

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

**REPORT OF THE FIFTEENTH MEETING  
OF THE COMMISSION**

HOBART, AUSTRALIA  
21 OCTOBER – 1 NOVEMBER, 1996

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### **Abstract**

This document presents the adopted record of the Fifteenth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 21 October to 1 November 1996. Major topics discussed at this meeting include: review of the Report of the Scientific Committee, assessment and avoidance of incidental mortality of Antarctic marine living resources, new and exploratory fisheries, current operation of the Systems of Inspection and Scientific Observation, interpretation of the Convention, compliance with conservation measures in force, review of existing conservation measures and adoption of new conservation measures, management under conditions of uncertainty and cooperation with other international organisations including the Antarctic Treaty System. The Reports of the Standing Committee on Administration and Finance and the Standing Committee on Observation and Inspection are appended.

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## **REPORT OF THE FIFTEENTH MEETING OF THE COMMISSION**

(Hobart, Australia, 21 October to 1 November 1996)

### OPENING OF THE MEETING

1.1 The Fifteenth Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources was held in Hobart, Tasmania, Australia, from 21 October to 1 November 1996 under the Chairmanship of Mr J. Villemain (France) who opened the meeting.

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

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

1.4 The Antarctic and Southern Ocean Coalition (ASOC), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Food and Agriculture Organization of the United Nations (FAO), the Forum Fisheries Agency (FFA), the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Fisheries Commission (IOFC), the Intergovernmental Oceanographic Commission (IOC), the World Conservation Union (IUCN), the International Whaling Commission (IWC), the Scientific Committee on Antarctic Research (SCAR), the Scientific Committee on Oceanic Research (SCOR) and the South Pacific Commission (SPC) were invited to attend the meeting as observers. ASOC, CCSBT, IOC, IUCN and IWC attended.

1.5 The Chairman welcomed Members and observers to the meeting and noted that Uruguay had become a full Member of the Commission since the last meeting. There are now 23 Members and six Acceding States. The Republic of Namibia has expressed interest in participating in the work of CCAMLR, and its Ministry of Fisheries and Marine Resources is presently studying the prospect of Namibia's acceding to the Convention.

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

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

1.8 Attending his first meeting of the Commission, His Excellency noted that since the early days of European settlement, Tasmania's involvement with Antarctica had grown considerably so that it was now playing a significant role in every field, including scientific research, research and analysis of law and policy, environmental studies, resupply of expeditions and the provision of a large range of specialised products, services and technology.

1.9 His Excellency recalled that he had recently initiated a two-day Governor's Forum at which all those involved in every aspect of the Antarctic, sub-Antarctic and Southern Ocean, both at the national and state level in Australia, had presented their views of Tasmania's future in this field. It was the first time in Australia that people from all areas of Antarctic endeavour had ever met together at one place and one time.

1.10 His Excellency said CCAMLR was a truly remarkable organisation and its achievements since its inception were impressive. He referred, in particular, to CCAMLR's precautionary and ecosystem approach to marine living resource management and to the Scheme of International Scientific Observation. He appreciated that the Commission had some difficult issues to face at this meeting but, given its impressive history of achievement, its progressive outlook, the expertise of its Scientific Committee and the commitment of its Members, he was confident that it would be able to find the creative formulae necessary to achieve results.

1.11 His Excellency concluded by praising the example CCAMLR had provided of how an international convention could be made a balanced, effective and dynamic instrument of conservation.

## ORGANISATION OF THE MEETING

### Adoption of the Agenda

2.1 The Provisional Agenda (CCAMLR-XV/1) was distributed prior to the meeting. The Agenda was adopted with one amendment, the addition of 'Proposed Management Audit of the CCAMLR Secretariat' as Subitem 3(vi) (Annex 3).

## Report of the Chairman

2.2 The Chairman reported on intersessional activities. He informed the meeting that Scientific Committee Working Groups had met during the year in Bergen, Norway (Working Group on Ecosystem Monitoring and Management (WG-EMM)), and in Hobart (Working Group on Fish Stock Assessment (WG-FSA)). Two ad hoc subgroups associated with WG-EMM had also met during the intersessional period: the Subgroup on Statistics met in Cambridge, UK, and the Subgroup on Monitoring Methods met in Bergen, Norway, prior to the WG-EMM meeting. The Chairman also reported that although ad hoc Working Group on Incidental Mortality Arising from Longline Fishing (WG-IMALF) had not met during the year, a coordinating group had conducted its work by correspondence.

2.3 The Commission was represented as an observer at a number of international meetings as listed in paragraph 11.15. Cooperation with other organisations is discussed in sections 10 and 11.

## FINANCE AND ADMINISTRATION

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

3.2 The Chairman of SCAF drew the attention of the Commission to the fact that SCAF had been able to reach agreement on a number of important issues this year as a result of the cooperative attitude of all participants. Members commended the Chairman of SCAF on his management of such a successful meeting.

## Administration

3.3 The Commission adopted the flag, as had been presented to SCAF, as its official flag.

3.4 The Commission noted the comments of SCAF with respect to the new location of the Secretariat and its expressed appreciation to the Government of Australia.

3.5 The Commission authorised the Executive Secretary to continue his procedures for acquiring a new Data Manager and to make the appointment at an appropriate level.



## Examination of Audited Financial Statements for 1995 and 1996

3.6 The Commission accepted the audited Financial Statements for 1995.

3.7 The Commission appointed the Australian National Audit Office as auditor in respect of the 1996 and 1997 financial years.

3.8 As review audits had been performed for the previous two financial years, the Commission decided that a full audit should be performed on the 1996 Financial Statements.

## Budgets for 1996, 1997 and 1998

3.9 The Commission noted the comments of SCAF about the situation with the 1996 budget (Annex 4, paragraph 8) and received the advice of the Chairman of SCAF that the translation requirements so far at the 1996 meeting have caused this part of the meeting's budget item to be exceeded.

3.10 The Commission noted that SCAF had discussed the concept of requiring zero real growth in the Commission's expenditure budget. SCAF's report to the Commission indicated that a certain degree of flexibility for budget increases should be allowed in a disciplined manner, including the consideration of all possibilities of cost savings. Members noted that, for the foreseeable future, increases in the budget in excess of zero real growth are likely to be required if the Secretariat is to manage the large amount of additional data required by the Commission for new fisheries. Members were urged to raise this matter within their governments in the intersessional period in order to address it further at the next meeting of the Commission.

3.11 The Commission endorsed the recommendations of SCAF in respect of the use of electronic media (Annex 4, paragraph 11) and agreed that *CCAMLR Science* should continue to be published in 1997 and the two subsequent years, and that the policy for distributing publications should, in 1997, continue as in 1996.

3.12 Members requested that all future decisions by the Commission on travel by the Secretariat to represent CCAMLR at meetings of other international organisations be based on detailed presentations and be taken after considering specific proposals for such travel by SCAF even if they are to be discussed under the agenda item on 'Cooperation with other International Organisations'.

3.13 The Commission approved the inclusion of the Scientific Committee's proposed budget for 1997, as presented in the Scientific Committee's report (SC-CAMLR-XV, Table 9), in the Commission budget and adopted the 1997 Commission budget (Annex 4, Appendix 1).

3.14 Following discussions on the subject by SCAF, the Delegation of New Zealand had pursued with other delegates and the Secretariat, various options for developing New Zealand's proposal for the production of a seabird identification manual (CCAMLR-XV/13) to include other official CCAMLR languages. A revised proposal was presented to the Commission, which suggested the production of 1 900 copies of the manual including all four languages.

3.15 In addition to the original funding offer from New Zealand (A\$28 000), offers of funding had been received from the UK (A\$18 000) and the World Wildlife Fund (A\$10 000). The estimated amount required was A\$33 500. All Members were called on to seek additional sources of funding for this, but, to ensure that this publication proceeds, the Commission authorised the Secretariat to use up to A\$33 500 for this purpose from the Special Fund created from the Ukrainian 1995 contribution.

3.16 Some Members accepted this decision on the publication of the manual only on the understanding that this is an exceptional circumstance and noted that consideration of such proposals by the Commission at short notice and without full examination by SCAF would not be acceptable to them in the future. The Executive Secretary drew Members' attention to the requirement, as set out in Financial Regulation 14.2, for the Executive Secretary to evaluate the administrative and financial implications of matters being decided. In practical terms, this means that he should be provided with sufficient time and detail to perform such an evaluation.

3.17 Financial consequences to the Commission in 1997 of the proposed new fisheries could not be identified until a late stage of SCAF's meeting. The Commission agreed that the additional costs of managing the data from new fisheries in 1997 should be dealt with outside the annual budget and authorised the Secretariat to use up to A\$68 500 from the Ukrainian Special Fund to solve the contingent needs of Data Management which would arise from the possible development of new fisheries.

3.18 The Commission received the advice of SCAF that the availability of such a fund has been useful for financing these costs and that it might be appropriate to consider establishing other such funds in the future.

3.19 The Commission noted the forecast budget for 1998 (Annex 4, Appendix 1) which included the anticipated increase in costs for managing the data from the new fisheries.

3.20 The Chairman of SCAF advised the Commission that agreement on a proposed formula for calculating Members' contributions to the annual budget was the culmination of three years of discussions and represented a significant degree of compromise. The proposal was that the formula should be used, in the first instance, for three years to allow Members to measure its effects. The Commission adopted the formula provided in paragraph 24 of the SCAF report (Annex 4) as a basis for calculating Members' contributions to the annual budget for the financial years 1997, 1998 and 1999.

3.21 The Commission noted the suggestion of SCAF for the following factors to be taken into account in future consideration of the formula: cost to the Commission of managing the resource, conservation status and market values. It recognised that these factors did not represent any order of priority.

#### Management Review of the Secretariat

3.22 The Commission approved the commissioning of a management review of the Secretariat on the basis of the terms of reference set out in Appendix 2 of the SCAF report (Annex 4).

#### SCIENTIFIC COMMITTEE

4.1 Decisions of the Commission relating to conservation measures arising from recommendations of the Scientific Committee are reported in section 8 of this report. The Commission received the recommendations, advice, data requirements and research plans of the Scientific Committee.

#### Fishery Status and Trends

4.2 The Commission noted that the total reported catch of krill in 1995/96 (95 053 tonnes) was 20% less than the 1994/95 figure (118 714 tonnes). The catch was taken mainly by Japan, Poland and Ukraine with a small amount taken by Panama (which is not a CCAMLR Member). The level of krill fishing is likely to remain the same in the 1996/97 season (SC-CAMLR-XV, paragraphs 2.1 to 2.7).

4.3 The total reported catch of finfish in the Convention Area in 1995/96 was 8 826 tonnes, of which *Dissostichus eleginoides* comprised 99%. The catch was less than that reported that in 1994/95 and was taken mainly by Chile and France in Subarea 48.3 and Division 58.5.1 respectively. Catches of other fish were minimal although fisheries of several other species were open in 1995/96 (SC-CAMLR-XV, paragraph 2.8 and Table 5).

4.4 The Commission noted the considerable interest expressed by fishing companies from various Member countries in fishing for *D. eleginoides* in the Convention Area (SC-CAMLR-XV, paragraphs 2.12 to 2.14).

4.5 The Commission noted that the Scientific Committee had advised SCOI on the apparent high level of unreported catches from previously unfished Subareas 58.6 and 58.7 (SC-CAMLR-XV, paragraph 2.9).

4.6 The Commission noted that the US company involved in the crab fishery in Subarea 48.3 caught 497 tonnes of crabs in 1995/96 but decided not to continue fishing in 1996/97. Some other companies, however, still have an interest in this fishery (SC-CAMLR-XV, paragraphs 2.16 and 2.17).

4.7 The first significant catch of squid, *Martialia hyadesi*, in the Convention Area was taken by a Korean vessel during experimental fishing in Subarea 48.3 (total catch of 52 tonnes). The notification of a new fishery for *M. hyadesi* in Subarea 48.3, submitted jointly by the Republic of Korea and the UK, is considered below in section 6 of this report.

## Dependent Species

### CCAMLR Ecosystem Monitoring Program

4.8 The Commission noted an important step made by the Scientific Committee and WG-EMM towards a more quantitative presentation of trends in predator indices monitored in accordance with CEMP (SC-CAMLR-XV, paragraphs 3.10 to 3.14, 5.26 and 5.27).

4.9 It further noted that the Scientific Committee had approved a number of new standard methods which relate to the attachment of instruments, data collection using time-depth recorders (TDRs), and monitoring methods for cape and Antarctic petrels, and recommended that they be published in *CEMP Standard Methods* (SC-CAMLR-XV, paragraph 3.5).

4.10 The Commission also noted the initiative of the Scientific Committee on the development of other new monitoring methods for a number of species and also on the maintenance of close links with the SCAR Antarctic Pack-Ice Seals Program (APIS) (SC-CAMLR-XV, paragraph 3.6)

4.11 It was noted that there were no new proposals for CEMP site protection, the incorporation of new species into CEMP or the extension of the scope of CEMP (SC-CAMLR-XV, paragraphs 3.3, 3.18 and 3.19). It was also noted that Norway will be establishing a CEMP monitoring site at Bouvet Island during the forthcoming season (SC-CAMLR-XV, paragraph 3.20).

4.12 The Commission endorsed a request made by the Scientific Committee that all appropriate data currently held by Members, and which have not yet been submitted, be compiled in the required format and submitted to CCAMLR (SC-CAMLR-XV, paragraph 3.21).

#### Marine Mammal and Bird Populations

4.13 The Commission noted the advice received by the Scientific Committee from IWC and SCAR with regard to the current status and trends in populations of whales and birds in the Convention Area. Information provided on the status of whale populations shows that minke whales are the most abundant whale species in the Southern Ocean, with estimated numbers exceeding 700 000 animals. Population estimates of blue whales remained low while some populations of humpback whales have apparently started to recover (SC-CAMLR-XV, paragraphs 3.66 and 3.67). For all sub-Antarctic species of albatrosses, there is evidence of decreases, with incidental mortality recognised as the main cause of this decline (SC-CAMLR-XV, paragraphs 3.74 to 3.76). The Commission joined the Scientific Committee in expressing its appreciation to IWC and in particular to SCAR for the substantial amount of work involved in the preparation of these reports.

#### Ecosystem Monitoring and Management

##### By-catch of Fish in the Krill Fishery

4.14 A number of new data on the by-catch of juvenile fish in krill fisheries had been submitted to the Scientific Committee, including historical Russian data from krill surveys and data from commercial fisheries undertaken in the past by Chile, Russia and Ukraine. It was

noted that a comprehensive review of fish by-catches is currently being undertaken by a correspondence group under the coordination of the Science Officer (SC-CAMLR-XV, paragraph 5.6).

#### Ecosystem Assessment and Strategic Modelling

4.15 The work of the Scientific Committee on the conceptual model of ecosystem monitoring and management has been focussed on improving the understanding of processes and linkages between harvested species, dependent species, the environment and fisheries. The ultimate aim of this work is to develop an effective mechanism for management of the ecosystem as envisaged in the CCAMLR Convention.

4.16 The Commission noted a discussion which took place in the Scientific Committee with regard to recent available estimates of krill consumption by fur seals and penguins in Subarea 48.3 and the comparison of these estimates with previous calculations of krill biomass (SC-CAMLR-XV, paragraphs 5.33 to 5.35).

4.17 The Commission concurred with the Scientific Committee in expressing appreciation of the former Data Manager of the CCAMLR Secretariat, Dr D. Agnew, for his major contribution to the work of WG-EMM, and also in thanking Norway for hosting the meeting of WG-EMM in 1996 (SC-CAMLR-XV, paragraph 5.39).

#### Future Work and Data Requirements

4.18 The Commission noted that a number of tasks in developing ecosystem monitoring and management were accomplished by the Scientific Committee and WG-EMM, that some previously identified tasks needed further work and that several additional tasks were also identified (SC-CAMLR-XV, paragraphs 5.37 and 5.38 ).

#### Scientific Research Exemption

4.19 The Commission received the advice of the Scientific Committee that because levels of scientific research catches for krill are currently at levels which are unlikely to compromise the intent of the requirement set out in paragraph 3 of Conservation Measure 64/XII, the current 50-tonne catch limit for scientific research exemption should be maintained (SC-CAMLR-XV, paragraphs 7.1 to 7.3).

4.20 The Commission endorsed this advice and decided that should the current situation change, the matter will be revisited and the Scientific Committee requested for advice accordingly.

#### CCAMLR Data Management

4.21 The Commission noted that several problems were identified with the CCAMLR database (SC-CAMLR-XV, paragraph 10.2):

- (i) a number of errors and omissions due to problems with validation of the data before and/or after being entered into the database;
- (ii) access difficulties due to a lack of understanding of the structure of the database and absence of guidelines for its handling; and
- (iii) lack of data essential to the analyses.

4.22 The Commission agreed with the Scientific Committee that the database should be reviewed in order to identify and correct possible errors and also to determine which datasets were incomplete and which data were missing. To facilitate the understanding and operation of the database, the development of an inventory of information contained in the database and a user's guide were considered important. The Commission also agreed with the recommendation that the new Data Manager should undertake these tasks as a matter of priority (SC-CAMLR-XV, paragraphs 10.3 and 10.4).

4.23 It was noted that the tasks mentioned in paragraph 4.21 above could not be handled by the Secretariat under current circumstances, primarily because the position of Data Manager was vacant and would take some time to be filled (SC-CAMLR-XV, paragraph 10.5).

4.24 The Commission took into account that data requirements and analyses requested by the Working Groups had grown considerably, and consequently increased the workload of the data management section. It endorsed the priorities in data management work set by the Scientific Committee and its working groups (SC-CAMLR-XV, paragraphs 10.5 to 10.10).

4.25 The Scientific Committee recognised that continuous updating and validation of the information contained in the database is vital to maintaining the quality of the analyses performed by WG-EMM and WG-FSA and in developing the Scientific Committee's advice to the

Commission. The problems referred to in paragraphs 10.2 and 10.5 of the Scientific Committee's report (SC-CAMLR-XV) may become worse in the near future due to the proliferation of new fisheries. The Commission took note of these views of the Scientific Committee.

## Publications

4.26 The Scientific Committee recommended that the Commission extend the trial period for *CCAMLR Science* for another three years. The Commission joined the Scientific Committee in commending the Science Officer for his excellent work in producing a journal of such high quality. It was also noted that it would not have been possible to achieve this without the assistance of the Secretariat's entire publication team and especially of its Publications Administrator (SC-CAMLR-XV, paragraphs 12.1 to 12.5).

4.27 The Scientific Committee recommended the continued publication of *CCAMLR Scientific Abstracts* (SC-CAMLR-XV, paragraph 12.8).

4.28 In respect to other publications, the Scientific Committee recommended publication of the revised version of the *Statistical Bulletin*, the *Scientific Observers Manual* and the new edition of *CEMP Standard Methods*. Work on the *Guide to Understanding CCAMLR's Approach to Management* will be continued during the intersessional period (SC-CAMLR-XV, paragraphs 12.9 and 12.10).

## Activities of the Scientific Committee during the 1996/97 Intersessional Period

4.29 The Commission noted the intersessional activities to be undertaken by the Scientific Committee during 1996/97 (SC-CAMLR-XV, paragraphs 13.1 to 13.4 and 13.9).

4.30 The Commission noted that a second joint research program in the Antarctic Peninsula area is planned for the period from December 1996 to February 1997, providing another excellent example of fruitful cooperation between members of the CCAMLR community. Brazil, Germany, the Republic of Korea and the USA plan to take part in this joint program. Coordination of research effort in the Indian Ocean sector is also being considered (SC-CAMLR-XV, paragraphs 13.5 to 13.8). The Commission welcomed these developments in cooperation between CCAMLR Members.



## Election of Chairman of the Scientific Committee

4.31 The Commission congratulated Dr D. Miller (South Africa) on his election as the new Chairman of the Scientific Committee. The Commission expressed its deep appreciation to Dr K.-H. Kock for his hard work as Chairman of the Scientific Committee for the past four years.

4.32 In concluding the presentation of his report, Dr Kock expressed his gratitude to the Commission for its confidence in his work and the work of the Scientific Committee during his four years in office. In response, the Executive Secretary thanked Dr Kock, on behalf of the Commission and the Secretariat, for his devotion to the cause of CCAMLR and for his hard work and support of the Secretariat.

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

### Marine Debris

5.1 Reports of assessment of incidental mortality in the Convention Area in the 1995/96 season were submitted by Australia, Brazil, Republic of Korea, Japan, South Africa, UK and USA (CCAMLR-XV/BG/28, 29, 13, 12, 11, 6 and 26). Reports on surveys of beached marine debris were received from the UK (CCAMLR-XV/BG/4, 5 and 16) and Chile (CCAMLR-XV/BG/27).

5.2 Japan advised that all its krill fishing vessels are equipped with incinerators for burning plastic materials such as pieces of net gear, etc. No fishing gear lost from Japanese vessels and no sightings of marine debris were reported in 1995/96 (CCAMLR-XV/BG/12).

5.3 South Africa reported that the Prince Edward Islands have been proclaimed as a Special Nature Reserve. A management plan for this reserve includes specific provisions for the minimisation of incidental mortality of marine mammals and birds arising from the presence of waste materials and debris in the islands' fishing zone (CCAMLR-XV/BG/11).

5.4 The USA reported that marine debris was observed at Seal Island and several other islands (South Shetland Islands). No sightings of marine debris were reported in waters around the South Shetland Islands, including waters around Elephant Island (CCAMLR-XV/BG/26).

5.5 Australia reported that surveys of marine debris were conducted on a monthly basis throughout the 1996 winter at Macquarie Island (located about 300 n miles north of the Convention Area) (CCAMLR-XV/BG/28). A limited comparative marine survey of pelagic plastics, using a neuston net, is planned for the 1996/97 season. The survey will cover waters around Tasmania, Macquarie Island and waters further south in the Convention Area.

5.6 Brazil reported that collection of debris around the Brazilian Antarctic station, laboratories and shelters along the coastline of the Kelter Peninsula, King George Island, has been carried out since 1985 (CCAMLR-XV/BG/29).

5.7 Chile reported that annual surveys of beached marine debris were continued at Cape Shirreff, Livingston Island (CCAMLR-XV/BG/27). During the most recent survey, as in previous seasons, plastic was the principal item (>94%). As in the 1994/95 season, the discovery this season of some plastic items which showed evidence of having been processed in vessels' on-board incinerators, was of particular concern. All solid residues of such incineration should be removed from the Antarctic Treaty area in accordance with Annex III to the Protocol on Environmental Protection to the Antarctic Treaty.

5.8 The UK survey of marine debris at Bird Island, South Georgia, in 1994/95 showed a three-fold increase in the overall amount of debris compared with 1993/94 (CCAMLR-XV/BG/4 and 5). Nylon line, mainly identical to that used in the longline fishery, comprised 80% of debris items. Out of 16 packaging bands found, 14 had been cut as required by Conservation Measure 63/XII. Most debris clearly originated from vessels fishing around South Georgia.

5.9 The review of patterns in the incidence of debris over the last five years at Bird Island showed that the slight reduction from 1992 to 1994 has not been sustained (CCAMLR-XV/BG/6). The indication of a relationship between fishing effort and debris level suggests that there is no evidence of improved standards in discarding waste material overboard in the Convention Area. Therefore, the review concluded that there is at present little evidence that CCAMLR's effort to reduce the amount of marine debris in the Southern Ocean has been effective.

5.10 The UK also reported on the sixth consecutive year of surveys of beached marine debris on Signy Island, South Orkney Islands (CCAMLR-XV/BG/16). The survey data showed that in 1995/96 there was a marked reduction in both weight of debris and the total amount of items found on all three study beaches compared to data from 1994/95 and 1993/94. Nearly all the packaging bands found had been cut.

5.11 It was noted that the Scientific Committee considered several reports on the impact of marine debris on marine mammals and birds submitted by the UK and Chile (SC-CAMLR-XV/BG/3, 4, 5 and 27). As in previous years, there have been reports of entanglements of fur seals in marine debris in the South Georgia and Cape Shirreff (Livingston Island) areas (SC-CAMLR-XV, paragraphs 3.56 to 3.60). Levels of entanglement at South Georgia had increased in 1995/96, following previous decreases.

5.12 The Commission noted with satisfaction that several Members had reported results of surveys monitoring the incidence of marine debris in the Convention Area. The Commission reiterated its call that Members to continue to do this in accordance with the standard method adopted in 1993 (CCAMLR-XIII, paragraph 4.10) and also urged wider participation of Members in this important activity.

5.13 However, the Commission noted with concern that current survey data indicate some increases in the amount of marine debris and that fishing vessels are probably the main source of this type of pollution (SC-CAMLR-XV, paragraphs 3.62 to 3.64).

5.14 Chile noted that given the existing and negotiated status of international agreements concerning the protection of marine ecosystems, particularly those governing discharge of waste material into the oceans, pollution in the Convention Area should be minimal and diminishing. Nevertheless, season after season, marine debris continues to arrive on the shores of sub-Antarctic islands, the Antarctic Peninsula and its associated islands. This debris also entangles and kills marine mammals and birds and becomes incorporated in the nests of some Antarctic birds.

5.15 Chile suggested that the Commission might wish to publish a range of educational materials on the problem of marine debris in Antarctic waters. This suggestion was supported by a number of delegates.

5.16 The Commission agreed that to counteract the current trend of increasing pollution from marine debris in the Southern Ocean, most of which appears to originate from vessels fishing within the Convention Area, a new educational initiative should be undertaken. It requested the Secretariat to consult with Members in order to prepare appropriate materials to form the basis of a campaign to reduce marine debris in this region.

5.17 These materials should include explanations of the international (including CCAMLR) regulations in force, the ecological and environmental reasons for avoiding pollution from marine debris and advice on all appropriate procedures to avoid discharge of such debris at sea.

They should be widely distributed and used by CCAMLR Members to educate fishermen and fishing vessel operators on the potential impact of marine debris on the Antarctic ecosystem and on ways to avoid all types of marine pollution.

5.18 Members suggested that to assist the Secretariat in this task and to facilitate the provision to the Commission of relevant information on marine debris, it might be helpful to establish an ad hoc working group to be coordinated by the Secretariat and to operate by correspondence.

5.19 The Commission agreed with this suggestion and Members were invited to notify the Secretariat of the names and addresses of their nominees for this working group.

5.20 It was noted that it would also be important for the Secretariat to liaise with other groups with similar interests, including the SCAR Group of Specialists on Environmental Affairs and Conservation and IUCN.

5.21 Following last year's request from the Commission, the Secretariat prepared an article on marine debris surveys in the Convention Area and submitted it for publication in the recently-established newsletter *Marine Debris Worldwide* (USA). Advice was received that unfortunately, due to lack of funds, publication of the newsletter had been discontinued until further notice.

5.22 The Commission agreed that the Secretariat should update the article in the light of marine debris survey results reported to CCAMLR at this meeting, and submit it for publication elsewhere, possibly in the journal *Marine Pollution*.

5.23 The Commission also noted advice received from the Standing Committee on Observation and Inspection (SCOI) that plastic packaging bands were reported by CCAMLR Inspectors as still being used on some vessels. An apparent ambiguity in the definition in Conservation Measure 63/XII of the start of prohibition of plastic packaging bands in the Convention Area was highlighted. Conservation Measure 63/XII was revised accordingly.

## Incidental Mortality of Seabirds and Marine Mammals during Fishing Operations

### Incidental Mortality in Longline Fisheries

5.24 During the 1995/96 season observers had conducted observations in accordance with the Scheme of International Scientific Observation on all 16 longline vessels fishing for

*D. eleginoides* in Subarea 48.3. The data collected by observers on incidental mortality of seabirds were analysed by WG-FSA and considered by the Scientific Committee (SC-CAMLR-XV, paragraphs 3.27 to 3.34).

5.25 At the meeting, the Commission also received a report from the Republic of Korea giving details of seabird by-catch experienced by a Korean longliner fishing in Subarea 48.3 during the 1995/96 season and the application of measures prescribed by Conservation Measure 29/XIV (CCAMLR-XV/BG/13).

5.26 Difficulties have been encountered by WG-FSA in the analysis of the 1996 data from the Scientific Observer Program, mainly because of the late submission to the Secretariat of most of the observers' reports (SC-CAMLR-XV, paragraphs 3.26 to 3.28).

5.27 The estimate for the 1995/96 season in Subarea 48.3 (ca. 2 300 birds caught of which about 1 600 were dead) is still preliminary as this was extrapolated from observer data, which so far have been analysed for three vessels only, to all fishing vessels working in Subarea 48.3. It should be noted, however, that fisheries fine-scale catch and effort reports give the total number of birds killed at ca. 1 260, which is of the same order of magnitude as the extrapolated estimate. Most birds, and especially albatrosses, were caught during the daytime (39% of all sets); white-chinned petrel was the main species caught at night (SC-CAMLR-XV, paragraph 3.29).

5.28 The Commission agreed with the Scientific Committee's endorsement of WG-FSA's conclusions in respect of the analyses of the 1996 observer data undertaken so far, that (SC-CAMLR-XV, paragraph 3.33):

- (i) the number of seabirds, especially black-browed albatrosses, being caught is a matter of serious concern; and
- (ii) daytime setting is the major contributor to these high catch rates, especially of albatrosses; discharge of offal on the same side of the vessel as the haul is also contributing. Both practices increase interactions with birds and result in decreased fishing efficiency.

5.29 The Commission requested Members to take all appropriate steps to ensure compliance with all aspects of Conservation Measure 29/XIV, thereby achieving a substantial reduction in seabird by-catch and more cost-effective fishing (SC-CAMLR-XV, paragraph 3.33).

5.30 The Commission noted the recommendation of the Scientific Committee with regard to the results of an experimental study by France on the use of offal discharge as a means of reducing seabird by-catch. Although offal discharge did produce significantly lower by-catch rates, the continuation of this practice is not recommended because it attracts more birds to the vicinity of the vessel (SC-CAMLR-XV, paragraph 3.35).

5.31 The Commission noted that considerable information was available on seabird by-catch and the use of mitigating measures in areas adjacent to the Convention Area. The Commission noted that these reports (SC-CAMLR-XV, paragraph 3.36):

- (i) show that by-catch of albatrosses breeding in the Convention Area is prevalent in waters outside the Convention Area;
- (ii) indicate that streamer lines of CCAMLR specification are effective in reducing by-catch; and
- (iii) contain methods of analysis of by-catch data of relevance to CCAMLR.

5.32 The Commission endorsed the decisions of the Scientific Committee with regard to cooperation with CCSBT and especially with its Working Group on Ecologically Related Species (ERS). In particular, it encouraged CCSBT to implement provisions to reduce by-catch of seabirds in regions adjacent to the Convention Area (SC-CAMLR-XV, paragraph 3.37).

5.33 The Commission also noted with approval that the use of mitigating measures similar to those required by CCAMLR is now mandatory in two areas adjacent to the Convention Area (Falklands/Malvinas Islands and Australian Fishing Zone south of 30°S) (SC-CAMLR-XV, paragraph 3.36).

5.34 The Commission took note of the contribution Japanese fishermen have made to the development of mitigating measures and also the reduction in the by-catch of seabirds in the tuna longline fisheries (SC-CAMLR-XV, paragraph 3.40).

5.35 The Commission noted that the Scientific Committee discussed the possibility of delaying the start and closure of the fishing season in Subarea 48.3 in order to provide better protection to seabirds. The Scientific Committee was unable to reconcile the different views expressed, but agreed that the consequences of delaying the opening and closure of the fishing season should be investigated by WG-FSA as a matter of priority at next year's meeting (SC-CAMLR-XV, paragraphs 3.41 to 3.45).

5.36 As a result, the Scientific Committee reiterated to the Commission its recommendation of last year that, on the understanding that there would be full compliance with Conservation Measure 29/XIV, the fishing season of 1 March to 31 August should be retained for 1996/97 in Subarea 48.3 (SC-CAMLR-XV, paragraph 3.46). The Commission endorsed this advice.

5.37 In relation to this, the UK expressed concern that changes to the fishing season, which would substantially assist in further reducing the incidental mortality of seabirds in Subarea 48.3 (SC-CAMLR-XV, paragraph 3.41; see also Annex 5, paragraph 7.71), should not continue to be postponed simply because Members continue to be unable to provide the data necessary for assessing the consequences for the fishery of changing the fishing season.

5.38 The USA noted that it would also be necessary to consider the appropriate timing of fishing seasons for *D. eleginoides* in other areas and divisions where longline fisheries are being undertaken or proposed.

5.39 The Commission agreed with the Scientific Committee's point of view on the following (SC-CAMLR-XV, paragraph 3.47):

- (i) the need to continue 100% observer coverage within all longline fisheries;
- (ii) the continuation of the work of the Scientific Observer Data Analyst; and
- (iii) the retention of Conservation Measure 29/XIV in its present form, subject to a minor revision to define precisely the meanings of the terms 'nautical twilight' and 'dawn'.

5.40 With respect to 5.39(iii) above, the Scientific Committee provided new information on the definition of the terms 'nautical twilight' and 'dawn' (SC-CAMLR-XV, paragraphs 3.48 to 3.52). These are taken into account in the revision of Conservation Measure 29/XIV (paragraph 7.9).

5.41 The Commission noted that a substantial proportion of albatrosses (20%) and shearwaters and petrels (52%), had not been identified to species by the observers, indicating a clear need for the identification manual proposed by New Zealand (SC-CAMLR-XV, paragraphs 3.22 and 3.32). The Commission agreed with the Scientific Committee that there was a need to develop the skill and knowledge of observers to enable them to identify seabirds accurately. The Commission's conclusion regarding the publication of the seabird identification manual is given in paragraphs 3.14 to 3.16.

5.42 In conclusion, the Commission endorsed in full all recommendations of the Scientific Committee relating to incidental mortality of seabirds in fisheries and contained in paragraph 3.65 of the Scientific Committee's report (SC-CAMLR-XV).

5.43 The Scientific Committee reported that there has been substantial intersessional work undertaken by the Secretariat in conjunction with ad hoc WG-IMALF and coordinated by the Science Officer (SC-CAMLR-XV, paragraph 3.22). This work, *inter alia*, involved the production of the book *Fish the Sea Not the Sky*, aimed at educating fishermen about methods available to reduce incidental mortality of seabirds and improve efficiency of bottom longline fisheries.

5.44 The Commission joined the Scientific Committee in thanking all who were involved in the production of the book, the Editor, Graphics Designer and especially Australia for the generous funds permitting publication of the book in all four languages of the Commission.

5.45 The Commission agreed that the book should be distributed to all vessels fishing with bottom longlines both in the Convention Area and in adjacent waters. Members were requested to ensure that the book reaches its intended readers, i.e. fishermen on board longline vessels. Members were also requested to advise the Secretariat of the addresses of recipients of the book.

5.46 It was recommended that Members should also use the book as educational material in training programs for scientific observers.

5.47 The Commission noted that the message contained in the book, *Fish the Sea Not the Sky*, was clear and succinct. Accordingly, the Commission agreed with the proposal of WG-FSA that the Secretariat should produce a flier, poster and/or sticker which could be used to reach a wider audience than the book alone (SC-CAMLR-XV, Annex 5, paragraph 7.8).

5.48 It was also agreed that Members should be asked to request their fishermen and/or scientific observers to comment on whether the book was present on the vessels, how effective it was in improving efficiency of fishing and in reducing seabird mortality, and also give comments for future revision of the book.

5.49 Some Members noted the possibility of publishing the book in languages other than the official CCAMLR languages. In this regard the Commission noted that the copyright on the book belongs to CCAMLR and that any Member could request from CCAMLR all the necessary text and graphics to enable the book to be translated and published in other languages.



5.50 It was suggested that another appropriate way to publicise the Commission's book would be for the Secretariat to prepare a brief illustrated article for publication in fishing magazines, such as *Fishing News International*.

5.51 The Delegation of Argentina pointed out that the practice followed by this Commission and other international organisations with respect to place names should be followed in this case as requested in its note to the Secretariat dated 3 November 1992 regarding the Falkland/Malvinas Islands.

#### Incidental Mortality in Trawl Fisheries

5.52 Practically no incidental mortality had been observed in the trawl fishery in Division 58.5.1 since the ban on the use of netsonde cables came into effect in the trawl fishery around Kerguelen Islands. The Commission, recognising that the French trawl fishery catch currently comprises 40% of the total reported catch of *D. eleginoides* in Division 58.5.1, noted that this makes a major contribution to reducing the incidental mortality of birds when compared to the longline fishery (SC-CAMLR-XV, paragraph 3.55).

#### NEW AND EXPLORATORY FISHERIES

6.1 Five notifications of intent to initiate new fisheries in 1996/97 under Conservation Measure 31/X were received by the Commission from the Republic of Korea/UK, Australia, New Zealand, Norway and South Africa (see SC-CAMLR-XV, Table 8).

6.2 The Republic of Korea and the UK jointly submitted a notification for a new fishery for *M. hyadesi* in Subarea 48.3 (CCAMLR-XV/7) (SC-CAMLR-XV, paragraph 8.2).

6.3 Norway submitted a notification (CCAMLR-XV/10 Rev. 1) for a new longline fishery for *D. eleginoides* in Subarea 48.6. Clarification by Norway indicated that the notification was preliminary and that no permit had been issued for fishing during 1996/97 (SC-CAMLR-XV, paragraphs 8.4 and 8.5).

6.4 Australia submitted a notification (CCAMLR-XV/9) for a new bottom trawl fishery in Division 58.4.3 for *D. eleginoides* and *D. mawsoni* and for mixed species in Division 58.5.2 which was similar to that submitted last year (CCAMLR-XIV, paragraph 6.1) (SC-CAMLR-XV, paragraph 8.6).

6.5 New Zealand submitted a notification for a new fishery in Subareas 88.1 and 88.2 for *D. eleginoides* and *D. mawsoni* (CCAMLR-XV/8 Rev. 1) which includes a plan of data collection and a fishery operation protocol (SC-CAMLR-XV, paragraph 8.7).

6.6 South Africa submitted a proposal (CCAMLR-XV/11) for a longline fishery for *D. eleginoides* in a number of areas in the Indian Ocean which have never been fished (e.g. Subareas 48.6 and 58.7) or where South Africa has not fished (e.g. Divisions 58.4.3 and 58.4.4) (SC-CAMLR-XV, paragraph 8.10).

6.7 The Commission endorsed the following principles for the new fisheries for *D. eleginoides* (which could be applied to other new fisheries to some degree) (SC-CAMLR-XV, paragraph 8.17):

- (i) CCAMLR should adopt a common and integrated approach to areas where new fisheries have been proposed;
- (ii) as part of such an integrated approach, the application of Conservation Measure 31/X should anticipate the requirements of Conservation Measure 65/XII by setting up scientifically-based data collection and fishery/research operation plans. This will facilitate the acquisition of data necessary to manage the development of new fisheries in accordance with CCAMLR's precautionary approach;
- (iii) precautionary catch limits should be developed for statistical areas using available information (e.g. based on catches from similar fisheries elsewhere and/or on areas likely to be suitable for fishing). Limits for smaller areas (e.g. 0.5° latitude by 1.0° longitude rectangles) should also be developed. These will serve to distribute catch and fishing effort while augmenting the collection of relevant information over a wide geographic area in a way that should reduce the risk of localised overfishing;
- (iv) the collection of crucial fisheries and biological information mandates the deployment of scientific observers; and
- (v) accurate positional information is essential, particularly if fine-scale rectangles are applied, if the fishery should follow stock across the Convention Area boundaries (as appears to be the case for *D. eleginoides* in Subarea 58.7 and on the banks adjacent to Subarea 48.3) or if the fishery should move between subareas within the Convention Area.

6.8 The European Community insisted that the range of new proposed fisheries constituted one of the key issues facing this organisation. To address these fisheries it was essential to ensure fishing effort is dispersed to avoid overfishing; that there is full international scientific observer coverage and that the level of fisheries permitted is fixed at a responsible level.

6.9 The IUCN Observer expressed concern about the prospect of many new fisheries being opened around the Antarctic continent, and about the proposed catch limit of 2 200 tonnes which was of the same order of magnitude as that of commercial fisheries. The IUCN therefore urged the Commission to open these fisheries with extreme caution, and to set catch limits for new fisheries at levels required for non-commercial research purposes only.

6.10 The ASOC Observer noted that the proposed catch limits for the new fisheries for *D. eleginoides* seemed to allow full commercial-scale fisheries, rather than a fishing level to allow adequate data collection following the principles underlying the conservation measures for exploratory fishing (Conservation Measure 65/XII). ASOC further urged the Commission to set these catch limits at an order of magnitude below existing TACs in areas where commercial catches have been established for several years (SC-CAMLR-XV, paragraph 8.28).

## Future Work

### New Fishery for *M. hyadesi* in Subarea 48.3

6.11 The Commission endorsed the Scientific Committee's request that the Secretariat compare the proposed data elements in WG-FSA-96/21 with those of CCAMLR's standard fine-scale catch and effort data form for a squid jig fishery (Form C3 Version 1) to ensure that critical data are collected (SC-CAMLR-XV, paragraph 8.30).

### New Fishery for *D. eleginoides*, *D. mawsoni* and Mixed Species in Subareas 48.6, 58.6, 58.7 and Divisions 58.4.3 and 58.4.4

6.12 The Commission endorsed the Scientific Committee's request that the Secretariat undertake calculations of seabed area for specific depth ranges in previously unfished areas being considered for fishing, and to compare these results with fished areas (SC-CAMLR-XV, paragraph 8.31).

## Management Advice

### All New Fisheries

6.13 The Commission supported the recommendation of the Scientific Committee that each vessel participating in any of the new fisheries have at least one scientific observer on board throughout all fishing activities, and that observers record and submit their data in the most recent version of the Scientific Observer Logbook (SC-CAMLR-XV, paragraph 8.33).

### *D. eleginoides* / *D. mawsoni* / Mixed Species

6.14 The Scientific Committee stated that it would be difficult to evaluate the potential of the new finfish fisheries if the catches were taken in short periods of time, or over very small areas. To address this matter the Commission endorsed the following recommendations (SC-CAMLR-XV, paragraph 8.37).

- (i) provisions should be made to distribute fishing effort over as wide a geographic area as possible (this might be accomplished by permitting a nominal level of exploitation in a number of fine-scale rectangles measuring 0.5° latitude by 1.0° longitude);
- (ii) the Commission should consider methods for limiting effort in each new finfish fishery; and
- (iii) provisions should be made to obtain accurate positional information from each vessel participating in a new finfish fishery.

6.15 The Commission noted the concerns of the European Community regarding the size of the fine-scale rectangles measuring 0.5° latitude by 1.0° longitude.

## OBSERVATION AND INSPECTION

7.1 The Chairman of SCOI, Dr W. Figaj (Poland), introduced the report of the Committee. The report of SCOI is appended as Annex 5.

7.2 The Chairman of SCOI expressed his gratitude to all Members for their constructive contribution to the Committee's deliberations. He thanked the Secretariat and especially the Executive Secretary and the Science Officer for their excellent work in the preparation of the meeting documents and the report of the meeting.

7.3 The Commission's discussions of the SCOI report and decisions taken are presented below.

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

7.4 The Commission noted that there were no objections to the conservation measures adopted at CCAMLR-XIV which therefore became binding on 5 May 1996.

7.5 The Commission noted that reports were received from Australia, Argentina, Chile, European Community, France, Japan, Norway, Russia, South Africa and USA on the legal and administrative mechanisms which give effect to CCAMLR conservation measures in force (Annex 5, paragraphs 1.5 to 1.17).

7.6 The Commission considered results of inspections undertaken in the 1995/96 season and reports of Flag States (Annex 5, paragraphs 1.18 to 1.30). A summary of all reports of inspection was available to the Commission as CCAMLR-XV/16 Rev. 1.

7.7 It was noted that although all five inspections demonstrated general compliance with conservation measures, some infringements were noted. Some longlines were reported as having been set during daylight hours (in contravention of Conservation Measure 29/XIV) and plastic packaging bands were still in use on some vessels (in contravention of Conservation Measure 63/XII). Though important, these infringements were, at this stage, considered not to be as serious as previous seasons' infringements (Annex 5, paragraph 1.23).

7.8 In this regard Argentina and Australia noted that in their view any infringements to conservation measures are equally grave. Incidental mortality problems have the same importance as any other.

7.9 The Commission noted that some possible ambiguity existed in the wording of the two abovementioned conservation measures, which contributed to an apparent misunderstanding of their requirements by fishing masters (Annex 5, paragraphs 1.24 and 1.25). As a result, the Commission made the necessary revisions to these measures and adopted them as Conservation Measures 29/XV and 63/XV (see section 8 of this report).

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

7.10 The Commission considered the Committee's discussions of Members' reports on sightings of vessels of Contracting Parties and activities of non-Member States in the Convention Area (Annex 5, paragraphs 1.31 to 1.58).

7.11 The Commission noted with satisfaction reports of Members on investigations and legal procedures undertaken with regard to reported sightings of their vessels (Annex 5, paragraphs 1.33 to 1.37).

7.12 Of extreme concern to the Commission was further evidence of illegal fishing activities in the Convention Area. In accordance with the report on illegal fishing received from South Africa (CCAMLR-XV/18) and taking into account observations made by SCOI last year (CCAMLR-XIV, Annex 5, paragraph 1.37), the extent of illegal fishing activities in the Convention Area poses a serious problem (Annex 5, paragraphs 1.38 to 1.46).

7.13 This problem was exacerbated by the presence of vessels of non-Members fishing in the Convention Area (Annex 5, paragraphs 1.53 to 1.58). These vessels fish apparently without any regard for CCAMLR conservation measures and provide no reports of their catches to CCAMLR, which undermines its fisheries management effort.

7.14 In discussing this particular issue, the European Community advised the Commission that an official request was forwarded to Portugal, a member of the European Community, with regard to the reported sighting of the vessel *Priaia Do Rostello*. In addition, South Africa informed the Commission that it intends to contact Portugal on a bilateral basis.

7.15 In this connection, it was further noted that SCOI indicated another potentially serious problem, that of reflagging vessels. In particular, two of the four vessels observed by South Africa fishing illegally in CCAMLR waters inside and outside the South African Exclusive Economic Zone (EEZ) around the Prince Edward Islands were reflagged vessels originally belonging to a Member of the Commission.

7.16 The Commission endorsed the following suggestions considered by SCOI and aimed at dealing more effectively with contraventions of CCAMLR conservation measures (Annex 5, paragraph 1.48):

- (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.

7.17 The Commission expressed its deep concern over the increasing number of reports of fishing activities in the Convention Area by vessels of non-Members. It therefore directed the Chairman to write to the Governments of the Flag States of these vessels to convey a firm message underlining the fact that such activities undermine the effectiveness of the CCAMLR conservation approach. (Letter attached at Annex 6).

7.18 The Commission invited Members, in accordance with the obligations of Article XXII(2) of the Convention, to report promptly to the Executive Secretary of CCAMLR activities of this nature that come to their attention. The Executive Secretary shall in turn inform Members.

7.19 The Executive Secretary was requested to inform all Members within three months of the Chairman's letter, pursuant to paragraph 7.17, of the reply or lack thereof to the letter. In the event of no reply or a negative reply, the Commission recommended that Members individually or jointly reiterate firmly the position of CCAMLR to the Government concerned.

7.20 The Commission further recalled the obligation of Article XXII(1) in this regard and agreed that Members would strive to draw up at the Sixteenth Meeting a common approach in regard to such activities.

7.21 In respect of items (ii) and (iii) in paragraph 7.16 above, the Commission agreed 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 considered to be inadequate since it did little more than provide a list of each Member's flag vessels intending to fish in the forthcoming season (Annex 5, paragraph 1.50). The Commission agreed with the SCOI recommendation and Members were requested to consider possible ways of further elaborating of this provision for consideration at the next meeting.

7.22 The Commission agreed 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 among Members via the Secretariat in as close to real time as possible (Annex 5, paragraph 1.51).

7.23 Further, The Commission agreed that 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 (Annex 5, paragraph 1.52).

#### Improvements to the System of Inspection

7.24 The Commission adopted two amendments, recommended by SCOI, to paragraphs VII, IX and X(a) of the System of Inspection (Annex 5, paragraphs 1.66 and 1.72):

- (i) Delete in paragraph VII the reference to paragraph VIII and replace existing paragraph IX with the following:

‘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’.

- (ii) Amend paragraph X(a) as follows (new text is in bold type):

‘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.’

7.25 In view of the concern expressed by some Members of SCOI about the inclusion of the indicator, ‘trawl nets and doors rigged’, the Commission agreed that Members which inspect trawlers be asked to report to next year’s meeting if, by means of this indicator, it was possible for their inspectors to identify whether a vessel was engaged in fishing and to suggest possible refinements to this indicator.

#### Vessel Notification and Vessel Monitoring Systems

7.26 The Commission noted with satisfaction that a number of CCAMLR Members have established satellite-based vessel monitoring of their vessels in waters under national jurisdiction or conducted pilot studies on the evaluation of different vessel monitoring systems (VMS) (Annex 5, paragraph 1.79).

7.27 It was also noted that 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 Members either presently required a system of vessel monitoring within their national jurisdictions or intended in the near future to require such a system. It was further noted that the use of a system or systems of vessel monitoring within the Convention Area should be a goal of the Commission (Annex 5, paragraph 1.98) at the next meeting.

7.28 The European Community reiterated its general support for VMS subject to the definition of appropriate conditions. It underlined that its conception of VMS is based on Flag State responsibility and added that VMS, being but one part of a compliance approach, could not by itself solve all problems.

7.29 Japan had repeated the statement it made to SCOI 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 had reminded the Committee that SCOI, at its 1994 meeting, did not see any need nor justification to introduce a VMS for the krill fishery, mainly because the level of fishing was far too low compared to TACs, and there were no closed areas and seasons (Annex 5, paragraph 1.91). Poland affiliated itself with this position.

7.30 Based on the result of SCOI discussions (Annex 5, paragraph 1.101), the Commission strongly urged 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.

7.31 The Commission accepted the offer of Australia to chair the intersessional consultations on the proposed pilot projects. The first of such consultations took place during CCAMLR-XV.

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

7.32 The 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), was submitted to SCOI for information. The paper was then considered by the Commission in detail at the plenary meeting.

7.33 The paper outlined why Australia saw the UN Agreement and CCAMLR to be complementary and mutually reinforcing. Many elements of the UN Agreement reflected practices 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.

7.34 After detailed discussion and without prejudice to the question as to whether the UN Agreement is applicable to the Convention Area, the Commission agreed that:

- (i) all Parties of CCAMLR are encouraged to examine the implications of the UN Agreement for themselves, and for CCAMLR; and
- (ii) all Parties to CCAMLR are requested to consider becoming Parties to the UN Agreement.

#### Advice of the Scientific Committee

7.35 The Commission noted the advice provided to SCOI by the Scientific Committee as reflected in paragraphs 1.106 to 1.111 of Annex 5 to this report. The Commission endorsed the comments and advice of SCOI.

#### Operation of the Scheme of International Scientific Observation

7.36 The Commission noted with satisfaction that the Scheme of International Scientific Observation has proved to be an important tool in collecting reliable data and information from fisheries.

7.37 The Commission endorsed recommendations made by the Scientific Committee relating to improvements to the Scheme. In general, these recommendations related to changes made to the Scientific Observers Logbook for longline fisheries, the new logbook for trawl fisheries and publication of the *Scientific Observers Manual* (Annex 5, paragraphs 2.11 and 2.12; also SC-CAMLR-XV, paragraph 9.7 to 9.12).

7.38 In particular, the Commission requested each Member to designate as a matter of priority a technical coordinator of the national observer program who will be responsible for:

- (i) receipt and distribution of observer logbooks;
- (ii) advance notification to the Secretariat of all observers designated and the duration of their programs;

- (iii) timeliness of the submission of reports on observations; and
- (iv) answering data queries received from the Secretariat.

7.39 Members were also requested to ensure that all observers, both national and designated under the Scheme of International Scientific Observation, provide data for submission to the Secretariat in the format prescribed by the Scientific Observer Logbooks. In the future, the Secretariat would not be able to process any data unless submitted in CCAMLR formats (SC-CAMLR-XV, paragraph 9.11).

7.40 With regard to the timeliness of submission of observers' reports, the Commission endorsed the suggestion of the Scientific Committee, as amended by SCOI, that the reports should be submitted to the Secretariat 'not later than one month after the completion of the observer cruise or the return of the observer to his/her home country'.

7.41 The Commission considered the advice of SCOI and the Scientific Committee on the implementation of the Scheme (Annex 5, paragraphs 2.9 and 2.10).

7.42 Concerning implementation of the Scheme the Commission noted the views expressed in paragraphs 2.9 and 2.10 of Annex 5. It confirmed that 100% observer coverage under the CCAMLR Scheme of International Scientific Observation should continue to apply to all longline fisheries for *D. eleginoides*. For all new fisheries (i.e. those operating under Conservation Measure 31/X) there should be 100% observer coverage, preferably under the Scheme or, if this is not possible, using national observers.

7.43 The Commission agreed that, in taking decisions on the application of the Scheme of International Scientific Observation, it should establish priorities for fisheries based on the relative need for information for conservation purposes. It requested advice from the Scientific Committee on the topic. It was also noted that in doing so, the financial implications arising from the management of these fisheries and from the volume of data to be processed by the Secretariat would need to be addressed.

#### Boundary Change between Divisions 58.5.1 and 58.5.2

7.44 Australia presented, on behalf of Australia and France, a proposal to redefine the coordinates of part of the boundary between Divisions 58.5.1 and 58.5.2 to align with relevant coordinates defined in the Agreement of Maritime Delimitation between France and Australia of 4 January 1982 (CCAMLR-XV/19).

7.45 Presently the CCAMLR boundary in this region contains only the first and last sets of coordinates from the eight sets agreed to by France and Australia. It was proposed that the Commission adopt all eight sets of coordinates as was originally intended at the Sixth Meeting of SC-CAMLR (SC-CAMLR-VI, paragraph 5.77). This would be consistent with the 1982 Agreement and would provide clearer guidance for the Secretariat in allocating catches and managing data.

7.46 It is not expected that any reallocation of historic catch data will be required as a result of the proposed boundary change.

7.47 The Commission adopted this proposal.

#### Election of the Chairman and Vice-Chairman of SCOI

7.48 The Commission congratulated Dr W. Figaj (Poland) on his re-election as Chairman of SCOI for another two-year term and Mr I. Hay (Australia) on his election as Vice-Chairman of the Committee.

#### CONSERVATION MEASURES

8.1 The Commission agreed that Conservation Measures 2/III<sup>1</sup>, 3/IV, 4/V, 5/V<sup>2</sup>, 6/V<sup>2</sup>, 7/V, 18/XIII, 19/IX<sup>3</sup>, 30/X<sup>3</sup>, 31/X<sup>4</sup>, 32/X, 40/X, 45/XIV, 51/XII, 61/XII, 62/XI, 64/XII<sup>4</sup>, 65/XII<sup>4</sup>, 72/XII, 73/XII, 82/XIII and 95/XIV should remain in force as they stand.

8.2 The Commission agreed that Conservation Measures 29/XIV<sup>4</sup>, 52/XI, 63/XII and 90/XIV should remain in force but subject to revision. The revisions are those specified in:

- (i) SC-CAMLR-XV, paragraphs 3.49 to 3.52 and 3.65(viii); see also Annex 5, paragraph 1.24 (Conservation Measure 29/XIV);

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

<sup>2</sup> Conservation Measures 5/V and 6/V, which prohibit directed fishing for *Notothenia rossii* in Subareas 48.1 and 48.2 respectively, remain in force but are currently encompassed within the provisions in Conservation Measures 72/XII and 73/XII.

<sup>3</sup> Except for waters adjacent to Kerguelen and Crozet Islands

<sup>4</sup> Except for waters adjacent to Kerguelen and Crozet Islands and Prince Edward Islands

- (ii) SC-CAMLR-XV, paragraph 4.113 (relating to the incorporation of a specific geographical definition of fishing grounds, relevant to Conservation Measure 52/XI);
- (iii) Annex 5, paragraph 1.25 (Conservation Measure 63/XII); and
- (iv) SC-CAMLR-XV, paragraph 4.129 (for Conservation Measure 90/XIV).

8.3 Conservation Measure 87/XIII was applicable to the 1994/95 and 1995/96 seasons only and therefore lapses at the end of the present meeting. The Commission agreed to adopt the advice of the Scientific Committee (SC-CAMLR-XV, paragraph 4.83), that the conservation measure be extended to apply to the 1996/97 season, subject to a biomass survey of the design approved by the Scientific Committee in 1994 (CCAMLR-XIII, paragraphs 8.52 and 8.53) being conducted. It was noted, however, that the TAC of 1 150 tonnes in Conservation Measure 87/XIII was for a two-year period (although all of it could have been taken in a single year). Therefore, the Scientific Committee would need to undertake a new stock assessment and/or provide explicit advice before any TAC for 1997/98 could be set.

8.4 Conservation Measure 76/XIII was applicable to the 1994/95 and 1995/96 seasons only and therefore lapses at the end of the present meeting. Conservation Measures 88/XIV, 89/XIV, 91/XIV, 92/XIV, 93/XIV, 94/XIV, 96/XIV, 97/XIV and 98/XIV were applicable to the 1995/96 season only and therefore lapse at the end of the present meeting.

8.5 Conservation Measure 78/XIV did not lapse at the end of the present meeting but was revoked in order to create independent conservation measures for each of the two fish stocks specified in this measure.

#### New Fisheries

8.6 The Commission noted the Scientific Committee's deliberations on new fisheries and that notification for such fisheries had been received from six Members (SC-CAMLR-XV, paragraphs 8.1 to 8.15) (CCAMLR-XV/7, 8 Rev. 1, 9, 10 Rev. 1 and 11).

8.7 It also noted that the purpose of Conservation Measure 31/X is to obtain information from the very beginning of a fishery in order to be able to evaluate its potential, its location and its impact on target species or dependent or related species.

8.8 The Commission recognised that it is important that during the phase when a fishery is classified as ‘new’ the information collected should provide a basis for the possible later development of data collection plans and research/fishery operation plans in accordance with the specific provisions set out in Conservation Measure 65/XII.

8.9 Given recent changes in fisheries management practices worldwide, it was recognised that the process outlined above may require review in respect of ensuring effective linkages between the commencement of new fisheries and their subsequent development and the accrual of information from them during their exploratory phases. The Commission agreed to address this matter as a high priority at its next meeting.

8.10 The Commission endorsed the Scientific Committee’s view that CCAMLR should adopt a common and integrated approach to areas included in notifications of new fisheries. In noting the general principles outlined in paragraph 8.17 of SC-CAMLR-XV, the Commission recognised that while these were directly applicable to new fisheries for *Dissostichus* spp., they could also be applied to other new fisheries to some degree.

#### New Fishery for *Martialia hyadesi* in Subarea 48.3

8.11 The Commission endorsed the Scientific Committee’s advice on this new fishery (SC-CAMLR-XV, paragraphs 8.2, 8.3, 8.30, 8.34 and 8.35) and accordingly adopted Conservation Measure 99/XV.

8.12 The Republic of Korea drew the Commission’s attention to the fact that its and the UK’s notification was for two vessels only. It indicated that it would endeavour to deploy an international scientific observer on at least one of the two vessels specified in the notification.

#### New Fishery for Deep-water Fish Species in Division 58.5.2

8.13 The Commission adopted Conservation Measure 111/XV regulating a new fishery in Division 58.5.2 in the 1996/97 season for deep-water species.

8.14 In respect of Conservation Measure 111/XV, Australia noted that fishing under this conservation measure is subject to Australian legislation applying within the Australian Fishing Zone around the Australian Territory of Heard Island and McDonald Islands. The Delegation of Australia advised that approval from Australian authorities is necessary prior to conducting fishing or fisheries research activities in this zone.

## New Fisheries for *Dissostichus eleginoides* and *D. mawsoni*

8.15 Taking note of the principles outlined in paragraph 8.10, the Commission concurred with the Scientific Committee that a major and additional element of precaution in managing the new fisheries for *Dissostichus* spp. would be to avoid over-concentration of catch and fishing effort in localised areas (SC-CAMLR-XV, paragraph 8.17). It also agreed that fishing should cease once new fisheries have demonstrated their commercial potential.

8.16 In addressing the likely levels of catch which might indicate fishery potential, the Commission noted that the Scientific Committee had advised that new fisheries for *Dissostichus* spp. should be limited by an overall catch limit in each statistical subarea or division in which a new fishery will occur (SC-CAMLR-XV, paragraph 8.38). The Scientific Committee had recommended 2 200 tonnes as an appropriate subarea or division limit. The Scientific Committee had also qualified this recommendation with the caveat that this limit does not indicate that such quantities of fish would be available in each statistical subarea or division, nor does it represent a conservative assessment of the potential yield in the statistical subareas or divisions specified in the new fisheries notifications.

8.17 In the interests of conservation, the Commission agreed that the above limit of 2 200 tonnes should be discounted by a further 10% and should be considered as the level of fishing that would demonstrate potential commercial viability and at which fishing would cease pending any further steps which the Commission may deem appropriate. A further motivation for this approach is that many of the subareas or divisions concerned may contain both *D. eleginoides* and *D. mawsoni* thereby necessitating additional precautions in the development of any potential new fisheries.

8.18 With respect to Subareas 58.6 and 58.7, however, the Commission recognised that the fishery potential of these subareas are likely to be higher than elsewhere. Furthermore, as South Africa had indicated its willingness to include its EEZ around the Prince Edward Islands in any CCAMLR measure to regulate new fisheries in these subareas, the Commission agreed that fishing should be considered to have demonstrated commercial potential if catches in Subareas 58.6 and 58.7 reach 2 200 tonnes in each subarea.

8.19 The Commission noted that the location of fishable aggregations of *Dissostichus* spp. may be a function of the underlying bathymetry. Consequently, it endorsed the high priority that the Scientific Committee had attached to the calculation of the proportionate area of seabed between specific depth ranges in various statistical subareas and divisions during the intersessional period (SC-CAMLR-XV, paragraph 8.24).



8.20 Accordingly, the Commission adopted Conservation Measures 112/XV, 113/XV, 114/XV, 115/XV and 116/XV.

8.21 Australia noted that the 2 200-tonne level for each subarea or division is based on the best available scientific advice. Nevertheless, Australia also noted that the Scientific Committee had reiterated the precautionary advice from WG-FSA that this proposed level does not indicate that such quantities of fish would be available in each statistical subarea or division or that the level represents a conservative assessment of the potential yield. Australia was further concerned about the implications of the new longline fisheries for the incidental mortality of seabirds and would like to see this addressed as a priority by the Scientific Committee. Noting the Scientific Committee's qualifications about the proposed catch levels Australia would have preferred to have seen a substantially lower figure.

8.22 In respect of Conservation Measure 113/XV, which regulates fishing for deep-water species in Division 58.4.3, Australia noted that fishing under this conservation measure is subject to Australian legislation applying within the Australian Fishing Zone around the Australian Territory of Heard Island and McDonald Islands. The Delegation of Australia advised that approval from Australian authorities is necessary prior to conducting fishing or fisheries research activities in this zone.

8.23 South Africa noted with interest both the Scientific Committee's and Commission's deliberations on the new fisheries for *Dissostichus* spp. in various areas. In its original notification, CCAMLR-XV/11, South Africa detailed an approach which had much in common with the notification submitted by New Zealand and which contained many of the elements which have since been endorsed by the Commission in its approach to new fisheries for *Dissostichus* spp. Throughout its consideration of the issues associated with new fisheries, South Africa has been mindful of the process which the Commission has unanimously enshrined in the provisions of Conservation Measure 31/X. It has also been mindful of what, at times, may be the conflicting demands which it (South Africa) faces in providing responsible access to a resource of perceived high value consistent with the Convention's clearly expressed conservation aims. In balancing these requirements, South Africa has adhered strongly to the principle of accepting the advice of the Scientific Committee as being the best available and has in the spirit of compromise made a number of precedent-setting concessions. Therefore, having accepted the Scientific Committee's advice, South Africa is concerned at the rationale adopted by the Commission for modifying this advice. However, South Africa is able to accept the approach which the Commission has developed as a pragmatic way of addressing the issue of

new *Dissostichus* spp. fisheries in the Convention Area, which is consistent with the precautionary approach that this Commission has come to accept when considering fisheries management issues.

8.24 New Zealand welcomed South Africa's willingness to develop its national measures in harmony with those recommended by the Commission. It thanked South Africa for its leadership in this respect.

8.25 In proposing its new fishery in Subareas 88.1 and 88.2, New Zealand wished to work closely with South Africa and Australia and other Commission Members to develop processes aimed at the effective and wise management of the marine living resources of the Southern Ocean.

8.26 New Zealand would continue to place the greatest importance on the advice of the Scientific Committee, but there would be occasions when the Commission wished to signal a message that would require a considered and careful look at what the Scientific Committee had proposed. This was in the context of a wholehearted, collective commitment to finding fair, responsible, timely and innovative answers to difficult and evolving situations. New Zealand took the collective responsibility for the wise stewardship of the living resources of the Southern Ocean extremely seriously. In the spirit of this responsibility for the success of the Convention, New Zealand was prepared to accept a reduction in the figure suggested by the Scientific Committee for the proposed new fishery in Subareas 88.1 and 88.2. This was a wise additional precaution on the part of the Commission to the other strict precautionary measures already agreed by the Scientific Committee.

8.27 The Members referred to in Conservation Measures 112/XV, 113/XV, 114/XV, 115/XV and 116/XV indicated to the Commission that, with the exception of the current South African fishery in the Prince Edward EEZ, they would only initiate the new fisheries utilising vessels under their own flags. As such, the implementation of these conservation measures would be subject to their Flag State responsibilities and in accordance with the Convention.

8.28 The European Community recalled that it had expressed its pre-occupations on the proposed fishing levels for the new fisheries on *D. eleginoides* in a range of subdivisions and areas particularly in view of the nature of the available scientific advice and perceived pressure from the fisheries sector.

8.29 It had suggested certain conditions be developed to ensure the conservation concerns as mentioned in paragraph 6.7(i) are addressed. The approach now under consideration by the Commission responds to those concerns.

8.30 Finally, the European Community would state that its interpretation of current conservation measures on new and exploratory fisheries is that Members not participating in new fisheries may enter the fisheries in the exploratory or subsequent phases.

8.31 Russia associated itself with this statement.

8.32 All the notifying Members also informed the Commission that they had mandated the carrying of VMS by their participating vessels in the interests of providing real-time and accurate positional/catch information.

8.33 In setting the fishing seasons referred to in Conservation Measures 112/XV, 113/XV, 114/XV, 115/XV and 116/XV, the Commission agreed that all the provisions of Conservation Measure 29/XV should be applied and any incidental mortality resulting from longline fisheries operations carefully monitored. In particular, there should be strict adherence to the requirement that longlines be set during the night only. Furthermore, to ensure accurate reporting of incidental mortality more than one scientific observer should be carried on each participating longline vessel wherever possible.

8.34 The Commission noted that while Norway had submitted a notification for a new longline fishery for *Dissostichus* spp. in Subarea 48.6 (CCAMLR-XV/10 Rev. 1.), this notification was preliminary and that no permit had been issued by the Norwegian authorities for fishing during the 1996/97 season (SC-CAMLR-XV, paragraph 8.5).

#### Resumption of Closed Fisheries

8.35 Despite broad agreement on the principles involved in providing regulations governing the resumption of fisheries that have been closed or lapsed, the Commission was unable to agree the text of a conservation measure. It urged Members and the Scientific Committee to give priority attention to this topic at the next meeting.

#### Krill Resources

8.36 The Commission noted that an Australian hydroacoustic survey in Division 58.4.1 provided a biomass estimate of 6.67 million tonnes. This was the first acoustic survey of a

CCAMLR statistical division designed to produce an estimate of  $B_0$ . In future it would be desirable to repeat the survey so that some assessment of the variability of krill abundance in this division could be made (SC-CAMLR-XV, paragraphs 4.2 and 4.3).

8.37 The Commission endorsed the proposal of the Scientific Committee that high priority should be given to a new synoptic survey of krill in Area 48 (SC-CAMLR-XV, paragraphs 4.5 to 4.9 and 4.28). Information on other activities of the Scientific Committee and WG-EMM on krill was also noted (SC-CAMLR-XV, paragraphs 4.21 to 4.26).

8.38 The Commission endorsed the Scientific Committee's management advice on the krill fishery in Division 58.4.1 and established a precautionary catch limit for krill of 775 000 tonnes in any fishing season.

8.39 Accordingly, the Commission adopted Conservation Measure 106/XV.

## Fish Resources

### *Dissostichus eleginoides* in Subarea 48.3

8.40 The Commission endorsed the advice of the Scientific Committee that a TAC of 5 000 tonnes for *D. eleginoides* in Subarea 48.3 should apply, that longline fishing only should be permitted, that the fishing season should run from 1 March to 31 August 1997 and that there should be 100% scientific observer coverage of the fishery (SC-CAMLR-XV, paragraphs 3.46 and 4.55 to 4.57).

8.41 The Commission noted that Members had indicated to the Scientific Committee that their effort in this fishery would not increase in the 1996/97 season (SC-CAMLR-XV, paragraph 2.11 and Table 6). It therefore reiterated its decision of 1994 (CCAMLR-XIII, paragraph 8.30) that States should be encouraged to cooperate in controlling the level of fishing effort and its distribution over the fishing season.

8.42 Accordingly, the Commission adopted Conservation Measure 102/XV.

*Dissostichus eleginoides* in Subarea 48.4

8.43 The Commission endorsed the advice of the Scientific Committee that a TAC of 28 tonnes should apply for the 1996/97 season (SC-CAMLR-XV, paragraph 4.79).

8.44 Accordingly, the Commission adopted Conservation Measure 101/XV.

*Champscephalus gunnari* in Subarea 48.3

8.45 Russia indicated a desire to undertake a limited fishery for *C. gunnari* in Subarea 48.3 during 1996/97.

8.46 The Commission noted the intentions of Argentina and the UK to undertake trawl surveys in Subarea 48.3 during 1996/97 (SC-CAMLR-XV, Table 6). In addition, Russia indicated its willingness to undertake a survey in 1996/97 prior to and contingent on resuming a limited commercial fishery for *C. gunnari* in Subarea 48.3.

8.47 The Commission recalled its conclusion of last year that considerable useful information could be gathered from a limited fishery (CCAMLR-XIV, paragraph 8.28). This information would be useful in the development of a long-term management strategy for *C. gunnari*.

8.48 The USA stated that it deeply regretted that the Commission was unable to either act in accordance with its advice of last year on *C. gunnari* or act on the advice of the Scientific Committee this year. The USA believes it is important that an effective conservation measure based on the advice of the Scientific Committee be adopted for this fishery.

8.49 The Commission agreed that for a limited fishery:

- (i) the catch should be restricted to a low level commensurate with obtaining information for the development of a long-term management strategy;
- (ii) the use of bottom trawls should be prohibited;
- (iii) each vessel participating in the fishery should carry at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation; and

- (iv) haul-by-haul data should be reported to CCAMLR in accordance with the fine-scale effort and biological data reporting system, to enable analysis of data by the 1997 meeting of WG-FSA.

8.50 Russia explained that to allow time for the survey and a limited fishery, it would prefer that the 1996/97 season be closed on 1 May rather than 1 April as in the 1995/96 season. The Commission agreed, on the understanding that:

- (i) the catch would be restricted to a low level;
- (ii) scientific observers appointed in accordance with the Scheme of International Scientific Observation would collect information on the reproductive status of fish in the catch; and
- (iii) this extension would apply to the 1996/97 season only and that advice on the period of the fishing season for future years would be requested from the Scientific Committee.

8.51 Accordingly, the Commission adopted Conservation Measure 107/XV.

8.52 Argentina pointed out that the information obtained from its recent monitoring surveys was not considered when the Scientific Committee and WG-FSA provided management advice on this fishery (SC-CAMLR-XV, paragraph 4.61 and Annex 5, paragraph 4.156). This was due to the clear indications given by the Commission with regard to this fishery (CCAMLR-XIV, paragraph 8.26; SC-CAMLR-XV, paragraph 4.66 and Annex 5, paragraph 4.158).

8.53 Argentina recalled the consensus reached at the Fourteenth Meeting of the Commission (CCAMLR-XIV, paragraph 8.26) on the future of this fishery. It drew the attention of the Commission to the management advice provided by the Scientific Committee regarding the setting of a TAC (SC-CAMLR-XV, paragraphs 4.61 and 4.64), the status of the long-term management strategy for this stock (SC-CAMLR-XV, paragraph 4.65) and the conditions on which a fishery could be resumed (SC-CAMLR-XV, paragraph 4.69).

8.54 On the basis of the consensus reached last year, the uncertainties associated with the status of this stock and the fact that a procedure to reopen this fishery has been agreed by the Scientific Committee and endorsed by the Commission, Argentina proposed to close the fishery and to invite Members interested in its reopening to submit concrete proposals to the coming meeting of the Scientific Committee and its Working Groups.

8.55 Argentina also indicated that the reopening of this fishery without taking into consideration the advice of the Scientific Committee will induce confusion in the work of WG-FSA and the Scientific Committee which will be unable to prioritise their assessment work on the basis of Commission requirements.

8.56 Furthermore, Argentina pointed out that no useful information for the work of the Commission will be obtained from a limited fishery.

*Electrona carlsbergi* in Subarea 48.3

8.57 The Commission endorsed the advice of the Scientific Committee that a TAC of 14 500 tonnes for the region around Shag Rocks and 109 000 tonnes for all of Subarea 48.3 should apply for the 1996/97 season, that restrictions on by-catch should apply and that biological information should be reported (SC-CAMLR-XV, paragraph 4.78).

8.58 Accordingly, the Commission adopted Conservation Measure 103/XV.

*Chaenocephalus aceratus, Gobionotothen gibberifrons, Notothenia rossii, Pseudochaenichthys georgianus, Lepidonotothen squamifrons* and *Patagonotothen guntheri* in Subarea 48.3

8.59 The Commission endorsed the advice of the Scientific Committee that directed fishing for these species should continue to be prohibited (SC-CAMLR-XV, paragraph 4.77).

8.60 Accordingly, the Commission adopted Conservation Measure 100/XV.

*Lepidonotothen squamifrons* in Division 58.4.4

8.61 Conservation Measure 87/XIII, allowing a catch of 1 150 tonnes of *L. squamifrons* on the two banks, lapsed at the end of the 1995/96 season. Subject to the Commission's conditions (CCAMLR-XIII, paragraphs 8.52 and 8.53) associated with this particular conservation measure, Ukraine indicated its desire to undertake a research survey in the 1994/95 season on *L. squamifrons* at Ob and Lena Banks following the plan endorsed by WG-FSA and the Scientific Committee (SC-CAMLR-XIII, paragraph 2.77).

8.62 The Commission considered a request from Ukraine to extend this conservation measure for one year in order to enable the required research survey and the subsequent small-scale experimental fishing to be carried out. Ukraine had been unable to conduct these activities in previous years due to technical reasons.

8.63 The Commission took into account that no fishing or research surveys had been conducted in this area since 1989 and therefore decided to extend Conservation Measure 87/XIII for the 1996/97 season.

8.64 Accordingly, the Commission adopted Conservation Measure 105/XV.

#### *Dissostichus eleginoides* in Division 58.5.2

8.65 Australia reaffirmed its support for the Scientific Committee's management advice to the Commission concerning a *D. eleginoides* fishery in Division 58.5.2 (SC-CAMLR-XV, paragraphs 4.107 to 4.110).

8.66 Taking account of advice from the Scientific Committee that it would be appropriate to apply some effort limitations during the expansion of the fishery (SC-CAMLR-XV, paragraph 4.109), Australia advised the Commission that it will limit entry to the Australian Fishing Zone around its External Territory of Heard Island and McDonald Islands to no more than three fishing vessels in the 1996/97 season.

8.67 Accordingly, the Commission adopted Conservation Measures 109/XV and 110/XV.

8.68 In respect of Conservation Measures 109/XV and 110/XV, which regulate fishing for *D. eleginoides* and *C. gunnari* in Division 58.5.2, Australia notes that fishing under these conservation measures is also subject to Australian legislation applying within the Australian Fishing Zone around the Australian Territory of Heard Island and McDonald Islands. The Delegation of Australia advises that approval from Australian authorities is necessary prior to conducting fishing or fisheries research activities in this zone.

#### Crab Resources

8.69 The Commission noted that a single US fishing vessel *American Champion* had fished for crabs in Subarea 48.3 during the 1995/96 fishing season. The vessel targeted *Paralomis spinosissima* with *P. formosa* being returned to the sea (SC-CAMLR-XV, paragraph 4.118). The vessel harvested 479 tonnes (1994/95 and 1995/96 seasons combined) but prior to the end of



the 1995/96 fishing season, the vessel ceased its crab fishing operations. The vessel subsequently surrendered its US-issued permit to fish for crabs in Subarea 48.3 and the company which manages the vessel does not currently consider this fishery to be economically viable (SC-CAMLR-XV, paragraph 4.120).

8.70 The Commission noted that the Scientific Committee had agreed that the experimental harvest regime set forth in Conservation Measure 90/XIV had provided valuable information by requiring the wide geographic distribution of fishing effort in Phase 1 and by showing that local depletion estimators cannot be used for estimating the abundance of *P. spinosissima* (SC-CAMLR-XV, paragraph 4.125).

8.71 Since the crab stock was not assessed and since fishing companies may still be interested in participating in the crab fishery (SC-CAMLR-XV, paragraphs 2.17 and 4.128), the Commission agreed that a conservative management scheme is still appropriate for this fishery. In particular, the Commission noted that the fishery should continue to be controlled by direct limitations on catch and effort, as well as by limitation on the size and sex of individual crabs which may be retained in the catch.

8.72 In this regard, the Commission adopted Conservation Measure 104/XV.

8.73 The Commission also agreed that the experimental harvest regime set forth in Conservation Measure 90/XIV should be revised such that:

- (i) Phase 1 of the experimental harvest regime should remain in force;
- (ii) Phases 2 and 3 of the experimental harvest regime should not remain in force in their present form, but the regime should include provisions for requiring approximately one month of experimental fishing efforts during the second season of a vessel's participation in the fishery. The details of appropriate revisions to Phases 2 and 3 should be considered by the Scientific Committee if any new vessels initiate participation in the crab fishery; and
- (iii) the experimental harvest regime should include provisions for the placement of scientific observers on the fishing vessels.

8.74 The Commission revised Conservation Measure 90/XIV to 90/XV, accordingly.

8.75 The Commission noted that, at its Fourteenth Meeting in 1995, for the purpose of clarifying the application of Conservation Measure 65/XII to the exploratory crab fishery in Subarea 48.3 and bearing in mind the advance notification provision of Conservation Measure 91/XIV (paragraph 5) (re-adopted at this meeting as 104/XV) and the provisions of Conservation Measure 90/XIV (re-adopted at this meeting as 90/XV), the Commission agreed that it was not necessary for Members authorising vessels to enter the exploratory crab fishery to notify the Commission again in accordance with the advance notification provision specified in paragraph 2(iv) of Conservation Measure 65/XII. However, this was without prejudice or precedent to the future application of the provisions of Conservation Measure 65/XII to fisheries designated as exploratory in accordance with that conservation measure (CCAMLR-XIV, paragraphs 8.37 to 8.40).

8.76 Also at its last meeting, the Commission noted that Chile stated that it accepted paragraph 3 of Conservation Measure 91/XIV (re-adopted at this meeting as 104/XV), which limits the fishery to one vessel per Member, as being applicable to this measure only, and that this provision should not be considered as a precedent for other measures or fisheries (CCAMLR-XIV, paragraph 8.42).

#### Data Reporting

8.77 Conservation Measures 52/XI, 94/XIV and 98/XIV were revised and the new Conservation Measure 117/XV was adopted accordingly.

#### CONSERVATION MEASURES ADOPTED IN 1996

CONSERVATION MEASURE 29/XV<sup>1,2</sup>  
Minimisation of the Incidental Mortality of Seabirds in the Course of  
Longline Fishing or Longline Fishing Research in the Convention Area

The Commission,

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

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

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

<sup>1</sup> Except for waters adjacent to the Kerguelen and Crozet Islands.

<sup>2</sup> Except for waters adjacent to the Prince Edward Islands.

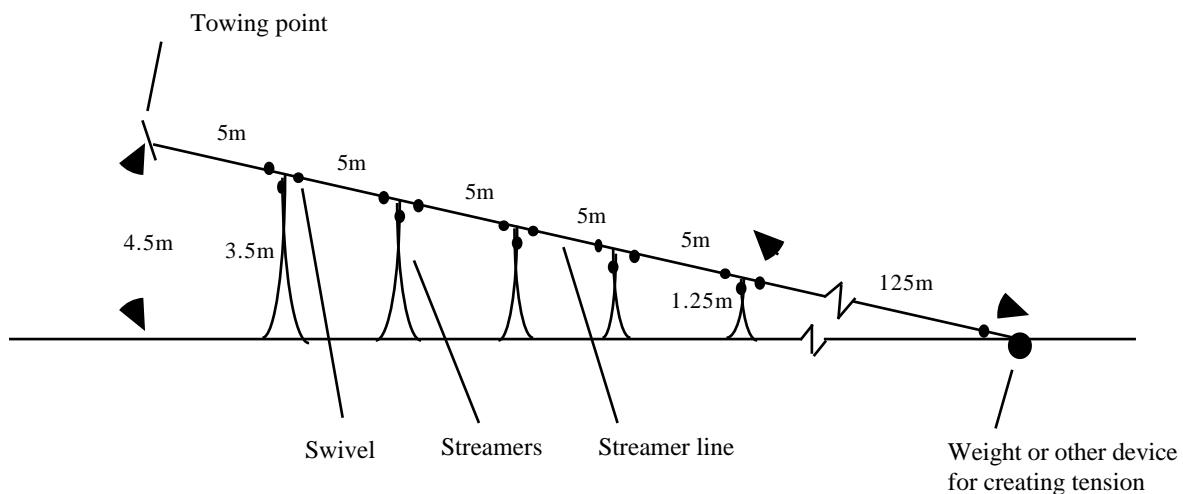
<sup>3</sup> For vessels using the Spanish method of longline fishing, weights should be released before line tension occurs; wherever possible weights of at least 6 kg mass should be used, spaced at 20 m intervals.

<sup>4</sup> The exact times of nautical twilight are set forth in the Nautical Almanac tables for the relevant latitude, local time and date. All times whether for ship operations or observer reporting shall be referenced to GMT.

<sup>5</sup> Wherever possible, setting of lines should be completed at least three hours before sunrise (to reduce loss of bait to/catches of white-chinned petrels).

<sup>6</sup> The streamer lines under test should be constructed and operated taking full account of the principles set out in WG-IMALF-94/19 (available from the CCAMLR Secretariat); testing should be carried out independently of actual commercial fishing and in a manner consistent with the spirit of Conservation Measure 65/XII.

1. The streamer line is to be suspended at the stern from a point approximately 4.5 m above the water and such that the line is directly above the point where the baits hit the water.
2. The streamer line is to be approximately 3 mm diameter, have a minimum length of 150 m and have a device at the end to create tension so that the main line streams directly behind the ship even in cross winds.
3. At 5 m intervals commencing from the point of attachment to the ship five branch streamers each comprising two strands of approximately 3 mm diameter cord should be attached. The length of the streamer should range between approximately 3.5 m nearest the ship to approximately 1.25 m for the fifth streamer. When the streamer line is deployed the branch streamers should reach the sea surface and periodically dip into it as the ship heaves. Swivels should be placed in the streamer line at the towing point, before and after the point of attachment of each branch streamer and immediately before any weight placed on the end of the streamer line. Each branch streamer should also have a swivel at its attachment to the streamer line.



CONSERVATION MEASURE 63/XV  
 Regulation of the Use and Disposal of Plastic  
 Packaging Bands on Fishing Vessels

The Commission,

Recollecting that for many years it has received evidence from the Scientific Committee that substantial numbers of Antarctic fur seals have been entangled and killed in plastic packaging bands in the Convention Area,

Noting that, despite the recommendations of CCAMLR and the provisions of the MARPOL Convention and its Annexes which prohibit the jettisoning of all plastics at sea, substantial entanglement of fur seals is still continuing,

Recognising that the bait boxes used on fishing vessels in particular and other packages in general need not be secured by plastic packaging bands because suitable alternatives exist,

Agrees to adopt the following Conservation Measure, to reduce the incidental mortality of Antarctic fur seals due to entanglement, in accordance with Article IX of the Convention.

1. The use on fishing vessels of plastic packaging bands to secure bait boxes shall be prohibited.
2. The use of other plastic packaging bands for other purposes on fishing vessels which do not use on-board incinerators (closed systems) shall be prohibited.
3. Any packaging bands, once removed from packages, shall be cut, so that they do not form a continuous loop and at the earliest opportunity burned in the on-board incinerator.
4. Any plastic residue shall be stored on board the vessel until reaching port and in no case discarded at sea.

CONSERVATION MEASURE 90/XV  
Experimental Harvest Regime for the Crab Fishery in  
Statistical Subarea 48.3 for the Seasons 1996/97 and 1997/98

The following measures apply to all crab fishing within Statistical Subarea 48.3 for the 1996/97 and 1997/98 fishing seasons. Every vessel participating in the crab fishery in Subarea 48.3 shall conduct fishing operations in accordance with an experimental harvest regime as outlined below:

1. The experimental harvest regime shall consist of at least two phases. Each vessel participating in the fishery shall complete all of the phases. Phase 1 shall be conducted during the first season that a vessel participates in the experimental harvest regime. Phase 2, and any additional phases, shall be completed in the next season of fishing.
2. Vessels shall conduct Phase 1 of the experimental harvest regime at the start of their first season of participation in the crab fishery. For the purposes of Phase 1, the following conditions shall apply:

- (i) Phase 1 shall be defined as a vessel's first 200 000 pot hours of effort at the start of its first fishing season;
  - (ii) every vessel conducting Phase 1 shall expend its first 200 000 pot hours of effort within a total area delineated by twelve blocks of 0.5° latitude by 1.0° longitude. For the purposes of this Conservation Measure, these blocks shall be numbered A to L. In Annex 90/A, the blocks are illustrated (Figure 1), and the geographic position is denoted by the coordinates of the northeast corner of the block. For each string, pot hours shall be calculated by taking the total number of pots on the string and multiplying that number by the soak time (in hours) for that string. Soak time shall be defined for each string as the time between start of setting and start of hauling;
  - (iii) vessels shall not fish outside the area delineated by the 0.5° latitude by 1.0° longitude blocks prior to completing Phase 1;
  - (iv) during Phase 1, vessels shall not expend more than 30 000 pot hours in any single block of 0.5° latitude by 1.0° longitude;
  - (v) if a vessel returns to port before it has expended 200 000 pot hours in Phase 1, the remaining pot hours shall be expended before it can be considered that the vessel has completed Phase 1; and
  - (vi) after completing 200 000 pot hours of experimental fishing, it shall be considered that vessels have completed Phase 1 and shall commence fishing in a normal fashion.
3. Normal fishing operations shall be conducted in accordance with the regulations set out in Conservation Measure 104/XV.
4. For the purposes of implementing normal fishing operations after Phase 1 of the experimental harvest regime, the Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII shall apply.
5. Vessels shall conduct Phase 2, and any additional phases, of the experimental harvest regime during their second season of participation in the crab fishery. If any vessel initiates Phase 1 of the experimental harvest regime during the 1996/97 or 1997/98 fishing seasons, the Scientific Committee, and its Working Group on Fish Stock

Assessment, shall advise the Commission on an appropriate experimental harvest strategy, Phase 2, for the following fishing season. This advice shall include provisions for:

- (i) requiring each vessel to expend approximately one month of experimental fishing effort during its second season of participation in the experimental harvest regime; and
  - (ii) a data collection and submission policy appropriate to the experimental fishing strategy that is being recommended.
6. Data collected during the experimental harvest regime in both Phase 1 and Phase 2 up to 30 June in any split-year shall be submitted to CCAMLR by 31 August of the following split-year.
  7. Vessels that complete all phases of the experimental harvest regime shall not be required to conduct experimental fishing in future seasons. However, these vessels shall abide by the guidelines set forth in Conservation Measure 104/XV.
  8. Fishing vessels shall participate in the experimental harvest regime independently (e.g. vessels may not cooperate to complete phases of the experiment).
  9. Crabs captured during the experimental harvest regime shall be considered part of the prevailing TAC for the current fishing season (e.g. for 1996/97, experimental catches shall be considered part of the 1 600-tonne TAC outlined in Conservation Measure 104/XV).
  10. All vessels participating in the experimental harvest regime shall carry at least one scientific observer onboard during all fishing activities.
  11. The experimental harvest regime shall be instituted for a period of two split-years (1996/97 and 1997/98), and the details of the regime may be revised by the Commission during this period of time. Fishing vessels that begin experimental fishing in the 1997/98 season must complete the regime during the 1998/99 season.

LOCATIONS OF FISHING AREAS FOR THE EXPERIMENTAL  
HARVEST REGIME OF THE EXPLORATORY CRAB FISHERY

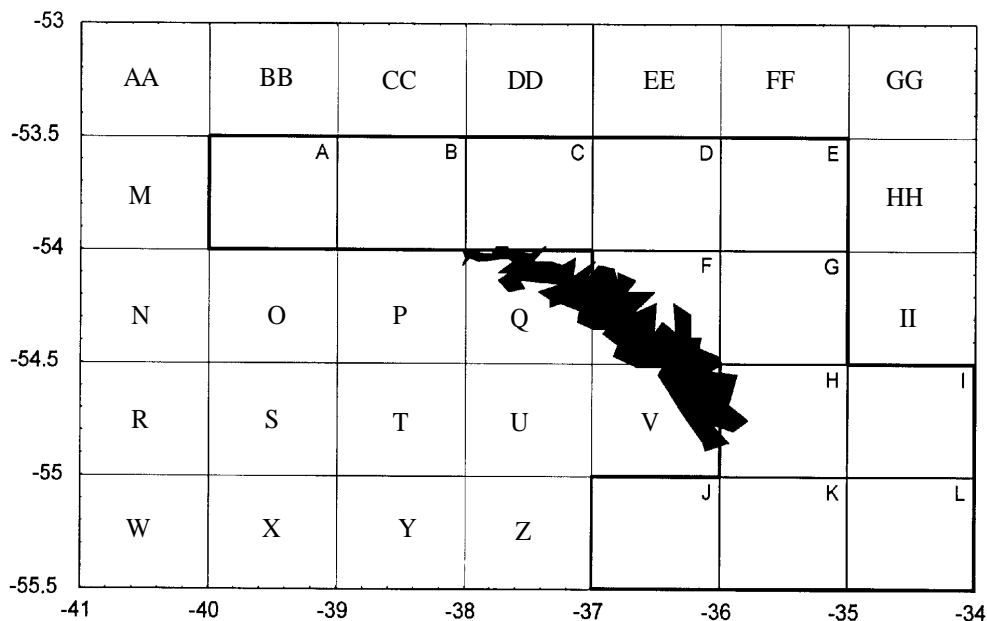


Figure 1: Operations area for Phase 1 of the experimental harvest regime for the crab fishery in Subarea 48.3.

CONSERVATION MEASURE 99/XV  
New Fishery for *Martialia hyadesi* in  
Statistical Subarea 48.3 in the 1996/97 Season

The Commission,

Welcoming the notification of the Republic of Korea and the UK of their intention to conduct a new fishery in Statistical Subarea 48.3 for *Martialia hyadesi* in the 1996/97 season,

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

1. Fishing for *Martialiahyadesi* in Statistical Subarea 48.3 shall be limited to the new fishery by the Republic of Korea and the UK. The catch shall be limited to 2 500 tonnes.
2. For the purposes of this new fishery, the fishing season is defined as the period between 2 November 1996 and the end of the Commission meeting in 1997.



3. For the purposes of implementing this Conservation Measure:
  - (i) the Ten-day Catch and Effort Reporting System, as set out in Conservation Measure 61/XII shall apply;
  - (ii) the data required to complete the CCAMLR standard fine-scale catch and effort data form for squid jig fisheries (Form C3, latest version) shall be reported from each vessel. These data shall include numbers of seabirds and marine mammals of each species caught and released or killed. These data shall be reported to CCAMLR by 31 August 1997 for catches taken prior to 31 July 1997; and
  - (iii) data on catches taken between 31 July 1997 and 31 August 1997 shall be reported to CCAMLR by 30 September 1997 so that the data will be available to the 1997 meeting of the Working Group on Fish Stock Assessment.
4. Each vessel participating in the new fishery for *Martialiahyadesi* during the 1996/97 season shall have a scientific observer on board, if possible appointed according to the CCAMLR Scheme of International Scientific Observation.

CONSERVATION MEASURE 100/XV  
Prohibition of Directed Fishery on *Gobionotothen gibberifrons*,  
*Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*,  
*Lepidonotothen squamifrons* and *Patagonotothen guntheri*  
in Statistical Subarea 48.3 for the 1996/97 Season

This Conservation Measure is adopted in accordance with Conservation Measure 7/V:

Directed fishing on *Gobionotothen gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*, *Lepidonotothen squamifrons* and *Patagonotothen guntheri* in Statistical Subarea 48.3 is prohibited in the 1996/97 season, defined as the period from 2 November 1996 to the end of the Commission meeting in 1997.

CONSERVATION MEASURE 101/XV  
Catch Limit on *Dissostichus eleginoides* in  
Statistical Subarea 48.4 for the 1996/97 Season

1. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.4 in the 1996/97 season shall be limited to 28 tonnes.

2. For the purposes of the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.4, the 1996/97 fishing season is defined as the period from 1 March to 31 August 1997, or until the TAC for *Dissostichus eleginoides* in Subarea 48.4 is reached, or until the TAC for *Dissostichus eleginoides* in Subarea 48.3, as specified in Conservation Measure 102/XV is reached, whichever is sooner.
3. Each vessel participating in the *Dissostichus eleginoides* fishery in Statistical Subarea 48.4 in the 1996/97 season shall have at least one scientific observer, including one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.
4. For the purpose of implementing this Conservation Measure:
  - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1996/97 season, commencing on 1 March 1997; and
  - (ii) the Monthly Fine-scale Effort and Biological Data Reporting System set out in Conservation Measure 117/XV shall apply in the 1996/97 season, commencing on 1 March 1997.
5. Directed fishing shall be by longlines only. The use of all other methods of directed fishing for *Dissostichus eleginoides* in Statistical Subarea 48.4 shall be prohibited.

CONSERVATION MEASURE 102/XV  
Limits on the Fishery for *Dissostichus eleginoides*  
in Statistical Subarea 48.3 for the 1996/97 Season

This Conservation Measure is adopted in accordance with Conservation Measure 7/V:

1. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.3 in the 1996/97 season shall be limited to 5 000 tonnes.
2. For the purposes of the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3, the 1996/97 fishing season is defined as the period from 1 March to 31 August 1997, or until the TAC is reached, whichever is the sooner.

3. Each vessel participating in the *Dissostichus eleginoides* fishery in Statistical Subarea 48.3 in the 1996/97 season shall have at least one scientific observer, including one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.
4. For the purpose of implementing this Conservation Measure:
  - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1996/97 season, commencing on 1 March 1997; and
  - (ii) the Monthly Fine-scale Effort and Biological Data Reporting System set out in Conservation Measure 117/XV shall apply in the 1996/97 season, commencing on 1 March 1997.
5. Directed fishing shall be by longlines only. The use of all other methods of directed fishing for *Dissostichus eleginoides* in Statistical Subarea 48.3 shall be prohibited.

CONSERVATION MEASURE 103/XV  
Precautionary TAC for *Electrona carlsbergi*  
in Statistical Subarea 48.3 for the 1996/97 Season

This Conservation Measure is adopted in accordance with Conservation Measure 7/V:

1. For the purposes of this Conservation Measure the fishing season for *Electronacarlbergi* is defined as the period from 2 November 1996 to the end of the Commission meeting in 1997.
2. The total catch of *Electronacarlbergi* in the 1996/97 season shall not exceed 109 000 tonnes in Statistical Subarea 48.3.
3. In addition, the total catch of *Electronacarlbergi* in the 1996/97 season shall not exceed 14 500 tonnes in the Shag Rocks region, defined as the area bounded by 52°30'S, 40°W; 52°30'S, 44°W; 54°30'S, 40°W and 54°30'S, 44°W.
4. In the event that the catch of *Electronacarlbergi* is expected to exceed 20 000 tonnes in the 1996/97 season, a survey of stock biomass and age structure shall be conducted during that season by the principal fishing nations involved. A full report of this survey

including data on stock biomass (specifically including area surveyed, survey design and density estimates), age structure and the biological characteristics of the by-catch shall be made available in advance for discussion at the 1997 meeting of the Working Group on Fish Stock Assessment.

5. The directed fishery for *Electronacarlsbergi* in Statistical Subarea 48.3 shall close if the by-catch of any of the species named in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Electronacarlsbergi* reaches 109 000 tonnes, whichever comes first.
6. The directed fishery for *Electronacarlsbergi* in the Shag Rocks region shall close if the by-catch of any of the species named in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Electronacarlsbergi* reaches 14 500 tonnes, whichever comes first.
7. If, in the course of the directed fishery for *Electrona carlsbergi*, the catch of any one haul of any species other than the target species exceeds 5% of the total catch by weight, the fishing vessel shall move to another fishing location at least 5 n miles distant<sup>1</sup>. The fishing vessel shall not fish within 5 n miles of the location in which the catch of species, other than the target species, exceeded 5%, for a period of at least five days<sup>2</sup>.
8. For the purpose of implementing this Conservation Measure:
  - (i) the Catch Reporting System set out in Conservation Measure 40/X shall apply in the 1996/97 season; and
  - (ii) the Monthly Fine-scale Effort and Biological Data Reporting System set out in Conservation Measure 117/XV shall also apply in the 1996/97 season. For the purposes of Conservation Measure 117/XV, the target species is *Electronacarlsbergi*, and 'by-catch species' are defined as any cephalopod, crustacean or fish species other than *Electronacarlsbergi*. For the purposes of paragraph 6(ii) of Conservation Measure 117/XV a representative sample shall be a minimum of 500 fish.

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

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

CONSERVATION MEASURE 104/XV  
Limits on the Crab Fishery in  
Statistical Subarea 48.3 in the 1996/97 Season

The following Conservation Measure is adopted in accordance with Conservation Measure 7/V:

1. The crab fishery is defined as any commercial harvest activity in which the target species is any member of the crab group (Order *Decapoda*, Suborder *Reptantia*).
2. In Statistical Subarea 48.3, the crab fishing season is defined as the period from 2 November 1996 to end of the Commission meeting in 1997, or until the TAC is reached, whichever is sooner.
3. The crab fishery shall be limited to one vessel per Member.
4. The total catch of crab from Statistical Subarea 48.3 shall not exceed 1 600 tonnes during the 1996/97 crab fishing season.
5. Each Member intending to participate in the crab fishery shall notify the CCAMLR Secretariat at least three months in advance of starting fishing of the name, type, size, registration number, radio call sign, and research and fishing operations plan of the vessel that the Member has authorised to participate in the crab fishery.
6. All vessels fishing for crab shall report the following data to CCAMLR by 31 August 1997 for crabs caught prior to 31 July 1997:
  - (i) the location, date, depth, fishing effort (number and spacing of pots and soak time), and catch (numbers and weight) of commercially sized crabs (reported on as fine a scale as possible, but no coarser than 0.5° latitude by 1.0° longitude) for each 10-day period;
  - (ii) the species, size, and sex of a representative subsample of crab sampled according to the procedure set out in Annex 104/A (between 35 and 50 crabs shall be sampled every day from the line hauled just prior to noon) and by-catch caught in traps; and
  - (iii) other relevant data, as possible, according to the requirements set out in Annex 104/A.

7. For the purposes of implementing this Conservation Measure, the Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII shall apply.
8. Data on catches taken between 31 July 1997 and 31 August 1997 shall be reported to CCAMLR by 30 September 1997 so that the data will be available to the Working Group on Fish Stock Assessment.
9. Crab fishing gear shall be limited to the use of crab pots (traps). The use of all other methods of catching crabs (e.g., bottom trawls) shall be prohibited.
10. The crab fishery shall be limited to sexually mature male crabs - all female and undersized male crabs caught shall be released unharmed. In the case of *Paralomisspinosissima* and *P. formosa*, males with a minimum carapace width of 102 mm and 90 mm, respectively, may be retained in the catch.
11. Crab processed at sea shall be frozen as crab sections (minimum size of crabs can be determined using crab sections).

ANNEX 104/A

DATA REQUIREMENTS ON THE  
CRAB FISHERY IN STATISTICAL SUBAREA 48.3

Catch and Effort Data:

Cruise Descriptions

    cruise code, vessel code, permit number, year.

Pot Descriptions

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

Effort Descriptions

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

Catch Descriptions

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

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

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

#### Biological Data:

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

#### Cruise Descriptions

cruise code, vessel code, permit number.

#### Sample Descriptions

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

#### Data

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

CONSERVATION MEASURE 105/XV  
 Limitation of Total Catch of *Lepidonotothen squamifrons*  
 in Statistical Division 58.4.4 (Ob and Lena Banks)  
 in the 1996/97 Season

The Commission,

Noting the intention of Ukraine to undertake a scientific survey of the design approved by the Scientific Committee in 1994 (CCAMLR-XIII, paragraphs 8.52 and 8.53) during the 1996/97 season,

Adopts the following Conservation Measure:

1. The total catch of *Lepidonotothen squamifrons* in Statistical Division 58.4.4 in the 1996/97 season shall be limited to 1 150 tonnes, and shall be made up of 715 tonnes on Lena Bank and 435 tonnes on Ob Bank.
2. For the purposes of this Conservation Measure the 1996/97 season is defined as the period from 2 November 1996 to the end of the Commission meeting in 1997.

3. For the purpose of implementing this Conservation Measure:
  - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1996/97 season commencing on 2 November 1996;
  - (ii) the Monthly Fine-scale Effort and Biological Data Reporting System set out in Conservation Measure 117/XV shall apply for the target species *Lepidonotothen squamifrons*, and the by-catch species *Dissostichus eleginoides* in the 1996/97 season, commencing on 2 November 1996;
  - (iii) age frequency, length frequency and age/length keys for *Lepidonotothen squamifrons*, *Dissostichus eleginoides* and any other species forming a significant part of the catch shall be collected and reported to each annual meeting of the Working Group on Fish Stock Assessment for each Bank separately on forms B2 and B3; and
  - (iv) the fishery for *Lepidonotothen squamifrons* shall be subject to review at the 1997 annual meetings of the Scientific Committee and the Commission.
4. Each vessel participating in the fishery in Statistical Division 58.4.4 in the 1996/97 season shall have a scientific observer, appointed in accordance with the Scheme of International Scientific Observation of CCAMLR, on board throughout all fishing activities within the fishing period.

CONSERVATION MEASURE 106/XV  
Precautionary Catch Limitation on *Euphausia superba*  
in Statistical Division 58.4.1

The total catch of *Euphausia superba* in Statistical Division 58.4.1 shall be limited to 775 000 tonnes in any fishing season. A fishing season begins on 1 July and finishes on 30 June the following year.

This limit shall be kept under review by the Commission, taking into account the advice of the Scientific Committee.

For the purposes of implementing this Conservation Measure, the catches shall be reported to the Commission on a monthly basis.



CONSERVATION MEASURE 107/XV  
Limitation of the Total Catch of *Champocephalus gunnari*  
in Statistical Subarea 48.3 in the 1996/97 Season

The Commission adopted this Conservation Measure in accordance with Conservation Measure 7/V:

1. The total catch of *Champocephalus gunnari* in the 1996/97 season shall not exceed 1 300 tonnes in Statistical Subarea 48.3.
2. The fishery for *Champocephalus gunnari* in Statistical Subarea 48.3 shall close if the by-catch of any of the species listed in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Champocephalus gunnari* reaches 1 300 tonnes, whichever comes first.
3. If, in the course of the directed fishery for *Champocephalus gunnari*, the by-catch in any one haul of any of the species named in Conservation Measure 95/XIV exceeds 5% of the total weight by catch, the fishing vessel shall move to another location at least 5 n miles distant<sup>1</sup>. The fishing vessel shall not return to the location where the by-catch exceeded 5%, for a period of at least five days<sup>2</sup>.
4. The use of bottom trawls in the directed fishery for *Champocephalus gunnari* in Statistical Subarea 48.3 is prohibited.
5. The fishery for *Champocephalus gunnari* in Statistical Subarea 48.3 shall be closed from 1 May 1997 until the end of the Commission meeting in 1997.
6. Any vessel of any Member intending to participate in the directed fishery for *Champocephalus gunnari* in Statistical Subarea 48.3 during the 1996/97 season shall be required to undertake a scientific survey carried out in accordance with the survey design specified in the Draft Manual for Bottom Trawl Surveys in the Convention Area (SC-CAMLR-XI, Annex 5, Appendix H, Attachment E). A list of proposed trawl survey stations shall be transmitted to the Executive Secretary at least one month before the start of the survey.
7. Each vessel participating in the directed fishery for *Champocephalus gunnari* in Subarea 48.3 in the 1996/97 season shall have a scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

8. For the purpose of implementing paragraphs 1 and 2 of this Conservation Measure:
- (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1996/97 season; and
  - (ii) the Monthly Fine-scale Effort and Biological Data Reporting System set out in Conservation Measure 117/XV shall apply for *Champsoccephalus gunnari*.

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

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

CONSERVATION MEASURE 109/XV  
Limits on the fishery for *Dissostichus eleginoides* in  
Statistical Division 58.5.2 for the 1996/97 Season

1. The total catch of *Dissostichus eleginoides* in Statistical Division 58.5.2 in the 1996/97 season shall not exceed 3 800 tonnes.
2. For the purposes of this fishery, the 1996/97 season is defined as the period from 2 November 1996 to 31 August 1997, or until the TAC is reached, whichever is the sooner.
3. The TAC may only be taken by trawling.
4. Each vessel participating in the *Dissostichus eleginoides* fishery in Statistical Division 58.5.2 in the 1996/97 season shall have at least one scientific observer, and may include one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.
5. For the purpose of implementing this Conservation Measure:
  - (i) the Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII; and
  - (ii) the Monthly Fine-scale Effort and Biological Data Reporting System set out in Conservation Measure 117/XV;shall apply in the 1996/97 fishing season.

6. If, in the course of a directed fishery for *Dissostichus eleginoides*, the by-catch in any one haul of any of the species *Lepidonotothen squamifrons*, *Notothenia rossii*, *Channichthys rhinoceratus* or *Bathyraja* spp. exceeds 5% of the total catch by weight, the fishing vessel shall move to another fishing location at least 5 n miles distant<sup>1</sup>. The fishing vessel shall not return to the location where the by-catch exceeded 5% for a period of at least five days<sup>2</sup>.
7. Catches of other species not specified above, shall not exceed 50 tonnes, as set out in Conservation Measure 111/XV.
8. The total number and weight of *Dissostichus eleginoides* discarded, including those with the 'jellymeat' condition, shall be reported. These fish will count towards the total allowable catch.
  - <sup>1</sup> This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.
  - <sup>2</sup> The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

CONSERVATION MEASURE 110/XV  
Precautionary Catch Limits on *Champocephalus gunnari*  
in Statistical Division 58.5.2

1. In accordance with the management advice of the 1994 meeting of the Scientific Committee a precautionary TAC of 311 tonnes in the 1996/97 season shall be set for *Champocephalus gunnari* in Division 58.5.2.
2. For the purposes of this fishery on *Champocephalus gunnari*, the 1996/97 season is defined as the period from 2 November 1996 to 31 August 1997, or until the TAC is reached, whichever is the sooner.
3. The TAC may only be taken by trawling.
4. If, in any haul, more than 10% of *Champocephalus gunnari* are smaller than 28 cm total length, the fishing vessel shall move to another fishing location at least 5 n miles distant<sup>1</sup>. The fishing vessel shall not return to the location where the catch of small *Champocephalus gunnari* exceeded 10% for a period of at least five days<sup>2</sup>.

5. Each vessel participating in the *Champocephalus gunnari* fishery in Statistical Division 58.5.2 in the 1996/97 season shall have at least one scientific observer, and may include one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.
6. For the purpose of implementing this Conservation Measure:
  - (i) the Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII; and
  - (ii) the Monthly Fine-scale Effort and Biological Data Reporting System set out in Conservation Measure 117/XV;shall apply in the 1996/97 fishing season.
7. If, in the course of a directed fishery for *Champocephalusgunnari*, the by-catch in any one haul of any of the species *Lepidonotothen squamifrons*, *Notothenia rossii*, *Channichthys rhinoceratus* or *Bathyraja* spp. exceeds 5% of the total catch by weight, the fishing vessel shall move to another fishing location at least 5 n miles distant<sup>1</sup>. The fishing vessel shall not return to the location where the by-catch exceeded 5%, for a period of at least five days<sup>2</sup>.
8. Catches of other species not specified above shall not exceed 50 tonnes, as set out in Conservation Measure 111/XV.
9. The catch limit of *Champocephalus gunnari* shall be kept under review by the Commission, taking into account the advice of the Scientific Committee.

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

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

CONSERVATION MEASURE 111/XV  
New Fishery in Statistical Division 58.5.2 in  
the 1996/97 Season for Deep-water Species

The Commission,

Welcoming the notification of Australia of its intention to conduct a new fishery in the 1996/97 season in Statistical Division 58.5.2 for deep-water species, not covered by Conservation Measures 109/XV and 110/XV,

Noting that no other Member has notified the Commission of the intent to establish a new fishery for these species in this Statistical Division,

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

1. The new fishery by Australia for deep-water species, not covered by Conservation Measures 109/XV and 110/XV, shall be limited to 50 tonnes for each species. The fishery shall be conducted by trawling only.
2. For the purposes of this new fishery, the fishing season is defined as the period from 2 November 1996 to 31 August 1997.
3. Each vessel participating in this new fishery in Statistical Division 58.5.2 in the 1996/97 season shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Observation on board throughout all fishing activities within the fishing period.
4. For the purpose of implementing this Conservation Measure:
  - (i) the Ten-day Catch and Effort Reporting System, as set out in Conservation Measure 61/XII; and
  - (ii) the Monthly Fine-scale Effort and Biological Data Reporting System set out in Conservation Measure 117/XV;shall apply in the 1996/97 fishing season.

5. If the by-catch in any one haul of any of the species *Lepidonotothen squamifrons*, *Notothenia rossii*, *Channichthys rhinoceratus* or *Bathyraja* spp. exceeds 5% of the total catch by weight, the fishing vessel shall move to another fishing location at least 5 n miles distant<sup>1</sup>. The fishing vessel shall not return to the location where the by-catch exceeded 5%, for a period of at least five days<sup>2</sup>.

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

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

CONSERVATION MEASURE 112/XV  
General Measures for New Fisheries for *Dissostichus* spp.  
in the Convention Area for the 1996/97 Season

The Commission,

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

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

1. Fishing should take place over as large a geographical and bathymetric range as possible to obtain the information necessary to determine fishery potential and to avoid over-concentration of catch and effort. To this end, fishing in any fine-scale rectangle<sup>1</sup> shall cease when the reported catch reaches 100 tonnes and that rectangle shall be closed to fishing for the remainder of the season. Fishing in any fine-scale rectangle shall be restricted to one vessel at any one time.
2. In order to give effect to paragraph 1 above:
  - (i) the precise geographic position of the mid-point between the start and end of the haul/line shall be determined using appropriate means;
  - (ii) catch and effort information for each species by fine-scale rectangle shall be reported to the Executive Secretary every five days using the Five-Day Catch and Effort Reporting System set out in Conservation Measure 51/XII; and
  - (iii) the Secretariat shall notify Contracting Parties participating in these fisheries when the total catch for *Dissostichus eleginoides* and *D. mawsoni* combined in any fine-scale rectangle exceeds 100 tonnes.
3. Any new fishery for *Dissostichus* spp. in the 1996/97 season shall be deemed to have demonstrated commercial potential if catches in the Statistical Subarea or Divisions concerned reach 1 980 tonnes. In this event, the fishery shall be closed and the provisions of Conservation Measure 65/XII shall apply.
4. The by-catch of any species in the new fisheries for *Dissostichus* spp. other than *Dissostichus eleginoides* and *D. mawsoni* in the Statistical Subareas and Divisions concerned shall not exceed 50 tonnes.

- 5<sup>2</sup>. Each vessel participating in the new fisheries for *Dissostichus* spp. during the 1996/97 season shall have on board at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, throughout all fishing activities within the fishing season.
6. The total number and weight of *Dissostichus eleginoides* and *D. mawsoni* discarded, including those with the 'jellymeat' condition, shall be reported.
7. For the purpose of implementing this Conservation Measure the Monthly Fine-scale Effort and Biological Data Reporting System set out in Conservation Measure 117/XV shall apply in the 1996/97 season.
8. Monthly effort and biological data shall be reported in accordance with Conservation Measure 40/X. By-catch species are defined as any cephalopod, crustacean or fish species other than *Dissostichus* spp.
  - <sup>1</sup> A fine-scale rectangle is defined as an area of 0.5° latitude by 1° longitude with respect to the northwest corner of the Statistical Subarea or Division. The identification of each rectangle is by the latitude of its northernmost boundary and the longitude of the boundary closest to 0°.
  - <sup>2</sup> In respect of this provision, South Africa reserves its right to carry only national observers in the waters adjacent to the Prince Edward Islands.

CONSERVATION MEASURE 113/XV  
New Fishery for *Dissostichus eleginoides* and *D. mawsoni*  
in Statistical Division 58.4.3 in the 1996/97 Season

The Commission,

Welcoming the notification of Australia and South Africa of their intention to conduct new fisheries in Statistical Division 58.4.3 for *Dissostichus eleginoides* and *D. mawsoni* in the 1996/97 season,

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

1. Fishing for *Dissostichus eleginoides* and *D. mawsoni* in Statistical Division 58.4.3 shall be limited to the new fisheries by Australia and South Africa.
2. Fishing shall cease in Statistical Division 58.4.3 if the commercial potential is demonstrated in accordance with the definition given in Conservation Measure 112/XV, paragraph 3.

3. For the purposes of these new fisheries, the fishing season for longlining is defined as the period from 1 March 1997 until 31 August 1997. The fishing season for trawling commences on 2 November 1996 and ends on 31 August 1997.
4. The directed fisheries for the above species shall be carried out in accordance with Conservation Measures 112/XV and 117/XV.

CONSERVATION MEASURE 114/XV  
New Fishery for *Dissostichus eleginoides* and *D. mawsoni*  
in Statistical Subarea 48.6 in the 1996/97 Season

The Commission,

Welcoming the notification of South Africa of its intention to conduct a new fishery in Subarea 48.6 for *Dissostichus eleginoides* and *D. mawsoni* in the 1996/97 season,

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

1. Fishing for *Dissostichus eleginoides* and *D. mawsoni* in Statistical Subarea 48.6 shall be limited to the new fishery by South Africa. The fishery shall be conducted by longlining only.
2. Fishing shall cease in Statistical Subarea 48.6 if the commercial potential is demonstrated in accordance with the definition given in Conservation Measure 112/XV, paragraph 3.
3. For the purposes of this new fishery, the fishing season is defined as the period from 1 March until 31 August 1997.
4. The directed fishery for the above species shall be carried out in accordance with Conservation Measures 112/XV and 117/XV.

CONSERVATION MEASURE 115/XV  
New Fishery for *Dissostichus eleginoides* and *D. mawsoni*  
in Statistical Subareas 88.1 and 88.2 in the 1996/97 Season

The Commission,

Welcoming the notification of New Zealand of its intention to conduct a new fishery in Statistical Subareas 88.1 and 88.2 for *Dissostichus eleginoides* and *D. mawsoni* in the 1996/97 season,



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

1. Fishing for *Dissostichus eleginoides* and *D. mawsoni* in Statistical Subareas 88.1 and 88.2 shall be limited to the new fishery by New Zealand. The fishery shall be conducted by longlining only.
2. Fishing shall cease in Statistical Subareas 88.1 and 88.2 if the commercial potential is demonstrated in accordance with the definition given in Conservation Measure 112/XV, paragraph 3.
3. For the purposes of this new fishery, the fishing season is defined as the period from 15 February until 31 August 1997.
4. The directed fisheries for the above species shall be carried out in accordance with Conservation Measures 112/XV and 117/XV.

CONSERVATION MEASURE 116/XV<sup>1</sup>  
New Fisheries for *Dissostichus eleginoides* and *D. mawsoni*  
in Statistical Subareas 58.6, 58.7 and Statistical Division 58.4.4  
in the 1996/97 Season

The Commission,

Welcoming the notification of South Africa of its intention to conduct new fisheries in Statistical Subareas 58.6, 58.7 and Division 58.4.4 for *Dissostichus eleginoides* and *D. mawsoni* in the 1996/97 season,

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

1. Fishing for *Dissostichus eleginoides* and *D. mawsoni* in Statistical Subareas 58.6, 58.7 and Division 58.4.4 shall be limited to the new fisheries by South Africa. These fisheries shall be conducted by longlining only.
2. Notwithstanding the provisions of paragraph 3 of Conservation Measure 112/XV, in Statistical Subareas 58.6 and 58.7 any new fishery for *Dissostichus* in the 1996/97 season shall be deemed to have demonstrated commercial potential if catches in the Statistical Subareas concerned reach 2 200 tonnes. In this event, the fishery shall be closed and the provisions of Conservation Measure 65/XII shall apply.

3. Fishing shall cease in Division 58.4.4 if commercial potential is demonstrated in accordance with the definition given in Conservation Measure 112/XV, paragraph 3.
4. For the purposes of these new fisheries, the fishing season is defined as the period from 1 March until 31 August 1997.
5. The directed fisheries for the above species shall be in accordance with Conservation Measures 112/XV and 117/XV except as foreseen in paragraph 2 above.

<sup>1</sup> Except for the waters adjacent to the Crozet Islands

CONSERVATION MEASURE 117/XV<sup>1,2</sup>  
Monthly Fine-Scale Effort and Biological Data Reporting System  
for Trawl and Longline Fisheries

This Conservation Measure is adopted in accordance with Conservation Measure 7/V, where appropriate.

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

1. Specification of 'target species' and 'by-catch species' referred to in this Conservation Measure shall be made in the Conservation Measure to which it is attached.
2. At the end of each month each Contracting Party shall obtain from each of its vessels the data required to complete the CCAMLR fine-scale catch and effort data form (trawl fisheries Form C1, latest version or longline fisheries Form C2, latest version). It shall transmit those data in the specified format to the Executive Secretary not later than the end of the following month.
3. The catch of all target and by-catch species must be reported by species.
4. The numbers of seabirds and marine mammals of each species caught and released or killed must be reported.
5. At the end of each month each Contracting Party shall obtain from each of its vessels representative samples of length composition measurements of the target species and by-catch species from the fishery (Form B2, latest version). It shall transmit those data in the specified form to the Executive Secretary not later than the end of the following month.

6. For the purpose of implementing this Conservation Measure:
- (i) length measurements of fish should be of total length to the nearest centimetre below;
  - (ii) representative samples of length composition should be taken from a single fine-scale grid rectangle (0.5° latitude by 1° longitude). In the event that the vessel moves from one fine-scale grid rectangle to another during the course of a month, then separate length compositions should be submitted for each fine-scale grid rectangle.
7. Should a Contracting Party fail to transmit the fine-scale catch and effort data or length composition data to the Executive Secretary in the appropriate form by the deadline specified in paragraphs 2 and 5, the Executive Secretary shall issue a reminder to the Contracting Party. If at the end of a further two months those data have still not been provided, the Executive Secretary shall notify all Contracting Parties of the closure of the fishery to vessels of the Contracting Party which has failed to supply the data as required.

<sup>1</sup> Except for waters adjacent to the Kerguelen and Crozet Islands

<sup>2</sup> Except for waters adjacent to the Prince Edward Islands

#### MANAGEMENT UNDER CONDITIONS OF UNCERTAINTY ABOUT STOCK SIZE AND SUSTAINABLE YIELD

##### Resumption of Fishing

9.1 At last year's meeting, the Commission recognised that no clear policies or measures exist to manage fisheries which have been closed but are under consideration for reopening. The Commission requested the Scientific Committee to provide advice on this matter (CCAMLR-XIV, paragraphs 8.26 and 9.9).

9.2 The Commission noted the Scientific Committee's advice that fisheries may lapse for a variety of reasons (including both economic and sustainability factors). It also agreed that information and procedures similar to those required for the initiation of a new fishery (Conservation Measure 31/X) and/or for the execution of an exploratory fishery (Conservation Measure 65/XII) should be required during the resumption of a closed fishery (SC-CAMLR-XV, paragraphs 6.2 and 6.3).

9.3 In all cases, the Commission agreed that it is highly desirable for prior notification of the intention to resume a fishery be provided so that an assessment of the status of the stock, taking into account all historical and new information available, could be made and management advice given to the Commission. To this end, the Commission requested the Secretariat maintain a register of lapsed fisheries.

9.4 The Commission noted the Scientific Committee's advice that one of the key issues in resuming a fishery which had not been exploited for some time is uncertainty over the current status of the stocks. This is either where a fishery has been closed as a result of the Commission adopting a specific conservation measure due to an assessment that the stock has been overfished (e.g. *N. rossii* in Subarea 48.3), or where fishing activity has ceased for other reasons, for example due to lack of commercial viability (e.g. *E. carlsbergi* in 48.3) (SC-CAMLR-XV, paragraphs 6.6 and 6.10).

9.5 In the first case, a reassessment will require recent information on stock abundance from a scientific survey. Scheduling a reassessment will require prior notice of an interest in reopening a fishery so that the required scientific assessment work can be done. In the second case, where a fishery has lapsed rather than being closed by a conservation measure, the Scientific Committee should, wherever possible, attempt to calculate precautionary catch limits which could then remain in effect in case a fishery recommences. Once a fishery has recommenced, normal assessments can be resumed as further information on the status of the stocks is acquired. As in the first case, a notification of an interest in resuming exploitation is necessary so that survey and other data collection requirements can be coordinated and reviewed by the Scientific Committee and its working groups.

9.6 The Commission noted that its current procedure of seeking information from Members about future fishing plans during its annual meeting has proved unreliable. Therefore, the Commission agreed that a formal notification procedure was needed. The Commission, therefore, requested the Scientific Committee and its working groups to develop a formal procedure for dealing with lapsed fisheries.

### Stock Identity

9.7 The Commission noted the Scientific Committee's view that studies on stock identity, species overlap, fish movement and dispersal of the stocks of *D. eleginoides* and *D. mawsoni* have a high priority, particularly in light of the increase in the geographical spread of fishing. It

agreed with the Scientific Committee's view that if uncertainty in stock identity cannot be overcome by further direct research in the near future, the properties of the assessment methods will require further study (SC-CAMLR-XV, paragraph 6.11).

#### Feedback Management for *D. eleginoides*

9.8 The Scientific Committee recognised the need for further development of suitable feedback methods to apply to the *D. eleginoides* fisheries. The Commission noted the Scientific Committee's concern that abundance of the total stock cannot be directly estimated by estimating the absolute abundance of young fish using trawl surveys. However, currently there is no reliable method for monitoring trends in the total stock. The Commission also noted that the Scientific Committee and WG-FSA are exploring the properties of methods which may be useful for this purpose (SC-CAMLR-XV, paragraph 6.12), and encouraged the Scientific Committee to continue its work in this area.

### COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM

#### XX Antarctic Treaty Consultative Meeting

10.1 The XX Antarctic Treaty Consultative Meeting (ATCM) was held in Utrecht, Netherlands, from 29 April to 10 May 1996. CCAMLR had been invited to attend the meeting as an observer and was represented by its Executive Secretary, Mr E. de Salas, as was agreed at last year's meeting (CCAMLR-XIV, paragraph 10.5). The statement of the Executive Secretary at the ATCM was tabled as CCAMLR-XV/BG/7.

10.2 The Executive Secretary highlighted the following matters covered in his statement: fishing in the Convention Area in the 1994/95 season; fisheries open in the Convention Area in the 1995/96 season, their respective TACs and the conservation measures applicable; the more generic elements of the science of Antarctic resource management; the CCAMLR Scheme of International Scientific Observation; prevention of incidental mortality of seabirds during fishing operations; marine debris; the CCAMLR System of Inspection; and cooperation between CCAMLR and other elements of the Antarctic Treaty System. The response of last year's meeting on the draft Annex on Liability to the Protocol on Environmental Protection (CCAMLR-XIV, paragraph 10.9) was sent by the Chairman to the host government of ATCM XX and was copied as an attachment to the Executive Secretary's statement.

10.3 The Executive Secretary's report to the Commission summarised those matters discussed at the ATCM which could be of interest to Members of CCAMLR. His report can be found in CCAMLR-XV/BG/8.

10.4 The XXI Antarctic Consultative Party Meeting will be held in Christchurch, New Zealand, from 19 to 30 May 1997. An invitation has been received from the host government, New Zealand, to attend ATCM XXI and it was agreed that the Executive Secretary should represent the Commission at this meeting.

10.5 As host government to the next ATCM, New Zealand presented a paper explaining the change in status of Specially Protected Areas (SPAs) and Sites of Special Scientific Interest (SSSIs) which would come about with the entry into force of Annex V of the Protocol on Environmental Protection to the Antarctic Treaty (CCAMLR-XV/14). In particular, Annex V required that approval of a site which included a marine area required the prior agreement of CCAMLR. The paper pointed out that in this respect there was not yet any precise definition of a 'marine area'. The Commission decided that it should await the ATCM's advice as to the definition of a marine area.

#### Cooperation with SCAR

10.6 Reports from observers at the meetings of XXIV SCAR had been presented to the Scientific Committee and are summarised in SC-CAMLR-XV, paragraphs 11.1 to 11.4. In reviewing the numerous items of interest to CCAMLR, the Scientific Committee had identified two issues of concern. The first was that the disbanding of the SCAR/SCOR Group of Specialists on Southern Ocean Ecology could substantially reduce the scope for collaborative work between SCAR scientists and WG-EMM (SC-CAMLR-XV, paragraph 11.5); the Commission endorsed this view.

10.7 The second issue of concern was that SCAR had agreed to consult CCAMLR, among others, with a view to providing a proposal to the XXI ATCM on how to prepare a report on the state of the Antarctic environment. The Commission endorsed the view of the Scientific Committee that this would entail a substantial amount of work for CCAMLR scientists and the Secretariat (SC-CAMLR-XV, paragraph 11.7). The Commission therefore agreed that no action on this matter should be taken until it had been clarified by the ATCM.

## COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

11.1 During the intersessional period, CCAMLR, as a member of the Coordinating Working Party of Fishery Statistics (CWP), had been asked by CWP Secretary to comment on applications received from SPC and IWC to join CWP. No Member had objected to IWC joining CWP, but Japan had expressed a reservation with respect to SPC's application.

11.2 The Delegation of Japan explained its reservations to the meeting. Japan had no doubts about the competence of SPC on statistical work and would welcome its being involved with the work of CWP as an observer. However, only the regional island states were members of the SPC and Japan, as a long-distance fishing nation, was not eligible for membership of SPC. It had special arrangements with SPC for providing data, but such provision was made in accordance with specific arrangements as to the use of the data.

11.3 Further, Japan believed that consultations would be taking place which would establish a new organisation covering regional island nations and nations fishing in the area, and it was of the view that such an organisation would be more appropriate as a member of CWP.

11.4 As there was no consensus agreeing to the membership of SPC, the Commission was unable to support the application of SPC to become a member of CWP.

### Reports of Observers from Other International Organisations

11.5 Observers from ASOC, CCSBT, IOC and IUCN attended the meeting and were invited to present their reports.

11.6 The observer from ASOC, Dr M. De Poorter, presented ASOC's report to the Fifteenth Meeting of the Commission (CCAMLR-XV/BG/32). She stated that several issues challenge CCAMLR as a credible conservation and fisheries management regime. ASOC expressed support for the principle of harmonisation of *Dissostichus* spp. fisheries management throughout Antarctic waters. ASOC expressed concern about the high catch levels proposed for these new fisheries and stated that, in its opinion, such catch limits as a transition should be an order of magnitude below existing TACs for areas with established commercial catches. ASOC further mentioned the issues of illegal fishing, particularly in the longline fishery for *Dissostichus* spp. and its expansion throughout the Southern Ocean, and the continued high incidence of daylight setting of longlines in contravention of Conservation Measure 29/XIV. ASOC expressed the hope that CCAMLR would be able to achieve meaningful enforcement of and compliance with its conservation measures.

11.7 The observer from the CCSBT, Mr N. Hermes, said that the third annual meeting of the CCSBT was held in Canberra, Australia, from 23 to 27 September 1996. The meeting had not concluded although, from the sessions held, there were a number of issues of interest to CCAMLR. When the full report was available, it would be sent to CCAMLR.

11.8 Mr Hermes reported that the Secretariat of the CCSBT had been established, it was headquartered in Canberra, Australia, and an Acting Executive Secretary and staff had been appointed. Mr Hermes, on behalf of the CCSBT, thanked the Executive Secretary of CCAMLR and his staff for their assistance in setting up the new Commission.

11.9 The CCSBT recognised the importance of establishing strong links with other organisations, especially CCAMLR. Mr Hermes pointed to the Scientific Committee's acknowledgment of the very helpful information provided by the report of the Ecologically Related Species (ERS) Working Group of the CCSBT.

11.10 The Observer from IOC, Prof. P. Quilty, said IOC welcomed the opportunity to contribute to CCAMLR-XV. The most relevant IOC activity since last year's meeting had been the First Southern Ocean Forum, held in Bremerhaven, Germany, from 9 to 11 September 1996, which addressed issues directly relevant to the interests of CCAMLR.

11.11 CCAMLR-XV/BG/21 (SC-CAMLR-XV/BG/17 also refers) summarised the results of that meeting and also the later responses to the recommendations from the Forum. The Sixth Session of the Regional Committee for the Southern Ocean met immediately following the Forum and reviewed the conclusions and recommendations from the Forum. The Twenty-ninth Session of the Executive Council of IOC met shortly afterwards and approved the recommendations. Prof. Quilty said this paper was one of the most important contributions the IOC had been able to make to CCAMLR. There was clear evidence in the reports of the importance that IOC placed on communication and cooperation with a variety of organisations, including CCAMLR. The IOC Regional Committee for the Southern Ocean would be pursuing these issues intersessionally.

11.12 While welcoming the continuing cooperation with IOC, the Commission took note of the concerns of the Scientific Committee with respect to some of the proposed developments of the IOC and endorsed the Scientific Committee's comments, as set out in paragraphs 11.18 and 11.19 of the Scientific Committee's report.

11.13 The observer from IUCN, Ms J. Dalziell, in presenting her report (CCAMLR-XV/BG/31), informed the Commission of three resolutions of interest to CCAMLR that were adopted at the



recent World Conservation Congress held in Montreal in October 1996. She noted that the Congress has called upon parties active in Antarctica to pay particular attention to establishing and safeguarding a network of protected areas. In this respect, and noting with concern the explosion in interest in *Dissostichus* spp. fisheries in CCAMLR waters, IUCN believes it is timely for CCAMLR to consider developing a system of marine protected areas in order to ensure the preservation of representative areas of the principal habitats and biodiversity of the Antarctic region.

11.14 The Delegation of Chile reminded the Commission of the reservations Chile had expressed at the previous meeting in respect of the involvement of some invited observers at the Commission meetings (CCAMLR-XIV, paragraph 11.11). Chile no longer retained these reservations while the observers limited their involvement to that appropriate to invited observers.

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

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

- Thirty-fifth South Pacific Conference - France;
- Fourteenth Annual Meeting of ICCAT - Spain;
- Thirty-second Executive Committee Meeting of SCOR - South Africa;
- Twenty-third General Meeting of SCOR - UK;
- Twenty-ninth Forum Fisheries Committee Meeting - New Zealand;
- Forty-eighth Meeting of IWC - UK; and
- Third Annual Meeting of CCSBT - New Zealand.

11.16 The CCAMLR Observer to the 35th South Pacific Conference (France) had presented to the Conference a summary of the initiatives of the Commission, with particular regard to the incidental mortality of seabirds. The observer noted that some of the SPC members were taking initiatives to reduce incidental mortality of seabirds during longline operations and suggested to CCAMLR that its participation as an observer to the SPC's 1997 Regional Technical Meeting on Fisheries could be worthwhile (CCAMLR-XV/BG/3).

11.17 Following discussion about this suggestion, it was agreed that CCAMLR be represented at the SPC 1997 Regional Technical Meeting on Fisheries, and at subsequent biennial meetings of this Committee. It was further agreed that, in alternate years, CCAMLR be represented at meetings of the South Pacific Conference.

11.18 The Delegation of the UK drew attention to the report of the CCAMLR Observer to the IWC (CCAMLR-XV/BG/9) which contained items of interest to the Commission. With respect to the IWC, the Commission noted paragraphs 11.11 to 11.15 of the Scientific Committee's report, particularly the view of the Scientific Committee that the proposed establishment of a joint CCAMLR/IWC working group to consider collaborative work in the Southern Ocean was premature but that an appropriate representative of IWC should be invited to WG-EMM.

11.19 The Commission noted the reports of the CCAMLR Observers to the 14th Annual Meeting of ICCAT (CCAMLR-XV/BG/14 - Spain), the 32nd Executive Meeting of SCOR (SC-CAMLR-XV/BG/30 - South Africa), and the 23rd General Meeting of SCOR (SC-CAMLR-XV/BG/18 - UK).

11.20 In respect of SCOR, the Commission endorsed the advice of the Scientific Committee (SC-CAMLR-XV, paragraph 11.10) concerning Secretariat actions to improve links.

#### Future Cooperation

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

- Tenth Special Meeting of ICCAT, 22 to 29 November 1996, San Sebastian, Spain - Spain;
- Committee on Fisheries (COFI) of FAO, 17 to 21 March 1997, Rome, Italy - Executive Secretary;
- XXI ATCM, 19 to 30 May 1997, Christchurch, New Zealand - Executive Secretary;
- Forum Fisheries Committee Annual Meeting, May, 1997, Tuvalu - New Zealand;
- SPC Regional Technical Meeting on Fisheries, August 1997, Noumea, New Caledonia - France;
- Fourth Annual Meeting of CCSBT, September 1997, Canberra, Australia - Australia; and
- Forty-ninth Annual Meeting of IWC, 20 to 24 October 1997, Monaco - UK.

## Kyoto Declaration and Plan of Action

11.22 The Delegation of Japan brought to the attention of the Commission the Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security, adopted in Kyoto in December 1995. The Kyoto Declaration and Plan of Action had been adopted by consensus by the 95 States participating in the Kyoto Conference. In this regard, it was noted that when the Declaration and Plan of Action were adopted, four CCAMLR Parties had made a joint statement clarifying the basis on which they participated in the consensus.

11.23 The Commission considered endorsement of the Declaration and Plan of Action, which was supported by many Members. After discussion, the Commission decided to welcome the Kyoto Declaration and Plan of Action in so far as their provisions are relevant to CCAMLR.

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

12.1 The Delegation of Chile presented its paper 'Consideration of the Implementation of the Objective of the Convention: Problems and Alternative Solutions. Brief Report' (CCAMLR-XV/27). Chile's purpose in having this item put on the agenda was to invite Members to reflect on the true aims of CCAMLR, to consolidate the collective mechanism created for the conservation of marine living resources in the Convention Area, and to highlight the common interests underlying these aims.

12.2 Chile believed the objectives of CCAMLR did not in any way undermine or diminish the capacity of States with islands in the Convention Area to exercise their sovereign rights. Chile is mindful of its own sovereignty and emphasised that it respects other Members' concerns for their sovereignty. The intention of its initiative was not to undermine or reduce in any way the exercise of sovereignty.

12.3 Chile was not making any specific proposals but, rather, raising a number of issues for consideration by Members in the intersessional period and at future meetings of the Commission.

12.4 Chile emphasised that CCAMLR, as a relevant component of the Antarctic Treaty System, was created to jointly carry out the conservation of Antarctic marine living resources. As in the Antarctic Treaty, the essential element of the Convention is its multilateral approach to the achievement of the aims of the Convention. Nonetheless this spirit of cooperation is no

longer evident, as the national interest appears to dominate, thus obstructing the work of the Commission. Chile is concerned that in the future this could be exacerbated and the competitive element take precedence over cooperation among CCAMLR Members.

12.5 Chile highlighted the need to reconcile, as far as possible, national legislation with CCAMLR regulations. It noted that a large part of the Convention Area was subject to the legislation of individual States, which may not necessarily be compatible with each other or with CCAMLR regulations.

12.6 Circumstances have changed since the Convention was signed and it is appropriate to review certain issues to ensure the success of the Commission in achieving its aims with respect to the entire ecological chain in the Convention Area. This is a common interest of all Members and needs to be addressed jointly.

12.7 Some of the issues to be considered include: the avoidance of inspections covering both CCAMLR and national regulations at the same time; the need to coordinate national VMS operating in the Convention Area; the costs to coastal States for preventing illegal fishing; and the requirement for uniformity in sanctions relating to infringements by fishing vessels. These were examples which indicated the need to establish a harmonious situation, taking into account the importance of the multilateral aspect of the CCAMLR system.

12.8 Chile believed that it was not alone in its concerns and hoped that its introduction of these matters might lead to intersessional discussions between Members, resulting in concrete proposals being brought forward to the next meeting of the Commission. It encouraged all other Members to actively participate in a joint approach to these issues through the CCAMLR system.

12.9 Many Members expressed appreciation and support for Chile's initiative in raising this matter, which was both pertinent and timely, with the Commission.

12.10 The European Community, in welcoming the initiative, stressed that the international legal order in fisheries had evolved considerably over recent years. This new situation required CCAMLR to address urgently complex issues, *inter alia*, the possible harmonisation of approach on straddling stocks, be they within or overlapping the Convention Area.

12.11 The Delegation of New Zealand pointed out that the success of CCAMLR to date has been due mainly to the innovation and far-sightedness of its founders. Forward planning and

preparedness is vital for its continued success in the forthcoming decades. At the same time, the collective principle has been, and will be, a major factor in the work of the Convention.

12.12 The Delegation of South Africa suggested that in accepting this agenda item for further discussion at next year's meeting, it would be useful for the Commission to have the various proposals routed through its appropriate Standing Committees in order to also benefit from their comments.

12.13 The Delegation of Norway believes that illegal and unreported fishing is currently the greatest threat to CCAMLR. Norway therefore agreed with the Chilean paper on the need for improving the existing inspection mechanisms, *inter alia*, through VMS. Norway also agreed on the need to harmonise CCAMLR's conservation measures with regulations of sovereign States. Norway has so far declared neither an EEZ nor a fishery zone around Bouvet Island. National regulations apply to the whole CCAMLR area and ensure compliance with CCAMLR's conservation measures by fishing vessels under the Norwegian flag.

12.14 The Delegation of the USA reminded Members that CCAMLR was, and still is, one of the more innovative and effective international organisations in dealing with marine living resources using an ecosystem approach. It is a model for other organisations in their efforts to reduce depletion of fishing resources in other areas of the world. CCAMLR is currently dealing with issues not anticipated when the Convention was negotiated. At that time, the main concern was in respect of the role of krill. Of more importance now are the fish populations, particularly the commercial interest in new fisheries around sub-Antarctic islands. Harmonisation between CCAMLR measures and measures applicable in areas of national jurisdiction around such islands will be essential to the successful application of the objectives of CCAMLR to these new fisheries.

12.15 The Delegation of Japan also welcomed the initiative of Chile to address challenging issues which had not been envisaged when CCAMLR was established. It supported the strengthening of the function and operation of CCAMLR and the need for compatibility between conservation measures within the EEZ and CCAMLR conservation measures. While making some reservations about certain points in Chile's paper, Japan noted that some of the individual issues mentioned by Chile raise further questions which will need to be addressed in the course of the proposed discussions.

12.16 The Delegation of Australia considered Australia's exercise of national measures to be complementary to and fully consistent with CCAMLR and recalled the statement it had made at

the Fourteenth Meeting in this regard. Australia fully supported efforts to strengthen multilateral measures, such as the use of a VMS, and to achieve harmonisation, although recognising that the latter might not always be possible.

12.17 The Delegation of France reminded Members that, in respect of the islands in the Convention Area over which France has jurisdiction, relevant legislation has been based on the need to make this complementary to and consistent with CCAMLR regulations and there is, in principle, no contradiction between the two systems of regulations.

12.18 The Delegation of Russia drew Members' attention to the fact that CCAMLR is an important component of the Antarctic Treaty System and the world ocean fisheries. Recent developments in the Convention Area have underlined the need for harmonisation of regulatory measures in EEZs and the Convention Area, and Russia urged Members not to take steps which might undermine the effectiveness of the Antarctic Treaty and the 1980 CCAMLR Convention.

12.19 The Delegation of the UK supported the concept presented by Chile but believed that the effective enforcement of conservation measures to prevent illegal fishing is particularly vital, and felt that this can best be achieved through national and multilateral measures.

12.20 The Delegations of Argentina, Brazil, the Republic of Korea, Poland and Uruguay also expressed support for Chile's initiative in bringing this matter before the Commission and for its constructive approach to the issues involved.

12.21 Members agreed that the broad range of issues raised by Chile in its presentation warranted considered discussion to an extent that was not possible within the constraints of an annual meeting. The need for intersessional dialogue on this matter was recognised, partly through the use of correspondence via the Secretariat. An opportunity for some Members to meet informally would occur at the next ATCM in Christchurch in May. It was hoped that, as a result of the intersessional discussions, specific proposals could be brought to the next Commission meeting.

#### INTERPRETATION AND IMPLEMENTATION OF THE CONVENTION AND THE 1980 DECLARATION OF THE CHAIRMAN IN RELATION TO SUBAREAS 48.3 AND 48.4

13.1 The Delegation of Argentina outlined the factors underlying the requirement for this item being placed on the Agenda for the Fifteenth Meeting of the Commission. The exchange of Notes in the intersessional period between Argentina and the UK, which had been distributed to

Members, had confirmed the existence of a dispute over sovereignty regarding the South Georgia and South Sandwich Islands. While this dispute did not fall within the purview of the Commission, it has significant effects on the operation of the Convention.

13.2 Argentina maintains that the Chairman's Statement of 1980 very clearly applies only to islands in the Convention Area where:

- (i) State sovereignty exists; and
- (ii) the State sovereignty is recognised by all Contracting Parties.

This is clearly the case with islands over which Australia, France, Norway and South Africa have sovereignty. This is not the case with the South Georgia and South Sandwich Islands, where there is no sovereignty which is recognised by all Contracting Parties.

13.3 Argentina recognises the rights of Australia, France, Norway and South Africa to apply national legislation in the areas over which they have sovereignty, in accordance with the Chairman's Statement. But, as British sovereignty over the South Georgia and South Sandwich Islands is not recognised by all Contracting Parties, Argentina rejects any claim for the UK to apply unilateral legislation with respect to Subareas 48.3 and 48.4.

13.4 Argentina rejects the UK's interpretation that the islands referred to in the Chairman's Statement include also those under disputed sovereignty, among other reasons, because this would lead to a paradox that no islands in the Convention Area north of parallel of 60° south would be excluded by the Statement.

13.5 Argentina pointed out that the dispute between the UK and Argentina preceded the signing of the Convention but, until recently, this had not affected the operation of CCAMLR due to the climate of cooperation which existed between the countries. This climate has been put at risk by recent unilateral actions.

13.6 In particular, Argentina referred to the incident on 6 March 1996 when the UK detained the Chilean vessel *Antonio Lorenzo* and escorted it to the Malvinas/Falkland Islands on the basis that it did not hold a UK licence for fishing in Subarea 48.3. This not only prevented fishing but also disrupted the work of an observer and thereby had a detrimental effect on the Scheme of International Scientific Observation. Argentina believed that the presence of a UK naval vessel in the area was not conducive to an harmonious atmosphere.

13.7 Management and conservation of resources requires harmonisation to adequately fulfil the objectives of the Convention. Disruption of such harmony is of great concern to Argentina and should be avoided.

13.8 During the year, Argentina has been holding meetings with the UK under the framework of Article XXV of the Convention in an attempt to resolve the dispute and, although no solutions have yet been found, the talks are continuing.

13.9 The use of the mechanisms of Article XXV of the Convention, which refers to questions of interpretation, does not exclude the intervention of the Commission and may be able to contribute to a possible solution to the problem at hand.

13.10 Argentina encouraged discussion of this matter by the Commission, as it is important for the Commission to decide on a course of action to prevent the situation from deteriorating.

13.11 The situation in Subareas 48.3 and 48.4 and the existence of an unresolved question on the interpretation and application of the Convention and the Statement by the Chairman puts a considerable stress on CCAMLR and the whole Antarctic Treaty System, of which CCAMLR is an essential component and is, at the same time, a serious factor of risk which should not be neglected by any Member.

13.12 The Delegation of Argentina is aware of the dangers of the referred situation and is making all efforts within the framework of CCAMLR in order to find a solution to this sensitive issue as soon as possible. In the meantime, and as long as the controversy on interpretation remains unresolved, actions should be analysed in order to stimulate a climate of harmony in the area.

13.13 The summary of the Argentinian position made at this plenary does not substitute the Notes referred to in paragraph 13.1, which contain the substance and legal basis of the Argentine position.

13.14 The Delegation of the UK expressed its surprise that Item 13 was on the Agenda of the Commission. Over the past year, the UK had held a dialogue with Argentina (i) through the formal exchange of notes which have been circulated to the Commission; (ii) through formal consultations under Article XXV of the Convention; and (iii) through informal discussions outside of CCAMLR. In September both sides proposed ways of managing the fishery around South Georgia and South Sandwich Islands which would cause the least friction. Matters have



yet to be resolved and, as far as the UK is concerned, the dialogue continues. In the light of this, the UK saw it as potentially divisive to bring before the Commission a problem which stems directly from a sovereignty dispute, which the Commission has no ability to solve.

13.15 The issues raised by Argentina have been covered by the two Notes of the UK dated 8 May and 6 September 1996. The UK saw no need to repeat them, except to recall the matter of interpretation of the Convention and the Chairman's Statement.

13.16 The UK cannot agree with Argentina that there has to be unanimous agreement within this Commission as to which state has sovereignty over South Georgia and the South Sandwich Islands before the understandings of the Chairman's Statement can apply to them. The right of the UK to exercise coastal state jurisdiction is rooted in Article IV (2)(b) of the Convention and paragraph 5 of the Chairman's Statement. Paragraph 5 includes the critical phrase 'over which the existence of state sovereignty is recognised by all Contracting Parties'. This was most carefully formulated. Its sole purpose was to cover the islands which Parties accept are subject to the sovereignty of some state, even though there may be a dispute as to which. It is the recognition of the existence of state sovereignty which is referred to, not the recognition of the sovereignty of a particular state. There is no doubt that South Georgia and the South Sandwich Islands is sovereign territory, nor that the UK exercises sovereignty over it *de facto* and, the UK of course believes, *de jure*.

13.17 The UK believes the Commission will understand that the Interpretation of the Chairman's Statement is intimately linked to the sovereignty question. The issue of the exercise of coastal state jurisdiction cannot be resolved because of Argentina's claim to sovereignty.

13.18 The UK recalled its note of 6 September 1996, which mentioned its offer to take the sovereignty dispute to the International Court of Justice in the 1950s. Argentina rejected this offer.

13.19 A word commonly used in the debate on Agenda Item 12 was 'harmonisation'. The fisheries legislation of South Georgia is explicitly linked to CCAMLR. South Georgia authorities are required by the legislation to carry out their functions in accordance with the conservation measures.

13.20 In explicit recognition of the Antarctic Treaty regime, the legislation is not applied south of 60° latitude. Within the South Georgia Maritime Zone there is no hindrance of those scientific research activities which have been notified to the Secretariat of this Commission under the provisions of Conservation Measure 64/XII.

13.21 The legislation is complementary to and in no way conflicts with the conservation measures. Enforcement of conservation measures through a licensing regime is nothing new. Since the turn of the century, South Georgia has managed harvesting of marine living resources (i.e., whaling and sealing) through leasing and licensing. Companies involved with this include those from at least three Members of this Commission.

13.22 The UK extended its maritime jurisdiction in 1993 in response to Argentina's 1991 baselines law which purported to claim a 200-mile EEZ for South Georgia. The UK's actions are wholly consistent with UNCLOS and CCAMLR.

13.23 The introduction of fisheries legislation in 1993 was because of the increasing level of illegal fishing of *Dissostichus* spp. by vessels of both Member and non-Member States. Flag States have apparently been unable to deal with the matter with sufficient vigour. Accordingly, the UK was compelled to take action as a coastal state. It is only by use of that jurisdiction that one can combat fishing by vessels of non-Members of the Commission.

13.24 The UK therefore sympathises with South Africa and other coastal states, which are, or may be, facing a similar plundering of their marine living resources. The problems experienced by South Georgia have, it seems, simply moved to another part of the Southern Ocean. The issue of illegal fishing is a very real and worrying problem which this Commission (and in particular its Flag State Members) needs to address if the credibility of CCAMLR is to be maintained. Were the UK to end the effective means of enforcement of conservation measures now established for South Georgia, one would return to the longlining free-for-all that was witnessed until recently.

13.25 The UK remains totally supportive of the aims and objectives of the Convention and of the work of the Commission. But in the spirit of the debate on Agenda Item 12, it is prepared to explore with the Commission and with those Parties who fish around South Georgia whether further harmonisation can be achieved.

13.26 The Delegation of the UK concluded by saying that, for so long as it cannot agree with Argentina on the interpretation of the Convention and the Chairman's Statement, the only way to manage our differences is by continuing the bilateral dialogue outside CCAMLR. The UK will endeavour to continue to do this in a constructive manner. It is conscious of the need, no doubt shared by Argentina, not to allow the bilateral differences to impinge on the work of the Commission and the effective implementation of the Convention.

13.27 The Delegation of the USA stated that the issue before the Commission concerns the differences arising from a dispute over sovereignty, north of 60°S latitude, in the area covered by CCAMLR. It involves two States, Members of the Commission - Argentina and the UK - with whom the Government of the USA has close and warm relations. As to the substance of the dispute, the USA takes no position. It is strictly neutral.

13.28 The USA is concerned, however, that the differences between Argentina and the UK could have adverse impacts upon the operation of CCAMLR. It understands that the two parties have initiated efforts aimed at resolving their differences: political-level discussions outside of the CCAMLR context, as well as consultations pursuant to Article XXV of the Convention. The USA understands that these discussions and consultations continue.

13.29 The Delegation of the USA, therefore, calls upon - and encourages other Commission Members to join it in calling upon - Argentina and the UK to make every effort to bring their ongoing endeavours to resolve their differences to a successful conclusion. Pending such resolution, the USA calls upon the two parties to act in such fashion as to ensure that cooperation within CCAMLR is not affected.

13.30 The Delegation of Italy, while recognising that this forum was not the most appropriate for discussion of the matter, expressed the concern that the existing controversy should not generate negative consequences on the system of multilateral cooperation in the Antarctic. Italy agreed with the Delegation of the USA that the two parties involved should continue to look for a fair and reasonable solution to the dispute. In reaffirming its commitment to and support for the multilateral system of cooperation established by CCAMLR, Italy also stated that all parties should avoid unilateral measures that might lead to increased tension in Subareas 48.3 and 48.4, along the line proposed by the Resolutions of the UN, under the provision of Article XXV of the Convention and the multilateral action adopted by CCAMLR.

13.31 The Delegation of Norway agreed with the statement of the Delegation of the USA and called on the two parties to continue their bilateral dialogue in order to settle their differences.

13.32 The Delegation of Brazil, while believing that this was not the appropriate forum for discussion of sovereignty issues, agreed with the statement of the Delegation of the USA in recognising that a dispute existed and that it had an effect on the work of CCAMLR. Brazil has noted that the parties involved in the dispute are consulting through Article XXV of the Convention and outside CCAMLR in trying to reach a solution. It awaits the result of these consultations. It exhorted the parties involved to continue their efforts to find a solution satisfactory to both parties and to CCAMLR and in the meantime to abstain from taking measures that could adversely affect those negotiations.

13.33 The Delegation of Uruguay supported the statements made in the plenary in relation to the significance of the issue in question, and invited all parties involved to take the necessary steps to prevent, as is the usual practice in such cases, the expansion or introduction of new elements which would create tension or disagreement during bilateral negotiations in order to achieve a definitive solution to this conflict in a time frame which was both reasonable and appropriate.

13.34 The Delegation of Australia stated that it had carefully followed the exchange of Notes between Argentina and the UK. It had made known its views bilaterally to the parties concerned and did not feel it appropriate to comment on the substance of them in this forum. It believed that the two parties were following the correct paths through Article XXV of the Convention and outside of CCAML. In associating itself with the remarks of the USA, it stated that the Commission should urge both parties to make every effort to resolve the dispute.

13.35 The Delegation of Spain said it reserved its legal position on the underlying dispute. However, it associated itself with the statement of the Delegation of the USA in encouraging both parties to pursue their bilateral efforts to reach a solution and to refrain from adopting any unilateral measure which may render that solution more difficult to achieve.

13.36 The Delegation of Chile emphasised that there is clearly a sovereignty dispute affecting two Members of CCAML and that this has implications for the work of the Commission. Regarding the sovereignty dispute, it is well known that Chile supports Argentina's position, and this has been expressed at international forums as well as on a bilateral level, as stated in the joint declaration of Presidents Frey and Menem dated May 1996. Notwithstanding this, Chile does not deem CCAML to be the appropriate forum to resolve the dispute between countries with which Chile maintains excellent relations. Chile urges that bilateral negotiations must continue, and the parties should refrain from taking measures that could negatively affect these negotiations. In this context, Chile fully supports the statement by the Delegation of the USA.

13.37 The Delegations of Japan, the Republic of Korea, Poland, South Africa and Sweden recorded that they wished to be associated with statement of the Delegation of the USA.

13.38 The Delegation of Germany stated the issue concerned problems of sovereignty and they were problems that could not be solved within CCAML. Germany said it agreed with the statement of the Delegation of the USA in urging the parties to reach bilateral agreement outside CCAML, and it hoped further discussions within CCAML could be avoided.

13.39 The Delegation of Argentina stated that, naturally, it does not share the British position, which will be the subject of later analysis. At the same time, it reserved its right to formulate the considerations and comments that could be pertinent at a further stage. As a preliminary view, it pointed out the particular effort to adduce reasons of efficiency in relation to unilateral measures. The Delegation of Argentina considered, as well, that in the final paragraphs of the British statement, some elements could be identified for a constructive approach. It expressed its appreciation for the active and constructive participation of numerous delegations which confirmed the awareness and concern shared by all Members of the Commission on this very important issue.

13.40 The Commission noted that several delegations underlined the importance of continuing to use the mechanisms of Article XXV of the Convention as an appropriate means to find a solution to the controversy, and to refrain from adopting any unilateral measure which may render that solution more difficult to achieve.

13.41 The Commission noted the statements made by the Delegations of Argentina and the UK which helped to clarify the issues relating to the waters adjacent to South Georgia and the South Sandwich Islands. It also noted that the two parties were continuing consultations under Article XXV. The Commission:

- (i) recognised that it was not the most appropriate forum in which to seek a resolution of the differences between the parties;
- (ii) encouraged the parties to continue their discussions seeking to resolve their differences in a spirit of cooperation and making every effort to bring them to successful conclusion; and
- (iii) pending resolution of those differences, expressed the hope that the parties would act in such fashion that cooperation under CCAMLR is not affected, and that the goodwill expressed by both parties will continue.

#### APPOINTMENT OF EXECUTIVE SECRETARY

14.1 Having at its last meeting extended the appointment of the Executive Secretary for one year to February 1998, the Commission agreed to extend the appointment until February 2001.

## ELECTION OF CHAIRMAN OF THE COMMISSION

15.1 In accordance with the agreed procedure, set down in the footnote to Rule 8 of the Rules of Procedure, the Commission agreed that Germany shall provide the Chairman from the end of the 1996 meeting until the end of the 1998 meeting.

15.2 In accepting the nomination, the Delegate of Germany expressed the gratitude of his country and recognised the significant amount of work which was facing the Commission over the next few years.

## NEXT MEETING

### Invitation of Observers to Next Meeting

16.1 The Commission decided that the following states: Bulgaria, Canada, Finland, Greece, Netherlands and Peru and the following intergovernmental and non-governmental organisations: FAO, SCAR, SCOR, IWC, IOC, FFA, ICCAT, IOFC, SPC, CCSBT, IATTC, ASOC and IUCN be invited to attend CCAMLR-XVI as observers.

### Date and Location of Next Meeting

16.2 Members agreed that the 1997 meetings of the Commission and the Scientific Committee be held at the Wrest Point Hotel in Hobart, Australia, during the period Monday 27 October to Friday 7 November 1997. Heads of Delegation were requested to be in Hobart for a Heads of Delegation meeting on Sunday evening 26 October.

## OTHER BUSINESS

17.1 The Commission agreed with the proposal of the Republic of Korea that, commencing in 1997, each delegation at the annual meeting should move one position to the left.

17.2 The Delegation of Chile formally requested the inclusion in the 1997 agenda of the item 'Consideration of the Implementation of the Objectives of CCAMLR'. It hoped that specific subitems would be developed during the intersessional period.

17.3 The Chairman brought to the attention of the Commission the advice received from Namibia that it was interested in being involved in the operation of the Commission and would take steps to ensure that Namibian vessels fishing in the Convention Area will comply with CCAMLR conservation measures in force.

#### REPORT OF THE FIFTEENTH MEETING OF THE COMMISSION

18.1 The report of the Fifteenth Meeting was adopted.

#### CLOSE OF THE MEETING

19.1 Members congratulated the Chairman on the professional and diplomatic way he has handled the meeting over the last two years.

19.2 The Chairman closed the meeting.

**LIST OF PARTICIPANTS**



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## AGENDA FOR THE FIFTEENTH MEETING OF THE COMMISSION

1. Opening of the Meeting
2. Organisation of the Meeting
  - (i) Adoption of the Agenda
  - (ii) Report of the Chairman
3. Finance and Administration
  - (i) Report of SCAF
  - (ii) Administration
  - (iii) Audit of Financial Statements for 1995 and 1996
  - (iv) Budgets for 1996, 1997 and 1998
  - (v) Formula for Calculating Members' Contributions
  - (vi) Proposed Management Audit of the CCAMLR Secretariat
4. Scientific Committee
5. Assessment and Avoidance of Incidental Mortality of Antarctic Marine Living Resources
  - (i) Marine Debris
  - (ii) Incidental Mortality of Marine Animals during Fishing Operations
6. New and Exploratory Fisheries
7. Observation and Inspection
  - (i) Report of SCOI
  - (ii) Operation of the System of Inspection and Compliance with Conservation Measures
  - (iii) Operation of the Scheme of International Scientific Observation
8. Conservation Measures
  - (i) Review of Existing Measures
  - (ii) Scientific Research Exemption
  - (iii) Consideration of New Measures and Other Conservation Requirements
9. Management Under Uncertainty

10. Cooperation with Other Elements of the Antarctic Treaty System
  - (i) XX Antarctic Treaty Consultative Party Meeting
  - (ii) Cooperation with SCAR
  
11. Cooperation with Other International Organisations
  - (i) Reports of Observers from International Organisations
  - (ii) Reports from CCAMLR Representatives at 1995/96 Meetings of International Organisations
  - (iii) Nomination of Representatives to 1996/97 Meetings of International Organisations
  - (iv) Kyoto Declaration and Plan of Action
  
12. Consideration of the Implementation of the Objective of the Convention
  
13. Interpretation and Implementation of the Convention and the 1980 Declaration of the Chairman in relation to Subareas 48.3 and 48.4
  
14. Appointment of Executive Secretary
  
15. Election of Chairman of the Commission
  
16. Next Meeting
  - (i) Invitation of Observers to Next Meeting
  - (ii) Date and Location of Next Meeting
  
17. Other Business
  - (i) Press Release
  
18. Report of the Fifteenth Meeting of the Commission
  
19. Close of the Meeting.



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

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

The Agenda as included as Appendix A to the Commission's Provisional Agenda (CCAMLR-XV/1) was tabled. When this was adopted by the Committee (Appendix I to this report), the Chairman noted that in adopting its own agenda, the Commission had referred a new matter 'Proposed Management Audit of the CCAMLR Secretariat' to SCAF for consideration. It was agreed by the Committee that this matter would be discussed under Agenda Item 7 'Any Other Business Referred by the Commission'.

### ADMINISTRATIVE MATTERS

2. The Committee noted that it had considered the issue of the CCAMLR flag at its previous meeting and was able to **recommend that the Commission adopt the flag, as presented, as its official flag.**

3. The Executive Secretary reported that the amount of disruption which could be expected had occurred with the removal of the Secretariat to its new premises, and that this is now substantially complete. Australia has refurbished the new offices at its own cost. It has also provided funds towards the removal costs. Although the Secretariat has not yet had a full year in its new premises, it is still expected that the budgeted costs of occupation will not be exceeded. The Committee expressed its appreciation to the Government of Australia for the provision, free-of-charge, of such an excellent location.

4. The Executive Secretary advised the Committee that there had been 60 applicants for the vacant post of Data Manager and that he and a panel from the Scientific Committee would be interviewing the best candidates in November with a view to making a final decision at that time. The Committee **recommended that the Commission authorise the Executive Secretary to make the appointment at a position level that was appropriate**, and noted that this was likely to be at an initial level of P4.

### EXAMINATION OF AUDITED FINANCIAL STATEMENTS

5. The Committee **recommended that the Commission signify its acceptance of the financial statements as presented in CCAMLR-XV/3.** The Committee noted that

the audit report of the 1995 Financial Statements indicated no instance of non-compliance with Financial Regulations or International Accounting Standards. It also noted that the audit report had been provided on the basis of a review audit only and noted it did not provide the same degree of assurance as would a full audit.

#### APPOINTMENT OF AUDITOR

6. **The Committee recommended that the Commission appoint the Australian National Audit Office as auditor in respect of the 1996 and 1997 financial years.** The Committee considered it appropriate that the Australian National Audit Office, whose term of appointment had ended, should be reappointed auditor of the Commission for the next two years.

7. 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. As review audits have been performed for the past two years, the Committee **recommended that the Commission require a full audit to be performed on the 1996 financial statements.**

#### REVIEW OF 1996 BUDGET

8. The Committee noted that despite the significant financial restrictions imposed by the 1996 budget, it was anticipated that no expenditure item budgets would be exceeded. It recalled that, as foreseen by the Committee in 1995, this was only possible at the expense of additional budget requirements for 1997.

#### BUDGET FOR 1997

9. Before considering detailed budget proposals, the Committee considered the appropriateness of the concept of 'zero real growth budget' as this term had been used by the Committee and Commission in 1995. It was decided that although zero growth in the budget after adjusting for inflation was a reasonable target in normal circumstances, special account should be taken in cases where there were, at an accelerating rate, increasing amounts of work needing to be done, especially in the case of a significant increase of scientific data which have

to be managed. Therefore, it was noted that a certain degree of flexibility for budget increase should be allowed in a disciplined manner including the consideration of all possibilities of cost savings.

10. Some Members also suggested that in some circumstances, zero real growth in individual Members' contributions may be more appropriate than zero real growth in budgeted expenditure. This would, for example, take account of the effect of new Members joining the Commission, allowing the total budget to increase accordingly.

## Publications

11. **The Committee recommended that the Secretariat be directed to proceed with the establishment of a World Wide Web site to the extent that this can be achieved without incurring additional costs to the Commission and that the Secretariat be directed to gauge Members' interests in receiving publications through electronic media in the future.** The Committee recognised that provision of publications using electronic media would become increasingly appropriate, but expected that production in hard-copy form for most publications would also be necessary and that such hard copies should remain available for the time being. In this connection, the Committee **recommended that the Secretariat be directed to study the cost implication associated with publication through electronic media.**

12. **The Committee recommended that the publication of *CCAMLR Science* originally adopted for a three-year trial period should be continued in 1997 and subsequent years.**

13. **The Committee recommended that the Commission should, for 1997, continue the policy for the distribution of publications as used in 1996.**

14. The Committee noted that Members' Activities Reports are treated very much like meeting documents. Consequently, in proposing the 1997 budget for adoption by the Commission, it has transferred the budgeted amount in respect of this from the Publications item to the Meetings item.

15. Following a suggestion by the Scientific Committee, SCAF added into the budget for 1997 an amount of A\$ 500 to allow for the publication of revised Observers Logbooks in 1997. These are to be included in the loose-leaf *Scientific Observers Manual* which is scheduled for publication in 1997.

16. The Committee received a submission from New Zealand that the Commission should provide A\$23 800 towards the publication in English of a Southern Ocean bird identification manual. Nevertheless, unless the Committee is directed by the Commission otherwise, it was unable to recommend the inclusion of such expenditure in the 1997 budget due to the late arrival of the proposal and the lack of available funds. The Committee recognised the appropriateness and advantages of publishing the manual in the official languages of CCAMLR and the Secretariat was directed to investigate what costs would be incurred to achieve this and report to the Commission for its further consideration for future action.

#### Scientific Committee Budget

17. The Scientific Committee Chairman presented the Scientific Committee's proposed budget for 1997, noting that, as required, this covered only the Scientific Committee's requirements in respect of its working group meetings and its representation at other meetings. Other cost areas in which the Scientific Committee had interest, particularly Data Management, were the responsibility of the Commission and, therefore, should be taken care of in separate budget items.

18. The Committee congratulated the Scientific Committee on its successful attempts at containing its budget costs and **recommended that the Commission approve the Scientific Committee proposed budget for inclusion in the Commission's budget.**

#### Proposed Budget Overall

19. After making the amendments in respect of the matters noted in the above paragraphs, the Committee presented for approval by the Commission, the budget for 1997 as presented in Appendix II to this report.

20. The Committee **recommended that the Commission authorise the Secretariat to use up to A\$68 500 from the Special Fund, established with the 1995 Ukrainian contribution, to solve the contingent needs of Data Management that would arise from the possible development of new fisheries.** The funds would be used for labour (A\$42 500) and equipment (A\$26 000).

21. The Committee considers that it would be useful to examine the need and utility of building up further special funds in future years, with specific reference to the application of New Members' contributions in the light of the future financial situations.

22. The Committee noted that should Uruguay pay its New Member's contribution before the end of 1996, then this will be applied to reduce accordingly Members' contributions as presented in Appendix II.

#### FORECAST BUDGET FOR 1998

23. The Committee noted the forecast expenditure budget for 1998 of A\$1 968 600.

#### CONTRIBUTION FORMULA

24. The Committee **recommended that the following be adopted as a basis for calculating Members' Contributions to the annual budget of the Commission for the next three financial years 1997, 1998 and 1999.**

I(i) Those countries engaged in harvesting in the Convention Area will, in respect of the amount harvested, contribute at the rate of 6% of total Members' contributions per 100 000 contribution units, a unit being defined as:

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

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

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

- (iii) Catches by Members under research provisions of the conservation measures in force will not be taken into account for the purpose of calculating their contributions to the budget.
  - (iv) The amount harvested shall be calculated as the average catch over a three-year reporting period, ending at least 12 months prior to the Commission meeting at which the budget in question is approved.
  - (v) The maximum percentage of total contributions to be paid in respect of the amount harvested shall be fixed at 50%.
- II The balance of total contributions will be equally shared amongst all Members of the Commission.
  - III The maximum percentage of total contributions to be met by any individual harvesting country is fixed at 25%.

25. In agreeing to this text, many Members signified that use of this revised basis for allocating shares of the annual budget will still not result in achieving the level of fishing contributions which they would prefer; the level would now be around 1 to 2%, whereas they would have preferred 3 to 5%. Some Members noted that this new formula will result in a significant increase, in percentage terms, in the size of the contribution associated with harvesting activities.

26. The Committee, however, agreed that the adoption of this basis for contribution allocation was an important first step in attaining a more equitable sharing of the financial burdens of the Commission. In adopting this for a three-year period, the Commission would have the opportunity to gauge its effect on individual Members' contributions and would have time to consider what modifications might be required to ensure the suitability of any basis for subsequent years.

27. In reaching agreement on the basis, many members of the Committee stressed the need for a number of factors in relation to the weighting of relative shares of the various harvested resources to be taken into account by the Commission in its future deliberations on the subject. They are, among others:

- cost to the Commission of managing the resource;
- conservation status; and
- market values.

28. The Committee identified the removal of the 9 000 tonne all-species exemption as a major improvement in the proposed basis. This has been replaced by specific exemptions which are determined as a result of individual decisions by the Commission.

#### MANAGEMENT REVIEW OF THE SECRETARIAT

29. The Committee **recommended that the Commission approve the commissioning of a management review of the Secretariat.** The review would be carried out by a group of experts from interested Member countries. The cost of each expert would be borne by the Member who provided him/her. The meeting of experts would take place in Hobart around April 1997 (specific date to be advised by the Executive Secretary) and would last for five days. While requiring the cooperation of the staff, the review would be conducted so as to cause the minimum disruption to the Secretariat's work. The proposed terms of reference of the Experts Group to perform the review are presented in Appendix III of this report.

30. Members proposing to supply experts for this purpose are urged to advise the Executive Secretary by the end of January 1997. It was agreed by the Committee that New Zealand should coordinate the planning of the review meeting.

31. The Committee expressed its appreciation to the SCAF Chairman for his skillful management and guidance of the meeting.



**AGENDA FOR THE 1996 MEETING OF THE  
STANDING COMMITTEE ON ADMINISTRATION AND FINANCE**

1. Administration
  - (i) New Location of the Secretariat
  - (ii) CCAMLR Flag
2. Examination of Audited Financial Statements for 1995
3. Appointment of Auditor for 1996 and 1997
4. Review of Budget for 1996
5. Budget for 1997 and Forecast Budget for 1998
  - (i) Publications Distribution Policy
  - (ii) *CCAMLR Science*
  - (iii) Scientific Committee Budget
6. Review of Formula for Calculating Members' Contributions
7. Any Other Business Referred by the Commission
  - (i) Proposed Management Audit of the CCAMLR Secretariat
8. Adoption of the Report.

PROJECTED INCOME AND EXPENDITURE FOR 1996  
BUDGET FOR 1997 AND FORECAST FOR 1998

APPENDIX II

(Australian Dollars)

Budget for 1996				1997	1998
(1)	(2)	(3)	Item	Budget	Forecast
Budget adopted in 1995	Estimates projected to 31/12/96	Variance from Budget	Subitem	(4)	Budget (5)
<b>INCOME</b>					
1 481 300	1480 691	-609	Members' Contributions	1 593 200	1 695 900
0	0	0	Items from previous year		
44 000	41 983	-2 017	- Arrears of Contributions	0	0
0	0	0	- Interest	41 000	41 000
0	0	0	- Members' Contributions	0	0
194 500	214 865	20 365	- New Members' Contributions	0	0
32 100	14 361	-17 739	- Staff Assessment Levy	232 500	231 700
			- Surplus		0
1 751 900	1 751 900	0	Total Income	1 866 700	1 968 600
<b>EXPENDITURE</b>					
<b>DATA MANAGEMENT</b>					
39 200	39 200	0	Capital Equipment	10 400	10 700
3 800	3 800	0	Consumables	3 900	4 000
119 500	119 500	0	Contract Labour	123 100	170 700
12 000	12 000	0	Maintenance	12 400	12 800
174 500	174 500	0	Total Data Management	149 800	198 200
<b>MEETINGS</b>					
408 100	408 100	0	Total Meetings	433 200	446 500
<b>PUBLICATIONS</b>					
95 600	95 600	0	Total Publications	120 800	112 400
<b>SCIENTIFIC COMMITTEE</b>					
123 400	123 400	0	Total Scientific Committee	131 400	147 500
<b>SECRETARIAT COSTS</b>					
16 900	16 900	0	Administration	21 100	18 000
230 100	230 100	0	Allowances	237 000	259 300
4 600	4 600	0	Automobile	4 700	4 800
35 100	35 100	0	Communication	41 500	42 800
3 900	3 900	0	Incidentals	4 000	4 100
3 900	3 900	0	Library	4 000	4 100
33 600	33 600	0	Office Requisites	50 200	41 200
20 300	20 300	0	Premises	20 900	21 500
576 700	576 700	0	Salaries	618 100	637 300
25 200	25 200	0	Travel	30 000	30 900
950 300	950 300	0	Total Secretariat Costs	1 031 500	1 064 000
<u>A\$1 751 900</u>	<u>A\$1 751 900</u>	<u>A\$0</u>	Total Expenditure	<u>A\$1 866 700</u>	<u>A\$1 968 600</u>

**DRAFT TERMS OF REFERENCE FOR A MANAGEMENT  
REVIEW OF CCAMLR'S SECRETARIAT**

1. To review and assess the Secretariat's existing management systems and processes to determine how they might be improved to meet the needs of the Commission more effectively.
  
2. To this end, the Experts Group will consider, in particular, the Secretariat's:
  - (i) means by which it determines what resources are necessary to meet the operational requirements of the Commission and advise the Commission of the personnel, funding, etc. required to meet those needs;
  
  - (ii) communications with Commission Members and others;
  
  - (iii) information and publication management systems;
  
  - (iv) financial management systems;
  
  - (v) administrative procedures; and
  
  - (vi) human resource management systems including its current recruitment practices, staff review processes, salary levels, training needs, etc.;
  
3. To report to the Commission on its findings and its advice.

**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.



## OPERATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

### 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

**COMMUNICATION POLICY TO NON-MEMBER STATES  
RELATED TO IRREGULAR FISHING WITH  
REGARD TO CCAMLR RULES**



**COMMUNICATION POLICY TO NON-MEMBER STATES  
RELATED TO IRREGULAR FISHING WITH  
REGARD TO CCAMLR RULES**

Dear Minister,

The Convention on the Conservation of Antarctic Marine Living Resources, signed in Canberra in 1980, established a Commission whose aims include ensuring that fishing activities are carried out in a responsible manner in the extensive area surrounding the Antarctic continent and that its dependent and associated ecosystems are protected. At present there are 23 Members of the Commission (a list of Members and a map of the Convention Area are attached to this letter). Six other States have acceded to the Convention without, however, wishing at this stage to become Members of the Commission.

Each year the Commission adopts conservation measures which, *inter alia*, set catch limits consistent with sustainable harvesting of fisheries resources. You will no doubt be aware that eventually overfishing will severely or totally deplete these resources. It is therefore important that these limits should be respected.

A vessel, [name and registration number], flying the [country] flag has been sighted undertaking fishing activities at [geographical coordinates] within the CCAMLR Convention Area on [date]. The Commission considers that this activity will undermine the sustainable management of fisheries resources in the Southern Ocean.

It is vital that all States whose vessels undertake fishing operations in the CCAMLR Convention Area agree to protect marine living resources, and to ensure that management measures are respected by their fishermen. I would inform you that all States whose vessels undertake fishing operations in the CCAMLR Convention Area or which take an interest in the conservation of the living resources in that area may accede to the Convention. Therefore, on behalf of the Commission, I hereby invite you to take steps to ensure that your flag vessels do not continue to act in a manner inconsistent with the Convention and to consider acceding to the Convention under the provision of Article XXIX (1) which states: 'This Convention shall be open for accession by any State interested in research or harvesting activities in relation to the marine living resources to which this Convention applies.'

In accordance with the Commission's decision, I will have the honour of conveying your response to this letter to its Members and Acceding States. Thanking you for your reply, I wish to take this opportunity to assure you of my highest consideration.

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Chairman of the Commission

cc: Parties to the Convention

Encl.: Basic Documents