

CCAMLR-XXII

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

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

HOBART, AUSTRALIA
27 OCTOBER – 7 NOVEMBER 2003

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Abstract

This document is the adopted record of the Twenty-second Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 27 October to 7 November 2003. Major topics discussed at this meeting include: review of the Report of the Scientific Committee; illegal, unreported and unregulated fishing in the Convention Area; assessment and avoidance of incidental mortality of Antarctic marine living resources; new and exploratory fisheries; current operation of the System of Inspection and the Scheme of International Scientific Observation; compliance with conservation measures in force; review of existing conservation measures and adoption of new conservation measures; management under conditions of uncertainty; and cooperation with other international organisations including the Antarctic Treaty System and CITES. The Reports of the Standing Committee on Administration and Finance and the Standing Committee on Implementation and Compliance are appended.

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**REPORT OF THE TWENTY-SECOND
MEETING OF THE COMMISSION**
(Hobart, Australia, 27 October to 7 November 2003)

OPENING OF THE MEETING

1.1 The Twenty-second 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 2003, chaired by Mr K. Yonezawa (Japan).

1.2 All 24 Members of the Commission were represented: Argentina, Australia, Belgium, Brazil, Chile, European Community, France, Germany, India, Italy, Japan, Republic of Korea, Namibia, New Zealand, Norway, Poland, Russian Federation, South Africa, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.

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

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

1.5 It was agreed at last year's meeting to invite to CCAMLR-XXII as observers the following non-Contracting Parties: Angola, Belize, People's Republic of China, Columbia, Indonesia, Kenya, Madagascar, Malaysia, Mauritius, Mexico, Mozambique, Panama, Philippines, Sao Tome and Principe, Seychelles, Singapore, St Vincent and Grenadines, Thailand and Togo (CCAMLR-XXI, paragraph 17.1). These countries were known to have an interest in fishing for, or trade in, *Dissostichus* spp. The People's Republic of China, Indonesia, Mauritius and Seychelles were represented at the meeting.

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

1.7 The Chair welcomed all Members and observers to the meeting, particularly Canada (an Acceding State), Indonesia (a non-Contracting Party), COLTO, CPPS and CITES which were being represented for the first time.

1.8 It was acknowledged with regret that Mr Esteban de Salas, CCAMLR's Executive Secretary from 1993 to 2002, had died suddenly in Spain in May 2003. The sympathy of all Commission Members was conveyed to Mr de Salas' family.

1.9 The Chair then introduced The Honourable Dr S. Stone MP, Parliamentary Secretary to the Minister for the Environment and Heritage.

1.10 On behalf of the Australian Government, Dr Stone extended a warm welcome to all delegates to Tasmania, particularly those from countries and organisations being represented for the first time. In her address she said that the Australian Government, as Depositary of the CAMLR Convention, was proud to have the Secretariat of such a prestigious international organisation headquartered in Hobart, Australia's gateway to the Antarctic. This complemented the strong and ongoing focus on marine policy and research present in Hobart. Southern Ocean research is an important and integral aspect to Hobart and the wider Australian community.

1.11 Dr Stone spoke of CCAMLR's achievements since the Convention came into force in 1980 – most notably its significant progress towards establishing a management regime for krill and its approach to establishing regimes for the sustainable harvesting of marine living resources taking into consideration the best available scientific advice. CCAMLR had, however, faced considerable challenges in recent years, most notably in relation to the serious threat of illegal, unregulated and unreported (IUU) fishing to CCAMLR's objective of the conservation of Antarctic marine living resources.

1.12 Dr Stone looked to the future of CCAMLR with the current meeting addressing significant challenges in dealing with the difficult issue of IUU fishing. She felt that continuation of CCAMLR's tradition of cooperation, goodwill and commitment among all Members and those countries which cooperate with it, is essential to the attainment of its objective of the conservation of Antarctic marine living resources.

1.13 Dr Stone saw the Commission's agenda as a full and challenging one, and she wished all delegations well in their deliberations.

ORGANISATION OF THE MEETING

Adoption of the Agenda

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

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

Report of the Chair

2.3 The Chair reported on intersessional activities. He informed the meeting that there had been no change in CCAMLR's membership. He also reported that the Commission had not experienced the budgetary problems of recent years.

2.4 Two Scientific Committee working group meetings, along with associated subgroup meetings and workshops, had been held during the intersessional period; details of these meetings are elaborated under Agenda Item 4.

2.5 For the 2002/03 season, 27 inspectors had been designated, in accordance with the CCAMLR System of Inspection, by Australia, New Zealand and the UK. Eight reports were received from CCAMLR-designated inspectors in 2002/03, all from the UK.

2.6 Under the CCAMLR Scheme of International Scientific Observation, observers were on board all vessels fishing for toothfish. A total of 54 finfish cruises (37 on board longliners and 17 on board trawlers) carried international observers with seven national/international observers serving on board krill vessels.

2.7 During the 2002/03 season CCAMLR Members had actively participated in 12 fisheries in the Convention Area. Vessels fishing in fisheries managed under conservation measures in force in 2002/03 had reported, by 30 September 2003, a total of 110 333 tonnes of krill, 15 931 tonnes of toothfish and 4 498 tonnes of icefish; other species were taken as by-catch.

2.8 The Catch Documentation Scheme for *Dissostichus* spp. (CDS) has been in operation for four years and, in addition to CCAMLR Members, it now includes the participation of five non-Contracting Parties to CCAMLR: the People's Republic of China, Indonesia, Mauritius, Seychelles and Singapore. The total number of catch documents (i.e. landing, export and re-export documents) received and processed by the Secretariat (as at 30 September 2003) is over 20 000.

2.9 During the year, the Commission and the Scientific Committee had been represented by observers at a number of international meetings (sections 13 and 14; SC-CAMLR-XXII, section 9).

FINANCE AND ADMINISTRATION

3.1 The Commission received the report of SCAF (Annex 4) outlining the results of its discussions, and noted the recommendations for decision by the Commission.

Examination of Audited Financial Statements for 2002

3.2 Noting that a review audit had been carried out on the 2002 Financial Statements and that an unqualified report had been provided by the auditor, the Commission accepted the audited Financial Statements for 2002.

Audit Requirements for the 2003 Financial Statements

3.3 As a review audit only had been performed on the 2002 Financial Statements, and in view of the change to accrual accounting and the revised budget format, the Commission decided that a full audit was required for the 2003 Financial Statements.

Secretariat Strategic Plan

3.4 In noting the development by the Secretariat of a performance assessment scheme, a standard staff contract and a confidentiality policy, the Commission endorsed SCAF's advice on the suitability of this work. It recognised that these were fundamental to the implementation of the Secretariat Strategic Plan and that their incorporation into a staff management framework has facilitated the review of General Staff salaries, which had been anticipated at last year's meeting (CCAMLR-XXI, paragraph 3.16). The Commission endorsed the outcomes of the review and accepted the results of the revised salaries into the 2004 budget.

3.5 The Commission noted with appreciation the positive and effective activities of the Secretariat during the intersessional period and during the meeting in providing invaluable support for the Commission's work. It recalled that activities of the Secretariat are under general guidelines determined by the Commission.

Secretariat Services

3.6 The Commission recalled its concerns, expressed at last year's meeting, on the lack of time available to consider papers before they were due to be discussed. This was a result of the timing of submissions. To ensure all papers can be given adequate consideration at future meetings, the Commission adopted the rules for the submission of meeting documents as presented in CCAMLR-XXII/5 Rev. 1, but agreed to confine their application at present to the Commission only.

3.7 Members' annual reports of their activities in the Convention Area are published in the public area of the CCAMLR website. With a view to enhancing the value of such reports, the Commission asked the Secretariat to prepare a document with options for improvement, including suggestions from Members. The purpose of such a document would be to allow this subject to be further considered at the next meeting.

3.8 The Commission endorsed the concerns of SCAF on the financial problems encountered by developing States invited to the Commission meetings. These problems create difficulties in such States responding positively to the Commission's invitations to attend its meetings. The Commission confirmed that possible access to special-purpose trust funds in the UN system should be considered to assist such States. Norway drew attention to a particular assistance fund associated with the UN Fish Stocks Agreement which is anticipated to be established in the near future. The Commission agreed that this subject should be further considered by SCAF at next year's meeting.

3.9 The UK drew the attention of the Commission to the value of inviting non-Contracting Parties to participate in its meetings. This provision, addressed under Rule 30(c) of the Rules of Procedure, had engendered considerable cooperation between CCAMLRL and such States, particularly in the implementation of the CDS.

3.10 The UK proposed that the report of the Executive Secretary to ATCM-XXVII should draw specific attention to the benefits that have accrued to CCAMLRL through the involvement of non-Contracting Parties in its work. Such a reference might assist the Treaty Parties to consider whether the procedures of CCAMLRL in this regard might also be appropriate for the ATCM.

3.11 The Commission requested the Secretariat to develop a web-based education package in all languages of the Commission, as proposed in CCAMLRL-XXII/11. It also requested the Executive Secretary to pursue opportunities for sponsorship of a printed version with a view to the outcomes being considered by the Commission at its next meeting.

3.12 The Commission requested the Secretariat to establish procedures to enable passwords for the secure Commission pages of the CCAMLRL website to be issued directly to authorised Member State officials, including meeting heads of delegation as well as the official Commission contact. The Commission confirmed that the responsibility for the dissemination of passwords should rest with Members and not the Secretariat.

International Recruitment

3.13 At its 2002 meeting the Commission requested the Secretariat to prepare draft procedures for the international recruitment of Professional Staff so as to ensure the best possible and widest selection of relevant staff from among all Members of the Commission (CCAMLRL-XXI, paragraph 3.18). The Commission adopted the procedures presented in CCAMLRL-XXII/44.

Review of Budget for 2003

3.14 The Commission endorsed the change in the Secretariat functional structure instituted in 2003 and agreed that the budget format should be revised to reflect this change.

3.15 The Commission noted the unanticipated increase in the 2003 budget due to the increased sizes of meeting reports and agreed that the budget for 2003 should be revised as presented in Annex 4, Appendix II, including an increase in expenditure of A\$8 010, which matches the unbudgeted surplus for 2002.

Cost Recovery

3.16 Following discussion at the Commission's last meeting, SCAF had advised on the adoption of a scheme for recovery of costs associated with new and exploratory fisheries. The Commission adopted the following scheme, incorporating the characteristics as outlined in Annex 4, paragraph 15, with a fee of A\$3 000 and a further sum of A\$5 000:

1. A notification for each new and exploratory fishery under Conservation Measures 21-01 and 21-02 shall be accompanied by a payment of A\$8 000, consisting of:
 - (i) a fee of A\$3 000, representing the recovery of administrative costs;
 - (ii) a sum of A\$5 000, to be refunded when the Member has commenced fishing in that fishery for the season in accordance with conservation measures determined by the Commission¹.
2. Where a notification is not accompanied by the payment in paragraph 1, the notification shall proceed no further and as a consequence, notice of receipt by the Secretariat will not be circulated, nor will it be forwarded to the Scientific Committee or its working groups for consideration.

3.17 In developing the implementation of the cost recovery scheme, the Commission recognised the potential difficulties faced by several Members in:

- (i) ensuring timely submission of payments;
- (ii) avoiding incurring additional financial charges arising from the submission (and where appropriate reimbursement) of such payments;
- (iii) ensuring that it was clearly stated and understood that the cost recovery payments would be due from the fishing companies intending to participate in each fishery and that these companies could be identified in the notification.

3.18 Some Members also noted that:

- (i) the levels of payments should be carefully considered in relation to developing countries;
- (ii) an additional period of one month after the date of notification should be allowed for the submission of the payment, but recognising that in such circumstances the Secretariat should take no action in respect of the notification until payment is received.

3.19 The Commission confirmed that responsibility for making these notifications resided with Members. It recognised that the payments themselves should be met by the fishing company or companies intending to participate in each fishery and that these companies could

¹ In the event of the Commission deciding that a notified fishery should not proceed in a particular year, this sum shall be refunded.

be identified in the notification or in any further correspondence between the notifying Member and the Secretariat, while the payments would be made by whatever procedures and means are most timely and cost-effective for the Member in question.

3.20 With reference to paragraph 3.19 above, Ukraine confirmed its understanding that the procedure proposed would allow payments by means of submission of its notification to the Secretariat with names and addresses of fishing companies who would be invoiced directly by the Secretariat.

3.21 Chile stated that any communication between a fishing company and the CCAMLR Secretariat concerning payments accompanying notifications for new and exploratory fisheries should be made only with the permission of the Member which made the notification.

3.22 The Commission agreed that fees collected should be accounted for in the General Fund and that any income from forfeited guarantees should be paid into the Contingency Fund.

3.23 Brazil entirely supported the creation and implementation of a procedure to recover costs related to the submission of notifications for new and exploratory fisheries. However, Brazil reserves its position in relation to the fulfilment of the requirements of paragraph 3.16 until approved by the appropriate national authorities.

Contingency Fund

3.24 The Commission approved the expenditure in 2003 of A\$4 500 from the Contingency Fund for the Administration/Finance Officer's participation in discussions on the establishment of the Antarctic Treaty Secretariat and accepted the advice of SCAF that an appropriate target for the balance of the Contingency Fund would be A\$110 000.

3.25 To minimise uncertainties in respect of expenditure on ad hoc meetings, the Commission agreed that the terms of reference for all such intersessional meetings should be clearly documented in advance. Details should include meeting document management, travel and accommodation needs, hire costs (meeting rooms and facilities), secretarial and Secretariat support, participation, report management and report translation needs.

3.26 The Commission noted that the possible move to a new meeting venue in 2004 might require expenditure from the Contingency Fund (paragraph 17.8).

Budget for 2004

3.27 While reconfirming the general principle of zero real growth, the Commission noted that the significant increase in the Scientific Committee's budget for 2004 was due to increasing workloads and acknowledged the importance of the Scientific Committee's work to the Commission's decision-making process. It accepted that the Scientific Committee's budget, as presented in its report, should be incorporated into the Commission's 2004 budget.

3.28 The Commission received the advice of SCAF that, subsequent to its request at the 2002 meeting, no Members had offered to provide experts to participate in a review of the structure of Professional Staff salaries. It accepted the recommendation of the Committee that the salary structure of the newly established Antarctic Treaty Secretariat should be taken as a reference point in the Commission's continued process of reviewing Professional Staff salaries.

3.29 In respect of SCAF's concerns on potential costs of involvement in a FIGIS-FIRMS partnership, the Commission noted its decision to only maintain a watching brief at this stage (paragraph 14.50). This would mean that there would be no budget implications for 2004.

3.30 The Commission adopted the budget for 2004 as presented in Annex 4, Appendix II. It noted that increases in activities of the Scientific Committee in 2004 could only be accommodated within the zero real growth limitation by the inclusion of savings generated through the implementation of a cost recovery policy. It agreed that opportunities for cost savings should continue to be investigated and, in particular, directed Members and the Secretariat to identify ways to shorten and reduce the number and size of reports and meeting documents.

3.31 Russia recalled its position, expressed to the Scientific Committee, that expenditure should be prioritised on matters where a clear consensus exists if there are not sufficient funds for all the expenditure proposed.

Members' Contributions

3.32 In accordance with Financial Regulation 5.6, the Commission granted Argentina, Japan, Republic of Korea, Spain and Uruguay an extension to the deadline for the payment of 2004 contributions. It noted the advice of SCAF that Members concerned should make continued efforts to resolve their procedural difficulties in future years and that SCAF will continue to consider the possibility of interest charges or other means of encouraging earlier payment.

Forecast Budget for 2005

3.33 In noting the forecast budget for 2005, the Commission reconfirmed its requirement for continued efforts not to exceed zero real growth.

Special Funds

3.34 On the basis of advice from SCAF and the CDS Fund Review Panel, the Commission approved the expenditure on the electronic web-based CDS (E-CDS) of A\$73 400 from the CDS Fund in 2003.

3.35 The Commission approved the expenditure of A\$54 000 from the CDS Fund to cover the remaining establishment costs and maintenance costs of the E-CDS system in the

Secretariat for the next three years. In approving this expenditure from the CDS Fund, the Commission noted that the use of monies from this fund was regulated under provisions agreed to by the Commission (CCAMLR-XX, paragraph 3.28). Accordingly, the Commission reiterated its view that the CDS Fund is to be used for specific projects only and that any subsequent expenditure on E-CDS should be expended from the General Fund.

3.36 The Commission agreed that if a decision is made to establish a centralised vessel monitoring system (C-VMS), then the establishment and operating costs for the first year (total estimated A\$182 500) should be funded by exhausting the US VMS Special Fund and the US Compliance Special Fund, with the balance of A\$39 900 coming from the CDS Fund. The Commission noted that the CDS Fund Review Panel would be required to comment if there was any substantial modification to the proposal, and it would also need to redetermine its assessment. In respect of ongoing annual costs of such a system, the contribution formula to be adopted by the Commission next year should take this into account when considering the relative part shares of fishing Members.

3.37 The Commission agreed to the request from the ATCM that the Secretariat should receive and have temporary custody of ATCM voluntary contributions. It noted that this would have no effect on the Commission's budget.

Chair and Vice-Chair of SCAF

3.38 The Commission noted that Germany had been elected Chair of SCAF for the next two years and South Africa Vice-Chair.

SCIENTIFIC COMMITTEE

4.1 The Chair of the Scientific Committee, Dr R. Holt (USA), reported on the meeting of the Scientific Committee. The Commission noted the general recommendations, advice, research and data requirements of the Scientific Committee. Substantive matters arising from the deliberations of the Scientific Committee were also discussed under other parts of the Commission's agenda: assessment and avoidance of incidental mortality (section 6); IUU fishing (section 8); new and exploratory fisheries (section 9); fisheries management and conservation under conditions of uncertainty (section 11); data access and security (section 12) and cooperation with other international organisations (section 14). The Commission thanked Dr Holt for his comprehensive report.

Intersessional Activities

4.2 The following meetings were held during the 2002/03 intersessional period:

- (i) The ninth meeting of the Working Group on Ecosystem Monitoring and Management (WG-EMM) was held from 18 to 29 August 2003 in Cambridge, UK. It was convened by Dr Hewitt and was attended by 38 participants, representing 11 Members.

- (ii) The CEMP Review Workshop was held during the first week of WG-EMM, from 18 to 22 August 2003. Attendees at the workshop included two invited experts, Prof. E. Hofmann and Dr T. Gerrodette (USA). The workshop was co-convened by Prof. J. Croxall (UK) and Dr C. Southwell (Australia).
- (iii) The meeting of the Working Group on Fish Stock Assessment (WG-FSA) was held from 13 to 23 October 2003 in Hobart prior to the Scientific Committee meeting. It was convened by Dr I. Everson (UK) and was attended by 46 participants, representing 13 Members.

Two WG-FSA subgroups met during the intersessional period:

- the Subgroup on Assessment Methods (WG-FSA-SAM), convened by Dr A. Constable (Australia) – 12 to 15 August 2003, London, UK;
 - the Subgroup on Fisheries Acoustics (WG-FSA-SFA), co-convened by Dr M. Collins (UK) and Dr P. Gasiukov (Russia) – 18 to 22 August 2003, Cambridge, UK.
- (iv) the ad hoc Working Group on Incidental Mortality Arising from Fishing (WG-IMAF) conducted its meeting as part of WG-FSA-03. It was convened by Prof. Croxall.

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

CCAMLR Scheme of International Scientific Observation

4.4 The Commission noted that scientific observers had conducted 37 observation trips on longline vessels, 10 trips on board finfish trawlers and 6 trips on board krill vessels during the 2002/03 season to October 2003. All required logbooks and reports had been submitted electronically. However, most observers in Subarea 48.3 had not used the revised reporting format agreed in 2002. Although the failure to use the new format had not significantly affected the quality or resolution of data required from the fishery, the Commission endorsed the Scientific Committee's advice and urged Members to use the agreed new format when submitting observer data in 2003/04 (SC-CAMLR-XXII, paragraphs 2.2 and 2.3).

4.5 The Commission also noted the other issues addressed by the Scientific Committee (SC-CAMLR-XXII, paragraphs 2.4 to 2.10), especially:

- Several observers had commented on issues of safety concerning vessels fishing in high latitudes and the Scientific Committee had referred the issue to the Commission (see paragraphs 6.17 to 6.19).
- The workload of scientific observers was at full capacity, and the Scientific Committee had endorsed the recommendation of WG-FSA that WG-FSA-SAM identify the types of observer data which were essential for stock assessment purposes.

- The Scientific Committee had endorsed a major review of the content and structure of the *Scientific Observers Manual*, and had recommended that this activity be undertaken by an intersessional group that included technical coordinators and members of WG-FSA, and be coordinated by the Secretariat.

Ecosystem Monitoring and Management

4.6 The Commission noted the further progress made by the Scientific Committee and WG-EMM in developing a feedback management scheme for the krill fishery. As part of this work, WG-EMM-03 had held a CEMP Review Workshop under the co-convenership of Prof. Croxall and Dr Southwell.

4.7 The Commission recalled that CEMP had been established in 1987 to:

- detect and record significant changes in critical components of the ecosystem;
- distinguish between changes due to the harvesting of marine resources and changes due to environmental variability.

4.8 The CEMP Review Workshop had examined the following questions (SC-CAMLR-XX, paragraphs 4.2 to 4.7):

- Are the nature and use of the existing CEMP data still appropriate for addressing the original objectives?
- Do these objectives remain appropriate and/or sufficient?
- Are additional data available which should be incorporated in CEMP or be used in conjunction with CEMP data?
- Can useful management advice be derived from CEMP or be used in conjunction with CEMP data?

4.9 With regard to the first term of reference (paragraph 4.8(i)), the Commission noted that CEMP data were appropriate for detecting and recording significant change in some critical components of the ecosystem, but further critical evaluation of the nature, magnitude and statistical significance of changes indicated by the data were necessary. Work also remains to determine how representative the CEMP sites are of their local areas and regions (SC-CAMLR-XXII, paragraph 3.11).

4.10 With regard to the second term of reference (paragraph 4.8(ii)), the Commission noted that the original objectives of CEMP remained appropriate, but that a third objective 'To develop management advice from CEMP and related data' should be added (SC-CAMLR-XXII, paragraph 3.14(i)).

4.11 The Commission agreed that this third objective should be added to CEMP.

4.12 With regard to the original third term of reference (paragraph 4.8(iii)), the Commission noted that many time series of non-CEMP data contain information of considerable value in

addressing the objectives of CEMP. The Secretariat was tasked with maintaining a register of the wide range of non-CEMP time-series data that were of use to the workshop and of potential utility to future workshops in support of the work of WG-EMM. Such data include datasets derived from South African and French seabird and pinniped monitoring programs in the southern Indian Ocean (SC-CAMLR-XXII, paragraph 3.14(ii)).

4.13 The Commission also noted that additional useful indices of krill availability to land-based krill predators could be derived from fishery-dependent data and, with indices derived from mackerel iceshelf data, may be of value in monitoring krill in certain regions and should be subjected to the same analyses undertaken for CEMP data (SC-CAMLR-XXII, paragraph 3.14(iii)).

4.14 With regard to the fourth term of reference (paragraph 4.8(iv)), the Commission noted that (SC-CAMLR-XXII, paragraph 3.14(iv)):

- functional responses linking predators to their prey field may be of utility in a management context;
- behavioural models based on interactions between the aspects of the environment, krill, krill predators and a krill fishery may also be of utility in a management context;
- simulation studies conducted during the workshop indicated that accounting for the nature of the variability of estimates of krill availability and predator performance could result in improved ability to detect anomalies.

4.15 The Commission also noted the other findings of the workshop (SC-CAMLR-XXII, paragraphs 3.9, 3.10 and 3.15).

4.16 The Commission agreed that the workshop should be considered as the first phase of the review of CEMP and noted that the Scientific Committee had laid out a plan of future work for WG-EMM in this respect (SC-CAMLR-XXII, paragraph 3.16). The most important tasks identified included:

- (i) completion of the review of sources and magnitudes of variability in predator-response parameters;
- (ii) investigation of the utility of indices derived from haul-by-haul catch per unit effort (CPUE) data as a proxy for direct measures of krill availability;
- (iii) investigation of alternative methods for determining anomalies and predicting krill abundance using predator response curves.

4.17 The Scientific Committee noted that it may never be possible to unambiguously attribute causes of ecosystem change independently to either the actions of the krill fishery or to environmental change. Therefore, the Scientific Committee had sought advice from the Commission concerning a policy outlining how management should proceed when a significant ecosystem change(s) was detected but no single causal factor could be identified (SC-CAMLR-XXII, paragraph 3.12).

4.18 The Commission advised that the Scientific Committee should continue working on this issue in the context of developing the management procedure for the krill fishery. In the meantime, the Commission agreed that it would need to apply appropriate levels of precaution when taking decisions regarding the impacts of the krill fishery on the ecosystem.

4.19 The Commission joined the Scientific Committee in thanking the Co-conveners of the CEMP Review Workshop, Prof. Croxall and Dr Southwell, and the Secretariat for their work in preparing for the workshop, and the USA for contributing to the travel support of invited experts.

Status and Trends in the Krill-centric Ecosystem

4.20 The Commission noted that the Scientific Committee and WG-EMM had reviewed the status and trends apparent in the CEMP indices and noted that there was little evidence of large-scale deviation from the long-term mean for most indices (SC-CAMLR-XXII, paragraph 3.20).

4.21 The Commission also noted that:

- alternative approaches to presenting CEMP indices will be examined during the intersessional period (SC-CAMLR-XXII, paragraph 3.22);
- further analyses were required to understand the relative contribution of flux and local retention of krill within different regions, and that these findings may be important to allocating precautionary catch limits to SSMUs and may have implications for the manner in which long-term precautionary yield of krill is calculated, which currently assumes a single krill population (SC-CAMLR-XXII, paragraph 3.24);
- it may be appropriate for the Scientific Committee to produce a coherent overview of environmentally induced variability in the Southern Ocean and to consider potential scenarios that might influence ecological relationships with implications for fisheries management (SC-CAMLR-XXII, paragraph 3.27);
- the assessment of ecological relationships and trophic interactions involving exploited fish stocks would require closer collaboration between WG-EMM and WG-FSA, and the Scientific Committee would consider how this may be incorporated into the work of these groups (SC-CAMLR-XXII, paragraph 3.29).

4.22 The Commission noted that four options for subdividing the precautionary catch limit for krill in Area 48 among SSMUs had been discussed. The Scientific Committee had called for additional proposals to be developed during the intersessional period with the expectation of forwarding a recommendation to CCAMLR-XXIII (SC-CAMLR-XXII, paragraphs 3.32 to 3.43).

Non-krill Centred Ecosystem

4.23 The Commission noted that the Scientific Committee was also considering ecosystem pathways that were centred on fish (SC-CAMLR-XXII, paragraphs 3.55 to 3.61).

4.24 In this context, the Scientific Committee had encouraged future work to develop methods to incorporate data on interactions between mackerel icefish and upper-trophic level predators into assessment procedures and into ecosystem models involving mackerel icefish.

4.25 In addition, time series of data on the diet of Antarctic shags have the potential to provide useful information on ecosystem dynamics to the benefit of the Scientific Committee's work.

Advisory Subgroup on Protected Areas

4.26 The Commission endorsed the following terms of reference for the Scientific Committee's Advisory Subgroup on Protected Areas:

- (i) to review the details of proposals relating to designation and protection of CEMP monitoring sites and review of CEMP management plans as required in accordance with Conservation Measure 91-01;
- (ii) to revise and keep under review, as appropriate, guidelines for the production of maps of protected areas relevant to CCAMLR;
- (iii) to develop and keep under review, as appropriate, a methodology for assessment of proposals for marine protected areas forwarded in accordance with Article 6(2) of Annex V of the Protocol on Environmental Protection to the Antarctic Treaty;
- (iv) to provide advice on marine protected areas that seek designation as an Antarctic Specially Protected Area (ASPA) or an Antarctic Specially Managed Area (ASMA) under the Antarctic Treaty;
- (v) to provide advice on the implementation of marine protected areas that may be proposed in accordance with the provisions of Article IX.2(g) of the Convention, including 'the designation of the opening and closing of areas, regions or subregions for purposes of scientific study or conservation, including special areas for protection and scientific study'.

4.27 The Commission noted that New Zealand intends to submit a proposal for an ASPA around the Balleny Islands for consideration at WG-EMM in 2004.

4.28 Brazil welcomed the announcement of new proposals for protected areas with a marine component or marine protected areas because they are an important tool for the preservation of species, habitats or ecosystems and Antarctic biodiversity.

Future Work of WG-EMM

4.29 The Commission endorsed the long-range work plan of the Scientific Committee's WG-EMM (SC-CAMLR-XXII, Table 1). This plan was organised around five broad issues:

- (i) subdivision of the precautionary catch limit for krill in Area 48;
- (ii) revised krill management procedure;
- (iii) assessment of predator demand;
- (iv) subdivision of large FAO statistical areas;
- (v) strategic planning.

4.30 The Commission noted that this plan involved a tremendous amount of work which would require intersessional activities. Therefore, the Scientific Committee had agreed that work should be well advanced on the development of a management procedure for krill before other substantial work programs were initiated. The Commission also noted that work on specifying the future of CEMP should begin in 2005 with discussions on management procedures when monitoring the krill fishery will be an important consideration (SC-CAMLR-XXII, paragraph 3.52).

Harvested Species

4.31 CCAMLR Member countries actively participated in eight fisheries under conservation measures in force in the 2002/03 season (1 December 2002 to 30 November 2003). These eight fisheries were:

- trawl fishery for *Champsocephalus gunnari* in Subarea 48.3;
- trawl fishery for *C. gunnari* in Division 58.5.2;
- longline fishery for *Dissostichus eleginoides* in Subarea 48.3;
- trawl and longline fishery for *D. eleginoides* in Division 58.5.2;
- exploratory longline fishery for *Dissostichus* spp. in Division 58.4.2;
- exploratory longline fishery for *Dissostichus* spp. in Subarea 88.1;
- exploratory longline fishery for *Dissostichus* spp. in Subarea 88.2;
- trawl fishery for *Euphausia superba* in Area 48.

4.32 In addition, four other fisheries were conducted in EEZs within the Convention Area:

- longline fishery for *D. eleginoides* in Division 58.5.1 (French EEZ);
- longline fishery for *D. eleginoides* in Subarea 58.6 (French EEZ);
- longline fishery for *D. eleginoides* in Subarea 58.6 (South African EEZ);
- longline fishery for *D. eleginoides* in Subarea 58.7 (South African EEZ).

4.33 Fourteen Members had fished in the 2002/03 season: Australia, Chile, France, Japan, New Zealand, Poland, Republic of Korea, Russian Federation, South Africa, Spain, Ukraine, UK, USA and Uruguay.

Krill Fishing

4.34 The krill fishery in the 2002/03 season has operated in Subarea 48.1, 48.2 and 48.3 and the catch reported to 3 October 2003 was 110 334 tonnes (SC-CAMLR-XXII, Table 2). The total catch for 2002/03 is expected to be similar to that reported in 2001/02 (125 987 tonnes) once catch figures for the remainder of the 2002/03 season have been received (SC-CAMLR-XXII, Table 3).

4.35 The Commission noted that the projected krill catch for the 2003/04 season was more than 30% greater than the expected total catch for the 2002/03 season (SC-CAMLR-XXII, Table 4). This projected increase was considered significant because in most previous years total future catch levels indicated to the Scientific Committee had been at or below existing catch levels.

4.36 The Commission noted that the Scientific Committee and WG-EMM had been unable to make any assessment of the developments in the krill fishery because information on future fishery plans by Members was usually incomplete and/or anecdotal, with the exception of Poland which had provided comprehensive information on its upcoming krill fishing activities in its Members' Activities Report. Therefore the Scientific Committee had developed a pro forma which Members could use on a voluntary basis to submit information on their fishing plans for the forthcoming season (SC-CAMLR-XXII, Annex 6).

4.37 The Commission endorsed the notification procedure developed by the Scientific Committee (SC-CAMLR-XXII, Annex 6), and urged all Members intending to fish for krill in the upcoming season to complete the notification in advance of the annual meeting of WG-EMM. Notifications should be submitted to the Secretariat.

4.38 The Commission recognised that some Members may consider that the information requests in the notification regarding post-harvest processing of krill are in breach of commercial confidentiality. However, the Commission also recognised that information on proposed krill products was important to understanding developments and trends in the fishery.

4.39 The Commission agreed that the submission of information in the notification would be provided by Members on a voluntary basis.

Fish Resources

Toothfish

4.40 A total of 15 931 tonnes of *Dissostichus* spp. was taken in the Convention Area during the 2002/03 season (to 3 October 2003), compared with 15 302 tonnes in the previous season (SC-CAMLR-XXII, Tables 2 and 3).

4.41 Data reported in the CDS indicated that 18 919 tonnes of *Dissostichus* spp. was taken outside the Convention Area in 2002/03 (to 3 October 2003) and this compared with 35 484 tonnes in the previous season (SC-CAMLR-XXII, Annex 5, Table 3.1). The Commission noted that most of the catch outside the Convention Area was reported from Areas 41, 47, 51, 57 and 87 (SC-CAMLR-XXII, paragraph 4.18).

4.42 The Committee noted progress made on assessment methods by WG-FSA-SAM and WG-FSA-SFA during their intersessional meetings in August 2003. Both subgroups had made substantial contributions to improving the methods and procedures for the assessments at this year's meeting of WG-FSA. The Commission joined the Scientific Committee in thanking the subgroup participants and convener and host of WG-FSA-SAM, Drs Constable and G. Kirkwood (UK), and the conveners of WG-FSA-SFA, Drs Collins and Gasiukov (SC-CAMLR-XXII, paragraphs 4.32 and 4.33).

4.43 The Commission noted that the assessments of *D. eleginoides* made in 2003 followed the procedures established by the Scientific Committee and WG-FSA.

4.44 However, the Commission noted with concern that a review by WG-FSA of estimates of recruitment used in the 2002 assessment of *D. eleginoides* in Subarea 48.3 had identified a number of problems (SC-CAMLR-XXII, Annex 5, paragraphs 5.104 to 5.111). In particular, there had been an error in the data extractions for the 2002 UK survey that led to the recruitments in 2001, 2002 and 2003 being substantially overestimated.

4.45 Inconsistencies had also been identified in the analyses of the 1990 UK survey data. As a result the corresponding recruitment estimates calculated in 2002 were too high and the estimates of recruitment from the 1990 survey may have affected estimates of yield prior to 2002 (SC-CAMLR-XXII, paragraph 4.47).

4.46 The Commission noted that the precautionary catch limit of *D. eleginoides* in Subarea 48.3 in the 2003/04 season, resulting from use of the original 2002 recruitment series, was 7 813 tonnes and similar to that estimated last year. However, when the revised recruitment series for the 2002 survey was used, the precautionary catch limit was reduced to 5 524 tonnes. When the revised series for both the 1990 and 2002 surveys were used, the precautionary catch limit was reduced further to 1 979 tonnes (SC-CAMLR-XXII, paragraph 4.58).

4.47 However, it was noted that the value of 1 979 tonnes may be incorrect due to errors in the relevant analyses which had generated values that might now be too low (SC-CAMLR-XXII, Annex 5, paragraph 5.121; SC-CAMLR-XXII, paragraph 4.59).

4.48 The Commission recalled its discussion last year when it increased the catch limit for the 2002/03 season, and the subsequent concern expressed by some Members (CCAMLR-XXI, paragraphs 11.43 and 11.44).

4.49 In view of the concerns expressed last year, and the errors in the assessment identified this year, the Commission recognised the uncertainty underlying the advice from the Scientific Committee regarding the catch limit for *D. eleginoides* in Subarea 48.3 in the 2003/04 season (SC-CAMLR-XXII, paragraphs 4.65 and 4.70).

4.50 However, the Commission noted that, because the catch limits for *D. eleginoides* are precautionary long-term catch limits for a long-lived species, a failure to reliably estimate a precautionary yield in a single year would be less serious than would be the case for a fishery subject to annual assessments of optimised yield. Following the determination by WG-FSA of a revised recruitment series for Subarea 48.3 next year, it will become apparent whether or not previous catches have been above those that would have been calculated historically as

precautionary yields using that recruitment series. The Commission noted that if previous catches have been above precautionary yield levels, then this will be taken into account when calculating subsequent precautionary yields (SC-CAMLR-XXII, Annex 5, paragraph 5.123).

4.51 The Commission was pleased to note that in order to continue improving the quality control procedures for the assessment process, the Scientific Committee had endorsed the recommendation of WG-FSA that validation procedures be developed for all data extractions and analytical procedures and that they be routinely applied during the assessment process (SC-CAMLR-XXII, paragraphs 4.48 and 4.49).

4.52 The Commission also noted that WG-FSA undertook a large amount of work at its meetings and that the assessments were becoming increasingly complex. It was also acknowledged that the manner in which the assessments are now done facilitates the direct involvement of a wider range of participants in the assessment process. This corporate approach to the work had improved the rigour and transparency of the assessments conducted by WG-FSA (SC-CAMLR-XXII, paragraph 4.56).

4.53 The Commission noted the advice of the Scientific Committee regarding stocks of *D. eleginoides* in Subareas 48.4, 58.6 and 58.7 and Division 58.5.2 (SC-CAMLR-XXII, paragraphs 4.78, 4.89, 4.90, 4.93, 4.94, 4.96 and 4.97).

4.54 Regarding the stock of *D. eleginoides* in Division 58.5.1, the Commission noted the dramatic increase in total removals from 2000 onwards and the corresponding decline in standardised CPUE. It also noted that the increase in total removals and decline in CPUE was due to increased IUU catches, not legal catches by French vessels. The Commission endorsed the Scientific Committee's advice that it was imperative that steps be taken to substantially reduce total removals from 2003 levels (SC-CAMLR-XXII, paragraphs 4.82 and 4.83). Accordingly, the Commission also urged France to take the necessary actions in relation to the fishery in its EEZ.

Icefish

4.55 A total of 4498 tonnes of *C. gunnari* was taken in the Convention Area during the 2002/03 season (to 3 October 2003), compared with 3532 tonnes in the previous season (SC-CAMLR-XXII, Tables 2 and 3).

4.56 The Commission noted that, following the work developed by WG-FSA-SFA, WG-FSA had agreed to incorporate the results from an acoustic survey in its current assessment of *C. gunnari* in Subarea 48.3. The acoustic survey was conducted in 2002 and provided an estimate of a component of the pelagic biomass of *C. gunnari* in the depth range 8–58 m above the bottom (SC-CAMLR-XXII, Annex 5, paragraphs 5.148 to 5.152).

4.57 The Commission also noted that the Working Group had done two assessments of the precautionary catch limit for *C. gunnari* in 2003/04 (SC-CAMLR-XXII, Annex 5, paragraphs 5.169 to 5.172). The first assessment included the age-1+ cohort from 2001/02 and resulted in a projected yield of 3570 tonnes for the 2003/04 season. The assessment excluding the age-1+ cohort from 2001/02 resulted in a projected yield of 2 205 tonnes for the 2003/04 season (SC-CAMLR-XXII, paragraph 4.101). WG-FSA had been unable to agree on a single catch limit.

4.58 The Commission noted the advice of the Scientific Committee that an appropriate precautionary catch limit for *C. gunnari* in Subarea 48.3 for the 2003/04 season lay in the range bounded by the two assessments conducted by WG-FSA (2 205–3 570 tonnes). However, in view of the uncertainties in the natural mortality rates assumed in the assessment that included age-1 fish in the projections (SC-CAMLR-XXII, paragraphs 4.101 to 4.109), and other uncertainties (SC-CAMLR-XXII, Annex 5, paragraphs 5.170 to 5.172), the Scientific Committee was unable to recommend a specific precautionary catch limit within this range (SC-CAMLR-XXII, paragraph 4.110).

4.59 The Commission also noted that the Scientific Committee had no information from which to consider or revise advice in respect of the current seasonal limitation of the fishery for *C. gunnari* in Subarea 48.3 (SC-CAMLR-XXII, paragraph 4.111).

4.60 The Commission agreed that the fishery for *C. gunnari* within the French EEZ of Division 58.5.1 should remain closed in the 2003/04 season and should remain closed until information on stock status is obtained from a survey (SC-CAMLR-XXII, paragraph 4.112).

4.61 The Commission endorsed the Scientific Committee's advice regarding the fishery for *C. gunnari* in Division 58.5.2 (SC-CAMLR-XXII, paragraphs 4.117 and 4.118). It also noted that the Scientific Committee had considered ways of providing for stable catches from one year to another given the large fluctuations in the abundance of this species. The Scientific Committee had considered ways to avoid harvesting age-2 fish which enter the fishery during each season. One suggestion to solve the latter problem was to set a minimum length of 290 mm from May 2004 (SC-CAMLR-XXII, paragraph 4.119).

Other Finfish Species

4.62 The Commission endorsed the Scientific Committee's advice for other finfish fisheries including the advice that the fishery for *Electrona carlsbergi* in Subarea 48.3 should be closed until WG-FSA has sufficient information to revise the assessment of long-term yield (SC-CAMLR-XXII, paragraphs 4.121, 4.123 and 4.124).

By-catch Species

4.63 The Commission noted that the Scientific Committee had made progress towards assessing the long-term status of by-catch species associated with longline and trawl fisheries (SC-CAMLR-XXII, paragraphs 4.128 to 4.149). It was also noted that the next meeting of WG-FSA would consider by-catch issues of potential mutual interest to WG-FSA and ad hoc WG-IMAF.

4.64 Specifically, the Commission noted that:

- insufficient biological information was available for rajids (skates and rays) and no assessments could be currently undertaken for these taxa (SC-CAMLR-XXII, paragraph 4.131);

- for the other high-priority species group, macrourids (rattails or grenadiers), there were sufficient biological data available to estimate the value of γ for the three species of *Macrourus* encountered in the fisheries in the Convention Area and these values indicated that these species have relatively low productivity and may be vulnerable to overexploitation (SC-CAMLR-XXII, paragraph 4.132);
- for *M. carinatus* in Division 58.5.2 an estimate of biomass (B_0) was available and the Scientific Committee had provided the best available estimate of precautionary by-catch limit (SC-CAMLR-XXII, paragraph 4.134);
- however, no estimates of B_0 were available for *Macrourus* spp. in Subareas 48.3 or 88.1 and as such, no estimate of precautionary yield could be calculated (SC-CAMLR-XXII, paragraph 4.133);
- the by-catch limits, with their attendant uncertainties, should not be used as an indication of long-term sustainable yield, and sustained by-catch at these levels over a number of years would require a revised assessment (SC-CAMLR-XXII, paragraph 4.135);
- the development of avoidance and mitigation measures for by-catch species should be given high priority (SC-CAMLR-XXII, paragraph 4.136);
- WG-FSA had attempted to estimate the amount of by-catch which was cut from, or dropped off, longlines before being brought on board – WG-FSA had also made a first attempt to estimate the survivorship of these fish in the catch-release process (SC-CAMLR-XXII, Annex 5, paragraphs 5.273 to 5.279) and that the Scientific Committee had encouraged further studies on skate survivorship (SC-CAMLR-XXII, paragraph 4.143);
- discrepancies in reporting by-catch existed between STATLANT data, haul-by-haul data, and catch and effort reports which Members submit regularly to the Secretariat (SC-CAMLR-XXII, paragraphs 4.146 and 4.147).

4.65 The Commission noted the management advice provided by the Scientific Committee, and urged all Members to accurately report catches of by-catch species when submitting STATLANT data, haul-by-haul data, and catch and effort reports.

Crab Resources

4.66 The Commission noted that the fishery for crab in Subarea 48.3 was not carried out in the 2002/03 season and that no proposal to harvest crab had yet been received for the 2003/04 season. The Commission endorsed the management advice provided by the Scientific Committee (SC-CAMLR-XXII, paragraph 4.221).

Squid Resources

4.67 The Commission noted that the fishery for *Martialia hyadesi* in Subarea 48.3 was not carried out in the 2002/03 season and that no notification to harvest this species had been received for the 2003/04 season. The Commission endorsed the management advice provided by the Scientific Committee (SC-CAMLR-XXII, paragraph 4.222).

Future Work

4.68 The Commission endorsed the work plan of the Scientific Committee's WG-FSA (SC-CAMLR-XXII, Annex 5, paragraphs 9.1 to 9.25). In doing so, the Commission noted that future assessment work needed to include the recommendations of WG-FSA-SAM.

4.69 The Commission noted that this work plan included a full review and revision of the recruitment series for *D. eleginoides* in Subarea 48.3 during the intersessional period. The Scientific Committee had recognised the importance of obtaining a consistent and reliable recruitment series for assessing the stock of *D. eleginoides* in Subarea 48.3 and had emphasised the importance of having information available for review at its meeting in 2004 (SC-CAMLR-XXII, paragraph 4.73).

Scientific Research Exemption

4.70 The Commission noted that scientific research surveys notified to the Secretariat under Conservation Measure 24-01 are regularly updated on the CCAMLR website. Notifications of surveys in 2003/04 received by the Secretariat were also listed in CCAMLR-XXII/BG/8 Rev. 1.

4.71 The Commission recalled that it had requested the Scientific Committee to review the list of taxa and their expected levels of catch in Annex B of Conservation Measure 24-01, taking into account the expected levels below which notification would not be required (CCAMLR-XXI, paragraph 11.26).

4.72 In reviewing the list of taxa and their expected levels of catch, the Scientific Committee noted that catches of *C. gunnari* exceeding 10 tonnes per half-hour tow have occurred occasionally during scientific trawl surveys, and that pelagic trawl equipment used in conjunction with future acoustic surveys similarly may result in catches exceeding 10 tonnes. The Scientific Committee recommended that a 50 tonne limit for *C. gunnari* would be appropriate for scientific research (SC-CAMLR-XXII, paragraph 8.6).

4.73 The Commission endorsed the Scientific Committee's advice and noted that the Scientific Committee would keep Annex B of Conservation Measure 24-01 under review.

Secretariat Supported Activities

4.74 The Commission noted the data management activities which the Secretariat had undertaken in 2002/03 (SC-CAMLR-XXII, paragraphs 12.1 to 12.8).

4.75 The Commission also noted that the Scientific Committee had considered the draft rules for submission of CCAMLR meeting papers (CCAMLR-XXII/5 Rev. 1) and agreed that these draft rules did not adequately describe the requirements for the submission of papers to the Scientific Committee. As a result, the Scientific Committee proposed that, for the purpose of its discussion this year, the Commission only consider the draft rules in relation to the submission of papers to the Commission (SC-CAMLR-XXII, paragraphs 12.31 and 12.32; paragraph 3.6 of this report).

Publications

4.76 In addition to annual reports of CCAMLR, the Commission noted that the following documents were also published in 2003:

- (i) *CCAMLR Scientific Abstracts*, covering abstracts of papers presented in 2002;
- (ii) *CCAMLR Science*, Volume 10 (distributed at the meeting);
- (iii) *Statistical Bulletin*, Volume 15;
- (iv) Revisions to *Inspectors Manual* and *Scientific Observers Manual*.

4.77 The Commission recalled that in 2002 the Scientific Committee had agreed to take steps to overcome problems with papers submitted to *CCAMLR Science* for which English was not the author's primary language, and which may need additional assistance with language editing (SC-CAMLR-XXI, paragraphs 12.17 and 12.19 to 12.21). Subsequently, the Commission had approved funding for language support for *CCAMLR Science*.

4.78 The Commission endorsed the guidelines for providing language support for manuscripts where initial evaluation by the Editor of *CCAMLR Science* had revealed substantial problems with the English text (SC-CAMLR-XXII, Annex 7).

Scientific Committee Activities

4.79 The Commission noted that the Scientific Committee had planned the following activities in 2003/04:

- meeting of WG-EMM in Siena, Italy, from 12 to 23 July 2004, including the Workshop on Plausible Ecosystem Models for Testing Approaches to Krill Management;
- meeting of WG-FSA, including ad hoc WG-IMAF in Hobart, Australia, from 11 to 22 October 2004;
- meeting of WG-FSA-SAM in Siena, Italy, from 5 to 9 July 2004, immediately prior to WG-EMM-04.

4.80 The Commission noted that, as agreed at last year's meeting of the Scientific Committee, Dr Everson would stand down as convener of WG-FSA at the end of this year's meeting, and that Dr S. Hanchet (New Zealand) would take up the convenership of WG-FSA.

4.81 The Commission joined the Scientific Committee in expressing its deep appreciation for Dr Everson's outstanding contribution to the work of CCAMLR. Dr Everson had participated in the meetings of the Commission, Scientific Committee and working groups since CCAMLR-III in 1984. He had chaired the Scientific Committee from 1987 to 1990 and had convened WG-EMM from its first meeting in 1995 until 1999 and WG-FSA in 1993 and 1994 and again in 2002 and this year. The Commission and Scientific Committee wished Dr Everson a very happy and rewarding retirement.

4.82 The Commission joined the Scientific Committee in welcoming Dr Hanchet as the new convener of WG-FSA.

Invitation of Observers to the Next Meeting

4.83 The Commission noted that the Scientific Committee had agreed that all observers invited to the 2003 meeting would be invited to participate in SC-CAMLR-XXIII.

Other Business

4.84 The Commission noted that the Secretariat had submitted two abstracts to the Fourth World Fisheries Congress (CCAMLR-XXII/BG/22). The abstracts reviewed CCAMLR's work in addressing the objectives of the Convention and CCAMLR's approach to managing by-catch. The Commission also noted that the Scientific Committee had expressed concern, particularly in relation to the latter abstract, over the presentation and potential publication of scientific information derived from the main work of working groups of the Scientific Committee without prior review by those responsible for the work carried out within those groups. The Scientific Committee was also concerned at potential overlap between the contents of the by-catch presentation and that of the conveners of WG-EMM and WG-FSA, already endorsed by the Scientific Committee, for presentation at the same meeting. This matter was referred to the Secretariat for immediate consideration in consultation with the Chair of the Scientific Committee and conveners of working groups and to the Commission in respect of any matters of principle involved (SC-CAMLR-XXII, paragraph 15.8) (see also paragraphs 14.61 and 14.62).

ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY OF ANTARCTIC MARINE LIVING RESOURCES

Incidental Mortality of Marine Animals during Fishing Operations

5.1 The Commission reviewed the report of the Scientific Committee on the assessment and avoidance of incidental mortality of Antarctic marine living resources (SC-CAMLR-XXII, paragraphs 5.1 to 5.58). It endorsed the report, its conclusions and advice (specifically SC-CAMLR-XXII, paragraphs 5.56 to 5.58), subject to the comments below.

5.2 The Commission noted that, with the exception of the French EEZs in Subarea 58.6 and Division 58.5.1, the levels of seabird by-catch reported in the Convention Area (15 seabirds) had been the lowest ever recorded. This marks a very significant achievement by all concerned and compares very favourably with the situation in 1997 when 6 589 seabirds were reported killed, and when CCAMLR started to implement conservation measures to address the problem.

5.3 In respect of the French EEZs in Subarea 58.6 and Division 58.5.1 the Commission noted with concern:

- (i) failure to submit relevant data in appropriate form for either 2002 or 2003 (CCAMLR-XXI, paragraph 6.10; SC-CAMLR-XXI, paragraph 5.5; SC-CAMLR-XXII, paragraph 5.4);
- (ii) that seabird by-catch levels in these areas in 2002 and 2003 (totalling 25 841 seabirds, mainly white-chinned petrels) were the highest ever recorded in the Convention Area and that by-catch rates, although reduced in 2003, were still amongst the highest ever reported for the Convention Area (SC-CAMLR-XXII, paragraph 5.6).

It endorsed the advice of the Scientific Committee concerning implementation of mitigation measures, trials of additional measures and collaboration amongst CCAMLR Members to address the situation in these areas.

5.4 In response, France:

- (i) greatly regretted failure to submit data, due to administrative and technical difficulties, but indicated that all relevant data would be submitted to the Secretariat within the next few weeks;
- (ii) had enabled a scientist to attend the meeting of ad hoc WG-IMAF in order to present a summary of the French data and of the many efforts France was making to address the problem;
- (iii) had presented a record of its most recent activities in developing and implementing a wide range of seabird by-catch mitigation measures (CCAMLR-XXII/57). This indicated that owners of fishery vessels are determined to implement the required measures and to test further various mitigation techniques;

- (iv) agreed to implement, on an experimental basis, the procedures specified in Conservation Measure 25-02, while taking account of considerations relating to safety of crew and observers;
- (v) had already closed the fishery for one month in 2004 at the height of the breeding season for white-chinned petrels (see also SC-CAMLR-XXII, paragraph 5.8);
- (vi) warmly welcomed the cooperation offered by CCAMLR Members with experience in developing and implementing seabird by-catch mitigation measures, especially in areas where similar seabird by-catch species occur;
- (vii) believed that the measures being used in 2003/04 would result in substantial reductions in by-catch levels and rates compared to 2002/03.

5.5 The Commission welcomed the French statement, encouraged appropriate trials of new mitigation measures and the implementation by France in 2003/04 of mitigation measures at least as comprehensive as those in Conservation Measure 25-02, together with recommended line weighting for autoline vessels and encouraged France to report results in full to CCAMLR next year.

5.6 In respect of its commitment to implementing measures at least as strict as those in Conservation Measure 25-02 and incorporating additional measures in relation to weighting of autolines (SC-CAMLR-XXII, paragraph 5.9), France noted that for 2003/04 it would be operationally constrained as follows:

- (i) the 2003/04 fishing season started on 1 September 2003;
- (ii) integrated weight (IW) longlines would only be available for trial on one autoline vessel starting in January 2004;
- (iii) other autoline vessels may not be able to exceed a weighting regime of 8 kg every 250 m.

France therefore indicated its intention to implement the provisions of Conservation Measure 25-02 for Spanish system vessels and, for 2003/04, to do so as far as operationally possible for autoline vessels.

5.7 The Commission noted further improvements in compliance with Conservation Measure 25-02 and the substantially larger number of vessel adjudged compliance in 2003/04 (48%) compared with last year (14%) (SC-CAMLR-XXII, paragraphs 5.11 and 5.13).

5.8 In respect of SC-CAMLR-XXII, paragraph 5.12, South Africa informed the Commission that it would take appropriate actions in respect of reported non-compliance with offal discharge regulations by the *Southern Princess* and would report on this next year.

5.9 The Commission noted that the Scientific Committee had endorsed the need for a revision of Conservation Measure 25-02, based on an extensive review of current provisions (SC-CAMLR-XXII, paragraph 5.17; SC-CAMLR-XXII, Annex 5, paragraphs 6.92 to 6.108 and Appendix F).

5.10 The Commission welcomed the results of trials with IW longlines resulting from initiatives of Australian scientists, New Zealand fishers and a Norwegian gear manufacturer (SC-CAMLR-XXII, paragraphs 5.14 and 5.15). It endorsed the proposed trials of IW longlines in the Convention Area in 2003/04 and requested Members to investigate the potential use of IW longlines in their fisheries (SC-CAMLR-XXII, paragraphs 5.15 and 5.16).

5.11 The Commission noted the implementation of an improved method for estimating seabird by-catch associated with IUU fishing, the resulting estimates for 2003/04 (SC-CAMLR-XXII, paragraph 5.20(iii)) and the revised historical estimates from 1997 onwards. The Commission endorsed the advice of the Scientific Committee that, although the new method produces consistently lower estimates, such levels of mortality remain entirely unsustainable for the seabird populations involved. This re-emphasises the importance of stringent measures to combat IUU fishing (SC-CAMLR-XXII, paragraphs 5.21 and 5.22).

5.12 The Commission noted that no data were reported this year on incidental mortality of seabirds during longline fisheries outside the Convention Area (SC-CAMLR-XXII, paragraph 5.24) and requested Members to respond to this standing request next year.

5.13 The Commission noted that the Agreement on the Conservation of Albatrosses and Petrels (ACAP) should come into force three months after the imminent fifth ratification by South Africa (paragraph 13.9). Members of CCAMLR who had not yet ratified ACAP were encouraged to do so as soon as possible; those Members attending the first Meeting of Parties for ACAP were asked to ensure that CCAMLR's work in this area receives due support and recognition.

5.14 ASOC welcomed the news on ratification and imminent entry into force of ACAP and the offer extended by New Zealand and Australia to assist French fishers to overcome problems with seabird by-catch. ASOC urged France to consider developing a National Plan of Action on the Reduction of Incidental Catch of Seabirds in Longline Fisheries (NPOA-Seabirds).

5.15 The Commission noted the Scientific Committee's summary of progress with certain NPOA-Seabirds (SC-CAMLR-XXII, paragraphs 5.28 and 5.29); it concurred that progress with implementation was still very slow.

5.16 In respect of the query concerning its NPOA-Seabirds (SC-CAMLR-XXII, paragraph 5.33), the European Community indicated that it had submitted to FAO's Committee on Fisheries (COFI) in 2001 a draft NPOA. The European Community is currently completing its internal assessment in conformity with the International Plan of Action (IPOA), and expects to formally submit its National Plan to COFI in 2005.

5.17 The Commission recollected its desire to collaborate with those Regional Fishery Management Organisations (RFMOs) with responsibilities for areas adjacent to the Convention Area where seabirds from the Convention Area, are, or may be, killed, in order to promote the adoption by these RFMOs of appropriate mitigation measures for the fisheries actually or potentially involved. Last year the Commission noted that contacts with these RFMOs had generally been limited and unsatisfactory (CCAMLR-XXI, paragraph 6.16).

5.18 The Commission welcomed some indication of potential positive interactions with IOTC and the Western and Central Pacific Fisheries Convention (WCPFC) (SC-CAMLR-

XXII, paragraphs 5.28(iii) and (v)). It encouraged IATTC to develop observer programs in fisheries in more southerly locations, where interactions with Convention Area seabirds are likely.

5.19 With respect to ICCAT, the Commission welcomed the resolution adopted at its 2002 meeting (SC-CAMLR-XXII, paragraph 5.28(ii)) encouraging collection of information on seabird–fishery interactions, including incidental catches. However it noted that a voluntary activity, lacking a time frame for implementation, was unlikely to quickly produce relevant data. In the meantime it strongly encouraged CCAMLR Members who are also members of ICCAT to adopt mandatory regulations for the use of mitigation measures on all vessels fishing for tuna, swordfish and related species in waters south of 30°S, as was done last year by Spain (CCAMLR-XXI, paragraph 6.12) and as is required by Japan for its fisheries within CCSBT (SC-CAMLR-XXII, paragraph 5.30).

5.20 The Commission noted that in the new and exploratory fisheries which were operational in 2002/03 (Subareas 88.1 and 88.2 and Division 58.4.2), no seabird by-catch was reported (SC-CAMLR-XXII, paragraph 5.34). It also noted that:

- (i) the Scientific Committee had endorsed a revision to the assessment of potential risk of interactions between seabirds and longline fisheries for all statistical areas in the Convention Area (SC-CAMLR-XXII/BG/17);
- (ii) virtually all the issues identified in reviewing the 31 proposals for new and exploratory fisheries for 2003/04 had been satisfactorily resolved from the perspective of seabird by-catch (SC-CAMLR-XXII, paragraphs 5.35 and 5.36).

5.21 The Commission noted reports of incidental mortality of seabirds and marine mammals in fisheries other than longline ones (SC-CAMLR-XXII, paragraphs 5.40 to 5.52). It noted that some actual or potential mortality of fur seals had occurred during krill trawling operations (SC-CAMLR-XXII, paragraphs 5.40(iii) and 5.42). It endorsed the request to Members with experience in avoiding capturing seals in trawl gear or in releasing them from such gear to make this widely available, particularly to Members experiencing problems in this area (SC-CAMLR-XXII, paragraphs 5.42 and 5.43).

5.22 New Zealand indicated its desire to assist in this matter.

5.23 Ukraine reported that no seabird or marine mammal by-catch had been associated with its krill trawl fishery in 2002/03, possibly because of the very short duration of the hauls and the size of the trawls.

5.24 Poland noted that its Report of Members' Activities indicated that no seabirds had been caught during its krill fishing operations in Area 48.

5.25 In respect of the icefish trawl fishery in Subarea 48.3, the Commission noted:

- (i) that the seabird by-catch level in 2003 had been reduced to about 40% of that in 2001, although by-catch rates had shown no clear trend (SC-CAMLR-XXII, paragraph 5.45(iii));
- (ii) that considerable new data and information relating to by-catch mitigation had been acquired from scientific observers (SC-CAMLR-XXII, paragraph 5.45(iv));

- (iii) the recommendations of the Scientific Committee for continued data collection (SC-CAMLR-XXII, paragraph 5.46(i)), revision of Conservation Measure 25-03 (SC-CAMLR-XXII, paragraph 5.46(ii)), potential review of the seabird by-catch limit (SC-CAMLR-XXII, paragraph 5.46(iii)) and review of measures relating to bottom trawl gear (SC-CAMLR-XXII, paragraphs 5.46(iv) and 5.49 to 5.51).

Marine Debris

5.26 The Commission noted the report prepared by the Secretariat and considered by the Scientific Committee on the current status of national surveys on monitoring marine debris and its impact on marine mammals and seabirds in the Convention Area (SC-CAMLR-XXII/BG/25; SC-CAMLR-XXII, paragraphs 6.1 to 6.16).

5.27 It was noted that Members conduct marine debris programs in accordance with CCAMLR standard methods at 11 sites, all within Area 48. These data are being submitted to the Secretariat and entered into the marine debris database. Currently Members conducting programs with at least three years of data on marine debris and its impact on marine living resources are as follows:

- (i) beached marine debris: Chile (Cape Shirreff, Livingston Island, South Shetland Islands 1993 to 1997), UK (Bird Island, South Georgia 1989 to present, and Signy Island, South Orkney Islands 1991 to present) and Uruguay (King George Island, South Shetland Islands 2001 to present);
- (ii) debris associated with seabird colonies: UK (Bird Island 1993 to present);
- (iii) marine mammal entanglement: UK (Bird Island 1991 to present and Signy Island 1997 to present);
- (iv) hydrocarbon soiling: UK (Bird Island 1993 to present).

5.28 The Commission noted the summary of information on trends (SC-CAMLR-XXII, paragraph 6.3), expressing concern that marine mammal entanglements and presence of debris in seabird colonies are showing recent increases.

5.29 The Commission noted the advice from the Scientific Committee (SC-CAMLR-XXII, paragraph 6.14) that, so far, only a limited number of Members conduct observations and submit data on marine debris using the CCAMLR standard methods and reporting formats. The Commission therefore encouraged all Members to be more actively involved in the conduct of marine debris programs in the Convention Area in order to facilitate the consideration of the status and trends in marine debris by the Scientific Committee. The Commission also reminded Members that any data collected should be submitted to the Secretariat in standard formats.

5.30 The Commission welcomed the advice from Chile that Instituto Antártico Chileno (INACH) and the Universidad de Magallanes have proposed to develop a research and education plan to address issues of marine debris in the Magallanes region following the protocols developed by CCAMLR (SC-CAMLR-XXII, paragraph 6.15).

IMPLEMENTATION AND COMPLIANCE

Report of SCIC

6.1 The first meeting of SCIC was held from 27 to 31 October 2003 and chaired by Mr Y. Becouarn (France). All Members of the Commission and observers invited by CCAMLR participated in the meeting.

6.2 The SCIC Chair submitted the Committee's report (Annex 5) in three parts as related to items 6, 7 and 8 of the Commission's agenda.

Joint Assessment Group

6.3 Following discussions at CCAMLR-XXI (CCAMLR-XXI, paragraphs 8.10 to 8.14) a meeting of a JAG was held at the CCAMLR Headquarters on 23 and 24 October 2003. The meeting, chaired by the Convener of the group, Mr E. Spencer Garrett (USA), was attended by the Chair of the Scientific Committee, the Chair of SCIC and the conveners of WG-FSA and the ad hoc WG-IMAF. The meeting was also attended by representatives from Australia, Brazil, European Community, Japan, New Zealand, Russia, Spain, Ukraine and the UK.

6.4 The Commission noted that JAG had agreed that it would have an ad hoc status, subject to further consideration by SCIC, the Commission and the Scientific Committee (Annex 5, paragraph 3.4).

6.5 The Commission also noted that ad hoc JAG had reiterated the importance of combining input from both the Scientific Committee and SCIC in assessing total removals of toothfish and recommended that the Commission, at its current meeting, should determine, in close consultation with the Chair of the Scientific Committee and the conveners of WG-FSA and ad hoc WG-IMAF, how best to further progress these matters (Annex 5, paragraph 3.6).

6.6 The Commission noted that ad hoc JAG had developed proposals for terms of reference, associated procedures and work plans for the following two main tasks referred to it by the Commission (CCAMLR-XXI, paragraphs 8.10 to 8.14):

- (i) developing methods for estimating total removals of toothfish;
- (ii) developing a comparative methodology for determining compliance with conservation measures.

6.7 The Commission took into account SCIC's advice on the terms of reference prepared by ad hoc JAG, and agreed that they could be used for planning future work on the abovementioned tasks, subject to a number of specific recommendations made by SCIC (Annex 5, paragraph 3.9).

6.8 The UK proposed that, for reference purposes, the terms of reference developed by SCIC be appended to the Commission report in two parts, each related to one of the abovementioned specific tasks.

6.9 The Commission approved the terms of reference and considered various options for arranging future work on these tasks, including elements of timing and resource requirements. The terms of reference are appended as Annex 6.

6.10 The Commission also noted work plans developed by ad hoc JAG (Annex 5, paragraph 3.5). It was decided that these should be used as guidelines to assist any future subsidiary bodies in their work under the terms of reference identified in paragraph 6.6.

6.11 With respect to future organisation of work related to the terms of reference prepared by ad hoc JAG, the UK considered that although estimating total removals consists of two completely different components, a procedure to deal with them could be similar. It could be done in two stages: (i) developing methodologies for estimating each component and (ii) implementing these methodologies on a recurrent basis.

6.12 Consequently, the Commission decided that:

- (i) the task on compliance assessment will be dealt with by SCIC as it clearly resides within its terms of reference;
- (ii) the time allocated for the meeting of SCIC in 2004 will be up to five working days with potential minimum overlap with the meeting of SCAF, thus allowing small delegations to attend most of both meetings;
- (iii) the work schedule of SCIC could be extended by 30 minutes each day;
- (iv) early in the year, the Secretariat will prepare a draft agenda for SCIC and circulate it to Members for comments with a view to optimising its structure and content;
- (v) a proposed schedule for meetings of the Commission, Scientific Committee, SCIC and SCAF will be circulated intersessionally together with the Preliminary Agendas;
- (vi) an attempt will be made, in consultation with the Chair of the Scientific Committee and conveners of working groups, to arrange intersessional work on developing methodology for estimating total removals, not excluding the consideration of a possible meeting of interested parties in conjunction with WG-EMM;
- (vii) organisation of work on the second task of developing a methodology for estimating total removals of toothfish will be further considered at CCAMLR-XXIII;
- (viii) in the meantime, the Secretariat will continue assessing legal and IUU catches based on the methodology currently accepted by the Commission, the Scientific Committee and WG-FSA;
- (ix) extension of SCIC's work may require the Chair of SCIC to request delegates to nominate rapporteurs for some agenda items. This is the standard practice in the Scientific Committee and its working groups;

- (x) the status and membership of any subsidiary groups working under the terms of reference prepared by ad hoc JAG and established jointly by the Commission and the Scientific Committee, should be clearly specified;
- (xi) the names of any future joint body or bodies should clearly reflect tasks assigned to them.

System of Inspection

6.13 The Commission noted that SCIC had considered the results of inspections carried out by CCAMLR inspectors in the 2002/03 season (Annex 5, paragraphs 3.57 to 3.62; CCAMLR-XXII/BG/16).

6.14 The Commission noted that during the 2002/03 season eight inspection reports had been received from CCAMLR inspectors, all designated by the UK. All inspections took place in Subarea 48.3. No infractions were reported, except for a report of a possible minor infringement of line-weighting regime by the UK-flagged vessel *Argos Helena*. The UK had reported to SCIC that the inspector had acknowledged that difficult at-sea conditions at the time of inspection may have resulted in inaccuracies in measuring longline weights compared with results during an earlier port inspection of the vessel, as well as information from the scientific observer (Annex 5, paragraphs 3.58 and 3.59).

6.15 No proposals for improvement of the System of Inspection were submitted by Members and considered by SCIC.

Operation of the Scheme of International Scientific Observation

6.16 The Commission took note of a summary of all scientific observation programs undertaken in accordance with the scheme (SC-CAMLR-XXII/BG/16). A total of 37 longline cruises and 10 trawl finfish cruises had been conducted within the Convention Area during the 2002/03 season, with national and international scientific observers on board all vessels. A further six observations had been conducted on board trawl vessels fishing for krill in Subarea 48.3.

6.17 The Commission noted the advice from the Scientific Committee on a number of proposals aimed at improving operation of the scheme and utilisation of data collected by scientific observers (SC-CAMLR-XXII, paragraphs 2.8 to 2.10). In particular, it was noted that:

- (i) some aspects of current observer duties should be removed from the *Scientific Observers Manual*;
- (ii) the data being collected by observers should be prioritised so as to maximise their value, in particular for the conduct of assessments of target species and impact on populations of by-catch species;

- (iii) a number of additions and modifications were proposed to the *Scientific Observers Manual*;
- (iv) the need for a major review of the *Scientific Observers Manual* was endorsed by the Scientific Committee.

6.18 With reference to the advice of the Scientific Committee that several scientific observers commented on the issue of safety concerning vessels fishing in high latitudes (SC-CAMLR-XXII, paragraph 2.7), New Zealand introduced a proposal that all vessels issued with licences to participate in CCAMLR areas south of 60°S should be ice strengthened to a minimum standard (CCAMLR-XXII/BG/40). The proposal would involve amendments to Conservation Measure 10-02 'Licensing and inspection obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area'.

6.19 There was general support of this proposal. In addition:

- (i) Chile suggested that conservation measures on each of the fisheries in the Convention Area should be cross-referenced with ice-strengthening requirements;
- (ii) Russia noted that a requirement for ice-strengthening standards should be introduced with due respect to international law and, in particular, responsibilities of Flag States;
- (iii) Japan supported Russia, and indicated that CCAMLR could not be considered as an appropriate body for dealing with the matter and that this issue could be more appropriately discussed at other fora, such as the International Maritime Organization (IMO);
- (iv) Ukraine concurred with Russia and Japan and noted that issues of crew safety are the prerogative of other international organisations;
- (v) Spain indicated that, as a licensing requirement, it required its vessels fishing in high latitudes to meet the standards of verification for ice-strengthening requirements as stipulated by the Det Norske Veritas (DNV) Rules for Classification of Ships.

6.20 The Commission considered a proposal on ice-strengthening standards for fishing vessels operating in high latitudes (paragraph 10.71).

Compliance with Conservation Measures

6.21 With respect to developing methodologies on compliance assessment, the Commission noted and endorsed the advice of the Scientific Committee, in particular, on a proposed method for comprehensive compliance assessments (SC-CAMLR-XXII, paragraphs 7.2 to 7.5; CCAMLR-XXII/52).

6.22 The Commission also endorsed the view of the Scientific Committee that the implications of a review of methods of assessing compliance were much more extensive than

simply developing a new approach. Any new system would require a comprehensive evaluation of the contents of all conservation measures, of the instructions to observers and inspectors, of the nature, scope and content of the reporting mechanism and of the details of the data validation, analysis and assessment protocols (SC-CAMLR-XXII, paragraph 7.4).

6.23 The Commission agreed with the Scientific Committee that discussions of the development of assessing procedures for compliance with conservation measures should be based on continued dialogue between SCIC and the Scientific Committee and its working groups (SC-CAMLR-XXII, paragraph 7.5).

6.24 Russia commented that it is not clear how any compliance assessment would work given that most conservation measures could be assessed only as being fully complied with or not complied. Russia also drew to the attention of the Commission that any new functions imposed on scientific observers should not compromise the integrity of scientific observations as established by the CCAMLR Scheme of International Scientific Observation.

6.25 The European Community advised the Commission that it will continue to work intersessionally on further developing a proposal for compliance assessments as presented in CCAMLR-XXII/52. It could be done by correspondence with all Members interested in this work. The revised proposal will be submitted to the next meeting of the Commission.

6.26 The Commission considered advice prepared by SCIC on compliance with conservation measures in force and proposals for their improvement (Annex 5, paragraphs 3.16 to 3.56). Details on implementation of compliance-related measures and fisheries management and data submission measures are given in CCAMLR-XXII/BG/16 and BG/8 Rev. 1 respectively, and were taken into account by the Commission in developing several of the measures set out in section 10.

6.27 The Commission noted, in particular, that the Scientific Committee reported on significant improvement in compliance of vessels with Conservation Measure 25-02, with 14 out of 29 vessels apparently fully compliant with all elements of this measure at all times throughout the Convention Area (SC-CAMLR-XXII, paragraphs 5.11 to 5.13; Annex 5, paragraph 3.23).

6.28 The Commission endorsed the advice of SCIC and urged Members to continue their efforts in order to achieve 100% compliance of all vessels with Conservation Measure 25-02 (Annex 5, paragraph 3.24).

6.29 In this respect, the Commission also noted that SCIC endorsed the advice of the Scientific Committee, and decided that an extension of the fishing season for longline vessels in Subarea 48.3 should occur in September (Annex 5, paragraph 3.25).

6.30 Namibia gave details of its decision to decline a request for permission to land toothfish by the Netherlands Antilles-registered vessel *Virgin of Carmen* (Annex 5, paragraphs 3.18 and 3.19). The vessel was inspected according to Conservation Measure 10-05. The landing was declined because the vessel had no fishing licence, catch document, VMS or scientific observer on board.

6.31 Russia commented on a section of the SCIC report relating to the alleged failure to complete the mandatory research requirement of Conservation Measure 41-01 by one Russian

vessel (Annex 5, paragraph 3.26). Similar information was contained in reports of the Scientific Committee and WG-FSA (SC-CAMLR-XXII, paragraphs 4.162 and 11.2 and Annex 5, paragraph 5.9). Russia proposed to clarify the allegation by comparing C2 data reported by the vessel with data from a logbook of an international scientific observer on board the vessel. Appropriate clarification was provided by the Secretariat during the meeting.

6.32 The Commission noted the advice of SCIC with respect to a proposal for establishing a C-VMS put forward jointly by Australia, New Zealand and the USA (Annex 5, paragraphs 3.27 to 3.53; CCAMLR-XXII/54 and BG/21). Australia highlighted the need for the C-VMS proposal to be adopted by the Commission to better ensure compliance with the conservation measures. Australia urged Contracting Parties to implement a C-VMS in recognition of the need to support Flag States exercising effective controls over their vessels. The draft conservation measure, as appended to the SCIC report, had been developed further taking into account concerns expressed by Members (Annex 5, paragraphs 3.32 to 3.41) and considered by the Commission (paragraphs 10.12 to 10.23).

6.33 The Commission also noted a proposal submitted by New Zealand for a trial of a daily catch and effort reporting system in Subarea 88.1 during the 2003/04 season. It also noted the comments made by Russia on the proposal (Annex 5, paragraph 3.56).

6.34 The proposal was considered by the Commission (paragraphs 10.24 and 10.25).

CATCH DOCUMENTATION SCHEME FOR *DISSOSTICHUS* SPP. (CDS)

Advice of SCIC

7.1 The Commission considered information presented by the Chair of SCIC on the implementation and operation of the CDS during the 2003 intersessional period (Annex 5, paragraphs 4.1 to 4.8).

7.2 In particular, the Commission welcomed Canada's advice to SCIC that Canada now intends to implement the CDS and will be in a position to inform CCAMLR of its progress in this regard by the next annual CCAMLR meeting.

7.3 A number of Parties reported on their implementation and operation of the CDS during the 2003 intersessional period (CCAMLR-XXII/BG/18 Rev. 1). Brazil drew the attention of the Commission to CCAMLR-XXII/BG/31 which outlined the recent full implementation of the CDS in Brazil. Argentina drew the attention of the Commission to CCAMLR-XXII/BG/36 which reported on the establishment of a national advisory committee which has the capacity to participate in the verification of landings.

7.4 The People's Republic of China also advised that the China Fisheries Association had recently been authorised to sign landing certificates for toothfish unloaded in Chinese ports. Personnel of the China Fisheries Association would not be able to be present at the time of vessels unloading, but would sign landing certificates based on information from customs declarations.

7.5 The USA submitted a background paper (CCAMLR-XXII/BG/39) on enforcement actions taken in the past year to combat the illegal importation of toothfish into the USA. The paper noted the exemplary cooperation of South Africa leading to the criminal indictment of five persons involved in a conspiracy to import toothfish and lobster, and that of Australia leading to the seizure of approximately 31 tonnes of toothfish harvested by the *Arvisa I*. The paper also detailed a new penalty scheme instituted by the USA to address minor violations of regulations related to the CDS.

7.6 The Commission noted that during the 2003 intersessional period no unloadings of toothfish in ports of non-Contracting Parties not participating in the CDS had been reported. A number of other non-Contracting Parties reported to be involved in the harvesting or trade of toothfish had been provided with information about the CDS and invited to cooperate with CCAMLR.

Development of an Electronic Web-based CDS

7.7 The Commission considered advice from SCIC regarding the development of an E-CDS. A trial of the proposed scheme commenced in 2003. The following Members were selected and invited to take part in the trial: Flag States (Australia, Chile, South Africa and UK (overseas territories)); Port/Export States (Australia, Chile, South Africa, Spain and UK (overseas territories)) and Import States (Japan and the USA). However, the limited time period of the trial had meant that some of these Parties had not had the opportunity to become sufficiently familiar with the system.

7.8 The Commission believed that the limited period of the trial in 2003 was insufficient to recommend a full-scale implementation of the system (Annex 5, paragraphs 4.26 to 4.32). The Commission therefore agreed to extend the period of the trial to the 2004 intersessional period and involve all those Parties wishing to participate.

7.9 The USA expressed its belief that electronic reporting was the way of the future and hoped that next year CCAMLR will be in a position to implement the E-CDS on a full-scale basis.

7.10 Ukraine pointed out that in order to do so, the *E-CDS User Manual* should be made available in all official languages of the Commission as soon as possible.

7.11 Both SCAF and SCIC had recommended that the Commission approve the proposed budget for the continued development of the E-CDS (Annex 4, paragraph 34; Annex 5, paragraph 4.32). It was approved (see also paragraph 3.34).

Improvements to the CDS

7.12 The Commission also noted that the USA had submitted proposals for amending Annex A of Conservation Measure 10-05 and strengthening Resolution 15/XIX (paragraphs 10.8 and 10.33 to 10.35).

Annual CDS Summary Reports

7.13 The Commission considered information presented by SCIC regarding the annual reporting of CDS data to SCIC (Annex 5, paragraphs 4.9 to 4.12).

7.14 The Commission noted that the CDS summary report prepared by the Secretariat was improved as agreed by the Commission last year (CCAMLR-XXI, paragraph 7(i)).

7.15 From the report of SCIC it was noted that differences in reporting periods, sources, definitions of exporters and importers, species identification and the failure to use harmonised custom codes may result in major discrepancies between national trade statistics and CDS data (Annex 5, paragraph 4.12).

Publication of CDS Summary Data

7.16 At CCAMLR-XXI, the Commission agreed that a standard set of summary CDS data should be developed and this should be published annually by the Secretariat in the *Statistical Bulletin* or the CCAMLR website. The development of such a dataset should involve consultations with other international organisations in order to obtain their views on what type of data reporting they might require for their work (CCAMLR-XXI, paragraph 7.11(ii)).

7.17 The Commission noted that a draft dataset had been prepared by the Secretariat and a number of international organisations had been consulted in order to obtain their comments in respect of the publication of CDS data in the CCAMLR *Statistical Bulletin*.

7.18 In addition, IUCN presented CCAMLR-XXII/BG/26 which contained a number of recommendations in respect of CDS data to be published by CCAMLR (see also paragraph 14.21).

7.19 Australia observed that the paper presented by IUCN covers many of the issues which Australia would like to consider in publishing CDS data. It considered that the proposal of IUCN represented a benchmark for the publication of CDS data.

7.20 The Executive Secretary drew to the attention of Members that a methodology for analysing CDS and trade statistics would be considered by a subsidiary body to be established jointly by the Commission and the Scientific Committee. Therefore, it would be advisable to wait until such a methodology to be developed and agreed by the Commission, and then to decide what categories and details of CDS data would need to be published.

7.21 In the meantime, the Commission requested the Secretariat to consider the recommendations of IUCN with a view to reviewing categories and details of data proposed for publication and their utility for comparative analysis of CDS data and trade statistics for the purpose of evaluating performance of CDS in terms of covering the world trade in toothfish. This review by the Secretariat should be carried out intersessionally so that any outcomes can be fully reported to the next meeting of the Commission.

7.22 The Commission also referred to its decision relating to the development of standard 'Rules for Access and Use of CCAMLR Data' which should include CDS data (Annex 5, paragraphs 4.18 to 4.22). The Commission noted the advice of SCIC that further

development of the draft rules may be necessary in order to ensure that the current 'Rules for Access to CDS Data' (CCAMLR-XIX, paragraph 5.23) are duly taken into account in the new standard 'Rules for Access and Use of CCAMLR Data'. Until such time as this occurs, the Commission agreed that the current 'Rules for Access to CDS Data' should remain in place alongside the new 'Rules for Access and Use of CCAMLR Data' (paragraphs 12.1 to 12.6).

ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING IN THE CONVENTION AREA

Current Level of IUU Fishing

8.1 The Commission noted the advice of the Scientific Committee and SCIC on the current level of IUU fishing and estimates of IUU catches in the Convention Area (SC-CAMLR-XXII, paragraphs 7.6 to 7.10; Annex 5, paragraphs 2.1 to 2.14).

8.2 Based on estimates of IUU catches prepared by the Secretariat (SCIC-03/13 Rev. 1) and estimates of total removal of toothfish prepared by WG-FSA (SC-CAMLR-XXII, Annex 5, Tables 3.1 to 3.3), the Commission noted that (Annex 5, paragraph 2.12):

- (i) the estimated total IUU catch (10 070 tonnes) indicates that there may have been a slight reduction in the total IUU catch in the Convention Area in the 2002/03 fishing season. However, this remained much higher than was sustainable given the current knowledge of toothfish populations in the Convention Area;
- (ii) high-seas catches reported from Area 47 have increased for the past three years (76 tonnes in 2000/01, 655 tonnes in 2001/02 and 2 852 tonnes so far in 2002/03);
- (iii) catches in Areas 51 and 57 were lower in the 2002/03 fishing season than in the 2001/02 fishing season (3 643 tonnes in 2002/03 compared to 10 620 tonnes in 2001/02 in Area 51 and 858 tonnes in 2002/03 compared to 3 803 tonnes in 2001/02 in Area 57), but this might be because of incomplete data reporting;
- (iv) some of the catches reported via the CDS may represent IUU catches from the Convention Area, misreported as coming from high seas outside the Convention Area.

8.3 The Commission endorsed the advice of the Scientific Committee that current levels of IUU fishing are unsustainable and that Members should continue to take stringent measures to combat IUU fishing in the Convention Area (SC-CAMLR-XXII, paragraphs 5.21(i) and 7.13).

8.4 The Commission also noted the advice of the Scientific Committee that levels of mortality arising from IUU fishing in the Convention Area remain high. It also continues to compromise the sustainability of albatross, giant petrel and white-chinned petrel populations breeding in the Convention Area. Many of these populations are at extremely low levels and some are close to extinction. The Commission endorsed the Scientific Committee's request

that the Commission continue to take urgent action to prevent further seabird mortality by unregulated vessels in the forthcoming fishing season (SC-CAMLR-XXII, paragraph 5.21(ii); see also paragraph 5.11).

8.5 With respect to toothfish catches reported from high seas to the north of the Convention Area, the Commission noted the statement by the Republic of Korea that its flag vessels had been fishing legitimately in FAO Areas 51 and 57 since 2000. Korea was also willing to provide VMS records, and any ancillary information, indicating the fishing locations of its flag vessels to all Members, if required (Annex 5, paragraph 2.14).

8.6 Spain stated that, in accordance with international law, catches taken on high seas to the north of the Convention Area should not be qualified as being illegal. Spain also advised the Commission that one of its vessels has been issued with a licence to fish for toothfish on high seas in Area 51. The vessel has a scientific observer on board. A report of the cruise will be submitted to WG-FSA next year.

8.7 South Africa recalled its previous advice that all catches taken by South African vessels from Area 51 come from waters inside the EEZ around the Prince Edward and Marion Islands.

Cooperation with Non-Contracting Parties

8.8 The Commission noted that SCIC had considered information submitted by the Secretariat on cooperation with non-Contracting Parties (Annex 5, paragraphs 3.63 to 3.67; CCAMLR-XXII/BG/17).

8.9 The People's Republic of China reported that it has been voluntarily implementing the CDS since July 2001. It reported having re-exported 2 400 tonnes of toothfish from January to September 2003.

8.10 Seychelles informed the Commission that its involvement in fishing for toothfish had ceased with the deregistering of all four longliners previously licensed by its authorities to fish on the high seas to the north of the Convention Area. In addition, Seychelles will not authorise any of its flag vessels to harvest toothfish in the future. Even with a fully operational and well-maintained VMS, Seychelles found that control over such vessels was not always possible. Seychelles announced that its registry and ports are now closed for any vessels with a history of IUU activities. Seychelles will continue to cooperate with CCAMLR on matters in relation to the conservation of marine living resources.

8.11 The USA asked the observer from the People's Republic of China to provide the Commission with information in respect of the Hong Kong Special Administrative Region (SAR) still not cooperating with CCAMLR in the implementation of the CDS and, in particular, whether information is available on the volume of toothfish trade via Hong Kong.

8.12 The observer from the People's Republic of China advised that the Hong Kong SAR has an independent administration to that of the People's Republic of China and therefore it was not possible to report the volume of toothfish entering Hong Kong. He advised, however, that the People's Republic of China had received information suggesting that the amount was minimal.

8.13 The Commission noted information from the Chair of SCIC regarding Singapore's limited participation in the CDS. The Commission also noted a number of other non-Contracting Parties that are Flag States of vessels reported to have engaged in IUU fishing in the Convention Area, namely Belize, Bolivia, Equatorial Guinea, Ghana, St Vincent and the Grenadines and Togo.

Cooperation with International Organisations

8.14 The Commission noted that SCIC had considered information submitted by the Secretariat on cooperation with international organisations in a number of papers (Annex 5, paragraphs 3.63 to 3.67; CCAMLR-XXII/9; CCAMLR-XXII/BG/19; BG/25 and BG/26). In particular, the Commission noted that the Secretariat had tabled a draft plan of action (CCAMLR-XXII/12 Rev. 1) in support of the FAO IPOA to Prevent Deter and Eliminate IUU Fishing (IPOA-IUU). The draft was prepared in response to a request by the Commission (CCAMLR-XXI, paragraph 8.15).

8.15 The Commission agreed with SCIC's advice that the development of the above plan remained a matter of high priority for CCAMLR. It also agreed that further guidance should be provided by the Commission on the plan's preparation during the forthcoming intersessional period (Annex 5, paragraphs 3.70 and 3.71).

8.16 Chile believed that the draft plan is clear and straightforward and that the Commission needed to discuss how work on the draft could be continued and concluded by the time of CCAMLR-XXIII.

8.17 The Executive Secretary advised that the draft incorporated a number of comments received from Members intersessionally, but that the most recent comments received from the European Community may require the draft to be rewritten in a new format and form.

8.18 The European Community confirmed that its comments imply a different approach to drafting the plan. The European Community agreed to explore whether the required draft may be prepared intersessionally, possibly by the European Community itself, by the time of CCAMLR-XXIII. The Commission agreed with this course of action.

IUU Vessel Lists

8.19 The Commission considered information presented by SCIC on compiling the Proposed List of Vessels of Contracting Parties and the Proposed List of Vessels of non-Contracting Parties (Annex 5, paragraphs 2.17 to 2.71).

8.20 The Commission endorsed SCIC's recommendations made by consensus on vessels to be retained on, or removed from, the Provisional Lists (references in brackets are to paragraphs in Annex 5):

- (i) Vessels removed from the Provisional Lists were: *Lena* (paragraphs 2.41 to 2.43), *Osiris* (paragraphs 2.54 and 2.55) and *Santo Antero* (paragraphs 2.20 to 2.22).

- (ii) Vessels retained on the Provisional Lists were: *Eternal* (paragraphs 2.23 to 2.26), *Lugalpesca* (paragraphs 2.32 to 2.35), *Viarsa I* (paragraphs 2.36 to 2.40), *Alos* (paragraphs 2.66 to 2.68), *Magnus* (paragraphs 2.27 to 2.31), *Lucky Star* (paragraphs 2.62 to 2.65), *Lome* (paragraphs 2.56 to 2.59) and *Notre Dame* (paragraphs 2.60 and 2.61).

8.21 The Commission noted that SCIC had been unable to reach consensus on the removal/retention of the vessels *Strela*, *Volga* and *Zarya* (Contracting Party vessels) and *Inca* (non-Contracting Party vessel).

8.22 Australia expressed the view that it would be unfortunate if consensus could not be reached on the inclusion of some vessels on the Proposed Lists due to a perceived lack of evidence, when the Commission had, in fact, been presented with overwhelming evidence to the contrary.

8.23 Chile noted that the Portuguese-flagged vessel *Santo Antero* had been considered on the Provisional List of Contracting Party Vessels. Chile advised that it should have been included on the Provisional List of non-Contracting Party Vessels as Portugal is not a CCAMLR Contracting Party.

8.24 Norway made the following statement:

‘On the SCIC Proposed IUU List of Contracting Party Vessels, the European Community appears as a Flag State (on behalf of Portugal) for the vessel *Santo Antero*. This is of some concern to Norway.

At CCAMLR-XVIII (1999), the European Community notified a Portuguese-flagged vessel to take part in exploratory fisheries for *Dissostichus* spp. in several CCAMLR divisions and subareas. Many Contracting Parties to CCAMLR did not welcome that notification. Their view was that Portugal was not a Contracting Party to CCAMLR. Demarches were made both in Brussels and in Lisbon. The main argument for objecting to that notification was that although the member states of the European Community have transferred to the European Community their competence for fisheries, the responsibilities established by the Convention with respect to Flag States cannot be delegated. Only Flag States are able to apply these obligations in the context of the Convention.

Norway would like to refer to the report of CCAMLR-XVIII, paragraph 9.46 where “the Commission called upon Portugal to consider favourably early accession to the Convention”. Portugal has yet to accede to the Convention. Currently there are also some other member states of the European Community that are in the same category as Portugal. The potential problem might, however, increase dramatically by May next year when several significant fishing nations such as Estonia, Latvia and Lithuania will join the European Union. Norway maintains the view expressed above concerning the role of the European Community in the context of CCAMLR and vessels flagged to member states of the European Community not Parties to the Convention. In relation to possible future notifications of vessels flagged by non-Contracting Parties that are member states of the European Community, the Commission in its report should note that the listing in Appendix III of the SCIC report creates no precedent in that regard.’

8.25 The European Community pointed out that the debate in respect of Portugal took place three years ago and that its position in respect of this matter has not changed. The European Community expressed the view that this debate is entirely irrelevant.

8.26 Argentina associated itself with the views expressed by Chile in this respect, whilst thanking Norway for recalling deliberations and the results thereof, which took place at the Commission meeting in 1999.

8.27 With reference to advice from SCIC relating to the *Volna* (Annex 5, paragraphs 2.4 to 2.6), Russia noted that it had had detailed correspondence with the New Zealand authorities. It did not consider that its vessel had contravened Conservation Measure 41-02. Russia advised that it would submit a proposal to amend the current version of the measure.

8.28 New Zealand expressed the view that no ambiguities should exist regarding the current version of Conservation Measure 41-02. New Zealand was of the opinion that if a small-scale research unit (SSRU) is closed for fishing, it should be closed in its entirety.

8.29 The European Community recalled that Russia had offered to provide additional information to SCIC in respect of the vessels *Volga*, *Strela* and *Zarya* for which SCIC had been unable to make recommendations (Annex 5, paragraphs 2.47, 2.52 and 2.53).

8.30 With respect to advice received from SCIC (Annex 5, paragraphs 2.47 to 2.50), Russia made the following statement:

‘The Russian Federation would like to reiterate that the documentation earlier provided by us clearly demonstrated that Russia had nothing to do with the fish product on board the vessels *Strela* and *Zarya*, as it belonged to the previous owners.

Chronology of events:

- (i) both vessels were purchased under sales contract of 27 July 2002;
- (ii) certificates of ownership and certificates of navigation under the flag of the Russian Federation were issued in the port of Kaliningrad, Russia, on 2 September 2002;
- (iii) both vessels arrived in Jakarta, Indonesia, for the handing over from the previous Bolivian owners to the new Russian owners on 27 September 2002;
- (iv) Russia issued general fishery licences to both vessels on 2 October 2002 (these licences are subject to further licensing for specific fisheries and species);
- (v) Russia believed that the report received from Indonesia was incorrect for the following reasons: (i) it contained the wrong dates for entering port for both vessels, (ii) it alleged that vessels were in possession of catch documents although Russia had never issued such documents, and that (iii) a Russian officer had certified the landings although this certainly had not been the case;

- (vi) as no sufficient evidence pointing to the alleged involvement of the Russian-flagged vessel *Strela* was provided in the Indonesian letter, Russia suggests that the *Strela* should be deleted from the Provisional List of IUU Vessels in compliance with paragraph 10(c) of Conservation Measure 10-06;
- (vii) Russia's statement with regard to the *Strela* is also valid for the *Zarya*, in that it should be deleted from the Provisional List of IUU Vessels in compliance with paragraph 10(c) of Conservation Measure 10-06. In addition, the *Zarya* was deregistered by Russia and it should be deleted from the Provisional List of IUU Vessels also in compliance with paragraph 10(d) of Conservation Measure 10-06.'

8.31 Russia further confirmed that the vessels were flying the Russian Flag for 20 days before entering Tanjung Priok. During this period the vessels only steamed to the port and, for operational reasons, could not have conducted any fishing. Russia also informed that the *Zarya* had been deregistered on 4 August 2003, indicating that Russia had taken appropriate action against the vessel.

8.32 Russia also advised that the *Volga* will be deregistered by Russia immediately upon completion of the court hearings in Australia. The *Volga* should be deleted from the Provisional List of IUU Vessels in compliance with paragraph 10(d) of Conservation Measure 10-06.

8.33 The European Community expressed the belief that the Commission should adopt rigorous standards of diligence in addressing the IUU Vessel Lists. The European Community noted, for example, that Indonesia had submitted very detailed information concerning the events surrounding the unloading of the *Strela* and the *Zarya* and that nobody has disputed that these landings actually occurred. The European Community recalled the views expressed by Chile regarding Flag State responsibility and noted that the *Strela* and the *Zarya* had been reflagged prior to landing and whilst still at sea. The European Community was of the belief that Russia should have taken appropriate measures, particularly as the vessels *Strela* and *Zarya* were formerly the Bolivian-flagged vessels *Hunter* and *Georgia* respectively, cited in previous years as linked to a fleet presumably involved in illegal fishing. Information that these vessels were suspected to have engaged in IUU activities had been available to Members at CCAMLR-XXI (CCAMLR-XXI, paragraph 8.40).

8.34 Russia noted the lack of documented evidence in the letter from Indonesia. Russia has requested that Indonesia be asked if it could provide any documentation to support the information as contained in its letter, e.g. copies of port and customs documents for the toothfish landed.

8.35 The UK expressed its belief that, regardless of when reflagging occurred, the *Strela* and the *Zarya* were undisputedly flagged to Russia at the time of the undocumented landing and should therefore be considered under Conservation Measure 10-06. The UK noted that the conditions of Conservation Measure 10-06, paragraph 10, for removing vessels from the List had not yet been met. In the absence of consensus for removal, the vessels should therefore be retained on the Proposed List of Contracting Party Vessels.

8.36 New Zealand agreed with the statement made by the UK and noted that Russia had informed the Commission that it was the Flag State of the vessels *Strela* and *Zarya* 20 days before the vessels entered port. Russia had also not denied that toothfish was on board these vessels when they entered port. Russia was the Flag State of the *Strela* and the *Zarya* when the vessels unloaded 800 tonnes of toothfish. No catch document was issued for the landing of this toothfish and therefore that toothfish can only be treated as catch from IUU fishing. Consequently, the *Strela* and the *Zarya* must be treated as IUU fishing vessels.

8.37 Australia reiterated that it had provided strong evidence of IUU activities in respect of the *Strela* and that this vessel should be retained on the Proposed List of Contracting Party Vessels.

8.38 Chile stated that Conservation Measure 10-06 was consistent with Flag State responsibility set out in the UN Convention on the Law of the Sea, Article 94. Such responsibilities require that a Flag State effectively exercises jurisdiction and control over its vessels as well as maintains a public register of ships flying its flag. This requires that jurisdiction is assumed under the Flag State's own domestic legislation and under international law. Therefore, special consideration should be given to paragraph 6 of the abovementioned Article 94. This allows a State, when it has grounds to believe that proper jurisdiction and/or control has not been exercised over any vessel, to report the facts to the Flag State concerned. The latter has an obligation to investigate the matter and take appropriate action. In these terms, an international organisation comprised of sovereign States, such as CCAMLR, has a right to expect its Members to act as responsible Flag States and exercise effective control over their fishing vessels.

8.39 Russia stated that it had repeatedly drawn to the attention of the Commission the fact that in the case of the *Strela* and the *Zarya*, general category licences for commercial fishing (which are subject to further licences defining specific fisheries and target species) were issued on 2 October 2002. Therefore, before that date the Flag State neither legally nor practically could be liable for any fishing activity by those vessels. Russia had presented the documents issued by Port Kaohsiung authorities, which positively prove that due to logistical reasons the *Strela* could not be located in the area as allegedly sighted by Australia (paragraph 8.47).

8.40 Australia stated that it had seen evidence provided by Russia and was not convinced that this evidence shows positively *Strela*'s location at the time provided by Russia.

8.41 The European Community associated itself with the statement by Chile concerning Flag State responsibilities. Flag States should be responsible for taking responsible actions with respect to vessels that have been reported under Conservation Measure 10-06, especially when such vessels have a history of IUU fishing.

8.42 Spain made the following statement:

'Spain is concerned about the collateral effects coming from the setting up of lists of IUU vessels. It appears that this measure is pushing Contracting Parties to rapidly deregister their IUU vessels. As a consequence, IUU vessels and the companies associated with them move to operate under flags of non-compliance, otherwise

known as flags of convenience or open registries. These countries do not comply with their responsibilities under international law in respect of their jurisdiction and control of their vessels.

In doing so we export the problem outside the Commission but the devastating action of these IUU vessels and companies still affects the Southern Ocean.

Spain emphasised the need for the Commission to deal with this ongoing growing threat and recalled the existing Resolution 19/XXI “Flags of Non-Compliance” adopted last year. In this respect there is an urgent need to identify these countries so as to be effective in our actions against IUU.’

8.43 Russia agreed with the observation made by Spain that the rapid sale and reflagging of a vessel could create a legal trap for a new Flag State.

8.44 With respect to advice received from SCIC (Annex 5, paragraphs 2.47 to 2.50), Russia made the following statement:

‘While stating that in Conservation Measure 10-06 the balance of interests between “reporting States” and the Flag State is substantially violated, the Russian Federation hereby expresses its concern to the Commission that placing a vessel on the proposed IUU Draft List under the above conservation measure entails grave consequences for that vessel, resulting in banning it from fisheries the next season. Therefore, the analysis of how Conservation Measure 10-06 was used in the period under review and based on the outcome of deliberations at SCIC, the Russian Federation is honoured to recommend to the Commission the following conclusions:

- (i) Conservation Measure 10-06 violates the balance of the rights and duties of a Flag State. Juridical construction, envisaged by this conservation measure allows the Secretariat to include a vessel in the proposed IUU Draft List, purely on the grounds of any information about any alleged violations of this conservation measure. Meanwhile, some States find it possible for them to provide such information as late as possible before the CCAMLR meeting and even during the meeting, which practically prevents the Flag State from analysing, investigating the case and preparing an adequate response. According to the articulation of this conservation measure, the burden of proving that this particular vessel did not participate in IUU fisheries, i.e. the burden of proving innocence, is put on the Flag State. In other words, it is taken for granted that the vessel is guilty until the Flag State proves that it is not guilty. So, such “presumption of being guilty” puts the Flag State in unequal position, because the Commission only is authorised to delete the vessel from the proposed IUU Draft List and only by consensus, while this vessel is included in the proposed IUU Draft List by the Secretariat on the basis of any information from any State without any preliminary discussion of this issue at the CCAMLR meeting or its subsidiary bodies.
- (ii) In view of the above, the Russian Federation believes that the present version of Conservation Measure 10-06 violates the balance of interest between the Flag State and a “reporting State”, jams legitimate interests of

legal operators, which fish legally and on a solid scientific basis in the Convention Area. We urge CCAMLR Member States to hold consultations with the purpose of reviewing and amending Conservation Measure 10-06.

- (iii) As a general principle on which, in our opinion, such changes should be based, the Russian Federation is honoured to propose the following:
- The question of including any vessel in the proposed IUU Draft List should be considered by the Commission, based on SCIC recommendations on the basis of the information submitted and circulated by the Secretariat at least three months prior to the CCAMLR meeting. This will provide the Flag State with the opportunity to submit adequate reaction to such information.
 - The Commission, on consensus, should rule out the question of including any vessel on the IUU List.'

8.45 Following its statement, Russia prepared for consideration by the Commission, a proposal for the revision of Conservation Measure 10-06 and requested the proposal be attached to the report of the Commission in order for it to be carried forward to CCAMLR-XXIII (Annex 7).

8.46 With respect to (i) in the statement above, Australia pointed out that it had submitted substantial evidence that three Russian-flagged vessels should be included on the Proposed List of Contracting Party Vessels and that this information had been available to all Members well before the current CCAMLR meeting. Information on the sighting of the vessel *Strela* in Division 58.5.2 had been circulated to all Members and placed on the CCAMLR website. Australia had also supplied this information directly to Russia and had received a response which it believed to be inadequate to the effect that the State Committee for Fisheries of the Russian Federation had no evidence to provide. Australia further pointed out that it had requested Russia to provide VMS data for the vessel *Strela* for the five-day period prior to the sighting of the vessel inside Division 58.5.2 of the Convention Area, but that this had not been supplied. With regard to the *Volga* and the *Lena*, Australia noted that Russia had not yet responded to requests for information which had been made in April 2002.

8.47 Russia responded that, in its view, all information required had been provided. With regard to the alleged sighting of the *Strela* in Division 58.5.2 on 26 June 2003, Russia had provided a document which attested that the *Strela* had been in Port Kaohsiung on 8 July 2003 and therefore could not have been in Division 58.5.2 on 26 June for logistical reasons. Following the distribution of CCAMLR-XXII/BG/48, Russia reiterated its position above and stated that:

- (i) Australia reported the sighting of an alleged Russian-flagged vessel *Strela*. The whole effort in this reporting was focussed on the alleged Russian-flagged vessel, which, according to the Australian report, was photographed and a review of photos with the *Strela* conducted (taken in Indonesian Tanjung Priok). Australia unilaterally announced that those photos matched, though no dates were shown on them.

- (ii) The Russian Federation would like to draw to the attention of the Commission that the Australian report said nothing about another vessel, which was also sighted approximately at the same time, as if no reports were received this year on other vessels, suspected of IUU fishing in this area. Australia failed to identify that vessel, as well as to take photos and match them with the known vessels.’

8.48 Australia, Belgium, Brazil, Chile, European Community, France, Germany, Italy, Netherlands, New Zealand, Norway, Poland, South Africa, Spain, Sweden, UK and the USA requested that their statement be included in the report of the Commission (Annex 8).

8.49 Australia noted that, even if a vessel changes flag between the time of the incident and the time of consideration by the Commission, the vessel should be included on the List relevant to its flag at the time of consideration by the Commission. The Commission noted that SCIC had taken this approach in respect of the vessel *Magnus* (ex *Dorita*) which had been moved from the Proposed List of Contracting Party Vessels to the Proposed List of Non-Contracting Party Vessels.

8.50 The European Community suggested that, if consensus cannot be achieved in respect of particular vessels, the report of the meeting should clearly reflect the reasons why. The European Community further expressed the view that the Commission had been unable to reach consensus on the basis of opposition by one Member which was the Flag State of the vessels concerned. The European Community noted that this situation is to be regretted, since the undocumented landings of more than 800 tonnes of processed toothfish by two of these vessels in Tanjung Priok is a fact that has not been contested. This figure in itself represents more than 10% of the total estimated IUU catches of toothfish in the Convention Area (paragraph 8.2). The European Community expressed its grave concerns that action in respect of these vessels cannot be taken under paragraph 14 of Conservation Measure 10-06 due to the lack of consensus regarding their listing.

8.51 Chile associated itself with the view of the European Community. Chile hoped that future work could be undertaken on procedural rules in order to better apply Conservation Measure 10-06. Chile noted that, whilst the Commission had not agreed to retain the vessels on the Proposed List, nor had it agreed to remove them.

8.52 Australia unreservedly supported the comments of the European Community and Chile and further noted the singular opposition to consensus by the Russian Federation. Australia reiterated that evidence submitted in respect of the IUU activities of the vessels *Strela* and *Zarya* had been overwhelming and irrefutable.

8.53 New Zealand associated itself with the views of the European Community, Chile and Australia.

8.54 South Africa associated itself with the views of the European Community and Chile and added that it saw Conservation Measure 10-06 as an extremely useful measure to strengthen the objectives of CCAMLR. South Africa expressed its concern at the lack of political will of some Members of CCAMLR to effectively address the issue of IUU fishing. South Africa urged all Members to make every effort to deal with the issue.

8.55 Russia expressed its opinion that there should be no such concept as ‘consensus minus one’. Russia did not wish the report to suggest that consensus could not be achieved because of one objection by the Flag State of the vessels concerned. Russia further pointed out that nobody could dispute Russia’s willingness to cooperate with CCAMLR as it is a responsible Contracting Party to the Convention. Russia noted that it had suitably sanctioned the six vessels it had reported to have deleted from its registry. However, Russia could not accept that the *Strela* and the *Zarya* should be included on the Proposed List on the basis of one letter and some photographs.

8.56 The European Community reiterated that all Members except for Russia had agreed that the *Strela* and the *Zarya* should be included on the Proposed List of Contracting Party Vessels because the evidence provided not only by Indonesia, but also by Australia, had been considered convincing.

8.57 The European Community advised that it would be closely monitoring the activities of these vessels and would not fail to raise the matter under Conservation Measures 10-06 or 10-07, as appropriate, if so warranted by new information linking these vessels to IUU fishing. It urged other Members to also do so.

8.58 The Executive Secretary advised that in accordance with Conservation Measure 10-06, paragraph 15 and Conservation Measure 10-07, paragraph 12, the List of Contracting Party Vessels and the List of Non-Contracting Party Vessels, as approved by the Commission, would be placed on a secure section of the CCAMLR website.

8.59 Japan noted that paragraph 15 of Conservation Measure 10-06 and paragraph 12 of Conservation Measure 10-07 should not be construed to restrict Contracting Parties from making IUU Vessel Lists available to the general public.

Additional Information Considered

8.60 Some Members had submitted new information to SCIC in respect of a number of other Contracting Party vessels after the required deadline of 30 days before the CCAMLR annual meeting (Annex 5, paragraphs 2.73 to 2.79). In accordance with Conservation Measure 10-06, paragraph 8, these vessels were not considered for inclusion in the Proposed List of Contracting Party Vessels. However, SCIC recommended that Members note the names of those vessels and pay particular attention to their future activities. These vessels are: *Atlantic 52*, *Austin-1*, *Boston-1*, *Champion-1*, *Darvin-1*, *Eva-1* and *Florens-1*.

8.61 The Commission also noted that SCIC had recommended that on deregistering such vessels, Flag States should inform the Commission and provide as much information as possible in respect of the new flag and owner of the vessel.

8.62 The European Community made the following statement:

‘The European Community drew Members’ attention to the information provided to SCIC by Mauritius on toothfish fishing vessels visiting, and the transshipment of toothfish, in Mauritius (SCIC-03/12, Table 2). The European Community thanked Mauritius for providing this information that pointed out, among other issues, continued activities by some of the vessels cited in the framework of Conservation

Measures 10-06 and 10-07 as involved in IUU fishing. It requested Mauritius to provide additional details as available in respect of these vessels, as well as in any other event involving vessels having on board, or having transhipped at sea, toothfish without indication of the required DCDs being present. In order to ensure that Flag States are afforded the necessary means to take action in due time, it was requested that this information be made available to the Secretariat on a case-by-case basis for circulation to Members and other relevant Flag or Port States.’

8.63 Russia informed the Commission that the vessels *Austin-1*, *Boston-1*, *Champion-1*, *Darvin-1* and *Zarya* had been deleted from the Russian registry. Russia also advised that the vessels *Eva-1* and *Florens-1* had recently been sold and would therefore be deregistered in future.

8.64 Argentina made the following comment on paragraph 2.79 of the SCIC report (Annex 5):

‘Argentina believes that examination of the circumstances of IUU vessels at the meetings should be carried out on an equitable basis. It feels paradoxical that a proposal, such as the one referring to the *Virgin of Carmen*, with respect to which further details were provided by some delegations, and which has a record of IUU fishing, did not receive any substantive treatment.’

8.65 Argentina also submitted the following statement:

‘In relation to the pursuit and apprehension of the *Viarsa I*, Argentina rejects the use of British policing on the high seas departing from the Malvinas, South Georgia and South Sandwich Islands and surrounding maritime areas which are part of the national Argentine territory, and similarly rejects all other actions carried out under pretext of the illegitimate occupation of such territories.

Also, Argentina recalls that these territories are the subject of a sovereignty dispute between Argentina and the UK, that has been acknowledged by the international community and successive United Nations resolutions and declarations of the Organization of American States, urging both countries to resume negotiations in order to find a peaceful and definitive resolution to the controversy.’

8.66 The UK submitted the following statement:

‘In response to Argentina’s intervention, the UK reiterates its well-known position that it has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas.’

8.67 Argentina rejected the views expressed by the UK and reaffirmed its previous statement.

NEW AND EXPLORATORY FISHERIES

New and Exploratory Fisheries in 2002/03

9.1 The Commission noted that six conservation measures relating to eight exploratory fisheries were in force in the 2002/03 season, but fishing only occurred in respect of four fisheries (SC-CAMLR-XXII, paragraphs 4.157, 4.158 and 4.160):

- in Subarea 88.1, 1 792 tonnes of *Dissostichus* spp. were taken against a catch limit of 3 760 tonnes and fishing occurred north of 65°S and south of 65°S;
- in Subarea 88.2, 106 tonnes of *Dissostichus* spp. were taken against a catch limit of 375 tonnes;
- in Division 58.4.2, 117 tonnes of *Dissostichus* spp. were taken against a catch limit of 500 tonnes.

In Subarea 88.1, fishing had been restricted by icebergs and sea-ice and vessels had not fished south of 72°30'S because of safety concerns.

9.2 The Commission also noted that although the overall catch was about 50% of the catch limit for Subarea 88.1, catch limits in two fine-scale rectangles were exceeded by 3%, and the catch limit in SSRU 881C was exceeded by 106 tonnes (13%). It was noted that the reason that the catch limits were exceeded was as a result of high catch rates combined with inherent delays in closing areas as a result of using a five-day reporting cycle (CCAMLR-XXII/BG/8 Rev. 1).

9.3 The Commission also noted that currently for each active exploratory fishery, the Secretariat reported every five days to Members engaged in that fishery and provided an up-to-date total catch of the target species by fine-scale rectangle, SSRU and for the fishery as a whole. However, the Secretariat only forecast closure dates for each fishery as a whole (e.g. longline fishery in Subarea 88.1 south of 65°S), and did not attempt to forecast closures in fine-scale rectangles or SSRUs (SC-CAMLR-XXII, paragraph 4.159).

9.4 The Scientific Committee had advised the Commission that all but one vessel fishing in exploratory fisheries in 2002/03 had been able to complete their quota of research sets (SC-CAMLR-XXII, paragraph 4.162).

9.5 The Scientific Committee advised that some Members had experienced difficulties with some provisions of Conservation Measures 10-04 and 24-02 in that these measures may contain potentially contradictory licensing requirements (SC-CAMLR-XXII, paragraph 4.175). This matter was further considered in section 10.

9.6 The Commission noted that advice from Members not intending to enter a fishery, as required under paragraph 9 of Conservation Measures 41-01, had only been received from Japan in respect of five fisheries, and New Zealand in respect of one fishery (SC-CAMLR-XXII, paragraph 4.161).

New and Exploratory Fisheries Notified for 2003/04

9.7 The Commission noted that a total of 31 notifications for exploratory fisheries in 2003/04 had been made by 14 Members and there were no notifications for new fisheries. Four of the notifications for exploratory fisheries were incomplete or not submitted by the deadline (SC-CAMLR-XXII, paragraphs 4.163, 4.164 and 4.172).

9.8 Twenty-nine notifications of specific vessels were for exploratory longline fisheries for *Dissostichus* spp. and one notification was for an exploratory trawl fishery targeting *Dissostichus* spp. and *Macrourus* spp. These notifications covered most statistical subareas and divisions in the Convention Area, including Subarea 48.3 and EEZs in Divisions 58.5.1 and 58.5.2 where assessed fisheries for *D. eleginoides* occur, and Subareas 48.1, 48.2, 58.6 and 58.7 and Division 58.4.4 which are closed to directed fishing until further surveys are conducted (Conservation Measures 32-02, 32-03, 32-10, 32-11 and 32-12). The remaining notification was for an exploratory trawl fishery targeting *Chaenodraco wilsoni*, *Trematomus eulepidotus*, *Lepidonotothen kempfi* and *Pleuragramma antarcticum* in Division 58.4.2 (SC-CAMLR-XXII/BG/5 Rev. 1).

9.9 The Commission reaffirmed that each of the Subareas 48.1, 48.2, 58.6 and 58.7 and Division 58.4.4 (outside EEZs) would remain closed to fishing on *Dissostichus* spp. until a survey had been completed, the results analysed, and the fishery was reopened on the advice of the Scientific Committee to the Commission.

9.10 The Commission also noted that (SC-CAMLR-XXII, paragraphs 4.167 to 4.170):

- (i) the Scientific Committee had requested clarification on the role of WG-FSA in assessing notifications with regard to closed areas and notifications that were incomplete and those that had been submitted late;
- (ii) notifications fell into two categories:
 - notifications to participate in an exploratory fishery that had been active in the previous season and with operational details consistent with existing measures;
 - notifications to fish in subareas and divisions currently closed to fishing by conservation measures and/or with operational details absent or not consistent with existing measures;
- (iii) the Scientific Committee was concerned that the large number of notifications placed a considerable workload on WG-FSA and WG-IMAF;
- (iv) the Scientific Committee recommended that, in order to undertake exploratory fishing in subareas or divisions currently closed by conservation measures, Members should follow the procedures outlined in Conservation Measure 24-01 (Application of Conservation Measures to Scientific Research).

9.11 The Commission recognised the considerable workload which notifications imposed on WG-FSA, WG-IMAF and the Scientific Committee. Therefore, the Commission agreed that in future the Scientific Committee and its working groups should only consider

notifications which were complete and had been submitted by the deadline. Notifications submitted after the deadline, or which were incomplete at the time of the deadline should not be considered. The cost of processing notifications was considered in section 3.

9.12 The Commission also agreed that, in order to undertake exploratory fisheries in subareas or divisions currently closed by conservation measures, Members should in future follow the procedures outlined in Conservation Measure 24-01. This will require that a research plan be submitted to the Secretariat at least six months in advance of the planned start date for fishing.

9.13 There has been a very large number of notifications for fishing in some localities. It was noted that, depending on the size of the precautionary catch limits, this implies that if all vessels were active in the fishery, the available catch per vessel could be lower than that required for economic viability, especially for those vessels operating in high latitudes where fishing imposes considerable operational difficulties.

9.14 The Commission noted the Scientific Committee's management advice that the yield by analogy with Subarea 48.3 should no longer be implemented to determine yields in Subareas 88.1 and 88.2. The Scientific Committee could offer no specific advice on catch limits for the *Dissostichus* spp. fisheries in Subareas 88.1 or 88.2. However, as a precautionary measure the Scientific Committee recommended that the current catch limits should not be exceeded for these two subareas (SC-CAMLR-XXII, paragraph 4.212). It recommended that the division of any catch limit agreed by the Commission in Subarea 88.1 should follow the proportions given in SC-CAMLR-XXII, Table 6.

9.15 The Commission noted the Scientific Committee's debate on the setting of catch limits in SSRUs in Divisions 58.4.1 and 58.4.2 (SC-CAMLR-XXII, paragraphs 4.204 and 4.205). This matter is further considered in section 10.

Small-scale Research Unit (SSRU) Boundaries

9.16 The Commission endorsed the Scientific Committee's revision of SSRUs in Subarea 88.1 to better capture the irregular shapes of the bathymetric features and fishing grounds encountered in the subarea. This revision resulted in 12 new SSRUs which were more similar in size to those in other CCAMLR areas (SC-CAMLR-XXII, paragraph 4.177).

9.17 The Scientific Committee had also reviewed the need for catch limits in fine-scale rectangles in Subarea 88.1 because these were becoming difficult to manage with the increasing number of vessels operating in that subarea. The Scientific Committee believed that increasing the number of SSRUs, whilst at the same time removing catch limits on fine-scale rectangles, would overcome many of the current problems with area closures. Other options for better managing catch limits in SSRUs included reducing the amount of effort in SSRUs, more frequent reporting of catches, and the forecasting of closures of SSRUs (SC-CAMLR-XXII, paragraph 4.178).

9.18 The Commission considered a proposal for introducing a daily catch and effort reporting system in exploratory fisheries (paragraphs 10.24 and 10.25).

9.19 The Commission agreed that the catch limit in fine-scale rectangles should be removed in Subarea 88.1, and that the catch limits in SSRUs would be better managed by forecasting closures in these units. However, the Commission noted that the forecast method now used by the Secretariat required information on the movement of vessels into, and out of, the area under management. Therefore, forecasting closures in SSRUs would require the Secretariat to have access to information on the movement of vessels into and out of SSRUs.

9.20 The Commission requested the Secretariat, in the intersessional period, to develop a procedure for forecasting closures in SSRUs, giving consideration of the costs involved and to report back at CCAMLR-XXIII.

9.21 The Commission noted that the Scientific Committee had provided advice for establishing SSRUs in all subareas and divisions where exploratory fisheries were conducted. Therefore, the Commission agreed to remove catch limits in all fine-scale rectangles (see paragraph 9.19).

9.22 The Commission endorsed the Scientific Committee's management advice (SC-CAMLR-XXII, paragraphs 4.214 to 4.220), including:

- continuing with research plans in the fisheries in Subareas 88.1 and 88.2 with a change that only 10 research sets be required in SSRUs where the fishable seabed area is less than 15 000 km² and with the addition of the mark-recapture program;
- establishing SSRUs spanning 10° of longitude in Divisions 58.4.1 and 58.4.2 and with a single SSRU in Division 58.4.1 north of 60°S;
- in Divisions 58.4.1 and 58.4.2 retaining the existing provision to prohibit fishing in water less than 550 m deep;
- setting a catch limit for *Macrourus* spp. of 159 tonnes in Division 58.4.3a and 26 tonnes in Division 58.4.3b;
- retaining the elements of Conservation Measure 41-04 for Subarea 48.6, taking account of advice on line setting (SC-CAMLR-XXII, paragraph 5.38).

9.23 The Commission recommended that the new tagging protocol for new and exploratory fisheries be added to the *Scientific Observers Manual*.

Future Work

9.24 At last year's meeting the Commission urged Members to undertake further research on methods of monitoring abundance of *Dissostichus* spp. in Subareas 88.1 and 88.2 (CCAMLR-XXI, paragraph 9.18). The Commission was pleased to note the following developments (SC-CAMLR-XXII, paragraphs 4.190 to 4.194):

- (i) During the intersessional period New Zealand looked at different approaches including the feasibility of acoustics, standardised CPUE analysis, simulation

studies of research sets and a tagging feasibility study. Of these approaches, New Zealand considered that the implementation of a suitably designed tag-recapture experiment was most likely to succeed.

- (ii) The Scientific Committee had discussed the relative benefits of trawl surveys, tagging studies, depletion experiments and experimental management of fishing effort, and had agreed to implement tagging programs.
- (iii) The Scientific Committee considered that additional approaches would be required to provide estimates of biomass in the short to medium term and recommended that, during the intersessional period, the following work program be carried out by Members fishing in Subarea 88.1:
 - (a) carry out further tagging simulation studies as detailed in SC-CAMLR-XXII, Annex 5, Appendix D, to determine the best approach to tagging in Subarea 88.1 that could lead to an assessment;
 - (b) review practicalities and possible research designs for carrying out a trawl survey on juvenile *Dissostichus* spp. in the Ross Sea;
 - (c) carry out simulation studies to determine optimal ways to direct fishing effort, both within and between years, to achieve necessary contrast in fishery and stock parameters that could lead to an assessment.

9.25 The Commission noted that even with the active participation of the fishing industry in a comprehensive mark-recapture program, it would take at least 10 years before a precise estimate of abundance could be obtained. It also noted that different approaches to obtain the necessary data to lead to an assessment may not be mutually exclusive. For example, an experiment combining an intensive tagging program and the management of effort in a few SSRUs for two to three years could provide a powerful tool for estimating population abundance and other input parameters required for an independent assessment of yield (SC-CAMLR-XXII, paragraphs 4.195 and 4.198).

9.26 The Commission endorsed the intersessional work program, and urged the Scientific Committee to establish, as a matter of urgency, a research program which would provide the data necessary for a long-term assessment of *Dissostichus* spp. stocks in Subarea 88.1. The Commission expressed concern at the growing number of vessels involved in this fishery, and the current paucity of information on which the scientific advice was based.

CONSERVATION MEASURES

10.1 Conservations measures adopted at CCAMLR-XXII will be published in the *Schedule of Conservation Measures in Force 2003/04*.

Review of Existing Conservation Measures and Resolutions

10.2 The Commission noted that the following conservation measures² will lapse on 30 November 2003: 32-09 (2002), 33-02 (2002), 33-03 (2002), 41-01 (2002), 41-02 (2002), 41-04 (2002), 41-05 (2002), 41-06 (2002), 41-07 (2002), 41-08 (2002), 41-09 (2002), 41-10 (2002), 42-01 (2002), 42-02 (2002), 43-01 (2002), 52-01 (2002), 52-02 (2002) and 61-01 (2002). These conservation measures dealt with general fishery matters for the 2002/03 season.

10.3 The Commission agreed that the following conservation measures² will remain in force in 2003/04:

compliance:

10-01 (1998), 10-02 (2001), 10-03 (2002), 10-04 (2002) and 10-06 (2002);

general fishery matters:

21-01 (2002), 21-02 (2002), 22-01 (1986), 22-02 (1984), 22-03 (1990), 23-02 (1993), 23-03 (1991), 23-04 (2000), 23-05 (2000), 23-06 (2002), 25-01 (1996), 31-01 (1986), 32-01 (2001), 32-02 (1998), 32-03 (1998), 32-04 (1986), 32-05 (1986), 32-06 (1985), 32-07 (1999), 32-08 (1997), 32-10 (2002), 32-11 (2002), 32-12 (1998), 33-01 (1995), 41-03 (1999), 51-01 (2002), 51-02 (2002) and 51-03 (2002);

protected areas:

91-01 (2000), 91-02 (2000) and 91-03 (2000).

10.4 In carrying forward Conservation Measures 21-01 (Notification that Members are Considering Initiating a New Fishery) and 21-02 (Exploratory Fisheries), the Commission agreed that, in future, a scheme for recovery of costs would be applied to notifications for new and exploratory fisheries (paragraphs 3.16 to 3.23).

10.5 The Commission agreed that the following resolutions will remain in force in 2003/04: Resolutions 7/IX, 10/XII, 14/XIX, 16/XIX, 17/XX, 18/XXI and 19/XXI.

10.6 The Commission had considered the implementation of a C-VMS. Although significant progress had been made, the Commission did not reach consensus at the current meeting. As a result, Conservation Measure 10-04 and Resolution 16/XIX remain in force.

Revised Conservation Measures

10.7 The Commission revised the following conservation measures²:

compliance:

10-05 (2002) and 10-07 (2002);

general fishery matters:

23-01 (2000), 24-01 (2002), 24-02 (2002), 25-02 (2002) and 25-03 (1999).

² Reservations to these measures are given in the *Schedule of Conservation Measures in Force in 2002/03*.

Compliance

10.8 The Commission revised Annex A of the Catch Documentation Scheme (Conservation Measure 10-05) in accordance with the advice of SCIC (paragraph 7.12; Annex 5, paragraph 4.25). Accordingly, the revised measure was adopted as Conservation Measure 10-05 (2003).

10.9 Japan stated that it understood that the amendment to paragraphs A.5(ii) and A.9(i) would not affect the current practice of Japan regarding the China Fisheries Association as a competent authority of the CDS. In this respect, Russia shared Japan's view (paragraph 7.4).

10.10 The USA and several other Members indicated that they would not accept DCDs authorised by the China Fisheries Association.

10.11 The Commission noted that last year's revision of Conservation Measure 10-07 had resulted in that measure being incorrect. Accordingly, these references were corrected, and the revised measure was adopted as Conservation Measure 10-07 (2003).

Centralised Vessel Monitoring System

10.12 The Commission failed to adopt a proposal for a C-VMS at this meeting despite overwhelming support by almost all Members.

10.13 Because of this general support by the majority, the Commission agreed to support a trial C-VMS that would be established at the Secretariat and open to all who wish to participate. The guidelines for the trial can be distributed by the Secretariat to interested parties based on the last draft of proposed Conservation Measure 10-04 (Annex 9).

10.14 The USA noted that such a system is essential to proper enforcement and also encouraged Parties to participate in the E-CDS. In this regard, it expressed the intention not to accept catch documents accompanying imports of toothfish which are not created and processed through the E-CDS.

10.15 Chile expressed its appreciation of the US proposal, and agreed to participate in the C-VMS trial project. Chile would welcome the opportunity to examine the project protocols, particularly with respect to the confidentiality of data. Chile also requested that in relation to the implementation of Conservation Measure 10-04 in force, the Secretariat request Member States of the Commission to submit technical specifications of the VMS currently used by them.

10.16 Argentina, Australia, New Zealand, South Africa, Ukraine, USA and Uruguay volunteered to participate in the C-VMS trial, and others, including the European Community, were considering participation.

10.17 The Executive Secretary clarified that the development of the C-VMS has already incorporated the required security and confidentiality provisions. In addition, the Secretariat staff responsible for compliance data are subject to the confidentiality covenant of the CCAMLR Staff Regulations and will act in full accordance with provisions of Conservation Measure 10-04 and Rules for Access and Use of CCAMLR Data.

10.18 The Executive Secretary also noted that the Secretariat would be able to establish and implement C-VMS only if sufficient funds were to be provided by the Commission. The required funds could come from the US VMS Special Fund, the US Compliance Fund and the balance of the CDS Fund, which is subject to approval by the CDS Fund Review Panel (paragraph 3.34).

10.19 Australia made the following statement:

‘The work of this Commission over recent days and, indeed, over recent years, has given heavy emphasis to the urgent and substantial problem of IUU fishing. We have all agreed that this is a significant challenge. Failure to solve the problem of IUU fishing will represent failure by the Commission to conserve Southern Ocean ecosystems, and opens the question of the credibility of this Commission in meeting the objectives of the Convention, that is, the conservation, including rational use, of Antarctic marine living resources.

We have been grappling with this problem for seven years and we have yet to effectively deter illegal fishing in the CCAMLR area or diminish its impact on toothfish stocks.

It therefore will come as no surprise that my delegation is extremely disappointed by the Commission’s inability to achieve consensus on a centralised vessel monitoring system. This is all the more disappointing given that not one delegation in this meeting has argued that C-VMS would not be an effective tool to deal with IUU fishing. We know the technology exists, we know that all Members are able to implement a scheme (indeed that many Members are already implementing similar systems elsewhere in the world), and we know that the resources are available to us.

Over the past week it has become clear that the C-VMS proposal has received strong support from the vast majority of Commission Members. Australia and other Members have worked hard to find common ground and we made considerable compromises in order to find agreement on this critical issue. And yet consensus eludes us. Our differences appear to come down to a matter of how the data *might* (and I emphasise “might”) be used – there is a perception that the data might be used for reasons other than for effectively combating IUU fishing. Australia believes there is no reason to consider that this is the case. Australia does not believe that it is in the interests of the conservation objectives of this Commission to bring issues external to the work of the Commission into this debate.

Australia remains committed to finding effective solutions to eliminate IUU fishing and remains convinced that C-VMS is a strong and cost-effective tool. While disappointed that the initiative will not be adopted at this meeting, we will continue to work cooperatively with all Members intersessionally to resolve any differences among Parties in order to achieve this goal at next year’s meeting. We urge all Members in good faith to seek consensus on this important initiative.’

10.20 Argentina thanked the Commission for its proposal having itself also offered to participate in the E-CDS. Argentina thanked the USA for its proposal that the Commission start a trial C-VMS, which will surely contribute, together with E-CDS (another US initiative

in which Argentina had wished to participate) to reduce IUU fishing. It noted that implementation of the US proposal should be developed taking into account conflicting views and expressed its desire to take part in the process.

10.21 In the context of the proposal for a C-VMS, Argentina stated that the all-embracing resolution of this question requires compromise from all Parties involved and, to this effect, settlement of the dispute between Argentina and the UK on the application and the interpretation of the Convention, and the Statement by the Chairman of 19 May 1980, actually within the context of Article XXV of the Convention, as well as the definitive settlement of the sovereignty dispute between both countries regarding the Malvinas Islands, South Georgia and the South Sandwich Islands and surrounding maritime areas, will certainly facilitate the attainment of the objectives of the Convention.

10.22 In response to the statement made by Argentina in the context of the proposed C-VMS, regarding the sovereignty dispute between Argentina and the UK, the UK believes that Article IV of the Convention and the Chairman's Statement of 19 May 1980 adequately protect the respective positions of Argentina and the UK. The UK further believes that the sovereignty dispute does not in any way constitute an obstacle to the attainment of the objectives of the Convention, as implied by Argentina, nor an obstacle to the adoption of a C-VMS by the Commission.

10.23 While recalling its well-known legal position, Argentina pointed out that it does not share the views expressed by the UK and reiterated its statement.

General Fishery Matters

Data Reporting

10.24 The Commission considered two options for minimising delays in reporting catches from SSRUs in exploratory fisheries for *Dissostichus* spp., and thereby improving monitoring and forecast closures. The first option, a daily catch and effort reporting system, had been proposed by New Zealand for the fishery in Subarea 88.1 (CCAMLR-XXII/55) and had been considered by SCIC (Annex 5, paragraph 3.55). The second option was to revise the interval of the submission period in the five-day catch and effort system (Conservation Measure 23-01).

10.25 The Commission agreed to the second option, and the submission period was reduced from five days to two working days after the end of the reporting period in relation to exploratory fisheries. The measure was revised and adopted as Conservation Measure 23-01 (2003).

Research and Experiments

10.26 The Commission recalled the advice of the Scientific Committee (paragraphs 4.72 and 4.73) and agreed to add *C. gunnari* to Annex B of Conservation Measure 24-01 (The Application of Conservation Measures to Scientific Research). The threshold for this species was set to 50 tonnes. The measure was revised and adopted as Conservation Measure 24-01 (2003).

10.27 The Commission recalled the advice of the Scientific Committee in respect of requests to set longlines during daytime in Divisions 58.4.1, 58.4.3a and 58.4.3b (SC-CAMLR-XXI, paragraph 5.38). The Commission agreed to include these divisions in Conservation Measure 24-02 (Experimental Line-weighting Trials). In considering this revision, the Commission also agreed to include Division 58.5.2 since longlining had been recently permitted in that area. The measure was revised and adopted as Conservation Measure 24-02 (2003).

Minimisation of Incidental Mortality

10.28 The Commission agreed to revise Conservation Measures 25-02 (Minimisation of the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research in the Convention Area) and 25-03 (Minimisation of the Incidental Mortality of Seabirds and Marine Mammals in the Course of Trawl Fishing in the Convention Area) in line with the advice from the Scientific Committee (paragraphs 5.9 and 5.25).

10.29 The measures were revised and adopted as Conservation Measures 25-02 (2003) and 25-03 (2003).

Fishing Seasons, Closed Areas and Prohibition of Fishing

10.30 In accordance with Article IX of the Convention, the Commission adopted Conservation Measure 32-09 (2003) prohibiting directed fishing on *Dissostichus* spp. except in accordance with specific conservation measures in the 2003/04 season. This prohibition applies to Subarea 48.5.

10.31 Other subareas and divisions for which directed fishing on *Dissostichus* spp. had been prohibited in the 2002/03 season, and in previous seasons, are now covered under new measures in force (see New Conservation Measures).

10.32 In view of this approach to prohibit directed fishing, except in accordance with specific conservation measures, and in view of the requirements concerning the notification of new and exploratory fisheries prior to their prosecution, Australia suggested that the Commission consider how this approach may generally be applied to specified fisheries at its next meeting.

Revised Resolutions

10.33 The Commission endorsed the advice of SCIC (Annex 5, paragraph 3.54) and revised Resolution 15/XIX on the use of ports not implementing the CDS. Accordingly, the revised resolution was adopted as Resolution 15/XXII.

10.34 Australia would like the Commission to note that its licensed fishing vessels fishing for *Dissostichus* spp. currently unload in Port Louis, Mauritius. These unloadings are overseen and validated for both quota and CDS by Australian Government fisheries officers.

10.35 Australia advised the Commission that, in the intersessional period, it would work with Mauritius as a matter of priority, towards having Mauritius fully implement the CDS in the near future. Australia further advised that they would report back to the Commission next year on progress.

New Conservation Measures

General Fishery Matters

Research and Experiments

10.36 The Commission recalled the advice from the Scientific Committee regarding experimental integrated line-weighting trials in Subareas 88.1 and 88.2 in the 2003/04 season (paragraph 5.10). Accordingly, the Commission adopted Conservation Measure 24-03 (2003).

Fishing Seasons, Closed Areas and Prohibition of Fishing

10.37 The Commission recalled that the Scientific Committee had provided advice regarding the closure of Division 58.5.1, outside the French EEZ, to directed fishing for *D. eleginoides* (SC-CAMLR-XXII, paragraph 4.83). The Scientific Committee had also advised that Subarea 88.3 should remain closed to fishing until further experience had been gained in managing exploratory fisheries (SC-CAMLR-XX, paragraph 5.100).

10.38 In addition, the Commission agreed that, in order to undertake exploratory fisheries in subareas or divisions currently closed by conservation measures, Members should in future follow the procedures outlined in Conservation Measure 24-01 (paragraph 9.12).

10.39 Accordingly, the Commission adopted four new measures prohibiting directed fishing for *Dissostichus* spp. in:

- Division 58.5.1 outside areas of national jurisdiction – Conservation Measure 32-13 (2003);
- Division 58.5.2 east of 79°20'E and outside the EEZ to the west of 79°20'E – Conservation Measure 32-14 (2003);
- Subarea 88.2 north of 65°S – Conservation Measure 32-15 (2003);
- Subarea 88.3 – Conservation Measure 32-16 (2003).

10.40 In each of these areas, the prohibition shall apply until at least such time that a survey of the *Dissostichus* spp. stock is carried out, its results reported to and analysed by WG-FSA and a decision that the fishery be reopened is made by the Commission based on the advice of the Scientific Committee.

10.41 In accordance with advice from the Scientific Committee, the Commission agreed that the fishery for *E. carlsbergi* in Subarea 48.3 had lapsed. In adopting Conservation

Measure 32-17 (2003), the Commission agreed to prohibit directed fishing on this species in Subarea 48.3 until further research has been conducted and a decision that the fishery be reopened is made by the Commission based on the advice of the Scientific Committee.

By-catch Limits

10.42 The by-catch catch limit for *Macrourus* spp. in Division 58.5.2 was revised to 360 tonnes in the 2003/04 season (SC-CAMLR-XXII, paragraph 4.150). Accordingly, the Commission adopted Conservation Measure 33-02 (2003).

10.43 The by-catch catch limits and provisions for new and exploratory fisheries were also revised. The Commission agreed to retain the current rules for catch limits for by-catch species as set out in Annex A of Conservation Measure 33-03. However, the Commission reviewed the application of these rules to SSRUs. It was agreed that the rules should apply to the setting of catch limits across the whole area of operation of each fishery. These catch limits are defined in Annex 33-03/A. In addition, the Commission agreed that within these catch limits, the total catch of by-catch species in any SSRU shall not exceed the following limits:

- skates and rays – 5% of the catch limit of *Dissostichus* spp. or 50 tonnes, whichever is greater;
- *Macrourus* spp. – 16% of the catch limit of *Dissostichus* spp. or 20 tonnes, whichever is greater;
- ALL other species combined – 20 tonnes.

Accordingly, the Commission adopted Conservation Measure 33-03 (2003).

Toothfish

10.44 The Commission noted the advice of the Scientific Committee concerning the general measures for exploratory fisheries for *Dissostichus* spp. in 2003/04, and the development in assessment methods (section 9). The Commission agreed that the following revisions should be made to the current general measures:

- removal of catch limits in fine-scale rectangles;
- introduction of reporting at the level of SSRUs;
- removal of soak time constraints for longlines;
- revision of the boundaries of SSRUs, including the introduction of new SSRUs;
- setting a catch limit for *Dissostichus* spp. of 100 tonnes in SSRUs for which a limit was not specifically defined, except in Subarea 88.2;
- introduction of a tagging program.

10.45 In introducing the tagging program for the 2003/04 season, the Commission noted that some Members may experience difficulties in procuring tags in time for the start of that season. The Commission thanked the New Zealand Delegation for their offer to provide tags and assistance to Members fishing in Subareas 88.1 and 88.2 this season.

10.46 The Commission adopted Conservation Measure 41-01 (2003).

10.47 The Commission noted the problems encountered by the Scientific Committee and WG-FSA in assessing a catch limit for *D. eleginoides* in Subarea 48.3 in the 2003/04 season (paragraphs 4.44 to 4.50). Nevertheless, the Commission endorsed the Scientific Committee's advice for a catch limit for *D. eleginoides* of 4 420 tonnes. The Commission agreed that any catch of *D. eleginoides* taken in other fisheries in Subarea 48.3 would be counted against this catch limit. In addition, the Commission agreed to reapply the interim limits set for the by-catch of skates and rays and *Macrourus* spp. (CCAMLR-XX, paragraph 9.41). Accordingly, Conservation Measure 41-02 (2003) was adopted.

10.48 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 48.6 in 2003/04 would be limited to Argentine, Japanese, Namibian, New Zealand, Spanish and South African flagged vessels using longlines only, and that no more than one vessel per country shall fish at any one time. The Commission also agreed that daylight setting of longlines would be allowed throughout Subarea 48.6, subject to compliance with Conservation Measures 24-02 and 25-02 and an incidental catch limit of three (3) seabirds per vessel. Accordingly, Conservation Measure 41-04 (2003) was adopted.

10.49 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.2 in 2003/04 would be limited to Argentine, Australian, Russian, Ukrainian, and US flagged vessels using longlines only. The Commission also agreed that daylight setting of longlines would be allowed in this division, subject to compliance with Conservation Measures 24-02 and 25-02 and an incidental catch limit of three (3) seabirds per vessel. The Commission noted the discussion by the Scientific Committee on the manner in which catches might be distributed in the exploratory fishery for *Dissostichus* spp. in Division 58.4.2 in the coming year (SC-CAMLR-XXII, paragraphs 4.204 and 4.205). It also noted the balance of opinion surrounding these paragraphs provided by the Chair of the Scientific Committee that more Members of the Scientific Committee expressed agreement for paragraph 4.204 than for 4.205. The Commission requested that these views be reviewed by the Scientific Committee at its meeting in 2004. Accordingly, Conservation Measure 41-05 (2003) was adopted.

10.50 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3a in 2003/04 would be limited to Argentine, Australian, Russian, Ukrainian and US flagged vessels using longlines only, and one Australian-flagged vessel using trawl only. The fishery was also limited to no more than one vessel per country at any one time. The Commission also agreed that daylight setting of longlines would be allowed in this division, subject to compliance with Conservation Measures 24-02 and 25-02 and an incidental catch limit of three (3) seabirds per vessel. Accordingly, Conservation Measure 41-06 (2003) was adopted.

10.51 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3b in 2003/04 would be limited to Argentine, Australian, Russian, Ukrainian and US flagged vessels using longlines only, and one Australian flagged vessel using trawl

only. The fishery was also limited to no more than one vessel per country at any one time. The Commission also agreed that daylight setting of longlines would be allowed in this division, subject to compliance with Conservation Measures 24-02 and 25-02 and an incidental catch limit of three (3) seabirds per vessel. Accordingly, Conservation Measure 41-07 (2003) was adopted.

10.52 The Commission endorsed the Scientific Committee's advice on the trawl and longline fishery for *D. eleginoides* in Division 58.5.2 in the 2003/04 season (paragraph 4.53; SC-CAMLR-XXII, paragraph 4.89). The advice included the catch limit of 2873 tonnes which was applicable west of 79°20'E. In addition, the fishing season for the trawl fishery was defined as the period from 1 December 2003 to 30 November 2004, or until the catch limit is reached, whichever is sooner, while the season for longlining was defined as the period from 1 May to 31 August 2004, or until the catch limit is reached, whichever is sooner. The season for longline fishing operations may be extended to 14 September 2004 for any vessel which had demonstrated full compliance with Conservation Measure 25-02 in the 2002/03 season (see SC-CAMLR-XXII, Annex 5, Table 6.7). Accordingly, Conservation Measure 41-08 (2003) was adopted.

10.53 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.1 in 2003/04 would be limited to two Argentine, one Japanese, two Korean, six New Zealand, one Norwegian, two Russian, two South African, two Spanish, three Ukrainian, one UK, two US and two Uruguayan flagged vessels using longlines only.

10.54 The Commission noted the advice of the Scientific Committee regarding the setting of a catch limit for the fishery and catch limits for SSRUs in Subarea 88.1 (SC-CAMLR-XXII, paragraphs 4.182 to 4.186 and Table 6). It was agreed that the catch limit for *Dissostichus* spp. for the exploratory fishery in Subarea 88.1 would be 3250 tonnes. This limit was determined by applying a discount to the limit set in 2002/03. The catch limit in SSRUs was pro-rated based on seabed area and historical effort in the fishery. SSRUs in which the catch limit was less than 50 tonnes were closed to fishing and the balance of the catch limit was redistributed across the other SSRUs.

10.55 In addition, the Commission agreed that daylight setting of longlines would be allowed in Subarea 88.1, subject to compliance with Conservation Measures 24-02 and 25-02 and an incidental catch limit of three (3) seabirds per vessel. Accordingly, Conservation Measure 41-09 (2003) was adopted.

10.56 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.2 in 2003/04 would be limited to two Argentine, two Korean, six New Zealand, one Norwegian, two Russian, two South African and three Ukrainian flagged vessels using longlines only.

10.57 The Commission noted the advice of the Scientific Committee regarding the setting of a catch limit for the fishery and catch limits for SSRUs (SC-CAMLR-XXII, paragraphs 4.187 to 4.189). It was agreed that the catch limit for *Dissostichus* spp. in Subarea 88.2 would remain at 375 tonnes south of 65°S. It was also agreed to exempt Subarea 88.2 from the default catch limit of 100 tonnes per SSRU (Conservation Measure 41-01) because the setting of the catch limit in that subarea pre-dated the default arrangement. The Commission also agreed to close the area north of 65°S (see Conservation Measure 32-15).

10.58 In addition, the Commission agreed that daylight setting of longlines would be allowed in Subarea 88.2, subject to compliance with Conservation Measures 24-02 and 25-02 and an incidental catch limit of three (3) seabirds per vessel. Accordingly, Conservation Measure 41-10 (2003) was adopted.

10.59 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.1 in 2003/04 would be limited to Argentine, Australian and US flagged vessels using longlines only. The Commission also agreed that daylight setting of longlines would be allowed in this division, subject to compliance with Conservation Measures 24-02 and 25-02 and an incidental catch limit of three (3) seabirds per vessel. With respect to Division 58.4.1, the Commission noted that at CCAMLR-XIX it had endorsed the recommendation of the Scientific Committee that 'until it had gained more information on areas currently fished for *Dissostichus* spp. under new and exploratory fishery regimes and more experience with the operations of SSRUs, it would be inappropriate to open previously unfished areas to fishing for *Dissostichus* spp., or to reopen areas that have not been fished for *Dissostichus* spp. in recent years' (CCAMLR-XIX, paragraph 9.60). To that end, the Commission agreed to ensure that if fisheries are to occur in these areas then they should be conducted in a way that takes account of the need for orderly development, that the provisions of Conservation Measure 21-02 can be met, and that the data acquired will lead to an assessment. The Commission noted the need to use the previous accumulated advice from the Scientific Committee endorsed by the Commission for high-latitude fisheries, the development of approaches in Subarea 88.1 and the operational difficulties for the Secretariat in managing small catch limits. To that end, it agreed to the conservation measure for one year with a review of the data arising from these activities by the Scientific Committee in 2004. Accordingly, Conservation Measure 41-11 (2003) was adopted.

10.60 In adopting the measures for exploratory fisheries in 2003/04, the Commission recalled that some Members had reported difficulties with some of the licensing requirements in respect to possible exemptions from night-time setting requirements. To qualify for exemption, it was agreed that a vessel would need to demonstrate its capacity to comply with the experimental line-weighting trials in Conservation Measure 24-02 prior to its licence entering in force and prior to the vessel entering the Convention Area. Wording to that effect was introduced in all relevant measures.

10.61 In regard to the licensing and inspection of vessels' compliance with conservation measures, the Commission agreed that there was a need to review Conservation Measure 24-02 to ensure its consistency with Conservation Measure 10-02 in relation to the implementation of new and exploratory fisheries.

10.62 In adopting Conservation Measures 41-05 and 41-11 regarding exploratory fisheries for *Dissostichus* spp. in Divisions 58.4.1 and 58.4.2, the Commission agreed that these measures would be for one year and that data arising from the fishery activities would be reviewed by the Scientific Committee in 2004.

10.63 The Commission expressed concern at the large number of fishing vessels which would be allowed to operate in exploratory fisheries in the 2003/04 season. In many fisheries, this number exceeds the number which might have been expected for the fisheries' orderly development. The Commission sought urgent advice from the Scientific Committee on ways

of developing exploratory fisheries at a rate which would ensure the sustainability of the stocks of *Dissostichus* spp. and the collection of data for the development of long-term assessments.

Icefish

10.64 The Commission noted the Scientific Committee's advice on the trawl fishery for *C. gunnari* in Subarea 48.3 in the 2003/04 season (paragraphs 4.56 to 4.59). The Scientific Committee had provided two catch limits resulting from two assessments of the precautionary catch limit for this species. The Commission was unable to choose between these two values and agreed to use a mean value of 2 887 tonnes. It was agreed to retain the other elements of this measure which allowed limited fishing during the spawning period (1 March to 31 May), set a limit to the total number of seabirds that may be accidentally caught during fishing, and defined requirements for fishery-based research during the spawning season. The catch limit during the spawning period remained 25% of the annual limit. Accordingly, Conservation Measure 42-01 (2003) was adopted.

10.65 The Commission endorsed the Scientific Committee's advice on the trawl fishery for *C. gunnari* on the Heard Island Plateau part of Division 58.5.2 in the 2003/04 season (paragraph 4.61). This advice included setting the catch limit for *C. gunnari* at 292 tonnes. Accordingly, Conservation Measure 42-02 (2003) was adopted.

Other Finfish

10.66 The Commission agreed that the exploratory fishery for *Macrourus* spp. in Division 58.4.3a in 2003/04 would be limited to one Australian-flagged trawler. The Commission also endorsed the Scientific Committee's advice that the catch limit for that species would be 26 tonnes and that any catch of *Macrourus* spp. taken in other fisheries in Division 58.4.3a would be counted against the catch limit for *Macrourus* spp. Accordingly, Conservation Measure 43-02 (2003) was adopted.

10.67 The Commission agreed that the exploratory fishery for *Macrourus* spp. in Division 58.4.3b in 2003/04 would be limited to one Australian-flagged trawler. The Commission also endorsed the Scientific Committee's advice that the catch limit for that species would be 129 tonnes and that any catch of *Macrourus* spp. taken in other fisheries in Division 58.4.3b would be counted against the catch limit for *Macrourus* spp. Accordingly, Conservation Measure 43-03 (2003) was adopted.

10.68 The Commission noted the previous advice from the Scientific Committee (see Conservation Measure 237/XX) on the trawl fishery for *C. wilsoni*, *L. kempfi*, *T. eulepidotus* and *P. antarcticum* in Division 58.4.2. The Commission agreed to a total precautionary catch limit of 2 000 tonnes consisting of 1 000 tonnes for *C. wilsoni* and 500 tonnes for each of the other species. The Commission also agreed that this measure would be for one year and that data arising from the fishery activities would be reviewed by the Scientific Committee in 2004. Accordingly, Conservation Measure 43-04 (2003) was adopted.

Crab

10.69 The Commission endorsed the advice of the Scientific Committee regarding the crab fishery in Subarea 48.3. Accordingly, Conservation Measures 52-01 (2003) and 52-02 (2003) were adopted.

Squid

10.70 The Commission agreed that the existing management regime for the exploratory jig fishery for *M. hyadesi* in Subarea 48.3 be maintained for the 2003/04 fishing season. Accordingly, Conservation Measure 61-02 (2003) was adopted.

New Resolutions

10.71 The Commission recalled the safety concerns regarding fishing vessels operating in high latitudes. It was agreed that the definition of suitable specifications for vessels would enhance the health and safety of crew and scientific observers at sea, and would reduce the risk of accidents and pollution in high latitudes. Accordingly, the Commission adopted Resolution 20/XXII on ice-strengthening standards for fishing vessels operating in high-latitude fisheries in the Convention Area.

General

10.72 Australia advised the Commission that any fishing or fisheries research activities in that part of Divisions 58.4.3 and 58.5.2 that constitutes the Australian EEZ around the Australian Territory of Heard Island and McDonald Islands must have the prior approval of Australian authorities. The Australian EEZ extends up to 200 n miles from the Territory. Australia regarded unauthorised fishing in its waters as a serious matter that undermines efforts to ensure fishing occurs only on an ecologically sustainable basis. Australia seeks the assistance of other CCAMLR Members in ensuring their nationals and vessels are aware of the limits of the Australian EEZ and the need for prior permission to fish there. Australia has implemented strict controls to ensure that fishing in its EEZ occurs only on a sustainable basis. These controls include a limit on the number of fishing concessions issued. Presently, fishing concessions are fully subscribed and no further concessions are available in 2003/04. Australia has legislation to provide for large penalties for illegal fishing in Australia's EEZ, including the immediate forfeiture of foreign vessels found engaged in such activities. Any enquiries about fishing in the Australian EEZ should be made initially to the Australian Fisheries Management Authority.

FISHERIES MANAGEMENT AND CONSERVATION UNDER CONDITIONS OF UNCERTAINTY

Fishery Plans

11.1 The Commission noted that updated fishery plans had been considered by the Scientific Committee and its working groups (SC-CAMLR-XXII, paragraph 7.1).

Dissostichus eleginoides in the Indian Ocean

11.2 The Commission noted that the Scientific Committee had discussed the results from recent studies which indicated that *D. eleginoides* in the Indian Ocean is likely to be a metapopulation with exchange of individuals between shelf areas across the Indian Ocean from east to west and larval transport from west to east (SC-CAMLR-XXII, Annex 5, paragraphs 5.143, 7.6 and 7.7). It was noted that the Scientific Committee had endorsed the view that this metapopulation was likely to be distributed throughout the range of *D. eleginoides* in the Indian Ocean, across the boundary of the CCAMLR Convention Area (SC-CAMLR-XXII, paragraphs 7.11 to 7.13). It was also noted during adoption of the Scientific Committee report, that scientists from several Member countries had disputed the use of the term 'straddling stock', used in the Scientific Committee report (SC-CAMLR-XXII, paragraph 7.11(ii)), to describe this metapopulation structure and that further work is required before conclusions on metapopulation structure can be drawn (SC-CAMLR-XXII, paragraph 7.14).

11.3 The Commission recalled that the current practice of setting catch limits was based on the assumption that stocks of *D. eleginoides* in the Convention Area were discrete. If, in future, the Commission decides to treat toothfish stocks in the Indian Ocean as a metapopulation, then this fact would need to be taken into account by the Commission when determining its catch limits, and those limits would need to be set so that stocks are sustainable throughout the range of the metapopulation. In the Indian Ocean, this range may include areas within EEZs and areas of high seas inside and outside the Convention Area.

DATA ACCESS AND SECURITY

Draft Rules for Access and Use of CCAMLR Data

12.1 The Commission noted the draft rules for access and use of CCAMLR data (CCAMLR-XXII/8 Rev. 1) prepared by the Secretariat in accordance with the Commission's request last year (CCAMLR-XXI, paragraph 4.69). The draft rules had been discussed by the Scientific Committee, WG-EMM and WG-FSA (SC-CAMLR-XXII, paragraphs 12.12 to 12.17).

12.2 The Commission noted that the draft rules had been circulated to Members (COMM CIRC 03/55) and developed with their input. Comments provided by New Zealand had been addressed by the Scientific Committee (SC-CAMLR-XXII, paragraph 12.16).

12.3 In this context, it was noted that the Scientific Committee believed that the issue of designating certain datasets as ‘permanently approved for release’ was adequately addressed in paragraph 8 of the draft set of rules.

12.4 Based on the Scientific Committee’s advice (SC-CAMLR-XXII, paragraph 12.14), the Commission agreed that paragraph 5 of the draft set of rules required clarification in relation to the types of data involved. The following alternative wording was agreed:

‘5. Inclusion of data held in the CCAMLR Data Centre in any publication outside of CCAMLR constitutes release into the public domain.’

12.5 It was also agreed that the disclaimer which appeared on the cover page of all working papers (paragraph 11 of the draft set of rules) should provide guidance on the distribution of papers to people not directly involved in CCAMLR meetings, including those at working groups. Consequently the disclaimer would read:

‘This paper is presented for consideration by CCAMLR and may contain unpublished data, analyses, and/or conclusions subject to change. Data in this paper shall not be cited or used for purposes other than the work of the CCAMLR Commission, Scientific Committee or their subsidiary bodies without the permission of the originators and/or owners of the data.’

12.6 Finally, the Commission requested the Secretariat to produce a flow chart illustrating the process for requesting, accessing and receiving CCAMLR data.

Procedures for Data Handling and Security

12.7 The Commission noted that the Secretariat had reviewed its procedures for data handling and security, taking into account possible future needs to maintain data security when data are circulated outside the Secretariat (CCAMLR-XXII/13).

12.8 The Commission also noted that, subject to the Staff Regulations, the Secretariat was applying specific confidentiality of information provisions for all its staff (CCAMLR-XXII/BG/15).

12.9 The Commission noted that CCAMLR data are stored securely in the Secretariat’s database. This system is maintained regularly to ensure that the databases are operating efficiently and that data security measures, including backups, are functioning to specification. Strategic input is provided to ensure that data maintenance remains current with best practice and industry standards. Maintaining the security of CCAMLR data has required, and will continue to require, adequate funding in the Secretariat’s annual budget.

12.10 The Commission noted the advice of the Scientific Committee (SC-CAMLR-XXII, paragraph 12.20) that there is an ongoing need for meeting organisers to ensure that adequate security is provided to both CCAMLR data and other ancillary information when such data are held on the network systems apart from the Secretariat. Such networks should be secure, protected by a firewall, protected from viruses and provide daily file back-ups. The responsibility for providing these arrangements lies with the local organisers of the meetings.

12.11 Finally, the Commission acknowledged the Scientific Committee's advice that the issue of data confidentiality also applies to working group members participating in meetings where CCAMLR data were being analysed (SC-CAMLR-XXII, paragraph 12.16(iii)). The issue has still to be addressed adequately. For this reason, the Scientific Committee had agreed that further steps were needed to ensure that all working group participants were bound by CCAMLR's rules of data confidentiality. The Commission confirmed that participants at all CCAMLR-sanctioned meetings should be officially designated by Members or formally invited by the Commission or Scientific Committee. The Commission also noted the Scientific Committee's advice (SC-CAMLR-XXII, paragraph 12.16(iii)) that potential conflicts of interest may arise when participants at such meetings attended as representatives of commercial-interest groups (e.g. fishing industry).

COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM

Twenty-sixth Treaty Consultative Party Meeting

13.1 The Executive Secretary reported on his participation at ATCM-XXVI (CCAMLR-XXII/BG/5, CCAMLR-XXII/14). In accordance with Article 9 of the Antarctic Treaty, a report on CCAMLR activities in 2002/03 was tabled.

13.2 The main points of direct relevance to CCAMLR-XXII discussed at ATCM-XXVI were:

- (i) Decision 2, identifying a role for the CCAMLR Secretariat in providing assistance, on behalf of Consultative Parties, by establishing a temporary interest-bearing account for voluntary contributions for the Secretariat of the Antarctic Treaty;
- (ii) Resolution 2 in support of the ATCM for the International Polar Year (IPY) 2007/08;
- (iii) Resolution 4 in support of the Conservation of Albatrosses and Petrels which urges Parties to the Antarctic Treaty, in particular, to ratify ACAP;
- (iv) Measure 2 on 'Management Plans for Antarctic Specially Protected Areas' which contains revised management plans for protected areas including areas with marine components approved by CCAMLR;
- (v) further work considered by CEP on the revision of Annex II to the Environmental Protocol, including a proposal for the revision of its old title 'Conservation of Antarctic Flora and Fauna' to 'Conservation of Antarctic Living Organisms';
- (vi) work of CEP on Specially Protected Species, including the development of procedures and guidelines for designating such species which could require input from CCAMLR on the same basis as established under Annex V of the Environmental Protocol;

(vii) establishment of a CEP intersessional group to further consider preparation of the State of Antarctic Environment Report (SAER);

(viii) the issue of biological prospecting in Antarctica.

13.3 The Chair of the Scientific Committee presented a report on his attendance at CEP-VI, which is also reflected in the report of the Scientific Committee (SC-CAMLR-XXII, paragraphs 9.2 and 9.3).

13.4 The Chair of the Scientific Committee noted that in addition to the report of the Executive Secretary, he would like to focus on the following two points:

- (i) CEP again addressed the issue of establishing 'Specially Protected Species' and agreed to take early steps to seek, *inter alia*, the agreement of CCAMLR. However, CEP has not yet agreed on the procedures to be used. CCAMLR would need to keep this development under review.
- (ii) CEP's Intersessional Contact Group (ICG) on the State of Antarctic Environment was asked to continue its work, in particular, in developing a pilot project on selecting indicators of human impact. The Chair of the Scientific Committee was invited to take part in the ICG work. Consequently, the Scientific Committee approved his participation in this ICG.

13.5 In discussing both reports, the UK noted that the report of the Executive Secretary was well received at ATCM-XXVI. In particular, general appreciation was expressed for the input of CCAMLR's Executive Secretary and the Administration/Finance Officer on CCAMLR's financial and operational matters relating to the establishment of the Antarctic Treaty Secretariat in Buenos Aires. With reference to the procedure for designating protected areas with marine components agreed by ATCM, which required prior consideration by CCAMLR, the UK believed that a procedure for designating Specially Protected Species should be based on the same principles.

13.6 Dr A. Press (Australia), the CEP Chair and the CEP Observer to SC-CAMLR, noted the high level of cooperation being developed between the CEP and the CCAMLR Scientific Committee. He also welcomed the input of the CCAMLR Scientific Committee into the CEP deliberations and noted the UK comments on developing rules of procedure for designating Specially Protected Species similar to procedures adopted for ASPAs and ASMAs with marine components.

13.7 Norway shared the UK comments and highlighted, in particular, the input of the Executive Secretary and Administration/Finance Officer to the establishment of a permanent Secretariat of the Antarctic Treaty. Norway also supported the participation of the Scientific Committee Chair in the ICG on the State of Antarctic Environment. In respect to biological prospecting, Norway noted that it would involve complex political and diplomatic issues. The conduct of an International Polar Year in 2007/08 should be kept under review by CCAMLR with possible inclusion of an appropriate agenda item to deal with it at future meetings. Norway also drew the attention of the Commission to the need of CCAMLR to be involved in the development by ATCM and IMO of a code for shipping in Antarctic waters. Norway also advised the Commission that a Meeting of Experts on Tourism will be held in Norway from 22 to 26 March 2004.

13.8 Spain supported the views of previous delegations and stressed, in particular, the ATCM resolution in support of ACAP. Spain has recently ratified ACAP, thus requiring only one more country to ratify the Agreement in order for it to come into force. Spain urged CCAMLR Members who have signed but not yet ratified the Agreement to do so soon.

13.9 The South African Delegation was pleased to announce that it will be the fifth country to sign and ratify ACAP on 6 November 2003. The Agreement will thus enter into force three months hereafter.

13.10 The Commission welcomed these announcements from Spain and South Africa.

13.11 New Zealand shared the views of previous speakers on CCAMLR's input to the establishment of the ATCM Secretariat, on designation of ASMAs and ASPAs with marine components and the call for ratification of ACAP, and also stressed the importance of cooperation between CCAMLR and ATCM on the State of Antarctic Environment Report.

13.12 Sweden referred to its interventions made last year (CCAMLR-XXI, paragraphs 13.7 to 13.11), echoed comments by Norway and expressed great satisfaction for the ongoing and steadily increasing cooperation between CCAMLR, ATCM and CEP.

13.13 Argentina thanked the CCAMLR Secretariat for its support and input on the establishment of the Antarctic Treaty Secretariat in Buenos Aires. It also expressed its appreciation for the support and help provided by Australia in transferring its experience as the host country for CCAMLR. With regard to the procedure for establishing Specially Protected Species, Argentina noted that the requirement of prior approval by CCAMLR will not be appropriate due to a number of political reasons, taking into account the objectives and membership of CCAMLR.

13.14 South Africa thanked Spain for its hosting of and hospitality in supporting ATCM-XXVI. It informed the Commission that ATCM-XXVII will be held in Cape Town, South Africa, from 24 May to 4 June 2004. The Antarctic Treaty Secretariat's website would be updated to include detailed information on the venue and other arrangements for ATCM-XXVII.

13.15 The Commission approved CCAMLR's representation at ATCM-XXVII by the Executive Secretary and the Chair of the Scientific Committee at the meeting of Consultative Parties and CEP-VII respectively.

Cooperation with SCAR

13.16 The SCAR/CCAMLR Observer, Dr E. Fanta (Brazil) presented a summary of intersessional activities of SCAR (CCAMLR-XXII/BG/32), noting that detailed advice had also been provided to the Scientific Committee (SC-CAMLR-XXII/BG/32; SC-CAMLR-XXII, paragraph 9.4).

13.17 Dr Fanta reported that the reorganisation of SCAR will continue into 2004, with the XXVIII SCAR Meeting to be held in two sections: (i) Science Week in Bremen, Germany, 25 to 31 July 2004; and (ii) Delegates Meeting in Bremerhaven, Germany, 3 to 9 October 2004. In particular, Dr Fanta noted that one of the proposals of the reorganisation plan was to

establish closer links between SCAR and other organisations such as CCAMLR and noted that both CCAMLR and SCAR could benefit from joint participation in surveys, scientific expeditions, research, workshops and symposia.

13.18 During the intersessional period, SCAR had conducted the following activities of interest to CCAMLR:

- (i) The SCAR Life Sciences Standing Scientific Group (LSSSG) on Evolutionary Biology of Antarctic Organisms workshop on 'Evolutionary Adaptation of Antarctic Marine Organisms' was held in December 2002. The outcome of the workshop will be published in *Antarctic Science* in 2004.
- (ii) Three Scientific Program Groups are currently in progress ('Ecology of the Antarctic Sea-Ice Zone' (EASIZ), 'Antarctic Pack-Ice Seals' (APIS) and Evolutionary Biology of Antarctic Organisms (EVOLANTA)) which share some of the interests of CCAMLR. EVOLANTA science can be integrated with CCAMLR groups undertaking research on stock identity.
- (iii) The Scientific Program Planning Group on Evolutionary Biology in Antarctica held a workshop in Cambridge, UK, in February 2003 to establish the terms of reference of an integrated SCAR-LSSSG program on 'Evolution and biodiversity in Antarctica: the response of life to change', merging the existing scientific programs.
- (iv) The Expert Groups on Seals, Birds and Human Biology and Medicine have continued their intersessional work in order to provide scientific advice to the Antarctic Treaty System on Specially Protected Species. CCAMLR has traditionally received data and information from the seal and bird groups.
- (v) The Expert Group on Human Biology and Medicine held a workshop in Plymouth, UK, in May 2003 to develop its terms of reference. This was followed by a symposium on 'Extreme Medicine in Antarctica'.
- (vi) SCAR was represented at ATCM-XXVI in Madrid, Spain, in June 2003. SCAR had contributed comments on several scientific aspects of Comprehensive Environmental Evaluations and draft management plans for ASPAs. This work could be of particular interest to WG-EMM.
- (vii) Five young scientists were selected to receive financial support to undertake a research project in a SCAR country other than their own. This aims to attract young scientists to conduct research in Antarctica. Young scientists from CCAMLR Members which are also SCAR members could apply for these projects in future.
- (viii) The new proposal for the establishment of a Marine Biodiversity Information Network which aims to contribute to the compilation, dissemination and integration of fundamental biodiversity information on the Antarctic marine biodiversity for scientific, monitoring management and conservation purposes. This can, in future, be useful for CCAMLR's monitoring and management programs within the ecosystem approach.

13.19 The Commission welcomed this report. It drew the attention of SCAR to the advice of the Scientific Committee in respect of the development of marine biodiversity information networks (SC-CAMLR-XXII, paragraph 9.5).

COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

Reports of Observers from International Organisations

Intergovernmental Organisations

CITES

14.1 The CITES Observer (Dr J. Armstrong) informed the Commission that, although not unprecedented, it is unusual for CITES to be required to interact with regional management bodies, particularly when the relevant species regulated by those bodies are not CITES listed, and therefore, not regulated by the CITES Convention. In November 2002, the CITES Conference of Parties (COP12) adopted Resolution 12.4 (see CCAMLR-XXII/BG/19 presented by Chile) and Decisions 12.57 to 12.59 (detailed in CCAMLR-XXII/9). The CITES Observer clarified that these 'soft laws', namely resolutions and decisions that are adopted through the Convention meetings, are not binding on CITES Parties, but they do bind the CITES Secretariat. Accordingly, the CITES Secretariat saw CCAMLR's invitation to attend the latter's Twenty-second Meeting as an opportunity to advance cooperation between CITES and CCAMLR.

14.2 Pursuant to the abovementioned resolution and decisions, CITES Parties involved in legally catching, and trading in, toothfish are requested to apply CCAMLR's CDS procedures. They are also required to report on application of such procedures to the CITES Secretariat so that information can be communicated to CCAMLR. Consequently, the CITES Observer reported briefly on progress in this regard.

14.3 Following the COP12 resolution and decisions, the CITES Secretariat had communicated with all CITES Parties concerning interaction with CCAMLR, specifically in regard to CITES Parties applying the CDS. The CDS documentation has been placed on the CITES website and input from the Parties has been sought on its use. At this time of the current meeting, no feedback had been received from CITES Parties. The CITES Observer noted that while this meant that there was nothing to report at this stage, the CITES Secretariat is still required to communicate any outcomes of this interaction to COP13 in October 2004.

14.4 The CITES observer continued that it may be helpful to explain how additional pressure could be applied to CITES Parties to strengthen their application of the COP12 resolution and decisions. In this context, any CITES Party may offer any species, about whose trade it has concern, for listing under Appendix III of CITES. If this were to happen, then it would not be necessary to attain a two-thirds majority decision on such a listing, as would be the case for a CITES Appendix I or Appendix II listing proposal. In effect, this means that listing under CITES Appendix III is at the discretion of the country concerned.

14.5 Listing under CITES Appendix III would then require all Parties participating in trade of the species listed to issue 'Certificates of Origin'. Unless such certificates were provided,

CITES importing countries would be in a position to prohibit import of the listed species and/or its products. In relation to the species of interest to CCAMLR, toothfish in particular, the CITES Observer felt that it would be appropriate that the CDS documentation became the de facto Certificate of Origin. This would serve to meet CITES requirements as well as provide for more global application of the CDS.

14.6 The USA requested further elaboration of these views in respect of CITES Resolution 12.4.

14.7 In response, the CITES Observer noted that the question raised by the USA essentially referred to the requirement that CITES Parties utilise the CCAMLR CDS. He indicated that he was not suggesting in paragraphs 14.4 and 14.5 that the CITES Secretariat was urging CCAMLR to adopt an Appendix III approach. All he was attempting to do was outline possible mechanisms under the CITES Convention that CCAMLR Parties should be aware of and understand. He repeated that the COP12 resolution and decisions, while not binding on CITES Parties, are binding on the CITES Secretariat. Hence, and as instructed, the CITES Secretariat has attempted to collaborate with the CCAMLR Secretariat. However, it seems that CCAMLR has not yet given authority to the CCAMLR Secretariat to enter and engage in discussions with the CITES Secretariat. This should be resolved in some way through discussions at this meeting.

14.8 The CITES Observer continued that under Appendix III there could be a requirement to obligate the Parties of CITES to utilise the CCAMLR CDS. This was suggested to ensure there is no question of primacy over who is responsible for regulating these fisheries. The CITES Secretariat has no mandate at all to be involved in such regulation. However, CITES Parties who are concerned that illegal trade in toothfish is creating a conservation issue could move to have CITES assist CCAMLR through the Appendix III listing which would then bind (in the context of the Convention) the Parties to utilise this documentation. At present, CITES Parties are being asked to utilise the CDS but are under no obligation to do so. To date, no communication on the application of the CDS by CITES Parties has been provided to the CITES Secretariat which is therefore not in a position to report on the effectiveness of the COP12 resolution (paragraph 14.3). The CITES Observer added that this would not preclude any CITES Party with concerns on the illegal trade of toothfish from requesting a CITES Appendix III listing which would require CITES Parties to utilise the CDS as a substitute for a Certificate of Origin, as per paragraphs 14.4 and 14.5.

14.9 Chile referred to the Commission's decision at CCAMLR-XXI, subject to Article XXII of the Convention, on cooperation with CITES. Chile also believed that COP12 Resolution 12.4 had been adopted by CITES Parties without any objection and, therefore, CITES has a moral obligation to implement it. Although the two organisations are based on different concepts and have different mechanisms for implementing decisions, the necessary exchange of information could be established. Chile also advised that it is not in a position to consider any options for listing toothfish in any CITES appendices.

14.10 Sweden referred to CITES Decision 12.57 requiring that CITES Parties should report on their use of CDS, and their verification requirements for *Dissostichus* Catch Documents by the end of 2003. It enquired whether CITES Parties were reminded of this decision and what could be done to advance any responses in the remaining two months of 2003.

14.11 The CITES Observer responded that CITES Parties will be reminded of this decision and any information received will be provided to CCAMLR.

14.12 ASOC thanked the CITES Observer and reiterated its position that the best choice for cooperation between CCAMLR and CITES would be through a CITES Appendix II listing for toothfish. CITES Parties currently include all States involved in toothfish trade or providing markets for toothfish. As a result, virtually all CITES Parties involved in toothfish harvest, landing or trade would be able to verify whether fish traded via their borders were caught in compliance with CCAMLR conservation measures.

14.13 The USA pointed out that the CDS was established as one measure in a suite of measures to combat IUU fishing for toothfish in the Convention Area. At the current meeting, Members had put forward two important proposals that would considerably enhance effectiveness of the current CDS. These measures were aimed at converting the existing paper-based CDS into an electronic web-based system and at adopting a C-VMS. Therefore Members should be encouraged to consider these proposals for possible adoption. Without actions on these proposals and progress by the Commission, the pressure to take action under CITES instead of CCAMLR will only grow.

14.14 The European Community reiterated the need to focus discussions on how to organise cooperation between the CCAMLR and CITES Secretariats. It advised that COP13 will be held from 2 to 14 October 2004 in Bangkok, Thailand, and suggested that CCAMLR Members should communicate intersessionally in order to elaborate a common position on different options for cooperation with CITES, including any possible CITES Appendix III listing of toothfish.

14.15 In response to European Community comments, the CITES Observer clarified that any proposals for listing toothfish should be submitted to CITES 150 days before COP13 (i.e. 5 May 2004). Any proposals received will be communicated accordingly to FAO, other RFMOs and CCAMLR for comment.

14.16 Norway indicated that, in its view, the proposed E-CDS and C-VMS would strengthen application of the CDS. Responding to the European Community comments, Norway pointed out that any proposals for cooperation with CITES should be discussed at CCAMLR meetings and not be subject to intersessional communications. In response to the US comment that any Member could be engaged unilaterally in cooperation with international organisations as a Party to the Convention, Norway responded that no Member should bring about any decision on toothfish without a decision taken by the Commission by consensus and subject to Article XXIII of the Convention.

14.17 The CCAMLR Executive Secretary drew the Commission's attention to CCAMLR-XXII/9 which provided information on the CCAMLR Secretariat's collaboration with CITES since COP12. This paper was invoked by responses to COMM CIRC's 03/32 and 03/39 concerning potential cooperation with CITES. In the paper, four discussion points had been raised for the Commission's consideration: identify procedures to govern cooperation between CCAMLR and CITES; the potential targeting of CITES Parties (particularly CCAMLR non-Contracting Parties) to improve their ability to apply the CDS; procedures for exchange of CCAMLR information with CITES; and any other consideration attached to possible formalisation of CCAMLR-CITES cooperation.

14.18 In conclusion, the Executive Secretary indicated that it was the Secretariat's understanding that, pending any formal cooperation with CITES on matters relating to Resolution 12.4, the exchange of information with the CITES Secretariat could be continued on:

- (i) various steps taken by CITES on implementing the CDS by CITES Parties;
- (ii) CCAMLR implementation of the CDS and other measures aimed at eliminating IUU fishing in the Convention Area;
- (iii) communication of any other matters of relevance to the two organisations in the context of improving their cooperation.

14.19 There were no objections to this course of action.

FAO

14.20 The FAO Observer (Dr R. Shotton) noted the activities of his organisation in relation to current issues facing CCAMLR (CCAMLR-XXII/BG/30). These included negotiations with CITES over listing criteria and future collaboration; negotiations for the creation of a fisheries commission for the Southwest Indian Ocean; addressing the problem of fleet overcapacity; entry into effect of the FAO Compliance Agreement; post-COFI Regional Fishery Bodies (RFB) consultations; the expansion of use of VMS and the upcoming Deep Sea 2003 Conference in December 2003 in New Zealand.

IUCN

14.21 The following statement was made by the IUCN Observer (Ms A. Willock):

'IUCN welcomes the opportunity to attend and provide a verbal statement to the Twenty-second Meeting of the Commission. The work of IUCN encompasses a wide range of issues relating to conservation of the world's resources and there are two areas in particular that I would like to draw to the attention of the Commission: the first relating to global developments in marine protected areas; and the second relating to efforts to prevent, deter and eliminate IUU fishing.

The value of marine protected areas as powerful tools for biodiversity conservation and sustainable fisheries has been highlighted in numerous international fora in recent times, including the Fifth World Parks Congress and the World Summit on Sustainable Development. A practical first step identified at the World Parks Congress, and elaborated in an agreed *Ten Year High Seas Marine Protected Areas Strategy*, is to identify marine areas for priority attention and develop criteria and guidelines for a representative system of marine protected areas. I would be pleased to provide copies of this strategy to delegates. In the past year, IUCN has also convened an *Experts Workshop on High Seas Marine Protected Areas*. Copies of the summary report and full proceedings of that workshop are available on the IUCN's website.

IUCN commends the efforts by Members to date to establish marine protected areas and welcomes the recommendation from the Scientific Committee to take steps, through the Advisory Subgroup on Protected Areas, towards reviewing recent work in this area and receiving advice on the implementation of marine protected areas in the Convention Area. IUCN offers its assistance to CCAMLR and its Members in these endeavours.

Building on this recommendation, IUCN urges CCAMLR to consider, in conjunction with the Committee for Environmental Protection, SCAR, IUCN and other relevant stakeholders, convening a meeting to synthesize and evaluate relevant scientific information for the purposes of identifying priority sites for protection and defining an appropriate network of marine protected areas in the Southern Ocean. The meeting would also serve to identify future research needs and priorities for these purposes.

A further issue highlighted by marine experts at the World Parks Congress was the wealth of unique species inhabiting deep-sea features such as seamounts and cold-water corals and their particular vulnerability to disturbance from seabed bottom trawling. The 2002 UN General Assembly adopted a resolution calling on the UN system to “consider urgently” the “risks to the biodiversity of seamounts” and other areas. In June of this year, the UN Informal Consultations on Oceans and the Law of the Sea reiterated this call and expanded upon it. The issue was discussed again at the July meeting of the States Parties to the UN Fish Stocks Agreement.

IUCN calls on CCAMLR, as a global leader in conservation, to agree to a conservation measure placing a moratorium on bottom trawling over seamounts and cold water coral reefs in the Convention Area, until such time as specific measures are in place to protect such areas.

Efforts to develop a representative marine protected area network, protection of deep sea features and communities from the effects of fishing, and indeed those fish stocks targeted by legitimate industry, will be compromised while the threat posed by IUU fishing continues. CCAMLR must move quickly to strengthen its conservation and management measures to ensure that IUU fishing does not continue to undermine the Commission’s regime and directly threaten the long-term sustainability of toothfish stocks in the Convention Area as well as the survival of several seabird species.

IUCN therefore urges CCAMLR to adopt an approach of cooperation with CITES that will ensure the respective expertise of both organisations is used in a way that maximises the contribution of each to combating IUU fishing. Such cooperation should build on CITES Resolution Conf. 12.4 and Decisions 12.57 to 12.59.

IUCN also asks the Commission to consider the recommendations contained in CCAMLR-XXII/BG/26 and agree to ensure that the form in which Catch Documentation Scheme data is made publicly available enables analytical comparison with available international trade data.’

14.22 The UK recognised that several key points were highlighted in the IUCN oral presentation and emphasised the importance of observers providing their reports at the start of the meeting so that information may be appropriately considered. The UK drew Members’ attention to the issue of Marine Protected Areas, given the recent World Parks Congress in

South Africa where the new IUCN 10-year strategy relating to the development of appropriate environmental protection for high seas areas was addressed. The UK believed that this is a very comprehensive strategy worthy of consideration by CCAMLR Members. It welcomed the news that the Scientific Committee's Advisory Subgroup on Protected Areas would be reviewing this and related initiatives in order to summarise recent developments for the consideration of CCAMLR (SC-CAMLR-XXII, paragraph 3.67).

IWC

14.23 The IWC Observer to CCAMLR (Prof. B. Fernholm) referred to CCAMLR-XXII/BG/3 and BG/9, and drew Members' attention to the substantial and interesting information in the Scientific Committee report on cooperation between CCAMLR and the IWC (SC-CAMLR-XXII, paragraph 9.6). Furthermore, he stated that in respect to the suggestion in SC-CAMLR-XXII/BG/9, CCAMLR may wish to establish more formal cooperation with IWC, although IWC has decided to establish a Conservation Committee, it is only expected to become operational at the next annual meeting of IWC. Therefore, at this time it is difficult to do more than indicate CCAMLR's willingness for continued close cooperation with IWC.

Non-governmental Organisations

ASOC

14.24 The following statement was made by the ASOC Observer (Mr M. Stevens):

'Just a few months ago, we all followed – with great interest – the dramatic hot pursuit and arrest of the Uruguayan-flagged fishing vessel, *Viarsa I*. This was preceded by an equally dramatic and expensive hot pursuit of the *South Tome* in 2002.

ASOC believes that there must be a more practical and less expensive method to reduce illegal, unreported and unregulated fishing for toothfish. CCAMLR-XXII/BG/27 contains a number of innovative and sensible proposals to reduce illegal, unreported and unregulated fishing and lead to precautionary management of the Antarctic marine ecosystem.

I'm sure you all have already read the document, so I will briefly remind you of our most important proposals.

- (i) C-VMS – CCAMLR Parties currently rely on Flag States to monitor and verify VMS data. This is not working. We urge the Commission to adopt a C-VMS that provides VMS data directly to the CCAMLR Secretariat in real time, and that strictly guards the confidentiality of the data.
- (ii) Black Vessel List – we urge the Commission to adopt a list of vessels that have fished in contravention of CCAMLR conservation measures,

against which Parties may wish to impose sanctions. This list should include those vessels flagged to Contracting Parties as well as non-Contracting Parties.

- (iii) ASOC has compiled a red list of vessels that have undermined CCAMLR conservation measures, and COLTO – whom we welcome as a new observer – has compiled a similar rogues gallery. It is time for CCAMLR to do the same.
- (iv) Krill – the second generation krill fishery is expanding rapidly. At its current rate of growth the annual catch could reach the trigger level of 620 000 tonnes as soon as in five to six years. Parties participating in the fishery must provide not only detailed catch data, but also information to allow WG-EMM to predict trends in the fishery.
- (v) Finally, CITES – we are pleased to welcome the CITES representative to Hobart and look forward to a productive discussion of cooperation between CCAMLR and CITES. The CITES Conference of Parties adopted a resolution urging Parties to participate in the CCAMLR Catch Documentation Scheme and report such participation to the CITES Secretariat. It also directs the CITES Secretariat to share this data with CCAMLR. We urge the Commission to sign a memorandum of understanding with CITES to formalise this cooperation and collaboration.’

COLTO

14.25 The Observer from COLTO introduced the document ‘Rogues Gallery – the New Face of IUU Fishing for Toothfish’ and explained to the Commission that COLTO is an industry organisation comprising 29 toothfish companies in 10 CCAMLR Member States. It has been in operation since May 2003. COLTO’s objective was to work with CCAMLR Members and other authorities to eliminate IUU fishing for toothfish in order to sustain toothfish stocks, seabird populations and the livelihoods of legal fishermen. COLTO explained that the organisation was established as a result of delays by governments to take effective action against IUU fishing for toothfish.

14.26 COLTO noted that the organisation had already provided significant amounts of information on IUU fishing to relevant authorities and highlighted the issue of IUU via a ‘Wanted’ poster campaign and website and stressed that, as an industry group, COLTO was uniquely placed to provide details and information on IUU to governments that otherwise may not be available, or that would take too long for government agencies to collect.

14.27 COLTO stated that its organisation would continue to work with governments, industry, non-governmental organisations and any other parties in order to eliminate IUU fishing for toothfish and promote sustainable fishing in an environmentally responsible manner. COLTO pointed out the difficulty the fishing industry had experienced in the past with regard to non-governmental organisations making unsubstantiated claims and noted with regret that this sometimes prevents governments from taking the issues raised more seriously.

COLTO, on the other hand, aimed to work constructively with many non-governmental organisations in order that all stakeholders were dealt with fairly and respectfully. COLTO noted that it is a significant stakeholder in the toothfish fishery and therefore was looking forward to working with CCAMLR, including participating at future CCAMLR meetings.

14.28 Uruguay made the following statement:

‘The Delegation of Uruguay, invoking Rule 34(c) of the Commission Rules of Procedure, objects to the document submitted by COLTO being considered as a Commission document. Even though it supports the intentions expressed by the representative of COLTO, Uruguay rejects the aforesaid document, for it contains accusations made in an extraordinarily rash and careless manner. It accuses official institutions and official persons of 12 States (most of them CCAMLR Members) of being accomplices to the activities of known illegal fishing operators. At a time when the international community is particularly mindful of the respect for internationally accepted legal principles, it is not acceptable that an organisation not bound by current international instruments in the same way that the aforesaid States are bound, should accuse the institutions and the officials of Uruguay and of the other 11 States (as mentioned earlier, most of them CCAMLR Members) of being involved in such activities with no valid evidence or obvious impartiality.

Furthermore, accusations cannot be made without valid evidence and without the obligation to withdraw them if unsupported by such evidence.’

14.29 The People’s Republic of China made the following statement:

‘My delegation is disappointed to see the COLTO document, namely “the Rogues Gallery”, distributed by the Secretariat only yesterday.

China noted the concern caused by late submission of documents which would leave insufficient time for consideration, as requested by CCAMLR-XXII/5 Rev. 1, namely the draft rules for submission of CCAMLR meeting papers. China shares the same concern in this regard.

We understand that each observer has the right to submit documents to the Secretariat, but we believe that only true and trustful information might be helpful to the process of this meeting. Information that lacks a sound and solid basis can only be misleading and is unacceptable.

In the paper, China and other Contracting Parties are targeted as the support to IUU fishing activities. Such a paper shall be deemed as to undermine the credibility of the Commission as well as that of China, a responsible country that has voluntarily implemented the CDS since July 2001.

The Fishery Authority of China is trying its every effort possible and practicable to cooperate with the Commission in fighting IUU fishing activities. China issues each re-export document only after we receive confirmation from the Secretariat on the authenticity of the DCDS.

We assure our commitment to enhance cooperation with CCAMLR, but we also request appropriate actions by the Commission with regard to this paper. We support

the interventions by Uruguay, Chile and Russia and other contracting parties that the Commission decide that no consideration should be given to this paper and this paper should not be tabled.

We reiterate that no further response should be given to this paper from respective governments.’

14.30 Chile expressed its appreciation for the efforts made by non-governmental organisations to cooperate with the Commission in the elimination of illegal, unreported and unregulated fishing. Chile shared the views conveyed in the preceding statements of other delegations, and without prejudice towards the request not to consider the document presented by COLTO, made by the Uruguayan Delegate, expressed its concern in relation to a section of the COLTO document which mentions the Chilean fishing company PESCA CISNE S.A. Chile indicated that COLTO’s document mentioned that the owners or operators of this fishing company, which is based in Chile, are parties to a Galician syndicate and that they participate in IUU activities. In this regard, Chile emphasised that it has strict regulations in force to ensure a genuine link between the Flag State and the vessels registered therein. Chile stated that PESCA CISNE S.A. is an enterprise supported almost entirely by Chilean capital, and therefore according to Chilean legislation, is a Chilean company. PESCA CISNE S.A. owns two registered vessels (*Cisne Blanco* and *Cisne Verde*), both licensed to fish inside the Chilean EEZ and in CCAMLR’s Subarea 48.3. Chile stressed that neither vessel has been involved in IUU activities.

14.31 The Republic of Korea noted its recognition that COLTO has shown its effort to help CCAMLR in combating IUU fishing for toothfish. It also understood the urgency with which any form of IUU fishing, both inside and outside the Convention Area, should be eliminated. In this respect, it also noted that combating IUU fishing is one of Korea’s national policies in both domestic and distant-water fisheries. However, Korea wished to clarify the information cited in COLTO’s document. Firstly, the fishing vessel *Golden Sun* was not under Korea’s jurisdiction and therefore the current information in COLTO’s document was inaccurate. Secondly, the COLTO document did not provide any evidence regarding the other two Korean-flagged vessels which the document implicates in IUU fishing. Such irresponsible behaviour would result in destroying the credibility of COLTO. Korea stated that it is ready to cooperate in any CCAMLR activities to eliminate IUU fishing, however, it requires clear evidence for further investigation of any accusation.

14.32 Russia made the following statement:

‘The Russian Delegation was awed to see the paper, presented by the non-governmental organisation observer delegation of COLTO.

That document was circulated inappropriately late. It also contains unchecked, groundless allegations against a number of CCAMLR Parties, including the Russian Federation, of alleged support of IUU activity.

We would like to support the proposal, expressed by a number of delegations, including Chile, China and others to dismiss the COLTO document from discussion by the Commission, as in our opinion and the opinions expressed by other delegations, that the above paper of COLTO undermines the credibility of CCAMLR and its Member States in curbing IUU activity and poses danger for the unity of CCAMLR.

The Government of the Russian Federation is committed to combat IUU fisheries and in order to achieve that is using VMS and CDS. We also support the idea of the C-VMS.

In the opinion of the Russian Delegation, COLTO is using doubtful methods of dishonest competition. We are disappointed with such methods as well as with the lack of legal basis for such accusations.

Along with the statements by other Contracting Parties and governmental observer delegations, the Delegation of the Russian Federation urges the Commission to dismiss the COLTO document.

We strongly believe that the paper, compiled so inadequately by COLTO, deserves no further response from respectful Contracting Parties and governmental observer delegations.'

14.33 Spain noted that the assistance of COLTO could help to enhance the objectives of the Commission and promote trust between the Commission and the fishing industry. However, Spain noted that this cannot be achieved via baseless accusations towards Members of the Commission. Spain also noted that the COLTO document referred unfavourably to a Galician syndicate, which was unfair on the Galician legal fishing industry which is firmly in favour of combating IUU fishing.

14.34 The USA welcomed COLTO as an observer organisation of legal fishing vessels and noted that IUU fishing efforts are harming the credibility of CCAMLR. The USA urged Parties that had vessels listed as possibly guilty of IUU fishing to describe their efforts to stop or remediate these activities. In this regard, the USA referred the meeting to its paper CCAMLR-XXII/BG/39.

14.35 Namibia made the following statement:

'Namibia took note of the submission by COLTO on its initiatives to address IUU fishing. Namibia also took note of COLTO's reference to Namibia to be among those States with open port traditions and weak institutions to deal with IUU issues. On the submission by COLTO, and Namibia being one of the victims of IUU fishing in the past, Namibia has ever since supported efforts made towards the elimination of IUU fishing the world over.

All toothfish vessels calling for offloading at Namibian ports have been inspected in accordance with the existing CCAMLR conservation measures. Those found non-compliant have been refused permission to offload. In accordance with the Namibian open policy and transparency, invitations were extended to concerned parties to observe the inspection of toothfish vessels by Namibia. Also, Member States are informed through the CCAMLR Secretariat of those toothfish vessels refused offloading by Namibia.

Therefore, the reference by COLTO to Namibia as a Port State with open-port traditions with weak institutions is based on misinformation, misrepresentation and is misleading.'

14.36 The European Community stated that transparency was important to CCAMLR and that the contribution of observers is always welcome at CCAMLR meetings. The European Community also noted that there was no doubt that IUU fishing is a significant problem and requires increased efforts to combat. Therefore, the European Community was of the view that any information which may assist to address IUU fishing is useful. However, the European Community noted that some allegations contained in the COLTO document had no sound basis and stressed the importance of validating such information and substantiating it with supporting documentation.

14.37 New Zealand supported the comments of the USA. New Zealand concluded that COLTO should provide clear evidence of its allegations and that those who disagree should submit a written rebuttal.

14.38 Argentina advised that the vessel *Arcos*, referred to in the COLTO document, had ceased to fly the Argentine flag from 1 March 2003.

14.39 Mauritius made the following statement:

‘The Mauritian Representative thanks the Chair for allowing him to address the Commission and the Commission for inviting Mauritius to the meeting as an observer.

Mauritius supports the statements made by the previous speakers on the COLTO document and strongly objects to the reference made to Mauritius as a “port of convenience”.

Mauritius as a non-Contracting and cooperating nation with CCAMLR is fulfilling its part and obligation to the best of its ability with regard to the monitoring and control of toothfish fishing vessels in its ports as outlined in documents CCAMLR-XXII/BG/28 and SCIC-03/12.

Mauritius points out that the remarks made in the COLTO document are unwarranted.’

14.40 France agreed with the statements made by the USA, European Community and New Zealand. France noted that the COLTO document contributed to the meeting in an interesting way and could do much to assist the fight against IUU fishing. France agreed that such information must be reliable and correct and noted that, whilst it believed that much information in the COLTO document was factually correct, other information was incongruous and unbelievable. France was in favour of COLTO contributing to the work of CCAMLR but requested it to ensure that all information submitted is substantiated. Australia agreed with these views.

14.41 The UK, in noting that Uruguay had invoked Rule 34(c) of the Commission’s Rules of Procedure, indicated that although legally such a procedure might be applicable, such a proposal presupposed that the Commission had in place a mechanism to evaluate and adjudicate reports submitted by observers. In reality, the Commission had no such procedure, nor had it been the practice to censor or block such reports. In the view of the UK, the invocation of Rule 34(c) against the document submitted by COLTO was regrettable.

14.42 The UK noted that, whilst the language in the COLTO document was at times overly frank, it clearly demonstrated not only the level of frustration being experienced by the legal industry, but also the commitment of COLTO to combat IUU fishing. In that respect the objective of COLTO was not dissimilar to that of the Commission itself.

14.43 COLTO made the following statement:

‘Subsequent to all the interventions, and to avoid an unfortunate precedent being created, COLTO will withdraw its paper, and suggests that all references in the draft Commission text to discussions be renamed “the COLTO document”, as a pragmatic solution and way forwards.

To avoid this situation occurring in future, COLTO will:

- (i) provide detailed, accurate and timely information to the Commission for consideration by Members in relation to the IUU black list and other IUU topics;
- (ii) provide our Articles of Association and Membership details to the Commission as soon as possible.’

Reports from CCAMLR Representatives at Meetings of International Organisations in 2002/03

Second International Fishers’ Forum

14.44 The USA, CCAMLR Observer to IFF2, presented its report of the meeting held in Hawaii, USA, from 19 to 22 November 2002 (CCAMLR-XXII/BG/37). This forum gathered together participants from fishing industries, government agencies, non-governmental organisations and other interested parties to address the problems of by-catch and incidental mortality of seabirds and turtles in pelagic longline fisheries. The USA urged Members to read the report and noted that there would be another forum in two years.

14.45 The Executive Secretary advised that he and the Scientific Observer Data Analyst had also attended IFF2 at the organisers’ invitation and expense. A report is given in CCAMLR-XXII/BG/6. The key points from this paper are contained in CCAMLR-XXII/14. It was heartening and encouraging that CCAMLR was seen as an example of an organisation that successfully develops and applies mitigating measures to reduce seabird by-catch.

International Conference against Illegal, Unreported and Unregulated Fishing

14.46 Spain reported on the Conference against IUU Fishing which took place in November 2002, in Santiago de Compostela, the capital of Galicia in Spain. The conference was attended by 43 States and, for the first time, non-governmental organisation and industry representatives were allowed an equal opportunity with other delegations, to make presentations.

14.47 The conference highlighted the harmful effects of IUU fishing on conservation and management of the marine ecosystem. In response to the growing trend towards globalisation of fishing activities and in the absence of existing legal constraints, the conference focused its work on two main issues:

- (i) the lack of effective Flag State control of fishing vessels, in particular those flying flags of convenience or flags of non-compliance;
- (ii) the lack of agreed, effective, compatible and stringent Port State measures.

14.48 Since the conference, some progress has been achieved internationally, with FAO having organised two Expert Consultations, one relating to Port State measures and the other on fishing vessels operating under open registries.

14.49 Dr Press advised that he represented Australia at the meeting in Santiago de Compostela. He congratulated Spain on its organisation of a very good meeting and for its report. It was a very important meeting internationally and Australia appreciated Spain's hosting of it and the products arising from it.

20th Session of CWP on Fishery Statistics

14.50 The Executive Secretary advised that there had been substantial discussion of this meeting by the Scientific Committee (SC-CAMLR-XXII, paragraphs 9.10 to 9.14) and therefore did not require further elaboration. FIGIS-FIRMS was discussed by the Scientific Committee which repeated its advice from last year indicating that the proposed partnership was unlikely to be of major benefit to the Commission (SC-CAMLR-XXII, paragraphs 9.15 to 9.17). He indicated that the ongoing matter of FIGIS (Fisheries Global Information System), in particular FIRMS (Fishery Resources Monitoring System), was also of interest to the Commission as indicated in CCAMLR-XXII/45. He highlighted its perceived benefits to CCAMLR. It was concluded that there may be some benefit from setting up a watching brief on the development of FIRMS so that information may be brought back to the Scientific Committee and Commission regarding the possible benefit in the implementation of this initiative.

25th Session of COFI

14.51 The Executive Secretary had attended the 25th Session of COFI and referred Members to CCAMLR-XXII/14 and BG/4. Highlights from the general discussion within COFI included:

- (i) reinforcement of the need for global action to combat IUU fishing;
- (ii) discussion on the implementation of the 1995 Fish Stocks Agreement;
- (iii) a progress report on the implementation of the Code of Conduct for Responsible Fisheries and the attached and related IPOAs, especially the IPOA in relation to IUU fishing;

- (iv) discussion of cooperation between COFI and CITES;
- (v) discussions of various issues including the ecosystem approach to fisheries management.

Third Meeting of the FAO RFBs

14.52 The Executive Secretary also attended this meeting of the RFBs (CCAMLR-XXII/14 and BG/4). The highlights were:

- (i) the continued need to standardise and develop integrated regional plans of action in support of IPOAs; the two of most relevance to CCAMLR are IPOA-IUU and IPOA-Seabirds;
- (ii) recognition that the RFBs have a role in listing vessels which have been either carrying out illegal fishing (black list) or which have been operating in a manner compliant and complementary to regional fisheries regulations (white list);
- (iii) discussion of strengthening the RFBs implementation of the Compliance Agreement which is now in force;
- (iv) the urge for international cooperation to make VMS a more effective monitoring, control and surveillance tool;
- (v) the need for harmonisation of catch certification as applied by the various RFBs;
- (vi) cooperation with CITES;
- (vii) implications of the ecosystem approach to fisheries management;
- (viii) the need to put into effect IPOAs on IUU fishing by 2004 at a regional level.

14.53 The Executive Secretary advised that he was now the Chair of the RFBs for the next meeting in 2005.

14.54 The Commission noted the above information on COFI-25 and the RFB developments with interest.

WTO Committee on Trade and Environment

14.55 New Zealand, as Observer to WTO CTE meetings, referred Members to its report in CCAMLR-XXII/BG/25.

ICCAT

14.56 The European Community attended the 17th Regular Meeting of ICCAT held in Bilbao, Spain, from 28 October to 4 November 2002. Discussions at the meeting were reported in CCAMLR-XXII/BG/29.

Deep Sea 2003 Conference

14.57 The Executive Secretary reported that this meeting is yet to be held. He reminded the Commission that, in accordance with CCAMLR-XXI, paragraph 14.19, CCAMLR serves on the Steering Committee and Organising Committee of that conference and is a co-sponsor.

IATTC

14.58 The USA, as Observer to the Annual Meeting of IATTC, held in Antigua, Guatemala, from 17 to 28 June 2003, referred Members to its report in CCAMLR-XXII/BG/35 and noted that IATTC had completed its five-year renegotiation of the Convention. He also noted that IATTC had adopted a 'Positive List' for fishing vessels.

IWC

14.59 Germany, CCAMLR Observer to the 55th Annual Meeting of the IWC held from 16 to 19 June 2003 in Berlin, Germany, presented its report (CCAMLR-XXII/BG/3). The dominant issue of the meeting was the 'Berlin initiative' to set up a conservation committee open to all Contracting Parties with the objective of dealing with threats of human origin to whales (e.g. pollution, climate change, by-catch in fisheries, sea traffic, underwater noise, offshore activities). The initiative was approved, however some opponents announced their intention not to take part in the work of that committee as they felt it would change the nature of the IWC. Other points of interest discussed at the meeting included the moratorium on commercial whaling, motions to establish sanctuaries in the South Pacific and the South Atlantic, discussions of the Revised Management System, whaling under special permits for scientific research and catch quotas for aboriginal subsistence whaling.

Nomination of Representatives to Meetings of International Organisations in 2003/04

14.60 The following observers were nominated to represent CCAMLR at meetings of international organisations in 2003/04:

- Global Meeting of Regional Seas Conventions and Action Plans, 25 to 27 November 2003, Nairobi, Kenya – no nomination.
- Vessel Monitoring Systems Conference, Asia and Pacific 2003, 27 and 28 November 2003 – Australia.

- International Coalition of Fisheries Associations (ICFA) 2003 Annual Meeting, 26 to 28 November 2003, Auckland, New Zealand – no nomination.
- Ninth Session of the COFI Sub-Committee on Fish Trade, 10 to 14 February 2004, Rome, Italy – Italy.
- Workshop on Illegal, Unreported and Unregulated Fisheries (hosted by OECD Committee for Fisheries), two-day workshop between 19 and 23 April 2004 (venue to be advised) – France (if held in France).
- ATCM-XXVII, 24 May to 4 June 2004, Cape Town, South Africa – Executive Secretary.
- CEP-VII – Antarctic Treaty, 24 May to 4 June 2004, Cape Town, South Africa – Chair, Scientific Committee.
- FAO Technical Consultation to review progress and promote the full implementation of the International Plans of Action: to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) and on Management of Fishing Capacity (IPOA-Capacity), June 2004, Rome, Italy – Japan.
- 56th Annual Meeting of the IWC, 19 to 22 July 2004, Sorrento, Italy – Italy.
- FAO Technical Consultation to Address Substantive Issues relating to the Role of the Port State to Prevent, Deter and Eliminate IUU Fishing, 20 to 24 September 2004, Rome, Italy – Norway.
- 13th Meeting of the Conference of Parties of CITES, 2 to 14 October 2004, Bangkok, Thailand – USA.
- XXVIII SCAR Delegates Meeting, 3 to 9 October 2004, Bremerhaven, Germany – Brazil.
- CCSBT-XI Annual Commission Meeting, 19 to 22 October 2004, Korea – Republic of Korea.
- 18th Regular Meeting of ICCAT, 17 to 24 November 2003, Dublin, Ireland – European Community.
- 2004 Annual Meetings of IATTC (dates and venue not yet available) – no nomination.
- WTO Committee on Trade and Environment, Geneva, Switzerland (dates not yet available) – New Zealand.

Fourth World Fisheries Congress

14.61 The Fourth World Fisheries Congress will be held in May 2004 in Vancouver, Canada. The Executive Secretary drew Members' attention to SC-CAMLR-XXII, paragraph 15.8 and CCAMLR-XXII/BG/22. In accordance with the authority given to him by the Commission (CCAMLR-XXI, paragraph 3.14 and Annex 4, paragraphs 11 to 12), the Executive Secretary had responded to an invitation to attend this congress. The issue of principle is whether or not there should be Secretariat representation at this meeting, on behalf of the Commission, and the form that such representation may or may not take.

14.62 The USA responded that as the conveners of WG-FSA and WG-EMM would be attending this congress, they should, therefore, coordinate representation. It felt that it could be adequately covered by the two conveners or a representative of these bodies.

IMPLEMENTATION OF THE OBJECTIVES OF THE CONVENTION

15.1 Chile referred to the advice at the previous meeting that Australia and Chile proposed to organise a symposium in August 2003 in Valdivia, Chile. Unfortunately, it had not been possible to hold it at that time, so it has now been rescheduled for April 2005. Chile presented CCAMLR-XXII/BG/49, which outlined the subjects intended to be addressed by the symposium, which would form a part of the preparations of the International Polar Year and the celebration of 25 years of CCAMLR.

15.2 Chile noted that the extended notice being provided would assist Members in preparing for the symposium, as well as providing an opportunity for further contributions to its content. In particular, it would enable planning and financing for participation by the Executive Secretary to be arranged.

15.3 Members welcomed the initiative and expressed support for the proposed direction of the symposium as outlined in CCAMLR-XXII/BG/49. It was considered that this would be a much needed and valuable opportunity for the consideration of broad issues which have to be addressed by the Commission, particularly given the pressing issues currently facing the Commission. The heavy workload during the annual meetings has prevented the Commission from being able to devote sufficient time to these. Experience gained at similar functions organised in relation to the ATCM has shown that these can be useful in focusing Members' attention on important issues needing to be addressed.

15.4 Chile thanked all Members which expressed support for the Australian-Chilean initiative and noted that the objective of the Convention was also being advanced by the establishment of new RFMOs bordering the Southern Ocean, as mentioned in the report by the CPPS Observer (CCAMLR-XXII/BG/45).

15.5 With regard to the proposals that the Commission allocate fishing effort, Argentina noted that at the time of entering into force of the Convention, Antarctic marine living resources were the target of open-access fisheries. CCAMLR has succeeded in adopting itself as an important element of the Antarctic Treaty System upon the moral authority afforded by its strictly conservative approach. If this approach were to be abandoned to start a process of effort and quota allocation, CCAMLR will be viewed, at least by non-Contracting Parties, as an interest-driven organisation losing its standing.

15.6 Argentina noted that, from a practical point of view, any fishing company whose vessels have been denied access to the fishery, might, by simply reflagging to a non-Contracting Party, gain legal access to the fishery while further undermining thus the objectives of the Convention.

ELECTION OF VICE-CHAIR OF THE COMMISSION

16.1 The Commission elected the USA as Vice-Chair of the Commission from the end of this meeting to the conclusion of the 2005 meeting.

16.2 In electing the USA, the Commission noted it was unable to follow its established practice of electing a non-fishing Member as Vice-Chair if the Chair is a fishing Member.

NEXT MEETING

Invitation of Observers to the Next Meeting

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

- Acceding States – Bulgaria, Canada, Finland, Greece, Netherlands, Peru and Vanuatu;
- non-Contracting Parties participating in the CDS who are involved in harvesting or landing and/or trade of toothfish – the People’s Republic of China, Mauritius, Seychelles and Singapore;
- non-Contracting Parties not participating in the CDS but possibly involved in harvesting or landing and/or trade of toothfish – Angola, Belize, Bolivia, Colombia, Indonesia, Kenya, Madagascar, Malaysia, Mexico, Mozambique, Panama, Philippines, Sao Tome and Principe, St Vincent and the Grenadines, Thailand and Togo.

17.2 The following international organisations will be invited: ASOC, CCSBT, CEP, CITES, CPPS, FAO, FFA, IATTC, ICCAT, IOC, IUCN, IWC, SCAR, SCOR, SPC and UNEP. It was agreed that should COLTO approach the Commission with a request to attend CCAMLR-XXIII, the matter would be dealt with in strict accordance with the Commission’s established rules of procedure governing observers.

Date and Location of the Next Meeting

17.3 The UK recalled the Commission’s request of two years ago that ‘the new Executive Secretary, with the support of Australia, as offered in SCAF, give priority to ascertaining the best possible location for future meetings’ (CCAMLR-XX, paragraph 17.6). There had not yet been any tangible results and, as the meetings have continued to get larger and more complex, the problems associated with the existing location are compounding.

17.4 The Executive Secretary noted that the Secretariat had worked hard over the past two years to resolve this issue and the Australian Government was currently focusing on the latest proposal that had also been discussed with members of the Project Oversight Committee at the time of the ATCM meeting in May 2003. He drew to Members' attention the fact that, if there is no certainty that another meeting venue can be available for next year, then the current venue will need to be secured by the payment of a deposit, and thus will reduce the budget amount that could otherwise be transferred to the costs of the new venue.

17.5 Australia advised that it appreciated the advice and concerns received from other Members during the meeting and assured the Commission that the issue was being addressed as a matter of urgency. However, a number of internal Australian Government procedures need to be satisfied. The Australian Government is fully committed to ensuring a satisfactory outcome as expeditiously as possible. In addition, it is also committed to advising the Commission of the outcomes as they are resolved.

17.6 South Africa identified the linkage in the Convention between the Commission Headquarters and the meeting venue. Australia advised that it was actively cooperating on exploring possibilities for premises for the Commission's Headquarters, as well as the need for a meeting venue more suitable than that currently being used, in good faith, even though it understood that it had responsibility only in respect of the Headquarters.

17.7 The Executive Secretary assured the Commission that the Secretariat would continue to provide all possible assistance to Australia in its work in this respect, especially in assisting with Australia's recent indication that it is appraising the continued suitability of the present Secretariat building as the CCAMLR Headquarters.

17.8 The Commission endorsed the concerns of SCAF at the continuing uncertainty attached to identifying a suitable venue for future annual meetings and invited the Secretariat and Australia to pursue this matter with some urgency with a view to enabling the annual meeting to take place in a new location next year, which would require a decision on the matter to be made in the next few months. Pending a conclusion to the above negotiations, the Commission agreed that the Secretariat should provisionally book Wrest Point for CCAMLR-XXIII. It noted that, should the Secretariat be required to incur costs associated with any possible relocation, funds could be sourced in accordance with the prevailing rules for use of the Contingency Fund.

17.9 The Commission asked Australia to keep Members informed on its progress in pursuing meeting venue opportunities.

17.10 Noting that an alternative meeting venue would be unlikely to be ready in time for the next meeting, the Commission noted that the current location at the Wrest Point Hotel would again be used for the Twenty-third Meeting of the Commission, to be held in Hobart, Australia, from 25 October to 5 November 2004. Heads of Delegation were requested to be in Hobart for a meeting on 24 October 2004.

Organisation of Next Meeting

17.11 The Commission recalled the advice of its standing committees in 2001 that they needed additional discussion time during the meetings in order to give proper attention to the matters which the Commission had referred to them.

17.12 South Africa stated:

‘It has always been the understanding of the South African Delegation that the standing committees’ and the Scientific Committee’s roles were to make clear recommendations to the Commission. However, South Africa is concerned that a number of important issues are not properly addressed at these committees. We sympathise with the chairpersons of these committees who have the unenviable task of attempting to resolve difficult agenda items. It is unfortunate that these unresolved and substantive matters have now been referred to the conservation measure group for finalisation. We sympathise with the onerous task now facing Dr D. Agnew (UK), the chairperson of this group. We hope that this does not set a precedent for future meetings and strongly urge that in future, these matters are prioritised for debate and are tackled early on, and that clear recommendations are provided for the deliberations of the Commission. This will facilitate the effectiveness of the work of this Commission.’

17.13 The European Community, UK and the USA associated themselves with the opinions expressed by South Africa.

17.14 The Commission took account of these concerns when addressing the logistical and other aspects of next year’s work of SCIC (paragraph 6.12).

OTHER BUSINESS

Census of Antarctic Marine Life

18.1 Australia drew the Commission’s attention to the proposed census of Antarctic marine life as presented in CCAMLR-XXII/BG/46 ‘A Census of Antarctic Marine Life’. Noting that Japan, France and New Zealand had already agreed to join Australia in participating in the census, Australia encouraged other Members to consider their own possible participation.

18.2 The UK welcomed the proposal presented by Australia and noted that potentially complementary initiatives under the Census of Marine Life (CoML) project, relating particularly to programs analogous to the existing CoML-Tagging of Pacific Predators (TOPP) program, and also directed towards the opportunities provided by the ‘International Polar Year’ (IPY), are under preparation by scientists from, *inter alia*, USA, France and the UK. The UK encouraged appropriate collaboration to develop a suite of programs to provide opportunities for a major input to IPY by the relevant marine biological research communities. It noted that SCAR was also apparently commencing marine biodiversity activities potentially related to CoML (SC-CAMLR-XXII, paragraph 9.4(iv)). Furthermore, many of the objectives set out in CCAMLR-XXII/BG/46 were as relevant to the work of SCAR as to CCAMLR. The UK suggested that there would be merit in forwarding fully developed program proposals for consideration by both SCAR and CCAMLR.

18.3 Germany welcomed Australia's interesting initiative. It believed that the IPY is an excellent opportunity to conduct an intensive international study on the marine life of the Antarctic. Germany will undertake every effort to participate in major research activities during the IPY.

18.4 Supported by the USA, Germany suggested that the Commission encourage the Scientific Committee and its working groups to develop plans for a potential research program during the IPY which meets the objectives of CCAMLR and contributes to the initiatives described above. It noted that such an exercise would provide an excellent opportunity for wider recognition of CCAMLR's role in the research of the Antarctic marine ecosystem and the rational use of its marine living resources.

Flag State Authority on the High Seas

18.5 Norway drew the attention of the Commission to the table presented in CCAMLR-XXII/BG/33. This table identifies the States and regional economic integration organisations that have deposited instruments for the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement. It was noted that only five Members of the Commission have deposited instruments for both agreements.

18.6 A number of Members noted that they had ratified one of the agreements and were actively pursuing the ratification of the other. Other Members noted that, notwithstanding the fact that they had not ratified the 1993 FAO Compliance Agreement, they were complying with its terms.

18.7 Norway encouraged all Members to ratify both agreements as soon as possible.

Other

18.8 Argentina stated that with regard to the legal texts agreed on and adopted at CCAMLR-XXII, it reserves its legal position as to its sovereignty rights over the Malvinas Islands, South Georgia and the South Sandwich Islands and surrounding waters and recalls that Argentina does not recognise the UK as a Coastal State either in the Southwest Atlantic or in the Convention Area.

18.9 The UK noted Argentina's statements relating to references in SC-CAMLR-XXII, Annex 5, and elsewhere. The UK's position on this issue is well known: the UK has no doubts about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.

18.10 Argentina rejected the UK's views and reiterated its legal position.

REPORT OF THE TWENTY-SECOND MEETING OF THE COMMISSION

19.1 The report of the Twenty-second meeting was adopted.

CLOSE OF THE MEETING

20.1 In closing the meeting, the Chair expressed his sincere appreciation, on behalf of the Commission, to Dr Miller and his Secretariat staff, interpreters and other supporting staff members, Dr Holt and Scientific Committee members, Mr H. Pott (Germany) and SCAF members, Mr Becouarn and SCIC members, and Dr Agnew and the Conservation Measures Drafting Group, for their most valuable contributions through their hard work. He also expressed his sincere gratitude to all delegates for their support and assistance in guiding him through the two weeks without major procedural hitches.

20.2 Dr Miller thanked the Secretariat staff for their dedication, professional approach and hard work.

20.3 On behalf of the Commission, Dr Press thanked Mr Yonezawa for his excellent job in chairing what had been a very difficult meeting. He also expressed his sincere gratitude to Mr Yonezawa for his guidance of the meeting.

20.4 The Chair of the Commission then closed the Twenty-second Meeting.

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Ms Ludmila Stern

Mr Hulus Hulusi

Mr Philippe Tanguy

Ms Rosa Kamenev

Ms Irene Ulman

Ms Roslyn Lacey

Dr Emy Watt

Mr Jay Lloyd-Southwell

LIST OF DOCUMENTS

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CCAMLR-XXII/1	Provisional Agenda for the Twenty-second Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XXII/2	Provisional Annotated Agenda for the Twenty-second Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XXII/3	Examination of the audited financial statements for 2002 Executive Secretary
CCAMLR-XXII/4	Review of the 2003 budget, draft 2004 budget and forecast budget for 2005 Executive Secretary
CCAMLR-XXII/5 Rev. 1	Draft rules for the submission of CCAMLR meeting papers Secretariat
CCAMLR-XXII/6	Notification by Russia of its intention to continue an exploratory fishery for <i>Dissostichus</i> spp. in CCAMLR Subareas 88.1 and 88.2 for the 2003/04 season Delegation of Russia
CCAMLR-XXII/7	Notification of Spain's proposal to initiate exploratory fisheries for toothfish (<i>Dissostichus</i> spp.) in CCAMLR Subareas 48.6 and 88.1 in the 2003/04 season Delegation of Spain
CCAMLR-XXII/8 Rev. 1	Draft Rules of Access to and Use of CCAMLR Data Secretariat
CCAMLR-XXII/9	Cooperation between CCAMLR and CITES Secretariat
CCAMLR-XXII/10	Reports of Members' Activities Secretariat
CCAMLR-XXII/11	Proposed CCAMLR educational package Secretariat
CCAMLR-XXII/12 Rev. 1	Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) draft plan of action to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing Secretariat

CCAMLR-XXII/13	CCAMLR data handling and security Secretariat
CCAMLR-XXII/14	Potential items for the Commission's attention from IFF2, COFI-25 and ATCM-XXVI Secretariat
CCAMLR-XXII/15	Notification of Argentina's intention to conduct exploratory Fisheries for <i>Dissostichus</i> spp. in CCAMLR areas (Subareas 48.1, 48.2, 58.6, 58.7, 88.3 and Divisions 58.4.1, 58.4.4) Delegation of Argentina
CCAMLR-XXII/16	Notification of Argentina's intention to conduct exploratory fisheries for <i>Dissostichus</i> spp. in CCAMLR areas (Subarea 48.6) Delegation of Argentina
CCAMLR-XXII/17	Notification of Argentina's intention to conduct exploratory fisheries for <i>Dissostichus</i> spp. in CCAMLR areas (Division 58.4.2) Delegation of Argentina
CCAMLR-XXII/18	Notification of Argentina's intention to conduct exploratory fisheries for <i>Dissostichus</i> spp. in CCAMLR areas (Divisions 58.4.3a, 58.4.3b) Delegation of Argentina
CCAMLR-XXII/19	Notification of Argentina's intention to conduct exploratory fisheries for <i>Dissostichus</i> spp. in CCAMLR areas (Division 58.5.2 west of 79°20'E) Delegation of Argentina
CCAMLR-XXII/20	Notification of Argentina's intention to conduct exploratory fisheries for <i>Dissostichus</i> spp. in CCAMLR areas (Divisions 58.5.1, 58.5.2 east of 79°20'E) Delegation of Argentina
CCAMLR-XXII/21	Notification of Argentina's intention to conduct exploratory fisheries for <i>Dissostichus</i> spp. in CCAMLR areas (Subareas 88.1, 88.2) Delegation of Argentina
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CCAMLR-XXII/25	Notification of Australia's intention to conduct an exploratory trawl fishery in Division 58.4.3a and b for <i>Dissostichus</i> spp. and <i>Macrourus</i> spp. Delegation of Australia
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CCAMLR-XXII/34	Notification of intention to continue an exploratory longline fishery for <i>Dissostichus</i> spp. in Division 58.4.2 Delegation of Ukraine
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CCAMLR-XXII/BG/1	List of documents
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CCAMLR-XXII/BG/3	Observer's report of the 55th Annual Meeting of the International Whaling Commission (16 to 19 June 2003, Berlin, Germany) CCAMLR Observer (H. Pott, Germany)
CCAMLR-XXII/BG/4	Report of attendance at the Twenty-fifth Meeting of the FAO Committee on Fisheries (COFI) and the Third Meeting of Regional Fisheries Bodies (RFBs) Executive Secretary
CCAMLR-XXII/BG/5	Report of the CCAMLR Observer to ATCM-XXVI (Madrid, Spain, 9 to 20 June 2003) Executive Secretary

CCAMLR-XXII/BG/6	Observer's Report on the Second International Fishers Forum (Hawaii, USA, 19 to 22 November 2002) CCAMLR Observer (Secretariat)
CCAMLR-XXII/BG/7	Summary of current conservation measures and resolutions in force 2002/03 Secretariat
CCAMLR-XXII/BG/8 Rev. 1	Implementation of fishery conservation measures in 2002/03 Secretariat
CCAMLR-XXII/BG/9	Cooperation with the International Whaling Commission Secretariat
CCAMLR-XXII/BG/10	Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen et Crozet pour la saison 2002/2003 (1 ^{er} juillet 2002 – 30 juin 2003) Informations générales sur la zone CCAMLR 58 Délégation française
CCAMLR-XXII/BG/11	Report on attendance at the Sixth Meeting of the Committee for Environmental Protection Under the Madrid Protocol Chair of the CCAMLR Scientific Committee
CCAMLR-XXII/BG/12 Rev. 1	Calendar of meetings of relevance to the Commission in 2003/04 Secretariat
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CCAMLR-XXII/BG/14	CCAMLR Secretariat – Performance Management and Appraisal System Executive Secretary
CCAMLR-XXII/BG/15	CCAMLR Secretariat – confidentiality of information Executive Secretary
CCAMLR-XXII/BG/16	Implementation of the System of Inspection and other CCAMLR enforcement provisions in 2002/03 Secretariat
CCAMLR-XXII/BG/17	Cooperation with non-Contracting Parties on the implementation of CDS and IUU-related measures Secretariat
CCAMLR-XXII/BG/18 Rev. 1	Implementation and operation of the Catch Documentation Scheme in 2002/03 Secretariat

CCAMLR-XXII/BG/19	Report of CCAMLR's observer to the XII Meeting of the Conference of the Parties Convention on International trade in Endangered Species of Wild Fauna and Flora (CITES) CCAMLR Observer (Chile)
CCAMLR-XXII/BG/20	Illegal, unregulated, unreported Patagonian toothfish catch estimate for the Australian EEZ around Heard and McDonald Island – 1 December 2002 to 10 October 2003 Delegation of Australia
CCAMLR-XXII/BG/21	Functional specifications for a CCAMLR centralised vessel monitoring system (cVMS) Delegations of Australia, New Zealand and the USA
CCAMLR-XXII/BG/22	Secretariat participation in the Fourth World Fisheries Congress Secretariat
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CCAMLR-XXII/BG/23	Additional information for provisional IUU vessel list of Contracting Parties Delegation of the European Community
CCAMLR-XXII/BG/24	Additional information for proposed IUU vessel list of non-Contracting Parties Delegation of the European Community
CCAMLR-XXII/BG/25	Observer's Report on the WTO Committee on Trade and Environment (WTO CTE) 2003 CCAMLR Observer (New Zealand)
CCAMLR-XXII/BG/26	Recommendations on the format of annual summaries of data compiled from the CCAMLR Catch Documentation Scheme Submitted by the IUCN-World Conservation Union
CCAMLR-XXII/BG/27	Priorities, issues and recommendations of the Antarctic and Southern Ocean Coalition (ASOC) for the XXII Meeting of the Convention on the Conservation of Antarctic Marine Living Resources Submitted by ASOC
CCAMLR-XXII/BG/28	Monitoring of toothfish fishing vessels calling at Port Louis Submitted by the Republic of Mauritius

CCAMLR-XXII/BG/29	Observer's Report on the 2002 Annual Meeting of the International Commission for the Conservation of Atlantic Tunas CCAMLR Observer (European Community)
CCAMLR-XXII/BG/30	FAO Observer's Report FAO Observer (R. Shotton)
CCAMLR-XXII/BG/31	Implementation of the CDS system in Brazil Delegation of Brazil
CCAMLR-XXII/BG/32	Report on activities of the Scientific Committee on Antarctic Research – SCAR CCAMLR Observer at SCAR, SCAR Observer at CCAMLR E. Fanta (Brazil)
CCAMLR-XXII/BG/33	Flag state jurisdiction and control over fishing vessels on the high seas Delegation of Norway
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CCAMLR-XXII/BG/35	Report to CCAMLR of the 70th Meeting of the Inter-American Tropical Tuna Commission (24 to 27 June, Antigua, Guatemala) and the 71st Meeting of the IATTC (6 and 7 October, San Diego, California) CCAMLR Observer (USA)
CCAMLR-XXII/BG/36	El Manejo de la Pesquería Argentina de Merluza Negra (<i>Dissostichus eleginoides</i>) Delegación de Argentina
CCAMLR-XXII/BG/37	Report to CCAMLR of the Second International Fishers Forum (19 to 22 November 2002, Honolulu, Hawaii) CCAMLR Observer (USA)
CCAMLR-XXII/BG/38	Conclusions of the Santiago de Compostela International Conference on Illegal, Unreported and Unregulated Fishing Delegation of Spain Available in English, French and Spanish

- CCAMLR-XXII/BG/39 Overview of enforcement actions and international cooperation efforts related to the importation of Patagonian toothfish into the United States, 2002–2003
Delegation of the USA
- CCAMLR-XXII/BG/40 Ice strengthening standards for vessels licensed to fish in high latitudes
Delegation of New Zealand
- CCAMLR-XXII/BG/41 Brief update on marine acoustic technology and the Antarctic environment
Submitted by ASOC
- CCAMLR-XXII/BG/42 Withdrawn
- CCAMLR-XXII/BG/43 Report of the Scientific Committee Chair to the Commission
- CCAMLR-XXII/BG/44 Report of the IUCN – World Conservation Union
Submitted by the IUCN – World Conservation Union
- CCAMLR-XXII/BG/45 Intervención del Subsecretario de la Comisión Permanente del Pacífico Sur (CPPS) en la 22a reunión de la Comisión para la Conservación de los Recursos Vivos Marinos Antárticos (CCRVMA)
Presentada por la Comisión Permanente del Pacífico Sur (CPPS)
- CCAMLR-XXII/BG/46 Draft proposal for a census of Antarctic marine life
Delegation of Australia
- CCAMLR-XXII/BG/47 A tagging protocol for toothfish (*Dissostichus* spp.) in CCAMLR new and exploratory fisheries
Delegations of Australia, New Zealand and the United Kingdom
- CCAMLR-XXII/BG/48 Vessel sighting CCAMLR Statistical Area 58.5.2
Delegation of Australia
- CCAMLR-XXII/BG/49 CCAMLR Symposium
Delegations of Chile and Australia
- *****
- SC-CAMLR-XXII/1 Provisional Agenda for the Twenty-second Meeting of the Scientific Committee for the Conservation of Antarctic Marine Living Resources

SC-CAMLR-XXII/2	Provisional Annotated Agenda for the Twenty-second Meeting of the Scientific Committee for the Conservation of Antarctic Marine Living Resources
SC-CAMLR-XXII/3	Report of the meeting of the Working Group on Ecosystem Monitoring and Management (Cambridge, UK, 18 to 29 August 2003)
SC-CAMLR-XXII/4	Report of the Working Group on Fish Stock Assessment (Hobart, Australia, 13 to 23 October 2003)

SC-CAMLR-XXII/BG/1	Catches in the Convention Area in the 2001/02 and 2002/03 seasons Secretariat
SC-CAMLR-XXII/BG/2	Observer's Report from the 55th Meeting of the Scientific Committee of the International Whaling Commission (Berlin, Germany, 26 May to 6 June 2003) CCAMLR Observer (K.-H. Kock, Germany)
SC-CAMLR-XXII/BG/3	Data Management: report on activities during 2002/03 Secretariat
SC-CAMLR-XXII/BG/4	Report on the 20th Session of the Coordinating Working Party on Fisheries Statistics (CWP) Secretariat
SC-CAMLR-XXII/BG/5 Rev. 1	Summary of notifications of new and exploratory fisheries in 2003/04 Secretariat
SC-CAMLR-XXII/BG/6	Synopses of papers submitted to WG-EMM-03 Secretariat
SC-CAMLR-XXII/BG/7	Changes to the <i>Statistical Bulletin</i> Secretariat
SC-CAMLR-XXII/BG/8	Calendar of meetings of relevance to the Scientific Committee in 2003/04 Secretariat
SC-CAMLR-XXII/BG/9	Fishing gear, marine debris and oil associated with seabirds at Bird Island, South Georgia, 2002/03 Delegation of the United Kingdom

SC-CAMLR-XXII/BG/10	Beach debris survey – Main Bay, Bird Island, South Georgia, 2001/02 Delegation of the United Kingdom
SC-CAMLR-XXII/BG/11	Entanglement of Antarctic fur seals (<i>Arctocephalus gazella</i>) in man-made debris at Bird Island, South Georgia, during the 2002 winter and 2002/03 breeding season Delegation of the United Kingdom
SC-CAMLR-XXII/BG/12	Beach debris survey Signy Island, South Orkney Islands, 2002/03 Delegation of the United Kingdom
SC-CAMLR-XXII/BG/13	Entanglement of Antarctic fur seals <i>Arctocephalus gazella</i> in man-made debris at Signy Island, South Orkney Islands, 2002/03 Delegation of the United Kingdom
SC-CAMLR-XXII/BG/14	Management plan for ASPA No. 145 [SSSI No. 27] Delegation of Chile
SC-CAMLR-XXII/BG/15	Report of the Convener of WG-EMM-03 to SC-CAMLR-XXII
SC-CAMLR-XXII/BG/16	Summary of scientific observation programmes during the 2002/03 season Secretariat
SC-CAMLR-XXII/BG/17	IMAF assessment of new and exploratory fisheries by statistical area Ad Hoc Working Group on Incidental Mortality Arising from Fishing (WG-IMAF)
SC-CAMLR-XXII/BG/18	Summary of population data, conservation status and foraging range of seabird species at risk from longline fisheries in the Convention Area Ad Hoc Working Group on Incidental Mortality Arising from Fishing (WG-IMAF)
SC-CAMLR-XXII/BG/19	Incidental mortality of seabirds during unregulated longline fishing in the Convention Area Ad Hoc Working Group on Incidental Mortality Arising from Fishing (WG-IMAF)
SC-CAMLR-XXII/BG/20	Relevamiento de desechos marinos en la costa septentrional de la Base Científica Antártica Artigas (BCAA) en la Isla Rey Jorge/25 de Mayo – temporada 2002/03 Delegación de Uruguay

SC-CAMLR-XXII/BG/21	Report of the Fourth Meeting of the Ecologically Related Species Working Group Submitted by the CCSBT
SC-CAMLR-XXII/BG/22	Report from the 2003 ICES Annual Science Conference CCAMLR Observer (Belgium)
SC-CAMLR-XXII/BG/23	Vacant
SC-CAMLR-XXII/BG/24	WG-FSA-03 assessment documents Working Group on Fish Stock Assessment (WG-FSA)
SC-CAMLR-XXII/BG/25	Review of CCAMLR activities on monitoring marine debris in the Convention Area Secretariat
SC-CAMLR-XXII/BG/26	Information on the biology, ecology and demography of Antarctic fish species contained in papers tabled at WG-FSA 2003 Working Group on Fish Stock Assessment (WG-FSA)
SC-CAMLR-XXII/BG/27	Background information supporting the Report of the Meeting of WG-FSA 13 to 23 October 2003 (SC-CAMLR-XXII/4) Working Group on Fish Stock Assessment
SC-CAMLR-XXII/BG/28	Trawling operations on vessels fishing for icefish in Subarea 48.3 Working Group on Fish Stock Assessment
SC-CAMLR-XXII/BG/29	Report of the Convener of WG-FSA to SC-CAMLR-XXII, October 2003
SC-CAMLR-XXII/BG/30	Ad Hoc WG-IMAF Convener's summary for the Scientific Committee 2003
SC-CAMLR-XXII/BG/31	Minimisation of accidental mortality in longline fisheries outside the CCAMLR area Delegation of Brazil
SC-CAMLR-XXII/BG/32	Report on the activities of the Life Sciences Standing Scientific Group – LSSSG of the Scientific Committee on Antarctic Research – SCAR CCAMLR Observer at SCAR, SCAR Observer at CCAMLR E. Fanta (Brazil)

**AGENDA FOR THE TWENTY-SECOND MEETING
OF THE COMMISSION**

AGENDA FOR THE TWENTY-SECOND MEETING OF THE COMMISSION

1. Opening of the Meeting
2. Organisation of the Meeting
 - (i) Adoption of the Agenda
 - (ii) Report of the Chair
3. Finance and Administration
 - (i) Report of SCAF
 - (ii) Audited Financial Statements for 2002
 - (iii) Audit Requirements for the 2003 Financial Statements
 - (iv) Secretariat Matters
 - (v) Contingency Fund
 - (vi) Budgets for 2003, 2004 and 2005
 - (vii) Members' Contributions
4. Scientific Committee
5. Assessment and Avoidance of Incidental Mortality of Antarctic Marine Living Resources
 - (i) Marine Debris
 - (ii) Incidental Mortality of Marine Animals during Fishing Operations
6. Implementation and Compliance
 - (i) Report of SCIC
 - (ii) Operation of the System of Inspection
 - (iii) Operation of the Scheme of International Scientific Observation
 - (iv) Compliance with Conservation Measures
 - (v) Review of SCIC Working Arrangements
7. Catch Documentation Scheme for *Dissostichus* spp. (CDS)
 - (i) Report of SCIC
 - (ii) Annual CDS Summary Report
 - (iii) Use of the CDS Fund
 - (iv) Development of an Electronic Paperless Web-based CDS (E-CDS)
 - (a) Review of E-CDS Trial
 - (b) Future Establishment of an E-CDS
 - (v) Improvements to the CDS
8. Illegal, Unregulated and Unreported (IUU) Fishing in the Convention Area
 - (i) Report of SCIC
 - (ii) Report of the Joint Assessment Group
 - (iii) Review of Existing Measures to Eliminate IUU Fishing
 - (a) Cooperation with Non-Contracting Parties
 - (b) IUU Vessel List
 - (c) Other CDS-related Conservation Measures and Resolutions

- (iv) Consideration of New Measures
 - (a) CCAMLR Plan of Action on IUU Fishing (CPOA-IUU)
 - (b) Other Measures (including further developments in VMS application)
- 9. New and Exploratory Fisheries
- 10. Conservation Measures
 - (i) Review of Existing Measures
 - (ii) Consideration of New Measures and Other Conservation Requirements
- 11. Fisheries Management and Conservation Under Conditions of Uncertainty
- 12. Data Access and Security
- 13. Cooperation with Other Elements of the Antarctic Treaty System
 - (i) Cooperation with Antarctic Treaty Consultative Parties
 - (ii) Cooperation with SCAR
 - (iii) Assessment of Proposals for Antarctic Specially Protected Areas and Specially Managed Areas, which include Marine Areas
- 14. Cooperation with Other International Organisations
 - (i) Reports of Observers from International Organisations
 - (ii) Reports from CCAMLR Representatives at Meetings of International Organisations in 2002/03
 - (iii) Cooperation with CITES
 - (iv) Nomination of Representatives to Meetings of International Organisations in 2003/04
- 15. Implementation of the Objectives of the Convention
- 16. Election of Vice-Chair of the Commission
- 17. Next Meeting
 - (i) Invitation of Observers to the Next Meeting
 - (ii) Arrangements for Future Meetings
- 18. Other Business
 - (i) Submission of Meeting Papers
- 19. Report of the Twenty-second Meeting of the Commission
- 20. Close of the Meeting.

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

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

The Commission had deferred Item 3 (Finance and Administration) of its Agenda (CCAMLR-XXII/1, Appendix A) to SCAF. The Committee's Agenda was adopted (Appendix I).

EXAMINATION OF AUDITED FINANCIAL STATEMENTS FOR 2002

2. The Committee noted that only a review audit had been carried out on the 2002 Financial Statements and that this provided less comfort than would a full audit. The report had identified no incidents of non-compliance with Financial Regulations or International Accounting Standards. The Committee **recommended that the Commission accept the financial statements as presented in CCAMLR-XXII/3.**

AUDIT REQUIREMENT FOR 2003 FINANCIAL STATEMENTS

3. The Committee noted that the Commission had decided in 1994 that a full audit should be performed on average once every two years, and in 1995 that this would be required at least once every three years. The Committee noted its advice to the Commission in 2002 that the change to an accrual accounting system and new budget format in 2003 would mean that a full audit would be appropriate. It **recommended that the Commission require a full audit to be performed on the 2003 Financial Statements.**

SECRETARIAT STRATEGIC PLAN

4. The Executive Secretary presented his report (summarised in CCAMLR-XXII/48). The Committee noted that this report forms a key element in annually assessing the Executive Secretary's performance. It expressed particular satisfaction with the evolution of the Secretariat Strategic Plan and the substantial completion of the staff management framework, including the establishment of a performance assessment scheme, a standard staff contract and a confidentiality policy. After detailed consideration of these particular topics, the Committee noted with appreciation the various actions taken by the Executive Secretary.

5. In respect of the review of General Staff salaries presented by the Executive Secretary in CCAMLR-XXII/46, the Committee **recommended that the Commission endorse the results of the salary review, including the incorporation of revised salaries into the 2004 budget.**

6. Finally, the Committee noted references in the Executive Secretary's report to meeting papers presented on CCAMLR data handling and security (CCAMLR-XXII/13), issues relating to IFF2, COFI-25 and ATCM-XXVI (CCAMLR-XXII/14) and participation in the Fourth World Fisheries Congress (CCAMLR-XXII/BG/22).

SECRETARIAT SERVICES

7. The Committee reviewed the proposed rules for submission and distribution of documents for annual meetings. It considered that it was important that background documents should be available when required during the meeting. The rules were revised to ensure that this was possible, and the Committee **recommended that the Commission adopt the rules as presented in CCAMLR-XXII/5 Rev. 1.**

8. SCAF confirmed the Secretariat's advice that there is scope to improve the value of Members' annual reports of activities in the Convention Area. It **recommended that the Commission request that the Secretariat prepare a paper on the subject, including any comments from Members, with a view to this subject being further considered at CCAMLR-XXIII.**

9. The Executive Secretary advised the Committee that a number of States invited by the Commission to participate as observers at the annual meetings had responded that participation was not possible due to lack of financial resources. SCAF felt that the attendance of certain developing States that are not in a position to send a representative due to lack of financial means could be useful and that Member States could consider assisting such developing States to enable such attendance. The Committee drew the Commission's attention to this issue and to the existence of particular trust funds in the UN System which could possibly be accessed for this purpose. **It advised that the Commission may wish to consider the matter further in the interests of improving implementation of its work.**

10. In considering the proposal for the creation of a CCAMLR education package, the Committee believed that such an initiative would be a very valuable tool for balanced presentation of all aspects of the activities of the Commission and Scientific Committee. This was particularly important in that it enables Members and the Secretariat to respond positively to enquiries from the general public (students in particular) and to communicating the good work being done by CCAMLR as an international organisation. SCAF **recommended that the Commission endorse the Secretariat's proposal to develop a web-based education package in all languages of the Commission, and requested the Executive Secretary to pursue opportunities for sponsorship of a printed version with a view to the outcomes from both these initiatives being considered by the Commission at its next meeting.**

11. The Committee **recommended that the Commission request the Secretariat to establish procedures to enable passwords for the secure Commission pages of the CCAMLR website to be issued directly to authorised Member State officials, including meeting heads of delegation as well as the official Commission contact.** It emphasised that, for security reasons, the responsibility for the dissemination of passwords should rest with Members and not the Secretariat.

INTERNATIONAL RECRUITMENT

12. In response to the Commission's requirement for the recruitment of the best available Professional Staff, attracted equally from all Member States (CCAMLR-XXI, paragraph 3.18), the Committee **recommended that the Commission adopt transparent procedures for such recruitment as presented in CCAMLR-XXII/44.**

REVIEW OF 2003 BUDGET

13. SCAF noted the change in the Secretariat functional structure in 2003 and the proposed revision to the budget format to reflect this change. It **recommended that the Commission adopt the revised budget format as presented in Appendix II.**

14. The Committee noted that the report of WG-FSA had substantially increased this year, an increase not anticipated or budgeted for. In addition, the support for the ad hoc Joint Assessment Group (JAG) on IUU fishing in 2003 had not been budgeted for as its establishment had been determined after the 2003 budget had been adopted. The Committee noted that the income for 2003 included A\$8 010 of unbudgeted income from a surplus from 2002 and that an equivalent amount could be expended on the above without requiring additional Member contributions. It **recommended that the Commission adopt the revised budget for 2003, as presented in Appendix II, including such increase in expenditure.**

COST RECOVERY

15. Following its discussions from the previous year (CCAMLR-XXI, Annex 4, paragraph 25), and information presented by the Secretariat in CCAMLR-XXII/50 on costs attached to the processing of notifications, the Committee considered the possibility of requiring payment for the processing of notifications for new and exploratory fisheries **and recommended that the Commission consider the adoption of such a scheme, incorporating the following characteristics:**

A notification is characterised in terms of a single submission by an individual Member in respect of a single year, a single species group and one subarea/division.

For the submission of an application for a new and exploratory fishery by a Contracting Party, the fishing company intending to pursue the fishery would be charged an amount calculated according to the following formula:

- **a minimum fee;**
- **a guarantee which would be refunded when the Commission has approved the notification, the Member concerned has authorised it, and the fishery has been undertaken.**

A notification would not be considered until the payment has been received by the Secretariat. Such payment should be conveyed directly to the Secretariat by whatever means applicable.

16. The Committee **recommended that fees collected should be accounted for in the General Fund and that any income from forfeited guarantees should be paid into the Contingency Fund.**

CONTINGENCY FUND

17. The Committee noted that procedures determined by the Commission last year had been followed for the use of the Contingency Fund to pay for the Administration/Finance Officer's participation in discussions on the establishment of an Antarctic Treaty Secretariat. **It recommended that the Commission approve the expenditure in 2003 of A\$4 500 from the Contingency Fund.**

18. As noted last year, the adoption of an accruals basis of accounting has introduced an increased degree of uncertainty in the budget process, particularly in the designation of income as this is now recorded when it is earned instead of in the subsequent year as has previously been the case. Although the Commission and Scientific Committee are making efforts to control the extent of variability in actual expenditure, the Committee noted that there continues to be frequent unanticipated demands on the Secretariat resources, not all of which can be accommodated in normal operating costs. As a result of these ongoing situations and the experience gained before the Contingency Fund was established, the Committee considered that an appropriate balance of the Fund would be A\$110 000.

19. The Committee noted the Executive Secretary's advice that when ad hoc intersessional meetings are decided on, considerable inefficiencies can occur if there is lack of clarity on terms of reference, particularly in respect of any required Secretariat support. SCAF **recommended that the Commission require all such meetings to be clearly defined and that the convener should document in advance the terms of reference and meeting requirements in consultation with the Executive Secretary, identifying the following as a minimum – meeting document management, travel and accommodation needs, hire costs (meeting rooms and facilities), secretarial and Secretariat support, participation, report management and report translation needs.**

BUDGET FOR 2004

20. The Committee **recommended that the Commission reconfirm its aim of restricting to zero real growth as a general principle.**

Scientific Committee Budget

21. The Scientific Committee Chair presented the budget of the Scientific Committee and highlighted a number of increases in requirements resulting from the increasing workload of the Committee and its working groups. These included A\$20 000 for intersessional work based on papers generated by WG-FSA for 2004, enabling the Scientific Committee to control these costs in future years.

22. SCAF noted the 21% increase in the Scientific Committee's budget for 2004 compared to 2003, but recognised the importance of adequately funding the Scientific Committee's work, which is fundamental to the Commission's decision-making process. While recalling its target of zero real growth, SCAF **recommended that the Commission accept this increase and incorporate the Scientific Committee budget of A\$214 600, as presented, into the Commission's 2004 budget.**

Professional Staff Salaries

23. As no Members had offered to provide experts to participate in a review of the structure of Professional Staff salaries, SCAF **recommended that the Commission continue the review of the Professional Staff salaries and to take the salary structure of the newly established ATCM Secretariat as a reference point.**

Future Meeting Arrangements

24. Australia, as host government, reported on current and ongoing consultations on evaluating proposals to relocate the Secretariat to a building with a dedicated meeting venue attached. It was not possible to forecast a time for the completion of these discussions or the likely outcome, but Australia confirmed that utmost expediency was being applied to the exercise.

25. The Committee endorsed the Executive Secretary's advice that the exercise was being carried out with goodwill and transparency by all parties, but the continuing delays were regrettable. SCAF noted the ongoing and urgent need for delegates and other representatives attending the Commission's annual meeting to be provided with adequate working conditions during the extended period of the meeting. SCAF **recommended that the Commission express its concern at the continued conditions of uncertainty attached to identifying a suitable meeting venue. The Committee also recommended that the Commission invite the Secretariat and Australia to pursue this with a degree of urgency that could enable the annual meeting to take place in a new location next year.**

26. Pending the conclusion of negotiations referred to above, the Secretariat should provisionally book Wreath Point for CCAMLR-XXIII.

Daily Catch and Effort Reporting

27. SCAF noted that a trialling of a daily catch and effort reporting regime in Subarea 88.1, if decided by the Commission, could represent an additional cost of A\$30 000.

Other Possible Expenditure

28. The Committee identified three areas of possible additional expenditure requirements for 2004, the expectation and extent of which could not be determined until they had been addressed by the Commission. These were: the participation of the Executive Secretary in a CCAMLR Symposium, involvement of CCAMLR in the FIGIS-FIRMS partnership and a relocation of the Secretariat Offices. Subject to these, the Committee **recommended that the Commission adopt the budget for 2004 as presented in Appendix II.**

29. It was noted that the increase in activities of the Commission and Scientific Committee in 2004 could be accommodated within the zero real growth limitation only by the inclusion of savings generated through the implementation of a policy of cost recovery of new

and exploratory fisheries notifications. The Committee **recommended that the Commission continue to investigate opportunities for cost savings. In particular, Members and the Secretariat should identify ways of shortening and reducing the numbers of reports and meeting documents produced and distributed.**

MEMBERS' CONTRIBUTIONS

30. Argentina, Japan, Republic of Korea, Spain and Uruguay advised the Committee that procedural processes prevented them from being able to meet the 1 March deadline for payment of their 2004 contributions. SCAF **recommended that these Members only be granted an extension to the deadline, in accordance with Financial Regulation 5.6** and noted the advice of other Members, that the Members concerned should continue to seek ways of resolving such procedural difficulties in future years. The Committee noted that it will continue to consider the possibility of interest charges or other means of encouraging earlier payments.

FORECAST BUDGET FOR 2005

31. The Scientific Committee Chair advised SCAF that there were three possible costs for 2005 additional to those presented in CCAMLR-XXII/4. These were A\$5 000 for the Otolith Network (deferred from 2004), A\$16 000 for invited experts to WG-EMM and A\$20 000 for rewriting the *Scientific Observers Manual*. With these inclusions, the Committee **recommended that the Commission note the forecast budget for 2005.**

32. SCAF reiterated its advice that the Commission should require a continued effort to maintain zero real growth.

SPECIAL FUNDS

33. The Committee noted that the Commission had last year approved the expenditure of up to A\$89 000 from the CDS Fund for development of an electronic CDS (E-CDS). Although the possible training seminar had not eventuated, it had been necessary to apply some of the expenditure allocated to this to documentation of the E-CDS software. The Committee recognised that this was appropriate and with the endorsement of the CDS Fund Review Panel **recommended that the Commission approve the actual expenditure of A\$73 400 from the CDS Fund in 2003.**

34. The Chair of SCIC advised that SCIC was recommending to the Commission that the pilot E-CDS be expanded in 2004. With the endorsement of the CDS Fund Review Panel, SCAF **recommended that A\$54 000 be expended from the CDS Fund to cover the remaining establishment and maintenance costs of the E-CDS systems in the Secretariat for the next three years.** The panel noted that the CDS Fund is to be used for specific projects only and anticipated that subsequent ongoing expenditure on the E-CDS would be expended from the General Fund.

35. The Chair of SCIC advised that SCIC had been unable to advise the Commission whether or not it would be appropriate to establish a CCAMLR centralised Vessel Monitoring System (C-VMS). SCAF **recommended to the Commission that if a decision is made to establish such a C-VMS, then the establishment and operating costs for the first year (total estimated A\$182 500) should be funded by exhausting the US VMS Special Fund and the US Compliance Special Fund, with the balance of A\$39 900 as endorsed by the CDS Fund Review Panel coming from the CDS Fund.** The panel noted that it had assessed the proposal as presented in CCAMLR-XXII/54 and BG/34, and that if there was any substantial modification to the proposal, then the panel would need to redetermine its assessment.

36. The Committee noted that, notwithstanding the exhaustion of the first two funds, these would not cease to exist.

37. The Committee noted that ongoing costs of a C-VMS should be funded from the General Fund and be directly linked to fishing. To this end, it **recommended that if a C-VMS is established, the contribution formula to be adopted by the Commission next year should take this into account when considering the relative part shares of fishing Members.**

38. The Committee noted that the custody of ATCM funds in preparation for the establishment of the ATCM Secretariat should have no budget implications for CCAMLR and **recommended that the Commission endorse the Secretariat's receipt and temporary custody of ATCM voluntary contributions, as requested by the ATCM.**

ELECTION OF CHAIR AND VICE-CHAIR OF SCAF

39. The Committee appointed Germany as Chair of SCAF, and South Africa as Vice-Chair, from the end of the 2003 meeting until the end of the 2005 meeting.

CLOSE OF MEETING

40. The Committee expressed its warm appreciation to Mr H. Pott (Germany) for his excellent chairing of the meeting after taking over this role at short notice.

AGENDA

Standing Committee on Administration and Finance (SCAF)
(Hobart, Australia, 27 to 31 October 2003)

1. Organisation of the Meeting
2. Examination of Audited Financial Statements for 2002
3. Audit Requirement for the 2003 Financial Statements
4. Secretariat Strategic Plan
5. Secretariat Services
6. International Recruitment
7. Review of 2003 Budget
8. Cost Recovery
9. Contingency Fund
10. Budget for 2004
 - (i) Professional Staff Salaries
 - (ii) Consideration of Future Meeting Arrangements
 - (iii) Proposal for a Centralised VMS
 - (iv) Scientific Committee Budget
 - (v) Advice from SCIC
11. Members' Contributions
 - (i) Timing of Members' Contributions
 - (ii) Implementation of Contribution Formula
12. Forecast Budget for 2005
13. CDS Fund
14. Any Other Business Referred by the Commission
15. Election of Chair and Vice-Chair of SCAF
16. Adoption of the Report.

REVIEW OF 2003 BUDGET, BUDGET FOR 2004 AND FORECAST FOR 2005

(all amounts in Australian dollars)

Budget for 2003				2004 Draft Budget	2005 Forecast
Adopted in 2002	Revised	Variance			
INCOME					
2 435 000	2 435 000	0	Members' Annual Contributions	2 508 600	2 604 100
0	0	0	New Members' Contributions	0	0
(8 100)	(8 100)		From (to) Special Funds	(8 100)	0
44 700	44 700	0	Interest	43 400	44 700
386 100	386 100	0	Staff Assessment Levy	410 500	420 300
0	8 010	8 010	Surplus from Prior Year	0	0
<u>2 857 700</u>	<u>2 865 710</u>	<u>8 010</u>		<u>2 954 400</u>	<u>3 069 100</u>
EXPENDITURE					
494 900	494 900	0	Data Management	505 600	520 800
495 700	495 700	0	Compliance	505 500	527 200
911 900	642 610	(269 290)	Communications	650 200	669 700
0	277 300	277 300	Information Services	289 000	314 600
244 000	244 000	0	Information Technology	255 400	259 000
711 200	711 200	0	Administration	748 700	777 800
<u>2 857 700</u>	<u>2 865 710</u>	<u>8 010</u>		<u>2 954 400</u>	<u>3 069 100</u>
Expenditure allocated by sub-item (Type of expenditure)					
2 060 300	2 068 310	8 010	Salaries and Allowances	2 127 200	2 190 400
136 500	136 500	0	Equipment Leasing	143 100	147 400
45 400	45 400	0	Insurance and Maintenance	46 800	48 200
31 600	31 600	0	Training	32 500	33 500
242 900	242 900	0	Meeting Facilities	248 500	256 000
133 300	133 300	0	Travel	130 800	158 800
60 000	60 000	0	Printing and Copying	54 000	69 200
86 900	86 900	0	Communication	86 600	89 200
60 800	60 800	0	Sundry	84 900	76 400
<u>2 857 700</u>	<u>2 865 710</u>	<u>8 010</u>		<u>2 954 400</u>	<u>3 069 100</u>

**REPORT OF THE STANDING COMMITTEE ON
IMPLEMENTATION AND COMPLIANCE (SCIC)**

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REPORT OF THE STANDING COMMITTEE ON IMPLEMENTATION AND COMPLIANCE (SCIC)

I. OPENING OF THE MEETING

1.1 The meeting of the Standing Committee on Implementation and Compliance (SCIC) was held from 27 to 31 October 2003 chaired by Mr Y. Becouarn (France). All Members of the Commission participated in the meeting. No Members invoked a ruling in accordance with Rule 32(b) of the Commission Rules of Procedure. Therefore, Observers from Canada, Indonesia, the People's Republic of China, Mauritius, Netherlands and Seychelles, the Antarctic and Southern Ocean Coalition (ASOC), the World Conservation Union (IUCN) and the Coalition of Legal Toothfish Operators (COLTO) participated in the meeting as appropriate.

1.2 The Committee adopted the Agenda as contained in CCAMLR-XXII/1 and SCIC-03/1.

1.3 The Agenda and list of papers considered by the Committee are contained in Appendices I and II respectively.

II. IUU FISHING IN THE CONVENTION AREA

Reports under Articles X, XXI, XXII and XXIV

2.1 The Secretariat presented a summary of reports received from Members (CCAMLR-XXII/BG/16).

2.2 The Committee noted that in accordance with Articles X and XXII of the Convention, reports were received from Australia, France, South Africa, as well as from Seychelles, as a Participating Party to the Catch Documentation Scheme for *Dissostichus* spp. (CDS). The reports included information of sightings and apprehensions of vessels in the CCAMLR Convention Area.

2.3 Australia presented a summary of information on sightings and apprehensions of illegal, unregulated and unreported (IUU) vessels in the Convention Area (CCAMLR-XXII/BG/20). Australia reported the sighting of the Russian-flagged vessel *Strela* in Division 58.5.2, the hot pursuit and apprehension of the Uruguayan-flagged *Viarsa I* after the vessel was sighted in Australia's EEZ inside Division 58.5.2 and the recent sighting of the Ghanaian-flagged *Alos* in Division 58.5.2. Australia also reported evidence of increased IUU fishing in Division 58.4.2. Australia noted that the sighting of the *Viarsa I* highlighted the problem of vessels misreporting their positions through the deliberate tampering of their vessel monitoring system (VMS).

2.4 New Zealand presented information to the Committee explaining that on 7 March 2003, a New Zealand surveillance patrol detected the Russian-flagged vessel *Volna* engaged in fishing activity well inside a fine-scale rectangle which had been closed to further fishing on 25 February 2003.

2.5 In response to the presentation of New Zealand on the sighting of the Russian-flagged fishing vessel *Volna* in the fine-scale rectangle closed for fishing, Russia reported that it had conducted an investigation, which concluded that the vessel was not fishing in contravention of Conservation Measure 41-01, because the vessel was hauling the longline, the centre-point of which was located in the adjacent open fine-scale rectangle, as described in paragraph 4(ii) of Conservation Measure 41-01. Therefore, in the view of Russia, the *Volna* complied with Conservation Measure 41-01.

2.6 Russia also noted that other Members of the Commission had experienced difficulties in the interpretation of Conservation Measure 41-01, as reported in CCAMLR-XXII/BG/8 Rev. 1, page 6.

2.7 France reported the apprehension of the Seychelles-flagged *Lince* and the sightings of the Seychelles-flagged *Praslin*, the Uruguayan-flagged *Lugalpesca* (CCAMLR-XXII/BG/10) and the Belize or Togo-flagged *Lome*, previously known as *Noemi*.

2.8 France also noted three recent trends in the strategies adopted by IUU operators:

- (i) more frequent transshipments at sea in order that catches can be unloaded in ports which are closer to Asian markets and where no inspections are conducted;
- (ii) the increased use of false catch documents and VMS records;
- (iii) IUU activity extending to the areas around the Antarctic continent.

2.9 South Africa reported information on the sightings of the Seychelles-flagged *Praslin*, the Uruguayan-flagged *Lugalpesca* and the *Viarsa I* in the South African EEZ inside Subarea 58.7, close to Prince Edward Island in early December 2002. South Africa also reported on subsequent actions regarding the vessel *Viola* which had unloaded toothfish in Beira, Mozambique, during the 2001/02 intersessional period.

Current Levels of IUU Fishing

2.10 The Chair of the Scientific Committee advised SCIC that the Working Group on Fish Stock Assessment (WG-FSA) had reviewed estimates of IUU catches which had been submitted by the Secretariat (SCIC-03/5 Rev. 1). The deterministic method presently used by the Secretariat to estimate IUU catches was the same method as the Working Group has used in previous years. This method used information submitted by Members on a number of vessels sighted and information on fishing trips and catch rates derived from CCAMLR data on licensed vessels.

2.11 These estimates of IUU catches for the period from 1 December 2002 to 1 October 2003 were then pro-rated to the end of the season (30 November 2003).

2.12 The Committee received information from the Chair of the Scientific Committee on IUU catches in the 2001/02 and 2002/03 seasons and noted that:

- (i) the estimated total IUU catch (10 070 tonnes) indicates that there may have been a slight reduction in the total IUU catch in the Convention Area in the 2002/03 fishing season. However, this remained much higher than was sustainable given the current knowledge of toothfish populations in the Convention Area;
- (ii) high-seas catches reported from Area 47 have increased for the past three years (76 tonnes in 2000/01, 655 tonnes in 2001/02 and 2 852 tonnes so far in 2002/03);
- (iii) catches in Areas 51 and 57 were lower in the 2002/03 fishing season than in the 2001/02 fishing season (3 643 tonnes in 2002/03 compared to 10 620 tonnes in 2001/02 in Area 51 and 858 tonnes in 2002/03 compared to 3803 tonnes in 2001/02 in Area 57), but this might be because of incomplete data reporting;
- (iv) some of the catches reported via the CDS may represent IUU catches from the Convention Area, misreported as coming from high seas outside the Convention Area.

2.13 The Committee also noted the advice of the Scientific Committee that levels of mortality arising from IUU fishing in the Convention Area continue to be unsustainable for populations of albatrosses, giant petrels and white-chinned petrels breeding in the Convention Area. Many albatross and petrel species are facing potential extinction as a result of longline fishing. The Committee endorsed the Scientific Committee's request that the Commission continue to take urgent action to prevent further seabird mortality by unregulated vessels in the forthcoming fishing season (SC-CAMLR-XXII, Annex 5).

2.14 The Republic of Korea shared the overall concern with catches coming from Area 57 and the possibilities of IUU fishing outside the Convention Area. Korea advised that its flag vessels had been fishing in FAO Areas 51 and 57 since 2000 and that it was willing to make VMS records, and any information to support the fishing locations of its flag vessels, available to all CCAMLR Members if required. In addition, Korea noted that these vessels applied for exploratory fishing to be conducted in the forthcoming season.

Procedures for Estimation of IUU Catches

2.15 The Chair of the Scientific Committee advised that the current method for estimating IUU catches used by the Secretariat could be improved by taking explicit account of both 'seen' and 'unseen' IUU vessels, using a simulation model to arrive at statistically rigorous estimates and confidence intervals of catches by IUU vessels. Such an approach was tested based on data from Subarea 48.3 and presented to WG-FSA last year (WG-FSA-02/4). SCIC was also informed that WG-FSA had also noted the utility of CDS data in tracking trends in catches of toothfish, and urged any future Joint Assessment Group (JAG) to incorporate other data, such as trade data, to cross-check the amount of toothfish that is currently being traded with catch documents (SCIC-03/13 Rev. 1).

2.16 The Committee noted that these issues have been included in the Terms of Reference developed by JAG and submitted for consideration and approval to the Commission (SCIC-03/13 Rev. 1).

IUU Vessel Lists

2.17 The Committee considered a Provisional IUU Vessel List for Contracting Parties and a draft IUU Vessel List for non-Contracting Parties prepared by the Secretariat in accordance with Conservation Measures 10-06 and 10-07 (CCAMLR-XXII/47 Rev.1). The Committee took into account that all information relating to the compilation of the draft List of Contracting Party Vessels by the Secretariat had been circulated to Members before 30 July 2003 as required in accordance with Conservation Measure 10-06, paragraph 7. Additional information received from Members less than 30 days before CCAMLR-XXII was placed on the CCAMLR website and Members notified accordingly. More information submitted by Members at the time of the meeting was provided in CCAMLR-XXII/BG/23 and BG/24, SCIC-03/15, 16, 17 and 18.

2.18 In accordance with Conservation Measures 10-06 and 10-07, the Committee examined the lists and prepared Proposed IUU Vessel Lists for consideration by the Commission (Appendix III). Each vessel was considered separately taking into account all information submitted by Members and comments received from Flag States both intersessionally and during the meeting. In cases where a vessel had subsequently changed its flag or has been deregistered, the vessel was listed according to the current flag and name, whilst also indicating the flag and name under which it was sailing at the time the IUU incident was reported.

2.19 A summary of the Committee's discussions is given below for each vessel included in the Provisional IUU Vessel List for Contracting Parties and the draft IUU Vessel List for non-Contracting Parties. Flags of the vessels in the following paragraphs are given at the time of the reported incident.

Contracting Party Vessels

Santo Antero (Portugal)

2.20 In 2002, the Department of Fisheries, Mozambique, reported that the vessel had unloaded toothfish on 21 February and 6 March 2002 in Maputo, Mozambique. The vessel was not in possession of a catch document.

2.21 The European Community advised that it had initiated an investigation to ascertain the vessel's whereabouts during the relevant period. The Portuguese authorities had examined the vessel's fishing logs and documentation relating to the catches, and determined that the species unloaded was a highly migratory species such as tuna. The European Community circulated copies of correspondence exchanged with Mozambique authorities where the latter indicated that they could not reliably confirm that the catch unloaded was toothfish (SCIC-03/17).

2.22 In consequence, the Committee recommended that *Santo Antero* be removed from the Provisional List of Contracting Party Vessels.

Eternal (Netherlands – registered in Netherlands Antilles)

2.23 On 10 January 2002, an Australian research vessel sighted and photographed a vessel in Division 58.4.2. The vessel identified itself as the Mauritanian-flagged *Kambott*. The vessel was later identified in an independent marine engineer's report as the *Arvisa I*, which was subsequently renamed the *Eternal*.

2.24 The *Eternal* was apprehended on 19 July 2002 by France for fishing in the French EEZ inside Division 58.5.1. France advised that after the apprehension, the vessel had been seized by French authorities. If France eventually decides to scuttle the *Eternal*, it shall in due course propose to remove the *Eternal* from the List of Contracting Party Vessels.

2.25 On 13 January 2003, the Netherlands authorities sent a report to CCAMLR on the decision to cancel the vessel's registration and the date of expiry of its provisional licence.

2.26 The Committee recommended that the *Eternal* be retained on the Provisional List of Contracting Party Vessels.

Dorita (Uruguay)

2.27 On 10 January 2002, an Australian research vessel sighted and photographed a vessel in Division 58.4.2. The vessel identified itself as the Ghanaian-flagged *Nova Tuna I*. On the same day, the Australian research vessel sighted fishing gear in the water within the area. The identification of the vessel was later verified in an independent marine engineer's report as the *Dorita*.

2.28 Uruguay advised that an investigation conducted by Uruguay found that positions reported by the Australian research vessel did not correspond with Uruguay's VMS records for the *Dorita*. Uruguay also advised that the *Dorita* had been subject to a port inspection in December 2001 which indicated that the vessel did not have global positioning system (GPS) equipment installed in its buoys. Uruguay also advised that, between 5 and 7 February 2002, the *Dorita* had transited the northeast boundaries of Divisions 58.5.1 and 58.5.2. Uruguay advised that, according to VMS data available to Uruguay, the vessel had been located in FAO Statistical Area 57 at the time of the January 2002 sighting. Uruguay confirmed that the *Dorita* had subsequently unloaded toothfish in Mombassa, Kenya, and that a port inspection conducted at that time showed that the seal placed on the vessel's VMS had not been tampered with. Uruguay believed that photographic evidence presented by Australia did not prove beyond reasonable doubt that the vessel photographed on 10 January 2002 was the *Dorita*.

2.29 Most Members were not convinced by the arguments offered by Uruguay.

2.30 Uruguay informed the Committee that it did not renew a fishing licence to the *Dorita*, since it belonged to the same owner as the *Viarsa I*. Uruguay also forwarded an official document informing that on 17 October 2003 the vessel dropped the flag and is now flagged to St Vincent and the Grenadines and has been renamed *Magnus*.

2.31 The Committee recommended that the *Dorita/Magnus* be retained but moved to the draft List of Non-Contracting Party Vessels.

Lugalpesca (Uruguay)

2.32 The Committee considered information dated February 2002 from Seychelles which reported that the vessel *Lena* (now *Alos*) had entered Division 58.5.1 for the purpose of delivering spare parts to the Uruguayan-flagged vessel *Lugalpesca*.

2.33 Uruguay noted that VMS data available to Uruguay showed that the vessel had been located in FAO Statistical Area 51 on 2 and 3 December 2002. On 15 January 2003, Uruguay advised that this vessel had no licence to fish inside the Convention Area and it had not received any information from the vessel regarding mechanical problems. Uruguay proposed that the vessel be maintained in the List of Contracting Party Vessels, stating that it will be thoroughly inspected and the crew interrogated during the next port call.

2.34 France advised that the *Lugalpesca* had also been sighted, pursued and photographed inside Division 58.5.1 on 4 June 2003 (SCIC-03/18).

2.35 In view of the above, the Committee recommended that the *Lugalpesca* be retained on the Provisional List of Contracting Party Vessels.

Viarsa I (Uruguay)

2.36 South Africa advised that France had sighted the *Viarsa I* on 3 December 2002 in the South African EEZ inside Subarea 58.7 and consequently informed South Africa which reported the incident to the CCAMLR Secretariat. France advised that it had also sighted the *Viarsa I* on 21 December 2002 in the French EEZ inside Division 58.5.1 (SCIC-03/18).

2.37 Uruguay advised that it had not received any factual information relating to the sighting in Subarea 58.7 and therefore did not believe that the sighting necessarily constituted fishing activity. Uruguay advised that on 28 January 2003 the vessel had unloaded toothfish in Port Louis, Mauritius, in the presence of a Uruguayan inspector and that the inspection showed no irregularities. The vessel was therefore provided with a catch document and landing certificate.

2.38 Additionally, the *Viarsa I* had been sighted on 7 August 2003 by Australian authorities for IUU fishing in the Australian EEZ inside Division 58.5.2. The vessel was pursued and subsequently apprehended on 28 August 2003.

2.39 Uruguay confirmed and acknowledged irregularities in the vessel's VMS reports at the time of its apprehension. It advised the Committee that it would continue to cooperate and would clarify information concerning the *Viarsa I* where possible. Uruguay reiterated its respect for CCAMLR and for international law.

2.40 The Committee recommended that the *Viarsa I* be retained on the Provisional List of Contracting Party Vessels.

Lena (Russia)

2.41 The *Lena* had been apprehended by Australian authorities on 6 February 2002 for IUU fishing in the Australian EEZ inside Division 58.5.2.

2.42 Russia advised that the vessel should not be listed as a Russian-flagged vessel as it had been deleted from the Russian vessel register in connection with the apprehension and forfeiture by Australia. Australia advised that the vessel had since been scuttled.

2.43 The Committee recommended that the *Lena* be removed from the Provisional List of Contracting Party Vessels on the basis that it had been scuttled following prosecution under Australia legislation.

Volga (Russia)

2.44 The *Volga* had been apprehended by Australian authorities on 7 February 2002 outside the Convention Area following a hot pursuit after being sighted fishing in the Australian EEZ inside Division 58.5.2.

2.45 Russia noted that legal proceedings in Australia were still pending and stated that it would be inappropriate for the vessel to be included on the list until the outcome of the case. Russia also advised that the vessel was anticipated to be deleted from the Russian registry in the near future and that if prosecuted, the vessel would not engage in any fishing activities.

2.46 In response, other Members of the Committee observed that a decision on the vessel should be taken based solely on provisions of Conservation Measure 10-06. These Members also observed that a vessel should remain on the list unless the relevant Party can fulfil the conditions set out in paragraph 10 of Conservation Measure 10-06.

2.47 In view of the lack of consensus, the Committee failed to make a recommendation to remove the *Volga* from the Provisional List of Contracting Party Vessels. The matter was referred to the Commission.

Strela and Zarya (Russia)

2.48 The *Strela* and *Zarya* had been reported by the Department of Marine and Fisheries, Indonesia, to have unloaded toothfish in Jakarta, Indonesia, in September 2002. Whilst the Indonesian authorities reported that the vessels had presented fishing licences and catch documents, the Secretariat reported that it had never received any such information on the vessels, including whether catch documents were ever issued to them either by Bolivia or Russia.

2.49 Russia believed that the report received from Indonesia was incorrect for the following reasons: (i) it contained wrong dates for entering port for both vessels; (ii) it alleged that vessels were in possession of catch documents although Russia had never issued such documents; and that (iii) a Russian officer had certified the landings although this certainly had not been the case.

2.50 Russia provided the Committee with the names of the new and previous owners. The contract for purchasing the vessels had been concluded on 27 July whilst the vessels were still at sea. The contract did not include the purchase of any fish which may have been on board. The fish on board both vessels were subsequently unloaded and taken possession of by the previous owners. Therefore the new Russian captain and crew had nothing to do with the cargo. Russia realises that under international law it is responsible for vessels which it reflags, but the abovementioned circumstances clearly demonstrated that Russia had nothing to do with toothfish on board these vessels. Russia also offered to make documentation regarding the ownership and change of flag of these vessels available to the Commission.

2.51 Additionally, Australia submitted information on a vessel sighted inside the Australian EEZ of Division 58.5.2 on 27 June 2003. An independent marine engineer's report had identified the vessel as the *Strela*.

2.52 Russia advised that it wished to conduct an independent investigation of its own and requested Australian authorities to provide the relevant documentation. Russia further stated that it was in possession of documentation contradicting the Australian sighting report and offered to make it available to the Commission.

2.53 In view of the lack of consensus, the Committee failed to make a recommendation to remove the *Strela* and the *Zarya* from the Provisional List of Contracting Party Vessels. The matter was referred to the Commission.

Draft List of Non-Contracting Party Vessels

Lince (Seychelles)

2.54 The *Lince* had been apprehended by France for IUU fishing in the French EEZ inside Division 58.5.1. Seychelles advised that the vessel had been deregistered on 13 March 2003. France advised that the vessel is now the property of the Government of France, that it has been renamed *Osiris* and will be utilised as a patrol vessel in future (SCIC-03/18).

2.55 In view of the new status of the vessel, the Committee recommended that the *Lince* be removed from the draft List of Non-Contracting Party Vessels.

Noemi (Belize)

2.56 South Africa advised that the Belize-flagged vessel *Noemi* had unloaded toothfish in Beira, Mozambique, in September 2002. The vessel had not been in possession of a catch document. The vessel had subsequently entered the Port of Durban, South Africa, where electronic logbooks had been examined by South African authorities. These showed the vessel to have fished within Division 58.5.1. France confirmed these facts.

2.57 Belize was advised that the vessel had been included on the draft List of Non-Contracting Party Vessels. Belize responded that the vessel had been deleted from the Belize registry. In any case, Belize believed that the vessel should not remain on the draft

List of Non-Contracting Party Vessels as no evidence had ever been submitted to the Belizean authorities in respect of the incident. Belize also noted that it had made repeated requests to South African authorities in this regard.

2.58 In addition, France advised that on 21 October 2003 a vessel believed to be the *Noemi*, but at the time identifying itself as the *Lome*, had been sighted inside Division 58.5.1 (SCIC-03/18).

2.59 The Committee recommended that the *Noemi/Lome* be retained on the draft List of Non-Contracting Party Vessels.

Notre Dame (Bolivia)

2.60 The *Notre Dame* had been reported to have unloaded toothfish in March 2002 in Mozambique without a catch document. Bolivia was advised that the vessel had been included on the draft List of Non-Contracting Party Vessels. No response had been received.

2.61 The Committee recommended that the *Notre Dame* be retained on the draft List of Non-Contracting Party Vessels.

Praslin (Seychelles)

2.62 In December 2002, the *Praslin* had been sighted by French authorities inside the South African EEZ in Subarea 58.7. The vessel had been pursued, video footage taken and fishing gear found in the water (SCIC-03/18).

2.63 The Flag State had deregistered the vessel in March 2003 and had not confirmed the catch document with a view to rejection of the landing. The Committee was advised that the *Praslin* had been renamed *Lucky Star* and had reflagged to Equatorial Guinea.

2.64 Equatorial Guinea had been advised that the vessel had been included on the draft List of IUU Vessels. No response had yet been received.

2.65 The Committee recommended that the *Lucky Star* (ex *Praslin*) be retained on the draft List of Non-Contracting Party Vessels.

Alos – ex Lena (Ghana – ex Seychelles)

2.66 The vessel, whilst flagged to Seychelles, had been reported to have been inside Subarea 58.6 and Division 58.5.1 during December 2002. Under its new flag of Ghana, the vessel had also been sighted engaging in fishing activities in the Australian EEZ inside Division 58.5.2 on 21 September 2003 (SCIC-03/18).

2.67 Ghana was advised that the vessel had been included on the draft List of IUU Vessels. No response had yet been received.

2.68 The Committee recommended that the *Alos* be retained on the draft List of Non-Contracting Party Vessels.

Inca – ex Viking (Belize – ex Seychelles)

2.69 The European Community submitted information (CCAMLR-XXII/BG/24) from evidence gathered from the apprehension of the *Lince*, that the Seychelles-flagged vessel *Viking* had supplied it with fuel.

2.70 The European Community also advised that, according to the document SCIC-03/12, a cargo of 93.342 tonnes of undocumented toothfish was on board the *Viking* during its call to Mauritius on 3 March 2003.

2.71 In view of the lack of consensus, the Committee failed to make a recommendation to remove the *Inca/Viking* from the draft List of non-Contracting Party Vessels. The matter was referred to the Commission.

2.72 In conclusion, the Committee prepared for submission to the Commission a Proposed IUU Vessel List for Contracting Parties and a Proposed IUU Vessel List for non-Contracting Parties and recommended them for approval by the Commission according to the comment expressed in the last column of the Proposed Lists given. These are provided in Appendix III.

Additional Information submitted to the Committee

2.73 Some Members submitted new information to the Committee in respect of a number of other Contracting Party vessels (CCAMLR-XXII/BG/23, BG/24 and SCIC-03/18). In accordance with Conservation Measure 10-06, paragraph 8, these vessels were not proposed for inclusion in the Provisional List of Contracting-Party Vessels.

2.74 The Committee recommended that Members note the names of those vessels and pay particular attention to their future activities. The vessels mentioned are listed in the following paragraphs (CCAMLR-XXII/BG/23). In cases of deregistering such vessels, Flag States should also inform the Commission and provide as much information as possible in respect of the reflagging and ownership of the vessel.

2.75 The European Community mentioned that a vessel sighted by a French patrol vessel near the CCAMLR Convention Area had identified itself as *Antic 5*, flagged to Panama, but whose sighting showed the name *Atlantic 52* and the Port of Montevideo. However, Uruguay believed that the information provided in CCAMLR-XXII/BG/23 did not correspond with information provided by Uruguay. In particular, Uruguay noted that the call sign reported by the European Community did not correspond with that recorded in the Uruguayan registry. Uruguay advised that it was willing to obtain further information to complement corresponding actions.

2.76 The European Community referred to CCAMLR-XXI, paragraph 8.40, and asked if any information in respect of the current or future flag registration and ownership of the

vessels *Austin-1*, *Boston-1*, *Champion-1*, *Darvin-1*, *Eva-1* and *Florens-1* could be made available to the CCAMLR Secretariat for inclusion in the CCAMLR Vessel Database. The Committee agreed with this approach.

2.77 Australia submitted information in respect of the Russian-flagged *Florens-1* which had refuelled the *Lena* in the course of a sighting and pursuit during February 2002. Australia proposed that the *Florens-1* be included in the Provisional IUU List of Contracting Party Vessels. Australia also reiterated the names of another five Russian-flagged vessels: *Austin-1*, *Boston-1*, *Champion-1*, *Darvin-1* and *Eva-1* (CCAMLR-XXI, paragraph 8.40).

2.78 Russia objected to reference being made to the six abovementioned Russian-flagged vessels in the report of the Committee. Russia stated that discussion concerning these vessels was not in accordance with Conservation Measure 10-06, paragraph 8, and that Australia had not submitted any written information concerning their activities. Russia advised that, in any case, the six vessels were soon to be sold and deregistered. The Committee urged Russia to provide as much information as possible, under the relevant Flag State legislation, on the reflagging and new ownership of these vessels.

2.79 The proposal of Australia relating to the vessel *Virgin of Carmen* (CCAMLR-XXII/47 and SCIC-03/16) was not considered by the Committee. At the time of adoption of the report, some Members expressed the view that the situation of the vessel was still unclear and needed further investigation.

2.80 To improve the capacity of the Commission to combat IUU fishing, Australia urged Contracting Parties, when submitting proposals to add vessels to the CCAMLR list of IUU vessels, to also make all relevant information available where known. In particular, to provide, where known:

- (i) vessel flag and name (including history of any change to flag and name);
- (ii) Lloyds/IMO number;
- (iii) details of reports and allegation(s) of involvement in IUU activity;
- (iv) names of responsible officers and crew of vessels;
- (v) details of the operator/charterer of the vessel;
- (vi) details of the owner of the vessel, if not the operator;
- (vii) details of the beneficial owner or any other party with a beneficial or controlling interest in the vessel and/or its catch;
- (viii) information on landings, transshipments, trade in products derived from alleged IUU activities.

2.81 The Committee acknowledged that the process of considering the IUU lists was new and therefore urged relevant Parties to make all information available promptly in written form in respect of future deliberations.

III. REVIEW OF COMPLIANCE AND IMPLEMENTATION-RELATED MEASURES AND POLICIES

Joint Assessment Group

3.1 Following discussions at CCAMLR-XXI (paragraphs 8.10 to 8.14), a meeting of JAG was held at the CCAMLR Headquarters on 23 and 24 October 2003.

3.2 The meeting, chaired by the Convener of the Group, Mr E.S. Garrett (USA), was attended by the Chair of the Scientific Committee, the Chair of SCIC and the Conveners of WG-FSA and ad hoc WG-IMAF. The meeting was also attended by representatives from Australia, Brazil, European Community, Japan, New Zealand, Russia, Spain, Ukraine and the UK.

3.3 A report of the meeting was submitted by the JAG Convener and considered by the Committee. A copy of the report is provided in SCIC-03/13 Rev. 1.

3.4 The Committee noted that at its first meeting, JAG agreed that it would have an ad hoc status, subject to further consideration by SCIC, the Commission and the Scientific Committee. A recommendation was also noted that membership of the ad hoc group should be open-ended and, in particular, include representatives from the Scientific Committee, WG-FSA, ad hoc WG-IMAF and SCIC.

3.5 Ad hoc JAG had developed proposals for Terms of Reference and Procedures for its work. It had also developed a work plan in order to develop:

- methods for estimating total removals of toothfish;
- a comparative methodology for determining compliance with conservation measures.

3.6 In particular, the Committee noted that ad hoc JAG had reiterated the importance of combining input from both the Scientific Committee and SCIC in assessing total removals and recommended that the Commission, at its current meeting, should determine, in close consultation with the Chair of the Scientific Committee and the Conveners of WG-FSA and ad hoc WG-IMAF, how best to further progress these matters. Furthermore it was noted that ad hoc JAG recommended that SCIC should pay particular attention to the task of conducting a risk assessment of the accuracy of estimating IUU fishing within ocean-basin areas to determine what changes to current fisheries-management procedures might occur given different plausible levels of IUU catches that might arise from refined assessments.

3.7 The Committee observed that some items of the proposed Terms of Reference and work plans relate to compliance-related issues which are within the competence of SCIC. Work on other items would involve experts in both compliance and scientific matters.

3.8 It was also observed that the proposed terms of reference and work plans include both non-recurrent and recurrent tasks. Work on the development of methods for estimating total removals and evaluating compliance with conservation measures would be non-recurring tasks, whereas estimation of total removals and evaluation of compliance with conservation measures would be recurring tasks.

3.9 The Committee considered the terms of reference prepared by ad hoc JAG and, with minor editorial changes (SCIC-03/13 Rev.1), recommended them for adoption by the Commission subject to the following specific recommendations:

- (i) development of a comparative methodology for determining compliance with conservation measures should reside within the competence of SCIC;
- (ii) development of methods for estimating total removals would require input from both experts of SCIC and the Scientific Committee; therefore it could be accomplished by ad hoc JAG or any other subsidiary body established by the Commission and the Scientific Committee for this purpose;
- (iii) the recurrent estimation of total removals would require the establishment of a subsidiary body with a defined status, membership and work arrangements, including the timing of its meetings;
- (iv) the evaluation of compliance with conservation measures by means of the methodology consequently adopted by the Commission would be accomplished by SCIC with participation of experts from the Scientific Committee when required;
- (v) SCIC may need to establish a special working group to deal with this task during its annual meetings;
- (vi) the Commission needs to consider allocation of additional time to annual meetings of SCIC which would be required for the evaluation of compliance with conservation measures;
- (vii) the work plans developed by ad hoc JAG (SCIC-03/13 Rev. 1) were noted. These should be considered by the Commission as guidelines to assist any subsidiary bodies in their work.

Compliance Evaluation Procedures

3.10 The Chair of the Scientific Committee reported that the Scientific Committee had considered the proposal put forward by the European Community (CCAMLR-XXII/52) for a method of assessing compliance using a score method.

3.11 The comments of WG-FSA were available to SCIC (SC-CAMLR-XXII, Annex 5, paragraphs 5.302 to 5.305 and 6.58 to 6.65). WG-FSA noted that the proposed method of deriving a total compliance score depended on weighting elements of conservation measures. WG-FSA also pointed out that it would be difficult, on presently available information, to comment on priorities and weighting for compliance issues. Often WG-FSA's advice is presented as a package, rather than alternative weighted priorities. However, the proposed procedure of communication between SCIC, the Scientific Committee, WG-FSA and presumably JAG, should be appropriate for exploring these issues.

3.12 The Committee noted that WG-FSA was also concerned that if a threshold total compliance score was less than 100%, this could result in fishers trading off between

conservation measures with different weightings to achieve the threshold score. In addition, the method proposed does not address the problem of distinguishing between non-compliant vessels that fail by a small amount and those failing by a large margin.

3.13 The Committee was informed that WG-FSA was unclear how the total compliance score would be interpreted or used. This is important if the method is to be properly assessed and compared with other potential approaches.

3.14 The European Community advised that it will continue to develop this proposal during the intersessional period in consultation with Members wishing to take part in this project.

3.15 The Committee noted that the issue of developing a methodology for evaluating compliance with conservation measures is included in terms of reference developed by the ad hoc JAG.

Conservation Measures in Force

3.16 The Committee considered information prepared by the Secretariat on compliance with conservation measures in force. Details of compliance with fisheries management measures and data submission were given in CCAMLR-XXII/BG/8 Rev. 1, along with details of compliance with enforcement-related conservation measures in CCAMLR-XXII/BG/16.

3.17 The Committee noted that some delays were still occurring in the submission of fisheries data and that Members reported some operational concerns with the application of Conservation Measure 41-01 relating to catch limit regulations in fine-scale rectangles (CCAMLR-XXII/BG/8 Rev. 1, Tables 2 and 3).

3.18 Namibia, New Zealand, UK and Uruguay reported on a number of port inspections conducted in accordance with Conservation Measures 10-03 and 10-05. The flags of the vessels inspected were Australia, Republic of Korea, Netherlands (Netherlands Antilles), South Africa and Uruguay. Namibia reported that it had declined unloading permission to one vessel, the Netherlands Antilles-registered *Virgin of Carmen* in April 2003. No other infractions were reported.

3.19 The Committee noted, in particular, that the Netherlands Antilles had advised in May 2003 that it is now implementing the CDS. Later, the Netherlands Antilles also advised in relation to two of its registered vessels with licences to harvest toothfish, that it had cancelled the registration of the *Eternal* and that the *Virgin of Carmen* had deregistered.

3.20 The Committee also noted that Seychelles, a non-Contracting Party to CCAMLR, had advised that it had withdrawn the licences of all four of its flag vessels licensed to harvest toothfish on the high seas and subsequently had deleted these vessels from its registry. The vessels were the *Lince*, *Praslin*, *Rubin* and *Viking*. The Committee noted that the *Lince* had been apprehended for IUU fishing in Division 58.5.1 during 2003, that the *Praslin* had been renamed *Lucky Star* and had reflagged to Equatorial Guinea. The *Rubin* had been renamed *Typhoon I* and provided with temporary Belize registration which had expired on 29 July 2003 when the vessel reflagged to Togo. The *Viking* had been renamed *Inca* and retained its Belize registration.

3.21 The Committee noted that the CCAMLR Vessel Database has become a resourceful tool for both the Secretariat and Members in the verification of vessels' details reported not only in connection with IUU activities but also according to the requirements of a number of conservation measures in force, such as on vessel licensing, port inspections, VMS, CDS and, when required, notifications for new and exploratory fisheries.

3.22 The Committee noted that, in accordance with Conservation Measure 10-04, 90 reports of vessel movements between areas, subareas and divisions of the Convention Area had been received. The Committee noted with satisfaction that the Republic of Korea, Japan, Poland and Ukraine had also submitted VMS reports in respect of their krill vessels on a voluntary basis.

3.23 The Chair of the Scientific Committee reported on the significant improvement in compliance of vessels with Conservation Measure 25-02, noting that in 2002/03, 14 of the 29 vessels fully complied with all elements of this measure at all times throughout the Convention Area (SC-CAMLR-XXII, Annex 5, paragraph 6.45).

3.24 The Committee noted that this was a significant improvement over the 2001/02 season and urged Members to continue their efforts in order to achieve 100% compliance of all vessels with Conservation Measure 25-02.

3.25 The Committee endorsed the advice of the Scientific Committee that an extension of the fishing season in Subarea 48.3 for those vessels with 100% compliance, if decided by the Commission, should occur in September.

3.26 New Zealand noted that the advice of the Chair of the Scientific Committee referred to paragraph 5.9 of SC-CAMLR-XXII, Annex 5, which describes the failure of one vessel to complete the mandatory research requirements of Conservation Measure 41-01. New Zealand requested the Secretariat provide the Commission during this meeting the full details of the non-compliance described in SC-CAMLR-XXII, Annex 5, paragraph 5.9.

Centralised Vessel Monitoring System

3.27 The Committee considered a proposal submitted by Australia, New Zealand and the USA for CCAMLR to adopt a centralised vessel monitoring system (C-VMS) to be operated by the Secretariat (CCAMLR-XXII/54 and BG/21).

3.28 Australia stated that the objectives of the C-VMS proposal were to;

- (i) promote the integrity of the CDS;
- (ii) support the effective administration of the CCAMLR conservation and management measures;
- (iii) support Flag States exercising control over their vessels;
- (iv) strengthen CCAMLR compliance framework and reduced detection and apprehension costs incurred by States in combating IUU fishing.

3.29 The proposal put forward recommended the provision of VMS data from all vessels wishing to participate in the CDS to the Secretariat located in Hobart. This data would be provided via Flag States, or directly from the vessel if the Flag State so desired. Australia, New Zealand and the USA expressed confidence that the proposal was consistent with international law.

3.30 The USA noted that the remoteness of the fishing area made C-VMS a cost-effective compliance measure and would assist Contracting Parties in focusing resources in their compliance activities.

3.31 There was general support for strengthening the VMS and many Members supported the rationale behind the proposal for a C-VMS.

3.32 Japan stated that although it sympathised with the view of Australia that some actions need to be taken outside the Convention Area in order to eradicate IUU vessels which are diminishing the effectiveness of CCAMLR conservation measures in force with regard to toothfish, Japan did not think, in light of the consistency with the rules of international law, that the Convention allows the Commission's authority to extend beyond the Convention Area. Japan also expressed its concern about possible frictions between the South East Atlantic Fisheries Organisation (SEAFO) or the soon to be established Southern Indian Ocean Fisheries Commission (SIOFC).

3.33 This statement was supported by the Russia and the Republic of Korea.

3.34 Chile expressed that there is no doubt as to the reasons behind the C-VMS proposal. Chile was in complete agreement that a break down in the current system exists. The operation of VMS has not been conducted in the way in which the Members of Commission had anticipated.

3.35 Chile also noted that it is available to provide all information that could be requested by the Secretariat for any of its vessels at any time when any problem arises within the Convention Area.

3.36 New Zealand noted that confidentiality of data was important, but expressed confidence that any concerns could be satisfied. It was also noted that the C-VMS proposal was an extension of the existing VMS and did not diminish Flag State responsibility. New Zealand also noted that C-VMS was in place in many other Regional Fisheries Management Organisations (RFMOs) and should not be considered as something new or contentious.

3.37 Chile noted that many Members of the Commission have successfully implemented CCAMLR conservation measures and that these Members should not be regarded in the same light as Members who have not demonstrated full compliance with conservation measures in force. Chile urged all Members to fully implement all conservation measures. Chile had no problems that its own national VMS was operating successfully and urged other Members to fully apply national VMS in all waters and to provide the Secretariat with technical details of their VMS systems, national VMS protocols and servicing of monitoring centres in order to ensure full compliance with Conservation Measure 10-04.

3.38 Argentina shared in general terms the views of Chile. Argentina believed that, notwithstanding the fact that there have been some infringements, the Commission should

rely on the current VMS system as well as the mechanism of enforcement and sanctioning provided by domestic legislation. The efficiency of this mechanism should be the object of further assessment.

3.39 Whilst Argentina did not favour the establishment of a C-VMS, it recalled that it applies Conservation Measure 10-04 in the Convention Area and on a voluntary basis to its flag vessels fishing on the high seas and in its jurisdictional waters, with the exception of those vessels less than 25 m in length.

3.40 Argentina believed that the treatment of confidential information was a matter of great concern and that it should be taken into account that data provided by a C-VMS could be misused for purposes other than those inherent to the multilateral regime of the Convention, enabling, for example, the development of so-called 'dual-inspections', a standing issue already discussed in previous meetings. In addition, Argentina pointed out that, in order to prevent further infringements, both the System of Inspection and the International Scheme of Scientific Observation should be strengthened.

3.41 In order to have an efficient system to deter IUU fishing, Argentina believed that further consideration could be given to the requirement that a sealed computer and GPS be on board each vessel, recording their position, course and speed at intervals to be determined, thus registering the movements of the vessel. Such information should be conveyed to the CCAMLR Secretariat by the Flag State on arrival in port so that the Secretariat would be in a position to verify the information provided under the CDS. Argentina believed that such a device would prevent misreporting and manipulation of VMS data as well as misuse of VMS information.

3.42 The Committee stressed the importance of ensuring that each Contracting Party's VMS is tamper proof. Investigation of the IUU activities of some vessels had shown that information transmitted by VMS may be tampered with by vessel operators, resulting in deliberate misreporting of vessel positions. The proposed system contains special provisions to detect tampering with VMS units.

3.43 The Committee agreed that the proposed C-VMS should fully comply with international law. The Committee also agreed that the proposed system should not lead to any devolution of Flag State responsibility as established by the UN Convention on the Law of the Sea (UNCLOS). In light of this, some Members of the Committee expressed concern with the intention to apply a C-VMS, even on a voluntary basis, for areas outside the Convention Area. The situation could be further complicated by a requirement to coordinate vessel monitoring with RFMOs (such as SEAFO) in high seas immediately to the north of the Convention Area.

3.44 The USA noted that although compliance with C-VMS in areas outside the Convention Area would be voluntary, access of toothfish to markets of some CCAMLR Members could be restricted to catches by vessels monitored by C-VMS.

3.45 The Republic of Korea noted that up to 12 of its vessels fishing in Area 41 had a low level of by-catch of toothfish. The total by-catch of toothfish by these vessels in 2002 was less than 40 tonnes. Korea requested that these vessels be excluded from a requirement to report VMS data to CCAMLR.

3.46 The USA commented that for vessels outside the Convention Area, a similar provision exists with respect to the application of the CDS for toothfish by-catch (Conservation Measure 10-05, Annex 10-05/A, paragraph A3).

3.47 Japan and the Republic of Korea noted that the proposed C-VMS should incorporate an exemption for krill fishing vessels as contained in the current VMS Conservation Measure 10-04.

3.48 Japan questioned the confidentiality of the VMS information. It stressed the possible risk of leakage of vessel-position information which would be of great value to fishing competitors, notably IUU vessels. Japan stated that the Australian proposal undertook to accommodate Japan's concerns, for which it was thankful, however, there seemed to be a need for the role and function of the CCAMLR staff officer in charge of C-VMS data to be clearly defined.

3.49 Several Members also stressed that it would be necessary to define the role and responsibilities of the Secretariat in order to guarantee confidentiality of C-VMS data. At the same time, Members believed that this task could be accomplished by the Secretariat as it has already successfully and responsibly handled other confidential CCAMLR data.

3.50 Some Members noted the financial costs which the C-VMS would impose on Members of the Commission. Members believed that measures on the elimination of IUU activities in the Convention Area, including C-VMS, are of equal concern to all Members. Members referred to a new system being developed for calculating Members' contributions which could accommodate C-VMS funding. Some Members added that these costs should be defrayed through contributions of all Members as opposed to being carried only by fishing States.

3.51 Australia expressed the belief that the proposal was inexpensive in terms of the potential benefits.

3.52 The Committee also noted that implementation of a C-VMS may require amendments to national legislation and some Members were therefore concerned that the proposed six-month implementation period from adoption might be difficult to achieve.

3.53 It was agreed that the Committee should advise the Standing Committee on Administration and Finance (SCAF), as appropriate, on budget implications of the proposed C-VMS and views expressed by Members on potential ways for financing the implementation and operation of the system.

3.54 The Committee noted the draft Conservation Measure 10-04 presented by Australia, New Zealand and the USA (Appendix IV) and recommended that the Commission undertake further work on the issue.

Proposal to Trial a Daily Catch Reporting System

3.55 The Committee noted CCAMLR-XXII/55 submitted by New Zealand. The paper contained a proposal to trial a daily catch and effort reporting system in Subarea 88.1 in the 2003/04 season. The Committee also noted that daily reporting will be discussed further by

the Commission as part of the development of conservation measures for exploratory fisheries in 2003/04. New Zealand noted that the Secretariat has estimated the cost of a trial daily reporting system in Subarea 88.1 in the 2003/04 season to be A\$30 000.

3.56 Russia stated that in this regard it considered the five-day reporting system to be sufficient for the purposes of the Commission. It stated further that if a decision were taken to implement a daily catch reporting system, it should then be implemented for the whole Convention Area and not only in Subarea 88.1.

System of Inspection

3.57 The Secretariat reported that 27 inspectors had been designated by Australia, New Zealand and the UK during the 2002/03 fishing season. In total, three CCAMLR inspectors designated by the UK were deployed in Subarea 48.3 during the 2002/03 season.

3.58 During the 2002/03 season, eight inspection reports were received from CCAMLR inspectors, all designated by the UK. All inspections took place in Subarea 48.3. The vessels inspected were flagged to Chile, Japan, Russia, South Africa, Spain and the UK. No infractions were reported, except for a report in respect of the UK-flagged vessel *Argos Helena* which reported a possible minor infringement under Conservation Measure 25-02 involving line-weighting requirements.

3.59 The UK noted that the vessel may have infringed Conservation Measure 25-02, but advised that the inspector had acknowledged that difficult at-sea conditions at the time of inspection may have resulted in inaccuracies in measuring longline weights compared with results during an earlier port inspection of the vessel, as well as information from the scientific observer.

3.60 Chile reported on the progress of prosecutions taken in respect of the vessels *Chaval*, *Mar del Sur*, *Ercilla* and *Puerto Ballena* which were found to have infringed CCAMLR conservation measures in force during the period before 1996. Chile advised that no new prosecutions had been initiated since 1996.

3.61 Argentina informed the Committee that the proceeding carried out in relation to an infringement to a conservation measure and Argentine domestic legislation by the vessel *Antartic I* was concluded and that sanctions had been imposed.

3.62 At the time of adopting the Committee's report the UK reminded the Committee that, in accordance with paragraph XII of the System of Inspection, Members should submit written copies of reports about the results of prosecutions and sanctions imposed.

Cooperation with Non-Contracting Parties

3.63 The Secretariat reported on intersessional work in relation to a number of non-Contracting Parties to CCAMLR whose vessels were reported to have engaged in IUU fishing activities in the Convention Area or which were engaged in the harvest of, or trade in, toothfish. Details of intersessional work undertaken is provided in CCAMLR-XXII/BG/17.

3.64 The Committee noted that the People's Republic of China, Mauritius, Seychelles and Singapore cooperate with CCAMLR in the implementation or partial implementation of the CDS.

3.65 The Committee noted that the Hong Kong Special Administrative Region (SAR) has not yet decided to implement the CDS although it has recently implemented trade customs codes in respect of toothfish.

3.66 The Committee noted with concern that Singapore still limits its CDS participation only to export and re-export operations and does not implement it in respect of landings. It was noted that one undocumented landing of toothfish occurred in Singapore during 2002.

3.67 The Committee noted a number of other non-Contracting Parties with flag vessels which have been reported to have engaged IUU fishing in the Convention Area. These were Belize, Bolivia, Equatorial Guinea, Ghana, St Vincent and the Grenadines and Togo.

Cooperation with International Organisations

3.68 The Secretariat briefly introduced several papers on cooperation with international organisations which contained information of relevance to compliance matters. Information was provided in CCAMLR-XXII/9, BG/19, BG/25 and BG/26. The Committee noted information presented in these papers, in particular that the Secretariat had tabled a CCAMLR draft plan of action to prevent, deter and eliminate IUU fishing (CCAMLR-XXII/12 Rev. 1). The draft was prepared in response to a request by the Commission (CCAMLR-XXI, paragraph 8.15).

3.69 The draft had been circulated to Members for comment (COMM CIRC 03/64) and comments had been received from the European Community (COMM CIRC 03/77 and CCAMLR-XXII/12 Rev. 1).

3.70 Whilst the Committee did not have time to consider the draft plan or attached comments in detail, it agreed that the development of such a plan remained a matter of high priority for CCAMLR.

3.71 The Committee recommended that the Commission should consider the Secretariat draft and the attached comments with a view to providing further guidance on its preparation during the forthcoming intersessional period.

IV. REVIEW OF THE CATCH DOCUMENTATION SCHEME

Operation of the Existing CDS with Paper-based Catch Documents

4.1 The Secretariat presented a report on the implementation and operation of the CDS in 2002/03 (CCAMLR-XXII/BG/18 Rev. 1).

4.2 The Committee noted that the non-participation in the CDS by Canada, a CCAMLR Contracting Party, still remains a concern. Following a decision taken by the Commission at

CCAMLR-XXI (CCAMLR-XXI, paragraphs 7.4 to 7.7), a number of Members undertook joint diplomatic action with embassies in Ottawa to persuade Canada to implement the CDS as soon as possible.

4.3 The Observer from Canada advised the Committee that Canada will be implementing the CDS in two phases: (i) the collection of data on toothfish imports will commence in January/February 2004; and (ii) at the same time, domestic regulations relating to the implementation of the CDS will be developed (approximately 8 to 12 months). By the next annual meeting, Canada will be in a position to inform CCAMLR when it will be able to implement the CDS.

4.4 It was also noted that in April 2003 the Netherlands Antilles notified that it is now implementing the CDS. At the request of the Secretariat, the Netherlands later confirmed that its accession to the Convention included the Netherlands Antilles.

4.5 In this respect Argentina stated that references to the Netherlands Antilles in CCAMLR documents should not refer to this territory as being a Contracting Party *per se*.

4.6 The Committee further noted that during the 2003 intersessional period:

- (i) no unloadings of toothfish in non-CDS participating Port States were reported;
- (ii) Bolivia, Hong Kong SAR, Indonesia, Kenya, Mozambique and Sao Tome and Principe were provided with information about the CDS and invited to join CCAMLR in its implementation;
- (iii) a number of non-Contracting Parties were identified as Port States, or States involved in the trade of toothfish and consequently invited to implement the CDS.

4.7 Several points of concern regarding the current operation of the CDS were identified by the Secretariat. Most of these have been resolved in consultation with national CDS Contact Officers.

4.8 In general, the Committee agreed that in order to maintain the required performance some CDS procedures should be improved (see paragraphs 4.23 to 4.25).

Annual CDS Summary Reports

4.9 The CDS Summary report for 2003 was submitted in SCIC-03/7. The format and content of the summary was improved as agreed by the Commission last year (CCAMLR-XXI, paragraph 7(i)).

4.10 The Secretariat drew to the attention of the Committee that in accordance with standard trade data reporting practices, the period used for CDS reporting is the calendar year. Therefore, the dataset presented for 2003 is incomplete. Furthermore, some CDS data received and entered into the CDS database in the most recent months of 2003 have not yet been validated.

4.11 Since 2002, new requirements for data originators to report more detail in the 'area caught' field on the catch document has resulted in an increase in records which report fishing in more than one subarea. This created an additional source of uncertainty in reporting the weight of landed fish together with subsequent exports and imports.

4.12 National trade statistics, where available, had also been collected by the Secretariat. Statistics had been collected for the USA, Canada, European Community and Japan. It was noted that differences in reporting periods, sources, definitions of exporters and importers, species identification and the failure to use harmonised custom codes may result in major discrepancies between national trade statistics and CDS data. A number of other sources of such discrepancies had also been mentioned at the meeting of ad hoc JAG held on 23 and 24 October 2003.

Publication of CDS Summary Data

4.13 At CCAMLR-XXI, the Commission agreed that a standard set of summary CDS data should be developed and this should be annually published by the Secretariat as part of the *Statistical Bulletin* or placed on the CCAMLR website. The development of such a dataset should involve consultations with other international organisations in order to obtain their views on what type of data reporting they might require for their work (CCAMLR-XXI, paragraph 7.11(ii)).

4.14 The Secretariat subsequently prepared a draft content and format of CDS summary statistics for publication in the *CCAMLR Statistical Bulletin*. As requested, it was forwarded for comments to the following international and non-governmental organisations: FAO, SEAFO, ICCAT, IATTC, IOTC, CCSBT, SCAR, IUCN, UNEP, WTO and ASOC.

4.15 These organisations were requested to respond by 1 September 2003. However, only one response had been received from IATTC by that time, to advise that it had no comment. Subsequently no more changes have been made to the original draft. This was presented in SCIC-03/8.

4.16 The Committee noted that by the time of CCAMLR-XXII, comments were also received from IUCN (CCAMLR-XXII/BG/26).

4.17 The Committee was not able, within the time available, to consider the proposed draft. It was agreed that the proposed draft content and format for publication of CDS summary statistics should be discussed by the Commission at its current meeting.

Draft Rules of Access to and Use of CCAMLR Data

4.18 The Committee noted that the Secretariat had tabled papers dealing with revision of the general rules of access to and use of CCAMLR data (CCAMLR-XXII/8 Rev. 1) and on CCAMLR data handling and security (CCAMLR-XXII/13). Both papers were produced in response to requests from the Commission at its last meeting (CCAMLR-XXI, paragraphs 4.67, 4.68 and 4.70 respectively).

4.19 The Committee also noted the ‘Current Rules of Access to Catch Documentation Scheme Data’ (SCIC-03/09).

4.20 New Zealand had provided comments in support of the Secretariat’s paper (CCAMLR-XXII/8 Rev. 1, Attachment).

4.21 The draft rules had also been referred to WG-EMM, WG-FSA and the Scientific Committee for comment. At the time of the Committee’s meeting, only WG-EMM had considered the matter (SC-CAMLR-XXII, Annex 4, paragraphs 7.15 to 7.17) and offered no substantive comment.

4.22 Taking the above into account, the Committee agreed that further development of the draft rules may be necessary. Under these circumstances, it also advised the Commission that account would need to be taken of the ‘Current Rules of Access to Catch Documentation Scheme Data’ (SCIC-03/09) to ensure that their provisions were taken into consideration in any future elaboration of the rules.

Proposals for Improving Operation of CDS

4.23 At CCAMLR-XXI, the Commission agreed that catch document validation and verification procedures should be standardised for all Parties to the CDS at all points of the trade cycle (CCAMLR-XXI, paragraph 7.11(ix)).

4.24 The Committee considered a number of proposals for improving operation of the CDS submitted by the USA (SCIC-03/6). In particular, the USA noted two examples outlined in CCAMLR-XXII/BG/17 ‘Cooperation with Non-Contracting Parties on the Implementation of the CDS and IUU-related Measures’ which illustrated the need for the proposed changes to Conservation Measure 10-05 concerning the landing authority within a port that has implemented the CDS.

4.25 The Committee was not able, within the time available, to consider the proposed draft in full. After consultation, the Committee agreed on a proposed amendment to Conservation Measure 10-05 which would clarify certification procedures for landings and could be further developed at this Commission meeting (Appendix IV). The proposal would require amendments to Conservation Measure 10-05, Annex 10-05/A, paragraphs A5(ii, iii) and A9(i, ii). The Committee agreed to recommend to the Commission that this matter be further considered.

Electronic Web-based CDS Development and Trial

4.26 The Secretariat presented a report on the development and trial of the electronic web-based CDS (E-CDS) (CCAMLR-XXII/53). This system was developed using software specifically written and for which the Secretariat has proprietary rights. The E-CDS program comprises a module for the issue of and access to electronic *Dissostichus* catch documents (E-DCDs) via a web interface. This system also used a 128 bit secure socket layer (SSL) encryption process, equivalent to that used by banking websites.

4.27 E-CDS participants had been selected so as to represent many different scenarios of landing/transshipment/trade (CCAMLR-XXI, paragraph 7.18). The following Members were selected and invited to take part in the trial:

- Flag States: Australia, Chile, South Africa and the UK (overseas territories);
- Port/Export States: Australia, Chile, South Africa, Spain and the UK (overseas territories);
- Import States: Japan and the USA.

However, for operational reasons, some of the selected Members were not able to participate in the trial.

4.28 Feedback from participants in the trial was generally positive, with E-CDS users finding it no more difficult than the paper-based CDS system.

4.29 The Committee agreed to a number of improvements to the E-CDS system. These include:

- developing means for automatic notification of relevant CDS Contact Officers in the next link in the trade chain for each of the DCD operations involved;
- the inclusion of all national customs codes used in the trade of toothfish;
- expansion of language options to cover French and Russian;
- translation of the *E-CDS User Manual* into French, Russian and Spanish.

Establishment of a Full-scale E-CDS

4.30 The Committee considered the results of the trial and felt that the period the E-CDS was in operation and limited number of landing, transshipment, export and import operations processed were insufficient in order to recommend a full-scale implementation of the system.

4.31 The Committee agreed to recommend to the Commission that the trial period continue for another year, with all Parties wishing to participate being involved.

4.32 At the same time, the Committee recommended that the Commission and SCAF approve a proposed budget for continued development of E-CDS and hardware requirements as detailed in CCAMLR-XXII/53.

V. SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

5.1 A summary of all scientific observation programs undertaken in accordance with the scheme was given in SC-CAMLR-XXII/BG/16.

5.2 A total of 37 longline and 10 trawl finfish cruises had been conducted within the Convention Area during the 2002/03 season, with national and international scientific observers on board all vessels. A further six observation programs had been conducted on board trawl vessels fishing for krill in Subarea 48.3.

5.3 The Committee noted the advice from the Scientific Committee on a number of improvements to observer logbooks and the cruise report format.

VI. OTHER BUSINESS

6.1 New Zealand requested that the Secretariat record the details of vessels notified as intending to participate in new and exploratory fisheries and the dates on which these details were received. New Zealand requested that this information be provided to the Commission at this meeting.

6.2 Argentina stated that it reserves its legal position with respect to the incorrect references made at the Committee's meeting, both in documents and in presentations, made to the territorial status of the Malvinas, South Georgia and the South Sandwich Islands. Argentina reasserted its sovereignty rights over these islands and the surrounding maritime areas.

6.3 The UK had noted Argentina's statements relating to references in SC-CAMLR-XXII, Annex 5, and elsewhere. The UK position on this issue is well known: the UK has no doubts about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.

6.4 Argentina rejected the views expressed by the UK and reiterated its position.

VII. ELECTION OF THE VICE-CHAIR OF THE COMMITTEE

7.1 Australia nominated Ms V. Carvajal (Chile). This was supported by Argentina, New Zealand and Spain.

VIII. ADVICE TO THE COMMISSION

8.1 A summary of advice to the Commission is given below. It should be read in conjunction with the report.

8.2 The Committee made the following recommendations that the Commission:

Impact of continued IUU activities in the Convention Area –

- (i) note estimates of IUU catches prepared by the Secretariat as reviewed and commented on by the Scientific Committee (paragraph 2.12);

- (ii) endorse the Scientific Committee's request that Members continue to take urgent action to prevent seabird mortality in unregulated vessels in the forthcoming season (paragraph 2.13);

Proposed IUU Vessel Lists for Contracting and non-Contracting Party Vessels –

- (iii) remove vessels from the lists as recommended in paragraphs 2.22, 2.31, 2.43 and 2.55;
- (iv) retain vessels on the lists as recommended in paragraphs 2.26, 2.35, 2.40, 2.59, 2.65 and 2.68;
- (v) consider the status of vessels for which the Committee failed to make recommendations (paragraphs 2.47, 2.53 and 2.71);
- (vi) consider for approval the Proposed IUU Vessel Lists (paragraph 2.72);
- (vii) note the names of vessels listed in paragraphs 2.75 to 2.77 and request Members to pay particular attention to their future activities (paragraph 2.74);
- (viii) urge Parties to make all vessel information available promptly and in written form in respect of proposals for future revisions of vessel lists (paragraph 2.81);

Review of compliance and implementation-related measures and policies –

- (ix) adopt terms of reference proposed by ad hoc JAG for consideration of two main tasks on total removal of toothfish and compliance with conservation measures subject to specific recommendations of the Committee (paragraph 3.9);
- (x) urge Members to continue their efforts in order to achieve 100% compliance by all vessels with Conservation Measure 25-02 (paragraph 3.24);
- (xi) endorse the advice of the Scientific Committee that the extension of the fishing season in Subarea 48.3 for those vessels with 100% compliance should occur in September (paragraph 3.25);
- (xii) further develop a proposal for a C-VMS taking into account budget implications for its implementation and operation (paragraphs 3.53 and 3.54);

Cooperation with international organisations –

- (xiii) consider the draft CCAMLR plan of action to prevent, deter and eliminate IUU fishing prepared by the Secretariat and provide further guidance for its production (paragraph 3.71);

Review of the CDS –

- (xiv) discuss the content and format of draft CDS summary statistics for publication in the *CCAMLR Statistical Bulletin* (paragraph 4.17);

- (xv) ensure that the provisions of the current Rules for Access to CDS data be taken into account in preparing draft Rules of Access to and Use of CCAMLR Data (paragraph 4.22);
- (xvi) consider further a proposal for the revision of Conservation Measure 10-05, Annex 10-05/A, paragraphs A5(ii, iii) and A9(i, ii) (paragraph 4.25);
- (xvii) extend the trial period of the E-CDS for another year and endorse any additional expenses associated with the trial (paragraphs 4.31 and 4.32).

IX. ADOPTION OF REPORT AND CLOSE OF MEETING

9.1 The Report of SCIC was adopted and the meeting closed. The Chair thanked the Committee for its excellent work during the week and also thanked the Secretariat. The Committee thanked the Chair and commended him for his efforts and hard work.

AGENDA

Standing Committee on Implementation and Compliance (SCIC)
(Hobart, Australia, 27 to 31 October 2003)

1. Opening of the meeting
 - (i) Adoption of Agenda
 - (ii) Organisation of the Meeting
2. Reports received on Compliance and Implementation
 - (i) Reports under Articles X, XXI, XXII and XXIV
 - (ii) Reports under the System of Inspection
 - (iii) Reports under Compliance-related Conservation Measures
 - (iv) Cooperation with International Organisations
 - (v) Cooperation with Non-Contracting Parties
3. IUU Fishing in the Convention Area
 - (i) Current Level of IUU Fishing
 - (ii) Procedure for Estimation of IUU Catches
 - (iii) IUU Vessel Lists
 - (iv) Advice to the Commission
4. Review of Compliance and Implementation-related Measures and Policies
 - (i) Compliance Evaluation Procedure
 - (ii) Conservation Measures in Force
 - (iii) System of Inspection
 - (iv) Cooperation with Non-Contracting Parties
 - (v) Cooperation with International Organisations
 - (vi) Advice to the Commission
5. Review of the Catch Documentation Scheme (CDS)
 - (i) Operation of the Existing CDS with Paper-based Catch Documents
 - (ii) E-CDS Development and Trial
 - (iii) Establishment of a Full-scale E-CDS
 - (iv) Advice to the Commission
6. Scheme of International Scientific Observation
 - (i) Advice from the Scientific Committee
 - (ii) Review of Operational Requirements of the Scheme
 - (iii) Advice to the Commission
7. Election of the Vice-Chair of the Committee
8. Agenda for the Next Meeting

9. Other Business
10. Advice to the Commission
11. Adoption of the Report
12. Close of the Meeting.

LIST OF DOCUMENTS

Standing Committee on Implementation and Compliance (SCIC)
(Hobart, Australia, 27 to 31 October 2003)

SCIC-03/1	Agenda
SCIC-03/2	SCIC Terms of Reference Secretariat
SCIC-03/3	List of Documents
SCIC-03/4	Reports of CCAMLR inspectors submitted in accordance with the CCAMLR System of Inspection for 2002/03 Secretariat
SCIC-03/5 Rev. 1	Estimation of IUU catches of <i>Dissostichus</i> spp. taken inside the Convention Area during the 2002/03 fishing season Secretariat
SCIC-03/6	Standardisation of catch document validation and verification procedures Delegation of the USA
SCIC-03/7	Annual summary reports under Conservation Measure 10-05 (2002) Secretariat
SCIC-03/8	Publication of CDS summary statistics in the <i>CCAMLR Statistical Bulletin</i> Secretariat
SCIC-03/9	Current rules for access to Catch Documentation Scheme data Secretariat
SCIC-03/10	Fiscalizaci3n del cumplimiento de las medidas de conservaci3n y resoluciones vigentes de la CCRVMA temporada 2003 Chile
SCIC-03/11	Aplicaci3n del Sistema de Documentaci3n de capturas de <i>Dissostichus</i> spp. en Chile. Aplicaci3n de la MC 10-05/XXI de la CCAMLR Chile

SCIC-03/12	Report on calls of toothfish fishing vessels and transshipment of toothfish in Mauritius Republic of Mauritius
SCIC-03/13 Rev. 1	Ad Hoc Joint Assessment Group, 2003 23 and 24 October 2003, Hobart, Australia
SCIC-03/14	Offal in toothfish stomachs in Subarea 88.1 Delegation of New Zealand
SCIC-03/15	IUU vessels draft list Delegation of the Russian Federation
SCIC-03/16	Provisional IUU vessel list Information from the Netherlands
SCIC-03/17	Information received from Mozambique Delegation of the European Community
SCIC-03-18	Additional information for the Provisional IUU Vessel List of Contracting Parties and the Proposed List of Non-Contracting Party Vessels Delegation of France

Other Documents

CCAMLR-XXII/8 Rev. 1	Draft Rules of Access to and Use of CCAMLR Data Secretariat
CCAMLR-XXII/9	Cooperation between CCAMLR and CITES Secretariat
CCAMLR-XXII/12 Rev. 1	Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) draft plan of action to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing Secretariat
CCAMLR-XXII/13	CCAMLR data handling and security Secretariat
CCAMLR-XXII/47	Provisional lists of IUU vessels prepared in accordance with Conservation Measures 10-06 and 10-07 Secretariat

CCAMLR-XXII/52	Assessing the compliance of fishing vessels with conservation measures Delegation of the European Community
CCAMLR-XXII/53	Development and trial of the electronic web-based CDS Secretariat
CCAMLR-XXII/54	A proposal to establish a CCAMLR centralised vessel monitoring system (cVMS) Delegations of Australia, New Zealand and the USA

CCAMLR-XXII/BG/4	Report of attendance at the Twenty-fifth Meeting of the FAO Committee on Fisheries (COFI) and the Third Meeting of Regional Fisheries Bodies (RFBs) Executive Secretary
CCAMLR-XXII/BG/8 Rev. 1	Implementation of fishery conservation measures in 2002/03 Secretariat
CCAMLR-XXII/BG/10	Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen et Crozet pour la saison 2002/2003 (1er juillet 2002 – 30 juin 2003) Informations générales sur la zone CCAMLR 58 Délégation française
CCAMLR-XXII/BG/16	Implementation of the System of Inspection and other CCAMLR enforcement provisions in 2002/03 Secretariat
CCAMLR-XXII/BG/17	Cooperation with non-Contracting Parties on the implementation of CDS and IUU-related measures Secretariat
CCAMLR-XXII/BG/18	Implementation and operation of the Catch Documentation Scheme in 2002/03 Secretariat
CCAMLR-XXII/BG/20	Illegal, unregulated, unreported Patagonian toothfish catch estimate for the Australian EEZ around Heard and McDonald Island – 1 December 2002 to 10 October 2003 Delegation of Australia
CCAMLR-XXII/BG/21	Functional specifications for a CCAMLR centralised vessel monitoring system (cVMS) Delegations of Australia, New Zealand and the USA

- CCAMLR-XXII/BG/23 Additional information for Provisional IUU Vessel List of Contracting Parties
Delegation of the European Community
- CCAMLR-XXII/BG/24 Additional information for Proposed IUU Vessel List of non-Contracting Parties
Delegation of the European Community
- CCAMLR-XXII/BG/28 Monitoring of toothfish fishing vessels calling at Port Louis
Submitted by the Republic of Mauritius
- CCAMLR-XXII/BG/34 Project funding proposal for the establishment of a centralised vessel monitoring system (cVMS)
Delegations of Australia, New Zealand and the USA

- SC-CAMLR-XXII,
Annex 5
(SC-CAMLR-XXII/4) Report of the Working Group on Fish Stock Assessment
(Hobart, Australia, 13 to 23 October 2003)

- SC-CAMLR-XXII/BG/16 Summary of scientific observation programmes during the 2002/03 season
Secretariat

**PROPOSED LISTS OF CONTRACTING
AND NON-CONTRACTING PARTY VESSELS
(CONSERVATION MEASURES 10-06 AND 10-07)**

PROPOSED LIST OF CONTRACTING PARTY VESSELS (CONSERVATION MEASURE 10-06)

Current Name	Current Flag	Lloyds/IMO Number	Vessel Name at Time of Incident	Flag at Time of Incident	Call Sign at Time of Incident	Nature of Activity	Date of Incident	Conservation Measure Applied	SCIC Deliberations
<i>Santo Antero</i>	European Community (Portugal)	9030292	<i>Santo Antero</i>	European Community (Portugal)	CUIX	Undocumented transshipment	21 Feb 02, 6 Mar 02	10-06	Delete from list
<i>Lena</i>	De-flagged	unknown	<i>Lena</i>	Russia	UBXW	Apprehended 58.5.2	6 Feb 02	10-06	Delete from list
<i>Eternal</i>	De-flagged	8608470	<i>Eternal</i>	Netherlands (Netherlands Antilles)	unknown	Reported 58.4.2 Apprehended 58.5.1	10 Jan 01 19 Jul 02	10-06	Retain on list
<i>Lugalpesca</i>	Uruguay	unknown	<i>Lugalpesca</i>	Uruguay	CXYT	Reported 58.5.1 Sighted in 58.5.1	1 Dec 02 4 Jun 03	10-06	Retain on list
<i>Viarsa I</i>	Uruguay	8011335	<i>Viarsa I</i>	Uruguay	CXYU	Apprehended 58.5.2	7 Aug 03	10-06	Retain on list
<i>Volga</i>	Russia	unknown	<i>Volga</i>	Russia	UBXH	Apprehended 58.5.2	7 Feb 02	10-06	No consensus to delete from list
<i>Strela</i>	Russia	8924288	<i>Strela</i>	Russia	unknown	Undocumented landing Sighted 58.5.2	Sep 02	10-06	No consensus to delete from list
<i>Zarya</i>	Russia	9262376	<i>Zarya</i>	Russia	UCLC	Undocumented landing	Sep 02	10-06	No consensus to delete from list

PROPOSED LIST OF NON-CONTRACTING PARTY VESSELS (CONSERVATION MEASURE 10-07)

Current Name	Current Flag	Lloyds/IMO Number	Vessel Name at Time of Incident	Flag at Time of Incident	Call Sign at Time of Incident	Nature of Activity	Date of Incident	Conservation Measure Applied	SCIC Deliberations
<i>Osiris</i>	France	unknown	<i>Lince</i>	Seychelles	S70K	Apprehended 58.5.1	13 Jan 03	10-07	Delete from list
<i>Alos</i>	Ghana	7388267	<i>Lena/Alos</i>	Seychelles/ Ghana	Possibly S7PM	Reported 58.6/58.5.1 Sighted 58.5.2	21 Dec 02 21 Sep 03	10-07	Retain on list
<i>Magnus</i>	St Vincent & the Grenadines	7322897?	<i>Dorita</i>	Uruguay	CXMX	Sighted 58.4.2	9 Jan 02	10-06	Retain on list
<i>Lucky Star</i>	Ghana	7930034	Praslin	Seychelles	unknown (ex S7ME)	Sighted 58.5.1 Undocumented landing	21 Dec 02 24 Feb 03	10-07	Retain on list
<i>Lome</i>	Togo	7036345	<i>Lome/Noemi</i>	Belize	V3QW2	Sighted 58.5.1 Undocumented landing, had been inside 58.5.1	21 Oct 03 24 Sep 02	10-07	Retain on list
<i>Notre Dame</i>	Bolivia	unknown	<i>Notre Dame</i>	Bolivia	CDB-536	Undocumented landing	14 Mar 02	10-07	Retain on list
<i>Inca</i>	Belize	6818930	<i>Viking</i>	Seychelles	S70L	Refuelled <i>Lince</i>	Jan 03	10-07	No consensus to delete from list

DRAFTS OF PROPOSED CONSERVATION MEASURES 10-04 AND 10-05

DRAFT CONSERVATION MEASURE 10-04
Automated Satellite-Linked Vessel Monitoring System (VMS)

1. Each Contracting Party shall ensure that its fishing vessels licensed in accordance with Conservation Measure 10-02 and/or implementing the Catch Documentation Scheme under Conservation Measure 10-05 are equipped with a satellite monitoring device allowing for the continuous reporting of their position for the duration of the licence issued by the Flag State. The satellite monitoring device shall automatically communicate at least every two hours to a land-based fisheries monitoring centre (FMC) of the Flag State of the vessel the following data:
 - (a) fishing vessel identification;
 - (b) the current geographical position (latitude and longitude) of the vessel, with a position error which shall be less than 500 m, with a confidence interval of 99%;
 - (c) the date and time (expressed in UTC) of the fixing of the said position of the vessel;
 - (d) the speed and course of the vessel.
2. Each Contracting Party shall ensure that the satellite monitoring device(s) on board vessels are tamper proof, i.e. are of a type and configuration that prevent the input or output of false positions, and that are not capable of being over-ridden, whether manually, electronically or otherwise. [specifications to be added if possible]
3. A Contracting Party shall not issue licences under Conservation Measure 10-02 and/or issue catch documents under Conservation Measure 10-05 unless a satellite monitoring device on board complies with paragraphs 1 and 2 in their entirety.
4. Each Contracting Party shall ensure that its FMC receives Vessel Monitoring System (VMS) reports and messages and that the FMC is equipped with computer hardware and software enabling automatic data processing and electronic data transmission. Each Contracting Party shall provide for backup and recovery procedures in case of system failures.
5. Masters and owners/licensees of fishing vessels subject to VMS shall ensure that the satellite monitoring device on board their vessels is at all times fully operational and that the data referred to in paragraph 1 are transmitted to the Flag State. Masters and owners/licensees shall in particular ensure that:
 - (a) VMS reports and messages are not altered in any way;
 - (b) the antennae connected to the satellite monitoring device are not obstructed in any way;
 - (c) the power supply of the satellite monitoring device is not interrupted in any way;
 - (d) the satellite monitoring device is not removed from the vessel.

6. The satellite monitoring device shall be active at all times for the duration of the licence issued by the Flag State. It may, however, be switched off when the fishing vessel is in port for a period of more than one week, subject to prior notification to the Flag State and providing that the first position report generated following the repowering (activating) shows that the fishing vessel has not changed position compared to the last report.
7. In the event of a technical failure or non-functioning of the satellite monitoring device on board the fishing vessel, the master or the owner of the vessel or their representative shall communicate to the Flag State every four hours, starting at the time that the failure or the non-functioning was detected or notified in accordance with paragraph 9, the up-to-date geographical position of the vessel by electronic means (email, fax, telex, telephone message, radio).
8. Vessels with a defective satellite monitoring device shall take immediate steps to have the device repaired or replaced as soon as possible and, in any event, within two months. If the vessel during that time returns to port, it shall not be allowed by the Flag State to commence a further fishing trip without having the defective device repaired or replaced.
9. When a Contracting Party has not received for 12 hours data transmissions referred to in paragraphs 1 and 7, or has reasons to doubt the correctness of the data transmissions under paragraphs 1 and 7, it shall as soon as possible notify the master or the owner or the representative thereof. If this situation occurs more than three times within a period of one year in respect of a particular vessel, the Contracting Party of the vessel shall have the satellite monitoring device of the vessel in question checked and shall investigate the matter in order to establish whether the equipment has been tampered with.
10. Each Contracting Party shall, as soon as possible but not later than two hours after receipt, forward reports and messages received pursuant to paragraphs 1 and 7 to the CCAMLR Secretariat in respect of its vessels fishing pursuant to authorisation to fish in the Convention Area and/or implementing the catch documentation scheme under Conservation Measure 10-05. If the Contracting Party so desires, it shall ensure that each of its fishing vessels communicates these reports in parallel to the CCAMLR Secretariat.
11. Each Contracting Party shall ensure that reports and messages transmitted by the Contracting Party or its fishing vessels to the CCAMLR Secretariat, are in a computer-readable form in the data exchange format set out in Annex 1 (annex to be developed).
12. Each Contracting Party shall in addition notify the CCAMLR Secretariat as soon as possible of each entry to and exit from the Convention Area by each of its fishing vessels.
13. Each Contracting Party shall notify the name, address, email, telephone, facsimile numbers as well as the address of electronic communication of their relevant authorities of their FMC to the CCAMLR Secretariat before 1 January 2004 and thereafter any changes without delay.

14. In the event that the CCAMLR Secretariat has not for [48] consecutive hours received the data transmissions referred to in paragraph 10, it shall promptly notify the Contracting Party of the vessel and require an explanation. The CCAMLR Secretariat shall promptly inform the Commission if the data transmissions at issue are not received within [48] hours of the notification of the Flag State.
15. The CCAMLR Secretariat shall treat all messages and reports received under paragraph 10 in a confidential manner in accordance with the confidentiality rules established by the Commission. Data from individual vessels shall be used for compliance purposes only and shall be made available to a Contracting Party other than the Flag State only for patrol and/or inspections and for the purposes of verifying the content of a *Dissostichus* catch document.
16. The CCAMLR Secretariat shall place a list of vessels submitting reports and messages pursuant to this conservation measure on a password-protected section of the CCAMLR website. This list shall be divided into subareas and divisions, without indicating the exact position of the vessel, and be updated on a regular basis. If a Contracting Party sights a vessel within the Convention Area which either does not appear in this list or is listed as fishing outside the Convention Area, the Contracting Party shall immediately notify the CCAMLR Secretariat, which shall inform the Flag State.
17. The CCAMLR Secretariat shall annually before 30 September report on the implementation of this conservation measure to the Commission.
18. Each Contracting Party shall pay its costs associated with this conservation measure.

DRAFT CONSERVATION MEASURE 10-05
Catch Documentation Scheme for *Dissostichus* spp.
Annex 10-05/A

- A5. The master of a vessel that has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures immediately after each landing or transshipment of *Dissostichus* spp.:
- (i) in the case of a transshipment, the master shall confirm the transshipment obtaining the signature on the *Dissostichus* catch document of the master of the vessel to which the catch is being transferred;
 - (ii) in the case of a landing, the master or authorised representative shall confirm the landing by obtaining a signed and stamped certification on the *Dissostichus* catch document by a responsible official at **of the port of landing or free trade zone who is authorised and competent with regard to the examination of goods landed, imported, exported and re-exported;**
 - (iii) in the case of a landing, the master or authorised representative shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing or free trade zone;
 - (iv) in the event that the catch is divided upon landing, the master or authorised representative shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing or free trade zone, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.
- A9. The master of a vessel to which catch has been transhipped (receiving vessel) shall adhere to the following procedures immediately after each landing of such catch in order to complete each *Dissostichus* catch document received from transshipping vessels:
- (i) the master of the receiving vessel shall confirm the landing by obtaining a signed and stamped certification on the *Dissostichus* catch document by a responsible official at **of the port of landing or free trade zone who is authorised and competent with regard to the examination of goods landed, imported, exported and re-exported;**
 - (ii) the master of the receiving vessel shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing or free trade zone;
 - (iii) in the event that the catch is divided upon landing, the master of the receiving vessel shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing or free trade zone, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.

**AD HOC JOINT ASSESSMENT GROUP (JAG)
DRAFT TERMS OF REFERENCE**

AD HOC JOINT ASSESSMENT GROUP (JAG) DRAFT TERMS OF REFERENCE

The following terms of reference were prepared by the ad hoc Joint Assessment Group (JAG) in 2003 for future work on the following two main tasks referred to by the Commission (CCAMLR-XXI, paragraphs 8.10 to 8.14):

Task I – to develop methods for estimating total removals of toothfish (including, where applicable, both legitimate and IUU catches) with a view to:

- determining whether such methods would provide better estimates than those currently prepared by the Secretariat and used by WG-FSA;
- determining data requirements for each method and each component of the total removals;
- identifying the origins and availability and levels of reliability of such data for all areas of toothfish distribution;
- recommending to both the Scientific Committee and SCIC, changes to the present methods for estimating total removals of toothfish.

Task II – to develop a comparative methodology for assessing compliance with CCAMLR conservation measures. Such an exercise should take into account:

- compliance with all relevant measures;
- sources of information and their levels of reliability and/or accuracy and objectivity. These may include (but not be limited to) CCAMLR-designated observer and inspector reports, data sheets submitted by such observers and port inspection reports under Conservation Measures 10-06 (2002), 10-07 (2002) and 10-03 (2002), CDS information and any other appropriate information source;
- the information required and methods available for determining the relative importance and degrees of compliance with different aspects of the conservation measures in meeting the Commission's objectives (i.e. evaluating the applicability of weighted scores to compliance assessment).

DRAFT CONSERVATION MEASURE 10-06
Scheme to Promote Compliance by Contracting Party Vessels
with CCAMLR Conservation Measures

(A proposal by Russia)

DRAFT CONSERVATION MEASURE 10-06
Scheme to Promote Compliance by Contracting Party Vessels
with CCAMLR Conservation Measures

(A proposal by Russia)

The following revision of Conservation Measure 10-06 was proposed by Russia (CCAMLR-XXII, paragraphs 8.44 and 8.45).

DRAFT CONSERVATION MEASURE 10-06
Scheme to Promote Compliance by Contracting Party Vessels
with CCAMLR Conservation Measures

Species	all
Area	all
Season	all
Gear	all

The Commission,

Convinced that illegal, unregulated and unreported (IUU) fishing compromises the primary objectives of the Convention,

Aware that a significant number of vessels registered to Parties and non-Parties are engaged in fishing operations in the Convention Area in a manner which diminishes the effectiveness of CCAMLR conservation measures,

Recalling that Parties are required to cooperate in taking appropriate action to deter any fishing activities which are not consistent with the objective of the Convention,

Resolved to reinforce its integrated administrative and political measures aimed at eliminating IUU fishing in the Convention Area,

Committed to adhere to the principle that no one is guilty unless proven otherwise,

hereby adopts the following conservation measure in accordance with Article IX.2(i) of the Convention:

1. At each annual meeting, the Commission, **based on SCIC recommendations**, will identify those Contracting Parties whose vessels have engaged in fishing activities in the Convention Area in a manner which has diminished the effectiveness of CCAMLR conservation measures in force, and shall establish a list of such vessels (IUU Vessel List), in accordance with the procedures and criteria set out hereafter.
2. This identification shall be documented, *inter alia*, on reports relating to the application of Conservation Measure 10-03, trade information obtained on the basis of the implementation of Conservation Measure 10-05 and relevant trade statistics such as FAO and other national or international verifiable statistics, as well as any other information obtained from Port States and/or gathered from the fishing grounds which

is suitably documented. **Such information should be submitted to the Secretariat at least three (3) months prior to the CCAMLR meeting to enable the Flag State to present adequate response.**

3. For the purposes of this conservation measure, the Contracting Parties are considered as having carried out fishing activities that have diminished the effectiveness of the conservation measures adopted by the Commission if:
 - (a) the Parties do not ensure compliance by their vessels with the conservation measures adopted by the Commission and in force, in respect of the fisheries in which they participate that are placed under the competence of CCAMLR;
 - (b) their vessels are repeatedly included in the CCAMLR List of Contracting Party vessels identified as carrying out IUU fishing activities in accordance with the criteria and procedures established in this conservation measure.
4. In order to establish the IUU Vessel List, evidence, gathered in accordance with paragraph 2, shall be required that fishing vessels flying the flag of the Contracting Party concerned have:
 - (a) engaged in fishing activities in the CCAMLR Convention Area without a licence issued in accordance with Conservation Measure 10-02, or in violation of the conditions under which such licence would have been issued in relation to authorised areas, species and time periods; or
 - (b) did not record or did not declare their catches made in the CCAMLR Convention Area in accordance with the reporting system applicable to the fisheries they engaged in, or made false declarations; or
 - (c) fished during closed fishing periods or in closed areas in contravention of CCAMLR conservation measures; or
 - (d) used prohibited gear in contravention of applicable CCAMLR conservation measures; or
 - (e) transhipped or participated in joint fishing operations with other vessels identified by CCAMLR as carrying out IUU fishing activities (i.e. on the IUU Vessel List or in Conservation Measure 10-07); or
 - (f) engaged in fishing activities in a manner that undermines the attainment of the objectives of the Convention in waters adjacent to islands within the area to which the Convention applies over which the existence of State sovereignty is recognised by all Contracting Parties, in the terms of the statement made by the Chairman on 19 May 1980; or
 - (g) engaged in fishing activities contrary to any other CCAMLR conservation measures in a manner that undermines the attainment of the objectives of the Convention according to Article XXII of the Convention.

- ~~5. The Executive Secretary shall, before 30 April of each year, draw up a draft list of Contracting Party vessels that, on the basis of the information gathered in accordance with paragraph 2, the criteria defined in paragraph 4, and any other information that the Secretariat might have obtained in relation thereto, might be presumed to have carried out IUU fishing activities in the CCAMLR Convention area during the previous season. The List shall be distributed immediately to the Contracting Parties concerned.~~
- ~~6. Contracting Parties whose vessels are included in the draft list established by the Secretariat will transmit before 30 June to CCAMLR, their comments, as appropriate, including verifiable VMS data and other supporting information showing that the vessels listed have neither engaged in fishing activities in contravention of CCAMLR conservation and management measures nor had the possibility of being engaged in fishing activities in the Convention Area.~~
- ~~7. On the basis of the information received pursuant to paragraph 6, the Executive Secretary shall distribute the draft list and all comments received as a Provisional IUU Vessel List, which shall be transmitted before 31 July to all Contracting Parties together with all the comments and supporting information provided.~~
- ~~8. Contracting Parties may at any time submit to the Executive Secretary any additional information, which might be relevant for the establishment of the IUU Vessel List. The Executive Secretary shall circulate the information at the latest 30 days before the annual meeting to all Contracting Parties together with all the evidence provided.~~
- ~~9. The Standing Committee on Inspection and Compliance (SCIC) shall examine, each year, the Provisional IUU Vessel List as well as the comments and information received, and any further information provided during its annual deliberations which may be considered relevant to this review.~~
10. SCIC shall recommend that the Commission should ~~remove~~ **include** vessels ~~from~~ in the Provisional IUU Vessel List if ~~it the Contracting Party~~ proves that:
 - ~~(a) the vessel did not take part in IUU fishing activities described in paragraph 1.;~~
 - (b) ~~it has taken effective action in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity; or~~
 - ~~(c) the vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it and that the new owner has not participated in IUU fishing; or~~
 - ~~(d) the Contracting Party has taken measures considered sufficient to ensure the granting of the right to the vessel to fly its flag will not result in IUU fishing.~~
- ~~11. Following the examination referred to in paragraph 9, SCIC shall submit to the Commission for approval, a proposed IUU Vessel List.~~
12. On approval of the IUU Vessel List, the Commission shall request Contracting Parties whose vessels appear thereon to take all necessary measures to address these IUU fishing activities, including if necessary, the withdrawal of the registration or of the

fishing licences of these vessels, the nullification of the relevant catch documents and denial of further access to the CDS, and to inform the Commission of the measures taken in this respect.

- ~~13. The Executive Secretary, SCIC and the Commission shall undertake the procedures established in paragraphs 5 to 12 each year in respect of adding or removing vessels from the IUU Vessel List.~~
14. Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable legislation, in order that:
- (a) the issuance of a licence to vessels appearing in the IUU Vessel List to fish in the Convention Area is prohibited;
 - (b) the issuance of a licence to vessels included in the IUU Vessel List to fish in waters under their fisheries jurisdiction is prohibited;
 - (c) fishing vessels, support vessels, mother-ships and cargo vessels flying their flag do not participate in any transshipment or joint fishing operations with vessels registered on the IUU Vessel List;
 - (d) vessels appearing in the IUU Vessel List that enter ports voluntarily are not authorised to land or tranship therein and are inspected in accordance with Conservation Measure 10-03 on so entering;
 - (e) the chartering of vessels included in the IUU Vessel List is prohibited;
 - (f) granting of their flag to vessels appearing in the IUU Vessel List is refused;
 - (g) imports of *Dissostichus* spp. from vessels included in the IUU Vessel List are prohibited;
 - (h) 'Export or Re-export Government Authority Validation' is not certified when the shipment (of *Dissostichus* spp.) is declared to have been caught by any vessel included in the IUU Vessel List;
 - (i) importers, transporters and other sectors concerned, are encouraged to refrain from negotiating and from transshipping of fish caught by vessels appearing in the IUU Vessel List;
 - (j) any appropriate information which is suitably documented is collected and exchanged with other Contracting Parties or cooperating non-Contracting Parties, entities or fishing entities with the aim of detecting, controlling and preventing the use of false import/export certificates regarding fish from vessels appearing in the IUU Vessel List.
15. The Executive Secretary shall place the IUU Vessel List approved by the Commission on a secure section of the CCAMLR website.

16. Without prejudice to the rights of Flag States and Coastal States to take proper action consistent with international law, Contracting Parties should not take any trade measures or other sanctions which are inconsistent with their international obligations. ~~against vessels using as the basis for the action the fact that the vessel or vessels have been included in the draft list drawn up by the Secretariat, pursuant to paragraph 5.~~
- ~~17. The Chair of the Commission shall request the Contracting Parties identified pursuant to paragraph 1 to take all necessary measures to avoid diminishing the effectiveness of the CCAMLR conservation measures resulting from their vessels' activities, and to advise the Commission of actions taken in that regard.~~
18. The Commission shall review, at subsequent annual meetings, as appropriate, action taken by those Contracting Parties to which requests have been made ~~pursuant to paragraph 17,~~ and identify those which have not rectified their fishing activities.
19. The Commission shall decide appropriate measures to be taken in respect to *Dissostichus* spp. so as to address these issues with those identified Contracting Parties. In this respect, Contracting Parties may cooperate to adopt appropriate multilaterally agreed trade-related measures, consistent with the World Trade Organization (WTO), that may be necessary to prevent, deter and eliminate the IUU fishing activities identified by the Commission. Multilateral trade-related measures may be used to support cooperative efforts to ensure that trade in *Dissostichus* spp. and its products does not in any way encourage IUU fishing or otherwise undermine the effectiveness of CCAMLR's conservation measures which are consistent with the United Nations Convention on the Law of the Sea 1982.

**CLARIFICATION OF PROCEDURES ESTABLISHED
BY CONSERVATION MEASURE 10-06**

(A proposal by the European Community, Australia, Brazil, Belgium, Chile,
France, Germany, Italy, Netherlands, New Zealand, Norway,
Poland, South Africa, Spain, Sweden, UK and the USA)

CLARIFICATION OF PROCEDURES ESTABLISHED BY CONSERVATION MEASURE 10-06

(A proposal by the European Community, Australia, Brazil, Belgium, Chile, France, Germany, Italy, Netherlands, New Zealand, Norway, Poland, South Africa, Spain, Sweden, UK and the USA)

Discussion of the IUU Vessel List to be established under Conservation Measure 10-06 has raised a number of issues regarding procedure. In order to ensure that these issues are resolved, the European Community, Australia, Brazil, Belgium, Chile, France, Germany, Italy, the Netherlands, New Zealand, Norway, Poland, South Africa, Spain, Sweden, UK and the USA believe that these procedures, as established by Conservation Measure 10-06, should be clarified as follows (CCAMLR-XXII, paragraph 8.48):

- (i) The Secretariat will base the draft and Provisional IUU Vessel Lists on information provided by Contracting Parties and non-Contracting Parties cooperating with the Commission, from 30 days before the start of the previous CCAMLR annual meeting. Contracting Parties should indicate that information is provided for the purposes of Conservation Measure 10-06 and provide supporting evidence.
- (ii) Vessels will not be considered for inclusion on the IUU Vessel List unless (a) they have appeared on the Provisional IUU Vessel List; or (b) information and evidence regarding those vessels has been circulated by the Secretariat at least 30 days before the start of the CCAMLR annual meeting.
- (iii) The draft list, Provisional IUU Vessel List, proposed IUU Vessel List and IUU Vessel List (the Lists) will each contain two sections, headed respectively: (1) Contracting Party vessels; (2) non-Contracting Party vessels. Vessels will be listed in the appropriate section for the flag of the vessel at the time the Lists are concluded. The Lists will contain the following columns for each section:
 - (a) name of vessel and previous names, if any, during the preceding calendar year;
 - (b) flag of vessel and previous flags, if any, during the preceding calendar year;
 - (c) owner of vessel and previous owners, if any, during the preceding calendar year;
 - (d) operator of vessel and previous operators, if any, during the preceding calendar year;
 - (e) call sign of vessel and previous call signs, if any, during the preceding calendar year;
 - (f) Lloyds/IMO number;

- (g) summary of activities which justify inclusion of the vessel on the List, together with references to all relevant documents informing of and evidencing those activities.
- (iv) When circulating the Provisional IUU Vessel List, the Secretariat will also circulate to Contracting Parties and non-Contracting Parties cooperating with the Commission by participating in the Catch Documentation Scheme for *Dissostichus* spp., the IUU Vessel List agreed at the previous CCAMLR annual meeting, together with any information or evidence received since that meeting regarding vessels on the IUU Vessel List. Contracting Parties should submit any information and evidence relevant to the continued listing or otherwise of vessels on the IUU Vessel List to the Executive Secretary whenever received and at the latest 30 days before the start of the CCAMLR annual meeting, for circulation by the Executive Secretary to all Contracting Parties. The Executive Secretary should invite non-Contracting Parties cooperating with the Commission as above to submit any information and evidence regarding vessels on the IUU Vessel List and circulate this to Contracting Parties by the same deadline.
- (v) At each CCAMLR annual meeting, the Standing Committee on Implementation and Compliance (SCIC) will consider:
 - (a) the Provisional IUU Vessel List and information and evidence regarding vessels which was circulated at least 30 days before the start of the CCAMLR annual meeting, and will adopt a consensus decision on a recommendation to the Commission as to which vessels should be added to the IUU Vessel List by the Commission (the proposed IUU Vessel List);
 - (b) the IUU Vessel List adopted at the previous annual meeting, and will adopt a consensus decision on a recommendation to the Commission as to which vessels should be removed from the List by the Commission.
- (vi) At each CCAMLR annual meeting, the Commission will decide by consensus:
 - (a) whether to add any vessel listed on the proposed IUU Vessel List. In the event that there is no consensus, vessels shall not be included on the List;
 - (b) whether to add any vessel which is not listed on the proposed IUU Vessel List because SCIC was unable to reach consensus as to whether it should be included on that List;
 - (c) whether to remove any vessels which are included on the IUU Vessel List adopted at the previous CCAMLR annual meeting. In the event that there is no consensus, vessels shall remain on the List.
- (vii) In order to facilitate the work of SCIC and the Commission, the Secretariat shall prepare a paper for each CCAMLR annual meeting, summarising and annexing all the information, evidence and comments submitted in respect of each vessel to be considered.

DRAFT CONSERVATION MEASURE 10-04
Automated Satellite-Linked Vessel Monitoring Systems (VMS)

DRAFT CONSERVATION MEASURE 10-04
Automated Satellite-Linked Vessel Monitoring Systems (VMS)

The following revision of Conservation Measure 10-04 is the Secretariat's final record of the draft measure which was discussed by the Drafting Group (CCAMLR-XXII, paragraphs 10.12 and 10.13).

DRAFT CONSERVATION MEASURE 10-04
Automated Satellite-Linked Vessel
Monitoring Systems (VMS)

Species	all except krill
Area	all
Season	all
Gear	all

The Commission,

Recognising that in order to promote the objectives of the Convention and further improve compliance with the relevant conservation measures,

Convinced that illegal, unreported and unregulated (IUU) fishing compromises the objective of the Convention,

Recalling that Contracting Parties are required to cooperate in taking appropriate action to deter any fishing activities which are not consistent with the objective of the Convention,

Mindful of the rights and obligations of Flag States and Port States to promote the effectiveness of conservation measures,

Wanting to reinforce the conservation measures already adopted by the Commission,

Recognising the obligations and responsibilities of Contracting Parties under the Catch Documentation Scheme,

Recalling provisions as made under Article XXIV of the Convention,

Committed to take steps, consistent with international law, to identify the origins of *Dissostichus* spp. entering the markets of Contracting Parties and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into their territories was caught in a manner consistent with CCAMLR conservation measures,

hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. Each Contracting Party shall ensure that its fishing vessels, licensed¹ in accordance with Conservation Measure 10-02, are equipped with a satellite monitoring device allowing

¹ Includes permitted

for the continuous reporting of their position in the Convention Area^{2,3} for the duration of the licence issued by the Flag State. The satellite monitoring device shall automatically communicate at least every four hours to a land-based fisheries monitoring centre (FMC) of the Flag State of the vessel the following data:

- (i) fishing vessel identification;
 - (ii) the current geographical position (latitude and longitude) of the vessel, with a position error which shall be less than 500 m, with a confidence interval of 99%;
 - (iii) the date and time (expressed in UTC) of the fixing of the said position of the vessel;
 - (iv) the speed and course of the vessel.
2. The implementation of satellite monitoring device(s) on vessels while participating only in a krill fishery is not currently required.
 3. Each Contracting Party as a Flag State shall ensure that the satellite monitoring device(s) on board its vessels are tamper proof, i.e. are of a type and configuration that prevent the input or output of false positions, and that are not capable of being over-ridden, whether manually, electronically or otherwise. To this end, the on-board satellite monitoring device must:
 - (i) be located within a sealed unit;
 - (ii) be protected by official seals (or mechanisms) of a type that indicate whether the unit has been accessed or tampered with.
 4. In the event that a Contracting Party suspects tampering of an on-board satellite monitoring device they shall immediately notify the Secretariat and the vessel's Flag State.
 5. A Contracting Party shall not issue licences to its flag vessels under Conservation Measure 10-02 and/or issue catch documents under Conservation Measure 10-05 unless the satellite monitoring device on board complies with paragraphs 1 and 3 in their entirety.
 6. Each Contracting Party shall ensure that its FMC receives Vessel Monitoring System (VMS) reports and messages, and that the FMC is equipped with computer hardware and software enabling automatic data processing and electronic data transmission. Each Contracting Party shall provide for backup and recovery procedures in case of system failures.

² Except for waters adjacent to Kerguelen Island and Crozet Island.

³ Will apply on a voluntary basis to those vessels fishing within the Exclusive Economic Zone of their Flag State and/or in areas of the high seas outside the Convention Area.

7. Masters and owners/licensees of fishing vessels subject to VMS shall ensure that the satellite monitoring device on board their vessels within the Convention Area is at all times fully operational as per paragraph 1, and that the data are transmitted to the Flag State. Masters and owners/licensees shall in particular ensure that:
 - (i) VMS reports and messages are not altered in any way;
 - (ii) the antennae connected to the satellite monitoring device are not obstructed in any way;
 - (iii) the power supply of the satellite monitoring device is not interrupted in any way;
 - (iv) the satellite monitoring device is not removed from the vessel.
8. The satellite monitoring device shall be active at all times for the duration of the licence issued by the Flag State as per paragraph 1. It may, however, be switched off when the fishing vessel is in port for a period of more than one week, subject to prior notification to the Flag State and providing that the first position report generated following the repowering (activating) shows that the fishing vessel has not changed position compared to the last report.
9. In the event of a technical failure or non-functioning of the satellite monitoring device on board the fishing vessel, the master or the owner of the vessel, or their representative, shall communicate to the Flag State every six hours, starting at the time that the failure or the non-functioning was detected or notified in accordance with paragraph 11, the up-to-date geographical position of the vessel by electronic means (email, facsimile, telex, telephone message, radio).
10. Vessels with a defective satellite monitoring device shall take immediate steps to have the device repaired or replaced as soon as possible and, in any event, within two months. If the vessel during that time returns to port, it shall not be allowed by the Flag State to commence a further fishing trip without having the defective device repaired or replaced.
11. When the Flag State has not received for 12 hours data transmissions referred to in paragraphs 1 and 9, or has reasons to doubt the correctness of the data transmissions under paragraphs 1 and 9, it shall as soon as possible notify, during its working days, the master or the owner or the representative thereof. If this situation occurs more than two times within a period of one year in respect of a particular vessel, the Flag State of the vessel shall investigate the matter, including having an authorised official check the device in question, in order to establish whether the equipment has been tampered with. The outcome of this investigation shall be forwarded to the CCAMLR Secretariat within 30 days of its completion.
12. Each Contracting Party shall, as soon as possible but not later than four hours after receipt pursuant to paragraph 1, forward reports and messages received to the CCAMLR Secretariat. Without prejudice to its responsibilities as a Flag State, if the Contracting Party so desires, it shall ensure that each of its vessels communicates these

reports in parallel to the CCAMLR Secretariat. With regard to paragraph 9, each Contracting Party shall, as soon as possible but no later than two working days, forward accumulated reports and messages to the Secretariat.

13. Each Flag State shall ensure that reports and messages transmitted by the Contracting Party or its fishing vessels to the CCAMLR Secretariat, are in a computer-readable form in the data exchange format set out in Annex 10-04/A.
14. Each Flag State shall in addition notify the CCAMLR Secretariat as soon as possible of each entry to and exit from the Convention Area by each of its fishing vessels in the format outlined in Annex 10-04/B.
15. Each Flag State shall notify the name, address, email, telephone and facsimile numbers, as well as the address of electronic communication of the relevant authorities of their FMC to the CCAMLR Secretariat before 1 January 2004 and thereafter any changes without delay.
16. In the event that the CCAMLR Secretariat has not, for 48 consecutive hours, received the data transmissions referred to in paragraph 12, it shall promptly notify the Flag State of the vessel and require an explanation. The CCAMLR Secretariat shall promptly inform the Commission if the data transmissions at issue are not received from the Contracting Party within two working days.
17. The CCAMLR Secretariat shall treat all messages and reports received under paragraph 12 in a confidential manner in accordance with the confidentiality rules established by the Commission as contained in Annex 10-04/C. Data from individual vessels shall be used for compliance purposes only and shall be made available to a Contracting Party other than the Flag State only for:
 - (i) active surveillance presence and/or inspections in a specified CCAMLR area, subarea or division for which the Contracting Party will conduct surveillance; or
 - (ii) the purposes of verifying the content of a *Dissostichus* Catch Document; noting that for VMS data to be released to a non-Contracting Party, the written permission of the Flag State must be obtained by the CCAMLR Secretariat.
18. The CCAMLR Secretariat shall place a list of vessels submitting reports and messages pursuant to this conservation measure on a password-protected section of the CCAMLR website. This list shall be divided into subareas and divisions, without indicating the exact position of the vessel, and be updated when a vessel changes subarea or division.
19. The CCAMLR Secretariat shall annually, before 30 September, report on the implementation of and compliance with this conservation measure to the Commission.

VMS DATA FORMAT

Data Element	Field Code	Mandatory/ Optional	Remarks
Start record	SR	M	System detail; indicates start of record.
From	FR	M	Address of the transmitting party (Contracting Party).
Address	AD	M	Message detail; destination; 'CCA' for CCAMLR Secretariat.
Sequence number	SQ	O	Message detail; message serial number in current year.
Type of message	TM	M	Message detail; message type, 'POS' as position report/message to be communicated by VMS or other means by vessels with a defective satellite tracking device.
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel.
Trip number	TN	O	Activity detail; fishing trip serial number in current year.
Vessel name	NA	M	Vessel registration detail; name of the vessel .
External registration number	XR	M	Vessel registration detail; the side number of the vessel.
Latitude	LA	M	Activity detail; position at time of transmission.
Longitude	LO	M	Activity detail; position at time of transmission.
Speed	SP	M	Vessel speed in tenths of knots.
Course	CO	M	Vessel course 360° scale.
Date	DA	M	Message detail; date of transmission.
Time	TI	M	Message detail; time of transmission.
Record date	RD	M	Year, month and day.
Record time	RT	M	Hours and minutes in UTC.
Record number	RN	M	Serial number of the record in the relevant year.
End of record	ER	M	System detail; indicates end of the record.

Each data transmission is structured as follows:

- double slash ('// ') and the characters 'SR' indicate the start of a message;
- a double slash ('// ') and field code indicate the start of a data element;
- a single slash (' / ') separates the field code and the data;
- pairs of data are separated by space;
- the characters 'ER' and a double slash ('// ') indicate the end of a record.

ENTRY AND EXIT REPORTS

'ENTRY' report

Data Element	Field Code	Mandatory/ Optional	Remarks
Start record	SR	M	System detail; indicates start of record.
Address	AD	M	Message detail; destination, 'CCA' for CCAMLR.
Sequence number	SQ	M	Message detail; message serial number in current year.
Type of message	TM	M	Message detail; 'ENT' as Entry report.
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel.
Vessel name	NA	O	Vessel registration detail; name of the vessel.
Contracting Party internal reference number	IR	O	Vessel registration detail. Unique Contracting Party vessel number as ISO-3 Flag State code followed by number.
External registration number	XR	O	Vessel registration detail; the side number of the vessel.
Latitude	LA	M ¹	Activity detail; position at time of transmission.
Longitude	LO	M ¹	Activity detail; position at time of transmission.
Date	DA	M	Message detail; date of transmission.
Time	TI	M	Message detail; time of transmission.
End of record	ER	M	System detail; indicates end of the record.

'EXIT' report

Data Element	Field Code	Mandatory/ Optional	Remarks
Start record	SR	M	System detail; indicates start of record.
Address	AD	M	Message detail; destination, 'CCA' for CCAMLR.
Sequence number	SQ	M	Message detail; message serial number in current year.
Type of message	TM	M	Message detail; 'EXI' as Exit report.
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel.
Vessel name	NA	O	Vessel registration detail; name of the vessel.
Contracting Party internal reference number	IR	O	Vessel registration detail. Unique Contracting Party vessel number as ISO-3 Flag State code followed by number.
External registration number	XR	O	Vessel registration detail; the side number of the vessel.
Latitude	LA	M ¹	Activity detail; position at time of transmission.
Longitude	LO	M ¹	Activity detail; position at time of transmission.
Date	DA	M	Message detail; date of transmission.
Time	TI	M	Message detail; time of transmission.
End of record	ER	M	System detail; indicates end of the record.

¹ Optional if a vessel is subject to satellite tracking in accordance with Conservation Measure 10-04.

**PROVISIONS ON SECURE AND CONFIDENTIAL TREATMENT
OF ELECTRONIC REPORTS AND MESSAGES TRANSMITTED
PURSUANT TO CONSERVATION MEASURE 10-04**

1. Field of Application

1.1 The provisions set out below shall apply to all electronic reports and messages transmitted and received pursuant to Conservation Measure 10-04, hereinafter referred to as 'reports and messages'.

2. General Provisions

2.1 The CCAMLR Secretariat and the appropriate authorities of Contracting Parties transmitting and receiving reports and messages shall take all necessary measures to comply with the security and confidentiality provisions set out in sections 3 and 4.

2.2 The CCAMLR Secretariat shall inform all Contracting Parties of the measures taken in the Secretariat to comply with these security and confidentiality provisions.

2.3 The CCAMLR Secretariat shall take all the necessary steps to ensure that the requirements pertaining to the deletion of reports and messages handled by the Secretariat are complied with.

2.4 Each Contracting Party shall guarantee the CCAMLR Secretariat the right to obtain as appropriate, the rectification of reports and messages or the erasure of reports and messages, the processing of which does not comply with the provisions of Conservation Measure 10-04.

3. Provisions on Confidentiality

3.1 All requests for C-VMS data must be made to the CCAMLR Secretariat in writing.

3.2 Reports and messages shall only be released and used for the purposes stipulated in paragraph 17 of Conservation Measure 10-04.

3.3 Reports and messages released pursuant to paragraph 17 of Conservation Measure 10-04 shall provide details of: name of vessel, date and time of position report, latitude and longitude position at time of report, speed of vessel.

3.4 Each inspecting Contracting Party shall make available reports and messages only to their means of inspection and their inspectors assigned to the CCAMLR System of Inspection. Reports and messages shall be transmitted to the inspection platforms and inspectors no more than 48 hours prior to entry into the CCAMLR Statistical Area where surveillance is to be conducted by the Contracting Party. Contracting Parties must ensure that reports and messages are kept confidential by all inspectors assigned to the CCAMLR System of Inspection.

3.5 The CCAMLR Secretariat shall delete all the original reports and messages referred to in section 1 from the database at the CCAMLR Secretariat by the end of the first calendar month following the third year in which the reports and messages have originated. Thereafter the information related to the catch and movement of the fishing vessels shall only be retained by the CCAMLR Secretariat, after measures have been taken to ensure that the identity of the individual vessels can no longer be established.

3.6 The CCAMLR Secretariat shall not make available reports and messages to parties other than those specified explicitly in paragraph 17 of Conservation Measure 10-04 or where the Flag State gives the CCAMLR Secretariat written permission to release specified VMS data to a third party for the purpose of validating *Dissostichus* Catch Documents.

3.7 Inspecting Contracting Parties may retain and store reports and messages transmitted by the Secretariat until 24 hours after the vessels to which the reports and messages pertain have departed from the CCAMLR Statistical Area without re-entry. Departure is deemed to have been effected six hours after the transmission of the intention to exit from the CCAMLR Statistical Area.

4. Provisions on Security

4.1 Overview

4.1.1 Inspecting Contracting Parties and the CCAMLR Secretariat shall ensure the secure treatment of reports and messages in their respective electronic data processing facilities, in particular where the processing involves transmission over a network. Contracting Parties and the CCAMLR Secretariat must implement appropriate technical and organisational measures to protect reports and messages against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, and against all inappropriate forms of processing.

4.1.2 The following security issues must be addressed from the outset:

- System access control:
The system has to withstand a break-in attempt from unauthorised persons.
- Authenticity and data access control:
The system has to be able to limit the access of authorised parties to a predefined set of data only.
- Communication security:
It shall be guaranteed that reports and messages are securely communicated.
- Data security:
It has to be guaranteed that all reports and messages that enter the system are securely stored for the required time and that they will not be tampered with.
- Security procedures:
Security procedures shall be designed addressing access to the system (both hardware and software), system administration and maintenance, backup and general usage of the system.

4.1.3 Having regard to the state of the art and the cost of their implementation, such measures shall ensure a level of security appropriate to the risks represented by the processing of the reports and the messages.

4.1.4 Security measures are described in more detail in the following paragraphs.

4.2 System Access Control

4.2.1 The following features are the mandatory requirements for the CCAMLR G-VMS located at the CCAMLR Data Centre:

- A stringent password and authentication system: each user of the system is assigned a unique user identification and associated password. Each time the user logs on to the system he/she has to provide the correct password. Even when successfully logged on the user only has access to those and only those functions and data that he/she is configured to have access to. Only a privileged user has access to all the data.
- Physical access to the computer system is controlled.
- Auditing: selective recording of events for analysis and detection of security breaches.
- Time-based access control: access to the system can be specified in terms of times-of-day and days-of-week that each user is allowed to log on to the system.
- Terminal access control: specifying for each workstation which users are allowed to access.

4.3 Authenticity and Data Access Security

4.3.1 Communication between the Contracting Parties and the CCAMLR Secretariat for the purpose of Conservation Measure 10-04 shall use the X.25 or encrypted internet protocols.

4.4 Data Security

4.4.1 Access limitation to the data shall be secured via a flexible user identification and password mechanism. Each user shall be given access only to the data necessary for his task.

4.5 Security Procedures

4.5.1 Each Contracting Party and the CCAMLR Secretariat shall nominate a security system administrator. The security system administrator shall review the log files generated by the software, properly maintain the system security, restrict access to the system as deemed needed and act as a liaison with the Secretariat in order to solve security matters.