree otherwise in respect of the responsibility for catch reporting and the attribution of the catch for the purposes of Article XIX.3 of the Convention (Annex 5, paragraph 2.10).

8.16 The Commission requested Members to provide information on such agreements to the Secretariat as soon as they are concluded (Annex 5, paragraph 2.11).

8.17 The Commission reiterated its decision that, in the case of joint ventures where one party is not a Member of CCAMLR, the party which is a Member of CCAMLR would be expected to assume responsibility for reporting data and ensuring compliance with conservation measures (CCAMLR-XII, paragraph 4.15).

8.18 The Commission considered the recommendation of SCOI with regard to the matter of non-compliance with the provisions of Conservation Measures 29/XV and 63/XV under its agenda item 'Assessment and Avoidance of Incidental Mortality of Antarctic Marine Living Resources' (see paragraphs 6.42 to 6.49).

Operation of the Scheme of International Scientific Observation

8.19 The Commission noted the significant role and contribution of CCAMLR scientific observers and agreed that there should be 100% observer coverage for all new and exploratory fisheries and fisheries for *C. gunnari*, *Dissostichus* spp. and *M. hyadesi* (Annex 5, paragraph 3.8).

8.20 The Commission noted the considerable benefits of having information on vessels fishing in the Convention Area in contravention of CCAMLR conservation measures. It also noted that international scientific observers might assist in this regard. While the Commission welcomed any information from observers, it agreed that caution was required to ensure that observers did not become involved in inspection or compliance related functions. As a means of exploring this matter further, the Commission asked Members to consider intersessionally the extent to which it would be appropriate to involve scientific observers in collecting such data and asked that SCOI consider this matter further at its next meeting and provide advice to the Commission. The Scientific Committee was also asked to examine to what extent collecting such data might compromise the other duties of the scientific observers.

8.21 The amendments proposed by SCOI to paragraphs A and C of the Scheme of International Scientific Observation were endorsed (Annex 5, paragraph 3.10). France expressed a reservation with regard to the application of these amendments to the waters adjacent to Crozet and Kerguelen Islands³.

8.22 The Chairman of the Scientific Committee drew the attention of the Commission to paragraphs 3.11 and 3.25 of the Scientific Committee report (SC-CAMLR-XVI) on duplication in the submission of fisheries biological data by Flag States and by Members designating scientific observers. There has been duplication in reporting the length composition measurements which

³ In correspondence dated 20 January 1998, France indicated that it wished to withdraw the reservation mentioned in paragraph 8.21, for the same reason as is indicated in the footnote to paragraph 8.14.

each Contracting Party obtains from each of its vessels (Form B2, e.g. Conservation Measure 117/XV) and the data collected by scientific observers (e.g. logbooks for trawl and longline fisheries). In a number of cases the Secretariat received two sets of data, one of which was an exact repetition of another set. Other times they differed slightly. This duplication resulted in extra work for the Secretariat on the verification of data sources.

8.23 It was decided that duplication should be avoided. If a vessel does not collect fisheries biological data and chooses to copy data collected by the scientific observer, the source of data should be clearly indicated. On vessels without scientific observers, the collection and submission of these data to the Commission remains the responsibility of the Flag State.

General Matters

8.24 The Commission further endorsed the following requests of SCOI (Annex 5, paragraphs 6.1 to 6.3):

- (i) the Secretariat be requested to compile and circulate to Members a schedule of all information to be provided by Members and deadlines for submission in accordance with Conservation Measures 31/X and 65/XII, the System of Inspection and the Scheme of International Scientific Observation;
- (ii) the Executive Secretary be requested to write, at the conclusion of CCAMLR-XVI, a letter to all regional fisheries organisations with which CCAMLR cooperates, to inform them of all CCAMLR initiatives with respect to illegal, unreported and unregulated fishing in the CCAMLR Convention Area; and
- (iii) the Secretariat be asked to examine the feasibility of making vessel notification information available on the proposed World Wide Web site, in addition to the present means of distribution by Commission circular. If such a proposal proves feasible, the Secretariat would, following consultation with Members, implement this approach.

8.25 The Commission congratulated Mr G. Bryden (New Zealand) on his election as Vice-Chairman of the Committee from the end of this meeting to the end of the Committee meeting in 1999.

CONSERVATION MEASURES

9.1 The Commission agreed that Conservation Measures 2/III⁴, 3/IV, 4/V, 5/V⁵, 6/V⁵, 7/V, 18/XIII, 19/IX⁶, 30/X⁶, 31/X⁷, 32/X, 40/X, 45/XIV, 51/XII, 61/XII, 62/XI, 63/XV, 64/XII⁷, 65/XII⁷, 82/XIII, 90/XV, 95/XIV and 106/XV should remain in force as they stand.

9.2 The Commission agreed that Conservation Measures 100/XV, 101/XV and 104/XV should be carried forward to the 1997/98 season. These measures were revised and adopted as Conservation Measures 127/XVI, 128/XVI and 126/XVI respectively.

⁴ As amended by Conservation Measure 19/IX which came into force on 1 November 1991 except for waters adjacent to Kerguelen and Crozet Islands.

⁵ Conservation Measures 5/V and 6/V, which prohibit directed fishing for *Notothenia rossii* in Subareas 48.1 and 48.2 respectively, remain in force but are currently encompassed within the provisions in Conservation Measures 72/XVI and 73/XVI.

⁶ Except for waters adjacent to Kerguelen and Crozet Islands

⁷ Except for waters adjacent to Kerguelen and Crozet Islands and Prince Edward Islands

9.3 The Commission agreed that Conservation Measure 111/XV (new fishery for deepwater species in Division 58.5.2) should lapse at the end of the present meeting.

9.4 The Commission agreed that Conservation Measure 29/XV⁵ (minimisation of the incidental mortality of seabirds) should remain in force subject to revision as specified in section 6. The revised measure was adopted as Conservation Measure 29/XVI.

9.5 The European Community expressed concern with the procedure followed in regard to this conservation measure. It believed it would have been preferable for additional information to have been gathered, including from fishing companies. Nevertheless, and in the overriding interest of protecting bird populations, the Community concurred with the revised Conservation Measure 29/XVI (see also paragraph 6.50).

9.6 Conservation Measures 72/XII (prohibition of directed fishing for finfish in Subarea 48.1) and 73/XII (prohibition of directed fishing for finfish in Subarea 48.2) were revised in accordance with the introduction of new longline fisheries for *Dissostichus* spp. (SC-CAMLR-XVI, paragraphs 5.36 to 5.38). The revised Conservation Measures 72/XVI and 73/XVI were adopted.

9.7 Conservation Measure 103/XV for the fishery for *Electronacarlbergi* in Subarea 48.3 was changed in line with the revised provisions for by-catch (SC-CAMLR-XVI, paragraphs 5.144 to 5.147). The revised Conservation Measure 125/XVI was adopted.

9.8 The Commission noted that a biomass survey for *Lepidonotothen squamifrons* in Division 58.4.4 proposed by Ukraine had not taken place and decided that the fishery should be closed until a biomass survey of the design approved by the Scientific Committee shows that the stock could support a sustainable fishery (SC-CAMLR-XVI, paragraph 5.95). Accordingly, Conservation Measure 129/XVI was adopted.

New and Exploratory Fisheries

9.9 The Commission noted the Scientific Committee's advice on new and exploratory fisheries, and that notifications for such fisheries had been considered from nine Members (paragraph 6.3; SC-CAMLR-XVI, paragraphs 9.12 to 9.52). The Commission also noted the different approaches taken by Members in notifying new and exploratory fisheries (paragraph 7.3).

9.10 The Commission agreed that, for the purpose of categorising notification for new and exploratory fisheries for the 1997/98 season, a new fishery in 1996/97 season was considered to have been prosecuted if some fishing effort had been applied. By definition (Conservation Measure 65/XII) such a fishery would then be considered an exploratory fishery.

9.11 The European Community and several other Members reiterated their views that variation in the manner in which new and exploratory fisheries had been notified for the 1997/98 season highlighted the need for a coherent framework for the natural and logical development of fisheries (paragraphs 7.26 to 7.28). The Commission agreed that both new and exploratory fisheries should be subject to a data collection plan as described in SC-CAMLR-XVI, Annex 5, Appendix E.

9.12 The Commission noted that the current schedule for submitting fine-scale catch, effort and biological data (Conservation Measure 117/XV) may result in expensive data transmissions or delays in cases where vessels undertook prolonged fishing trips (SC-CAMLR-XVI, Annex 5, paragraph 3.10). It agreed that vessels carrying observers need not collect or submit fine-scale

biological data provided that the responsibility for data collection and reporting these data is clearly specified in the bilateral observer agreements. Accordingly, Conservation Measures 121/XVI and 122/XVI were adopted.

9.13 In adopting various conservation measures on new and exploratory fisheries, the Commission reaffirmed its understanding that none of these measures should in any way imply the scope and limitation to future participatory rights of individual Members for those fisheries. Members not currently participating in the new and exploratory fisheries will be entitled to enter the fisheries in subsequent exploratory or other phases on an equal basis (see also paragraph 7.25).

9.14 The Commission agreed that conservation measures for new and exploratory fisheries should, where feasible, follow a standard format indicating the target species, area fished, flag of vessels, catch limit, by-catch provisions and fishing season. In addition, each conservation measure would invoke standard data requirements and a data collection plan (SC-CAMLR-XVI, Annex 5, Appendix E). All vessels engaged in new and exploratory fisheries would carry at all times, scientific observers appointed under the Scheme of International Scientific Observation.

Martialia hyadesi in Subarea 48.3

9.15 The Commission agreed that the jig fishery notified by the Republic of Korea and the UK in Subarea 48.3 (CCAMLR-XVI/21) was an exploratory fishery. It was also agreed that the fishery would have a precautionary catch limit for *M. hyadesi* of 2 500 tonnes, as in 1996/97, and that the fishery would be prosecuted by up to two vessels. The fishing season would be from 8 November 1997 to the close of the Commission meeting in 1998. In addition, it was agreed that each vessel participating in the fishery would carry at all times, a scientific observer appointed under the CCAMLR Scheme of International Scientific Observation (SC-CAMLR-XVI, paragraphs 9.15 to 9.18). Accordingly, Conservation Measure 145/XVI was adopted.

Dissostichus spp.

9.16 The Commission reviewed the notifications for new longline fisheries by New Zealand in Subareas 88.1 and 88.2, Norway and South Africa in Subarea 48.6, South Africa in Division 58.4.3, South Africa and Ukraine in Division 58.4.4, and Chile in Subareas 48.1, 48.2 and 88.3. It also reviewed the notifications for exploratory fisheries by Russia, South Africa and Ukraine in Subareas 58.6 (outside both French and South African EEZs) and 58.7 (outside the South African EEZ) and Australia in Division 58.4.3. Information provided in the notifications is summarised in paragraphs 4.21 to 4.91 (SC-CAMLR-XVI, Annex 5).

9.17 The Commission agreed on the need for a general conservation measure applicable to all new and exploratory longline fisheries for *Dissostichus* spp. to prevent over-concentration of catch and effort in these fisheries and to promote collection of the information necessary to determine fishery potential. Accordingly, Conservation Measure 133/XVI was adopted.

9.18 New Zealand wishes to note that it considers that there is a need in future to assess the relevance of applying this measure to only one fishing method. This point arises from New Zealand's concern that in future CCAMLR will increasingly be faced with fisheries involving both longlining and trawling in the same area. New Zealand believes the Commission should attempt to ensure that the measures applied, be it in the longline or trawl fishery, are effective in achieving this objective and so New Zealand suggests that in reviewing this measure next year the Commission also considers the effectiveness of measures that may have been applied to other fishing methods.

9.19 The Commission agreed that the precautionary catch limits for the new and exploratory fisheries would follow advice based on the best information available provided by the Scientific Committee (SC-CAMLR-XVI, Table 5). Further, the Commission agreed that the precautionary catch limits in Table 5 could be transferred between *D. eleginoides* and *D. mawsoni* within a statistical area. Importantly, precautionary catch limits could not be transferred between areas defined in Table 5.

9.20 In respect of longline fishing seasons for *Dissostichus* spp. in the Convention Area, the Commission noted the unanimous general advice of the Scientific Committee that the start of the longline fishing season in the Convention Area shall be delayed until 1 May (SC-CAMLR-XVI, paragraph 4.61). It noted that the Scientific Committee also provided detailed advice in respect of consideration of seabird by-catch for opening and closing of longline fishing seasons for the subareas and divisions relevant to each of the proposed new and exploratory longline fisheries for *Dissostichus* spp. (SC-CAMLR-XVI, paragraphs 9.75 to 9.86, 9.98 to 9.101 and Table 8).

9.21 Where dates of closing of longline fisheries in respect of considerations of seabird by-catch were recommended in SC-CAMLR-XVI, Table 8, column 3, these were adopted by the Commission for the new and exploratory longline fisheries for *Dissostichus* spp. The closing date of 31 August was also applied to the existing longline fisheries for *Dissostichus* spp. in Subareas 48.3 and 48.4.

9.22 In respect of the recommended date of opening of the longline fishing season for *Dissostichus* spp. in the Convention Area, the Commission noted that several Members would have insufficient time to enable associated changes in national fisheries legislation to be made. Consequently, the Commission agreed that the measure recommended by the Scientific Committee be phased in over a period of two years. Where dates of opening of longline fisheries in respect of considerations of seabird by-catch were recommended in SC-CAMLR-XVI, Table 8, column 3, the Commission set the opening date for the longline fisheries in the 1997/98 season as 1 April 1998; the opening date for these longline fisheries in the 1998/99 season should be 1 May 1999.

9.23 The Commission agreed that the exploratory longline fishery by New Zealand in Subarea 88.1 (notified as a new fishery) would have a precautionary catch limit for *Dissostichus* spp. of 338 tonnes north of 65°S, and 1 172 tonnes south of 65°S, and the fishing season would be from 15 February to 31 August 1998. Accordingly, Conservation Measure 143/XVI was adopted.

9.24 The Commission agreed that the new longline fishery by New Zealand in Subarea 88.2 would have a precautionary catch limit for *Dissostichus* spp. of 25 tonnes north of 65°S, and 38 tonnes south of 65°S, and the fishing season would be from 15 February to 31 August 1998. Accordingly, Conservation Measure 139/XVI was adopted.

9.25 In respect of the conservation measures for the *Dissostichus* spp. fisheries in Subareas 88.1 and 88.2, New Zealand would like to record its concern about the limitations of bathymetric data available to WG-FSA used to derive catch limits for these subareas. It will wish to revisit this matter at CCAMLR-XVII, and also to revisit the issue of catch division north and south of 65°S latitude. In respect of the *Dissostichus* spp. fishery in Subarea 88.2, New Zealand notes that a very small catch limit has been set. New Zealand will make every effort to prosecute a directed fishery for *Dissostichus* spp. in this subarea in 1998 but notes that the economics of fishing for such a tonnage put this fishery in doubt.

9.26 The Commission agreed that the new longline fishery by Norway and South Africa in Subarea 48.6 would have a precautionary catch limit for *Dissostichus* spp. of 888 tonnes north of 65°S, and 648 tonnes south of 65°S. The fishing season would be from 1 March to 31 August 1998 north of 60°S, and 15 February to 15 October 1998 south of 60°S. Accordingly, Conservation Measure 136/XVI was adopted.

9.27 The Commission agreed that the new longline fishery by South Africa in Division 58.4.3 would have a precautionary catch limit for *Dissostichus* spp. of 1 782 tonnes (2 745 tonnes minus 963 tonnes; refer to paragraph 9.37) north of 60°S, and 29 tonnes south of 60°S, and the fishing season would be from 1 April to 31 August 1998. Accordingly, Conservation Measure 137/XVI was adopted.

9.28 The Commission agreed that the new longline fishery by South Africa and Ukraine in Division 58.4.4 would have a precautionary catch limit for *Dissostichus* spp. of 580 tonnes north of 60°S, and 0 tonnes south of 60°S, and the fishing season would be from 1 April to 31 August 1998. Accordingly, Conservation Measure 138/XVI was adopted.

9.29 The Commission noted the new longline fisheries by Chile in Subareas 48.1 and 48.2, and the current prohibition of directed fishing for finfish (Conservation Measures 72/XII and 73/XII). The rationale for the longline fisheries was reviewed (SC-CAMLR-XVI, paragraphs 9.31 to 9.37), and the Commission agreed that these fisheries could proceed on the condition that a feasibility study be conducted in each subarea between 15 February and 31 March 1998, and prior to commercial fishing. Chile agreed to provide the results of these studies to the Secretariat for circulation to Members. The vessel undertaking the survey would carry a scientific observer, appointed under the Scheme of International Scientific Observation, as well as scientists. Should the average catch rate for *Dissostichus* spp. in any subarea during the feasibility survey be greater than, or equal to, 0.1 kg/hook, then Chile would begin a new longline fishery in that subarea using a maximum of three vessels.

9.30 For Subarea 48.1, the precautionary catch limit for *Dissostichus* spp. was 1 863 tonnes north of 65°S, and 94 tonnes south of 65°S. The fishing season, if initiated, would be from 1 April to 31 August 1998. Accordingly, Conservation Measure 72/XII was revised and adopted as 72/XVI, and Conservation Measure 134/XVI was adopted.

9.31 For Subarea 48.2, the precautionary catch limit for *Dissostichus* spp. was 429 tonnes north of 60°S, and 972 tonnes south of 60°S. The fishing season, if initiated, would be from 1 April to 31 August 1998. Accordingly, Conservation Measure 73/XII was revised and adopted as 73/XVI and Conservation Measure 135/XVI was adopted.

9.32 The Commission agreed that the new longline fishery by Chile in Subarea 88.3 would have a precautionary catch limit for *Dissostichus* spp. of 0 tonnes north of 65°S, and 455 tonnes south of 65°S, and the fishing season would be from 15 February to 31 October 1998. As is the case for Subareas 48.1 and 48.2, Chile planned to conduct a feasibility study prior to initiating any new fishery using a maximum of three vessels. The vessel undertaking the survey would carry a scientific observer, appointed under the Scheme of International Scientific Observation, as well as scientists. Accordingly, Conservation Measure 140/XVI was adopted.

9.33 The Commission agreed that the exploratory longline fishery by Russia, South Africa and Ukraine in Subarea 58.6, outside both the French and South African EEZs, would have a precautionary catch limit for *Dissostichus* spp. of 658 tonnes, derived from Table 5 and information on catch limits allocated by France for waters adjacent to the Crozet Island (1 200 tonnes). The fishing season would be from 1 April to 31 August 1998. Accordingly, Conservation Measure 141/XVI was adopted.

9.34 The Commission agreed that the exploratory longline fishery by Russia, South Africa and Ukraine in Subarea 58.7, outside the South African EEZ, would have a precautionary catch limit for *Dissostichus* spp. of 312 tonnes. The fishing season would be from 1 April to 31 August 1998. Accordingly, Conservation Measure 142/XVI was adopted.

9.35 South Africa informed the Commission that at the time of the Commission's meeting, it had not made any catch allocation with respect to its *D. eleginoides* fishery in the waters adjacent to the Prince Edward Islands within Subareas 58.6, 58.7 and Division 58.4.4.

9.36 The European Community noted that this catch limit of 312 tonnes for the exploratory fisheries is against the background of the Scientific Committee's advice on a precautionary total catch limit for these fisheries in Subarea 58.7 of 468 tonnes in the 1997/98 fishing season.

9.37 The Commission agreed that the exploratory trawl fishery by Australia in Division 58.4.3 would have a precautionary catch limit for *Dissostichus* spp. of 963 tonnes (see also paragraph 9.27) north of 60°S, and 0 tonnes south of 60°S, and the fishing season would be from 8 November 1997 to the close of the Commission meeting in 1998. Accordingly, Conservation Measure 144/XVI was adopted.

Fish Resources

Dissostichus eleginoides

9.38 The Commission noted the advice of the Scientific Committee regarding the catch limit for the longline fishery for *D. eleginoides* in Subarea 48.3 during 1997/98. The Commission applied a discount factor to the value of 3 540 tonnes obtained by WG-FSA (SC-CAMLR-XVI, paragraphs 5.53 to 5.57), and agreed that the catch limit for the 1997/98 season would be 3 300 tonnes. The fishing season would be from 1 April to 31 August 1998. Accordingly, Conservation Measure 124/XVI was adopted.

9.39 The Commission endorsed the advice of the Scientific Committee that a catch limit of 3 700 tonnes should apply to the trawl fishery for *D. eleginoides* in Division 58.5.2 in 1997/98 (refer to paragraph 9.37; SC-CAMLR-XVI, paragraphs 5.109, 5.110 and 5.121). The fishing season would be from 8 November 1997 to the close of the Commission meeting in 1998. Accordingly, Conservation Measure 131/XVI was adopted.

9.40 The Commission endorsed the Scientific Committee's revision of by-catch provisions for Division 58.5.2. Accordingly, Conservation Measure 132/XVI was adopted.

9.41 The Commission expressed grave concern at the level of illegal and unreported fishing which had occurred during the 1996/97 season. It agreed that a general conservation measure should be implemented during the 1997/98 season prohibiting the take of *Dissostichus* spp. in any subarea or division of the Convention Area which was not covered by conservation measures for *Dissostichus* spp. fisheries. Accordingly, Conservation Measure 120/XVI prohibiting fisheries for *Dissostichus* spp. in Subarea 48.5 and Divisions 58.4.1 and 58.4.2 was adopted. Directed fishing for *D. mawsoni* in Subarea 48.4 was explicitly prohibited by the inclusion of a zero catch limit in Conservation Measure 128/XVI.

Champscephalus gunnari

9.42 Argentina drew the attention of the Commission to the uncertainty about the status of the stocks of *C. gunnari* reflected in the Scientific Committee report (SC-CAMLR-XVI, paragraph 5.69). It noted that the recent UK survey showed that while the stock has recovered from previous low levels, it comprises fish mostly in age classes 2 and 3 and its size remains at about 50% of the accumulated catches in the early 1980s. In its view, these facts indicate that the stock size is below the provisions of Article II in relation to depleted stocks.

9.43 Argentina noted that the Commission should make a decision on either taking the conservative yield agreed by the Scientific Committee for this season (SC-CAMLR-XVI, paragraph 5.73) or affording further protection to the stock, which they believe to be in line with the conservative approach to management recommended by the Scientific Committee in paragraph 5.72 (SC-CAMLR-XVI).

9.44 The Commission noted the concerns expressed by Argentina regarding the state of the *C. gunnari* stock in Subarea 48.3 in relation to historical levels. It also noted plans to continue addressing the long-term management strategies during the intersessional period, and workshop prior to WG-FSA-98.

9.45 The Commission endorsed the advice of the Scientific Committee that a catch limit of 4 520 tonnes was a conservative estimate of yield and should be applied to the midwater trawl fishery for *C. gunnari* in Subarea 48.3 in 1997/98 (SC-CAMLR-XVI, paragraph 5.73), and that by-catch measures should apply to protect juvenile *C. gunnari* and other species (SC-CAMLR-XVI, paragraphs 5.75 and 5.76). The fishing season would be closed from 1 April to the end of the Commission meeting in 1998. Accordingly, Conservation Measure 123/XVI was adopted.

9.46 The Commission endorsed the advice of the Scientific Committee that a catch limit of 900 tonnes should apply to the Australian trawl fishery for *C. gunnari* on the plateau surrounding Heard Island in Division 58.5.2 in 1997/98 (SC-CAMLR-XVI, paragraphs 5.113, 5.114 and 5.118), and that by-catch measures should apply to protect juvenile *C. gunnari* and other species. The fishing season would be from 8 November 1997 to the end of the Commission meeting in 1998. Accordingly, Conservation Measure 130/XVI was adopted.

9.47 Australia supports a precautionary approach to the management of all fish stocks of the Southern Ocean, including those of *C. gunnari* in Division 58.5.2, in accordance with the best available scientific advice. Australia is therefore extremely disappointed that its proposal to prohibit directed fishing for *C. gunnari* outside the Heard Island plateau in Division 58.5.2 had not been adopted by the Commission.

9.48 Australia believes that such a prohibition would be consistent with the recommendation of the Scientific Committee that directed fishing for *C. gunnari* on Shell Bank be avoided. While the Scientific Committee did not assess *C. gunnari* outside these two localities, Australia believes that to adopt a precautionary approach and prohibit directed fishing in these areas would be consistent with the approach being adopted for *Dissostichus* spp. in Divisions 58.4.1, 58.4.2 and Subarea 48.5 where there is also no advice from the Scientific Committee.

9.49 Accordingly, Australia wishes to advise the Commission that it will be taking a more precautionary approach to the management of the Australian EEZ around Heard and McDonald Islands and will prohibit directed fishing for *C. gunnari* in the area outside the Heard Island plateau as defined by Conservation Measure 130/XVI.

9.50 Australia advised the Commission that any fishing or fisheries research activities in that part of Division 58.4.3/58.5.2 which constitutes the Australian EEZ around the Australian Territory of Heard Island and McDonald Islands must have the prior approval of Australian authorities. The Australian EEZ extends up to 200 n miles from the Territory. Australia regards unauthorised fishing in its waters as a serious matter which undermines efforts to ensure fishing occurs only on an ecologically sustainable basis. Unauthorised vessels are liable to prosecution.

9.51 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. The Delegation of Australia distributed maps which showed the position of its EEZ in relation to CCAMLR Divisions 58.5.2 and 58.4.3 to delegates. Any enquiries about fishing in the Australian EEZ should be made initially to the Australian Fisheries Management Authority (AFMA).

9.52 South Africa stated that it wholeheartedly supported the Australian statement in regard to the need to eliminate illegal and unregulated fishing within the Convention Area. Consequently, it strongly aligned its views with those of Australia in respect of similar action South Africa will take within the waters adjacent to the Prince Edward Islands.

General Measures

9.53 The Commission agreed to adopt three conservation measures based on the recommendations of SCOI (Appendices III, IV and V). Accordingly, Conservation Measures 118/XVI, 119/XVI and 120/XVI were adopted.

9.54 Argentina stated that it would have preferred the adoption of a general prohibition measure in relation to *Dissostichus* spp. as had been unanimously approved in the SCOI report (Annex 5), as this would have provided an important legal instrument with which to confront the increasing illegal fishing activities within the CCAMLR area, which is currently threatening such species.

9.55 Chile adhered to the general sentiment of Argentina's statement concerning the text of Conservation Measure 120/XVI but could readily accept such a measure in the context of the adoption of Conservation Measure 119/XVI and of the Resolution concerning the VMS (12/XVI), both of them providing useful deterrents for illegal fishing.

Vessel Monitoring System

9.56 The Commission noted the urgency of stopping the high level of illegal, unregulated and unreported harvesting of *D. eleginoides* in the Convention Area that is undermining the effectiveness of the Convention.

9.57 Taking into account the abovementioned reasons, the Commission adopted Resolution 12/XVI.

9.58 The Commission also strongly encouraged Members to establish, as soon as possible, an automated VMS to monitor the position of its flag vessels licensed or permitted to fish in waters adjacent to the Convention Area.

9.59 The Delegation of Argentina reserves its position concerning Subareas 48.3 and 48.4. The objective of this reservation is to preserve widely the application of the multilateral regime of the Convention in those subareas. Argentina once again refers to the Argentinian documents which have been formally distributed to Members as well as to paragraph 13.1 and other relevant paragraphs of the CCAMLR-XV report. This reservation recalls that all Member States fully enjoy the rights deriving from the application of the multilateral regime of the Convention in Subareas 48.3 and 48.4. Exceptions are only admitted in the case of islands over which a State Sovereignty is recognised by all Contracting Parties.

9.60 Argentina does not recognise the UK as a Coastal State in the Convention Area. This reservation obviously excludes any possibility to utilise the multilateral regime of the Convention and its conservation measures in Subareas 48.3 and 48.4 for purposes other than the requirements contained in the multilateral regime.

9.61 In response, the UK stated that any State which wished to reserve its position regarding an international text had a responsibility to inform the other States concerned as to what that reservation meant for them.

9.62 The UK indicated that it had sought to gain an explanation from Argentina as to the meaning of their reservation, but that had not been forthcoming. Given that the adopted text was a resolution and thus not binding on Parties, the UK saw no need for a reservation.

9.63 In the UK's view, the reservation has the following characteristics: indefinite duration referring as it does to the 'existing controversy'; it deals with a geographic area, the subject of

Coastal State jurisdiction, yet the resolution is directed at Flag State responsibility; and refers to the whole of Subareas 48.3 and 48.4 yet the controversy is confined to the maritime zone of South Georgia and the South Sandwich Islands.

9.64 In the UK's opinion the reservation means one or more of the following:

- (i) that Argentina was reserving its position regarding the interpretation and application of the Convention;
- (ii) that the resolution would not apply to Argentinian-flagged fishing vessels in Subareas 48.3 and 48.4; or
- (iii) that the resolution would not apply to any fishing vessels in those two subareas.

9.65 In the absence of a reasoned explanation of its reservation, the UK was of the view that the reservation could have no effect.

9.66 The Delegation of Argentina answered that it does not agree with the declarations made by the UK, and that Argentina's position with respect to the matter has been thoroughly explained on more than one occasion, during and before the meeting, as reflected *inter alia* in paragraphs 9.59 and 9.60.

CEMP Monitoring Site

9.67 In accordance with Conservation Measure 18/XIII, which requires a review of CEMP management plans every five years to determine whether revisions are required and whether continued protection is necessary, the Seal Island CEMP site was reviewed by the Scientific Committee (SC-CAMLR-XVI, paragraphs 4.17 to 4.20).

9.68 The Commission approved the recommendation by the Scientific Committee that the revised management plan for the Seal Island CEMP site be accepted and that the site protection be extended for the next five years (SC-CAMLR-XVI, paragraph 4.35). The revised management plan is included as Annex 18/B of Conservation Measure 18/XIII.

9.69 The Commission welcomed and endorsed the establishment by Norway of a CEMP monitoring site at Nyrøysa, on the west coast of Bouvet Island (SC-CAMLR-XVI, paragraph 4.35). The management plan had been submitted to, and endorsed by, WG-EMM. The Commission also noted that site protection had been provided by national Norwegian legislation. Bouvet Island, and its surrounding territorial waters out to 4 n miles, are designated a nature reserve (Royal Decree, 17 December 1971).

CONSERVATION MEASURES ADOPTED IN 1997

CONSERVATION MEASURE 29/XVI^{1,2}

Minimisation of the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research in the Convention Area

The Commission,

Noting the need to reduce the incidental mortality of seabirds during longline fishing by minimising their attraction to fishing vessels and by preventing them from attempting to seize baited hooks, particularly during the period when the lines are set,

Adopts the following measures to reduce the possibility of incidental mortality of seabirds during longline fishing.

1. Fishing operations shall be conducted in such a way that the baited hooks sink as soon as possible after they are put in the water. Only thawed bait shall be used.
2. For vessels using the Spanish method of longline fishing, weights should be released before line tension occurs; weights of at least 6 kg mass should be used, spaced at intervals of no more than 20 m.
3. Longlines shall be set at night only (i.e. during the hours of darkness between the times of nautical twilight³)⁴. During longline fishing at night, only the minimum ship's lights necessary for safety shall be used.
4. The dumping of offal is prohibited while longlines are being set. The dumping of offal during the haul shall be avoided as far as possible; if discharge of offal during the haul is unavoidable, this discharge shall take place on the opposite side of the vessel to that where longlines are hauled.
5. Every effort should be made to ensure that birds captured alive during longlining are released alive and that wherever possible hooks are removed without jeopardising the life of the bird concerned.
6. A streamer line designed to discourage birds from settling on baits during deployment of longlines shall be towed. Specification of the streamer line and its method of deployment is given in the Appendix to this Measure. Details of the construction relating to the number and placement of swivels may be varied so long as the effective sea surface covered by the streamers is no less than that covered by the currently specified design. Details of the device dragged in the water in order to create tension in the line may also be varied.
7. Other variations in the design of streamer lines may be tested on vessels carrying two observers, at least one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, providing that all other elements of this Conservation Measure are complied with⁵.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands.

² Except for waters adjacent to the Prince Edward Islands.

³ The exact times of nautical twilight are set forth in the Nautical Almanac tables for the relevant latitude, local time and date. All times, whether for ship operations or observer reporting, shall be referenced to GMT.

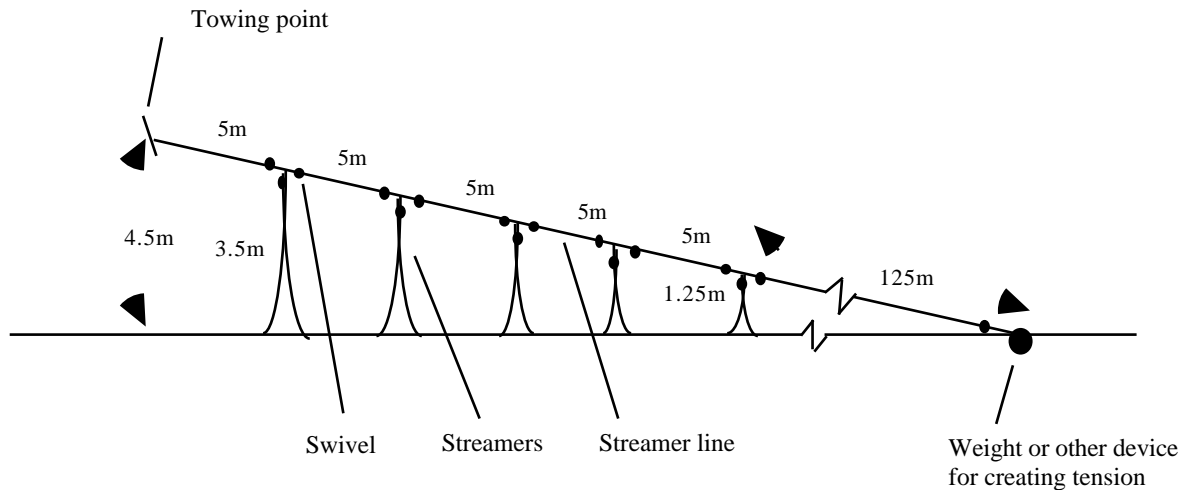
⁴ Wherever possible, setting of lines should be completed at least three hours before sunrise (to reduce loss of bait to/catches of white-chinned petrels).

⁵ The streamer lines under test should be constructed and operated taking full account of the principles set out in WG-IMALF-94/19 (available from the CCAMLR Secretariat); testing should be carried out independently of actual commercial fishing and in a manner consistent with the spirit of Conservation Measure 65/XII.

APPENDIX TO CONSERVATION MEASURE 29/XVI

1. The streamer line is to be suspended at the stern from a point approximately 4.5 m above the water and such that the line is directly above the point where the baits hit the water.
2. The streamer line is to be approximately 3 mm diameter, have a minimum length of 150 m and have a device at the end to create tension so that the main line streams directly behind the ship even in cross winds.

3. At 5 m intervals commencing from the point of attachment to the ship five branch streamers each comprising two strands of approximately 3 mm diameter cord should be attached. The length of the streamer should range between approximately 3.5 m nearest the ship to approximately 1.25 m for the fifth streamer. When the streamer line is deployed the branch streamers should reach the sea surface and periodically dip into it as the ship heaves. Swivels should be placed in the streamer line at the towing point, before and after the point of attachment of each branch streamer and immediately before any weight placed on the end of the streamer line. Each branch streamer should also have a swivel at its attachment to the streamer line.



CONSERVATION MEASURE 72/XVI
 Prohibition of Directed Fishing for Finfish other than
 Longlining for *Dissostichus* spp. in Statistical Subarea 48.1

Taking of finfish, other than for scientific research purposes, with the exception of longlining for *Dissostichus* spp. in waters deeper than 600 m in accordance with Conservation Measure 134/XVI, is prohibited in Statistical Subarea 48.1 from 8 November 1997 until at least such time that a survey of stock biomass is carried out, its results reported to and analysed by the Working Group on Fish Stock Assessment and a decision that the fishery be reopened is made by the Commission based on the advice of the Scientific Committee.

CONSERVATION MEASURE 73/XVI
 Prohibition of Directed Fishing for Finfish other than
 Longlining for *Dissostichus* spp. in Statistical Subarea 48.2

Taking of finfish, other than for scientific research purposes, with the exception of longlining for *Dissostichus* spp. in waters deeper than 600 m in accordance with Conservation Measure 135/XVI, is prohibited in Statistical Subarea 48.2 from 8 November 1997 until at least such time that a survey of stock biomass is carried out, its results reported to and analysed by the Working Group on Fish Stock Assessment and a decision that the fishery be reopened is made by the Commission based on the advice of the Scientific Committee.

CONSERVATION MEASURE 118/XVI
Scheme to Promote Compliance by non-Contracting Party
Vessels with CCAMLR Conservation Measures

The Commission hereby adopts the following Conservation Measure in accordance with Article IX.2(i) of the Convention:

1. A non-Contracting Party vessel which has been sighted engaging in fishing activities in the Convention Area is presumed to be undermining the effectiveness of CCAMLR Conservation Measures. In the case of any transshipment activities involving a sighted non-Contracting Party vessel inside or outside the Convention Area, the presumption of undermining the effectiveness of CCAMLR Conservation Measures applies to any other non-Contracting Party Vessel which has engaged in such activities with that vessel.
2. Information regarding such sightings shall be transmitted immediately to the Commission in accordance with Article XXII of the Convention. The Secretariat shall transmit this information to all Contracting Parties within one business day of receiving this information, and to the Flag State of the sighted vessel as soon as possible.
3. The Contracting Party which sights the non-Contracting Party vessel shall attempt to inform the vessel that it has been sighted engaging in fishing activities in the Convention Area and is accordingly presumed to be undermining the objective of the Convention and that this information will be distributed to all Contracting Parties to the Convention and to the Flag State of the vessel.
4. When a non-Contracting Party vessel referred to in paragraph 1 enters a port of any Contracting Party, it shall be inspected by authorised Contracting Party officials knowledgeable of CCAMLR Conservation Measures and shall not be allowed to land or tranship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, logbooks, fishing gear, catch on board and any other matter relating to the vessel's activities in the Convention Area.
5. Landings and transshipments of all fish from a non-Contracting Party vessel which has been inspected pursuant to paragraph 4, shall be prohibited in all Contracting Party ports if such inspection reveals that the vessel has on board species subject to CCAMLR Conservation Measures, unless the vessel establishes that the fish were caught outside the Convention Area or in compliance with all relevant CCAMLR Conservation Measures and requirements under the Convention.
6. Contracting Parties shall ensure that their vessels do not receive transshipments of fish from a non-Contracting Party vessel which has been sighted and reported as having engaged in fishing activities in the Convention Area and therefore presumed as having undermined the effectiveness of CCAMLR Conservation Measures.
7. Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Contracting Parties, and on any subsequent action, shall be transmitted immediately to the Commission. The Secretariat shall transmit this information immediately to all Contracting Parties and to the relevant Flag State(s).

CONSERVATION MEASURE 119/XVI^{1,2}
Requirement for Contracting Parties to Licence
their Flag Vessels in the Convention Area

The Commission hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

Each Contracting Party shall prohibit fishing by its flag vessels in the Convention Area except pursuant to a licence or permit that the Contracting Party has issued setting forth the specific areas and time periods during 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.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands

² Except for waters adjacent to the Prince Edward Islands

CONSERVATION MEASURE 120/XVI
Prohibition on Directed Fishing for *Dissostichus* spp.
except in Accordance with Specific Conservation Measures

The Commission,

Concerned to ensure the regulation of directed fishing for *Dissostichus* spp. in all statistical areas and subareas in the Convention Area, and

Noting that Conservation Measures in respect of the regulation of *Dissostichus* spp. have been agreed for all areas except Subarea 48.5 and Divisions 58.4.1 and 58.4.2,

hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

Directed fishing for *Dissostichus* spp. in Subarea 48.5 and Divisions 58.4.1 and 58.4.2 is prohibited from the close of the 1997 Commission meeting until the close of the 1998 Commission meeting.

CONSERVATION MEASURE 121/XVI^{1,2}
Monthly Fine-Scale Biological Data Reporting System
for Trawl and Longline Fisheries

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V, where appropriate.

This Conservation Measure is invoked by the Conservation Measures to which it is attached.

1. Specification of 'target species' and 'by-catch species' referred to in this Conservation Measure shall be made in the Conservation Measure to which it is attached.
2. At the end of each month each Contracting Party shall obtain from each of its vessels representative samples of length composition measurements of the target species and by-catch species from the fishery (Form B2, latest version). It shall transmit those data in the specified form to the Executive Secretary not later than the end of the following month.
3. For the purpose of implementing this Conservation Measure:
 - (i) length measurements of fish should be of total length to the nearest centimetre below;
 - (ii) a representative sample of length composition should be taken from each single fine-scale grid rectangle (0.5° latitude by 1° longitude) in which fishing occurs. In

the event that the vessel moves from one fine-scale grid rectangle to another during the course of a month, then a separate length composition should be submitted for each fine-scale grid rectangle.

4. Should a Contracting Party fail to transmit the fine-scale length composition data to the Executive Secretary in the appropriate form by the deadline specified in paragraph 2, the Executive Secretary shall issue a reminder to the Contracting Party. If at the end of a further two months those data have still not been provided, the Executive Secretary shall notify all Contracting Parties of the closure of the fishery to vessels of the Contracting Party which has failed to supply the data as required.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands.

² Except for waters adjacent to the Prince Edward Islands.

CONSERVATION MEASURE 122/XVI^{1,2}
Monthly Fine-Scale Catch and Effort Data Reporting System
for Trawl and Longline Fisheries

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V, where appropriate.

This Conservation Measure is invoked by the Conservation Measures to which it is attached.

1. Specification of 'target species' and 'by-catch species' referred to in this Conservation Measure shall be made in the Conservation Measure to which it is attached.
2. At the end of each month each Contracting Party shall obtain from each of its vessels the data required to complete the CCAMLR fine-scale catch and effort data form (trawl fisheries Form C1, latest version or longline fisheries Form C2, latest version). It shall transmit those data in the specified format to the Executive Secretary not later than the end of the following month.
3. The catch of all target and by-catch species must be reported by species.
4. The numbers of seabirds and marine mammals of each species caught and released or killed must be reported.
5. Should a Contracting Party fail to transmit the fine-scale catch and effort data to the Executive Secretary in the appropriate form by the deadline specified in paragraph 2, the Executive Secretary shall issue a reminder to the Contracting Party. If at the end of a further two months those data have still not been provided, the Executive Secretary shall notify all Contracting Parties of the closure of the fishery to vessels of the Contracting Party which has failed to supply the data as required.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands.

² Except for waters adjacent to the Prince Edward Islands.

CONSERVATION MEASURE 123/XVI
Limitation of the Total Catch of *Champscephalus gunnari*
in Statistical Subarea 48.3 in the 1997/98 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V:

1. The total catch of *Champocephalus gunnari* in the 1997/98 season shall be limited to 4 520 tonnes in Statistical Subarea 48.3.
2. The fishery for *Champocephalus gunnari* in Statistical Subarea 48.3 shall close if the by-catch of any of the species listed in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Champocephalus gunnari* reaches 4 520 tonnes, whichever is sooner.
3. If, in the course of the directed fishery for *Champocephalus gunnari*, the by-catch in any one haul of any of the species named in Conservation Measure 95/XIV
 - is greater than 100 kg and exceeds 5% of the total catch of all fish by weight, or
 - is equal to or greater than 2 tonnes, then

the fishing vessel shall move to another location at least 5 n miles distant¹. The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch of species named in Conservation Measure 95/XIV exceeded 5% for a period of at least five days². The location where the by-catch exceeded 5% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

4. Where any haul contains more than 100 kg of *Champocephalus gunnari*, and more than 10% of the *Champocephalus gunnari* by number are smaller than 240 mm total length, the fishing vessel shall move to another fishing location at least 5 n miles distant¹. The fishing vessel shall not return to any point within 5 n miles of the location where the catch of small *Champocephalus gunnari* exceeded 10%, for a period of at least five days². The location where the catch of small *Champocephalus gunnari* exceeded 10% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.
5. The use of bottom trawls in the directed fishery for *Champocephalus gunnari* in Statistical Subarea 48.3 is prohibited.
6. The fishery for *Champocephalus gunnari* in Statistical Subarea 48.3 shall be closed from 1 April 1998 until the end of the Commission meeting in 1998.
7. Each vessel participating in the directed fishery for *Champocephalus gunnari* in Subarea 48.3 in the 1997/98 season shall have a scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.
8. For the purpose of implementing paragraphs 1 and 2 of this Conservation Measure:
 - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1997/98 season; and
 - (ii) the Monthly Fine-scale Catch and Effort Data Reporting System set out in Conservation Measure 122/XVI shall apply for *Champocephalus gunnari*. Data shall be reported on a haul-by-haul basis.
9. Fine-scale biological data, as required under Conservation Measure 121/XVI shall be collected and recorded. Such data shall be reported in accordance with the Scheme of International Scientific Observation.

¹ This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

² The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

CONSERVATION MEASURE 124/XVI
Limits on the Fishery for *Dissostichus eleginoides*
in Statistical Subarea 48.3 for the 1997/98 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V:

1. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.3 in the 1997/98 season shall be limited to 3 300 tonnes.
2. For the purposes of the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3, the 1997/98 fishing season is defined as the period from 1 April to 31 August 1998, or until the catch limit is reached, whichever is the sooner.
3. Each vessel participating in the *Dissostichus eleginoides* fishery in Statistical Subarea 48.3 in the 1997/98 season shall have at least one scientific observer, including one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.
4. For the purpose of implementing this Conservation Measure:
 - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1997/98 season, commencing on 1 April 1998; and
 - (ii) the Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 122/XVI shall apply in the 1997/98 season, commencing on 1 April 1998. Data shall be submitted on a haul-by-haul basis. For the purpose of Conservation Measure 122/XVI the target species is *Dissostichus eleginoides* and 'by-catch species' are defined as any species other than *Dissostichus eleginoides*.
5. Fine-scale biological data, as required under Conservation Measure 121/XVI shall be collected and recorded. Such data shall be reported in accordance with the System of International Scientific Observation.
6. Directed fishing shall be by longlines only. The use of all other methods of directed fishing for *Dissostichus eleginoides* in Statistical Subarea 48.3 shall be prohibited.

CONSERVATION MEASURE 125/XVI
Precautionary Catch Limit for *Electrona carlsbergi*
in Statistical Subarea 48.3 for the 1997/98 Season

The Commission adopts the following Conservation Measure in accordance with Conservation Measure 7/V:

1. For the purposes of this Conservation Measure the fishing season for *Electrona carlsbergi* is defined as the period from 8 November 1997 to the end of the Commission meeting in 1998.
2. The total catch of *Electrona carlsbergi* in the 1997/98 season shall be limited to 109 000 tonnes in Statistical Subarea 48.3.
3. In addition, the total catch of *Electrona carlsbergi* in the 1997/98 season shall be limited to 14 500 tonnes in the Shag Rocks region, defined as the area bounded by 52°30'S, 40°W; 52°30'S, 44°W; 54°30'S, 40°W and 54°30'S, 44°W.

4. In the event that the catch of *Electronacarlsbergi* is expected to exceed 20 000 tonnes in the 1997/98 season, a survey of stock biomass and age structure shall be conducted during that season by the principal fishing nations involved. A full report of this survey including data on stock biomass (specifically including area surveyed, survey design and density estimates), age structure and the biological characteristics of the by-catch shall be made available in advance for discussion at the 1998 meeting of the Working Group on Fish Stock Assessment.
5. The directed fishery for *Electronacarlsbergi* in Statistical Subarea 48.3 shall close if the by-catch of any of the species named in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Electronacarlsbergi* reaches 109 000 tonnes, whichever is sooner.
6. The directed fishery for *Electronacarlsbergi* in the Shag Rocks region shall close if the by-catch of any of the species named in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Electronacarlsbergi* reaches 14 500 tonnes, whichever is sooner.
7. If, in the course of the directed fishery for *Electronacarlsbergi*, the by-catch in any one haul of any species other than the target species
 - is greater than 100 kg and exceeds 5% of the total catch of all fish by weight, or
 - is equal to or greater than 2 tonnes, then

the fishing vessel shall move to another fishing location at least 5 n miles distant¹. The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch of species, other than the target species, exceeded 5%, for a period of at least five days². The location where the by-catch exceeded 5% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

8. For the purpose of implementing this Conservation Measure:
 - (i) the Catch Reporting System set out in Conservation Measure 40/X shall apply in the 1997/98 season;
 - (ii) the Monthly Fine-scale Catch and Effort Data Reporting System set out in Conservation Measure 122/XVI shall also apply in the 1997/98 season. For the purposes of Conservation Measure 122/XVI, the target species is *Electronacarlsbergi*, and 'by-catch species' are defined as any cephalopod, crustacean or fish species other than *Electrona carlsbergi*; and
 - (iii) the Monthly Fine-scale Biological Data Reporting System set out in Conservation Measure 121/XVI shall also apply in the 1997/98 season. For the purposes of Conservation Measure 121/XVI, the target species is *Electronacarlsbergi*, and 'by-catch species' are defined as any cephalopod, crustacean or fish species other than *Electronacarlsbergi*. For the purposes of paragraph 8(ii) of Conservation Measure 121/XVI a representative sample shall be a minimum of 500 fish.

¹ This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

² The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

CONSERVATION MEASURE 126/XVI
Limits on the Crab Fishery in Statistical Subarea 48.3
in the 1997/98 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V:

1. The crab fishery is defined as any commercial harvest activity in which the target species is any member of the crab group (Order Decapoda, Suborder Reptantia).
2. In Statistical Subarea 48.3, the crab fishing season is defined as the period from 8 November 1997 to end of the Commission meeting in 1998, or until the catch limit is reached, whichever is sooner.
3. The crab fishery shall be limited to one vessel per Member.
4. The total catch of crab from Statistical Subarea 48.3 shall be limited to 1 600 tonnes during the 1997/98 crab fishing season.
5. Each vessel participating in the crab fishery in Subarea 48.3 in the 1997/98 season shall have a scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.
6. Each Member intending to participate in the crab fishery shall notify the CCAMLR Secretariat at least three months in advance of starting fishing of the name, type, size, registration number, radio call sign, and research and fishing operations plan of the vessel that the Member has authorised to participate in the crab fishery.
7. All vessels fishing for crab shall report the following data to CCAMLR by 31 August 1998 for crabs caught prior to 31 July 1998:
 - (i) the location, date, depth, fishing effort (number and spacing of pots and soak time), and catch (numbers and weight) of commercially sized crabs (reported on as fine a scale as possible, but no coarser than 0.5° latitude by 1.0° longitude) for each 10-day period;
 - (ii) the species, size, and sex of a representative subsample of crab sampled according to the procedure set out in Annex 126/A (between 35 and 50 crabs shall be sampled every day from the line hauled just prior to noon) and by-catch caught in traps; and
 - (iii) other relevant data, as possible, according to the requirements set out in Annex 126/A.
8. For the purposes of implementing this Conservation Measure, the Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII shall apply.
9. Data on catches taken between 31 July 1998 and 31 August 1998 shall be reported to CCAMLR by 30 September 1998 so that the data will be available to the Working Group on Fish Stock Assessment.
10. Crab fishing gear shall be limited to the use of crab pots (traps). The use of all other methods of catching crabs (e.g., bottom trawls) shall be prohibited.

11. The crab fishery shall be limited to sexually mature male crabs – all female and undersized male crabs caught shall be released unharmed. In the case of *Paralomis spinosissima* and *Paralomis formosa*, males with a minimum carapace width of 102 mm and 90 mm, respectively, may be retained in the catch.
12. Crab processed at sea shall be frozen as crab sections (minimum size of crabs can be determined using crab sections).

ANNEX 126/A

DATA REQUIREMENTS ON THE
CRAB FISHERY IN STATISTICAL SUBAREA 48.3

Catch and Effort Data:

Cruise Descriptions

cruise code, vessel code, permit number, year.

Pot Descriptions

diagrams and other information, including pot shape, dimensions, mesh size, funnel position, aperture and orientation, number of chambers, presence of an escape port.

Effort Descriptions

date, time, latitude and longitude of the start of the set, compass bearing of the set, total number of pots set, spacing of pots on the line, number of pots lost, depth, soak time, bait type.

Catch Descriptions

retained catch in numbers and weight, by-catch of all species (see Table 1), incremental record number for linking with sample information.

Table 1: Data requirements for by-catch species in the crab fishery in Statistical Subarea 48.3.

Species	Data Requirements
<i>Dissostichus eleginoides</i>	Numbers and estimated total weight
<i>Notothenia rossii</i>	Numbers and estimated total weight
Other Species	Estimated total weight

Biological Data:

For these data, crabs are to be sampled from the line hauled just prior to noon, by collecting the entire contents of a number of pots spaced at intervals along the line so that between 35 and 50 specimens are represented in the subsample.

Cruise Descriptions

cruise code, vessel code, permit number.

Sample Descriptions

date, position at start of the set, compass bearing of the set, line number.

Data

species, sex, length of at least 35 individuals, presence/absence of rhizocephalan parasites, record of the destination of the crab (kept, discarded, destroyed), record of the pot number from which the crab comes.

CONSERVATION MEASURE 127/XVI
Prohibition of Directed Fishery on *Gobionotothen gibberifrons*,
Chaenocephalus aceratus, *Pseudochaenichthys georgianus*,
Lepidonotothen squamifrons and *Patagonotothen guntheri*
in Statistical Subarea 48.3 for the 1997/98 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V:

Directed fishing on *Gobionotothen gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*, *Lepidonotothen squamifrons* and *Patagonotothen guntheri* in Statistical Subarea 48.3 is prohibited in the 1997/98 season, defined as the period from 8 November 1997 to the end of the Commission meeting in 1998.

CONSERVATION MEASURE 128/XVI
Catch Limit on *Dissostichus eleginoides* and *Dissostichus mawsoni*
in Statistical Subarea 48.4 for the 1997/98 Season

1. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.4 in the 1997/98 season shall be limited to 28 tonnes.
2. Taking of *Dissostichus mawsoni*, other than for scientific research purposes, is prohibited.
3. For the purposes of the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.4, the 1997/98 fishing season is defined as the period from 1 April to 31 August 1998, or until the catch limit for *Dissostichus eleginoides* in Subarea 48.4 is reached, or until the catch limit for *Dissostichus eleginoides* in Subarea 48.3, as specified in Conservation Measure 124/XVI, is reached, whichever is sooner.
4. Each vessel participating in the *Dissostichus eleginoides* fishery in Statistical Subarea 48.4 in the 1997/98 season shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.
5. For the purpose of implementing this Conservation Measure:
 - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1997/98 season, commencing on 1 April 1998; and
 - (ii) the Monthly Fine-scale Catch and Effort Data Reporting System set out in Conservation Measure 122/XVI shall apply in the 1997/98 season, commencing on 1 April 1998. Data shall be reported on a haul-by-haul basis. For the purposes of Conservation Measure 122/XVI, the target species is *Dissostichus eleginoides*, and 'by-catch species' are defined as any species other than *Dissostichus eleginoides*.
6. Fine-scale biological data, as required under Conservation Measure 121/XVI shall be collected and recorded. Such data shall be reported in accordance with the Scheme of International Scientific Observation.
7. Directed fishing shall be by longlines only. The use of all other methods of directed fishing for *Dissostichus eleginoides* in Statistical Subarea 48.4 shall be prohibited.

CONSERVATION MEASURE 129/XVI
Prohibition of Directed Fishing for *Lepidonotothen squamifrons*
in Statistical Division 58.4.4 (Ob and Lena Banks)

Directed fishing for *Lepidonotothen squamifrons*, other than for scientific research purposes, is prohibited in Statistical Division 58.4.4 from 8 November 1997 until at least such time that a survey of stock biomass is carried out, its results reported to and analysed by the Working Group on Fish Stock Assessment and a decision that the fishery be reopened is made by the Commission based on the advice of the Scientific Committee.

CONSERVATION MEASURE 130/XVI
Fishery for *Champscephalus gunnari* in Statistical Division 58.5.2
in the 1997/98 Fishing Season

1. The total catch for *Champscephalus gunnari* on the Heard Island plateau shall be limited to 900 tonnes in the 1997/98 fishing season.
2. Fishing shall cease if the by-catch of any of the species listed in Conservation Measure 132/XVI (other species) reaches its by-catch limit.
3. For the purposes of this Conservation Measure, the Heard Island plateau is defined as that portion of Statistical Division 58.5.2 that lies within the area bounded by the following limits:
 - (i) starting at the point where the 72°15'E meridian intersects the Australia–France Maritime Delimitation Agreement Boundary southwards to the point 53°25'S:72°15'E;
 - (ii) then eastwards along the parallel of 53°25'S to 74°00'E;
 - (iii) then to the point 52°40'S:76°00'E;
 - (iv) then northwards along the meridian 76°00'E to 52°00'S;
 - (v) then to the point 51°00'S:74°30'E; and
 - (vi) then westwards along the parallel of 51°00'S to connect with the starting point.

A chart illustrating the above definition is appended to this Conservation Measure (Annex 130/A).

4. For the purposes of this fishery on *Champscephalus gunnari*, the 1997/98 fishing season is defined as the period from 8 November 1997 to the end of the Commission meeting in 1998.
5. The catch limit may only be taken by trawling.
6. Where any haul contains more than 100 kg of *Champscephalus gunnari*, and more than 10% of the *Champscephalus gunnari* by number are smaller than 240 mm total length, the fishing vessel shall move to another fishing location at least 5 n miles distant¹. The fishing vessel shall not return to any point within 5 n miles of the location where the catch of small *Champscephalus gunnari* exceeded 10% for a period of at least five days². The location where the catch of small *Champscephalus gunnari* exceeded 10% is defined as

the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

7. Each vessel participating in the fishery shall have at least one scientific observer, and include, if available, one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities.
8. Each vessel operating in the *Champscephalus gunnari* fishery in Statistical Division 58.5.2 shall have a VMS³ at all times.
9. A ten-day catch and effort reporting system shall be implemented:
 - (i) for the purposes of implementing this system, the calendar month shall be divided into three reporting periods, viz: day 1 to day 10, day 11 to day 20 and day 21 to the last day of the month. The reporting periods are hereafter referred to as periods A, B and C;
 - (ii) at the end of each reporting period, each Contracting Party participating in the fishery shall obtain from each of its vessels its total catch and total days and hours fished for that period and shall, by cable, telex, facsimile or electronic transmission, transmit the aggregated catch and days and hours fished for its vessels so as to reach the Executive Secretary no later than the end of the next reporting period;
 - (iii) a report must be submitted by every Contracting Party taking part in the fishery for each reporting period for the duration of the fishery, even if no catches are taken;
 - (iv) the catch of *Champscephalus gunnari* and of all by-catch species must be reported;
 - (v) such reports shall specify the month and reporting period (A, B and C) to which each report refers;
 - (vi) immediately after the deadline has passed for receipt of the reports for each period, the Executive Secretary shall notify all Contracting Parties engaged in fishing activities in the division of the total catch taken during the reporting period and the total aggregate catch for the season to date; and
 - (vii) at the end of every three reporting periods, the Executive Secretary shall inform all Contracting Parties of the total catch taken during the three most recent reporting periods and the total aggregate catch for the season to date.
10. A fine-scale effort and biological data reporting system shall be implemented:
 - (i) the scientific observer(s) aboard each vessel shall collect the data required to complete the CCAMLR fine-scale catch and effort data form C1, latest version. These data shall be submitted to the CCAMLR Secretariat not later than one month after the vessel returns to port;
 - (ii) the catch of *Champscephalus gunnari* and all by-catch species must be reported;
 - (iii) the numbers of seabirds and marine mammals of each species caught and released or killed must be reported;
 - (iv) the scientific observers(s) aboard each vessel shall collect data on the length composition from representative samples of *Champscephalus gunnari* and by-catch species:

- (a) length measurements shall be to the nearest centimetre below; and
 - (b) representative samples of length composition shall be taken from each fine-scale grid rectangle (0.5° latitude by 1° longitude) fished in each calendar month; and
 - (v) the above data shall be submitted to the CCAMLR Secretariat not later than one month after the vessel returns to port.
11. If, in the course of the directed fishery for *Champscephalus gunnari*, the by-catch in any one haul of any one of the species *Notothenia rossii*, *Lepidonotothen squamifrons*, *Channichthys rhinoceratus* or *Bathyraja* spp. either,
- is greater than 100 kg and exceeds 5% of the total catch of all fish by weight, or,
 - is equal to, or greater than 2 tonnes, then

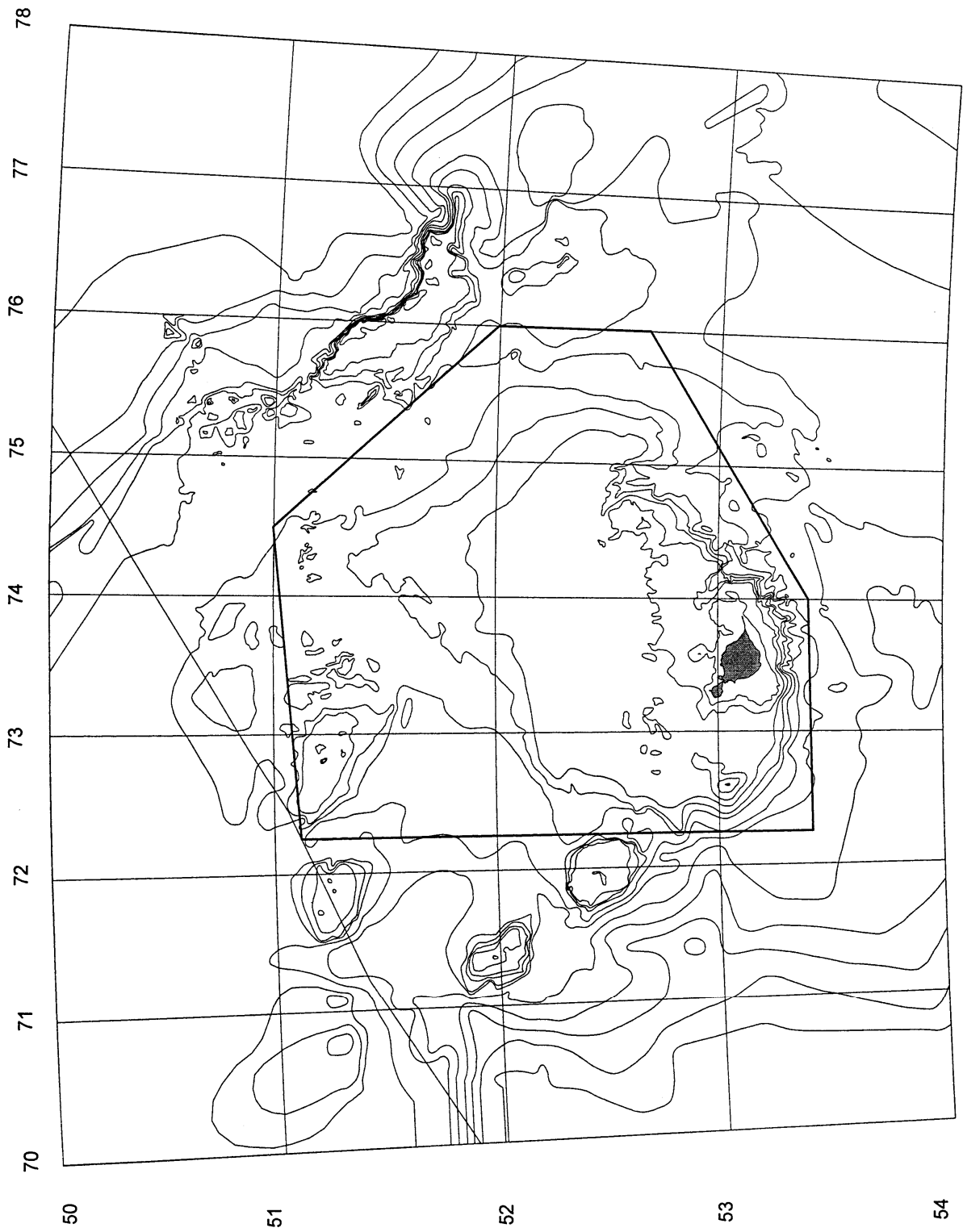
the fishing vessel shall move to another fishing location at least 5 n miles distant¹. The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch exceeded 5% for a period of at least five days². The location where the by-catch exceeded 5% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

¹ This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

² The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

³ As described in Resolution 12/XVI

CHART OF THE HEARD ISLAND PLATEAU



CONSERVATION MEASURE 131/XVI
Precautionary Catch Limits on the Fishery for *Dissostichus eleginoides*
in Statistical Division 58.5.2 for the 1997/98 Season

1. The total catch of *Dissostichus eleginoides* in Statistical Division 58.5.2 in the 1997/98 season shall be limited to 3 700 tonnes.
2. For the purposes of this Conservation Measure the 1997/98 season is defined as the period from 8 November 1997 to the end of the Commission meeting in 1998.
3. Fishing shall cease if the by-catch of any of the species listed in Conservation Measure 132/XVI reaches its by-catch limit.
4. The catch limit may only be taken by trawling.
5. Each vessel participating in the *Dissostichus eleginoides* fishery in Statistical Division 58.5.2 shall have at least one scientific observer and, if available, one appointed in accordance with the CCAMLR Scheme of International Scientific Observation on board throughout all fishing activities.
6. Each vessel operating in the *Dissostichus eleginoides* fishery in Statistical Division 58.5.2 shall have a VMS¹ at all times.
7. A ten-day catch and effort reporting system shall be implemented:
 - (i) for the purpose of implementing this system, the calendar month shall be divided into three reporting periods viz: day 1 to day 10, day 11 to day 20, day 21 to the last day of the month. These reporting periods are hereinafter referred to as periods A, B and C;
 - (ii) at the end of each reporting period, each Contracting Party participating in the fishery shall obtain from each of its vessels its total catch and total days and hours fished for the period and shall, by electronic transmission, cable, telex or facsimile, transmit the aggregated catch and days and hours fished for its vessels so as to reach the Executive Secretary not later than the end of the next reporting period;
 - (iii) a report must be submitted by every Contracting Party taking part in the fishery for each reporting period for the duration of the fishery, even if no catches are taken;
 - (iv) the catch of *Dissostichus eleginoides* and by-catch species must be reported;
 - (v) such reports will specify the month and reporting period (A, B and C) to which each report refers;
 - (vi) immediately after the deadline has passed for receipt of the reports for each period, the Executive Secretary shall notify all Contracting Parties engaged in fishing activities in the division of the total catch taken during the reporting period and the total aggregate catch for the season to date; and
 - (vii) at the end of every three reporting periods, the Executive Secretary shall inform all Contracting Parties of the total catch taken during the three most recent reporting periods and the total aggregate catch for the season to date.

8. A fine-scale effort and biological data reporting system shall be implemented:
- (i) the scientific observer(s) aboard each vessel shall collect the data required to complete the CCAMLR fine-scale catch and effort data form C1, latest version. These data shall be submitted to the CCAMLR Secretariat not later than one month after the vessel returns to port;
 - (ii) the catch of *Dissostichus eleginoides* and all by-catch species must be reported;
 - (iii) the numbers of seabirds and marine mammals of each species caught and released or killed must be reported;
 - (iv) the scientific observer(s) aboard each vessel shall collect data on the length composition from representative samples of *Dissostichus eleginoides* and by-catch species:
 - (a) length measurements shall be to the nearest centimetre below; and
 - (b) representative samples of length composition shall be taken from each fine-scale grid rectangle (0.5° latitude by 1° longitude) fished in each calendar month.

The above data shall be submitted to the CCAMLR Secretariat not later than one month after the vessel returns to port.

9. If in the course of a directed fishery for *Dissostichus eleginoides*, the by-catch in any one haul of the species *Lepidonotothen squamifrons*, *Notothenia rossii*, *Channichthys rhinoceratus* or *Bathyraja* spp. either,
- (i) is greater than 100 kg and exceeds 5% of the total catch of fish species by weight, or,
 - (ii) is equal to, or greater than 2 tonnes, then

the fishing vessel shall move to another fishing location at least 5 n miles distant². The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch exceeded 5% for a period of at least five days³. The location where the by-catch exceeded 5% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

10. The total number and weight of *Dissostichus eleginoides* discarded, including those with the jellymeat condition, shall be reported. These fish will count towards the total allowable catch.

¹ As described in Resolution 12/XVI

² This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

³ The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

CONSERVATION MEASURE 132/XVI

Limitation of the Catch of *Lepidonotothen squamifrons*, *Notothenia rossii*, *Channichthys rhinoceratus* and *Bathyraja* spp. and Other Species in Statistical Division 58.5.2 in the 1997/98 Fishing Season

1. There shall be no directed fishing for *Lepidonotothen squamifrons*, *Notothenia rossii*, *Channichthys rhinoceratus* or *Bathyraja* spp. in Statistical Division 58.5.2 in the 1997/98 fishing season.
2. In directed fisheries in Statistical Division 58.5.2 in the 1997/98 fishing season, the by-catch of *Lepidonotothen squamifrons* shall not exceed 325 tonnes; the by-catch of *Channichthys rhinoceratus* shall not exceed 80 tonnes; and the by-catch of *Bathyraja* spp. shall not exceed 120 tonnes.
3. The by-catch of any fish species not mentioned in paragraph 2, and for which there is no other catch limit in force, shall not exceed 50 tonnes in Statistical Division 58.5.2.

CONSERVATION MEASURE 133/XVI^{1,2}

General Measures for New and Exploratory Longline Fisheries for *Dissostichus* spp. in the Convention Area for the 1997/98 Season

The Commission,

Noting the need for the distribution of fishing effort and appropriate catch levels in fine-scale rectangles³ in these new fisheries,

adopts the following Conservation Measure:

1. Fishing should take place over as large a geographical and bathymetric range as possible to obtain the information necessary to determine fishery potential and to avoid over-concentration of catch and effort. To this end, fishing in any fine-scale rectangle shall cease when the reported catch reaches 100 tonnes and that rectangle shall be closed to fishing for the remainder of the season. Fishing in any fine-scale rectangle shall be restricted to one vessel at any one time.
2. In order to give effect to paragraph 1 above:
 - (i) the precise geographic position of the mid-point between the start and end of the longline shall be determined using appropriate means;
 - (ii) catch and effort information for each species by fine-scale rectangle shall be reported to the Executive Secretary every five days using the Five-Day Catch and Effort Reporting System set out in Conservation Measure 51/XII; and
 - (iii) the Secretariat shall notify Contracting Parties participating in these fisheries when the total longline catch for *Dissostichus eleginoides* and *Dissostichus mawsoni* combined in any fine-scale rectangle exceeds 100 tonnes.
3. The by-catch of any species in the new and exploratory fisheries other than *Dissostichus* spp. in the Statistical Subareas and Divisions concerned shall be limited to 50 tonnes.
4. The total number and weight of *Dissostichus eleginoides* and *Dissostichus mawsoni* discarded, including those with the 'jellymeat' condition, shall be reported.

- 5². Each vessel participating in the new and exploratory fisheries for *Dissostichus* spp. during the 1997/98 season shall have on board at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, throughout all fishing activities within the fishing season.
6. The data collection plan (Annex 133/A) shall be implemented. Data collected pursuant to the plan for the period up to 31 August 1998 shall be reported to CCAMLR by 30 September 1998 so that the data will be available to the 1998 meeting of the Working Group on Fish Stock Assessment. Such data taken after 31 August shall be reported to CCAMLR not later than three months after the closure of the fishery.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands.

² Except for waters adjacent to the Prince Edward Islands.

³ A fine-scale rectangle is defined as an area of 0.5° latitude by 1° longitude with respect to the northwest corner of the Statistical Subarea or Division. The identification of each rectangle is by the latitude of its northernmost boundary and the longitude of the boundary closest to 0°.

ANNEX 133/A

DATA COLLECTION PLAN FOR NEW AND EXPLORATORY LONGLINE FISHERIES

1. All vessels will comply with conditions set by CCAMLR. These include five-day catch and effort reporting system (Conservation Measure 51/XII) and monthly fine-scale effort and biological data reporting system (Conservation Measures 121/XVI and 122/XVI) will be followed.
2. All data required by the CCAMLR *Scientific Observers Manual* for finfish fisheries will be collected. These include:
 - (i) haul-by-haul catch and catch per effort by species;
 - (ii) haul-by-haul length frequency of common species;
 - (iii) sex and gonad state of common species;
 - (iv) diet and stomach fullness;
 - (v) scales and/or otoliths for age determination;
 - (vi) by-catch of fish and other organisms; and
 - (vii) observation on occurrence and incidental mortality of seabirds and mammals in relation to fishing operations.
3. Data specific to longline fisheries will be collected. These include:
 - (i) number of fish lost at surface;
 - (ii) number of hooks set;
 - (iii) bait type;
 - (iv) baiting success (%);
 - (v) hook type;
 - (vi) setting, soak, and hauling times;
 - (vii) sea depth at each end of line on hauling; and
 - (viii) bottom type.

CONSERVATION MEASURE 134/XVI
New Fishery for *Dissostichus eleginoides* and *Dissostichus mawsoni*
in Statistical Subarea 48.1 in the 1997/98 Season

The Commission,

Welcoming the notification of Chile of its intention to conduct a new fishery in Statistical Subarea 48.1 for *Dissostichus eleginoides* and *Dissostichus mawsoni* in the 1997/98 season,

adopts the following Conservation Measure in accordance with Conservation Measure 31/X:

1. Fishing for *Dissostichus eleginoides* and *Dissostichus mawsoni* in Statistical Subarea 48.1 shall be limited to the new fishery by Chile. The fishery shall be conducted by Chilean flagged vessels using longlining only.
2. The precautionary catch for Subarea 48.1 shall be limited to 1 863 tonnes of *Dissostichus* spp. north of 65°S and 94 tonnes of *Dissostichus* spp. south of 65°S. In the event that these limits are reached, the fishery shall be closed.
3. For the purpose of this new fishery, the fishing season is defined as the period from 1 April until 31 August 1998¹.
4. The directed fishery for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 133/XVI.
5. Each vessel participating in the new fishery will be required to operate a VMS² at all times.

¹ However, a first prospective cruise will be carried out between 15 February and 31 March 1998.

² As described in Resolution 12/XVI

CONSERVATION MEASURE 135/XVI
New Fishery for *Dissostichus eleginoides* and *Dissostichus mawsoni*
in Statistical Subarea 48.2 in the 1997/98 Season

The Commission,

Welcoming the notification of Chile of its intention to conduct a new fishery in Statistical Subarea 48.2 for *Dissostichus eleginoides* and *Dissostichus mawsoni* in the 1997/98 season,

adopts the following Conservation Measure in accordance with Conservation Measure 31/X:

1. Fishing for *Dissostichus eleginoides* and *Dissostichus mawsoni* in Statistical Subarea 48.2 shall be limited to the new fishery by Chile. The fishery shall be conducted by Chilean flagged vessels using longlining only.
2. The precautionary catch for Subarea 48.2 shall be limited to 429 tonnes of *Dissostichus* spp. north of 60°S and 972 tonnes of *Dissostichus* spp. south of 60°S. In the event that these limits are reached, the fishery shall be closed.
3. For the purpose of this new fishery, the fishing season is defined as the period from 1 April until 31 August 1998¹.

4. The directed fishery for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 133/XVI.
5. Each vessel participating in the new fishery will be required to operate a VMS² at all times.

¹ However, a first prospective cruise will be carried out between 15 February and 31 March 1998.

² As described in Resolution 12/XVI

CONSERVATION MEASURE 136/XVI
New Fisheries for *Dissostichus eleginoides* and *Dissostichus mawsoni*
in Statistical Subarea 48.6 in the 1997/98 Season

The Commission,

Welcoming the notification of Norway and South Africa of their intention to conduct new fisheries in Statistical Subarea 48.6 for *Dissostichus eleginoides* and *Dissostichus mawsoni* in the 1997/98 season,

adopts the following Conservation Measure in accordance with Conservation Measure 31/X:

1. Fishing for *Dissostichus eleginoides* and *Dissostichus mawsoni* in Statistical Subarea 48.6 shall be limited to the new fisheries by Norway and South Africa. The fisheries shall be conducted by Norwegian and South African flagged vessels using longlining only.
2. The precautionary catch for Subarea 48.6 shall be limited to 888 tonnes of *Dissostichus* spp. north of 65°S and 648 tonnes of *Dissostichus* spp. south of 65°S. In the event that these limits are reached, the fisheries shall be closed.
3. For the purpose of these new fisheries, the fishing season to the north of 60°S is defined as the period from 1 March until 31 August 1998. The fishing season south of 60°S is defined as the period from 15 February until 15 October 1998.
4. The directed fisheries for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 133/XVI.
5. Each vessel participating in the new fisheries will be required to operate a VMS¹ at all times.

¹ As described in Resolution 12/XVI

CONSERVATION MEASURE 137/XVI
New Longline Fishery for *Dissostichus eleginoides* and *Dissostichus mawsoni*
in Statistical Division 58.4.3 in the 1997/98 Season

The Commission,

Welcoming the notification of South Africa of its intention to conduct a new longline fishery in Statistical Division 58.4.3 for *Dissostichus eleginoides* and *Dissostichus mawsoni* in the 1997/98 season,

adopts the following Conservation Measure in accordance with Conservation Measure 31/X:

1. Fishing for *Dissostichus eleginoides* and *Dissostichus mawsoni* in Statistical Division 58.4.3 shall be limited to the new fishery by South Africa. The fishery shall be conducted by South African flagged vessels using longlining only.
2. The precautionary catch for Division 58.4.3 shall be limited to 1 782 tonnes of *Dissostichus* spp. north of 60°S, to be taken by longline. In the event that this limit is reached, the longline fishery shall be closed.
3. For the purpose of this new longline fishery, the fishing season is defined as the period from 1 April until 31 August 1998.
4. The directed longline fishery for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 133/XVI.
5. Each vessel participating in the new longline fishery will be required to operate a VMS¹ at all times.

¹ As described in Resolution 12/XVI

CONSERVATION MEASURE 138/XVI¹
 New Fisheries for *Dissostichus eleginoides* in
 Statistical Division 58.4.4 in the 1997/98 Season

The Commission,

Welcoming the notification of South Africa and Ukraine of their intention to conduct new fisheries in Statistical Division 58.4.4 for *Dissostichus eleginoides* in the 1997/98 season,

adopts the following Conservation Measure in accordance with Conservation Measure 31/X:

1. Fishing for *Dissostichus eleginoides* in Statistical Division 58.4.4 shall be limited to the new fisheries by South Africa and Ukraine. The fisheries shall be conducted by South African and Ukrainian flagged vessels using longlining only.
2. The precautionary catch for Division 58.4.4 shall be limited to 580 tonnes of *Dissostichus* spp. north of 60°S, to be taken by longline. In the event that this limit is reached, the fisheries shall be closed.
3. For the purpose of these new fisheries, the fishing season is defined as the period from 1 April until 31 August 1998.
4. The directed fisheries for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 133/XVI.

¹ Except for waters adjacent to the Prince Edward Islands

CONSERVATION MEASURE 139/XVI
 New Fishery for *Dissostichus eleginoides* and *Dissostichus mawsoni*
 in Statistical Subarea 88.2 in the 1997/98 Season

The Commission,

Welcoming the notification of New Zealand of its intention to conduct a new fishery in Statistical Subarea 88.2 for *Dissostichus eleginoides* and *Dissostichus mawsoni* in the 1997/98 season,

adopts the following Conservation Measure in accordance with Conservation Measure 31/X:

1. Fishing for *Dissostichus eleginoides* and *Dissostichus mawsoni* in Statistical Subarea 88.2 shall be limited to the new fishery by New Zealand. The fishery shall be conducted by New Zealand flagged vessels using longlining only.
2. The precautionary catch for Subarea 88.2 shall be limited to 25 tonnes of *Dissostichus* spp. north of 65°S and 38 tonnes of *Dissostichus* spp. south of 65°S. In the event that these limits are reached, the fishery shall be closed.
3. For the purpose of this new fishery, the fishing season is defined as the period from 15 February until 31 August 1998.
4. The directed fishery for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 133/XVI.
5. Each vessel participating in the new fishery will be required to operate a VMS¹ at all times.

¹ As described in Resolution 12/XVI

CONSERVATION MEASURE 140/XVI
New Fishery for *Dissostichus eleginoides* and *Dissostichus mawsoni*
in Statistical Subarea 88.3 in the 1997/98 Season

The Commission,

Welcoming the notification of Chile of its intention to conduct a new fishery in Statistical Subarea 88.3 for *Dissostichus eleginoides* and *Dissostichus mawsoni* in the 1997/98 season,

adopts the following Conservation Measure in accordance with Conservation Measure 31/X:

1. Fishing for *Dissostichus eleginoides* and *Dissostichus mawsoni* in Statistical Subarea 88.3 shall be limited to the new fishery by Chile. The fishery shall be conducted by Chilean flagged vessels using longlining only.
2. The precautionary catch for Subarea 88.3 shall be limited to 455 tonnes of *Dissostichus* spp. south of 65°S. In the event that this limit is reached, the fishery shall be closed.
3. For the purpose of this new fishery, the fishing season is defined as the period from 15 February until 31 October 1998¹.
4. The directed fishery for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 133/XVI.
5. Each vessel participating in the new fishery will be required to operate a VMS² at all times.

¹ A first prospective cruise will be carried out between 15 February and 31 March 1998.

² As described in Resolution 12/XVI

CONSERVATION MEASURE 141/XVI^{1,2}
Exploratory Fisheries for *Dissostichus eleginoides*
in Statistical Subarea 58.6 in the 1997/98 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 65/XII:

1. Fishing for *Dissostichus eleginoides* in Statistical Subarea 58.6 shall be limited to the exploratory fisheries by Russia, South Africa and Ukraine. The fisheries shall be conducted by no more than two flagged vessels of each of these Contracting Parties using longlining only.
2. The precautionary catch limit for these exploratory fisheries in Statistical Subarea 58.6 shall be limited to 658 tonnes of *Dissostichus eleginoides*. In the event that the catch by these vessels reaches the catch limit, the fisheries shall be closed.
3. For the purpose of these exploratory fisheries, the fishing season is defined as the period from 1 April until 31 August 1998.
4. The directed fisheries for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 133/XVI.

¹ Except for waters adjacent to the Crozet Islands

² Except for waters adjacent to the Prince Edward Islands

CONSERVATION MEASURE 142/XVI¹
Exploratory Fisheries for *Dissostichus eleginoides*
in Statistical Subarea 58.7 in the 1997/98 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 65/XII:

1. Fishing for *Dissostichus eleginoides* in Statistical Subarea 58.7 shall be limited to the exploratory fisheries by Russia, South Africa and Ukraine. The fisheries shall be conducted by one flagged vessel of each of these Contracting Parties using longlining only.
2. The precautionary catch limit for these exploratory fisheries in Statistical Subarea 58.7 shall be limited to 312 tonnes of *Dissostichus eleginoides*. In the event that the catch by these vessels reaches the catch limit, the fisheries shall be closed.
3. For the purpose of these exploratory fisheries, the fishing season is defined as the period from 1 April until 31 August 1998.
4. The directed fisheries for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 133/XVI.

¹ Except for waters adjacent to the Prince Edward Islands

CONSERVATION MEASURE 143/XVI

Exploratory Fishery for *Dissostichus eleginoides* and *Dissostichus mawsoni*
in Statistical Subarea 88.1 in the 1997/98 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 65/XII:

1. Fishing for *Dissostichus eleginoides* and *Dissostichus mawsoni* in Statistical Subarea 88.1 shall be limited to the exploratory fishery by New Zealand. The fishery shall be conducted by New Zealand flagged vessels using longlining only.
2. The precautionary catch for Subarea 88.1 shall be limited to 338 tonnes of *Dissostichus* spp. north of 65°S and 1 172 tonnes of *Dissostichus* spp. south of 65°S. In the event that these limits are reached, the fishery shall be closed.
3. For the purpose of this exploratory fishery, the fishing season is defined as the period from 15 February until 31 August 1998.
4. The directed fishery for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 133/XVI.
5. Each vessel participating in the exploratory fishery will be required to operate a VMS¹ at all times.

¹ As described in Resolution 12/XVI

CONSERVATION MEASURE 144/XVI

Exploratory Fishery for *Dissostichus* spp. taken by the Trawl Method
in Statistical Division 58.4.3 in the 1997/98 Season

The Commission hereby adopts the following Conservation measure in accordance with Conservation Measure 65/XII:

1. Fishing for *Dissostichus* spp. by trawl in Statistical Division 58.4.3 north of 60°S shall be limited to the exploratory fishery by Australian flagged vessels only. The total catch of *Dissostichus* spp. in the 1997/98 season shall not exceed 963 tonnes taken by the trawl method.
2. For the purposes of this Conservation Measure the 1997/98 season is defined as the period from 8 November 1997 to the end of the Commission meeting in 1998 or until the catch limit is reached, whichever is the sooner.
3. Each vessel participating in the exploratory fishery for *Dissostichus* spp. in Statistical Division 58.4.3 shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation on board throughout all fishing activities within the Division.
4. Each vessel operating in the exploratory fishery for *Dissostichus* spp. in Statistical Division 58.4.3 shall have a VMS¹ at all times.
5. For the purpose of implementing this Conservation Measure:
 - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply; and

- (ii) the monthly fine-scale biological data, as required under Conservation Measure 121/XVI, shall be recorded and reported in accordance with the System of International Scientific Observation.
6. If in the course of a directed fishery for *Dissostichus* spp., the by-catch in any one haul of the species *Lepidonotothen squamifrons*, *Notothenia rossii*, *Channichthys rhinoceratus* or *Bathyraja* spp. either,
- (i) is greater than 100 kg and exceeds 5% of the total catch of fish species by weight; or,
 - (ii) is equal to, or greater than 2 tonnes, then
- the fishing vessel shall move to another fishing location at least 5 n miles distant². The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch exceeded 5% for a period of at least five days³. The location where the by-catch exceeded 5% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.
7. The total number and weight of *Dissostichus* spp. discarded, including those with the jellymeat condition, shall be reported. These fish will count towards the total allowable catch.
8. The data collection plan in Annex 144/A will be implemented and the results reported to CCAMLR not later than three months after the closure of the fishery.

¹ As described in Resolution 12/XVI

² This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

³ The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

ANNEX 144/A

RESEARCH AND FISHERY OPERATIONS PLAN

During the early stages of exploratory fishing on the Elan and BANZARE Banks, subject to the catch limits set by CCAMLR, Australian vessels will conduct a trawl survey to assess the biomass of commercially important species on each of the banks down to 1 500 m depth. Exploration and surveys might not occur on both banks in the same season, but commercial exploration will not occur unless a survey is conducted at the same time. The survey, once commenced, will be completed in as short a time period as possible.

The survey on each bank will comprise 40 hauls at randomly chosen positions. Because the suitability of the bottom on these banks for fishing is not well known, and even the positions of some parts of the banks are not precisely known, it is likely that a high proportion of the sites will be unsuitable for trawling. To make the survey as practicable as possible, the ground shallower than 1 500 m on each bank has been divided into just over 40 squares, each of 15 n miles square for Elan Bank and 25 n miles square for BANZARE Bank (Figures 1 and 2). Within each square, five randomly chosen trawling positions have been nominated (Tables 1 and 2), and the vessel will trawl at one of the five positions in each square. If no nominated trawl position in a square is suitable, then that square will be abandoned. More accurate charts of these areas will be available soon, and it may be necessary alter the positions of the sampling squares.

PERMIT CONDITIONS AND DATA COLLECTION PLAN

The vessels will comply with all express and implied conditions set by CCAMLR. General conditions include 120 mm minimum mesh size (Conservation Measure 2/III), and no net monitor cables to be used (Conservation Measure 30/X). The five-day catch and effort reporting system (Conservation Measure 51/XII) and the monthly effort and biological data reporting required by Conservation Measures 121/XVI and 122/XVI will also apply in Division 58.4.3.

In addition to conditions set by CCAMLR, the Australian Fisheries Management Authority (AFMA) will require that the vessels carry an operating VMS which will enable AFMA to know their position at all times. An inspector/scientific observer will also be aboard all vessels at all times to monitor activities and catches and to collect biological data.

The following data and material will be collected from both the survey and commercial fishing operations, as required by the CCAMLR *Scientific Observers Manual* for finfish fisheries:

- (i) haul-by-haul catch and catch per effort by species;
- (ii) haul-by-haul length frequency of common species;
- (iii) sex and gonad state of common species;
- (iv) diet and stomach fullness;
- (v) scales and/or otoliths for age determination;
- (vi) by-catch of fish and other organisms; and
- (vii) observations on the occurrence of seabirds and mammals in relation to fishing operations, and details of any incidental mortality of these animals.

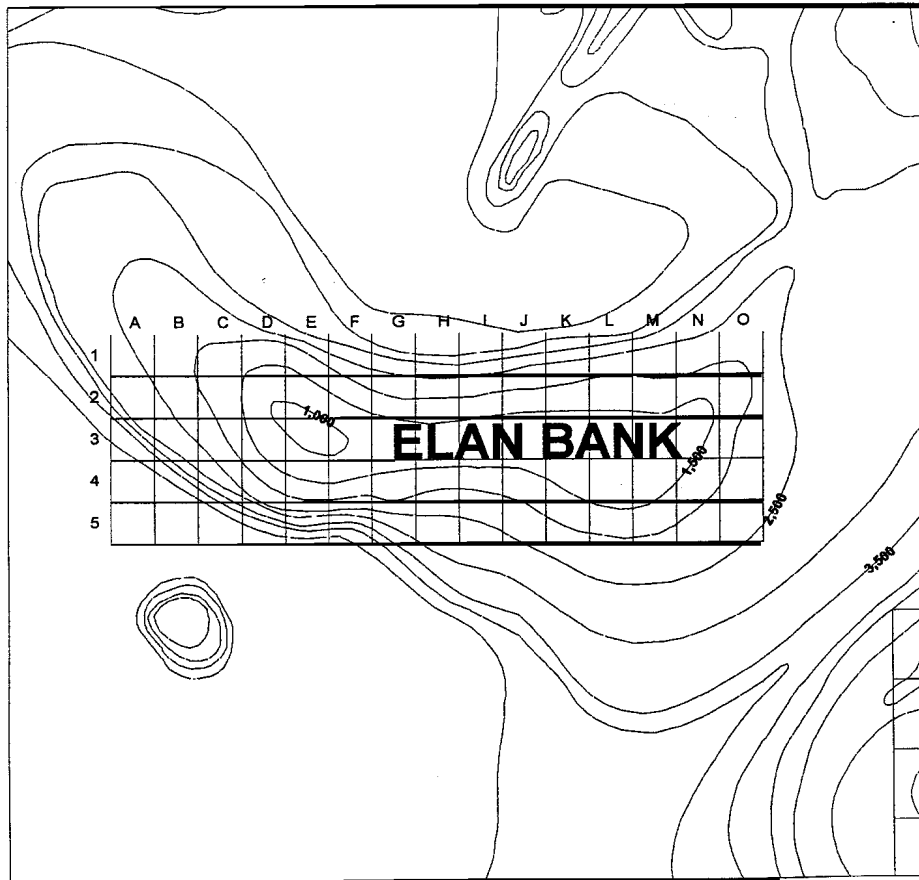


Figure 1: Chart of the Elan Bank area, showing the location and numbering system of the 15 n mile sampling squares.

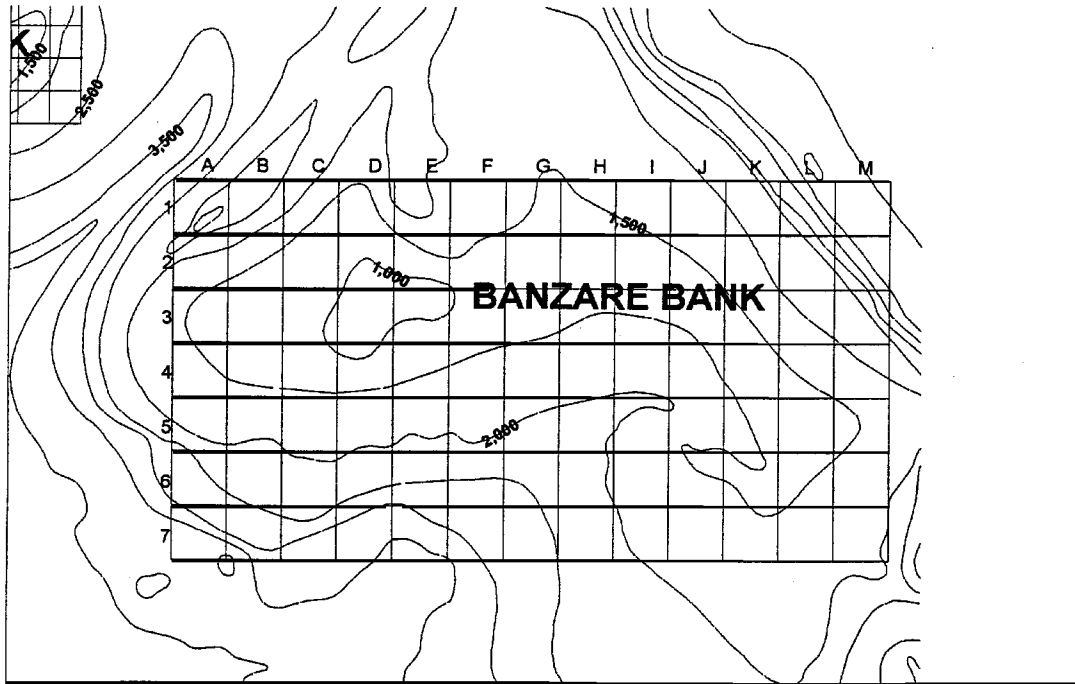


Figure 2: Chart of the BANZARE Bank area, showing the location and numbering system of the 25 n mile sampling squares.

Table 1: List of random trawl stations for Elan Bank. Square grid locations are shown on Figure 1.

Square Grid Locations	First Station	Second Station	Third Station	Fourth Station	Fifth Station
A1	S56 24.55:E065 55.28	S56 21.12:E066 3.82	S56 17.66:E065 50.32	S56 14.65:E066 4.36	S56 26.73:E066 5.89
A2	S56 30.88:E065 50.84	S56 38.82:E066 1.89	S56 41.46:E065 44.57	S56 31.88:E066 4.77	S56 41.86:E066 9.47
A3	S56 43.80:E065 59.38	S56 47.81:E066 10.68	S56 55.20:E066 9.21	S56 56.51:E065 56.59	S56 43.96:E065 47.81
A4	S57 1.86:E065 50.20	S57 11.73:E066 10.04	S57 4.77:E066 2.05	S57 8.51:E065 55.01	S56 57.71:E066 3.60
B1	S56 19.77:E066 24.88	S56 24.48:E066 23.68	S56 27.58:E066 11.59	S56 15.71:E066 14.24	S56 15.57:E066 32.45
B2	S56 32.59:E066 26.48	S56 41.04:E066 33.01	S56 41.31:E066 15.90	S56 36.50:E066 12.88	S56 31.14:E066 16.33
B3	S56 57.24:E066 30.36	S56 56.25:E066 15.73	S56 51.16:E066 25.84	S56 48.05:E066 15.76	S56 43.91:E066 26.87
B4	S57 8.66:E066 31.75	S57 10.15:E066 18.07	S56 57.75:E066 36.28	S56 58.71:E066 11.59	S57 3.86:E066 22.46
C1	S56 13.43:E066 43.93	S56 14.03:E066 51.00	S56 20.12:E066 47.04	S56 20.73:E067 2.48	S56 25.59:E066 56.10
C2	S56 28.07:E066 46.62	S56 33.00:E067 5.98	S56 37.80:E066 55.92	S56 40.03:E067 4.47	S56 38.39:E066 41.83
C3	S56 42.86:E066 59.98	S56 48.13:E066 39.05	S56 53.97:E066 45.39	S56 48.01:E066 56.59	S56 57.31:E067 2.60
C4	S56 59.31:E067 3.75	S57 9.51:E066 59.68	S57 7.15:E066 41.78	S57 12.46:E066 38.81	S57 1.67:E066 49.23
D1	S56 17.42:E067 25.10	S56 22.14:E067 12.51	S56 12.84:E067 21.12	S56 23.03:E067 22.84	S56 13.68:E067 10.66
D2	S56 32.16:E067 7.69	S56 33.54:E067 26.84	S56 37.29:E067 11.22	S56 27.87:E067 28.71	S56 38.10:E067 20.66
D3	S56 50.27:E067 28.99	S56 46.18:E067 12.53	S56 42.89:E067 26.35	S56 56.10:E067 7.64	S56 57.46:E067 31.84
D4	S57 11.71:E067 31.52	S57 11.31:E067 10.26	S57 11.92:E067 20.28	S57 1.14:E067 29.01	S57 1.82:E067 15.79
E1	S56 17.94:E067 47.43	S56 21.58:E067 35.71	S56 22.18:E067 53.91	S56 26.71:E067 43.50	S56 14.81:E067 36.87
E2	S56 34.13:E067 33.41	S56 39.36:E067 43.38	S56 27.69:E067 52.77	S56 27.87:E067 42.28	S56 33.46:E067 44.98
E3	S56 52.19:E067 51.62	S56 48.28:E067 42.73	S56 56.95:E067 57.64	S56 45.39:E067 55.36	S56 55.34:E067 42.67
E4	S57 10.30:E067 45.79	S57 0.91:E067 55.70	S57 6.08:E067 39.83	S57 8.91:E067 59.13	S57 4.51:E067 48.72
F2	S56 31.79:E068 19.54	S56 29.77:E068 7.02	S56 42.14:E068 19.35	S56 39.69:E068 27.72	S56 42.53:E068 2.68
F3	S56 49.85:E068 10.15	S56 53.68:E068 6.36	S56 50.13:E068 26.41	S56 42.67:E068 27.43	S56 44.87:E068 18.07
F4	S57 1.32:E068 15.10	S57 11.30:E068 22.33	S57 5.48:E068 21.23	S56 58.09:E068 24.18	S57 9.65:E068 7.07

Table 1 (continued)

Square Grid Locations	First Station	Second Station	Third Station	Fourth Station	Fifth Station
G3	S56 52.75:E068 44.92	S56 51.43:E068 47.19	S56 43.84:E068 55.14	S56 43.63:E068 40.01	S56 49.36:E068 34.34
G4	S57 9.15:E068 45.12	S57 9.09:E068 54.03	S57 10.80:E068 34.27	S57 0.20:E068 46.70	S57 5.54:E068 38.71
H3	S56 55.61:E069 16.27	S56 45.47:E069 14.63	S56 51.20:E068 57.49	S56 50.62:E069 17.28	S56 43.85:E068 57.67
H4	S57 3.55:E068 58.58	S57 5.71:E069 18.97	S56 59.69:E069 9.34	S57 10.24:E069 7.86	S57 11.67:E069 18.29
I3	S56 54.98:E069 28.76	S56 45.85:E069 44.25	S56 52.47:E069 40.74	S56 47.59:E069 33.11	S56 49.09:E069 23.90
I4	S56 58.09:E069 22.93	S56 58.48:E069 29.63	S57 5.01:E069 28.52	S57 2.20:E069 40.34	S57 6.80:E069 44.71
J2	S56 41.22:E070 12.99	S56 37.35:E070 5.22	S56 28.16:E070 6.82	S56 37.77:E069 50.54	S56 42.32:E069 57.38
J3	S56 44.29:E070 3.81	S56 46.26:E070 4.58	S56 48.97:E070 16.73	S56 53.70:E069 59.62	S56 49.47:E069 50.61
J4	S57 7.43:E070 0.43	S57 6.37:E070 8.17	S56 57.71:E070 14.28	S57 0.09:E069 55.88	S57 11.12:E070 13.28
K2	S56 35.56:E070 23.01	S56 30.25:E070 43.89	S56 38.08:E070 32.86	S56 28.40:E070 21.44	S56 42.07:E070 23.07
K3	S56 48.69:E070 18.37	S56 54.12:E070 24.61	S56 44.02:E070 36.35	S56 54.77:E070 38.90	S56 49.46:E070 39.43
K4	S57 3.49:E070 31.74	S57 9.24:E070 25.28	S56 57.79:E070 28.55	S57 11.43:E070 44.95	S57 0.18:E070 18.83
L2	S56 41.58:E070 52.32	S56 40.63:E071 10.52	S56 28.96:E071 11.74	S56 37.49:E070 46.66	S56 37.42:E071 2.33
L3	S56 43.03:E070 56.09	S56 47.01:E071 3.54	S56 51.73:E070 55.05	S56 56.84:E070 47.53	S56 55.15:E071 4.23
L4	S56 59.49:E070 59.86	S57 8.39:E070 56.57	S57 1.20:E070 48.39	S57 5.07:E071 8.73	S57 9.40:E070 45.68
L5	S57 25.96:E071 4.82	S57 26.01:E071 12.54	S57 16.56:E071 10.81	S57 16.14:E070 58.26	S57 19.40:E070 50.56
M2	S56 30.47:E071 26.49	S56 41.30:E071 32.08	S56 36.42:E071 24.09	S56 38.61:E071 14.23	S56 28.57:E071 16.97
M3	S56 51.90:E071 29.02	S56 51.44:E071 29.81	S56 43.59:E071 21.03	S56 57.22:E071 38.90	S56 55.56:E071 19.31
M4	S57 8.41:E071 36.19	S57 1.54:E071 36.32	S57 8.12:E071 18.90	S56 58.48:E071 14.11	S57 11.74:E071 28.07
M5	S57 24.86:E071 12.87	S57 22.91:E071 29.50	S57 15.88:E071 29.57	S57 18.36:E071 18.60	S57 17.03:E071 38.76
N2	S56 36.28:E071 41.27	S56 36.81:E071 59.21	S56 41.04:E071 44.72	S56 29.13:E071 48.45	S56 28.46:E072 0.76
N3	S56 54.39:E072 3.05	S56 49.45:E071 44.59	S56 45.04:E072 4.42	S56 56.14:E071 42.39	S56 56.67:E071 53.95
N4	S57 10.90:E071 42.78	S56 59.54:E071 51.25	S57 9.56:E072 2.23	S56 59.08:E072 0.75	S57 5.76:E071 52.41

Table 2: List of random trawl stations for BANZARE Bank. Square grid locations are shown on Figure 2.

Square Grid Locations	First Station	Second Station	Third Station	Fourth Station	Fifth Station
A3	S59 6.68:E074 8.29	S58 57.00:E074 8.20	S58 52.09:E073 58.17	S59 1.81:E074 22.81	S58 51.15:E074 7.73
A4	S59 19.98:E074 44.54	S59 24.14:E074 39.25	S59 28.51:E074 16.83	S59 10.38:E074 43.06	S59 16.09:E074 34.18
B2	S58 29.53:E075 8.08	S58 34.35:E075 29.03	S58 25.12:E075 13.44	S58 24.11:E074 49.18	S58 40.60:E074 51.30
B3	S58 43.13:E074 55.73	S59 1.89:E075 11.48	S59 6.61:E074 56.73	S58 47.70:E075 17.89	S59 0.79:E074 48.47
B4	S59 27.04:E074 58.19	S59 24.82:E075 15.60	S59 14.62:E074 48.93	S59 15.43:E075 19.41	S59 31.66:E074 49.16
C1	S58 17.16:E075 36.55	S58 6.50:E075 38.50	S58 12.30:E076 21.48	S57 57.65:E075 40.85	S58 1.11:E075 51.03
C2	S58 36.14:E076 15.55	S58 41.71:E075 43.27	S58 35.57:E075 57.08	S58 18.14:E076 9.18	S58 39.07:E076 4.40
C3	S59 0.99:E075 50.17	S59 7.12:E075 44.47	S58 55.64:E075 43.37	S59 2.32:E076 0.84	S58 53.08:E076 6.38
C4	S59 22.69:E075 41.90	S59 21.69:E075 59.30	S59 9.30:E076 3.10	S59 29.82:E076 11.60	S59 17.08:E075 41.12
D1	S57 54.15:E076 33.90	S58 0.02:E076 46.21	S58 8.06:E076 36.40	S58 14.02:E076 35.91	S58 2.87:E077 5.60
D2	S58 20.00:E076 40.46	S58 34.60:E076 34.08	S58 20.38:E076 55.38	S58 32.81:E076 54.16	S58 27.78:E076 47.82
D3	S58 53.31:E077 7.82	S58 47.37:E077 7.06	S59 0.93:E076 51.30	S59 0.73:E076 34.51	S58 52.71:E076 43.69
D4	S59 31.62:E077 1.82	S59 20.84:E076 25.43	S59 15.43:E076 46.96	S59 24.03:E076 46.41	S59 18.48:E076 58.35
E2	S58 38.66:E077 42.49	S58 20.46:E077 28.30	S58 38.91:E077 55.26	S58 18.90:E077 40.11	S58 31.56:E077 27.30
E3	S58 57.84:E077 44.98	S58 43.81:E077 32.47	S58 49.99:E077 24.67	S58 57.63:E077 19.60	S58 45.47:E077 14.52
E4	S59 24.97:E077 45.35	S59 13.35:E077 44.94	S59 24.86:E077 18.27	S59 9.74:E077 55.79	S59 30.39:E077 58.36
F2	S58 31.85:E078 25.98	S58 37.98:E078 48.39	S58 23.37:E078 26.88	S58 37.55:E078 4.15	S58 35.15:E078 37.45
F3	S59 5.07:E078 47.42	S58 44.51:E078 9.18	S58 49.35:E078 45.16	S58 56.32:E078 21.30	S58 50.65:E078 32.24
F4	S59 32.20:E078 11.72	S59 26.32:E078 20.90	S59 16.74:E078 41.97	S59 8.90:E078 5.97	S59 31.68:E078 1.58
G1	S58 14.30:E078 52.18	S58 1.97:E079 24.58	S58 15.23:E079 1.60	S58 14.37:E079 14.31	S58 9.69:E079 36.73
G2	S58 36.12:E079 33.11	S58 40.88:E078 50.21	S58 28.76:E079 21.33	S58 42.18:E079 25.07	S58 24.86:E079 29.63
G3	S58 55.39:E078 52.74	S58 45.28:E079 18.68	S58 56.05:E079 22.50	S58 52.58:E079 7.93	S59 3.29:E079 36.09

Table 2 (continued)

Square Grid Locations	First Station	Second Station	Third Station	Fourth Station	Fifth Station
H1	S57 55.18:E080 24.42	S58 4.46:E080 13.98	S58 7.82:E080 1.07	S58 13.95:E080 4.73	S58 10.54:E080 24.86
H2	S58 18.32:E079 59.36	S58 28.88:E080 15.16	S58 18.77:E079 46.51	S58 24.00:E079 39.85	S58 39.60:E080 5.92
H3	S58 57.21:E079 53.27	S59 2.66:E080 21.62	S59 5.28:E079 46.51	S59 7.21:E080 3.99	S58 51.29:E079 41.58
12	S58 23.29:E081 7.50	S58 31.36:E081 3.21	S58 38.44:E080 54.85	S58 37.98:E081 11.40	S58 25.91:E080 45.40
13	S58 45.18:E080 46.79	S58 58.96:E080 29.85	S59 2.52:E080 50.64	S59 0.10:E080 42.13	S58 50.30:E080 36.72
J2	S58 42.04:E081 27.22	S58 23.47:E081 33.11	S58 34.05:E081 31.30	S58 38.94:E081 49.52	S58 36.20:E082 0.92
J3	S59 1.04:E081 17.15	S58 59.52:E081 37.81	S58 50.94:E081 52.49	S58 44.76:E081 20.67	S58 48.38:E082 3.04
J4	S 59 28.18:E081 23.78	S59 10.18:E081 25.53	S59 17.05:E081 22.19	S59 19.17:E081 51.46	S59 23.43:E081 39.41
J6	S60 12.55:E081 32.51	S60 4.44:E081 53.65	S60 7.81:E081 18.43	S60 7.67:E082 1.68	S60 17.36:E081 22.43
K3	S58 51.44:E082 17.45	S59 6.54:E082 22.58	S59 0.93:E082 49.02	S58 43.21:E082 7.79	S58 56.98:E082 38.52
K4	S59 9.53:E082 42.21	S59 29.98:E082 30.35	S59 26.46:E082 52.60	S59 18.94:E082 24.71	S59 17.94:E082 9.29
K5	S59 50.21:E082 36.43	S59 42.98:E082 49.35	S59 42.22:E082 9.33	S59 34.72:E082 25.80	S59 36.26:E082 46.60
K6	S60 12.27:E082 28.16	S59 57.88:E082 14.99	S60 4.79:E082 12.27	S60 15.68:E082 18.70	S60 4.65:E082 33.94
L4	S59 13.61:E082 54.09	S59 26.71:E082 57.05	S59 28.84:E083 21.14	S59 18.55:E083 28.86	S59 9.85:E083 35.25
L5	S59 49.16:E082 58.64	S59 43.61:E083 41.57	S59 40.81:E083 15.64	S59 57.45:E083 41.01	S59 54.56:E083 11.15
L6	S60 5.64:E083 24.26	S60 2.70:E083 34.56	S60 20.36:E083 35.41	S60 21.01:E083 12.15	S60 0.21:E083 3.92
M5	S59 45.76:E084 8.87	S59 39.77:E084 21.41	S59 45.64:E083 55.72	S59 46.12:E083 44.18	S59 34.33:E084 11.57

CONSERVATION MEASURE 145/XVI
Exploratory Fishery for *Martialia hyadesi* in
Statistical Subarea 48.3 in the 1997/98 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measures 7/V and 65/XII:

1. Fishing for *Martialia hyadesi* in Statistical Subarea 48.3 shall be limited to the exploratory fishery by flagged vessels of the Republic of Korea and the UK. The catch shall be limited to 2 500 tonnes.
2. For the purposes of this fishery, the fishing season is defined as the period from 8 November 1997 to the end of the Commission meeting in 1998 or until the catch limit is reached, whichever is sooner.
3. For the purposes of implementing this Conservation Measure:
 - (i) the Ten-day Catch and Effort Reporting System, as set out in Conservation Measure 61/XII shall apply;
 - (ii) the data required to complete the CCAMLR standard fine-scale catch and effort data form for squid jig fisheries (Form C3) shall be reported from each vessel. These data shall include numbers of seabirds and marine mammals of each species caught and released or killed. These data shall be reported to CCAMLR by 31 August 1998 for catches taken prior to 31 July 1998; and
 - (iii) data on catches taken between 31 July 1998 and 31 August 1998 shall be reported to CCAMLR by 30 September 1998 so that the data will be available to the 1998 meeting of the Working Group on Fish Stock Assessment.
4. Each vessel participating in the fishery for *Martialiahyadesi* during the 1997/98 season shall have a scientific observer on board appointed in accordance with the CCAMLR Scheme of International Scientific Observation.
5. The data collection plan (Annex 145/A) shall be implemented. Data collected pursuant to the plan for the period up to 31 August 1998 shall be reported to CCAMLR by 30 September 1998 so that the data will be available to the 1998 meeting of the Working Group on Fish Stock Assessment. Such data taken after 31 August shall be reported to CCAMLR not later than three months after the closure of the fishery.

ANNEX 145/A

DATA COLLECTION PLAN FOR EXPLORATORY SQUID
(*MARTIALIA HYADESI*) FISHERIES IN SUBAREA 48.3

1. All vessels will comply with conditions set by CCAMLR. These include data required to complete the data form (TAC 1) for the Ten-day Catch and Effort Reporting System, as specified by Conservation Measure 61/XII; and data required to complete the CCAMLR standard fine-scale catch and effort data form for a squid jig fishery (Form C3). This includes numbers of seabirds and marine mammals of each species caught and released or killed.
2. All data required by the CCAMLR *Scientific Observers Manual* for squid fisheries will be collected. These include:
 - (i) vessel and observer program details (Form S1);
 - (ii) catch information (Form S2); and
 - (iii) biological data (Form S3).

RESOLUTION 12/XVI
Automated Satellite-Linked Vessel Monitoring Systems (VMSs)¹

The Commission,

Noting the extreme concern over high levels of illegal, unregulated and unreported fishing for *Dissostichus eleginoides* and other marine living resources,

considers that:

1. Subject to paragraphs 2 and 3, Members shall endeavour, by the end of the Commission meeting in 1998, to establish an automated vessel monitoring system (VMS) to monitor the position of its flag vessels licensed or permitted in accordance with Conservation Measure 119/XVI to harvest *Dissostichus* spp. or other marine living resources in the Convention Area for which catch limits, fishing seasons or area restrictions have been set by Conservation Measures adopted by the Commission.
2. Any Member not in a position to establish a VMS by the date specified in paragraph 1 shall so inform the CCAMLR Secretariat in advance of the 1998 annual meeting and, if possible, notify its intended alternative timetable for the implementation of a VMS.
3. The implementation of VMS on vessels while participating in the krill fishery is not currently necessary.
4. Once its VMS is established, each Member should monitor the position of its flag vessels licensed or permitted in accordance with Conservation Measure 119/XVI. Should the VMS cease to transmit, the Member should take immediate steps to ensure that the transmission is swiftly restored.
5. Members should report to the Secretariat before the start of the annual meeting of the Commission on:
 - (i) any VMS in operation, including its technical details; and
 - (ii) in accordance with paragraph XI of the System of Inspection, all cases where they have determined with the assistance of VMS that vessels of their flag had fished in the Convention Area in possible contravention of CCAMLR Conservation Measures.

¹ For this purpose, VMS means a system where, *inter alia*:

- (i) information collected shall include the vessel identifier, location, date and time, which shall be collected with a required frequency to ensure that the Member can effectively monitor its vessel; and
- (ii) performance standards shall, at a minimum, include a system that:
 - (a) is tamper proof;
 - (b) is fully automatic and operational at all times regardless of environment conditions;
 - (c) provides real time data; and
 - (d) provides latitude and longitude with a position accuracy of 500 m or better, with the format to be determined by the Flag State.

Reopening Lapsed Fisheries

10.1 Last year, the Commission noted that its current procedure of seeking information from Members about future fishing plans during its annual meeting had proven unreliable and agreed that a formal notification procedure was needed. The Commission, therefore, had requested that the Scientific Committee and its working groups provide advice on a formal procedure for dealing with lapsed fisheries.

10.2 The Commission noted the development of a registry of fisheries in the CCAMLR Convention Area maintained by the Secretariat (SC-CAMLR-XVI/BG/16 Rev. 2). While there were no specific guidelines for determining which fisheries should be regarded as lapsed, the Scientific Committee had identified a number of fisheries which it considered fell under this category (SC-CAMLR-XVI, Table 6).

10.3 The Commission noted the recommendation of the Scientific Committee that lapsed fisheries should be reopened according to precautionary principles. Resumption of such fisheries should involve prior notification and a data collection plan similar to those required for exploratory fisheries and detailed in SC-CAMLR-XVI, Annex 5, Appendix E.

10.4 The Commission noted the views of the Scientific Committee in relation to lapsed and closed fisheries, and endorsed the European Community's proposal that this matter be further examined in relation to the status of fisheries more generally. The inter-relationship of all stages of fisheries development, including those of new and exploratory fisheries, should be reviewed to ensure that there was a coherent progression from unexploited resources through to fully exploited fisheries. The same process applies to the resumption or reopening of lapsed and closed fisheries. It was further agreed that Members should examine this issue intersessionally and submit proposals to the Secretariat for timely transmission to all Parties.

Long-term Management Plan for *C. gunnari*

10.5 The Commission noted that the current decision rules for determining long-term yield for *C. gunnari* cannot be applied because of the large natural variations in spawning stock biomass. The Scientific Committee has scheduled a workshop immediately prior to the 1998 meeting of WG-FSA to begin developing long-term management strategies for *C. gunnari* (SC-CAMLR-XVI, paragraph 5.62). The Commission approved revised terms of reference for this workshop (SC-CAMLR-XVI, paragraph 5.62).

Feedback Management Approach for *D. eleginoides*

10.6 The Commission recalled its concern that the abundance of the total *D. eleginoides* stock cannot be directly assessed from estimates of abundance of young fish by trawl surveys, as is current practice, and noted three major problems:

- (i) in Subarea 48.3, the trend in the spawning stock biomass of *D. eleginoides* predicted from the Generalised Yield Model (GYM), and the trend in standardised CPUE derived from the Generalised Linear Model (GLM) cannot be reconciled;

- (ii) determination of precautionary catch limits in the new and exploratory fisheries for *D. eleginoides* is constrained by a lack of local data, including survey data. As a result, information has to be extrapolated from other areas (e.g. SC-CAMLR-XVI, Table 5); and
- (iii) the high level of unreported catches compared to reported catches in some areas introduces a high degree of uncertainty about the status of the fish stocks.

10.7 The Commission noted these management problems, and requested the Scientific Committee to continue work aimed at resolving them.

COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM

XXI Antarctic Treaty Consultative Meeting

11.1 The Executive Secretary, Mr E. de Salas, represented CCAMLR at the XXI Antarctic Treaty Meeting (ATCM), which was held in Christchurch, New Zealand, from 9 to 21 May 1997. The statement of the Executive Secretary at the ATCM was tabled as CCAMLR-XVI/BG/3.

11.2 The Executive Secretary drew to the attention of the Commission a number of issues that were noted in the report on his attendance at the ATCM (CCAMLR-XVI/5). In particular, he pointed out that the Protocol on Environmental Protection to the Antarctic Treaty requires that no marine area may be designated an Antarctic Specially Protected Area (ASPA) or Antarctic Specially Managed Area (ASMA) without the prior approval of CCAMLR. The ATCM had also provided a definition of 'marine area', for consideration by CCAMLR, as follows:

'... draft management plans requiring the endorsement of CCAMLR are those that include marine areas in which:

- there is actual harvesting or potential capability for harvesting of marine living resources which might be affected by site designation; or
- there are provisions specified in a draft management plan that might prohibit or restrict CCAMLR-related activities.'

This definition was endorsed by the Commission.

11.3 The ATCM referred to the Commission the following list of nine Sites of Special Scientific Interest (SSSIs) which include such marine areas:

SSSI 1:	Cape Royds, Ross Island
SSSI 20:	Biscoe Point, Anvers Island
SSSI 26:	'Chile Bay' (Discovery Bay), Greenwich Island, South Shetland Islands
SSSI 27:	Port Foster, Deception Island, South Shetland Islands
SSSI 28:	South Bay, Doumer Island, Palmer Archipelago
SSSI 32:	Cape Shirreff, Livingston Island, South Shetland Islands
SSSI 34:	Lions Rump, King George Island, South Shetland Islands
SSSI 35:	Western Bransfield Strait off Low Island, South Shetland Islands
SSSI 36:	Eastern Dallmann Bay off Brabant Island, Palmer Archipelago.

In due course the draft Management Plans for these areas will be submitted to the Scientific Committee and WG-EMM for the provision of appropriate scientific advice.

11.4 The ATCM had discussed the issue of marine debris and its effects on wildlife and the environment, and the possibility that part of the marine debris found in the Convention Area might emanate from adjacent areas. It had taken note of CCAMLR's activities in this area and requested that CCAMLR report to ATCM on its assessments of the problem and on progress in dealing with it. The Commission agreed that the Executive Secretary should describe the Commission's ongoing activities in this regard in his report to the next ATCM.

11.5 The Executive Secretary reported that a number of delegates at the ATCM had indicated that Bulgaria should be encouraged to become a Member of the Commission if its vessels are interested or involved in harvesting in the Convention Area.

11.6 Chile reported having raised an issue at the ATCM concerning the proposed rules of procedure of the Committee on Environmental Protection (CEP). While it is expected that the Chairman of the Scientific Committee would appropriately be representing CCAMLR at CEP meetings, a separate issue concerned the obligation of the CEP to consult with other components of the Antarctic System. Within such context, Article XXI of the Convention was the guiding norm for CCAMLR, and the CEP should consult not only with the Scientific Committee, but also with the Commission itself. The UK, supported by the USA, noted that the CEP was a technical, scientific and environmental committee. As such, the direct involvement of the Commission in the CEP would be inappropriate.

Cooperation with SCAR

11.7 The Chairman of the Scientific Committee advised the Commission that the Scientific Committee had expressed regret at the absence, for the second consecutive year, of an observer from SCAR (SC-CAMLR-XVI, paragraph 11.2). The Commission noted that SCAR had also failed to nominate an observer to the Commission for the last two years. It agreed that the Executive Secretary should write to SCAR, attaching the comments of the Scientific Committee, inquiring about intentions as to attendance at the Commission and Scientific Committee meetings in the future.

11.8 It was noted that, thanks to the CCAMLR observer, Dr E. Fanta (Brazil), at the meetings of the SCAR Group of Specialists on Environmental Affairs and Conservation (GOSEAC) and the SCAR Working Group on Biology's Subgroup on Evolutionary Biology of Antarctic Organisms, CCAMLR has received information on programs of these groups of relevance to CCAMLR. Both groups had recommended maintaining information exchange with WG-EMM and WG-FSA and the Scientific Committee.

COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

Reports of Observers from International Organisations

12.1 Observers from ASOC, CCSBT, FAO and IUCN attended the meeting.

12.2 The observer from FAO, Mr R. Shotton, in presenting FAO's report to the meeting (CCAMLR-XVI/BG/25), highlighted three areas of recent FAO activity of interest to the Commission. The first related to the Code of Conduct for Responsible Fishing, which articulates the requirements for responsible fishing. The objective of the Code is to promote institutional, political and technical change in a coherent and comprehensive manner. The Code is voluntary, though based on relevant rules of international law, and FAO expects its provisions to become binding at global, regional and national levels when adopted. The Code is ambitious and is at the heart of FAO's program, and provides a unifying framework for successive agreements from UNCLOS, in 1982, to the 1995 Straddling Stocks Agreement.

12.3 The second item of potential interest was the Technical Consultation on Seabird Mortality, planned for March 1998, in Japan. The objective of the Consultation is to produce a draft Plan of Action for implementing mitigation measures to reduce incidental catches of seabirds in longline fisheries, to be considered for adoption by the Committee on Fisheries (COFI) in 1999. FAO is aware of the competence of CCAMLR in this field, and should there be any specific suggestions on any form of future collaboration, FAO would be pleased to liaise with the appropriate bodies.

12.4 The Commission noted that CCAMLR had done a great deal of work in the area to be investigated by FAO at the Technical Consultation. It would be very appropriate and useful for experts within CCAMLR to be able to comment on the draft Guidelines and Plan of Action that would be developed during the Consultation. The Commission therefore agreed to ask FAO if it would be prepared, at the conclusion of the Technical Consultation, to provide the CCAMLR Secretariat with appropriate material. The Secretariat would arrange for comment from appropriate experts within WG-IMALF to be forwarded to FAO in time for consideration at the FAO Consultation in Rome in October 1998.

12.5 The Delegation of Spain noted that Members of CCAMLR who are also Members of FAO will have the opportunity for individual input into the Consultation.

12.6 The third matter raised by Mr Shotton was an FAO Fisheries Technical Paper, 'Krill Fisheries of the World', by Dr S. Nicol and Prof. Y. Endo, copies of which had been made available to libraries of all relevant institutions. An abstract of this paper is reproduced in CCAMLR-XVI/BG/25 (Appendix II).

12.7 Two other items of interest were also raised. One related to the issue of conservation of elasmobranchs; in this regard FAO has arranged case studies of about 20 elasmobranch fisheries to be published in 1998. In this connection, FAO noted that rays are included in some of the by-catches of fisheries in the Convention Area and it would welcome a case study documenting the experience with rays in the CCAMLR region; it offered to assist with securing funding, if a third party was needed to prepare the analysis.

12.8 Finally, the FAO Observer advised of a conference planned for November 1999, sponsored by FAO and the Fisheries Department of Western Australia, to examine the implications of Property Rights in Fisheries Management, that is, rights-based management regimes. One of the supplementary sessions of the conference will deal with the issue of extension of property rights beyond EEZs using, for example, individual transferable quotas.

12.9 The observer from ASOC, Ms C. Mormorunni, in presenting her report (CCAMLR-XVI/BG/36) expressed ASOC's concerns that economic pressures for increased quotas and burgeoning illegal and unregulated catch of *D. eleginoides* threaten the Southern Ocean ecosystem and more broadly the international credibility of CCAMLR. Until illegal and unregulated fishing is brought under control, ASOC believes that Members have no choice but to set zero TACs. It believes that it makes no sense at all to be conducting 'legal' fishing when the real catch is already so far above what CCAMLR estimates as a precautionary level, and allowing any fishing while this situation is out of control only compounds the depletion.

12.10 The observer from IUCN, Ms J. Dalziell, in presenting her report (CCAMLR-XVI/BG/37) reminded the Commission of Resolutions adopted at the World Conservation Congress in 1996. Three Resolutions, *inter alia*, call for the establishment of a comprehensive network of protected areas; measures to protect the ecosystems of sub-Antarctic island ecosystems, for example by reducing the incidental mortality of seabirds; and a substantial reduction in all fisheries by-catch in the long-term interest of marine biodiversity conservation. IUCN also continues to be deeply concerned about the high levels of unregulated fishing in the Southern Ocean.

12.11 The IUCN observer also presented a paper entitled ‘Marine Protection in the Southern Ocean’ (CCAMLR-XVI/BG/40). This paper sets out the benefits to conservation of the establishment of a comprehensive system of protected areas in the Southern Ocean. It suggests that CCAMLR assess how this potential management tool might be applied to meet the objectives of the Convention, and develop criteria for the identification of areas that might be appropriate for setting aside as marine reserves. Such criteria could include spawning areas or the foraging ranges of predators.

Reports of CCAMLR Representatives at Meetings of Other International Organisations

12.12 During the intersessional period, CCAMLR was represented at the following meetings:

- Tenth Special Meeting of ICCAT – Spain;
- Seventeenth Session of the Coordinating Working Party on Fishery Statistics (CWP) – Convener of WG-FSA and Secretariat;
- COFI of FAO – Executive Secretary;
- Forty-ninth Meeting of IWC – UK; and
- Fourth Annual Meeting of CCSBT – Australia.

12.13 The Executive Secretary drew attention to items of interest to the Commission in the report of his attendance at the COFI meeting (CCAMLR-XVI/BG/9). They included: COFI’s endorsement of a proposal to hold an FAO Technical Consultation on the Management of Fishing Capacity, to be hosted by the United States in 1998; its endorsement of an offer by Australia to organise a Technical Consultation on Indicators of Sustainability in relation to Fishing; and, as a follow up to the Kyoto Conference, Canada’s intention to organise, with FAO, a consultation between experts on the technologies and practices of sustainable harvesting which relate to the reduction of discards and of incidental captures.

12.14 The Executive Secretary also mentioned COFI’s discussions on the FAO Code of Conduct for Responsible Fisheries, referring, in particular, to the importance the Committee placed on the Code’s central role in guiding and promoting measures to deal with the problems of world fishing. He also reported that he had taken the opportunity at the COFI meeting to distribute copies, in all official CCAMLR languages, of the CCAMLR publication *Fish the Sea Not the Sky*.

12.15 The Delegation of Spain presented the report of the CCAMLR Observer to the Tenth Special Meeting of ICCAT (CCAMLR-XVI/BG/14), highlighting the adoption by ICCAT of two recommendations seeking the prohibition of imports of Atlantic bluefin tuna from countries whose fishing vessels undermine the effectiveness of ICCAT conservation and management measures: Panama, Honduras and Belize. Matters raised at intersessional meetings concerning compliance with measures, in particular, implementation of VMS and port control, would be discussed at the ICCAT meeting to be held in Madrid shortly after CCAMLR-XVI and would be reported to next year’s meeting.

12.16 In response to the UK, following up the inquiries started two years ago about measures used by other organisations, including ICCAT, to mitigate by-catch in longline fisheries, Spain indicated that information was not yet available but the issue would be raised at the next ICCAT meeting and be submitted to next year’s Commission meeting.

12.17 The Delegation of the UK drew attention to the report of the CCAMLR Observer to the Forty-ninth Annual Meeting of IWC (CCAMLR-XVI/BG/32) which highlighted the Resolutions adopted at that meeting. He also drew the attention of the Commission to paragraphs 11.11 to 11.13 of the Scientific Committee's report (SC-CAMLR-XVI), in particular to its endorsement of terms of reference proposed by WG-EMM for a small liaison group with SC-IWC to further the collaboration between the two organisations.

12.18 The Executive Secretary reported on the meeting of the CWP hosted by the Secretariat in March 1997 (SC-CAMLR-XVI/BG/12), which contained matters of interest to the Commission, and especially its Secretariat in understanding how other organisations manage fisheries statistics. It was the first meeting of CWP since it had adopted new statutes and the first time it had met in the southern hemisphere. He particularly recorded appreciation for the participation in the meeting of the Convener of WG-FSA (Dr W. de la Mare).

12.19 Regarding the specific request from CCSBT for data on longline fishing effort in the Convention Area, the Commission endorsed the Scientific Committee's recommendation that this be supplied (SC-CAMLR-XVI, paragraph 11.16).

12.20 In accordance with the continuing cooperation with CCSBT, the Commission agreed that it was important to provide to CCSBT a summary of the information on incidental mortality contained in the report of WG-FSA (SC-CAMLR-XVI, Annex 5).

Future Cooperation

12.21 The following observers were nominated to represent CCAMLR at intersessional meetings:

- Fifteenth Regular Meeting of ICCAT, 14 to 21 November 1997, Madrid, Spain – Spain;
- XXII ATCM, 25 May to 5 June 1998, Tromsø, Norway – Executive Secretary;
- I-ATTC, June 1998, La Jolla, USA – USA;
- Fifth Annual Meeting of CCSBT, September 1998, Japan – Japan;
- Fiftieth Meeting of IWC, 16 to 20 May 1998, Muscat, Oman – Sweden (Prof B. Fernholm); and
- South Pacific Commission – France.

CONSIDERATION OF THE IMPLEMENTATION OF THE OBJECTIVE OF THE CONVENTION

13.1 The Delegation of Chile presented its paper 'Consideration of the Implementation of the Objective of the Convention (Summary)' (CCAMLR-XVI/13). As stated during the Fifteenth Meeting of the Commission, Chile's purpose in maintaining this item on the agenda was to reflect on the true aims of CCAMLR and to enhance the collective mechanisms established by the Convention in furtherance of its conservation goals. In emphasising the multilateral approach to the achievement of the aims of the Convention, Chile was not attempting to undermine or diminish in any way the capacity of States with islands in the Convention Area to exercise their sovereign rights.

13.2 As an initial step, specific proposals had been advanced with regard to Agenda Item 8 (Observation and Inspection) and, once taken up by SCOI, had been positively received and acknowledged, although some of those proposals still required a follow-up. Chile thanked all delegations for their contribution to this outcome. In future Commission meetings other issues which would require further consideration under Agenda Item 13 included:

- (i) harmonisation of the legal regimes coexisting within the Convention, including harmonisation between CCAMLR measures and measures applicable in areas of national jurisdiction within the Convention Area;
- (ii) the need to ensure the consistency and compatibility of this harmonisation process with the relevant provisions of the UN Convention on the Law of the Sea and other applicable international instruments;
- (iii) the requirement that pertinent scientific advice does not erode the legal status of the marine areas covered by it;
- (iv) in the absence of a unique observation and inspection system, harmonisation and complementarity of the respective norms, as well as the provision of information through a common format;
- (v) exposure of CCAMLR to a broader, more intensive and extensive web of international contacts, in accordance with Articles V, VI, IX.5, XI, XV.3 and XXIII as well as the more compliance-oriented Articles X and XXII; and
- (vi) consolidation, dissemination and appropriate publicity to be given to the CCAMLR ecosystem approach to the sustainable conservation and management of Antarctic marine living resources.

13.3 Chile suggested that, in order to address these issues in a systematic manner, Agenda Item 13 should continue to figure on the Commission's agenda for the time being.

13.4 Argentina expressed support for Chile's initiative and satisfaction for their constructive consideration by SCOI and the Commission. The broad range of issues contained in the Chilean presentation warranted their continued examination within the framework of Agenda Item 13.

13.5 The Commission decided to include in its 1998 agenda the item 'Consideration of the Implementation of the Objectives of CCAMLR'.

ELECTION OF VICE-CHAIRMAN OF THE COMMISSION

14.1 It was noted that Ukraine would complete its term as Vice-Chairman of the Commission at the conclusion of the Sixteenth Meeting. Uruguay was elected to serve in this position from the end of the 1997 meeting until the end of the meeting in 1999.

NEXT MEETING

Invitation of Observers to Next Meeting

15.1 The Commission decided that the following States: Bulgaria, Canada, Finland, Greece, Netherlands and Peru, and the following intergovernmental and non-governmental organisations: FAO, SCAR, SCOR, IWC, IOC, FFA, ICCAT, SPC, CCSBT, I-ATTIC, ASOC and IUCN be invited to attend CCAMLR-XVII as observers.

15.2 The Commission also agreed to invite Mauritius and Namibia as observers to next year's meeting (see paragraph 5.37).

15.3 The Commission noted that the invited observers may participate in sessions of the Plenary meeting and of meetings of the standing committees. However, Rule 32(b) contains the facility to allow Members to decide which agenda items are not open to participation by observers.

15.4 The Commission directed the Executive Secretary, in drafting the agenda for the 1998 meeting of SCOI, to structure it in such a way as to permit as wide a participation as possible in discussions relating to illegal, unregulated and unreported fishing.

Date and Location of Next Meeting

15.5 Members agreed that the 1998 meetings of the Commission and the Scientific Committee be held at the Wrest Point Hotel in Hobart, Australia, during the period Monday, 26 October to Friday, 6 November 1998.

OTHER BUSINESS

16.1 The USA recalled that paragraph 2.5 of the Scientific Committee's report (SC-CAMLR-XVI) dealing with future krill fishing, included an expression of interest in such fishing by USA firms. The USA noted that it had been informed of additional expression of interest by a USA firm in fishing for *E. carlsbergi* and *C. gunnari* in Subarea 48.3.

16.2 The USA drew the attention of the Commission to a letter dated 3 November 1997 addressed to the Executive Secretary from the International Coalition of Fisheries Associations (ICFA), which had been circulated to delegates. ICFA represents the views of fishing organisations from a large number of Member and non-Member nations.

16.3 The letter expressed concern over reports of widespread uncontrolled fishing for *Dissostichus* spp. in the Convention Area and urged the following actions:

- (i) that countries with EEZs in which illegal fishing is alleged to be occurring take immediate action to prevent further such activity;
- (ii) that CCAMLR compile a register of vessels permitted to fish for *Dissostichus* spp. within CCAMLR waters; and
- (iii) that countries importing *Dissostichus* spp. ensure that only *Dissostichus* spp. caught by vessels permitted to fish in CCAMLR waters and the EEZs of Antarctic territories be allowed into trade in their markets.

16.4 The Commission welcomed the fact that responsible fishing organisations shared its concern over illegal fishing, and noted that all actions suggested by ICFA had already been given careful consideration during the course of the meeting.

16.5 Chile referred to the various documents that had been circulated to delegates concerning estimates of catches and landings of *D. eleginoides*. It noted that one paper in particular from FAO reported reasonably accurately the exports of *D. eleginoides* from Chile in 1995 based on catches in the Chilean EEZ and in Subarea 48.3. In view of the fact that such reliable information is available for many countries' exports and does not quite match the estimated

amount of *D. eleginoides* available on the world market (paragraph 4.10), Chile considers that the possibility suggested by the USA of further investigating markets for this species indeed has some merit.

16.6 The Observer from CCSBT advised that the Commission had received no report from the CCAMLR Observer to the Fourth Annual Meeting of CCSBT as that meeting had not yet closed. The report will be provided to the Secretariat when it becomes available.

16.7 He also welcomed the increasing extent of cooperation between CCAMLR and CCSBT, which CCSBT would be pleased to see continue.

16.8 The Commission agreed that the item, 'Illegal, Unregulated and Unreported Fishing in the Convention Area' again be included in the meeting's agenda next year, and that it be divided into two subitems: (i) Implementation and Effectiveness of Measures Adopted in 1997; and (ii) Examination of Additional Measures.

16.9 Australia requested that the information described in paragraphs 8.11 and 8.13 be supplied to Members at as early a stage as possible, to enable Members to give sufficient consideration to the success of these measures and to reflect on future requirements.

REPORT OF THE SIXTEENTH MEETING OF THE COMMISSION

17.1 The report of the Sixteenth Meeting was adopted.

CLOSE OF THE MEETING

18.1 The Chairman thanked all delegates for a productive meeting and thanked Mr T. Scully (USA) for his efforts in chairing the conservation measures drafting group.

18.2 Mr Scully thanked the Chairman, the Chairman of the Scientific Committee, the Secretariat and all those involved in making the meeting a success.

18.3 The Chairman closed the meeting.

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CCAMLR-XVI/19	IMPLEMENTATION OF AUTOMATED POSITIONING SYSTEMS FOR VESSELS AUTHORISED TO OPERATE WITHIN THE CONVENTION AREA Delegation of Chile
CCAMLR-XVI/20	VACANT
CCAMLR-XVI/21	NOTIFICATION OF THE INTENTION OF THE UNITED KINGDOM AND THE REPUBLIC OF KOREA TO UNDERTAKE A NEW FISHERY FOR SQUID (<i>MARTIALIA HYADESI</i>) IN SUBAREA 48.3 Delegations of the United Kingdom and the Republic of Korea
CCAMLR-XVI/22	NOTIFICATION OF FRANCE'S INTENTION TO INITIATE EXPLORATORY FISHERIES Delegation of France
CCAMLR-XVI/23	REPLY TO BRITISH NOTE ON INSPECTIONS CARRIED OUT ACCORDING TO CCAMLR DURING THE 1996/97 SEASON Delegation of Argentina
CCAMLR-XVI/24	REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE (SCAF)
CCAMLR-XVI/25	REPORT OF THE STANDING COMMITTEE ON OBSERVATION AND INSPECTION (SCOI)

CCAMLR-XVI/BG/1 Rev. 1	LIST OF DOCUMENTS
CCAMLR-XVI/BG/2 Rev. 1	LIST OF PARTICIPANTS
CCAMLR-XVI/BG/3	STATEMENT BY THE CCAMLR OBSERVER AT THE XXIst ATCM Executive Secretary
CCAMLR-XVI/BG/4	BEACH DEBRIS SURVEY – MAIN BAY, BIRD ISLAND, SOUTH GEORGIA 1995/96 Delegation of the United Kingdom

CCAMLR-XVI/BG/5	REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA 1996/97 South Africa
CCAMLR-XVI/BG/6	BEACH DEBRIS SURVEY SIGNY ISLAND, SOUTH ORKNEY ISLANDS 1996/97 Delegation of the United Kingdom
CCAMLR-XVI/BG/7	REPORT ON AUSTRALIAN VMS TRIAL IN THE CCAMLR AREA Delegation of Australia
CCAMLR-XVI/BG/8	REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA 1996/97 Japan
CCAMLR-XVI/BG/9	REPORT OF THE CCAMLR OBSERVER AT THE TWENTY SECOND SESSION OF THE COMMITTEE ON FISHERIES (COFI) OF THE FOOD AND AGRICULTURE ORGANISATION OF THE UNITED NATIONS Executive Secretary
CCAMLR-XVI/BG/10	BEACH DEBRIS SURVEYS SOUTH SANDWICH ISLANDS Delegation of the United Kingdom
CCAMLR-XVI/BG/11	REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA 1996/97 Republic of Korea
CCAMLR-XVI/BG/12	INFORME DE LAS MEDIDAS ADOPTADAS POR LA REPUBLICA DE CHILE PARA EL CUMPLIMIENTO DE LAS MEDIDAS DE CONSERVACION DE LA CCRVMA Delegación de Chile
CCAMLR-XVI/BG/13	REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA 1996/97 Australia
CCAMLR-XVI/BG/14	REPORT ON THE TENTH SPECIAL MEETING OF THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT) CCAMLR Observer (Spain) (Submitted in English and Spanish)
CCAMLR-XVI/BG/15	REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA 1996/97 United Kingdom
CCAMLR-XVI/BG/16	SUMMARY OF CONSERVATION MEASURES REGULATING FISHERIES AND DATA REPORTING DURING 1996/97 Secretariat
CCAMLR-XVI/BG/17	IMPLEMENTATION OF CONSERVATION MEASURES IN 1996/97 Secretariat
CCAMLR-XVI/BG/18	REPORT ON THE INTRODUCTION OF VESSEL MONITORING SYSTEMS (VMS) IN SOUTH AFRICA WITH SPECIFIC APPLICATION TO THE DEPLOYMENT OF SATELLITE TRACKING UNITS ON TOOTHFISH-DIRECTED VESSELS OPERATING FROM SOUTH AFRICA Delegation of South Africa

CCAMLR-XVI/BG/19	PÊCHE ILLICITE À LA LÉGINE (<i>DISSOSTICHUS ELEGINOIDES</i>) DANS LES EAUX FRANÇAISES ADJACENTES AUX ÎLES KERGUELEN (58.5.1) ET CROZET (58.6) Délégation de la France
CCAMLR-XVI/BG/20	SUMMARY OF INSPECTIONS Secretariat
CCAMLR-XVI/BG/21	WITHDRAWN
CCAMLR-XVI/BG/22	RELEVAMIENTO DE DESECHOS MARINOS EN LA COSTA DE LA BASE CIENTIFICA ANTARCTICA ARTIGAS 1997 Delegación de Uruguay
CCAMLR-XVI/BG/23	ON THE DISTRIBUTION OF THE BOOK <i>FISH THE SEA NOT THE SKY</i> Secretariat
CCAMLR-XVI/BG/24	REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA 1996/97 United States of America
CCAMLR-XVI/BG/25	REPORT OF THE FAO OBSERVER TO CCAMLR FAO Observer (R. Shotton)
CCAMLR-XVI/BG/26	FISHING INDUSTRY POLLUTION OBSERVATIONS AND ASSOCIATED MARINE MAMMAL ENTANGLEMENT RECORDS AT SOUTH GEORGIA, SUMMER 1996/97 Delegation of the United Kingdom
CCAMLR-XVI/BG/27	CALENDAR OF INTERNATIONAL MEETINGS 1997/98 Secretariat
CCAMLR-XVI/BG/28	SUMMARY OF SCIENTIFIC OBSERVATIONS CONDUCTED IN THE CONVENTION AREA IN 1996/97 Secretariat
CCAMLR-XVI/BG/29	DRAFT TEXT OF THE BROCHURE ON MARINE DEBRIS IN ANTARCTIC WATERS Secretariat
CCAMLR-XVI/BG/30	ON THE ESTABLISHMENT OF A CCAMLR DATABASE FOR MARINE DEBRIS SURVEYS Secretariat
CCAMLR-XVI/BG/31	SATELLITE VESSEL MONITORING SYSTEMS: NEW ZEALAND'S EXPERIENCE Delegation of New Zealand
CCAMLR-XVI/BG/32	REPORT OF THE 49TH ANNUAL MEETING OF THE IWC CCAMLR Observer (United Kingdom)
CCAMLR-XVI/BG/33	SCHEME TO PROMOTE COMPLIANCE BY NON-CONTRACTING PARTY VESSELS WITH THE CONSERVATION AND ENFORCEMENT MEASURES ESTABLISHED BY NAFO Delegation of USA

- CCAMLR-XVI/BG/34 REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA 1996/97
Brazil
- CCAMLR-XVI/BG/35 BEACH DEBRIS SURVEY AT CAPE SHIRREFF, LIVINGSTON ISLAND, DURING THE ANTARCTIC SEASON 1996/97
Delegation of Chile
- CCAMLR-XVI/BG/36 REPORT OF THE ANTARCTIC AND SOUTHERN OCEAN COALITION TO THE XVITH MEETING OF THE CONVENTION ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES
Submitted by ASOC
- CCAMLR-XVI/BG/37 REPORT OF THE WORLD CONSERVATION UNION (IUCN) TO THE XVI MEETING OF THE CONVENTION ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES
Submitted by IUCN
- CCAMLR-XVI/BG/38 ANTARCTIC AND SOUTHERN OCEAN COALITION PAPER ON THE CREATION OF A CCAMLR ENFORCEMENT REGIME
Submitted by ASOC
- CCAMLR-XVI/BG/39 REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA 1996/97
Poland
- CCAMLR-XVI/BG/40 MARINE PROTECTION IN THE SOUTHERN OCEAN
Submitted by IUCN
- CCAMLR-XVI/BG/41 SEABIRD IDENTIFICATION GUIDE: PROGRESS REPORT
Delegation of New Zealand

- CCAMLR-XVI/MA/1 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
South Africa
- CCAMLR-XVI/MA/2 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
United Kingdom
- CCAMLR-XVI/MA/3 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
Norway
- CCAMLR-XVI/MA/4 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
France
- CCAMLR-XVI/MA/5 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
Poland
- CCAMLR-XVI/MA/6 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
Ukraine
- CCAMLR-XVI/MA/7 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
Germany
- CCAMLR-XVI/MA/8 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
New Zealand

- CCAMLR-XVI/MA/9 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
Chile
Available in Spanish only
- CCAMLR-XVI/MA/10 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
Republic of Korea
- CCAMLR-XVI/MA/11 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
Russia
Available in Russian only
- CCAMLR-XVI/MA/12 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
Australia
- CCAMLR-XVI/MA/13 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
Italy
- CCAMLR-XVI/MA/14 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
United States of America
- CCAMLR-XVI/MA/15 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
Japan
- CCAMLR-XVI/MA/16 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
Brazil
- CCAMLR-XVI/MA/17 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
Argentina
Available in Spanish only
- CCAMLR-XVI/MA/18 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1996/97
Spain
Available in Spanish only

- SC-CAMLR-XVI/1 PROVISIONAL AGENDA FOR THE SIXTEENTH MEETING OF THE
SCIENTIFIC COMMITTEE FOR THE CONSERVATION OF ANTARCTIC
MARINE LIVING RESOURCES
- SC-CAMLR-XVI/2 ANNOTATED PROVISIONAL AGENDA FOR THE SIXTEENTH MEETING OF
THE SCIENTIFIC COMMITTEE FOR THE CONSERVATION OF ANTARCTIC
MARINE LIVING RESOURCES
- SC-CAMLR-XVI/3 REPORT OF THE WORKING GROUP ON ECOSYSTEM MONITORING AND
MANAGEMENT
(San Diego, USA, 21 to 31 July 1997)
- SC-CAMLR-XVI/4 REPORT OF THE WORKING GROUP ON FISH STOCK ASSESSMENT
(Hobart, Australia, 13 to 22 October 1997)
- SC-CAMLR-XVI/5 SPANISH SCIENTIFIC RESEARCH CRUISE IN SUBAREA 48.6 AND
DIVISION 58.4.4
Delegation of Spain

SC-CAMLR-XVI/BG/1 Rev. 2	CATCHES IN THE CONVENTION AREA 1996/97 Secretariat
SC-CAMLR-XVI/BG/2 Rev. 1	CEMP TABLES 1 TO 3 Secretariat
SC-CAMLR-XVI/BG/3	OBSERVER'S REPORT FROM THE ICES MEETING: SEABIRDS IN THE MARINE ENVIRONMENT Observer (J.P. Croxall, United Kingdom)
SC-CAMLR-XVI/BG/4	ESTABLISHMENT OF A CEMP MONITORING PROGRAM AT BOUVETØYA Delegation of Norway
SC-CAMLR-XVI/BG/5	MARINE DEBRIS AND FISHING GEAR ASSOCIATED WITH SEABIRDS AT BIRD ISLAND, SOUTH GEORGIA, 1996/97 Delegation of the United Kingdom
SC-CAMLR-XVI/BG/6	ENTANGLEMENT OF ANTARCTIC FUR SEALS (<i>ARCTOCEPHALUS GAZELLA</i>) IN MAN-MADE DEBRIS AT BIRD ISLAND, SOUTH GEORGIA, DURING THE 1996 WINTER AND 1996/97 PUP-REARING SEASON Delegation of the United Kingdom
SC-CAMLR-XVI/BG/7	ENTANGLEMENT OF ANTARCTIC FUR SEALS (<i>ARCTOCEPHALUS GAZELLA</i>) IN MAN-MADE DEBRIS AT SIGNY ISLAND, SOUTH ORKNEY ISLANDS 1996/97 Delegation of the United Kingdom
SC-CAMLR-XVI/BG/8	REPORT FROM A SYMPOSIUM ON FISHERIES MANAGEMENT UNDER UNCERTAINTY Delegation of Norway
SC-CAMLR-XVI/BG/9 Rev. 1	PLANS FOR A SCIENTIFIC RESEARCH CRUISE TO BE CONDUCTED BY UKRAINE IN THE 1997/98 SEASON Delegation of Ukraine
SC-CAMLR-XVI/BG/10	AN ANALYSIS OF FUTURE PROSPECTS FOR THE SQUID (<i>MARTIALIA HYADESI</i>) FISHERY IN SUBAREA 48.3 (SOUTH GEORGIA) Delegation of the United Kingdom
SC-CAMLR-XVI/BG/11 Rev. 1	INVENTORY OF CCAMLR DATABASES Secretariat
SC-CAMLR-XVI/BG/12	REPORT OF THE SEVENTEENTH SESSION OF THE COORDINATING WORKING PARTY ON FISHERY STATISTICS (CWP) (HOBART, MARCH 1997) Secretariat
SC-CAMLR-XVI/BG/13	SECOND MEETING OF THE ECOLOGICALLY RELATED SPECIES WORKING GROUP OF CCSBT CCAMLR Observer
SC-CAMLR-XVI/BG/14	CCAMLR DATA MANAGEMENT – RESOURCES REQUIRED FOR MANAGING FISHERY, RESEARCH AND ENVIRONMENTAL DATA Secretariat

SC-CAMLR-XVI/BG/15	UNDERSTANDING CCAMLR'S APPROACH TO MANAGEMENT PART I: TEXT
SC-CAMLR-XVI/BG/15	UNDERSTANDING CCAMLR'S APPROACH TO MANAGEMENT PART II: FIGURES
SC-CAMLR-XVI/BG/16 Rev. 2	REGISTRY OF FISHERIES IN THE CCAMLR CONVENTION AREA Secretariat
SC-CAMLR-XVI/BG/17	ESTIMATES OF SEABED AREAS WITHIN SELECTED DEPTH RANGES USING THE SANDWELL/SMITH GLOBAL SEA FLOOR TOPOGRAPHY DATASET Secretariat
SC-CAMLR-XVI/BG/18	CONSIDERATION OF TABLE 16 IN WG-FSA-96 Secretariat
SC-CAMLR-XVI/BG/19	REVISION OF STATISTICAL BULLETIN VOLUME 1 (1970–1979) Secretariat
SC-CAMLR-XVI/BG/20	PROPOSED CCAMLR WEBSITE: TECHNICAL CONSIDERATIONS Secretariat
SC-CAMLR-XVI/BG/21 Rev. 1	DATA MANAGEMENT BY THE SECRETARIAT: TASKS, PROBLEMS AND ACTIONS DURING 1997 Secretariat
SC-CAMLR-XVI/BG/22 Rev. 2	BOTTOM TRAWL SURVEYS WITHIN THE CCAMLR CONVENTION AREA Secretariat
SC-CAMLR-XVI/BG/23	REPORT OF THE CCAMLR OBSERVER ON THE INTERNATIONAL SYMPOSIUM ON ENVIRONMENTAL RESEARCH IN THE ANTARCTIC Observer (M. Fukuchi, Japan)
SC-CAMLR-XVI/BG/24	THE IMPACT OF WORLD FISHERIES HARVESTS ON THE STABILITY AND DIVERSITY OF MARINE ECOSYSTEMS: SCOR WORKING GROUP 105 – REPORT OF FIRST MEETING, HALIFAX, NOVA SCOTIA, CANADA 5–7 NOVEMBER 1996 Submitted by SCOR
SC-CAMLR-XVI/BG/25	REPORT OF FIRST MEETING OF EXPERTS ON COASTAL AND MARINE BIODIVERSITY D.G.M. Miller (Chairman of the Scientific Committee)
SC-CAMLR-XVI/BG/26	REPORT OF THE 1997 ICES ANNUAL SCIENCE CONFERENCE – 85TH STATUTORY MEETING CCAMLR Observer (I. Lutchman, United Kingdom)
SC-CAMLR-XVI/BG/27	MANAGEMENT PLAN FOR THE PROTECTION OF SEAL ISLAND, SOUTH SHETLAND ISLANDS, AS A SITE INCLUDED IN THE CCAMLR ECOSYSTEM MONITORING PROGRAM Delegation of the USA
SC-CAMLR-XVI/BG/28	CATCH RATES AND LENGTH COMPOSITION DATA OF THE LONGLINE FISHERY FOR <i>DISSOSTICHUS ELEGINOIDES</i> AT THE PRINCE EDWARD ISLANDS: 1996/97 Delegation of South Africa

- SC-CAMLR-XVI/BG/29 OCEANIC DEBRIS OBSERVATIONS IN THE SOUTHERN OCEAN WHALE SANCTUARY, FROM ANTARCTIC PENINSULA TO THE ROSS SEA: DECEMBER 1994 TO MARCH 1995
ASOC Observer
- SC-CAMLR-XVI/BG/30 CALENDAR OF MEETINGS OF RELEVANCE TO THE SCIENTIFIC COMMITTEE – 1997/98
Secretariat
- SC-CAMLR-XVI/BG/31 PROCEEDINGS OF THE SYMPOSIUM ON ANTARCTICA AND GLOBAL CHANGE: INTERACTIONS AND IMPACTS
Observer (Australia)
- SC-CAMLR-XVI/BG/32 OBSERVER’S REPORT FROM THE 1997 MEETING OF THE SCIENTIFIC COMMITTEE OF THE INTERNATIONAL WHALING COMMISSION
Observer (Japan)
- SC-CAMLR-XVI/BG/33 ENTANGLEMENT OF ANTARCTIC FUR SEALS IN MARINE DEBRIS AT CAPE SHIRREFF AND SAN TELMO ISLETS, LIVINGSTON ISLAND, ANTARCTICA: 1988–1997
Delegation of Chile
- SC-CAMLR-XVI/BG/34 REPORT ON ACTIVITIES OF SCAR’S GROUP OF SPECIALISTS ON ENVIRONMENTAL AFFAIRS AND CONSERVATION (GOSEAC) TO THE SCIENTIFIC COMMITTEE OF CCAMLR
E. Fanta, Brazil, GOSEAC Liaison Officer
- SC-CAMLR-XVI/BG/35 THE SECOND INTERNATIONAL SYMPOSIUM ON KRILL
Delegations of Australia and South Africa
- SC-CAMLR-XVI/BG/36 REPORT ON THE ACTIVITIES OF THE SCAR SUBGROUP ON EVOLUTIONARY BIOLOGY OF ANTARCTIC ORGANISMS
Delegation of Brazil
- SC-CAMLR-XVI/BG/37 RAPPORT DE LA 26^{ÈME} CONFÉRENCE TECHNIQUE RÉGIONALE SUR LES PÊCHES DE LA COMMISSION DU PACIFIQUE SUD (CPS)
Délégation de la France

AGENDA FOR THE SIXTEENTH MEETING OF THE COMMISSION

AGENDA FOR THE SIXTEENTH MEETING OF THE COMMISSION

1. Opening of the Meeting
2. Organisation of the Meeting
 - (i) Adoption of the Agenda
 - (ii) Report of the Chairman
3. Finance and Administration
 - (i) Report of SCAF
 - (ii) Management Review of the Secretariat
 - (iii) Audited Financial Statements for 1996 and 1997
 - (iv) Budgets for 1997, 1998 and 1999
4. Scientific Committee
5. Illegal, Unregulated and Unreported Fishing in the Convention Area
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
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) XX1st Antarctic Treaty Consultative Party Meeting
 - (ii) Cooperation with SCAR

12. Cooperation with Other International Organisations
 - (i) Reports of Observers from International Organisations
 - (ii) Reports from CCAMLR Representatives at 1996/97 Meetings of International Organisations
 - (iii) Nomination of Representatives to 1997/98 Meetings of International Organisations
13. Consideration of the Implementation of the Objective of the Convention
14. Election of Vice-Chairman of the Commission
15. Next Meeting
 - (i) Invitation of Observers to Next Meeting
 - (ii) Date and Location of Next Meeting
16. Other Business
17. Report of the Sixteenth Meeting of the Commission
18. 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 Agenda as included as Appendix A to the Commission's Provisional Agenda (CCAMLR-XVI/1) was tabled. The Chairman, Mr I. Nomura (Japan), proposed the addition of an item 'Election of Chairman and Vice-Chairman of the Standing Committee on Administration and Finance'. With this addition, the agenda was adopted (Appendix I).

REPORT OF MANAGEMENT REVIEW OF THE SECRETARIAT

2. The Committee reviewed the findings of the Group of Experts which had been asked by the Commission to perform a management review of the Secretariat. These findings were set out in a report which had been circulated to Members earlier in the year. The Committee appreciated the work done by the Group.

3. The Committee noted that a number of the recommendations of the Group of Experts related to aspects of the Secretariat's work which fall within the scope of authority of the Executive Secretary. In this respect, it **recommended that the Commission endorse the following for implementation by the Executive Secretary, the precise manner and detail of implementation being the responsibility of the Executive Secretary:**

- (i) the responsibility for the Scientific/Observer Data Analyst should be transferred to the Data Manager (recommendation i);
- (ii) there be the institution by the Secretariat of more formal and systematic corporate planning consisting at the strategic/managerial level of a set of objectives (developed annually) for the organisation as a whole and at a lower level of a series of individual work plans incorporating personal or unit objectives (recommendation iv);
- (iii) there be an increase in the use of e-mail (recommendation vii);
- (iv) the Secretariat explore areas where the designation of technical coordinators in Member countries could improve efficiency in communication with the Secretariat (recommendation viii);
- (v) the measures suggested by the Data Manager to keep the integrity of the database be endorsed (recommendation xiv as agreed by the Scientific Committee);
- (vi) the Secretariat report to the Scientific Committee and the Commission at the 1997 Annual Meeting on the extent to which deficiencies in the database have been resolved already in the course of the year (recommendation xv);
- (vii) the Data Manager's suggestions for reducing the workload associated with data entry and validation (as set out in Annex E of the Report of Expert's Group) be

endorsed (recommendation xvi as agreed by the Scientific Committee);

- (viii) the Secretariat explore the problem of the data workload further, such as by estimating costs for data entry per boat per type of fishery under different conditions in order to be able to better specify the funds needed for data entry and validation in forthcoming years (recommendation xvii);
- (ix) activities underway by the Secretariat to develop standard software for data entry and validation on board fishing vessels and/or in Member countries be endorsed (recommendation xviii as agreed by the Scientific Committee);
- (x) attempts underway by the Secretariat to set up a web site which have been detailed in two working papers submitted to CCAMLR-XIV (1995) and CCAMLR-XV (1996) be given priority (recommendation xx);
- (xi) responsibilities for the Network Administrator which are currently with the Administration/Finance Officer be moved to the Data Manager (recommendation xxi);
- (xii) initiatives by the Secretariat to automate the process of publication distribution to the largest extent possible, for example by putting price lists, order forms etc on the WWW, be given priority (recommendation xxii);
- (xiii) the Secretariat realign the financial and administrative staff, consolidating tasks into a small team of no more than four individuals, including the Administration/Finance Officer (recommendation xxv);
- (xiv) the Secretariat develop a comprehensive list of required operating procedures and a schedule which would result in their preparation by the end of the year (recommendation xxvi);
- (xv) the Executive Secretary and other Secretariat managers convene meetings, both at organisational and at team level, on a more regular basis to build shared purpose and facilitate communication (recommendation xxxi);
- (xvi) job design should flow from objectives set through organisational planning. Managers and staff should be consulted on the development of the objectives for which they will be accountable (recommendation xxxii);
- (xvii) the Secretariat management should adopt a management approach which devolves more responsibility (recommendation xxxiii);
- (xviii) an annual assessment of performance should be instituted urgently with a view to improving the level and formality of feedback to staff. Assessment should be on the basis of performance agreements (recommendation xxxiv);
- (xix) personal development plans should be written in conjunction with the personnel assessment cycle (recommendation xxxvi); and

- (xx) in-house training be developed where possible, particularly in the translation area so that staff can benefit from available scientific and technical expertise (recommendation xxxvii).

4. The Committee further **recommended that the Commission endorse the following recommendations, which include modifications by SCAF, for implementation by the Executive Secretary, the precise manner and detail of implementation being the responsibility of the Executive Secretary:**

- (i) technical aspects of the Science Officer's current workload such as those involved in the editorial work of CCAMLR publications and documentation should be removed from his duties to provide him with more time for strategic planning of scientific work and more opportunities for scientific analysis to support the work of the Scientific Committee (recommendation ii as modified by SCAF);
- (ii) the function of coordination of translation and publication should be enhanced and incorporated into the current establishment of the Secretariat (recommendation iii as modified by SCAF);
- (iii) subject to the availability of funds, and without prejudice to timing, a computerised PC-based fax system be acquired by the Secretariat (recommendation vi as modified by SCAF);
- (iv) subject to the availability of funds, and without prejudice to timing, the IPMS be transferred to a uniform computer environment consisting of a single PC platform augmented, if necessary, by a few PCs of a second platform in order to meet specific needs, such as in the area of desktop publishing (recommendation xi as modified by SCAF);
- (v) subject to the availability of funds, and without prejudice to timing, all PCs be upgraded to a basic standard both in terms of hardware and software (recommendation xii as modified by SCAF);
- (vi) subject to the availability of funds, and without prejudice to timing, the Secretariat explore whether purchase or hire of PCs is more cost effective under these circumstances (recommendation xiii as modified by SCAF);
- (vii) fishing countries, through their technical coordinators, inform the Secretariat at the beginning of a fishing season on the estimated timing of data submission and the amount of data likely to be submitted in order to facilitate strategic planning of the Secretariat in this respect (recommendation xix as modified by SCAF);
- (viii) the Secretariat present the Fiscal Year 1998 budget request using both the previous and the proposed budget structures, that the Commission adopt the proposed functional budget structure at the Sixteenth Annual Meeting, and that presentations of the draft budget by the Secretariat in future should have appended to it the budget in the form currently presented (recommendation xxiii as modified by SCAF);

- (ix) subject to the approval of the budget structure referred to in recommendation xxiii, the Commission approve a new financial schedule which allows the Executive Secretary to transfer up to 10 per cent of funds among the three proposed budget categories (recommendation xxiv as modified by SCAF);
- (x) the Secretariat prepare a medium/long-term (e.g. Five-Year) Acquisition Plan, to include a full computer upgrade package, for consideration by the Commission at its 1997 Annual Meeting (recommendation xxvii as modified by SCAF);
- (xi) the Secretariat should include anticipated expenditure devoted to training in the presentation of each annual budget. The Administration/Finance Officer should have responsibility for training coordination, but training proposals should be at the initiative of individuals and teams concerned (recommendation xxxv as modified by SCAF); and
- (xii) the principles of merit, transparency and fairness continue to be applied consistently in the areas of designation of responsibilities and staff appointments, access to resources (where budgetary constraints allow), and workplace interaction (recommendation xxxviii as modified by SCAF).

5. The Committee **commends to the Commission the following recommendation which is outside the authority of the Executive Secretary to implement, the wording of which has been modified by the Committee:**

- (i) Members provide information on matters of relevance to the Secretariat, for example, current usage of technical terms, in order to maintain the high level of professional skill in the Secretariat (recommendation x).

6. The Committee discussed extensively recommendation (v) relating to performance criteria for the Executive Secretary. Further consultations will take place among Members to determine whether a specific proposal can be agreed upon within SCAF and forwarded to the Commission.

7. The Committee considered the recommendations of the Group of Experts relating to the salaries and benefits paid to Professional Staff (recommendations xxviii, xxix and xxx). While it recognised the concerns of the Group, particularly with respect to the significant proportion of the Commission's budget that is applied to these costs, the Committee was unable to agree that it is necessarily appropriate to consider moving from a pay system based on the system adopted by the United Nations.

8. The Committee noted that the situations in CCAMLR and other international organisations have changed since the pay system was introduced and Professional Staff levels determined. It would therefore be appropriate to review the levels and benefits for these staff positions. In this regard, the Committee asked the Executive Secretary to prepare a paper for the 1998 Commission meeting comparing the existing CCAMLR pay scheme with the current system employed by the United Nations. The Committee also accepted the offer of the US to coordinate with the United Nations for a new evaluation of the position descriptions and salary levels of the Professional Staff. The Executive Secretary will provide the current position descriptions to the US who will present the

United Nations' finding at the next Commission Meeting.

9. With regard to the recommended reallocation of the tasks of the Science Officer, it is the understanding of the Committee that the Executive Secretary should ensure that the Science Officer continue to have direct link in performing his duty to both Translation/Publication Coordinator and Data Manager and continue to receive sufficient staff support.

10. The Committee **recommended that the Commission request the Executive Secretary to report to the 1998 meeting on the progress made in the implementation of relevant recommendations.**

AUDITED FINANCIAL STATEMENTS

11. The Committee **recommended that the Commission accept the financial statements as presented in CCAMLR-XVII3.** The Committee noted that the audit report to the 1996 Financial Statements based on a full audit advised no qualifications in respect of compliance with Financial Regulations or International Accounting Standards.

12. The Committee **recommended that the Commission require that only a review audit be performed on the 1997 Financial Statements.**

REVIEW OF BUDGET FOR 1997

13. The Committee received the advice of the Chairman of the Scientific Committee that the increase in size of the report of the Working Group on Fish Stock Assessment (WG-FSA) would result in a budget overrun of A\$6 900 in the Scientific Committee budget and A\$4 200 in the Commission's budget Publication item. The Committee **recommended that the Commission approve the use of A\$11 100 from the Ukrainian Contribution Special Fund to cover this overrun.**

14. The Delegation of New Zealand advised the Committee that the amount drawn from the Ukrainian Special Fund for contribution to the preparation of a Seabird Identification Guide was now estimated to be no more than A\$24 760. The Administration/Finance Officer confirmed that on the basis of this figure, there would be a sufficient balance in the Ukrainian Contribution Special Fund to cover the A\$11 100 allocation referred to above.

15. The Committee received advice from the Delegation of Brazil that Brazil's contributions for 1996 and 1997 would be paid within a few days and noted that there would then be a contribution from only one Member outstanding for 1997.

1998 BUDGET

16. The Delegation of Uruguay advised the Committee that the New Member's contribution was currently being processed but was unable to specify when it could pay the 1997 Contribution. The

Committee noted that payment of the New Member's Contribution could reasonably be expected in 1997 and consequently treatment of this as an income item in the 1998 budget was appropriate.

PUBLICATIONS

17. The Committee supported the establishment of a CCAMLR site on the World Wide Web and endorsed the inclusion in the 1998 budget of the first half (A\$9 500) of the cost of its establishment.

18. The Committee requested that the Secretariat report to the Commission in 1998 on its progress towards achieving cost savings through use of electronic forms of data entry.

19. The Committee supported the continuing preparation of the book *Understanding CCAMLR's Approach to Management* and endorsed the amount of A\$39 700 allocated in the 1998 budget for this. The Committee noted that printing and distribution of the book in four languages was scheduled for 1999 and **recommended that the Commission direct the Secretariat to liaise with the preparers of the book, possible publishers and other relevant persons with the aim of presenting to the Commission in 1998 a paper setting out options for minimising printing and distribution costs, including sales prospects.**

20. The Chairman of the Scientific Committee advised the Committee that the report of the 1998 meeting of WG-FSA would be likely to be as long as that of 1997. The increased cost requirements for the publication of the Scientific Committee report and for the Scientific Committee budget have been amended accordingly.

21. The Committee **recommended that the policy for charging for most CCAMLR publications, in excess of a designated number of copies per Member, be retained for 1998 but that the price structure be simplified by standardising prices, including postage, for all copies of each publication other than those provided free.**

SCIENTIFIC COMMITTEE BUDGET

22. In receiving the Scientific Committee's budget to SCAF, the Committee noted that a saving of A\$4 400 would be possible in respect of the Area 48 Workshop.

23. The Delegation of the UK informed the Committee that the offer to provide such funding was conditional on internal funding being obtained and that this could not be guaranteed. Following discussions with the Secretariat, agreement was reached that any shortfall from the UK's funding would be met from the Secretariat budget under the newly agreed flexibility arrangements.

COMPUTER EQUIPMENT

24. The Committee reviewed the Secretariat's plans for possible computer upgrades and agreed that it was appropriate for the Secretariat to proceed with fully upgrading its equipment using leasing arrangements. The Committee noted that this would have no effect on the 1998 budget.

OVERALL BUDGET

25. The Committee **recommended that the Commission adopt the budget for 1998 as presented in the table appended to this report** (Appendix II).

1999 FORECAST

26. The Committee noted the forecast budget for 1999.

27. In recalling its recommendation to the Commission concerning the form of budget presentation to be used in future (paragraph 4), the Committee requested that in presenting the draft budget for 1999 to the Commission in 1998, the Secretariat incorporate appropriate information to assist in the understanding of the relationship between the figures in the old and new budget formats.

CHAIRMAN AND VICE-CHAIRMAN

28. The Committee elected Spain as Chairman of the Committee for 1998 and 1999. Germany was elected as Vice-Chairman for the same period.

29. The Committee expressed its gratitude to Mr Nomura for the efficient and effective way he has chaired SCAF during the past two years.

ADOPTION OF THE REPORT

30. The report of the meeting was adopted.

**AGENDA FOR THE 1997 MEETING OF THE
STANDING COMMITTEE ON ADMINISTRATION AND FINANCE**

1. Management Review of the Secretariat
2. Examination of Audited Financial Statements for 1996
3. Audit Requirement for 1997 financial Statements
4. Review of Budget for 1997
5. Budget for 1998 and forecast Budget for 1999
 - (i) Publications
 - (ii) Scientific Committee Budget
6. Any Other Business Referred by the Commission
7. Election of Chairman and Vice-Chairman of SCAF
8. Adoption of the Report.

BUDGET FOR 1998 AND FORECAST FOR 1999

1997 BUDGET	1998 BUDGET					1999 FORECAST		
	TOTAL	SCIENTIFIC COMMITTEE			Commission & Meetings	Adminis- tration		
		Own budget	Other	Total				
INCOME								
1 593 200	Members' Contributions	1 673 200					1 723 500	
	Items from previous year:							
41 000	Interest	35 300					39 300	
0	New Members' Contributions	33 300					0	
232 500	Staff Assessment Levy	228 500					232 200	
0	Surplus	0					0	
<u>1 866 700</u>		<u>1 970 300</u>					<u>1 995 000</u>	
EXPENDITURE								
Salaries and Allowances								
649 400	Professional Staff	649 700	0	297 500	297 500	227 900	124 300	663 300
418 600	Support Staff	495 600	23 300	231 900	255 200	122 300	118 100	497 200
264 900	Translation	282 000	49 700	37 800	87 500	176 400	18 100	286 100
<u>1 332 900</u>	Total	<u>1 427 300</u>	<u>73 000</u>	<u>567 200</u>	<u>640 200</u>	<u>526 600</u>	<u>260 500</u>	<u>1 446 600</u>
Capital Expenditure								
45 400	Computers	0	0	0	0	0	0	0
2 000	Furniture	2 000	0	0	0	0	2 000	2 000
2 500	Office Equipment	4 000	0	0	0	0	4 000	2 500
<u>49 900</u>	Total	<u>6 000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>6 000</u>	<u>4 500</u>
Communication								
11 400	Fax	11 600	0	1 200	1 200	9 300	1 100	12 300
11 900	Internet	16 200	0	11 300	11 300	1 600	3 300	23 100
27 500	Postage & Freight	27 900	3 500	1 400	4 900	8 400	14 600	25 400
	Telex	0	0	0	0	0	0	0
10 100	Telephone	10 300	0	0	0	2 100	8 200	9 800
<u>60 900</u>	Total	<u>66 000</u>	<u>3 500</u>	<u>13 900</u>	<u>17 400</u>	<u>21 400</u>	<u>27 200</u>	<u>70 600</u>
Hire & Rental								
0	Computers	35 700	8 000	5 600	13 600	13 000	9 100	40 300
9 500	Copy Equipment	9 700	0	0	0	7 800	1 900	9 500
15 600	Maintenance & Training	29 800	0	12 500	12 500	4 000	13 300	15 600
42 300	Meetings Venue	43 000	0	0	0	43 000	0	42 300
33 200	Multilingual Equipment	33 700	0	0	0	33 700	0	33 200
120 400	Translation/Interpretation	117 700	5 600	6 000	11 600	106 100	0	120 400
15 200	Translation Facilities	15 400	0	0	0	15 400	0	15 200
<u>236 200</u>	Total	<u>285 000</u>	<u>13 600</u>	<u>24 100</u>	<u>37 700</u>	<u>223 000</u>	<u>24 300</u>	<u>276 500</u>
<u>78 600</u>	Travel	<u>74 400</u>	<u>43 600</u>	<u>0</u>	<u>43 600</u>	<u>30 800</u>	<u>0</u>	<u>83 200</u>
Support Costs								
8 000	Auditor	4 600	0	0	0	0	4 600	8 500
10 300	Insurance	10 800	0	0	0	0	10 800	11 100
15 200	Light & Power	15 400	0	0	0	0	15 400	15 600
23 300	Miscellaneous	26 900	9 000	5 700	14 700	700	11 500	25 200
27 600	Photocopying	27 900	1 000	10 100	11 100	15 600	1 200	28 300
23 800	Stationery	26 000	0	7 700	7 700	10 800	7 500	24 900
<u>108 200</u>	Total	<u>111 600</u>	<u>10 000</u>	<u>23 500</u>	<u>33 500</u>	<u>27 100</u>	<u>51 000</u>	<u>113 600</u>
<u>1 866 700</u>		<u>1 970 300</u>	<u>143 700</u>	<u>628 700</u>	<u>772 400</u>	<u>828 900</u>	<u>369 000</u>	<u>1 995 000</u>

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

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

1.1 The meeting of the Standing Committee on Observation and Inspection (SCOI) was held from 28 to 31 October 1997 under the chairmanship of Dr W. Figaj (Poland).

1.2 The Provisional Agenda of SCOI was distributed to Members as an attachment to the Provisional Agenda of the Commission (CCAMLR-XVI/1). The Provisional Agenda of SCOI took account of all subitems of Commission Agenda Item 8, 'Observation and Inspection'. The agenda was amended as follows:

- (i) a new item, 'Illegal, Unregulated and Unreported Fishing in the Convention Area' was added as Item 1;
- (ii) subitems 1(iv) 'Information provided by Members in accordance with Articles X and XXII of the Convention' and 1(v) 'Improvements to the System of Inspection' were included under the new Item 1 as (i) and (ii) respectively;
- (iii) a new item, 'Election of Vice-Chairman of SCOI' was added as Item 5; and
- (iv) as no other matters were referred to the Committee by the Commission, Item 4, 'Any Other Business Referred by the Commission,' was deleted.

With these amendments, the Agenda was adopted (Appendix I).

1.3 In addition to papers distributed to the Commission and the Scientific Committee on subjects related to its terms of reference, SCOI considered several other papers prepared by Members and the Secretariat. The list of papers considered by the Committee is given 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

1.4 At its 1996 meeting, the Commission recorded its concern at the evidence of illegal fishing activities in the Convention Area and stated that the extent of these illegal fishing activities posed a serious problem (CCAMLR-XV, paragraph 7.12).

1.5 During the 1996/97 season Australia, France and South Africa reported a large number of sightings of fishing vessels of CCAMLR States in the Convention Area. Sightings were reported from Subareas 58.6 and 58.7 (Prince Edward Islands and Crozet Islands) and Divisions 58.5.1 and 58.5.2 (Kerguelen Islands and McDonald and Heard Islands). Most sightings were reported from waters under the jurisdiction of Coastal States who are Members of CCAMLR. The majority of the vessels sighted were longliners, presumably conducting fishing for *Dissostichus eleginoides* in contravention of CCAMLR conservation measures (SCOI-97/4, (also CCAMLR-XVI/BG/19), SCOI-97/10, SCOI-97/12 (also Commission Circular 97/50) and SCOI-97/13).

1.6 A number of vessels were not identified and were reported as 'unknown'. A summary of sightings was given in SCOI-97/6.

1.7 Last year the Commission also expressed its deep concern over the increasing number of reports of fishing activities in the Convention Area by vessels of non-Contracting Parties. The Commission therefore directed the Chairman to write to the Governments of the Flag States of these vessels to convey a firm message that such activities undermined the effectiveness of the CCAMLR conservation approach (CCAMLR-XV, paragraph 7.17).

1.8 On receiving reports of sightings from Members, the Secretariat arranged for letters from the Chairman to be sent to the Governments of the following non-Contracting Parties: Panama, Portugal (with a copy of the letter to the European Community) and Vanuatu. During the intersessional period, Members were informed by the Secretariat of any replies received to the Chairman's letter.

1.9 With regard to the activities of the Portuguese vessel *Antartico*, the European Community advised that Portuguese authorities have confirmed that they had not issued a licence to this vessel to operate in the CCAMLR area. The Portuguese authorities have instructed the owner of the vessel to cease fishing activities in the Convention Area immediately. A copy of this correspondence from the European Community is given in SCOI-97/5.

1.10 On a bilateral basis, the UK contacted the Governments of Panama and Vanuatu, and Argentina contacted the Government of Panama. Both the UK and Argentina reiterated to the Governments concerned the position of CCAMLR with regard to fishing in the Convention Area by non-Members.

1.11 Following the bilateral initiative of the UK, Vanuatu has formally responded to CCAMLR, stating that 'it considers the violations of such treaties deserving of suspension or deletion from the registry, if it can be proven. Only one such violation has ever been proven: that vessel no longer flies the Vanuatu flag'. Vanuatu has also asked for information on how to become a signatory to the CCAMLR Convention.

1.12 Chile had submitted to the Secretariat its responses on sighting of its vessels in the Exclusive Economic Zone (EEZ) of France (Subarea 58.6 and Division 58.5.1) and South Africa (Subareas 58.6 and 58.7) (SCOI-97/14 and its Addendum).

1.13 In its response to France, the Chilean Government indicated that '...due to the fact that the System of Observation and Inspection is not currently applied in waters surrounding the Kerguelen and Crozet Islands, Contracting Parties lack the information which is required in order to monitor the activities of vessels flying their flag'.

1.14 France does not share the Chilean position referred to in point 5 of its response (SCOI-97/14 Addendum) in the sense that the system implemented by France on this occasion has the same objectives as those of CCAMLR. This is in full accordance with the 1980 Statement of the Chairman.

1.15 France also believes that Flag States should respect provisions of Coastal States in their EEZs. In this context, France relies on the cooperation of all Members of CCAMLR to act against any form of illegal fishing.

1.16 South Africa expressed understanding for the Chilean position that sightings reported by South Africa lack sufficient detail to allow Chile to take legal action based on the information provided. However, South Africa does not accept that there is no need to further address the situation in order to prevent recurrence in future.

1.17 Chile confirmed this understanding and, whilst it reiterated its position that the application of CCAMLR inspections was required to institute proceedings against the offenders, agreed that illegal fishing must be urgently addressed by all Commission Members through an integrated set of measures and is prepared to cooperate fully to that end. In conformity with the

prohibition which is being recommended by SCOI to the Commission, all Chilean flag vessels would be warned that their presence in areas and at times not contemplated in a CCAMLR conservation measure should be absolutely avoided.

1.18 The Committee took note of all sightings of vessels in the Convention Area of Members and non-Members (SCOI-97/4 (also CCAMLR-XVI/BG/19), SCOI-97/10, 12 and 13).

1.19 Based on this evidence, the Committee decided to proceed directly with finding solutions to deal with the problem of illegal, unregulated and unreported fishing.

1.20 The Committee's discussions fell into two areas:

- (i) possible measures to resolve the problem of unreported and unregulated fishing by non-Members; and
- (ii) possible measures to resolve the problem of illegal fishing by CCAMLR Members.

1.21 Following discussions, the Committee agreed to recommend to the Commission a scheme to promote compliance by non-Contracting Party vessels with the conservation and enforcement measures established by CCAMLR. The scheme is based on the NAFO scheme (CCAMLR-XVI/BG/33) and on proposals put forward by the European Community and by ASOC (CCAMLR-XVI/BG/38).

1.22 Accordingly, the Committee recommended that the Commission adopt the draft Conservation Measure A appended to this report as Appendix III.

Political Action/Bilateral Approach with regard to Non-Member States

1.23 The Committee discussed possibilities for diplomatic action by the Commission and individually by Members of the Commission to eliminate unregulated fishing such as fishing by vessels of non-Contracting Parties on the high seas within the Convention Area, which undermines the effectiveness of CCAMLR conservation measures. SCOI noted the obligations of Article X of the Convention and recommended that the existing procedures of transmitting the CCAMLR Commission's concerns to the attention of non-Contracting Parties, by means of a letter from the Chairman of the Commission, should continue.

1.24 SCOI also recommended to the Commission that a more selective, targeted approach should be made towards non-Contracting Parties whose vessels were fishing in an unregulated manner in CCAMLR waters, or towards States providing either port facilities or landing facilities for such vessels. The Committee recommended that the Commission consider inviting such States to CCAMLR-XVII as observers.

1.25 In such cases, individual Commission Members, supported by other Members, as appropriate, should, on behalf of the Commission, make representations to such non-Contracting Parties, with a view to eliminating activities by the nationals or vessels of such States which adversely affect the fulfilment of the objectives of the Convention.

1.26 The Committee then considered other relevant international instruments. These included the 1995 Straddling Stocks Agreement¹, the FAO Code of Conduct for Responsible Fisheries and the FAO Compliance Agreement².

¹ Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

² FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas

1.27 Australia believed it was worthwhile to consider specific aspects of these agreements which were relevant to the issues under consideration, and the Committee agreed to bring this matter forward for discussion at a later stage.

1.28 SCOI also saw merit in Members of the Commission drawing attention to the problems of illegal, unregulated and unreported fishing in the Southern Ocean in connection with ongoing efforts within United Nations' General Assembly and FAO to address these issues globally.

1.29 Poland highlighted possible action by Non-Governmental Organisations (NGOs) vis-a-vis non-Member States which are connected in one way or another to illegal fishing.

Port State Control

1.30 The Committee noted that the proposed measure concerning the denial of landings and transhipments by non-Contracting Party vessels which undermine the effectiveness of CCAMLR conservation measures (Appendix III) is based on Port State control.

1.31 The Committee decided to include, within the scope of political action with respect to non-Contracting Parties, not only those non-Member States whose vessels undermine the effectiveness of CCAMLR measures by fishing in the CCAMLR area without abiding by such measures, but also those States which provide port facilities to these vessels and thus enable them to continue their operations.

1.32 The Committee also saw merit in approaching other regional organisations (e.g. Southern African Development Community (SADC)) to inform them about the proposed conservation measure on denial of landings and transhipments and to ask for their cooperation.

1.33 The Committee also agreed that, in general, it is useful to have the opportunity to inspect vessels which enter ports of the Members of CCAMLR, to determine the origin of the catch and whether they have undermined CCAMLR conservation rules – and, in that case, to deny the landing of fish and fish products. Members should be encouraged to do so. However, it was suggested that in the case of non-Member States whose vessels repeatedly disregard CCAMLR measures, a more radical approach (namely, denial of access to ports) could be considered by the Commission.

1.34 The Members of the Committee noted that elucidation of all the legal issues related to the exercise of Port State jurisdiction, including issues relating to World Trade Organisation regulations, required more detailed consideration but that urgent practical actions were necessary, given the seriousness of the situation of unregulated non-Contracting Party fisheries.

Trade-related Measures

1.35 The Committee also discussed another possible means of action with regard to non-Members States, that was by trade-related measures.

1.36 The Committee agreed that the States in whose markets *D. eleginoides* is marketed should also contribute to the elimination of unregulated fishing by non-Members of CCAMLR.

1.37 The Committee noted that the International Commission for the Conservation of Atlantic Tunas (ICCAT) has dealt, in part, with the problem of fishing by non-Contracting Parties which undermine the effectiveness of the Convention by prohibiting imports into Member countries of Atlantic bluefin tuna from non-Member countries which consistently fail to comply with applicable conservation measures.

1.38 The Committee agreed to study the feasibility and usefulness of a CCAMLR system which would envisage, as a last resort, the possibility of the application of trade restrictive measures to non-Contracting Parties which have been identified by CCAMLR as undermining the effectiveness of CCAMLR measures through the activities of vessels flying their flag.

1.39 The Committee recommended to the Commission that it request Members to:

- (i) collect information related to trade of *Dissostichus* spp. in order to better understand the international flows (including where it is landed, transhipped or imported and under what product names it is being marketed); and
- (ii) provide that information for consideration at the next annual meeting of CCAMLR.

High Seas Licensing

1.40 The Committee discussed proposals from the US concerning the requirement for all vessels of Contracting Parties intending to fish in the Convention Area to be licensed by their respective Flag State, and that there be an explicit prohibition on fishing for *Dissostichus* spp. except when such fishing was regulated by a conservation measure.

1.41 There was unanimous support for these proposals and the Committee recommended that the Commission adopt the draft Conservation Measures B and C appended to this report as Appendix IV and V respectively.

1.42 Members made the following observations with regard to draft Conservation Measure B:

- (i) its provisions are consistent with electronic transmission of licences or permits to vessels away from home ports; and
- (ii) its provisions do not require a particular form of licence or permit to be issued by Flag States.

Flag State Responsibility: Flagging of Vessels under Flags of Convenience

1.43 With respect to control and monitoring of flagging into flags of convenience, the Committee agreed that this was an important issue but noted that it should be considered as complementary to other mechanisms of ensuring compliance with the CCAMLR management regime.

1.44 The Committee recognised the potential usefulness of the FAO Compliance Agreement, in particular in the following areas:

- (i) States must require an authorisation for any vessel entitled to fly its flag and intending to fish on the high seas. Such an authorisation must include all the conditions attached to the fishery in question, i.e the applicable conservation and management measures that vessels must respect;
- (ii) States must keep a registry of all the authorisations granted and communicate them to the relevant regional organisation;

- (iii) States should grant their flag only to those vessels over whose activities it can effectively exercise control. States should not authorise to fish on the high seas vessels which have not satisfied sanctions imposed on it by a previous Flag State;
- (iv) when a State is not bound by the measures adopted by an international fisheries organisation, it should nevertheless ensure that its vessels do not undermine the efficiency of internationally-agreed conservation and management measures; and
- (v) States should exchange information on changes of name or flag of vessels or any other relevant information to ensure that vessels do not reflag for the purpose of avoiding the application of internationally-agreed conservation and management measures.

1.45 The Committee, therefore, recommended to the Commission that its Members consider the acceptance of this agreement, noting that it would contribute to the elimination of unregulated fishing by non-Contracting Parties.

Coastal State Cooperation

1.46 A mechanism of dealing with vessels that appear to be without nationality (stateless) was discussed, using measures adopted by ICCAT regarding transshipment issues as a reference. In particular, the attention of the Committee was drawn to an ICCAT provision that, where there were reasonable grounds for suspecting that a fishing vessel targeting an ICCAT species on the high seas was stateless, a Contracting Party may board and inspect the vessel. The ICCAT measures also contain provision for information exchange between Contracting Parties and the ICCAT Secretariat regarding identification of those vessels.

1.47 Chile drew the attention of the Committee to Articles 19 and 20 of the 1995 Straddling Stocks Agreement which contain provision for cooperation between the Flag State and other States for enforcement on the high seas. Although CCAMLR contemplates only Flag State enforcement, there could be grounds for enhanced cooperation on inspections on the high seas, and exchange of information, including the provision of information by the Coastal States on non-Contracting Party vessels licensed to fish in their EEZs when such areas are close or adjacent to the CCAMLR Convention Area.

1.48 The Committee agreed that a similar information exchange should be established for CCAMLR, with regard, in particular, to information on all vessels known to have fished in contravention of CCAMLR conservation measures.

General

1.49 The Committee thanked the UK for its informal paper summarising possible measures to combat illegal, unregulated or unreported fishing. The Committee also noted that several Members had made information available on steps taken by other international organisations to deal with similar types of problems.

1.50 The Committee recommended to the Commission that the Secretariat be asked to research other measures to combat illegal, unregulated or unreported fishing; these would be considered at CCAMLR-XVII. The Committee also recommended that all Contracting Parties should be requested to submit to the Secretariat any suggestions or information they might have in this regard for inclusion in the Secretariat's report to CCAMLR-XVII.

Improvements to the System of Inspection

Amendments Proposed to the System of Inspection

1.51 The Delegation of Chile submitted two papers proposing amendments to the System of Inspection in the following areas: (i) deadlines for submitting reports of inspection (CCAMLR-XVI/15); and (ii) boarding and inspection procedures (CCAMLR-XVI/16).

1.52 The Committee considered Chile's amendments to the System of Inspection, noting that the basic principles of the System of Inspection require that Flag States be promptly notified of inspections undertaken in respect of their vessels. Delays in receiving copies of reports of inspection could seriously impede national authorities in their investigation of reported results of inspections.

1.53 After discussion, SCOI recommended that the Commission adopt the following changes to paragraph VIII(d) and (e) of the System of Inspection (new text is in bold type):

- VIII. (d) The Inspector shall provide a copy of the completed inspection form along with photographs and video footage to the designating Member **not later than 15 days of his/her arrival to port.**
- (e) The designating Member shall forward a copy of the inspection form **not later than 15 days from its reception** along with two copies of photographs and video footage to the CCAMLR Executive Secretary who shall forward one copy of this material to the Flag State of the inspected vessel **not later than seven days from receipt.**

1.54 During the 1996 meeting of SCOI, Chile pointed out the need to clarify the interpretation of paragraph III(b) of the System of Inspection in order to avoid the use of boarding and inspection rights for purposes other than those established in Article XXIV of the Convention. CCAMLR-XVI/16 presents analysis conducted by Chile of the relevant texts of the System of Inspection, the Convention and the 1980 Statement of the Chairman. Based on this analysis, Chile believed that the practice of conducting national and CCAMLR inspections simultaneously did not conform either to the spirit or the relevant rules of the Convention, and proposed amendments to paragraph III(b) of the System of Inspection in order to confirm first, the rights and competence of a CCAMLR inspector, and secondly, the procedures for boarding and inspections.

1.55 Australia and South Africa had concerns about the impracticability and cost of having two inspectors or two inspection vessels in cases where inspections were to be conducted both inside and outside their EEZs. The UK expressed disagreement with the reasoning in the Chilean paper with respect to the extent of the rights of Coastal States and their implications. Argentina, whilst supportive of the Chilean proposal on dual inspections, expressed its position on the interpretation and application of the 1980 Statement of the Chairman. France favoured the *status quo* in this situation, but reserved its legal position on the matter.

1.56 The Committee agreed that Members continue discussions intersessionally on a bilateral basis.

1.57 The Secretariat proposed two minor amendments to the System of Inspection (SCOI-97/8) on: (i) the standardisation of deadlines for submitting information on vessels intending to harvest and on inspectors designated by Members; and (ii) the necessity to obtain information on the 'port of registration' rather than 'home port' of each vessel.

1.58 Several Members noted that fisheries in the Convention Area did not have a uniform fishing season, that individual fisheries have different seasons, and that some fisheries operate

all-year-round. Under these circumstances, it would be difficult to comply with any strict deadlines. A proposal to establish a one-month deadline before opening a fishery received qualified support.

1.59 The Committee agreed with the proposal regarding 'port of registration' and accordingly recommended that the Commission amend paragraph IV of the System of Inspection **by changing the words 'home port' to 'port of registration'**.

1.60 Chile introduced its paper, CCAMLR-XVI/18, which called for sanctions applied by Flag States in respect of infringements of CCAMLR provisions to be sufficiently severe as to ensure compliance with regulations, to discourage infringements and to remove from the offenders any economic benefit derived from their illegal activities.

1.61 Following discussion, the Committee recommended that the Commission amend the text of the System of Inspection **by deleting the last sentence of paragraph XI and inserting new paragraphs XII, XIII and XIV**, as follows:

XII. The Flag State shall at least once a year report to the Commission, in writing, about the results of such prosecutions and sanctions imposed. If a prosecution has not been completed, a progress report shall be made. When a prosecution has not been launched, or has been unsuccessful, the report shall contain an explanation.

XIII. Sanctions applied by Flag States in respect to infringements of CCAMLR provisions shall be sufficiently severe as to effectively ensure compliance with CCAMLR conservation measures and to discourage infringements and shall seek to deprive offenders of any economic benefit accruing from their illegal activities.

XIV. The Flag State shall ensure that any of its vessels which have been found to have contravened a CCAMLR conservation measure do not carry out fishing operations within the Convention Area until they have complied with the sanctions imposed.

1.62 Complementing the recommendation to the Commission regarding a conservation measure on the issue of licences or permits to vessels fishing in the Convention Area (paragraph 1.41), the Committee recommended that the Commission adopt the following new subparagraph to paragraph IV of the System of Inspection:

IV. (c) In addition each Contracting Party shall provide to the Commission the following information about licences or permits issued by its authorities to its flag vessels authorising them to fish in the Convention Area:

- **name of the vessel;**
- **time period(s) for fishing;**
- **area(s) of fishing;**
- **species targeted; and**
- **gear used.**

Such information shall be communicated to the Commission within seven days of the issue of each licence or permit and the Commission shall circulate the information to all Parties within seven days.

Automated Satellite-Linked Vessel Monitoring Systems (VMSs)

1.63 Australia, Chile, New Zealand and South Africa reported to the Committee on the implementation on a national level of Vessel Monitoring Systems (VMS) to monitor their vessels fishing in the Convention Area (CCAMLR-XVI/BG/7, CCAMLR-XVI/19, CCAMLR-XVI/BG/31 and CCAMLR-XVI/BG/18 respectively).

1.64 The Committee considered proposals from the European Community and from Chile that satellite tracking devices be installed on all vessels of CCAMLR Members which fish or plan to fish in the Convention Area from 1 January 1998.

1.65 The Committee noted the urgency of stopping the high level of illegal, unregulated, and unreported harvesting of *D. eleginoides* in the Convention Area which is undermining the effectiveness of the Convention.

1.66 The Committee recognised that mandatory use of automated VMSs will enable CCAMLR Members to ensure that their flag vessels fish in the Convention Area only in places and during time periods permitted by conservation measures adopted by the Commission.

1.67 It also recognised that mandatory use of VMSs by Members to monitor the locations of their flag vessels in the Convention Area will help to identify vessels fishing in the Convention Area not complying with conservation measures adopted by the Commission.

1.68 Taking into account the abovementioned reasons, the Committee recommended that the Commission adopt the draft Conservation Measure D appended to this report as Appendix VI.

1.69 Concerning the abovementioned conservation measure, Argentina stated that, whilst it is currently implementing a VMS, it reserved its position in relation to Subareas 48.3 and 48.4 pending a resolution of the existing controversy.

1.70 The Republic of Korea stated that, while recognising the usefulness of VMS and supporting its implementation, it needed some time to complete the necessary domestic arrangements including technological matters.

1.71 The Republic of Korea indicated that it believed it was premature to require automated monitoring of vessels engaged in the squid fishery in Subarea 48.3, given that the fishery is at the very early stage of its development and the commercial potential has not actually been demonstrated to attract illegal fishing activities and, in practice, it is impossible to catch other species with the current fishing method.

1.72 The Republic of Korea also finds some interpretational difficulties with paragraph 1 as the catch limit for *Martialiahyadesi*, in particular, was set in precautionary perspective, not based on the result of a stock assessment and hence may not constitute a TAC and the fishing season is year round.

1.73 Uruguay indicated that, while supporting the aims of VMS enforcement, it will not be in a position to implement it in the short time scheduled, due to national constraints.

OPERATION OF THE SYSTEM OF INSPECTION AND COMPLIANCE WITH CONSERVATION MEASURES

Implementation of Conservation Measures in the 1996/97 Season

2.1 All Conservation Measures adopted at CCAMLR-XV were notified to Members on 5 November 1996. There were no objections to any Measures and, in accordance with

Article IX.6(b) of the Convention, they became binding on all Members on 4 May 1997. A paper on the implementation of Conservation Measures in 1996/97 was prepared by the Secretariat (CCAMLR-XVI/BG/17).

2.2 In the 1996/97 season, Australia, Chile (CCAMLR-XVI/BG/12), European Community, South Africa (CCAMLR-XVI/MA/1) and Uruguay (SCOI-97/15) informed CCAMLR of steps taken to implement current conservation measures. Russia, South Africa and the USA had previously informed SCOI that they had in place the legislative and administrative procedures required to give effect annually to conservation measures. Poland advised the Committee that it, too, has legislation in place enabling the adoption of annual regulations giving effect to conservation measures.

2.3 South Africa drew the Committee's attention to its Report of Member's Activities (CCAMLR-XVI/MA/1) which advised that, in addition to domestic legislation to enforce the conservation measures adopted at the 1996 meeting, a variety of domestic regulations had been promulgated to exert Port State control on vessels entering South African waters with toothfish aboard or carrying toothfish longlines.

2.4 Chile's paper, CCAMLR-XVI/BG/12, advised that the Government of Chile is currently in the process of finalising two bills aimed at strengthening the powers of the courts vis-a-vis compliance with the provisions of the Convention and adopted conservation measures, including the imposition of sanctions.

2.5 In Japan, each vessel flying the Japanese flag and intending to fish in the Convention Area is subject to licensing administered by the Ministry of Agriculture, Forestry and Fisheries requiring compliance with CCAMLR conservation measures.

2.6 Ukraine advised that, in addition to domestic regulations, a decree is issued annually by the State Committee on Fisheries which requires all fishing companies to comply in full with CCAMLR Conservation measures.

2.7 The Republic of Korea advised that every Korean fishing vessel intending to fish in CCAMLR waters is required to receive a permit issued by the Ministry of Maritime Affairs and Fisheries, and the fishing operators are informed of the conservation measures in force. In case of infringements, the operators concerned are to be sanctioned according to the provisions of its Fishery Act.

2.8 The UK, on behalf of the presidency of the Council of the European Union, informed the Committee that the Council of Ministers of the European Union was expected to adopt shortly a regulation which would give effect to the conservation measures adopted at the 1996 meeting. Such a regulation would be binding on all Member States of the European Community which included 11 Parties of CCAMLR, eight of which were Commission Members.

Responsibility for Catch Reporting and Assigning of Catches

2.9 The Committee considered the issue of which Commission Member is obligated to report catches when vessels are flagged to one Member nation and under charter to another. The Secretariat's paper SCOI-97/11 provided background information on this matter, including excerpts from FAO documents and relevant international conventions. It also included a table which illustrated all possible reporting and catch assignment options.

2.10 The Committee endorsed the general principle that Flag State Members are responsible for the reporting of, and will have assigned to them for the purposes of Article XIX.3 of the Convention, catch taken by their vessels on the high seas. However, in cases of vessel charter

between Members of the Commission, the Flag State and the State whose nationals control the vessel's operations may agree otherwise in respect of the responsibility for catch reporting and the attribution of the catch for the purposes of Article XIX.3 of the Convention.

2.11 The Secretariat will be duly informed of such agreements.

2.12 In the case of a vessel fishing within the EEZ or maritime zone of another Member State, some Members expressed the view that the Coastal State Member which authorised that vessel to fish in its EEZ or maritime zone should be responsible for reporting the vessel's catch to the CCAMLR Secretariat and will have that catch assigned to it for the purposes of Article XIX.3 of the Convention. Other Members were of the view that the responsibility for reporting the vessel's catch should lie with the Flag State and that the catch should also be assigned to the Flag State in such cases.

2.13 Argentina reserved its position in relation to Subareas 48.3 and 48.4 pending a resolution of the existing controversy.

2.14 The Committee reiterated the 1993 agreement of the Commission that, in the case of joint ventures where one party is not a Member of CCAMLR, the party which is a Member of CCAMLR would be expected to assume responsibility for reporting data and ensuring compliance with Conservation Measures (CCAMLR-XII, paragraph 4.15).

Inspections Undertaken in the 1996/97 Season and Actions of Flag States in Respect of Inspections Undertaken

2.15 In the 1996/97 season, four inspections were carried out in Subarea 48.3. Three inspections were conducted by a CCAMLR inspector designated by Argentina and one by a UK-designated inspector. The three vessels inspected by the Argentinian inspector were *Isla Isabel* and *Isla Camila* (Chile) and *Argos Helena* (UK). The inspection carried out on the *In Sung 66* (Republic of Korea) was by the UK-designated inspector.

2.16 The reports of inspection are given in SCOI-97/3; a summary is given in CCAMLR-XVI/BG/20.

2.17 In general, the inspected vessels were found to be complying with most conservation measures. However, there were instances of non-compliance with Conservation Measure 63/XV 'Regulation of the Use and Disposal of Plastic Packaging Bands on Fishing Vessels' (*Isla Isabel*, *Isla Camila* and *Argos Helena*) and with Conservation Measure 29/XV 'Minimisation of the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research in the Convention Area' (*Isla Isabel*, *Isla Camila* and *In Sung 66*).

2.18 Responses from Chile and the UK received intersessionally are given in SCOI-97/3.

2.19 Argentina briefly reported on the abovementioned inspections carried out in March 1997 by an Argentinian-designated inspector in accordance with CCAMLR provisions. All inspections were carried out on the same day on account of favourable weather and without inconveniences due to collaboration of captains and crew members.

2.20 In response to the inspection report presented by Argentina, the UK recalled that the status of the inspections undertaken by Argentina had been the subject of the UK's letter of 24 September circulated as COMM CIRC 97/70. Nothing in Argentina's response (CCAMLR-XVI/23) altered the UK's view as stated in that letter.

2.21 In view of the decision of the Commission at its meeting last year (CCAMLR-XV, paragraph 13.41) that CCAMLR was not an appropriate forum in which to resolve the bilateral dispute, the UK indicated that further discussion in SCOI was inappropriate.

2.22 On the detail of the inspection report related to the UK-flagged vessel *Argos Helena*, the UK indicated that the infringements identified had been rectified immediately on receipt of the report.

2.23 Argentina referred to the document CCAMLR-XVI/23 which contains the Argentinian reply to the UK's notes of 4 July and 24 September 1997. The referred document stated Argentina's position as to the legitimacy and convenience of such inspections. Furthermore Argentina reiterated the need for a thorough use of the CCAMLR System of Inspection so as to ensure the objectives of the Convention.

2.24 Argentina also pointed out that the issue of the referred to inspections has its own entity and implies important practical consequences which cannot escape the attention of all Members of the Commission.

2.25 Finally, Argentina pointed out that, due to its complexity and importance, it was necessary to keep the matter under thorough analysis, and Commission Members were invited to draw, in due time, their own conclusions from the text of the reply note distributed as CCAMLR-XVI/23.

2.26 The Republic of Korea said the report was examined by the relevant authority and a warning given to the vessel owners that all elements of CCAMLR conservation measures must be observed. The problem of the plastic packaging bands has been rectified temporarily and an instruction given to use a more appropriate system from next season. It was noted from both the inspection report and the operator's report that the vessel was attempting to reduce seabird by-catch by deploying two streamer lines, resulting in a very low level of incidental mortality. The Korean Government will, however, continue to endeavour to ensure that its vessels fully comply with CCAMLR conservation measures.

2.27 Chile's paper, CCAMLR-XVI/BG/12, listed the judicial proceedings initiated in Chile for infringements of CCAMLR regulations. Ten proceedings covering eight vessels, two of them reported by CCAMLR inspectors and eight cases arising from inspections in Chilean ports, have been instituted. The vessels concerned are: *Antonio Lorenzo*, *María Tamara*, *Chaval*, *Mar del Sur I*, *Marazul XIV*, *Isla Sofía*, *Ercilla* and *Puerto Ballena*.

2.28 The Committee expressed concern at the continuing contravention of Conservation Measures 29/XV and 63/XV contained in the reports of inspection.

2.29 The Chairman of the Scientific Committee advised that scientific observers had reported the same contraventions on a number of vessels. The Scientific Committee had paid particular attention to this and believed that the regulatory bodies of Member States should make regular inspections of their own vessels which are licensed to fish in the Convention Area to ensure that the vessels do not have plastic packaging bands on board and that they have on board properly constructed streamer lines or all necessary materials to construct them.

2.30 The Committee recommended that the Commission take a strong stand on the matter of non-compliance with the provisions of Conservation Measures 29/XV and 63/XV.

OPERATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

Observations Undertaken in 1996/97 Season

3.1 The Committee considered the advice of the Scientific Committee on matters which were relevant to the Scheme of International Scientific Observation.

3.2 The 1996 meeting of the Commission agreed that future decisions on the application of the Scheme of International Scientific Observation should be based on: (i) the relative need for information for conservation purposes, and (ii) the financial implications arising from the management of these fisheries and from the volume of data to be processed by the Secretariat (CCAMLR-XV, paragraph 7.43).

3.3 The Chairman of the Scientific Committee advised that the quantity and quality of scientific data collected by observers in the 1996/97 season had significantly improved. The Scientific Committee recommends that the practice of 100% coverage by observers on all vessels engaged in finfish fisheries be continued. It also recommends that all new and exploratory fisheries should have 100% observer coverage.

3.4 The financial implications of this observer coverage, however, needed to be taken into account in consideration of the data management requirements of the Secretariat.

3.5 Scientific observers have been especially effective in collecting data on incidental mortality of seabirds in longline fisheries and have raised fishermen's awareness of the CCAMLR conservation regime and its implementation. In many cases, observers helped crews to understand the requirements of CCAMLR conservation measures.

3.6 Several problems were found in the implementation of the scheme. Not all observers received adequate training to ensure that the required information is collated and reported at a standard and uniform level. Some problems remain in the submission to the Secretariat of details of observation programs and in timely submission of observers reports, though most of these problems have been substantially eliminated with the establishment of national technical coordinators for the observer program.

3.7 The Chairman of the Scientific Committee also noted that scientific observers on board fishing vessels often observe and report activities which relate to matters of compliance with CCAMLR conservation measures. At SCOI's request he gave examples of reported non-compliance of a number of vessels with regard to the provisions of Conservation Measures 29/XV and 63/XV. Observers have also been able to assist by reporting the activities of vessels incidentally encountered undertaking illegal and unregulated fishing.

3.8 Considering the significant roles and contributions of the CCAMLR scientific observers, SCOI recommended that 100% observer coverage be continued for finfish and new and exploratory fisheries.

Improvements to the Scheme

3.9 The Secretariat introduced its paper, SCOI-97/7, which proposed changes to the text of the Scheme of International Scientific Observation. The changes were sought in order to formalise and standardise the submission of information on observer programs for effective implementation of the Scheme of International Scientific Observation.

3.10 SCOI agreed with the proposals and recommended that the Commission adopt the following changes to the Scheme of International Scientific Observation (new text is in bold type):

Paragraph A(f)

- A. (f) Scientific Observers shall submit to the Commission through the designating Member, **not later than one month after the completion of the observer cruise or after the return of the observer to his/her**

home country, a report of each observation assignment undertaken, using the observation formats approved by the Scientific Committee. A copy shall be sent to the Member whose vessel was involved.

Paragraph C

C. The Designating Members shall provide details of observation programs to the Commission at the earliest possible opportunity and no later than upon the conclusion of each bilateral arrangement. For each observer deployed, the following details shall be supplied:

- (i) date of signing the arrangement;**
- (ii) name and flag of the vessel receiving the observer;**
- (iii) Member designating the observer;**
- (iv) area of fishing (CCAMLR statistical area, subarea, division);**
- (v) type of data to be collected by the observer and submitted to the Secretariat (e.g. by-catch, target species, biological data);**
- (vi) expected dates of the start and end of the observation program; and**
- (vii) expected date of returning the observer to his/her home country.**

3.11 Chile introduced its paper, CCAMLR-XVI/14, which proposed changes to the Scheme of International Scientific Observation. Chile had identified a need to introduce these amendments regarding costs incurred by the designating Member when placing scientific observers on vessels which belong to a receiving Member.

3.12 While sympathetic to the changes sought, the Committee agreed that Members should be encouraged to take note of the concerns of Chile regarding insurance and travel costs of scientific observers and to incorporate mutually-agreed arrangements into their bilateral agreement. The Committee agreed to raise this issue again next year.

ADVICE TO SCAF

4.1 The Committee drew the attention of SCAF to the financial implications of its recommendation that 100% scientific observer coverage for finfish and new and exploratory fisheries be continued in the 1997/98 season.

4.2 The Executive Secretary drew the Committee's attention to the need for a new edition of the *Basic Documents* to be published in 1997/98. The current version includes in it the text of the System of Inspection which, as it was published in 1995, is now out of date. It is therefore proposed that the texts of the System of Inspection and the Scheme of International Scientific Observation be deleted from the next and subsequent editions of the *Basic Documents*. Up-to-date texts of the System of Inspection and the Scheme of International Scientific Observation shall be published each year in the *Schedule of Conservation Measures in Force* publication. The financial implications of this would need to be drawn to the attention of SCAF.

4.3 The Committee agreed with the above proposals.

ELECTION OF VICE-CHAIRMAN OF SCOI

5.1 Spain proposed Mr G. Bryden (New Zealand) as Vice-Chairman. This proposal was seconded by the UK. Mr Bryden was unanimously elected as Vice-Chairman of the Committee from the end of this meeting to the end of the Committee meeting in 1999.

ADOPTION OF THE REPORT

6.1 The Committee noted that a number of recommendations to the Commission, if adopted, would imply changes to various deadlines for the submission of information by Members in accordance with the System of Inspection and the Scheme of International Scientific Observation. The Secretariat, therefore, was asked to compile a schedule of all information to be provided by Members and deadlines for submission. This schedule should be circulated to Members after the conclusion of CCAMLR-XVI.

6.2 The Committee also requested that the Executive Secretary write, at the conclusion of CCAMLR-XVI, a letter to all regional fisheries organisations with which CCAMLR cooperates, and inform them of all CCAMLR initiatives with respect to illegal, unreported and unregulated fishing in the CCAMLR Convention Area.

6.3 SCOI noted the importance of all Members being able to readily access the vessel notification information provided to the Secretariat in accordance with paragraph IV of the System of Inspection. In this regard, SCOI recommended to the Commission that the Secretariat be asked to examine the feasibility of making the vessel notification information available on the proposed World Wide Web site, in addition to the present means of distribution by Commission Circular. If such a proposal proves feasible, the Secretariat would, following consultation with Members, implement this approach.

6.4 The report of the meeting was adopted. The Delegation of Chile, on behalf of the Committee, thanked the Chairman for his patience and skilful guidance throughout the Committee's deliberations. The Chairman, in turn, thanked delegates for their cooperation and support during the meeting.

AGENDA

**Standing Committee on Observation and Inspection (SCOI)
(Hobart, Australia, 28 to 31 October 1997)**

1. **Illegal, Unregulated and Unreported Fishing in the Convention Area**
 - (i) Information provided by Members in Accordance with Articles X and XXII of the Convention
 - (ii) Improvements to the System of Inspection

2. **Operation of the System of Inspection and Compliance with Conservation Measures**
 - (i) Implementation of Conservation Measures in the 1996/97 Season
 - (ii) Inspections Undertaken in the 1996/97 Season
 - (iii) Actions of Flag States in Respect of Inspections Undertaken

3. **Operation of the Scheme of International Scientific Observation**
 - (i) Observations Undertaken in 1996/97 Season
 - (ii) Improvements to the Scheme

4. **Advice to SCAF**

5. **Election of Vice-Chairman of SCOI**

6. **Adoption of the Report.**

LIST OF DOCUMENTS

Standing Committee on Observation and Inspection (SCOI)
(Hobart, Australia, 28 to 31 October 1997)

SCOI-97/1	PROVISIONAL AGENDA
SCOI-97/2	LIST OF DOCUMENTS
SCOI-97/3	REPORTS OF INSPECTION Secretariat
SCOI-97/4	ILLEGAL FISHING FOR TOOTHFISH (<i>DISSOSTICHUS ELEGINOIDES</i>) IN FRENCH WATERS ADJACENT TO THE KERGUELEN AND CROZET ISLANDS (DIVISION 58.5.1 AND SUBAREA 58.6 RESPECTIVELY) Delegation of France
SCOI-97/5	ON SIGHTINGS OF FISHING VESSELS OF NON-MEMBERS (copies of correspondence)
SCOI-97/6	SUMMARY OF SIGHTINGS OF FISHING VESSELS IN THE CONVENTION AREA IN THE 1996/97 SEASON Secretariat
SCOI-97/7	THE PROVISION OF INFORMATION ON THE IMPLEMENTATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION Secretariat
SCOI-97/8	AMENDMENTS PROPOSED TO THE TEXT OF THE SYSTEM OF INSPECTION Secretariat
SCOI-97/9	INFORMATION ON REFLAGGING OF VESSELS Delegation of Uruguay
SCOI-97/10	ADDITIONAL INFORMATION ON SIGHTINGS OF VESSELS OF CCAMLR MEMBERS Delegation of France
SCOI-97/11	BACKGROUND INFORMATION ON THE NATIONALITY OF CATCHES BEING REPORTED TO CCAMLR Prepared by the Secretariat
SCOI-97/12	ILLEGAL FISHING WITHIN AUSTRALIA'S EEZ AROUND HEARD ISLAND INCLUDING FISHING IN BREACH OF CCAMLR CONSERVATION MEASURES Delegation of Australia
SCOI-97/13	LIST OF VESSELS INVOLVED IN THE FISHERY IN THE SOUTH INDIAN OCEAN AND THE INDIAN OCEAN SECTOR OF THE SOUTHERN OCEAN Delegation of South Africa

- SCOI-97/14 RESPONSE OF THE FLAG STATE ON SIGHTINGS OF ITS VESSELS IN THE CONVENTION AREA
Delegation of Chile
- SCOI-97/14 Addendum RESPONSE OF THE FLAG STATE ON SIGHTINGS OF ITS VESSELS IN THE CONVENTION AREA
Delegation of Chile
- SCOI-97/15 Rev. 1 REPORT ON THE IMPLEMENTATION OF CCAMLR CONSERVATION MEASURES IN THE 1996/97 SEASON
Delegation of Uruguay

OTHER DOCUMENTS

- CCAMLR-XVI/13 CONSIDERATION OF THE IMPLEMENTATION OF THE OBJECTIVE OF THE CONVENTION (SUMMARY)
Delegation of Chile
- CCAMLR-XVI/14 RESPONSIBILITY FOR THE COSTS OF CCAMLR SCIENTIFIC OBSERVERS
Delegation of Chile
- CCAMLR-XVI/15 DEADLINES FOR SUBMITTING REPORTS OF INSPECTION TO CCAMLR
Delegation of Chile
- CCAMLR-XVI/16 BOARDING AND INSPECTION PROCEDURES WITHIN THE CCAMLR SYSTEM OF INSPECTION
Delegation of Chile
- CCAMLR-XVI/18 GUIDELINES FOR THE IMPOSITION OF SANCTIONS BY FLAG STATES
Delegation of Chile
- CCAMLR-XVI/19 IMPLEMENTATION OF AUTOMATED POSITIONING SYSTEMS FOR VESSELS AUTHORISED TO OPERATE WITHIN THE CONVENTION AREA
Delegation of Chile
- CCAMLR-XVI/23 REPLY TO BRITISH NOTE ON INSPECTIONS CARRIED OUT ACCORDING TO CCAMLR DURING THE 1996/97 SEASON
Delegation of Argentina
- CCAMLR-XVI/BG/7 REPORT ON AUSTRALIAN VMS TRIAL IN THE CCAMLR AREA
Delegation of Australia
- CCAMLR-XVI/BG/12 INFORME DE LAS MEDIDAS ADOPTADAS POR LA REPUBLICA DE CHILE PARA EL CUMPLIMIENTO DE LAS MEDIDAS DE CONSERVACION DE LA CCRVMA
Delegación de Chile
- CCAMLR-XVI/BG/16 SUMMARY OF CONSERVATION MEASURES REGULATING FISHERIES AND DATA REPORTING DURING 1996/97
Secretariat
- CCAMLR-XVI/BG/17 IMPLEMENTATION OF CONSERVATION MEASURES IN 1996/97
Secretariat

CCAMLR-XVI/BG/18	REPORT ON THE INTRODUCTION OF VESSEL MONITORING SYSTEMS (VMS) IN SOUTH AFRICA WITH SPECIFIC APPLICATION TO THE DEPLOYMENT OF SATELLITE TRACKING UNITS ON TOOTHFISH-DIRECTED VESSELS OPERATING FROM SOUTH AFRICA Delegation of South Africa
CCAMLR-XVI/BG/19	PÊCHE ILLICITE À LA LÉGINE (<i>DISSOSTICHUS ELEGINOIDES</i>) DANS LES EAUX FRANÇAISES ADJACENTES AUX ÎLES KERGUELEN (58.5.1) ET CROZET (58.6) Délégation de la France
CCAMLR-XVI/BG/20	SUMMARY OF INSPECTIONS Secretariat
CCAMLR-XVI/BG/21	SUMMARY OF OBSERVATION PROGRAMS CONDUCTED IN THE 1996/97 SEASON IN ACCORDANCE WITH THE CCAMLR SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION Secretariat
CCAMLR-XVI/BG/28	SUMMARY OF SCIENTIFIC OBSERVATIONS CONDUCTED IN THE CONVENTION AREA IN 1996/97 Secretariat
CCAMLR-XVI/BG/31	SATELLITE VESSEL MONITORING SYSTEMS: NEW ZEALAND'S EXPERIENCE Delegation of New Zealand
CCAMLR-XVI/BG/33	SCHEME TO PROMOTE COMPLIANCE BY NON-CONTRACTING PARTY VESSELS WITH THE CONSERVATION AND ENFORCEMENT MEASURES ESTABLISHED BY NAFO Delegation of USA
CCAMLR-XVI/BG/38	ANTARCTIC AND SOUTHERN OCEAN COALITION PAPER ON THE CREATION OF A CCAMLR ENFORCEMENT REGIME Submitted by ASOC
SC-CAMLR-XVI/BG/21 Rev. 1	DATA MANAGEMENT BY THE SECRETARIAT: TASKS, PROBLEMS AND ACTIONS DURING 1997 Secretariat

DRAFT CONSERVATION MEASURE A
Scheme to Promote Compliance by Non-Contracting Party
Vessels with the Conservation and Enforcement Measures
Established by CCAMLR

The Commission hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

1. A non-Contracting Party vessel which has been sighted engaging in fishing activities in the Convention Area is presumed to be undermining the effectiveness of CCAMLR Conservation Measures. In the case of any transshipment activities involving a sighted non-Contracting Party vessel inside or outside the Convention Area, the presumption of undermining the effectiveness of CCAMLR Conservation Measures applies to any other non-Contracting Party Vessel which has engaged in such activities with that vessel.
2. Information regarding such sightings shall be transmitted immediately to the Commission in accordance with Article XXII of this Convention. The Secretariat shall transmit this information to all Contracting Parties within one business day of receiving this information, and to the Flag State of the sighted vessel as soon as possible.
3. The Contracting Party which sights the non-Contracting Party vessel shall attempt to inform the vessel that it has been sighted engaging in fishing activities in the Convention Area and is accordingly presumed to be undermining the objective of the Convention and that this information will be distributed to all Contracting Parties to the Convention and to the Flag State of the vessel.
4. When a non-Contracting Party vessel referred to in paragraph 1 enters a port of any Contracting Party, it shall be inspected by authorised Contracting Party officials knowledgeable of CCAMLR Conservation Measures and shall not be allowed to land or tranship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, log books, fishing gear, catch on board and any other matter relating to the vessel's activities in the Convention Area.
5. Landings and transshipments of all fish from a non-Contracting Party vessel which has been inspected pursuant to paragraph 4, shall be prohibited in all Contracting Party ports if such inspection reveals that the vessel has onboard species subject to CCAMLR Conservation Measures, unless the vessel establishes that the fish were caught outside the Convention Area or in compliance with all relevant CCAMLR Conservation Measures and requirements under the Convention.
6. Contracting Parties shall ensure that their vessels do not receive transshipments of fish from a non-Contracting Party vessel which has been sighted and reported as having engaged in fishing activities in the Convention Area and therefore presumed as having undermined the effectiveness of CCAMLR Conservation Measures.
7. Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Contracting Parties, and on any subsequent action, shall be transmitted immediately to the Commission. The Secretariat shall transmit this information immediately to all Contracting Parties and to the relevant Flag State(s).

DRAFT CONSERVATION MEASURE B
Requirement for Contracting Parties to Licence
their Flag Vessels in the Convention Area

The Commission hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

Each Contracting Party shall prohibit fishing by its flag vessels in the Convention Area except pursuant to a licence or permit that the Contracting Party has issued setting forth the specific areas and time periods during 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.

DRAFT CONSERVATION MEASURE C
Prohibition of Directed Fishing for *Dissostichus* spp.
except in Accordance with Specific Conservation Measures

The Commission hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

Directed fishing for *Dissostichus* spp. in all statistical areas and statistical subareas in the Convention Area is prohibited except as allowed by a CCAMLR Conservation Measure in force for particular statistical areas or subareas.

DRAFT CONSERVATION MEASURE D
Automated Satellite-Linked Vessel Monitoring Systems (VMSs)

1. Each Member shall establish, as soon as possible, an automated VMS¹ to monitor the position of its flag vessels licensed or permitted in accordance with Conservation Measure ___/XVI to harvest marine living resources in the Convention Area for which TACs, fishing seasons, or area restrictions have been set by conservation measures adopted by the Commission².
2. Members are also strongly encouraged to require automated position monitoring of their flag vessels fishing in areas adjacent to the Convention Area for species that also occur in the Convention Area.
3. Members shall report in writing to CCAMLR-XVII the steps they have taken to establish an automated VMS in accordance with paragraph 1.
4. Members shall report annually to the Commission, in accordance with paragraph XI of the System of Inspection, all cases where they have determined with assistance of VMS that vessels of their flag had fished in the Convention Area in possible contravention of CCAMLR Conservation Measures.

¹ For the purpose of this Conservation Measure, the term ‘vessel monitoring system’ (VMS), is defined as referring to a system where:

- (i) information collected shall include the vessel identifier, location, date and time, which shall be collected with a required frequency to ensure that the Contracting Party can effectively monitor the vessel; and
- (ii) performance standards shall at a minimum include a system that:
 - is tamper proof;
 - is fully automatic and operational at all times regardless of environmental conditions;
 - provides real time data; and
 - provides latitude and longitude, with a position accuracy of 500 m or better, with the format to be determined by the Flag State.

² This measure does not apply to krill fishing for which no TACs, fishing seasons or area restrictions have been applied.

**COMMUNICATION POLICY WITH NON-CONTRACTING PARTIES
RELATING TO ILLEGAL, UNREPORTED AND UNREGULATED
FISHING IN THE CCAMLR CONVENTION AREA**

**COMMUNICATION POLICY WITH NON-CONTRACTING PARTIES
RELATING TO ILLEGAL, UNREPORTED AND UNREGULATED
FISHING IN THE CCAMLR CONVENTION AREA**

LETTER I: INFORMATION ON ACTIVITIES OF VESSELS AND
INVITATION TO CONSIDER ACCEDING TO THE CONVENTION

Dear Minister

The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), signed at Canberra in 1980, established a Commission the aims of which include ensuring that fishing activities are carried out in a responsible manner in the extensive area surrounding the Antarctic continent and that its dependent and associated ecosystems are adequately protected (a list of Contracting Parties and a map of the Convention Area are attached to this letter).

Under the Convention any harvesting and associated activities in its area of application must be conducted in accordance with the provisions of the Convention. To that end, the Commission adopts every year conservation measures which, *inter alia*, set catch limits consistent with sustainable harvesting of fisheries resources.

Of extreme concern to the Commission is the very high level of illegal, unregulated and unreported fishing which is depleting these resources and undermining the objectives and purpose of the Convention.

The presence of vessels of non-Contracting Parties fishing in the Convention Area without any regard for the CCAMLR conservation measures and providing no reports of their catches totally undermines the efforts to provide responsible conservation and fisheries management. The Commission has requested me to convey to your Government its concern over these activities carried out in the Convention Area [geographical coordinates] on [date] by a vessel [name and registration number], flying the [country] flag, sighted undertaking fishing activities.

The Commission has also adopted a set of integrated measures intended to promote compliance by non-Contracting Party vessels with the CCAMLR conservation measures, including denial of landings and transshipments by non-Contracting Party vessels which undermine the effectiveness of the CCAMLR conservation measures, and will consider additional measures to counteract the unregulated fishing activities taking place within the CCAMLR area.

All States whose vessels undertake fishing operations in the CCAMLR area or which take an interest in the conservation of the living resources in that area may accede to the Convention. On behalf of the Commission, I hereby invite your country to consider acceding to the Convention under the provision of Article XXIX.1. which states: 'This Convention shall be open for accession by any State interested in research or harvesting activities in relation to the marine living resources to which this Convention applies.' Meanwhile, the Commission trusts that you will take steps to ensure that your flag vessels do not continue to act in a manner inconsistent with the Convention.

In accordance with the Commission's decision, I will have the honour of conveying your response to this letter to the Contracting Parties of CCAMLR. Thanking you in advance for your expected reply, I wish to take this opportunity to assure you of my highest consideration.

Chairman of the Commission

Encl.: List of Contracting Parties to the Convention, map of the Convention Area and *Basic Documents*

LETTER II: INVITATION TO SEND OBSERVERS TO THE SEVENTEENTH MEETING

Dear Minister

The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), signed at Canberra in 1980, established a Commission the aims of which include ensuring that fishing activities are carried out in a responsible manner in the extensive area surrounding the Antarctic continent and that its dependent and associated ecosystems are adequately protected (a list of Contracting Parties and a map of the Convention Area are attached to this letter).

Under the Convention any harvesting and associated activities in its area of application must be conducted in accordance with the provisions of the Convention. To that end, the Commission adopts every year conservation measures which, *inter alia*, set catch limits consistent with sustainable harvesting of fisheries resources.

Of extreme concern to the Commission is the very high level of illegal, unregulated or unreported fishing which is significantly depleting these resources and undermining the objectives and purposes of the Convention.

The Commission has adopted a set of integrated measures designed to promote compliance with the Convention, including denial of landings and transshipments by non-Contracting Party vessels which undermine the effectiveness of the CCAMLR conservation measures.

The Commission has decided to include, within the scope of its political action aimed at ensuring compliance with the Convention, representations not only to those non-Contracting Party States whose vessels undermine the effectiveness of CCAMLR measures by fishing in the Convention Area without abiding by such measures, but also those States which, even if inadvertently, provide port facilities or landing facilities to those vessels and thus enable them to continue their damaging operations.

The possibility that [name of State] may fall into this latter category has been brought to the attention of the Commission. Therefore, on behalf of the Commission, I hereby invite your Government to cooperate in refraining from providing such port facilities or landing facilities to those vessels whose activities undermine the effectiveness of CCAMLR measures and I also invite your country to designate an observer to attend the Seventeenth Meeting of the Commission to be held in Hobart, Australia from 26 October to 6 November 1998 in order to explore and discuss means to cooperate in order to preserve Antarctic marine living resources from unregulated and irresponsible overfishing. The Commission believes that it is essential that all States in the vicinity of the CCAMLR Convention Area agree to cooperate in the protection of the marine living resources of the Southern Ocean and it is our earnest expectation that [name of the State] will also contribute to that common endeavour.

In accordance with the Commission's request, I will have the honour of conveying your response to this letter to the Contracting Parties of CCAMLR. Thanking you in advance for your expected reply, I wish to take this opportunity to assure you of my highest consideration.

Chairman of the Commission

Encl.: List of Contracting Parties to the Convention, map of the Convention Area and *Basic Documents*