

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

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

1.1 The meeting of the Standing Committee on Observation and Inspection (SCOI) was held from 21 to 24 October 1996 under the chairmanship of Dr W. Figaj (Poland).

1.2 The Provisional and Annotated Provisional Agenda of SCOI were distributed to Members as an attachment to the Provisional Agenda of the Commission (CCAMLR-XV/1). The Provisional Agenda of SCOI took account of all sub-items of Commission Agenda Item 7, 'Observation and Inspection'. No additional items were referred to SCOI by the Commission.

1.3 The Secretariat proposed that the subitem 'Election of the Chairman and Vice-Chairman of SCOI' be added to the Agenda. With this amendment, the Agenda was adopted (Appendix I).

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

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

#### **Implementation of Conservation Measures in the 1995/96 Season**

1.5 All conservation measures adopted at CCAMLR-XIV were notified to Members on 7 November 1995. There were no objections to any measures and, in accordance with Article IX 6(b) of the Convention, they became binding on all Members on 5 May 1996. A paper on the implementation of conservation measures in 1995/96 was prepared by the Secretariat (CCAMLR-XV/BG/17).

1.6 During the 1995/96 intersessional period, Australia, South Africa and the USA informed CCAMLR of steps taken to implement current conservation measures. Russia, South Africa and the USA had previously informed SCOI that they had in place the legislative and administrative procedures required to give effect annually to conservation measures.

1.7 At the meeting, several other Members informed the Committee of the steps they had taken in the 1995/96 season to ensure compliance with conservation measures in force.

1.8 In Japan, each vessel flying the Japanese flag and intending to fish in the Convention Area was subject to licensing by the Minister for Agriculture, Forestry and Fisheries and therefore was under the complete control of the authorities. One of the terms and conditions stipulated in a licence was compliance with CCAMLR conservation measures.

1.9 In Chile, CCAMLR conservation measures in force are published in the official Gazette every year. In addition, a special workshop was held in Punta Arenas for fishing masters on the subject of CCAMLR regulations, including regulations related to inspection and observation.

1.10 In Argentina, measures similar to those implemented by Chile were also in place, including a special publication of all materials related to CCAMLR and its conservation measures, and explanatory sessions as well.

1.11 Norway informed SCOI that, since 1989, it had in place national regulations which ensured compliance by Norwegian fishing vessels with CCAMLR conservation measures. So far, however, no vessels from Norway had fished in the Convention Area.

1.12 France also advised the Committee that it had published a decree on fisheries in the waters under French jurisdiction around the southern French Territories, including Crozet Island and the Kerguelen Islands. According to this decree, permits to national and foreign vessels to fish in these waters were issued after ensuring that fishing was conducted in accordance with CCAMLR conservation measures as adopted and implemented in the manner agreed by France.

1.13 South Africa advised that, in addition to its legislative processes, it had promulgated regulations that prohibited the catching, landing, selling, offering for sale or being in possession of *Dissostichus eleginoides* by any person/operator within the South African continental Exclusive Economic Zone (EEZ) and in the EEZ around the Prince Edward Islands except in conformity with the strict permit conditions.

1.14 The primary permit condition for landing the catch in South African ports, in the case of *D. eleginoides*, was that the operator must prove that the fish aboard the vessel had not been caught in South Africa's EEZ or in CCAMLR waters in violation of any conservation measure. The only proof acceptable would be information on the position of catches reported to South African authorities via a satellite-based vessel monitoring system (VMS). The permit also

required that data be provided in accordance with most of the CCAMLR conservation measures and that operators indicate, as far as possible, that they were complying with measures to prevent incidental mortality of seabirds.

1.15 South Africa also advised the Committee that it had informed non-Member States whose vessels were known to fish in Antarctic waters of the abovementioned regulations.

1.16 In view of the growing concern about the level of illegal fishing in the CCAMLR Convention Area, the UK suggested that the Committee welcome the initiative of South Africa. The Committee agreed that, at future meetings, South Africa be requested to inform the Committee of the implementation of the abovementioned regulations.

1.17 The UK, on behalf of the presidency of the Council of the European Union, informed the Committee that the Council of Ministers of the European Union was expected to adopt shortly a regulation which would give effect to the conservation measures adopted at the 1995 meeting. This would be binding on all members of the Economic Community, which included 11 Parties to CCAMLR, eight of which were Commission Members.

#### Inspections Undertaken in the 1995/96 Season and Reports of Flag States

1.18 Thirty-two inspectors were designated by Members in accordance with the CCAMLR System of Inspection to carry out inspections in the 1995/96 season. Inspectors were designated by Argentina (8 inspectors), Australia (2), Chile (4), UK (16) and USA (2).

1.19 In accordance with SCOI's request in 1993 (CCAMLR-XII, Annex 5, paragraph 11), information on the number of inspectors deployed at sea in the 1995/96 season, the duration of their trips and the area covered was provided by the UK (CCAMLR-XV/MA/11 and SCOI-96/13).

1.20 During the 1995/96 season, five inspections were reported to the Secretariat. All inspections were conducted by UK-designated CCAMLR inspectors. The five vessels inspected were *American Champion* (USA), *Isla Camilla* (Chile), *Antonio Lorenzo* (Chile), *Mar del Sur I* (Chile) and *Magallanes III* (Chile).

1.21 All reports of inspection received by the Secretariat were transmitted to the Flag States of the vessels inspected in accordance with Article VIII (e) of the System of Inspection. No comments were received from the Flag States concerned and the reports were subsequently transmitted to Members, in accordance with Articles VIII (f) and IX of the System of Inspection.

1.22 The reports of inspection are given in SCOI-96/5. A summary of all reports of inspection is given in CCAMLR-XV/16 Rev 1.

1.23 The UK reported that the results of the five inspections demonstrated general compliance with conservation measures, and any infringements noted, though important, might at this stage be considered of a minor nature when compared with previous seasons' infringements, for example, the *American Champion's* setting some longlines during daylight hours (in contravention of Conservation Measure 29/XIV) and the Chilean vessels' having plastic packaging bands still in use (in contravention of Conservation Measure 63/XII).

1.24 Relative to the infringement by the *American Champion*, the USA noted that while the observed sets were technically daylight sets, they were made during the period of darkness just prior to dawn. To avoid such an occurrence in the future, permits issued to US fishermen would draw attention to specific details of Conservation Measure 29/XIV and to the Nautical Almanac, which clearly defines 'nautical twilight'. It was also pointed out that the definition of daylight and night-time periods could be included in Conservation Measure 29/XIV as clarification and it was suggested that the advice of the Scientific Committee should be sought on the matter.

1.25 Because of the possible ambiguity of Conservation Measure 63/XII, which did not clearly state whether the prohibition of plastic packaging bands to secure bait boxes 'from the 1995/96 season' meant from the beginning or the end of the season, the continued use of plastic packaging bands by Chilean vessels was understandable. However, Chile confirmed that measures were being taken to ensure that these misunderstandings did not occur next season.

1.26 The UK also submitted two reports on the vessel *Estela* (Argentina). A summary of these reports is given in CCAMLR-XV/16 Rev 1. The vessel was reported as 'fishing by longline in CCAMLR Subarea 48.3 in contravention of CCAMLR Conservation Measure 93/XIV' but refused to stop and submit to a CCAMLR inspection. Both reports were passed to Argentina, the Flag State of the vessel in question. Copies of these reports and the response of Argentina were circulated to Members on 15 February 1996 (COMM CIRC 96/9). They were also submitted to SCOI as document SCOI-96/6.

1.27 In its response, Argentina noted that the title of the report, 'Notification of an Infringement to Conservation Measure 93/XIV,' seemed to imply *apriori* that the existence of a contravention was a fact, without taking into account that the Argentinian authorities were investigating the case in order to determine the existence of the presumed infringement.

1.28 The UK reported that the first time the *Estela* was sighted, it was clearly seen to be fishing out of season and therefore in contravention of Conservation Measure 93/XIV and possibly other related measures. A report was sent to the Secretariat on 3 January 1996 and a diplomatic note passed to the Argentinian Government on 5 January 1996. It was therefore particularly disappointing to the UK to discover that, three weeks after the Argentinian authorities were advised of this clear breach of conservation measures, the same vessel was sighted, clearly fishing, in the same subarea.

1.29 Argentina replied that, after receiving information from the CCAMLR Secretariat, as a result of precautionary measures by the Argentinian authorities, the vessel *Estela*, escorted by an Argentinian Navy vessel, was taken into port on 1 February 1996 and its cargo sealed. Investigations and legal procedures established under Argentinian law have been substantiated. The results of these procedures will be reported to CCAMLR in the near future.

1.30 With regard to the vessel in question, South Africa informed the Committee that it had recently received an application from the *Estela* in accordance with the regulations referred to in paragraphs 1.13 and 1.14 above, and asked Argentina for advice on the matter. Argentina advised that close cooperation between both countries would strengthen the enforcement of conservation measures.

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

1.31 The Committee considered information provided by Members in accordance with Articles X and XXII of the Convention. This information included Members' reports on sightings of vessels of Contracting Parties and activities of non-Members States in the Convention Area.

1.32 During the 1994/95 season, Members reported to the Commission and SCOI on sightings of fishing vessels of CCAMLR Flag States in the Convention Area. The 1995 report of SCOI contained comments of the Flag States with regard to several sightings (CCAMLR-XIV, Annex 5 paragraphs 1.28 to 1.33).

1.33 During the 1995/96 intersessional period, Chile informed CCAMLR of the results of its investigation of the vessel *Isla Sofia* (COMM CIRC 95/45 and SCOI-96/11). Statements were taken from the captain and pilots of the vessel which confirmed that it fished in Subarea 48.3 on 21 September 1995. Consequently Chilean authorities confiscated 120 tonnes of fish and took appropriate legal action.

1.34 During the meeting, the Committee received comments from Flag States on sightings of the following vessels mentioned in last year's report:

Source	Vessel	Flag State	Date	Position
USA CCAMLR-XIV/BG/28	<i>Magallanes I</i>	Argentina	06.10.95	Subarea 48.3 54°01'S 39°42'W
UK CCAMLR-XIV/18	<i>Mar del Sur II</i>	Argentina	22.08.95 21.09.95	Subarea 48.3 53°35'S 38°02'W
	<i>Marazul XV</i>	Argentina	07.95	Subarea 48.3 Shag Rocks
	<i>Arbumasa</i>	Argentina	21.09.95	Subarea 48.3 53°38'S 38°39'W
	<i>Elqui</i>	Chile	13.07.95	Subarea 48.3 55°03'S 36°47'W
South Africa CCAMLR-XV/18	<i>Quantus</i>	South Africa	28.09.96	Subarea 58.7 46°30'S 39°32'E

1.35 With regard to the vessel *Elqui*, Chile informed the Committee that the vessel did not touch any Chilean port after its sighting, and when it arrived at a Chilean port some months later there was no evidence of illegal fishing.

1.36 Argentina reported that the *Arbumasa* had been fined US\$8 000 and its fishing permit had been suspended. Judicial procedures were proceeding against the Argentinian vessels *Magallanes I*, *Mar del Sur II* and *Marazul XV*.

1.37 South Africa reported, with regard to *Quantus* that, it was undertaking legal procedures to see whether the vessel could be charged. In the meantime, the catch had been seized and monies retained by authorities pending the outcome of the proceedings.

1.38 South Africa informed the Committee of an evolving problem which was of growing concern to South African authorities and, it believed, should be to all Members of the Commission. The problem concerned the extent of illegal fishing in the Convention Area.

1.39 In the spirit of Conservation Measure 31/X, South Africa had notified the Commission last year of its intention to commence longline fishing for *D. eleginoides* in the EEZ around the Prince Edward Islands (CCAMLR Statistical Subarea 58.7). Following allegations of some 20 vessels fishing in its EEZ and in the Convention Area, South Africa carried out a surveillance flight in the area of the Prince Edward Islands on 28 September 1996.

1.40 Four vessels were found to be fishing in the search area - two in CCAMLR waters and two in the South African EEZ around the Prince Edward Islands. Three of these vessels were operating under the flags of non-CCAMLR Members and none had permission to fish in accordance with either CCAMLR Conservation Measure 31/X or South African national legislation. The vessels *Cindy* (Vanuatu) and *Explorer* (Panama) were fishing in CCAMLR waters. *Priaia Do Rostello* (Portugal) and *Quantus* (South Africa) were fishing in the South African EEZ.

1.41 Two of the vessels were reflagged vessels, originally belonging to a Member of the Commission. South Africa believed that the reflagging of vessels raised the question of whether this was in contravention of the FAO Compliance Agreement.

1.42 Under the regulations advised to the Committee in paragraph 1.13, South African authorities have granted five 'experimental' permits to South African operators to fish for *D. eleginoides* using longlines within the South African EEZ, both coastal and around the Prince Edward Islands.

1.43 South Africa has also received 19 applications for landing permits, some from vessels that had been reported in the past in contravention of CCAMLR conservation measures elsewhere in the Convention Area.

1.44 South Africa believed that the political resolve of the Commission was at stake in this matter and requested a concerted and coordinated response to the situation. Such a response should send a clear message to non-Members of the Commission that CCAMLR was the international regulatory organisation in the area.

1.45 It was important that Members of the Commission who knew of vessels under their flags which had been reflagged should inform the Commission of that information, thereby helping to track these vessels and allow regulatory authorities to follow the vessels and ensure that they were not fishing in contravention of the Convention.

1.46 The UK said that although this might be a new situation for South Africa, it was not new to the Committee, as the UK had been raising, over the last three to five years, concerns of illegal fishing in Subarea 48.3. It was clear that fishing in that subarea had continued into early 1996. The level of fishing activity in Subarea 48.3 had decreased dramatically this year but, in view of the above report from South Africa, vessels fishing illegally had presumably moved from one subarea to another.



1.47 Norway reported the difficulty it experienced in discovering the owners of vessels following reflagging.

1.48 In its report to SCOI on illegal fishing in Subarea 58.7, South Africa made the following suggestions aimed at dealing more effectively with contraventions of CCAMLR conservation measures:

- (i) communication between CCAMLR and States which are not Party to the Convention under Article X of the Convention should be strengthened and improved;
- (ii) the status and implementation of the procedure set out in paragraph IV of the System of Inspection should be improved; and
- (iii) the items of information required under (ii) should be reviewed with respect to improving the information conveyed by Contracting Parties to the Secretariat.

1.49 In considering these suggestions, SCOI recommended that, in accordance with Article X of the Convention, a firm message from the Commission should be conveyed to non-Members whose vessels have been implicated in undermining the effectiveness of conservation measures. The Committee agreed that past communications from the Commission's Chairman to non-Members should be reviewed and, if necessary, strengthened.

1.50 In respect of items (ii) and (iii) in paragraph 1.48 above, the Committee recommended that compliance with conservation measures would be enhanced by the timely and accurate submission, as well as dissemination, of information on the fishing vessels of Members which are in the Convention Area. To this end, paragraph IV of the System of Inspection was inadequate since it did little more than provide a list of each Member's flag vessels intending to fish in the forthcoming season.

1.51 The Committee also recommended that the effectiveness of paragraph IV of the System of Inspection could be improved by obtaining positional information, including movements by vessels in and out of the Convention Area and CCAMLR statistical areas. This would require information to be conveyed to Members via the Secretariat in as close to real time as possible.

1.52 Further, each Member should also be requested to provide and pass on in as close to real time as possible available information on vessels that have fished or intend fishing in the

Convention Area, and (i) which are on its register and have been renamed; (ii) which have assumed its registration; or (iii) which have left their registration and have been reflagged elsewhere.

1.53 SCOI noted the evidence of continued fishing by some non-Member States in the Convention Area:

Source of Information	Vessel	Flag State	Date	Position
UK	<i>Liberty</i>	Belize	16.01.95	Subarea 48.3 54°56'04"S 37°57'W
			10.07.95	Subarea 48.3 53°56'S 39°56'W
			19.02.96	Subarea 48.3 Coordinates not reported
	<i>Thunnus</i>	Belize	09.10.95	Subarea 48.3 58°28'S 41°29'W
			04.12.95 and 14.12.95	Subarea 48.3 Coordinates not reported
Uruguay	<i>Valka</i>	Panama	06.95-07.95	Subarea 48.3 Coordinates not reported
South Africa	<i>Cindy</i>	Vanuatu	28.09.96	Subarea 58.7 47°37'S 43°50'E
	<i>Explorer</i>	Panama	28.09.96	Subarea 58.7 47°37'S 43°48'E
	<i>Priaia Do Rostello</i>	Portugal	28.09.96	Subarea 58.7 46°30'S 39°32'E

1.54 The Secretariat reported that during the intersessional period, with regard to the Panamanian-registered *Valka*, the Panamanian authorities had advised that they did not have any information of catches by the *Valka* or any other vessel fishing in international waters.

1.55 Following the Commission's request last year, the Secretariat had written to the Government of Latvia, enquiring if Latvia intended to accede to the CCAMLR Convention and also whether it planned to carry out fishing in the Convention Area. Latvia had, in the past, confirmed that it had been fishing in the Convention Area and said that, as a maritime state, it was ready to undertake the obligations of a fishing state. There had, however, been no response so far to the latest request to Latvia.

1.56 The USA reported on information conveyed to it by the US permit holder fishing for crab and *D. eleginoides* in Subarea 48.3 in the 1995/96 season. The US permit holder noted the loss of his vessel's crab pots to longline vessels fishing illegally (out of season) in September and October 1995. The permit holder also indicated that he had discontinued longline fishing in Subarea 48.3 for *D. eleginoides* because the catch rates in the fishery could not support his vessel's fishing operation.

1.57 The UK reported that the *Liberty*, which previously had been the subject of discussions in SCOI, was fishing on 19 February this year; this activity was reported to the Flag State. The vessel had been understating its catch in the port of a CCAMLR Member, and this information has been passed on to the Member concerned.

1.58 The UK also reported that the Belize-registered *Thunnus* was reported on a number of occasions in Subarea 48.3: on 9 October 1995, 4 December 1995 and 14 December 1995. These sightings had been reported to the Flag State.

#### Improvements to the System of Inspection

1.59 At last year's Meeting, the Commission agreed that measures needed to improve the CCAMLR System of Inspection should be kept under continuing review (CCAMLR-XIV, paragraph 7.44).

1.60 Discussions of SCOI on this subitem included the following topics:

- the Secretariat's report on actions taken during 1995/96;
- proposed amendments to the System of Inspection;
- vessel notification and vessel monitoring systems; and
- recommendations of the Scientific Committee.

#### The Secretariat's Report on Actions taken During 1995/96

1.61 The Secretariat reported that, following last year's decision of SCOI and the Commission, it had published and distributed a new CCAMLR Inspection Report Form. Reports of inspection conducted during 1996 were submitted on this form.

1.62 The Secretariat had also started a procedure of informing Members once a month of any additions to, or deletions from, the List of Vessels of Members Intending to Harvest Marine Living Resources, as agreed at CCAMLR-XIV (paragraph 7.29). Members had no comments on this procedure and its implementation.

1.63 In accordance with established practice, updates to the *Inspectors Manual* were issued twice – in February and June 1996. In addition to routine annual updates, the 1996 updates included a new inspection report form, a list of terms and expressions used in this form and the amended text of the System of Inspection.

#### Proposed Amendments to the System of Inspection

1.64 Last year, Australia proposed a conservation measure which required that all fishing vessels have their fishing gear securely stowed when transiting areas where harvesting was prohibited by a conservation measure in force. Members were invited to consider intersessionally both Australia's suggestion and other possible ways of minimising illegal fishing (CCAMLR-XIV, Annex 5, paragraphs 2.24 and 2.25).

1.65 This year Australia submitted a paper (SCOI-96/3) which proposed minor modifications to the 'indicators of fishing' in paragraph X of the System of Inspection, to ensure that all methods of fishing (longlining, potting and trawling) in the Convention Area were appropriately covered.

1.66 After discussion, SCOI recommended that the Commission adopt the following changes to paragraph X (a) of the System of Inspection (new text is in bold type):

X. A fishing vessel present in the area of application of the Convention shall be presumed to have been engaged in scientific research, or harvesting, of marine living resources (or to have been commencing such operations) if one or more of the following four indicators have been reported by an inspector, and there is no information to the contrary:

- (a) fishing gear was in use, had recently been in use or was **ready** to be used, e.g.:
  - nets, lines or pots were in the water;

- **trawl nets and doors rigged;**
- baited hooks, **baited pots or traps** or thawed bait were ready for use;
- log indicated recent fishing or fishing commencing.

Paragraphs X (b), (c) and (d) remain unchanged.

1.67 In view of the concern expressed by some Members of the Committee about the inclusion of the indicator, 'trawl nets and doors rigged', it was agreed that Members which inspect trawlers be asked to report to next year's meeting on possible refinements to this indicator.

1.68 SCOI recalled last year's decision of the Commission that paragraph X should not at the moment apply to krill, but should a closed season or area be declared for krill, appropriate modifications to the above indicators should be made by the Commission to take account of the particular circumstances of krill harvesting and processing (CCAMLR-XIV, paragraph 7.27).

1.69 During the 1995/96 season, an anomaly in the CCAMLR System of Inspection came to light in respect of the reporting procedures under paragraph VII of the System of Inspection where the use of the approved CCAMLR inspection report forms was not applicable. The two reports of the UK-designated CCAMLR inspectors, mentioned in paragraph 1.26 above, highlighted the anomaly.

1.70 The problem arose from an apparent confusion between different categories of reports required by the System of Inspection and procedures for handling them in paragraphs VIII and IX of the System of Inspection.

1.71 Paragraph VIII referred only to reports submitted on the approved CCAMLR inspection reports forms and paragraph IX dealt only with supplementary reports and information prepared by the Inspector.

1.72 Following discussion at the meeting, SCOI recommended that the Commission delete in paragraph VII the reference to paragraph VIII and adopt the following revised paragraph IX of the System of Inspection:

**IX. Any supplementary reports or information, or any report prepared in accordance with paragraph VII, shall be provided by the designating Member to the CCAMLR Executive Secretary. The latter shall provide such reports or information to the Flag State, which shall be then afforded the opportunity to comment. The CCAMLR Executive Secretary shall transmit the reports or information to Members within 15 days following their receipt from the designating Member, and the observations or comments, if any, received from the Flag State.**

1.73 Chile referred to the correct interpretation and application of paragraph 3(b) of the CCAMLR System of Inspection. Chile's understanding was that once a CCAMLR inspector boarded the vessel and carried out his/her duty, according to the *Inspectors Manual*, that completed the process.

1.74 Argentina commented that, according to the report of the Argentinian observer on board the Chilean vessel *Antonio Lorenzo*, immediately after the completion of an inspection under the framework of CCAMLR, the inspector introduced himself as a representative of the alleged British authorities on South Georgia and South Sandwich Islands, and proceeded to arrest the ship on the sole reason of not having obtained a British fishing licence in accordance with unilateral British measures. Argentina reiterated that those unilateral measures are illegal and contrary to the Convention and the Statement by the Chairman of 1980. Argentina also underlined that the only inspections authorised by the Convention in Subareas 48.3 and 48.4 are those undertaken under the multilateral system of inspection established by the Commission.

1.75 The UK stressed that the actions that it had taken in the waters of South Georgia were wholly compatible with the Convention and the 1980 Chairman's Statement. The UK rejected the assertion of Argentina that only CCAMLR inspections could be undertaken in Subareas 48.3 and 48.4. The 1980 Chairman's Statement provided otherwise. On the points raised by Chile, the UK indicated that paragraph III(b) of the System of Inspection could be not be viewed in isolation. Paragraph IV(b) of the Convention and paragraph 4 of the 1980 Chairman's Statement preserve the legal rights of coastal states to carry out national inspections. There is nothing in the Convention or the System of Inspection which prohibits the carrying out of CCAMLR and national inspections at the same time.

1.76 Argentina pointed out that it does not recognise the UK as a coastal state in the Convention Area, and emphasised that, consequently, the UK has no rights to undertake inspections by virtue of any alleged unilateral legislation.

1.77 Finally, Argentina said that, as is clearly shown in this point, the existence of an underlying problem on Subareas 48.3 and 48.4 is negatively affecting a wide variety of the agenda's items and the correct functioning of the Convention.

### Vessel Notification and Vessel Monitoring Systems

1.78 At last year's meeting, SCOI concluded that, at that stage, it was not possible to reach any agreement or a compromise solution with regard to either a notification system or vessel monitoring systems (VMS) (CCAMLR-XIV, Annex 5, paragraph 2.67).

1.79 At this meeting, Members informed the Committee on the following pilot studies and developments of national satellite-based VMS:

Member	Project	Type of VMS	Stage of Implementation
Argentina	Monitoring Argentina's registered fishing vessels in the national EEZ.	Inmarsat C/GPS	Development of the system is in advanced stage.
Australia	Monitoring of Australian registered vessels in certain fisheries inside Australia's EEZ and in waters of the CCAMLR Convention.	Inmarsat C/GPS	Implemented since 1992
Chile	Pilot studies on monitoring domestic vessels in the national EEZ.	Not yet known	National legislature is considering ways to implement VMS; timing of pilot studies has yet to be decided.
European Community	Evaluation of the viability of a continuous position monitoring system of Community fishing vessels.	Several systems tested include: Inmarsat C/GPS, Argos, Euteltracs and Monicap.	Pilot project completed. A Council decision on the introduction of the mandatory system will be taken by the end of 1996.
	NAFO pilot project on the use of VMS to improve compliance with conservation measures.	Several systems as listed above and controlled by Flag States	Project commenced in 1996. 35% of Community vessels working in NAFO Area are equipped with VMS.
New Zealand	Monitoring of all New Zealand registered fishing vessels over 25 m plus all vessels in certain fisheries (irrespective of Flag States) within New Zealand EEZ. Requires vessels landing fish taken outside New Zealand EEZ (including Convention Area) to carry and use VMS.	Inmarsat C/GPS Argos	Implemented since 1992
Norway	NAFO pilot project on the use of VMS to improve compliance with conservation measures.	Inmarsat C/GPS Argos Euteltracs	Planned for 1996-97

South Africa	Monitoring of vessels permitted to fish for <i>D. eleginoides</i> in South Africa's EEZ, including the EEZ around the Prince Edward Islands. Such provisions to be extended to any new South African fisheries for <i>D. eleginoides</i> in the Convention Area. Position information for catches landed by all vessels in South African ports.	Inmarsat C/GPS	Commenced 26 August 1996
USA	Field trial of VMS tracking of a vessel in the Convention Area.	Inmarsat C/GPS in cooperation with Australia.	Planned for the 1996/97 season.

1.80 The European Community advised the Committee that, from its perspective, a satellite-based VMS would improve the uniform application of the regulatory framework, enhance cooperation between enforcement agencies and ensure greater transparency of the fishery control and enforcement effort in the Member States.

1.81 Germany agreed with the European Community's position. The benefits to be derived from a VMS included improved control mechanisms, but experience had shown that VMS could not solve all the problems. Also, a factor to be taken into account before a final decision was made was the cost of such a system.

1.82 Spain also supported the comments made by the European Community. However, agreement should be reached on what was to be accomplished from a VMS before a decision was made to go ahead with it.

1.83 Norway repeated its strong support for a VMS within the CCAMLR Convention Area. Norway would require its vessels in CCAMLR waters to use VMS. The conclusion of Norway on the pilot systems tested in the NAFO Convention Area (see paragraph 1.79) was that it should be possible for the Flag State to operate such systems for fishery control where enforcement measures may be enhanced by means of satellite tracking, in combination with a vessel notification system (VNS).

1.84 France strongly favoured the introduction of a VMS in CCAMLR waters in general. Nonetheless, since such a system would be a part of CCAMLR's System of Observation and Inspection, it would not be implemented in the waters adjacent to Kerguelen and Crozet Islands except if agreed by the French authorities and in the manner so agreed, according to the Chairman's Statement of 1980.



1.85 Chile said it was in favour of a satellite positioning system for vessels in the Convention Area in order to strengthen the System of Observation and Inspection. However, Chile believed further discussion was needed regarding the control of a VMS. Chile considered that Flag States should be in control of their own vessels.

1.86 Uruguay agreed with Chile's position. For its part, Uruguay was planning to undertake fishing activities in the Convention Area and wanted to act in a responsible way. However, it did not favour the adoption of a VMS at this stage.

1.87 It was New Zealand's belief, based on its successful experience with a VMS, that CCAMLR should urgently adopt a conservation measure that required a VMS to be used by all fishing vessels within the Convention Area. New Zealand, for its part, required all its vessels to carry a VMS.

1.88 Australia said it seemed clear, from the comments both of Members which had used the VMS and of other Members, that a VMS would improve the system of inspection and that there was support for the future use of a VMS in the Convention Area. From an Australian perspective, there was nothing in UNCLOS that would prevent the adoption of a VMS by CCAMLR if Members so agreed. From earlier remarks by Members, it seemed that such agreement had been reached and that SCOI should now examine the timing and format of how a VMS could be used by CCAMLR Members.

1.89 South Africa referred to its own experiences with satellite monitoring systems and indicated that it was strongly in favour of the introduction of a VMS. This had been clearly demonstrated by the steps South Africa had already taken with respect to the deployment of the systems referred to in paragraph 1.79 above. Technical details and the results of field trials with a South African-developed VMS system have been reported in CCAMLR-XV/BG/18 and 19.

1.90 The Republic of Korea had no objections in principle to the introduction of a VMS. However, in view of the issues raised by other delegates, it was seen as premature to make a decision at this time.

1.91 Japan repeated the statement it made to the Committee last year on this subject that, in general, it supported an investigation of various alternatives for cost-effective monitoring devices. Any decision on the implementation of vessel notification, hail system or VMS, should depend on clear objectives such as monitoring of closed seasons/areas. In the case of the krill

fishery in the Convention Area, Japan reminded the Committee that SCOI, at its 1994 meeting, did not see any need or justification to introduce a VMS, mainly because the level of fishing was far too low compared to TACs, and there were no closed areas and seasons.

1.92 Argentina pointed out that it did not oppose the implementation of VMS on their own as long as they were done at a national level. Argentina reiterated, as it did at CCAMLR-XIV, its strong reservations of various kinds regarding the approach of automatic positioning systems or notifications under study. In particular it reiterated its special concerns:

- for the restrictions to the freedom of navigation in high sea areas, and in its national EEZ; and
- in relation to financial, administrative and practical consequences, as has been indicated in SCAF discussions.

1.93 Argentina emphasised that its principal objection was based on the existence of an unresolved controversy related to the interpretation and implementation of the Convention and the Statement by the Chairman of 1980 in relation to Statistical Subareas 48.3 and 48.4. Until a resolution was reached on the issue, Argentina believed that the implementation of this kind of system would only add another element of pressure in a particularly sensitive zone.

1.94 France did not share the juridical reservation that a VMS might work against the freedom of navigation. France believed that such a system could be set up and implemented on the basis of UNCLOS Article 118, under which States could take all measures they deemed to be pertinent in order to protect marine living resources. Such an agreement could therefore be concluded in the framework of CCAMLR by its Members.

1.95 The UK drew attention to the reservations expressed by some Parties at the 1995 meeting of the Commission about the legality of a CCAMLR VNS or VMS. In its paper SCOI-96/15, the UK attempted to clarify the legal basis for the proposed systems. The paper concluded that there was no legal barrier to a CCAMLR agreement on VNS and VMS being applied to CCAMLR Members' Flag vessels which were on the high seas bound to or from the Convention Area, or navigating through it without any intention of fishing or conducting fisheries research there. The Committee noted this advice and also that a revised version of the paper would be submitted for consideration by the Commission.

1.96 The Committee also noted that several international conventions and treaties referred to VMS, for example: the United Nations Agreement for the Implementation of the Provisions of

the UN Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (see paragraphs 1.103 to 1.105); the Code of Conduct for Responsible Fisheries; the Bering Sea Convention and NAFO.

1.97 The USA said the Committee should be encouraged by the experiences of Members who reported on vessel monitoring trials, particularly in relation to the cost of such a system and the practical implications. Based on Australia's experience, it would probably cost approximately between A\$50 000 and A\$55 000 to set up a general receiving centre. This was equal to the sum the USA had in trust to advance a CCAMLR VMS. Australia affirmed the costings mentioned by the USA and added that the approximate cost of each message was 10 Australian cents and that the cost of a VMS unit was less than the wholesale price of 1.5 tonnes of *D. eleginoides*.

1.98 After considering the issue of VMS, SCOI agreed that vessel monitoring was a useful and highly effective means of enhancing compliance with fisheries conservation measures. As evidence of this usefulness, a number of Member countries either presently required a system of vessel monitoring within their national jurisdictions or intended in the near future to require such a system. SCOI agreed that the use of a system or systems of vessel monitoring within the Convention Area should be a goal of the Commission.

1.99 Future discussions on the possible use of vessel monitoring would address what system or systems to use and who should manage such a system or systems.

1.100 SCOI noted the advice of the Scientific Committee that the effectiveness of, and compliance with, conservation measures for new fisheries in Areas 58 and 88 and Subarea 48.6 could be significantly improved by a Commission requirement that vessels participating in these fisheries provide positional information.

1.101 As a result of its discussions, SCOI recommended that the Commission strongly urge Members which:

- (i) require the use of a VMS within their national jurisdictions, or which have the legal authority to require a VMS within their national jurisdictions or on the high seas, to also voluntarily require their Flag vessels participating in the new fisheries in Areas 58 and 88 and Subarea 48.6 to carry a satellite-based vessel monitoring device; and

- (ii) choose to require the use of their national systems of vessel monitoring by their Flag vessels in the Convention Area;

to coordinate intersessionally on the operation of these systems by meeting before the fishing seasons for major CCAMLR fisheries commence. Further intersessional consultation would be held at the conclusion of the fishing seasons to prepare a report to SCOI on these pilot efforts.

1.102 SCOI noted the availability of the US Vessel Monitoring Special Fund to support this coordination and the willingness of Australia to chair the intersessional consultations.

#### The Relevance to CCAMLR of the UN Agreement Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

1.103 Australia made a statement about the relevance of its paper, ‘The Relevance to CCAMLR of the UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks’ (CCAMLR-XV/12 Rev. 1), to the Committee’s deliberations on improvements to the System of Inspection. Following discussion, the Committee agreed that the paper be referred to for information only during the Committee’s deliberations, as the Commission’s plenary was a more appropriate forum for its discussion.

1.104 The paper was, Australia believed, clear and self-explanatory. In particular, the paper outlined why Australia saw the UN Agreement and CCAMLR to be complementary and mutually reinforcing. Many elements of the UN Agreement were already being implemented by CCAMLR. Relevant to the work of SCOI were that the UN Agreement offered benefits to CCAMLR – improved cooperation between States; strengthened arrangements for data collection and sharing; and enhanced monitoring, control and surveillance.

1.105 Australia noted that it was not seeking a decision at this meeting. Australia would like to see included in the report of this session appropriate references to the desirability of further examination by CCAMLR Members of the relationship between the two instruments, and urging all CCAMLR Members to sign or ratify the UN Agreement.

#### Recommendations of the Scientific Committee

1.106 The Chairman of the Scientific Committee drew the attention of SCOI to the continuing high level of unreported catches in the *D. eleginoides* fishery in Subarea 48.3 during the

1995/96 season. Unlike previous years, the Scientific Committee had no ancillary information to estimate the level of unreported catches. This would, in the medium term, have consequences for the quality of assessments of this stock.

1.107 SCOI shared this concern of the Scientific Committee and recalled its discussions under paragraphs 1.31 to 1.58, which dealt with illegal fishing by vessels of CCAMLR Flag States and fishing by vessels of non-Members. Certain Members reported the apparent movement of vessels implicated in illegal fishing in Subarea 48.3 to other areas of the Convention.

1.108 SCOI endorsed the advice of the Scientific Committee that objective verification of positional information from fishing vessels was an important means for improving compliance with conservation measures, particularly if fishing effort were extended over a wide geographical area or if the fishery followed stock(s) across the Convention Area's boundaries.

1.109 SCOI noted that the use of national VMS had already been initiated or was under consideration by a number of CCAMLR Members, particularly those Members positioned geographically close to the Convention Area (see paragraph 1.79), and agreed that the use of a system or systems of vessel monitoring within the Convention Area should be a goal of the Commission. Some Members from this latter group had developed a port state control over all vessels requiring the provision of catch position information in order to receive a landing permit (paragraphs 1.13 and 1.14). SCOI reminded the Scientific Committee that the CCAMLR Scheme of International Scientific Observation also provided very important means of collecting verifiable information on the position of catches.

1.110 SCOI was concerned with the information of the Scientific Committee that reports from scientific observers on board longline vessels fishing in Subarea 48.3 in the 1995/96 season indicated that daytime setting of longlines was occurring frequently, in contravention of Conservation Measure 29/XIV. SCOI also recalled its deliberations under paragraphs 1.23, 1.24 and 2.2.

1.111 In response to SCOI's request (paragraph 1.24), the Scientific Committee had prepared a precise definition of the terms 'daylight', 'nautical twilight' and 'dawn'. The advice of the Scientific Committee on the matter would be available to the Commission. SCOI recommended that the Commission consider inclusion of the definition of the terms provided by the Scientific Committee in Conservation Measure 29/XIV.

Observations Undertaken in the 1995/96 Season

2.1 A summary of scientific observations was provided in SC-CAMLR-XV/BG/23. International scientific observers were placed on 16 vessels which fished for *D. eleginoides* in Subarea 48.3. The Chairman of the Scientific Committee, in his report to SCOI, advised that only four of the 16 observers had provided reports in time for the data contained in them to be analysed and assessed by the Working Group on Fish Stock Assessment (WG-FSA). The Scientific Committee would be making recommendations regarding the timely submission of data by scientific observers in future.

Observations on Board the Chilean Longliner *Puerto Ballena*

2.2 SCOI noted the report of a scientific observer who worked on board the Chilean vessel *Puerto Ballena* fishing for *D. eleginoides* in Subarea 48.3 during the 1995/96 season (SCOI-96/12). The report was intended for the Committee's discussions on the implementation of the CCAMLR Scheme of International Scientific Observation. The report, however, contained information relating to the implementation by the vessel of Conservation Measure 29/XIV. In particular it contained records that about 44% of the longlines were set during daylight hours, i.e., in contravention of Conservation Measure 29/XIV.

2.3 A full report of the observer was sent to Chile soon after completion of the observer's program.

2.4 Chile advised the Committee that it would look very carefully at the content of the observer's report and would do its utmost to ensure that the crew of the *PuertoBallena* knew exactly the conservation measures adopted by CCAMLR, and also to ensure compliance with them.

2.5 In addition, Chile advised that it intended to analyse the procedure followed by the observer in the context of the bilateral agreement. Finally, Chile made the following remarks:

'The Scheme of Scientific Observation of CCAMLR constituted a fundamental scheme to obtain relevant information with respect to the fishing activities carried out by vessels authorised to operate in the zone of the Convention. In order for this scheme to maintain its effectiveness, concerning the recollection of dependable and first source

data, it appeared necessary not to affect the relationship of mutual trust between the scientific observer and the crew of the vessel. Therefore, to maintain this relationship, precarious by its nature, it was necessary to have clear areas of competence for observers and inspectors.

In this regard, it did not appear appropriate that a scientific observer become just an 'observer' on compliance of a conservation measure, as stated in the heading and in the introduction of the document SCOI-96/12. In Chile's opinion, this action deteriorated the important element of mutual trust, already mentioned, by impinging on the Inspection System established by the Commission.

A different case would be if a scientific observation report referred to the efficiency or possible difficulties in the practical application of a conservation measure, but not to its compliance by a given fishing vessel. This second type of report should contain certain discussion elements, conclusions and possibly some recommendation to improve the efficiency of the measure or its practical application. The document SCOI-96/12 did not contain this element, being a report on the degree of compliance by a given ship with respect to a CCAMLR conservation measure.'

2.6 Germany agreed with the distinction between the role of a scientific observer and that of an inspector. In this connection, it said that the title of the paper was misleading. On the other hand, the German delegate pointed out that this report focussed on the results of observation.

### Improvements to the Scheme

2.7 At last year's meeting, the Commission agreed that measures needed to improve the CCAMLR Scheme of International Scientific Observation should be kept under continuing review (CCAMLR-XIV, paragraph 7.44).

2.8 During the 1995/96 season, a major development in the scheme was the introduction of the Observers Logbook for longline fisheries, had been developed by the Secretariat and published and distributed to Members on 30 January 1996. Some observers' reports received this year were submitted using the logbook. Work has continued on the development of a logbook for trawl fisheries. WG-FSA had considered the draft logbook for trawl fisheries and recommended changes. Several changes have also been made to the logbook for longline fisheries. The revised logbooks are reproduced in SC-CAMLR-XV/BG/26.

2.9 The Chairman of the Scientific Committee, on behalf of the Scientific Committee, confirmed its point of view of last year that 100% observer coverage and the range and amount of data collected by scientific observers were essential to the acquisition of appropriate data with which to manage longline fisheries, and that such 100% coverage should become mandatory for other finfish fisheries (CCAMLR-XIV, paragraph 7.36), in particular, for all new fisheries for finfish and the new fishery for squid, as notified to the Commission at this year's meeting.

2.10 SCOI noted this view of the Scientific Committee. It drew the attention of the Commission to the fact that any decisions in this regard would have implications both for the management of these fisheries and also for the volume of data to be processed by the Secretariat, i.e., to budget requirements. In particular, SCOI recommended that in deciding management requirements for particular fisheries the Commission should set priorities. For example, high priority may be assigned to longline fisheries and low priority to trawl fisheries for myctophids.

2.11 The Scientific Committee recommended several improvements to the work of the scheme which would lead to significant improvements in both data quality and the timeliness of their submission.

2.12 SCOI took note of the improvements recommended by the Scientific Committee. It recommended that the Commission consider these improvements when the adopted report of the Scientific Committee was available. It drew the attention of the Commission to some of the suggested improvements which would require the allocation of funds from the Commission budget. SCOI agreed that Members nominate, as a matter of priority, national coordinators of observation programs, as recommended by the Scientific Committee.

2.13 The Committee also suggested that the submission deadline for observers' reports proposed by the Scientific Committee be amended to: 'not later than one month after the completion of the observer cruise or the return of the observer to his/her home country'.

#### ADVICE TO SCAF

3.1 SCOI drew the attention of SCAF to its endorsement of several improvements to the Scheme of International Scientific Observation, as recommended by the Scientific Committee (paragraph 2.12).



#### ANY OTHER BUSINESS REFERRED BY THE COMMISSION

4.1 No other matters were referred to the Committee by the Commission.

#### ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN OF SCOI

5.1 It was proposed by Japan that Dr Figaj should continue as Chairman for another two-year term. This proposal was seconded by Argentina. The Committee unanimously elected Dr Figaj as Chairman of the Committee for the period from the end of this meeting to the end of the Committee meeting in 1998.

5.2 The UK proposed Mr I. Hay (Australia) as Vice-Chairman. This proposal was seconded by Japan. Mr Hay was unanimously elected as Vice-Chairman of the Committee from the end of this meeting to the end of the Committee meeting in 1997.

#### ADOPTION OF THE REPORT

6.1 The report of the meeting was adopted. The Chairman thanked delegates for their hard work during the Committee's deliberations.

**AGENDA**

Standing Committee on Observation and Inspection (SCOI)  
(Hobart, Australia, 21 to 24 October 1996)

1. Operation of the System of Inspection and Compliance with Conservation Measures
  - (i) Implementation of Conservation Measures in the 1995/96 Season
  - (ii) Inspections Undertaken in the 1995/96 Season
  - (iii) Reports of Flag States
  - (iv) Information provided by Members in accordance with Articles X and XXII of the Convention
  - (v) Improvements to the System of Inspection
2. Operation of the Scheme of International Scientific Observation
  - (i) Observations undertaken in 1995/96 Season
  - (ii) Improvements to the Scheme
3. Advice to SCAF
4. Any Other Business Referred by the Commission
5. Election of the Chairman and Vice-Chairman of SCOI
6. Adoption of the Report.

## LIST OF DOCUMENTS

Standing Committee on Observation and Inspection (SCOI)  
(Hobart, Australia, 21 to 24 October 1996)

SCOI-96/1	PROVISIONAL AGENDA
SCOI-96/2	LIST OF DOCUMENTS
SCOI-96/3	IMPROVEMENTS TO THE SYSTEM OF INSPECTION CONCERNING STOWAGE OF FISHING GEAR ON VESSELS IN AREAS CLOSED FOR FISHING Delegation of Australia
SCOI-96/4	CCAMLR CONVENTION COMPLIANCE PROVISIONS Secretariat
SCOI-96/5	REPORTS OF INSPECTION, 1995/96 Secretariat
SCOI-96/6	SYSTEM OF INSPECTION - FV <i>ESTELA</i> Secretariat
SCOI-96/7	SUMMARY OF REPORTS ON SIGHTINGS OF IDENTIFIED FISHING VESSELS IN 1995/96 Secretariat
SCOI-96/8	HANDLING REPORTS OF INSPECTORS SUBMITTED IN ACCORDANCE WITH PARAGRAPH VII OF THE SYSTEM OF INSPECTION Secretariat
SCOI-96/9	SYSTEM OF INSPECTION (AS AMENDED AT CCAMLR-XIV) Secretariat
SCOI-96/10	NEW ZEALAND'S EXPERIENCE WITH THE VESSEL MONITORING SYSTEM (VMS) Delegation of New Zealand
SCOI-96/11	INFORMATION OF CHILE ON RV <i>ISLA SOFIA</i> Secretariat
SCOI-96/12	COMPLIANCE WITH CONSERVATION MEASURE 29/XIV. OBSERVATIONS ON BOARD THE CHILEAN LONGLINER <i>PUERTO BALLENA</i> IN THE 1995/96 FISHING SEASON Karl-Hermann Kock and Jorn Selling (Germany)
SCOI-96/13	DEPLOYMENT OF UK-DESIGNATED CCAMLR INSPECTORS AND OBSERVERS DURING THE 1995/96 FISHING SEASON Delegation of United Kingdom
SCOI-96/14	VACANT

SCOI-96/15 PROPOSED VESSEL NOTIFICATION AND VESSEL MONITORING  
SYSTEMS: LEGAL BASIS  
Delegation of United Kingdom

Other documents:

CCAMLR-XV/12 THE RELEVANCE TO CCAMLR OF THE UN AGREEMENT RELATING TO  
Rev.1 THE CONSERVATION AND MANAGEMENT OF STRADDLING STOCKS  
AND HIGHLY MIGRATORY FISH STOCKS  
Delegation of Australia

CCAMLR-XV/16 SUMMARY OF INSPECTIONS  
Rev.1 Secretariat

CCAMLR-XV/18 REPORT ON ILLEGAL FISHING  
Delegation of South Africa

CCAMLR-XV/BG/17 IMPLEMENTATION OF CONSERVATION MEASURES  
Secretariat

CCAMLR-XV/BG/18 SOUTH AFRICAN FISHING VESSEL MONITORING SYSTEM  
Delegation of South Africa

CCAMLR-XV/BG/19 SATELLITE MONITORING SYSTEMS - OUTLINE OF INVESTIGATIONS  
CONDUCTED ON THE INTRODUCTION OF VMS IN SOUTH AFRICA  
Delegation of South Africa

CCAMLR-XV/BG/22 PILOT PROJECT SATELLITE MONITORING IN FISHERY - FINAL REPORT  
Delegation of Germany

CCAMLR-XV/BG/24 INFORMATION NOTE ON THE ESTABLISHMENT OF A SATELLITE-BASED  
VESSEL MONITORING SYSTEM  
Delegation of the European Community

CCAMLR-XV/MA/11 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1995/96  
United Kingdom

SC-CAMLR-XV/BG/23 SUMMARY OF OBSERVATIONS CONDUCTED IN THE 1995/96 SEASON IN  
ACCORDANCE WITH THE CCAMLR SCHEME OF INTERNATIONAL  
SCIENTIFIC OBSERVATION  
Secretariat