

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

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OPENING OF THE MEETING

1.1 The meeting of the Standing Committee on Observation and Inspection (SCOI) was held from 23 to 27 October 2000 chaired by Ms F. Wong (New Zealand). The Vice-Chair was Dr H. Nion (Uruguay).

1.2 The Committee adopted the Provisional Agenda as contained in CCAMLR-XIX/2. The Agenda and list of papers considered by the Committee is contained in Appendices I and II.

ILLEGAL, UNREGULATED AND UNREPORTED FISHING IN THE CONVENTION AREA

Information Provided by Members in accordance with Articles X and XXII of the Convention and the System of Inspection

2.1 The Committee considered information relating to the control of activities in the Convention Area, including fishing activities, and reviewed all available information relevant to estimating the magnitude of illegal, unregulated and unreported (IUU) fishing taking place in the Convention Area.

2.2 The Chair of the Scientific Committee (Dr D. Miller) presented information to the Committee based on the work of the Working Group on Fish Stock Assessment (WG-FSA) contained in paragraphs 3.19 to 3.33, and Tables 3 and 4 of its report (SC-CAMLR-XIX, Annex 5). This indicated that the estimated landings of IUU-caught *Dissostichus* spp. by all countries for the 1999/2000 split-year was 8 418 tonnes green weight landed in several ports. In the period January to August 2000, Mauritius remained the primary site for the landing of IUU-caught *Dissostichus* spp., in particular after May 2000 when the Catch Documentation Scheme for *Dissostichus* spp. (CDS) came into force and landings in all ports other than Port Louis ceased (estimated at 3 526 tonnes (green weight) in Port Louis).

2.3 The Committee noted the Scientific Committee's advice that it was becoming more difficult to make estimates of the IUU catch, largely as a result of the increase in transshipments at sea, together with landings under different species names. IUU activity was concentrated in Area 58, around Kerguelen, Heard and Crozet Islands and on the oceanic banks within Subarea 58.6. To the extent information was available, it indicated that two markets may have developed, with IUU-caught *Dissostichus* spp. (not accompanied by a validated *Dissostichus* catch document (DCD)) commanding a lower international price of some 25 to 40%.

2.4 Information relating to the high levels of incidental mortality of seabirds caught during IUU activity was also considered. The Committee received information from the Chair of the Scientific Committee based on the work of its ad hoc Working Group on Incidental Mortality Arising from Longline Fishing (WG-IMALF) (SC-CAMLR-XIX, Annex 5, paragraphs 7.64 to 7.83 and Tables 56, 57 and 58). WG-IMALF had noted that seabird by-catch rates from

the unregulated fishery were likely to be extremely high because such vessels did not confine their activities to night-time setting, use streamer lines or use other mitigation measures. The total estimate of the numbers of albatrosses and petrels being killed by unregulated vessels fishing in the Convention Area was between 237 000 and 333 000 in the last four years. The populations of several albatross and petrel species were facing significant decline as a result of IUU longline fishing.

2.5 France reported that illegal fishing activities were still taking place in its Exclusive Economic Zone (EEZ) around the Kerguelen and Crozet Islands (CCAMLR-XIX/BG/19). The deterrent effect of legal vessels present in this area appeared to be minimal, with only the presence of military vessels being a reliable and effective deterrent to IUU activity. IUU vessels often hid their names and fished at night so as to avoid detection. The Committee noted that massive IUU activity around Kerguelen often led to massive landings of fish in Mauritius and expressed its serious concern about the concentration of IUU fishing in Area 58.

2.6 The Committee welcomed Mauritius' efforts to convey detailed information (SCOI-00/27) about the levels of landings in Port Louis from January to October 2000 although it was not entirely in the format requested. The Committee expressed concern that the information showed 9 109 tonnes of *Dissostichus* spp. transhipped at Port Louis (from January to 23 October 2000), and that much of this was likely to be IUU catch from the Convention Area (see paragraph 2.59). This information had not been available to the Scientific Committee's deliberations and indicated that the level of IUU fishing was probably higher than the Committee's estimates.

2.7 The Committee noted the information collected by non-governmental organisations relating to the activity in Mauritius (SCOI-00/15) and welcomed its presentation to the Committee by ASOC. The Committee noted that the information indicated that many vessels involved in IUU fishing were flagged in Belize. The Committee noted that all information was useful for estimating the possible levels of IUU fishing and the possible flagging and ownership of the vessels concerned. Ukraine noted that the vessel *Chartyr Dag* was not engaged in *Dissostichus* spp. fishing and that information provided to the Committee needed to be verified. The Committee agreed all information needs careful examination.

2.8 However, some of the activities reported in SCOI-00/15 pre-dated efforts already undertaken by Members to control vessels. Nonetheless, the Committee noted with concern the French media reports to the effect that the vessel previously named *Salvora* was again active in the area, under the name *Castor*.

2.9 A summary of sightings of fishing vessels in the Convention Area during the 1999/2000 season had been prepared by the Secretariat (CCAMLR-XIX/BG/24, Attachment 2). In total, sightings of eight vessels had been reported by Australia, France and the UK. The names and flags of only two vessels had been identified and both vessels were flagged in Belize. The Committee urged all Members to submit information about sightings of fishing vessels in the Convention Area in the standard format prepared intersessionally by the Secretariat and circulated to Members in March 2000.

2.10 France also reported on an incident in its EEZ of 9 October 2000. The vessel *Amur*, flagged by Sao Tome and Principe, sank with many casualties. It was apparent that the vessel was fishing illegally. France noted that two other fishing vessels were close to the *Amur*, but refused to communicate with, or assist, French rescue activities. This suggested that they were also fishing illegally (SCOI-00/17). Chile noted that the vessel had been inspected

before departure from a Chilean port and was found to have insufficient safety equipment for all crew members and was only allowed to sail after substantial overhauling and refitting of its safety devices.

2.11 Australia noted that the vessel *Amur* had previously been named the *Sil*, *Anyo Maru No. 22* and *San Raphael No. 1*. The commercial owner of the vessel, Austral Management, had no link to the Australian company Austral Fisheries. The owners of the vessel appeared to be creating a misleading link with legitimate fishing activities. The Committee expressed its concern about this tragic incident, noting that IUU vessels were often of a very poor standard and represented a threat to the lives of their crews. The Committee recommended that the Commission express its support for the ongoing work of the Food and Agriculture Organisation (FAO), the International Labour Organisation (ILO) and the International Maritime Organisation (IMO) on issues relating to the safety and welfare of the crews of fishing vessels.

2.12 Australia reported on successful cooperation with the UK and South Africa in the identification and action relating to the UK-flagged vessel *Mila* sighted illegally fishing in Division 58.5.2 (McDonald and Heard Islands). The UK reported that immediate action had been taken and the vessel directed to Stanley. The vessel had been inspected in South Africa en route, its holds sealed and an investigation started by the UK authorities. A report on the matter would be submitted, as appropriate, in due course to the Secretariat.

2.13 In the 1999/2000 season no reports on sightings of vessels were received from CCAMLR-designated observers. Australian national observers on the fishing vessel *Austral Leader* submitted, as part of a cruise report, reports of sightings of four vessels operating in Division 58.5.2.

2.14 France and Australia advised the Committee of their continuing cooperation in the conduct of joint vessel patrols off the Australian and French EEZs of Heard and McDonald Islands, and Kerguelen Island, which lie in the Convention Area. Australia advised that another enforcement patrol had just concluded and that these patrols, which cover large areas of their respective EEZs acted as a substantial deterrent to IUU fishing.

2.15 South Africa reported that for the first time this season, it had despatched a vessel to the Convention Area for surveillance work. New Zealand conducted aerial surveillance over Subarea 88.1 and also instructed national observers and masters of its fishing vessels, as well as national representatives on board tourist vessels in the Ross Sea, to report any sightings of vessels. No IUU vessels were sighted. The UK also advised that they conducted aerial surveillance over Subarea 48.3.

2.16 The Committee noted that several Members were now conducting fishery patrols within the Convention Area. The Committee recommended that the Commission endorse the idea that Members consider developing further cooperative surveillance arrangements to assist Members to take effective action in respect of activities which undermined the Convention.

2.17 Australia advised that it had commissioned TRAFFIC¹ to do an independent assessment on IUU fishing and that the conclusions of its report were consistent with CCAMLR's estimates.

2.18 Chile reported on the recent International Conference on Monitoring, Control and Surveillance of Fishing held on 25 and 26 January 2000 in Santiago, Chile, with the participation of Argentina, Australia, Canada, Chile, Germany, Iceland, Republic of Korea, Mexico, Nicaragua, New Zealand, Peru, Portugal, USA, Uruguay and Venezuela. The meeting had adopted 'The Santiago Declaration of Responsible Fishers, 2000' (CCAMLR-XIX/BG/12). The Committee welcomed this initiative.

2.19 Italy reported on FAO's recent Technical Consultation on Illegal, Unreported and Unregulated Fishing held in Rome, Italy, from 2 to 6 October 2000 (CCAMLR-XIX/BG/30). The Committee recommended that the Commission note the importance of this work being concluded and encourage all Members to participate in the work with a view to ensuring that a comprehensive and integrated approach be adopted globally to combat IUU fishing. Argentina and Brazil believed that extending CCAMLR measures to areas outside the Convention Area should be avoided and that consistency with the UN Convention on the Law of the Sea (UNCLOS) should be taken into consideration. In addition, Argentina recalled that the objective of CCAMLR was the conservation of Antarctic marine living resources and that CCAMLR was not a fisheries organisation, although fishing is an activity contained within the scope of conservation.

2.20 The Committee noted that given the information before the Committee from a range of sources, it was clear that more effort was required to eliminate IUU activity and recommended to the Commission that Members take further steps to ensure conservation measures were not undermined. Given the obligations in Articles X, XXI, XXII and XXIV of the Convention, the Committee expressed its concern about information reported to SCOI which related to activities clearly affecting the implementation of the objectives of the Convention.

2.21 Bearing in mind the continued problems with IUU and that implementation of the CDS was not yet universal, the Committee agreed to recommend to the Commission that it continues to reinforce its efforts to eliminate IUU fishing in the Convention Area.

2.22 The Committee requested the Secretariat to review all information in order to provide annually, as accurate as possible estimates of the level of IUU fishing within the Convention Area for future discussions.

Operation of the Catch Documentation Scheme for *Dissostichus* spp.

2.23 The Committee welcomed the informal deliberations held among nine Members prior to the beginning of the Commission meeting to consider what modifications to the scheme might be appropriate in the light of their experiences (SCOI-00/13). The Committee agreed that the CDS had commenced in a promising manner, with signs that it was proving useful in combating IUU fishing for *Dissostichus* spp. (CCAMLR-XIX/BG/17). The Committee

¹ TRAFFIC is the joint wildlife trade monitoring program of World Wide Fund for Nature (WWF) and the World Conservation Union (IUCN).

recommended to the Commission that those Contracting and non-Contracting Parties which had not yet implemented the CDS, be urged to do so as soon as possible.

2.24 The European Community explained that due to its internal procedures it had experienced some difficulties in implementing the CDS. Nevertheless, some European Community Member States such as France, the UK (for its overseas territories) and Spain have already implemented the CDS. The European Community expects that its implementation of the CDS will be concluded by early next year. The Committee noted information provided by Brazil and Russia about their national efforts to implement the CDS. The Committee welcomed information from Members including Argentina, Australia, Chile, France, Japan and the USA about how they implemented the CDS.

2.25 The Secretariat was commended for its excellent efforts in assisting Contracting and non-Contracting Parties in the implementation of the scheme, establishing the CDS website (and other structures necessary for support of the CDS), and preparing useful documents (CCAMLR-XIX/BG/8 and BG/17). In particular, the CDS website had proven to be an outstanding resource, providing timely access to the information needed to verify CDS documents by harvesting, exporting and importing Members, and its continuation and enhancement was critical for the efficient operation of the CDS.

2.26 The Committee agreed that since the CDS had been in force for only a short period it would not be appropriate to make substantial changes at this stage but to keep any changes to a minimum.

2.27 The Committee recommended to the Commission that a number of minor amendments be made to Conservation Measure 170/XVIII based on the proposals in SCOI-00/13. In particular, changes were made to ensure more immediate exchange of information between Parties and the Secretariat, and to provide for the use on DCDs of seals or stamps by national authorities.

2.28 Because some problems had been encountered in interpreting the terminology used in Conservation Measure 170/XVIII, a number of descriptions were recommended for addition to the Explanatory Memorandum, which was also amended to ensure consistency with the conservation measure. The Explanatory Memorandum has also been amended to clarify that the CDS currently applied to all catches of *Dissostichus* spp., whether targeted or by-catch.

2.29 In order to assist the implementation of paragraph 4 of Conservation Measure 170/XVIII, additional language was developed to the effect that authorisations to fish would be required from Contracting Parties whose vessels fished for *Dissostichus* spp. on the high seas outside the Convention Area.

2.30 Contracting Parties which have not yet nominated their national CDS contact points were urgently requested to do so and to provide CCAMLR with the necessary information for posting on the CCAMLR website, as password-protected information.

2.31 It was recommended that an intersessional group discuss further the two substantive items (items 5 and 6 of SCOI-00/13) relating to concerns about confidentiality of the declared landing data on the DCD and the application of the CDS to by-catch.

2.32 A number of other proposals contained in SCOI-00/13 required further discussion and development. In addition to the items above, there was a need to consider developing a set of instructions to guide persons filling out a DCD. There was also a need to provide guidance

on the analyses and periodical reports, or summaries of CDS data, that should be developed by the Secretariat.

2.33 Since Chile appeared to be the only State with an artisanal fleet fishing for *Dissostichus* spp. in coastal domestic waters, and the USA provided the only export market for the *Dissostichus* spp. caught by that fleet, bilateral discussions took place with the aim of taking account of the special characteristics of that fleet in a manner that fully complied with the effective operation of the CDS. Both parties reported to SCOI their understanding that operational procedures could be streamlined without changes to the CDS and that it would further enhance its verification aspects. Further discussions are expected to take place on the matter during the USA and Chile bilateral fishery meeting to be held in December 2000. The Committee welcomed the discussions between Chile and the USA on ways to overcome this issue and looked forward to a practical solution to the problem.

2.34 The Committee recommended that the Commission accord priority to further review of the operation of the CDS. The Committee recommended that an intersessional open-ended contact group be established to address the issues identified above by correspondence. There may also be a need to convene an informal ad hoc group.

2.35 To ensure the more effective implementation of the CDS, the Committee recommended to the Commission that it adopt:

- (i) draft amendments to Conservation Measure 170/XVIII and the Explanatory Memorandum (Appendix III);
- (ii) Draft Resolution ‘Catch Documentation Scheme: Implementation by Acceding States and non-Contracting Parties’ (Appendix IV); and
- (iii) Draft Resolution ‘Use of Ports not Implementing the CDS’ (Appendix IV).

2.36 The Committee recommended the Commission give further consideration to adopting:

- (i) Draft Resolution/Conservation Measure ‘Sale of Seized or Confiscated *Dissostichus* spp.’ (Appendix IV); and
- (ii) Draft Conservation Measure ‘Application of VMS’ (Appendix IV).

Access to and Use of CDS Data

2.37 In developing the required rules, the Committee took into account that aggregation or encryption was needed to protect the commercial sensitivity of data which could reveal the details of individual companies’ harvesting and trading activities. Provision for import authorities to access relevant parts of the CDS database by being designated as national CDS officers was a potential problem.

2.38 The Committee considered that non-Contracting Parties should be provided with limited access to the CDS website for the purposes of checking only whether DCDs or re-export forms which they were processing have been validated, or for accessing the list of national CDS contact points. Preliminary legal advice from Australia was that such

restrictions on access to CDS data posed no difficulty from a World Trade Organisation (WTO) consistency perspective.

2.39 The Committee recommended to the Commission that the following rules be adopted:

Rules for Access to CDS Data

Contracting Parties

1. Access to CDS data by Contracting Parties shall generally be managed in accordance with the Rules for Access and Use of CCAMLR Data, set out in the latest edition of *Basic Documents*. National CDS contact officers and other authorised persons will have access to all CDS data, including DCDs via the website and other means. Authorised CDS persons will have access to data from the DCDs needed for the purpose of implementing the CDS.
2. All data concerning the landing and trade details of individual companies shall be aggregated, or encrypted, as appropriate, to protect the confidentiality of such information before it is made available to working groups of the Commission or Scientific Committee.

Non-Contracting Parties

3. Non-Contracting Parties shall be given only limited access to data in order to participate in the CDS. Further access shall not be provided and password-protected access and other precautions shall be taken as appropriate. Non-Contracting Parties should advise the Secretariat of their national CDS contact point(s) before any access to CDS information is granted.

2.40 At last year's meeting the Commission agreed that the Scientific Committee and its subsidiary bodies needed access to the CDS data and noted that the present Rules for Access and Use of CCAMLR Data may not be suitable. The Scientific Committee and SCOI were requested to provide advice to the Commission at CCAMLR-XIX about proposed Rules for Access to CDS Data.

2.41 The Committee did not have advice on the matter from the Scientific Committee which will be submitted directly to the Commission as part of the Scientific Committee's report.

2.42 It was agreed that the required Rules for Access to CDS Data for the Scientific Committee should be based on the same principles as the abovementioned rules for Contracting and non-Contracting Parties.

2.43 The Committee recommended that in considering the required Rules for Access of the Scientific Committee to CDS Data, the Commission should take into account objectives of the data use (e.g. stock assessment, evaluation of impact of IUU fishing on particular stocks), conditions for its release (e.g. originators of data be requested to give permission for the release of data, the use of data is to be restricted to the preparation of papers for use within CCAMLR etc.) and its format (e.g. summary catch data by fisheries, countries and month; total accumulated catch for the whole season in the Convention Area etc.).

Cooperation with Non-Contracting Parties

2.44 The Committee noted the correspondence between the Chair of the Commission to the following non-Contracting Parties which have not acceded to CCAMLR: Belize, China, Guinea Bissau, Guyana, Indonesia, Malaysia, Maldives, Mauritania, Mauritius, Panama, Portugal, Singapore, Seychelles, Taiwan, Thailand and Vanuatu inviting those States to cooperate with CCAMLR in the implementation of the CDS. All these non-Contracting Parties were subsequently advised that the CDS had entered into force on 7 May 2000 for all Contracting Parties (CCAMLR-XIX/BG/17, paragraphs 65 and 66). The Committee considered the FAO statistics for *Dissostichus* spp. trade to Members and requested the Secretariat correspond also with Bolivia, Canada and Honduras.

2.45 The Committee also noted correspondence between the Chair of the Commission and the UK Overseas Territory of Cayman Islands and Denmark on behalf of the Faroe Islands.

2.46 The Committee noted that the Secretariat had corresponded with Belize as a result of the sightings referred to above (CCAMLR-XIX/BG/24, paragraph 26). The Secretariat informed the Committee that as a result, a cooperative arrangement had been established between CCAMLR and the International Merchant Marine Registry of Belize (IMMARBE).

2.47 The Committee noted the correspondence with Panama (SCOI-00/8) in which Panama indicated that it did not issue fishing licences either for the CCAMLR Convention Area or for harvesting *Dissostichus* spp. Panama noted that until recently it had authorised fishing for this resource under other names (e.g. *Merluza negra*) but that this was no longer the case. Although Panama's legislation required its vessels to be licensed to fish in international waters, there were some Panamanian-flagged vessels without fishing licences which were licensed only to 'sail'. The Committee welcomed receiving information from Panama and recommended to the Commission that it again request the Secretariat to write to Panama conveying information, in particular, about reports of possible IUU fishing by Panama's vessels.

2.48 Panama also advised that the list of its vessels licensed to fish in international waters could be provided upon request. The Committee requested that the list be obtained and placed on the CCAMLR website for the information of Members.

2.49 Australia advised the Committee on several significant diplomatic demarches it had undertaken with Mauritius, Vanuatu and Namibia following last year's meeting (SCOI-00/10). The demarches had conveyed information on the CDS and urged that these States accede to the Convention.

2.50 The Committee noted that Namibia was no longer a non-Contracting Party and welcomed its accession to the Convention.

2.51 Australia informed the Committee that as Depositary it could act as coordinator for future diplomatic demarches to States to accede to CCAMLR. The Committee recommended to the Commission that all Members be encouraged to continue the practice of making diplomatic demarches to such States encouraging them to join CCAMLR in its effort to eliminate IUU fishing in the Convention Area, and to the extent possible, to contact Australia in respect of such activities.

2.52 Australia also advised that diplomatic discussions had taken place with Portugal concerning its interest in fishing in the Convention Area.

2.53 The Committee noted information about the Northwest Atlantic Fisheries Organisation (NAFO) efforts to contact its non-Contracting Parties (SCOI-00/7).

Implementation of Other Measures aimed at the Elimination of IUU Fishing

Collection of Landing and Trade Statistics for *Dissostichus* spp.

2.54 The Committee welcomed Namibia's efforts to convey information about landings of *Dissostichus* spp. in Walvis Bay (SCOI-00/9). The information indicated that the following vessels had unloaded a total of 811 tonnes of *Dissostichus* spp. during 1999: *Myra Q*, *Arbumasa XXV*, *The Valiant* and *Acechador*. Namibia reported that during 2000 the following vessels had unloaded a total of 458.9 tonnes of *Dissostichus* spp. at Walvis Bay: *The Valiant*, *Isla Santa Clara*, *Polar* and *Isla Camila*.

2.55 Members agreed to investigate the information conveyed by Namibia. After initial inquiries the European Community confirmed that the *Acechador*, which was a surface longliner registered on the European Community register (VI-510073), had been licensed to catch swordfish during the period July to December 1999 in international waters outside the Convention Area. The vessel was required to maintain a logbook and record catches by area and to report periodically to European Community authorities. Although its log recorded that it was not in port at the time reported by Namibia, the European Community undertook to complete further investigations using VMS data. All reported catches of the vessel were swordfish and tuna species. The *Polar* was not an European Community vessel. Contrary to the information provided by Namibia, none of the vessels indicated in its report, with the exception of the *Acechador*, were registered in Spanish ports. The Committee noted that it was important that information about IUU activity be accurate, clear and provided in due time. With respect to the Chilean vessels, *Isla Santa Clara* and *Isla Camila*, the Committee welcomed Chile's advice that the recent introduction of VMS had overcome such problems.

2.56 The Committee congratulated Namibia on the implementation of the CDS which had led to the effective shutting down of Walvis Bay as a port for IUU fishing activity within the Convention Area.

2.57 With regard to the information conveyed by Mauritius referred to above (SCOI-00/27), the Committee noted the report mentioned port visits by the following vessels: *Vieirasa Doce* (Argentina), *Austral* and *Croix du Sud* (France), *Bonanza 707* (Republic of Korea) and *Viarsa I* (Uruguay). Argentina noted that its vessel was not licensed to fish in the Convention Area and it would investigate whether it was licensed to fish in international waters. France noted that its vessels had called at Mauritius to refuel only and no fish had been landed. The Republic of Korea noted that its vessel was licensed to fish outside the Convention Area and in the case of *Dissostichus* spp. catches, all relevant CDS documents had been submitted to the Secretariat. Australia queried why the unloading of *Dissostichus* spp. from its vessel *Southern Champion* was not mentioned, given that Mauritian port officials were present, noting that this had been accompanied by a validated DCD. Uruguay also noted that its vessel had been authorised to land *Dissostichus* spp. with a validated DCD. The Committee welcomed the news that Uruguay had extended the use of VMS to all its vessels, including to those operating outside the Convention Area.

2.58 The Committee expressed its particular concerns about any possible IUU fishing activity by vessels flagged to Member States and requested that all information provided on

landings be submitted in the standard format as agreed at last year's meeting (CCAMLR-XVIII, paragraph 2.35).

2.59 The Committee viewed the information from Mauritius about the level of activity as very serious and recommended that the Secretariat write to Mauritius requesting clarification of some of the information and enquiring why Mauritius appeared to be continuing to accept landings of *Dissostichus* spp. without validated DCDs from vessels declaring catch from within the Convention Area.

2.60 Canada had also supplied trade statistics. As a major importer of *Dissostichus* spp. it was agreed that representations should be made to the Canadian Government concerning the implementation of the CDS. It was noted that many of the countries listed in the trade statistics provided by Canada and in landings information provided by Namibia and Mauritius, may not be aware of the CDS. The Committee requested the Secretariat to correspond with these countries on behalf of the Commission with information about the CDS and recommended the Commission note the Resolution adopted at the Special Antarctic Treaty Consultative Meeting (SATCM-XII) urging Parties to the Treaty which are not Contracting Parties to CCAMLR to implement the CDS (SCOI-00/23).

CCAMLR Vessel Database

2.61 The Committee welcomed the database the Secretariat maintained on vessels licensed to fish in the Convention Area and noted that it was particularly useful for Members who sought information from time to time relating to requests for reflagging or licensing. Members were encouraged to submit information and photographs of their fishing vessels to the Secretariat. The Committee requested the Secretariat, in cooperation with Members, to collect available information, including from the IMO/Lloyds Register, on vessels which were reportedly active in the Convention Area. Information needed to be brought to the attention of Members for verification where possible. All information was to be placed on the password-protected page of the CCAMLR website with an indication as to whether it had been verified. The Committee recommended to the Standing Committee on Administration and Finance (SCAF) that provision be made for the modest financial resources involved in obtaining Internet access to the IMO/Lloyds Register.

2.62 In its discussion on possible additional measures to combat IUU fishing, SCOI emphasised the importance of cooperation and exchange of current information between Members.

2.63 SCOI recommended to the Commission that Members be requested to provide the Secretariat with the name and contact points of the national fisheries monitoring control and surveillance authority to assist such exchanges, especially where rapid responses were needed to deal with a possible IUU, or other fisheries enforcement, incident. This information would be conveyed to all Parties, and be posted on the CCAMLR website. Parties were also requested to advise the Secretariat promptly of any changes to their contact points.

Additional Measures

2.64 The Committee considered the proposal from Norway that additional measures be adopted to counteract the activities of those non-Contracting Parties involved in IUU fishing (SCOI-00/6 and 00/22). Norway recalled its experience in declining to license vessels for fishing in its EEZ where that vessel had previously taken part in IUU activity. Norway proposed that an addition be made to Conservation Measure 118/XVII to the effect that Members would be required to avoid flagging a vessel or issuing it a licence to fish in waters within areas of national jurisdiction where the vessel in question had been prohibited from landing or transshipping fish pursuant to paragraphs 5 and 6 of the measure.

2.65 Many Members of the Committee supported the proposal noting it was a welcome initiative inspired by the FAO Compliance Agreement which would enhance the credibility of CCAMLR Members. Other Members expressed serious reservations given that the proposal had been made in other fora (e.g. NAFO) and encountered difficulties, and felt that until those difficulties were resolved it was not appropriate for CCAMLR Members to adopt such a measure. The Committee noted the support for the proposal but also the reservations made to it, and encouraged Norway to develop the proposal further in consultation with others.

OPERATION OF THE SYSTEM OF INSPECTION AND COMPLIANCE WITH CONSERVATION MEASURES

Implementation of Conservation Measures in the 1999/2000 Season

3.1 The Committee reviewed information summarised by the Secretariat on conservation measures related to fisheries management and reporting data (CCAMLR-XIX/BG/5 Rev. 1) and on the implementation of measures related to compliance and enforcement (CCAMLR-XIX/BG/24).

3.2 All Members notified the Secretariat of vessels licensed to fish in the Convention Area in accordance with Conservation Measure 118/XVII. The list of licensed vessels had been made available to Members on the CCAMLR website. The list of vessels licensed to fish during the 2000/01 season was contained in CCAMLR-XIX/BG/24.

3.3 There were no reports from Members on inspections of their vessels in their ports undertaken under Conservation Measure 119/XVII. However, Argentina submitted three reports of port inspections carried out by Argentine-designated CCAMLR inspectors of their vessels *Cristal Marino* and *Kinsho Maru* which had been sighted by UK-designated CCAMLR inspectors within the Convention Area (reported in SCOI-00/3) (see paragraph 3.16).

3.4 New Zealand reported an inspection in Wellington of the krill fishing vessel *Chiyo Maru No. 3* (Japan). The vessel was found to be complying with CCAMLR conservation measures.

3.5 There were five port inspections undertaken in accordance with Conservation Measure 147/XVII (CCAMLR-XIX/BG/24). Four were reported by Uruguay and one by the UK. The vessels were from Bolivia, Honduras, New Zealand, Belize and the Republic of Korea. All vessels inspected by Uruguay had *Dissostichus* spp. on board. Two vessels (flagged by Belize and New Zealand) inspected after the CDS became effective, were refused to land their catch as no DCDs were on board. New Zealand noted that the vessel *Polar*

Viking had been sold and had unsuccessfully sought reflagging to Norway when departing from New Zealand. The vessel had no authorisation to fish and New Zealand had accordingly declined to issue it a DCD. New Zealand fully supported the decisions of Uruguay in declining to permit this vessel to land the *Dissostichus* spp.

3.6 Chile, France and Ukraine submitted their reports on the implementation of VMS in accordance with Conservation Measure 148/XVII. Chile reported that it had implemented VMS (CCAMLR-XIX/BG/13; SCOI-00/25). Uruguay also reported that VMS is being applied during the whole year to its longliners operating both inside and outside the Convention Area. Ukraine will implement VMS by 31 December 2000. France confirmed that it had implemented VMS since the beginning of the year. Russia advised that all its vessels fishing for finfish and krill in the Convention Area will be equipped with VMS starting with the 2000/01 season. The Committee welcomed this information.

3.7 Disruption to VMS monitoring during the 1999/2000 season occurred on three vessels flagged by Australia, Republic of Korea and the UK. Reports had been received and placed on the CCAMLR website.

3.8 The Committee took into account the advice of the Chair of the Scientific Committee on the implementation of a number of fisheries-related conservation measures, in particular, of Conservation Measure 29/XVI (SC-CAMLR-XIX, Annex 5, paragraphs 7.51 to 7.60 and Tables 53 and 54). The Committee noted that this year overall compliance with Conservation Measure 29/XVI was slightly improved in Subarea 48.3, slightly poorer in Subareas 58.6 and 58.7, poor in Division 58.4.4 and complete in Subarea 88.1.

3.9 The Committee noted with concern the information provided to the Scientific Committee (SC-CAMLR-XIX, Annex 5; SCOI-00/24) which reported that over the last two years vessels which had not complied with the streamer line requirements included *Argos Helena*, *Eldfisk*, *Illa de Rua*, *Isla Gorriti*, *Lyn*, *Jacqueline*, *Magallanes III*, *No. 1 Moresko* and *Tierra del Fuego*. Three vessels (*Isla Sofía*, *Isla Camila* and *Jacqueline*) had never complied with the requirement to discharge offal on the opposite side to where the line was hauled. Several vessels (*Eldfisk*, *Isla Camila*, *Isla Gorriti*, *Magallanes III*, *No. 1 Moresko* and *Tierra del Fuego*) had fished for at least the last two seasons without complying with the night-time setting requirement. No vessels using the Spanish longline system were complying with the line-weighting requirements. Three vessels, which first entered the longline fishery in the Convention Area in 2000, failed to comply with two or more elements of the conservation measures (see Members' comments in paragraphs 4.1 to 4.7).

3.10 The Committee urged all Members to ensure compliance with Conservation Measure 29/XVI. Noting the concerns raised by the Scientific Committee concerning the continuing failure of authorised vessels in the *Dissostichus* spp. fishery to comply with all provisions of Conservation Measure 29/XVI, the Committee recommended that the Commission remind Members that before they authorise vessels under Conservation Measure 119/XVII, they should ensure that those vessels are able to comply with Conservation Measure 29/XVI, and withhold authorisation unless compliance can be demonstrated.

3.11 The Chair noted the Scientific Committee advice that although 85% of vessels retained or incinerated all plastic packaging bands in accordance with Conservation Measure 63/XV, four vessels (*Isla Sofía*, *Magallanes III*, *Aquatic Pioneer* and *Eldfisk*) used and/or disposed of packaging in contravention of this conservation measure and MARPOL 73/78.

3.12 The Committee reviewed information on the implementation of fisheries data reporting requirements reported in CCAMLR-XIX/BG/5 Rev. 1 and requested the Secretariat to continue to provide quantitative data. In particular, the Committee considered compliance with the requirement in Conservation Measure 182/XVIII for a prescribed number of research hauls to be undertaken once a catch limit of 10 tonnes (or 10 hauls) was reached in any small-scale research unit (SSRU). Vessels from three Members had triggered this requirement. No data had been received in respect of research hauls conducted by South African vessels.

3.13 The Committee expressed concern that of the catch and effort reports required, approximately half had been submitted after the deadlines (CCAMLR-XIX/BG/5 Rev. 1, Figures 1 and 2 and accompanying text) and included late reporting of some data from vessels from Chile, Republic of Korea, Japan, Poland, South Africa, Spain, UK, Ukraine and Uruguay.

3.14 The Committee recommended that the Commission remind Members of the necessity to submit catch and effort reports on time. Late submission could affect closing dates for fisheries calculated by the Secretariat and lead to overshooting of established catch limits.

3.15 The Committee noted Chile's proposal to modify a related fisheries data reporting system under Conservation Measures 40/X, 51/XII, 121/XVI, 122/XVI and 182/XVIII (CCAMLR-XIX/19). The Committee requested the Scientific Committee to consider this proposal and report further at the Commission meeting.

Inspections Undertaken in the 1999/2000 Season

3.16 A summary of inspectors' reports undertaken in the 1999/2000 season follows:

CCAMLR Inspector Designated by	Inspection Details				Comments of Inspectors
	Vessel Name	Flag State of Vessel	Date	Area/ Subarea/ Division	
UK	<i>Cristal Marino</i>	Argentina	28/11/99	48.3	Attempted and refused inspection.
UK	<i>Kinsho Maru</i>	Argentina	19/1/00	48.3	Attempted and refused inspection.
UK	<i>Cristal Marino</i>	Argentina	21/1/00	48.3	Attempted and refused inspection.
Chile	<i>Chiyo Maru No. 5</i>	Japan	23/2/00	48.1	Avoided inspection.
UK	<i>Isla Santa Clara</i>	Chile	6/5/00	48.3	In general, compliance with conservation measures was found to be satisfactory for all six vessels.
UK	<i>Argos Helena</i>	UK	6/7/00	48.3	
UK	<i>Koyo Maru 8</i>	Japan	3/7/00	48.3	
UK	<i>Ibsa Quinto</i>	Spain	2/7/00	48.3	
UK	<i>Jacqueline</i>	UK	1/7/00	48.3	
UK	<i>Faro de Hercules</i>	Chile	30/6/00	48.3	

3.17 Argentina referred to the UK letter of 17 October 2000 to the Executive Secretary (SCOI-00/18) and stated:

'Since this letter was received by our Delegation shortly before departure to Hobart, we reserve our right to further widely reply at a later stage after the end of this CCAMLR meeting. However, at this stage, our Delegation wishes to

comment briefly and on a preliminary basis on some of the points raised in the UK letter and on other aspects related to the issue as well.

The proceedings against the *Cristal Marino* were duly and timely channelled, despite the awkward situation deriving from the fact that crystal-clear evidence proved that the UK vessel *Criscilla* has been engaged at the time in an attempt to carry out an inspection in breach of the Convention rules and of the System of Inspection as well. The explanation given in the UK note in order to seek some justification of the reason that the *Criscilla* was not carrying the CCAMLR inspection pennant is absolutely unconvincing. Furthermore, reference in the British letter to the internationally recognised inspection pennant mounted on both sides of the UK vessel makes the explanation even harder to understand. In addition, reference to the British vessel as a patrol vessel is irrelevant and misleading.

The lack of the CCAMLR inspection pennant should not be trivialised. On the contrary, the CCAMLR pennant provides for trust in the scheme to all parties involved, including inspectors and inspected as well.

The fact that the *Cristal Marino* was sanctioned because of having infringed CCAMLR conservation measures should not, at any time, divert our attention from the fact that an infringement of the Convention, and international law as well, was in this case committed by a State-owned vessel.

Unfortunately, the situation described is not at all new. Let us recall the incident concerning the Chilean-flagged vessel *Antonio Lorenzo* (paragraph 13.6 and related of CCAMLR-XVI and paragraphs 1.73 and 1.74 of SCOI 1996), when the CCAMLR System of Inspection was misused in order to perform, immediately after, a unilateral inspection to the vessel. In the case of the *Cristal Marino* a frustrated attempt at a unilateral inspection was later referred as a frustrated attempt of a CCAMLR inspection. Such situations certainly do not contribute to the achievement of the objectives of the Convention since unilateral actions erode those objectives.'

3.18 The UK noted that its vessel was displaying an international pennant and that this was consistent with the drawing in the recent edition of the *CCAMLR Inspectors Manual*. The Committee noted that this was unfortunately a misprint and that CCAMLR pennants supplied by the Secretariat contained the CCAMLR insignia and were distinguishable from the international pennant.

3.19 The Committee expressed its concern about any information which could indicate that a Member's vessel had refused to accept a legitimate inspection under the CCAMLR System of Inspection, noting that this was a fundamental principle of the Convention. The Committee noted that it was incumbent on all Members seeking to undertake at-sea inspections to ensure they complied in full with all requirements of the CCAMLR System of Inspection.

Actions of Flag States in respect of Inspections Undertaken

3.20 The Committee welcomed information conveyed by Argentina on investigations related to reports submitted by CCAMLR inspectors designated by the UK in respect of its vessels (paragraph 3.16; SCOI-00/3).

3.21 Argentina noted that its port inspections by an Argentine-designated CCAMLR inspector, indicated that the vessels had presumably been engaged in IUU activities within the Convention Area. After the inspections Argentina had immediately instituted legal proceedings against the vessel *Cristal Marino* and had since imposed sanctions.

3.22 Argentina also advised that the *Cristal Marino* had been fined US\$50 000 and suspended from fishing for 60 days. The second incident had resulted in a US\$150 000 fine and a 67-day suspension. Argentina also provided advice on sanctions imposed on the vessel *Isla Guamblin*. Proceedings against the *Kinsho Maru* are under way. The Committee welcomed this information from Argentina.

3.23 Argentina noted that in some cases the information in SCOI-00/24 conflicted with inspection reports relating to streamer lines for the *Isla Santa Clara*, *Argos Helena*, *Ibsa Quinto* and *Jacqueline*. Argentina noted that it was difficult to take legal action against vessels when information relating to compliance was inconsistent.

3.24 Japan advised that investigations were continuing regarding the *Chiyo Maru No. 5*, although preliminary results showed that the vessel was not in contravention of CCAMLR conservation measures. The vessel had carried a scientific observer on board in accordance with the Scheme of International Scientific Observation. Chile reiterated that there was no presumption of contravention of CCAMLR conservation measures but the alleged lack of compliance with the CCAMLR System of Inspection deserved the continued attention given to the case by the Japanese authorities.

3.25 New Zealand advised that proceedings were outstanding against two vessels which had not completed all research hauls in Subarea 88.1 in light of weather and fuel restrictions (SCOI-00/11). It also advised that the *Polar Viking* was no longer on the New Zealand register and had no authorisation to fish.

3.26 Chile informed the Committee about the action it had taken against vessels involved in infringements of CCAMLR conservation measures reported by inspections undertaken nationally (CCAMLR-XIX/BG/11). The paper contained details of the court proceedings initiated over the period 1992 to July 2000 with respect to six vessels.

3.27 South Africa noted that in respect of its EEZ around Prince Edward and Marion Islands it voluntarily submitted fine-scale data and observer data, and required compliance with CCAMLR conservation measures, including Conservation Measure 29/XVI.

3.28 South Africa had also implemented VMS from the beginning of the fishery and had also collected VMS information from vessels not under the South African flag. It also continued to exercise Port State controls, including undertaking inspections since 1997 of *D. eleginoides* vessels. At least two prosecutions are presently under way and South Africa has been cooperating with a number of parties in ensuring action against vessels participating in IUU operations.

3.29 The Committee thanked all Members for the information provided and emphasised the importance of conveying the information to the Commission.

Improvements to the System of Inspection

3.30 The Committee noted the importance of inspection reports being limited to recording acts, findings and, where required, inspectors' opinions. The Committee did not receive any other proposals for improvements to the System of Inspection but recommended that the item remain on the Committee's agenda for future years.

OPERATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

Observations Undertaken in the 1999/2000 Season

4.1 The Committee received advice from the Chair of the Scientific Committee about the implementation of the scheme. The Committee noted that:

- (i) the quality and timing of the submissions of observer reports and logbooks had continued to improve;
- (ii) compliance with Conservation Measure 29/XVI continues to be low, especially in relation to offal discharge, night setting and streamer lines (see also paragraph 3.8); and
- (iii) although only a small number of sightings of fishing vessels were reported, this task should be maintained and a standard form for recording sightings should be developed (see paragraph 2.9).

4.2 A summary of observation programs undertaken in 1999/2000 was provided in SC-CAMLR-XIX/BG/18. In total, international scientific observers were deployed on board 20 longliners, seven trawl vessels fishing for finfish and one krill fishing vessel.

4.3 The Committee noted that all but two longliners engaged in exploratory fishing for *Dissostichus* spp. had CCAMLR international scientific observers on board in accordance with Conservation Measure 182/XVIII. The two vessels without international scientific observers on board were French longliners which had fished for only a short period in the Convention Area but outside the French EEZ around the Kerguelen Islands.

4.4 France advised that in the circumstances it had not been in a position to conclude the necessary bilateral arrangement in order to have international observers on board. France noted that national scientific observers were on board these vessels for the whole duration of the trips and that all information, as specified by the scheme, was collected and submitted to the Secretariat. The Committee noted that nonetheless, an absence of international observers on board these two French longliners for even a short period amounted to non-compliance with Conservation Measure 182/XVIII.

4.5 Chile and the European Community noted that there were contradictions between inspectors' reports and observers' reports relating to compliance with Conservation

Measure 29/XVI. The Republic of Korea noted that the report of the inspection of *No. 1 Moresko* positively evaluated the vessel's compliance with Conservation Measure 29/XVI and that the evaluation contradicted information presented in the WG-FSA report (SC-CAMLR-XIX, Annex 5).

4.6 The Committee noted that discrepancies between reports of observers and inspectors were likely due to the 'snap shot' of vessels' compliance observed during the inspection, compared to the data from observers relating to the entire trips for those vessels.

4.7 The Committee noted with satisfaction that for the second time international scientific observers had been deployed on board a krill fishing vessel and a scientific observer designated by the USA had conducted observations on board the Japanese vessel *Chiyo Maru No. 5*. Concern was noted about the lack of access of this observer to the fishing deck and the factory area.

Improvements to the Scheme

4.8 The Committee recalled the advice it had received in previous years from the Scientific Committee that it was highly desirable to have international scientific observers working on board all krill fishing vessels. The Committee noted the Chair of the Scientific Committee's advice that Members should consider deploying two observers on each vessel in all fisheries.

4.9 The Committee recommended to the Commission that the collection by scientific observers of factual data on sightings of fishing vessels should be continued. The Committee recommended that a standard form for reporting such data, developed by the Scientific Committee, be adopted. Members agreed to retain the agenda item for future meetings.

REVIEW OF SCOI WORKING ARRANGEMENTS

5.1 The Committee recalled the Commission's decision in 1998 in light of the significant increase in the number of issues dealt with by SCOI to re-examine its terms of reference and operation. Building on the Secretariat's paper submitted last year (CCAMLR-XVIII/19), the European Community conveyed an analysis of the existing working arrangement (CCAMLR-XIX/22), and proposed that SCOI be disbanded and replaced with a new Standing Committee on the Control of Fishing.

5.2 The main objective would be to reorganise the work of SCOI so that it would in future focus on aspects of compliance and control of activities that undermine the effectiveness of conservation measures, such as IUU fishing. This would involve new terms of reference for the new standing committee. The paper proposed that the new committee would take more time over its deliberations than is currently scheduled for SCOI, and would therefore, to a certain extent, have to run parallel with SCAF during the first week of the meeting. The European Community noted that the new committee could contribute to a reduction in the discussion of some items at the Commission level by having a clear mandate to propose conservation measures.

5.3 The paper also suggested raising the status of the current discussions on conservation measures from an ad hoc group to a standing committee. Although some Members recognised merit in this idea, others noted that the functions of the ad hoc group were among the most important of the Commission, and its composition and leadership would vary from year to year. Further they felt its work may not entirely lend itself to a permanent committee. There were also reservations about adding an additional layer of decision-making to the CCAMLR system.

5.4 The Committee discussed the proposal relating to SCOI and the general recognition that SCOI had developed wider responsibilities than were reflected in its current terms of reference and considered both administrative and substantive issues relating to the European Community proposal.

5.5 At the administrative level there were concerns about possible additional costs, and about the problems for delegations in attending both SCOI and SCAF meetings if these were held in parallel. There would also be an additional resource implication for the Secretariat in providing an additional room for meetings.

5.6 There were reservations about placing too much emphasis on the management of fisheries at the expense of the wider objectives of the Convention, including issues relating to the conservation of Antarctic marine living resources.

5.7 Some Members felt that the proposal would not resolve the main problem of the limited time available for various meetings during the annual sessions of CCAMLR.

5.8 The Committee was not opposed to the proposal for modification of the terms of reference (Appendix V), though it was noted that this might need some close examination and recommended that the Commission consider the proposal further.

5.9 The Committee noted that in accordance with the decisions from last year, the Secretariat had implemented recommendations relating to the improvement of Members' reporting obligations and circulation of the reports concerned. Guidelines relating to the implementation of the CDS were circulated in COMM CIRC 99/111 of 24 November 1999. Guidelines for the submission of and access to other compliance and enforcement-related information were circulated in COMM CIRC 99/114 of 21 December 1999. These guidelines were available to the Committee in CCAMLR-XIX/BG/23.

5.10 The Secretariat noted it had received comments from some Members concerning the new system of reporting and further improvements had been made. Members were now notified when new information was received and placed on the CCAMLR website. Members were also notified by email of all material which would otherwise be circulated to Members by mail or fax in accordance with established deadlines (e.g. reports of inspection, reports on sightings of vessels, reports on disruption in VMS monitoring of vessels etc.).

5.11 Concern was expressed that Members Activities Reports placed on the website were not being translated. The Committee agreed that these should be translated as it provided important information for Members during the intersessional period and forthcoming year. It also agreed that the reports should immediately be put on the website in the language in which they were received. Translations could be put on as soon as they were available. The Committee recommended to SCAF that it make provision in the budget for the translation of at least the first two pages of Members' reports.

ADVICE TO SCAF

6.1 The Committee agreed that the present level of support to the CDS developed by the Secretariat should be sustained and enhanced.

6.2 It also requested SCAF to provide modest resources for the Secretariat to improve the CCAMLR Vessel Database by using all available sources of information, including through Internet access to the Lloyd's Register database (paragraph 2.61).

6.3 The Committee also recommended to SCAF that it make provision in the budget for the translation of at least the first two pages of Members' reports (paragraph 5.11).

ADVICE TO THE COMMISSION

7.1 The Committee made the following recommendations that the Commission:

- (i) In relation to illegal, unreported and unregulated fishing in the Convention Area:
 - (a) express support for the ongoing work of FAO, ILO and IMO on issues relating to the safety and welfare of the crews of fishing vessels (paragraph 2.11);
 - (b) endorse the idea that Members consider developing further cooperative surveillance arrangements to assist Members to take effective action in respect of activities which undermined the Convention (paragraph 2.16);
 - (c) note the importance of concluding the work of the FAO Technical Consultation on Illegal, Unreported and Unregulated Fishing and encourage all Members to participate in the work with a view to ensuring that a comprehensive and integrated approach be adopted globally to combat IUU fishing (paragraph 2.19); and
 - (d) continue to reinforce its efforts to eliminate IUU fishing in the Convention Area (paragraph 2.21).
- (ii) In relation to the CDS:
 - (a) urge those Parties and non-Contracting Parties which had not yet implemented the CDS to do so as soon as possible (paragraph 2.23);
 - (b) accord priority to further review of the operation of the CDS (paragraph 2.34);
 - (c) adopt the following (paragraph 2.35):
 - draft amendments to Conservation Measure 170/XVIII and the Explanatory Memorandum (Appendix III);
 - Draft Resolution 'Implementation by Acceding States and non-Contracting Parties' (Appendix IV); and

- Draft Resolution ‘Use of Ports not Implementing the CDS’ (Appendix IV).
- (d) Give further consideration to the following (paragraph 2.36):
- Draft Resolution/Conservation Measure ‘Sale of Seized or Confiscated *Dissostichus* spp.’ (Appendix IV); and
 - Draft Conservation Measure ‘Application of VMS’ (Appendix IV).
- (e) adopt the Rules for Access to CDS Data as contained in paragraph 2.39; and
- (f) in considering the required Rules for Access of the Scientific Committee to CDS Data, take into account the objectives of data use, conditions for its release and its format (paragraph 2.43).
- (iii) In relation to implementation of other measures aimed at the elimination of IUU fishing:
- (a) encourage all Members to continue the practice of making diplomatic demarches to States which had not acceded to CCAMLR, to join CCAMLR in its efforts to eliminate IUU fishing in the Convention Area, and to the extent possible, contact Australia in respect of such activities (paragraph 2.51);
- (b) note the Resolution adopted at the SATCM-XII urging Parties to the Treaty which are not Contracting Parties to CCAMLR to implement the CDS (paragraph 2.60); and
- (c) request Members to provide the Secretariat with names and contact points of the national fisheries monitoring control and surveillance authority to assist exchanges, especially where rapid responses were needed to deal with a possible IUU, or other fisheries enforcement, incident (paragraph 2.63).
- (iv) In relation to operation of the system of inspection and compliance with conservation measures:
- (a) remind Members that before they authorise vessels under Conservation Measure 119/XVII they should ensure that those vessels are able to comply with Conservation Measure 29/XVI, and withhold authorisation unless compliance can be demonstrated (paragraph 3.10); and
- (b) remind Members of the necessity to submit catch and effort reports on time (paragraph 3.14).
- (v) In relation to operation of the Scheme of International Scientific Observation:
- (a) continue the requirement for the collection by scientific observers of factual data on sightings of fishing vessels (paragraph 4.9).
- (vi) In relation to review of SCOI working arrangements:

- (a) consider the proposal (Appendix V) further (paragraph 5.8).

CHAIR OF THE COMMITTEE AND ELECTION OF VICE-CHAIR

8.1 The Committee confirmed its election of Dr Nion as Chair for the next two years taking effect from the end of CCAMLR-XIX.

OTHER BUSINESS

9.1 The Chair reminded all Members and observers of the necessity for information provided to SCOI and about its deliberations to be handled appropriately, in view of the sensitivity of the matters involved.

ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

10.1 The Report of SCOI was adopted and the meeting closed.

AGENDA

Standing Committee on Observation and Inspection (SCOI)
(Hobart, Australia, 23 to 27 October 2000)

1. Opening of Meeting
2. Illegal, Unreported and Unregulated Fishing in the Convention Area
 - (i) Information provided by Members in accordance with Articles X and XXII of the Convention and the System of Inspection
 - (ii) Operation of the Catch Documentation Scheme for *Dissostichus* spp.
 - (iii) Cooperation with Non-Contracting Parties
 - (iv) Implementation of Other Measures aimed at the Elimination of IUU Fishing
 - (a) Collection of Landing and Trade Statistics for *Dissostichus* spp.
 - (b) CCAMLR Vessel Register
 - (c) Additional Measures
 - (v) Advice to the Commission
3. Operation of the System of Inspection and Compliance with Conservation Measures
 - (i) Implementation of Conservation Measures in the 1999/2000 Season
 - (ii) Inspections Undertaken in the 1999/2000 Season
 - (iii) Actions of Flag States in respect of Inspections Undertaken
 - (iv) Improvements to the System of Inspection
 - (v) Advice to the Commission
4. Operation of the Scheme of International Scientific Observation
 - (i) Observations Undertaken in 1999/2000 Season
 - (ii) Improvements to the Scheme
 - (iii) Advice to the Commission
5. Review of SCOI Working Arrangements
6. Advice to SCAF
7. Other Business
8. Chair of the Committee and Election of Vice-Chair
9. Adoption of the Report
10. Close of Meeting.

LIST OF DOCUMENTS

Standing Committee on Observation and Inspection (SCOI)
(Hobart, Australia, 23 to 27 October 2000)

SCOI-00/1	Provisional Agenda
SCOI-00/2	List of Documents
SCOI-00/3	Reports of CCAMLR inspectors submitted in accordance with the CCAMLR System of Inspection for 1999/2000
SCOI-00/4	Deployment of UK-designated CCAMLR inspectors and observers during the 1999/2000 fishing season Submitted by the United Kingdom
SCOI-00/5	Report of port inspection on <i>Chiyo Maru No. 3</i> (JQDO) New Zealand
SCOI-00/6	Additional measure proposed by Norway to counteract IUU fishing activities
SCOI-00/7	Non-Contracting Party (NCP) activity in the NAFO Regulatory Area
SCOI-00/8	Advice from Panama in respect of fishing for <i>Dissostichus</i> spp.
SCOI-00/9	Information on landings of <i>Dissostichus</i> spp. in ports of Namibia
SCOI-00/10	Significant Diplomatic Demarches Extract from Report of Member's Activities in the Convention Area, 1999/2000 (Australia)
SCOI-00/11	Inspection and surveillance activities, New Zealand Extract from Report of Member's Activities in the Convention Area, 1999/2000 (New Zealand)
SCOI-00/12	Efectivización de las Medidas de Conservación de CCRVMA por Uruguay
SCOI-00/13	Report on informal discussions on the CCAMLR Catch Documentation Scheme for Toothfish Jointly submitted by the Delegations of Argentina, Australia, Brazil, Chile, Japan, Republic of Korea, South Africa and USA

SCOI-00/14	Trade data for <i>Dissostichus</i> spp. (Extract from WG-FSA-00/6) Secretariat
SCOI-00/15	Mauritius: Indian Ocean haven for pirate fishing vessels Submitted by New Zealand
SCOI-00/15 Supplement	Mauritius: Indian Ocean haven for pirate fishing vessels Submitted by New Zealand
SCOI-00/16	Vessel database Delegation of New Zealand
SCOI-00/17	On the sinking of the longliner <i>Amur</i> Secretariat
SCOI-00/18	System of Inspection – infringements by Argentine-flagged vessels (A letter from the UK as distributed to Members in COMM CIRC 00/66 of 18 October 2000)
SCOI-00/19	Patagonian toothfish import control program Delegation of the USA
SCOI-00/20	Toothfish import monitoring program Delegation of the USA
SCOI-00/21	Note on CCAMLR Catch Documentation Scheme Delegation of the United Kingdom
SCOI-00/22 Rev. 1	Flagging and licensing of non-Contracting Party vessels Delegation of Norway
SCOI-00/23	Resolution X (2000) adopted at SATCM-XII
SCOI-00/24	Agenda Item 3(i) Compliance with Conservation Measures Extract from the report of the 2000 Meeting of WG-FSA (SC-CAMLR-XIX/4)
SCOI-00/25	Summary: Chilean vessel monitoring system implementation
SCOI-00/26	Report of SCOI Working Group on Proposed Catch Documentation Scheme Modifications
SCOI-00/27	Information on the transshipment of Patagonian toothfish at Port Louis Harbour, Mauritius Secretariat
SCOI-00/28	Inspections undertaken in the 1999/2000 season Argentina

Other Documents

SCOI-99/5	On the establishment of a CCAMLR vessel register Secretariat
CCAMLR-XIX/19	Deadlines set by CCAMLR for the submission of information by Member countries Delegation of Chile
CCAMLR-XIX/BG/5 Rev. 1	Implementation of conservation measures in 1999/2000 Secretariat
CCAMLR-XIX/BG/8	Review of Members comments and observations on the implementation and operation of the Catch Documentation Scheme for <i>Dissostichus</i> spp. Secretariat
CCAMLR-XIX/BG/11	Report about court's process in Chile for infraction CCAMLR measures at July 2000 Delegation of Chile
CCAMLR-XIX/BG/12	Informe del observador de la CCRVMA a la conferencia internacional sobre monitoreo, control y vigilancia pesquera Observador de la CCRVMA (V. Carvajal, Chile)
CCAMLR-XIX/BG/13	Sistema de posicionamiento automatico de naves pesqueras y de investigacion pesquera Delegación de Chile
CCAMLR-XIX/BG/16	Aplicación en Chile de la Medida de Conservación 170/XVIII de la CCRVMA Delegación de Chile
CCAMLR-XIX/BG/17	Implementation and operation of the Catch Documentation Scheme Secretariat
CCAMLR-XIX/BG/19	Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen et Crozet pour la saison 1999/2000 (1 ^{er} juillet 1999–30 juin 2000) – informations générales sur la zone CCAMLR 58 et tendances 2000/2001 Délégation française
CCAMLR-XIX/BG/23	Member's reporting obligations and circulation of reports Secretariat
CCAMLR-XIX/BG/24	Implementation of the System of Inspection and other CCAMLR enforcement provisions in the 1999/2000 season Secretariat

- CCAMLR-XIX/BG/28 Report on the trade in *Dissostichus eleginoides* (Patagonian toothfish or Chilean sea bass) in Canada (Canada)
- CCAMLR-XVIII/19 Review of working arrangements for the Standing Committee on Observation and Inspection Secretariat
- SC-CAMLR-XIX/BG/18 Summary of observations conducted in the 1999/00 season by designated CCAMLR Scientific Observers Secretariat

CONSERVATION MEASURE 170/XVIII
CATCH DOCUMENTATION SCHEME FOR *DISSOSTICHUS* SPP.
(PROPOSED REVISION)

The Commission,

Concerned that illegal, unregulated and unreported (IUU) fishing for *Dissostichus* spp. in the Convention Area threatens serious depletion of populations of *Dissostichus* spp.,

Aware that IUU fishing involves significant by-catch of some Antarctic species, including endangered albatross,

Noting that IUU fishing is inconsistent with the objective of the Convention and undermines the effectiveness of CCAMLR conservation measures,

Underlining the responsibilities of Flag States to ensure that their vessels conduct their fishing activities in a responsible manner,

Mindful of the rights and obligations of Port States to promote the effectiveness of regional fishery conservation measures,

Aware that IUU fishing reflects the high value of, and resulting expansion in markets for and international trade in, *Dissostichus* spp.,

Recalling that Contracting Parties have agreed to introduce classification codes for *Dissostichus* spp. at a national level,

Recognising that the implementation of a Catch Documentation Scheme for *Dissostichus* spp. will provide the Commission with essential information necessary to provide the precautionary management objectives of the Convention,

Committed to take steps, consistent with international law, to identify the origins of *Dissostichus* spp. entering the markets of Contracting Parties and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into their territories was caught in a manner consistent with CCAMLR conservation measures.

Wishing to reinforce the conservation measures already adopted by the Commission with respect to *Dissostichus* spp.,

Inviting non-Contracting Parties whose vessels fish for *Dissostichus* spp. to participate in the Catch Documentation Scheme for *Dissostichus* spp.,

hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. Each Contracting Party shall take steps to identify the origin of *Dissostichus* spp. imported into or exported from its territories and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into or exported from its territories was caught in a manner consistent with CCAMLR conservation measures.

2. Each Contracting Party shall require that each **master or authorised representative** of its flag vessels authorised to engage in harvesting of *Dissostichus eleginoides* and/or *Dissostichus mawsoni* complete a *Dissostichus* catch document for the catch landed or transhipped on each occasion that it lands or tranships *Dissostichus* spp.
3. Each Contracting Party shall require that each landing of *Dissostichus* spp. at its ports and each transshipment of *Dissostichus* spp. to its vessels be accompanied by a completed *Dissostichus* catch document.
4. **Each Contracting Party shall, in accordance with their laws and regulations, require that their flag vessels which intend to harvest *Dissostichus* spp., including on the high seas outside the Convention Area, are provided with specific authorisation to do so.** Each Contracting Party shall provide *Dissostichus* catch document forms to each of its flag vessels authorised to harvest *Dissostichus* spp. and only to those vessels.
5. A non-Contracting Party seeking to cooperate with CCAMLR by participating in this Scheme may issue *Dissostichus* catch document forms to any of its flag vessels that intend to harvest *Dissostichus* spp.
6. The *Dissostichus* catch document shall include the following information:
 - (i) the name, address, telephone and fax numbers of the issuing authority;
 - (ii) the name, home port, national registry number, and call sign of the vessel and, if ~~applicable~~ **issued**, its **IMO/Lloyd's** registration number;
 - (iii) the **reference** number of the licence or permit, **whichever is applicable, that is** issued to the vessel, ~~as applicable~~;
 - (iv) the weight of each *Dissostichus* species landed or transhipped by product type, and
 - (a) by CCAMLR statistical subarea or division if caught in the Convention Area; and/or
 - (b) by FAO statistical area, subarea or division if caught outside the Convention Area;
 - (v) the dates within which the catch was taken;
 - (vi) the date and the port at which the catch was landed or the date and the vessel, its flag and national registry number, to which the catch was transhipped; and
 - (vii) the name, address, telephone and fax numbers of the ~~receiver or receivers~~ **recipient(s)** of the catch and the amount of each species and product type received.

7. Procedures for completing *Dissostichus* catch documents in respect of vessels are set forth in paragraphs A1 to A10 of Annex 170/A to this measure. **The standard A sample** catch document is attached to the annex¹.
8. Each Contracting Party shall require that each shipment of *Dissostichus* spp. imported into its territory be accompanied by the export-validated *Dissostichus* catch document(s) ~~or~~ **and, where appropriate, validated re-export document(s)** that account for all the *Dissostichus* spp. contained in the shipment.
9. An export-validated *Dissostichus* catch document issued in respect of a vessel is one that:
 - (a) includes all relevant information and signatures provided in accordance with paragraphs A1 to A11 of Annex 170/A to this measure; and
 - (b) includes a signed and stamped certification by a responsible official of the exporting State of the accuracy of the information contained in the document.
10. Each Contracting Party shall ensure that its customs authorities or other appropriate officials request and examine the import documentation of each shipment of *Dissostichus* spp. imported into its territory to verify that it includes the export-validated *Dissostichus* catch document(s) ~~or documents~~ **and, where appropriate, validated re-export document(s)** that account for all the *Dissostichus* spp. contained in the shipment. These officials may also examine the content of any shipment to verify the information contained in the catch document or documents.
11. If, as a result of an examination referred to in paragraph 10 above, a question arises regarding the information contained in a *Dissostichus* catch document **or a re-export document** the exporting State whose national authority validated the document(s) and, as appropriate, the Flag State whose vessel completed the document are called on to cooperate with the importing State with a view to resolving such question.
12. Each Contracting Party shall **promptly provide by the most rapid electronic** means ~~quarterly~~ copies to the CCAMLR Secretariat of all export-validated *Dissostichus* catch documents **and, where relevant, validated re-export documents** that it issued from and received into its territory and shall report annually to the Secretariat data, drawn from ~~*Dissostichus* catch~~ **such** documents, on the origin and amount of *Dissostichus* spp. exported from and imported into its territory.
13. Each Contracting Party, and any non-Contracting Party that issues *Dissostichus* catch documents in respect of its flag vessels in accordance with paragraph 5, shall inform the CCAMLR Secretariat of the national authority or authorities (including names, addresses, **phone and** fax numbers and email addresses) responsible for issuing and validating *Dissostichus* catch documents.
14. Notwithstanding the above, any Contracting Party may require additional verification of catch documents, including inter alia the use of VMS, in respect of catches by its flag vessels outside the Convention Area, when landed at and exported from its territory.

¹ **The final adopted version of the *Dissostichus* catch document is attached to Conservation Measure 170/XIX in Annex 6 of the Commission's report.**

ANNEX 170/A

A1. Each Flag State shall ensure that each *Dissostichus* catch document form that it issues includes a specific identification number consisting of:

- (i) a four-digit number, consisting of the two-digit International Standards Organization (ISO) country code plus the last two digits of the year for which the form is issued; and
- (ii) a three-digit sequence number (beginning with 001) to denote the order in which catch document forms are issued.

It shall also enter on each *Dissostichus* catch document form the number as appropriate of the licence or permit issued to the vessel.

A2. The master of a vessel which has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures prior to each landing or transhipment of *Dissostichus* spp.:

- (i) the master shall ensure that the information specified in paragraph 6 of this conservation measure is accurately recorded on the *Dissostichus* catch document form;
- (ii) if a landing or transhipment includes catch of both *Dissostichus* spp., the master shall record on the *Dissostichus* catch document form the total amount of the catch landed or transhipped by weight of each species;
- (iii) if a landing or transhipment includes catch of *Dissostichus* spp. taken from different statistical subareas and/or divisions, the master shall record on the *Dissostichus* catch document form the amount of the catch by weight of each species taken from each statistical subarea and/or division;
- (iv) the master shall convey to the Flag State of the vessel by the most rapid electronic means available, the *Dissostichus* catch document number, the ~~trip start date~~ **dates within which the catch was taken**, the species, processing type or types, the **estimated net landed weight to be landed** and the area or areas of the catch, the date of landing or transhipment and the port and country of landing or vessel of transhipment and shall request from the Flag State, a Flag State confirmation number.

A3. If the Flag State determines that the catch landed or transhipped as reported by the vessel is consistent with its authorisation to fish, it shall convey a unique Flag State confirmation number to the master by the most rapid electronic means available.

A4. The master shall enter the Flag State confirmation number on the *Dissostichus* catch document form.

A5. The master of a vessel that has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures immediately after each landing or transhipment of *Dissostichus* spp.:

- (i) in the case of a transshipment, the master shall confirm the transshipment by obtaining the signature on the *Dissostichus* catch document of the master of the vessel to which the catch is transferred;
 - (ii) in the case of a landing, the master **or authorised representative** shall confirm the landing by **obtaining a signed and stamped certification**~~obtaining the signature~~ on the *Dissostichus* catch document ~~of~~ **by** a responsible official at the port of landing **or free trade zone**;
 - (iii) in the case of a landing, the master **or authorised representative** shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing **or free trade zone**; and
 - (iv) in the event that the catch is divided upon landing, the master **or authorised representative** shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing **or free trade zone**, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.
- A6. In respect of each landing or transshipment, the master **or authorised representative** shall **immediately** sign and convey by the most rapid electronic means available a copy, or, if the catch landed was divided, copies, of the signed *Dissostichus* catch document to the Flag State of the vessel and shall provide a copy of the relevant document to each recipient of the catch.
- A7. The Flag State of the vessel shall immediately convey by the most rapid electronic means available a copy or, if the catch was divided, copies, of the signed *Dissostichus* catch document to the CCAMLR Secretariat to be made available by the next working day to all Contracting Parties.
- A8. The master **or authorised representative** shall retain the original copies of the signed *Dissostichus* catch document(s) ~~or documents~~ and return them to the Flag State no later than one month after the end of the fishing season.
- A9. The master of a vessel to which catch has been transhipped (receiving vessel) shall adhere to the following procedures immediately after landing of such catch in order to complete each *Dissostichus* catch document received from transhipping vessels:
- (i) the master of the receiving vessel shall confirm the landing by **obtaining a signed and stamped certification**~~obtaining the signature~~ on the *Dissostichus* catch document by a responsible official at the port of landing **or free trade zone**;
 - (ii) the master of the receiving vessel shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing **or free trade zone**; and
 - (iii) in the event that the catch is divided upon landing, the master of the receiving vessel shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing **or free trade zone**, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.

- A10. In respect of each landing of transhipped catch, the master **or authorised representative** of the receiving vessel shall **immediately** sign and convey by the most rapid electronic means available a copy of all the *Dissostichus* catch documents, or if the catch was divided, copies, of all the *Dissostichus* catch documents, to the Flag State(s) that issued the *Dissostichus* catch document, and shall provide a copy of the relevant document to each recipient of the catch. The Flag State of the **receiving** vessel shall immediately convey by the most rapid electronic means available a copy of the document to the CCAMLR Secretariat to be made available by the next working day to all Contracting Parties.
- A11. For each shipment of *Dissostichus* spp. to be exported from the country of landing, the exporter shall adhere to the following procedures to obtain the necessary export validation of the *Dissostichus* catch document(s) ~~or documents~~ that account for all the *Dissostichus* spp. contained in the shipment:
- (i) the exporter shall enter on each *Dissostichus* catch document the amount of each *Dissostichus* spp. reported on the document that is contained in the shipment;
 - (ii) the exporter shall enter on each *Dissostichus* catch document the name and address of the importer of the shipment and the point of import;
 - (iii) the exporter shall enter on each *Dissostichus* catch document the exporter's name and address, and shall sign the document; and
 - (iv) the exporter shall obtain **a signed and stamped** validation of **the** *Dissostichus* catch document by ~~the~~ a responsible ~~authority~~ **official** of the exporting State.
- A12. In the case of re-export, the re-exporter shall adhere to the following procedures to obtain the necessary re-export validation of the *Dissostichus* catch document(s) ~~or documents~~ that account for all the *Dissostichus* spp. contained in the shipment:
- (i) the re-exporter shall supply details of the net weight of product of all species to be re-exported, together with the *Dissostichus* catch document number to which each species and product relates;
 - (ii) the re-exporter shall supply the name and address of the importer of the shipment, the point of import and the name and address of the exporter;
 - (iii) the re-exporter shall obtain **a signed and stamped** validation of the above details by the responsible ~~authority~~ **official** of the exporting State **on the accuracy of information contained in the document(s); and**
 - (iv) **the responsible official of the exporting state shall immediately transmit by the most rapid electronic means a copy of the re-export document to the Secretariat to be made available next working day to all Contracting Parties.**

~~An example~~ **The standard** form for re-export is attached to this annex¹.

¹ **The final adopted version of the *Dissostichus* catch document is attached to Conservation Measure 170/XIX in Annex 6 of the Commission's report.**

**EXPLANATORY MEMORANDUM ON THE INTRODUCTION
CATCH DOCUMENTATION SCHEME (CDS)
FOR TOOTHFISH (*DISSOSTICHUS* SPP.)**

1. BACKGROUND

The scale of illegal, unregulated and unreported (IUU) fishing for toothfish (*Dissostichus* spp.) in the Southern Oceans is the most significant problem faced by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

~~Over the past three years~~ **During 1996–1999** the amounts of toothfish taken by IUU fishing have been of the order of 90 000 tonnes, more than twice the level of catches taken in CCAMLR regulated fisheries. This rate of extraction is unsustainable and has led to a significant depletion of toothfish stocks in some areas. In addition, the mortality of seabirds, principally albatross and petrel species, taken as a by-catch of the longline fisheries is also unsustainable and has resulted in declines in the populations of these species.

To address this problem a number of conservation measures have been introduced by CCAMLR ~~over the last three~~ **recent** years relating to the toothfish fisheries in order to combat the problem of IUU fishing on the toothfish stocks. These measures in particular include:

- Flag State licensing requirement for all vessels in the fisheries;
- conservation measures fixing fishing levels for all toothfish fisheries in the Convention's waters;
- mandatory vessel monitoring systems (VMS);
- port inspections of landings and transshipments; and
- marking of vessels and fishing gear.

In addition there has been an intensification of control in the Convention Area. Consequently, the number of inspections followed by sanctions has also increased, reaching a peak in 1998.

2. TERMINOLOGY

For the purposes of consistent implementation of CDS and completion of its associated forms the following descriptions are provided (notwithstanding normal trade terminology):

Recipient: The person(s) who assumes(s) responsibility for the catch in its harvested or processed form upon landing or transshipment, i.e. vessel owner; buyer(s); master of the vessel to which the catch is transhipped.

Landing: The initial transfer of catch in its harvested or processed form from a vessel to dockside or to another vessel in a port, where the catch has been recorded by the Port State or Flag State as landed.

Transshipment: Transferring catch in its harvested or processed form from one vessel to another vessel either at sea or in port without the catch having been recorded by the Port State or Flag State as landed.

Export: The movement in trade of a catch in its harvested or processed form from the original country, free trade zone, or regional economic integration organisation of landing.

Import: The movement in trade of a catch in its harvested or processed form other than as a landing into a country, free trade zone or regional economic integration organisation.

3. CATCH DOCUMENTATION SCHEME

As a further means to address this problem which threatens the conservation of the toothfish stocks, the CCAMLR Commission adopted at its Eighteenth Meeting a conservation measure (170/XVIII) on the introduction of a Catch Documentation Scheme for *Dissostichus* spp.

The purpose for the introduction of this Scheme is:

- (i) to monitor the international trade in toothfish;
- (ii) to identify the origins of toothfish imported into or exported from the territories of Contracting Parties;
- (iii) to determine whether toothfish imported into or exported from the territories of Contracting Parties, if caught in the Convention Area, was caught in a manner consistent with CCAMLR conservation measures; and
- (iv) to gather catch data for the scientific evaluation of the stocks.

To meet this purpose, all landings, transshipments and importations of toothfish into the territories of Contracting Parties will require to be accompanied by a completed catch document. This will specify a range of information relating to the volume and location of catch, and the name and Flag State of the vessel.

This Catch Documentation Scheme ~~will become~~ **became** operative on 7 May 2000 and will be open to all Flag States irrespective of whether they are Members of CCAMLR or not. **The Scheme applies to all catches of *Dissostichus* spp. regardless of whether they were taken as by-catch or as a result of targeted fishing.**

Non-Contracting Parties to CCAMLR are invited to participate in the Catch Documentation Scheme for *Dissostichus* spp. To do so they will need to ensure that their vessels are provided with **the standard *Dissostichus*** catch documents for presentation to Contracting Party authorities as required.

4. LANDING AND TRANSHIPMENT PROCEDURES

4.1 Area

Toothfish are caught both inside and outside the CCAMLR Convention Area (see map attached). ~~The importation authorities (customs authorities or other appropriate officials) of Contracting Parties to CCAMLR will require that a *Dissostichus* catch document accompanies all imports of toothfish.~~ **Each Contracting Party shall require that each shipment of *Dissostichus* spp. imported into its territory be accompanied by the export-validated *Dissostichus* catch document(s) and, where appropriate, validated re-export documents that account for all the *Dissostichus* spp. contained in the shipment.**

4.2 Procedures

The document required will have the form of the attached catch document. **Each Flag State shall provide the standard *Dissostichus* catch document forms to each of its flag vessels authorised to harvest *Dissostichus* spp. and only to those vessels.** ~~This document will be issued by the Flag State to its fishing vessels authorised to fish toothfish. It will also issue this document to all vessels authorised by the Flag State to receive transshipments of toothfish.~~

On receipt of a request from a fishing vessel the Flag State will determine whether the catches that are intended for landing or transshipping are consistent with its authorisation to fish and if so will issue the vessel with a unique Flag State confirmation number.

The document will need to be countersigned by a Port State official when the catch is landed. This signature will confirm that the catches landed agree with the details on the document. The person who receives the catch must also countersign the document and state on the document the amount of the landed catch that has been received. In the case that the catch is divided on landing, copies of the catch document must be supplied by the master and completed by each receiver of a part of the landing.

In the case of transshipment, the master of a receiving vessel will sign the catch document presented by the fishing vessel master. When catches are landed from a vessel that has received a transshipment of toothfish the quantity of the toothfish to be landed must be confirmed by the countersignature of a Port State official on each catch document that was received from fishing vessels by the master of the receiving vessel. In all other respects the landing is treated similarly to a landing direct to port.

Originals of all copies of the document must then be returned to the Flag State of the fishing vessel that caught the fish, which will forward a copy to the CCAMLR Secretariat. The copies of the document that were provided to each receiver must remain with the catch throughout all subsequent transactions, including export and import.

Please note that for catches taken in CCAMLR waters, the Commission is seeking to determine whether catches have been taken in a manner consistent with CCAMLR conservation measures including those in Attachment A. Full details of the CCAMLR conservation measures currently in force can be obtained from the CCAMLR Secretariat.

5. EXPORT AND IMPORT PROCEDURES

In the event that a part of the catch is exported from the country of landing, the exporter must complete the export and intended import details on the *Dissostichus* catch documents that account for all toothfish contained in the shipment. The exporter must also obtain validation of the catch documents by the relevant official of the exporting state. If a shipment is re-exported, similar validation must be obtained from a relevant official of the exporting states and copies of the original catch documents attached.

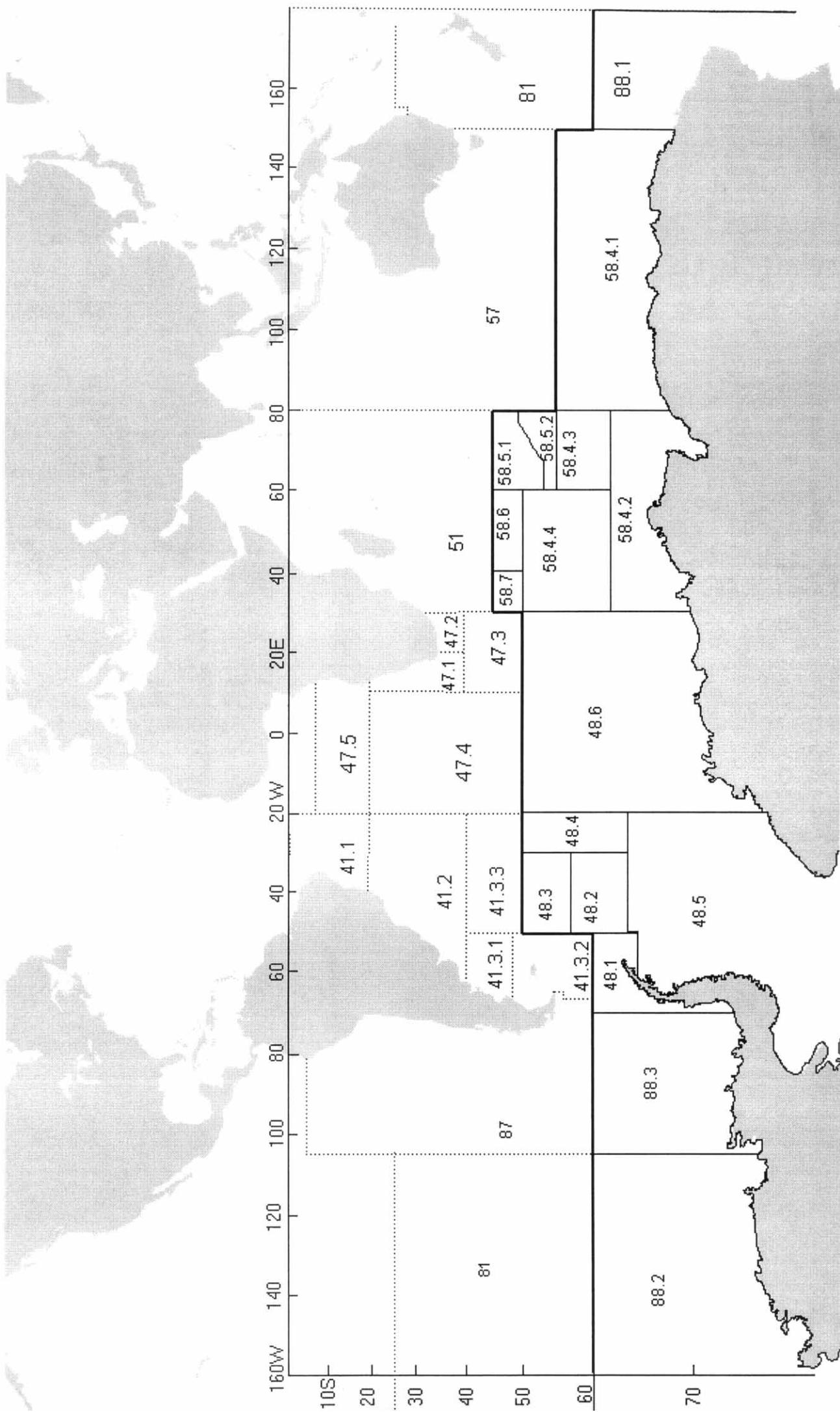
On importation, the relevant authorities may, if appropriate, contact the Flag State of the vessel to verify the authenticity of the content of the Catch Document. In the event that Contracting Parties importation authorities receive a shipment of toothfish that is NOT accompanied by a valid catch document, the shipment will be detained. In the event that checks carried out by the importation authorities with the Flag State fail to verify the legitimacy of a catch document, importation of the shipment will not be authorised.

6. INFORMATION

Should Flag States or fishing companies require further information or clarification on the operation of the Catch Documentation Scheme, they may contact the CCAMLR Secretariat at:

CCAMLR
PO Box 213
North Hobart 7002
Tasmania Australia

Telephone: 61 3 6231 0366
Facsimile: 61 3 6234 9965
Email: ccamlr@ccamlr.org



**CONSERVATION MEASURES AND OTHER REGULATIONS,
RELEVANT TO TOOTHFISH FISHERIES IN THE CONVENTION AREA**

Licensing (Conservation Measure 119/XVII, Resolution 13/XIX)

The specific provisions of Conservation Measure 119/XVII and Article IV(c) of the System of Inspection must be complied with. Vessels must be licensed by their Flag States to fish in CCAMLR waters, and details of the licence (name of vessel, time period(s) of fishing, area(s) of fishing, species targeted and gear used) must be sent to the CCAMLR Secretariat within seven (7) days of the issue of the licence. **Resolution 13/XIX urges all Contracting Parties, consistent with their domestic legislation, to avoid flagging a non-Contracting Party vessel or licensing such a vessel to fish in waters under their fisheries jurisdiction, if that particular vessel has a history of engagement in IUU fishing in the Convention Area.**

Compliance with conservation measures

The provisions of all relevant conservation measures in relation to catch limits, fishing seasons, areas, and restriction of effort to named Parties must be complied with.

Data reporting

All toothfish fisheries require in-season catch reporting for the purposes of monitoring catch, as well as reporting of all catch, effort and biological data to CCAMLR (Conservation Measures **51/XIX**, **121/XIX** and **122/XIX**), which must be complied with.

Scientific observation and inspection procedures

The relevant provisions of the CCAMLR Scheme of International Scientific Observation and the System of Inspection must be adhered to. In particular all vessels engaged in toothfish fisheries must carry an international scientific observer designated in accordance with the Scheme of Observation. Vessels fishing in the Convention's waters will be subject to inspection by inspectors designated under the System of Inspection.

*Vessel monitoring and marking (Conservation Measures 148/XVII, ~~and~~ 146/XVII
and Resolution 16/XIX)*

All vessels and fishing gear must be marked according to internationally accepted standards and vessels should have on board an operational VMS reporting to the Flag State. **In accordance with Resolution 16/XIX it was agreed that, on a voluntary basis, subject to their laws and regulations, Flag States participating in the Catch Documentation Scheme for *Dissostichus* spp. should ensure that their flag vessels authorised to fish for or tranship *Dissostichus* spp. on the high seas maintain an operational VMS, as defined in Conservation Measure 148/XVII, throughout the whole of the calendar year.**

Mitigating measures

Measures for the mitigation of incidental mortality of birds in longline fisheries must be complied with (Conservation Measures **29/XIX**). These include the deployment of bird-scaring devices, appropriate line-weighting regimes, prohibition on the use of plastic packaging bands on board vessels and the use of frozen bait, the requirement for night-time setting of lines, and the prohibition on the discharge of offal during hauling. General by-catch provisions associated with toothfish fisheries must be complied with.

*Use of ports not implementing the Catch Documentation Scheme for *Dissostichus* spp. (Resolution 15/XIX)*

In accordance with Resolution 15/XIX it was agreed that Contracting Parties be urged:

- 1. Where they are unable to provide an authorised Flag State official(s) to monitor a landing for the purposes of validating *Dissostichus* Catch Documents, to discourage their flag vessels authorised to fish for *Dissostichus* spp. from using ports of Acceding States and non-Contracting Parties which are not implementing the Catch Document Scheme for *Dissostichus* spp.**
- 2. To attach to the authorisation to fish a list of all Acceding States and non-Contracting Parties that are implementing the Catch Documentation Scheme.**

Other measures

Any proposed development of new fishing areas must conform to the conservation measures dealing with new and exploratory fisheries. These include the requirement for research and data collection during the exploratory phase of a fishery (Conservation Measures 31/X and 65/XII). Vessels will be subject to inspection by Port States on landing or transshipping catches (Conservation Measures 118/XVII and 147/XIX).

The above is only a synopsis of the relevant measures. Those intending to be engaged in the Catch Documentation Scheme are advised to consult the actual texts of the measures to ensure compliance with their provisions.

DRAFT RESOLUTIONS AND CONSERVATION MEASURES

**DRAFT RESOLUTION (paragraph 2.35)
Catch Documentation Scheme: Implementation
by Acceding States and Non-Contracting Parties**

The Commission,

Having considered reports on the implementation of the Catch Documentation Scheme for *Dissostichus* spp. established by Conservation Measure 170/XVIII,

Being satisfied that the Scheme has been successfully launched, and noting the improvements to the scheme made by Conservation Measure .../XIX,

Conscious that the effectiveness of the Scheme depends also on implementation of the Scheme by those Contracting Parties which are not Members of the Commission ('Acceding States') but which fish for, or trade in, *Dissostichus* spp., as well as by non-Contracting Parties.

Concerned at the evidence that several Acceding States and non-Contracting Parties which continue to be engaged in fishing for, or trading in, *Dissostichus* spp. are not implementing the Scheme,

Particularly concerned at the failure by such Acceding States to implement the Scheme, to uphold and promote its objectives, and to meet their obligations under Article XXII to exert appropriate efforts with regard to activities contrary to the objectives of the Convention,

Determined to take all necessary measures, consistent with international law, to ensure that the effectiveness and credibility of the Scheme is not harmed by non-implementation of it by Acceding States and non-Contracting Parties,

Acting pursuant to Article X of the Convention,

1. Urges all Acceding States and non-Contracting Parties not participating in the Catch Documentation Scheme which fish for, or trade in, *Dissostichus* spp. to implement the Scheme as soon as possible.
2. Requests to this end that the CCAMLR Secretariat convey this resolution to such Acceding States and non-Contracting Parties and give all possible advice and assistance to them.
3. Recommends that Members of the Commission make appropriate representations concerning this resolution to such Acceding States and non-Contracting Parties.
4. Reminds Members of the Commission of their obligation under the Catch Documentation Scheme to prevent trade in *Dissostichus* spp. in their territory, or by

their flag vessels, with Acceding States or non-Contracting Parties when it is not carried out in compliance with the Scheme.

5. Decides to consider the matter again at the XXth meeting of the Commission in 2001 with a view to taking such further measures as may be necessary.

DRAFT RESOLUTION (paragraph 2.35)
Use of Ports not Implementing the CDS

The Commission,

Noting that a number of Acceding States and non-Contracting Parties not participating in the Catch Documentation Scheme for *Dissostichus* spp, as set out in Conservation Measure 170/XVIII, continue to be engaged in trade in *Dissostichus* spp.; and

Recognising that these Acceding States and non-Contracting Parties thus do not participate in the landing procedures for *Dissostichus* spp. accompanied by *Dissostichus* Catch Documents;

Urges Contracting Parties,

1. Where they are unable to provide an authorised Flag State official(s) to monitor a landing for the purposes of validating *Dissostichus* Catch Documents, to discourage their flag vessels authorised to fish for *Dissostichus* spp. from using ports of Acceding States and non-Contracting Parties which are not implementing the Catch Document Scheme for *Dissostichus* spp.
2. To attach to the authorisation to fish a list of all Acceding States and non-Contracting Parties that are implementing the CDS.

DRAFT RESOLUTION/CONSERVATION MEASURE (paragraph 2.36)
Sale of Seized or Confiscated *Dissostichus* spp.

1. If, in the course of legal action a State participating in the Catch Documentation Scheme seizes or confiscates a catch or shipment of *Dissostichus* spp. and wishes to sell or otherwise dispose of it, it shall grant a specially validated DCD for that catch or shipment. In such cases, the State shall immediately report all such special validations to the Secretariat, for conveying to all Parties, and, as appropriate, recording in trade statistics.
- [2. If a Contracting Party acts in accordance with paragraph 1, after deducting from the proceeds of sale of the catch or shipment a reasonable amount to compensate it for the costs of the sale, the legal action and any unpaid fine, the Contracting Party may transfer the net proceeds of sale to the Secretariat (together with a detailed account of how the net proceeds have been calculated) for payment into the Fund established by this measure.

3. For this purpose the Secretariat shall maintain a separate trust fund to be called the 'CDS Fund'. The Secretariat shall invest and administer the Fund solely in accordance with the directions of the Commission.
4. The purposes of the Fund shall be decided by the Commission from time to time.]

**[DRAFT CONSERVATION MEASURE (paragraph 2.36)
Application of VMS]**

[The Commission, desiring to enhance the implementation of Conservation Measure 170/XVIII,

The Commission hereby adopts the following conservation measure in accordance with Article IX of the Convention:

Contracting Parties shall use their best efforts to ensure that their flag vessels entitled, in accordance with their laws and regulations, to harvest *Dissostichus* spp. maintain an operational VMS, as defined in Conservation Measure 148/XVII, throughout the whole of the calendar year in which they are so entitled.^{1]}

¹ This requirement does not extend to vessels of less than 19 m engaged in artisanal fisheries or trawlers taking *Dissostichus* spp. as the result of by-catch]

**REVIEW OF SCOI WORKING ARRANGEMENTS
POSSIBLE TERMS OF REFERENCE**

The Committee shall, inter alia,

- (i) provide advice on the control of activities in the Convention Area, including fishing activities, that is necessary to give effect to Articles X, XXI, XXII and XXIV of the Convention;
- (ii) review all aspects of the undermining of the objectives of the Convention and the undermining of the effectiveness of conservation measures through the activities of Contracting Parties or non-Contracting Parties, including non-compliance with conservation measures;
- (iii) review any other aspects of monitoring, control and surveillance (MCS) as may be necessary to give effect to Articles X, XXI, XXII and XXIV of the Convention;
- (iv) recommend actions to be taken by the Commission in respect of such issues, and the priority that should be attached to those actions;
- (v) recommend conservation measures to the Commission, and amendments to current conservation measures as appropriate, for adoption;
- (vi) review the operation of, and recommend improvements to, the Scheme of International Scientific Observation and the System of Inspection; and
- (vii) interact with, and receive advice from, the Scientific Committee, in respect of the control of activities referred to in (ii) above, especially in regard to the Scheme of International Scientific Observation.