

CCAMLR-XXV

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

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

HOBART, AUSTRALIA
23 OCTOBER – 3 NOVEMBER 2006

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Chair of the Commission
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Abstract

This document is the adopted record of the Twenty-fifth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 23 October to 3 November 2006. Major topics discussed at this meeting include: review of the Report of the Scientific Committee; illegal, unreported and unregulated fishing in the Convention Area; assessment and avoidance of incidental mortality of Antarctic marine living resources; new and exploratory fisheries; current operation of the System of Inspection and the Scheme of International Scientific Observation; compliance with conservation measures in force; review of existing conservation measures and adoption of new conservation measures; management under conditions of uncertainty; and cooperation with other international organisations including the Antarctic Treaty System. The Reports of the Standing Committee on Administration and Finance and the Standing Committee on Implementation and Compliance are appended.

CONTENTS

	Page
OPENING OF THE MEETING	1
ORGANISATION OF THE MEETING	3
Adoption of the Agenda	3
Report of the Chair	4
FINANCE AND ADMINISTRATION	5
Examination of audited Financial Statements for 2005	5
Audit requirements for the 2006 Financial Statements	5
Secretariat Strategic Plan	5
Members' Activities	6
Education Package	6
Review of budget for 2006	6
Interpreting services for SCIC	7
Wireless computer network	7
Contingency Fund	7
Budget for 2007	8
Members' contributions	8
Forecast budget for 2008	8
CDS Fund	8
Other	9
SCIENTIFIC COMMITTEE	9
Intersessional activities	9
CCAMLR Scheme of International Scientific Observation	9
Ecosystem monitoring and management	10
Interactions between WG-EMM and WG-FSA	11
Harvested species	12
Krill	12
Continuous fishing system	14
Toothfish	15
Icefish	17
Other finfish species	18
Crab resources	18
Squid resources	18
By-catch species	18
Scientific research exemption	19
Secretariat supported activities	19
Scientific Committee activities	20
Reorganisation of the work of the Scientific Committee and its working groups	21
ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY	21
Marine debris	21
Incidental mortality of seabirds and marine mammals during fishing operations	22

MARINE PROTECTED AREAS	24
IMPLEMENTATION AND COMPLIANCE	25
Report of SCIC	25
Compliance with conservation measures	26
Compliance evaluation procedure	30
CATCH DOCUMENTATION SCHEME FOR <i>DISSOSTICHUS</i> SPP.	31
IUU FISHING IN THE CONVENTION AREA	31
Current level of IUU fishing	31
Procedure for the estimation of IUU catches	31
IUU Vessel Lists	32
SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION	39
NEW AND EXPLORATORY FISHERIES	40
New and exploratory fisheries in 2005/06	40
Notifications for new and exploratory fisheries in 2006/07	41
Review of potential destructive fishing practices	44
Notification procedure	46
CONSERVATION MEASURES	46
Review of existing conservation measures and resolutions	46
Revised conservation measures	47
Compliance	47
General fishery matters	49
Fishery regulations	49
Revised resolutions	49
New conservation measures	50
Compliance	50
General fishery matters	50
Notifications	50
Gear regulation	50
Environmental protection	51
Fishing seasons, closed areas and prohibition of fishing	52
By-catch limits	53
Toothfish	53
Icefish	56
Krill	57
Crab	57
Squid	58
New resolutions	58
CCAMLR System of Inspection	58
Development of other compliance measures	58
General	59
FISHERIES MANAGEMENT AND CONSERVATION UNDER CONDITIONS OF UNCERTAINTY	60

DATA ACCESS AND SECURITY	61
COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM	62
Cooperation with Antarctic Treaty Consultative Parties	62
Cooperation with SCAR	65
COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS	65
Reports of observers from international organisations	65
Intergovernmental organisations	65
FAO	65
ACAP	66
IUCN	67
Non-governmental organisations	68
ASOC	68
COLTO	70
Reports of CCAMLR representatives at meetings of international organisations in 2005/06	71
IWC	73
Cooperation with CITES	75
Cooperation with CCSBT	75
Partnership in FIRMS	76
Participation in CCAMLR meetings	77
Nomination of representatives to meetings of international organisations in 2006/07	77
IMPLEMENTATION OF THE OBJECTIVES OF THE CONVENTION	80
ELECTION OF CHAIR AND VICE-CHAIR OF THE COMMISSION	82
NEXT MEETING	83
Invitation of observers to the next meeting	83
Date and location of the next meeting	83
OTHER BUSINESS	84
International Polar Year	84
CCAMLR Twenty-fifth Anniversary Celebration	85
Other	85
ADOPTION OF THE REPORT	87
CLOSE OF THE MEETING	87
ANNEX 1: List of Participants	89
ANNEX 2: List of Documents	117
ANNEX 3: Agenda for the Twenty-fifth Meeting of the Commission	133

ANNEX 4:	Report of the Standing Committee on Administration and Finance (SCAF)	137
ANNEX 5:	Report of the Standing Committee on Implementation and Compliance (SCIC)	151
ANNEX 6:	Report of the Joint Assessment Group (JAG)	199
ANNEX 7:	Final list of Contracting Party IUU vessels 2006 (Conservation Measure 10-06).....	221
ANNEX 8:	Policy to Enhance Cooperation between CCAMLR and non-Contracting Parties	225
ANNEX 9:	Proposal for a conservation measure concerning the adoption of a trade measure to promote compliance.....	233
ANNEX 10:	Twenty-Fifth Anniversary of the Entry into Force of the Convention on the Conservation of Antarctic Marine Living Resources.....	239

**REPORT OF THE TWENTY-FIFTH
MEETING OF THE COMMISSION**
(Hobart, Australia, 23 October to 3 November 2006)

OPENING OF THE MEETING

1.1 The Twenty-fifth Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources was held in Hobart, Tasmania, Australia, from 23 October to 3 November 2006, chaired by Prof. Seo-hang Lee (Republic of Korea).

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, People's Republic of China, Cook Islands, Finland, Greece, Mauritius, Netherlands, Peru and Vanuatu, were invited to attend the meeting as observers. The People's Republic of China, Mauritius, Netherlands and Peru were represented.

1.4 The People's Republic of China had deposited its Instrument of Accession to the Convention with the Depositary (Australia) on 19 September 2006 and became an Acceding State on 19 October 2006.

1.5 The People's Republic of China made the following statement:

'This is the first time China has participated in CCAMLR's annual meeting as a Contracting Party to the Convention. It is a pleasure and honour for my delegation to attend this meeting in the beautiful city of Hobart. I would like to thank the Government of Australia and the State of Tasmania for hosting the meeting, and to thank the Australian Government and its embassy in Beijing for their valuable advice and assistance on the accession procedure. We also express our thanks to other Members and the Secretariat for their valuable support to us. I wish the meeting a total success.

The CCAMLR Convention is an important convention in the Antarctic Treaty System. Being a new Contracting Party to the CCAMLR Convention as well as an "old" consultative party to the Antarctic Treaty, China supports the healthy development of the Antarctic Treaty system. China would like to stand along with other Contracting Parties, to work together and contribute to the conservation of the Antarctic marine living resources. China anticipates becoming a Member of the Commission in the near future and China is looking forward to closer cooperation with other Members to make CCAMLR a greater success in the ecologically sustainable management of fisheries in the CCAMLR area.

While at the same time, being a newly-acceded Contracting Party, it is still a learning process for China to become more familiar with the Convention and the Commission's management mechanism. There is also a need for capacity building of China under

this Convention. Currently the relevant authorities in China are conducting a thorough study of the existing measures and management mechanism of CCAMLR. China would welcome any useful information and valuable assistance in this regard.’

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

1.7 It was agreed at last year’s meeting to invite the following non-Contracting Parties to CCAMLR-XXV as observers: Angola, Belize, Bolivia, Colombia, Georgia, Indonesia, Kenya, Madagascar, Malaysia, Mexico, Mozambique, Panamá, Philippines, Sao Tomé and Príncipe, St Vincent and Grenadines, Thailand and Togo (CCAMLR-XXIV, paragraph 19.1). Cambodia, Equatorial Guinea, Libya, Democratic People’s Republic of Korea and the Maldives were also invited to attend (COMM CIRCs 06/65 and 06/76). These countries were known to have an interest in fishing for, or trade in, *Dissostichus* spp. Cambodia and Mozambique were represented at the meeting.

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

1.9 The Chair welcomed all participants to the meeting. He said that it was a great privilege to celebrate the Commission’s ‘Silver Anniversary’ meeting in its own Headquarters. He thanked the Government of Australia, the Depositary of the Convention, the State of Tasmania and the city of Hobart for their warm reception and hospitality. The Commission looked forward to its annual meeting with eager anticipation.

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

1.11 His Excellency welcomed delegates to Hobart and Tasmania. On the occasion of the Commission’s silver anniversary, His Excellency reflected on CCAMLR’s auspicious history. In his view, it leads the world in sustainable management of the ocean’s living resources and has done much to advance effective ocean governance globally. It is to the credit of all Contracting Parties which have enthusiastically engaged, and clearly exhibited a genuine desire to cooperate, in solving the problems which the organisation has faced.

1.12 His Excellency spoke of CCAMLR's achievements:

- The Commission's key role in the comprehensive and systematic management of Antarctic marine living resources, as well as protection of the Antarctic environment and dependent and associated marine ecosystems.
- The Scientific Committee's many pioneering advances over the years in developing precautionary and ecosystem-based approaches to managing Antarctic marine living resources.
- CCAMLR's international recognition and appreciation for its sustained efforts to combat IUU fishing.

1.13 His Excellency saw these achievements as having served to secure the Commission's global position as a leader in the conservation of marine living resources. He said that CCAMLR has much to offer the world in terms of its institutional and scientific expertise. It continues to contribute extensively to the scientific synergy and cooperative spirit that characterises the Antarctic Treaty System as well as the many Antarctic-related activities with which Tasmania is deeply involved.

1.14 His Excellency felt that CCAMLR's many achievements have laid a solid foundation for its future. Effective organisations like CCAMLR have much to offer to secure the sustainability of the many resources that are too often taken for granted. He was convinced that CCAMLR would continue as a world leader in the future development of its precautionary approach to resource management through initiatives such as bioregionalisation of the Southern Ocean, the development of small-scale management units for the krill fishery, by-catch mitigation and adaptive responses to a variety of sustainability issues, including combating IUU fishing.

1.15 On the eve of the historic International Polar Year, it is also appropriate that CCAMLR, in its silver jubilee year, stands to contribute significantly to that global endeavour.

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

1.17 The Chair invited His Excellency to unveil a plaque which was to serve as a roll of honour for those who had served the Commission as office bearers over the past 25 years.

ORGANISATION OF THE MEETING

Adoption of the Agenda

2.1 The Provisional Agenda (CCAMLR-XXV/1), had been distributed prior to the meeting. The Commission agreed to amend Item 18 to include election of a Vice-Chair. With this change, the Commission adopted its agenda which 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 7 to 9 to the Standing Committee on Implementation and Compliance (SCIC). The reports of SCAF and SCIC are given in Annexes 4 and 5 respectively.

Report of the Chair

2.3 The Chair reported that following the Cook Islands accession last year and the recent accession of the People's Republic of China, the Commission now had 24 Members and 10 other States party to the Convention.

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 in SC-CAMLR-XXV, paragraph 1.9. In addition, a meeting of the Joint Assessment Group (JAG) was held in conjunction with the meeting of the Working Group on Ecosystem Monitoring and Management (WG-EMM).

2.5 For the 2005/06 season, 46 inspectors had been designated, in accordance with the CCAMLR System of Inspection, by Australia, Chile, New Zealand and the UK. Four inspectors were reported deployed and 14 inspection reports were received from CCAMLR-designated inspectors – one from Australia and 13 from the UK.

2.6 CCAMLR-designated scientific observers were on board all vessels in all finfish fisheries in the Convention Area (see paragraph 10.1 for further details).

2.7 During the 2005/06 season CCAMLR Members had actively participated in 13 fisheries in the Convention Area. In addition, four other managed fisheries were conducted in national EEZs within the Convention Area. Vessels fishing in fisheries managed under conservation measures in force in 2005/06 had reported, by 5 October 2006, a total of 105 084 tonnes of krill, 13 704 tonnes of toothfish and 2 434 tonnes of icefish. A number of other species were taken as by-catch.

2.8 The Catch Documentation Scheme for *Dissostichus* spp. (CDS) has been operating since 2000 and now includes the participation of two non-Contracting Parties to CCAMLR: Seychelles and Singapore; along with four Acceding States: Canada, People's Republic of China, Mauritius and Peru. The total number of catch documents (i.e. landing/transshipment, export and re-export documents) received and processed by the Secretariat to date is well over 30 000.

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

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

2.11 During the year, the Commission and the Scientific Committee had been represented by observers at a number of international meetings (sections 15 and 16; SC-CAMLR-XXV, section 9).

2.12 On a sad note, the Chair informed the Commission of the sad passing in the past year of three esteemed colleagues, each of whom had contributed greatly to CCAMLR's history, as well as to the effective international governance of Antarctica.

2.13 Prof. Sayed El-Sayed was an esteemed oceanographer and the convener of the international BIOMASS program from which evolved much of the science CCAMLR's Scientific Committee is involved with today. Sayed will always be remembered for his infectious enthusiasm, spirit and dedication to Antarctic matters.

2.14 Dr John Heap led the UK Delegation to CCAMLR in its early years and had much to do with drafting its Convention. He was also a key international figure in polar policy in both the Arctic and Antarctic for nearly three decades. A quiet diplomat, John engendered great trust and respect.

2.15 Dr Geoff Kirkwood served CCAMLR, the IWC, IOTC and a number of other important intergovernmental organisations involved with the sustainable management of oceanic resources. His exemplary scientific standing, great intellect and enduring involvement served to make Geoff a highly respected marine scientist of international repute.

2.16 The Chair conveyed the Commission's condolences to the families of Prof. El-Sayed and Drs Heap and Kirkwood, and asked all delegates to stand for a minute's silence in memory of these men and in respect of their unique contributions.

FINANCE AND ADMINISTRATION

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

Examination of audited Financial Statements for 2005

3.2 Noting that a review audit had been carried out on the 2005 Financial Statements and that an unqualified report had been provided by the auditor, the Commission accepted the audited Financial Statements for 2005.

Audit requirements for the 2006 Financial Statements

3.3 The Commission endorsed the advice of SCAF that a review audit was required for the 2006 Financial Statements and a full audit for 2007.

Secretariat Strategic Plan

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

3.5 The Commission accepted SCAF's advice on the retirement of the current Science/Compliance Officer, noting the merits of separating the Science and Compliance functions, and endorsed the recommendation that the Executive Secretary take appropriate steps to recruit a new Science Officer in a timely fashion to enable the current Science/Compliance Officer to retire at the beginning of 2008 in conformity with the stipulated retirement age set out in the CCAMLR Staff Contract.

3.6 In order to specifically address requests from organisations outside CCAMLR for their representatives to visit the CCAMLR Secretariat, the Commission endorsed SCAF's advice that the Executive Secretary's authority, as outlined in CCAMLR-XXI, Annex 4, paragraphs 11 and 12, be expanded with the following:

'The Executive Secretary's authority in respect of requests to visit the Secretariat should be in accordance with the principles agreed by the Commission in CCAMLR-XXI, Annex 4, paragraphs 11 and 12 in respect of the Executive Secretary:

- determining whether such a visit is appropriate
- representing the Commission
- supplying information that is publicly available, or pre-determined by the Commission, and in compliance with the Rules for Access and Use of CCAMLR Data.'

Members' Activities

3.7 The Commission endorsed the advice of SCAF that Reports of Members' Activities should continue to be provided since the information contained in such reports had distinct benefit in monitoring compliance with conservation measures. It also recognised that there is benefit in standardising the format of such reports and mandated the Secretariat to develop a standard format.

Education Package

3.8 The Commission noted that the Education Package has now been placed on the CCAMLR website in the four official languages of CCAMLR.

Review of budget for 2006

3.9 The Commission agreed that the Ukrainian Special Fund be closed and that the balance should be transferred to the General Fund.

3.10 The Commission approved the budget for 2006 as presented in Annex 4, Appendix II.

Interpreting services for SCIC

3.11 The Commission received advice from SCAF on costs for providing interpreting services at SCIC meetings. It noted that many Members strongly endorsed the idea of providing such a service, which would greatly facilitate debate on increasingly complex and technical matters. The Commission also recognised that those Members whose native language is not one of the official CCAMLR languages would benefit from an enriched debate available through interpretation.

3.12 Many Members indicated their support for simultaneous interpretation services being available to SCIC meetings.

3.13 Argentina made the following statement:

‘Argentina highlighted that the use of specialised terminology in SCIC and the character of the discussions in the Committee’s latest meetings totally justify prompt provision of interpretation services for all official languages.

Interpretation must not be considered to benefit some delegations only, because an increased participation would enrich the contents of discussions, and this would be of advantage to all, and to CCAMLR itself.

In this context, the financial difficulties discussed in SCAF would necessitate a review in 2007 of the criteria for the distribution of funds.’

3.14 Some Members supported the Commission taking on these costs, but indicated that this would entail finding equivalent cost savings in other parts of the budget.

3.15 Noting that SCAF had recommended that the Secretariat begin renovating a potentially suitable space within the CCAMLR Headquarters (Annex 4, paragraph 18), the Commission agreed to revisit the issue of simultaneous interpretation for SCIC at its next meeting.

Wireless computer network

3.16 The Commission agreed that a wireless computer network be installed in the CCAMLR Headquarters building, noting that the funds to cover part of the cost of this project could be sourced from funds transferred to the General Fund due to the closure of the Ukrainian Special Fund and by not spending funds provisionally allocated to promotional activities associated with the Convention’s 25th Anniversary.

Contingency Fund

3.17 The Commission endorsed the recommendation of SCAF that any funds in excess of A\$110 000, following the annual transfer of forfeited funds from new and exploratory fisheries applications, should be transferred to the General Fund.

Budget for 2007

3.18 The Commission noted SCAF's concerns at the growth of the Scientific Committee's budget requirements and the consequential cost implications for the Commission.

3.19 The Commission approved the Scientific Committee budget of A\$311 500 for inclusion in the Commission's budget for 2007.

3.20 The Commission fully supported the recommendation of SCAF to adopt the overall Commission budget for 2007 as presented in Annex 4, Appendix II.

Members' contributions

3.21 In accordance with Financial Regulation 5.6, the Commission granted Argentina, Belgium, Brazil, Republic of Korea, Spain and Uruguay an extension to the deadline for the payment of 2007 contributions.

3.22 The Commission received advice from SCAF that beginning in 2007, Members should be provided an incentive to pay their annual contribution by the due date by applying a 10% additional charge on any amount outstanding of the total required contribution. Such additional charge would be applied on 1 September in the year the payment is due. The Commission noted the concern of some Members with the proposal and deferred this matter until its next meeting. It encouraged these Members to attend the 2007 SCAF meeting to fully debate the issue.

Forecast budget for 2008

3.23 The Commission noted the forecast budget for 2008 as presented in Annex 4, Appendix II. It affirmed the importance of maintaining the budget with no real growth and confirmed SCAF's advice that care should be taken by Members when using this indicative forecast for their own financial budgeting.

3.24 It took particular note that the significant growth in the Scientific Committee's forecast budget for 2008 is largely attributable to the planned joint CCAMLR-IWC Workshop in that year.

3.25 The Commission endorsed SCAF's advice to seek resources, financial or in kind, from Members for the workshop's organisation, and that every effort be made to reduce the workshop's forecast costs. The Commission agreed that the Scientific Committee should endeavour to prioritise its budget requests in the future, and that the cost increases of the kind encountered in 2008 should not be seen as a precedent for the future.

CDS Fund

3.26 The Commission agreed that a sum of A\$29 260 should be provided from the CDS Special Fund to allow modifications to be made to the E-CDS.

3.27 The Commission expressed its appreciation for the efficient work of the SCAF Chair in managing the Committee's business and presenting its report.

Other

3.28 A number of delegations noted that in some cases the deadlines attached to the submission of Members' views in response to Commission circulars were too short. The Secretariat undertook to ensure that in future deadlines would be suggested to allow full reflection by Members and subsequent presentation of their views. The Executive Secretary indicated that there would still be instances when urgent responses might be required.

SCIENTIFIC COMMITTEE

4.1 The Chair of the Scientific Committee, Dr E. Fanta (Brazil) presented the report of the Scientific Committee (SC-CAMLR-XXV). The Commission thanked Dr Fanta for her comprehensive report (CCAMLR-XXV/BG/47).

4.2 The Commission noted the Scientific Committee's general recommendations, advice, research and data requirements. The Commission also discussed substantive matters arising from the Committee's deliberations under other parts of the former's agenda, including assessment and avoidance of incidental mortality (section 5); IUU fishing (section 9); Scheme of International Scientific Observation (section 10); new and exploratory fisheries (section 11); fisheries management and conservation under conditions of uncertainty (section 13); data access and security (section 14); and cooperation with other international organisations (section 16).

Intersessional activities

4.3 The Commission noted the extensive activities of the Scientific Committee in 2006 (SC-CAMLR-XXV, paragraphs 1.9 and 1.10). It joined the Scientific Committee in thanking the conveners of the working groups, subgroups and workshops for their contributions to the work of CCAMLR.

CCAMLR Scheme of International Scientific Observation

4.4 CCAMLR-designated scientific observers were deployed on all vessels fishing for finfish in the Convention Area in 2005/06. In addition, scientific observers were deployed on krill fishing vessels under the scheme. The Scientific Committee's advice on scientific observation is considered in section 10.

Ecosystem monitoring and management

4.5 The Commission noted the progress achieved by the Scientific Committee and WG-EMM in 2006. This work included further development of the feedback management regime for the krill fishery which was undertaken during the Second Workshop on Management Procedures to Evaluate Options for Subdividing the Krill Catch Limit in Area 48 among Small-scale Management Units (SSMUs) (SC-CAMLR-XXV, paragraphs 3.8 to 3.16).

4.6 The Commission noted that the analysis of long-term penguin population data from both the South Shetland Islands and South Orkney Islands had revealed consistent declines in Adélie and chinstrap penguin numbers over the past 20 to 30 years and that winter sea-ice conditions had opposite effects on these two species. However, a new analysis of these trends has indicated that this decline in both species may reflect the influence of reduction in prey availability linked to large-scale climate forcing (SC-CAMLR-XXV, paragraphs 3.5 and 3.6).

4.7 The Commission also noted that the Scientific Committee had requested Members to consider:

- what the potential effects of climate change on Antarctic marine ecosystems might be, and how this knowledge could be used to advise the Commission on management of the krill fishery;
- how the effects of fishing might be distinguished from the effects of climate change.

The Scientific Committee requested that Members provide submissions on this item to the next meeting of WG-EMM.

4.8 The Commission noted that simulation trials using models at the above workshop (krill–predatory–fishery model (KPFM2) and spatial multispecies operating model (SMOM)) indicated that subdivision of the krill precautionary catch limit based on historical catch distributions from the fishery (Fishing Option 1; *status quo*) would have greater negative impacts on the ecosystem compared to other fishing options (SC-CAMLR-XXV, paragraphs 3.9 and 3.10).

4.9 The Commission also noted that although substantial progress had been achieved, the Scientific Committee still required further work to develop its advice concerning the six candidate procedures for subdividing the krill precautionary catch limit among SSMUs in Area 48 (SC-CAMLR-XXV, paragraphs 3.11 to 3.15).

4.10 The Commission recognised that evaluating options for subdividing the krill precautionary catch limit among SSMUs is a complex task which requires extensive modelling and a large comprehensive dataset. Work will also be required to develop approaches which may be used to separate changes in the ecosystem which are and may be occurring due to climate change from those which may be induced by fishing.

4.11 The Commission agreed that WG-SAM's (provisionally referred to as the Working Group on Statistics, Assessments and Modelling) involvement in model development will advance such work and serve to maintain the momentum that WG-EMM has developed (SC-CAMLR-XXV, paragraph 3.15).

4.12 The Commission urged Members to facilitate collection of fishery and observer data from the krill fishery, as well as associated research data, which can contribute to the construction of an extensive dataset for the development of important modelling work of the kind outlined in the previous two paragraphs (see also section 10).

4.13 The Commission also noted that the Scientific Committee recommended that an integrated assessment approach for krill, similar to that used by the Working Group on Fish Stock Assessment (WG-FSA) for other species, should be explored by WG-SAM (SC-CAMLR-XXV, paragraph 3.15).

4.14 The Commission noted the change of name of the Subgroup on the Development of Operating Models, to the 'Operating Models Subgroup', the tasks endorsed by the Scientific Committee, and the development of a newsgroup (SC-CAMLR-XXV, paragraph 3.19).

4.15 The Commission noted other work, conducted outside CCAMLR, relevant to the work of the Scientific Committee and WG-EMM (SC-CAMLR-XXV, paragraphs 3.21 to 3.23).

4.16 The Commission endorsed the Scientific Committee's long-term work plan of WG-EMM (SC-CAMLR-XXV, paragraphs 3.25 to 3.28), in particular noting the following priorities to:

- (i) facilitate continued evaluation of management procedures to allocate the precautionary krill catch limit in Area 48 among SSMUs and that this work will be further developed by WG-SAM in 2007;
- (ii) review estimates of B_0 and γ and suggest appropriate revision for the precautionary catch limits for krill in Areas 48 and 58. A workshop, convened by Dr S. Nicol (Australia), will be held at the 2007 meeting of WG-EMM;
- (iii) hold a Workshop on Bioregionalisation in 2007 (see section 6);
- (iv) examine data requirements and existing data that provide abundance estimates and associated uncertainty of land-based predator populations. A workshop is proposed no later than 2008.

4.17 The Commission noted that the Scientific Committee had used the results of the recent Australian BROKE-West acoustic krill biomass survey to update its recommendation that the krill precautionary catch limit in Division 58.4.2 be revised from 450 000 tonnes to 1.49 million tonnes (SC-CAMLR-XXV, paragraph 3.18; see section 12).

Interactions between WG-EMM and WG-FSA

4.18 The Commission endorsed the Scientific Committee's proposal to hold a one-day joint workshop between WG-EMM and WG-FSA to consider development of models to examine the effects of fisheries, in fish-based ecosystems. This workshop will be co-convened by the two working group conveners, and will be held in association with the 2007 meeting of WG-EMM.

Harvested species

4.19 The Commission noted that 15 Members had participated in fisheries in the Convention Area in 2005/06 (SC-CAMLR-XXV, paragraphs 1.12 to 1.15 and 4.26, Table 2). It also noted progress by the Scientific Committee and WG-FSA in 2006. This work included revision of integrated assessments for toothfish in Subareas 48.3, 88.1 and 88.2, and development of a new integrated assessment for toothfish in Division 58.5.2. Investigation of exploratory fisheries for toothfish in Subareas 48.6 and 58.4 also commenced.

Krill

4.20 The Commission noted that seven vessels from five Member countries targeted krill in the 2005/06 season. This included one vessel which commenced fishing under the Maltese flag before re-flagging to Poland during the season.

4.21 A total catch of 105 084 tonnes of krill was reported to the Secretariat by October 2006. Compared to the catch reported at the same time last season it appears that the total catch of krill in 2005/06 will be at a similar level to that reported in 2004/05 (127 035 tonnes) (SC-CAMLR-XXV, Tables 2 and 3).

4.22 The Commission noted that fine-scale data had been received from all Members fishing for krill in 2004/05. In addition, the historical series of haul-by-haul data for the Japanese krill fishery had also been received by the Secretariat. The Commission thanked Japan for submitting these data and urged other Members, where applicable, to submit historical haul-by-haul catch and effort data for seasons where aggregated data had been previously submitted (SC-CAMLR-XXV, paragraph 4.3).

4.23 The Commission noted Members' notifications to fish for krill in the 2006/07 season. Eight Members had notified and all vessels except the *Saga Sea* (Norway) will use conventional trawls (SC-CAMLR-XXV, paragraph 4.4).

4.24 The Commission also noted that most vessels fishing for krill in 2006/07 will carry scientific observers who will collect data in accordance with the CCAMLR Scheme of International Scientific Observation (SC-CAMLR-XXV, Table 4). In addition, the Chilean vessel *Ocean Dawn* will also conduct scientific research. The deployment of scientific observers in this fishery is discussed in section 10.

4.25 Norway advised the Commission that it was unlikely that catches from the *Saga Sea* in 2006/07 would reach the level anticipated in the original notification. In addition, it was unlikely that the second Norwegian-flagged vessel notified during SC-CAMLR-XXV would fish in 2006/07 (SC-CAMLR-XXV, Table 4).

4.26 The Commission noted that if all the notifications for 2006/07 proceed as planned, the krill fishery could escalate from its current low level to a level approaching the trigger level (620 000 tonnes) in Conservation Measure 51-01 in a single year. The possibility of such a rapid increase in the krill catch further emphasised the necessity of obtaining sufficient information from the current fishery to ensure future management needs. This would be particularly problematic if the fishery was concentrated in certain regions or subareas (SC-CAMLR-XXV, paragraph 15.15).

4.27 The Commission also noted the importance of obtaining fishery and observer data from all vessels operating in the krill fishery (see section 10).

4.28 In recognising the need to collect standard scientific observations on krill fishing vessels, the Commission noted that systematic scientific observer coverage of the krill fishery is required across all fishing methods so as to allow the Scientific Committee to develop advice on the fishery, including evaluation of by-catch and the efficacy of mitigation measures (SC-CAMLR-XXV, paragraph 11.13).

4.29 However, the Commission was unable to agree on the level of observer coverage in the krill fishery. It noted that most Members will be deploying scientific observers on their vessels in 2006/07 (SC-CAMLR-XXV, paragraph 4.5 and Table 4).

4.30 The Commission urged all Members to implement scientific observations, in accordance with the CCAMLR Scheme of International Scientific Observation, on vessels fishing for krill in the Convention Area, and to submit resultant data to the CCAMLR database (see also section 10). It agreed with the Scientific Committee that the priorities for scientific observers were to collect data to:

- compare fishing methods
- determine the level of by-catch of larval finfish
- better understand the occurrence of warp-strike by seabirds.

4.31 Russia emphasised the need for quantitative observations on the occurrence of larval and juvenile krill and finfish by-catch in krill catches taken by the continuous fishing system in order to receive adequate data to resolve the issue of the impact of this fishing method on the pelagic ecosystem.

4.32 The Republic of Korea advised the Commission that it would be willing to work towards contributing scientific data from its vessels in the krill fishery to assist with the deliberations of the Scientific Committee. The Commission thanked the Republic of Korea for addressing this issue.

4.33 The Commission noted that arising from ATCM Measure 4 (2006) (paragraph 15.32), Parties to the Antarctic Treaty who are Members of CCAMLR have been urged to provide information on the potential impact of krill harvesting on the population of Antarctic fur seals, including the development and effectiveness of mitigation methods in reducing incidental mortality. The Commission further noted the advice of the Scientific Committee (SC-CAMLR-XXIV, paragraphs 5.42 to 5.44) that the provision of such information would require observer coverage from all vessels engaged in the krill fishery.

4.34 The Commission noted with concern that Vanuatu was considering deploying five 'super-trawlers' in the krill fishery in 2006/07 (SC-CAMLR-XXV, paragraphs 15.10 to 15.16; CCAMLR-XXV/BG/52 and its addendum).

4.35 The information provided by Vanuatu was insufficient to determine whether this additional fishing effort and resulting catches could trigger the limit of 620 000 tonnes of krill agreed in Conservation Measure 51-01. However, it was noted that notifications for 2006/07

contained notifications with expected krill catch levels of 100 000 tonnes per vessel (SC-CAMLR-XXV, Table 4), thereby inferring a substantial potential krill catch could be expected by Vanuatu.

4.36 Norway advised that knowledge provided by industry related to the five Vanuatu-flagged vessels indicated that these vessels would fish for krill using conventional trawls.

4.37 The Commission noted the Scientific Committee's recommendation that the Commission seek assurance from Vanuatu, prior to fishing, that its vessels will comply with all conservation measures in force. The Commission agreed that assurance should also be sought regarding Vanuatu's capacity to regulate its flag vessels under its national legislation (Annex 5, paragraph 7.4).

4.38 The Commission noted that Acceding States are bound by all conservation measures and notification procedures and requirements (Annex 5, paragraph 7.2). However, the CCAMLR Scheme for Scientific Observation is based on bilateral agreements between Members, and the Commission noted that Vanuatu would not be bound to such an agreement.

4.39 Vanuatu's participation in the krill fishery is discussed further in section 7.

Continuous fishing system

4.40 The Commission recalled that in 2005 the Scientific Committee had noted that the trawl fishery for krill using the continuous fishing system may have a potentially negative impact on the pelagic ecosystem, particularly through the by-catch of larval and juvenile krill and fish. The Scientific Committee also recognised that the fishery using this method would not be considered a new or exploratory fishery if there were an adequate description of the fishing selectivity, a characterisation of the haul (or catch rate) and information on the location of krill catches (SC-CAMLR-XXIV, paragraphs 4.8 and 4.9).

4.41 The Commission noted that available fine-scale catch and effort data and scientific observer data reported from two vessels fishing for krill using the continuous fishing system (*Atlantic Navigator* in 2003/04 and 2004/05, and *Saga Sea* in 2005/06) had been examined by WG-EMM and WG-FSA (SC-CAMLR-XXV, paragraphs 4.13 to 4.18).

4.42 It noted that the use of the continuous fishing system in the krill fishery presented some unique challenges to recording effective fishing effort, catch and collection of biological data and by-catch data. The Commission also noted Russia's concerns over delays in the collection of adequate data from this fishing system and its potential effects on the ecosystem (SC-CAMLR-XXV, paragraphs 4.14 and 4.15). Ukraine expressed similar concerns.

4.43 The Commission recognised that the Scientific Committee had not yet defined a single effective measure of CPUE in conventional trawl or continuous fishing systems; nor was such a measure of CPUE used in stock assessments or management decision rules. Until such time as these issues have been addressed, the Commission agreed that all krill fisheries should provide information appropriate to the current management system (SC-CAMLR-XXV, paragraph 4.17; see also section 10).

4.44 The Commission endorsed the Scientific Committee's request for information from krill fishing nations on fishing methodologies, technology and fishing operations. In particular, operational data were needed on fishing selectivity and total mortality (SC-CAMLR-XXV, paragraph 4.18). These requirements are outlined in paragraph 4.30 and section 10.

Toothfish

4.45 The Commission noted that Members had fished for *Dissostichus eleginoides* in 2005/06 in Subareas 48.3 and 48.4 and Division 58.5.2, and for *Dissostichus* spp. in Subareas 48.6, 88.1, 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b. Other fisheries for *D. eleginoides* occurred in the EEZs of South Africa (Subareas 58.6 and 58.7) and France (Subarea 58.6 and Division 58.5.1). A total catch of 13 704 tonnes of *Dissostichus* spp. was reported in the Convention Area in the 2005/06 season (to October 2006), compared with 16 250 tonnes in the previous season (SC-CAMLR-XXV, Tables 2 and 3).

4.46 Data reported in the CDS indicated that 8 048 tonnes of *Dissostichus* spp. were taken outside the Convention Area in 2005/06 (to October 2006) compared with 12 847 tonnes in 2004/05 (SC-CAMLR-XXV, Annex 5, Table 3). The catch of *Dissostichus* spp. reported through the CDS in Areas 41 and 87 was 3 881 tonnes and 3 526 tonnes respectively in 2005/06, compared with 7 063 and 5 611 tonnes respectively in 2004/05.

4.47 Estimates of catches from IUU fishing for *Dissostichus* spp. inside the Convention Area are discussed in section 9.

4.48 The Commission noted that the Scientific Committee had reviewed the tagging program requirements for *Dissostichus* spp. in exploratory fisheries (SC-CAMLR-XXV, paragraphs 4.142 to 4.151).

4.49 The Commission endorsed the following recommendations to:

- amend Conservation Measure 41-01, Annex C, to clarify the roles and responsibilities of the vessel and observers (SC-CAMLR-XXV, paragraph 4.37; see paragraph 12.43);
- increase the tagging rate for *Dissostichus* spp. in exploratory fisheries to a minimum of three fish per tonne and a target of 10 fish per tonne in those SSRUs in Subareas 88.1 and 88.2 which are closed but carry a 10-tonne research exemption for a single vessel in a single season (SC-CAMLR-XXV, paragraph 4.42), and a minimum of three fish per tonne in exploratory fisheries in Divisions 58.4.1 and 58.4.2 (SC-CAMLR-XXV, paragraph 4.189);
- in exploratory fisheries for *Dissostichus* spp., for a single trial year (2006/07) observers should take a photographic record of all tags recovered and forward these photographs to the Secretariat.

The Commission re-affirmed that fish which are tagged and released are not counted against catch limits (paragraph 12.43).

4.50 The Commission also endorsed the Scientific Committee's recommendation that the Secretariat take responsibility for coordinating the tagging programs in new and exploratory fisheries starting from the 2007/08 season. The Commission agreed that all tags used by Members in exploratory fisheries shall be purchased from the Secretariat for use in the 2007/08 season onwards. The financial implications of this proposal are discussed in section 3.

4.51 The Commission endorsed the Scientific Committee's proposal to move towards multi-year assessments, noting that (SC-CAMLR-XXV, paragraph 4.55 to 4.58):

- conducting full assessments at multi-year intervals would benefit WG-FSA by freeing up time to progress more strategic issues relating to the further development of management procedures;
- WG-FSA would retain the option to undertake an assessment in any given year if new or refined methods of assessment recommended by WG-SAM become available, parameters used in the assessment are revised significantly, or the fishery status changes in an unexpected way.

4.52 The Commission also noted that the current stability in assessment results had only been evident for two years and that WG-FSA should be prepared to undertake full assessments of *Dissostichus* spp., if required, at its meeting in 2007.

4.53 The Commission agreed that multi-year assessments would allow the Scientific Committee additional time to advance other high-priority issues such as Management Strategy Evaluations (MSEs) so as to evaluate the efficacy of methods to achieve management objectives. The Commission endorsed the Scientific Committee's recommendation that simulation experiments be conducted to examine the robustness of assessment outputs to changes in input data and model assumptions and to provide further insight into the consequences of the assessment timetable in paragraph 4.51 to managing CCAMLR fisheries (SC-CAMLR-XXV, paragraph 4.59).

4.54 The Commission endorsed management advice for the *Dissostichus* spp. fisheries which had been assessed by the Scientific Committee (see also section 11). The Commission agreed to the following limits for the 2006/07 fishing season:

- the catch limit for *D. eleginoides* in Subarea 48.3 (SGSR stock) should be 3 554 tonnes, the catch limits for management areas A, B and C should be adjusted in a pro-rata manner to 0, 1 066 and 2 488 tonnes respectively, and the by-catch limits for skate/rays and macrourids should remain at the level of 5%, that is 177 and 177 tonnes respectively (SC-CAMLR-XXV, paragraphs 4.71 and 4.72);
- the catch limit for *D. eleginoides* in Division 58.5.2 west of 79°20'E should be 2 427 tonnes (SC-CAMLR-XXV, paragraph 4.86).

4.55 The Commission encouraged France to submit catch, effort, length and biological data to the CCAMLR database so that preliminary stock assessments for *D. eleginoides* in the French EEZs in Subarea 58.6 and Division 58.5.1 could be carried out by WG-FSA. The Commission also urged France, as is the practice for other longline fisheries in the Convention Area and where possible, to request that all unprocessed rajids should be cut from

the line while still in the water, except on the request of the observer. Avoidance of specific high by-catch areas should be also considered (SC-CAMLR-XXV, paragraphs 4.76 to 4.79, 4.101 to 4.103).

4.56 The Commission noted that the Scientific Committee was unable to provide management advice for the fishery for *D. eleginoides* in the South African EEZ at the Prince Edward and Marion Islands. The Commission urged South Africa to use the CCAMLR decision rules for estimating yields for this fishery. The Commission also encouraged South Africa to consider the recommendations of ad hoc WG-IMAF with respect to mitigation of seabird mortality (SC-CAMLR-XXV, paragraphs 4.92 and 4.93).

4.57 The Commission agreed that the prohibition of directed fishing on *D. eleginoides* in Subareas 58.6 and 58.7, and Divisions 58.4.4 and 58.5.1 in areas outside national jurisdiction, should remain in force (SC-CAMLR-XXV, paragraphs 4.79, 4.94 and 4.104).

Icefish

4.58 The Commission noted that Members had fished for *Champscephalus gunnari* in Subarea 48.3 and Division 58.5.2 in 2005/06, and a total of 2 830 tonnes of *C. gunnari* was taken in the Convention Area (to October 2006), compared with 3 563 tonnes in 2004/05 (SC-CAMLR-XXV, Tables 2 and 3).

4.59 The Commission endorsed the management advice for fisheries for *C. gunnari* which had been assessed by the Scientific Committee. The Commission agreed to the following limits:

- the catch limit for *C. gunnari* in Subarea 48.3 should be revised to 4 337 tonnes in 2006/07 and 2 885 tonnes in 2007/08 based on the outcome of the short term assessment, and all other components of Conservation Measure 42-01 should remain in force with an appropriate pro rata of the catch taken in the period 1 March to 31 May 2007 of 1 084 tonnes (SC-CAMLR-XXV, paragraphs 4.113 and 4.114).
- the catch limit for *C. gunnari* in Division 58.5.2 should be no more than 42 tonnes in 2006/07, and the remaining provisions of Conservation Measure 42-02, Annex B, should be carried forward (SC-CAMLR-XXV, paragraphs 4.119 to 4.121).

4.60 The Commission endorsed the Scientific Committee's advice that the fishery for *C. gunnari* within the French EEZ in Division 58.5.1 should remain closed until information on stock status is obtained from a survey (SC-CAMLR-XXV, paragraph 4.134).

4.61 The Commission endorsed the Scientific Committee's recommendation to further develop a management procedure for *C. gunnari* as a matter of priority (SC-CAMLR-XXV, paragraph 4.122).

Other finfish species

4.62 The Commission endorsed the Scientific Committee's advice on other finfish fisheries in Subareas 48.1, 48.2 and 48.3 (SC-CAMLR-XXV, paragraphs 4.127 and 4.132).

4.63 The Commission also confirmed that the mark–recapture program for *Dissostichus* spp. in Subarea 48.4 should continue to be conducted over the next three to five years (SC-CAMLR-XXV, paragraph 4.130).

Crab resources

4.64 The Commission noted that there had been no fishery for crab in Subarea 48.3 in 2005/06 and that no proposal to harvest crab had been received for 2006/07. The Commission endorsed the Scientific Committee's management advice that the existing Conservation Measures 52-01 and 52-02 on crabs should be carried forward (SC-CAMLR-XXV, paragraph 4.218).

Squid resources

4.65 The Commission noted that there had been no fishery for *Martialia hyadesi* in Subarea 48.3 in 2005/06 and that no notification to harvest this species had been received for 2006/07. The Commission endorsed the Scientific Committee's management advice that the existing Conservation Measure 61-01 should be carried forward (SC-CAMLR-XXV, paragraph 4.220).

By-catch species

4.66 The Commission noted that the Scientific Committee had been unable to provide new advice on by-catch catch limits (SC-CAMLR-XXV, paragraphs 4.179, 4.186 and 4.187). Therefore, the Commission agreed to maintain the *status quo* for by-catch species catch limits for in 2006/07.

4.67 The Commission agreed that the move-on rule in Conservation Measure 33-03 (paragraph 5) remain unmodified for the 2006/07 season. The Commission also agreed that this rule be reviewed at WG-FSA-07, and requested that the Secretariat provide the data required for this review (SC-CAMLR-XXV, paragraph 4.233).

4.68 Japan advised the Commission that it wished to be involved with the revision of the move-on rule. The Commission noted that this review would be conducted by WG-FSA.

Scientific research exemption

4.69 The Commission recalled that scientific research surveys notified to the Secretariat under Conservation Measure 24-01 are regularly updated on the CCAMLR website, and noted the future surveys identified by the Scientific Committee (SC-CAMLR-XXV, paragraph 8.1). These comprise:

- general research survey in Divisions 58.4.1, 58.4.2, 58.4.3 by Japan from December 2006 to March 2007;
- bottom trawl survey in Subarea 48.1 by Germany in November–December 2006;
- multidisciplinary survey in Subarea 48.3 by the UK in September 2007;
- bottom trawl survey of Division 58.5.2 by Australia from April to June 2007.

4.70 The Commission also noted that the Secretariat had been advised by some Members that Denmark intended to conduct a research survey using trawls, lines and traps in the Convention Area in January 2007.

Secretariat supported activities

4.71 The Commission noted work undertaken by the Secretariat in 2005/06 in support of the Scientific Committee and its working groups (SC-CAMLR-XXV, paragraphs 12.1 to 12.3, 12.10 and 12.18).

4.72 Noting the sensitive nature of the VMS data and the rules of access, the Commission endorsed the Scientific Committee's proposal to use VMS data to provide a timely and efficient validation of positions reported in observer data including tagging data, and fine-scale data (SC-CAMLR-XXV, paragraphs 4.24, 4.25 and 11.12; see also sections 3 and 7).

4.73 The Commission also urged Flag States and scientific observers to check the reported positions in the data, especially near longitudes 0° (Subarea 48.6) and 180° (Subarea 88.1).

4.74 The Commission endorsed the Scientific Committee's request for level funding of A\$12 000 for language support for *CCAMLR Science* in 2007 (SC-CAMLR-XXV, paragraph 12.19), and the request to disseminate the journal via the CCAMLR website, and associated funding to implement web-based publication including back-issues of the journal. The Commission agreed that the web-based publication should reside in the public domain section of the CCAMLR website (under the 'Publications' menu) and that a searchable index of *CCAMLR Science* papers be included (SC-CAMLR-XXV, paragraphs 12.19 and 12.20).

4.75 The Commission agreed that the following paragraph should be inserted after the second introductory paragraph in the preface of the *CCAMLR Scientific Abstracts*: 'Publication of an abstract does not imply in any way that the paper was reviewed by the Scientific Committee or its working groups, or was used in the work of CCAMLR' (SC-CAMLR-XXV, paragraph 12.21).

Scientific Committee activities

4.76 The Commission endorsed the work plan for the Scientific Committee and its working groups and subgroups in 2006/07 (SC-CAMLR-XXV, paragraphs 13.1 to 13.46), including:

- meeting of SG-ASAM and planning meeting for the CCAMLR-IPY projects in April 2007, in association with the 2007 meeting of ICES WG-FAST in Dublin, Ireland, 23 to 27 April (convener, dates and venue to be announced in December 2006);
- meeting of WG-SAM in Christchurch, New Zealand, from 9 to 13 July 2007 (Co-conveners Drs C. Jones (USA) and A. Constable (Australia));
- one-day joint workshop by WG-EMM and WG-FSA (developing methods of incorporating ecosystem models in finfish fishery assessments) in Christchurch, New Zealand, in July 2007 (Co-conveners Drs S. Hanchet (New Zealand) and K. Reid (UK), date to be announced);
- meeting of WG-EMM in Christchurch, New Zealand, from 16 to 27 July 2007 (Convener Dr Reid);
- Bioregionalisation Workshop in Brussels, Belgium, from 13 to 17 August 2007 (Co-conveners Drs P. Penhale (USA) and S. Grant (UK));
- meeting of WG-FSA, including ad hoc WG-IMAF, in Hobart, from 8 to 19 October 2007 (Convener WG-FSA Dr Hanchet; Co-conveners WG-IMAF Ms K. Rivera (USA) and Mr N. Smith (New Zealand));
- SC-CAMLR-XXVI scheduled in Hobart from 22 to 26 October 2007.

4.77 The Commission also noted the Scientific Committee's progress in making arrangements for the CCAMLR-IWC Workshop, scheduled in April 2008 in Hobart. Details would be further developed in 2007 and finalised at SC-CAMLR-XXVI (SC-CAMLR-XXV, paragraphs 13.40 and 13.41). Financial implications of this workshop are discussed in section 3.

4.78 The Commission endorsed the Scientific Committee's decision that all observers invited to the 2006 meeting would be invited to participate in SC-CAMLR-XXVI.

4.79 The Commission noted that:

- (i) Dr Fanta had been unanimously re-elected to the Chair of the Scientific Committee for a second term (2007 and 2008);
- (ii) Dr H.-C. Shin's (Republic of Korea) term as Vice-Chair of the Scientific Committee ended in 2006 and the Scientific Committee had unanimously elected Dr K. Sullivan (New Zealand) to the position for a term of two regular meetings (2007 and 2008);
- (iii) WG-SAM will be co-convened by Drs Jones and Constable in 2007.

4.80 The Commission joined the Scientific Committee in thanking Dr Shin, outgoing Vice-Chair, for his significant contributions to the work of the Scientific Committee. The Commission welcomed Dr Fanta's return to the Chair of the Scientific Committee as well as Drs Sullivan, Jones and Constable to their new portfolios.

Reorganisation of the work of the Scientific Committee and its working groups

4.81 The Commission endorsed the Scientific Committee's decision to reorganise its work in order to improve the balance, conduct and integration of work between the major elements of its work program (SC-CAMLR-XXV, paragraphs 13.1 to 13.16).

4.82 It endorsed the Scientific Committee's agreement to establish WG-SAM as a full Working Group effective from the end of CCAMLR-XXV. The Scientific Committee had also agreed that 2007 would be a transition year when WG-SAM would focus on tasks assigned by WG-FSA as well as on further development of the methodology for subdividing the krill catch limit among SSMUs in Area 48.

4.83 The Commission also noted that the Scientific Committee had agreed to establish a long-term science plan to set the priorities of WG-SAM and other working groups/subgroups. Scientific Committee working group conveners had also been requested to outline priorities for their work which the Committee would then review with a view to revising its priorities for future work.

ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY

Marine debris

5.1 The Commission noted the report prepared by the Secretariat and considered by the Scientific Committee on the current status and trends of national surveys on monitoring marine debris and its impact on marine mammals and seabirds in the Convention Area (SC-CAMLR-XXV/BG/9; SC-CAMLR-XXV, paragraphs 6.1 to 6.12).

5.2 It also noted that Members conducted marine debris programs in accordance with the CCAMLR standard methods at 12 sites, predominantly within Area 48 (SC-CAMLR-XXV, paragraph 6.2).

5.3 The Commission noted the continual reduction in levels of marine debris reported throughout the Convention Area, and encouraged all Members to submit data on marine debris to the Secretariat in the CCAMLR standard format (SC-CAMLR-XXV, paragraph 6.12).

5.4 It endorsed a proposal by the UK to provide information on marine debris to the annual CEP meeting and that this could be forwarded as a summary of the deliberations of the Scientific Committee and the Commission on the matter.

Incidental mortality of seabirds and marine mammals during fishing operations

5.5 The Commission considered and noted all items of general advice received from the Scientific Committee regarding incidental mortality of seabirds and marine mammals during fishing operations (SC-CAMLR-XXV, paragraph 5.56).

5.6 In particular, it noted with great satisfaction the continuing low levels of incidental seabird mortality in regulated longline fisheries in most parts of the Convention Area in 2006 and that for the first time, no albatrosses were reported taken in regulated longline fisheries.

5.7 Australia informed the Commission that all of its longline vessels operating in the Convention Area have used paired streamer lines for the past three years, and will provide advice on its experience to the next meeting of ad hoc WG-IMAF.

5.8 South Africa supported the Scientific Committee's recommendation to expand the level of data collected to assess seabird interactions with trawl warp cables through dedicated trawl warp observations (SC-CAMLR-XXV, paragraph 5.21). South Africa informed the Commission that it has enacted domestic legislation for bottom trawl fisheries in its continental EEZ making it compulsory for vessels in these fisheries to deploy streamer lines. It requested other Members to be mindful of potential interactions between seabirds and trawl warps.

5.9 Japan noted that the use of bird lines alongside trawl warps on their krill vessels had been very effective in avoiding seabird incidental mortality. Similarly, seal excluder devices had also been effective in reducing fur seal mortality in this fishery.

5.10 The UK noted CCAMLR's exemplary record in reducing seabird by-catch in longline fisheries, and recommended that extracts from the Scientific Committee and Commission reports be reported to ACAP at its next meeting in mid-November 2006.

5.11 New Zealand informed the Commission that it would be in a position to present this information on behalf of the Commission to the Second meeting of ACAP Parties.

5.12 The Commission agreed with the UK proposal and thanked New Zealand for its offer to act as the CCAMLR Observer at the Second meeting of ACAP Parties.

5.13 Russia and Ukraine informed the Commission of their use of recently modified longline gear that has resulted in the reduction of both macrourid and seabird by-catch. Russia had presented a description of the gear used to WG-FSA (WG-FSA-06/5). It also encouraged experimental trials to determine the extent in the reduction of by-catch rates (SC-CAMLR-XXV, paragraphs 4.32 and 4.232, see also Annex 5, paragraphs 3.14 and 6.52).

5.14 The European Community praised the Commission's achievements in reducing seabird and marine mammal incidental mortality associated with fishing in the Convention Area. It noted CCAMLR's role as a model of best practice for other RFMOs in effectively reducing seabird by-catch. The European Community recommended that the Secretariat continue to exchange information with other RFMOs on CCAMLR's implementation of seabird mitigation measures.

5.15 The Co-convener of ad hoc WG-IMAF noted the growing cooperation with RFMOs over the past year on seabird by-catch reduction (SC-CAMLR-XXV, Annex 5, Appendix D, paragraphs 160 to 177).

5.16 Noting the above, New Zealand proposed revising Resolution 22/XXIII to further enhance cooperation with other RFMOs on effective seabird by-catch mitigation measures (see paragraph 12.20).

5.17 Chile and Brazil informed the Commission of their recent implementation of their NPOA-Seabirds.

5.18 The USA noted that Uruguay has recently finalised its NPOA-Seabirds and that together these three new NPOAs represent a significant accomplishment. It also supported a revision of Resolution 22/XXIII to enhance cooperation with other RFMOs.

5.19 The Commission endorsed the Scientific Committee's recommendations (SC-CAMLR-XXV, paragraph 5.57) in respect of further actions to address the issue of incidental mortality associated with fishing in the Convention Area.

5.20 The Commission also considered various other incidental mortality-associated matters highlighted by the Scientific Committee (SC-CAMLR-XXV, paragraph 5.58) and made several decisions together with additional comments as described in the paragraphs below.

5.21 In particular, the Commission noted the success of net binding in reducing seabird by-catch in the pelagic trawl fishery for *C. gunnari* in Subarea 48.3 (SC-CAMLR-XXV, paragraph 5.57(v)) and accepted the proposed revision of Conservation Measure 42-01 encouraging the use of net binding (SC-CAMLR-XXV, paragraph 5.58(i)).

5.22 Australia requested the Scientific Committee and ad hoc WG-IMAF to provide additional clarification on area-specific risks associated with seabird-trawl net interactions. This information should be further considered next year following provision of additional information from vessels using net binding.

5.23 The UK suggested that any proposed revision to Conservation Measure 42-01 in relation to net binding should only be made obligatory following some limited period of application so that further information on its effectiveness can be obtained. The Scientific Committee would then be in a better position to consider modifying the measure.

5.24 Australia welcomed the work to be undertaken in Subarea 48.3 and looked forward to considering the outcomes of this work at the next meeting of the Scientific Committee. It suggested that such a requirement for net binding was unlikely to be needed to be implemented uniformly and reiterated its request (see paragraph 5.21) that the Scientific Committee and ad hoc WG-IMAF consider those circumstances where application of net binding would be most effective.

5.25 In considering other requests, the Commission, in particular, noted that requests for continued action in respect of seabird mortality caused by IUU fishing and observer coverage in krill fisheries have already been considered by the Commission under other agenda items (see sections 9 and 10).

5.26 The USA informed the Commission that they would be able to represent CCAMLR at the tuna RFMO meeting in Kobe, Japan, in January 2007 and that they would report back to Commission next year. The Commission was appreciative of this offer.

5.27 The Commission requested that the Secretariat provide a paper to the Kobe meeting describing the scientific and fisheries management processes CCAMLR has followed in developing its seabird by-catch mitigation measures.

5.28 Australia noted that it was appropriate for CCAMLR Members that are also members of other RFMOs to ensure that seabird mortalities are reported and mitigation measures are improved in the fisheries being managed by such organisations.

5.29 Following the Scientific Committee's recommendation (SC-CAMLR-XXV, paragraph 5.58(v)), the Commission encouraged Members to support a BirdLife International initiative at COFI-27 to advance best-practice guidelines for the setting-up and implementation of NPOA-Seabirds.

MARINE PROTECTED AREAS

6.1 The Chair of the Scientific Committee, Dr Fanta, outlined the Scientific Committee's recommendations in respect of marine protected areas (MPAs), in particular that (SC-CAMLR-XXV, paragraphs 3.29 to 3.31):

- (i) membership of the 2007 Bioregionalisation Workshop Steering Committee be expanded to include the conveners of the four Scientific Committee working groups and Dr W. Dinter (Germany), an additional member nominated by CEP;
- (ii) following a formal invitation received from Belgium, the Bioregionalisation Workshop will be held in Brussels, 13 to 17 August 2007;
- (iii) standardised terminology be used to distinguish between 'ATCM draft management plans with marine components' and 'marine protected areas (MPAs *per se*)';
- (iv) in accordance with ATCM Decision 9 (2005), at least for the foreseeable future, ATCM proposals with marine components should continue to be provided to CCAMLR for review.

The Commission endorsed these recommendations.

6.2 Members commented that:

- (i) the planned Bioregionalisation Workshop would be an important step in the Commission's activities to develop a representative network of MPAs;
- (ii) CEP has engaged constructively in cooperation with CCAMLR on the preparation and conduct of the Bioregionalisation Workshop;

- (iii) results of an independent expert consultation held in Australia in September 2006 (SC-CAMLR-XXV/7) would be of importance to the CCAMLR Bioregionalisation Workshop and would support the continuing momentum in the CCAMLR work on bioregionalisation of the Convention Area;
- (iv) considerable knowledge regarding boundaries between areas in relation to each other, in particular in terms of ecological and bioproductivity processes, is available and should be used by the workshop;
- (v) there are various examples illustrating the development, designation and management of local MPAs within the Convention Area, particularly in respect of such areas established by Australia, France and South Africa.

6.3 The results of the independent expert consultation on bioregionalisation demonstrated the feasibility of a broad-scale bioregionalisation analysis as an early step towards the identification of MPAs. Thus, from the scientific and technical points of view, the first results might be expected in the short term.

6.4 The Commission noted that MPAs should be effectively administered, a task which requires policy directions. Argentina suggested that these issues should be discussed as soon as possible, with the participation not only of the CEP but also of the ATCM, thus preventing the risk of having defined the areas and values to be protected, but lacking the mechanisms to afford the protection they need.

6.5 ASOC welcomed these advances by CCAMLR and supported the comments made by Members. It identified that key policy issues in respect of high-seas MPAs still required special attention by CCAMLR and that a timeline should be set out to establish a representative network of MPAs by 2012 in accordance with the timetable set by the 2002 World Summit on Sustainable Development in Johannesburg, South Africa (CCAMLR-XXV/BG/30).

6.6 The Commission appreciated and thanked Belgium for its offer to host the Bioregionalisation Workshop in 2007 (paragraph 6.1(ii)).

IMPLEMENTATION AND COMPLIANCE

Report of SCIC

7.1 The meeting of SCIC was held from 23 to 27 October 2006 and chaired by Ms V. Carvajal (Chile). All attending Members of the Commission and observers participated in the meeting.

7.2 The SCIC Chair presented the Committee's Report (Annex 5) relating to Commission Agenda Item 7 (Implementation and Compliance) and drew the Commission's attention to a number of recommendations. The Commission's deliberations on SCIC's recommendations on compliance matters are provided in this section. The Commission's deliberations on SCIC's recommendations on CDS, IUU fishing and the Scheme of International Scientific Observation are provided in sections 8, 9 and 10 respectively.

Compliance with conservation measures

7.3 The SCIC Chair reported that the Committee considered all information submitted by Members and collated by the Secretariat on the implementation of, and compliance with, conservation measures in force (CCAMLR-XXV/BG/3 and BG/9 Rev. 1).

7.4 In particular, she drew the Commission's attention to the following – during the 2005/06 season, CCAMLR inspectors designated by Members conducted 14 at-sea inspections of Members' licensed vessels in accordance with the System of Inspection and no contraventions of conservation measures were reported from any of these inspections.

7.5 In further considering SCIC's report (Annex 5), the Commission agreed that:

- (i) Members be urged to increase efforts to submit reports of port inspections in accordance with paragraph 4 of Conservation Measure 10-02;
- (ii) an intersessional contact group to review the System of Inspection, led by Australia, should be undertaken and to provide advice to SCIC at CCAMLR-XXVI;
- (iii) the Secretariat be tasked with negotiating with Lloyds in order to attempt to obtain a reduced subscription for access to the Lloyds online database 'Seasearcher';
- (iv) the Secretariat be tasked with conducting a feasibility study on administrative and resource implications of verifying C-VMS data with fine-scale and observer data, including tagging data, and reporting the results at CCAMLR-XXVI;
- (v) in future, Commission papers submitted by Members on SCIC agenda topics should also clearly identify on the cover page the SCIC agenda item to which they are addressed as well as that of the Commission's agenda.

7.6 The Commission noted the advice of both SCIC and the Scientific Committee on the implementation of fish tagging requirements in accordance with Conservation Measure 41-01 along with Flag State comments (Annex 5, paragraphs 5.8 and 5.9; SC-CAMLR-XXV, Table 5).

7.7 The Commission noted with concern that a number of vessels had failed to meet their tagging requirements in approved exploratory fisheries, including in some cases for successive years. The Commission noted that fish tagging requirements in exploratory fisheries provide critical input to fish stock assessments and thus the process for setting precautionary catch limits for *Dissostichus* spp. in each fishery. The Commission noted, therefore, that achievement of the required fish tagging rate is crucial to effective fisheries management and ensuring only sustainable fishing occurs.

7.8 Accordingly, access to exploratory fisheries should be denied to those fishing vessels that have failed to achieve the required fish tagging rates of toothfish that are in good condition in the three successive seasons, starting from the 2006/07 fishing season. To implement this decision, the Commission agreed that:

- (i) each Member should, in future, identify and investigate any vessels it has licensed that do not meet the appropriate tagging requirement;

- (ii) Members should determine an appropriate time period for a ban on those vessels participating in exploratory fisheries, noting that the ban should be enforced for at least one year;
- (iii) Members should report to the Commission at the next annual meeting on the actions they have taken under this decision.

7.9 The Commission requested the Secretariat to annually prepare a table containing data on individual *Dissostichus* spp. tagged and released and the tagging rate reported by vessels operating in exploratory fisheries. Such data should be submitted to SCIC for consideration.

7.10 Argentina noted that enforcement of tagging requirements should be carefully considered, bearing in mind that the responsibility for denying fishery access to any vessel rests with the Flag State. In order to prohibit access to a particular fishery, the Flag State requires enough evidence to be sustained in court, which should be provided by the observers reporting on the viability of tagged fish. It recalled that for exploratory fisheries in Area 58, the Scientific Committee had reported very low tagging rates resulting from catches of very large fish in poor condition.

7.11 Russia made the following statement:

‘The Delegation of the Russian Federation is convinced that issues discussed by the Commission should be considered on the basis of equality. Unfortunately, some facts concerning obvious infringements by vessels of the Parties have not been given due attention and adequately assessed, e.g. the case of an overshoot of the total allowable catch by the UK-flagged vessel *Argos Georgia* in SSRU 882A. This and the adjacent SSRU 882B were closed for commercial fishing under Conservation Measure 41-10 (2005). In accordance with Conservation Measure 24-01 (2005), scientific research on toothfish in a closed SSRU is only allowed if the quantity of toothfish caught in any SSRU does not exceed 10 tonnes. In its notification for the 2005/06 season, the UK stated its intention to conduct tagging of Antarctic toothfish using the vessel *Argos Georgia* in SSRUs 882A and 882B. For this purpose, the UK was granted a catch limit of 10 tonnes of toothfish for each SSRU.

The haul-by-haul data submitted by the UK relating to the *Argos Georgia*’s activities (CCAMLR-XXV/27, Figure 2) indicate that the vessel appeared to have four longlines on board which were deployed simultaneously. The first haul of these longlines in SSRU 882A resulted in a catch of five tonnes of toothfish, and that comprised 50% of the catch limit for this SSRU. Nevertheless, all four longlines were set again in the same SSRU, and the second haul resulted in a catch of 12 tonnes of toothfish. Therefore, the total catch of toothfish by the *Argos Georgia* in SSRU 882A was 17 tonnes, or 70% more than the specified catch limit. After that, the vessel ceased its activities and did not carry out the scientific program in the adjacent SSRU 882B. According to the statement of the UK Delegation, overshooting the catch limit for toothfish in SSRU 882A by the *Argos Georgia* was unintentional and unforeseeable and, therefore, cannot be considered an infringement of conservation measures (SCIC report).

The Russian Delegation is puzzled by the fact that two similar cases (unforeseeable drift of a longline from the Russian vessel *Volna* into SSRU 882A, which was closed

for fishing; and the overshoot by 70% of an allowable catch limit by the UK vessel *Argos Georgia* in the same division, coupled with non-implementation of a notified scientific research plan in the adjacent SSRU 882B) were assessed very differently by some Parties. In the former case the *Volna* was included in the Preliminary List of IUU vessels, while in the latter case SCIC failed to consider an overshoot of an allowed catch limit by the *Argos Georgia* to be an infringement of conservation measures.’

7.12 The UK recalled that its explanation of the events surrounding the *Argos Georgia* had been delivered openly and transparently to the Commission in Annex 1 of CCAMLR-XXV/27. When that had been presented to SCIC, the UK expressed that all delegations that spoke except Russia had expressed appreciation, and satisfaction, with the UK’s explanation.

7.13 The Commission noted that SCIC had drafted a number of new and revised conservation measures and resolutions, provided to the former for adoption. In brief, these had the purpose of:

- (i) requesting that licensed fishing vessels report on IUU activity (Conservation Measure 10-02);
- (ii) clarifying requirements for reporting vessel exit notifications and formats via email (Conservation Measure 10-04);
- (iii) clarifying that only government personnel authorise catch documents and the inclusion of a new annex establishing a process to recognise non-Contracting Parties which participate in toothfish trade (Conservation Measure 10-05);
- (iv) clarifying terminology of ‘Designating State’ and ‘Designating Member’ in the System of Inspection;
- (v) enhancing cooperation with non-Contracting Parties (Resolution 24/XXIV);
- (vi) considering prohibition of gillnet fishing in the Convention Area (new measure);
- (vii) considering protection of shark stocks in the Convention Area (new measure).

7.14 Other revised and new conservation measures, and resolutions, submitted by SCIC to the Commission for further consideration had the purpose of:

- (i) denying access to Contracting Party ports by IUU-listed vessels except for emergency purposes (Conservation Measures 10-06 and 10-07);
- (ii) establishing a list of non-Contracting Parties with IUU-listed vessels (Conservation Measure 10-07);
- (iii) allowing inspection reports submitted by inspectors of Designating Members to be treated on the same basis as reports submitted by Flag State inspectors;
- (iv) promoting compliance by Contracting Party nationals;
- (v) promoting compliance via trade measures;

- (vi) combating IUU fishing by non-Contracting Party-flagged vessels in the Convention Area.

7.15 New and revised measures and resolutions adopted by the Commission are listed in paragraphs 12.8 to 12.72.

7.16 Both SCIC and the Scientific Committee drew the Commission's attention to recent correspondence from Vanuatu which indicated that this Contracting Party wished to issue licences to five super-trawlers to harvest krill in the Convention Area in the future (Annex 5, paragraphs 7.1 to 7.5; SC-CAMLR-XXV, paragraphs 15.10 to 15.16). The matter was discussed by the Commission under item 4 (see paragraphs 4.34 to 4.38).

7.17 The UK further noted that Vanuatu had failed to comply with the procedures agreed by WG-EMM (CCAMLR-XXII, paragraphs 4.37 to 4.39; COMM CIRC 06/52 and SC CIRC 06/16) in notifying its intention to harvest krill in the Convention Area.

7.18 Some Members recalled that at least one Vanuatu-flagged vessel had harvested krill in the Convention Area in the past and that Vanuatu had failed to comply with relevant CCAMLR data submission requirements.

7.19 The Commission expressed general concern at this development, with several Members reiterating their view that Contracting Parties should refrain from fishing in the Convention Area until such time as they had attained full membership of the Commission.

7.20 In addition, the Commission agreed that the following questions, highlighted by SCIC (Annex 5, paragraph 7.4), should be urgently drawn to Vanuatu's attention:

- (i) Which of Vanuatu's two ship registers was used to register the five super-trawlers mentioned in the correspondence received from Vanuatu: the Register for domestic vessels or the Register for foreign-owned vessels?
- (ii) Whether Vanuatu exercises full Flag State control over activities of these vessels and where the vessels are located or are fishing now?
- (iii) What ports would be used for landing the catch?

7.21 The Commission considered further information from Vanuatu containing the details of four vessels which intended to harvest krill in the Convention Area in the 2006/07 season (CCAMLR-XXV/BG/52 and its addendum).

7.22 The Commission expressed concern at the notification from Vanuatu in terms of both the notification process and the content. The Commission noted that the notification contained advice that one vessel intended to fish using the continuous fishing system. The Commission also noted that Vanuatu had advised the Executive Secretary that it intended to fish in Area 48, whereas the individual vessel notifications stated that three vessels also intended to harvest krill in Areas 58 and 88, while one vessel indicated it would fish generally within the whole Convention Area.

7.23 The Commission agreed that the matter needed to be resolved as a matter of urgency.

7.24 The Commission also noted that there were no conservation measures relating to the harvest of krill in Area 88 and generally agreed that these should be considered at CCAMLR-XXVI.

7.25 The Secretariat was requested to contact Vanuatu and convey the concern of the Commission, together with the particular request that Vanuatu consider becoming a full Member of the Commission. Several Members also recommended that Vanuatu be asked to withdraw their vessels from the fishery until such time as Vanuatu had become a full Member or, at the very least, should be requested to ensure that its vessels only fished in Area 48.

7.26 Argentina reminded the Commission that any letter to Vanuatu should not imply that Vanuatu could automatically become a Member of the Commission but should make it clear that an application for Membership by Vanuatu would be handled by the Commission in accordance with Article VII.2.

7.27 Russia drew the Commission's attention to the fact that one of the vessels notified by Vanuatu, the vessel *Torshovdi*, applied the so-called continuous fishing system. The vessel *Torshovdi* was much larger and more powerful than the fishing vessels *Atlantic Navigator* and *Saga Sea* which used the same technique. Russia reminded the Commission that the Scientific Committee already expressed concern at the potential impact of the technique on various components of the pelagic ecosystem and continued lack of scientific and fisheries data in order to evaluate such impact. The *Atlantic Navigator* had fished in the past under the flag of Vanuatu. Russia noted that the Commission had already expressed doubt as to Vanuatu's ability to exercise full Flag State control over these vessels. It appeared that the situation confronting the Commission now could be described as the use of Flags of Convenience.

7.28 The USA said that Vanuatu should be asked to accept international observers on its krill vessels.

7.29 Russia suggested that the Commission should deal with any notification for krill fishing using the continuous fishing system as a notification for an exploratory fishery, i.e. in accordance with Conservation Measure 21-02 and, in particular, including mandatory placement of international scientific observers. In addition, Russia suggested that the Commission should elaborate and adopt a measure which should prohibit fishing in the Convention Area by vessels using Flags of Convenience.

Compliance evaluation procedure

7.30 The Commission endorsed terms of reference for an intersessional group established by SCIC to consider further key compliance elements identified by the Secretariat (CCAMLR-XXV/37 and SCIC-06/10). This included development of compliance evaluation criteria and a standard evaluation procedure model that can consistently be used to evaluate performance of vessels with conservation measures in force. The Commission noted that the group will be convened by the SCIC Vice-Chair, Ms T. Akkers (South Africa).

CATCH DOCUMENTATION SCHEME FOR *DISSOSTICHUS* SPP.

8.1 Following SCIC's recommendations, the Commission noted that the People's Republic of China would give positive consideration to initiate internal consultation on the Hong Kong Special Administrative Region's participation in the CDS. In the meantime, any concerns regarding the trade of toothfish should be referred to People's Republic of China authorities in Beijing (CCAMLR-XXV, Annex 5, paragraph 4.3).

8.2 In considering this advice, the Commission expressed the hope that the People's Republic of China would facilitate the Hong Kong Special Administrative Region's participation in the CDS in the future.

8.3 The Commission endorsed recommendations of SCAF and the CDS Fund Review Panel on expenditure of \$29 260 from the CDS Fund in 2007 so as to further improve the E-CDS website as outlined in CCAMLR-XXV/34 and following additional suggestions from France.

8.4 France reminded the Commission that it had submitted a number of additional comments in respect of work to be undertaken in improving the E-CDS web software which would be taken into account when the project commenced. France also advised the Commission of its willingness to participate in any E-CDS intersessional work.

IUU FISHING IN THE CONVENTION AREA

Current level of IUU fishing

- 9.1 The Commission noted the following advice from SCIC (Annex 5, paragraphs 2.2 and 2.4):
- (i) the total estimated IUU catch of *Dissostichus* spp. in the Convention Area during the 2005/06 season was 3 080 tonnes;
 - (ii) the overall estimated IUU catch has decreased over the past three years, but it had increased in Divisions 58.4.1, 58.4.2 and 58.4.3b, with the estimated IUU catch from these areas accounting for almost 90% of the total estimated IUU catch for the Convention Area;
 - (iii) approximately 13 IUU fishing vessels have been reported to be regularly engaging in IUU activities in Division 58.4.3b (BANZARE Bank).

9.2 The Commission endorsed SCIC's recommendation that Members be requested to increase surveillance efforts in the Convention Area and particularly in the areas identified in paragraph 9.1(ii).

Procedure for the estimation of IUU catches

9.3 The Commission noted that a new methodology for estimating IUU catches has been developed by JAG. This had been considered by SCIC and the Scientific Committee

(Annex 5, paragraph 2.17; SC-CAMLR-XXV, paragraphs 11.12 to 11.14) and when fully developed and tested, would provide WG-FSA with estimates of IUU catches that take into account the range of uncertainties attached to such estimates.

9.4 It also noted that WG-FSA had conducted a preliminary trial of this new methodology (SC-CAMLR-XXV, Annex 5, paragraphs 8.14 and 8.15) and that the matrix designed by JAG aims to determine the level of confidence associated with an IUU activity report when estimating IUU catches (Annex 6, paragraph 4.4).

9.5 The Commission further noted that the matrix was subsequently revised by SCIC (Annex 5, paragraph 2.20). It requested that the Secretariat test both the JAG and SCIC-revised matrices to compare the resultant outputs.

9.6 In response to a recommendation on increasing surveillance coverage (Annex 5, paragraph 3.37), SCIC had proposed a revision to Conservation Measure 10-02 in order to include requiring licensed fishing vessels to report sightings of other fishing and support vessels within the Convention Area (see paragraph 12.9).

9.7 The Co-convenor of JAG, Dr D. Agnew (UK) advised the Commission that all the points raised in the JAG report and its recommendations had been presented to and discussed by both SCIC and the Scientific Committee. While the Commission had discussed the advice and recommendations received from both bodies, it still had not considered advice on JAG's future or on organisation of any future work (Annex 6, paragraphs 7.3 and 7.4).

9.8 JAG had reported that it saw no need for regular meetings. However, it had recommended that any future meeting(s) should be contingent on particular work outcomes or work identified by SCIC, WG-FSA and the Secretariat. On the basis of such work the Commission may then decide to reconvene JAG, on an ad hoc basis, perhaps in three to five years' time.

9.9 JAG also recommended that, for the time being, no changes should be made to its terms of reference and that any review of these terms should be undertaken if and when the Commission should decide to reconvene JAG.

9.10 The Commission endorsed both the above JAG recommendations, i.e. on future work and any review of the terms of reference.

IUU Vessel Lists

9.11 The Commission considered advice from SCIC and agreed to:

- (i) adopt the Proposed NCP-IUU Vessel List for 2006 provided by SCIC;
- (ii) remove the Russian-flagged vessel *Muravyev Amurskiy* (ex Equatorial Guinea-flagged *Sea Storm*) from the NCP-IUU Vessel List adopted in 2005;

- (iii) move three People's Republic of China-flagged vessels, *North Ocean*, *East Ocean* and *South Ocean*, from the adopted NCP-IUU Vessel List to the adopted CP-IUU Vessel List in light of the fact that the vessel Flag State had recently become a Contracting Party.

9.12 During the Commission's deliberations, the People's Republic of China reminded the Commission of the statement it had made in SCIC (Annex 5, paragraph 4.3) and to the footnotes relating to its flag vessels contained in Appendices IV and V of the SCIC Report.

9.13 Following the Commission's decision, the People's Republic of China expressed regret that four of its flag vessels had been included on the IUU Vessel List and assured the Commission that it would make every effort to fulfil its obligations under CCAMLR in future.

9.14 Argentina drew the Commission's attention to the fact that, unless enough evidence to the contrary is provided, an official statement of the Flag State at a Commission meeting should be duly taken into account when taking a decision to include a vessel on an IUU list.

9.15 Australia and the European Community welcomed the People's Republic of China's statement regarding its future intention to fully comply with CCAMLR measures. The European Community expressed faith that the People's Republic of China would be able to attain these objectives and would be in a position to redress its situation in future.

9.16 The Commission noted SCIC's advice that it had been unable to forward a Proposed List of CP-IUU Vessels to the Commission for approval. Whilst SCIC had agreed that the People's Republic of China-flagged *West Ocean* should be included on the Proposed CP-IUU List, it had been unable to reach consensus on the inclusion of the Russian-flagged *Volna*. SCIC had therefore forwarded the Provisional CP-IUU Vessel List to the Commission for further consideration.

9.17 Russia made the following statement in relation to the Provisional CP-IUU Vessel List:

'The Delegation of the Russian Federation wishes to commend the Commission and its Committees for their productive work aimed at the conservation and rational use of Antarctic marine living resources. The Commission's decisions have always been impartial and based on a balanced consideration of the various Parties' views.

As a Party to the 1980 Convention on the Conservation of Antarctic Marine Living Resources, the Russian Federation has conscientiously carried out its obligations under this Convention for over 25 years. The issue of environmental protection and maintaining the integrity of ecosystems in the Antarctic seas is extremely important to us. Our country has always consistently supported CCAMLR's efforts in combating IUU fishing. Thus, we are especially sensitive to the current situation concerning the Russian-flagged vessel *Volna*.

In the opinion of the Russian Delegation the issue of including the Russian fishing vessel *Volna* in the list of IUU vessels has been misrepresented from the very beginning. From 22 January to 2 February 2006 the *Volna* was fishing for Antarctic

toothfish in SSRUs 881L and 881K in accordance with Conservation Measure 41-09. We are surprised that the case, which is not based on any clear breaches of conservation measures, has caused so much concern among some Parties.

First of all, the fact that attracts the most attention is that the information submitted by the UK regarding the vessel *Volna* was not obtained in accordance with the CCAMLR System of Inspection. Nevertheless, in order to investigate the incident regarding the *Volna* entering the SSRU 882A which was closed to fishing, the Federal Agency for Fisheries established a special commission which thoroughly analysed the circumstances and documents pertinent to this case.

A comparison of the satellite monitoring data and the coordinates of longline settings indicated that the *Volna*, while working in SSRUs 881L and 881K, entered SSRU 882A, which was closed to fishing, on several occasions. These visits were short and took place when the vessel had to manoeuvre to approach the starting point for longline setting. During the abovementioned period of time the *Volna* set 13 longlines in total. Furthermore, no part of the longline was set in the closed SSRU 881A. However some of the longlines drifted from their setting point, plus one line was broken and part of it was lost and later found in the adjoining SSRU 882A which was closed to fishing.

Drift, breakage and loss of longlines are quite common in fisheries, particularly when longlines are deployed at a depth of over 1 000 m, as is the case in the Antarctic toothfish fishery. Rocky bottom can be one possible reason for a longline breakage, and bottom currents, tidal currents or drifting ice – all reasons for such a drift. The special commission has analysed the chart of the Ross Sea currents based on the data collected during Russian oceanographic research in Antarctica and summarised in the publication *Climatic Fluctuations and Antarctic Marine Ecosystem* (V. Maslennikov, 2003). According to the chart, circulation in the Ross Sea is dominated by a cyclonic gyre, the northern boundary of which is located over the inner edge of the continental shelf and flows in a southeasterly direction. Within individual areas (SSRUs), the general system of currents combines with strong tidal currents, which are in turn influenced by the bottom topography.

Having analysed these features of the hydrological regime for the Ross Sea, the Russian commission came to the conclusion that bottom longlines deployed by the *Volna* could indeed have drifted a considerable distance. The Russian commission recognised that the drift of the longline deployed by the *Volna* from SSRU 881L into closed SSRU 882A was related to *force majeure*.

The Russian Delegation would like to draw CCAMLR's attention to the fact that at present there is no conservation measure in force to direct a vessel's actions should fishing gear deployed in the area open to fishing drift into areas closed to fishing. In this situation, which is not provided for in the conservation measures, the captain of the *Volna*, governed by common sense, decided to haul the lost longline.

In our opinion, the actions of the captain of the *Volna* contained an element of risk as regards setting longlines near the border of SSRU 882A, which was closed to fishing, but were justified insofar as hauling the longline which drifted into this SSRU is concerned. Abandoning the fishing gear in SSRU 882A would have produced a much

greater adverse effect on the marine ecosystem than hauling it, as the lost longline would act as “ghost fishing gear” for an indefinite period of time in the environment. The non-hauling of a lost longline, or part of it, might be seen as a failure to act and a clear non-compliance with obligations related to the conservation of marine living resources.

In our opinion, verbal statements and written information submitted by some Parties during the discussions in SCIC do not provide a basis of evidence on which to classify the *Volna*'s actions in the Convention Area as illegal, unreported and unregulated fishing.

In the opinion of the Russian Delegation, attempts by some Parties to include the *Volna* in the list of IUU vessels are unfounded and subjective. We assume that sanctions for IUU fishing could only be imposed if it is proven that a vessel did not comply with the provisions of the 1980 Convention and conservation measures to the extent that it undermines the effectiveness of the CCAMLR system.

The situation with the *Volna* should be seen within the context of assessing a vessel's compliance with conservation measures, not as a question of whether its actions contained elements of IUU fishing. It is regretful that an opportunity for a constructive discussion and development of objective criteria for the assessment of compliance with conservation measures has been lost in the interpretation of the actions of the *Volna* and *Argos Georgia* presented to SCIC.

The Delegation of the Russian Federation is confident that CCAMLR makes its decisions on the basis of comprehensive consideration of the issues discussed, while taking into account objective and unbiased analysis of reliable facts.'

9.18 In response, the UK indicated that it was highly regrettable that yet again one Member of CCAMLR – the Russian Federation – had blocked consensus on the issue of blacklisting one of its own flag vessels. Russia appeared to be in a state of self-denial over the illegal activities of the *Volna*.

9.19 The UK rejected the statement by Russia that it had conscientiously abided by the rules of the Commission throughout its past 25-year history. The UK recalled the situation of three years ago at CCAMLR-XXII when Russia, despite compelling evidence, had refused point blank to see its vessels *Strela* and *Zarya* blacklisted under Conservation Measure 10-06. What was now occurring was a most unfortunate repeat of that situation.

9.20 The UK rejected the notion that the procedures of the System of Inspection had not been complied with. The matter of the *Volna* had nothing to do with that system. Instead, all due process of reporting in accordance with paragraphs 2 and 3 of Conservation Measure 10-06 had been stringently complied with. What was unusual about the case of the *Volna* was that more detailed data and information on the illegal activities of this particular vessel had been placed before SCIC and the Commission than had been the case for any other vessel. From whatever angle that evidence was viewed the only logical conclusion that could be reached was that the *Volna* was indeed fishing illegally and should be placed on the IUU list for Contracting Parties.

9.21 In view of the compelling information on the activities of the *Volna*, the Provisional CP-IUU Vessel List should now be adopted. Recognising the importance of consensus decision-making, the UK urged that the Commission develop its procedures in a way that enabled it to move this issue forward.

9.22 Lastly, the UK believed that Russia's attempt to bring the *Argos Georgia* into this particular debate was entirely inappropriate.

9.23 New Zealand considered the statement by Russia to be regrettable, although not unexpected. The evidence that *Volna* had engaged in illegal fishing operations inside Subarea 88.1 between 22 January and 1 February 2006 was overwhelming and compelling.

9.24 In New Zealand's view, there had never been a clearer case of IUU fishing presented to the Commission either in regard to the CP-IUU Vessel List or the NCP-IUU Vessel List. The evidence included the VMS positions for the *Volna* which showed it to have been inside SSRU 882A for almost half the period between 22 January and 1 February 2006, and to have been carrying out manoeuvres consistent with fishing operations rather than searching for a phantom drifting longline.

9.25 New Zealand wished to make clear it regarded the *Volna* as satisfying the criteria for inclusion in the CP-IUU Vessel List and would treat the vessel accordingly.

9.26 New Zealand expressed particular concern that Russia had included the *Volna* in its notification for the exploratory fisheries in Subareas 88.1 and 88.2 for the 2006/07 season.

9.27 Finally, New Zealand asked the Russian Delegation not to prevent the consensus adoption of the CP-IUU Vessel List.

9.28 Australia noted that its experts had concluded that data provided to SCIC clearly indicated that the *Volna* had contravened CCAMLR measures, pointing out that 49 polls had been recorded in the closed SSRU 882A over a 10-day period compared with 52 polls recorded from the adjacent open SSRU 881L over a 12-day period. Australia also pointed out discrepancies between VMS and fine-scale data provided for the same time period but noted that VMS data, which should be regarded as more authentic, indicated active fishing rather than retrieval of a lost line. Australia expressed the view that the vessel was eligible to be included on the IUU Vessel List.

9.29 The European Community also supported the UK proposal (paragraph 9.21) and observed that an extraordinary amount of evidence had been presented. Whilst the European Community respected the rule of consensus, it expressed its belief that new and improved solutions were required in respect of the process of adopting IUU Vessel Lists in accordance with Conservation Measure 10-06.

9.30 France expressed regret that the discussion regarding the inclusion of the *Volna* on the Provisional CP-IUU Vessel List should hark back to the Commission's discussions of three years ago regarding several vessels; such discussions give the unfortunate impression that no progress whatsoever had been made during the intervening period.

9.31 France indicated that all delegations, with the exception of one, were convinced that the *Volna* had been involved in illegal fishing. France specified that it was the conduct of a

vessel that was implicated here, and not that of a government. France regretted that this State should refuse to acknowledge the delinquent behaviour of the vessel and the operators involved, since no Party is immune from having a ‘black sheep’ among its flag vessels.

9.32 France consequently indicated its support for maintaining the vessel *Volna* on the Provisional CP-IUU Vessel List. It also supported the UK’s proposal that a vessel should not be withdrawn from the provisional list of IUU vessels except by consensus.

9.33 The USA advised that it had considered both arguments carefully and had concluded that evidence of the *Volna* having participated in IUU activities was compelling. The USA expressed regret that Russia had not agreed to the vessel being included on the IUU Vessel List and observed that a practice of Members inappropriately protecting their own vessels would undermine the objectives of the Convention.

9.34 Russia advised the Commission that it had voluntarily cooperated with SCIC in providing all data requested and that the suggestion that Russia was protecting its vessel was unfounded and unhelpful. Russia pointed out that its actions in respect of the *Volna* were based on a report prepared by a special governmental commission which had been set up in order to investigate the case. Russia reiterated that it had complied with all CCAMLR measures since 1980 and expressed the view that the only difference between its vessels and others was that Russian vessels had been detected and others had not. It also reminded the Commission that the *Volna* had not previously been considered for inclusion on an IUU Vessel List.

9.35 As a point of order, the UK objected to Russia’s attempt to bring in matters not relevant to the agenda item under discussion. The UK recalled that the Chair of SCIC had ruled on three occasions that issues relating to the *Argos Georgia* were not relevant to the determination of the CP-IUU Vessel List.

9.36 The UK reiterated that in respect of the *Volna* the Commission was facing a situation of a vessel caught in the act of fishing illegally in a closed area (SSRU 882A). That was the primary factor that should see the *Volna* listed as an IUU vessel. That Russia should defend the actions of this vessel by suggesting that it was innocently retrieving a line that had inadvertently drifted into SSRU 882A was both objectionable and implausible. The UK rejected this explanation. What was evident from the VMS records of the *Volna* was that the vessel had spent some 8 to 10 days in SSRU 882A. The VMS position plots indicated a vessel actively engaged in fishing, and therefore acting illegally. Add to this the detailed information on the deliberate offal and by-catch discharge and the UK saw activities by a Member State’s flag vessel which shows no regard whatsoever to the obligations adopted by this Commission.

9.37 The UK was of the view that if Russia again opted to block consensus on the issue of Conservation Measure 10-06 it would send a very negative signal to the wider community as to CCAMLR’s ability to deal with illegal vessels. Here the vessel at stake was flagged to a Contracting Party. The UK stressed that if Members of the Commission were not prepared to face up to their moral responsibility under Conservation Measure 10-06, then that measure was fatally flawed. Its provisions were emasculated by the irresponsible actions of one Party. The UK believed that the Commission would need, as a matter of urgency, to reconsider whether there was now any semblance of effectiveness in dealing with the IUU vessels of Contracting Parties.

9.38 The Russian Delegation noted that the position of the Russian Federation on the *Volna* remains unchanged. However, the Russian Federation indicated that, in the course of deliberations at the Commission, it had received additional information concerning the activities of the vessel *Volna* and that it wished to take further note of the information presented by several delegations. Such information included the record of VMS positions for the *Volna* throughout the period between 22 January and 1 February 2006, haul-by-haul data for longlines deployed by the *Volna* during such period, an analysis of oceanographic and ice conditions in the area and documented by-catch composition reported by the *Volna* and other vessels. The Russian Federation indicated that its fisheries authorities would take into account this information in determining whether to issue fishery licences to the *Volna* for the 2006/07 season.

9.39 Recognising the imminent start of the upcoming fishing season, Russia indicated that it would communicate to the Commission in a timely fashion the actions that it would now take to bring this issue to an acceptable resolution.

9.40 Given these circumstances, the Commission decided to postpone a decision regarding the inclusion of the *Volna* on the IUU Vessel List until, or before, CCAMLR-XXVI.

9.41 Whilst the Commission generally agreed with this compromise, some Members made a number of observations described in the paragraphs below.

9.42 The UK indicated that it could accept the compromise as set out in paragraph 9.38, and that the matter of the status of the *Volna* would remain open before the Commission. The UK believed that a response from Russia was needed sooner rather than later particularly given the opening of the exploratory fisheries on 1 December 2006.

9.43 The UK indicated that until such time as a resolution acceptable to the Commission was notified by Russia, the UK would continue to regard the *Volna* as an illegal vessel. The UK would consider all steps open to it under national and international law to deny facilities to the *Volna* and prevent it from receiving support for its IUU activities.

9.44 Furthermore, the UK indicated that if the matter had not been concluded in a satisfactory fashion by the time of ATCM-XXX, then the UK would wish to call for censure of Russia at that Consultative Meeting.

9.45 New Zealand urged Russia not to license the *Volna* for CCAMLR's exploratory fisheries in view of the compelling evidence that the vessel had conducted illegal fishing operations in SSRU 882A in the previous season. New Zealand expressed the view that the issuing of a licence to the *Volna* would damage the credibility of the Commission and thereby the Antarctic Treaty System of which CCAMLR is an integral part. It therefore reserved its right to address the matter further at the ATCM-XXX in New Delhi, India, next May.

9.46 Australia associated itself with the views expressed by New Zealand.

9.47 Italy reiterated its wish that a solution be found sooner rather than later given the high stakes involved in a matter of extreme importance for the credibility and positive impact of the CCAMLR. Italy therefore hoped that Russia would provide the necessary help in order to find a responsible and satisfactory outcome in a quick time line.

9.48 The European Community expressed its serious concerns on the *Volna* issue. The European Community stressed that the reached compromise is not satisfactory to the European Community Delegation.

9.49 The European Community shared the views of all other delegations that spoke, except Russia, on the Contracting Parties IUU list and the presence of the vessel *Volna* on this list. At the same time, the European Community Delegation drew the attention of the CCAMLR Members to the urgent need to improve the functioning and effectiveness of the procedures contained in the Conservation Measure 10-06 on the CP-IUU Vessel List, in order to avoid that a Member with vested interest in this issue could seriously undermine the decision making process of the Commission by blocking consensus.

9.50 South Africa indicated that it accepted the compromise, however, like Australia and New Zealand, South Africa strongly urged that the *Volna*'s status be resolved as a matter of priority given its importance to CCAMLR's effective implementation of the Convention and attached conservation measures. It also indicated that it would wish to reserve South Africa's right in respect of providing access to port facilities to the *Volna* in the future if its status cannot be resolved.

9.51 Russia stressed that the consensus reached on the vessel *Volna* would not necessarily mean that its fishing licence be withdrawn. Russia further stressed that the Russian Delegation was not presently in a position to undertake any commitment regarding exact time-frames or measures in respect of the *Volna*, but indicated that it could be presented in a timely fashion due to the fact that an additional study of the issue would be required in accordance with internal procedures. Once these procedures were completed, the Commission would be informed of the results. Russia summarised its current position that it continued to believe that the *Volna* could not be included on the IUU Vessel Lists at that particular time.

9.52 The Commission thanked Norway for its efforts in mediating discussions on this matter.

9.53 The Commission approved a Final Contracting Party IUU Vessel List for 2006 (Annex 7) and, as a result, the People's Republic of China-flagged vessel *West Ocean* was added to the Combined IUU Vessel List for all years. The matter of the *Volna* remained open before the Commission until CCAMLR-XXVI.

SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

10.1 CCAMLR-designated scientific observers and national observers were deployed on all vessels fishing for finfish as well as on some vessels fishing for krill in the 2005/06 season (SC-CAMLR-XXV, paragraphs 2.1 to 2.4).

10.2 The Commission noted and considered recommendations from SCIC and the Scientific Committee on the scheme's implementation and improvement (Annex 5, paragraphs 5.1 to 5.14; SC-CAMLR-XXV, paragraph 2.5).

10.3 Most Members noted the importance of conducting scientific observer programs under the CCAMLR scheme on all krill fishing vessels operating in the Convention Area (see also discussions in paragraphs 4.24 and 4.27 to 4.32).

10.4 Japan, supported by the Republic of Korea, reiterated its position on the deployment of observers on board krill vessels (Annex 5, paragraph 5.4). Noting that there was currently one Japanese krill vessel operating in the Convention Area, it stressed that Japan is continuously providing detailed data and that its incidental mortality of seabirds as well as marine mammals was zero in the last fishing season thanks to its mitigation measures and its slow towing speed. Japan also indicated that it was ready to accept international scientific observers on board its krill fishing vessels and the designation of such observers should be subject to bilateral agreements between Flag and Designating States.

10.5 The Commission's conclusion in relation to the two previous paragraphs can be found in paragraph 4.30.

10.6 The Commission noted that the Scientific Committee had identified various inconsistencies in observer data as well as other issues associated with observer programs under the CCAMLR scheme (SC-CAMLR-XXV, paragraph 2.10).

10.7 In particular, it considered the Scientific Committee's recommendation, as supported by SCIC (Annex 5, paragraph 5.10), to revise, as appropriate, Conservation Measure 41-01, Annex C, in order to clarify the respective roles and responsibilities of vessels and observers in implementing tagging (see paragraph 12.43).

10.8 The Commission endorsed the Scientific Committee's proposal that the Secretariat be requested to undertake a review of how scientific observer education and training is to be carried out, as well as development of an approach to ensure common education standards (SC-CAMLR-XXV, paragraph 2.11).

10.9 Australia fully endorsed this proposal and offered its assistance to the Secretariat.

10.10 Brazil informed the Commission that it has established a training program designed for scientific observers on board vessels fishing in the Convention Area.

10.11 The Commission noted that the Scientific Committee had identified a need to review scientific observers' work priorities to ensure that expectations and observer workloads remain achievable (SC-CAMLR-XXV, paragraph 2.21). The Commission noted that the Scientific Committee requested that its working group conveners initiate relevant discussions to review scientific observer priorities and provide advice on the matter next year.

NEW AND EXPLORATORY FISHERIES

New and exploratory fisheries in 2005/06

11.1 At its last meeting, the Commission agreed to seven exploratory longline fisheries for *Dissostichus* spp. in the 2005/06 season (CCAMLR-XXIV, paragraph 10.4; Conservation Measures 41-04, 41-05, 41-06, 41-07, 41-09, 41-10 and 41-11). These exploratory fisheries

were conducted in Subareas 48.6, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b. The total reported catch of *Dissostichus* spp. was 4 592 tonnes (SC-CAMLR-XXV, Annex 5, Table 9).

Notifications for new and exploratory fisheries in 2006/07

11.2 Twelve Members submitted paid notifications for exploratory longline fisheries in 2006/07 on *Dissostichus* spp. in Subareas 48.6, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b. There were no notifications for new fisheries, and no notifications were received for fisheries in closed areas (SC-CAMLR-XXV, Annex 5, Table 5).

11.3 The Commission noted that the Scientific Committee had not attempted to determine whether the notifications referred to in paragraph 11.2 had satisfied the requirements of the notification procedure set out in Conservation Measure 21-02.

11.4 It acknowledged the substantial progress made by the Scientific Committee in assessing *Dissostichus* spp. stocks in Subareas 88.1 and 88.2 as well as in developing attached management advice. This had been made possible by the significant contribution of tagging study results to assessments of these fisheries (SC-CAMLR-XXV, paragraphs 4.35 and 4.193 to 4.212).

11.5 The Commission also noted that the Scientific Committee was unable to develop management advice based on assessments of yield for the other exploratory fisheries. The latter was therefore unable to provide any new advice on catch limits for *Dissostichus* spp. or any by-catch species. However, the Scientific Committee had developed some general advice for exploratory fisheries in Subareas 48.6 and 58.4 (Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b).

11.6 The Commission agreed that the tagging rate for *Dissostichus* spp. in exploratory fisheries be increased to (SC-CAMLR-XXV, paragraph 4.151):

- a minimum of three fish per tonne with a target of 10 fish per tonne in those SSRUs in Subareas 88.1 and 88.2 which are closed but which carry a 10-tonne research exemption for a single vessel in a single season;
- a minimum of three fish per tonne in exploratory fisheries in Divisions 58.4.1 and 58.4.2.

11.7 The Commission noted that in regions where both *D. eleginoides* and *D. mawsoni* occur, such as Subarea 48.6, the Scientific Committee had considered whether it may be necessary to also increase the tagging rate from the present rate of one fish per tonne to three fish per tonne to ensure that an adequate number of fish of each species are tagged (SC-CAMLR-XXV, paragraph 4.158).

11.8 While most Members agreed that the proposed increase in the tagging rate in Subarea 48.6 would accelerate development of an assessment for this fishery, some Members requested that this matter be further considered by the Scientific Committee and WG-FSA in 2007.

11.9 Norway and New Zealand advised the Commission that they would instruct their vessels fishing in Subarea 48.6 in 2006/07 to tag and release *Dissostichus* spp. at a minimum rate of three fish per tonne of green weight caught. The Commission thanked Norway and New Zealand for this initiative, and urged other notifying Members to strive towards achieving a comparable tagging rate of three fish per tonne in Subarea 48.6.

11.10 The Commission noted with concern the Scientific Committee's advice regarding exploratory fisheries for *Dissostichus* spp. in Subarea 58.4 (SC-CAMLR-XXV, paragraphs 4.184 to 4.192).

11.11 It endorsed the Scientific Committee's recommendations for:

- urgent consideration of how to acquire appropriate data for assessments of stock status and yield of *D. mawsoni* in the Indian Ocean sector because of (i) the lack of progress towards assessments in these divisions, and (ii) a rapidly escalating catch in the region;
- submissions by Members on stock structure, biological parameters (e.g. growth, length–weight relationship, maturity), recruitment and methods for assessment of these stocks;
- increased tagging rates (see paragraph 11.6), and for Members to ensure that all fish recorded as being tagged and released are in good condition and have not been subjected to seabird predation.

11.12 Australia proposed that the fishery for *Dissostichus* spp. in Division 58.4.3b be closed until such a time that a survey of the *Dissostichus* stock in this division was conducted, and its results reported to, and analysed by, the Scientific Committee and WG-FSA.

11.13 Some Members supported this proposal and agreed that continued fishing by licensed vessels in Division 58.4.3b may lead to overfishing of *Dissostichus* spp.

11.14 Other Members urged the Commission to focus on the development of additional measures aimed at eliminating IUU fishing. Further, some Members believed that the presence of licensed fishing vessels in Division 58.4.3b, and elsewhere in the Convention Area, allowed the collection of biological information on *Dissostichus* spp. as well as factual information on IUU fishing (paragraph 12.9). In addition, the presence of licensed fishing vessels in an area may deter IUU activities.

11.15 Australia noted that recent incidents with IUU fishing vessels indicated that the presence of licensed vessels in the vicinity of IUU fishing vessels did not deter, or reduce IUU fishing activities. This was clearly demonstrated by incidents of harassment of licensed vessels by IUU fishing vessels and by the fact that levels of IUU catch were of the order of four times higher than those of licensed vessels fishing in some areas.

11.16 The Commission urged Members to consider further options for combating IUU fishing in the Convention Area, and in particular in Subarea 58.4, and agreed to reconsider this matter at CCAMLR-XXVI.

11.17 Australia advised the Commission that it would be increasing its level of surveillance in Subarea 58.4 and hoped that all Members would further contribute to the development of national and international efforts against IUU fishing in the Convention Area through cooperative endeavours.

11.18 France also advised the Commission that it would be increasing its level of surveillance in the high-seas region south of the French EEZs in Division 58.5.1 and Subarea 58.6.

11.19 The Commission thanked Australia and France for their increased efforts to combat IUU fishing in Subarea 58.4. The Commission also noted South Africa's surveillance efforts around Prince Edwards and Marion Islands.

11.20 The Commission agreed to carry forward the requirements for the exploratory fisheries for *Dissostichus* spp. in Subarea 48.6 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b.

11.21 The Commission endorsed the Scientific Committee's management advice for *Dissostichus* spp. in Subareas 88.1 and 88.2 (SC-CAMLR-XXV, paragraphs 4.204 to 4.211), including:

- setting a catch limit of 3 072 tonnes for *Dissostichus* spp. in the Ross Sea (Subarea 88.1 and Subarea 88.2 SSRUs A and B);
- setting a catch limit of 353 tonnes for *Dissostichus* spp. in SSRU 882E;
- retaining the current catch limits for *Dissostichus* spp. in SSRUs 882 C, D, F and G;
- applying last year's allocation method to set catch limits for SSRUs in Subarea 88.1;
- retaining the provision for a 10-tonne research exemption in all SSRUs in Subareas 88.1 and 88.2 with a zero catch limit so as to provide additional opportunities for research and tagging in these areas.

11.22 The Commission noted that research fishing in SSRUs with a zero catch limit is often conducted towards the end of the fishing season, and may be terminated early if the overall catch limit for the fishery is reached.

11.23 The Commission agreed that the 10-tonne research exemption in each SSRU with a zero catch limit should be deducted from the overall catch limit for the fishery, thereby setting this amount of catch aside to allow research fishing to be conducted at any time during the season (see also paragraphs 12.56 to 12.62).

11.24 The Commission also agreed to carry forward the requirements for fishery-based research in exploratory fisheries contained in Conservation Measure 41-01. It urged Members to submit biological and tagging data to the Secretariat in a timely manner.

Review of potential destructive fishing practices

11.25 The Commission noted the Scientific Committee's consideration of a proposal to prohibit deep-sea gillnet fishing in the Convention Area. The Scientific Committee agreed that gillnets (including trammel nets) are non-selective fishing devices and if not utilised correctly could take mobile species indiscriminately. In addition, gillnets may have adverse impacts if dragged along the bottom and have the potential to 'ghost' fish over long time periods when lost or discarded. The Scientific Committee agreed that it would be reasonable to have an interim prohibition on deep-sea gillnetting in the Convention Area until the Scientific Committee has investigated and reported on the potential impacts of this gear in the Convention Area and the information has been reviewed by the Commission. The Scientific Committee also noted that the suggested interim prohibition should apply only to commercial fisheries and not for research purposes (SC-CAMLR-XXV, paragraphs 4.212 and 4.213).

11.26 The Commission endorsed this advice and agreed to introduce an interim ban on the use of deep-water gillnets in the Convention Area (paragraphs 12.26 and 12.27).

11.27 The Commission considered a proposal by the USA to address the negative impacts of bottom trawl fishing on oceanic ecosystems, and in particular vulnerable marine ecosystems in the CCAMLR Convention Area (CCAMLR-XXV/BG/33). The proposal was that:

- (i) in high-seas areas where there is an RFMO with competence to regulate bottom fisheries, that RFMO would take action to:
 - (a) immediately freeze the footprint of bottom-trawl fishing (i.e. no expansion into new areas or in existing areas), unless the RFMO determines that such expansion would not cause significant adverse harm to vulnerable marine ecosystems;
 - (b) end all bottom trawling by 2009, unless the RFMO determines that its continuation would not cause significant adverse harm.

11.28 The USA, along with some other Members, noted their commitment to addressing destructive fishing practices within existing RFMOs, at the United Nations, and at CCAMLR. The USA noted its desire to join with other countries at international organisations to eliminate fishing practices that jeopardise fish stocks and the habitats that support them, and to establish rules based on sound science to enhance sustainable fishing practices and to phase out destructive fishing practices.

11.29 The Commission noted the Scientific Committee's comment that at present bottom trawl fishing is prohibited in some areas adjacent to the Antarctic Continent (Conservation Measures 41-05 and 41-11) and there are no plans to initiate new bottom trawl fishing (SC-CAMLR-XXV, paragraphs 4.215 and 4.216).

11.30 The Commission also recalled its desire to mitigate impacts of fishing practices in the Convention Area and that the conservation measures for new and exploratory fisheries (Conservation Measures 21-01 and 21-02) provide mechanisms for establishing whether a proposed fishing method could have adverse impacts on the Antarctic marine living resources, including the following steps prior to fishing:

- (i) notification of the intention to fish;

- (ii) scientific review of the potential implications of the proposal to the target species, by-catch and ecosystem (including habitats);
- (iii) development of a research plan to be undertaken by the fishing vessels to contribute to assessments of both catch limits and the potential impacts of the fishery on the stocks, non-target species and ecosystem;
- (iv) setting of precautionary catch limits to enable evaluation of resource potential and to acquire information for use in assessing appropriate measures for the further development of the fishery;
- (v) setting other measures as needed, including spatial and temporal closures and limits on the number of vessels, to enable an orderly development of the fishery;
- (vi) set in place appropriate management measures and, thereby, achieve its objectives in Article II.

11.31 In considering the proposal, the Commission noted its previous experience in introducing bottom trawling in high-seas areas in the Convention Area through the approach adopted in Conservation Measure 186/XVIII in 1999. In that measure, experiments were specified to determine the effects of bottom trawling on the continental shelf of Antarctica before allowing further development of the fishery.

11.32 Most Members supported freezing the footprint of bottom trawl fishing, and limiting future expansion of trawl fishing to operations which would not cause significant adverse harm to vulnerable marine ecosystems.

11.33 Some Members requested that the environmental impact of bottom trawl fishing be further considered by the Scientific Committee.

11.34 The FAO Observer advised the Commission that FAO, in collaboration with the Canadian Department of Fisheries and Oceans, was developing a proposal to hold an international meeting on the effects of trawl fishing on the high seas. Details of this meeting would be advised when arrangements were finalised.

11.35 The FAO Observer also advised that the proposal to freeze the footprint of bottom trawl fishing had received widespread support amongst FAO Member Countries.

11.36 The Commission agreed to make explicit the means by which bottom trawling in high-seas areas of the Convention Area should be managed in order to avoid impacting vulnerable marine ecosystems, including the benthos and benthic communities. It therefore agreed that for any bottom trawling in high seas areas of the Convention Area to be approved, the Commission needs to be satisfied that the fishery would not have a significant impact on vulnerable marine ecosystems, including benthos and benthic communities, in areas of the Convention Area for which bottom trawling is proposed.

11.37 The Commission requested the Scientific Committee to review the use of bottom trawling gear in high-seas areas of the Convention Area, including with respect to relevant criteria for determining what constitutes significant harm to benthos and benthic communities in the Convention Area.

11.38 In taking account of the concerns of Members to manage bottom trawling in high seas areas of the Convention Area and noting the need for work to be undertaken by the Scientific Committee, the Commission agreed to adopt a new Conservation Measure 22-05 that would be in force for the 2006/07 and 2007/08 fishing seasons and to modify the existing new and exploratory fisheries measures (Conservation Measures 21-01 and 21-02) (paragraphs 12.18 and 12.28). It decided that these measures would be reviewed by the Commission in 2007.

Notification procedure

11.39 The Commission considered the Secretariat's proposed standard format for the notification of Members' intentions to fish in the Convention Area (CCAMLR-XXV/29). This format captured all the requirements for notification in a single standard format which was designed to assist Members in completing the information and the Secretariat in checking the contents of notifications.

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

CONSERVATION MEASURES

12.1 Conservation measures adopted at CCAMLR-XXV will be published in the *Schedule of Conservation Measures in Force 2006/07*.

Review of existing conservation measures and resolutions

12.2 The Commission noted that the following conservation measures¹ will lapse on 30 November 2006: 32-09 (2005), 33-02 (2005), 33-03 (2005), 41-01 (2005), 41-02 (2005), 41-04 (2005), 41-05 (2005), 41-06 (2005), 41-07 (2005), 41-08 (2005), 41-09 (2005), 41-10 (2005), 41-11 (2005), 42-02 (2005), 52-01 (2005), 52-02 (2005) and 61-01 (2005). The Commission also noted that Conservation Measure 42-01 (2005) will lapse on 14 November 2006. All of these measures dealt with fishery-related matters for the 2005/06 season.

12.3 The Commission agreed that the following conservation measures¹ will remain in force in 2006/07:

Compliance

10-01 (1998) and 10-03 (2005).

General fishery matters

22-01 (1986), 22-02 (1984), 22-03 (1990), 23-01 (2005), 23-02 (1993), 23-03 (1991), 23-04 (2000), 23-05 (2000), 23-06 (2005), 24-01 (2005), 24-02 (2005), 25-02 (2005) and 25-03 (2003).

¹ Reservations to these measures are given in the *Schedule of Conservation Measures in Force in 2005/06*.

Fishery regulations

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

Protected areas

91-01 (2004), 91-02 (2004) and 91-03 (2004).

12.4 The Commission requested that the Scientific Committee examine the requirement to review CEMP site protection under Conservation Measure 91-01 in respect of Conservation Measures 91-02 and 91-03 (protection of Cape Shirreff and Seal Island respectively) and, if required, conduct a review at the earliest opportunity (SC-CAMLR-XXV, paragraph 3.17).

12.5 The Commission agreed that Conservation Measure 25-01 (1996) be rescinded (see paragraph 12.36).

12.6 The Commission agreed that the following resolutions will remain in force in 2006/07: 7/IX, 10/XII, 14/XIX, 15/XXII, 16/XIX, 17/XX, 18/XXI, 19/XXI, 20/XXII, 21/XXIII and 23/XXIII.

12.7 The Commission agreed that Resolution 24/XXIV be rescinded (see Annex 8).

Revised conservation measures

12.8 The Commission revised the following conservation measures¹:

Compliance

10-02 (2004), 10-04 (2005), 10-05 (2005), 10-06 (2005) and 10-07 (2005).

General fishery matters

21-01 (2002) and 21-02 (2005).

Fishery regulations

41-03 (2005), 51-01 (2002), 51-02 (2002) and 51-03 (2002).

Compliance

12.9 The Commission endorsed SCIC's recommendation to amend Conservation Measure 10-02 (Licensing and inspection obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area) to require reporting by licensed vessels of IUU fishing activity (paragraph 7.13 and Annex 5, paragraph 3.37). The revised Conservation Measure 10-02 (2006) was adopted.

12.10 The Commission endorsed SCIC's recommendation to amend Conservation Measure 10-04 (Automated satellite-linked vessel monitoring systems) to clarify the

requirements for reporting vessel exit notifications and formats for reporting via email (paragraph 7.13 and Annex 5, paragraph 3.38). The revised Conservation Measure 10-04 (2006) was adopted.

12.11 The Commission endorsed SCIC's recommendation to amend Conservation Measure 10-05 (Catch Documentation Scheme for *Dissostichus* spp.) to clarify that only government personnel can authorise documents and the inclusion of a new annex establishing a process to recognise non-Contracting Parties which participate in the trade of *Dissostichus* spp. (paragraph 7.13 and Annex 5, paragraphs 3.39 and 3.40). The revised Conservation Measure 10-05 (2006) was adopted.

12.12 The Commission considered SCIC's recommendation to amend Conservation Measure 10-06 (Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures) (paragraph 7.13 and Annex 5, paragraphs 3.39 and 3.40). The Commission agreed to restrict access to ports and facilities by vessels on the CP-IUU Vessel List, and extend the actions which Contracting Parties may take in relation to those vessels. Accordingly, the revised Conservation Measure 10-06 (2006) was adopted.

12.13 The Commission also agreed to amend Conservation Measure 10-07 (Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures) to restrict access to ports and facilities by vessels on the NCP-IUU Vessel List, and extend the actions which Contracting Parties may take in relation to those vessels. The revised Conservation Measure 10-07 (2006) was adopted.

12.14 Uruguay stated that the amendments to Conservation Measure 10-06, paragraphs 18(iv) and (v) and Conservation Measure 10-07, paragraphs 22(iii) and (iv), raised serious doubts concerning the legal consequences of the actions described in those paragraphs. The actions proposed in the text involved the problem of civil liability borne by the authorities of a Contracting Party for any possible precautionary measures they adopt, if it is impossible to prove the legal grounds that motivated them. It must be remembered that those real cases where it was shown that some actions undertaken applying the same criteria currently used to compile IUU vessel lists, have not been endorsed by the Courts of Justice, resulting in adverse and undesirable consequences for the objectives we strive to achieve. Therefore, given that the actions proposed in the draft conservation measures certainly carry these risks, Uruguay is unable to make a statement on this initiative without a prior and thorough evaluation of the possible undesirable consequences of the aforesaid actions by the competent legal services of Uruguay.

12.15 Namibia made the following statement with regard to the adoption of CCAMLR Conservation Measure 10-07 (2006), paragraph 22(iv)b(ii):

‘The Namibian Delegation at CCAMLR-XXV wishes to advise that the amendment to CCAMLR Conservation Measure 10-07 was amended in haste and without having consideration to inclusivity. It is in the opinion of the Namibian Delegation that appropriate consultation with potential stakeholders in Port States would have resulted in a broader conservation measure generally acceptable by all.

Conservation Measure 10-07 has, for example, fallen short of taking into consideration any legal prior contractual arrangement or legitimate mutually, beneficially, commercially joint ventures entered into in Port States. It is the opinion of the

Namibian Delegation at CCAMLR-XXV that any forceful implementation of Conservation Measure 10-07 without taking into consideration domestic laws and regulations or to belittle the provisions of the international law with regard to the special needs and requirements of developing Contracting Parties Coastal States is likely to have far-reaching social-economic implications on the certain maritime related activities in those Port States.’

12.16 Australia expressed concern at Namibia’s statement and urged Namibia to ensure that it complied with all CCAMLR conservation measures and did not participate in any activities which undermine the Convention.

12.17 The Commission considered further amendments to Conservation Measure 10-07 proposed by SCIC (Annex 5, paragraphs 3.33 and 3.44; CCAMLR-XXV/44). It was unable to reach agreement on those amendments. The Commission encouraged Members to further develop the draft amendments during the intersessional period, taking account of the discussions at SCIC and during CCAMLR-XXV and comments provided by Members. The Commission hoped that it could make further progress on this matter at its next meeting.

General fishery matters

12.18 The Commission agreed that any future proposal to conduct bottom trawling in high-seas areas of the Convention Area will need to be notified in accordance with the notification procedure for new fisheries. In addition, it agreed that any future notifications of new or exploratory fisheries using bottom trawl gear would need to provide information on the known and anticipated impacts of this gear on vulnerable marine ecosystems, including benthos and benthic communities. Accordingly, notification procedures for new fisheries and exploratory fisheries were revised and adopted as Conservation Measures 21-01 (2006) and 21-02 (2006) respectively.

Fishery regulations

12.19 The Commission agreed to include a new element on environmental protection in all fishery measures in force in 2006/07 (see paragraph 12.33). Accordingly the Commission included the new element in Conservation Measures 41-03, 51-01, 51-02 and 51-03. The revised Conservation Measures 41-03 (2006), 51-01 (2006), 51-02 (2006) and 51-03 (2006) were adopted.

Revised resolutions

12.20 The Commission agreed to revise Resolution 22/XXIII on international actions to reduce the incidental mortality of seabirds arising from fishing. The revision further enhanced cooperation with other RFMOs on effective seabird by-catch mitigation measures (paragraph 5.16). The revised resolution was adopted as Resolution 22/XXV.

New conservation measures

Compliance

12.21 The Commission endorsed SCIC's recommendation to introduce a new scheme to promote compliance by Contracting Party nationals with CCAMLR conservation measures (paragraph 7.14 and Annex 5, paragraph 3.54). The scheme, based on similar measures already in force in other fora, would be binding on Contracting Parties from 1 July 2008. The Commission adopted a new Conservation Measure 10-08 (2006).

12.22 Russia advised that it reserved the right not to be limited to the time frame mentioned in paragraph 3 of the new Conservation Measure 10-08 for the full implementation of the measure. Russia also advised that it was ready for cooperation and exchange of experience on this issue and did not exclude the possibility of changing its position regarding its reservation.

12.23 The USA indicated that any non-acceptance in whole or in part of a conservation measure adopted at this meeting would have to be notified in accordance with Article IX of the Convention.

General fishery matters

Notifications

12.24 The Commission noted its decision to obtain advance notification of the intention of Contracting Parties to fish for krill in the Convention Area (CCAMLR-XXII, paragraphs 4.37 to 4.39). In light of increasing interest in the krill fishery (paragraphs 4.26 and 4.34) and concerned that its ability to manage the krill fishery in accordance with Article II is dependent on obtaining early notification of all fishing activity for krill, the Commission agreed to implement a notification procedure for krill fisheries. The Commission adopted a new Conservation Measure 21-03 (2006).

12.25 In accordance with this conservation measure, Contracting Parties intending to participate in a krill fishery are required to notify the Secretariat of their intent not less than four months in advance of the Commission's regular annual meeting. The deadline of four months was chosen to allow sufficient time for notifications to be considered by the Scientific Committee and WG-EMM during their regular annual meetings.

Gear regulation

12.26 The Commission endorsed the recommendations of SCIC (Annex 5, paragraph 3.51; CCAMLR-XXV/45) and the Scientific Committee (SC-CAMLR-XXV, paragraphs 4.212 and 4.213) on the introduction of an interim ban on the use of deep-water gillnets, for purposes other than scientific research, in the Convention Area. The Commission agreed that the use of gillnets for scientific research in waters shallower than 100 m shall be permitted subject to the requirements of Conservation Measure 24-01. It was also agreed that the proposals for the use of gillnets for scientific research in waters deeper than 100 m shall be

notified in advance to the Scientific Committee and be approved by the Commission before such research can commence. Accordingly, the Commission adopted a new Conservation Measure 22-04 (2006) on the interim prohibition of deep-sea gillnetting.

12.27 The Commission also agreed that any vessel seeking to transit the Convention Area carrying gillnets must give advance notice to the Secretariat of its intent, including the expected dates of its passage through the Convention Area. It was also agreed that any vessel in possession of gillnets within the Convention Area which has not given such advance notice shall be in breach of this conservation measure.

12.28 The Commission agreed to an interim freeze of the footprint of bottom-trawl fishing in the high-seas areas of the Convention Area, in order to allow time for the Scientific Committee to review the known and anticipated impacts of this fishing method on vulnerable marine ecosystems, including benthos and benthic communities (paragraphs 11.27 to 11.33). Accordingly, the Commission agreed to restrict the use of bottom trawling gear in high-seas areas in 2006/07 and 2007/08, and to review this restriction in 2007. The Commission adopted this new measure as Conservation Measure 22-05 (2006).

Environmental protection

12.29 The Commission further considered a proposal to consolidate the environmental protection-related provisions of the fishery measures into a single conservation measure. Following the Commission's decision last year (CCAMLR-XXIV, paragraph 11.101), the Secretariat had illustrated the application of the draft environmental measure proposed in CCAMLR-XXIV/34 along with consequent changes to fishery-related conservation measures in force (CCAMLR-XXV/10).

12.30 The draft environmental measure comprised four sections describing the:

- disposal of plastic packaging bands – this section was taken *verbatim* from Conservation Measure 25-01;
- dumping of offal – this section was based on the requirements in conservation Measures 25-02 (paragraphs 5 and 6) and 25-03 (paragraph 3);
- prohibition of discharge in high-latitude fisheries – this section was taken from conservation measures for high-latitude fisheries (e.g. Conservation Measure 41-04, paragraphs 7 and 13);
- translocation of poultry – this section was also taken from conservation measures for high-latitude fisheries (e.g. Conservation Measure 41-04, paragraph 14).

12.31 The Commission agreed that the requirements for offal dumping, which had been developed in Conservation Measures 25-02 and 25-03, were an integral part of the measures for minimising the incidental mortality of seabirds. It was agreed that these requirements should remain in those measures. The Commission noted that the prohibition of discharge in high-latitude fisheries, proposed in the draft conservation measure, included the discharge of offal south of 60°S.

12.32 The Commission agreed on a revised environmental measure which described the requirements for the disposal of plastic packaging bands, prohibition of discharge in high-latitude fisheries and translocation of poultry and poultry products. The Commission adopted this new measure as Conservation Measure 26-01 (2006).

12.33 The Commission agreed that the requirements of Conservation Measure 26-01 applied to all fisheries in the Convention Area. Accordingly, the Commission agreed to include a new element on environmental protection in all fishery conservation measures in force in 2006/07.

12.34 The Commission agreed to add this new element to the new fishery measures adopted in 2006 as well as the fishery measures which were revised in 2006 (see paragraph 12.19).

12.35 The prohibition of discharge in high-latitude fisheries in Conservation Measure 26-01 applies to vessels fishing south of 60°S and includes offal. For fisheries operating north of 60°S and where offal discharge was prohibited in 2005/06 and previous seasons, the Commission agreed to retain this requirement. Consequently, a fishery-wide prohibition on offal discharge was retained in the exploratory fisheries in Subarea 48.6 (Conservation Measure 41-04) and Division 58.4.1 (Conservation Measure 41-11).

12.36 Noting that the requirements for the disposal of plastic packaging bands have been transferred to Conservation Measure 26-01, the Commission agreed that Conservation Measure 25-01 be rescinded.

Fishing seasons, closed areas and prohibition of fishing

12.37 The Commission agreed to renew the prohibition of directed fishing for *Dissostichus* spp. except in accordance with specific conservation measures. Accordingly, directed fishing for *Dissostichus* spp. in Subarea 48.5 was prohibited in the 2006/07 season, and the Commission adopted Conservation Measure 32-09 (2006).

12.38 The Commission endorsed SCIC's recommendation to prohibit directed fishing on shark species in the Convention Area, other than for scientific research purposes (Annex 5, paragraph 3.52; CCAMLR-XXV/35). The Commission agreed that this prohibition shall apply until such time as the Scientific Committee has investigated and reported on the potential impacts of this fishing activity and the Commission has agreed on the basis of advice from the Scientific Committee that such fishing may occur in the Convention Area. It was also agreed that any by-catch of shark, especially juveniles and gravid females, taken accidentally in other fisheries, shall, as far as possible, be released alive. Accordingly, the Commission adopted a new Conservation Measure 32-18 (2006) on the conservation of sharks.

12.39 The USA stated that it believed the issue of management of shark-related fisheries, with a particular focus on the practice of shark-finning, is an important one for CCAMLR to consider, and thanked France for bringing forth a draft conservation measure on the issue. The USA noted that it has enacted legislation and regulations banning the practice of shark-finning, and has been using educational efforts and enforcement actions to ensure that US-flagged vessels, and foreign vessels making US port calls, comply with the statutory ban on retaining shark fins without retention of the shark carcasses to the first point of landing.

The USA expressed hope that efforts reviewed by the Scientific Committee would yield analysis of the stock abundance, shark by-catch levels and other important biological data of the shark species of the Southern Ocean. It believed this conservation measure is an important first step to an eventual ban on the practice of shark-finning without utilisation of the shark carcasses. The USA also mentioned that there is a need for future efforts to collect information on the extent of shark-finning in the Convention Area and the amount of trade/transshipment through ports of Contracting and Non-Contracting parties. The USA urged all Contracting Parties to prepare and submit their respective National Plans of Action for the Conservation and Management of Sharks to the FAO Committee on Fisheries, as set forth in the International Plan of Action for the Conservation and Management of Sharks, if they have not done so already.

By-catch limits

12.40 The Commission noted that the Scientific Committee had been unable to provide new advice on by-catch catch limits (paragraphs 4.66 and 4.67).

12.41 The Commission agreed to apply the existing by-catch catch limits in Division 58.5.2 in the 2006/07 season. Accordingly, Conservation Measure 33-02 (2006) was adopted.

12.42 The Commission agreed to apply the existing by-catch catch limits for exploratory fisheries in the 2006/07 season, taking account of the revised catch limit for *Dissostichus* spp. in Subareas 88.1 and 88.2 and the consequential changes to by-catch catch limits in those subareas, and to retain the move-on rules. Accordingly, Conservation Measure 33-03 (2006) was adopted.

Toothfish

12.43 The Commission agreed to revise the requirements of the tagging program outlined in Annex 41-01/C of Conservation Measure 41-01 to clarify the roles and responsibilities of vessels and observers (paragraph 4.49), increase the tagging rate in some fisheries (paragraph 4.49), improve data recording and reporting, incorporate the new Secretariat-based coordination of the tagging program to be implemented in 2007 (paragraph 4.50); and reaffirm that fish which are tagged and released are not counted against catch limits (paragraph 4.49). The revised Conservation Measure 41-01 (2006) was adopted.

12.44 As part of the revision of Annex 41-01/C, the Commission requested that the Secretariat modify the data forms used for catch and effort reporting and the Tagging Protocol as follows:

- expand the data field ‘number released alive’ in the catch and effort reporting form to allow accurate reporting of the number of fish tagged and released alive;
- add a data field in the Tagging Protocol to record the fate of tagged fish on release.

12.45 The Commission requested that all Members involved in exploratory fisheries in 2006/07 use the latest version of data forms (available from the CCAMLR website).

12.46 The Commission agreed to revise the limits on the fishery for *D. eleginoides* in Subarea 48.3 (paragraph 4.54). The revised catch limit for *D. eleginoides* was 3 554 tonnes which was divided amongst the Management Areas A (0 tonnes), B (1 066 tonnes; 30% of the catch limit) and C (2 488 tonnes; 70% of the catch limit). The Commission agreed to by-catch catch limits of 177 tonnes (5% of the catch limit for *D. eleginoides*) for *Macrourus* spp. and 177 tonnes (5% of the catch limit for *D. eleginoides*) for skates and rays. The Commission adopted Conservation Measure 41-02 (2006).

12.47 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 48.6 in 2006/07 would be limited to Japanese, Korean, New Zealand and Norwegian flagged vessels using longlines only, and that no more than one vessel per country shall fish at any one time. The Commission also endorsed the Scientific Committee's recommendation that the Japanese-flagged vessel *Shinsei Maru No. 3* be exempted from the requirement to conduct longline sink rate tests outside the Convention Area when fishing at the end of the 2005/06 season and into the 2006/07 season, provided that the vessel conducted regular longline sink rate testing in 2005/06 (SC-CAMLR-XXV, paragraph 5.54). Other elements regulating this fishery, including the tagging rate for *Dissostichus* spp. of one fish per tonne of green weight caught, were carried forward. The Commission adopted Conservation Measure 41-04 (2006).

12.48 The Commission recalled its discussion on increasing the tagging rate for *Dissostichus* spp. in this fishery from one fish per tonne of green weight caught to three fish per tonne (paragraphs 11.7 to 11.9). The Commission urged all notifying Members to strive towards achieving a minimum tagging rate of three fish per tonne in Subarea 48.6.

12.49 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.1 in 2006/07 would be limited to one (1) Australian, two (2) Korean, one (1) Namibian, three (3) New Zealand, one (1) Spanish and one (1) Uruguayan flagged vessels using longlines only. The Commission also agreed to increase the tagging rate for *Dissostichus* spp. to a minimum of three fish per tonne of green weight caught (paragraph 11.6). Other elements regulating this fishery were carried forward. Conservation Measure 41-11 (2006) was adopted.

12.50 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.2 in 2006/07 would be limited to one (1) Australian, three (3) Korean, one (1) Namibian, two (2) New Zealand, one (1) Spanish and one (1) Uruguayan flagged vessels using longlines only. The Commission also agreed to increase the tagging rate for *Dissostichus* spp. to a minimum of three fish per tonne of green weight caught (paragraph 11.6). Other elements regulating this fishery were carried forward. Conservation Measure 41-05 (2006) was adopted.

12.51 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3a in 2006/07 would be limited to Japanese, Korean and Spanish flagged vessels using longlines only, and that no more than one vessel per country would fish at any one time. Other elements regulating this fishery, including the tagging rate for *Dissostichus* spp. of one fish per tonne of green weight caught, were carried forward. Conservation Measure 41-06 (2006) was adopted.

12.52 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3b outside areas of national jurisdiction in 2006/07 would be limited to

Australian, Japanese, Korean, Namibian, Spanish and Uruguayan flagged vessels using longlines only, and that no more than one vessel per country would fish at any one time. Other elements regulating this fishery, including the tagging rate for *Dissostichus* spp. of one fish per tonne of green weight caught, were carried forward. Conservation Measure 41-07 (2006) was adopted.

12.53 Australia noted the failure of vessels engaged in exploratory fishing for *Dissostichus* spp. in Division 58.4.3b in 2005/06 to undertake research that would assist in assessments of the status of stocks in that division. In light of the request by the Scientific Committee for urgent consideration of these issues, Australia expressed concern that the Commission was unable to agree to include in the adopted Conservation Measure 41-07 provisions for a structured research program to assist in such assessments, notably by providing for accelerated tagging rates, and for ensuring adequate spatial coverage of research activities. Australia noted the advice of the Scientific Committee (SC-CAMLR-XXV, paragraphs 4.190 to 4.192) and indicated that without such provisions being included in Conservation Measure 41-07, those Members that do fish in Division 58.4.3b in 2006/07 must ensure that their licensed vessels provide contributions on all the elements of scientific work requested in paragraph 4.191 of SC-CAMLR-XXV.

12.54 The Commission agreed to revise the limits on the fishery for *D. eleginoides* in Division 58.5.2 (paragraph 4.54). The revised catch limit for *D. eleginoides* was 2 427 tonnes which was applicable west of 79°20'E. The Commission also endorsed the Scientific Committee's recommendation to extend the season for longlining to allow fishing with integrated weighted line gear from 15 to 30 April (SC-CAMLR-XXV, paragraphs 5.49 to 5.53). It was agreed to apply a total catch limit of three seabirds per vessel throughout the season extensions, and to require two scientific observers on board vessels fishing during the period from 15 to 30 April. Other elements regulating this fishery were carried forward. Conservation Measure 41-08 (2006) was adopted.

12.55 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.1 in 2006/07 would be limited to two (2) Argentine, three (3) Korean, four (4) New Zealand, one (1) Norwegian, two (2) Russian, one (1) South African, one (1) Spanish, two (2) UK and five (5) Uruguayan flagged vessels using longlines only.

12.56 The Commission agreed to deduct the 10-tonne research exemption in each of the four SSRUs with zero catch limit (SSRU A, D, E, and F) from the catch limit for *Dissostichus* spp. in Subarea 88.1 (paragraph 11.21). The revised catch limit for *Dissostichus* spp. in Subarea 88.1 was 3 032 tonnes which was divided amongst SSRUs as follows:

SSRU A:	0 tonnes (closed)
SSRUs B, C and G (northern):	356 tonnes total
SSRU D:	0 tonnes (closed)
SSRU E:	0 tonnes (closed)
SSRU F:	0 tonnes (closed)
SSRUs H, I and K (slope):	1936 tonnes total
SSRU J:	564 tonnes
SSRU L:	176 tonnes.

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

12.58 The Commission agreed that research fishing under Conservation Measure 24-01 should be limited to 10 tonnes of catch and one vessel in each of SSRUs A, D, E and F, and that the catches taken in these SSRUs would not be considered as part of the overall catch limit. The Commission also agreed to increase the tagging rate for *Dissostichus* spp. to a minimum of three fish per tonne of green weight caught in these SSRUs (paragraph 11.6). Conservation Measure 41-09 (2006) was adopted.

12.59 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.2 in 2006/07 would be limited to two (2) Argentine, four (4) New Zealand, one (1) Norwegian, two (2) Russian, one (1) Spanish, two (2) UK and four (4) Uruguayan flagged vessels using longlines only.

12.60 The Commission agreed to deduct the 10-tonne research exemption in each of the two SSRUs with zero catch limit (SSRU A and B) from the catch limit for *Dissostichus* spp. in Subarea 88.2 (paragraph 11.21). The revised catch limit for *Dissostichus* spp. in Subarea 88.2 was 547 tonnes which was divided amongst SSRUs as follows:

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

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

12.62 The Commission agreed that research fishing under Conservation Measure 24-01 should be limited to 10 tonnes of catch and one vessel in each of SSRUs A and B, and that the catches taken in these SSRUs would not be considered as part of the overall catch limit. The Commission also agreed to increase the tagging rate for *Dissostichus* spp. to a minimum of three fish per tonne of green weight caught in these SSRUs (paragraph 11.6). Conservation Measure 41-10 (2006) was adopted.

Icefish

12.63 The Commission agreed to revise the limits on the fishery for *C. gunnari* in Subarea 48.3 (paragraph 4.59). It agreed a catch limit of 4 337 tonnes for the 2006/07 season, and to a catch limit during the spawning period (1 March to 31 May) of 1 084 tonnes (25% of the total catch limit for the season). The Commission endorsed the Scientific Committee's recommendation that vessels in this fishery be encouraged to use net binding as a means to reduce seabird interaction and potential incidental mortality (SC-CAMLR-XXV, paragraph 5.17 and Annex 5, Appendix D, paragraph 59). Other elements regulating this fishery were carried forward, and Conservation Measure 42-01 (2006) was adopted.

12.64 The Commission agreed to revise the limits on the fishery for *C. gunnari* in Division 58.5.2 (paragraph 4.59). The Commission agreed a catch limit of 42 tonnes for the 2006/07 season. Other elements regulating this fishery were carried forward and Conservation Measure 42-02 (2006) was adopted.

Krill

12.65 The Commission noted that the Scientific Committee had used the results of the recent Australian BROKE-West acoustic krill biomass survey to revise the precautionary catch limit for krill in Division 58.4.2 to 1.49 million tonnes (SC-CAMLR-XXV, paragraph 3.18).

12.66 Australia indicated that the scientific data supported this large increase in the precautionary catch limit for krill in Division 58.4.2 from 450 000 tonnes to 1.49 million tonnes. However, Australia believed that such a large increase required the inclusion of other elements in the conservation measure in order to facilitate the orderly and precautionary development of the fishery. The additional management measures included subdivision of the catch, the placement of scientific observers and the utilisation of VMS to provide for the effective management of a krill fishery with such a large catch limit and to bring the fishery in line with other fisheries in the Convention Area. Australia agreed to present a discussion paper for consideration by the Commission at its meeting in 2007. The paper will be provided in advance of the meeting of WG-EMM in order that issues relevant to the Scientific Committee can be considered and subsequent advice can be passed on to the Scientific Committee and SCIC for their consideration and comment.

12.67 Other Members supported the Scientific Committee's advice and agreed that the precautionary catch limit for krill in Division 58.4.2 be revised to 1.49 million tonnes.

12.68 Furthermore, those Members emphasised that specific and scientific proposals regarding conservation measures, such as the Australian proposal, should be discussed first in appropriate committees rather than proposed directly to the Commission.

12.69 The Commission was unable to agree on a revision of the limit for the krill fishery in Division 58.4.2 (see also paragraphs 12.19 and 12.33). The Commission noted that the estimation of biomass and γ for krill in Areas 48 and 58 would be reviewed by the Scientific Committee and WG-EMM in 2007 (SC-CAMLR-XXV, paragraph 3.26). The Commission hoped to make further progress on this matter at its next meeting.

Crab

12.70 The Commission carried forward the measures for the crab fishery in Subarea 48.3 in 2006/07 (paragraph 4.64). Conservation Measures 52-01 (2006) and 52-02 (2006) were adopted.

Squid

12.71 The Commission carried forward the measure for the exploratory jig fishery for *M. hyadesi* in Subarea 48.3 in 2006/07 (paragraph 4.65). Conservation Measure 61-02 (2006) was adopted.

New resolutions

12.72 The Commission adopted Resolution 25/XXV on combating IUU fishing in the Convention Area by the flag vessels of non-Contracting Parties.

CCAMLR System of Inspection

12.73 The Commission revised the text of the System of Inspection which is published in the *Schedule of Conservation Measures in Force*. The revisions:

- clarified the terminology of ‘Designating State’ and ‘Designating Member’ (Annex 5, paragraph 3.47);
- allowed inspection reports submitted by the inspectors of Designating Members to be treated on the same basis as reports submitted by Flag State inspectors (Annex 5, paragraph 3.46).

12.74 The Commission noted that SCIC had established an intersessional working group to consider further revisions to the System of Inspection (Annex 5, paragraph 3.48).

Development of other compliance measures

12.75 The Commission noted that SCIC had considered a draft measure on the use of trade measures to promote compliance (paragraph 7.10 and Annex 5, paragraph 3.55; SCIC-06/13) and draft measure to combat IUU fishing by non-Contracting Party flagged vessels in the Convention Area (paragraph 7.14 and Annex 5, paragraph 3.56; CCAMLR-XXV/44).

12.76 The Commission recognised that these draft measures had the potential to enhance the suite of compliance measures used to combat IUU fishing. The Commission encouraged Members to further develop these draft measures during the intersessional period, taking account of the discussions at SCIC and during the drafting group meetings and comments provided by Members. The Commission hoped that it could make further progress on these matters at its next meeting. The draft proposal for a conservation measure concerning the adoption of trade measures to promote compliance is appended (Annex 9; see also Annex 5, paragraph 3.55).

General

12.77 The Commission noted that a copy of the adopted conservation measures and resolutions, with highlighted changes and revisions agreed at this meeting, will be available from the Secretariat, on request, in late November.

12.78 Spain made the following statement:

‘The principal responsibility on IUU fishing is of the Flag State of the vessel, according to international law.

When States do not assume their responsibilities in exercising control on their vessels, they behave as flags of convenience.

The identification of such Flag States and the adoption of agreed international actions is of primary importance.

Spain hopes that we all keep our compromise of continuing our work together and be able in the near future to deliver a clear message to the international community: dissuading States of becoming flags of convenience and giving illegal operators the shelter they need to conduct illegal fishing.’

12.79 The Republic of Korea stated that the issue of IUU fishing activities of vessels of both Contracting and non-Contracting Parties had been discussed by the Commission over the past several years. Swift action against those Parties is required to secure the Commission’s objectives. Otherwise, the inability to do so would jeopardise the international credibility of the Commission.

12.80 The Republic of Korea had recently confiscated 266 tonnes of *Dissostichus* spp. of IUU-caught toothfish and advised the Commission that many nationalities were involved in the harvest, transportation and trade of the seized catch, including nationals and companies of CCAMLR Members.

12.81 The Republic of Korea said that it was regrettable that some Members were not in a position this year to adopt a trade measure to promote compliance with conservation measures and eliminate IUU fishing.

12.82 The Commission congratulated the Republic of Korea for its actions taken on the seizure of IUU-caught toothfish and agreed that Members should undertake all measures required in order to prohibit international trade of IUU-caught toothfish.

12.83 Argentina recalled that the Commission should not legislate for areas outside the Convention Area.

12.84 Australia advised the Commission that any fishing or fisheries research activities in that part of Divisions 58.4.3a, 58.4.3b and 58.5.2 that constitutes the Australian EEZ around the Australian Territory of Heard Island and McDonald Islands must have the prior approval of Australian authorities. The Australian EEZ extends up to 200 n miles from the Territory. Unauthorised or illegal fishing in these waters is a serious offence under Australian law. Australia seeks the assistance of other CCAMLR Members in ensuring their nationals and vessels are aware of the limits of the Australian EEZ and the need for prior permission to fish

there. Australia has implemented strict controls to ensure that fishing in its EEZ occurs only on a sustainable basis. Presently, fishing concessions are fully subscribed and no further concessions for legal fishing in the EEZ are available. Australian legislation provides for large penalties for illegal fishing in Australia's EEZ, including the immediate forfeiture of foreign vessels found engaged in such activities. Any enquiries about fishing in the Australian EEZ should be made initially to the Australian Fisheries Management Authority.

FISHERIES MANAGEMENT AND CONSERVATION UNDER CONDITIONS OF UNCERTAINTY

13.1 The Commission noted that catches of *D. eleginoides* taken outside the Convention Area originated mostly from Areas 41 and 87 (SC-CAMLR-XXV, Annex 5, Table 3).

13.2 To more adequately assess the *D. eleginoides* stock on the Scotia Ridge in Area 41, the Commission urged Members to provide information on the sustainability of the resource, particularly as the western sector of Subarea 48.3, adjacent to the Scotia Ridge, is currently excluded from the assessment for that species in Subarea 48.3 (SC-CAMLR-XXV, paragraph 7.3).

13.3 The Commission thanked the Scientific Committee, WG-FSA and JAG for their extensive, collaborative work aimed at better estimating IUU catch levels of *Dissostichus* spp. (SC-CAMLR-XXV, paragraphs 7.5 to 7.7).

13.4 The Commission agreed that the new methodology for estimating IUU fishing for *Dissostichus* spp. in the Convention Area proposed by JAG be further developed (SC-CAMLR-XXV, Annex 5, paragraphs 8.14 and 8.15). SCIC was tasked to:

- (i) consider whether the weightings of individual categories was appropriate, whether the number of levels in each category was correct and whether there were other useful categories that might be used without overly complicating the analysis;
- (ii) determine the vulnerability of different areas to IUU fishing, for instance using the template provided in SCIC-06/9.

13.5 The Commission also tasked the Scientific Committee and WG-FSA to develop likely catch rate distributions for IUU vessels by area using data from licensed vessels. It noted, that future determinations of credible ranges for IUU estimates should precede investigation of consequences of this uncertainty for assessments of IUU fishing levels (see also section 9).

13.6 In Russia's view the new continuous fishing system used in the krill fishery should be classified as a new or exploratory fishery. This would necessitate obligatory development and implementation of a Fishery Plan, including a research plan as adopted by the Scientific Committee, for all vessels using this fishing method in any season. Russia also emphasised that classifying the continuous krill fishing system as a new or exploratory fishery would in no way create obstacles to its development. On the contrary, within the framework of the new and exploratory fisheries, it may be possible to resolve more rapidly the scientific,

methodological and organisational difficulties related to implementation of the new continuous fishing system (SC-CAMLR-XXV, paragraph 7.8, see also paragraphs 4.40 to 4.42).

13.7 The Commission considered New Zealand's proposal on further improving CCAMLR's ability to manage Southern Ocean fisheries by expanding the current Fishery Plan concept endorsed by the Commission into a forward-looking management plan ('Fisheries Management Plan') (CCAMLR-XXV/39).

13.8 The Commission noted that the Scientific Committee had also considered this proposal and had limited its comment to some of the proposal's technical details (SC-CAMLR-XXV, paragraphs 7.11 to 7.14).

13.9 The Commission noted that Fisheries Management Plans would provide a mechanism for setting management objectives for a fishery and in defining strategies to achieve such objectives. This would provide a stronger link between objectives and management action to better integrate science, policy and compliance. The Commission also noted that the Scientific Committee's proposal to develop management strategy evaluations may assist both in the evaluation of such strategies as well as in refining operational objectives for fisheries based on the most up-to-date information (paragraphs 4.81 to 4.83; SC-CAMLR-XXV, paragraph 4.59).

13.10 Russia emphasised the need to consider human aspects associated with possible implementation of the proposed Fisheries Management Plans. Such aspects, for example, included the impact of fishery regulations on the safety of fishing crews as well as the workload of scientific observers. Australia supported this concern.

13.11 The Commission encouraged New Zealand and other Members to develop the former's proposal intersessionally, including the formation of an ad hoc group if required. Taking account of the above discussion, such a group should then submit a paper to CCAMLR-XXVI on the issue that included an example of a Fishery Management Plan.

DATA ACCESS AND SECURITY

14.1 The Commission considered Australia's proposal to amend the Rules for Access and Use of CCAMLR Data (CCAMLR-XXV/42). The purpose of the proposed amendments was to more readily identify the originator and purpose of data requests, ensure that commercially sensitive data were not released inappropriately and ensure that data owners were adequately consulted before their data are released.

14.2 The Commission noted the Scientific Committee's advice on this matter (SC-CAMLR-XXV, paragraphs 12.5 to 12.8).

14.3 It agreed that the concerns raised in CCAMLR-XXV/42 may be addressed under the current rules, without any need to revise the current rules. In particular, the Commission agreed that the rights of originators/owners of data set out in paragraph 6 of the rules allowed originators/owners to stipulate additional terms and/or levels of data security under which data may be released following a request under paragraph 2(a).

14.4 The Commission recognised that it would be useful for originators/owners of data to be informed on how the requested data are used. Accordingly, the Commission agreed that Members requesting data under the Rules for Access and Use of CCAMLR Data should report to the Scientific Committee and its working groups on the use of these data.

14.5 The Commission considered a draft policy on the presentation and publication of aggregated fine-scale data in the *Statistical Bulletin* (CCAMLR-XXV/31). The draft had been prepared by the Secretariat in accordance with the Commission's request (CCAMLR-XXIV, paragraph 4.62).

14.6 The Scientific Committee had also considered the matter and advised the Commission that the draft policy was suitable for the Scientific Committee's work and that of its working groups. The Scientific Committee recommended that catch distribution maps for each area should be plotted at the same scale, where feasible (SC-CAMLR-XXV, paragraphs 12.11 to 12.17).

14.7 The European Community supported the Scientific Committee's advice and encouraged the Commission to adopt the policy in respect of the Scientific Committee's and the Commission's work.

14.8 Japan expressed concern on the policy and suggested that the level of aggregation by fine-scale rectangle was too detailed for publication, and could be used to guide IUU fishing.

14.9 Australia also supported the use of the policy for use within the Scientific Committee and its working groups. However, Australian national legislation prevented data from individual Australian-flagged vessels to be released into the public domain. Accordingly, only data aggregated at a broader scale could be published.

14.10 The Commission therefore noted that the draft policy was not suitable for presentation and publication of aggregated fine-scale data in the *Statistical Bulletin*. It also recalled its decision that the policy should be uniformly applied to all fisheries in the Convention Area (CCAMLR-XXIV, paragraph 4.62). In the absence of agreement on a Convention-wide policy, the Commission agreed that the presentation of maps of aggregated fine-scale data for Area 48 in the *Statistical Bulletin* will be discontinued.

COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM

Cooperation with Antarctic Treaty Consultative Parties

15.1 The Executive Secretary reported on his attendance at ATCM-XXIX in Edinburgh, UK (CCAMLR-XXV/BG/8).

15.2 In accordance with Article 9 of the Antarctic Treaty, a report of CCAMLR activities in 2005/06 was tabled.

15.3 The Commission noted the following main points of direct relevance to CCAMLR-XXV discussed at ATCM-XXIX and presented in the Executive Secretary's report:

- (i) ATCM Resolution 1 (2006) on CCAMLR in the Antarctic Treaty System which aims to improve cooperation between the ATCM and CCAMLR;
- (ii) ATCM Measure 4 (2006) pertaining to the delisting of fur seals as specially protected species, and ATCM Resolution 4 (2006) on the conservation of southern giant petrels;
- (iii) ATCM Decision 2 (2006) and Resolution 3 (2006) regarding ballast water exchange in the Treaty Area as this may relate to fishing vessels;
- (iv) the Edinburgh Declaration as this may integrate with a similar celebratory statement to be developed in relation to CCAMLR's Twenty-fifth Meeting;
- (v) the possible spread of environmentally dangerous pathogens, such as avian influenza, to the Antarctic and how this could affect CCAMLR's work;
- (vi) the potential impact of marine technologies, especially acoustic technologies, on key marine species in the Convention Area;
- (vii) the presence of the Antarctic Treaty Secretariat's Executive Secretary at CCAMLR-XXV;
- (viii) the holding of ATCM-XXX and CEP-X meetings in New Delhi, India, from 30 April to 11 May 2007.

15.4 The UK expressed its delight to have hosted ATCM-XXIX held in June 2006. It had used the opportunity to implement a public outreach program on Antarctica. This had included lectures, films and events in Edinburgh during the two weeks of the meeting. A new interactive educational website (www.discoveringantarctica.org.uk) was launched and this is now being translated into other languages.

15.5 The UK noted that ATCM-XXIX had devoted a full day to considering the International Polar Year (IPY) and that the Edinburgh Declaration had been adopted as a result. The declaration outlined a mechanism for presenting the results of the IPY to the international community and highlighted the importance of education and outreach as part of the program's strategic impact.

15.6 The Commission noted that a two-day CEP workshop had been held just prior to ATCM-XXIX to discuss strategic issues. From this, CEP had agreed to develop a five-year work plan that included close cooperation with CCAMLR's Scientific Committee and had been based on a similar program adopted by CCAMLR's WG-EMM.

15.7 In relation to ATCM Resolution 1 (2006), New Zealand noted that this had been developed from a paper presented by New Zealand and that the resolution outlined the important links between the ATCM and CCAMLR as key components of the Antarctic Treaty System. The resolution not only encouraged increased cooperation in respect of such links, but it also highlighted the need for the ATCM to formally reflect on the contribution that CCAMLR makes to the Antarctic Treaty System in respect of conservation and protection of the Antarctic environment.

15.8 The UK noted that Resolution 1 allows more time and effort to be devoted to debate on CCAMLR issues in the ATCM. In this regard, it was worth noting that a number of past ATCM decisions and resolutions had benefited CCAMLR, most notably in relation to the latter's attempt to combat IUU fishing as well as to practical procedures associated with designating specially protected areas containing marine areas (e.g. ATCM Decision 9 (2005)). It urged Members to further consider cooperation between CCAMLR and the ATCM where this could facilitate CCAMLR furthering its work.

15.9 Australia, supported by Spain, urged the Commission to consider strengthening Resolution 22/XXIII as a tool to encourage capacity building with other RFMOs. Such capacity building was important in respect of reducing seabird by-catch for species breeding in the Convention Area and, in particular, to improve global fishing practices in relation to seabird by-catch mitigation as well as to protect southern giant petrels over their entire range.

15.10 Argentina shared these views regarding cooperation with other organisations, but expressed the reservation that CCAMLR conservation measures and resolutions be applied only within the Convention Area.

15.11 The Chair of the Scientific Committee reported on her attendance at CEP-IX (CCAMLR-XXV/BG/40). This report has been submitted to, and discussed by, the Scientific Committee (SC-CAMLR-XXV, paragraphs 9.2 to 9.4). Following the Executive Secretary's report, the Scientific Committee Chair noted the following additional points:

- (i) WG-EMM's five-year work plan was seen by CEP as a model for organising the latter's future work;
- (ii) CEP encouraged members to provide logistic and financial support for scientific research operations and outreach under the IPY banner;
- (iii) CEP's involvement in the preparation of, and potential participation in, the CCAMLR Bioregionalisation Workshop to be held in 2007 (paragraphs 6.1(i) and 6.2(ii));
- (iv) CEP emphasised the need to maintain a dialogue with CCAMLR on introduced marine species and the potential for fishing vessels to contribute to introducing new species to the Southern Ocean;
- (v) a Workshop on Non-native species in Antarctica was held in New Zealand in April 2006; the report of which was submitted for consideration to CCAMLR (SC-CAMLR-XXV/BG/21);
- (vi) a request to SCAR to take regular advice from CCAMLR on the level of incidental seal mortality arising from fishing operations, in particular during krill fishing;
- (vii) prevention of marine pollution and best practise in terms of dealing with marine debris;
- (viii) the need to receive more information on noise pollution from acoustic technologies being used by CCAMLR fishing and research vessels.

15.12 The Scientific Committee Chair noted that CEP and the CCAMLR Scientific Committee cooperate effectively and stressed the continuing need for the mutual exchange of observers between the two bodies.

15.13 The CEP Observer, Dr A. Press, associated himself with all matters raised in the report of Dr Fanta.

15.14 Australia acknowledged that cooperation between CEP and the Scientific Committee would become increasingly important in the future and expressed the view that it might be worthwhile to schedule a joint meeting of the two bodies in about two years (SC-CAMLR-XXV, paragraph 9.4).

15.15 The Commission approved CCAMLR's representation at ATCM-XXX by the Executive Secretary and the Chair of the Scientific Committee at the meeting of CEP-X.

Cooperation with SCAR

15.16 The SCAR Observer to CCAMLR, Dr G. Hosie, presented a report and focused on intersessional activities of SCAR of direct relevance to the work of CCAMLR (CCAMLR-XXV/BG/22 and BG/23).

15.17 The Commission noted that the SCAR Observer's full report had been submitted to, and discussed by, the Scientific Committee (SC-CAMLR-XXV, paragraphs 9.5 to 9.7).

15.18 The Commission welcomed this report and the continued cooperation with SCAR.

COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

Reports of observers from international organisations

Intergovernmental organisations

FAO

16.1 The FAO Observer's report (CCAMLR-XXV/BG/41) noted the status of the Compliance Agreement, the signing of a FAO-CITES Memorandum of Understanding and activities undertaken in relation to RFMOs, including the most recent meeting of the South West Indian Ocean Fisheries Commission (SWIOFC). Of particular interest was the signing of the Southern Indian Ocean Fisheries Agreement (SIOFA) at a Diplomatic Conference in July 2006 along with industry management initiatives, especially the declaration of 11 MPAs totalling over 300 000 km² in the Southern Indian Ocean just to the north of the CCAMLR boundary. Several FAO initiatives concerning management of deep-water fisheries and MPAs were also noted.

16.2 The European Community informed the Commission that it is one of the CCAMLR Members which has signed the Southern Indian Ocean Fisheries Agreement and is now launching its internal ratification process. In the European Community's perspective the adoption of this new instrument is a very important achievement.

16.3 The European Community noted that participants at the SIOFA Diplomatic Conference reached an agreement on interim arrangements to collect all current and future data on fisheries activities in the SIOFA area to facilitate scientific assessments of fisheries resources covered by the Agreement.

16.4 It also noted that particular consideration was given to ways in which destructive fishing practices in the SIOFA area of competence could be addressed. In order to support future actions which SIOFA may undertake, the European Community is exploring the possibility of hosting the first SIOFA meeting in the near future.

16.5 France advised Members that it had signed SWIOFC and was in the process of ratification. It encouraged other CCAMLR Members to sign this Convention to enable its entry into force. France noted that data collection in the SWIOFC area was very poor and envisaged that much future work on coherent measures and zone closures is still necessary. Long-term conservation measures complimentary to and coherent with those of CCAMLR also need to be defined.

16.6 In response to a question from Argentina with respect to the forthcoming Meeting on Management of Deepwater Fisheries in Bangkok, Thailand, the FAO Observer advised that participants are invited to FAO expert consultations in their personal capacity, thus their comments and contributions at the meeting are those of individuals and not their countries. Countries are, however, advised of the nationals who will be in participating in these meetings and they have the opportunity to object or comment otherwise. The next less formal status of an FAO meeting is a workshop. At present it is not clear whether the Bangkok meeting will be a workshop or an expert consultation because of the time being taken in getting national responses to the proposed participation.

ACAP

16.7 The ACAP Observer made the following statement:

‘Thank you Mr Chair for the opportunity to address the Commission.

A key focus of the Agreement's activities since I last reported to you has been to work with regional fisheries management organisations (RFMOs) to address seabird by-catch issues.

I am pleased to report that during this period a number of RFMOs have adopted resolutions to address this issue. Many elements of these resolutions have drawn on the work done by CCAMLR, with explicit reference being made by some to mitigation measures adopted by the Commission.

This is an acknowledgement by these RFMOs of the effectiveness with which CCAMLR has addressed this issue and of the leadership role that this organisation has achieved.

I would ask the Commission to continue in this role in order to assist the Agreement in achieving its objective of achieving and maintaining a favourable conservation status for albatrosses and petrels.

In June this year, the second meeting of ACAP's Advisory Committee was held in Brazil and significant progress was made towards implementation of ACAP's Action Plan. One outcome of specific relevance to CCAMLR was the establishment of a seabird by-catch working group to coordinate action to mitigate adverse seabird interactions with fisheries.

I note that a number of the participants at this meeting are members of this working group. ACAP looks forward to CCAMLR's continued contribution to the work of the Agreement.

I am pleased to report that in the past year both Argentina and Chile have ratified the Agreement bringing to 10 the number of countries who are Party to the Agreement. Importantly, all breeding Range States are now Parties to the Agreement.

However, there are still many nations who are actively engaged in high-seas fisheries who are not signatories to the Agreement. The Agreement recognises that seabird by-catch can only be addressed by cooperative international action and ACAP would warmly welcome the participation of these countries in the work of the Agreement.

In this context, I would like to extend an invitation to these nations to attend the Second Meeting of the Parties in Christchurch, New Zealand, from 13 to 17 November this year and to attend the third Meeting of the Advisory Committee to be held in Valdivia, Chile, in June next year.'

IUCN

16.8 The following statement was made by the IUCN Observer:

'The World Conservation Union (IUCN) appreciates this opportunity to address the Commission at its 25th meeting. IUCN has a long-standing interest in Antarctic and Southern Ocean conservation and welcomes the opportunity to assist Parties as they address the many important issues on this year's agenda.

In particular, IUCN welcomes the progress made within this body to promote marine protected areas and stresses the importance of further work on the bioregionalisation of the Southern Ocean through a workshop in 2007 with a view towards developing a systematic basis for the protection of vulnerable, representative and scientific areas. With respect to illegal, unreported and unregulated (IUU) fisheries, IUCN welcomes the significant progress made within CCAMLR, but calls on all CCAMLR Parties to strengthen their work against IUU fishing, including by ensuring full Flag and Port State controls to eliminate this destructive practice. IUCN also stresses the importance

of preventing destructive bottom trawling and encourages work on the development of a new conservation measure or amendment of an existing measure to require any proposal for a new fishery to indicate that the area to be fished is not a vulnerable marine ecosystem. IUCN's written statement also contains information regarding seabird by-catch, the increasing threat of alien invasive species in Antarctica and the Southern Ocean, and further information about IUCN activities.'

Non-governmental organisations

ASOC

16.9 The ASOC Observer made the following statement:

'Thank you for the opportunity to contribute to the work of the Commission for CCAMLR at its historic 25th anniversary. ASOC would like to briefly address three priority issues for this meeting.

In relation to krill, we are now witnessing a significant upsurge of interest in the krill fishery by a number of operators, including an additional five super-trawlers flagged to Vanuatu that plan to fish for krill in the Antarctic this coming season (see CCAMLR-XXV/BG/46). ASOC shares the concerns expressed by many delegations about this situation.

Most importantly, the Scientific Committee has indicated that the recent developments could result in the "trigger level" of krill catch of 620 000 tonnes in the South Atlantic being reached within a single year. This has completely changed the management situation for the Southern Ocean krill fishery, as the trigger level could be reached within the 2006/07 fishing year. There can be no doubt that the time has come to subject the krill fishery to the full suite of MCS measures that are currently applied to finfish fisheries regulated by CCAMLR.

ASOC applauds the Scientific Committee's call for systematic international observer coverage for the entire krill fishery, as the only way to enable comparison of the performance of the different methods used to fish and process krill in relation to the by-catch of larval fish and incidental mortality of seabirds and seals. It is crucial that the Commission accepts the advice of the Scientific Committee and requires mandatory international observers on all vessels targeting krill according to the CCAMLR scheme.

Another priority for CCAMLR is the subdivision of krill catch limits among SSMUs. An expansion the krill fishery can result in localised depletion of krill which poses an acute risk for dependent predators. There is an urgent need for CCAMLR to ensure that the krill fishing effort is dispersed by implementing subdivisions of krill catches among SSMUs.

We would like to remind Members that CCAMLR is called the "krill Convention" for very good reasons. The wider international community expects CCAMLR to meet its obligation to protect the marine living resources of the Southern Ocean.

ASOC is deeply concerned by the unsustainable levels of IUU fishing in the Convention Area. While efforts by some Members to control IUU fishing in their EEZs have been successful, CCAMLR needs to act now collectively to address the problem of IUU catches in the high-seas areas of CCAMLR.

Specifically, ASOC strongly supports the proposal to establish a non-Contracting Party IUU State list. It is important that CCAMLR Members take decisive action against States that refuse to respond satisfactorily after repeated contact by CCAMLR and Member States. Actions should include denying port access to vessels flagged to non-compliant States.

ASOC is concerned that one Member is again blocking consensus on having one of its vessels listed on the Contracting Party IUU Vessel List. If a single Member can prevent CCAMLR from taking proper action against IUU fishers the whole system of management is undermined.

ASOC urges CCAMLR to strengthen Conservation Measures 10-06 and 10-07 by adopting trade-related measures and by denying port access to IUU vessels. These measures will help remove the economic incentive to engage in IUU fishing.

Finally, ASOC would like to congratulate CCAMLR on the progress that has been made during the intersessional period towards establishing a network of MPAs within high seas in the Convention Area.

- An ASOC member, WWF, was pleased to help support an experts' workshop for the bioregionalisation of the Southern Ocean, which established a "proof of concept" for the process.
- ASOC was pleased to see plans made for a CCAMLR Bioregionalisation Workshop in 2007 to provide advice to the Scientific Committee at CCAMLR-XXVI. ASOC congratulates Belgium for offering to host this workshop.

While ASOC recognises the progress made, we urge the Commission to identify sensitive and vulnerable species, habitats and ecosystems throughout the Convention Area where some form spatial management is warranted.'

16.10 Argentina made the following statement:

'While commending ASOC's interest and efforts towards conservation of the Antarctic marine living resources and supporting strengthening Port State control, Argentina noted that CCAMLR-XXV/BG/28 and BG/29 contain some important errors, deriving from the equivocal employment of legal terms and constructions.

Illegal fishing should, under no circumstance, be considered equivalent to "piracy", this being a concept deeply entrenched in international law having very special status. In seeking a legal basis for Port State control on fisheries, ASOC also makes incorrect reference to UNCLOS Article 218(1). This provides only for proceedings in respect of discharges from vessels and is not deemed to be applicable to other environmental infringements. Port State control is not customary law. Argentina is unable to share

ASOC's conclusions, based on an intergovernmental initiative in which, as most States, it did not participate and on personal opinions which might not necessarily reflect the existing rules.

In conclusion, Argentina stressed its view that the very important objective of achieving better control of illegal fishing should be met in conformity with international law.'

16.11 Uruguay agreed with Argentina's statement that the term 'pirate' should not be applied, as it has been done on several occasions, to IUU fishing activities, as piracy is specifically defined by UNCLOS as an act of special seriousness which directly violates human rights to life, freedom and property. The said Convention establishes provisions for its prevention, and for its sanction commensurate with the seriousness of such an offence, likened only to those relating to the slave trade. It is, therefore, unreasonable to equate such activities with violations of provisions established for the conservation of resources.

16.12 Furthermore, Uruguay concurred with Argentina on the importance of respecting the rule of consensus which applies to all decisions made by the Commission.

16.13 Finally, Uruguay also supported Argentina's declaration with regard to the operations of the High Seas Task Force. It considered inescapable the requirement that any action taken against a vessel on the high seas must always be carried out with the participation and consent of the Flag State of the vessel to be visited or inspected, and responsibility be assumed for any errors in the procedure.

COLTO

16.14 The COLTO Observer made the following statement:

'Thank you Mr Chair and congratulations to CCAMLR Members on the 25th anniversary.

COLTO's membership has increased this year, and now comprises 25 companies, from 10 CCAMLR Member countries, along with supporters from marketing and distribution networks. We continue to have significant interest from the public and other institutions in our activities to eliminate IUU fishing for toothfish.

COLTO members have noticed a significant decline in illegal fishing of toothfish within Exclusive Economic Zones over the past year, and a decline in IUU product in our markets. For this, we would like to congratulate CCAMLR Members, and encourage continued efforts to eliminate IUU fishing for toothfish in the Convention Area.

At the same time, COLTO remains concerned at the increased unregulated fishing for toothfish by a number of vessels, particularly in Divisions 58.4.3a and 58.4.3b, as well as Division 58.4.1. COLTO members have been reporting activities of these boats and we know that a number of patrol vessels have also located these unregulated operators.

While these unregulated boats may be flying flags from nations not Party to CCAMLR, COLTO strongly suspect there are crew and officers on those vessels from CCAMLR Members.

In that regard, we hope that CCAMLR Members can follow up COLTO information on the nationalities of crews and officers, and prosecute those nationals shown to be acting illegally, with their boats using flags of non-compliance to avoid CCAMLR management measures. Continued unregulated fishing by operators on the high seas in CCAMLR waters is undermining conservation and management measures of the Commission and needs to be urgently controlled.

COLTO encourages CCAMLR to:

- tighten Port State controls against known IUU vessels, to prevent refuelling and provisioning of those vessels;
- tighten Market State controls, to prevent DCDs being issued and accepted from IUU operators and/or their vessels;
- use Flag State controls to prosecute nationals who are using flags of non-compliance to avoid CCAMLR rules;
- move towards requirements for any vessel catching toothfish in CCAMLR waters to be flagged to a Member country of CCAMLR. We note that while this may challenge some aspects of international law, there is a difference with CCAMLR management. That is, any country can join CCAMLR if it should choose to do so, so consider this would not necessarily be a discriminatory measure. We consider it is essential given the importance to conservation of not just toothfish stocks, but also by-catch implications on species like sharks, rays and grenadiers along with impacts on seabirds and marine mammals;
- recognise that controls on the use of any fishing method in CCAMLR waters are secondary to controlling unregulated fishing within high-seas waters of CCAMLR. While there is concern at the method of fishing by gillnets, regardless of how a fish is killed by whatever fishing method, a fish that is dead is dead. COLTO consider that unregulated fishing is currently the greatest threat to CCAMLR conservation measures, toothfish and seabird populations.

COLTO members look forward to working with CCAMLR Members again in 2007, and appreciate the efforts and advances made by CCAMLR in 2006 to eliminate IUU fishing.’

Reports of CCAMLR representatives at meetings
of international organisations in 2005/06

16.15 Spain reported on the Review Conference on the Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) which took place in New York, USA, from 22 to 26 May 2006.

16.16 The Conference achieved the revision of all the grounds for fishing policy, either from the perspective of States or RFMOs. The mandate of the Conference was twofold. First it was to assess the UNFSA's effectiveness in securing fish stocks covered by the Agreement through review and assessment of the adequacy of its provisions. Second, and if necessary, the review was to develop proposals to better address any persistent problems in relation to conservation and management of such fish stocks.

16.17 The discussion focussed on four separate clusters of issues:

1. Conservation and management of stocks.
2. Mechanisms for international cooperation and non-members.
3. Monitoring, control and surveillance, and compliance and enforcement.
4. Developing States and non-parties.

The review took place in two phases: (i) review and assessment, and (ii) proposed means of strengthening the UNFSA's application and implementation.

16.18 Important questions relevant to CCAMLR were raised, particularly in relation to cluster 2. Some proposals addressed: strengthening the mandates of RFMOs and their transparency, strengthening and enhancing cooperation among existing and developing RFMOs, the responsibilities of States fishing in the high seas, cooperation in examining and clarifying the role of the genuine link, and adoption of criteria for the review performance of RFMOs among others.

16.19 With regard to cluster 3, the proposals for improvement related mainly to fisheries-related activities aimed at combating IUU fishing: regulation of transshipment, prohibition of supply and refuelling IUU vessels Port States measures, and study of the possibility to agree on multilateral trade measures, among others.

16.20 New Zealand noted that the key recommendations from the Review Conference closely relate to the Commission's work. However, CCAMLR is more than an RFMO and has special characteristics associated with its status as an integral part of the Antarctic Treaty System. In New Zealand's view, key recommendations from the Conference relating to CCAMLR include the requirement to perform an assessment of the Commission's performance against UNFSA principles, particularly in respect of including the element of independent review. New Zealand encouraged the Commission to embark on such an assessment, particularly given the significance of its 25th year. The results of such an assessment would permit the Commission to identify any weaknesses in its current approaches to the conservation of Antarctic marine living resources and would provide a very useful benchmark with which to measure its progress as an organisation in the future.

16.21 Australia reported on the seventh meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS) held at United Nations Headquarters from 12 to 16 June 2006. The area of focus for the meeting was 'ecosystem approaches and oceans'. At that meeting, CCAMLR was viewed as a successful international organisation in implementing the ecosystem approach in areas beyond national jurisdiction. One of its strengths is in the implementation of the precautionary approach, particularly in the management of new and exploratory fisheries. The attention of the Commission was directed to the agreed elements of the meeting, particularly to the potential for future discussions on the possible options, approaches and timely follow-up process

discussed by the ad hoc open-ended informal working group to study issues relating to the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction. These discussions are likely to be of direct interest and relevance to CCAMLR.

IWC

16.22 The IWC Observer drew Members' attention to CCAMLR-XXIV/BG/37 and SC-CAMLR-XXV/BG/6 containing information on the IWC. The 58th Annual Meeting of the IWC took place at St Kitts and Nevis, Caribbean, in June 2006. It was attended by 67 of the 70 Contracting Governments. There is no agreed current estimate for the population size of Antarctic minke whales, which is the main exploited species. For humpback whales, blue whales and right whales of the southern hemisphere, increases in stock sizes are being observed but population levels remain well below pre-exploitation levels.

16.23 Plans were put into place with respect to the joint workshop with CCAMLR (proposed for 2008) to review the information required for ecosystem models being developed to provide management advice on krill predators in the Antarctic marine ecosystem.

16.24 The 59th Annual Meeting will be held in Anchorage, Alaska, USA, in May 2007.

16.25 The Commission elected, by consensus, Bill Hogarth (USA) and Minoru Morimoto (Japan) as Commission Chair and Vice-Chair respectively.

16.26 France provided a report (CCAMLR-XXV/BG/53) in its role as CCAMLR Observer to the OECD meeting.

16.27 Argentina made the following statement:

‘While recalling that, as well as the vast majority of States, Argentina is not a Party to the United Nations Straddling Fish Stocks Agreement, it noted that CCAMLR substantially differs from an RFMO as defined in the UNFSA, in its objectives, its membership and its functions.

While membership in RFMOs is restricted to States having “real interest” in fishing, CCAMLR allows for non-fishing States to become Members of the Commission.

UNFSA promotes the establishment of agreements from a fishing point of view. On the contrary, CCAMLR’s conservation objective is the ecosystem as a whole.

While UNFSA aims at the long-term survival of exploited fish stocks, CCAMLR strives to prevent the introduction of irreversible changes in the ecosystem.

According to UNFSA, RFMOs should enter into an agreement on the apportioning of fishing rights and provide mechanisms to care for the fishing interests of new members. On the contrary, already at the start of negotiations conducting to this Convention, the ATCM (1977) decided not establish quota allocation as well as any other economical control of fisheries.

Thus, being a unique conservation organisation, CCAMLR could only be presented as an RFMO in the context of the United Nations System in order to prevent the Convention Area to be considered a vacant space demanding the creation of an RFMO under the framework of UNFSA.’

16.28 Namibia briefed the Commission on SEAFO’s Third Annual Meeting which took place from 2 to 5 October 2006, in Windhoek, Namibia. To effectively manage marine resources and ensure sustainable responsible fisheries in the South East Atlantic waters, SEAFO adopted five new conservation measures which include the establishment of a SEAFO record of authorised vessels, reducing the incidental mortality of seabirds, conservation of sharks, conservation and management of vulnerable deep-water habitats and ecosystems, and prohibition of transshipments at sea.

16.29 SEAFO also adopted a resolution relating to the reduction of sea turtle mortality through the removal of turtles entangled in fishing gear.

16.30 Since *D. eleginoides* features among the fish species managed by SEAFO, Namibia called for closer cooperation between CCAMLR and SEAFO with regard to sharing information on the management and conservation of this species.

16.31 Australia brought Members’ attention to paragraph 9 of the consensual elements agreed at the Seventh Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS) (CCAMLR-XXV/BG/24). This paragraph indicates the follow-up process likely to be undertaken over the next year of the ad hoc open-ended informal working group to study issues relating to the conservation and sustainable of marine biological diversity in areas beyond national jurisdiction.

16.32 The European Community reported on the Conference on Marine Biodiversity, Fisheries Management and Marine Protected Areas which was sponsored by the European Parliament. The aim of the conference was to have an exchange of views with the main stakeholders. Recommendations stressed that MPAs are a very important tool which, to be effective, need to be science-based and therefore more research is to be encouraged on this issue. The role of the multilateral fora has been underlined in standing and implementing MPAs. The European Community referred Members to CCAMLR-XXV/BG/6 for further information.

16.33 The Executive Secretary drew Members’ attention to CCAMLR-XXV/BG/7 reporting on the first intergovernmental meeting on the establishment of a South Pacific RFMO, held in Wellington, New Zealand, in February 2006. He also drew attention to CCAMLR-XXV/BG/13 Rev. 1 dealing with various activities with relation to the VMS, in particular, the participation of the Compliance Administrator at a VMS meeting in China as well as the attendance of this officer and the Scientific Observer Data Analyst at a similar meeting in 2005 (CCAMLR-XXIV/BG/17). This participation was especially cost-effective as it had allowed the Secretariat to set up its own internal arrangements resulting in a savings on the current contract for implementation of the VMS in the order of A\$25 000 per annum which is of significant ongoing financial benefit to the Commission.

Cooperation with CITES

16.34 The Executive Secretary reported that CITES had approached the Secretariat (as notified to Members in COMM CIRC 06/95) requesting that one of its high-ranking officers visit the Secretariat to look at the procedures, but not the detail, associated with administration of the CDS. The Executive Secretary felt that such a visit by CITES to CCAMLR's Secretariat was a clear demonstration of cooperation between the two organisations. Discussion on the Executive Secretary's authority in respect of visits by officers from other international organisations is contained in paragraph 3.6.

16.35 The UK brought Members' attention to the information provided in the Secretariat paper CCAMLR-XXV/BG/12 with regard to the CITES Secretariat visit to the CCAMLR Secretariat. The UK noted that there was a clear proposal in paragraphs 24 and 25 of that paper in respect of providing information to CoP14 of CITES and it did not seem appropriate to move forward without deciding whether the proposal was supported. The UK also noted that the CITES Secretariat is engaging cooperatively with the CCAMLR Secretariat, however there has been little input from CITES and its Secretariat to CCAMLR meetings over the past two to three years.

16.36 The Executive Secretary advised that paragraph 25 of CCAMLR-XXV/BG/12 suggested that if the Commission agreed, the Secretariat would prepare a paper, as set out in paragraphs 21 to 23, for submission to CITES CoP14. In addition, and considering the nomination of a CCAMLR observer to that meeting, the Commission might wish to consider any additional items under CoP Resolution 12.4 which would need to be brought to the attention of CITES again. Members agreed that the Secretariat should prepare a paper for CITES CoP14 and circulate a draft to Members for comment. The UK also noted that it would be useful to request additional information from CITES on the matter.

Cooperation with CCSBT

16.37 Members were advised by the Executive Secretary that, following discussion last year (CCAMLR-XXIV, paragraphs 15.20 to 15.23), there was an exchange of letters between himself and the CCSBT Executive Secretary informing each other of the procedures regarding vessels licensed under CCSBT which have been fishing in the CCAMLR Convention Area and future cooperation between the two organisations. There has been little consideration of the matter by CCSBT at its meetings this year. Members were updated accordingly on these developments in COMM CIRC 06/46 and CCAMLR-XXV/33. Recent informal correspondence with the CCSBT Executive Secretary had indicated that although little progress of substance has been made, future cooperation between the two organisations remains under consideration by CCSBT Members which are also Members of CCAMLR.

16.38 The Commission also noted that as the nominated CCAMLR Observer to CCSBT, Japan had tabled CCAMLR-XXV/BG/43 reporting on the recent CCSBT meeting. This confirmed the information provided in the previous paragraph.

16.39 In response to a question from the USA, the Executive Secretary advised Members that no information had been received regarding vessels under CCSBT jurisdiction intending to fish for tuna in the CCAMLR Convention Area.

16.40 Australia and New Zealand advised the Commission that, as members of CCSBT, they did not intend to fish for tuna in the CCAMLR area. In their view, any CCAMLR Member intending to fish for tuna in the CCAMLR area should apply CCAMLR conservation measures, especially those relating to seabird by-catch mitigation and providing prior notification to the Commission of new or exploratory fisheries.

16.41 The UK noted that progress on the CCSBT issue was disappointing. More generally, particularly with reference to Article XXIII of the Convention, it also noted that despite CCAMLR being in its 25th year, it had not yet forged formal links with any other organisations. Entering such arrangements with those RFMOs which neighbour CCAMLR's Convention Area would have considerable virtue and would be a very laudable aim.

16.42 The European Community and the USA concurred with the UK.

16.43 Argentina made the following statement:

‘With regard to cooperation with other international organisations, Argentina was of the view that entering into formal agreements with them requires a case-by-case cautious approach, bearing in mind differences in objectives and asymmetries deriving from different membership and overlapping of competences.

It also noted that the employment of the term “adjacent waters”, mentioned in UNCLOS, is not strictly adequate in relation to the Convention Area. CCAMLR is not a coastal state, thus entitled to an EEZ with borders with an adjacent area of the high seas. In this respect, it suggested the use of the expression “waters outside the Convention Area” or “waters close to the Convention Area”.’

16.44 As a Member of CCSBT, Japan apologised for the delay in CCSBT discussions regarding cooperation with CCAMLR. Due to lengthy discussions at its meetings this year on conservation measures for southern bluefin tuna, CCSBT had not had sufficient time to discuss cooperation between the two commissions. CCSBT recognised the issues and hoped discussions on the matter would be concluded at its next meeting.

Partnership in FIRMS

16.45 Following last year's Commission discussions (CCAMLR-XXIV, paragraphs 15.24 to 15.27), the Executive Secretary reported on FIRMS-related activities (CCAMLR-XXV/6). A report of the Data Manager's attendance at the FIRMS Steering Committee in December 2005 was also provided in CCAMLR-XXV/BG/19.

16.46 The production of the CCAMLR fact sheets for FIRMS as presented in CCAMLR-XXV/6, was endorsed by the Commission. It also endorsed the Data Manager's attendance at the 2007 FIRMS Steering Committee meeting to be held in conjunction with the CWP meeting.

Participation in CCAMLR meetings

16.47 The Executive Secretary outlined various developments associated with attempting to procure funds from a United Nations Trust Fund for Developing States to attend CCAMLR meetings as invited observers (CCAMLR-XXIV, paragraphs 15.28 and 15.29 and COMM CIRC 05/19). Three States had approached the CCAMLR Secretariat for such assistance. Of these, Georgia did not qualify under the UN Trust Fund as it has not signed UNFSA. Bolivia and the Cook Islands had been referred to the FAO. To date, no funds had been provided.

16.48 The FAO Observer informed the Commission that it was his understanding that the Trust Fund was to assist participation in Fish Stocks Agreement activities.

Nomination of representatives to meetings of international organisations in 2006/07

16.49 The following observers were nominated to represent CCAMLR at meetings of international organisations in 2006/07:

- Second Meeting on the Establishment of a South Pacific RFMO, 6 to 10 November 2006, Hobart, Australia – Executive Secretary.
- Second Meeting of Parties (MOP2) of ACAP, 13 to 17 November 2006, Christchurch, New Zealand – New Zealand.
- 15th Special Meeting of the Commission of ICCAT, 17 to 26 November 2006, Dubrovnik, Croatia – Brazil.
- FAO Expert Consultation on Deep Trawling on the High Seas, 21 to 23 November 2006, Bangkok, Thailand – Science/Compliance Officer.
- Workshop organised by Chatham House, late November, 2006, London, UK – Executive Secretary.
- Tuna RFMOs meeting, January 2007, in Kobe, Japan – USA.
- FIRMS Steering Committee meeting, 26 February to 2 March 2007, Rome, Italy – Data Manager.
- Twenty-seventh Session of COFI, 5 to 9 March 2007, Rome, Italy – Executive Secretary.
- Interministerial Meeting on Fisheries, 10 March 2007, Rome, Italy – Executive Secretary.
- Fifth Meeting of the FAO Regional Fisheries Bodies, 12 and 13 March 2007, Rome, Italy – Executive Secretary.
- ATCM-XXX, 30 April to 11 May 2007, New Delhi, India – Executive Secretary.
- CEP-X, 30 April to 4 May 2007, New Delhi, India – Chair, Scientific Committee.

- 11th Session of the IOTC, 14 to 18 May 2007, Seychelles – no nomination.
- 59th Annual Meeting of the IWC, 28 to 31 May 2007, Anchorage, Alaska, USA – USA.
- Fourteenth Meeting of the Conference of the Parties to CITES (CoP14), The Hague, Netherlands, 3 to 15 June 2007 – no nomination.
- 4th Annual Meeting of SEAFO, 8 to 11 October 2007 (venue to be confirmed) – Norway.
- CCSBT 14th Annual Meeting, October 2007, Canberra, Australia (dates to be confirmed) – Australia.
- WCPFC – Third Regular Session of the Technical and Compliance Committee, 27 September to 2 October 2007, Pohnpei, Federated States of Micronesia – USA.

16.50 In reply to Argentina's question as to whether it was necessary for the Executive Secretary to attend the full two weeks of the ATCM since in former times it was not the case, the Chair informed Members that, as is past practice, the Executive Secretary would attend the ATCM for its entire duration.

16.51 The UK advised that, under the rules of the ATCM, there are three formal observers to that meeting, one of which is CCAMLR. The actual formal observer is normally seen to be the Chair of the Commission, however in practice it has been the Executive Secretary for many years. Formal observers to the ATCM are required to be present for the whole two weeks of the meeting. This is an important status accorded to CCAMLR.

16.52 The Executive Secretary's attendance at the ATCM for two full weeks was endorsed.

16.53 Argentina asked about the issues to be considered by the workshop organised by Chatham House and if the event is an open meeting. It also asked about the Executive Secretary's capacity at that workshop since according to Chatham House rules, participants are required to act on their own behalf.

16.54 In reply, the Executive Secretary noted that it was not clear from the available information that the workshop would be held under Chatham House rules. The topics the workshop will address issues focussing on facilitating information interchange between RFMOs on IUU fishing and other matters associated with global efforts to combat IUU fishing. He indicated that information on the workshop would be provided to Members on request.

16.55 Chile advised that the third meeting on the establishment of a South Pacific RFMO would be held in Chile in March 2007. The Commission agreed that Chile would serve as the CCAMLR Observer to this meeting.

16.56 The European Community tabled its observer's report on the First International Meeting on the Establishment of a South Pacific Regional Fisheries Management Organisation (CCAMLR-XXV/BG/7). It advised that the second meeting would be held at CCAMLR Headquarters from 6 to 10 November 2006. The Executive Secretary offered to provide a report on that meeting.

16.57 The UK noted that although the list of meetings was fairly comprehensive, there were some omissions, such as for example, IOTC and SWIOFC. The UK suggested that when information becomes available to the Executive Secretary, he should canvass the host State to take on the role of observer or at least canvass a number of States whose attendance would be known to seek views as to who might represent CCAMLR at those meetings.

16.58 The Executive Secretary advised that considerable difficulties are experienced in obtaining meeting calendar information and requested Members who are also members of other organisations to provide the Secretariat with any information known to them on meetings of such organisations.

16.59 As requested by the Commission (CCAMLR-XXIV, paragraphs 16.16 and 16.17), the Secretariat reviewed priorities for cooperation with RFMOs and tabled CCAMLR-XXV/36 which outlined a proposal aimed at improving CCAMLR's involvement with long-standing RFMOs and other fisheries organisations which may have particular relevance to CCAMLR. It also provided a pro forma for a CCAMLR annual report to relevant RFMOs which included cross references to specific Commission agenda items as a source of briefing information on latest developments.

16.60 In general, the USA agreed with the list of priorities contained in the Secretariat paper, particularly issues associated with seabird incidental mortality. It noted that the Commission will continue to implement Resolution 22/XXIII which is being updated and revised. The Scientific Committee had asked the Commission to take specific action for Members to proactively engage with RFMOs. It had also noted that the development of effective pelagic mitigation measures in areas close to the Convention Area should remain a high priority for CCAMLR, particularly in such areas where Convention Area seabirds are caught. Given the priority of working with tuna RFMOs, the USA suggested that the table in CCAMLR-XXV/36 be modified to reflect this. In particular, under Items III(d) 'By-catch regulation/incidental mortality' and III(e) 'Data exchange/by-catch incidental mortality', IATTC should be noted as a general priority and ICCAT as a high priority. With respect to ICCAT, the UK proposal to ICCAT to conduct an assessment of the impact of incidental catch of seabirds resulting from vessels fishing in the ICCAT area, and CCAMLR's ad hoc WG-IMAF development of a paper describing the CCAMLR risk assessment of fisheries to seabird by-catch, are examples of cooperating and sharing information between the two organisations.

16.61 Argentina and the European Community noted that there were inaccurate references to RFMOs in the map contained in Figure 1 of CCAMLR-XXV/36. The European Community suggested that Members contact the Secretariat directly to assist with correction of the map.

16.62 Australia recommended that in paragraph 15 of CCAMLR-XXV/36, in the list of priorities under I(i) 'Promotion of best practices...' the CCAMLR precautionary and ecosystem approach should be emphasised. It also recommended that III(i) 'Promotion of best high-seas fishing practices...' should include a new topic 'New and exploratory fisheries'.

16.63 The Executive Secretary informed Members that the paper would be modified in accordance with their comments. He advised Members that the map of RFMOs and FAO regional fisheries bodies had been taken directly from the FAO website and asked that the FAO Observer assist in its correction.

16.64 The UK felt that the Secretariat had not been given clear direction on what would be a considerable task. It felt that a more structured approach was required to at least engage with other RFMOs on, for example, key information exchange of science. The UK suggested that working group conveners and the Chair of the Scientific Committee decide on key elements of information and data exchange with other RFMOs.

16.65 The Executive Secretary explained that the intent of CCAMLR-XXV/36 was to provide information to CCAMLR-designated observers to outside meetings. He felt it was not a matter that could be taken further without it being an assigned task. Furthermore, he felt that although the Secretariat could assist in providing information, it was more an issue of policy which the Secretariat could not be productively engaged in.

16.66 The European Community felt the document contained worthy material which could be developed for further consideration.

IMPLEMENTATION OF THE OBJECTIVES OF THE CONVENTION

17.1 Argentina thanked Chile for having first proposed this item in 1996 for inclusion in the Commission's agenda. Argentina then made the following statement:

‘The Convention is the result of a long history of unregulated exploitation of Antarctic living marine resources. It emerged from an initiative of the Consultative Parties, who in 1977 recognised the need to complete the Antarctic Treaty with an agreement on the conservation of living resources.

The simplest option at the time would have been to impose a total prohibition on harvesting. However food requirements led to the inclusion in the Convention's preamble of the idea that rational exploitation of resources is a legitimate activity in the Antarctic, for the benefit of mankind through the peaceful utilisation of these resources as a source of protein.

This is to say that conservation includes utilisation that is “rational”, not “optimal”. As defined by the Convention, utilisation of Antarctic resources is justified by their contribution towards food security.

Included in the report of the ATCM meeting in 1977 and in Resolution IX-II are the principles that were subsequently developed in the Convention:

- an expansion of the Antarctic Treaty area to cover the ecosystem as a whole;
- Consultative Parties retain the primary responsibility for conservation;
- the concept of conservation includes rational utilisation;
- the system must allow access to those who are not Parties of the Antarctic Treaty, but are interested in research or exploitation of resources;

- no systems are established for the distribution of quotas or to include any other type of economic consideration;
- the concept of resource is not limited to commercially exploitable species.

The Convention requires that Commission Members be confident that exploitation will not only be sustainable (regarding the exploited species) but also that the impact on the ecosystem will be reversible in two or three decades. Thus, a conservation measure may also be considered to be an authorisation for an activity that will only have a transient effect, an authorisation granted after evaluation of the impact of exploitation.

The Commission's operation is based on scientific cooperation (already established by the ATCM's Resolutions) and cooperation with Flag States in order to control the operations of their vessels.

The analysis of fishing strategies assumes that resources are either owned or are freely accessible. CCAMLR is a counter example that shows that this dilemma is false.

CCAMLR is considered to be the most advanced and successful of any other international organisation which, unlike fisheries management organisations, does not utilise the instruments derived from the existence of rights of access to resources, assumed to be exclusive, as its objective is conservation.

This cooperation should be achieved by recognising that a contravention by a vessel is not a contravention by the Flag State and that national interests should not be considered to be more important than the collective interest and responsibility for conservation that extends not just to species of current commercial value. Cooperation should prevail over increasing tendencies towards confrontation and the application of sanctions.

In this context we cannot avoid highlighting the asymmetry that exists between the efforts we dedicate to combat IUU fishing and the limited attention we have given to the establishment of programs for the recovery of populations depleted by over-fishing, as is the case in the South Shetland Islands region. We can draw a parallel between this situation and what happens in WG-FSA, where the urgency in getting evaluations done in the limited time available precludes the dedication of efforts to more vital subjects.

Finally, we believe that it is appropriate to remember the suggestion made by the UK that it would be desirable that the delegations to the meetings of ATCM and CCAMLR were comprised of the same persons, of course with the support of appropriate experts. Thus, we would be able to reinforce cooperation not only amongst scientists, as we have already done in relation to marine protected areas, but also at a political level.'

17.2 Australia noted that following the CCAMLR Symposium held in Valdivia, Chile, in 2005, the Commission had considered a number of issues that it, and its subsidiary bodies, should address in furthering CCAMLR's work (CCAMLR-XXIV, paragraphs 16.1 to 16.18). In Australia's view, it was gratifying to note that there had been a number of significant developments on some important issues. In particular, such developments included the

Scientific Committee's work on bioregionalisation with a view to developing the basis for identifying areas requiring various levels of protection. The Commission was also taking some action on destructive fishing practices and looking to improve cooperation with other relevant RFMOs. In the latter regard, CCAMLR Members should continue to cooperate in other RFMOs in addressing mitigation of incidental seabird mortality on bird species breeding in the Convention Area. Other notable advances included growing cooperation between CCAMLR and the ATCM and the Scientific Committee's development of a robust management framework for fisheries in the Convention Area. Discussion had also commenced on improving monitoring, control and surveillance, particularly through multi-lateral cooperation and efforts to enhance compliance by third-party States and non-Contracting Parties fishing in the Convention Area.

17.3 Australia continued by highlighting the need to address climate change effects and in monitoring such effects in relation to future potential changes in, and influences on, the species and area for which CCAMLR is responsible. It suggested that Members may wish to reflect on such advances and needs with a view to tabling ideas for further consideration at CCAMLR-XXVI.

17.4 Finally, Australia indicated that it wished to thank Cambodia for its assistance with the arrest of the IUU vessel *Taruman*. In Australia's view, this was a very good example of bilateral cooperation which had greatly assisted attainment of CCAMLR objectives.

17.5 The Commission noted the statements of Argentina and Australia and agreed to carry over this item to its next meeting.

ELECTION OF CHAIR AND VICE-CHAIR OF THE COMMISSION

18.1 The Commission elected Namibia as Chair of the Commission from the end of this meeting to the conclusion of the 2008 meeting.

18.2 In acceptance, Namibia thanked the Members for supporting it in its role as Chair for the next two years, indicating it will carry out its tasks to the best of its ability. It assured the Commission that together with the dynamic leadership of the Executive Secretary and support from the Secretariat staff, it will work diligently to neutralise threats being faced by the Commission.

18.3 The Commission elected Sweden as Vice-Chair of the Commission from the end of this meeting until the conclusion of the 2007 meeting. This will serve to stagger future elections of the Commission Chair and Vice-Chair envisaged in Article XIII.4 of the Convention.

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

NEXT MEETING

Invitation of observers to the next meeting

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

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

19.2 The following intergovernmental organisations will be invited: ACAP, CCSBT, CEP, CITES, CPPS, FAO, FFA, IATTC, ICCAT, IOC, IUCN, IWC, SCAR, SCOR, SEAFO, SPC and UNEP (for full designation of these acronyms please refer to paragraph 1.5).

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

Date and location of the next meeting

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

19.5 The Commission agreed that its Twenty-sixth Meeting would be held from 22 October to 2 November 2007. Heads of Delegation were requested to be in Hobart for a meeting on 21 October 2007.

19.6 The Commission noted that the Twenty-sixth Meeting of the Scientific Committee would be held at the same location, from 22 to 26 October 2007.

19.7 It also noted that it is important that documents submitted to its next meeting should be received in good time to allow full translation (if required), circulation and reflection before they are considered by the Commission and its subsidiary bodies. The Secretariat was encouraged to ensure that clear reference to procedures and deadlines attached to document submission should be circulated to all Parties attending, or invited to attend, CCAMLR-XXVI with the preliminary agendas (i.e. no later than 100 days before that meeting).

19.8 The Commission also agreed that, in order to assist the Secretariat’s preparation for CCAMLR’s meetings, Members and observers should notify the Executive Secretary as far as possible in advance of any meeting of the name(s) of their representatives, alternate representatives and advisers in accordance with Rules 2 and 31 of the Commission’s Rules of Procedure.

OTHER BUSINESS

International Polar Year

20.1 The Commission noted the Scientific Committee's deliberations on CCAMLR-IPY projects (SC-CAMLR-XXV, paragraphs 13.24 to 13.39).

20.2 It also noted the Scientific Committee's conclusion that limited available resources of participating research vessels would not allow CCAMLR's full participation in the CCAMLR-IPY-2008 Survey as originally planned and that this would preclude a revised estimate of krill biomass in Area 48 in 2008 (SC-CAMLR-XXV, paragraph 13.30).

20.3 As a consequence, the Commission agreed that the Scientific Committee should continue with a modified acoustic research project on krill and other species. It also agreed that best use should be made of available CCAMLR research resources by CCAMLR Parties during the IPY (SC-CAMLR-XXV, paragraph 13.33).

20.4 The Commission urged all Members to contribute to CCAMLR-IPY projects and to advise the reconstituted CCAMLR-IPY Steering Committee as soon as possible of any new developments regarding such matters as the availability of ship-time.

20.5 Norway noted that it should be feasible to involve fishing vessels in CCAMLR-IPY work and that the steering committee referred to above (paragraph 20.4) should consider how this could be achieved.

20.6 In reflecting on the above, Australia noted that it had committed to the IPY CAML program and that it anticipated that involvement of other CCAMLR Parties in such programs would serve to emphasise CCAMLR's involvement in the IPY.

20.7 Australia further noted that issues such as CCAMLR involvement in the IPY highlighted that the Scientific Committee's important functions are heavily reliant on the energetic involvement of a relatively small number of scientists. It therefore felt that international activities such as the IPY offered CCAMLR a unique opportunity to attract new scientific involvement. Consequently, Members should be urged to facilitate the participation of younger scientists in CCAMLR's work as a way to recruit expertise for the future.

20.8 In Australia's view, SC-CAMLR-XXV, paragraph 15.9 also highlighted the need to review how to maintain scientific research programs necessary for the work of CCAMLR. The Commission requested the Scientific Committee to provide advice in this regard and what the consequences might be for CCAMLR if long-term monitoring programs are discontinued.

20.9 The Scientific Committee Chair noted the importance of research like the US AMLR program to the work of the Scientific Committee (SC-CAMLR-XXV, paragraph 15.8).

20.10 The UK also noted the Scientific Committee's deliberations on CCAMLR involvement in the IPY. It also moved that the Commission should endorse the Edinburgh Antarctic Declaration on the IPY from ATCM-XXIX.

20.11 The Commission subsequently endorsed the Declaration.

20.12 The UK also noted that the IPY has a large educational and outreach profile to which the CCAMLR Education Package could contribute. It was therefore important that the package be kept as up-to-date as possible. In this respect, the Scientific Committee Chair undertook to communicate information on the CCAMLR Education Package to the international IPY project committee on which she serves.

CCAMLR Twenty-fifth Anniversary Celebration

20.13 Following discussion at CCAMLR-XXIV (CCAMLR-XXIV, paragraph 20.5) and consultation amongst Members, the Commission issued the CCAMLR Twenty-fifth Year Celebratory Statement (Annex 10).

20.14 The Statement will be circulated to various news networks and will provide a basis for Members to issue similar statements in their home countries.

Other

20.15 Argentina made the following statement:

‘In relation to incorrect references to the territorial status of the Malvinas Islands, South Georgia and the South Sandwich Islands and surrounding waters, made in documents such as CCAMLR-XXV/BG/28 and SC-CAMLR-XXV/BG/26, the Argentine Republic rejects those references and reaffirms its sovereignty over these three archipelagos and the surrounding waters.

Argentina further recalled that, in conformity with the Convention and the Statement by the Chairman 1980, only the multilateral regime of the Convention is legally applicable in those waters. Therefore, all Members enjoy the application of this regime.

Consequently, Argentina reiterates its rejection of the illegitimate imposition of fishing licenses by the UK upon other Members’ vessels operating in the statistical subareas corresponding to South Georgia and the South Sandwich Islands. It also rejects other unilateral measures imposed by the UK in those subareas.

Mr Chairman, the Argentine Delegation requests the consistent application of double nomenclature when reference is made to the Malvinas Islands within CCAMLR. This request goes along with already existing practices in the United Nations, its specialised agencies, as well as in other international organisations. Double nomenclature for the Malvinas Islands has also been used within CCAMLR in the past.

There is a dispute between the Argentine Republic and the UK concerning sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding waters, which has been recognised by the United Nations.’

20.16 The UK made the following statement:

‘The UK notes the various statements of Argentina in SCIC and the Commission. The UK has no doubts about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas, as is well known to all delegates.

The UK firmly rejects Argentina’s characterisation of the UK’s interpretation of the Convention and the Chairman’s Statement. The text of the 1980 Chairman’s Statement is, in its paragraph 5, unambiguous. It relates to unanimity in relation to the existence of state sovereignty, not unanimity as to which state is sovereign. The UK will continue to implement CCAMLR provisions in a constructive way, in due recognition of that interpretation of the 1980 statement. In particular, and as stated in SCIC, we remain committed to the implementation of the CCAMLR System of Observation and Inspection. The UK has at all times taken seriously its obligations as a Member of the CCAMLR Commission, and continues to do so. This includes taking a strong stance against IUU fishing and using all means legitimately available to do so.

On the issue of nomenclature, the UK need not remind the Commission that the Antarctic Treaty System is independent of the United Nations. That independence also extends to CCAMLR as an Institution. We therefore see no virtue, or relevance, in following the UN Secretariat practice in relation to nomenclature for the Falkland Islands. The development of any new practice involving the use of synonyms in CCAMLR documentation is not warranted. The existing practice of using the accepted English language toponym of the ‘Falkland Islands’ in English language texts of the Commission should be maintained. The UK Delegation recognises however that in other language texts, the toponym in normal usage in that language may be used.’

20.17 Argentina made the following statement:

‘In reply, Argentina rejected the statement by the UK and reaffirmed its position. Argentina does not share the views of the UK on the interpretation of the Chairman’s Statement.

Therefore, Argentina recognises that in conformity with the Chairman’s Statement, France, Australia, Norway and South Africa are entitled to apply their own national legislations in the areas over which they have state sovereignty. Since the alleged British sovereignty over South Georgia and South Sandwich Islands is not recognised by all Contracting Parties, Argentina rejects any claim by the UK to apply unilateral legislation in Subareas 48.2, 48.3 and 48.4.

Argentina rejects the interpretation by the UK that the islands to which the Chairman’s Statement applies also include islands over which sovereignty is disputed, *inter alia*, because such interpretation would lead to the paradox that no island in the Convention Area, north of parallel 60°, would be excluded. Under such interpretation only islands *res nullius* would not be subject to national measures; since in the Convention Area, north of parallel 60° there is actually no *res nullius*, the Chairman’s Statement would have had no object (principle of the *effet utile*).

Argentina regrets the UK's refusal to use the double nomenclature for the Malvinas (Falkland) Islands.

Argentina requested that the statements above be duly reflected in the report.'

ADOPTION OF THE REPORT

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

CLOSE OF THE MEETING

22.1 Australia noted Dr Mike Richardson's imminent retirement and thanked him for his contribution to the work of the Commission over many years. Dr Richardson's commitment to CCAMLR, the Antarctic Treaty and the Antarctic Treaty System has been unwavering. His contribution has been profound and he has always provided a professional and coherent approach to the arguments he has put forward, and the work that he has contributed. Australia presented Dr Richardson with small gifts for himself and his wife.

22.2 Dr Richardson thanked Australia and said that it had been a pleasure and a privilege to have worked with the Commission over the last 17 years. CCAMLR had come a long way since he first joined in 1990. Dr Richardson recalled that the Commission had paid tribute at the beginning of the meeting to Dr John Heap who had been involved with CCAMLR at an early stage when it was fairly rudimentary in terms of the numbers of its conservation measures and certainly in the amount of data that was coming before this Commission on which to make sensible management decisions in respect of fisheries. Dr Heap had coined a very important mantra for CCAMLR – 'No data, no fish' and repeated it very often. Dr Richardson felt it had changed the whole atmosphere of CCAMLR where in fact the data started being produced and the Commission started moving on conservation measures in a very proactive way. Dr Richardson said that he greatly appreciated the cooperation he had had from all delegations over the years and he wished everyone, and CCAMLR as a collective organisation, all the best for the future.

22.3 The Executive Secretary said that he could not let Dr Richardson go without a few words:

'Today we talk about an English favoured one
Known by the name Michael Richardson.
Revered for clarity and precision
He is ever erudite, never cause for derision.
As Mike now leaves our fold
His departure will provide a noticeable hole.
We all wish him well post-CCAMLR
And sincerely hope he will always carry our banner afar.

Adieu Mike.'

The Executive Secretary presented Dr Richardson with a parting gift.

22.4 Australia thanked Prof. Lee for successfully guiding the Commission through the last two meetings, particularly this year's Silver Anniversary meeting.

22.5 The Executive Secretary presented the Chair with a customary gavel and a framed photograph of the Chair taken during his stay in Tasmania.

22.6 The Chair thanked participants for their special effort, without which this Silver Anniversary meeting would not be such a great success. He thanked everyone for their support and cooperation and the restraint shown by all participants during the discussions to achieve a highly productive outcome. He said that in adopting the final report, it had been a great day for the cause of conservation of the Southern Ocean. Prof. Lee congratulated all for the meaningful achievements upon which we should build a better and healthier Antarctic marine environment for ourselves and our children in the future. Delegations had worked hard in a very constructive manner, united under the name of CCAMLR, to protect the marine life of the Antarctic environment. He urged Members to continue their work and the spirit of consensus would enhance CCAMLR's credibility in the international community.

22.7 The Chair expressed his special thanks to Dr Fanta (Chair of the Scientific Committee), Mrs Carvajal (Chair of SCIC), Dr Pott (Chair of SCAF) and Dr D. Agnew (UK) (Chair of the Conservation Measures Drafting Group) for their hard work and outstanding contribution to the meeting.

22.8 The Chair said the success of the meeting had been made possible by the dedication, efficiency and professionalism of the Secretariat staff and the interpreters who had worked hard under the excellent leadership of the Executive Secretary. He fully appreciated everyone's sincere participation and contribution in helping him chair this, the Twenty-fifth Meeting of CCAMLR.

22.9 The Executive Secretary personally thanked his staff for their magnificent support of himself and the entire Commission.

22.10 The Chair closed the meeting.

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LIST OF DOCUMENTS

CCAMLR-XXV/1	Provisional Agenda for the Twenty-fifth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XXV/2	Provisional Annotated Agenda for the Twenty-fifth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XXV/3	Examination of the audited financial statements for 2005 Executive Secretary
CCAMLR-XXV/4 Rev. 1	Review of the 2006 budget, draft 2007 budget and forecast budget for 2008 Executive Secretary
CCAMLR-XXV/5	Option of producing meeting papers on CD Secretariat
CCAMLR-XXV/6	CCAMLR's contribution to FIRMS (Fishery Resource Monitoring System) Secretariat
CCAMLR-XXV/7	Report of the Meeting of the Joint Assessment Group (Walvis Bay, Namibia, 17 to 19 July 2006)
CCAMLR-XXV/8	Executive Secretary's Report to SCAF 2006 Executive Secretary
CCAMLR-XXV/9	Replacement of Science/Compliance Officer Secretariat
CCAMLR-XXV/10	General environmental protection during fishing Secretariat
CCAMLR-XXV/11	CCAMLR-25 Year Celebratory Statement Secretariat
CCAMLR-XXV/11 ADDENDUM – Rev. 1	Member comments received on 2 October 2006 Delegation of New Zealand
CCAMLR-XXV/12	Executive Secretary's Authority Secretariat

CCAMLR-XXV/13	Installation of a wireless network for meeting delegates at the CCAMLR Secretariat Headquarters Secretariat
CCAMLR-XXV/14	Late payments of Member contributions Secretariat
CCAMLR-XXV/15	Cost of providing interpreter services to Standing Committee on Implementation and Compliance (SCIC) Secretariat
CCAMLR-XXV/16	Summary of notifications for new and exploratory fisheries in 2006/07 Secretariat
CCAMLR-XXV/16 CCAMLR-XXV/22 CORRIGENDUM	Withdrawal of exploratory fishery notification for New Zealand vessel, <i>Janas</i> , in Division 58.4.1 during the 2006/07 season Secretariat
CCAMLR-XXV/17	Notifications of Argentina's intention to conduct exploratory longline fisheries for <i>Dissostichus</i> spp. in 2006/07 Delegation of Argentina
CCAMLR-XXV/18	Notifications of Australia's intention to conduct exploratory longline fisheries for <i>Dissostichus</i> spp. in 2006/07 Delegation of Australia
CCAMLR-XXV/19	Notifications of Japan's intention to conduct exploratory longline fisheries for <i>Dissostichus</i> spp. in 2006/07 Delegation of Japan
CCAMLR-XXV/20	Notifications of the Republic of Korea's intention to conduct exploratory longline fisheries for <i>Dissostichus</i> spp. in 2006/07 Delegation of the Republic of Korea
CCAMLR-XXV/21	Notifications of Namibia's intention to conduct exploratory longline fisheries for <i>Dissostichus</i> spp. in 2006/07 Delegation of Namibia
CCAMLR-XXV/22	Notifications of New Zealand's intention to conduct exploratory longline fisheries for <i>Dissostichus</i> spp. in 2006/07 Delegation of New Zealand

CCAMLR-XXV/22 CCAMLR-XXV/16 CORRIGENDUM	Withdrawal of exploratory fishery notification for New Zealand vessel, <i>Janas</i> , in Division 58.4.1 during the 2006/07 season Secretariat
CCAMLR-XXV/23	Notifications of Norway's intention to conduct exploratory longline fisheries for <i>Dissostichus</i> spp. in 2006/07 Delegation of Norway
CCAMLR-XXV/24	Notifications of Russia's intention to conduct exploratory longline fisheries for <i>Dissostichus</i> spp. in 2006/07 Delegation of Russia
CCAMLR-XXV/25	Notification of South Africa's intention to conduct an exploratory longline fishery for <i>Dissostichus</i> spp. in 2006/07 Delegation of South Africa
CCAMLR-XXV/26	Notifications of Spain's intention to conduct exploratory longline fisheries for <i>Dissostichus</i> spp. in 2006/07 Delegation of Spain
CCAMLR-XXV/27	Notifications of the United Kingdom's intention to conduct exploratory longline fisheries for <i>Dissostichus</i> spp. in 2006/07 Delegation of the United Kingdom
CCAMLR-XXV/28	Notifications of Uruguay's intention to conduct exploratory longline fisheries for <i>Dissostichus</i> spp. in 2006/07 Delegation of Uruguay
CCAMLR-XXV/29	A proposed standard format for the notification of a Member's intention to fish in the CCAMLR Convention Area Secretariat
CCAMLR-XXV/30	Professional development of Secretariat staff Secretariat
CCAMLR-XXV/31	Draft policy on the publication of aggregated fine-scale catch and effort data Secretariat
CCAMLR-XXV/32	Proposal for revising Conservation Measure 41-04 (2005) – Limits on the Exploratory Fishery for <i>Dissostichus</i> spp. in Statistical Subarea 48.6 in the 2005/06 Season Delegation of Japan

CCAMLR-XXV/33	CCAMLR and the CCSBT Secretariat
CCAMLR-XXV/34	CDS Fund Panel proposal Secretariat
CCAMLR-XXV/35	An upsurge in directed fishing for or by-catch of sharks in the Convention Area – draft conservation measure for the conservation of sharks catches associated with fisheries managed by CCAMLR Delegation of France
CCAMLR-XXV/36	Priorities for cooperation with regional fisheries management organisations Secretariat
CCAMLR-XXV/37	Evaluation of compliance with conservation measures: identification of key compliance elements Secretariat
CCAMLR-XXV/38	Implementation of Conservation Measures 10-06 and 10-07: Provisional Lists of IUU vessels, 2006 Secretariat
CCAMLR-XXV/39	Fishery management plans: a tool to strengthen CCAMLR's fisheries management regime Delegation of New Zealand
CCAMLR-XXV/40	A proposal that CCAMLR adopt and implement a cooperation enhancement program Delegation of Australia
CCAMLR-XXV/41	A proposal that CCAMLR clarify Catch Documentation Scheme (CDS) definitions Delegation of Australia
CCAMLR-XXV/42	A proposal to amend the Rules for Access and Use of CCAMLR Data Delegation of Australia
CCAMLR-XXV/43	A proposal to strengthen the CCAMLR vessel system of inspection Delegation of Australia
CCAMLR-XXV/44	A draft conservation measure on combatting illegal, unreported and unregulated fishing in the Convention Area by the vessels of non-Contracting parties Delegation of Australia

CCAMLR-XXV/45	A proposal to adopt a conservation measure seeking an interim prohibition on deep sea gillnet fishing in the Convention Area Delegation of Australia
CCAMLR-XXV/46	Report of the Standing Committee on Administration and Finance (SCAF)
CCAMLR-XXV/46 CORRIGENDUM	Report of the Standing Committee on Administration and Finance (SCAF)
CCAMLR-XXV/47	Report of the Standing Committee on Implementation and Compliance (SCIC)

CCAMLR-XXV/BG/1 Rev. 1	List of documents
CCAMLR-XXV/BG/2	List of participants
CCAMLR-XXV/BG/3	Implementation of fishery conservation measures in 2005/06 Secretariat
CCAMLR-XXV/BG/3 CORRIGENDUM	Implementation of fishery conservation measures in 2005/06 Secretariat
CCAMLR-XXV/BG/4	Summary of current conservation measures and resolutions in force 2005/06 Secretariat
CCAMLR-XXV/BG/5	Withdrawn
CCAMLR-XXV/BG/6	Report of the Conference on Marine Biodiversity, Fisheries Management and Marine Protected Areas (MPAs) (European Parliament, Brussels, 10 November 2005) CCAMLR Observer (European Community)
CCAMLR-XXV/BG/7	Report of First International Meeting on Establishment of a South Pacific Regional Fisheries Management Organisation (Wellington, New Zealand, 14 to 17 February 2006) Executive Secretary
CCAMLR-XXV/BG/8	Report of the CCAMLR Observer to ATCM-XXIX (Edinburgh, Scotland, 12 to 23 June 2006) Executive Secretary

CCAMLR-XXV/BG/9 Rev. 1	Implementation of the System of Inspection and other CCAMLR enforcement provisions in 2005/06 Secretariat
CCAMLR-XXV/BG/10	Implementation and operation of the Catch Documentation Scheme in 2005/06 Secretariat
CCAMLR-XXV/BG/11	Review of staffing, financial, budgeting and administrative issues within the Antarctic Treaty Secretariat Secretariat
CCAMLR-XXV/BG/12	Cooperation between CCAMLR and CITES Secretariat
CCAMLR-XXV/BG/13 Rev. 1	Implementation and operation of the Centralised Vessel Monitoring System (C-VMS) in 2005/06 Secretariat
CCAMLR-XXV/BG/14	Ice-strengthening classification of fishing vessels Secretariat
CCAMLR-XXV/BG/15	Introduction of gillnet fishing in the Convention Area Secretariat
CCAMLR-XXV/BG/16	Conserving pattern and process in the Southern Ocean: designing a marine protected area for the Prince Edward Islands Delegation of South Africa
CCAMLR-XXV/BG/17	Scientific observation on krill fishing vessels: proposal to amend Conservation Measures 51-01, 51-02 and 51-03 Delegation of Ukraine (available in English and Russian)
CCAMLR-XXV/BG/18	Area-based conservation and management measures utilised under CCAMLR Submitted by IUCN
CCAMLR-XXV/BG/19	Report on the Third Meeting of the FIRMS Steering Committee Secretariat
CCAMLR-XXV/BG/20	Point de situation faisant suite au travail intersessionnel sur l'E-CDS Délégation française

CCAMLR-XXV/BG/21	Assessment of IUU fishing in the French waters bordering Kerguelen and Crozet Islands for season 2005/06 (1 July 2005 to 30 June 2006) General information concerning CCAMLR Area 58 Delegation of France (available in English and French)
CCAMLR-XXV/BG/22	Report on the activities of the Scientific Committee on Antarctic Research (SCAR) 2005/06 SCAR Observer to CCAMLR (G. Hosie, Australia)
CCAMLR-XXV/BG/23	SCAR Report on Marine Acoustics and the Southern Ocean Submitted by SCAR
CCAMLR-XXV/BG/24	Report of the CCAMLR Observer to the Seventh meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS) (12 to 16 June 2006, United Nations Headquarters, New York, United States) CCAMLR Observer (Australia)
CCAMLR-XXV/BG/25	Report on the transfer of a crew member from the vessel <i>Globalpesca I</i> during exploratory fishing in the area of CCAMLR Delegation of Chile (available in English and Spanish)
CCAMLR-XXV/BG/26	Ecosystem management of Antarctic krill in the south Atlantic – uncertainties and priorities Submitted by ASOC
CCAMLR-XXV/BG/27	Improving monitoring and control of the krill fishery Submitted by ASOC
CCAMLR-XXV/BG/28	Measures to prevent and deter illegal, unreported and unregulated fishing Submitted by ASOC
CCAMLR-XXV/BG/29	The use of Port State measures to improve fisheries compliance at the international level Issues and instruments – the CCAMLR case Submitted by ASOC
CCAMLR-XXV/BG/30	Achieving a network of marine protected areas in the CCAMLR Area Submitted by ASOC

CCAMLR-XXV/BG/31	Current noise pollution issues Submitted by ASOC
CCAMLR-XXV/BG/32	Heard Island and McDonald Islands Exclusive Economic Zone – 2005/06 IUU catch estimate for Patagonian toothfish Delegation of Australia
CCAMLR-XXV/BG/33	Bottom trawl fishing and destructive fishing practices within the CCAMLR Convention Area Delegation of the USA
CCAMLR-XXV/BG/34	Calendar of meetings of relevance to the Commission in 2006/07 Secretariat
CCAMLR-XXV/BG/35 Rev. 1	SEAFO press release: SEAFO takes major initiative to protect vulnerable sea habitats in South East Atlantic waters Submitted by SEAFO
CCAMLR-XXV/BG/36	Implementation of Brazilian National Plan of Action for the Conservation of Albatrosses and Petrels NPOA-Seabird /Brazil Delegation of Brazil
CCAMLR-XXV/BG/37	Observer's report of the 58th Annual Meeting of the International Whaling Commission (16 to 20 June 2006, St Kitts and Nevis, Caribbean) CCAMLR Observer (Sweden)
CCAMLR-XXV/BG/38	IUU catch in the Convention Area by the <i>Taruman</i> during 2004/05 season Delegation of Australia
CCAMLR-XXV/BG/39	Meeting of the Joint Assessment Group (17 to 19 July 2006) Comments of DG FISH Delegation of the European Community
CCAMLR-XXV/BG/40	Report on the 9th Meeting of the Committee for Environmental Protection (CEP IX) (Edinburgh, Scotland, 12 to 16 June 2006) Chair of the CCAMLR Scientific Committee
CCAMLR-XXV/BG/41	FAO Observer's Report FAO Observer (R. Shotton)

CCAMLR-XXV/BG/42	Report of the CCAMLR Observer to Sharing the Fish – Allocation Issues in Fisheries Management 2006 Conference (Fremantle, Australia, 26 February to 2 March 2006) CCAMLR Observer (Australia)
CCAMLR-XXV/BG/43	CCAMLR Observer’s Report from the 13th Annual Meeting of CCSBT CCAMLR Observer (Japan)
CCAMLR-XXV/BG/44	Report on port inspections of vessels on IUU list Delegation of South Africa
CCAMLR-XXV/BG/45	Observer’s Report on the 3rd Annual Meeting of the South East Atlantic Fisheries Organisation (SEAFO) CCAMLR Observer (Namibia)
CCAMLR-XXV/BG/46	Recent correspondence received from Vanuatu Secretariat
CCAMLR-XXV/BG/47	Report of Scientific Committee Chair to the Commission
CCAMLR-XXV/BG/48 Rev. 1	New and revised conservation measures recommended by SCIC for adoption by the Commission
CCAMLR-XXV/BG/49 Rev. 1	Proposals for new and revised measures submitted by SCIC to the Commission for further consideration
CCAMLR-XXV/BG/50	Summary advice of SCIC to the Commission
CCAMLR-XXV/BG/51	Information on five Vanuatu-flagged vessels Secretariat
CCAMLR-XXV/BG/52	Correspondence received from the Government of the Republic of Vanuatu Secretariat
CCAMLR-XXV/BG/52 ADDENDUM	Correspondence received from the Government of the Republic of Vanuatu Secretariat
CCAMLR-XXV/BG/53	Rapport concernant les activités du Comité des pêcheries de l'Organisation de coopération et de développement économiques (OCDE) Délégation française

SC-CAMLR-XXV/1	Provisional Agenda for the Twenty-fifth Meeting of the Scientific Committee for the Conservation of Antarctic Marine Living Resources
SC-CAMLR-XXV/2	Provisional Annotated Agenda for the Twenty-fifth Meeting of the Scientific Committee for the Conservation of Antarctic Marine Living Resources
SC-CAMLR-XXV/3	Report of the meeting of the Working Group on Ecosystem Monitoring and Management (Namibia, 17 to 28 July 2006)
SC-CAMLR-XXV/4	Report of the Working Group on Fish Stock Assessment (Hobart, Australia, 9 to 20 October 2006)
SC-CAMLR-XXV/5	Proposed changes to Scientific Committee Rules of Procedure Secretariat
SC-CAMLR-XXV/6	CCAMLR-IWC Workshop on Antarctic Ecosystem Model Inputs (SC-CAMLR Steering Committee for the CCAMLR-IWC Workshop)
SC-CAMLR-XXV/7	Summary report Experts Workshop on Bioregionalisation of the Southern Ocean (Hobart, Australia, 4 to 8 September 2006) (Australia, Japan, New Zealand, United Kingdom, United States)
SC-CAMLR-XXV/8	Estimation of gamma (γ) for krill in Division 58.4.2 Secretariat

SC-CAMLR-XXV/BG/1 Rev. 2	Catches in the Convention Area in the 2004/05 and 2005/06 seasons Secretariat
SC-CAMLR-XXV/BG/2	Report of the Second Meeting of the Subgroup on Acoustic Survey and Analysis Methods (Hobart, Australia, 23 and 24 March 2006)
SC-CAMLR-XXV/BG/3	Data Management report on activities during 2005/06 Secretariat

SC-CAMLR-XXV/BG/4	Report on the intersessional meeting of the Coordinating Working Party on Fisheries Statistics (CWP) Secretariat
SC-CAMLR-XXV/BG/5 Rev. 1	Convener's progress report on intersessional activities of the Subgroup for the Implementation of the CCAMLR 2008 IPY Survey V. Siegel (Convener, Steering Group 'CCAMLR 2008 IPY Survey')
SC-CAMLR-XXV/BG/6	Observer's Report from the 58th Meeting of the Scientific Committee of the International Whaling Commission (St Kitts, 26 May to 6 June 2006) CCAMLR Observer (K.-H. Kock, Germany)
SC-CAMLR-XXV/BG/7	Report of the Convener of WG-EMM-06 to SC-CAMLR-XXV
SC-CAMLR-XXV/BG/8	Synopses of papers submitted to WG-EMM-06 Secretariat
SC-CAMLR-XXV/BG/9	Review of CCAMLR activities on monitoring marine debris in the Convention Area Secretariat
SC-CAMLR-XXV/BG/10	Summary of scientific observation programs undertaken during the 2005/06 season Secretariat
SC-CAMLR-XXV/BG/11	Fishing equipment, marine debris and hydrocarbon soiling associated with seabirds at Bird Island, South Georgia, 2005/06 Delegation of the United Kingdom
SC-CAMLR-XXV/BG/12	Beach debris survey – Main Bay, Bird Island, South Georgia, 2004/05 Delegation of the United Kingdom
SC-CAMLR-XXV/BG/13	Entanglement of Antarctic fur seals (<i>Arctocephalus gazella</i>) by man made debris at Bird Island, South Georgia, during the 2005 winter and 2005/06 breeding season Delegation of the United Kingdom
SC-CAMLR-XXV/BG/14	Beach debris survey, Signy Island, South Orkney Islands, 2005/06 Delegation of the United Kingdom

SC-CAMLR-XXV/BG/15	Entanglement of Antarctic fur seals <i>Arctocephalus gazella</i> in man-made debris at Signy Island, South Orkney Islands, 2005/2006 Delegation of the United Kingdom
SC-CAMLR-XXV/BG/16	Proposal for recording fine-scale data from vessels using the continuous fishing system in the krill fishery Secretariat
SC-CAMLR-XXV/BG/17	Évaluation de la biomasse et campagne de marquage Délégation française
SC-CAMLR-XXV/BG/18	To the question for bioregionalisation of the Antarctic waters with ecosystem approach Delegation of Russia
SC-CAMLR-XXV/BG/19	Potential for the achievement of marine protected area objectives using CCAMLR conservation measures Delegation of the United Kingdom
SC-CAMLR-XXV/BG/20	Educational observer on board fishing vessels in Brazil Delegation of Brazil
SC-CAMLR-XXV/BG/21	Non-native Species in the Antarctic: Report of a Workshop Delegation of New Zealand
SC-CAMLR-XXV/BG/22	Calendar of meetings of relevance to the Scientific Committee in 2006/07 Secretariat
SC-CAMLR-XXV/BG/23	Directions followed by the French fishing companies involved in the toothfish fishery of the French EEZ, in order to minimise the incidental mortality of birds Delegation of France (available in English and French)
SC-CAMLR-XXV/BG/24	Update from the Bioregionalisation Workshop Steering Committee on progress towards the 2007 Workshop on Bioregionalisation Submitted by the Steering Committee for the CCAMLR Bioregionalisation Workshop
SC-CAMLR-XXV/BG/25	Vacant
SC-CAMLR-XXV/BG/26	IMAF risk assessment of fisheries by Statistical Area Ad Hoc Working Group on Incidental Mortality Associated with Fishing (WG-IMAF)

SC-CAMLR-XXV/BG/27	Incidental mortality of seabirds during unregulated longline fishing in the Convention Area Ad Hoc Working Group on Incidental Mortality Associated with Fishing (WG-IMAF)
SC-CAMLR-XXV/BG/28	Intersessional work plan for Ad Hoc WG-IMAF for 2006/07 Ad Hoc Working Group on Incidental Mortality Associated with Fishing (WG-IMAF)
SC-CAMLR-XXV/BG/29	Ad Hoc WG-IMAF Convener's summary for the Scientific Committee 2006
SC-CAMLR-XXV/BG/30	Report of the Convener of WG-FSA to SC-CAMLR-XXV, October 2006
SC-CAMLR-XXV/BG/31	Observer report on Second Meeting of Advisory Committee of the Agreement on the Conservation of Albatrosses and Petrels – ACAP (Brasilia, Brazil, 5 to 8 June 2006) CCAMLR Observer (Brazil)
Other documents	
WG-FSA-06/20	<i>Saga Sea</i> krill harvesting and production T. Williksen (Norway)
WG-FSA-06/23	On possible impact of new continuous krill fishing technology on juvenile fish and larvae S.M. Kasatkina
WG-FSA-06/57	Analysis of krill catch data from continuous and conventional trawls by the <i>Saga Sea</i> and <i>Atlantic Navigator</i> D.J. Agnew, A. Payne, J. Hooper and J. Roe (United Kingdom)
WG-EMM-06/7	By-catch of small fish in a sub-Antarctic krill fishery K.A. Ross, L. Jones, M. Belchier and P. Rothery (United Kingdom)

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

AGENDA FOR THE TWENTY-FIFTH 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 2005
 - (iii) Audit requirement for the 2006 Financial Statements
 - (iv) Secretariat matters
 - (v) Contingency Fund
 - (vi) Special funds
 - (vii) Budgets for 2006, 2007 and 2008
 - (viii) Members' contributions
 - (ix) Reports of Members' Activities
4. Scientific Committee
5. Assessment and avoidance of incidental mortality
 - (i) Marine debris
 - (ii) Incidental mortality of seabirds and marine mammals during fishing operations
6. Marine Protected Areas
 - (i) Current activities
 - (ii) Future developments
7. Implementation and compliance
 - (i) Report of SCIC
 - (ii) Compliance with conservations measures
 - (iii) Compliance evaluation procedure
8. Catch Documentation Scheme for *Dissostichus* spp. (CDS)
 - (i) Report of SCIC
 - (ii) CDS annual report
 - (iii) E-CDS
9. Illegal, unregulated and unreported (IUU) fishing in the Convention Area
 - (i) Reports of SCIC and JAG
 - (ii) Current level of IUU fishing
 - (iii) Review of current measures aimed at eliminating IUU fishing
10. Scheme of International Scientific Observation
11. New and exploratory fisheries

12. Conservation measures
 - (i) Review of existing measures
 - (ii) Consideration of new measures and other conservation requirements
13. Fisheries management and conservation under conditions of uncertainty
14. Data access and security
15. Cooperation with other elements of the Antarctic Treaty System
 - (i) Cooperation with Antarctic Treaty Consultative Parties
 - (ii) Cooperation with SCAR
 - (iii) Assessment of proposals for Antarctic Specially Protected Areas and Specially Managed Areas, which include marine areas
16. Cooperation with other international organisations
 - (i) Reports of observers from international organisations
 - (ii) Reports from CCAMLR representatives at meetings of international organisations in 2005/06
 - (iii) Cooperation with CITES
 - (iv) Cooperation with CCSBT
 - (v) Partnership in FIRMS
 - (vi) Participation in CCAMLR meetings
 - (vii) Nomination of representatives to meetings of international organisations in 2006/07
17. Implementation of the objectives of the Convention
18. Election of Chair and Vice-Chair of the Commission
19. Next meeting
 - (i) Invitation of observers
 - (ii) Date and location
20. Other business
 - (i) International Polar Year in 2007/08
 - (ii) CCAMLR Twenty-fifth Anniversary Celebration
21. Report of the Twenty-fifth Meeting of the Commission
22. Close of the meeting.

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

CONTENTS

	Page
EXAMINATION OF AUDITED FINANCIAL STATEMENTS FOR 2005	139
AUDIT REQUIREMENT FOR 2006 FINANCIAL STATEMENTS	139
APPOINTMENT OF AUDITOR.....	139
SECRETARIAT STRATEGIC PLAN.....	139
REPORTS OF MEMBERS' ACTIVITIES	141
EDUCATION PACKAGE.....	141
REVIEW OF 2006 BUDGET	141
INTERPRETER SERVICES FOR SCIC	142
WIRELESS COMPUTER NETWORK	142
CONTINGENCY FUND	142
PROFESSIONAL STAFF SALARIES	142
BUDGET FOR 2007	143
Operation of the C-VMS	143
Advice from other committees	143
MULTI-YEAR FUNDING OF SCIENTIFIC COMMITTEE TASKS	144
MEMBERS' CONTRIBUTIONS	144
Timing of Members' contributions	144
Treatment of late contribution payments	144
FORECAST BUDGET FOR 2008	145
CDS FUND.....	145
ADOPTION OF THE REPORT.....	145
CLOSE OF MEETING.....	145
APPENDIX I: Agenda.....	146
APPENDIX II: Review of 2006 budget, budget for 2007 and forecast for 2008	147
APPENDIX III: Members' contributions 2007.....	148
APPENDIX IV: Core duties for Science Officer and Compliance Officer.....	149

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

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

EXAMINATION OF AUDITED FINANCIAL STATEMENTS FOR 2005

2. The Committee noted that a review audit had been carried out on the 2005 Financial Statements. The report had identified no incidents of non-compliance with Financial Regulations or International Accounting Standards. The Committee **recommended that the Commission accept the Financial Statements as presented in CCAMLR-XXV/3.**

AUDIT REQUIREMENT FOR 2006 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. Full audits were carried out in 2003 and 2004 and a review audit in 2005. The Committee **recommended that the Commission require a review audit to be performed on the 2006 Financial Statements and, unless otherwise decided, a full audit would be required on the 2007 Financial Statements.**

APPOINTMENT OF AUDITOR

4. The Australian National Audit Office has been the Commission's auditor since the Commission was established. As the Office's latest two-year appointment expired after completion of the audit of the 2005 Financial Statements, the Committee **recommended that the Commission appoint the Australian National Audit Office as its auditor for the 2006 and 2007 Financial Statements.**

SECRETARIAT STRATEGIC PLAN

5. The Executive Secretary presented his report (summarised in CCAMLR-XXV/8). The Committee noted that this report forms a key element in annually assessing the Executive Secretary's performance. The report made specific reference to the Secretariat's Strategic Plan and Secretariat Staff matters. The Executive Secretary advised that key Secretariat activities are executed under the Strategic Plan to address diverse, complex and extensive tasks identified by the Commission and the Scientific Committee. The Executive Secretary referred the Committee to the summary details of specific tasks and outcomes for 2005/06, included as Appendices I and II of his report.

6. The Committee received advice from the Executive Secretary on the likely retirement of the current Science/Compliance Officer (CCAMLR-XXV/9) and endorsed the merit of separating the Science and Compliance functions, which may also result in the creation of a part-time Compliance Administrator post. The Committee understood that the ramifications of separating these functions would be addressed in accordance with the principles outlined in CCAMLR-XXV/9, which includes the possible creation of a part-time post and re-assignment of functional tasks to the Science and Compliance functions as presented in Appendix IV. After also receiving advice from SCIC and the Scientific Committee, SCAF **recommended that the Executive Secretary take appropriate steps to recruit a new Science Officer in a timely fashion to enable the current Science/Compliance Officer to retire at the beginning of 2008 in conformity with the stipulated retirement age set out in the CCAMLR Staff Contract. It also noted that there would be a need to fund the salaries of both the incumbent Science/Compliance Officer and the newly appointed Science Officer during a handover period of approximately one month.** The Committee also noted that the procedure for recruiting the new Science Officer would follow those agreed in 2003 (CCAMLR-XXII, Annex 4, paragraph 12).

7. The Committee considered Secretariat paper CCAMLR-XXV/30 noting an impending visit by NAFO's Commission Fisheries Coordinator as part of NAFO's Professional Development Internship Program. The Committee requested the Secretariat to prepare a paper to be submitted to its next meeting on the implications of a Professional Development Program for CCAMLR Staff similar to that of the NAFO program. In doing so, it should take into consideration common experiences gained during the visit of the NAFO Officer to CCAMLR and also any budgetary implications.

8. The Committee received Secretariat paper CCAMLR-XXV/12, relating to the Executive Secretary's authority in respect of representing the Commission in correspondence and at meetings of other organisations. The committee **recommended that the following words should be added to the Executive Secretary's authority, outlined in CCAMLR-XXI, Annex 4, paragraphs 11 and 12, to specifically address requests from organisations outside CCAMLR for representatives from such organisations to visit the Secretariat:**

The Executive Secretary's authority in respect of requests to visit the Secretariat should be in accordance with the principles agreed by the Commission in CCAMLR-XXI, Annex 4, paragraphs 11 and 12, in respect of the Executive Secretary:

- **determining whether such a visit is appropriate;**
- **representing the Commission;**
- **supplying information that is publicly available, or pre-determined by the Commission, and in compliance with the Rules for Access and Use of CCAMLR Data.**

The Executive Secretary undertook to report on such visits as part of his annual report to the Commission and the Committee.

REPORTS OF MEMBERS' ACTIVITIES

9. The Committee noted the Scientific Committee's views outlined in the Commission's report last year (CCAMLR-XXIV, paragraph. 3.7) as well as the issues raised by COMM CIRC 06/90 and SC CIRC 06/31. The Committee **recommended that Members' Activities Reports should continue to be provided since the information contained in such reports had distinct benefits in monitoring compliance with conservation measures.** Accordingly, some Members also suggested that a standardised format for such reports be developed.

EDUCATION PACKAGE

10. The Committee noted that the Education Package was to be launched on the website during CCAMLR-XXV.

REVIEW OF 2006 BUDGET

11. The Committee noted the expected outcome of the 2006 budget as presented in CCAMLR-XXV/4 Rev. 1. It received advice from the Secretariat that additional funding of A\$35 000 had been allocated to the Communications budget subitem to cover additional costs of translating the longer-than-expected 2005 WG-FSA and associated reports (CCAMLR-XXIV, Annex 4, paragraph 24). The funds concerned had been transferred to the Salaries and Allowances subitem. The Committee also received advice from the Secretariat on revised income amounts in respect of Interest and the Staff Assessment Levy, in respect of an increase in the former and decline in the latter (CCAMLR-XXV/4 Rev. 1, Part III, paragraph 5).

12. The Committee noted that a saving of some A\$30 000 will be achieved in the Travel subitem.

13. Following the establishment of the Asset Replacement Fund (CCAMLR-XXIV, Annex 4, paragraph 20) in 2005 to provide for maintenance, upkeep and structural replacement of the Commission's meeting facilities, the Committee noted that the Fund will exhibit a positive balance of approximately A\$24 000 by the end of 2006.

14. Having discussed SCAF paper 06/1 regarding the future use of special funds, the Committee specifically noted that the balance of the Ukrainian Special Fund is currently small and the fund has not been used for many years. The Committee **recommended that the fund be closed and that the outstanding balance (approximately A\$5 000) be transferred to the General Fund.**

15. The Committee noted that, with the above transfer from the Ukrainian Special Fund to the General Fund, the projected surplus for 2006 to be carried forward to 2007 would be A\$93 000.

16. The Committee **recommended that the revised Budget for 2006 be adopted by the Commission.**

INTERPRETER SERVICES FOR SCIC

17. The Committee noted the Secretariat paper (CCAMLR-XXV/15) on costs attached to providing interpreter services for SCIC. Some Members recognised the merit of interpreter services for SCIC. This would facilitate debate on very technical matters so that fewer Members were disadvantaged. Conversely, it was pointed out that those Members whose native language was not one of the four official CCAMLR languages would continue to be disadvantaged during such technical discussions. Other Members were also concerned with the projected one-off (A\$50 000) and recurrent (A\$66 000) costs of such a service.

18. Noting that the Commission's current budget is already under considerable pressure, in particular the higher-than-expected request from the Scientific Committee (see paragraph 29) the Committee was not able to recommend the introduction of SCIC interpretation services in 2007 as outlined in CCAMLR-XXV/15. However, it agreed that the Secretariat should commence renovating the rooms identified in CCAMLR-XXV/15 using any savings which may be found in 2007. Such renovation should not be seen as pre-empting any future decision on SCIC interpretation as it would enhance space availability in its own right within the CCAMLR Headquarters.

WIRELESS COMPUTER NETWORK

19. The Committee noted the proposal for a wireless computer network to improve delegate access to meeting documents and other information (CCAMLR-XXV/13). Most delegates recognised the benefits of such a network, but also noted that some Members may still require paper documentation. The Committee **recommended installation of a wireless network in the CCAMLR Headquarters building. It suggested that the funds for this project could be sourced from funds transferred to the General Fund due to the closure of the Ukrainian Special Fund (paragraph 14) and by not spending funds provisionally allocated to promotional activities associated with the Convention's 25th Anniversary (CCAMLR-XXV/4 Rev. 1, Part IV, paragraph 42).**

CONTINGENCY FUND

20. The Committee noted that no expenditure from the Contingency Fund had been incurred in 2006. The Committee **recommended that the balance of the fund in excess of A\$110 000, following the annual transfer of forfeited funds from new and exploratory fisheries applications, should be transferred to the General Fund.**

PROFESSIONAL STAFF SALARIES

21. As in past years (e.g. CCAMLR-XXIV, paragraph 3.16), no proposals on specific alternative salary structures for Professional Staff were tabled. The Committee agreed to keep this item on its agenda and defer further consideration of the matter to its next meeting.

BUDGET FOR 2007

Operation of the C-VMS

22. The Committee agreed that, in keeping with past practice (CCAMLR-XXIV, Annex 4, paragraph 21), funding of the C-VMS can continue to be met from savings achieved in the General Fund as a result of cost substitution of expenditure relating to new and exploratory fisheries applications for 2007. It also agreed that the matter should be further reviewed thereafter.

Advice from other committees

23. The Chair of SCIC advised that SCIC had supported the Secretariat's request for funding to modify the E-CDS (CCAMLR-XXV/34). Noting that this request had also been endorsed by the CDS Review Panel, the Committee **recommended that the sum of A\$29 260 should be provided from the CDS Special Fund to allow the modifications to be made in 2007.**

24. The Committee noted SCIC's request that the Secretariat be tasked with undertaking a feasibility study of acquiring access to a Lloyd's product, 'SeaSearcher', with a view to making a comparison with a vessel information package currently being used by the Secretariat and particularly to determine whether a discount on the annual subscription fee of approximately US\$7 500 is possible.

25. The Committee also noted that SCIC had requested the Secretariat to prepare a paper on C-VMS data verification for its next meeting.

26. SCAF received the advice of the Chair of the Scientific Committee on the Scientific Committee's budget for 2007 as well as its 2008 forecast budget for specific items relevant to its activities.

27. The Committee noted the importance of the Scientific Committee's work, but expressed serious concerns about the growth in its budget requirements and the consequential cost implications for the Commission. In particular, it highlighted the significant growth in the Scientific Committee's forecast budget for 2008, which is largely attributable to the planned joint CCAMLR-IWC Workshop in that year. The Committee recommended that the Commission seek resources, financial or in kind, from Members for the workshop's organisation. It also requested that every effort should be made to reduce the workshop's forecast costs and that the Scientific Committee should endeavour to prioritise its budget requests in future. In making this request, the Committee strongly agreed that cost increases of the kind encountered for the 2008 forecast budget should not be seen as a precedent for the future.

28. The Committee noted the Scientific Committee's proposal for the Secretariat to coordinate the purchase and resale of tags to be used in mark-recapture programs to facilitate assessment of toothfish productivity, particularly in the Ross Sea. The Scientific Committee proposed that such a program should be implemented on a cost-recovery basis. However, an initial outlay of A\$100 000 would be required to purchase the tags. Thereafter, managing the tag issue, monitoring, archiving and analysis would incur administrative costs to the

Secretariat which would also be recovered from the sale of the tags. The Secretariat noted that there may be some risk attached to this proposal if tags remain unsold. However, it should be possible to implement the proposal relying on existing cash flow.

29. It was noted that overall, the funding requested by the Scientific Committee was covered by provisions made in the draft budget presented in CCAMLR-XXV/4 Rev. 1. However, an increase of some A\$25 000 above the initial budget estimate provided in CCAMLR-XXV/4 Rev. 1, Part IV, paragraph 45, will be funded from 2007 unbudgeted cash inflows from additional interest and forfeited fees from new and exploratory fisheries notifications. In the event of insufficient new cash inflows, the Contingency Fund will be utilised. **SCAF recommended that the Commission approve the Scientific Committee budget of A\$311 500 for inclusion in the Commission's budget for 2007.**

30. The Committee noted that, as a result of its deliberations, it was able to present a budget for 2007 which restricts Members' contributions increase to 2.6%, which is below Australia's current inflation rate of 4%. The Committee **recommended that the Commission adopt the budget for 2007 as presented in Appendix II to this report.**

MULTI-YEAR FUNDING OF SCIENTIFIC COMMITTEE TASKS

31. In presenting its budget for 2007, the Scientific Committee advised that no expenditure related to the already deferred review of the Generalised Yield Model or the *Scientific Observers Manual* will occur in 2007. The Committee noted that, following the procedures adopted in 2004 (CCAMLR-XXIII, Annex 4, paragraph 26) for such monies in respect of implementing the Science Special Fund, the deferred Generalised Yield Model funds (plus interest accrued) should be transferred to the General Fund at the end of 2007 if unspent. The same would apply to the funds allocated to rewriting the *Scientific Observers Manual* at the end of 2008.

MEMBERS' CONTRIBUTIONS

Timing of Members' contributions

32. The Committee **recommended that, in accordance with Financial Regulation 5.6, the Commission grant to Argentina, Belgium, Republic of Korea, Spain and Uruguay an extension to the deadline for payment of 2007 contributions to 31 May 2007.**

Treatment of late contribution payments

33. The Committee noted information provided by the Secretariat on how similar organisations treat late payment of member contributions (CCAMLR-XXV/14). The Committee **recommended that from 2007 Members are given an incentive to pay their annual contribution by the due date by applying a 10% additional charge on any amount outstanding of the total required contribution, to take effect on 1 September in**

the year the payment is due. In the case of prolonged non-payment, the Commission will consider some additional course of action to be taken.

34. The Committee also **recommended that the Secretariat send out reminder notices to those Members whose contributions remain outstanding on 1 June in the year the payment is due.**

FORECAST BUDGET FOR 2008

35. The Committee presented a forecast budget for 2008 to the Commission, noting that a 6.8% increase was anticipated in Members' contributions. The growth attributable to the 2008 budget refers to the proposed CCAMLR-IWC Workshop referred to in paragraph 27. However, SCAF recalled its advice of previous years that the figures are indicative only and care should be taken when they are used as a basis for financial budgeting by individual Members. The Committee noted the importance of maintaining the budget with no real growth.

CDS FUND

36. The Committee approved expenditure of A\$29 260 from the CDS Special Fund, following advice from the CDS Fund Review Panel (see paragraph 23).

ADOPTION OF THE REPORT

37. The report of the meeting was adopted.

CLOSE OF MEETING

38. The Chair, Dr H. Pott (Germany), closed the meeting.

AGENDA

Standing Committee on Administration and Finance (SCAF)
(Hobart, Australia, 23 to 27 October 2006)

1. Organisation of the meeting
2. Examination of audited Financial Statements for 2005
3. Audit requirement for the 2006 Financial Statements
4. Appointment of Auditor
5. Secretariat Strategic Plan
6. Reports of Members' Activities
7. Education package
8. Review of 2006 budget
9. Interpreter services for SCIC
10. Wireless computer network
11. Contingency Fund
12. Professional Staff salaries
13. Budget for 2007
 - (i) Scientific Committee budget
 - (ii) Advice from SCIC
14. Multi-year funding of Scientific Committee tasks
15. Members' contributions
 - (i) Timing of Members' contributions
 - (ii) Treatment of late contribution payments
16. Forecast budget for 2008
17. CDS Fund
18. Any other business
19. Adoption of the report
20. Close of the meeting.

REVIEW OF 2006 BUDGET, BUDGET FOR 2007 AND FORECAST FOR 2008
(all amounts in Australian dollars)

Budget for 2006				2007	2008
Adopted in 2005	Revised	Variance		Budget	Forecast
INCOME					
2 657 400	2 657 400	0	Members' Annual Contributions	2 726 700	2 914 500
0	0	0	New Members' Contributions	0	113 000
50 000	69 098	19 098	From (to) Special Funds	150 000	65 000
66 000	78 026	12 026	Interest	86 000	84 000
506 400	450 000	(56 400)	Staff Assessment Levy	480 000	520 000
24 400	112 976	88 576	Surplus from Prior Year	93 300	0
<u>3 304 200</u>	<u>3 367 500</u>	<u>63 300</u>		<u>3 536 000</u>	<u>3 696 500</u>
EXPENDITURE					
548 400	548 400	0	Data Management	600 500	718 000
651 900	651 900	0	Compliance	702 500	696 000
741 700	741 700	0	Communications	812 900	827 300
286 600	286 600	0	Information Services	304 500	319 700
306 000	306 000	0	Information Technology	325 000	341 300
769 600	739 600	(30 000)	Administration	790 600	794 200
<u>3 304 200</u>	<u>3 274 200</u>	<u>(30 000)</u>		<u>3 536 000</u>	<u>3 696 500</u>
Expenditure allocated by subitem					
2 384 000	2 419 000	35 000	Salaries and Allowances	2 595 000	2 695 000
160 000	160 000	0	Equipment	163 000	165 000
95 000	95 000	0	Insurance and Maintenance	97 000	100 000
39 000	39 000	0	Training	39 000	39 000
233 000	233 000	0	Meeting Facilities	250 000	246 000
150 000	120 000	(30 000)	Travel	178 000	118 000
54 700	54 700	0	Printing and Copying	57 000	64 000
117 000	82 000	(35 000)	Communication	83 000	85 000
71 500	71 500	0	Sundry	74 000	184 500
<u>3 304 200</u>	<u>3 274 200</u>	<u>(30 000)</u>		<u>3 536 000</u>	<u>3 696 500</u>
Surplus for the year		93 300			

MEMBERS' CONTRIBUTIONS 2007
 General Fund Contributions – Payable by 1 March 2007
 (all amounts in Australian dollars)

Member	Basic	Fishing	Total
Argentina*	109 596	1 000	110 596
Australia	109 596	11 271	120 867
Belgium*	109 596	-	109 596
Brazil	109 596	-	109 596
Chile	109 596	7 182	116 778
European Community	109 596	-	109 596
France	109 596	21 205	130 801
Germany	109 596	-	109 596
India	109 596	-	109 596
Italy	109 596	-	109 596
Japan	109 596	14 083	123 679
Korea, Republic of *	109 596	10 158	119 754
Namibia	109 596	-	109 596
New Zealand	109 596	3 237	112 833
Norway	109 596	1 000	110 596
Poland	109 596	2 624	112 220
Russia	109 596	2 747	112 343
South Africa	109 596	2 233	111 829
Spain*	109 596	2 990	112 586
Sweden	109 596	-	109 596
Ukraine	109 596	6 387	115 983
UK	109 596	6 070	115 666
USA	109 596	2 704	112 300
Uruguay*	109 596	1 505	111 101
	2 630 304	96 396	2 726 700

* Extension of deadline approved by Commission

CORE DUTIES FOR SCIENCE OFFICER AND COMPLIANCE OFFICER

CORE DUTIES FOR NEW SCIENCE OFFICER POST

- Coordinate functional links between Commission and Scientific Committee
- Supervise scientific aspects of Scientific Observer Data Analyst's functions
- Supervise Analytical Support Officer
- Support WG-IMAF and coordinate marine debris monitoring
- Serve as Editor-in-Chief of *CCAMLR Science*
- Support Subgroup on Protected Areas and related activities
- Facilitate implementation of Commission/Scientific Committee decisions on scientific matters
- Liaise with Data Manager to develop/implement technical and scientific Secretariat tasks
- Coordinate marine debris monitoring on WG-EMM/Scientific Committee direction
- Contribute to planning of Scientific Committee intersessional work
- Contribute scientific expertise/initiative/input in support of Scientific Committee activities
- Support relevant Scientific Committee and working group meetings

CORE DUTIES FOR NEW COMPLIANCE OFFICER POST

- Supervise Compliance Administrator, CDS Support Officer
- Supervise compliance elements of Scientific Data Analyst's Duties
- Support Standing Committee on Implementation and Compliance (SCIC)
- Support/supervise technical aspects of compliance and enforcement

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

CONTENTS

	Page
I. OPENING OF THE MEETING.....	153
II. IUU FISHING IN THE CONVENTION AREA	153
Current level of IUU fishing.....	153
Procedure for the estimation of IUU catches	155
IUU Vessel Lists.....	157
III. REVIEW OF COMPLIANCE AND IMPLEMENTATION-RELATED MEASURES AND POLICIES	162
System of Inspection	162
Reports on compliance with conservation measures	162
Compliance evaluation procedure.....	166
Proposals for new and revised measures	168
IV. CATCH DOCUMENTATION SCHEME (CDS)	171
Implementation and operation of the CDS	171
E-CDS trial.....	172
V. SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION	172
VI. ELECTION OF THE CHAIR OF THE COMMITTEE.....	174
VII. OTHER BUSINESS.....	174
VIII. ADVICE TO SCAF	176
IX. ADOPTION OF THE REPORT AND CLOSE OF THE MEETING.....	177
APPENDIX I: Agenda	178
APPENDIX II: List of documents.....	179
APPENDIX III: Criteria for assigning weights to observations of IUU activity	185
APPENDIX IV: Provisional List of Contracting Party IUU Vessels (Conservation Measure 10-06) and Proposed List of Non-Contracting Party IUU Vessels (Conservation Measure 10-07)	189
APPENDIX V: IUU Vessel Lists for 2003, 2004 and 2005 combined.....	193

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 23 to 27 October 2006.

1.2 The Chair of SCIC, Ms V. Carvajal (Chile) opened the meeting and all Members of the Commission participated. No Members invoked a ruling in accordance with Rule 32(b) of the Commission Rules of Procedure. Therefore, all observers were invited to participate in the meeting as appropriate. Observers from Cambodia, Mauritius, Mozambique, Netherlands and Peru, ASOC, CCSBT, COLTO, FAO, IUCN and IWC were welcomed. In particular, the Committee welcomed the People's Republic of China as a new Contracting Party observer.

1.3 The Committee adopted the Agenda as provided in Appendix I. The List of Documents is provided in Appendix II.

1.4 The Secretariat had continued the practice of the pre-meeting distribution of SCIC papers via the CCAMLR website. As required, a list of all papers submitted for consideration to SCIC and grouped by agenda item was prepared by the Secretariat. The UK requested that this list, together with all SCIC papers, be submitted as far in advance of the start of the meeting as possible.

1.5 The Committee noted that some papers on matters of substance had been submitted immediately prior to and after the beginning of the meeting. The Committee also noted that as a general rule proposals should not be discussed unless advanced copies had been distributed, but it was also noted that Rule 22 gave the Chair discretion in this regard.

1.6 The Committee urged Members to follow the CCAMLR paper submission guidelines which required that all working papers, i.e. papers submitted in support of taking decisions, be translated in the four official languages. Members were reminded that in order to facilitate the translation of working papers they should be submitted to the Secretariat 45 days prior to the beginning of the meeting.

II. IUU FISHING IN THE CONVENTION AREA

Current level of IUU fishing

2.1 The Secretariat presented WG-FSA-06/11 Rev. 2 with estimates of IUU catches in the Convention Area. The estimation of IUU catches for the 2005/06 season was accomplished using the current compliance-based methodology (SCIC-06/7). The estimates were considered and approved by WG-FSA and used for stock assessment purposes (SC-CAMLR-XXV, Annex 5, paragraph 3.18).

2.2 The Committee noted that estimates of IUU catches for the past three years continued to be lower than in previous years. The estimated total IUU catch of *Dissostichus* spp. in the

Convention Area for the 2005/06 season (to 5 October 2006) was 3 080 tonnes (SC-CAMLR-XXV, Annex 5, Table 3) which is approximately a 70% reduction from the 2001/02 and 2002/03 seasons.

2.3 Australia reported on its evaluation of IUU fishing in its EEZ around Heard and McDonald Islands. This resulted in an IUU catch estimate that ranged from 0 to 250 tonnes (CCAMLR-XXV/BG/32). France reported that its evaluation of IUU fishing activities in the Kerguelen and Crozet Islands EEZ was the lowest in the past 10 years (CCAMLR-XXV/BG/21). This was achieved as a result of continued year-round presence of fisheries patrol vessels and inspectors as well as extensive use of satellite-based surveillance technologies. Australia and France also attributed the decreased level of IUU activities in their EEZs to the success of their joint surveillance program.

2.4 However, the Committee noted with serious concern that in the 2005/06 season almost 90% of all IUU catches came from Divisions 58.4.1, 58.4.2 and 58.4.3 in the Indian Ocean sector of the Southern Ocean south of 50°–60°S. These divisions are located outside areas traditionally subject to extensive surveillance by CCAMLR Members. An estimate of IUU fishing made by France and based on sighting reports of approximately 13 IUU vessels regularly operating on BANZARE Bank (Division 58.4.3b) comprised a total of 1 200 fishing days with estimated catches of around 2 400 tonnes.

2.5 France advised the Committee that information collected from various sources indicated that IUU fishing operators are increasingly conducting at-sea transshipments of fish to cargo vessels or to licensed fishing vessels. This practice requires the Commission to strengthen measures aimed at the control of both at-sea and in-port transshipments.

2.6 The Committee agreed that measures were required to address at-sea transshipments, the involvement of CCAMLR Member nationals in IUU fishing operations, enforcement of Port State controls and measures to prevent all IUU activities in the Convention Area. This and other proposals submitted by the European Community which referred to nationals and the involvement of non-Contracting Parties in the trade of toothfish (SCIC-06/12, 06/13 and 06/14) were considered and submitted for further consideration by the Commission.

2.7 The Committee noted ASOC's views on further CCAMLR measures to prevent and deter IUU fishing (CCAMLR-XXV/BG/28) and on the use of Port State measures to improve compliance with conservation measures at an international level (CCAMLR-XXV/BG/29).

2.8 Russia requested that ASOC refrain, in future, from making such unsubstantiated statements in its submissions to CCAMLR as made in ASOC's recommendations in CCAMLR-XXV/BG/28.

2.9 The Republic of Korea presented information on proceedings resulting from the seizure of IUU toothfish which had been transhipped between the Panamanian-flagged cargo vessel *Seed Leaf* and the North Korean-flagged fishing vessel *Chilbo San 33* (ex *Hammer/Carran*). The latter vessel is included on the NCP-IUU Vessel List.

2.10 The Republic of Korea also advised the Committee that many nationalities were involved in the harvest, transportation and trade of the seized toothfish, including individuals

and companies connected with CCAMLR Members. It therefore urged the Committee to consider measures aimed at prohibiting the involvement of Members' nationals in the international trade of undocumented toothfish.

2.11 The Secretariat, France and Australia informed the Committee of evidence indicating an increase in the use of gillnets by IUU operators (CCAMLR-XXV/BG/16, SCIC-06/3 and WG-FSA-06/46). The evidence reported by the Secretariat had already been considered by the Joint Assessment Group (JAG) which requested that WG-FSA review information available on shark stocks in the Convention Area (Annex 6, paragraphs 5.12 to 5.15). The Chair of the Scientific Committee advised SCIC that WG-FSA reported that five species of sharks were known to occur around South Georgia, Crozet and Kerguelen Islands. No shark species had been reported within Division 58.4.3.

2.12 Australia noted that it had conducted a boarding, inspection and apprehension of the vessel *Taruman* for suspected illegal fishing in Australia's EEZ off Macquarie Island based on a bilateral agreement with the vessel Flag State, Cambodia. Australia thanked Cambodia for its cooperation, noting that it had acted in a manner that went beyond its obligations under international law.

2.13 Although IUU gillnet fishing vessels were reported to be targeting sharks as well as toothfish, the Committee noted that no commercial stocks of sharks had previously been reported from within the Convention Area (SC-CAMLR-XXV, Annex 5, paragraphs 9.18 to 9.20). Nevertheless, SCIC concluded that the introduction of a new fishing technique in the Convention Area, suggesting further evolution of the scope of IUU fishing, should be prohibited. Consequently, SCIC considered new measures to deal with gillnet fishing and recommended that the Commission adopt a draft conservation measure (see paragraph 3.52).

Procedure for the estimation of IUU catches

2.14 In accordance with a decision taken by the Commission (CCAMLR-XXIV, paragraphs 8.3 to 8.6), a meeting of JAG was held from 17 to 19 July 2006, in Namibia. The meeting was co-convened by Ms R. Tuttle (USA) and Dr D. Agnew (UK). The Committee noted that JAG is a joint group of the Commission and the Scientific Committee and its report will be considered by both bodies. The report of JAG (CCAMLR-XXV/7) is annexed to the Commission's report (Annex 6).

2.15 Ms Tuttle presented a convener's report of JAG, outlining its conclusions and recommendations (SCIC-06/17). Some of JAG's recommendations and requests had already been considered by WG-FSA. The Convener of WG-FSA, Dr S. Hanchet (New Zealand) also advised SCIC on WG-FSA's work on estimating IUU catches, including its plan for future work.

2.16 The European Community commented on the report of JAG (CCAMLR-XXV/BG/39) noting that current limitations inherent in monitoring, control and surveillance measures will continue to restrict the availability and reliability of information required for estimating IUU catches. These limitations relate to restricted access to information on various aspects of illegal activity, particularly in terms of knowledge gaps on vessel operators and owners, sellers and buyers, and service providers. The European Community suggested that a binding

instrument could be considered to address the issue of nationals and operators which is currently only referred to in Resolution 19/XXI (see paragraph 3.54). The European Community also offered to provide advice for the purpose of trade analysis as suggested by JAG.

2.17 The Committee noted that the new methodology proposed by JAG, when fully developed and tested, would provide WG-FSA with estimates of IUU catches that accounted for the range of uncertainties attached to such estimates. Two particular improvements to the current CCAMLR IUU assessment methodology were suggested:

- (i) the inclusion of a factor expressing the confidence that various types of sightings represent actual IUU activity;
- (ii) the introduction of distributions rather than point estimates for some of the parameters used in the assessment (Annex 6, paragraphs 4.1 to 4.11).

2.18 The WG-FSA Convener advised the Committee that both improvements mentioned above had been briefly tested, i.e. application of the proposed matrix for confidence ranking of IUU event data and the use of available data (catch per day and days per trip) to calculate a statistical description of uncertainty of IUU catch estimates in the form of a distribution of likely catch rates of IUU vessels (SC-CAMLR-XXV, Annex 5, paragraphs 8.4 and 8.5). The Convener of WG-FSA suggested that further work was required in order to understand the relationship of confirmed sightings to unsighted IUU activity.

2.19 The Committee considered a request from JAG as endorsed by WG-FSA and noted by the Scientific Committee (Annex 6, paragraph 4.14; SC-CAMLR-XXV, Annex 5, paragraph 8.14) regarding:

- (i) JAG's proposed matrix for confidence ranking of IUU event data;
- (ii) the vulnerability of different areas to IUU fishing, including the level of surveillance of the fishery, fishable grounds available, ice coverage, access to ports, presence of legal vessels and recorded presence of IUU fishing vessels.

2.20 The Committee also noted that the Secretariat had tested the matrix and proposed a number of changes (SCIC-06/9). Additional evaluation categories and other changes were proposed by Members at the meeting and a revised matrix is provided in Appendix III.

2.21 The Committee recommended that the Commission request the Secretariat to test the matrix intersessionally in order to categorise, in consultation with Members, the vulnerability of different areas in the Convention Area to IUU fishing. In addition, Members were requested to advise the Secretariat of the current levels of surveillance by areas, for example, in terms of days per year or per fishing season. It was noted that the vulnerability of each Convention subarea and division to IUU fishing could vary over time and that the weightings used in the matrix may require adjustment. Therefore SCIC recommended that the Commission request that the Secretariat use both the JAG model matrix and the revised matrix and compare the results.

2.22 The Committee noted the need for estimates of IUU catches to be developed prior to the WG-FSA annual meeting and recommended that the Secretariat prepare IUU estimates by 1 September each year. The estimates would then be circulated to WG-FSA and Commission

Members. The Committee also noted that any comments, additional information or verification by Commission Members should be received by the Secretariat significantly prior to the annual meeting of WG-FSA.

2.23 The Committee noted the need for improved surveillance coverage, especially in those areas which presently have low levels of surveillance.

2.24 In response to a request from JAG to increase surveillance coverage (Annex 6, paragraph 5.9), SCIC recommended that options could include active reporting and surveillance by Member States' licensed fishing vessels in areas of higher vulnerability to IUU fishing.

2.25 SCIC recommendations on reporting and surveillance by Member States' licensed fishing vessels in areas of higher vulnerability to IUU fishing are described in paragraph 3.37.

2.26 Chile informed the Committee of an incident involving the Chilean-flagged vessel *Globalpesca I* that occurred within the Convention Area where an injured crew-member was transhipped at sea to a fishing vessel that was described by the scientific observer as a vessel with no flag and with the name blacked out. Chilean authorities launched an investigation into this incident and, as a result, the vessel was identified as the Togolese-flagged vessel *Sargo*, which is included on the NCP-IUU Vessel List. Uruguay stated that this was a case that clearly demonstrated the value of the Scheme of International Scientific Observation as well as the value of cooperation between Contracting Parties in the framework of CCAMLR.

2.27 The Committee considered that this report illustrated the limited abilities of scientific observers to correctly collect and record factual data on fishing vessel sightings. The Secretariat confirmed that, since the addition of the requirement to report vessel sightings to the list of scientific observer tasks, very little reliable and verifiable information has been collected and reported by observers. The Committee concluded that this was as a result of scientific observers having to complete many other priority tasks as well as a lack of experience in describing details of observed vessels and by limitations in acquiring essential information from the vessel.

IUU Vessel Lists

2.28 In considering the IUU Vessel Lists, on request of the European Community, the Committee discussed possible improvements to the decision-making process for listing IUU vessels.

2.29 Some Members noted that some regional fisheries management organisations followed the practice whereby Members whose flag vessels were being considered for inclusion on an IUU vessel list voluntarily abstained from the decision-making process. Several Members expressed the view that adopting such a practice was important to the credibility of CCAMLR because conservation measures, including those relating to IUU vessel lists, should be implemented by all Members in good faith. These Members believed that such a practice would not undermine the concept of consensus-based decision-making as consensus would be served in the context of decisions being taken in the absence of objection.

2.30 Other Members recalled that the principle of consensus was of fundamental importance to CCAMLR, particularly in the context of the Antarctic Treaty System which promoted the concept of mutual cooperation. Therefore, consensus-based decision-making should not be undermined under any circumstances. These Members were of the view that decisions should only be made on consensus of all CCAMLR Members in keeping with the highest objectives of the Antarctic Treaty System.

2.31 The UK supported this notion but indicated that in its view consensus meant the absence of any expressed objection at the time of adoption of a decision.

2.32 The Committee considered the Provisional CP-IUU and NCP-IUU Vessel Lists for 2006. It also reviewed the IUU vessel lists adopted in 2003, 2004 and 2005 (CCAMLR-XXV/38 Rev. 1). This review covered all evidentiary and supporting information submitted by Members, Flag States and the Secretariat, and was summarised in SCIC-06/6.

2.33 The Committee decided to:

- (i) adopt a Proposed NCP-IUU Vessel List (Appendix IV);
- (ii) recommend to the Commission that the Russian-flagged *Muravyev Amurskiy* (ex Equatorial Guinea-flagged *Sea Storm*) be removed from the NCP-IUU Vessel Lists adopted at the previous annual meeting (Appendix V) in accordance with Conservation Measure 10-07, paragraph 18, as ownership of the vessel has changed and it is documented. The vessel is effectively withdrawn from IUU activity in the Southern Ocean and was now operating in waters under Russian jurisdiction. Australia noted that Russia's registration of this vessel was inconsistent with paragraph 22(v) of Conservation Measure 10-07;
- (iii) move three vessels, *North Ocean*, *East Ocean* and *South Ocean*, included on the NCP-IUU Vessel List adopted at the previous annual meeting to the CP-IUU Vessel List, in light of the fact that they are now flagged to the People's Republic of China which became a Contracting Party to CCAMLR on 19 October 2006;
- (iv) refer the Provisional CP-IUU Vessel List to the Commission for its consideration (Appendix IV).

2.34 The People's Republic of China made the following statement:

'It was proved by the Delegation of the People's Republic of China at the SCIC meeting that the *South Ocean*, *North Ocean*, *East Ocean* and *West Ocean* have no further legal, financial and business links with their previous owners and they are now the property of the China National Fisheries Corporation. In view of the above facts, the Delegation of the People's Republic of China reiterates its appeal to the Commission to consider not to include the above four vessels on the CP-IUU Vessels Lists.'

2.35 France reported that the trial of the Honduras-flagged *Apache I* is still pending in its Supreme Court and recommended that the vessel be retained on the adopted NCP-IUU Vessel List.

2.36 In considering the Russian-flagged vessel *Volna* for inclusion on the Proposed CP-IUU Vessel List, the Committee reviewed correspondence and reports submitted by Russia, New Zealand and the UK in relation to the circumstances which resulted in that vessel being included on the Draft CP-IUU Vessel List for 2006.

2.37 The UK reported that, on 1 February 2006, the UK-flagged *Argos Georgia*, whilst undertaking licensed research fishing, reported sighting the *Volna* inside Subarea 88.2 small-scale research unit (SSRU) A, which was, at that time, closed for fishing. The *Volna* was reported to be actively hauling a longline and was seen to be dumping by-catch of grenadiers overboard. The UK report on this sighting was circulated in COMM CIRC 06/14 on 1 March 2006, in accordance with Conservation Measure 10-06.

2.38 Russia responded in COMM CIRC 06/51 that it had conducted a full investigation into the incident and concluded that the *Volna* was fishing inside Subarea 88.1 in SSRU L which was open for fishing at the time. One of the longlines deployed in SSRU 881L had been torn apart and a part of it had been lost and later encountered in SSRU 882A. The captain decided to haul the part of the longline in SSRU 882A that was closed for fishing. In respect of the reported discarding of by-catch, Russia noted that disciplinary action had been taken against a fisher who had discarded a few grenadiers overboard during the encounter with the *Argos Georgia*.

2.39 The UK had submitted a paper (SCIC-06/11) 'Drift analysis of a longline set from the Russian fishing vessel *Volna* in the Ross Sea' prepared by New Zealand's Institute of Water and Atmospheric Research (NIWA). This analysis indicated that the current was likely to have been flowing in the opposite direction. Consequently, it would not be possible for lines bearing the weight of those set by the *Volna* to have drifted from Subarea 88.1 to SSRU A in Subarea 88.2.

2.40 In response, Russia suggested that the broken longline could drift in a westerly direction from SSRU 881L to SSRU 882A. The possible reasons why the line might drift in a westerly direction may include counter-flowing bottom currents, tide currents or the movement of ice.

2.41 New Zealand noted that the drift analysis paper had been prepared by experts at NIWA who were very familiar with the Ross Sea. It also noted that the sea-ice chart provided by the American National Ice Centre for the period indicated that the area was free of sea-ice.

2.42 Russia insisted that the drift analysis report could not be considered by the Committee for the following reasons:

- (i) it had not been submitted to WG-FSA for consideration so that its reliability could be assessed by experts;
- (ii) it presented conclusions based on large-scale numerical models lacking factual data from Subareas 88.1 and 88.2;
- (iii) it was submitted as a SCIC paper in contravention of the procedures for the submission of papers to meetings of the Commission (CCAMLR-XXII, paragraph 3.6).

2.43 The UK's paper (CCAMLR-XXV/27) also indicated that fresh toothfish offal had been found in the stomachs of fish subsequently caught by the *Argos Georgia*. This indicated that another vessel had recently been discharging offal.

2.44 The Committee noted the Secretariat's information that no other legal fishing vessels apart from the *Argos Georgia* had been reported to be in the immediate vicinity at that time. The view of some Members was that this indicated that the offal could only have been discharged by the *Volna*. Russia responded that, similarly, the offal could have been discharged by the *Argos Georgia* or an undetected IUU vessel.

2.45 The UK also drew the Committee's attention to the reported by-catch rates for the *Volna* which, when compared with by-catch rates reported by other vessels fishing in Subareas 88.1 and 88.2, appeared to lack credibility because of their consistently low level.

2.46 Russia reported that the deployment of longlines by the *Volna* with modified rigging had resulted in much lower levels of by-catch and that full details of the deployment of the new longline gear had been made available to WG-FSA in WG-FSA-06/5 and to SCIC in SCIC-06/16.

2.47 Russia approved the release of VMS positions and haul-by-haul data for the *Volna* exactly for the period 22 January to 4 February 2006 in the format requested by Australia and the UK for consideration by the Committee. In considering this information, Members noted that the VMS positions confirmed that the *Volna* had entered SSRU 882A on a number of occasions during these dates.

2.48 The UK noted that whilst WG-FSA-06/5 provided methodological information on the design of the Russian longlines, no data had been presented in that paper on the efficacy of this fishing technique compared with traditional Spanish longlines.

2.49 Australia, New Zealand and the UK pointed out that the VMS positions indicated active fishing within the closed area throughout the period between 22 January and 1 February 2006 when the *Volna* was detected by the *Argos Georgia* and were inconsistent with haul-by-haul data reported for the same period.

2.50 Russia pointed out that the VMS positions showed that the vessel had only entered SSRU 882A by 9 n miles and that the vessel had been present in SSRU 882A for less than 24 hours at a time which indicated that it was entering the area for the purposes of retrieving a line.

2.51 Australia noted that the VMS data indicated that the *Volna* had produced 49 VMS polls over a 10-day period in the closed area. This compared to 53 polls over a 12-day period in an adjacent portion of equal area in Subarea 88.1.

2.52 New Zealand noted that analysis of the VMS positions provided by the Secretariat for the *Volna* during the period from 22 January to 4 February 2006 strongly reinforced the view that the *Volna* had been engaged in illegal fishing operations in SSRU 882A. It provided examples from this analysis which indicated the setting and hauling of longlines by the *Volna* in SSRU 882A. New Zealand requested that the VMS positions for the *Volna* be made available to the Committee in Excel spreadsheet format, including latitude and longitude coordinates, to enable a comprehensive analysis.

2.53 Russia pointed out that it had cooperated openly with SCIC and provided all data requested by Members. Russia noted that there has never been a case in the practice of CCAMLR where such comprehensive data had been provided by a Flag State. The data provided did not indicate any violation of measures currently in force. However, New Zealand and the UK continued to request the same sets of data in different formats. In this regard, Russia denied the request from New Zealand on the basis that further discussions on the same data would not shed any new light on the case under consideration. Russia found no grounds for providing VMS position coordinates in Excel format.

2.54 New Zealand expressed regret at the denial of its request. New Zealand, UK and Australia proposed that the *Volna* be included on the Proposed CP-IUU Vessel List 2006 for IUU fishing in SSRU 882A for consideration by the Commission.

2.55 Russia stated that VMS and haul-by-haul data presented by Russia clearly indicated that the *Volna* had set longlines exclusively in SSRU 881L and that only one line had unpredictably drifted into SSRU 882A. No factual evidence proving otherwise was submitted by New Zealand and the UK. Russia reminded the Committee that, as a result of the investigation of the *Volna* case by Russian authorities (COMM CIRC 06/51), captains of Russian vessels had been given strict instructions to take all necessary steps to prevent the setting of fishing gear in close proximity to closed areas.

2.56 Russia noted that other vessels had contravened conservation measures in force during the current season and were not being considered for inclusion on the IUU vessel lists.

2.57 The Chair expressed her concern and recognised that, although the discussion had been lengthy and that all the information provided by Russia had been considered by the Committee, it did not seem possible for the Committee to reach a conclusion on the matter, and concluded that it be forwarded to the Commission for resolution.

2.58 The Committee noted that the vessel *Maya V*, which had been included on the CP-IUU Vessel List after being apprehended by Australia, had been deregistered by Uruguay and was currently in the possession of the Australian Government as a deregistered flagless vessel.

2.59 In considering the Provisional NCP-IUU Vessel Lists, the Committee's attention was drawn to diplomatic demarches made to Equatorial Guinea by European Community, France and South Africa, and to Togo by Australia, European Community, France and South Africa. The Committee noted that no responses had yet been received to any of these demarches or to any correspondence from the Secretariat in respect of the Draft IUU Vessel Lists.

2.60 In relation to Contracting Party nationals involved in IUU activities under the jurisdiction of non-Contracting Party States, Spain reiterated that it has a national legislation which provides for action to be taken against such nationals. The first step of this process is for the government to send letters to the authorities of the concerned States. The second step is to institute legal proceedings when there is sufficient admissible evidence.

2.61 In recent years, Spain has sent a number of letters to non-Contracting Party governments, but up to now no replies have been forthcoming, nor has sufficient admissible evidence been obtainable for the institution of legal proceedings.

2.62 Norway reported that the Panamanian-flagged cargo vessel *Seed Leaf* had a Norwegian owner on a bare-boat charter to a company in the Republic of Korea, who had been unaware that the vessel had contravened CCAMLR measures. The European Community reported that the vessel was operated by a Netherlands company based in the Netherlands Antilles which also operates another vessel which had participated in transshipment activities in contravention of the measures of the North East Atlantic Fisheries Commission (NEAFC).

III. REVIEW OF COMPLIANCE AND IMPLEMENTATION-RELATED MEASURES AND POLICIES

System of Inspection

3.1 In 2005/06 Members designated 46 inspectors, of which four were reported to have been deployed and to have conducted 14 at-sea inspections of vessels. Three UK-designated CCAMLR inspectors conducted 13 inspections in Subarea 48.3 and one Australian-designated CCAMLR inspector conducted one inspection in Division 58.4.3b.

3.2 Australia submitted a proposal for improvements to the System of Inspection (CCAMLR-XXV/43). The proposal was considered by the Committee but was not agreed due to lack of time and the proposal was forwarded to the Commission for further consideration (see paragraph 3.48).

3.3 The Committee agreed with the proposal made by the Secretariat that full copies of inspectors' reports would continue to be circulated via the CCAMLR website but would only be provided in summary format to SCIC unless they contained a report of a case of non-compliance.

Reports on compliance with conservation measures

3.4 The Committee noted that reports of inspections conducted in ports on fishing vessels during the 2005/06 intersessional period had been submitted only by Namibia, New Zealand, South Africa and the UK.

3.5 The Committee noted that many Members still failed to submit reports of port inspections conducted despite the obligation under Conservation Measure 10-03. The Secretariat was requested to increase its efforts to remind Members to submit a report on each occasion where the Secretariat was able to determine that a vessel had unloaded toothfish in a particular Member port.

3.6 The Committee reviewed reports from South Africa and Namibia regarding port inspections conducted on the vessels *Aldabra*, *Black Moon*, *Chilbo San 33*, *Perseverance*, *Ross* and *Tropic*, three of which were on the NCP-IUU Vessel List. *Aldabra*, *Black Moon* and *Chilbo San 33* had called at the port of Durban, South Africa, and *Perseverance*, *Ross* and *Tropic* had called at Walvis Bay, Namibia, during 2006. All vessels were found to have no fish on board upon arrival in port.

3.7 The European Community noted that such reports should have been made available to Members in order to facilitate the implementation of Conservation Measures 10-06 and 10-07 and support diplomatic demarches. It requested that such reports be communicated in the future.

3.8 Namibia indicated the difficulties in circulating inspection reports to Contracting Parties in the absence of such provision in current conservation measures.

3.9 South Africa noted the difficulties involved with the inspection of cargo vessels and reefers and requested advice from any Members with experience in the matter.

3.10 Several Members noted that Conservation Measure 10-03 only applies to vessels carrying toothfish and that consideration needed to be given to measures which addressed IUU-listed vessels calling at Member ports for purposes other than *force majeure*.

3.11 Some Members expressed concern at vessels on the Commission's IUU Vessel Lists gaining access to Parties' ports. The Committee considered some proposals to amend a number of conservation measures to prevent any future non-emergency access. No final text was agreed on these measures and the proposals were passed to the Commission for its consideration (see paragraph 3.43).

3.12 The Secretariat reported on the implementation and operation of the Centralised Vessel Monitoring System (C-VMS) during the 2005/06 season and advised the Committee that, whilst no particular problems had been experienced, some Members could improve the quality and formatting of C-VMS data submitted.

3.13 Spain reported that it continued to cooperate and apply the C-VMS despite the inability to send encrypted messages due to the incompatibility of the software used by the Secretariat and Members. A solution should be put in place so as to secure the confidentiality of such data.

3.14 Several Members endorsed the Secretariat's comment that direct reporting, i.e. where position data are transmitted to the Secretariat directly from the satellite service provider to the Secretariat, was generally found to be a more efficient method of data submission, both in terms of data quality and cost effectiveness. These Members recommended that all other Members consider using the direct method of reporting.

3.15 Other Members noted that indirect reporting was not inefficient as such and this was confirmed by the Secretariat.

3.16 The Secretariat also reported that it had released C-VMS data in accordance with Conservation Measure 10-04, paragraph 20, in support of a surveillance operation conducted by New Zealand.

3.17 The Secretariat reported that, whilst it had not released C-VMS data in order to verify claims made on *Dissostichus* catch documents (DCDs), some CDS Contact Officers had contacted the Secretariat in the course of authorising CDS documentation in order to confirm that certain vessels were participating in the C-VMS.

3.18 The Committee noted that the Secretariat had continued subscribing to the web-based Lloyds database 'Seaweb' and had trialled another Lloyds product, 'Seasearcher'. The

Committee noted the Secretariat's comments that a subscription to 'Seasearcher' was expensive but nevertheless expressed the view that it might be of value and requested that the Secretariat approach Lloyds with a view to obtaining a reduced rate for a subscription limited to fishing and cargo vessels.

3.19 Russia made the following statement:

'SSRUs 882A and 882B can be considered ecologically sensitive areas which are closed for commercial fishing. According to Conservation Measure 24-01 it is possible to conduct scientific research in such areas on condition that the amount of catch in each area cannot exceed 10 tonnes. The notification of the UK for 2005/06 that the *Argos Georgia* managed to catch 17 tonnes in SSRU 882A, that is direct violation of the catch limit set by the said conservation measure and constitutes a fishing activity falling under the category dealt with by Conservation Measure 10-06, paragraph 5(iii), i.e. fishing in a closed area in contravention of CCAMLR measures.

We would like to mention that scientific research is essential for the prediction of possible development of marine resources in the area. In connection therewith the provisions of the abovementioned measures allow the conduct of scientific research in the closed area. It should be noted that as a result of this infringement the UK failed to conduct any research inside SSRU 881B.

Haul-by-haul data provided by the UK in its notification (CCAMLR-XXV/27, Figure 2) indicate that the *Argos Georgia* had four longlines deployed at the time. Deployment of this set for the first time resulted in a catch of five tonnes that comprised 50% of the allowable catch limit. The second hauling of the line resulted in some 12 tonnes of toothfish. As a result, the catch limit was exceeded by 70% and the research plan for SSRU 881B was abandoned.

We would like to draw the Committee's attention to another piece of information contained in the UK's notification. It is said that the fact of overfishing depended on the occasion and was connected with the reality of unpredictable fishing. In the case of the *Volna* we have a similar situation when fishing gear unpredictably drifted outside the open fishing SSRU 881L.

We are wondering whether we should talk in a manner of non-discriminating approach and consider the questions according to the idea of conservation and rational exploitation of marine living resources.'

3.20 The UK acknowledged that the *Argos Georgia* had exceeded the allowable catch limit. However, the vessel had not anticipated its catch rate increasing so suddenly and, when this occurred, the vessel immediately ceased fishing. The UK was of the view that the initial low CPUE of the *Argos Georgia* was due to IUU activities in the immediate vicinity just prior to the *Argos Georgia* setting its longlines. The UK expressed the view that it had reported the incident in a completely transparent manner and referred the Committee to CCAMLR-XXV/BG/3. This set out a detailed account of the research fishing of the *Argos Georgia*. The UK, whilst regretting the minor overshoot of the catch, did not consider this to be a case of deliberate non-compliance. Several Members had expressed satisfaction with the UK's explanation of the situation.

3.21 Russia made the following statement:

‘Prior to conservation measures on listing IUU vessels were adopted, all responsibilities for imposing sanctions and prosecutions of vessels found in violation of conservation measures resided with Flag States.

The current listing of IUU vessels now follows a procedure by which any vessel of a Contracting Party could be included, *a priori*, in the draft IUU vessel list based on evidence reported by a Member that that vessel was engaged in one or a number of fishing activities listed in that conservation measure. The list of such activities concludes with a final provision stating that evidence required could relate to fishing activities contrary to any other measures in a manner that undermines the attainment of the Convention objectives (Conservation Measure 10-06, paragraph 5(viii)).

The Flag State of the vessel alleged with a report of evidence has only rights to comment on the evidence report received. The vessel, despite the substance of comments received, will be moved from the Draft to the Provisional IUU Vessel List. The provisional list with comments of Flag States should then be distributed to all Contracting and non-Contracting Parties participating in CDS with a request not to register or deregister the vessel until such time as the Commission has made its determination.

Despite the work initiated by the Commission on the compliance evaluation procedure, the procedure has not yet been developed and, consequently, the Commission has no current means to evaluate objectively the level of non-compliance of vessels reported in breach of conservation measures, by any meaningful and agreed criteria. Likewise, the Commission has no agreed means on defining or recommending the level of sanctions which might be imposed on such vessels by their Flag States.

In the absence of a compliance evaluation procedure, the Commission currently decides to list a vessel solely on the evidence report received and comments from the Flag State. Without the required compliance evaluation procedure, it leaves the IUU-listing decision-making process open to potentially biased evidence and motivations of Parties involved.

Therefore, in the opinion of the Russian Delegation it is beneficial to elaborate a system categorising all possible kinds of infringements and an appropriate level of sanctions to be imposed on such vessels by SCIC and/or Flag State. We strongly believe that appropriate penalty shall follow any infringement without any exception of selectiveness. The offending vessels could be included in the Draft IUU Vessel List only in case of substantial gravity and/or repetition of the offence.’

3.22 Russia suggested that the issues should be discussed on the basis of transparency and equality. However, the documentary evidence of the obvious violations by other States’ flag vessels had not been appropriately considered and evaluated. In particular, Russia reiterated the issue of the violation by the UK-flagged *Argos Georgia* which had fished 70% in excess of the catch limit in SSRU 882A (CCAMLR-XXV/27 and BG/3).

3.23 Russia also reminded the Committee that a Maltese-flagged vessel, *Dalmor II*, had fished for krill inside the Convention Area during the 2005/06 season under a licence issued by Poland. The European Community recalled that correspondence regarding this vessel had been distributed to Members by the Secretariat. Australia's view on the status of the *Dalmor II* had been expressed in COMM CIRCs 06/25 and 06/26.

3.24 Russia believed that both cases were to be deemed as obvious IUU activity. Russia believed that the Committee should address all cases of infringement or non-compliance in an objective manner. Russia expressed the view that no Member should be exempt from a review of non-compliance by SCIC and the Commission.

3.25 The UK noted that no other Member had spoken in support of Russia's position.

Compliance evaluation procedure

3.26 Following a request from the Commission (CCAMLR-XXIV, paragraph 6.11; CCAMLR-XXIII, Annex 5, paragraph 3.28) the Secretariat has analysed compliance-related information currently submitted by Members in accordance with conservation measures in force and identified the key compliance elements.

3.27 As requested, the Secretariat circulated the results of its analysis in April 2006 (COMM CIRC 06/40) and invited Members to comment, which Russia and New Zealand had subsequently done. These comments were used in preparing a background paper on key compliance elements and a summary of compliance information for the 2005/06 season which were presented to SCIC for consideration (CCAMLR-XXV/37 and SCIC-06/10).

3.28 All compliance-related information currently submitted by Members was divided into three groups:

- (i) reports on alleged infringements of conservation measures received from inspectors, port and customs officials made in accordance with the System of Inspection, port inspections, CDS and IUU conservation measures as well as reports made in accordance with Articles X and XXII of the Convention;
- (ii) various notifications and data submissions from Flag States made in accordance with conservation measures regulating fishing activities in the Convention Area;
- (iii) compliance-related data collected by scientific observers designated in accordance with the CCAMLR Scheme of International Scientific Observation.

3.29 Information for group (i) requires consideration of alleged infringements of conservation measures on a case-by-case basis and does not require additional identification of key compliance elements. Groups (ii) and (iii) comprise information for which key compliance elements could be identified to evaluate compliance with conservation measures in accordance with the procedure proposed by the Commission (CCAMLR-XXIII, paragraph 6.7).

3.30 The Secretariat noted that it had identified key compliance elements for the above groups of information taking into account the nature of the impact(s) associated with possible

infringements. Such impacts, in part, were categorised in terms of fisheries administration and resource management in respect of targeted, dependent and related species, and the environment. Consequently the risk associated with these impact categories could be described as technical and related directly to the sustainability of fisheries in the context of Article II of the Convention.

3.31 In addition to general key compliance elements ‘deadline’ and ‘completeness’, the Secretariat proposed to consider an additional element ‘amendments’ and apply this to submission of catch and effort reports (e.g. five-day catch and effort reports). It also proposed to take account of occasional and sometimes substantial amendments to original catch and effort reports. Such amendments, when made close to, or after, the fishery closure date, could lead to an overrun of the total catch limit (CCAMLR-XXV/BG/3, paragraphs 25 to 29).

3.32 The Committee thanked the Science/Compliance Officer for a very thorough and well-structured analysis and recommendations.

3.33 There was a brief discussion of papers presented and Members made a number of observations. In general, Members expressed caution that the application of the proposed compliance assessment procedure could result in an annual identification of ‘penalties’ and ‘rewards’. Members also believed that the procedure should include an annual review of vessel performance in relation to compliance with conservation measures using main compliance categories such as critical compliance infringements and minor non-compliance with technical elements. The results of such annual reviews could assist the Commission in taking decisions on the provision of vessel access to each fishery. As an example, it was proposed that the Commission may consider applying a rule by which, if a vessel has been found to exhibit a low level of compliance with key compliance measures over several seasons, it could be disqualified from further participation in a fishery until such time as the Flag State of the vessel concerned had conducted further investigation and applied, if required, sanctions to enforce full compliance.

3.34 The Committee agreed that further examination of key-compliance elements and development of evaluation criteria could best be advanced intersessionally by a group of experts nominated by Members and that this group should be convened by the SCIC Vice-Chair, Ms T. Akkers (South Africa). Initially the group will work via email and the Secretariat was requested to set up a webpage for its use. It was also proposed that the group should attempt to meet in Hobart on the Friday or Saturday immediately preceding CCAMLR-XXVI. Members were requested to nominate experts to the group by April 2007.

3.35 SCIC adopted the following terms of reference for the intersessional group:

- (i) Develop a model of a standard evaluation procedure that can consistently be used to evaluate performance of vessels with conservation measures in force.
- (ii) Select and prioritise key compliance elements.
- (iii) Identify evaluation criteria.
- (iv) Clarify issues of responsibilities and deadlines as identified by the Secretariat in SCIC-06/10.

- (v) Identify amendments to conservation measures which could be required to enable more effective evaluation of compliance with these measures.
- (vi) Provide an example of compliance evaluation using summaries of compliance information for the 2005/06 season (SCIC-06/10).

Proposals for new and revised measures

3.36 SCIC considered a wide range of proposals from Members and the Secretariat for new and revised measures.

3.37 In response to the report of the JAG meeting, the Committee considered an amendment to Conservation Measure 10-02 requiring licensed fishing vessels to report sightings of other fishing and support vessels within the Convention Area (SCIC-06/8 and CCAMLR-XXV/BG/25). It is intended that information on sightings will be used by the Secretariat to estimate IUU catches in the Convention Area. SCIC recommended to the Commission that it amend Conservation Measure 10-02 in accordance with the revised text provided in CCAMLR-XXV/BG/48.

3.38 The Committee considered proposals by the Secretariat to amend Conservation Measure 10-04 to clarify the requirements for reporting exits from the Convention Area and a format for indirect reporting of VMS positions by email (CCAMLR-XXV/BG/13). In general discussion, it was noted that VMS data could be used by the Secretariat to monitor the entry of licensed fishing vessels into areas closed to fishing, or into areas for which the vessel is not licensed to fish. SCIC agreed to recommend that the Commission amend Conservation Measure 10-04 to clarify reporting requirements in accordance with the revised text provided in CCAMLR-XXV/BG/48.

3.39 Australia proposed to amend Conservation Measure 10-05 to make it explicit that the CDS be administered by government officials acting under the direction of the government authority (CCAMLR-XXV/41). SCIC agreed that this was the intent of the existing conservation measure and recommended minor changes to Conservation Measure 10-05 to affirm this.

3.40 A further proposal was made by the European Community to amend Conservation Measure 10-05 to include a process for CCAMLR to officially recognise non-Contracting Parties cooperating in the implementation of the CDS (SCIC-06/14). The proposed annex to Conservation Measure 10-05 was amended so that the process included in the annex was linked explicitly within the text of Conservation Measure 10-05.

3.41 SCIC agreed to recommend that the Commission amend Conservation Measure 10-05 in accordance with the revised text provided in CCAMLR-XXV/BG/48.

3.42 Argentina reserved its position expressing that the term 'non-Contracting Parties' only refers to non-Contracting State Parties.

3.43 Members of the Committee were generally supportive of proposals by Australia to tighten controls on port access by vessels listed on the CP-IUU and NCP-IUU Vessel Lists (CCAMLR-XXV/44). Some Members expressed a need to seek advice from other

government officials regarding the enforcement actions they could take should they permit access to ports by such vessels. Russia expressed concern over the breadth and certain coercive nature of the proposed changes to the conservation measure and whilst responses from capitals were still pending it would be untimely and premature to take this question to the Commission for adoption. Russia welcomed intersessional work to resolve the remaining questions. Argentina expressed concern with regard to some of the proposed changes. SCIC agreed to forward an amended draft of Conservation Measures 10-06 and 10-07 to the Commission for further consideration (CCAMLR-XXV/BG/49).

3.44 Australia proposed an amendment to Conservation Measure 10-07 to establish a list of non-Contracting Party States with IUU listed vessels (CCAMLR-XXV/44). The proposal also included a number of measures that Members could take in respect of those States. SCIC agreed to forward the text to the Commission for further consideration to give Parties time to consult with capitals (CCAMLR-XXV/BG/49).

3.45 Russia was not convinced that it would be productive to recommend the existing draft to the Commission for adoption as more time was needed for examination of the broadly changed text.

3.46 During general discussion on the implementation of the System of Inspection, Spain raised concern that its ability to act on the content of CCAMLR inspection reports issued by other Members' inspectors was limited. Members considered a proposal to amend the System of Inspection so as to enable Contracting Parties to treat the reports from inspectors of Designating Members under this scheme on the same basis as reports from its own inspectors. SCIC agreed to forward the text to the Commission for further consideration to give Parties time to consult with capitals (CCAMLR-XXV/BG/49).

3.47 In considering this issue, the Committee noted that the terms 'Designating State' and 'Designating Member' had been used interchangeably within the System of Inspection. SCIC agreed that the term 'Designating Member' should be used and recommended that the Commission adopt the amended clarification (CCAMLR-XXV/BG/49).

3.48 Australia proposed that it was timely to review and, in some places, strengthen the System of Inspection (CCAMLR-XXV/43). The Committee welcomed the considerable efforts of Australia to review the system. Several Members expressed their desire to consider the proposal intersessionally. SCIC therefore agreed to recommend to the Commission that it establish an intersessional working group to consider the proposal further. Australia offered to lead this group.

3.49 Australia proposed an addition to the existing CCAMLR Cooperation Policy (Resolution 24/XXIV) of an annex establishing a CCAMLR cooperation enhancement program (CCAMLR-XXV/40). The Committee welcomed the additional direction the annex provided to the existing policy, amending the proposal to provide for the establishment of a special fund from which cooperation activities could be funded. The Committee also considered that the existing cooperation policy be better publicised to Contracting Parties and non-Contracting Parties alike. SCIC agreed to amend the CCAMLR Cooperation Policy and recommended that the Commission adopt the amended annex (CCAMLR-XXV/BG/48).

3.50 Several proposals to establish new conservation measures were considered by the Committee. Within these discussions, Argentina made clear its view that unless otherwise provided for within a conservation measure, conservation measures applied only to activities within the Convention Area.

3.51 Australia proposed a measure establishing an interim prohibition of deep-water gillnet fishing in the Convention Area (WG-FSA-06/46 and CCAMLR-XXV/45). The Committee agreed that such a fishery should be prohibited until such time as the Commission has agreed, on the basis of advice from the Scientific Committee, that such a method may be used in the Convention Area. The Committee agreed to a draft conservation measure establishing such a prohibition and recommended that the Commission adopt the draft measure (CCAMLR-XXV/BG/48).

3.52 France proposed a measure on the conservation of shark stocks (SCIC-06/3 and CCAMLR-XXV/35). This proposal arose from concerns raised in the report of the JAG meeting and international concern for the status of shark stocks. The Committee agreed to a draft conservation measure establishing a prohibition on directed fishing for shark in the Convention Area and recommended that the Commission adopt the draft measure (CCAMLR-XXV/BG/48).

3.53 In addition, the Committee requested advice from the Scientific Committee including on the following elements:

- (i) the ratio of by-catch of sharks which could be allowed in any SSRU or combination of SSRUs;
- (ii) the ratio of fins-to-body weight of sharks;
- (iii) the ratio of livers-to-body weight of sharks;
- (iv) the ways and means to improve the selectivity of fishing gear to reduce by-catches of shark as far as possible;
- (v) to the greatest extent possible, the identification of shark breeding areas.

3.54 A proposal by the European Community to adopt a scheme to promote compliance by Contracting Party nationals with CCAMLR conservation measures which had already been adopted by other international fora was also considered by the Committee (SCIC-06/12). Concerns were raised by some Members as to, *inter alia*, the ability to domestically implement and enforce aspects of the proposed conservation measure. The draft was amended to take account of some Members' concerns and SCIC agreed to forward it to the Commission for further consideration (CCAMLR-XXV/BG/49).

3.55 The European Community also proposed a new measure adopting trade measures to promote compliance (SCIC-06/13). The European Community stressed that similar measures are already in force in other fora. Members noted a link between the proposed measure and a related proposal by Australia (CCAMLR-XXV/44) and the current provisions within Conservation Measures 10-06 and 10-07 to take trade measures. Again, Members raised concerns, *inter alia*, as to the ability to domestically implement and enforce aspects of the

proposed conservation measure. The draft was amended to take account of some Members' concerns and SCIC agreed to forward it to the Commission for further consideration (CCAMLR-XXV/BG/49).

3.56 Australia proposed a new measure to combat IUU fishing in the Convention Area by non-Contracting Parties (CCAMLR-XXV/44). Some Members remained concerned, *inter alia*, about their ability to domestically implement and enforce aspects of the proposed conservation measure. The draft was amended to take account of some Members' concerns and SCIC agreed to forward it to the Commission for further consideration (CCAMLR-XXV/BG/49).

3.57 The Committee did not feel that it was within its competence to consider proposals for ice-strengthening requirements for fishing vessels (CCAMLR-XXV/BG/14) and a general measure on environmental protection during fishing (CCAMLR-XXV/10). SCIC recommended that the Commission examine these proposed measures at its earliest opportunity.

IV. CATCH DOCUMENTATION SCHEME (CDS)

Implementation and operation of the CDS

4.1 The Committee reviewed implementation of the CDS during the 2005/06 intersessional period and noted that although Singapore and Seychelles were still implementing the CDS as non-Contracting Parties, Singapore only implemented the CDS in respect of authorising re-export documents and Seychelles was no longer reported to be involved in the harvest or trade of toothfish.

4.2 The Committee noted the People's Republic of China as a new Acceding State to CCAMLR and expressed the hope that it would be able to facilitate the future participation in the CDS of the Hong Kong Special Administrative Region in the near future.

4.3 The People's Republic of China assured the Committee that it would give positive consideration to initiate its internal consultation in this regard. In the meantime, the People's Republic of China advised that any concerns regarding the trade of toothfish to or from the Hong Kong Special Administrative Region could be referred to the People's Republic of China authorities in Beijing.

4.4 The European Community confirmed that the appropriate CDS data were communicated to the Secretariat in a timely manner to support the deliberation of its annual report. The fact that the European Community's annual report, for which no deadline existed, was made available after the preparation of the Secretariat report does not affect the implementation of the CDS.

E-CDS trial

4.5 The Committee reviewed the successful implementation of the ongoing E-CDS trial and noted that the majority of Members were now using electronic documentation exclusively and all other Members had used it to some extent.

4.6 The Committee considered a number of modifications and improvements proposed to the website software contained in CCAMLR-XXV/34 which also contained a proposal to the CDS Fund Review Panel to approve expenditure from the CDS Fund.

4.7 The Committee noted a number of additional suggestions submitted by France in CCAMLR-XXV/20, many of which could be accommodated within the scope of the existing proposal. The remaining suggestions would be further investigated by the Secretariat during the 2006/07 intersessional period.

V. SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

5.1 SC-CAMLR-XXV/BG/10 provided a summary of scientific observation programs undertaken in accordance with the CCAMLR Scheme of International Scientific Observation for the 2005/06 season. Scientific observers designated under the scheme and national scientific observers were deployed on all vessels in all finfish fisheries in the Convention Area. A total of 54 observation programs were undertaken (37 longline, 9 finfish trawl, 5 krill trawl and 3 pot cruises). All data collection and reporting were undertaken in accordance with the scheme.

5.2 The Committee received and discussed the advice from the Chair of the Scientific Committee relating to the need for the deployment of scientific observers on board krill fishing vessels to facilitate the collection of important data on by-catch, mitigation measures, krill and juvenile fish biology. Such data would enable a more complete understanding of the impact of this fishery on the ecosystem. The current observer priorities identified by the Scientific Committee were to collect data to: (i) compare different krill fishing methods; (ii) determine the level of by-catch of larval finfish; and (iii) better understand and document the incidence of warp-strike by seabirds.

5.3 The Committee also noted a proposal from Ukraine addressing scientific observations on krill vessels which required amendments to Conservation Measures 51-01, 51-02 and 51-03 (SC-CAMLR-XXV/BG/17).

5.4 In general, advice received from the Scientific Committee was supported by most Members. However, Japan and the Republic of Korea were not in a position to support the 100% observer coverage for the krill fishery due to the following considerations:

- (i) although the need for scientists to obtain the necessary data for analysis is understood, it does not justify that 100% observer coverage is necessary in light of the healthy conditions of krill resources;
- (ii) as the krill fishery was not a fishery like the toothfish fishery which targets depleted resources, there was no justification to treat it the same way and apply the same strict requirements for observers;

- (iii) the issue of by-catch of fish larvae, birds and seals was not a problem as reported in the past, in particular, for Japanese krill fishing vessels mainly due to low towing speed and short duration of hauls.

5.5 Australia stated that it did not share Japan's views about these matters and considered that, amongst other elements, increased observer coverage was required on vessels harvesting krill.

5.6 Japan also advised that it was ready to accept international scientific observers on board krill fishing vessels to be designated in accordance with bilateral agreements.

5.7 Due to the lack of consensus on this issue, the Committee was unable to recommend to the Commission that the use of scientific observers on board krill vessels should become mandatory.

5.8 The Chair of the Scientific Committee also drew the Committee's attention to the fact that in 2005/06, all but five vessels achieved a tagging rate of more than one toothfish per one tonne of toothfish caught. The vessels which failed to achieve the required tagging rate during fisheries in Subareas 88.1 and 88.2 were *Antartic II* (Argentina), *Frøyanes* (Norway), *Volna* and *Yantar* (Russia) and *Viking Sur* (Uruguay) (SC-CAMLR-XXV, Table 5).

5.9 The Flag States concerned commented that the vessels experienced problems either in relation to the division of responsibilities between the vessels and scientific observers or due to an inability of some vessel operators to secure the required number of tags prior to undertaking fishing.

5.10 Regarding the question of the division of responsibilities, the Committee supported the Scientific Committee's recommendation that Conservation Measure 41-01, Annex C, be amended to clarify the roles and responsibilities of the vessel and observers in relation to the tagging program. It emphasised that responsibility for tagging, tag recovery and correct reporting rests with the Flag State; and the CCAMLR scientific observer, in cooperation with the fishing vessel, is normally expected to undertake the tagging program.

5.11 In terms of compliance with the tagging requirements in exploratory fisheries, some Members generally recommended that access to exploratory fisheries be denied to those fishing vessels that failed to achieve the required fish tagging rates in the previous three successive seasons.

5.12 The Chair of the Scientific Committee also advised SCIC of the Scientific Committee's recommendation that the Commission authorise the Secretariat to routinely use VMS data to validate positions reported in fine-scale and observer data, including tagging data. SCIC viewed the recommendations as requiring substantial consideration before it could fully evaluate all aspects of the proposal's implications in terms of access and use of VMS data, required validation procedures, development of an automated set of C-VMS database queries to perform this task, as well as any additional Secretariat workload along with the potential costs involved.

5.13 The Committee therefore recommended that the Commission request the Secretariat to conduct a feasibility study of the proposal, to evaluate the costs involved and to report the results to SCIC next year.

5.14 The Committee noted advice from the Chair of the Scientific Committee that CCAMLR-XXV/10 'General environmental protection during fishing' had been discussed by the Scientific Committee which had found the paper worthy of further discussion. The Scientific Committee, however, found that it did not have the mandate to consider the matter. Finding merit in the paper, the Committee also generally agreed that it required further consideration by the Commission (paragraph 3.57).

VI. ELECTION OF THE CHAIR OF THE COMMITTEE

6.1 The Committee unanimously re-elected Ms Carvajal as the Chair of SCIC for the next two years (2007 and 2008). The Committee congratulated Ms Carvajal on her reappointment and commended her for her excellent work during the past two meetings.

VII. OTHER BUSINESS

7.1 The Committee noted with general concern that Vanuatu had advised the Secretariat that it intended to harvest krill in the Convention Area with five super-trawlers (CCAMLR-XXV/46). Vanuatu had indicated that it wished to do this in a manner which would not undermine the effectiveness of CCAMLR conservation measures.

7.2 The Committee noted that Acceding States are bound by all conservation measures and notification procedures and requirements, including the required consideration of all applications by the Scientific Committee.

7.3 Therefore, Vanuatu was required to provide all information as requested by the Secretariat. In addition, the USA also suggested that Vanuatu be asked to respond to a questionnaire on krill fishery dynamics as circulated to Members in SC CIRC 06/39 of 7 September 2006.

7.4 In particular, in respect to Vanuatu's intention to apply for krill fishing in the Convention Area, Members had the following questions:

- (i) Which of Vanuatu's two ship registers was used to register the five super-trawlers mentioned in the correspondence received from Vanuatu: the register for domestic vessels or the register for foreign-owned vessels?
- (ii) Does Vanuatu exercise full Flag State control over activities of these vessels and where are the vessels located or fishing now?
- (iii) What ports would be used for landing the catch?

7.5 The UK noted problems the Commission has experienced with the Vanuatu-flagged vessel *Atlantic Navigator* fishing for two seasons in Subarea 48.3 in terms of its submission of fine-scale haul-by-haul data. The UK further noted that although Vanuatu is entitled and has agreed to become a Member of the Commission, Vanuatu has taken no appropriate steps to

achieve this. Therefore, CCAMLR should consider the intention of Vanuatu to continue fishing for krill in the light of its obligation to become a Member of the Commission and pay the required annual fee.

7.6 Following consultation with the European Community, the Secretariat suggested that cover pages of any document submitted to the Commission to be considered by SCIC, should contain the appropriate agenda item under which it will be considered by SCIC. Marking SCIC agenda items on Commission papers would assist delegates in preparing for SCIC debates in advance of the meeting. The proposal was agreed.

7.7 Argentina made the following statement:

‘With reference to port inspections as well as to inspections carried out in the CCAMLR area and further unilateral action taken by the UK, such as imposing licences on other Members’ vessels wishing to fish in waters surrounding the South Georgia and South Sandwich Islands, Argentina reserved its well-known legal position, including in this regard, also action taken by vessels in and operating off the Malvinas Islands, South Georgia and the South Sandwich Islands. These and the surrounding waters are an integral part of the Argentine National Territory and are subject to the illegitimate occupation by the UK. According to the Convention and the Chairman’s Statement, only the multilateral system of the Convention is applicable in those waters. Argentina recalled its position which remains unvaried and was already expressed on the occasion of the illegal arrest and further prosecution of the Chilean vessel *Antonio Lorenzo* in 1996.’

7.8 In response, the UK made the following statement:

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

The port inspections undertaken by the Port authorities of the respective governments of the UK’s Overseas Territories of South Georgia and the South Sandwich Islands and the Falkland Islands were conducted pursuant to the UK’s obligations under CCAMLR Conservation Measure 10-03 and were reported to the Commission as such.

Furthermore the UK has the right, as provided for under paragraph 5 of the 1980 Chairman’s Statement to undertake inspections within those of its jurisdictional waters that lie within Subareas 48.2, 48.3 and 48.4 in the way that it sees fit. In addition, the UK remains committed to the implementation of the System of Observation and Inspection of CCAMLR and our record of doing so is clearly apparent in this Commission.

Argentina’s references to the vessel *Antonio Lorenzo* are somewhat perverse. The vessel was clearly fishing illegally when it was apprehended and fined in Subarea 48.3 in 1992. The vessel’s illegal status was subsequently substantiated by the fact that the vessel was also fined by its national authorities in 1997 for contravening CCAMLR

conservation measures. The vessel was again apprehended for fishing illegally by the French authorities in 1998 following which it was convicted and scuttled in 1999. Given the circumstances, the criticism by Argentina is misplaced.

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

7.9 Argentina made the following statement:

‘While rejecting the statement by the UK and reaffirming Argentine sovereignty over the Malvinas, South Georgia and the South Sandwich Islands and the surrounding waters, Argentina reminded that, in the case of the Chilean vessel *Antonio Lorenzo*, immediately following a CCAMLR inspection carried out by a UK-designated CCAMLR inspector, this inspector imposed an illegal procedure reported in CCAMLR-XV, Annex 5, paragraphs 1.73 and 1.74. As stated by Argentina at that time, such dual procedure erodes the multilateral system of the Convention.

In response to the references by the UK to subsequent illegal developments involving the vessel Argentina indicated that in no way such later behaviour is able to justify the illegality of the previous UK actions.

With respect to the UK statement that it remains “wholly committed to the principles and objectives of CCAMLR” Argentina noted that the UK seems not to feel bound by CCAMLR conservation measures. See WG-EMM-06/7 and WG-FSA-06/51 according to which the illegitimate administration of the South Georgia and South Sandwich Islands is described as operating either “following advice” or “under the auspices” of CCAMLR.

This situation deriving from an untenable interpretation of the Convention and the Chairman’s Statement 1980 serves the purpose of further carrying out unilateral action by the UK in CCAMLR waters.’

7.10 The UK indicated that it reserved its right to respond to the Argentine intervention in the Commission.

VIII. ADVICE TO SCAF

8.1 The following matters considered by the Committee have financial implications:

- (i) proposed modifications to the E-CDS web software for expenditure from the CDS Fund;
- (ii) development of an automated database for comparing C-VMS and haul-by-haul and observer data. The Secretariat is to prepare a feasibility study on the work and costs involved prior to the CCAMLR-XXVI meeting;

- (iii) a possible future subscription to the Lloyds 'Seasearcher' database. The Secretariat is to negotiate with Lloyds for a reduction in the full cost of US\$7 750 per annum.

IX. ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

9.1 The report of SCIC was adopted and the meeting closed. The Chair thanked the Secretariat and the Committee, and Mr M. Bartholomew (New Zealand) for his excellent work convening the task group on conservation measures. The Committee thanked the Chair.

AGENDA

Standing Committee on Implementation and Compliance (SCIC)
(Hobart, Australia, 23 to 27 October 2006)

1. Opening of the meeting
 - (i) Adoption of the agenda
 - (ii) Organisation of the meeting
 - (iii) Review of submitted papers, reports and other presentations
2. IUU fishing in the Convention Area
 - (i) Current level of IUU fishing
 - (ii) Procedure for estimation of IUU catches
 - (iii) IUU Vessel Lists
3. Review of compliance and implementation-related measures and policies
 - (i) Compliance with conservation measures in force
 - (ii) Compliance evaluation procedure
 - (iii) Proposals for new and revised measures
4. Catch Documentation Scheme (CDS)
5. Scheme of International Scientific Observation
6. Election of the Chair of the Committee
7. Other business
8. Advice to the Commission
9. Advice to SCAF
10. Adoption of the report
11. Close of the meeting.

LIST OF DOCUMENTS

Standing Committee on Implementation and Compliance (SCIC)
(Hobart, Australia, 23 to 27 October 2006)

SCIC-06/1	Provisional Agenda for the 2006 Meeting of the CCAMLR Standing Committee on Implementation and Compliance (SCIC)
SCIC-06/2 Rev. 1	List of documents
SCIC-06/3	Evolution des comportements de pêche dans l'exploitation des ressources halieutiques dans la zone des Terres australes et antarctiques françaises (TAAF) : vers un nouveau type de pêche illicite France
SCIC-06/4 Rev. 1	Vessels notified to participate in exploratory fisheries in the 2006/07 season Secretariat
SCIC-06/5 Rev. 1	Catch Documentation Scheme (CDS) annual summary reports, 2006 Secretariat
SCIC-06/6	Supplementary information for consideration under Conservation Measures 10-06 and 10-07 Secretariat
SCIC-06/7	Extracts from the reports of the Working Group on Fish Stock Assessment (total removals of <i>Dissostichus</i> spp. including IUU catches in the Convention Area) Secretariat
SCIC-06/8	Current requirements for reporting IUU activity Secretariat
SCIC-06/9	New methodology for estimating IUU catches Secretariat
SCIC-06/10	Identification of key compliance elements: summary of compliance information for 2005/06 season Secretariat

SCIC-06/11	Drift analysis of a longline set from the Russian fishing vessel <i>Volna</i> in the Ross Sea Delegation of the United Kingdom
SCIC-06/12	EC draft proposal on a scheme to promote compliance by Contracting Party Nationals with CCAMLR conservation measures Delegation of the European Community
SCIC-06/13	EC draft proposal for a conservation measure concerning the adoption of trade measures to promote compliance Delegation of the European Community
SCIC-06/14	EC draft proposal on criteria for attaining the status of cooperating non party related to the implementation of the Catch Documentation Scheme for <i>Dissostichus</i> spp. by amendment of Conservation Measure 10-05 Delegation of the European Community
SCIC-06/15	Legal proceedings plan on transshipment prohibition of illegal catches (toothfish) Delegation of the Republic of Korea
SCIC-06/16	Correspondence from Russia in response to COMM CIRC 06/111 of 10 October 2006 Russian Federation
SCIC-06/17	Report to SCIC on the Meeting of the Joint Assessment Group Submitted by JAG Co-convener

Other Documents	
CCAMLR-XXV/7	Report of the Meeting of the Joint Assessment Group (Walvis Bay, Namibia, 17 to 19 July 2006)
CCAMLR-XXV/10	General environmental protection during fishing Secretariat
CCAMLR-XXV/34	CDS Fund Panel proposal Secretariat
CCAMLR-XXV/35	An upsurge in directed fishing for or by-catch of sharks in the Convention Area – draft conservation measure for the conservation of sharks catches associated with fisheries managed by CCAMLR Delegation of France

CCAMLR-XXV/37	Evaluation of compliance with conservation measures: identification of key compliance elements Secretariat
CCAMLR-XXV/38	Implementation of Conservation Measures 10-06 and 10-07: Provisional Lists of IUU vessels, 2006 Secretariat
CCAMLR-XXV/40	A proposal that CCAMLR adopt and implement a cooperation enhancement program Delegation of Australia
CCAMLR-XXV/41	A proposal that CCAMLR clarify Catch Documentation Scheme (CDS) definitions Delegation of Australia
CCAMLR-XXV/43	A proposal to review and strengthen the CCAMLR vessel inspection system Delegation of Australia
CCAMLR-XXV/44	A draft conservation measure on combatting illegal, unreported and unregulated fishing in the Convention Area by the vessels of non-Contracting parties Delegation of Australia
CCAMLR-XXV/BG/3	Implementation of fishery conservation measures in 2005/06 Secretariat
CCAMLR-XXV/BG/3 CORRIGENDUM	Implementation of fishery conservation measures in 2005/06 Secretariat
CCAMLR-XXV/BG/9 Rev. 1	Implementation of the System of Inspection and other CCAMLR enforcement provisions in 2005/06 Secretariat
CCAMLR-XXV/BG/10	Implementation and operation of the Catch Documentation Scheme in 2005/06 Secretariat
CCAMLR-XXV/BG/13	Implementation and operation of the Centralised Vessel Monitoring System (C-VMS) in 2005/06 Secretariat
CCAMLR-XXV/BG/14	Ice-strengthening classification of fishing vessels Secretariat
CCAMLR-XXV/BG/15	Introduction of gillnet fishing in the Convention Area Secretariat

CCAMLR-XXV/BG/17	Scientific observation on krill fishing vessels: proposal to amend Conservation Measures 51-01, 51-02 and 51-03 Delegation of Ukraine
CCAMLR-XXV/BG/20	Point de situation faisant suite au travail intersessionnel sur l'E-CDS Délégation française
CCAMLR-XXV/BG/21	Assessment of IUU fishing in the French waters bordering Kerguelen and Crozet Islands for season 2005/06 (1 July 2005 to 30 June 2006) General information concerning CCAMLR Area 58 Delegation of France (available in English and French)
CCAMLR-XXV/BG/25	Report on the transfer of a crew member from the vessel <i>Globalpesca I</i> during exploratory fishing in the area of CCAMLR Delegation of Chile (available in English and Spanish)
CCAMLR-XXV/BG/28	Measures to prevent and deter illegal, unreported and unregulated fishing Submitted by ASOC
CCAMLR-XXV/BG/29	The use of Port State measures to improve fisheries compliance at the international level Issues and instruments – the CCAMLR case Submitted by ASOC
CCAMLR-XXV/BG/32	Heard Island and McDonald Islands Exclusive Economic Zone – 2005/06 IUU catch estimate for Patagonian toothfish Delegation of Australia
CCAMLR-XXV/BG/38	IUU catch in the Convention Area by the <i>Taruman</i> during 2004/05 season Delegation of Australia
CCAMLR-XXV/BG/39	Meeting of the Joint Assessment Group (17 to 19 July 2006) Comments of DG FISH Delegation of the European Community
CCAMLR-XXV/BG/44	Report on port inspections of vessels on IUU list Delegation of South Africa
CCAMLR-XXV/BG/48	New and revised conservation measures recommended by SCIC for adoption by the Commission

CCAMLR-XXV/BG/49	Proposals for new and revised measures submitted by SCIC to the Commission for further consideration
SC-CAMLR-XXV/BG/10	Summary of scientific observation programmes undertaken during the 2005/06 season Secretariat
WG-FSA-06/11 Rev. 2	Estimation of IUU catches in the Convention Area in the 2005/06 fishing season Secretariat
WG-FSA-06/38	A summary of scientific observations related to Conservation Measures 25-01 (1996), 25-02 (2005) and 25-03 (2003) Secretariat

**CRITERIA FOR ASSIGNING WEIGHTS
TO OBSERVATIONS OF IUU ACTIVITY**

Table 1: Criteria for assigning weights to observations of IUU activity as approved by JAG.

Category	Weighting factor				
	High 5	4	3	2	Low 1
Sighting	Longline fishing vessel sighted in CCAMLR waters		Gillnet fishing vessel sighted in CCAMLR waters	Fishing gear detected in CCAMLR waters	Fisheries support vessel (fish carrier, refuel) detected in CCAMLR waters
Identification	ID confirmed and unlicensed for CCAMLR waters				ID unconfirmed
Information source	Surveillance platform, at-sea inspection	Multiple legal fishing vessels	Legal fishing vessel		Other
Vessel activity	Gear deployed and fishing	Vessel in area on known fishing grounds		Vessel in area on unlikely fishing grounds and not fishing	Unknown
Vulnerability	History of extensive IUU activity		History of limited IUU activity		Area unlikely to support IUU activity (e.g. depth, ice constraints, extensive surveillance)

Table 2: Criteria for assigning weights to observations of IUU activity as amended and approved by SCIC.

Category	Weighting factor				
	High 5	4	3	2	Low 1
Sighting	Longline fishing vessel sighted in CCAMLR waters	Fishing vessel sighted in CCAMLR waters, gear unknown	Fishing gear detected in CCAMLR waters	Fisheries support vessel (fish carrier, refuel) detected in CCAMLR waters	
Identification	ID confirmed and unlicensed for CCAMLR waters		ID unconfirmed		
Information source	Surveillance platform, at-sea inspection	Multiple vessels verified by two or more sources	Single vessel		Informal, unverifiable source
Vessel activity	Gear deployed and fishing	Vessel in area on known fishing grounds, gear not deployed but sighted in close proximity	Vessel in area on known fishing grounds but not fishing, no gear in proximity	Vessel in area on unlikely fishing grounds and not fishing	Unknown
Vulnerability	Known fishing grounds, low surveillance/enforcement deterrent factor (e.g. unpatrolled high seas)		New/developing fishery, some surveillance/enforcement deterrent factor		Area unlikely to support IUU activity (e.g. depth, ice constraints, extensive surveillance)

**PROVISIONAL LIST OF CONTRACTING PARTY IUU VESSELS
(CONSERVATION MEASURE 10-06)**

AND

**PROPOSED LIST OF NON-CONTRACTING PARTY IUU VESSELS
(CONSERVATION MEASURE 10-07)**

PROVISIONAL LIST OF CONTRACTING PARTY IUU VESSELS 2006 (CONSERVATION MEASURE 10-06)

Current name	Current flag	Lloyds/IMO no.	Call sign	Previous name(s) if known	Previous flag(s)	Nature of activity	Date(s) of incident	Ownership history ¹ (last reported is underlined)	Flag State comments
<i>Volna</i>	Russia	9262833	UEEH	<i>Isabel</i>	Bolivia	Unlicensed fishing and dumping of by-catch, SSRU 882A.	01 Feb 06	Sun Hope Investments <u>LLC Laguna</u>	Comm Circs 06/51 and 06/77 from Russia
<i>West Ocean</i> ²	People's Republic of China	9230646	BZTX8	1. <i>Darwin</i> 2. <i>Darwin-1</i> 3. <i>Kiev</i>	1. Bolivia 2. Russia 3. Georgia	Fishing inside Division 58.4.1	09 Dec 05 21 Feb 06	- Sun Hope Investments - Pacific Andes Enterprises - Profit Peak <u>- China National Fisheries Corporation</u>	From People's Republic of China

¹ People's Republic of China advised that the vessel was reported to have engaged in IUU activities prior to People's Republic of China becoming a Contracting Party.

² Ownership history is sourced mainly from Lloyds Registry and only records dating back to 1980 have been listed here. The date in parenthesis is the date on which the ownership was reported to have come into effect. The latest reported owner is underlined. However, this information may not necessarily be current or correct.

PROPOSED LIST OF NON-CONTRACTING PARTY IUU VESSELS 2006 (CONSERVATION MEASURE 10-07)

Current name	Current flag	Lloyds/IMO no.	Call sign	Previous name(s) if known	Previous flag(s)	Nature of activity	Date(s) of incident	Ownership history ¹ (last reported is underlined)	Flag State comments
<i>Comet</i> (originally included on the Provisional NCP-IUU List as <i>Odin</i>)	Togo	8324139	XUFX9	1. <i>Esperance, Anyo</i> 2. <i>Anyo Maru No. 23</i> 3. <i>Aldebaran I</i> 4. <i>Odin</i>	1. France 2. Japan 3. France 4. Cambodia	Fishing inside Division 58.4.3b	10 Dec 05 23 May 06	- Peche Avenir S.A. <u>- Credraf Associates SA,</u> <u>c- Jose Manuel</u> <u>Salgueiro, Spain</u>	Not received
<i>Perseverance</i>	Equatorial Guinea	6622642	3CM2190	<i>Mila</i>	UK	Sighted inside Division 58.4.3b	22 May 06	- Prion Ltd - Mercury Ltd <u>- Ocean Fishing SA,</u> <u>Spain</u>	Not received
<i>Seed Leaf</i>	Panama	8913992	3ENS8	n/a	n/a	Undocumented transshipment	23 Feb 06	<u>- Sandnes Dampskibs,</u> <u>Norway</u>	Not received
<i>Tropic</i>	Equatorial Guinea	6607666	3CM2191	<i>Isla Graciosa</i>	South Africa	Fishing inside Division 58.4.3b	23 May 06	- Arniston Fish Processors (Pty) Ltd - Pesca Antartida, South Africa <u>- Nalanza S.A., Canary Islands</u>	Not received
<i>Typhoon I</i>	Togo	6905408	5VTN6	1. <i>Arctic Ranger</i> 2. <i>Rubin</i>	1. UK 2. Seychelles	Fishing inside Division 58.4.2	05 Feb 06	- Southern Shipping Ltd <u>- Vistasur Holding Inc.,</u> <u>Spain</u>	Not received

¹ Ownership history is sourced mainly from Lloyds Registry and only records dating back to 1980 have been listed here. The date in parenthesis is the date on which the ownership was reported to have come into effect. The latest reported owner is underlined. However, this information may not necessarily be current or correct.

IUU VESSEL LISTS FOR 2003, 2004 AND 2005 COMBINED

COMBINED IUU VESSEL LISTS ADOPTED IN 2003, 2004 AND 2005

Contracting Party IUU Vessel List (Conservation Measure 10-06)

Names and flags under which the vessels were originally listed are underlined.

Current name	Current flag	Lloyds/IMO no.	Current call sign	Previous name(s)	Previous flag(s)	Ownership history ¹ (last reported is underlined)	Nature of activity	Date(s) of incident	Year listed
<i>Viarsa I</i>	Uruguay	8001335	CXYU	<i>Starlet No. 901</i>		- Viarsa Fishing Co. (Jan 02) - Operator: Navalmar SA	Sighted inside Division 58.5.1 Apprehended 58.5.2	7 Aug 03 3 Feb 04	2003
<i>Maya V</i>	Flagless	8882818			Uruguay	- Globe Fishers (98) - Campopesca (99) - Rainbow Fisheries (Feb 03)	Fishing inside Division 58.5.2 Apprehended	23 Jan 04	2004
<i>North Ocean</i> ^{*2}	People's Republic of China*	9230658	BZZW5	1. <i>Boston</i> 2. <i>Boston-1</i> <u>3. <i>Jian Yuan</i></u>	1. Bolivia 2. Russia <u>3. Georgia</u>	- Sunhope Investment (00) - Great Feat Inc. (c/- Sunhope Investment) (Oct 04) <u>- China National Fisheries Corporation</u>	Fishing inside Division 58.4.3b	25 Feb 05	2005
<i>East Ocean</i> ^{*2}	People's Republic of China*	9230660	BZZW6	1. <i>Champion</i> <u>2. <i>Champion-1</i></u> 3. <i>Kang Yuan</i>	1. Bolivia <u>2. Russia</u> 3. Georgia	- Sunhope Investments (01) <u>- Profit Peak (Oct 04)</u> (Operator: Kando Maritime)	Fishing inside Division 58.4.3	22 Apr 04	2004
<i>South Ocean</i> ²	People's Republic of China	9230646	Unknown	1. <i>Austin</i> 2. <i>Austin-1</i> <u>3. <i>Koko</i></u>	1. Bolivia 2. Russia <u>3. Georgia</u>	- Sunhope Investment (00) - Koko Fishery (Feb 03) <u>- Great Feat Inc., c/- Sunhope Investment (Sep 05)</u> China National Fisheries Corporation	Inside Division 58.4.3	24 Apr 04	2004

¹ Ownership history is sourced mainly from Lloyds Registry and only records dating back to 1980 have been listed here. The date in parenthesis is the date on which the ownership was reported to have come into effect. The latest reported owner is underlined. However, this information may not necessarily be current or correct.

² People's Republic of China advised that the vessels participated in IUU activity prior to People's Republic of China becoming a Contracting Party.

* Names and/or flags which have changed since 2005 are marked with * in the 'current name' and 'current flag' columns.

Vessel proposed for deletion from the adopted IUU Vessel List

Names and flags under which the vessels were originally listed are underlined.

Current name	Current flag	Lloyds/IMO no.	Current call sign	Previous name(s)	Previous flag(s)	Ownership history ¹ (last reported is underlined)	Year included on list	Reason for deletion
<i>Muravyev Amurskiy</i> *	Russia*	9146352	UESA	1. <i>Christina Glacial</i> 2. <i>American Warrior</i> 3. <i>Mohicano</i> <u>4. Sea Storm</u>	1. Panama 2. USA 3. Honduras <u>4. Equatorial Guinea</u>	- Glacial Shipping (97) - Staplefield Investments SA(04) - Derime (Aug 05) <u>- Tymlatskiy</u> <u>Rymbokombinat</u>	2005	Change of ownership. Now operating exclusively under Russian jurisdiction.

¹ Ownership history is sourced mainly from Lloyds Registry and only records dating back to 1980 have been listed here. The date in parenthesis is the date on which the ownership was reported to have come into effect. The latest reported owner is underlined. However, this information may not necessarily be current or correct.

* Names and/or flags which have changed since 2005 are marked with * in the 'current name' and 'current flag' columns.

Non-Contracting Party IUU Vessel List (Conservation Measure 10-07)

Names and flags under which the vessels were originally listed are underlined.

Current name	Current flag	Lloyds/ IMO no.	Current call sign	Previous name(s)	Previous flag(s)	Ownership history ¹ (last reported is underlined)	Nature of activity	Date(s) of incident	Year listed
<i>Amorinn</i>	Togo	7036345	5VAN9	1. <i>Noemi</i> 2. <i>Lome</i> 3. <i>Iceberg II</i>	1. Belize 2-3. Togo	- Infitco (1998) - Seric Business SA (unknown) - Sold to undisclosed interests (Jul 03)	Inside Division 58.4.2	23 Jan 04	2003
<i>Apache I</i>	Honduras	9142693	unknown	1. <i>Caroline Glacial</i> 2. <i>America I</i>	1. Panama 2. USA	- Kongshawn Shipping (01) - Long Liners (03) - Staplefield Investments SA (Apr 04)	Fishing Division 58.5.1 Apprehended	25 Jun 04	2004
<i>Black Moon*</i>	Democratic People's Republic of Korea*	7322897	HO3746	1. <i>Dorita</i> 2. <i>Magnus</i> 3. <i>Thule</i> 4. <i>Eolo</i> 5. <i>Red Moon</i>	1. Uruguay 2. St Vincent & Grenadines 3-4. Equatorial Guinea 5. Democratic People's Republic of Korea	- Meteora Development Inc (Feb 04) (Operator: Vidal Armadores)	Inside Division 58.5.2	31 Jan 04	2003
<i>Chilbo San 33*</i>	Democratic People's Republic of Korea*	9042001	HMWM5	1. <i>Carran</i> 2. <u>Hammer</u>	1. Uruguay 2. <u>Togo</u>	- Fadilur SA (Aug 04) - Global Intercontinental Services (05) (Operator: Vidal Armadores)	Undocumented landing, Malaysia	Aug 04	2004
<i>Gold Dragon*</i>	Equatorial Guinea	6803961	3CM2150	1. <i>Mare</i> 2. <i>Notre Dame</i> 3. <u>Golden Sun</u>	1. Namibia 2. Bolivia 3. Equatorial Guinea	- Monteco Shipping (Feb 03), (Operator: Capensis)	Fishing inside Division 58.4.3	22 Apr 04	2003
<i>Duero*</i>	Panama*	7322926	unknown	1. <i>Sherpa Uno</i> 2. <u>Keta</u>	1. Uruguay 2. <u>Unknown</u>	- C&S Fisheries (Sep 96) - Muner SA (00)	Sighted Division 58.5.1	20 Dec 02 3 Feb 04	2004
<i>Red Lion 22</i>	Equatorial Guinea	7930034	3CM2149	1. <i>Big Star</i> 2. <i>Praslin</i> 3. <u>Lucky Star</u>	1. Honduras 2. Seychelles 3. Ghana 3. Equatorial Guinea	- Big Star International (Oct 98) - Praslin Corporation (Nov 00) - Transglove Investment Inc. (Sep 03)	Fishing inside Division 58.4.3	22 Apr 04	2003
<i>Rex*</i>	Togo	6818930	SVCR8	1. <i>Cisne Azul</i> 2. <i>Viking</i> 3. <i>Inca</i> 4. <u>Condor</u>	1. Belize 2. Seychelles 3-4. Togo	- Arcosmar Fisheries (99) - Lopez JMS (01) - Premier Business (03) (Operator: Jose Manuel Salgueiro)	Fishing inside Division 58.4.3b Fishing inside Division 58.4.4a	25 Feb 05 2 Aug 05	2005
<i>Sargo</i>	Togo	5428908	5VSO3	1. <u>Lugalpesca</u> 2. <i>Hoking</i>	1. <u>Uruguay</u> 2. Togo	- Jose Lorenzo SL (80) - Vibu Pesquera (Oct 05)	Inside Division 58.5.1	1 Dec 02 4 Jun 03	2003

(continued)

Non-Contracting Party IUU Vessel List (Conservation Measure 10-07) (continued)

Names and flags under which the vessels were originally listed are underlined.

Current name	Current flag	Lloyds/ IMO no.	Current call sign	Previous name(s)	Previous flag(s)	Ownership history ¹ (last reported is underlined)	Nature of activity	Date(s) of incident	Year listed
<i>Gale</i> *	Democratic People's Republic of Korea*	8713392	HMWM7	1. <i>Piscis</i> <u>2. <i>South Boy</i></u>	1. Uruguay <u>2. <i>Equatorial Guinea</i></u>	- <u>Cazenove International SA (03)</u> (Operator: Insuabela)	Supporting IUU activities of <i>Thule</i>	5 Apr 04	2004
<i>Ross</i>	Togo	7388267	5VR54	1. <i>Lena</i> <u>2. <i>Alos</i></u>	1. Seychelles <u>2. <i>Ghana</i></u>	- Lena Enterprises (01) <u>- Grupo Ova Perez SL (Aug 03)</u>	Fishing Subarea 58.7	Mar–Apr 04	2003
<i>Taruman</i>	Cambodia	7235733	XUGW9	1. <i>Sora</i>	1. Panama	<u>- Rulfend Corporation (05)</u> (Operator: Rivadulla MD)	Sighted fishing in Subarea 88.1.	15 Jun 05	2005

¹ Ownership history is sourced mainly from Lloyds Registry and only records dating back to 1980 have been listed here. The date in parenthesis is the date on which the ownership was reported to have come into effect. The latest reported owner is underlined. However, this information may not necessarily be current or correct.

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REPORT OF THE JOINT ASSESSMENT GROUP (JAG)
(Walvis Bay, Namibia, 17 to 19 July 2006)

CONTENTS

	Page
MEETING OBJECTIVES AND AGENDA.....	201
CURRENT METHODOLOGY FOR ESTIMATING IUU CATCHES	202
Limitations to the current methodology	202
SENSITIVITY OF STOCK ASSESSMENTS TO LEVELS OF UNCERTAINTY IN IUU CATCH ESTIMATES.....	203
OPTIONS FOR IMPROVING THE CURRENT METHODOLOGY	204
Surveillance and reporting	206
ESTIMATING UNDETECTED IUU ACTIVITY.....	206
Analysis of trade statistics	207
Sampling methods	207
Estimation in assessment models.....	208
New gears	208
REVIEW OF HISTORICAL IUU CATCH ESTIMATES	209
CONCLUSIONS AND RECOMMENDATIONS	210
Estimating undetected IUU activity.....	212
ADOPTION OF THE REPORT AND CLOSE OF THE MEETING.....	213
REFERENCES	213
TABLES AND FIGURES	214
ATTACHMENT 1: Agenda.....	217
ATTACHMENT 2: List of participants	218
ATTACHMENT 3: List of documents	219

REPORT OF THE MEETING OF THE JOINT ASSESSMENT GROUP

(Walvis Bay, Namibia, 17 to 19 July 2006)

MEETING OBJECTIVES AND AGENDA

1.1 In accordance with a decision taken by the Commission (CCAMLR-XXIV, paragraphs 8.3 to 8.6), the meeting of the Joint Assessment Group (JAG) was held from 17 to 19 July 2006, in Walvis Bay, Namibia, in conjunction with the meeting of WG-EMM. The meeting was co-convened by Ms R. Tuttle (USA) and Dr D. Agnew (UK).

1.2 In considering its agenda, JAG noted the following requests of the Scientific Committee (SC-CAMLR-XXIV, paragraphs 7.4 to 7.6) and that these fell within the JAG's Terms of Reference (CCAMLR-XXIV, Annex 7):

- (i) to consider development of estimation methods for IUU catches in order to prepare the best estimates of IUU fishing as model inputs (e.g. in CASAL) rather than 'conservative' or 'precautionary' estimates;
- (ii) to continue work to better understand the effectiveness of different levels of observation in detecting levels of IUU activity;
- (iii) to consider undertaking a review of the historical series of IUU catches with respect to the assumptions made by WG-FSA in estimating these catches;
- (iv) to consider whether qualitative information could be provided for each of the CCAMLR areas, so that the level of monitoring needed for those areas can be classified along with an indication as to whether the level of monitoring changed significantly from the previous year.

1.3 The draft meeting agenda prepared by the Commission (CCAMLR-XXIV, Annex 7) was revised in order to streamline and structure JAG's discussion of all items and to facilitate preparation of advice to both SCIC and the Scientific Committee. The revised agenda was adopted.

1.4 The revised agenda, list of participants and list of documents considered by JAG are attached (Attachments I to III respectively).

1.5 Keeping in mind that JAG is a joint body, it is anticipated that its report will be considered by the Commission and the Scientific Committee in the following order:

- WG-FSA (including JAG-06/7);
- Scientific Committee (including comments and recommendations made by WG-FSA);
- SCIC (including preliminary advice received from the Scientific Committee and a Secretariat paper on current requirements on reporting IUU activity);
- Commission (including advice received from SCIC and the Scientific Committee).

CURRENT METHODOLOGY FOR ESTIMATING IUU CATCHES

2.1 Details of past and current methodologies for estimating IUU catches of toothfish were considered (JAG-06/6).

2.2 JAG noted that the current methodology is a compliance-related deterministic approach. The current methodology uses the number of IUU vessels active in a subarea or division, combined with estimates of the likely fishing trip duration for an IUU vessel in the area, the number of likely fishing trips per vessel represented by a sighting, and the likely catch rate in that area to arrive at an estimate of IUU catch of toothfish. The following information is taken into consideration:

- (i) number, type and size of vessels sighted engaged in IUU fishing and reported by CCAMLR Members or reported via other sources;
- (ii) type and size of CCAMLR licensed vessels, their catch and effort, and duration of fishing trips reported;
- (iii) reports of recovered illegal longline gear;
- (iv) reports of undocumented landings;
- (v) catch and effort information from vessels apprehended for IUU fishing by Coastal States in the Convention Area;
- (vi) fish product conversion factors, when necessary to apply them, as agreed by WG-FSA in 1999 and amended in 2000.

Limitations to the current methodology

2.3 JAG noted that the current methodology does not identify uncertainties, in particular that:

- (i) IUU catch estimates do not include a credible minimum and maximum range;
- (ii) there are no criteria by which to categorise levels of surveillance coverage by season or by area;
- (iii) fishing duration as currently expressed is confusing;
- (iv) the extrapolation of IUU catch estimates for periods when surveillance is absent does not identify the number of fishable days per month, particularly for October and November, and per area;
- (v) CPUE (catch rates per day) is not currently defined separately for different types of vessel (for example, it may include gear, hold size and nationality, gross registered tonnage) and the impact of possible transshipments may need to be taken into account;

- (vi) it does not account for known trends in assumed parameters (number of fishing trips, days fished per trip and catch rate per day).

2.4 In considering the Scientific Committee's view that IUU estimates for the 1998/99 to 2000/01 seasons had particular uncertainties attached to them (SC-CAMLR-XXIV, Annex 5, paragraph 8.8), JAG:

- (i) investigated methods of considering uncertainty, including qualitative data;
- (ii) developed criteria for a weighting of each IUU event observed¹;
- (iii) developed an expression of uncertainty in historical periods.

2.5 Further details of the JAG discussions of the items listed above are in sections 4 and 5 below.

SENSITIVITY OF STOCK ASSESSMENTS TO LEVELS OF UNCERTAINTY IN IUU CATCH ESTIMATES

3.1 The Steering Committee of JAG and WG-FSA had asked WG-FSA-SAM to consider the consequences of under- or overestimating IUU on the estimates of biomass and yields (SC-CAMLR-XXIV, Annex 5, paragraph 8.7). The response from WG-FSA-SAM was given in paragraphs 8.5 to 8.9 of the report of the WG-FSA-SAM (WG-FSA-06/6). In summary:

- (i) WG-FSA-SAM agreed that assuming a higher catch for the purposes of assessment is likely, in many cases, not to be precautionary. In general a best estimate of IUU is required for assessments, but it would additionally be useful to have information on the range of the uncertainty of the IUU estimate. The effects of the uncertainty in the IUU estimates on the assessment results and yields could then be evaluated by WG-FSA-SAM, in the same way as uncertainty in other parameters (WG-FSA-06/6, paragraph 8.7).
- (ii) Last year WG-FSA had decided that it should assume two alternative scenarios with respect to estimates of IUU in the current season: (i) that they were accurate up to the date of the meeting, and that these estimates should be included in assessments; and (ii) that they were uncertain and should not be included in assessments (SC-CAMLR-XXIV, Annex 5, paragraph 8.3). WG-FSA-SAM suggested that the long- and short-term consequences of adopting either scenario should be investigated, given a range of assumptions about the true level of IUU catches (WG-FSA-06/6, paragraph 8.8).

3.2 The results of a set of operating model/estimation model experiments that investigated the impact of incorrect assumptions of the level of IUU catch on model estimates of initial and current biomass under a range of scenarios were presented (JAG-06/10). This paper reported simulations conducted using CASAL over a limited range of scenarios for a

¹ For the purposes of JAG, an IUU event is defined as an event, a record of which contains information which enables it to be identified as IUU fishing activity in contravention of CCAMLR conservation measures in force. Such records should include information on the time and geographical location of the event.

hypothetical stock with a hypothetical catch history, and with CPUE, catch-at-age, trawl survey, and tag–recapture observations. The stock assessment models were similar to the CASAL models current being used in Subarea 48.3, Division 58.5.2 and the Ross Sea.

3.3 The results for these simulations suggest that, in general the inclusion of an overestimate of IUU catch resulted in an overestimate of stock productivity, and hence an overestimate of initial and current biomass. However, a limitation of the simulation experiments was that they considered only short series of IUU catch over periods of the fishery either before or during the period when observations were available from the underlying population, and with the exception of tagging data, used observation types that were relative, not absolute, indices of abundance.

3.4 In general, these simulated scenarios suggest that, with these model types (i) the inclusion of an overestimate of IUU catch is not usually conservative, (ii) the time period when the IUU catch occurs within the time period of the model can impact the level of model bias (the degree to which the model over- or underestimates true population status), and (iii) bias was less in scenarios where a greater number of types of observations were included within the estimation model.

3.5 It was explained that these conclusions are broadly within expectations for the type of assessment methods employed by CASAL. JAG noted that roughly opposite conclusions are likely to apply to the assessment methods employed by GYM, which uses forward projections from known stock status rather than the backward fitting of observations. JAG also noted that this confirmed the initial expectations of WG-FSA (SC-CAMLR-XXIV, Annex 5, paragraph 8.7).

3.6 JAG-06/10 also suggested that, until a greater understanding of how different models react to inaccurate estimates of IUU catch, it may be prudent to conduct sensitivity trials for individual stocks for the various alternative scenarios of IUU catch in each specific case.

3.7 JAG noted that while WG-FSA had used the two scenarios for the inclusion of IUU catch in some assessments at WG-FSA-05 (see paragraph 3.1(ii)), WG-FSA-SAM-06 had suggested that the consequences of these approaches would need to be addressed at WG-FSA-06. JAG agreed that the approach used by WG-FSA in 2005 may not be the best method in future assessments and drew attention to its later discussions of uncertainty in sections 4, 6 and 7.

3.8 JAG agreed that assuming a higher IUU catch for the purposes of assessment is likely, in many cases, not to be precautionary for some assessments. In general a best estimate of IUU is required for assessments, but it would additionally be useful to have information on the range of the uncertainty in the IUU catch estimated.

OPTIONS FOR IMPROVING THE CURRENT METHODOLOGY

4.1 Currently IUU catch is estimated as follows:

$$\text{IUU catch} = [\text{number of vessels}] \times [\text{trip duration (days)}] \times [\text{number of trips per year}] \times [\text{catch rate (tonnes/day)}].$$

4.2 There are three scenarios within the current approach where uncertainty needs to be considered:

- (i) uncertainty in whether a reported IUU fishing event was in fact an IUU fishing event;
- (ii) when assuming an IUU fishing event, uncertainty in the catch associated with that event;
- (iii) uncertainty in the level of IUU fishing actually detected within the Convention Area.

4.3 It was agreed that the first two of these issues could be refined within the current methodology so as to provide estimates of uncertainty rather than the current point estimate of IUU catch. The third issue can only be addressed through alternative sampling or simulation-based techniques, and these are considered in section 5. This third uncertainty has led the Scientific Committee to advise, from 1997 to 2001 (SC-CAMLR-XVIII, paragraph 5.32; SC-CAMLR-XIX, paragraph 2.16; SC-CAMLR-XX, paragraph 2.11), that estimates of IUU fishing are probably underestimates of the real level of IUU fishing.

4.4 In considering improvements to the current methodology for estimating levels of IUU fishing, the JAG investigated the use of a decision tree approach to the determination of a relative level of certainty for reported IUU events. JAG also considered a qualitative approach (JAG-06/8) to assessing the relative reliability or uncertainty of information connected with the IUU vessels fishing in CCAMLR waters. While the decision-tree approach showed some value for constructing models, the group proposed a simplified version of the matrix set out in JAG-06/8 (Table 1) as a basis for the estimation of uncertainty of an IUU event occurring that could be applied by the Secretariat.

4.5 It is envisioned that the matrix be used to ascertain a relative value of certainty associated with a reported IUU event, and that the level of uncertainty determined be introduced to the process for calculating IUU catch associated with detected events by converting the relative uncertainty to a probability measure.

4.6 JAG agreed that the Secretariat trial the matrix in 2006 to determine the applicability of the matrix to assessing uncertainty by using historic IUU reports for selected fisheries for the years 2003 to 2005, and to report the results of this trial to the IUU Subgroup of WG-FSA.

4.7 JAG discussed a method for deriving a cumulative total of IUU catch within a season for each area. To do this, two further parameters (probability and distributions of days fished and CPUE) are required to convert the calculation from a deterministic point estimate to an estimate which includes a description of uncertainty.

4.8 Within this context, the relative probability of an individual IUU event (as derived from a reliability score) could be multiplied by the distribution of catch for that event where the distribution of the catch was derived from a distribution of fishing days multiplied by a distribution of daily catch rates, subject to constraints, e.g. hold capacity. Then the total IUU catch may be calculated as the sum of the distributions of each individual event.

4.9 For example, given five IUU events within an area in a season, with probabilities and catches (assumed, for the purposes of this example, to be lognormally distributed with CV 0.3) as given in the Table 2, then (i) a distribution of catch for each event can be derived, and (ii) the distribution of the total catch can be derived as the sum of the individual events.

4.10 In order to investigate this, the distributions of both numbers of days fished per season and catch per day will have to be determined. The Secretariat and WG-FSA are requested to examine the available data from which to calculate these distributions.

4.11 JAG recommended that WG-FSA be tasked with the development of the above method.

Surveillance and reporting

4.12 JAG noted the information in the Secretariat's report (JAG-06/6) regarding the level of surveillance of CCAMLR fisheries. It agreed that there was a disparity between the levels of surveillance of CCAMLR fisheries, and that where this level of surveillance was low, this was likely to reduce the Commission's ability to detect IUU events.

4.13 JAG endorsed a proposal that SCIC determine a level of vulnerability to IUU fishing for CCAMLR fisheries. JAG considered such an assessment could be modelled on the work of ad hoc WG-IMAF on assessing seabird mortality risk in CCAMLR fisheries by statistical subarea or division. In making an assessment, JAG suggested that SCIC consider:

- level of surveillance of the fishery
- fishable ground available
- access to the fishery (ice coverage, access to a port)
- presence of legal fishing vessels
- potential deterrent effect of other activity (e.g. tourist vessels, cargo vessels etc.)
- recorded presence of IUU fishing vessels.

4.14 The level of vulnerability will be later included in the proposed new method for estimating the level of IUU fishing represented by an individual event (Table 1).

ESTIMATING UNDETECTED IUU ACTIVITY

5.1 The present methods are designed to be deterministic estimates of IUU catch based on sightings and information available to the Secretariat or Members. Whilst improvements can be made (see section 4), new methods are required to improve estimates of IUU to capture undetected IUU. Available methods include trade accounting, sampling and modelling methods and estimation within assessment models (JAG-06/4).

Analysis of trade statistics

5.2 JAG-06/5 examined the potential of trade data as an additional check on the total IUU catch taken. It pointed out that under the new Harmonised Commodity Description and Coding System (HS), which comes into force in January 2007, imports and exports of toothfish products will be recorded under specific standardised codes.

5.3 JAG recognised that the acceptance of this code by more than 150 countries, including China and other import countries from which CDS information is currently only partially reported, creates the opportunity to check the proportion of toothfish trade which is being captured by the CDS. However, it was recognised that several limitations within this trade data will continue to exist, including the inability to distinguish between toothfish species and areas of capture, the delay between catches occurring and the product appearing in trade data, and the potential for product to be double-counted in trade data as a result of re-export (CCAMLR-XXIII/BG/17).

5.4 JAG concluded that an analysis of trade data, compared with CDS data, would be a potentially very useful study. It could provide additional information to CCAMLR on the ability of the CDS to comprehensively track the trade in toothfish. JAG welcomed the European Community's initiative in preparing JAG-06/5, and encouraged it to undertake such a comparison when the HS-based trade statistics become available (for instance, 2008).

Sampling methods

5.5 A number of sampling methods have been developed for estimating IUU in CCAMLR waters, including the initial model of Agnew and Kirkwood (2005) being revised by Ball (2005). Both methods work on the same principle, in which sightings by surveillance vessels are considered to be individual samples of the level of IUU fishing, and a simulation model is used to relate the frequency of such sightings to an expected level of IUU fishing given assumptions about the behaviour of IUU vessels and the temporal and spatial coverage of the surveillance platform. Given a certain level of surveillance, the IUU level and its variance can be predicted with a certain probability. However, JAG noted that such an approach may not provide any assistance in developing IUU estimates for those areas where there was very little or no surveillance coverage.

5.6 JAG recommended that such an approach could be developed by using fishing vessel derived observations in addition to, or in the absence of, other surveillance data. Accordingly the role of licensed fishing vessels in CCAMLR fisheries in carrying out a surveillance role in highly vulnerable fisheries was considered in more depth.

5.7 Given the general absence of surveillance capabilities in a number of CCAMLR fisheries JAG recommended that SCIC consider requiring fishing vessels report both sightings (including radar detection) and the absence of vessels, providing positive identification of vessels where possible. It was also recognised that at the moment, unlike surveillance platforms, fishing vessels do not engage in wide-scale searching for IUU vessels.

5.8 JAG recommended that SCIC investigate ways of increasing the surveillance coverage of areas with a high vulnerability to IUU fishing.

5.9 JAG further suggested that SCIC consider developing options for more active mechanism for reporting and surveillance by fishing vessels in areas of high vulnerability.

5.10 JAG suggested that WG-FSA-SAM would be the appropriate body to undertake development of estimation methods such as those referred to in paragraph 5.5, using observations from fishing vessels and VMS vessel movement data. It was recognised that the development of the model would involve considerable effort, but that a secondary benefit would be an investigation of the ability to detect IUU activity and a quantification of the deterrent effect of the presence of licensed fishing vessels in an area.

Estimation in assessment models

5.11 There are ways of estimating unknown catches within assessment models. For instance, if there is an index of IUU activity but the absolute amount of IUU is unknown, assessment models can be constructed that can estimate that amount (see, for example, Plagányi and Butterworth, in prep.). JAG suggested that WG-FSA-SAM or WG-FSA might usefully look at the potential for using such methods.

New gears

5.12 In considering additional uncertainties associated with IUU fishing, JAG noted with alarm reports of the use of gillnets by non-Contracting Parties in Subarea 58.6 and Division 58.4.3 (JAG-06/7). The gillnets are reported to be catching both sharks and toothfish. Some vessels included on the IUU vessel lists fishing inside the Convention Area claimed to be targeting shark when questioned by a patrol vessel. At least seven vessels on the draft IUU Vessel Lists for 2006 are reported to have converted from longliners to gillnetters and five are reported to have deployed gillnets in the Convention Area in the last 12 months.

5.13 The Commission should note that there is no actual prohibition on the development of a shark fishery in the Convention Area except through Conservation Measure 21-01, nor on the use of new fishing techniques such as gillnetting by non-Contracting Party vessels.

5.14 There is no information on the extent of the gillnet fishing activity or catch rates of the vessels involved, and in the absence of such information it is not possible to make an estimate of their potential IUU catch. JAG agreed that information on their operations, including the target species and type and size of gillnets was required. Information on catch rates was also important but secondary to establishing whether the vessels were in fact fishing for either shark or toothfish in the Convention Area using gillnets.

5.15 JAG suggested that WG-FSA might consider, in the light of information available at its 2006 meeting, whether fishable stocks of shark might occur in the Convention area.

REVIEW OF HISTORICAL IUU CATCH ESTIMATES

6.1 JAG examined trends for IUU catch for the period 1996 to 2005.

6.2 JAG recalled that the Scientific Committee has discussed whether Areas 47, 51 and 57, north of the Convention Area, could have supported the high level of catches that were reported from them in the CDS. Instead, it appears likely that these could be IUU catches taken within the Convention Area, misreported as coming from areas outside the Convention Area in an attempt to trade the fish within the CDS. In 2001, the Scientific Committee concluded that practically all the toothfish catches reported from Area 51 represent catches taken as a result of IUU fishing inside the Convention Area (SC-CAMLR-XX, paragraphs 2.12 and 2.13).

6.3 Figure 1 compares CDS data (predominantly from vessels now included on the IUU Vessel Lists) for Areas 47, 51 and 57 with the total IUU estimated by the CCAMLR since 1996. CDS data from 2000 represent a partial year (the CDS came into force in May 2000) but pro-rating to the whole year is not easy because the data from this year includes a number of catches before May.

6.4 JAG noted the close correspondence between the two series. In particular the CDS data appear to confirm that the estimates of IUU made from 2002 to 2004 probably represented a reasonably accurate estimate of total IUU catch in this period. During this time most of the IUU was presumed to originate from Area 58 (Table 3). Prior to this time, the discrepancy between IUU estimates and CDS data could be explained by legitimate catches from Areas 47, 51 and 57, or by under-reporting of IUU from within the Convention Area.

6.5 JAG also examined the uncertainties in a number of the parameters used in the calculation of IUU catches for the period 1997 to 2005. The parameters reviewed were the number of days per fishing trip, the number of trips per season and the mean catch rates per day (Figure 2).

6.6 It is clear that there was considerable variability in the assumptions of number of days per trip and number of trips per season per vessel up to, and particularly in, 1999. Since then, these two parameters have remained relatively constant, but have been assumed to be different between areas. The confusion between these two parameters confirms the need to move to a single estimate of the number of days that an IUU vessel is likely to fish during a fishing season.

6.7 JAG suggested that WG-FSA compare changes in catch rates against changes in stock size predicted by assessment models. However, it also noted that CPUE for all vessels displayed high variability, and that estimating the CPUE that would be achieved by an IUU vessel would depend on the fishing methods used and the experience of the masters. In 1996 and 1997 it would be likely that captains of the large number of opportunistic IUU vessels that were fishing in Area 58 were more 'naïve', and poorer fishers, than those operating in recent years. On the other hand, JAG noted that IUU operations may have higher catching efficiencies than legal vessels because, for example, they are not constrained by conservation measures.

6.8 One way to revisit the likely CPUE achieved by IUU vessels would be to iteratively estimate it within assessment models, but it was acknowledged that this would not be easy.

6.9 JAG concluded that whilst there were uncertainties in the historical series, there was little to be directly gained from revisiting these calculations in detail. JAG requested that WG-FSA consider including uncertainty and running sensitivity trials of its assessments to examine the impact of the following conclusions which flow from Figures 1 and 2:

- (i) In the period 1996 to 1998 estimates of IUU had high uncertainty and unknown bias. This could be explained by a lack of consistency in defining assumptions in the parameters used and fragmented information on the IUU fleet and its activities, landings and trade statistics. WG-FSA could examine the sensitivity of assessments to relatively large errors in estimates during this period.
- (ii) In the period 1999 to 2001 estimates of IUU had high uncertainty and the CDS data suggest that they were negatively biased (i.e. that real IUU catches were higher than estimated IUU catches). WG-FSA could examine the sensitivity of assessments to this bias, for instance by raising the catches to better match the CDS declarations from Areas 47, 51 and 57 for those subareas and divisions with highly uncertain IUU estimates.
- (iii) In the period 2002 to 2004 estimates of IUU had low uncertainty and low bias, and were effectively confirmed by CDS data. WG-FSA could examine the sensitivity of assessments to small unbiased errors in this data.
- (iv) In the period 2005 and onwards, estimates of IUU probably have low uncertainty and unknown bias.

6.10 The figures confirm that since the prohibition by the USA of the importation of toothfish declared taken from Areas 51 and 57, IUU catch is no longer being misreported from these areas. However, the situation has been complicated by such things as reflagging of vessels to non-Contracting Parties and the development of markets in countries not participating in the CDS. JAG concluded that under such circumstances the CDS may no longer be able to provide a complete record of IUU catches, or the total catch, of toothfish (see paragraphs 5.2 to 5.4).

CONCLUSIONS AND RECOMMENDATIONS

7.1 JAG noted that there had been considerable benefit in bringing together representatives dealing with compliance from SCIC and those dealing with assessments from WG-FSA.

7.2 JAG had addressed fully its Terms of Reference (see JAG-06/1 and JAG-06/9) and had also taken into account the various requests and questions raised by the Scientific Committee and WG-FSA in respect to the estimates of IUU catches.

7.3 That said, JAG saw no need for regular meetings. Rather, it recommended that any further meeting should await the outcome of the elements of work recommended to be undertaken by SCIC, WG-FSA and the Secretariat. On the basis of that work, the Commission might then wish to reconvene JAG, on an ad hoc basis, in perhaps three to five years time.

7.4 In consequence, JAG recommended that no changes need to be made, at this time, to its Terms of Reference and that any review of them should be undertaken as and when the Commission might decide to reconvene the JAG.

7.5 JAG recommended that the following actions be undertaken by SCIC, WG-FSA and the Secretariat:

Sensitivity of stock assessment to levels of uncertainty in IUU catch estimates:

- (i) Annual IUU estimates should be described by WG-FSA and the Secretariat by credible ranges and/or distributions, as well as point estimates.
- (ii) WG-FSA should estimate the minimum amount of annual IUU catch that would materially affect assessment advice, and hence provide advice on a threshold level of IUU catch, below which estimates of IUU catch may not need to be included within current yield advice.
- (iii) WG-FSA should consider how IUU estimates that include uncertainty, may be included within the current assessments, and recommended that WG-FSA request that WG-FSA-SAM develop modelling approaches that would allow the incorporation of uncertainty in IUU estimates to be included with assessments and calculation of yield estimates.
- (iv) WG-FSA should investigate the consequences of the uncertainties including biases of the historical estimates as detailed in paragraph 6.10 above.
- (v) WG-FSA, when developing fishery reports and assessments advice, should fully detail the explanation for the exclusion or revision of individual IUU estimates used.

Proposals for improving the current estimation methodology:

- (vi) Regarding the estimation of events, prior to the 2006 meeting of the IUU Subgroup of WG-FSA, the Secretariat should collate the data required to address the elements of the matrix in Table 1 to determine its applicability of assessing uncertainty in historic IUU reports for selected fisheries for the years 2003 to 2005. The Secretariat should test the application of the matrix and report its findings to the IUU Subgroup of WG-FSA.
- (vii) Additionally, WG-FSA should determine the distributions of both numbers of days fished per season per vessel and catch per day per vessel. The Secretariat and WG-FSA are requested to examine the available data from which to calculate these distributions.
- (viii) During the trial period, i.e. before a new standard system for IUU catch estimation is adopted, the Secretariat should continue to prepare IUU catch estimates based on the current methodology. Instead the product of the parameters 'number of trips per season per vessel' and 'number of days per trip' in the current formula (paragraph 4.1) should be replaced by the single

parameter 'number of days fished per season'. Such estimates should be prepared and made available to WG-FSA by 1 September each year, i.e. one month earlier than previous years.

7.6 The subsequent procedures and timelines stemming from this are that WG-FSA should:

- starting in 2006, run a trial of the revised IUU catch estimation method based on data for the last three years and areas selected and revise and re-trial as appropriate;
- consider sensitivities of parameters used in historical series of IUU catch estimates;
- request that WG-FSA-SAM develop a sampling model addressing undetected IUU fishing.

7.7 SCIC, at its next meeting, should categorise subareas and divisions by their vulnerability to IUU fishing as described in paragraph 4.12 above.

7.8 In addition, at its next meeting SCIC should consider improvements to surveillance coverage. This could include developing options for more active reporting and surveillance by Member States licensed fishing vessels in areas of higher vulnerability.

7.9 In order for SCIC to address this matter, JAG recommended that the Secretariat prepare a paper setting out the current requirements on reporting IUU activity. This paper should:

- identify the conservation measures and Commission decisions relating to the requirements for reporting IUU fishing by both fishing vessel masters and scientific observers;
- suggest consolidation and strengthening of such decisions, including consideration of placing specific emphasis on such reporting from areas of high vulnerability to IUU fishing within the conservation measures of such areas.

7.10 Furthermore, to enhance surveillance, SCIC might wish to consider requesting IAATO to arrange for its member company vessels to report all sightings (including radar detection) of fishing and fishing support vessels in the Convention Area.

Estimating undetected IUU activity

7.11 When HS-based toothfish trade statistics become available (see paragraph 5.4), SCIC should undertake a comparison of such data with the CDS data. JAG recognised that some Parties, particularly active in analysing trade statistics, could greatly assist in undertaking this task.

7.12 The Secretariat should prepare a paper conveying information on the change of gear by IUU vessels from longlines to gillnets, the possible scale of deployment of gillnets in the Convention Area, and the species being apparently targeted.

7.13 On the basis of that information, WG-FSA should consider whether, *inter alia*, fishable stocks of shark occur in the Convention Area.

ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

8.1 The report of the meeting was adopted.

8.2 In closing the meeting, the Co-conveners of JAG, Ms Tuttle and Dr Agnew, thanked the participants and the Secretariat for their work and contribution during the meeting. JAG has made a significant progress in its work, the success of which is a combination of the effort of specialists from both the Commission and the Scientific Committee.

8.3 Participants expressed their gratitude to the Co-conveners for their leadership which had ensured success of the meeting.

8.4 The meeting was closed.

REFERENCES

- Agnew, D.J. and G.P. Kirkwood. 2005. A statistical method for estimating the level of IUU fishing: application to CCAMLR Subarea 48.3. *CCAMLR Science*, 12: 119–141.
- Ball, I. 2005. An alternative method for estimating the level of illegal fishing using simulated scaling methods on detected effort. *CCAMLR Science*, 12: 143–161.
- Plagányi, É.E. and D.S. Butterworth. In prep. A spatial- and age-structured assessment model to estimate poaching and ecosystem change impacting the management of South African abalone (*Haliotis midae*).

Table 1: Criteria for assigning weights to observations of IUU activity.

Category	Weighting factor				
	High 5	4	3	2	Low 1
Sighting	Longline fishing vessel sighted in CCAMLR waters		Gillnet fishing vessel sighted in CCAMLR waters	Fishing gear detected in CCAMLR waters	Fisheries support vessel (fish carrier, refuel) detected in CCAMLR waters
Identification	ID Confirmed and unlicensed for CCAMLR waters				ID unconfirmed
Information source	Surveillance platform, at-sea inspection	Multiple legal fishing vessels	Legal fishing vessel		Other
Vessel Activity	Gear deployed and fishing	Vessel in area on known fishing grounds but not fishing		Vessel in area on unlikely fishing grounds and not fishing	Unknown
Vulnerability	History of extensive IUU activity		History of limited IUU activity		Area unlikely to support IUU activity (e.g., depth, ice constraints, extensive surveillance)

Table 2: Example of five IUU events within an area in a season, with probabilities and catches (assumed, for the purpose of this example, to be lognormally distributed with CV 0.3).

IUU event	Probability	Catch [= days*CPUE] with 95% quantiles in parentheses		Expected catch	
1	1.0	400	(240–620)	400	(240–620)
2	0.6	400	(240–620)	240	(140–370)
3	0.8	400	(240–620)	320	(190–490)
4	0.2	400	(240–620)	80	(50–120)
Total				1040	(780–1340)

Table 3: IUU catch estimates for Areas 48, 58 and 88.

Area	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
48*	0	0	146	667	1 015	196	3	0	0	23
58	16 666	32 673	14 960	5 201	6 629	8 606	11 762	10 070	2 237	2 317
88	0	0	0	0	0	0	92	0	240	173

* Note that the IUU estimates from 1998 onwards have been made using the statistical estimation method of Agnew and Kirkwood (2005) which includes both detected and undetected IUU.

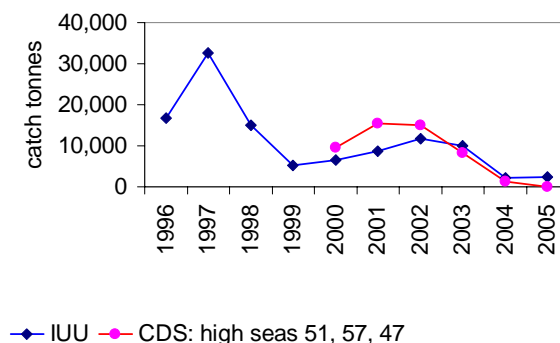


Figure 1: The total IUU catch estimates for the Convention Area and CDS catch data for Areas 47, 51 and 57.

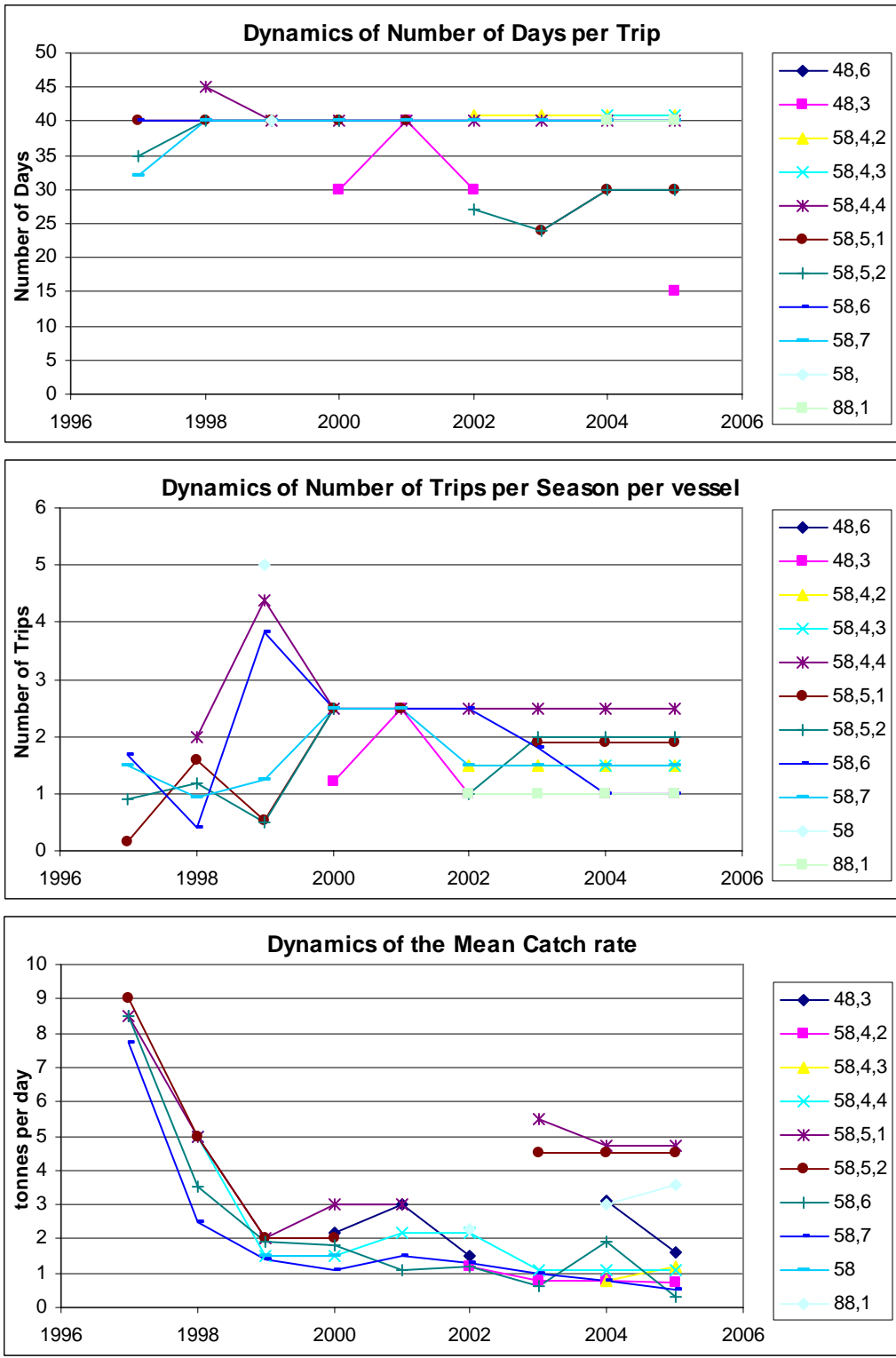


Figure 2: Days per trip, trips per season per vessel and mean catch rates for all areas, 1997 to 2005. Some of the values are imputed values for example mean catch rates for Division 58.5.2 prior to 2002.

AGENDA

Joint Assessment Group (JAG)
(Walvis Bay, Namibia, 17 to 19 July 2006)

1. Meeting objectives and agenda
2. Review of the current methodology for estimation of IUU catches
3. Sensitivity of stock assessments to levels of uncertainty in IUU catch estimates
4. Options for improving the current methodology
5. Estimating undetected IUU activity
6. Review of historical IUU catch estimates
7. Conclusions and recommendations
8. Adoption of the report and close of the meeting.

LIST OF PARTICIPANTS

Joint Assessment Group (JAG)
(Walvis Bay, Namibia, 17 to 19 July 2006)

Ms R. Tuttle (USA), Co-convener
Dr D. Agnew (UK), Co-convener
Mr M. Bartholomew (New Zealand)
Dr V. Bizikov (Russia)
Dr S. Candy (Australia)
Ms V. Carvajal (Chair, SCIC)
Mr A. Dunn (New Zealand)
Dr E. Fanta (Chair, Scientific Committee)
Dr M. Richardson (UK)
Dr V. Sushin (Russia)
Dr D. Miller (Secretariat)
Dr E. Sabourenkov (Secretariat)
Ms N. Slicer (Secretariat)

LIST OF DOCUMENTS

Joint Assessment Group (JAG)
(Walvis Bay, Namibia, 17 to 19 July 2006)

- JAG-06/1 Provisional Agenda and Terms of Reference for the 2006 Meeting of the Joint Assessment Group (JAG)
- JAG-06/2 List of participants
- JAG-06/3 List of documents
- JAG-06/4 Methods for the estimation of IUU fishing
D.J. Agnew, I. Payne, G. Parkes and R. Mitchell
(European Community)
- JAG-06/5 Contribution of Unit B/4 to the JAG Meeting
European Community
- JAG-06/6 Overview of IUU catch estimation methodology and its application for the period 1997 to 2005
Secretariat
- JAG-06/7 Information to consider in reviewing past and preparing for future IUU catch estimates
Secretariat
- JAG-06/8 A qualitative system for reporting the relative reliability or uncertainty of information on IUU vessels fishing in CCAMLR
Delegation of New Zealand
- JAG-06/9 Requests and questions to JAG from the Scientific Committee and WG-FSA (extracts from SC-CAMLR-XXIV – 2005)
- JAG-06/10 Evaluations of the impact of alternative estimates of illegal catch on estimates of CCAMLR yields from a statistical catch-at-age model
A. Dunn (New Zealand)
- JAG-06/11 Consequences of under- or overestimating IUU fishing
(extract from the report of WG-FSA-SAM-06)

**FINAL LIST OF CONTRACTING PARTY IUU VESSELS 2006
(CONSERVATION MEASURE 10-06)**

FINAL LIST OF CONTRACTING PARTY IUU VESSELS 2006 (CONSERVATION MEASURE 10-06)

Current name	Current flag	Lloyds/IMO no.	Call sign	Nature of activity	Date(s) of incident(s)	Flag State comments	Ownership history (last reported is underlined)	Previous name(s)	Previous flag(s)
<i>West Ocean</i> ¹	People's Republic of China	9230646	BZTX8	Fishing inside Division 58.4.1	09 Dec 05 21 Feb 06	From People's Republic of China	- Sun Hope Investments - Pacific Andes Enterprises - Profit Peak <u>- China National Fisheries Corporation</u>	1. <i>Darwin</i> 2. <i>Darwin-1</i> 3. <i>Kiev</i>	1. Bolivia 2. Russia 3. Georgia

¹ People's Republic of China advised that the vessel was reported to have engaged in IUU activities prior to People's Republic of China becoming a Contracting Party.

**POLICY TO ENHANCE COOPERATION BETWEEN
CCAMLR AND NON-CONTRACTING PARTIES**

(as adopted at CCAMLR-XVIII and amended at CCAMLR-XXV)

POLICY TO ENHANCE COOPERATION BETWEEN CCAMLR AND NON-CONTRACTING PARTIES

(as adopted at CCAMLR-XVIII and amended at CCAMLR-XXV)

The Commission, in order to:

- ensure the effectiveness of CCAMLR conservation measures;
- enhance cooperation with non-Contracting Parties, including those implicated in fishing which undermines the effectiveness of those measures (hereafter referred to as illegal, unreported and unregulated fishing (IUU) fishing); and
- eliminate IUU fishing, including that by non-Contracting Parties,

hereby adopts the following policy:

- I. The Executive Secretary is requested to develop a list of non-Contracting Parties implicated in IUU fishing and or trade either after the adoption of this policy or during the three years prior, which has undermined the effectiveness of CCAMLR conservation measures.
- II. The Chairman of the Commission shall write to the Minister for Foreign Affairs of each non-Contracting Party included in the abovementioned list explaining how IUU fishing undermines the effectiveness of CCAMLR conservation measures. The letter, as appropriate, will:
 - (a) invite and encourage non-Contracting Parties to attend as observers at meetings of the Commission in order to improve their understanding of the work of the Commission and the effects of IUU fishing;
 - (b) encourage non-Contracting Parties to accede to the Convention;
 - (c) inform non-Contracting Parties of the development and implementation of the CCAMLR Catch Documentation Scheme for *Dissostichus* spp. and provide them with a copy of the conservation measure and the explanatory memorandum;
 - (d) encourage non-Contracting Parties to participate in the CCAMLR Catch Documentation Scheme and draw their attention to the consequences for them of not participating;
 - (e) request non-Contracting Parties to prevent their flag vessels from fishing in the Convention Area in a manner which undermines the effectiveness of measures adopted by CCAMLR to ensure conservation and sustainably managed fisheries;

- (f) if their flag vessels are involved in IUU fishing, request non-Contracting Parties to provide information to the CCAMLR Secretariat on their vessels' activities, including catch and effort data;
 - (g) seek the assistance of non-Contracting Parties in investigating the activities of their flag vessels suspected of being involved in IUU fishing, including inspecting such vessels when they next reach port;
 - (h) request non-Contracting Parties to report to the CCAMLR Secretariat on landings and transshipments in their ports in accordance with the format specified in Attachment A; and
 - (i) request non-Contracting Parties to deny landing or transshipments in their ports for fish harvested in CCAMLR waters not taken in compliance with CCAMLR conservation measures and requirements under the Convention.
- III. Parties shall individually and collectively take all appropriate efforts to implement or assist in the implementation of this policy; such efforts may include taking concerted action on joint demarches on non-Contracting Parties to complement correspondence from the Chairman.
- IV. The Commission will annually review the effectiveness of the implementation of this policy.
- V. The Executive Secretary will regularly inform non-Contracting Parties concerned of new conservation measures adopted by CCAMLR.

**SUBMISSION OF INFORMATION BY NON-CONTRACTING PARTIES
ON LANDINGS AND TRANSHIPMENTS OF TOOTHFISH
(*DISSOSTICHUS* SPP.) IN THEIR PORTS**

To the extent possible the required information should be submitted in the following format:

- (i) whether the vessel is a fishing or cargo vessel; if it is a fishing vessel, what type of vessel (trawler/longliner);
- (ii) the name, international call sign and registration number of the vessel;
- (iii) the flag and port of registration;
- (iv) whether an inspection had been conducted by the Port State and, if so, its findings, including information on the fishing licence of the vessel concerned;
- (v) the species of fish involved, including the weight and form of catch, and whether it was landed or transhipped;
- (vi) if a fishing vessel, the location(s) in which it had operated according to the vessel's records and where it reported the catch as having been taken (CCAMLR or non CCAMLR); and
- (vii) the nature of any matters requiring further investigation by the Flag State.

CCAMLR COOPERATION ENHANCEMENT PROGRAM

Objectives

The aim of this Cooperation Enhancement Program is to encourage and build the capacity of non-Contracting Parties to cooperate with CCAMLR. The ultimate desired outcome is more countries working with CCAMLR to combat illegal, unreported and unregulated (IUU) fishing on the water and in their ports.

Cooperation between non-Contracting Parties and CCAMLR may be through:

- exchange of information about IUU fishing with CCAMLR;
- participation in key CCAMLR initiatives, such as the CDS, through implementation of conservation measures;
- acceding to the Convention and/or joining the Commission, as appropriate.

Guiding Principles

The Cooperation Enhancement Program has the following attributes:

- a focus on technical cooperation;
- flexibility to tailor cooperation to meet the needs of both the Commission and the recipient State on a case-by-case basis;
- a partnership model involving the CCAMLR Secretariat, experienced CCAMLR Member(s) as sponsors and the recipient States(s);
- matching of sponsors and recipients based on expertise, historical relationships between States and proximity;
- central repository of information and training material by the CCAMLR Secretariat.

Resourcing

CCAMLR Members will initially fund their own costs of delivery and participation in cooperation enhancement exercises. The Commission should investigate other sources of funding, including the establishment of a special fund to which Contracting Parties can contribute. CCAMLR Members can develop their own training materials at any time as required.

To encourage consistency and ensure effective use of Members' resources, CCAMLR Members will actively share training materials. This will be facilitated by the Secretariat maintaining a central repository of relevant materials and information on the CCAMLR website. CCAMLR conservation measures will always form the basis of technical and training cooperation. CCAMLR will fund the development of a package of standing training materials for the Catch Documentation Scheme that will be available to all members.

Selecting Countries for Capacity Building

The Commission will agree a priority list of countries that may benefit from technical cooperation and update this list as required. The list will be developed from information submitted by members, including reports on the activity and movement of IUU fishing vessels and their interactions with non-Contracting Parties.

Inclusion of countries on the list will be guided by the following criteria:

- The country is a key flag and/or port State for toothfish, and its cooperation would assist the Commission to better control IUU fishing and trade of fish caught in an IUU manner and/or achieve the objective of the Convention.
- The country is open to change and there is genuine political will to cooperate with CCAMLR and combat IUU fishing, but the country does not do so because it lacks the resources or expertise.
- With some training and technical assistance over time, the country would eventually be able to implement relevant conservation measures on their own.
- The country has appropriate government structures to commit the necessary time and resources to allow it to effectively participate in technical cooperation and is prepared to make a commitment to such cooperation (for example, by nominating a competent authority for implementation of the CDS).

Reporting

CCAMLR Members are encouraged to report on the nature and outcomes of their technical cooperation. This reporting is at the discretion of Members, but could take the form of a Commission circular or a presentation at the Commission meeting.

**PROPOSAL FOR A CONSERVATION MEASURE CONCERNING
THE ADOPTION OF A TRADE MEASURE TO PROMOTE COMPLIANCE**

PROPOSAL FOR A CONSERVATION MEASURE CONCERNING THE ADOPTION OF A TRADE MEASURE TO PROMOTE COMPLIANCE

The Commission,

Noting that the objective of the CCAMLR is the conservation of Antarctic marine living resources and that, pursuant to Article II(i) of the Convention, the term ‘conservation’ includes rational use,

Considering the need for action to ensure the effectiveness of the measures to achieve the objectives of the CCAMLR, focusing, at this stage, on conservation measures related to *Dissostichus* spp.,

Aware of the need for sustained efforts by Contracting Parties to ensure the enforcement of CCAMLR conservation measures, and the need to encourage non-Contracting Parties to abide by these measures,

Noting that trade restrictive measures should be implemented only as a last resort, where other measures have proved unsuccessful to preventing, deterring and eliminating any act or omission that diminishes the effectiveness of CCAMLR conservation measures,

Noting that trade restrictive measures should be implemented in accordance with the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU),

Also noting that trade restrictive measures should be adopted and to this end implemented in accordance with international law, including rights and obligations established in the World Trade Organization (WTO) Agreements, and implemented in a fair, transparent and non-discriminatory manner,

hereby adopts the following conservation measure in accordance with Article IX.2(i) of the Convention:

1. Contracting Parties that import *Dissostichus* spp. products, or in whose ports those products are landed, shall take appropriate measures aiming at identifying such products, collect and examine the relevant import, landing or associated data on such products, in order to submit the relevant information in a timely manner to the Secretariat for distribution to the other Contracting Parties to collect any additional element in order that the Commission can identify each year:
 - (a) names and flags of the vessels that caught and produced such products
 - (b) product types
 - (c) areas of catch (inside the CCAMLR area)
 - (d) product weight by product type
 - (e) points of export
 - (f) names and addresses of owners of the vessels
 - (g) number of registration of the vessels.

2. The Commission, through its Standing Committee for Implementation and Compliance (SCIC) will identify each year:
 - (a) (i) Contracting Parties that have failed to fulfil their obligations under the CCAMLR Convention in respect of CCAMLR conservation measures related to *Dissostichus* spp., in particular, by not taking measures or exercising effective control to ensure compliance with such CCAMLR conservation measures by vessels flying their flags, operators under their jurisdiction and their nationals subject to their jurisdiction, including beneficial owners; and/or
 - (ii) non-Contracting Parties that have failed to take measures or exercise effective control to ensure that vessels flying their flags do not engage in any activities that undermines the effectiveness of CCAMLR conservation measures on *Dissostichus* spp.
 - (b) These identifications shall be based on a review of all information provided in accordance with paragraph 1 or, as appropriate, any other relevant information, such as: the catch data compiled by the Commission; trade information on *Dissostichus* spp. obtained from national statistics; the Catch Documentation Scheme for *Dissostichus* spp.; the CCAMLR IUU Vessel Lists (Conservation Measures 10-06 and 10-07); as well as any other relevant information.
 - (c) In determining such identifications, the SCIC shall consider all relevant matters, including the history, nature, circumstances, extent, and gravity of the act or omission that may have diminished the effectiveness of relevant CCAMLR conservation measures related to *Dissostichus* spp.
3. The Commission shall ask the Contracting Parties and Non-Contracting Parties identified under paragraph 2 to rectify the act or omission that led to their identification, and notify them of the following:
 - (a) the reason(s) for the identification, with all available supporting evidence;
 - (b) the opportunity to respond to the Commission in writing, at least 30 days prior to the annual meeting of the Commission with regard to the identification, decision and other relevant information, for example, evidence refuting the identification or, where appropriate, a plan of action for improvement and the steps they have taken to rectify the situation;
 - (c) in the case of a non-Contracting Party, invite it to participate as an observer at the annual meeting where the issue will be considered.
 4. Contracting Parties are encouraged, jointly and individually, to ask Contracting Parties or non-Contracting Parties identified pursuant to paragraph 2 to rectify the act or omission that led to their identification under paragraph 2, so as not to diminish the effectiveness of CCAMLR conservation measures related to *Dissostichus* spp.
 5. The Commission, through the Executive Secretary, should, by more than one means of communication, within 10 working days following the approval of the SCIC report,

transmit the Commission's request to the identified Contracting Parties or non-Contracting Parties, to provide within one month and seek to obtain confirmation from the Contracting Parties or non-Contracting Parties that it received the notification.

6. SCIC shall expeditiously evaluate the response of each Contracting Party or non-Contracting Party, together with any new information, and recommend that the Commission decide on one of the following actions to be applied to each Contracting Party or non-Contracting Party:
 - (a) revoke its identification made pursuant to paragraph 2; or
 - (b) continue its identification made pursuant to paragraph 2; or
 - (c) adopt non-discriminatory trade-restrictive measures on imports of *Dissostichus* spp.

Absence of response from the Contracting Parties or non-Contracting Parties concerned within the time-limit shall not prevent action from the Commission.

Trade measures should be used only in exceptional circumstances where such actions as the Commission may take to promote compliance have proven unsuccessful and only after prior consultation with interested parties.

7. If the Commission decides on the action described in paragraph 6.c, it shall recommend to the Contracting Parties, pursuant to Articles IX of the CCAMLR Convention, to take specific non-discriminatory trade restrictive measures, consistent with their international obligations and proportionate to the possible long term damage to the stocks and the ecosystem concerned. The Commission should notify the Contracting Parties and non-Contracting Parties concerned of the decision and the underlying reasons, in accordance with the procedures specified in paragraph 5.
8. Contracting Parties shall notify the Commission of any measures that they have taken for the implementation of the non-discriminatory trade restrictive measures adopted in accordance with paragraph 7.
9. In order for the Commission to recommend the lifting of trade restrictive measures, the SCIC shall review each year all trade restrictive measures adopted in accordance with paragraph 7. Should this review show that the situation has been rectified, the SCIC shall recommend to the Commission the lifting of the non-discriminatory trade restrictive measures. Such decisions shall also take into consideration whether the Contracting Parties and non-Contracting Parties concerned have taken concrete measures capable of achieving a lasting improvement of the situation.
10. Where exceptional circumstances so warrant or where the available information clearly shows that, despite the lifting of trade restrictive measures, a Contracting Party or non-Contracting Party continues to diminish the effectiveness of CCAMLR conservation measures related to *Dissostichus* spp., the Commission may decide on immediate action regarding that Contracting Party or non-Contracting Party, including, as appropriate, the imposition of trade restrictive measures in accordance with paragraph 7. Before making such a decision, the Commission shall ask the Contracting Party or non-Contracting Party concerned to discontinue its wrongful conduct and shall provide the Contracting Party or non-Contracting Party with a reasonable opportunity to respond.

11. The Commission shall establish annually a list of Contracting Parties or non-Contracting Parties that are subject to a trade restrictive measure pursuant to paragraph 7.

**TWENTY-FIFTH ANNIVERSARY OF THE ENTRY INTO FORCE
OF THE CONVENTION ON THE CONSERVATION
OF ANTARCTIC MARINE LIVING RESOURCES**

**TWENTY-FIFTH ANNIVERSARY OF THE ENTRY INTO FORCE
OF THE CONVENTION ON THE CONSERVATION
OF ANTARCTIC MARINE LIVING RESOURCES**

On the occasion of its Twenty-fifth Meeting, the Commission,

Recalling that the Convention on the Conservation of Antarctic Marine Living Resources (the 'Convention') was established as an integral part of the Antarctic Treaty System,

Conscious of the primary responsibilities of the Antarctic Treaty Consultative Parties for the protection and preservation of the Antarctic environment and, in particular, their responsibilities under Article IX, paragraph 1(f) of the Antarctic Treaty in respect of the preservation and conservation of living resources in Antarctica,

Acknowledging that all Contracting Parties, whether or not they are Parties to the Antarctic Treaty, are bound by Articles IV and VI of the Antarctic Treaty in their relations with each other,

Further recalling that the objective of the Convention is the conservation of Antarctic marine living resources, which includes rational use,

Noting that that CCAMLR has during its twenty-five years gained a reputation for effective conservation and management, and that its efforts have provided an important example for other organisations,

Emphasising that the Convention is a key instrument in efforts to provide for a comprehensive and systematic protection of the Antarctic and sub-Antarctic environment,

Recognising the need under Convention Articles II and IX to base decisions on the best scientific information available and to apply conservation principles as provided in the Convention to ensure the long-term ecological sustainability of marine living resources stocks in the Convention Area,

Noting the Scientific Committee's pioneering advances over the past twenty-five years in developing precautionary and ecosystem-based approaches to managing Antarctic marine living resources through extensive scientific observation, innovative research, state-of-the-art assessments and ecosystem models addressing, *inter alia*, ecosystem monitoring, by-catch mitigation, incidental mortality of seabirds during longlining and development of exploratory fisheries,

Concerned about the devastating global consequences of Illegal, Unreported, and Unregulated (IUU) fishing on fisheries sustainability, conservation of marine living resources, and marine biodiversity,

Noting the Commission's sustained efforts to combat IUU fishing, particularly through implementation of integrated monitoring, control and surveillance (MCS) measures such as the Catch Documentation Scheme, Centralised Vessel Monitoring System, port inspections and cooperation with non-Contracting Parties,

Confirming its participation in efforts to ensure the global conservation of marine living resources and their sustainable management, as well as CCAMLR's efforts to eliminate IUU fishing through cooperation with other relevant regional and international organisations,

Noting particularly the designation of 2007 to 2008 by the International Council for Science and the World Meteorological Organisation as the International Polar Year (IPY) to run from March 2007 to March 2009,

hereby declares that it will:

1. Maintain the Commission's position as a world leader in the conservation of marine living resources for the benefit of present and future generations through application of the best scientific advice possible and integrated MCS.
2. Continue to facilitate scientific research into Antarctic marine living resources and the Antarctic marine ecosystem, including observational and experimental approaches, assessments, monitoring and modelling, with the aim of providing the best scientific advice possible.
3. Continue to develop innovative, proactive and flexible measures consistent with Convention Article II to eliminate threats to sustainable fisheries and the Antarctic marine ecosystem, such as IUU fishing and harmful fishing practices.
4. Strengthen practical cooperation with the Antarctic Treaty Consultative Parties and relevant intergovernmental and non-governmental organisations, in keeping with Article XXIII of the Convention.