

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

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

HOBART, AUSTRALIA  
25 OCTOBER – 5 NOVEMBER 2004

CCAMLR  
PO Box 213  
North Hobart 7002  
Tasmania AUSTRALIA

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Telephone: 61 3 6231 0366  
Facsimile: 61 3 6234 9965  
Email: [ccamlr@ccamlr.org](mailto:ccamlr@ccamlr.org)  
Website: [www.ccamlr.org](http://www.ccamlr.org)



Chair of the Commission  
November 2004

## **Abstract**

This document is the adopted record of the Twenty-third Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 25 October to 5 November 2004. Major topics discussed at this meeting include: review of the Report of the Scientific Committee; illegal, unreported and unregulated fishing in the Convention Area; assessment and avoidance of incidental mortality of Antarctic marine living resources; new and exploratory fisheries; current operation of the System of Inspection and the Scheme of International Scientific Observation; compliance with conservation measures in force; review of existing conservation measures and adoption of new conservation measures; management under conditions of uncertainty; and cooperation with other international organisations including the Antarctic Treaty System and CITES. The Commission will for the first time implement a centralised vessel tracking system for Members' finfish fisheries. This will complement the trade monitoring measures (Catch Documentation Scheme for *Dissostichus* spp.) recently set up by the Commission. The Reports of the Standing Committee on Administration and Finance and the Standing Committee on Implementation and Compliance are appended.

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**REPORT OF THE TWENTY-THIRD MEETING OF THE COMMISSION**  
(Hobart, Australia, 25 October to 5 November 2004)

**OPENING OF THE MEETING**

1.1 The Twenty-third Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources was held in Hobart, Tasmania, Australia, from 25 October to 5 November 2004, chaired by Mr K. Yonezawa (Japan).

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

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

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

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

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

1.7 The Chair welcomed all Members and observers to the meeting, particularly Mauritius which was attending as a new Acceding State.

1.8 The Chair noted that CCAMLR had a long association with the Government of Australia, the Depositary of the Convention, the State of Tasmania and the city of Hobart. The Commission looked forward to its annual meeting with eager anticipation, heightened by the warm reception and hospitality which all enjoyed.

1.9 It was with regret that the Chair informed Members that Mrs Barbara Kyle from Heritage Tours had passed away suddenly in November last year, and the Premier of Tasmania, Mr Jim Bacon, had died this year in June. Mrs Kyle who had provided tourism assistance to CCAMLR delegates for over 20 years, and Mr Bacon who had been a strong supporter of the organisation during his term of office, had become good friends to many involved with CCAMLR and will be sadly missed. The sympathy of all Commission Members was extended to both their families.

1.10 The Chair then introduced the Honourable Justice William Cox, Lieutenant-Governor of Tasmania.

1.11 Justice Cox welcomed delegates to Hobart and Tasmania. In his address he said that he felt CCAMLR stood at the forefront of international best practice in terms of its responsibility for the governance of a large ocean area and for the use of the wild resources found therein. Renowned for its innovative thinking and progressive conservation measures, CCAMLR had probably done more than many other, and similar, organisations to advance the science of sustainable management and to balance conservation with rational resource utilisation.

1.12 Justice Cox said that CCAMLR's more than 20-year history offered a more than clear demonstration of how well it had tackled the legal and scientific complexities inherent in its responsibility for ensuring that the Convention's objectives are met. Being the first ecosystem-based and precautionary Commission, it had taught the world much about how to implement these principles in both a practical and legislative sense. Clear examples of the Commission's achievements are manifest in its far-sighted scientific programs, its agreements on precautionary catch limits, its general approach to new and exploratory fisheries, and its various measures to deal with the global problem of Illegal, Unregulated and Unreported (IUU) fishing. Notable examples also include positive efforts to combat IUU fishing and incidental mortality of seabirds in the Convention Area, and the setting up of the Catch Documentation Scheme to monitor toothfish trade.

1.13 Justice Cox went on to say how CCAMLR's flexibility in tackling the issues he had outlined, provided a solid foundation for the future. Notable work-in-progress included the development of an electronically based toothfish trade documentation scheme, a pilot study to assess a centralised vessel monitoring system and consideration of an institutional plan of action on IUU fishing. Another important initiative is the institution of a web-based education package.

1.14 CCAMLR Contracting Parties had much to offer the world in terms of their institutional and scientific expertise, as well as their institutional responsibility for a vast amount of vital data on the resources of the Southern Ocean. It is perhaps fitting that, like many of the other Antarctic organisations based in Tasmania, CCAMLR contributes greatly to the scientific synergy that characterises the Antarctic Treaty System. Along with

COMNAP, possibly the ACAP Secretariat, and the University's Antarctic CRC, CCAMLR is much valued in Tasmania as an institution with considerable educational potential on Antarctic matters.

1.15 Justice Cox wished the Commission a productive and satisfactory series of meetings.

## ORGANISATION OF THE MEETING

### Adoption of the Agenda

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

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

### Report of the Chair

2.3 The Chair reported on intersessional activities. He informed the meeting that Mauritius had acceded to the Convention on 2 October 2004. The Commission now has 24 Members and eight other States are party to the Convention. He also reported that the Commission had not experienced the budgetary problems of recent years, which was largely attributable to the return to historic rates of exchange between the Australian and US dollar.

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

2.5 For the 2003/04 season, 43 inspectors had been designated, in accordance with the CCAMLR System of Inspection, by Australia, New Zealand and the UK. Ten reports were received from CCAMLR-designated inspectors in 2003/04, all from the UK.

2.6 Under the CCAMLR Scheme of International Scientific Observation, observers were on board all vessels in all finfish fisheries in the Convention Area (see paragraph 4.4 for further details).

2.7 During the 2003/04 season CCAMLR Members had actively participated in 10 fisheries in the Convention Area. In addition, four other managed fisheries were conducted in national EEZs within the Convention Area. Vessels fishing in fisheries managed under conservation measures in force in 2003/04 had reported, by 24 September 2004, a total of 87 133 tonnes of krill, 13 307 tonnes of toothfish and 2 737 tonnes of icefish; other species were taken as by-catch (CCAMLR-XXIII/BG/8).

2.8 The Catch Documentation Scheme for *Dissostichus* spp. (CDS) has been operating since 2000 and now includes the participation of three non-Contracting Parties to CCAMLR:

the People's Republic of China, Seychelles and Singapore, and one Acceding State: Mauritius. The total number of catch documents (i.e. landing/transhipment, export and re-export documents) received and processed by the Secretariat (as at 24 September 2004) is well over 20 000.

2.9 In accordance with the Commission's request, the pilot program for an electronic CDS (E-CDS) has continued.

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

2.11 There has been considerable progress in 2003/04 on securing new Secretariat premises which include a Commission meeting venue (see discussion in paragraphs 3.17 to 3.19).

#### Statement by Mauritius

2.12 The Delegate from Mauritius made the following statement in relation to Mauritius' accession to the Convention:

'The Delegation of Mauritius thanks the Secretary of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), for inviting Mauritius to attend the Twenty-third Meeting of CCAMLR as an Acceding State to the Convention.

I am thus very pleased to address CCAMLR today on behalf of the Delegation of Mauritius. We thank the Delegation of Australia and Members of the Commission for having extended a warm welcome to our delegation at the Commission meetings.

The Government of Mauritius is conscious of the concern the world over of the sustainable use of marine living resources and the need to combat IUU fishing.

Mauritius is already a member of the Indian Ocean Tuna Commission (IOTC) and has signed the Agreement to Promote Compliance with International Conservation and Management Measures for Fishing Vessels on the High Seas and subscribes to the FAO Code of Conduct for Responsible Fisheries. Furthermore, we are actively participating in the setting up of the Southwest Indian Ocean Fisheries Commission (SWIOFC) and the Southern Indian Ocean Fisheries Agreement (SIOFA).

Mauritius has been collaborating as a non-Contracting Party with CCAMLR for a number of years and has sent observers to the Commission meetings since 1999. It has also been regularly submitting information on the transhipment of toothfish in Mauritius to the CCAMLR Secretariat. Thus, it has demonstrated in concrete terms its cooperation with CCAMLR all along.

In order to further consolidate its relationship with CCAMLR, Mauritius thus decided to accede to the Convention on the Conservation of Antarctic Marine Living

Resources and the Commission in June 2004, and deposited its Instrument of Accession to the Convention with the Depositary State, Australia, on 2 September 2004. Mauritius thus became a Party to the Convention on 2 October 2004.

In this connection, we are very grateful for the offer of the Government of Australia in providing further training to officials in Mauritius on the implementation of the Catch Documentation Scheme and look forward to the cooperation and collaboration of all the Members of the Commission in our full participation on this regional fisheries management organisation.'

## FINANCE AND ADMINISTRATION

3.1 The Chair of SCAF, Dr H. Pott (Germany) presented the report of SCAF (Annex 4) outlining the results of the Committee's discussions and recommendations for decisions by the Commission. It was agreed that an additional appendix would be included with the report, presenting Members' individual contributions to the 2005 budget (Annex 4, Appendix III).

3.2 Chile drew the attention of Members to the format of the SCAF report, which is a good example of how clearly important discussions and decisions can be presented.

### Examination of audited Financial Statements for 2003

3.3 Noting that a full audit had been carried out on the 2003 Financial Statements and that an unqualified report had been provided by the auditor, the Commission accepted the audited Financial Statements for 2003.

### Audit requirements for the 2004 Financial Statements

3.4 The Commission endorsed the advice of SCAF that in view of the appointment of a new Administration/Finance Officer, a full audit was required for the 2004 Financial Statements.

3.5 The Commission appointed the Australian National Audit Office as its auditor for the 2004 and 2005 Financial Statements.

### Secretariat Strategic Plan

3.6 The Commission received the advice of SCAF with respect to the Executive Secretary's report, which forms a key element of the annual assessment of his performance and noted the positive comments of the Committee, particularly in respect of staff issues, legal support, the preparation of an education package and the custody of funds for the Antarctic Treaty Secretariat.

3.7 Chile expressed particular appreciation of the development of the education package, which has been the subject of discussions with the Executive Secretary, with a view to ensuring its optimum use in the Chilean education system.

#### Members' activities

3.8 On advice from SCAF that reports of Members' activities should be retained, and with a view to improving the content and presentation of this important publication, the Commission directed the Executive Secretary to liaise with the Scientific Committee to formulate a proposal as to the contents of the reports and the requirements as to which aspects of the reports would be made publicly available.

#### Support for participation at meetings

3.9 The Commission noted that the participation of non-Contracting Parties in the CCAMLR meetings is of considerable value to its work. It recognised that the financial support for such attendance by Developing States that are party to the 1995 UN Fish Stocks Agreement could appropriately be sought from a special fund established under the Agreement. The Commission directed the Executive Secretary to liaise with FAO, as administrator of the fund, with a view to identifying the procedures necessary to enable such States to access the fund. Norway encouraged other Members that are party to the Agreement to make a contribution to the fund. At present, contributions have only been made by Norway and the USA.

3.10 The Commission decided that, when inviting FAO to participate in the 2005 meeting, a specific request would be made that the nominated representative be prepared to discuss the accessibility of the fund for participants at CCAMLR meetings.

#### Review of budget for 2004

3.11 The Commission noted the unanticipated increase in the 2004 budget due to the larger report of WG-FSA and the recruitment and handover costs relating to the new Administration/Finance Officer. The Commission agreed that the approved budget for 2004 should be revised as presented in Annex 4, Appendix II, including a projected surplus of A\$20 200.

#### Cost recovery

3.12 The Commission agreed with the recommendation of SCAF that the scheme for recovery of costs associated with the administration of new and exploratory fisheries be clarified as set out in Annex 4, paragraph 14, and incorporated the possibility of payment being made up to one month after the notification. It confirmed that:

- (i) a notification is required for each new and exploratory fishery, i.e. a single submission by an individual Member in respect of a single year, a single species group and one subarea/division;
- (ii) each notification should identify the companies and vessels intending to pursue the fishery;
- (iii) each notification should be accompanied, or followed within one month, by a payment of A\$8 000 in respect of each vessel intending to pursue the fishery, consisting of:
  - a fee of A\$3 000 representing the recovery of administrative costs;
  - a sum of A\$5 000, to be refunded when the vessel had commenced fishing in the fishery for the season in accordance with conservation measures determined by the Commission. In the event of the Commission deciding that a notified fishery should not proceed in a particular year, this sum shall be refunded;
- (iv) where payment is made by a fishing company rather than a Member, the Member should identify in the notification:
  - the company making the payment
  - the vessels in respect of which the payment is made.

If required by the Member, the Secretariat will issue an invoice to the fishing company in order to facilitate the payment being made.

3.13 The Commission noted that the Secretariat would prepare, for next year's meeting, a financial comparison of the non-refundable portion of the fees in relation to the relevant costs incurred.

#### Contingency Fund

3.14 The Commission noted the recommendation of Germany that the Contingency Fund be converted to a Working Capital Fund and the decision of SCAF not to consider any changes at this time as it has only recently been established and is strictly controlled. The Commission also noted that the fund had reached its targeted balance.

#### Budget for 2005

3.15 The Commission noted that consideration by SCAF of the salary structure for Professional Staff would be deferred to the next meeting.

3.16 The Commission received advice from SCAF that negotiations for the lease on the new Headquarters and meeting venue at 181 Macquarie Street, Hobart, are nearing completion.

3.17 The Commission indicated its great appreciation for the work done to progress this important issue by the Commonwealth Government of Australia, the Tasmanian State Government, the property owner concerned and the Secretariat. This work has culminated in an impressive solution to two of the Commission's most important long-term needs: a permanent Headquarters and a suitable venue for its annual meetings.

3.18 The Commission noted that costs for relocating to the new premises in July 2005 had been incorporated into the draft budget for 2005.

3.19 In order that next year's meetings can take place in the new facilities, and noting the intention to commit all parties to a 15-year contract, the Commission directed the Executive Secretary to work with the Governments of Australia and Tasmania to finalise agreements in this regard.

3.20 The Commission accepted that the Scientific Committee's budget, as presented in its report, should be incorporated into the Commission's 2005 budget.

3.21 The Commission endorsed the view of SCAF that, in order to ensure fiscal accountability, the Scientific Committee should clearly identify tasks and services and review requirements when soliciting funds for the contracting of consultants.

#### Multi-year funding of Scientific Committee projects

3.22 On the advice of SCAF, the Commission endorsed the establishment and use of a Special Science Fund to enable the deferral to future years of funding for specific tasks of the Scientific Committee. It agreed that this should be based on the rules as set out in Annex 4, paragraph 26.

3.23 The Commission also agreed that A\$4 500, budgeted in 2004 for expenditure on reviewing the Generalised Yield Model (GYM), should be carried forward for expenditure in future years in accordance with the above procedure.

#### Members' contributions

3.24 In accordance with Financial Regulation 5.6, the Commission granted Argentina, Belgium, Republic of Korea, Spain and Uruguay an extension to the deadline for the payment of 2005 contributions. It noted the advice of SCAF that Members concerned should make continued efforts to resolve their procedural difficulties in future years and that SCAF will continue to consider the possibility of interest charges or other means of encouraging earlier payment.

3.25 The Commission endorsed the recommendation that the same formula used for calculating Members' contributions in 2004 should be used in 2005 and that this should continue for subsequent years until a Member requests that it be reviewed.

3.26 Brazil noted that funds have now become available to enable its outstanding contributions to be paid in full very shortly. It expressed appreciation to all Members for their patience and understanding of Brazil's difficulties in this respect, extended to Brazil during this year's meeting.

#### Forecast budget for 2006

3.27 The Commission noted the forecast budget for 2006 as presented in Annex 4, Appendix II, and that no real growth in Member's contributions was anticipated. It confirmed the advice of SCAF that care should be taken by Members when using this forecast for their own financial budgeting.

#### CDS Fund

3.28 The Commission noted that the amount allocated for expenditure from the CDS Fund in respect of the C-VMS trial was not expected to be exceeded, and that no further requests for expenditure from the fund during 2004 had been received.

#### Administration/Finance Officer

3.29 The Commission joined with the Committee in expressing its deep regret on the impending departure of the current Administration/Finance Officer, Mr J. Rossiter.

3.30 Australia commended Mr Rossiter on his hard work and invaluable contribution to the running of the Secretariat and to the work of the Commission. The Executive Secretary also indicated his appreciation for the support provided by Mr Rossiter over many years both to himself and to the Secretariat.

3.31 The Commission expressed its appreciation for the efficient work of the Chair of SCAF in his management of the Committee and presentation of its report.

### SCIENTIFIC COMMITTEE

4.1 The Chair of the Scientific Committee, Dr R. Holt (USA) reported on the meeting of the Scientific Committee (SC-CAMLR-XXIII). The Commission noted the general recommendations, advice, research and data requirements of the Scientific Committee. Substantive matters arising from the deliberations of the Scientific Committee were also discussed under other parts of the agenda: assessment and avoidance of incidental mortality (item 5); IUU fishing (item 8); new and exploratory fisheries (item 9); fisheries management and conservation under conditions of uncertainty (item 11); and cooperation with other international organisations (item 14). The Commission thanked Dr Holt for his comprehensive report (CCAMLR-XXIII/BG/41).

## Intersessional activities

4.2 The following meetings of working groups of the Scientific Committee were held in 2004: WG-EMM (SC-CAMLR-XXIII, Annex 4) WG-FSA including ad hoc WG-IMAF (SC-CAMLR-XXIII, Annex 5) and WG-FSA-SAM (WG-FSA-04/4).

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

## CCAMLR Scheme of International Scientific Observation

4.4 In accordance with CCAMLR's Scheme of International Scientific Observation, scientific observers were deployed on all vessels in all finfish fisheries in the Convention Area in 2003/04 (SC-CAMLR-XXIII/BG/6). A total of 55 observation cruises were undertaken (44 trips on longliners and 11 trips on trawlers). In addition, a single observation cruise was carried out on board a krill fishing vessel in accordance with the scheme.

4.5 The Commission noted the issues on scientific observation which the Scientific Committee had addressed (SC-CAMLR-XXIII, paragraphs 2.1 to 2.18), especially:

- (i) the ongoing requirement to place international scientific observers on as many krill vessels as possible;
- (ii) the timing and cost of the review of the *Scientific Observers Manual*;
- (iii) the need for SCIC to take the initial responsibility for the review of compliance with conservation measures using scientific observer reports;
- (iv) the implementation of changes to observer data collection.

4.6 The Commission noted that the proposed review of the *Scientific Observers Manual* was extensive and that the Scientific Committee will need to establish the terms of reference. It was also noted that the review would have financial implications, some of which would require the introduction of a new multi-year arrangement (see section 3).

4.7 The Commission agreed that, where appropriate, the revision should include clear descriptions of the duties and obligations of scientific observers. The roles of scientific observers in reporting compliance-related data, and the Secretariat in extracting compliance-related information from the observer data, were further considered under item 6.

4.8 The Commission noted that SCIC had requested that the Scientific Committee provide advice on the scientific objectives and priorities for the deployment of CCAMLR international scientific observers on krill fishing vessels (Annex 5, paragraph 5.3).

## Ecosystem monitoring and management

4.9 The Commission noted the progress made by the Scientific Committee and WG-EMM in 2003/04 in developing a feedback management scheme for the krill fishery. As part of this work, WG-EMM-04 included a Workshop on Plausible Ecosystem Models for Testing Approaches to Krill Management.

4.10 The Commission noted the following items arising from WG-EMM-04:

- (i) the establishment of an advisory subgroup on acoustic surveys (SC-CAMLR-XXIII, paragraphs 3.21, 3.22 and 13.5);
- (ii) the specification of plausible ecosystem models for testing management procedures (SC-CAMLR-XXIII, paragraphs 3.69 to 3.84);
- (iii) the 2005 Workshop on Management Procedures to evaluate options for subdividing krill catch limit among SSMUs (SC-CAMLR-XXIII, paragraph 3.86);
- (iv) a future workshop on Marine Protected Areas (MPAs) (SC-CAMLR-XXIII, paragraphs 3.44 to 3.53);
- (v) a future workshop on large-scale surveys of land-based predators (SC-CAMLR-XXIII, Table 1);
- (vi) the need for a review of the rules and procedures related to the work of the Subgroup on Protected Areas and to develop additional criteria in reviewing protected areas referred to CCAMLR from the ATCM (SC-CAMLR-XXIII, paragraphs 3.64 and 3.65);
- (vii) the need for WG-EMM to consolidate work that overlaps with WG-FSA and WG-IMAF (SC-CAMLR-XXIII, paragraph 3.92);
- (viii) the WG-EMM long-term plan of work (SC-CAMLR-XXIII, Table 1).

4.11 The Commission agreed that the 2005 Workshop on Management Procedures would evaluate options for the subdivision of the precautionary catch limit of krill in Area 48 among the SSMUs (SC-CAMLR-XXIII, Annex 4, paragraphs 6.12 and 6.13).

4.12 In doing so, the Commission noted that some Members of the Scientific Committee had noted that the krill catch currently shows a decline in Subarea 48.3, suggesting that allocation of precautionary catch limits of krill by SSMU is not an extremely urgent matter at this time. Other Members were of the view that the subdivision of the precautionary catch limit is essential to the management of krill fishing in Area 48 (SC-CAMLR-XXIII, paragraphs 3.67 and 3.68).

4.13 The Commission also noted the draft terms of reference for the workshop on MPAs (SC-CAMLR-XXIII, paragraph 3.52) and urged the Scientific Committee to proceed with this work as a matter of priority. The Commission reaffirmed the need to develop advice on MPAs which was commensurate with Articles II and IX of the Convention.

4.14 The Commission endorsed (SC-CAMLR-XXIII, paragraph 3.27):

- (i) the revision of Conservation Measure 91-01, Annex 91-01/A ‘Information to be included in Management Plans for CEMP Sites’ (see section 10);
- (ii) the approval of the Management Plan for ASPA No. 149, Cape Shirreff and San Telmo Island, Livingston Island, South Shetlands Islands, which is currently undergoing review by the ATCM;
- (iii) the approval of the Management Plan for ASPA No. 145, Port Foster, Deception Island, South Shetland Islands, which is currently undergoing review by the ATCM.

4.15 In relation to paragraph 4.14(iii), the Commission noted that the Scientific Committee had also indicated its wish to transmit advice for substantive improvements to the originators of this plan (SC-CAMLR-XXIII, Annex 4, paragraph 5.14).

4.16 The Commission agreed to forward the plans identified in paragraphs 4.14(ii) and (iii) to the ATCM for approval under Article 6 of Annex V to the Antarctic Treaty Protocol.

4.17 The Commission noted the Scientific Committee’s discussions on the status of a possible new ASPA at Edmonson Point as proposed by Italy. The proposal was received too late to be considered at the 2004 meeting of WG-EMM. Despite the positive support for the proposed management plan, the Scientific Committee could not reach a consensus decision on whether it should review the plan (SC-CAMLR-XXIII, paragraphs 3.58 to 3.65). Thus, there will be a one-year delay in consideration by the Scientific Committee and Commission prior to providing advice to the ATCM.

#### Harvested species

4.18 Under the conservation measures in force in the 2003/04 season (1 December 2003 to 30 November 2004), Members fished in 10 managed fisheries:

- fishery for *Champscephalus gunnari* in Subarea 48.3
- fishery for *Champscephalus gunnari* in Division 58.5.2
- fishery for *Dissostichus eleginoides* in Subarea 48.3
- exploratory fishery for *Dissostichus* spp. in Subarea 48.6
- fishery for *Dissostichus eleginoides* in Division 58.5.2
- exploratory fishery for *Dissostichus* spp. in Division 58.4.2
- exploratory fishery for *Dissostichus* spp. in Division 58.4.3b
- exploratory fishery for *Dissostichus* spp. in Subarea 88.1
- exploratory fishery for *Dissostichus* spp. in Subarea 88.2
- fishery for *Euphausia superba* in Area 48.

4.19 In addition, four other managed fisheries were conducted in the Convention Area in 2003/04:

- fishery for *Dissostichus eleginoides* in Division 58.5.1 (French EEZ)
- fishery for *Dissostichus eleginoides* in Subarea 58.6 (French EEZ)

- fishery for *Dissostichus eleginoides* in Subarea 58.6 (South African EEZ)
- fishery for *Dissostichus eleginoides* in Subarea 58.7 (South African EEZ).

4.20 In all, 16 Members fished: Argentina, Australia, Chile, France, Japan, Republic of Korea, New Zealand, Norway, Poland, Russia, South Africa, Spain, Ukraine, UK, Uruguay and the USA. In addition, Vanuatu, as an Acceding State, fished for krill.

#### Krill resources

4.21 The krill fishery in the 2003/04 season operated in Subareas 48.1, 48.2 and 48.3 and the catch reported to date was 102 112 tonnes (SC-CAMLR-XXIII, paragraphs 4.2 to 4.5, Table 3). In comparison, the total catch for 2002/03 was 117 728 tonnes (SC-CAMLR-XXIII, Table 4).

4.22 The Commission noted that a Vanuatu-flagged vessel had fished for krill in Subarea 48.3 in 2003/04, and may have used new technology which could affect the future operation of the krill fishery (SC-CAMLR-XXIII, paragraph 4.16). It also noted that this vessel is intending to catch 60 000 tonnes of krill in the forthcoming 2004/05 fishing season (CCAMLR-XXIII/BG/44). A number of Members expressed their concern at the indicated level of catch.

4.23 In relation to the actions of the Vanuatu-flagged, *Atlantic Navigator*, the UK indicated its very serious concern that while this vessel was flagged to an Acceding State, the operational control for this vessel appeared to be with a Member of the Commission, i.e. the USA. Given the need to ensure that all vessels fishing in the Convention Area do so in a responsible way, fully in conformity with all the relevant conservation measures of the Commission, the UK urged that the Commission request the USA to investigate the operational arrangement of this vessel.

4.24 The USA responded that they would be pleased to pursue the matter.

4.25 The Delegate of Chile expressed concern regarding the terms of a harvesting permit granted by Vanuatu to the vessel *Atlantic Navigator* for a projected catch of 60 000 tonnes of Antarctic krill during the fishing season. In particular, these concerns pointed to the capacity of Vanuatu to exercise effective jurisdiction over its flag vessels, a requirement for access to Chilean ports in conformity with Decree No. 123, dated 3 May 2004, and presently in force in Chile.

4.26 Argentina shared Chile's concerns and noted that, on the basis of information provided in the notification, it was likely that the intended fishery would be classified as IUU, and it was likely that the vessel would not be permitted to enter Argentine ports.

4.27 The Commission noted that all Members fishing for krill had submitted details of their intentions to fish in 2004/05. Eight Members had announced their intention to fish for krill in Area 48 using 13 vessels and the total projected catch was 226 000 tonnes (SC-CAMLR-XXIII, Annex 4, Table 1).

4.28 The Commission agreed that the submission of these notifications was a significant achievement and may allow the detection of multi-year trends in fishing interest. However, the Commission noted that (SC-CAMLR-XXIII, paragraphs 4.8 to 4.10 and 4.17):

- the Scientific Committee's ability to predict trends in the krill fishery was still being hampered by a lack of information on technological and economic developments;
- the Scientific Committee had recognised that projections of future catches were likely to be higher than actual catches.

4.29 The Commission agreed that Members intending to fish for krill in the upcoming season should notify the Secretariat in advance of the annual meeting of WG-EMM. Notifications should be made using the pro-forma established by the Scientific Committee (SC-CAMLR-XXII, Annex 6).

#### Toothfish

4.30 The Commission noted that Members had fished for *D. eleginoides* in 2003/04 in Subarea 48.3 and Division 58.5.2, and for *Dissostichus* spp. in Subareas 48.6, 88.1, 88.2 and Divisions 58.4.2 and 58.4.3b. Other fisheries for *D. eleginoides* occurred in the EEZs of South Africa (Subareas 58.6 and 58.7) and France (Subarea 58.6 and Division 58.5.1). A total of 13 307 tonnes of *Dissostichus* spp. was taken in the Convention Area during the 2003/04 season (to 24 September 2004), compared with 18 507 tonnes in the previous season (SC-CAMLR-XXIII, Tables 3 and 4).

4.31 Data reported in the CDS indicated that 10 966 tonnes of *Dissostichus* spp. was taken outside the Convention Area in 2003/04 (to 10 October 2004) and this compared with 24 137 tonnes in the previous season (SC-CAMLR-XXIII, Annex 5, Table 3.3). The Commission noted that the catch reported in the CDS in 2003/04 was 6 342 and 3 701 tonnes for Areas 41 and 87 respectively, down from 10 001 and 5 745 tonnes respectively for 2002/03 (SC-CAMLR-XXIII, paragraph 4.24).

4.32 The Commission noted with concern that the Scientific Committee was unable to provide specific management advice for *D. eleginoides* in Subarea 48.3 for the coming season (SC-CAMLR-XXIII, paragraphs 4.57 to 4.61).

4.33 The Scientific Committee had considered two approaches to assessing *D. eleginoides* in Subarea 48.3:

- (i) The first approach was to choose a catch that, given the base-case conditions, should not substantially increase the probability of the spawning stock being depleted. Figure 3 (SC-CAMLR-XXIII) was provided to indicate the change in probability of depletion given a specified annual catch. The probabilities that account for the CPUE series were those where greater emphasis was given to simulation trials that have similar trends during the historical catch series to the trends indicated by the standardised CPUE. The increase in the slope of both graphs around a catch level of 2 000 tonnes was a reflection that the base-case assesses sustainable yield at 1 900 tonnes. The Scientific Committee agreed that

the decision of what level of catch could be taken without a ‘substantial increase in the probability of depletion’ was not a scientific issue and fell within the remit of the Commission.

- (ii) The second approach was based on the tagging estimates and scaled recruitment series. This suggested annual yields of 4 200–4 900 tonnes, but considering the uncertainty surrounding some of the assumptions discussed above, a more conservative yield was calculated by taking the lower 95% confidence limit of the tagging analysis. This gave an annual yield of 3 050 to 3 750 tonnes.

4.34 The Scientific Committee was unable to recommend a specific catch limit for *D. eleginoides* in Subarea 48.3 for the coming season.

4.35 The Commission endorsed the Scientific Committee’s recommendation that the catch limit for the forthcoming season be divided into three management areas (SC-CAMLR-XXIII, Annex 5, paragraph 5.173 and Figure 4):

Area A (West Shag Rocks): 0% of the catch limit

Area B (Shag Rocks): 30% of the catch limit

Area C (South Georgia): 70% of the catch limit.

4.36 The Commission also endorsed the Scientific Committee’s recommendation that in order to ensure the monitoring of the stock at West Shag Rocks, research may be undertaken in this area in 2004/05. A research exemption limit of 10 tonnes was agreed with any catch taken from this area to be counted towards the catch limit in Subarea 48.3.

4.37 The Commission endorsed the advice of the Scientific Committee regarding *D. eleginoides* in Division 58.5.2 (SC-CAMLR-XXIII, paragraphs 4.75 and 4.76).

4.38 The Commission also endorsed the advice of the Scientific Committee regarding *D. eleginoides* in the French EEZs in Division 58.5.1 and Subarea 58.6, and the South African EEZ in Subareas 58.6 and 58.7 (SC-CAMLR-XXIII, paragraphs 4.66, 4.67 and 4.79 to 4.86).

4.39 The Scientific Committee had also provided advice on the prohibition of directed fishing for *D. eleginoides* in areas outside national jurisdiction in Subareas 58.6 and 58.7, and Divisions 58.4.4 and 58.5.1.

4.40 Russia urged the Commission to develop a consolidated approach to managing *Dissostichus* spp. in the Convention Area, including EEZs and the high seas.

#### Icefish

4.41 The Commission noted that Members had fished for *C. gunnari* in Subarea 48.3 and Division 58.5.2 in 2003/04, and a total of 2 737 tonnes of *C. gunnari* was taken in the Convention Area (to 24 September 2004), compared with 4 331 tonnes in the previous season (SC-CAMLR-XXIII, Tables 3 and 4).

4.42 The Commission endorsed the advice of the Scientific Committee regarding *C. gunnari* in Subarea 48.3 (SC-CAMLR-XXIII, paragraphs 4.97 and 4.99). The notification for an exploratory bottom trawl fishery was discussed under item 9.

4.43 The Commission endorsed the advice of the Scientific Committee regarding *C. gunnari* in Division 58.5.2 (SC-CAMLR-XXIII, paragraphs 4.106 and 4.107).

4.44 The Commission agreed that the fishery for *C. gunnari* within the French EEZ of Division 58.5.1 should remain closed until information on stock status is obtained from a survey (SC-CAMLR-XXIII, paragraph 4.109).

#### Other finfish species

4.45 The Commission endorsed the advice of the Scientific Committee regarding other finfish fisheries in Subareas 48.1, 48.2, 48.3 and 48.4 (SC-CAMLR-XXIII, paragraphs 4.110 to 4.115).

#### By-catch species

4.46 The Commission noted the work and recommendations of the Scientific Committee in relation to by-catch (SC-CAMLR-XXIII, paragraphs 4.194 to 4.209). *Inter alia*, the Scientific Committee had:

- (i) no new information to update the estimate of the precautionary by-catch limit of *Macrourus carinatus* in Division 58.5.2 and *Macrourus* spp. in Divisions 58.4.3a and 58.4.3b;
- (ii) recommended that precautionary measures which place upper limits on by-catch and reduce the potential for localised depletion be adopted;
- (iii) agreed that the status quo for managing macrourid by-catch by SSRU in Subarea 88.1 (16% of the catch limit of *Dissostichus* spp. or 20 tonnes, whichever is the greater) should remain in force;
- (iv) indicated that the development of avoidance and mitigation measures for by-catch species be given high priority;
- (v) strongly reiterated the need for accurate reporting of by-catch in all data formats;
- (vi) noted that IUU fishing is also likely to result in mortality of by-catch species;
- (vii) recommended that vessels be advised that, where possible, they should cut all rajids from their lines whilst the rajids were still in the water, except on the request of the scientific observer;

- (viii) noted that a relaxation of the above requirement to cut all rajids from lines whilst still in the water may be necessary so that tag and recapture programs could be conducted in longline fisheries if the detection probability of tagged rajids at the sea surface is low;
- (ix) urged Members and observers to provide reports to the Secretariat on methods or strategies of fishing that minimise non-target fish by-catch;
- (x) noted the potential impact of competition between vessels in new and exploratory fisheries on by-catch mitigation.

#### Crab resources

4.47 The Commission noted that the fishery for crab in Subarea 48.3 was not carried out in the 2003/04 season and that no proposal to harvest crab had yet been received for the 2004/05 season. The Commission endorsed the management advice provided by the Scientific Committee (SC-CAMLR-XXIII, paragraph 4.211).

#### Squid resources

4.48 The Commission noted that the fishery for *Martialia hyadesi* in Subarea 48.3 was not carried out in the 2003/04 season and that no notification to harvest this species had been received for the 2004/05 season. The Commission endorsed the management advice provided by the Scientific Committee (SC-CAMLR-XXIII, paragraph 4.213).

#### Scientific research exemption

4.49 The Commission noted that scientific research surveys notified to the Secretariat under Conservation Measure 24-01 are regularly updated on the CCAMLR website. Notifications of surveys in 2004/05 received by the Secretariat were also listed in CCAMLR-XXIII/BG/8.

4.50 One notification, submitted by New Zealand on 23 July 2004 (SC-CAMLR-XXIII/BG/17), was for a longline survey of *D. mawsoni* in Subarea 88.3. In providing this notification, New Zealand proposed that the survey vessel could take no more than 100 tonnes of *D. mawsoni* and no more than 35 tonnes of all other species combined. The Commission noted the Scientific Committee's consideration of this proposal (SC-CAMLR-XXIII, paragraphs 8.3 to 8.9).

#### Secretariat supported activities

4.51 The Commission noted the work undertaken by the Secretariat's Data Centre in the 2003/04 intersessional period (SC-CAMLR-XXIII, paragraphs 12.1 to 12.7). This included:

- (i) a revision of a number of databases used in support of the work of the Scientific Committee;
- (ii) further validation of survey data, and improvements to data form C4 used for submitting data from bottom trawl surveys;
- (iii) the development and updating of Fishery Plans for all fisheries (including closed fisheries) in the Convention Area for the 2003/04 season, and for toothfish in Subareas 48.3, 88.1 and 88.2 and Division 58.5.2, icefish in Subarea 48.3 and Division 58.5.2 and krill in Area 48 and Divisions 58.4.1 and 58.4.2, for the complete time series over which management measures have been in force.

4.52 The Commission recalled that it had requested the Secretariat to develop a procedure for forecasting closures in SSRUs (CCAMLR-XXII, paragraph 9.20). This request was addressed in CCAMLR-XXIII/38. The paper also examined other monitoring issues of concern to the Data Centre. The Commission discussed this matter under item 10.

#### Rules for Access and Use of CCAMLR Data

4.53 The Commission noted that the Scientific Committee had agreed that Members making data requests should clearly indicate the nature of their proposed work with respect to distinguishing between the work indicated in paragraphs 2(a) and 2(b) of the rules.

4.54 The Commission agreed that, in the case of work endorsed by the Scientific Committee or the Commission, Members should include in their data request detailed reference to the relevant sections of the Commission and Scientific Committee reports. This would assist the Secretariat in evaluating the nature of the proposed work and in determining the applicable process under the rules (SC-CAMLR-XXIII, paragraph 12.8).

4.55 The Commission noted that the Scientific Committee had reviewed and revised its rules of procedure for submission of papers to the Scientific Committee (SC-CAMLR-XXIII/5 Rev. 1; SC-CAMLR-XXIII, paragraphs 12.13 to 12.19).

#### Publications

4.56 In addition to the annual reports of CCAMLR, the Commission noted that the following documents were also published during 2004:

- (i) *CCAMLR Scientific Abstracts*, covering abstracts of papers presented in 2003
- (ii) *CCAMLR Science*, Volume 11
- (iii) *Statistical Bulletin*, Volume 16
- (iv) Revisions to *Inspectors Manual* and *Scientific Observers Manual*.

4.57 The Commission approved the Scientific Committee's request for continued funding in 2005 for language support for *CCAMLR Science*.

4.58 The Commission noted that the special issue of *Deep Sea Research II*, dedicated to the CCAMLR-2000 Survey, was currently in press. CCAMLR had contributed A\$10 000 to the costs of publishing this special issue (CCAMLR-XX, paragraph 4.42).

4.59 The Commission also noted that the Convener of WG-EMM (Dr R. Hewitt, USA) and the former Convener of WG-FSA (Dr I. Everson, UK), and Dr C. Jones (USA) had participated in the Fourth World Fisheries Congress and had presented a paper describing CCAMLR's approach to resource management. This paper will be published in the proceedings of the conference (SC-CAMLR-XXIII, paragraph 12.12).

#### Scientific Committee activities planned for 2004/05

4.60 The Commission noted that the following meetings of the Scientific Committee's working groups are planned during the 2004/05 intersessional period:

- (i) meeting of WG-EMM scheduled in the Tokyo area, Japan, during a two-week period between 27 June and 22 July 2005;
- (ii) meeting of WG-FSA, including ad hoc WG-IMAF, scheduled in Hobart, Australia, from 10 to 21 October 2005;
- (iii) meeting of WG-FSA-SAM scheduled in the Tokyo area, Japan, during the week immediately prior to WG-EMM-05;
- (iv) a second workshop on the age determination of *C. gunnari* is scheduled in 2005 (dates and venue to be determined).

4.61 In addition, the Commission endorsed the proposal from the Scientific Committee to establish a subgroup on Acoustic Survey and Analysis Methods (SG-ASAM). The first meeting of the Subgroup was tentatively scheduled for sometime before the 2005 meeting of WG-EMM in July (SC-CAMLR-XXIII, paragraph 13.5).

4.62 The Commission endorsed the work plan of the Scientific Committee and its working groups (SC-CAMLR-XXIII, paragraphs 13.1 to 13.16, Annex 4, Table 4 and Annex 5, Table 13.1 and Appendix D). This plan included work to resolve the outstanding uncertainties in the current status of the stock and estimated long-term yield for *D. eleginoides* in Subarea 48.3 (SC-CAMLR-XXIII, paragraphs 4.62 and 4.63).

4.63 The Commission noted that the work plan also included strategic planning in relation to the work of the Scientific Committee and its working groups, as well as the support provided by the Secretariat (SC-CAMLR-XXIII, paragraphs 3.92 and 3.98).

4.64 The Commission noted that the Scientific Committee had considered two options to further improve the focus of the report of WG-FSA and the accessibility of information to the Scientific Committee and the Commission (SC-CAMLR-XXIII, paragraphs 13.8 to 13.14). Both options focused on retaining management advice and information essential to the work of the Scientific Committee in the body of the report. The two options differed in the way in which the remaining text, which provided background information and advice for future work of WG-FSA, would be presented:

- Under Option 1, the remaining text would be transmitted to the Scientific Committee in the form of an appendix which would be translated during the intersessional period and published in the report of WG-FSA.
- Under Option 2, the remaining text would be transmitted to the Scientific Committee in the form of a SC-CAMLR background document which would not be translated and would be subject to the Rules for Access and Use of CCAMLR Data.

4.65 The Commission agreed with the Scientific Committee's recommendation and endorsed Option 1. However, in doing so, the Commission urged the Scientific Committee and its working groups to exercise restraint during drafting, and asked conveners to edit reports so that the information is presented as concisely as possible.

4.66 The Commission also considered the information from WG-FSA-04 which was presented to the Scientific Committee in background documents SC-CAMLR-XXIII/BG/21, BG/22 and BG/23. It was agreed that these documents would not be translated in 2005, and would not be included in the published report of WG-FSA-04.

4.67 The Commission noted that Dr Holt's second term as Chair ended at the close of CCAMLR-XXIII, and the Scientific Committee had unanimously elected Dr E. Fanta (Brazil) to the position for a term of two regular meetings (2005 and 2006). The Commission joined the Scientific Committee in thanking Dr Holt for his tremendous contribution during his four-year term. That period had seen an expansion in the role of the Scientific Committee and Dr Holt had ushered in the changes with grace and responsibility.

4.68 The Commission welcomed Dr Fanta in her new role as Chair of the Scientific Committee in 2005 and 2006.

4.69 The Commission also noted that:

- Dr Sushin's term as Vice-Chair of the Scientific Committee also ended in 2004 and the Scientific Committee had unanimously elected Dr H.-C. Shin (Republic of Korea) to the position for a term of two regular meetings (2005 and 2006);
- Ms K. Rivera (USA) and Mr N. Smith (New Zealand) will co-convene ad hoc WG-IMAF following the retirements of Prof. J. Croxall (UK) (Convener) and Mr B. Baker (Australia) (Deputy Convener);
- Dr Jones will replace Dr A. Constable (Australia) as convener of WG-FSA-SAM.

4.70 The Commission joined the Scientific Committee in thanking the outgoing conveners for their contributions to the work of the Scientific Committee, and in welcoming the new conveners.

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

### Incidental mortality of marine animals during fishing operations

5.1 The Commission considered advice prepared by the Scientific Committee on the assessment and avoidance of incidental mortality of Antarctic marine living resources (SC-CAMLR-XXIII, paragraphs 5.1 to 5.48). It endorsed the report, its conclusions and advice (specifically paragraphs 5.46 to 5.48), subject to the comments below.

5.2 The Commission, in noting advice from the Scientific Committee, welcomed the reports of:

- (i) the continuing low levels and rates of seabird by-catch in regulated longline fisheries in most parts of the Convention Area in 2004;
- (ii) substantial reductions in by-catch levels and rates (by 73 and 76% respectively) in the French EEZs in 2004, reflecting substantial intersessional initiatives by France, including revision to fishing practices.

5.3 The USA noted, with pleasure, the reduction of seabird by-catch reported in the French EEZs over the past year, and encouraged France to implement the further recommendations noted by the Scientific Committee (SC-CAMLR-XXIII, paragraph 5.7).

5.4 France thanked the USA for its comments and was pleased to inform the Commission that its efforts to reduce seabird by-catch this year have borne positive results. It also thanked its fishing industry, Australia and New Zealand for their cooperation and help in putting new techniques in place. France continued to refine its methods to avoid incidental mortality of seabirds and considered that it would be able to produce good results in this regard, even though as great a reduction as was recorded last season would seem difficult to achieve in the next season.

5.5 Poland informed the Commission that, compared to last year, it had also improved its record with no reports of incidental mortality of marine mammals and seabirds during fishing operations in 2004.

5.6 The Commission noted with concern the reduced compliance this year with several elements of Conservation Measure 25-02. It noted that many of these requirements have been in force for some time and that vessels should have no problem with their implementation. The Commission requested Members to ensure that their vessels fully comply with all elements of Conservation Measure 25-02.

5.7 New Zealand referred to the report of WG-FSA (SC-CAMLR-XXIII, Annex 5) and noted that if compliance with Conservation Measure 25-02 is interpreted strictly, only 13 of 40 vessels fully complied with all elements of the measure this year. The fully compliant vessels were *Burdwood*, *Isla Sofía*, *Janas* (Australia), *Janas* (New Zealand), *Eldfisk*, *Gudni Olafsson*, *San Aotea II*, *Yantar*, *Piscis*, *American Warrior*, *Froyanes*, *Avro Chieftain* and *San Liberatore*. Some other vessels failed to comply by small margins.

5.8 New Zealand also noted the advice of the Scientific Committee that vessels should make every effort to improve compliance in order to reattain, and preferably exceed, the levels of compliance with Conservation Measure 25-02 reported in 2003 (SC-CAMLR-XXIII, paragraph 5.14).

5.9 South Africa informed the Commission that it viewed these contraventions of conservation measures seriously. It reported that domestic policy on fishing issues is currently being revised and a suite of policies is being developed to deal with contraventions of conservation measures.

5.10 Spain informed the Commission that in 2003 the Spanish non-governmental organisation SEO-BirdLife organised an international competition with a €18 000 prize promoting best practice for fishers. It was aimed at finding new, simple and effective solutions to reduce the interaction between seabirds and fishing vessels. The winners of the prize, two fishers from New Zealand and Australia, used fish oil to form a slick astern of the vessel which deterred seabirds from this area while baits were being set. Spain informed the Commission that its vessels will be testing this in the Convention Area and urged others to trial this method.

5.11 Australia noted the work done on integrated weighted lines (IWLs) by CCAMLR scientists. It informed the Commission that Dr G. Robertson (Australia) was awarded a Pew Fellowship in Marine Conservation for his work on seabird mitigation measures.

5.12 The Commission endorsed the following recommendations made by the Scientific Committee (SC-CAMLR-XXIII, paragraph 5.47):

- (i) for improvements to by-catch mitigation measures for implementation in the French EEZs;
- (ii) for improved performance in implementation of conservation measures related to mitigation of seabird by-catch;
- (iii) requests for key data on streamer line aerial extent and sink rate of externally weighted autolines to enable improvements to Conservation Measure 25-02;
- (iv) provision of reports from Argentina, France, South Africa and the UK, and other Members as appropriate, for summarised data on status, trends and distribution (at sea) of albatross and petrel populations.

5.13 The Commission considered specific advice proposed by the Scientific Committee (SC-CAMLR-XXIII, paragraph 5.48).

5.14 The decisions taken by the Commission relating to advice concerning revision of Conservation Measure 24-02, exemption of night-setting requirements for autoline vessels operating in Division 58.5.2 and mitigation measures in relation to increased levels of incidental mortality in icefish trawl fisheries in Subarea 48.3, are discussed in section 10.

5.15 In relation to trawl fisheries for krill, the Commission noted evidence of increased levels of entrapment, and with some vessels subsequent mortality, of Antarctic fur seals.

5.16 Japan drew the Commission's attention to paragraph 5.36 of the Scientific Committee's report (SC-CAMLR-XXIII). It was pleased to know the seal-excluder devices developed by Japanese trawler companies were appreciated by the Scientific Committee and would be willing to provide more information to Members on request through the Japan Deep Sea Trawlers Association.

5.17 The UK congratulated Japan on its pioneering efforts to minimise entrapment and incidental mortality of seals in the trawl fishery for krill and commended other Members who had provided information on other devices which also appear to be successful in this regard.

5.18 Ukraine informed the Commission of the successful use of a rope-trawl net design used on the *Konstruktor Koshkin* which enables seals to escape, and recommended that net designs should also be considered to prevent seal by-catch in the krill fishery.

5.19 Chile also joined others in their approval of the measures taken by Japan to minimise seal by-catch. Chile stressed the need for observers to monitor and report by-catch on krill vessels. They believed that seal by-catch has not been taken as seriously as it should and the Commission needs to place more emphasis on this problem, in particular, taking into account initiatives proposed under the International Polar Year (IPY) such as the Census of Marine Life (CoML) and possible synoptic krill survey.

5.20 With respect to seal-exclusion devices for krill trawl vessels, the Commission endorsed the recommendation of the Scientific Committee that information on all such devices should be combined and circulated to CCAMLR Members and other interested parties (SC-CAMLR-XXIII, paragraph 5.37(i)).

5.21 The Commission noted that all notifications for new and exploratory fisheries were in conformity with advice relating to incidental mortality of seabirds (SC-CAMLR-XXIII, paragraph 5.23(iv)).

5.22 Prof. Croxall, as the outgoing Convener of ad hoc WG-IMAF, commented that the Commission's success in reducing IUU toothfish removals had also reduced the estimates of seabirds killed in IUU operations to levels only slightly greater than the total estimated for all regulated fisheries in the Convention Area. However, substantial numbers of seabirds from the Convention Area were still being killed by fishing operations outside the Convention Area – and almost certainly at levels much greater than the latest estimates of seabird by-catch associated with IUU fishing in the Convention Area. He noted that last year the Commission reiterated its desire to collaborate with those regional fisheries management organisations (RFMOs) with responsibilities for relevant areas outside the Convention Area (CCAMLR-XXII, paragraphs 5.17 to 5.19). Prof. Croxall was disappointed with the lack of response from these RFMOs and urged the Commission to reaffirm its request for communication and data exchange between CCAMLR and other RFMOs.

5.23 The Republic of Korea informed the Commission that CCSBT recently held a meeting of its Ecologically Related Species (ERS) working group where seabird mitigation measures were discussed, and its members were urged to keep developing seabird mitigation measures in the tuna fisheries.

5.24 South Africa informed the Commission of its intention to standardise fishing permit conditions so that when its vessels fish in areas under the jurisdiction of other RFMOs, mitigation measures of the highest standard are adhered too.

5.25 Chile proposed that the Secretariat write a letter, signed by the Members of the Commission, to all RFMOs with competency for fishing activities adjacent to the Convention Area, urging them to adopt appropriate by-catch mitigation measures.

5.26 The Executive Secretary informed the Commission of the Secretariat's efforts to contact and inform other RFMOs of the requirements agreed to by CCAMLR to reduce by-catch (COMM CIRC 04/54 and SC CIRC 04/17), but had not received any response. It was felt that a letter on behalf of the Commission, rather than a request from the Secretariat, may be more appropriate.

5.27 The Commission therefore requested the Executive Secretary to draft a letter, to be signed by the Chair of the Commission, to RFMOs, informing them about CCAMLR's seabird mitigation measures and inviting the establishment of cooperative working relationships to effectively address the reduction of incidental mortality of seabirds.

5.28 The USA suggested that the Commission develop a resolution that encourages outreach to, and action and feedback from, the appropriate RFMOs, and urged CCAMLR Members that are also members of other RFMOs to ensure CCAMLR's issues are raised at relevant meetings.

5.29 Resolution 22/XXIII was developed and adopted by the Commission (paragraph 10.98).

5.30 The Commission thanked Prof. Croxall for all his hard work and dedication in guiding ad hoc WG-IMAF over the past seven years, noting that his efforts had helped CCAMLR to achieve a major reduction of incidental mortality of marine mammals and seabirds, to the extent that CCAMLR now leads in this respect amongst international organisations involved in fishing activities.

5.31 The UK welcomed the valuable debate on incidental mortality of marine animals during fishing operations. It noted that a paper prepared by the Secretariat (CCAMLR-XXIII/BG/23) is to be submitted to the First Meeting of Parties of the Agreement on the Conservation of Albatrosses and Petrels (ACAP), to be held from 10 to 12 November 2004. The UK suggested that once the Commission report is adopted, the part of the report dealing with incidental mortality, along with the ad hoc WG-IMAF report, should be submitted to the ACAP meeting.

5.32 Some Members urged those Members who have not yet ratified ACAP, and that are Range States and fishing nations, to do so as soon as possible.

5.33 The Commission invited Members to implement FAO's International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds) and to develop and implement effective and practicable National Plans of Action (NPOAs) as soon as possible.

## Marine debris

5.34 The Commission noted the report prepared by the Secretariat and considered by the Scientific Committee on the current status and trends of national surveys on monitoring marine debris and its impact on marine mammals and seabirds in the Convention Area (SC-CAMLR-XXIII/BG/11; SC-CAMLR-XXIII, paragraphs 6.1 to 6.14).

5.35 The Commission noted that Members conducted marine debris programs in accordance with the CCAMLR standard methods at 11 sites, all within Area 48. These data are submitted to CCAMLR and entered into the marine debris database. It was noted that Uruguay has submitted data on beached marine debris from their site on King George Island for the fourth consecutive year and so these data have been included in this year's review.

5.36 Members, locations and duration of marine debris surveys are as follows:

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

5.37 The Commission noted that the trends reported from monitoring sites within the Convention Area showed a decrease in marine debris for the 2004 season (SC-CAMLR-XXIII, paragraph 6.3). In particular, beached items such as packaging bands, fishing gear and wood items at Bird Island and Signy Island continued to decrease, as well as a decrease in the levels of debris associated with seabird colonies and marine mammal entanglements at Bird Island. The number of seabirds contaminated with hydrocarbons also remains low.

5.38 The Commission noted the suggestion of the Scientific Committee (SC-CAMLR-XXIII, paragraph 6.6) that Members be invited to submit pertinent papers relating to the methods used for the analyses of marine debris data for consideration by the Scientific Committee next year.

## IMPLEMENTATION AND COMPLIANCE

### Report of SCIC

6.1 The meeting of SCIC was held from 25 to 29 October 2004 and chaired by Ms R. Tuttle (USA). All Members of the Commission and observers invited by CCAMLR participated in the meeting.

6.2 The SCIC Chair submitted the Committee's report (Annex 5) as related to items 6, 7 and 8 of the Commission's agenda and drew the attention of the Commission to a number of

recommendations made by SCIC. The deliberations of the Commission on SCIC recommendations in respect of compliance and implementation issues are given below in paragraphs 6.3 to 6.15. The deliberations of the Commission on recommendations in respect of the CDS and IUU fishing in the Convention Area are given in sections 7 and 8 respectively.

6.3 The Commission adopted all recommendations made by SCIC in respect of implementation and compliance with conservation measures.

6.4 The Commission requested Members to submit reports of all port inspections of vessels according to Conservation Measures 10-02, 10-03 and 10-05. The European Community expressed concern that the Secretariat is currently receiving a very limited number of port inspection reports, and underlined the need for Members to immediately submit such reports whenever inspections reveal that the vessels concerned have infringed the conservation measures. The Commission noted that there is no standard format for the submission of port inspection reports. The Commission clarified, however, that if a vessel was found to be in full compliance with conservation measures, the port inspection report need do no more than simply state the details of the vessel inspected, the port and the date of inspection. More information would be required in reports relating to infringements.

6.5 In respect of SCIC's recommendation that vessel licences should be consistent with notification dates for new and exploratory fisheries, the Commission agreed that fishing licences should be consistent with conservation measures in force, i.e. from the previous season, but should allow for changes in fishing periods which could be introduced by new and revised conservation measures.

6.6 In respect of SCIC's recommendation that Members intersessionally review the proposed draft of the CCAMLR Plan of Action (POA) in support of IPOA-IUU, the Commission generally agreed that the CCAMLR POA required more development and that any intersessional work should commence with the establishment of terms of reference and a timeline, as well as the appointment of a convener and Member contacts. The Commission agreed that any CCAMLR POA should be consistent with the terms of UNCLOS and should reflect the objectives of the Convention.

6.7 The Commission endorsed the objective of the annual compliance assessment as well as steps identified by SCIC for its preparation (Annex 5, paragraphs 3.27 to 3.30). The Commission noted that the Scientific Committee has an important role to play in assessing performance of conservation measures.

6.8 In respect of SCIC's recommendation that the Commission conduct an annual assessment of compliance with conservation measures by fishing vessels, the European Community noted that the Commission decided last year that the compliance assessment was within the responsibility of SCIC (CCAMLR-XXII, paragraph 6.12). The European Community expressed the view that this assessment should be made on the basis of the different sources of information available to the Commission, including the reporting requirements set forth in the conservation measures as well as in the System of Inspection.

6.9 Chile expressed the view that future compliance assessments should contain more comprehensive criteria encompassing most of the conservation measures and not only those which deal with mitigation procedures.

6.10 Argentina expressed the view that a particular conservation measure should not be given any higher consideration when making a compliance assessment. Argentina believed that all conservation measures are equal and any priorities should be applied only by the Flag State.

6.11 The Commission agreed that the Secretariat identify the types of monitoring data and the method of collection that are currently used in the assessment of compliance with conservation measures. The Commission also agreed that SCIC and the Scientific Committee should comment on these methods and provide recommendations on their modification or adoption by the Commission meeting in 2005 (Annex 5, paragraph 3.30).

6.12 In relation to general compliance matters, Uruguay stated that it is fully committed to acting strictly in accordance with conservation measures in force. Uruguay acknowledged that, in the past, it had experienced difficulties in controlling the activities of its flag vessels due to a lack of experience and resources. Uruguay assured the Commission that it is now making a concerted effort to redress this situation and implement stringent control over its flag vessels. Such efforts would be concentrated via both Uruguayan fishing authorities and the Uruguayan Navy.

6.13 Uruguay noted that it had already presented to the Commission a detailed explanation of its procedures for the verification of catch documents and advised that its technical personnel were available to clarify its new requirements to any Member who wished it. Uruguay reminded the Commission that it had participated in SCIC and was fully supportive of amendments to measures which would improve compliance with conservation measures in force, particularly the centralised vessel monitoring system (C-VMS), as Uruguay believed that C-VMS would be an invaluable tool for the monitoring and control of fishing vessels. This information had also been conveyed to some Members intersessionally.

6.14 In respect of information contained in paragraph 5.4 of CCAMLR-XXIII/BG/27, submitted by ASOC, Uruguay drew the attention of the Commission to ASOC's statement that 'Singapore and Uruguay still operate ports where controls are doubtful'. Uruguay informed the Commission that, since the adoption of the CDS, it had adopted domestic legislation required for the implementation of the CDS, as well as suitable controls in order to implement it. Uruguay therefore affirmed with absolute confidence that, since 2000, it has not accepted the unloading of undocumented toothfish in Uruguayan ports.

6.15 Mauritius also informed the Commission that CCAMLR-XXIII/BG/27 contained inaccurate allegations that Mauritian ports were being used for undocumented transhipments of toothfish. Mauritius reminded the Commission that it does not allow any vessel to tranship toothfish in its ports unless that toothfish is accompanied by a catch document and the vessel can demonstrate that its VMS was fully operational for the entirety of the preceding fishing trip.

#### CATCH DOCUMENTATION SCHEME FOR *DISSOSTICHUS* spp.

7.1 In respect of a recommendation that the Commission adopt definitions for CDS terminology, in particular definitions for Port State, transhipment, landing, export, import and re-export (Annex 5, Appendix IV), the Commission noted the importance of these definitions,

and agreed that further work should be done intersessionally. The UK agreed to coordinate the intersessional work on the development of these definitions. Argentina noted that it would be useful if comments from Members could be submitted at least 30 days in advance of any annual meeting.

7.2 The USA thanked the UK for its agreement to coordinate this intersessional work and informed the Commission that it would continue to interpret these definitions as it had to this point. Countries exporting toothfish to the USA were encouraged to contact the USA, prior to exporting, if they anticipated a problem.

7.3 The Commission also noted the recommendation of SCIC, and adopted a resolution, regarding the implementation of E-CDS (paragraph 10.97).

7.4 In respect of information that the World Customs Organization (WCO) would implement harmonised tariff codes for toothfish on 1 January 2007, the Commission urged all Members to voluntarily adopt these codes as soon as practicable, prior to 2007 (Annex 5, paragraphs 4.11 and 8.2(x)).

7.5 The Commission noted that work initiated in 2002 by FAO on the harmonisation of catch documentation schemes amongst RFMOs was reviewed in 2004 by the COFI Sub-Committee on Fish Trade. The Commission noted that a further round of the RFMO expert consultation on harmonisation of catch documentation schemes was planned by FAO, with a meeting during 2005, and agreed that the CCAMLR Secretariat should continue to participate in the process.

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

8.1 The Commission considered the Proposed IUU Vessel List of Contracting Party Vessels and the Proposed IUU Vessel List of non-Contracting Party Vessels and SCIC's recommendations in respect of the IUU Vessel Lists for 2003/04.

8.2 The Commission agreed that all vessels included on the IUU Vessel Lists for 2003/04 be retained. France advised that the vessel *Eternal* had reflagged to Madagascar and had been converted to a passenger vessel. Nevertheless, France was of the view that the vessel should be retained on the IUU Vessel List for the time being.

8.3 The Commission agreed that the vessels *Maya V* and *Sherpa Uno* be included on the 2004/05 IUU Vessel List for Contracting Parties (Annex 5, Appendix III).

8.4 The Commission agreed that the vessels *Amorinn*, *Apache I*, *Champion-1*, *Golden Sun*, *Hammer*, *Koko*, *Lucky Star*, *Piscis*, *Ross*, *Sargo* and *Thule* be included on the 2004/05 IUU Vessel List for Non-Contracting Parties (Annex 5, Appendix III).

8.5 The Commission noted that a number of other vessels had been discussed by SCIC and considered information in respect of the Ukrainian-flagged vessels *Mellas* and *Simeiz*. It also noted that the *Simeiz* had been notified as intending to participate in the exploratory fisheries in Subarea 88.1 and Divisions 58.4.1 and 58.4.2 in the 2004/05 fishing season (Annex 5, paragraphs 2.35 to 2.48).

8.6 South Africa referred to the acceptance at ATCM-XXVII of Ukraine as a Consultative Party to the Antarctic Treaty and quoted the following from the statement made by the Minister of Education and Science of Ukraine at ATCM-XXVII. In particular,

‘Ukraine would like to express its deepest regret and apologise in view of the concern raised by a number of Consultative Parties over the position of the Ukrainian Delegate at CCAMLR-XXII with respect to some Ukrainian-flagged vessels engaged in toothfish fishing in the Convention Area. Ukraine assures the ATCM that the case would be thoroughly investigated. In fact, the investigation has already started, and preliminary data indicate that the vessels in question may be delicensed. The Ukrainian Government will take all necessary actions to prevent any violations in the future.’

South Africa, supported by New Zealand, noted that a number of issues still remained unanswered despite a report by Ukraine submitted to SCIC.

8.7 Ukraine assured the Commission that it fully acknowledged the importance of the issue, had considered it carefully and had made every effort to investigate all circumstances. Ukraine stressed that it has completely fulfilled its undertaking to examine the matter concerning the vessels *Mellas* and *Simeiz*. Ukraine advised the Commission that it believed that there was no justifiable basis for denying the vessels *Mellas* and *Simeiz* permission to participate in exploratory fisheries during the 2004/05 fishing season.

8.8 Ukraine noted that some Members had expressed concern with respect to the possible beneficial ownership of these vessels and stated that it could guarantee a genuine link as required by UNCLOS, between the abovementioned vessels, the Flag State and the Ukrainian vessel owners.

8.9 Ukraine also brought to the attention of the Commission that the CAMLR Convention and current conservation measures are based on Flag State responsibility, i.e. on a genuine link between vessel and Flag State, and that the concept of beneficial ownership has not yet been developed either in national and international legislation, nor does existing national and international legislation make any provision for denying fishing rights to a vessel on the basis of the beneficial ownership of that vessel.

8.10 Ukraine expressed the belief that the concept of beneficial ownership is important in terms of the CCAMLR efforts to eliminate IUU fishing in the Convention Area, but that it requires further attention and clarification. At the present time, CCAMLR has no criteria to identify beneficial ownership with any degree of certainty.

8.11 Ukraine further noted that, in respect of beneficial owners, it had proposed that the Commission identify a list of companies whose actions may have been detrimental to the objectives of the Convention and requested Members to ensure that their flag vessels avoid any business contacts with such companies in future. Ukraine noted that it has proposed amendments to conservation measures which aim to specifically address this issue.

8.12 Ukraine also drew the attention of the Commission to a letter it had submitted to the Secretariat explaining beneficial ownership in relation to Ukrainian legislation. In this letter Ukraine explained that its national legislation allowed it to flag only those vessels which were the property of the State or of a Ukrainian citizen or legal entity founded in, and operated

from, Ukraine, or is a vessel which such entities might have under the conditions of a bare-boat charter. Ukraine is concerned with the approach to consider the situation around the Ukrainian vessel *Simeiz*, notified for a new and exploratory fishery, from any position other than that based on international law in force. Whilst demonstrating strict adherence to the principle of faithful fulfilment of obligations taken in accordance with international conventions, Ukraine insisted that the situation concerning the *Simeiz* notification should be regarded strictly in accordance with CCAMLR conservation measures in force.

8.13 New Zealand said that the circumstances surrounding the *Florens-1 (Simeiz)* and *Eva-1 (Mellas)* presented a serious challenge to the Commission, particularly as the *Simeiz* had been notified by Ukraine for CCAMLR's exploratory fisheries. The continuing link between the vessel and the beneficial owners it had when engaged in suspected IUU fishing activities had been well documented by New Zealand, the European Community, France and the UK. Many Members had expressed a strong view that the vessel should be prevented from participating in exploratory fisheries in the future. The Chair of SCIC had reminded Ukraine that if any new information concerning ownership of the *Simeiz* was obtained this should be made available to the Commission. New Zealand had recently shared with Ukraine confidential information which conclusively proved the ownership and control of the vessels *Simeiz*, *Mellas* and *Sonrisa* was with Sunhope Investments, subsidiary of Pacific Andes International Ltd, which was implicated in much of the IUU fishing effort in the Convention Area. New Zealand asked Ukraine in the light of such information to substitute another vessel for the *Simeiz* in its notification for CCAMLR exploratory fisheries and not put the Commission's credibility at risk.

8.14 France expressed disappointment that it had sent documents to Ukraine which indicated links between the current and previous owners of the vessels *Mellas* and *Simeiz* and that, whilst these documents did not constitute legal proof of such a link, France believed that Ukraine's response had not been entirely satisfactory. France expressed its disappointment with Ukraine's response in regard to the question of the beneficial owners of the vessels *Simeiz* and *Mellas*. Taking into account the confidential information obtained by New Zealand implicating the owner of the *Simeiz* in IUU fishing in the Convention Area, France asked Ukraine to withdraw this vessel from the list of notifications for exploratory fisheries pending further clarification.

8.15 The European Community agreed with the view of France that the information submitted by Ukraine in respect of the vessel owners did not specifically address the questions which had been raised intersessionally. The European Community noted that the information provided by Ukraine did not seem to address the queries raised by SCIC or those raised during the intersessional period relating to the ownership of the vessels. The Ukrainian letter of 29 October 2004 did not provide any factual information relating to the ownership of the vessels, but only information on Ukraine's current registration provisions. In following up paragraph 8.60 of CCAMLR-XXII, the European Community had conducted investigations which indicated that the Ukrainian company reported to be the owner of the vessels was incorporated in 2003, the year in which the vessels were registered under the Ukrainian flag. The investigations indicated that this company had no employees. The European Community expressed the view that it would seem difficult for a newly incorporated company to purchase three vessels, of which two were quite new. The European Community investigations had also indicated that the three vessels were operated by a Taiwanese manager.

8.16 Norway informed the Commission that it had a long history of listing those vessels with a history of engaging in IUU fishing. According to Norwegian national legislation adopted in 1994, all black-listed vessels were perpetually prohibited from fishing in the Norwegian EEZ and will not be entitled to fly the Norwegian flag, irrespective of changes in their ownership. Norway advised that the vessels *Eva-1* and *Florens-1* had been included on the Norwegian black-list and would remain so listed in perpetuity. Norway also pointed out that it would not be consistent with Norwegian policy to allow the vessels *Mellas* and *Simeiz* to participate in future new and exploratory fisheries.

8.17 Australia noted that Ukraine's letter outlined elements which should be adopted by all Flag States before flagging a vessel, however Australia also noted that background checks that underlie such legislation were crucial to ensuring its integrity. Further, Australia noted all Members flagging vessels were responsible for those vessels and ensuring they did not have any links with companies known, or suspected, to engage in IUU fishing.

8.18 Chile agreed with Australia, but noted that CCAMLR does not make provision for excluding vessels where there had been no recorded breach of a conservation measure. Chile believed that it was important not to discriminate between Members and non-Contracting Parties and recalled that two categories of IUU Vessel Lists had been created by the Commission because Contracting Parties should have both a greater obligation to comply with CCAMLR measures and a better means of defence. Chile asked Ukraine to make every effort to investigate the matter as it believed that recent changes in flagging practices were undermining the objectives of the Convention.

8.19 Ukraine thanked the Commission for enabling it to clarify some of the difficulties it had experienced with its own national legislation and reiterated that it is fully open to future cooperation.

8.20 In discussing other vessels, the Commission also noted that the Vanuatu-flagged vessel *Atlantic Navigator* had fished for krill during 2004 but had submitted, after considerable delay, incomplete data required in accordance with Conservation Measure 23-06.

8.21 The Commission noted with some concern the level of fishing (60 000 tonnes) of krill anticipated by Vanuatu next season. The Commission endorsed the recommendation of SCIC (Annex 5, paragraphs 2.23 to 2.30) and accordingly requested that the Executive Secretary write to Vanuatu expressing serious concerns over its future fishing plans in the Convention Area and urging Vanuatu as a matter of priority to consider applying for membership of the CCAMLR Commission.

## NEW AND EXPLORATORY FISHERIES

### New and exploratory fisheries in the 2003/04 season

9.1 The Commission noted that 10 conservation measures relating to 12 exploratory fisheries were in force during the 2003/04 season, but fishing only occurred in respect of five fisheries (SC-CAMLR-XXIII, paragraphs 4.116 to 4.124):

- (i) Fishing occurred in Subarea 48.6 north of 60°S, Divisions 58.4.2 and 58.4.3b, and Subareas 88.1 and 88.2.

- (ii) In most of these fisheries, the fishing effort was low and the catches reported were relatively small.
- (iii) As has been the case for the last few years, the notable exception was the exploratory fishery for *Dissostichus* spp. in Subarea 88.1 where a total of 2 166 tonnes of *Dissostichus* spp. was taken against a catch limit of 3 250 tonnes.
- (iv) The total catch limit of 375 tonnes was taken by three New Zealand-flagged vessels in the exploratory *Dissostichus* spp. fishery in Subarea 88.2.
- (v) The exploratory fishery in Division 58.4.2 was undertaken by one Australian-flagged vessel which caught 20 tonnes of *Dissostichus* spp. against a catch limit of 500 tonnes.
- (vi) An exploratory fishery was undertaken in Division 58.4.3b for the first time by one Australian-flagged vessel which caught 7 tonnes of *Dissostichus* spp. against a catch limit of 300 tonnes.
- (vii) The exploratory fishery in Subarea 48.6 (north of 60°S) was undertaken by one Japanese-flagged vessel which caught 7 tonnes against a catch limit for *Dissostichus* spp. of 455 tonnes.

9.2 The Commission noted that the Secretariat had encountered significant difficulties in monitoring fisheries in 2003/04. This had resulted in eight instances where catches exceeded their catch limits, and most of these instances occurred in exploratory fisheries. The difficulties were outlined in CCAMLR-XXIII/38, and a number of changes and improvements were proposed. This matter was discussed in section 10.

9.3 The Commission also noted that Dr L. Pshenichnov (Ukraine) had presented a proposal to amend a number of conservation measures that related to the exploratory fisheries for *Dissostichus* spp. (SC-CAMLR-XXIII/7). The intention of the proposal was to ensure that these conservation measures met the requirements of paragraph 2 of Conservation Measure 41-01, to ensure the spread of fishing throughout the geographic and bathymetric range of the stock (SC-CAMLR-XXIII, paragraph 4.155). This matter was discussed in section 10.

#### Notifications for new and exploratory fisheries in the 2004/05 season

9.4 The Commission noted that 13 Members had submitted a total of 26 notifications for exploratory longline fisheries for *Dissostichus* spp. in Subareas 48.6, 88.1, 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b in 2004/05 (summarised in SC-CAMLR-XXIII/BG/3). In addition, one notification had been made for an exploratory bottom trawl fishery for *C. gunnari* in Subarea 48.3 (CCAMLR-XXIII/16). No notifications had been made for new fisheries.

9.5 The Commission noted with concern that (SC-CAMLR-XXIII, paragraphs 4.136 to 4.138):

- (i) there was a large number of notifications for fishing in Subareas 88.1 (10 notifications for up to 21 vessels), 88.2 (five notifications for up to 10 vessels) and Subarea 48.6 and Divisions 58.4.1, 58.4.2 and 58.4.3b (between 7 and 11 vessels);
- (ii) depending on the size of the precautionary catch limits, this implied that if all vessels operated simultaneously, the available catch per vessel could be lower than that required for economic viability, especially for those vessels operating in high latitudes where fishing imposes considerable operational difficulties;
- (iii) if a large number of vessels actually undertake exploratory fishing, this may lead to problems with the standardisation of CPUE data for assessments and it may also reduce the effectiveness of the move-on rule for by-catch;
- (iv) it is likely that there will also be additional administrative problems in determining closure dates for fishing in SSRUs when many vessels are fishing simultaneously in a subarea or division (CCAMLR-XXIII/38).

9.6 The Commission expressed concern that the Scientific Committee had been unable to develop management advice based on assessments of yield and was therefore unable to provide any new advice on catch limits for any of the exploratory fisheries (SC-CAMLR-XXIII, paragraphs 4.140 and 4.141). However, the Scientific Committee made progress in the development of methods for monitoring abundance and estimating precautionary yields (SC-CAMLR-XXIII, paragraphs 4.141 and 4.152; see also WG-FSA-04/36 and WG-FSA-SAM-04/8).

9.7 The Commission noted that the Scientific Committee had reiterated the urgent need to develop a means for estimating abundance and providing assessments of stock status for all exploratory fisheries (SC-CAMLR-XXIII, paragraph 4.168).

9.8 Some Members recalled the Commission's view that it would take at least 10 years before a precise estimate of abundance could be obtained for *D. mawsoni* in Subarea 88.1 (CCAMLR-XXII, paragraph 9.25).

9.9 In relation to the assessment of stocks in Subarea 88.1, New Zealand stated that there was a slight misconception over progress made towards assessment of the exploratory fishery in Subarea 88.1. New Zealand had presented three papers to the WG-FSA-SAM meeting investigating various approaches including the development of an integrated assessment model of *D. mawsoni* using CASAL. New Zealand had also presented three stock assessment related papers to this year's WG-FSA meeting including further development of the CASAL stock assessment model. New Zealand has been deliberately cautious about trying to use the stock assessment results for providing advice this year. This is because there are issues with data quality and tag mixing assumptions and New Zealand did not want to present preliminary results and provide advice that may be substantially changed next year (the results are presented in WG-FSA-04/36). The assessment is based primarily on New Zealand tagging data – New Zealand has tagged 2 582 *D. mawsoni* over the past three years (1 262 tags by

New Zealand-flagged vessels in 2003/04) and has recaptured 28 of those fish so far. New Zealand noted that it had submitted its entire tagging database to the Secretariat during CCAMLR-XXIII.

9.10 New Zealand noted that it is committed to the continued development of this work over the coming intersessional period. By the time of the WG-FSA-SAM meeting in 2005, New Zealand intends to have a stock assessment for *D. mawsoni* in Subarea 88.1 available. The results will probably have wide confidence intervals but will provide the first independent assessment of this stock and will include yields based on CCAMLR decision rules. New Zealand also intends to carry out simulation work to progress the evaluation of the stock assessment model.

9.11 The Commission endorsed the Scientific Committee's recommendations that (SC-CAMLR-XXIII, paragraphs 4.162 to 4.167):

- (i) Members fishing in exploratory fisheries ensure that the required research sets are completed in accordance with Conservation Measure 41-01 and submitted to the Secretariat in a timely and accurate format;
- (ii) the existing depth limit should be retained in high-latitude areas with narrow continental shelves in order to avoid impact on benthic communities in shallower waters, and that this approach be extended from Division 58.4.1 into Division 58.4.2;
- (iii) large numbers of vessels notified in 2004/05 may lead to difficulties with the standardisation of CPUE data for assessments and may also reduce the effectiveness of the move-on rule to limit by-catch in exploratory fisheries;
- (iv) additional administrative problems in determining closure dates for fishing in SSRUs may occur when many vessels are fishing simultaneously in a subarea or division;
- (v) for Subarea 88.1, the current SSRU by-catch limits should remain unchanged and the 2003/04 catch limits for *Dissostichus* spp. east of 170°E be retained in 2004/05.

9.12 In agreeing with the above, the Commission reiterated its concern that the number of vessels participating in the Subarea 88.1 toothfish fishery had increased substantially in the 2003/04 season, and that this fishery now had the largest number of vessels fishing in any of the CCAMLR statistical areas.

9.13 The Commission noted the Scientific Committee's consideration of the notification for the exploratory bottom trawl fishery for *C. gunnari* in Subarea 48.3 (SC-CAMLR-XXIII, paragraphs 4.127 to 4.134 and 4.170). The Scientific Committee had been unable to reach consensus on its views.

9.14 The Commission noted the advice on incidental mortality of seabirds in relation to exploratory fisheries notified for 2004/05 (SC-CAMLR-XXIII, paragraph 5.23).

## CONSERVATION MEASURES

10.1 Conservations measures adopted at CCAMLR-XXIII will be published in the *Schedule of Conservation Measures in Force 2004/05*.

### Review of existing conservation measures and resolutions

10.2 The Commission noted that the following conservation measures<sup>1</sup> will lapse on 30 November 2004: 24-03 (2003), 32-09 (2003), 33-02 (2003), 33-03 (2003), 41-01 (2003), 41-02 (2003), 41-04 (2003), 41-05 (2003), 41-06 (2003), 41-07 (2003), 41-08 (2003), 41-09 (2003), 41-10 (2003), 41-11 (2003), 42-01 (2003), 42-02 (2003), 43-02 (2003), 43-03 (2003), 43-04 (2003), 52-01 (2003), 52-02 (2003) and 61-01 (2003). These measures dealt with fishery-related matters for the 2003/04 season.

10.3 Due to the requirements for the fishery for *C. gunnari* in Subarea 48.3 in the 2004/05 season (paragraph 10.84), the Commission agreed to terminate Conservation Measure 42-01 (2003) on 14 November 2004.

10.4 The Commission agreed that the following conservation measures<sup>1</sup> will remain in force in 2004/05:

#### Compliance –

10-01 (1998), 10-03 (2002), 10-07 (2003).

#### General fishery matters –

21-01 (2002), 22-01 (1986), 22-02 (1984), 22-03 (1990), 23-02 (1993), 23-03 (1991), 23-04 (2000), 23-05 (2000), 24-01 (2003), 25-01 (1996), 25-02 (2003), 25-03 (2003).

#### Fishery regulations –

31-01 (1986), 32-01 (2001), 32-02 (1998), 32-03 (1998), 32-04 (1986), 32-05 (1986), 32-06 (1985), 32-07 (1999), 32-08 (1997), 32-10 (2002), 32-11 (2002), 32-12 (1998), 32-13 (2003), 32-14 (2003), 32-15 (2003), 32-16 (2003), 32-17 (2003), 33-01 (1995), 41-03 (1999), 51-01 (2002), 51-02 (2002), 51-03 (2002).

10.5 The Commission agreed that the following resolutions will remain in force in 2004/05: 7/IX, 10/XII, 14/XIX, 15/XXII, 16/XIX, 17/XX, 18/XXI, 19/XXI and 20/XXII.

### Revised conservation measures

10.6 The Commission revised the following conservation measures<sup>1</sup>:

#### Compliance –

10-02 (2001), 10-04 (2002), 10-05 (2003), 10-06 (2002).

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<sup>1</sup> Reservations to these measures are given in the *Schedule of Conservation Measures in Force in 2003/04*.

General fishery matters –  
21-02 (2002), 23-01 (2003), 23-06 (2002), 24-02 (2003).

Protected areas –  
91-01 (2000), 91-02 (2000), 91-03 (2000).

### Compliance

10.7 The Commission revised the licensing and inspection obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area (Conservation Measure 10-02) in accordance with the advice of SCIC (section 7 and Annex 5, paragraph 3.24). It was agreed that Contracting Parties should provide to the Secretariat additional information about licences issued, including the vessel's IMO number when issued, the name and address of the vessel's owner(s) and any beneficial owner(s) if known, and three colour photographs of the vessel. The Commission noted that the specifications for the colour photographs described the minimum standard required. The Commission also agreed that information on a number of other details of vessels should, to the extent practicable, be provided by Members. The Commission agreed that the requirement for the additional information specified in the revised measure would not enter into force until 1 August 2005. The Commission also agreed that a list of licensed vessels be placed on the CCAMLR website. Accordingly, the revised measure was adopted as Conservation Measure 10-02 (2004).

10.8 The Commission revised the requirements for the VMS (Conservation Measure 10-04) in accordance with the advice of SCIC (section 7 and Annex 5, paragraph 3.42). This major revision, which was based on text drafted by the Commission in 2003 (CCAMLR-XXII, Annex 9), implements the C-VMS.

10.9 The Commission agreed that Contracting Parties and the Secretariat will transmit VMS data and reports using secure Internet protocols SSL, DES or verified certificates obtained from the Secretariat. The Commission noted that the technical specifications closely followed those in use by NAFO.

10.10 The revised measure, which includes the technical specifications necessary for the operation of the system, was adopted as Conservation Measure 10-04 (2004). The Commission thanked all Members for their cooperation and goodwill in establishing the C-VMS.

10.11 The USA informed the Commission that although the new conservation measure required C-VMS only in the Convention Area, the USA would continue to require VMS coverage from port to port, with polling every four hours, for any imports of toothfish into the USA.

10.12 The European Community expressed its deep appreciation for the efforts made by the sponsors of the C-VMS proposal, Australia, New Zealand and the USA, and considered the adoption of this system as a major achievement of CCAMLR-XXIII. It noted that this development owed much to the successful conduct of the trial phase during the current season, for which participating Members and the Secretariat should be commended. The European Community drew the attention of the Commission to the need for Members to

implement this system to its full potential as a means to ensuring compliance and enforcement, in particular with regard to the use of VMS data for the purposes of validating catch documents for *Dissostichus* spp. It expressed the hope that CCAMLR-XXIV can review and improve the relevant provisions of Conservation Measure 10-04.

10.13 The Chilean Delegation also thanked the sponsors of the proposal and expressed the hope that its adoption would strengthen, harmonise and upgrade the application of the VMS by all Members. The C-VMS effect could be reinforced by effective listing of non-compliance vessels, port surveillance (on which matter there are useful elements in CCAMLR-XXIII/BG/28) and, in the future, the establishment of a reliable register of fishing vessels within CCAMLR.

10.14 The Commission revised the CDS (Conservation Measure 10-05) in accordance with the advice of SCIC (section 7 and Annex 5, paragraph 2.49). Accordingly, the revised measure was adopted as Conservation Measure 10-05 (2004).

10.15 The Commission adopted amendments to Conservation Measure 10-06 which clarified the procedures for establishment of the IUU Vessel List for Contracting Parties. The Commission agreed that Conservation Measure 10-07 should be amended to adopt the same procedures for establishment of the IUU Vessel List for Non-Contracting Parties, and that work should be undertaken intersessionally with a view to adopting an amended text at CCAMLR-XXIV. In the meantime, the Commission requested that Contracting Parties submit, and the Secretariat collate, information relevant for the establishment of the list under Conservation Measure 10-07 in the format set out in paragraph 6 of Conservation Measure 10-06. Accordingly, the amended measure was adopted as Conservation Measure 10-06 (2004).

## General fishery matters

### Notifications

10.16 The Commission revised the notification procedure for exploratory fisheries (Conservation Measure 21-02) in accordance with the advice of SCIC (section 7 and Annex 5, paragraph 4.16; CCAMLR-XXIII/45). The revision aligned the notification requirements with the Commission's established practice, and reinforced the requirements so that the Commission may assume full responsibility for the effective management of exploratory fisheries. Accordingly, the revised measure was adopted as Conservation Measure 21-02 (2004).

10.17 The Commission agreed that notifications for exploratory fisheries in the 2005/06 season would need to contain the information required under paragraph 4 of Conservation Measure 10-02 (2004).

10.18 The Commission examined the implication of the revision of Conservation Measure 21-02 for the notification procedure for new fisheries (Conservation Measure 21-01). It was agreed that a revision of Conservation Measure 21-01 was not required at this stage. However, the Commission noted that, in the longer term, there may be merit in consolidating the requirements for notification of new and exploratory fisheries into a single measure.

## Data reporting

10.19 The Commission noted the Secretariat's proposal to introduce a 24-hour deadline for the submission of 5-day and 10-day catch and effort reports, and to encourage vessels to provide these reports directly to the Secretariat (CCAMLR-XXIII/38, Proposal B). This proposal aimed to reduce the delay in reporting catches and thereby improve the Secretariat's ability to monitor the fisheries and forecast closures.

10.20 The Commission agreed to retain the existing deadline for 5-day catch and effort reports for exploratory fisheries (i.e. two working days), and to apply this deadline to all other fisheries reporting under the 5-day catch and effort system (Conservation Measure 23-01). The Commission also agreed that vessels may report directly to the Secretariat. Accordingly, the measure was revised and adopted as Conservation Measure 23-01 (2004).

10.21 The Commission recalled the requirements for reporting monthly catches in krill fisheries (Conservation Measure 23-06). It noted that the established practice was for all Members fishing for krill to report monthly catches using the format and deadline specified in Conservation Measure 23-03 (Monthly Catch and Effort Reporting System).

10.22 The Commission agreed that monthly catches in krill fisheries should continue to be reported using the format and deadline specified in the Monthly Catch and Effort Reporting System. Accordingly, Measure 23-06 was revised and adopted as Conservation Measure 23-06 (2004).

## Research and experiments

10.23 The Commission noted the advice of the Scientific Committee in respect of use of IWLs for seabird conservation (Conservation Measure 24-02). The Scientific Committee had endorsed the introduction of a protocol for using IWLs in new and exploratory fisheries. This advice followed the success of trials of IWLs in reducing the seabird by-catch in areas comparable to the highest risk levels in the Convention Area and in Division 58.5.1 (SC-CAMLR-XXIII, paragraph 5.16). Accordingly, the measure was revised and adopted as Conservation Measure 24-02 (2004).

10.24 In adopting this measure, the Commission noted that Ukraine had requested that ad hoc WG-IMAF review the available data on the maximum length of longlines used in the Convention Area, and advise the Scientific Committee on this matter. The Commission agreed to review Conservation Measure 24-02 in the light of new advice from the Scientific Committee in 2005.

10.25 The Commission noted that New Zealand did not intend to conduct IWL trials in Subareas 88.1 and 88.2 in the 2004/05 season (Conservation Measure 24-03). Therefore, it was agreed that this measure would lapse.

## Protected areas

10.26 The Commission endorsed the Scientific Committee's recommendation to revise the requirements for information to be included in management plans for CEMP sites (Conservation Measure 91-01, Annex 91-01/A). The revision was detailed in WG-EMM-04/19. The revised measure was adopted as Conservation Measure 91-01 (2004).

10.27 The Commission agreed to amend the background information for Cape Shirreff in Conservation Measure 91-02 (Annex 91-02/A, Appendix 2), and for the Seal Islands in Conservation Measure 91-03 (Annex 91-03/A, Appendix 2). The amendments were made to correctly reflect the extent and development of human activities in the region in the early 1800s (CCAMLR-XXIII/BG/43). The revised measures were adopted as Conservation Measure 91-02 (2004) and Conservation Measure 91-03 (2004).

## New conservation measures

### Definitions

#### Offal

10.28 The Commission agreed that 'offal' included, *inter alia*, discarded bait and discarded fish by-catch, except as specified in measures relating to the live release of skates and rays (SC-CAMLR-XXIII, Annex 5, paragraph 7.63). The discharge of offal is regulated in most fisheries, and is prohibited in some fisheries, in the Convention Area.

10.29 Spain indicated that in its view, and in order to make it possible for vessels to comply with conservation measures in relation to offal, there was a need for the Commission to agree to an accurate definition of this term.

#### Seabird by-catch

10.30 The Commission recalled last year's advice from the Scientific Committee regarding the definitions of the nature and status of birds caught, especially in relation to limits on seabird by-catch (CCAMLR-XXII, paragraph 6.17; SC-CAMLR-XXII, paragraph 5.39 and Annex 5, paragraphs 6.213 to 6.217). The Commission had agreed to a working definition of birds caught such that any bird 'caught' in a fishery should be recorded in one of the following three categories:

1. Dead not landed on board – those birds observed to be killed by direct interaction with fishing gear but not landed on the fishing vessel.
2. Dead landed on board – those birds landed on the vessel that are dead (i.e. show no muscle movement or corneal reflex).
3. Alive landed on board –
  - (a) injured
  - (b) released uninjured.

10.31 Further, the Scientific Committee had advised that whilst it may be possible to release some injured birds, the long-term survival of these individuals was likely to be substantially reduced. Therefore, birds in category 3(a) should be considered as being dead.

10.32 The Commission confirmed that all seabird by-catch limits defined in conservation measures are set in relation to the count of dead seabirds, i.e. the sum of birds in categories 1, 2 and 3(a) above.

#### Incineration ash

10.33 The Commission agreed that ‘incineration ash’ included, *inter alia*, all solid waste and by-products arising from incinerations. The discharge of incineration ash is prohibited in some fisheries in the Convention Area.

#### General fishery matters

##### Fishing seasons, closed areas and prohibition of fishing

10.34 The Commission agreed that the prohibition of directed fishing for *Dissostichus* spp., except in accordance with specific conservation measures, should be renewed for the 2004/05 season. Accordingly, the prohibition of directed fishing for *Dissostichus* spp. in Subarea 48.5 was maintained and Conservation Measure 32-09 (2004) was adopted.

#### By-catch limits

10.35 The Commission noted that some conservation measures, including Conservation Measures 33-02 (Limitation of by-catch in Division 58.5.2) and 33-03 (Limitation of by-catch in new and exploratory fisheries), contained by-catch move-on provisions originally based on the trawl method of fishing. The Scientific Committee had advised that the definitions currently used are not appropriate to the operations of a longline vessel, and a more appropriate definition of the path of a longline was proposed (SC-CAMLR-XXIII, paragraphs 4.191 and 4.192).

10.36 The Commission also recalled the Scientific Committee’s advice that large numbers of vessels fishing in some areas may reduce the effectiveness of the move-on rule to limit by-catch in a fishery (SC-CAMLR-XXIII, paragraph 4.164). The Commission considered the introduction of a requirement for vessels which have triggered the move-on rule to inform the Secretariat, and for the Secretariat to immediately communicate this information to all vessels in the area. However, the Commission recognised that such requirements would necessitate the Secretariat being staffed seven days a week during periods when fishing was conducted in the Convention Area.

10.37 In order to improve the effectiveness of the move-on provisions, the Commission agreed that Members involved in fisheries should encourage their vessels to: (i) notify all other vessels fishing in the area of the location and date of activation of a move-on rule; and (ii) observe the move-on requirement which applies to the notifying vessel.

10.38 The Commission also noted that the Scientific Committee had been unable to provide new advice on by-catch limits (SC-CAMLR-XXIII, paragraph 4.194).

10.39 The Commission agreed to apply the existing by-catch limits in Division 58.5.2 in the 2004/05 season and to revise the definition of the path of a longline in the move-on rule. Accordingly, Conservation Measure 33-02 (2004) was adopted.

10.40 The Commission also agreed to apply the existing by-catch limits for exploratory fisheries in the 2004/05 season and to revise the definition of the path of a longline. Accordingly, Conservation Measure 33-03 (2004) was adopted.

10.41 The revised definition of the path of a longline in the move-on rule was also applied to Conservation Measure 41-02 (Limit on the fishery for *Dissostichus eleginoides* in Subarea 48.3).

10.42 The Commission requested WG-FSA and the Scientific Committee to review at their next meeting, the data from the fisheries in 2004/05 and the mitigation measures that apply for limitation of by-catch in new and exploratory fisheries. It also requested that WG-FSA and the Scientific Committee advise on improvement to by-catch mitigation measures for CCAMLR fisheries.

### Toothfish

10.43 The Commission recalled the advice of the Scientific Committee concerning exploratory fisheries in 2004/05 (paragraphs 9.11 to 9.14) and the related advice on compliance (section 8).

10.44 The Commission agreed to revise the tagging program (Annex 41-01/C) in the general measure for exploratory fisheries for *Dissostichus* spp. (Conservation Measure 41-01). Conservation Measure 41-01 (2004) was adopted.

10.45 Ukraine proposed that fishery-based research effort under the research plan for exploratory fisheries (Conservation Measure 41-01, Annex 41-01/B) be determined by the number of research sets, rather than the number of research hauls. This was proposed because weather and sea-ice conditions in high latitudes may prevent the recovery of longlines.

10.46 The Commission considered this proposal and confirmed that the number of research hauls was the correct measure for fishery-based research effort under the research plan. The Commission noted that if a research line could not be recovered, the vessel could carry on the research by setting a replacement line which conformed with the research specifications.

10.47 The Commission also noted that the Scientific Committee had considered a proposal from Ukraine (SC-CAMLR-XXIII/7) to amend a number of conservation measures that relate to exploratory fisheries for *Dissostichus* spp. (SC-CAMLR-XXIII, paragraphs 4.155 to 4.161

and Annex 5, paragraphs 5.4 to 5.10). The proposal aimed to spread fishing effort throughout the geographic and bathymetric range of the stock, as required in Conservation Measure 41-01 (paragraph 2).

10.48 The Scientific Committee had considered the Ukrainian proposal while developing its advice, and had noted that there are many issues that the Commission will need to consider in managing new and exploratory fisheries, including:

- (i) ensuring that the development of a fishery does not outpace the Scientific Committee's ability to provide assessments and advice so that the Commission can achieve its objectives;
- (ii) ensuring that activities do not prejudice future options for the Commission, including conservation and rational use;
- (iii) providing the ability for the ecosystem effects of fishing to be detected.

10.49 The Commission recalled the problems encountered by the Scientific Committee and WG-FSA in assessing a catch limit for *D. eleginoides* in Subarea 48.3 in the 2004/05 season (paragraphs 4.32 and 4.33). The Scientific Committee had been unable to recommend a specific catch limit for *D. eleginoides* in Subarea 48.3 and had expressed reservations on the higher and lower figures provided through different approaches and parameters. The Commission established a catch limit of 3 050 tonnes for Subarea 48.3, and endorsed the Scientific Committee's recommendation for subdivisions of the subarea and closure of the West Shag Rocks area subject to a research exemption limit of 10 tonnes in order to ensure the monitoring of the stock. The Commission requested that further work be undertaken by the Scientific Committee in the coming year that would contribute to overcoming the current uncertainties on the status of the stock in Subarea 48.3, and allow the Scientific Committee to provide agreed advice on long-term yield for *D. eleginoides* at CCAMLR-XXIV.

10.50 The Commission established a catch limit of 3 050 tonnes for *D. eleginoides* in Subarea 48.3 in the 2004/05 season. This catch limit was divided amongst three management areas as follows:

- |  |
|--|
| Area A (West Shag Rocks): closed                               |
| Area B (Shag Rocks): 915 tonnes (30% of the catch limit)       |
| Area C (South Georgia): 2 135 tonnes (70% of the catch limit). |

The Commission adopted Conservation Measure 41-02 (2004).

10.51 The USA made the following statement:

'The USA is pleased that a decision on a catch limit of 3 050 tonnes for *Dissostichus eleginoides* for Subarea 48.3 was achieved by consensus. While we are willing to accept this negotiated figure, we are not convinced that this level of catch can be considered precautionary. We speak of this because it is a shared concern, and because we believe that it is not out of the ordinary to indicate concern during plenary. We view this as our obligation and in no way an injury to the principles of consensus decision-making.'

The USA notes that the Scientific Committee agreed this year that the long-term annual yield in the absence of a historical fishery is 1 900 tonnes (SC-CAMLR-XXIII, paragraph 4.50). We also note that catches have exceeded this value for 17 out of the last 20 years, with the most recent catches being 5 747, 7 534 and 4 482 tonnes. Finally, we note that when setting the catch limit last year, the Commission noted that, if previous catches have been above precautionary yield levels, this will be taken into account when calculating subsequent precautionary yields (CCAMLR-XXII, paragraph 4.50). The Scientific Committee did provide guidance with respect to the application of the GYM when it noted that the probability of depletion was greater than 52% for any catch above zero; it also noted that this probability increased to 57% for 1 900 tonnes and 70% for 3 000 tonnes. This can be compared to CCAMLR-accepted criteria that the probability of depletion should be restrained to 10% or less. Thus, we feel that a precautionary catch level should be zero, but that a fishery of approximately 1 900 tonnes could be maintained for the 2004/05 season without substantially increasing the probability of depletion. This range of catch levels is still associated with a probability of depletion greater than 50% and thus we conclude that any catch above zero is not precautionary. We look forward to more data coming from this fishery in the coming year that may help set a more rational catch limit at CCAMLR-XXIV based on an agreed recommendation from the Scientific Committee.'

10.52 Australia made the following statement:

'Australia notes the ongoing discussion in the Scientific Committee, and the Scientific Committee's inability to provide clear advice on a suitable catch limit for some assessed fisheries in the CCAMLR Area.

Australia believes that the fundamental objectives of the Commission can only be met by advice based on the best available scientific information, and advice which obviously and transparently takes into account the decision rules adopted by the Commission and the principles behind CCAMLR's precautionary approach to its fisheries. Indeed, these approaches are required in CCAMLR to protect the ecological integrity of the Antarctic ecosystems and ensure the long-term viability of the fisheries in CCAMLR waters.

Australia urges those Parties with expertise in the methods which the CCAMLR Scientific Committee uses to evaluate fish stocks and establish advice on the state of the fishery, to work diligently and together, so that the work of the Scientific Committee can proceed along agreed guidelines, and so that the Commission can receive clear advice in the future.

Australia further urges the scientists attending the next meeting of the WG-FSA Subgroup on Assessment Methods to make significant progress in evaluating methods used in *Dissostichus* spp. assessments.

Australia believes that the intellectual capital which exists in the Scientific Committee is unsurpassed.

Australia believes that the Commission should expect that the Scientific Committee will have made significant progress in this area by CCAMLR-XXIV.

Mr Chair, in the absence of clear and coherent scientific advice, the Commission may be exposed to capricious decision-making processes which undermine the basic doctrines of our Convention.

Mr Chair, I urge all Parties to work hard to address these issues between the close of this meeting and CCAMLR-XXIV.'

10.53 In response, the UK indicated that it could largely concur with the generality of the views expressed by Australia but that it did not share the views of the USA. It made the following observations:

- (i) The figures quoted by the USA (long-term yield, probability of depletion and references to recent catches) are derived from the calculations made by the Scientific Committee in its base-case scenario. However, there was unanimous agreement in the Scientific Committee that 'the status of the spawning stock is unlikely to be as low as that indicated by the base-case scenario' (SC-CAMLR-XXIII, paragraph 4.57). Furthermore, the Scientific Committee had agreed unanimously that 'the base-case scenario needs to be urgently reviewed as it is unlikely that the current parameter set is the one that should be used in the future' (SC-CAMLR-XXIII, paragraph 4.55). In consequence, the statement by the USA is contrary to the unanimous conclusions of the Scientific Committee.
- (ii) CCAMLR has set catch limits for Subarea 48.3 based on the precautionary lower 95% confidence interval of the estimate of current biomass from the UK's mark-recapture program, projected forwards using the standard CCAMLR GYM implementing the CCAMLR decision rules over a period of 35 years into the future. The catch limit now adopted is wholly consistent with established CCAMLR methodology and objectives, and fully precautionary.
- (iii) The UK indicated that it was pleased that CCAMLR has decided on a division of the catch limit between the areas of Shag Rocks and South Georgia, and a closure of the area to the west of the Shag Rocks which has a lower biomass than other areas of Subarea 48.3. This would ensure that effort is not concentrated in any one area of Subarea 48.3. In the view of the UK these management actions will ensure that CCAMLR continues to achieve its long-term management objectives for the toothfish stock in Subarea 48.3.

10.54 Argentina concurred with the general principles expressed by Australia and in particular for Subarea 48.3 with the views expressed by the USA.

10.55 The Commission noted the extension to the fishing season recommended by the Scientific Committee for Subarea 48.6 (SC-CAMLR-XXIII, paragraph 4.139).

10.56 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 48.6 in 2004/05 would be limited to Japanese, Korean and New Zealand flagged vessels using longlines only, and that no more than one vessel per country shall fish at any one time. The Commission also agreed that daylight setting, subject to compliance with Conservation Measure 24-02 and an incidental catch limit of three seabirds per vessel, would be allowed in Subarea 48.6. Accordingly, Conservation Measure 41-04 (2004) was adopted.

10.57 The Commission noted the increase in exploratory fishing proposals for coastal Antarctica in Divisions 58.4.1 and 58.4.2. It also noted:

- (i) the advice from the Scientific Committee recommending:
  - (a) the restriction of fishing in coastal Antarctic waters in these divisions to depths greater than 550 m to protect benthic communities (paragraph 9.11);
  - (b) the application of the approach of alternate open and closed SSRU areas in Conservation Measure 41-11 for Divisions 58.4.1 and 58.4.2;
- (ii) the options for managing exploratory fishing in these divisions provided in CCAMLR-XXIII/42 and the discussion provided by the Scientific Committee on the options described in SC-CAMLR-XXIII/7 (SC-CAMLR-XXIII, paragraphs 4.155 to 4.161);
- (iii) those options are different to the approaches currently used for exploratory fishing in these divisions;
- (iv) there is no specific advice from the Scientific Committee on these options.

10.58 The Commission agreed that the approach for SSRUs in Division 58.4.1 would be applied to Division 58.4.2, including the catch limits for SSRUs and the opening and closing of alternate SSRUs.

10.59 In order to assess the options put forward by Ukraine (CCAMLR-XXIII/42), the Commission requested the Scientific Committee and WG-FSA:

- (i) to review the options and information provided in that paper and SC-CAMLR-XXIII/7. This will be based on the submission of historical data, analyses and publications that contributed to the understanding presented in those papers;
- (ii) based on the submission of new data from the exploratory fishery and any other data or analyses, provide advice on future management options that will contribute to the orderly and precautionary development of the exploratory fisheries in these divisions and the acquisition of data that will contribute as quickly as possible to the development of management procedures, including assessments, for these areas.

10.60 In order to facilitate this process, the Commission agreed, for the 2004/05 season only, that the catch limits in each open SSRU in Division 58.4.2 be increased to 260 tonnes.

10.61 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.2 in 2004/05 would be limited to one Chilean, two Korean, two New Zealand, two Spanish and one Ukrainian flagged vessels using longlines only. The Commission also agreed that daylight setting, subject to compliance with Conservation Measure 24-02 and an incidental catch limit of three seabirds per vessel, would be allowed in this division. Accordingly, Conservation Measure 41-05 (2004) was adopted.

10.62 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.1 in 2004/05 would be limited to two Chilean, two Korean, two New Zealand, two Spanish and one Ukrainian flagged vessels using longlines only. The Commission also agreed that daylight setting, subject to compliance with Conservation Measure 24-02 and an incidental catch limit of three seabirds per vessel, would be allowed in this division. Accordingly, Conservation Measure 41-11 (2004) was adopted.

10.63 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3a in 2004/05 would be limited to Australian, Korean and Spanish flagged vessels using longlines only, and that no more than one vessel per country shall fish at any one time. The Commission also agreed that daylight setting, subject to compliance with Conservation Measure 24-02 and an incidental catch limit of three seabirds per vessel, would be allowed in this division. Accordingly, Conservation Measure 41-06 (2004) was adopted.

10.64 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3b in 2004/05 would be limited to Australian, Chilean, Japanese, Korean and Spanish flagged vessels using longlines only, and no more than one vessel per country shall fish at any one time. The Commission also agreed that daylight setting, subject to compliance with Conservation Measure 24-02 and an incidental catch limit of three seabirds per vessel, would be allowed in this division. Accordingly, Conservation Measure 41-07 (2004) was adopted.

10.65 The Commission endorsed the Scientific Committee's advice on the trawl and longline fishery for *D. eleginoides* in Division 58.5.2 in the 2004/05 season (paragraph 4.37). The advice included a catch limit of 2 787 tonnes which was applicable west of 79°20'E. In addition, the fishing season for the trawl fishery was defined as the period from 1 December 2004 to 30 November 2005, while the season for longlining was defined as the period from 1 May to 31 August 2005. In addition, the season for longline fishing operations may be extended to 14 September 2005 for any vessel which had demonstrated full compliance with Conservation Measure 25-02 in the 2003/04 season (see SC-CAMLR-XXIII, Annex 5, Table 7.12). Accordingly, Conservation Measure 41-08 (2004) was adopted.

10.66 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.1 in 2004/05 would be limited to two Argentine, one Australian, five New Zealand, one Norwegian, two Russian, two South African, two Spanish, one Ukrainian, one UK and four Uruguayan flagged vessels using longlines only. The Commission agreed that daylight setting, subject to compliance with Conservation Measure 24-02 and an incidental catch limit of three seabirds per vessel, would be allowed in this subarea. The Commission agreed to also prohibit the discharge of incineration ash in this fishery.

10.67 The Commission noted that the Scientific Committee had been unable to provide new advice of catch limits for any of the exploratory fisheries (paragraph 9.6). However, it also noted that a specific recommendation was made by the Scientific Committee regarding the retention of the catch limits in Subarea 88.1 east of 170°E (SC-CAMLR-XXIII, paragraph 4.167). Therefore, the Commission agreed to retain the existing catch limits for *Dissostichus* spp. for the fishery. The Commission adopted Conservation Measure 41-09 (2004).

10.68 Ukraine made the following statement:

'The Delegation of Ukraine is compelled to express its concern regarding the adoption of Conservation Measure 41-09, as well as other measures on new and exploratory fisheries. Unfortunately, levels of catch limit for many high-latitude Antarctic areas are not the result of assessments, but rather of speculative inferences. The Ukrainian proposals regarding the subdivision of catch limit between individual research units that were presented for consideration of the Working Group on Fish Stock Assessment and the Scientific Committee were not adequately discussed. There were no specific decisions in that respect. If the models of catch limit assessment used by the Working Group do not allow determination of catch limit, it is necessary to use alternative models, or possibly to enlist the services of alternative groups of scientists. The current approaches will throw us into the depth of uncertainty. Despite years of work, the number of measures, in which the uncertainty in respect of stock is quite high, is not being reduced but is growing. The Ukrainian Delegation believes that this does not assist in attempting to achieve the objectives of the Convention, namely the conservation and rational use of Antarctic marine living resources.'

10.69 The Chair of the Scientific Committee noted that the Scientific Committee had considered the proposal by Ukraine in paragraphs 4.155 to 4.161 of its report (SC-CAMLR-XXIII), and in paragraphs 5.4 to 5.10 of the report of WG-FSA (SC-CAMLR-XXIII, Annex 5). Furthermore, some of the issues raised by the Ukrainian paper were not within the remit of either WG-FSA or the Scientific Committee.

10.70 The Commission requested WG-FSA and the Scientific Committee to review the information from Subarea 88.1 and the distribution of catch limits in each SSRU. This review should include data obtained in the 2004/05 season and in previous seasons.

10.71 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.2 in 2004/05 would be limited to two Argentine, five New Zealand, one Norwegian and two Russian flagged vessels using longlines only. The Commission agreed that daylight setting, subject to compliance with Conservation Measure 24-02 and an incidental catch limit of three seabirds per vessel, would be allowed in this subarea. The Commission agreed to also prohibit the discharge of incineration ash in this fishery.

10.72 The Commission noted that the Scientific Committee had been unable to provide new advice on catch limits in Subarea 88.2 (paragraph 9.6). Therefore, the Commission agreed to retain the existing catch limits for *Dissostichus* spp. for the fishery, and to retain the closure in the area north of 65°S (Conservation Measure 32-15). The Commission adopted Conservation Measure 41-10 (2004).

10.73 The Commission renewed its concern at the large number of fishing vessels which would be allowed to operate in exploratory fisheries in the 2004/05 season. In many fisheries, this number exceeded the number which might have been expected for their orderly development. The Commission reiterated its need for urgent advice from the Scientific Committee on ways of developing exploratory fisheries at a rate which would ensure the sustainability of the stocks of *Dissostichus* spp. and the collection of data for the development of long-term assessments (CCAMLR-XXII, paragraph 10.63).

10.74 New Zealand made the following statement:

'Mr Chair, the Commission has now adopted those conservation measures setting limits on CCAMLR's exploratory fisheries in Statistical Subarea 88.1 and Divisions 58.4.1 and 58.4.2. *Inter alia* these conservation measures provide for the participation of one vessel flagged to Ukraine.

Ukraine has notified the vessel *Simeiz* for these exploratory fisheries, a fact that has caused considerable concern to many Members of the Commission. This is because as a result of the inspections and investigations undertaken by New Zealand, France, the UK and the European Community which have been presented to the Commission, Members are now only too well aware that the *Simeiz*, which was until recently the *Florens-1*, remains under the control of interests involved in directing a large proportion of the IUU fishing in the Southern Ocean. In its most recent statement to the Commission regarding the *Simeiz* on Tuesday this week Ukraine has not denied this.

We have joined consensus today but New Zealand wishes to record in the report of the meeting its strong opposition to participation by the vessel *Simeiz* in CCAMLR's exploratory fisheries. Furthermore, should Ukraine proceed to licence this vessel for these fisheries we believe it will be putting the credibility of the Commission in peril. This is because the Commission will be perceived to have acquiesced in authorising access into CCAMLR's most sensitive fisheries of a vessel which it could not help but know is controlled by IUU fishing interests, the same interests who have wreaked havoc on the toothfish stock and the seabird populations of the Southern Ocean.

Mr Chair, New Zealand would therefore appeal to Ukraine not to license the vessel *Simeiz*. Instead, if Ukraine wishes to take up the opportunity provided by the Commission for it to participate in the exploratory fisheries in Subarea 88.1 and Divisions 58.4.1 and 58.4.2, it should substitute a vessel which is not of concern to the Commission.

At ATCM-XXVII in Cape Town this year the Head of the Delegation of Ukraine, Mr Vasyl Kremen, Minister of Education and Science, gave a commitment that the circumstances regarding the vessels *Simeiz* and *Mellas* would be thoroughly investigated and reported to this meeting of the Commission. Ukraine has submitted a document (CCAMLR-XXIII/BG/34) which in our view hardly fulfils this commitment. This document contains serious inconsistencies and contradictions with statements Ukraine had previously made to the Commission via Commission circulars. Nor does it address important facts presented by Members of the Commission about the vessels. New Zealand does not therefore regard the matter as closed in the context of the Antarctic Treaty Consultative Meeting. Thank you.'

10.75 South Africa made the following statement:

'Mr Chair, at ATCM-XXVII in Cape Town the Ukrainian Minister committed and assured Antarctic Treaty Parties to fully investigate the matters pertaining to the vessels *Simeiz* and *Mellas*. The South African Delegation would like to thank the Ukrainian Delegation for the information supplied to Members and its document CCAMLR-XXIII/BG/34 in an attempt to honour its commitment in Cape Town.

However, as our delegation indicated in the Standing Committee on Implementation and Compliance, it is essential that the action of the Members of this Commission complements the objectives of CCAMLR. It is the opinion of the South African Delegation that the inaction of the Ukrainian Delegation to effectively deal with the proposed vessel *Simeiz* is unacceptable. We have in bilateral discussions with Ukrainian Delegation representatives, urged them to consider withdrawing the vessel *Simeiz* and proposing a replacement vessel for the exploratory fisheries for which they have notified this Commission. We shared with them our experience with the vessel *Viola*, which was previously Uruguayan-flagged and has subsequently been reflagged to South Africa. The South African fisheries authorities took the decision to allow the reflagging of the vessel on condition that she may not be issued a permit to target toothfish. She was effectively completely removed from the toothfish fishery and she is now strictly controlled under the South African flag. Mr Chair, we are merely illustrating that no Member of this Commission is immune to the situation that the Ukrainian Delegation finds itself in.

It is not our intention to blow our own trumpet here Mr Chair, but we feel that a decision of this nature by the Ukrainian Delegation would have been most welcome by our delegation. We had hoped that the Ukrainian Delegation, in the spirit of cooperation which underpins the successes of this Commission, would have considered our suggestions and that they would have acted in a manner consistent with CCAMLR's objectives. Our delegation therefore remains disappointed that we were unable to get closure on an issue which has plagued us in both CCAMLR and the ATCM during the past year.'

10.76 Norway made the following statement:

'Mr Chair, my delegation would also like to make a statement for the record at this stage of our proceedings related to the Ukrainian-flagged vessel *Simeiz*. In preparing for this meeting I read through my notes from the last meeting of the ATCM in Cape Town. It is thus clear to me that the question of Ukrainian-flagged fishing vessels that we discussed so extensively in Cape Town has two sides – a legal part and a political part.

During this meeting we have received a report from the Delegation of Ukraine and additional information has been provided by other Members about the sequence of events. We have also had a comprehensive discussion during this session and the Delegation of Ukraine has given assurances that Ukraine, after this session, will look into its own domestic legislation. Ukraine has also said that it is open to future cooperation with CCAMLR partners.

The Norwegian Delegation appreciates these steps. We also hope that Ukraine could bear in mind the Norwegian national practice. As we have stated earlier during this meeting, *Eva-1* and *Florens-1* could never fly a Norwegian flag, irrespective of future ownership and changes of flag. Those two fishing vessels are black-listed in perpetuity in Norway due to previous IUU fishing. It is then the view of this Norwegian Delegation that those two vessels in question should not be allowed to participate in future new and exploratory fisheries in CCAMLR.

At the same time we realise, Mr Chair, that in CCAMLR we must follow the conservation measures in force. The discussion in front of us, reached by consensus, is a result of CCAMLR's regulations for the time being.

This is the legal part.

But the possible use of the vessel *Simeiz* in the coming fishing season also has a political side to it.

In the view of the Norwegian Delegation it would be of a high political cost for Ukraine if the vessel *Simeiz* – known to all of us as an earlier IUU vessel – is given licence by Ukrainian authorities to fish in Subarea 88.1 and Divisions 58.4.1 and 58.4.2. Such a decision would also weaken the credibility of CCAMLR and our joint efforts to combat IUU fishing.

I would therefore appeal to the Ukrainian delegation to take this political message back to their capital and look for possibilities to replace the *Simeiz* with another Ukrainian-flagged vessel.

It would not be in the interest of any of us, Mr Chair, if this delicate question develops into a drawn-out process which we will be confronted with again at the ATCM in Stockholm next year. I thank you, Mr Chair.'

10.77 The European Community concurred with the delegations that had taken the floor previously as to the various matters of deep concern raised by the notification of the *Simeiz* for participation in exploratory fisheries in the Convention Area. It further concurred with the previous speakers that the appropriate action to take in order to move this issue forward is to refrain from granting a licence to this vessel for as long as its links with operators and interests known to be actively involved in illegal fishing in the Convention Area are not severed. The European Community appealed to Ukraine to consider taking such action.

10.78 France made the following statement:

'France joins the declaration of South Africa in regard to the inaction of Ukraine on behalf of the vessel *Simeiz*.

If Ukraine is unwilling to demonstrate its compliance, the best sign it could give would be not to grant a licence for exploratory fisheries to this vessel. We are waiting for facts and concrete proofs.'

10.79 The UK made the following statement:

'The UK concurred with the views of other delegations which had spoken on this matter. The UK reminded the meeting that it had earlier in the year expressed its serious concerns over the events that had taken place at CCAMLR-XXII regarding the vessels *Florens-1* and *Eva-1* – subsequently to become the Ukrainian-flagged *Simeiz* and *Mellas*.

The UK had listened very carefully to the statement delivered to ATCM-XXVII by the Ukrainian Minister of Education and Science. We had taken great encouragement

from that statement. It had expressed adequate assurances, provided apologies for what had transpired, and indicated that the previous events surrounding the *Mellas* and *Simeiz* would be fully investigated.

However, the UK does not believe that the steps Ukraine had taken since ATCM-XXVII adequately reflect the assurances delivered at ministerial level. Given this situation, the UK agreed with the views of New Zealand, South Africa and Norway that Ukraine should take steps to now withdraw the *Simeiz* from the exploratory fishery in Subarea 88.1.

If such action was not taken then the view of the UK was that the matter was likely to move forward to the forthcoming deliberations of the Antarctic Treaty Parties at ATCM-XXVIII in Sweden. The Consultative Parties' decision in relation to the application by Ukraine for Consultative status had been taken on the basis of the assurances delivered by Ukraine. The Consultative Parties would rightly wish to view whether such assurances had been met.'

10.80 Australia supported the interventions made by the previous speakers, in particular Norway. Australia further noted the progress that Ukraine had made towards meeting the commitments that it made at ATCM-XXVII in Cape Town and hoped that Ukraine would continue to work within the spirit of these commitments.

10.81 Argentina made the following statement:

'Argentina shares the views expressed by Australia. Members should fulfil their obligations derived from the instruments of the Antarctic Treaty System to which they are Parties and should be encouraged to observe the spirit of cooperation prevailing in those instruments. However, this should not be construed as to imposing conditions or having punitive connotations with respect to a Member.'

10.82 Ukraine made the following statement:

'Ukraine expressed regret that there still remain concerns in the work of CCAMLR-XXIII with respect to the Ukrainian vessel *Simeiz*. This concern mainly pertains to the ambiguities around the concept of beneficial ownership that for the first time has been raised and discussed at the present annual session of CCAMLR.

The attempts to apply, regarding *Simeiz*, just the "common understanding" of the meaning of "beneficial ownership" that has not yet found its sufficient legal clarification within the framework of international law, and CCAMLR in particular, are contradictory to conservation measures in force. *De facto*, there is not even a definition of this term that has been noted by the Commission at CCAMLR-XXIII.

Ukraine stressed that conservation measures in force do not provide any justifiable legal ground to refuse the *Simeiz* participation in the new and exploratory fishery, for neither Ukraine as Flag State, nor the vessel *Simeiz* itself have violated any norm of international law and CCAMLR regulations in particular during the period since Ukraine has exercised jurisdiction over *Simeiz* and during the previous fishery season 2003/04 in the Convention Area.

Ukraine noted that what is even more disappointing is that for the first time the approach to refuse a vessel to participate in the abovementioned fishery, which is solely based on the alleged beneficial ownership of that vessel and not on the basis of conservation measures in force, was introduced with regard to a Ukrainian-flagged vessel exclusively.

Ukraine once again addressed the Members of the Commission to approve the list of the companies involved in IUU fishing. Such a list once adopted will provide undisputable grounds to refuse the permission issuance for exploratory fishery by national fishing companies.

With regard to Foros Fishing Company and the *Simeiz*, the Ukrainian Delegation has proposed to New Zealand and South Africa to exercise strengthened control over this vessel's activities within the CCAMLR Area by providing, on request by the interested party, the VMS data and catch information in order to ensure operative control over this. Although this proposal has, to our regret, been rejected it still remains valid.

Besides, Ukraine drew to the attention of the Commission that upon the provisions of Ukrainian Governmental Decree #963 of 28 July 2004 the Foros Company would be obliged to provide additional necessary information including crews' qualification certificates.

Ukraine noted that respective information that would be provided by Foros to the Ukrainian authorities responsible for fishery regulation will be taken into consideration during the decision-making process on the issuance or refusal to issue permission to the vessel *Simeiz* for fishery.

Ukraine stressed again that it had fulfilled its voluntary commitment to fully examine all the circumstances in connection with the position of the Ukrainian Delegation at CCAMLR-XXII and the registration of vessels *Simeiz* and *Mellas* to fly the Ukrainian flag.

The Ukrainian Delegation informed that the matter of beneficial ownership would be additionally studied in Ukraine and expressed hopes that an adequate solution in relation to fishing companies will be found. This solution shall bear in mind the concerns that have been expressed by some Members at CCAMLR-XXIII.

In this respect, Ukraine once again strongly urged the Commission to adopt a black list of companies in respect to which vessel owners shall avoid having business contacts.

Again, Ukraine reiterates that to date there are no legal grounds to refuse the *Simeiz* the right to conduct exploratory and new fishery in the CCAMLR Area.

Nevertheless, taking into account the concern of some Members on the alleged links between the company Foros and certain international operators, the competent authorities of Ukraine will pay due attention to the activities of the vessel *Simeiz* and examine additional abovementioned information about Foros.

Should the competent Ukrainian authorities make a decision to replace the notified vessel *Simeiz* for another vessel, it is Ukraine's understanding that the respective

provisions of Conservation Measure 21-02 (2004) namely paragraph 2(vii) on the date of the notification of a vessel for exploratory fishery (that such a notification be made three months prior to the beginning of the fishing season) shall not be applicable to such a newly notified vessel of Ukraine.'

### Icefish

10.83 The Commission endorsed the Scientific Committee's advice on the trawl fishery for *C. gunnari* in Subarea 48.3 in the 2004/05 season (paragraph 4.42) which included a catch limit of 3 574 tonnes. It was also agreed to retain other elements of this measure which allowed limited fishing during the spawning period (1 March to 31 May), set a limit to the total number of seabirds that may be accidentally caught during fishing, and defined requirements for fishery-based research during the spawning season. The catch limit during the spawning period remained set at 25% of the annual limit.

10.84 In addition, the Commission noted that a UK-flagged vessel was planning to take part in the trawl fishery for *C. gunnari* in Subarea 48.3 at the earliest possible opportunity after the end of the Commission meeting. To allow this activity to proceed, the Commission agreed to change the timing of the 2004/05 fishing season in this fishery. The 2004/05 season would begin on 15 November 2004 and end on 14 November 2005. To facilitate this change, the Commission agreed that Conservation Measure 42-01 (2003), which is currently in force for the 2003/04 season, would terminate on 14 November 2004. Accordingly, Conservation Measure 42-01 (2004) was adopted.

10.85 The Commission noted the UK's notification for an exploratory bottom trawl fishery for *C. gunnari* in Subarea 48.3 (CCAMLR-XXIII/16) which had been submitted in accordance with Conservation Measure 21-02. The objective of the notification was to explore whether the combination of pelagic trawling by night and bottom trawling by day is able to successfully target icefish while minimising: (i) the incidental mortality of seabirds, (ii) the by-catch of other fish species, and (iii) the impact on the benthos.

10.86 The Commission noted the deliberations of the Scientific Committee regarding the exploratory bottom trawl fishery (SC-CAMLR-XXIII, paragraphs 4.127 to 4.134).

10.87 Some Members expressed concern regarding the proposed resumption of bottom trawling in Subarea 48.3 and the potential impacts on benthic organisms.

10.88 The UK noted the following points with respect to the proposed exploratory fishery:

- (i) that the bottom trawl fishery would be part of an existing fishery for *C. gunnari* in Subarea 48.3 which has been assessed by WG-FSA and a catch limit recommended by the Scientific Committee;
- (ii) that the primary reason for the fishery is to investigate the use of heavy fishing gear in the fishery, similar to that used in Division 58.5.2, that effectively avoids catches of seabirds;
- (iii) that the level of effort in the proposed fishery is very low, as is the expected catch (400 tonnes);

- (iv) that fishing is restricted geographically to avoid known areas of high abundance of benthos;
- (v) that two scientific observers, one appointed in accordance with the CCAMLR Scheme of International Scientific Observation would be present on board the vessel;
- (vi) that data on catch, by-catch, incidental mortality and interaction with the seabed would be collected and submitted to the Secretariat for consideration by the Scientific Committee and its working groups at next year's meetings.

10.89 Norway noted the modest nature of the proposal, and the likely small impact on the South Georgia shelf, but expressed concern that expansion of bottom trawling in Subarea 48.3 might lead to much greater impacts in the future.

10.90 The UK assured Members that it has no intention of expanding bottom trawl fishing for *C. gunnari* in Subarea 48.3, unless:

- significant reduction of seabird by-catch is demonstrated; and
- areas of low benthic impact are identified.

10.91 Some Members considered that the problem of seabird by-catch in the pelagic trawl fishery was not of sufficient concern to warrant the proposed exploratory fishery using bottom trawls as a potential mitigation method, due to the possible impacts on the benthos. These Members noted that:

- (i) the proposal was put forward as a potential mitigation measure for reducing seabird by-catch associated with pelagic trawls;
- (ii) in the 2002/03 season some of the seabird by-catch in this fishery had been associated with a small proportion of sets when delays in retrieving the trawl gear allowed a disproportionately large number of seabirds to be taken (SC-CAMLR-XXII, Annex 5, paragraph 6.238);
- (iii) a rich benthic community, dominated by sponges and corals, had been documented to exist in some parts of the South Georgia shelf during a recent scientific survey (SC-CAMLR-XXIII, Annex 5, paragraph 5.32);
- (iv) while it was likely that the benthic biota would be disturbed by bottom trawling, it was not certain that use of this gear would achieve the desired reduction in seabird by-catch;
- (v) methods to reduce seabird by-catch should concentrate on the problems associated with retrieving pelagic trawls.

10.92 Following consideration of Members' comments, the UK agreed to withdraw the exploratory bottom trawl fishery proposal for this year. In doing so, the UK stressed that it did not share the view of some delegations that bottom trawling is necessarily a damaging fishing method and noted that the planned exploratory fishing in Subarea 48.3 was based on the operation of the bottom trawl fishery for *C. gunnari* in Division 58.5.2, including the use of a bottom trawl of the same design as that currently used in that fishery. The UK is of the

view that the use and impacts of bottom trawls should be assessed on a case-by-case basis and take into account issues such as the distribution, biomass and biodiversity of benthic organisms.

10.93 The Commission agreed that the issue of mitigation of seabird mortality in trawl fisheries in Subarea 48.3 should be addressed in a similar way to that applied to longline fisheries. There are two issues that need to be addressed as a matter of urgency. Firstly, effective mitigation methods for trawl fisheries need to be developed. Secondly, the Commission requested that the Scientific Committee undertake a thorough review of the impacts and mitigation of seabird by-catch in trawl fisheries at its next meeting, including an analysis of, and advice on, overall levels of by-catch of seabirds that might be considered reasonable for the trawl fishery for icefish in Subarea 48.3 in light of the size and status of populations of species that might be impacted by trawl fishing operations in Subarea 48.3.

10.94 The Commission endorsed the Scientific Committee's advice on the trawl fishery for *C. gunnari* on the Heard Island Plateau part of Division 58.5.2 in the 2004/05 season (paragraph 4.43). This advice included setting the catch limit for *C. gunnari* at 1 864 tonnes. Accordingly, Conservation Measure 42-02 (2004) was adopted.

#### Crab

10.95 The Commission endorsed the advice of the Scientific Committee regarding the crab fishery in Subarea 48.3 in the 2004/05 season. Accordingly, Conservation Measures 52-01 (2004) and 52-02 (2004) were adopted.

#### Squid

10.96 The Commission agreed that the existing management regime for the exploratory jig fishery for *M. hyadesi* in Subarea 48.3 be maintained for the 2004/05 fishing season. Accordingly, Conservation Measure 61-02 (2004) was adopted.

#### New resolutions

10.97 The Commission noted the successful implementation of the trial E-CDS in 2004, and urged Contracting Parties and non-Contracting Parties cooperating in the CDS to adopt the E-CDS as a matter of priority. Accordingly, Resolution 21/XXIII on the E-CDS was adopted.

10.98 The Commission noted that together with the potential impact of IUU fishing for toothfish within the Convention Area, the greatest current threat to species and populations of seabirds breeding in the Convention Area is mortality in longline fisheries in waters outside the Convention Area. Recalling repeated and relatively unsuccessful attempts to communicate these concerns to RFMOs, the Commission adopted Resolution 22/XXIII on international actions to reduce the incidental mortality of seabirds arising from fishing. The resolution suggests actions to reduce the incidental mortality of Convention Area seabirds in fisheries.

10.99 The Commission recalled the safety concerns regarding fishing vessels operating in high latitudes and the adoption in 2003 of Resolution 20/XXII on ice-strengthening standards in high-latitude fisheries. With the desire to further ensure the safety of fishing crews and CCAMLR scientific observers, the Commission adopted Resolution 23/XXIII on safety on board vessels fishing in the Convention Area. This resolution urges Members to take particular measures to promote the safety of all those on board vessels fishing in the Convention Area.

10.100 The Commission recognised that there may be merit in consolidating the elements of Resolutions 20/XXII and 23/XXIII into a single resolution, or measure. Members were asked to consider this matter during the intersessional period.

#### Environmental protection

10.101 The Commission considered the Secretariat's proposal to consolidate the environmental protection-related provisions of the fishery measures within a single conservation measure. This proposal was initiated following Resolution 1 (2004) adopted at ATCM-XXVII, and the Secretariat considered that there may be benefit in consolidating such provisions insofar as these relate directly to the potential environmental consequences of fishing activities (CCAMLR-XXIII/33).

10.102 The Commission was supportive of this proposal. However, the Commission agreed that further consideration was needed in relation to harmonising the environmental requirements in CCAMLR fisheries with the requirements of MARPOL and the Madrid Protocol. The Secretariat was tasked with further developing this concept during the intersessional period.

#### General

10.103 Australia advised the Commission that any fishing or fisheries research activities in that part of Divisions 58.4.3a, 58.4.3b and 58.5.2 that constitutes the Australian EEZ around the Australian Territory of Heard Island and McDonald Islands must have the prior approval of Australian authorities. The Australian EEZ extends up to 200 n miles from the Territory. Australia regards unauthorised fishing in its waters as a serious matter that undermines efforts to ensure fishing occurs only on an ecologically sustainable basis. Australia seeks the assistance of other CCAMLR Members in ensuring their nationals and vessels are aware of the limits of the Australian EEZ and the need for prior permission to fish there. Australia has implemented strict controls to ensure that fishing in its EEZ occurs only on a sustainable basis. These controls include a limit on the number of fishing concessions issued. Presently, fishing concessions are fully subscribed and no further concessions are available in 2004/05. Australia has legislation to provide for large penalties for illegal fishing in Australia's EEZ, including the immediate forfeiture of foreign vessels found engaged in such activities. Any enquiries about fishing in the Australian EEZ should be made initially to the Australian Fisheries Management Authority.'

## FISHERIES MANAGEMENT AND CONSERVATION UNDER CONDITIONS OF UNCERTAINTY

11.1 The Commission noted advice from the Scientific Committee regarding the likelihood of links between toothfish stocks inside and outside the Convention Area in the Indian Ocean (Areas 51 and 57) and that important information was missing in respect of research data, fishery-based data on catch locality, catch and effort, and size of fish in the catch. These data would help scientists to determine whether those links might affect the status of stocks inside the Convention Area either through fish moving between the areas as larvae, or young fish moving from areas outside to areas inside the Convention Area. Therefore, the Scientific Committee requested that the Commission consider ways of acquiring the required data for stocks outside the Convention Area (SC-CAMLR-XXIII, paragraphs 7.14 and 7.15).

11.2 The Commission also noted that the Scientific Committee considered that the catch rates reported by Spain this year from Area 51 are much lower than the CDS records suggest and therefore reiterated its concerns that catch rates in these areas are likely to be unsustainable (SC-CAMLR-XXIII, paragraph 7.11).

11.3 Spain informed the Commission that it had reported catches taken by its fishing vessels, with a scientific observer on board, from Area 51 on a voluntary basis. Despite the limited area and time period covered by the vessel, the data submitted were important to the Scientific Committee. Spain expressed the view that such experimental cruises should be undertaken by other Members.

11.4 In this respect, the Commission also recalled Resolution 10/XII which reaffirms that Members, in particular, emphasised the importance of further research on any stocks or species which occur both within the area of the Convention and within adjacent areas. Resolution 10/XII reaffirmed that Members should ensure that their flag vessels conduct harvesting of such stocks responsibly and with due respect for conservation measures in force.

11.5 The European Community concurred with Spain on the importance of continuing to collect the required data from Areas 51 and 57 and drew the attention of the Commission to the practice adopted by NAFO and NEAFC for the collection of data for areas outside their Convention Areas in the North Atlantic Ocean. Each vessel entering the Convention Areas of NAFO and NEAFC is required to send, via VMS position report, the composition and origin of the catch on board. This information enables effective control over catches taken inside the North Atlantic Convention Areas and provides information of catch locations outside these areas. This is also relevant to the potential use of VMS being considered by the Commission and therefore could also be of interest to CCAMLR, in particular, taking into account the impending establishment of a neighbouring RFMO under the future Southern Indian Ocean Fisheries Agreement (SIOFA) (paragraphs 14.3 to 14.6).

11.6 Ukraine informed Members that one of its flag vessels had recently fished in Areas 41 and 57 with a scientific observer on board. Ukraine advised that the data collected during fishing in these areas would soon be submitted to the Secretariat.

11.7 The Commission welcomed this offer and requested other Members to submit to the Scientific Committee all data on toothfish stocks collected by them in Areas 51 and 57 both in the past and recent times. The Commission also requested that Members consider conducting cooperative surveys in these areas on a voluntary basis.

## DATA ACCESS AND SECURITY

12.1 The Commission noted that in response to its instructions (CCAMLR-XXII, paragraph 12.6), the Secretariat has produced flow charts to illustrate the procedures attached to requesting, accessing and receiving CCAMLR data. The Rules for Access and Use of CCAMLR Data (updated to include the abovementioned flow charts) are located in Parts 11 and 12 of the Basic Documents section on the CCAMLR website.

12.2 It also noted that the Secretariat had introduced confidentiality of information provisions for its staff (CCAMLR-XXII/BG/15 and CCAMLR-XXII, paragraphs 10.17 and 12.11 to 12.17) in 2003. During 2004, the Secretariat had developed an Information Technology Code of Conduct for all its information technology functions so as to ensure, *inter alia*, security of electronic information for which the Secretariat is responsible.

12.3 Specifically in relation to the C-VMS, the Commission noted with appreciation that the Secretariat has afforded urgent priority to ensuring security for data arising from the pilot project (CCAMLR-XXIII/BG/14).

12.4 In relation to CDS data, the Executive Secretary indicated that, in his understanding, the current rules for access to CCAMLR CDS data will continue to apply until the Commission should decide otherwise.

## COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM

### Cooperation with Antarctic Treaty Consultative Parties

13.1 The Executive Secretary reported on his attendance at ATCM-XXVII (CCAMLR-XXIII/BG/6). In accordance with Article 9 of the Antarctic Treaty, a report of CCAMLR activities in 2003/04 was tabled.

13.2 The main points of direct relevance to CCAMLR-XXIII discussed at ATCM-XXVII were as follows:

- (i) The CCAMLR Secretariat continues to provide advice on the development of the Antarctic Treaty Secretariat in Buenos Aires, Argentina.
- (ii) Subject to the ATCM's 2003 decision, the CCAMLR Secretariat awaits instructions from the Antarctic Treaty Depositary (USA) to release funds being held by the CCAMLR Secretariat in a temporary interest-bearing account for voluntary contributions for the Treaty Secretariat.
- (iii) The newly elected Executive Secretary for the Antarctic Treaty Secretariat, Mr J. Huber (Netherlands) will be attending CCAMLR-XXIII in order to gain a personal insight into the organisation of CCAMLR meetings.
- (iv) The ATCM continues to revise Annex II (Conservation of Antarctic Fauna and Flora) to the Environmental Protocol. Issues of particular interest to CCAMLR, which are receiving further attention are:

- amendment of the annex title reflecting changes to its scope
  - modification of definitions in Article I
  - expansion of the definition of Specially Protected Species to include marine species.
- (v) Resolution 1 adopted at ATCM-XXVII on prevention of marine pollution by fishing vessels, indicated support of CCAMLR Resolution 20/XXII relating to vessel ice-strengthening standards in high-latitude areas.
- (vi) Planned consultations with CCAMLR by CEP's Intersessional Contact Group (CEP/ICG) relating to reporting on the state of the Antarctic environment.
- (vii) Further development of proposals relating to a Circum-Antarctic CoML during IPY 2007/08.
- (viii) Consideration of bioprospecting in Antarctica.

13.3 The Chair of the Scientific Committee presented a report on his attendance at CEP-VII (CCAMLR-XXIII/BG/7). He noted that, in addition to the report of the Executive Secretary, he would like to focus on the following points:

- (i) CEP again addressed the issue of establishing a category of Specially Protected Species and continued to develop the required procedures and methods (there was no agreement on the technical and legal aspects of the text).
- (ii) CEP reviewed progress of the Antarctic Site Inventory (ASI) to monitor and assess visitor sites in the Antarctic Peninsula. The ASI has collected biological data and site-descriptive information for the Antarctic Peninsula since 1994.

13.4 Dr A. Press (Australia), the CEP Chair and the CEP Observer to SC-CAMLR, noted the increasing cooperation between CEP and the CCAMLR Scientific Committee. He added that a number of issues discussed at ATCM-XXVII, and reflected in the reports of the Executive Secretary and the Chair of the Scientific Committee, would lead to much stronger ties between CEP and SC-CAMLR.

13.5 With reference to paragraph 12 of the CCAMLR report to ATCM-XXVII, as presented in CCAMLR-XXIII/BG/6, Argentina noted that it had not ratified the 1995 Fish Stock Agreement.

13.6 South Africa reminded Members of its intervention regarding the acceptance at ATCM-XXVII of Ukraine as a full Consultative Party to the Antarctic Treaty and the statement made by the Delegation of Ukraine at ATCM-XXVII (paragraph 8.6).

13.7 Ukraine responded that it fully supported the objectives of the Antarctic Treaty and is prepared to cooperate on all matters of concern in an efficient and transparent way. With respect to undertakings made by the Delegation of Ukraine at ATCM-XXVII, Ukraine believed that it fulfilled these undertakings by conducting the required investigation and submitting the results to SCIC. However, if any issues remained unclear to some Members, Ukraine was prepared to cooperate with these Members in order to resolve them.

13.8 The UK referred to the ASI (paragraph 13.3) and the potential utility to the work of CCAMLR of data collected at visitor sites in the Antarctic Peninsula. The UK proposed that the CCAMLR Secretariat discuss with CEP the nature of available data and invite consideration by appropriate CCAMLR working groups of whether the data would be of value to CCAMLR.

13.9 The CEP Chair welcomed the proposal and advised that the matter would be discussed further directly with the CCAMLR Executive Secretary.

13.10 Chile supported the proposal and also noted other matters requiring close contact with the CCAMLR Secretariat such as MPAs, CEMP, Status of the Antarctic Environment Report and CoML. Activities undertaken in the context of the IPY will reflect on the relationships within the Antarctic Treaty System and, in parallel, on the success of CCAMLR.

#### Cooperation with SCAR

13.11 The SCAR/CCAMLR Observer, Dr Fanta, presented her report and focused on intersessional activities of SCAR of direct relevance to the work of CCAMLR (CCAMLR-XXIII/BG/37). She advised that the full report had been submitted to, and discussed by, the Scientific Committee (SC-CAMLR-XXIII, paragraphs 9.4 to 9.15).

13.12 The main intersessional activities of SCAR were:

- (i) SCAR presented a six-year strategic plan, including activities to be established for IPY.
- (ii) SCAR-XXVIII was held in Bremen, Germany, from 25 to 29 July 2004.
- (iii) The Life Science Standing Scientific Group (LSSSG) discussed a number of topics of interest to CCAMLR including, in particular:
  - application of marine acoustics technology and the Antarctic environment;
  - criteria for the identification of species to be especially protected under the Antarctic Treaty;
  - definition of terms related to studies on biological monitoring and human impacts in the Antarctic;
  - bioprospecting in Antarctica;
  - appropriateness for SCAR to review CCAMLR proposals on MPAs.
- (iv) The following science programs of LSSSG were active during 2003/04:
  - Evolutionary Biology of Antarctic Organism (EVOLANTA)
  - Ecology of the Sea-Ice Zone (EASIZ).

- (v) A new LSSSG program Evolution and Biodiversity in the Antarctic, is planned to be conducted for the next 10 years. It includes a Circum-Antarctic CoML, to be conducted during IPY 2007/08 providing data for the Information Net on Marine Biodiversity.
- (vi) The Expert Group on Seals and the Expert Group on Birds are prepared to provide reports on the status and trends of populations to the CCAMLR Scientific Committee.
- (vii) The following action groups were active during 2003/04:
  - Biological Monitoring
  - Best Practices for Conservation
  - Global International Water Assessment (GIWA).

13.13 The IXth SCAR International Biology Symposium will be held in Curitiba, Brazil, from 25 to 29 July 2005, and the scientific community of CCAMLR is invited to participate.

13.14 SCAR will play a major role in the 2007/08 IPY. It encouraged its members to join the international effort in the conduct of a Circum-Antarctic CoML and in survey transects planned to be carried out from the Antarctic continent to the Polar Front.

13.15 Dr Fanta noted that SCAR and CCAMLR share many areas of common interest. The IPY could be an excellent opportunity for joint complementary activities carried out in a coordinated manner.

13.16 Chile noted that recent interests of commercial companies in other parts of the world to patent genomes of biological organisms for the purpose of medicinal and other related research did not appear to be compatible with the aims of the Antarctic Treaty System. This could represent a challenge to the system in considering matters of bioprospecting in the Antarctic.

13.17 In respect to the appropriateness of the reviewing by SCAR of CCAMLR proposals for MPAs, the UK noted that Annex V to the Environmental Protocol of the Antarctic Treaty contained a mechanism for reviewing CCAMLR proposals, but such reviewing should be done collectively within the ATCM mechanism and not in isolation by SCAR.

13.18 The UK further noted that SCAR LSSSG should consider closer and more timely cooperation with the work of CCAMLR, especially in relation to the proposed SCAR workshops and initiatives on monitoring and MPAs. The UK suggested that CEP, SCAR and CCAMLR should consider holding intersessional discussions on how best to coordinate, and cooperate on, various topics of priority mutual interest, especially those relating to monitoring and species and habitat protection. They should try to ensure that SCAR and CCAMLR have the opportunity to review documents and proposals relating to workshops and similar initiatives prior to their implementation.

13.19 Dr Fanta advised that details of the proposed SCAR workshop would be placed on the CCAMLR website when they become available.

## **Assessment of proposals for Antarctic Specially Protected Areas and Specially Managed Areas, which include marine areas**

13.20 The Commission noted its deliberations on this matter and that it had endorsed approval of the management plans for transmission to the ATCM (paragraphs 4.14 to 4.16).

13.21 The Commission noted the Scientific Committee's consideration of a proposed new ASPA at Edmonson Point, Woods Bay, Ross Sea (SC-CAMLR-XXIII, paragraphs 3.58 to 3.65; CCAMLR-XXIII/41). The management plan, which requires approval by CCAMLR due to the inclusion of a marine area in the site, was received too late for consideration by WG-EMM.

13.22 However, WG-EMM's Subgroup on Protected Areas had reviewed the plan intersessionally, and had agreed that the plan was well written and scientifically sound, with a clear description of the values to be protected. The Scientific Committee had noted this review. Members had generally provided strong support for the plan. There was some concern that a delay could have negative implications, if increasing pressures to the site were to emerge. The Scientific Committee agreed that the inclusion of the small marine component would not affect the goals of CCAMLR, as it was extremely unlikely that any fishing activities could be conducted within the site.

13.23 While recognising that the normal course of action is for the Subgroup on Protected Areas to report to WG-EMM, and for WG-EMM to report to the Scientific Committee, the Commission agreed that the general view expressed by the Scientific Committee (SC-CAMLR-XXIII, section 3) should be forwarded to the 2005 ATCM. The Commission agreed that the interim nature of these views should also be conveyed to ATCM, and that a final recommendation would be made by the Commission in 2005, based on the advice from the Scientific Committee.

13.24 The UK noted that improvements to the procedures for the review of management plans containing marine areas that are submitted to CCAMLR for approval should be considered in order to avoid delays in the process.

## **COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS**

### **Reports of observers from international organisations**

#### **Intergovernmental organisations**

##### **CCSBT**

14.1 The CCSBT Observer (the Republic of Korea) reported that Korea had hosted the Eleventh Annual Meeting of CCSBT, from 19 to 22 October 2004, in Busan. Topics included determination of total allowable catch and national allocation, membership, stock status and management procedures. Further details are contained in CCAMLR-XXIII/BG/40.

## FAO

14.2 The FAO Observer reported on a number of issues of potential relevance to CCAMLR (CCAMLR-XXIII/BG/35). Such topics included: negotiations between FAO and CITES in relation to FAO's role in assessing proposals for listed species; FAO development of an Ecosystem Approach to Fisheries Management; FAO's relations with CCAMLR in the reporting of Southern Ocean fisheries statistics; the impending creation of an RFMO in the Southern Indian Ocean and its potential role in relation to the reporting of toothfish catches in Statistical Areas 51 and 57; global fleet capacity; the COFI-related biennial Regional Fishery Bodies (RFBs) consultative process; and outcomes of interest from the Deep Sea 2003 Conference, held in New Zealand in December 2003.

14.3 The European Community noted that the establishment of an RFMO in the Southern Indian Ocean Fisheries Agreement (SIOFA) was likely to be of high interest to CCAMLR. The European Community has participated actively in the negotiations of this agreement since its inception. Further negotiations will take place early next year and will be chaired by the European Community.

14.4 The Commission noted that SIOFA, as currently defined, will have competence over demersal species in most of FAO Statistical Areas 51 and 57, and will thus establish an area of application next to that of CCAMLR. Its mandate will therefore include, where occurring, toothfish resources in high-seas waters adjacent to the CCAMLR Convention Area. Therefore the establishment of the future SIOFA is likely to bind SIOFA Contracting Parties to notify catches and to cooperate in managing relevant stocks, as well as their assessment and evaluation in accordance with their own responsibilities.

14.5 The European Community further indicated that each SIOFA participant will have a role in collecting information and taking jurisdiction over the resources concerned. The necessary links to CCAMLR should be established so that the stocks can be assessed and evaluated in a cohesive way. As Chair of the SIOFA negotiations, the Delegate from the European Community was concerned that a number of countries operating in those areas and fishing for toothfish, are not participating in the negotiations. As the draft agreement is nearing completion and may be adopted next year, it is important that all Parties with fishing interests in demersal stocks in the Indian Ocean, north of CCAMLR, join in the negotiations.

14.6 The European Community reported that the intergovernmental consultation on SIOFA held last July in Mahe, Seychelles, adopted a resolution on data collection that is applicable on a voluntary basis, and the IOTC Secretariat is being solicited to receive any voluntarily transmitted reports on catches, on account of the coincidence of areas of application of both SIOFA and IOTC. CCAMLR Members were encouraged to collect data and communicate them to IOTC in accordance with the resolution.

14.7 Argentina thanked FAO for its comprehensive report. It regrets, however, that incorrect references to the territorial status of the Malvinas (Falkland) Islands were included in the report, thus attributing them a territorial status which they do not have. It recalled paragraphs 7.1 and 7.3 of the SCIC report (Annex 5) which are applicable in this case and to other documents, including, *inter alia*, conservation measures, resolutions, report language and bibliographies, submitted to the Commission and to the Scientific Committee and other bodies. Argentina recalled that it has always reserved its legal position regarding its

sovereignty over the Malvinas (Falkland), South Georgia and the South Sandwich Islands and surrounding waters, in all relevant circumstances, and that it will do so in the future as appropriate.

14.8 In response, the UK reiterated its well-known position that it has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Shetland Islands and their surrounding maritime areas. The UK indicated that it would be helpful for the effective working of the Commission if, in relation to papers submitted by observers which might refer to certain of the UK's Overseas Territories, a means could be found to address such issues without the need for repeated protests from Argentina. Furthermore, the UK considered it regrettable that Argentina had objected to the generic term 'UK Overseas Territories', which was an unhelpful approach.

14.9 Argentina expressed that it does not share the UK's views, rejected the UK's statement and reiterated its position stated in paragraph 14.7.

14.10 The USA acknowledged the issues and noted that it is a bilateral problem between the UK and Argentina. It encouraged these Members to reach an understanding about language, for example, using a reference to the language of the negotiation of CCAMLR, allowing the Commission to move forward without an exchange whenever an organisation outside CCAMLR raised an issue that provokes this exchange. The USA noted the comment by the UK and encouraged all Members to work with Argentina and the UK to avoid the necessity for this exchange in the future.

14.11 In response, Argentina expressed that it shared the views of the USA regarding the need to find a satisfactory solution for all Parties involved. Certainly, if both direct and indirect references to the said disputed territories and surrounding waters were avoided, then there would be no need to revisit this matter within CCAMLR.

14.12 Russia supported the USA and called on the UK and Argentina to discuss the matter bilaterally to find a solution to the problem.

#### IUCN

14.13 The following statement was made by the IUCN Observer:

'IUCN would like to thank the Chair for the opportunity to address the Commission at its Twenty-third Meeting.'

In light of the new developments in the United Nations General Assembly, and the Convention on Biological Diversity, following the commitments of the world leaders at the World Summit on Sustainable Development (WSSD), IUCN would like to draw the Commission's attention to the global debate on Marine Protected Areas (MPAs).

There is a worldwide recognition that MPAs have been proven to contribute to protecting biodiversity, sustainable use of components of biodiversity, managing conflicts, enhancing economic well-being and improving quality of life.

The WSSD Plan of Implementation (POI) that was endorsed by the United Nations General Assembly, called for maintaining the productivity and biodiversity of important and vulnerable marine and coastal areas, including in areas within and beyond national jurisdiction. It sets out actions at all levels needed to achieve sustainable fisheries and promote ocean conservation and management, including to, and I quote:

“develop and facilitate the use of diverse approaches and tools, including the establishment of Marine Protected Areas consistent with international law and based on scientific information, including representative networks by 2012 (POI, paragraph 32(c)).”

At the IUCN World Parks Congress (held in Durban in September 2003), experts recognised the urgency of extending the coverage of MPAs, particularly in areas beyond national jurisdiction and encouraging the use of available mechanisms to make progress towards the 2012 target of a globally representative System of Marine Protected areas.

Representative high-seas MPAs on a regional biogeographic basis are essential to protect habitats or ecosystems that are unique, special, fragile or representative, including seamounts, cold water corals, hydrothermal vents and the open ocean. Similarly, ecologically coherent networks of MPAs are crucial for sustaining populations of many animals and plants, and particularly for commercially exploited and highly migratory species. The World Parks Congress highlighted the important role that MPAs play in ensuring sustainable fisheries and stressed the need to consider MPAs as a tool within the framework of an integrated oceans’ management.

Achieving the goal of high-seas biodiversity conservation will also depend on an integrated approach under which all legal instruments and management tools work toward the same end. A framework to promote a high level of international cooperation and to coordinate and harmonise relevant international agreements would facilitate the creation of a global system of high-seas MPA networks and enhance the capacity to address the range of urgent and potential threats to high-seas biodiversity and productivity. In this regard, CCAMLR has been identified as a potential key player.

IUCN welcomes the relevant decisions of the 7th Conference of the Parties to the Convention on Biological Diversity (CBD) that calls on the “urgent need for international cooperation and action to improve conservation and sustainable use of biodiversity in marine areas beyond the limits of national jurisdiction, including the establishment of further MPAs consistent with international law, and based on scientific information, including areas such as seamounts, hydrothermal vents, cold water corals and other vulnerable ecosystems”. We look forward to further initiatives to help meet the 2012 target set by the WSSD. Through our initiatives on high seas, MPAs and a special task force of our World Commission on Protected Areas, IUCN will continue to pursue strategies for applying MPAs to the conservation of deep-sea and high-seas biodiversity.

CCAMLR is indeed empowered to designate protected areas in the marine environment within its area of application and we believe it is timely for CCAMLR to develop, as a matter of urgency, a system of MPAs.

So far, CCAMLR has been a pioneer in applying an ecosystem approach for the conservation and sustainable use of marine resources, the Convention has an opportunity to continue leadership in this domain.

IUCN and its World Commission on Protected Areas have considerable expertise and experience on the science, policy and management of MPAs. IUCN and its network of experts would be pleased to offer their assistance on this issue.'

## IWC

14.14 The IWC Observer drew Members' attention to CCAMLR-XXIII/BG/38 and paragraphs 9.27 to 9.32 of SC-CAMLR-XXIII containing information on the IWC. The 56th Annual Meeting of the IWC took place from 19 to 22 July 2004 in Italy. Although the IWC has accepted and endorsed the Revised Management Procedure for commercial whaling, it has noted that work on a number of issues, including specification of an inspection and observer system must be completed (the Revised Management Scheme) before the IWC will consider establishing catch limits other than zero. A resolution aimed at drafting text ready for consideration and possible adoption and/or to identify any outstanding policy and technical issues next year was passed by consensus.

14.15 Other topics discussed at the IWC's annual meeting included sanctuaries and scientific permits, including the annual take of 400 whales in the Antarctic. A new Vice-Chair, Mr H. Kleinschmidt (South Africa) was elected and a newly-established body, the Conservation Committee, met for the first time.

14.16 The Republic of Korea announced that it would host the 57th Annual Meeting of the IWC in Ulsan during late May/early June, and invited Member countries to attend.

## Non-governmental organisations

### ASOC

14.17 The following statement was made by the ASOC Observer:

'ASOC welcomes this opportunity to address the Twenty-third Meeting of the Commission. We would like to draw attention to the following papers tabled at this meeting: CCAMLR-XXIII/BG/27, BG/31, BG/32, BG/33 and SC-CAMLR-XXIII/BG/25.

ASOC remains concerned about the highly unsustainable levels of IUU fishing in the Convention Area. Current levels of IUU fishing seem to be an underestimate. Fewer

sightings of illegal vessels does not necessarily mean that there is less illegal fishing, unless there is a corresponding decline in trade flows and market availability of toothfish, which we have not observed.

We therefore urge the Commission to take prompt effective action to close the loopholes of the system, which are currently enabling IUU operators to catch and sell illegally caught toothfish.

In this context, ASOC welcomes progress made in this meeting towards the implementation of a centralised vessel monitoring system. We strongly urge the Commission to adopt this decision.

In relation to VMS, ASOC also believes that an effective vessel tracking system should be capable of determining the position of a vessel throughout the entirety of the fishing trip, on a port-to-port basis. We hope that the Commission will support this concept for all vessels fishing in the Convention Area.

ASOC also welcomes discussions towards the implementation of an electronic *Dissostichus* Catch Document (E-DCD). After two years of successful trials, it is clear that the E-DCDs are easy to use, and that they do not entail increased administrative costs. The use of E-DCDs will close one of the major loopholes of the system which is enabling illegal catches to enter the markets in the same conditions as legal catches.

ASOC urges the Commission to adopt a mandatory E-DCD system as a matter of urgency, and all countries participating in the CDS to move quickly towards full implementation.

With regard to IUU vessels, ASOC is troubled that some vessels with IUU history are to be considered by the Commission this week to potentially engage in new and exploratory fisheries in the Convention Area. We believe that CCAMLR should establish rules that ensure that illegal operators are not allowed to enter CCAMLR fisheries through the renaming and reflagging of their vessels.

ASOC is also concerned about the increasing interest in the krill fishery, including the introduction of new and improved processing technologies, and the use of new flags to operate in the Convention Area. The information available on these harvesting operations is still insufficient for the Scientific Committee to provide adequate management advice on this fishery. Therefore, we urge the Commission to establish the requirement of scientific observers on board krill vessels. Vessels fishing for krill in the Convention Area should also be required to maintain a VMS, and to report haul-by-haul data, as required in CCAMLR finfish fisheries. Finally, CCAMLR Parties should be required to report their detailed krill fishing plans to the Commission.

To ensure a precautionary management of the krill fishery that avoids impacts on krill-dependent predators, CCAMLR should consider the subdivision of precautionary catch limits amongst the 15 SSMUs established in 2002 as a matter of priority.

ASOC would also like to draw the attention of the Commission to the need to protect critical, vulnerable and high-biodiversity areas in the Southern Ocean, through the establishment of MPAs in the Convention Area. ASOC urges CCAMLR to support the establishment of MPAs and their integration into CCAMLR's management regime. In this context, we welcome the recommendations from the Scientific Committee, particularly the proposed intersessional work, which we urge the Commission to endorse.

ASOC also urges CCAMLR to endorse the calls from the Convention of Biological Diversity and the United Nations General Assembly to take urgent action to protect vulnerable deep-sea habitats, including seamounts, cold water corals and other vulnerable ecosystems. This should include the consideration of establishing an interim prohibition of bottom trawl fishing in the Convention Area, until the Scientific Committee has had the opportunity to assess the extent of such vulnerable biodiversity in the Convention Area. In light of all this, ASOC recommends that the Commission rejects any new proposal for initiating a bottom trawl fishery in the Convention Area.

With regard to the fish stock assessment for toothfish in Subarea 48.3, ASOC is concerned that the Scientific Committee could not provide advice on a total allowable catch. This clearly indicates that there is a high degree of uncertainty concerning this assessment. Therefore, we urge the Commission to apply the precautionary principle. Based on the reports from WG-FSA, ASOC believes that a total allowable catch exceeding 1 900 tonnes would not be precautionary.'

## COLTO

### 14.18 The COLTO Observer made the following statement:

'Thank you Chair, and CCAMLR delegates, for the opportunity to participate as an observer at your meeting this year.

It is a pleasure to be in a position, on behalf of the Coalition of Legal Toothfish Operators, to congratulate CCAMLR on its achievements towards eliminating IUU fishing since its last meeting.

The significant reduction in IUU reported catches, both within and outside CCAMLR waters, is something that COLTO is pleased to see. There is anecdotal information from our marketing contacts of a very real drop in IUU catches and product available on the markets, which lends support to the belief that the measures being taken by CCAMLR are beginning to take effect.

Several high-profile captures of illegal vessels during the year have also highlighted the risks that face illegal operators, and this is helping to reduce IUU activity yet further. Port State controls have been noticeably tightened in a number of areas, and this has also contributed to the reductions in IUU catches being offloaded.

COLTO is an effective conduit for industry input to CCAMLR. Our membership represents 22 companies, from nine countries, catching around 80% of the total legal CCAMLR toothfish.

Since we began just 18 months ago, the COLTO website ([www.colto.org](http://www.colto.org)) has received in excess of 65 000 “hits”. That is, every day there are over 150 people looking at information on IUU fishing for toothfish on our website.

Our “wanted” campaign has continued to generate large numbers of photographs, details on vessel movements, and product information. Wherever relevant, that information has been passed to appropriate government authorities. Rewards have been paid out to more than 20 informants to date.

COLTO members have also continued to report directly to their Flag States where they have identified IUU vessels, as well as provided assistance with surveillance and compliance activities, hauling of illegal fishing gear and other collection of evidence and information.

We are receiving an increasing number of enquiries from academics, conservation NGOs and the general public on issues ranging from seabird mitigation measures used by legal operators, through to the administrative workings of an international industry coalition. This is a positive step, and demonstrates the public interest that exists in the workings of CCAMLR, the toothfish fisheries it is responsible for managing, and the legal industry viewpoints on those aspects.

The work from CCAMLR to eliminate IUU fishing is starting to pay dividends, and COLTO remains dedicated to providing input and assistance to the Commission where it can.’

#### Reports from CCAMLR representatives at meetings of international organisations in 2003/04

#### Attendance of Secretariat staff at various international meetings

14.19 The Executive Secretary reported that, at the Commission’s direction, members of the Secretariat had attended various international meetings during the intersessional period. Both he and the Science Officer had attended the Deep Sea 2003 Conference in Queenstown, New Zealand, in December 2003. The outcomes of the conference were highlighted in CCAMLR-XXIII/BG/4. The conference provided a unique opportunity to showcase CCAMLR in a globally important event. It also allowed the Executive Secretary and the Science Officer to interact with a wide variety of scientists, fisheries enforcement personnel, international lawyers, industry representatives and politicians. Acknowledgement was given to CCAMLR’s status and unique standing as one of the pre-eminent marine management organisations worldwide. Conference proceedings will be published by FAO in 2004.

14.20 The Executive Secretary advised that he had participated in the OECD Workshop on Illegal, Unreported and Unregulated Fishing, which he had reported on in CCAMLR-XXIII/BG/3. Also, some of the outcomes and activities relating to this workshop are outlined in CCAMLR-XXIII/BG/39 which is a multi-Member contribution outlining the activities of the ministerially led task force of the OECD dealing with IUU fishing.

14.21 Paragraphs 18 to 22 of CCAMLR-XXIII/BG/3 set out suggested actions arising from the workshop. In particular, paragraph 20 outlined the actions which might be instituted by

RFMOs or RFBs. The workshop outlined in general the importance that has been recognised by CCAMLR that IUU fishing is a dynamic and many-faced complex problem and that it is fundamentally unsustainable and economically unfair. CCAMLR's role and recent efforts were given strong support by the workshop and were recognised as offering a useful model for future action.

14.22 Chile thanked the Executive Secretary for his attendance at the OECD Workshop and for the conclusions he had reported, and drew the attention of Members to CCAMLR-XXIII/BG/39 which outlined the work of the ministerially led task force of the OECD with regard to IUU fishing. This task force is led by the Minister for the Environment of the UK, joined by the Fisheries Ministers of Australia, Canada, Chile, Namibia and New Zealand. Other high-level membership includes chief executives, leading non-governmental organisations and responsible industry such as the Earth Institute, WWF International, IUCN, the Marine Stewardship Council and COLTO. A small Secretariat in Paris is headed by the Hon. S. Upton of New Zealand. Chile noted that the document (CCAMLR-XXIII/BG/39) is informative and may also be discussed under item 8 (IUU fishing in the Convention Area).

14.23 Australia referred to the Executive Secretary's discussion of CCAMLR-XXIII/BG/3 and drew Members' attention to paragraph 20 which notes some of the recommended actions that have previously been raised in this Commission, particularly 'that more RFMOs consider publishing lists of companies and vessels engaged in high seas IUU activities as well as lists of vessels authorised to fish'. This had been a subject of discussion in SCIC and Australia presumed that it would be raised again at the appropriate time on the agenda. Australia also endorsed the comments made by Chile.

14.24 Argentina asked the Executive Secretary to provide comprehensive information relating to the OECD Workshop attended by the Executive Secretary, which had led to the outcomes and conclusions contained in CCAMLR-XXIII/BG/3.

#### Cooperation with CITES

14.25 The Executive Secretary advised Members that although CITES had previously indicated that it would be represented at CCAMLR-XXIII, it had advised during the past few days that it would not be attending. The Secretariat had produced a paper on cooperation with CITES (CCAMLR-XXIII/BG/5) which had now been overtaken by events, particularly the recent Conference of CITES Parties held in Bangkok, Thailand, between 2 and 14 October 2004. No formal outcomes have as yet been conveyed to the Secretariat regarding any decisions that may be of interest to CCAMLR. The Executive Secretary reiterated that, in his presentation, the FAO Observer outlined a number of issues in respect of CITES and FAO matters which are set out in CCAMLR-XXIII/BG/40.

#### Nomination of representatives to meetings of international organisations in 2004/05

14.26 The following observers were nominated to represent CCAMLR at meetings of international organisations in 2004/05:

- First Meeting of the Parties (MOP1) for ACAP, 8 to 12 November 2004, Hobart, Australia – Australia/Executive Secretary.
- 14th Annual Meeting of ICCAT, 15 to 21 November 2004, New Orleans, USA – USA.
- 3rd IUCN World Conservation Congress, 17 to 25 November 2004, Bangkok, Thailand – Australia.
- Southern African Development Community (SADC) Regional Symposium in Monitoring Control and Surveillance (MCS), 1 and 2 February 2005, Cape Town, South Africa – Executive Secretary.
- Meeting of FIRMS Steering Committee, 25 and 26 February 2005, Copenhagen, Denmark – Data Manager.
- Twenty-sixth Session of COFI, 7 to 11 March 2005, Rome, Italy – Executive Secretary.
- Interministerial Meeting on Fisheries, 12 March 2005, Rome, Italy – Executive Secretary.
- Fourth Meeting of the FAO Regional Fisheries Bodies, 14 and 15 March 2005, Rome, Italy – Executive Secretary.
- CCAMLR Symposium hosted by Chile and Australia, April 2005, Chile – Executive Secretary.
- ATCM-XXVIII, 6 to 17 June 2005, Stockholm, Sweden – Executive Secretary.
- CEP-VIII – Antarctic Treaty, 6 to 17 June 2005, Stockholm, Sweden – Chair, Scientific Committee.
- 73rd Annual Meeting of the IATTC, 13 to 24 June 2005, Spain – Spain.
- 57th Annual Meeting of the IWC, 20 to 24 June 2005, Ulsan, Republic of Korea – Republic of Korea.
- WTO Committee on Trade and Environment – Information session with representatives of Secretariats of Multilateral Environmental Agreements, June–July 2005, Geneva, Switzerland – New Zealand.
- 96th Session of the OECD Committee on Fisheries, 10 to 12 October 2005, Paris, France – France.
- Extended Commission of the Twelfth Annual Meeting of CCSBT, 11 to 14 October 2005, Taipei, Taiwan – Australia.
- Twelfth Annual Meeting of CCSBT, 15 October 2005, Narita, Japan – Australia.
- Sixth Intergovernmental Consultation on SIOFA (dates and venue not available) – European Community.

## Partnership in FIRMS

14.27 The Chair advised the meeting that CCAMLR had received an invitation to become a partner in the Fishery Resource Monitoring System (FIRMS) established by FAO. FIRMS is a partnership that will draw together international organisations, regional fisheries bodies, national scientific institutions and FAO, collaborating within a formal agreement to share information on the status and trends of fishery resources.

14.28 The Executive Secretary informed Members that this issue had been raised at last year's meeting (CCAMLR-XXII, paragraph 14.50) and, in accordance with the Commission's instructions, the Secretariat had maintained a watching brief on developments in this regard. The Steering Committee of the FIRMS founding partners sent a letter of invitation and encouragement to CCAMLR to join the partnership which was distributed to Members as COMM CIRC 04/29. Information regarding the FIRMS watching brief may be found in CCAMLR-XXIII/5.

14.29 In response to COMM CIRC 04/29, some Members encouraged consideration of this matter and indicated support for CCAMLR to work towards becoming a partner. The benefits to CCAMLR, as perceived in analyses undertaken by the Secretariat, are set out in paragraphs 12 and 13 of CCAMLR-XXIII/5. The context in which the involvement would take place is clear from these paragraphs. In particular, the issues that relate to being involved at the formative stage relate to the exchange of information between various bodies, the future contribution of information in a way that is appropriate to the workings of this Commission, and the maintenance of CCAMLR's standing as a leading intergovernmental agency. The Executive Secretary also stated that CCAMLR's experiences with IUU fishing, and the fact that such fishing is a global problem (CCAMLR-XXIII/5, Figure 1), highlights the importance of exchanging relevant information in this regard. An association with FIRMS in this context would be beneficial not only to global initiatives to counter IUU fishing, but would also be directly relevant to an important matter being addressed by the Commission.

14.30 The financial implications of joining the FIRMS partnership are set out in paragraph 17 of CCAMLR-XXIII/5 which provided a breakdown of annual costs for formatting of material contributed to FIRMS, development of XML methodology and participation of Secretariat staff in meetings of the Steering Committee.

14.31 Argentina, while supporting cooperation with appropriate RFMOs, underlined that the following elements are to be dealt with when a decision is to be made in that regard: asymmetries as to membership and overlapping of the areas regulated and of the matters involved. All this requires further study.

14.32 The European Community supported development of the initiative and hoped that CCAMLR would join the partnership. It expressed support for concluding the agreement with FIRMS and for starting formal collaboration as soon as possible.

14.33 Poland supported the intervention made by the representative of the European Community, stating that, despite the opinion that cooperation within FIRMS can be of little advantage, it can nevertheless be useful for the protection of the resources, exchange of information and fisheries inspection. Poland is interested in using the future database developed by FIRMS.

14.34 The Delegate from Poland also stressed that, while cooperating with FIRMS, greatest care must be applied to securing confidentiality of the transmitted data, so that no access be given to confidential data through the generally accessible FIRMS website. The scope of the data transmitted to FIRMS should not exceed the data made publicly available by CCAMLR.

## CONSIDERATION OF THE OBJECTIVES OF THE CONVENTION

15.1 Chile, supported by Australia, formally confirmed the advice received at last year's meeting (CCAMLR-XXII, paragraph 15.1) that a symposium will be held in Valdivia, Chile, probably from 4 to 8 April 2005. It is intended that there will be a high level of participation and that discussions will be extensive and fruitful.

15.2 The timing of this symposium is appropriate as it will coincide with the 25th year of the existence of the Convention. This will be an opportunity to take stock of the achievements of the Commission. It will also be possible not only to reflect on the work that has previously been done, but also to find ways of creating greater efficiency and improving methods for responding to the requirements of the objectives of the Convention.

15.3 The Republic of Korea presented the following statement:

'The "conservation" of the Antarctic marine living resources is the objective of the Convention, but this objective is closely linked to the concept of "rational use". The concept of rational use means that fishing should be carried out in a sustainable manner. In this sense, CCAMLR is a Regional Fisheries Management Organisation (RFMO) of a very special nature.

The Convention also provides three principles in paragraph 3 of Article II: firstly, the prevention of population decrease below the level of its stable recruitment; secondly, the maintenance of the ecological relations and restoration of depleted populations; and lastly, the prevention or minimisation of changes in the marine ecosystem.

For the implementation of the objective, the Convention entrusts the Commission with the necessary function. Although the terms "conservation" and "conservation measures" have a very broad and flexible interpretation, the managerial powers of the Commission are not arbitrary as they are subject to the objective of the Convention. The objective and the principles should go side by side. Both the objective and the principles have to be translated into conservation measures in accordance with Article IX.

As the Scientific Committee is subordinate to the Commission, the former also must take into account the objective of "conservation" along with the interests of its Members in terms of rational use of resources.

The Contracting Parties are also bound by the objective of the Convention. They are certainly contributing to the attainment of the objective of the Convention by complying with the conservation measures and discharging other obligations. However, we should be thoughtful and conscious of our capabilities as well as our limitations when we pursue the objective.

In this sense, CCAMLR can be beneficial for its Members, provided the following conditions are met:

- (i) first we all together have a sincere concern for the wise use of the resources of the Southern Ocean;
- (ii) second we must take practicable and realistic steps to maintain the ecological balance of the fish populations;
- (iii) third we intend to combat IUU fishing and degradation of the resources;
- (iv) lastly measures thus adopted must reflect profound consensus and be based on a solid experience.

It is hoped that the objective of the Convention will be interpreted in a harmonious way so that it will bring us together and will not divide or disperse our attention.'

15.4 In response to Germany's advice that it is important to ensure that non-fishing States be involved in the matters under discussion, Australia confirmed that the maximum participation by all Members would be important to ensure a successful outcome. Australia welcomed the constructive participation of the Republic of Korea in the work of the Commission and the Scientific Committee. Chile confirmed the importance of non-fishing States to the work of CCAMLR, noting that the participation by such Members in the proposed symposium (paragraph 15.1) is important and has been especially relevant to CCAMLR's scientific work.

15.5 Australia recalled the agreed interpretation by the Commission at an earlier meeting (CCAMLR-XXI, paragraph 15.2), where it was recognised that CCAMLR is a conservation organisation with the attributes of an RFMO within the context of the UN and its subsidiary bodies, and that its competence as an RFMO is particularly evident in relation to the management of *Dissostichus* spp. In this respect, science plays an important part in CCAMLR's work, including the collection of necessary data and developing the best methods for analysing the status of stocks and the sustainability of harvesting. The Commission has always insisted that any development be carefully managed to ensure compliance with the Convention's requirements for conservation and rational use.

15.6 Chile thanked the Republic of Korea for its considered comments, and Australia for its recollection of the Commission's managerial prerogatives. Chile also recalled that the Commission had previously provided an interpretation of its responsibilities with respect to the function of the ecosystem approach, with the result that the Scientific Committee and Commission would work not only to prevent the fall of targeted stocks below recruitment levels, but also to ensure that never again will the population of any resource fall so far that it cannot recover.

15.7 Argentina expressed gratitude to Chile and Australia for their initiative in respect of the symposium and recognised its value in reviewing the past to maintain perspective on the future. It also thanked the Republic of Korea for its interesting presentation, which will certainly be the basis of a better understanding of CCAMLR's objectives and principles.

15.8 In presenting CCAMLR-XXIII/BG/43, which outlined the historical background to the Commission's objectives, Argentina noted that Dr J.L. Suárez had advised the League of

Nations in 1925 that the international regulation of fisheries was vital to avoid the extinction of useful and dependent marine species. Many aspects of Dr Suárez's advice are now reflected in the objectives of the Convention.

15.9 Noting that the delay between the recognition of the necessity of such regulation and its implementation has had a severe impact on marine resources around the world, Argentina recognised that the delays are related, among the many factors involved, to the undue pre-eminence that political and commercial interests may have taken.

15.10 Argentina stressed that conservation cannot be measured simply by using a scientific or an economic model, and that when taking management decisions, the Commission should ensure that undue influence is not accorded to circumstantial elements and that the authority and respect enjoyed by CCAMLR is based both on each Member's participation in the work of the Commission and on their full responsibility as a Flag State.

15.11 Russia expressed gratitude to Australia and Chile for their initiative in arranging the symposium, and to the Republic of Korea and Argentina for their current contributions to this agenda item.

15.12 While regretting that there had been insufficient time to give adequate consideration to CCAMLR-XXIII/BG/43, Chile was grateful to Argentina for recalling the work of Dr Suárez, which is not well recorded as he worked alone. The influence of the work has been felt in the protection of resources beyond the area in which he operated, into all ecosystems.

15.13 Spain congratulated Chile and Australia on their initiative and noted that the Convention continues to be particularly relevant in the world today. Spain stressed that the issue of marine management needed to be an integration between fisheries regulation and environmental considerations, taking fully into account the issue of biodiversity. This is an important challenge and CCAMLR, in the framework of the Antarctic system, is in a position to play a key role.

## ELECTION OF CHAIR OF THE COMMISSION

16.1 The Commission noted that the present Chair's term of office would expire at the end of the present meeting. In accordance with the agreed procedure set out in the footnote to Rule 8 of the Rules of Procedure, the Commission agreed that the Republic of Korea should provide the Chair from the conclusion of the 2004 meeting until the conclusion of the 2006 meeting.

16.2 In accepting the nomination, the Republic of Korea regretted that it was not yet able to provide a name for the position as this had not yet been determined. The Republic of Korea assured the Commission that the nominee would be suitably qualified for this important position.

## APPOINTMENT OF EXECUTIVE SECRETARY

17.1 The Commission recognised that the initial contract of the Executive Secretary was due to expire at the end of January 2006, and that if a replacement was required, procedures would have to be instigated immediately. Expressing its satisfaction with the work of Dr Miller, and noting his desire to continue in the position, the Commission, in accordance with Rule 14(a) of the Rules of Procedure, agreed that his office shall be extended for a second four-year term.

## NEXT MEETING

### Invitation of observers to the next meeting

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

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

18.2 The following international organisations will be invited: ACAP, ASOC, CCSBT, CEP, CITES, COLTO, CPPS, FAO, FFA, IATTC, ICCAT, IOC, IUCN, IWC, SCAR, SCOR, SPC and UNEP.

18.3 The Commission agreed that the invitation to IOC should specify that it would be appropriate for its representative to have competence in matters concerning the UN-Oceans network.

### Date and location of the next meeting

18.4 The Commission noted that the next meeting would be held at its new Headquarters at 181 Macquarie Street, Hobart, Australia.

18.5 The Commission agreed that its Twenty-fourth Meeting would be held from 24 October to 4 November 2005. Heads of Delegation were requested to be in Hobart for a meeting on 23 October 2005.

18.6 The Commission noted that the Twenty-fourth Meeting of the Scientific Committee would held at the same location, from 24 to 28 October 2005, immediately preceded by WG-FSA. The meeting of WG-EMM would take place near Tokyo, Japan, in July 2005.

## OTHER BUSINESS

### Rights and obligations of Acceding States

19.1 Chile and Argentina had expressed concern regarding the notification received by the Commission from Vanuatu of an intended fishery for 60 000 tonnes of krill in the 2004/05 season (paragraphs 4.25 and 4.26).

19.2 Chile pointed out that the Convention provision permitting the transition of a State from accession to the Convention to Membership of the Commission was related to a similar provision in the Antarctic Treaty (Article IX). A State could become a Member through appropriate proof of its activities.

19.3 The Commission recalled the discussions in SCIC with respect to the krill fishery by Vanuatu in 2003/04 (Annex 5, paragraphs 2.23 to 2.30), and the Commission's direction that the Executive Secretary communicate to Vanuatu the Commission's concerns in this regard (paragraph 8.21). The Commission decided that such communication would also convey the concerns with regard to the current notification for a similar fishery in 2004/05 and should encourage Vanuatu to become a Member of the Commission.

### Membership of the Commission

19.4 The Commission recalled that it had recognised that growth in its membership would be of value and noted that in the near future a number of Acceding States may wish to seek membership of the Commission. In this respect, it recognised the conditions for such membership set out in Article VII.2(b) of the Convention and agreed to consider the matter further next year.

### International Polar Year (IPY)

19.5 The Commission noted that it had included this item in order to review preparations for the conduct of the IPY in 2006/07 and 2007/08 (CCAMLR-XXII, paragraph 13.7), and that a number of activities had already been planned.

19.6 Australia drew the attention of the Commission to its initiative with regard to a Circum-Antarctic CoML. This would be supported by the Sloan Foundation, which has already been involved in such censuses in other marine areas. The proposal has already been tabled with the ATCM, SCAR and COMNAP, and there are now in excess of 15 vessels intending to participate in the exercise, which was expected to yield interesting and useful information on marine life in the Convention Area. Any other party interested in participating was encouraged to contact Australia.

19.7 Brazil welcomed the Australian proposal for the IPY, including the possibility that it gives to those Members that will not be able to provide vessels or ship time to participate in this activity a wider sense of international collaboration.

19.8 The Chair of the Scientific Committee recalled its advice to the Commission on this subject (SC-CAMLR-XXIII, paragraphs 15.4 to 15.7) and noted that a number of Members have programs associated with the IPY. In considering a possible program for itself, the Scientific Committee had considered that a synoptic survey in the South Atlantic, similar to that carried out in 2000, might be appropriate. Dr V. Siegel (European Community) has been appointed to head a steering committee for this initiative.

19.9 Chile drew the attention of the Commission to the work of SCAR, and, in particular, to the new trend in SCAR's strategies. With France's work on sub-Antarctic ecosystems with respect to land and marine animal interactions, and other programs on oceanographic work, there will be a valuable increase in the available knowledge of the Convention Area. The outcomes would be followed with great interest.

19.10 The SCAR Observer thanked Australia for the proposal and coordination of the CoML to be carried out during the IPY. Also at SCAR there will be intense activity of most of the national Antarctic programs. As previously mentioned (paragraph 13.15), the census during the IPY will provide an excellent opportunity for a joint effort of SCAR and CCAMLR to obtain more information on marine living resources and biodiversity in the Antarctic.

#### Other

19.11 With respect to incorrect references, such as those derived from CCAMLR-XXIII/BG/27, regarding the territorial status of the Malvinas (Falkland) Islands, South Georgia and the South Sandwich Islands, Argentina reiterated paragraphs 7.1 and 7.3 of the SCIC report. These apply to all documents as well as *inter alia*, report language, footnotes, statistic reporting, and bibliographies produced by, or submitted to, the Commission, the Scientific Committee and other bodies. Argentina reaffirmed its well-known legal position: the Malvinas (Falkland) Islands, South Georgia and the South Sandwich Islands and surrounding waters are an integral part of the Argentine national territory.

19.12 In response, the UK drew the Commission's attention to paragraph 14.8.

19.13 Argentina stated that it does not share the UK's views, rejected the UK statement and reiterated its legal position.

### REPORT OF THE TWENTY-THIRD MEETING OF THE COMMISSION

20.1 The report of the Twenty-third Meeting was adopted.

## CLOSE OF THE MEETING

21.1 Before closing, the Chair spoke of ending the meeting with a sense of achievement, noting among many other things, the dramatic reduction in IUU catches during the past year. As Chair, Mr Yonezawa congratulated all delegates for what had been achieved during the past two weeks. He had returned to the Commission after 10 years and was very pleased to witness the progress made in terms of a sense of togetherness with the promotion of the common objectives of the Commission.

21.2 On behalf of the Commission, Mr Yonezawa expressed his most sincere gratitude to those who deserve admiration for their invaluable contribution and most efficient execution of the most demanding duties – Dr R. Holt (USA) and members of the Scientific Committee, Dr H. Pott (Germany) and associates in SCAF, Ms R. Tuttle (USA) and colleagues in SCIC, and Dr D. Agnew (UK) and members of the Conservation Measure Drafting Group.

21.3 Mr Yonezawa also expressed his deepest gratitude to Dr Miller and the Secretariat staff and interpreters. On behalf of the Commission, he paid tribute especially to the translators who had worked almost to their limit with such efficiency.

21.4 Finally, Mr Yonezawa thanked delegates and Secretariat staff for their support and guidance during his two-year term as Chair of the Commission. In finishing his duty, he wished the Commission and his successor from the Republic of Korea much success.

21.5 On behalf of the Commission, Dr Press thanked Mr Yonezawa for the way he had guided Members through their work over the last two years.

21.6 Ambassador S.-H. Cho (Republic of Korea) thanked the Chair for his excellent leadership. He also thanked Mr Yonezawa for his good wishes to Korea for its chairmanship over the next two years, and said that Korea looked forward to the cooperation of Members during its time in the chair.

21.7 As a token of the Commission's appreciation, Dr Miller then presented Mr Yonezawa with the customary gavel.

21.8 Dr Miller informed Members that it was the last meeting for the Secretariat's Administration/Finance Officer, Mr Jim Rossiter, who had served the Commission admirably. He had provided support, tolerant guidance and very good advice to all. Dr Miller personally greatly appreciated all that Mr Rossiter had done for the Secretariat and was sure that Members of the Commission also appreciated his untiring support. On behalf of the Commission, Dr Miller presented to Mr Rossiter, in recognition of his long and dedicated service, a Gyotaku artwork by Boshu Nagase, a world leader in the ancient Japanese art form.

21.9 During his years with the Secretariat, Mr Rossiter said that he had realised it was an honour to work with the Commission and the Scientific Committee whose work is a good example of the sum of parts being greater than the individual parts. The Secretariat itself is much more than the individual parts. He wished to leave Members with one final thought – when reviewing the Commission's work at the symposium next year, consider that all the parts together can continue to improve as long as the Secretariat is allowed to do the work which it likes to do and that is to support the Commission and the Scientific Committee to the greatest extent possible.

21.10 The Chair of the Commission then closed the Twenty-third Meeting.

**ANNEX 1**

**LIST OF PARTICIPANTS**

## **LIST OF PARTICIPANTS**

### **CHAIR**

Mr Kunio Yonezawa  
Special Assistant to the Minister of Foreign Affairs  
Ministry of Foreign Affairs  
Tokyo, Japan

### **CHAIR, SCIENTIFIC COMMITTEE**

Dr Rennie Holt  
Southwest Fisheries Science Center  
National Marine Fisheries Service  
La Jolla, California, USA  
[rennie.holt@noaa.gov](mailto:rennie.holt@noaa.gov)

### **ARGENTINA**

#### Representative:

Ministro Ariel R. Mansi  
Dirección General de Antártida  
Ministerio de Relaciones Exteriores,  
Comercio Internacional y Culto  
Buenos Aires  
[aim@mrecic.gov.ar](mailto:aim@mrecic.gov.ar)

#### Alternate Representative:

Dr. Enrique R. Marschoff  
Instituto Antártico Argentino  
Ministerio de Relaciones Exteriores,  
Comercio Internacional y Culto  
Buenos Aires  
[marschoff@dma.gov.ar](mailto:marschoff@dma.gov.ar)

#### Advisers:

Dr. Esteban Barrera-Oro  
Instituto Antártico Argentino  
Ministerio de Relaciones Exteriores,  
Comercio Internacional y Culto  
Buenos Aires  
[ebarreraoro@dma.gov.ar](mailto:ebarreraoro@dma.gov.ar)

Dr. Leszek Bruno Prenski  
Cámara de Armadores Pesqueros Congeladores  
de la Argentina  
Buenos Aires  
[bprenski@armadorespesqueros.com.ar](mailto:bprenski@armadorespesqueros.com.ar)

## AUSTRALIA

- Representative:  
Dr Anthony Press  
Australian Antarctic Division  
Department of Environment and Heritage  
Tasmania  
[tony.press@aad.gov.au](mailto:tony.press@aad.gov.au)
- Alternate Representatives:  
Dr Andrew Constable  
Australian Antarctic Division  
Department of Environment and Heritage  
Tasmania  
[andrew.constable@aad.gov.au](mailto:andrew.constable@aad.gov.au)
- Dr Campbell Davies  
Australian Antarctic Division  
Department of Environment and Heritage  
Tasmania  
[campbell.davies@aad.gov.au](mailto:campbell.davies@aad.gov.au)
- Ms Paula Shoulder  
Australian Fisheries Management Authority  
Canberra  
[paula.shoulder@afma.gov.au](mailto:paula.shoulder@afma.gov.au)
- Ms Gillian Slocum  
Australian Antarctic Division  
Department of Environment and Heritage  
Tasmania  
[gill.slocum@aad.gov.au](mailto:gill.slocum@aad.gov.au)
- Ms Leanne Smith  
Department of Foreign Affairs and Trade  
Canberra  
[Leanne.Smith@dfat.gov.au](mailto:Leanne.Smith@dfat.gov.au)
- Mr Rohan Wilson  
Australian Fisheries Management Authority  
Canberra  
[rohan.wilson@afma.gov.au](mailto:rohan.wilson@afma.gov.au)
- Ms Sachi Wimmer  
Department of Agriculture, Fisheries and Forestry  
Canberra  
[sachi.wimmer@affa.gov.au](mailto:sachi.wimmer@affa.gov.au)

Advisers:	Ms Rowan Ainsworth Department of Foreign Affairs and Trade Tasmania <a href="mailto:rowan.ainsworth@dfat.gov.au">rowan.ainsworth@dfat.gov.au</a>
(week 2 only)	Mr Barry Baker Australian Antarctic Division Department of Environment and Heritage Tasmania <a href="mailto:barry.baker@aad.gov.au">barry.baker@aad.gov.au</a>
	Mr Russell Crane Australian Customs Service Canberra <a href="mailto:russ.crane@customs.gov.au">russ.crane@customs.gov.au</a>
	Ms Stephanie Ellis Australian Antarctic Division Department of Environment and Heritage Tasmania <a href="mailto:stephanie.ellis@aad.gov.au">stephanie.ellis@aad.gov.au</a>
	Ms Diane Erceg Australian Antarctic Division Department of Environment and Heritage Tasmania <a href="mailto:diane.erceg@aad.gov.au">diane.erceg@aad.gov.au</a>
	Mr Ben Galbraith Representative of State and Territory Government Antarctic Tasmania Department of Economic Development Tasmania <a href="mailto:ben.galbraith@development.tas.gov.au">ben.galbraith@development.tas.gov.au</a>
	Mr Alistair Graham Representative of Conservation Organisations Tasmanian Conservation Trust Tasmania <a href="mailto:alistairgraham1@bigpond.com">alistairgraham1@bigpond.com</a>
	Mr Chris Oberscheider Australian Customs Service Canberra

Mr Les Scott  
Representative of Australian Fishing Industry  
Tasmania  
[rls@petunasealord.com](mailto:rls@petunasealord.com)

Dr Phillip Tracey  
Australian Antarctic Division  
Department of Environment and Heritage  
Tasmania  
[phillip.tracey@aad.gov.au](mailto:phillip.tracey@aad.gov.au)

(week 2 only)

Ms Marina Tsirbas  
Department of Foreign Affairs and Trade  
Canberra  
[marina.tsirbas@dfat.gov.au](mailto:marina.tsirbas@dfat.gov.au)

## **BELGIUM**

Representative:  
Mr Daan Delbare  
Department of Sea Fisheries  
Oostende  
[daan.delbare@dvz.be](mailto:daan.delbare@dvz.be)

Alternate Representative:  
Mr Bruno Georges  
Royal Belgium Embassy  
Canberra, Australia  
[bruno.georges@diplobel.org](mailto:bruno.georges@diplobel.org)

## **BRAZIL**

Representative:  
Dr Edith Fanta  
Departamento de Biologia Celular  
Universidade Federal do Paraná  
Curitiba  
[e.fanta@terra.com.br](mailto:e.fanta@terra.com.br)

Alternate Representatives:  
Mr Luiz Bonilha  
Special Secretariat for Fisheries  
Presidency of the Republic  
Brasilia  
[luiz.bonilha@agricultura.gov.br](mailto:luiz.bonilha@agricultura.gov.br)

Mr Roberto Parente  
Embassy of Brazil  
Canberra, Australia  
[rparente@mre.gov.br](mailto:rparente@mre.gov.br)

Adviser:

Dr Helena Kawall  
Centro Universitário Campos de Andrade  
Curitiba  
hkawall@osite.com.br

## CHILE

Representative:

Embajador Jorge Berguño  
Instituto Antártico Chileno  
Santiago  
jberguno@inach.cl

Alternate Representative:

Dr. José Retamales  
Instituto Antártico Chileno  
Punta Arenas  
jretamales@inach.cl

Advisers:

Sra. Lorena Gómez  
Servicio Nacional de Pesca  
Valparaíso  
lgomez@sernapesca.cl

Prof. Carlos Moreno  
Instituto de Ecología y Evolución  
Universidad Austral de Chile  
Valdivia  
cmoreno@uach.cl

Capt. Oscar Tapia  
Dirección General del Territorio Marítimo  
y de Marina Mercante  
Valparaíso  
concemar@directemar.cl

## EUROPEAN COMMUNITY

Representative:

Ms Fuensanta Candela Castillo  
Directorate-General for Fisheries  
of the European Commission  
Brussels  
maria.candela-castillo@cec.eu.int

Alternate Representative:

Mr Jean-Pierre Vergine  
Directorate-General for Fisheries  
of the European Commission  
Brussels  
jean-pierre.vergine@cec.eu.int

**Adviser:**

Dr Volker Siegel  
Sea Fisheries Research Institute  
Hamburg  
[volker.siegel@ish.bfa-fisch.de](mailto:volker.siegel@ish.bfa-fisch.de)

## **FRANCE**

**Representative:**

M. Michel Trinquier  
Ministère des Affaires étrangères  
Paris  
[michel.trinquier@diplomatie.gouv.fr](mailto:michel.trinquier@diplomatie.gouv.fr)

**Alternate Representatives:**

Mme. Caroline Krajka  
Ministère des Affaires étrangères  
Paris  
[caroline.krajka@diplomatie.gouv.fr](mailto:caroline.krajka@diplomatie.gouv.fr)

M. Christophe Lenormand  
Ministère de l'Agriculture, de l'Alimentation,  
de la Pêche et des Affaires rurales  
Paris  
[christophe.lenormand@agriculture.gouv.fr](mailto:christophe.lenormand@agriculture.gouv.fr)

**Advisers:**

Prof. Guy Duhamel  
Muséum national d'Histoire naturelle  
Paris  
[duhamel@mnhn.fr](mailto:duhamel@mnhn.fr)

M. Marc Ghiglia  
Union des Armateurs à la Pêche de France  
Paris  
[uapf@wanadoo.fr](mailto:uapf@wanadoo.fr)

M. Yannick Lauri  
Sapmer S.A.  
Le Port  
La Réunion  
[ylauri@sapmer.fr](mailto:ylauri@sapmer.fr)

M. Emmanuel Reuillard  
Chargé de mission auprès de l'administrateur  
supérieur des Terres australes  
et antarctiques françaises  
La Réunion  
[emmanuel.reuillard@taaf.fr](mailto:emmanuel.reuillard@taaf.fr)

## **GERMANY**

Representative:	Dr Hermann Pott Federal Ministry of Consumer Protection, Food and Agriculture Bonn <a href="mailto:hermann.pott@bmvel.bund.de">hermann.pott@bmvel.bund.de</a>
Alternate Representative:	Dr Karl-Hermann Kock Federal Research Centre for Fisheries Institute of Sea Fisheries Germany <a href="mailto:karl-hermann.kock@ish.bfa-fisch.de">karl-hermann.kock@ish.bfa-fisch.de</a>
Advisers:	Dr Manfred Reinke Alfred Wegener Institute for Polar and Marine Research Bremerhaven

Dr S.J. Trommer  
Embassy of the Federal Republic of Germany  
Canberra, Australia  
[deputyhom@germanembassy.org.au](mailto:deputyhom@germanembassy.org.au)

## **INDIA**

Representative: (week 2 only)	Dr S.P. Seth Department of Ocean Development New Delhi <a href="mailto:jsdod@dod.delhi.nic.in">jsdod@dod.delhi.nic.in</a>
Alternate Representative:	Mr V. Ravindranathan Department of Ocean Development Centre for Marine Living Resources and Ecology Kochi <a href="mailto:dodchn@ker.nic.in">dodchn@ker.nic.in</a>

## **ITALY**

Representative:	Dr Nicola Sasanelli Embassy of Italy Canberra, Australia <a href="mailto:ad.scientifico@ambitalia.org.au">ad.scientifico@ambitalia.org.au</a>
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Alternate Representative:	Mr Angelo Travaglini Embassy of Italy Canberra, Australia atravagl@bigpond.net.au
Adviser:	Dr Marino Vacchi Museo Nazionale dell'Antartide University of Genoa Genoa m.vacchi@unige.it
<b>JAPAN</b>	
Representative:	Mr Satoru Goto Special Adviser to the Minister of Agriculture, Forestry and Fisheries Ministry of Agriculture, Forestry and Fisheries Tokyo satoru_goto@nm.maff.go.jp
Alternate Representative:	Mr Munemitsu Hirano Embassy of Japan Canberra, Australia munemitsu.hirano@mofa.go.jp
Advisers:	Prof. Mitsuo Fukuchi Center for Antarctic Environment Monitoring National Institute of Polar Research Tokyo fukuchi@nipr.ac.jp
	Mr Atsushi Harada Nippon Suisan Kaisha Ltd. Tokyo aharada@nissui.co.jp
	Mr Tetsuo Inoue Japan Deep Sea Trawlers Association Tokyo tinoue@jdsta.or.jp
	Mr Tamotsu Katsura Ministry of Economy, Trade and Industry Tokyo katsura-tamotsu@meti.go.jp

Mr Akihiro Mae  
International Affairs Division  
Fisheries Agency  
Tokyo  
akihiro\_mae@nm.maff.go.jp

Dr Mikio Naganobu  
National Research Institute of Far Seas Fisheries  
Shizuoka  
naganobu@affrc.go.jp

Mr Ryoichi Sagae  
Japan Deep Sea Trawlers Association  
Tokyo  
nittoro@jdsta.or.jp

Mr Kengo Tahara  
Far Seas Fisheries Division  
Fisheries Agency  
Tokyo  
kengo\_tahara@nm.maff.go.jp

## **KOREA, REPUBLIC OF**

Representative:  
Ambassador Sang-Hoon Cho  
Embassy of the Republic of Korea  
Canberra, Australia  
shcho68@mofat.go.kr

Alternate Representatives:  
Mr Keun Seok Jeon  
Embassy of the Republic of Korea  
Canberra, Australia  
plenus@mofat.go.kr

Mr Sun Pyo Kim  
Ministry of Foreign Affairs and Trade  
Seoul  
kimsunpyo@yahoo.co.kr

Mr Young Kul Koh  
Ministry of Foreign Affairs and Trade  
Seoul  
ykkoh03@mofat.go.kr

**Dr SungKwon Soh**  
Office of International Cooperation  
Ministry of Maritime Affairs and Fisheries  
Seoul  
[sksoh@momaf.go.kr](mailto:sksoh@momaf.go.kr)

**Advisers:**

**Dr Seok-Gwan Choi**  
National Fisheries Research  
and Development Institute  
Busan  
[sgchoi@nfrdi.re.kr](mailto:sgchoi@nfrdi.re.kr)

**Mr Choon-Ok Ku**  
Dong Yang Fisheries Co. Ltd  
Seoul  
[springok25@hanmail.net](mailto:springok25@hanmail.net)

**Mr Je Sung Lee**  
Dongwon Industries Co. Ltd  
Seoul  
[ljs33@dw.co.kr](mailto:ljs33@dw.co.kr)

**Mr Sang Yong Lee**  
Insung Corporation  
Seoul  
[wing74@insungnet.co.kr](mailto:wing74@insungnet.co.kr)

**Mr Doo Sik Oh**  
Insung Corporation  
Seoul  
[ds@insungnet.co.kr](mailto:ds@insungnet.co.kr)

**NAMIBIA**

**Representative:**

**Mr Peter Amutanya**  
Ministry of Fisheries and Marine Resources  
Windhoek  
[pamutanya@mfmr.gov.na](mailto:pamutanya@mfmr.gov.na)

**Alternate Representative:**

**Mr Peter Schivute**  
Ministry of Fisheries and Marine Resources  
Walvis Bay  
[pschivute@mfmr.gov.na](mailto:pschivute@mfmr.gov.na)

## **NEW ZEALAND**

Representative:	Mr Trevor Hughes Ministry of Foreign Affairs and Trade Wellington <a href="mailto:trevor.hughes@mfat.govt.nz">trevor.hughes@mfat.govt.nz</a>
Alternate Representative:	Mr Grant Bryden Ministry of Foreign Affairs and Trade Wellington <a href="mailto:grant.bryden@mfat.govt.nz">grant.bryden@mfat.govt.nz</a>
Advisers:	Mr Mathew Bartholomew Ministry of Fisheries Wellington <a href="mailto:mathew.bartholomew@fish.govt.nz">mathew.bartholomew@fish.govt.nz</a>
	Mr Michael Donoghue Department of Conservation Wellington <a href="mailto:mdonoghue@doc.govt.nz">mdonoghue@doc.govt.nz</a>
	Ms Alexandra Edgar Ministry of Fisheries Wellington <a href="mailto:alexandra.edgar@fish.govt.nz">alexandra.edgar@fish.govt.nz</a>
	Ms Alexandra Grace Ministry of Foreign Affairs and Trade Wellington <a href="mailto:alexandra.grace@mfat.govt.nz">alexandra.grace@mfat.govt.nz</a>
	Mr Greg Johansson Sanford Ltd Timaru <a href="mailto:gjohansson@sanford.co.nz">gjohansson@sanford.co.nz</a>
	Mr Chris Keightley National Maritime Coordination Centre Wellington <a href="mailto:chris.keightley@fish.govt.nz">chris.keightley@fish.govt.nz</a>
	Mr Malcolm McNeill Sealord Group Nelson <a href="mailto:mam@sealord.co.nz">mam@sealord.co.nz</a>

Ms Alice Revell  
Ministry of Foreign Affairs and Trade  
Wellington  
[alice.revell@mfat.govt.nz](mailto:alice.revell@mfat.govt.nz)

Mr Neville Smith  
Ministry of Fisheries  
Wellington  
[smithn@fish.govt.nz](mailto:smithn@fish.govt.nz)

Mr Nathan Walker  
NGO Representative  
Wellington  
[nathan.walker@wwf.org.nz](mailto:nathan.walker@wwf.org.nz)

## NORWAY

Representative:  
Ambassador Jan Tore Holvik  
Royal Ministry of Foreign Affairs  
Oslo  
[jth@mfa.no](mailto:jth@mfa.no)

Alternate Representatives:  
Mr Terje Løbach  
Directorate of Fisheries  
Bergen  
[terje.lobach@fiskeridir.no](mailto:terje.lobach@fiskeridir.no)

(week 2 only)  
Mrs Marit B. Randsborg  
Royal Norwegian Embassy  
Canberra, Australia  
[maj@mfa.no](mailto:maj@mfa.no)

Advisers:  
Mr Svein Iversen  
Institute of Marine Research  
Department of Marine Resources  
Bergen  
[sveini@imr.no](mailto:sveini@imr.no)

Dr Kit Kovacs  
Norwegian Polar Institute  
Tromsø  
[kit@npolar.no](mailto:kit@npolar.no)

## **POLAND**

Representative:

Mr Dariusz Chmiel  
Consulate General of the Republic of Poland  
Sydney, Australia  
[poland@poland.org.au](mailto:poland@poland.org.au)

## **RUSSIAN FEDERATION**

Representative:  
(week 2 only)

Dr Sergei Leontiev  
Ministry of Agriculture  
Moscow  
[info@drp.mcx.ru](mailto:info@drp.mcx.ru)

Alternate Representative:  
(week 2 only)

Mr Alexander Okhanov  
Federal Agency for Fisheries  
Moscow  
[okhanovaa@fishcom.ru](mailto:okhanovaa@fishcom.ru)

Advisers:

Mr Gennady Boltenko  
Federal Agency for Fisheries  
Moscow  
[boltenko@fishcom.ru](mailto:boltenko@fishcom.ru)

Mr Vadim Brukhis  
Federal State Unitary Enterprise  
'National Fish Resources'  
Federal Agency for Fisheries  
Moscow  
[nfr-bio@aha.ru](mailto:nfr-bio@aha.ru)

Ms Anna Shatounovskaya  
Ministry of Foreign Affairs  
Moscow  
[dp@mid.ru](mailto:dp@mid.ru)

Dr Konstantin Shust  
VNIRO  
Moscow  
[antarctica@vniro.ru](mailto:antarctica@vniro.ru)

Dr Vyacheslav Sushin  
AtlantNIRO  
Kalininingrad  
[sushin@atlant.baltnet.ru](mailto:sushin@atlant.baltnet.ru)

## **SOUTH AFRICA**

Representative: Ms Theressa Akkers  
Marine and Coastal Management  
Department of Environmental Affairs and Tourism  
Cape Town  
[takkers@deat.gov.za](mailto:takkers@deat.gov.za)

Alternate Representatives: Mr Christian Badenhorst  
Department of Foreign Affairs  
Pretoria  
[badenhorstc@foreign.gov.za](mailto:badenhorstc@foreign.gov.za)

Mr Marius Diemont  
Marine and Coastal Management  
Department of Environmental Affairs and Tourism  
Cape Town  
[mdiemont@iafrica.com](mailto:mdiemont@iafrica.com)

Mr Marcel Kroese  
Marine and Coastal Management  
Department of Environmental Affairs and Tourism  
Cape Town  
[mkroese@deat.gov.za](mailto:mkroese@deat.gov.za)

Mr Barry Watkins  
Marine and Coastal Management  
Department of Environmental Affairs and Tourism  
Cape Town  
[toothfish1@lycos.com](mailto:toothfish1@lycos.com)

Advisers: Mr Brian Flanagan  
Industry Representative  
Cape Town  
[albacore@iafrica.com](mailto:albacore@iafrica.com)

Dr Deon Nel  
NGO Representative  
Die Boord  
[dnel@wwfsa.org.za](mailto:dnel@wwfsa.org.za)

## **SPAIN**

Representative: Dr. Carmen-Paz Martí  
Secretaría General de Pesca Marítima  
Madrid  
[cmartido@mapya.es](mailto:cmartido@mapya.es)

Alternate Representative:	Mr Fernando de la Serna Ministry of Foreign Affairs and Cooperation Madrid <a href="mailto:fernandodela.serna@aeci.es">fernandodela.serna@aeci.es</a>
Advisers:	Mr Luis López Abellán Instituto Español de Oceanografía Centro Oceanográfico de Canarias Santa Cruz de Tenerife <a href="mailto:luis.lopez@ca.ieo.es">luis.lopez@ca.ieo.es</a>
	Mr Juan Carlos Blanco Cancelas Industry Representative Vigo <a href="mailto:jblanco@freiremar.es">jblanco@freiremar.es</a>
	Mr Juan Regal Industry Representative Celeiro, Lugo <a href="mailto:juan.regal@gruporegal.com">juan.regal@gruporegal.com</a>

## **SWEDEN**

Representative:	Ambassador Greger Widgren Ministry for Foreign Affairs Stockholm <a href="mailto:greger.widgren@foreign.ministry.se">greger.widgren@foreign.ministry.se</a>
Alternate Representatives: (week 2 only)	Dr Rolf Åkesson Ministry of Agriculture Food and Fisheries Stockholm <a href="mailto:rolf.akesson@agriculture.ministry.se">rolf.akesson@agriculture.ministry.se</a>
	Prof. Bo Fernholm Swedish Museum of Natural History Stockholm <a href="mailto:bo.fernholm@nrm.se">bo.fernholm@nrm.se</a>

## **UKRAINE**

Representative:	Dr Volodymyr Herasymchuk State Committee for Fisheries of Ukraine Ministry of Agricultural Policy of Ukraine Kyiv <a href="mailto:nauka@i.kiev.ua">nauka@i.kiev.ua</a>
-----------------	--

Alternate Representative: Mr Kostiantyn Billiar  
Ministry of Foreign Affairs  
Kyiv  
dpu.vmp@mfa.gov.ua

Advisers: Dr Volodymyr Denisov  
National Academy of Sciences of Ukraine  
Kyiv  
radu@ukr.net

Dr Andrii Melnyk  
Administration of the President of Ukraine  
Kyiv  
forpol.adm.gov.ua

Dr Leonid Pshenichnov  
YugNIRO  
Kerch  
lkp@bikent.net

## UNITED KINGDOM

Representative: Dr Mike Richardson  
Polar Regions Unit  
Overseas Territories Department  
Foreign and Commonwealth Office  
London  
mike.richardson@fco.gov.uk

Alternate Representatives: Prof. John Beddington  
Department of Environmental Science  
and Technology  
Imperial College  
London  
j.beddington@ic.ac.uk

Ms Helen Mulvein  
Foreign and Commonwealth Office  
London  
helen.mulvein@fco.gov.uk

Advisers: Dr David Agnew  
Marine Resources Assessment Group  
London  
d.agnew@imperial.ac.uk

Prof. John Croxall  
British Antarctic Survey  
Cambridge  
[j.croxall@bas.ac.uk](mailto:j.croxall@bas.ac.uk)

Ms Harriet Hall  
c/o Foreign and Commonwealth Office  
London  
[harriet.hall@fco.gov.uk](mailto:harriet.hall@fco.gov.uk)

Ms Indrani Lutchman  
World Wide Fund for Nature  
Barbados  
[ilutchman@sunbeach.net](mailto:ilutchman@sunbeach.net)

Dr Graeme Parkes  
Marine Resources Assessment Group  
London  
[g.parkes@mrag.co.uk](mailto:g.parkes@mrag.co.uk)

Ms Clare Spencer  
Polar Regions Unit  
Overseas Territories Department  
Foreign and Commonwealth Office  
London  
[clare.spencer@fco.gov.uk](mailto:clare.spencer@fco.gov.uk)

## UNITED STATES OF AMERICA

Representative:  
Mr Raymond V. Arnaudo  
Office of Oceans Affairs  
US Department of State  
Washington, DC  
[arnaudorv@state.gov](mailto:arnaudorv@state.gov)

Alternate Representative:  
Ms Robin Tuttle  
Office of Science and Technology  
National Marine Fisheries Service  
Silver Spring, Maryland  
[robin.tuttle@noaa.gov](mailto:robin.tuttle@noaa.gov)

Advisers:  
Mr Hunter Cashdollar  
Office of Oceans Affairs  
US Department of State  
Washington, DC  
[cashdollarhh@state.gov](mailto:cashdollarhh@state.gov)

**Mr Andrew Cohen**  
National Oceanic and Atmospheric Administration  
NOAA Fisheries Law Enforcement  
Gloucester, Massachusetts  
[andrew.cohen@noaa.gov](mailto:andrew.cohen@noaa.gov)

**Ms Kimberly Dawson**  
National Seafood Inspection Laboratory  
National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
Pascagoula, Mississippi  
[kim.dawson@noaa.gov](mailto:kim.dawson@noaa.gov)

**Mr Michael Gonzales**  
National Marine Fisheries Service  
Southwest Enforcement Division  
Long Beach, California  
[mike.gonzales@noaa.gov](mailto:mike.gonzales@noaa.gov)

**Dr Roger Hewitt**  
Southwest Fisheries Science Center  
National Marine Fisheries Service  
La Jolla, California  
[rhewitt@ucsd.edu](mailto:rhewitt@ucsd.edu)

**Dr Christopher Jones**  
Southwest Fisheries Science Centre  
National Marine Fisheries Service  
La Jolla, California  
[cdjones@ucsd.edu](mailto:cdjones@ucsd.edu)

**Ms Andrea Kavanagh**  
National Environmental Trust  
Washington, DC  
[akavanagh@net.org](mailto:akavanagh@net.org)

**Mr Steven Koplin**  
National Marine Fisheries Service  
Office of Science and Technology  
Silver Spring, Maryland  
[steve.koplin@noaa.gov](mailto:steve.koplin@noaa.gov)

**Mr Lawrence Lazarow**  
Pac Fish Inc.  
Malibu, California  
[bilboy@msn.com](mailto:bilboy@msn.com)

**Mr Paul Ortiz**  
Office of General Counsel  
National Oceanic and Atmospheric Administration  
Long Beach, California  
[paul.ortiz@noaa.gov](mailto:paul.ortiz@noaa.gov)

**Dr Polly Penhale**  
Office of Polar Programs  
National Science Foundation  
Arlington, Virginia  
[ppenhale@nsf.gov](mailto:ppenhale@nsf.gov)

**Dr Kim Rivera**  
National Marine Fisheries Service  
Alaska Region  
Juneau, Alaska  
[kim.rivera@noaa.gov](mailto:kim.rivera@noaa.gov)

## **URUGUAY**

Representative:  
Ambassador Tabare Bocalandro  
Ministerio de Relaciones Exteriores  
Montevideo  
[dima36@mrree.gub.uy](mailto:dima36@mrree.gub.uy)

Alternate Representative:  
Sr. Julio Lamarthée  
Ministerio de Relaciones Exteriores  
Comisión Interministerial CCRVMA-Uruguay  
Montevideo  
[comcruma@mrree.gub.uy](mailto:comcruma@mrree.gub.uy)

Advisers:  
Capt. Jorge Cambiasso  
Dirección Nacional de Recursos Acuáticos  
Ministerio de Ganadería, Agricultura y Pesca  
Montevideo  
[jcambiasso@dinara.gub.uy](mailto:jcambiasso@dinara.gub.uy)

Sr. Alberto Lozano  
Ministerio de Relaciones Exteriores  
Coordinador Técnico de la Comisión  
Interministerial de la CCRVMA-Uruguay  
Montevideo  
[comcruma@mrree.gub.uy](mailto:comcruma@mrree.gub.uy)

Dr. Hebert Nion  
Dirección Nacional de Recursos Acuáticos  
Montevideo  
[hnion@dinara.gub.uy](mailto:hnion@dinara.gub.uy)

Capt. Fernando Silvera  
Instituto Antártico Uruguayo  
Montevideo  
[fsilvera@iau.gub.uy](mailto:fsilvera@iau.gub.uy)

#### OBSERVERS – ACCEDING STATES

##### **MAURITIUS**

Her Excellency Mrs Jane Jouanis  
Embassy of the Republic of Mauritius  
Canberra, Australia  
[jouanis@cyberone.com.au](mailto:jouanis@cyberone.com.au)

Mr Munesh Munbodh  
Ministry of Fisheries  
Port Louis  
[mumunbodh@mail.gov.mu](mailto:mumunbodh@mail.gov.mu)

Mr Boodhun Ramcharrun  
Ministry of Fisheries  
Albion Fisheries Research Centre  
Petite Rivière  
[bramcharrun@mail.gov.mu](mailto:bramcharrun@mail.gov.mu)

##### **MOZAMBIQUE**

Mr Francisco Bomba  
Ministerio das Pescas  
Maputo  
[fbomba@mozpesca.gov.mz](mailto:fbomba@mozpesca.gov.mz)

##### **NETHERLANDS**

Ms Janneke de Vries  
Ministry of Foreign Affairs  
The Hague  
[janneke-de.vries@minbuza.nl](mailto:janneke-de.vries@minbuza.nl)

Dr Erik Jaap Molenaar  
Institute of Antarctic and Southern Ocean Studies  
University of Tasmania  
Tasmania, Australia  
[e.molenaar@law.uu.nl](mailto:e.molenaar@law.uu.nl)

Mr Hans Smaling  
Royal Netherlands Embassy  
Jakarta, Indonesia  
[gh.smaling@minbuza.nl](mailto:gh.smaling@minbuza.nl)

**PERU**

Mrs Esther Bartra  
Tasmania, Australia  
esther310@hotmail.com

**OBSERVERS – INTERNATIONAL ORGANISATIONS****CEP**

Dr Anthony Press  
Australian Antarctic Division  
Department of Environment and Heritage  
Tasmania, Australia  
tony.press@aad.gov.au

**FAO**

Dr Ross Shotton  
Fishery Resources Division  
Food and Agriculture Organization  
of the United Nations  
Rome, Italy  
ross.shotton@fao.org

**IUCN**

Ms Imen Meliane  
IUCN Regional Office  
Quito, Ecuador  
imene.meliante@iucn.org

**IWC**

Prof. Bo Fernholm  
Swedish Museum of Natural History  
Stockholm, Sweden  
bo.fernholm@nrm.se

Dr Karl-Hermann Kock  
Federal Research Centre for Fisheries  
Institute of Sea Fisheries  
Hamburg, Germany  
karl-hermann.kock@ish.bfa-fisch.de

**SCAR**

Dr Edith Fanta  
Universidade Federal do Paraná  
Curitiba, Brazil  
e.fanta@terra.com.br

**OBSERVERS – NON-GOVERNMENTAL ORGANISATIONS****ASOC**

Mr Ye Yong Choi  
ASOC  
Republic of Korea  
choiyy@kfem.or.kr

Ms Virginia Gascon  
ASOC  
Puerto Madryn, Argentina  
[virginiagascon@infovia.com.ar](mailto:virginiagascon@infovia.com.ar)

Mrs Margaret Moore  
WWF  
Melbourne, Australia  
[mmoore@wwf.org.au](mailto:mmoore@wwf.org.au)

Dr Raymond Nias  
WWF  
Sydney, Australia

Dr Cristian Pérez Muñoz  
ASOC Latin America  
Santiago, Chile  
[asoc-la@terra.cl](mailto:asoc-la@terra.cl)

Mr Mark Stevens  
National Environmental Trust  
Washington, DC, USA  
[mstevens@net.org](mailto:mstevens@net.org)

Ms Estelle van der Merwe  
ASOC  
South Africa  
[estellevdm@mweb.co.za](mailto:estellevdm@mweb.co.za)

## **COLTO**

Mr Martin Exel  
Austral Fisheries Pty Ltd  
Perth, Australia  
[mexel@newfish.com.au](mailto:mexel@newfish.com.au)

Mr Harry Hansen  
Consolidated Fisheries Ltd  
Stanley, Falkland Islands  
[cfl@horizon.co.fk](mailto:cfl@horizon.co.fk)

## **OBSERVERS – NON-CONTRACTING PARTIES**

### **INDONESIA**

Dr Irsan Brodjonegoro  
Ministry of Marine Affairs and Fisheries  
Jakarta  
[irsansb@dkp.go.id](mailto:irsansb@dkp.go.id)

## SECRETARIAT

### Executive Secretary

Denzil Miller

### Science/Compliance and Enforcement

Science/Compliance Officer  
Scientific Observer Data Analyst  
Compliance Administrator  
Analytical Assistant

Eugene Sabourenkov  
Eric Appleyard  
Natasha Slicer  
Jacquelyn Turner

### Data Management

Data Manager  
Data Administration Officer  
Database Administrator/Programmer

David Ramm  
Lydia Millar  
Simon Morgan

### Administration/Finance

Administration/Finance Officer  
Finance Assistant  
General Office Administrator

Jim Rossiter  
Christina Macha  
Rita Mendelson

### Communications

Communications Officer  
Publications and Website Assistant  
French Translator/Team Coordinator  
French Translator  
French Translator  
French Translator  
Russian Translator/Team Coordinator  
Russian Translator  
Russian Translator  
Spanish Translator/Team Coordinator  
Spanish Translator  
Spanish Translator

Genevieve Tanner  
Doro Forck  
Gillian von Bertouch  
Bénédicte Graham  
Floride Pavlovic  
Michèle Roger  
Natalia Sokolova  
Ludmila Thornett  
Vasily Smirnov  
Anamaría Merino  
Margarita Fernández  
Marcia Fernández

### Website and Information Services

Website and Information Services Officer  
Information Services Assistant

Rosalie Marazas  
Philippa McCulloch

### Information Technology

Information Technology Manager  
Information Technology Support Specialist

Fernando Cariaga  
Tim Byrne

### Interpreters

Ms Joelle Coussaert  
Ms Peps Demirel  
Dr Sandra Hale  
Mr Hulus Hulusi  
Ms Rosa Kamenev  
Ms Roslyn Lacey

Mr J.C. Lloyd-Southwell  
Dr Ludmila Stern  
Mr Philippe Tanguy  
Ms Irene Ulman  
Dr Emy Watt

**ANNEX 2**

**LIST OF DOCUMENTS**

## **LIST OF DOCUMENTS**

CCAMLR-XXIII/1	Provisional Agenda for the Twenty-third Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XXIII/2	Provisional Annotated Agenda for the Twenty-third Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XXIII/3	Examination of the audited financial statements for 2003 Executive Secretary
CCAMLR-XXIII/4	Review of the 2004 budget, draft 2005 budget and forecast budget for 2006 Executive Secretary
CCAMLR-XXIII/5	Watching brief on the Fishery Resource Monitoring System (FIRMS) and the partnership arrangement Secretariat
CCAMLR-XXIII/6	Notification of Norway's intention to conduct an exploratory fishery for 2004/05 in Subareas 88.1 and 88.2 Delegation of Norway
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CCAMLR-XXIII/8	Notification of Argentina's intention to conduct exploratory fisheries for <i>Dissostichus</i> spp. in CCAMLR areas Delegation of Argentina
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CCAMLR-XXIII/BG/3	Attendance at OECD workshop on IUU fishing (Paris, France, 19–20 April 2004) Executive Secretary

CCAMLR-XXIII/BG/4	Report on attendance by the CCAMLR Executive Secretary and Science Officer at the Deep Sea 2003 Conference (Queenstown, New Zealand, 1 to 5 December 2003) Executive Secretary
CCAMLR-XXIII/BG/5	Cooperation between CCAMLR and CITES Secretariat
CCAMLR-XXIII/BG/6	Report of the CCAMLR Observer to ATCM-XXVII (Cape Town, South Africa, 24 May to 4 June 2004) Executive Secretary
CCAMLR-XXIII/BG/7	Report on attendance at the Seventh Meeting of the Committee for Environmental Protection under the Madrid Protocol Chair of the CCAMLR Scientific Committee
CCAMLR-XXIII/BG/8	Implementation of fishery conservation measures in 2003/04 Secretariat
CCAMLR-XXIII/BG/9	Summary of current conservation measures and resolutions in force 2003/04 Secretariat
CCAMLR-XXIII/BG/10	Calendar of meetings of relevance to the Commission in 2004/05 Secretariat
CCAMLR-XXIII/BG/11	Report on the Ninth Session of the COFI Sub-Committee on Fish Trade (10 to 14 February 2004, Bremen, Germany) CCAMLR Observer (H. Pott, Germany)
CCAMLR-XXIII/BG/12	Observer Report on FAO Technical Consultation on Fishing Capacity/IUU Fishing (Rome, Italy, 19 to 24 June 2004) CCAMLR Observer (Japan)
CCAMLR-XXIII/BG/13	Implementation of the System of Inspection and other CCAMLR enforcement provisions in 2003/04 Secretariat
CCAMLR-XXIII/BG/14	Report of the C-VMS trial Secretariat
CCAMLR-XXIII/BG/15	Implementation and operation of the Catch Documentation Scheme in 2003/04 Secretariat
CCAMLR-XXIII/BG/16	Report of the E-CDS trial Secretariat

CCAMLR-XXIII/BG/17	The use of trade statistics in the evaluation of total removals of toothfish and the performance of the CDS Secretariat
CCAMLR-XXIII/BG/18	CCAMLR Education Package Secretariat
CCAMLR-XXIII/BG/19	Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen et Crozet pour la saison 2003/04 (1 <sup>er</sup> juillet 2003–30 juin 2004) Informations générales sur la zone 58 de la CCAMLR Délégation française
CCAMLR-XXIII/BG/20	Mise en œuvre du C-VMS Délégation française
CCAMLR-XXIII/BG/21	Withdrawn
CCAMLR-XXIII/BG/22	Towards the creation of a Marine Protected Area around South Africa's sub-Antarctic Prince Edward Islands Delegation of South Africa
CCAMLR-XXIII/BG/23	CCAMLR and seabirds in the Antarctic marine ecosystem Secretariat (To be submitted to the First ACAP Conference of Parties)
CCAMLR-XXIII/BG/24	Illegal, unreported and unregulated Patagonian toothfish catch estimate for the Australian EEZ around Heard Island and McDonald Islands Delegation of Australia
CCAMLR-XXIII/BG/25	Observer's report on the 2003 annual meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) CCAMLR Observer (European Community)
CCAMLR-XXIII/BG/26	Further clarification and standardisation of Catch Documentation Scheme procedures Delegation of the USA
CCAMLR-XXIII/BG/27 Rev. 2	Illegal toothfish trade: introducing illegal catches into the markets Submitted by ASOC (Submitted in English and Spanish)

CCAMLR-XXIII/BG/28	Report on the FAO technical consultation to review Port State measures to combat illegal, unreported and unregulated fishing CCAMLR Observer (Norway)
CCAMLR-XXIII/BG/29	Observer's report on the WTO Committee on Trade and Environment (WTO CTE), 2004 CCAMLR Observer (New Zealand)
CCAMLR-XXIII/BG/30	Report on the vessels <i>Florens-1 (Simeiz)</i> and <i>Eva-1 (Mellas)</i> Delegation of New Zealand
CCAMLR-XXIII/BG/31	Priority issues and recommendations of the Antarctic and Southern Ocean Coalition (ASOC) for the XXIII Meeting of the Convention of the Conservation of Antarctic Marine Living Resources Submitted by ASOC
CCAMLR-XXIII/BG/32	Noise pollution in the Southern Ocean Submitted by ASOC
CCAMLR-XXIII/BG/33	Protection of high seas Submitted by ASOC
CCAMLR-XXIII/BG/34	Regarding the circumstances of registration of vessels <i>Simeiz</i> , <i>Mellas</i> and <i>Sonriza</i> in Ukraine and issuing to them permissions to fish in the Convention Area Delegation of Ukraine (Submitted in Russian and English)
CCAMLR-XXIII/BG/35	FAO Observer's Report FAO Observer (R. Shotton)
CCAMLR-XXIII/BG/36	Report on attendance by CCAMLR representative at the Vessel Monitoring System (VMS) Conference, Asia and Pacific (November 2003, Cairns, Australia) CCAMLR Observer (Australia)
CCAMLR-XXIII/BG/37	Report on the activities and meetings of the Scientific Committee on Antarctic Research (SCAR) 2003/04 SCAR representative in CCAMLR, CCAMLR representative in SCAR E. Fanta (Brazil)
CCAMLR-XXIII/BG/38	IWC Observer's Report to CCAMLR Annual Meeting 2004 IWC Observer (B. Fernholm, Sweden)

CCAMLR-XXIII/BG/39	A ministerially-led task force on illegal, unreported and unregulated fishing in the high seas Delegations of Australia, Chile, New Zealand and the United Kingdom
CCAMLR-XXIII/BG/40	Report on attendance at the Eleventh Annual Meeting of the Commission for the Conservation of Southern Bluefin Tuna (19 to 22 October, 2004) CCAMLR Observer (Republic of Korea)
CCAMLR-XXIII/BG/41	Report of Scientific Committee Chair to the Commission
CCAMLR-XXIII/BG/42	Ratifications of international fisheries instruments Delegation of Norway
CCAMLR-XXIII/BG/43	Eighty years of the Convention objectives Delegation of Argentina (Submitted in English and Spanish)
CCAMLR-XXIII/BG/44	Correspondence from the Republic of Vanuatu Fisheries Department (Received from the Republic of Vanuatu)
*****	
SC-CAMLR-XXIII/1	Provisional Agenda for the Twenty-third Meeting of the Scientific Committee for the Conservation of Antarctic Marine Living Resources
SC-CAMLR-XXIII/2	Provisional Annotated Agenda for the Twenty-third Meeting of the Scientific Committee for the Conservation of Antarctic Marine Living Resources
SC-CAMLR-XXIII/3	Report of the meeting of the Working Group on Ecosystem Monitoring and Management (Siena, Italy, 12 to 23 July 2004)
SC-CAMLR-XXIII/4	Report of the Working Group on Fish Stock Assessment (Hobart, Australia, 11 to 22 October 2004)
SC-CAMLR-XXIII/5 Rev. 1	Draft rules for the submission of meeting papers to the Scientific Committee Secretariat
SC-CAMLR-XXIII/6	Budgeting issues for the work of the Scientific Committee Secretariat

SC-CAMLR-XXIII/7	On the management of exploratory toothfish fisheries: the need to amend a number of conservation measures Delegation of Ukraine
*****	
SC-CAMLR-XXIII/BG/1	Catches in the Convention Area in the 2002/03 and 2003/04 seasons Secretariat
SC-CAMLR-XXIII/BG/2	Report on the Intersessional Meeting of the Coordinating Working Party on Fisheries Statistics (CWP) Secretariat
SC-CAMLR-XXIII/BG/3	Summary of notifications of new and exploratory fisheries in 2004/05 Secretariat
SC-CAMLR-XXIII/BG/4	Observer's Report from the 56th Meeting of the Scientific Committee of the International Whaling Commission (Sorrento, Italy, 29 June to 10 July 2004) CCAMLR Observer (K.-H. Kock, Germany)
SC-CAMLR-XXIII/BG/5	Data Management: report on activities during 2003/04 Secretariat
SC-CAMLR-XXIII/BG/6	Summary of scientific observation programmes conducted during the 2003/04 season Secretariat
SC-CAMLR-XXIII/BG/7	Observer Report on FAO/Birdlife South American Workshop on Implementation of NPOA-Seabirds and Conservation of Albatrosses and Petrels (Valdivia, Chile, 2 to 6 December 2003) CCAMLR Observer (C.A. Moreno, Chile) (Submitted in English and Spanish)
SC-CAMLR-XXIII/BG/8	Calendar of meetings of relevance to the Scientific Committee in 2004/05 Secretariat
SC-CAMLR-XXIII/BG/9	Synopses of papers submitted to WG-EMM-04 Secretariat
SC-CAMLR-XXIII/BG/10	Desechos marinos recolectados en Cabo Shirreff, isla Livingston, durante las temporadas antárticas 2002/03 y 2003/04 Delegación de Chile

- SC-CAMLR-XXIII/BG/11 Review of CCAMLR activities on monitoring marine debris in the Convention Area  
Secretariat
- SC-CAMLR-XXIII/BG/12 Entanglement of Antarctic fur seals (*Arctocephalus gazella*) in man-made debris at Signy Island, South Orkney Islands, 2003/04  
Delegation of the United Kingdom
- SC-CAMLR-XXIII/BG/13 Beach debris survey, Main Bay, Bird Island, South Georgia, 2002/03  
Delegation of the United Kingdom
- SC-CAMLR-XXIII/BG/14 Entanglement of Antarctic fur seals (*Arctocephalus gazella*) in man-made debris at Bird Island, South Georgia, during the 2003 winter and 2003/04 breeding season  
Delegation of the United Kingdom
- SC-CAMLR-XXIII/BG/15 Beach debris survey, Signy Island, South Orkney Islands, 2003/04  
Delegation of the United Kingdom
- SC-CAMLR-XXIII/BG/16 Fishing equipment, marine debris and oil associated with seabirds at Bird Island, South Georgia, 2003/04  
Delegation of the United Kingdom
- SC-CAMLR-XXIII/BG/17 Notification for scientific research in 2004/05  
Secretariat
- SC-CAMLR-XXIII/BG/18 Report of the Convener of WG-EMM-04 to SC-CAMLR-XXIII
- SC-CAMLR-XXIII/BG/19 On experimental approach to extend boundaries of exploratory fishery on Antarctic toothfish (*D. mawsoni*) in the Ross Sea (Subareas 88.1 and 88.2) in the meso- and bathypelagic layers  
Delegation of Russia
- SC-CAMLR-XXIII/BG/20 Structure and distribution of the slope fish community in the vicinity of the sub-Antarctic Prince Edward Archipelago  
Delegation of South Africa
- SC-CAMLR-XXIII/BG/21 IMAF assessment of new and exploratory fisheries by statistical area  
Ad Hoc Working Group on Incidental Mortality Arising from Fishing (WG-IMAF)

- SC-CAMLR-XXIII/BG/22 Summary of population data, conservation status and foraging range of seabird species at risk from longline fisheries in the Convention Area  
Ad Hoc Working Group on Incidental Mortality Arising from Fishing (WG-IMAF)
- SC-CAMLR-XXIII/BG/23 Incidental mortality of seabirds during unregulated longline fishing in the Convention Area  
Ad Hoc Working Group on Incidental Mortality Arising from Fishing (WG-IMAF)
- SC-CAMLR-XXIII/BG/24 Report from the 2004 ICES Annual Science Conference (Vigo, Spain, 20 to 25 September 2004)  
CCAMLR Observer (Belgium)
- SC-CAMLR-XXIII/BG/25 Management of the Antarctic krill: ensuring the conservation of the Antarctic marine ecosystem  
Submitted by ASOC
- SC-CAMLR-XXIII/BG/26 Ad Hoc WG-IMAF Convener's summary for the Scientific Committee 2004
- SC-CAMLR-XXIII/BG/27 Report of the Convener of WG-FSA to SC-CAMLR-XXIII, October 2004
- SC-CAMLR-XXIII/BG/28 Summary tables of current and proposed Antarctic marine protected areas  
Delegation of the United Kingdom
- SC-CAMLR-XXIII/BG/29 The biology, ecology and vulnerability of seamount communities  
Delegation of the United Kingdom  
(prepared by A.D. Rogers, British Antarctic Survey, and published in 2004 by the International Union for the Conservation of Nature and Natural Resources)
- SC-CAMLR-XXIII/BG/30 The applicability of international conservation instruments to the establishment of marine protected areas in Antarctica  
Delegation of the United Kingdom
- SC-CAMLR-XXIII/BG/31 Intersessional work plan for Ad Hoc WG-IMAF for 2004/05  
Ad Hoc Working Group on Incidental Mortality Arising from Fishing (WG-IMAF)

**ANNEX 3**

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

## **AGENDA FOR THE TWENTY-THIRD MEETING OF THE COMMISSION**

1. Opening of the meeting
2. Organisation of the meeting
  - (i) Adoption of the agenda
  - (ii) Report of the Chair
3. Finance and administration
  - (i) Report of SCAF
  - (ii) Audited Financial Statements for 2003
  - (iii) Audit requirement for the 2004 Financial Statements
  - (iv) Secretariat matters
  - (v) Contingency Fund
  - (vi) Special funds
  - (vii) Budgets for 2004, 2005 and 2006
  - (viii) Members' Contributions
  - (ix) Reports of Members' Activities
4. Scientific Committee
5. Assessment and avoidance of incidental mortality of Antarctic marine living resources
  - (i) Marine debris
  - (ii) Incidental mortality of marine animals during fishing operations
6. Implementation and compliance
  - (i) Report of SCIC
  - (ii) Operation of the System of Inspection and compliance with conservations measures
  - (iii) Operation of the Scheme of International Scientific Observation
7. Catch Documentation Scheme for *Dissostichus* spp. (CDS)
  - (i) Report of SCIC
  - (ii) CDS Annual report
  - (iii) Review of the E-CDS trial
8. Illegal, unregulated and unreported (IUU) fishing in the Convention Area
  - (i) Report of SCIC
  - (ii) Current level of IUU fishing
  - (iii) Review of current measures aimed at eliminating IUU fishing
9. New and exploratory fisheries
10. Conservation measures
  - (i) Review of existing measures
  - (ii) Consideration of new measures and other conservation requirements

11. Fisheries management and conservation under conditions of uncertainty
12. Data access and security
13. Cooperation with other elements of the Antarctic Treaty System
  - (i) Cooperation with Antarctic Treaty Consultative Parties
  - (ii) Cooperation with SCAR
  - (iii) Assessment of proposals for Antarctic Specially Protected Areas and Specially Managed Areas, which include marine areas
14. Cooperation with other international organisations
  - (i) Reports of observers from international organisations
  - (ii) Reports from CCAMLR representatives at meetings of international organisations in 2003/04
  - (iii) Cooperation with CITES
  - (iv) Partnership in FIRMS
  - (v) Nomination of representatives to meetings of international organisations in 2004/05
15. Implementation of the objectives of the Convention
16. Election of Chair of the Commission
17. Appointment of the Executive Secretary
18. Next meeting
  - (i) Invitation of observers to the next meeting
  - (ii) Arrangements for future meetings
19. Other Business
  - (i) International Polar Year in 2007/08
20. Report of the Twenty-third Meeting of the Commission
21. Close of the meeting.

ANNEX 4

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

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

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

### **EXAMINATION OF AUDITED FINANCIAL STATEMENTS FOR 2003**

2. The Committee noted that a full audit had been carried out on the 2003 Financial Statements. The report had identified no incidents of non-compliance with Financial Regulations or International Accounting Standards. **The Committee recommended that the Commission accept the financial statements as presented in CCAMLR-XXIII/3.**

### **AUDIT REQUIREMENT FOR 2004 FINANCIAL STATEMENTS**

3. The Committee noted that the Commission had decided in 1994 that a full audit should be performed on average once every two years, and in 1995 that this would be required at least once every three years. The Committee noted that the present Administration/Finance Officer would be leaving at the end of 2004 and that a full audit would provide the best level of comfort for the starting position of a new officer. **It recommended that the Commission require a full audit to be performed on the 2004 Financial Statements.**

### **APPOINTMENT OF AUDITOR**

4. The Australian National Audit Office has been the Commission's auditor since the Commission was established. As the Office's latest two-year appointment expired after completion of the audit of the 2003 Financial Statements, the Committee **recommended that the Commission appoint the Australian National Audit Office as its auditor for the 2004 and 2005 Financial Statements.**

### **SECRETARIAT STRATEGIC PLAN**

5. The Executive Secretary presented his report (summarised in CCAMLR-XXIII/37). The Committee noted that this report forms a key element in annually assessing the Executive Secretary's performance. The report made particular reference to the fact that with the full implementation of staff contracts, performance assessment system and confidentiality and IT conduct agreements, all the recommendations of the 1997 Management Review of the CCAMLR Secretariat have now been addressed. The Executive Secretary advised that the implementation of the Strategic Plan has enabled the Secretariat to respond promptly and efficiently to changes and increases in the demands from the Commission and Scientific

Committee. However, as there is only a limited resource of suitably skilled staff, there are limits to the extent by which larger and increasingly complex requests from the Commission can be met by marginal funding of specific tasks.

6. The Committee acknowledged that some issues encountered by the Secretariat require the Executive Secretary to call on independent, domestic and international legal advice. In this respect, the UK and the USA offered to provide such assistance as and when the need arises. The Committee also noted that it would be worthwhile to establish a basic level of legal expertise in the Secretariat by providing certain staff with appropriate legal training.

7. After detailed consideration of the report, the Committee noted with appreciation the various actions taken by the Executive Secretary.

## EDUCATION PACKAGE

8. The Committee took note of the progress achieved by the Secretariat in establishing an education package, as outlined in CCAMLR-XXIII/BG/18.

## CUSTODY OF FUNDS FOR THE ANTARCTIC TREATY SECRETARIAT

9. The Committee received the advice from the USA, as Depositary of the Antarctic Treaty that, although the Antarctic Treaty Secretariat is now operational, the full transfer of funds currently held on its behalf by the CCAMLR Secretariat cannot yet take place. This will be possible when some administrative issues concerning currency transfers have been resolved. The Committee noted that continued temporary custody of the funds by CCAMLR would pose no problems.

## REPORTS OF MEMBERS' ACTIVITIES IN THE CONVENTION AREA

10. The Committee acknowledged that the form in which Members' reports are currently submitted renders them of little value either to other Members or to the general public. This is mainly due to the inconsistency in presentation and content, and the fact that not all Members submit reports. As the reports provide a view of individual Members' activities that is not otherwise available in the publications of the Commission, it was not considered appropriate that publication of the reports should cease. The Committee **recommended that the Commission direct the Executive Secretary to liaise with the Scientific Committee in order to formulate a proposal as to the specific contents of the reports and the requirements as to which aspects of the reports would be made publicly available.**

## SUPPORT FOR PARTICIPATION AT MEETINGS

11. The Committee noted that a special fund has been established under Part 7 of the UN Fish Stock Agreement to assist Developing States in their work to meet the requirements of the Agreement. The Committee **recommended that the Commission confirm to FAO, as**

**administrator of the fund, that appropriate funding to support participation at CCAMLR meetings by parties to the Agreement would be consistent with the terms of reference of the fund. It also recommended that the Commission direct the Secretariat to liaise with FAO to identify the application procedures to be followed by such a State in order to access such funding.**

12. The Committee also **recommended that the Commission consider inviting UN-Oceans to attend the 2005 meeting as an observer.**

## REVIEW OF 2004 BUDGET

13. The Committee noted the expected outcome of the 2004 budget as presented in CCAMLR-XXIII/4 and received the advice of the Secretariat that additional costs were anticipated for processing the larger report of WG-FSA (A\$5 000) and for recruitment and handover costs relating to the new Administration/Finance Officer (A\$14 000). As it had originally been intended that the handover period would take place in 2005, there would be a compensatory saving of A\$19 000 in the budget for 2005. With this understanding, the Committee **recommended that the revised budget for 2004 as presented in Appendix II, including a projected surplus of A\$20 200, be adopted by the Commission.**

## COST RECOVERY

14. The Committee considered the scheme for recovery of costs associated with the administration of new and exploratory fisheries (CCAMLR-XXII, paragraph 3.16 and Annex 4, paragraph 15). The Committee clarified that:

- (i) a notification is required for each new and exploratory fishery, i.e. a single submission by an individual Member in respect of a single year, a single species group and one subarea/division;
- (ii) each notification should identify the companies and vessels intending to pursue the fishery;
- (iii) each notification should be accompanied by a payment of A\$8 000 in respect of each vessel intending to pursue the fishery, consisting of:
  - (a) a fee of A\$3 000, representing the recovery of administrative costs;
  - (b) a sum of A\$5 000, to be refunded when the vessel had commenced fishing in the fishery for the season in accordance with conservation measures determined by the Commission. In the event of the Commission deciding that a notified fishery should not proceed in a particular year, this sum shall be refunded.
- (iv) where payment is made by a fishing company rather than a Member, the Member should identify in the notification:

- (a) the company making the payment
- (b) the vessels in respect of which the payment is made.

If required by the Member, the Secretariat will issue an invoice to the fishing company in order to facilitate the payment being made.

15. The Committee **recommended that the Commission confirm the above as the terms of the scheme.**

16. The Committee requested the Secretariat to prepare, for next year's meeting, a financial comparison of the non-refundable portion of the fees in relation to the relevant costs incurred.

## CONTINGENCY FUND

17. The Committee received the recommendation from Germany that the Contingency Fund be converted to a Working Capital Fund in order to have this targeted more directly at potential liquidity problems that the Commission might encounter. The Committee considered that, as the Contingency Fund has only recently been established in its current form and is subject to a strict scrutiny procedure, there was no need to consider any changes at this time. The Committee noted that the Contingency Fund has reached its targeted balance.

## BUDGET FOR 2005

### Professional Staff salaries

18. The Committee did not identify any specific alternative salary structures for Professional Staff at the present time, but noted that the review of the UN Scheme was at an advanced stage. The Committee deferred further consideration of this matter to its next meeting.

### Future meeting arrangements

19. Australia advised the Committee that negotiations for the lease of 181 Macquarie Street, Hobart, as a Headquarters for the Commission, with a meeting venue attached, are progressing well. The Executive Secretary reported that the building would be suitable for these purposes and that the cost implications of relocating to the premises in July 2005 have been incorporated into the draft budget.

20. The Committee recognised that moving to these premises would engender a commitment for fifteen years, but would also ensure that suitable facilities for both the Secretariat and the meetings would be available for that period. Noting that such a move would particularly improve both the quality and security of meeting facilities, the Committee commended the Secretariat on its efforts in this regard and **recommended that the**

**Commission direct the Executive Secretary to work with the Governments of Australia and Tasmania to finalise agreements in order that next year's meetings can take place in the new facilities.**

21. The Committee noted with appreciation the work that has been done by Australia, the State of Tasmania, the property owner concerned and the Secretariat in providing such an impressive solution to two of the Commission's most important long-term requirements: a permanent Headquarters and a suitable venue for its annual meetings.

#### Advice from other committees

22. The Committee noted the advice of the Chair of SCIC that, although SCIC had not yet completed its deliberations, it was anticipated that the only recommendation with significant budgetary impact likely to be made by SCIC at this meeting would be relating to the operation of the C-VMS. It was noted that the budgetary effect of this for 2005 had already been included in the draft budget presented in CCAMLR-XXIII/4.

23. The Committee had received the advice of the Scientific Committee on its own budget and on items in the Commission budget of relevance to the Scientific Committee. The budget of the Scientific Committee consists mainly of costs relating to support of the Scientific Committee's working groups. It was noted that overall, the funding requested by the Scientific Committee was covered by provisions made in the draft budget presented in CCAMLR-XXIII/4, and **SCAF recommended that the Commission approve the Scientific Committee budget of A\$208 300 for inclusion in the Commission's budget for 2005.**

24. In order to ensure fiscal accountability , the Committee endorsed the principle that the Scientific Committee, when soliciting funds for contracting consultants, should clearly identify the tasks and services to be delivered, together with the relevant points and dates of a required review.

25. The Committee noted that, as a result of its deliberations, it was able to present a budget for 2005 which provides zero real growth in Members' contributions. The Committee **recommended that the Commission adopt the budget for 2005 as presented in Appendix II to this report.**

#### MULTI-YEAR FUNDING OF SCIENTIFIC COMMITTEE PROJECTS

26. Noting that the ability to carry forward the funding of specific tasks to future years would assist the work of the Scientific Committee, **SCAF recommended that the Commission permit the use of a Special Fund for this purpose, using the following rules:**

- (i) **In presenting its budget for the following year to the Commission, the Scientific Committee may advise the Commission that specific tasks may not necessarily be accomplished in that year. The Committee should then advise a specific period, not to exceed three years, within which the task must be**

accomplished. Such tasks may be provided for in the Scientific Committee's own budget or requested in the form of expenditure from that of the Commission.

- (ii) In such instances, the Commission may authorise the funding allocated to such tasks to be transferred to the Special Fund at the end of the following year if, and to the extent that, the task is not completed in the year.
- (iii) The funding thus transferred to the Special Fund, plus any interest accumulated thereon, shall subsequently be used only for the task which it was originally allocated.
- (iv) Upon completion of the task, or expiry of the period specified in (i), any unused funds relating to the task will be returned to the General Fund in the Surplus Income account.

27. The Committee noted the requirement of the Scientific Committee that the sum of A\$4 500, budgeted for expenditure on reviewing the Generalised Yield Model in 2004, be carried forward for expenditure in future years. The Committee **recommended that the Commission permit this expenditure to be carried forward in accordance with the above procedure.**

#### MEMBERS' CONTRIBUTIONS

28. Belgium advised the Committee that it anticipated a delay in paying its 2005 contribution due to administrative changes but that this would occur in 2005 only. Argentina, Spain and Uruguay also expected delays due to administrative procedures. Noting the continued expectation that the number of Members requesting extensions should be reducing, SCAF advised that it will continue to consider the possibility of interest charges or other means of encouraging earlier payments. The Committee **recommended that, in accordance with Financial Regulation 5.6, the Commission grant to Argentina, Belgium, Republic of Korea, Spain and Uruguay an extension to the deadline for payment of 2005 contributions.**

29. The Committee **recommended that the Commission use for calculating Members' contributions to the 2005 budget the same formula as was used for 2004, and that this formula continue to be used for subsequent years until a Member requests that it be reviewed.**

#### FORECAST BUDGET FOR 2006

30. The Committee presented to the Commission the forecast budget for 2006, noting that no real growth was anticipated in Members' contributions. However, SCAF recalled its advice of previous years that the figures are indicative only and care should be taken when they are used as a basis for financial budgeting by individual Members.

## CDS FUND

31. The Committee noted that the amount allocated last year by the Commission from the CDS Fund in respect of the C-VMS trial was not expected to be exceeded, and that no further requests for expenditure from the fund have been received.

## CLOSE OF MEETING

32. The Committee noted with deep regret the impending departure of the current Administration/Finance Officer, Mr Jim Rossiter. It thanked him for his dedicated work over the last 13 years and wished him all the best for the future.

33. The report of the meeting was adopted.

## AGENDA

Standing Committee on Administration and Finance (SCAF)  
(Hobart, Australia, 25 to 29 October 2004)

1. Organisation of the meeting
2. Examination of audited Financial Statements for 2003
3. Audit requirement for the 2004 Financial Statements
4. Secretariat Strategic Plan
5. Reports of Members' Activities
6. Education package
7. Support for participation at meetings
8. Review of 2004 budget
9. Cost recovery
10. Contingency Fund
11. Budget for 2005
  - (i) Professional Staff salaries
  - (ii) Consideration of future meeting arrangements
  - (iii) Proposal for a C-VMS
  - (iv) Scientific Committee budget
  - (v) Advice from SCIC
12. Members' contributions
  - (i) Timing of Members' contributions
  - (ii) Implementation of contribution formula
13. Forecast budget for 2006
14. CDS Fund
15. Any other business referred by the Commission
16. Adoption of the report.

## APPENDIX II

### **REVIEW OF 2004 BUDGET, BUDGET FOR 2005 AND FORECAST FOR 2006** (all amounts in Australian dollars)

Budget for 2004			2005 Budget	2006 Forecast
Adopted in 2003	Revised	Variance		
<b>INCOME</b>				
2 508 600	2 508 600	0	Members' Annual Contributions	2 580 000
0	0	0	New Members' Contributions	0
(8 100)	(8 100)	0	From (to) Special Funds	0
43 400	43 400	0	Interest	46 200
410 500	409 000	(1 500)	Staff Assessment Levy	433 900
0	31 700	31 700	Surplus from Prior Year	20 200
<b>2 954 400</b>	<b>2 984 600</b>	<b>30 200</b>		<b>3 145 000</b>
<b>EXPENDITURE</b>				
505 600	505 600	0	Data Management	512 700
505 500	505 500	0	Compliance	613 800
650 200	654 200	4 000	Communications	680 700
289 000	289 000	0	Information Services	283 500
255 400	255 400	0	Information Technology	258 100
748 700	754 700	6 000	Administration	731 500
<b>2 954 400</b>	<b>2 964 400</b>	<b>10 000</b>		<b>3 145 000</b>
Expenditure allocated by sub-item				
2 127 200	2 145 200	18 000	Salaries and Allowances	2 162 300
143 100	143 100	0	Equipment	161 400
46 800	46 800	0	Insurance and Maintenance	64 200
32 500	32 500	0	Training	38 500
248 500	248 500	0	Meeting Facilities	216 000
130 800	122 800	(8 000)	Travel	188 200
54 000	54 000	0	Printing and Copying	54 100
86 600	86 600	0	Communication	89 200
84 900	84 900	0	Sundry	106 400
<b>2 954 400</b>	<b>2 964 400</b>	<b>10 000</b>		<b>3 145 300</b>
Surplus for the year		20 200		

### APPENDIX III

**MEMBERS' CONTRIBUTIONS 2005**  
**General Fund Contributions – Payable by 1 March 2005**  
 (all amounts in Australian dollars)

Member	Basic	Fishing	Total
Argentina*	103 615		103 615
Australia	103 615	10 719	114 334
Belgium*	103 615		103 615
Brazil	103 615		103 615
Chile	103 615	5 813	109 428
European Community	103 615		103 615
France	103 615	17 797	121 412
Germany	103 615		103 615
India	103 615		103 615
Italy	103 615		103 615
Japan	103 615	20 225	123 840
Korea, Republic of *	103 615	6 525	110 140
Namibia	103 615		103 615
New Zealand	103 615	3 957	107 572
Norway	103 615		103 615
Poland	103 615	4 440	108 055
Russia	103 615	2 376	105 991
South Africa	103 615	2 197	105 812
Spain*	103 615	2 633	106 248
Sweden	103 615		103 615
Ukraine	103 615	7 304	110 919
UK	103 615	4 914	108 529
USA	103 615	2 672	106 287
Uruguay*	<u>103 615</u>	<u>1 668</u>	<u>105 283</u>
	2 486 760	93 240	2 580 000

\* Extension of deadline approved by Commission

**ANNEX 5**

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

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

### **I. OPENING OF THE MEETING**

1.1 The meeting of the Standing Committee on Implementation and Compliance (SCIC) was held from 25 to 29 October 2004. Due to the resignation of the current SCIC Chair, Mr Y. Becouarn (France), the meeting first considered the election of a new Chair. Ms R. Tuttle (USA) was unanimously elected to serve as Chair for the 2004 meeting of SCIC. Members of SCIC agreed that at the end of the meeting there would be election of a Chair to serve for two years from the end of this meeting to the end of the meeting in 2007.

1.2 Ms Tuttle opened the meeting and all Members of the Commission participated. No Members invoked a ruling in accordance with Rule 32(b) of the Commission Rules of Procedure. Therefore, Observers from Mauritius and Netherlands (Acceding States) and from Indonesia, Mozambique, the Antarctic and Southern Ocean Coalition (ASOC) and the Coalition of Legal Toothfish Operators (COLTO) participated in the meeting.

1.3 The Committee adopted the Agenda as set out in CCAMLR-XXIII/1 and SCIC-04/1. The Agenda and the list of papers considered by the Committee are contained in Appendices I and II respectively.

1.4 The organisation of the meeting was discussed. At the beginning, the meeting considered information papers summarising work of the Secretariat and Members' activities on all aspects of the Committee's terms of reference during the 2003/04 intersessional period. In discussing these papers, a number of recommendations were put forward by Members and agreed by the Committee as general advice to the Commission. The Committee also considered proposals relating to the revision of existing, and the drafting of new, conservation measures. Both matters of general advice and recommendations for revised and new conservation measures are presented in the following sections.

### **II. IUU FISHING IN THE CONVENTION AREA**

#### **Current level of IUU fishing**

2.1 The Committee considered estimates of IUU catches in the Convention Area prepared by the Secretariat (SCIC-04/3) and used by the Working Group on Fish Stock Assessment (WG-FSA) for the estimation of total removals of toothfish (SCIC-04/14). These estimates were prepared using existing methodology as outlined in CCAMLR-XXII, paragraph 6.12.

Table 1: Estimates of IUU toothfish catches (tonnes) in the CCAMLR Convention Area from the 1996/97 to the 2003/04 fishing seasons.

Fishing season	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
Estimated IUU catch	32 673	15 106	5 868	7 644	8 802	11 857	10 070	2 622*
Total reported and IUU catches	45 130	28 518	19 531	25 214	22 598	27 198	26 877	15 929
IUU as % of total catch	72.4	53.0	30.0	30.3	39.0	43.6	37.5	16.5

\* Estimated as of 1 October 2004. The estimation will be revised next year in order to take into account any new compliance-related information received for the period to the end of the 2003/04 fishing season, i.e. to 30 November 2004.

2.2 For the 2003/04 fishing season, the total estimated IUU catch in the Convention Area was 2 622 tonnes. This was approximately one quarter of the estimate for the 2002/03 fishing season (see Table 1). The Committee noted that WG-FSA had not been able to identify possible reasons for the decline in estimates of IUU catches in the Convention Area in respect of the decrease of CDS-reported catches from high seas outside the Convention Area (SC-CAMLR-XXIII, Annex 5, paragraphs 8.7 to 8.13). Among the reasons considered were:

- (i) inadequacy of current level of monitoring, control and surveillance (MCS) activities in the Convention Area;
- (ii) shifting of IUU fishing activity in the Convention Area to areas outside fishing grounds where licensed vessels operate, e.g. BANZARE Bank area;
- (iii) toothfish stocks may have become depleted;
- (iv) reflagging of fishing vessels to flags which are not parties to the CDS, i.e. resulting in fewer CDS reports received;
- (v) impact of CCAMLR conservation measures on the reduction of IUU fishing and continued monitoring of the world trade in toothfish.

2.3 **The Committee agreed** that if additional compliance-related data justifying the revision of the abovementioned estimate were available at the 2005 meeting of WG-FSA, these estimates should be revised by the Secretariat.

2.4 The Committee noted with concern the advice received from the Chair of the Scientific Committee that although the level of seabird by-catch arising from IUU fishing had decreased proportionally to the decrease in IUU catches, it remains unsustainable for some of populations of albatross and petrel species.

#### Procedure for estimation of IUU catches

2.5 The Committee noted the advice of the Chair of the Scientific Committee on proposals made by WG-FSA for future work on the development of a standard methodology for estimating total removals of toothfish, including IUU catches, and that these proposals will be further considered by the Commission. It also noted that, as part of the proposed work of the

development of a standard methodology, the Scientific Committee requested SCIC to develop some measure of the proportion of fishable time and area which could be considered to be under effective monitoring for IUU fishing activity. This is required for testing and practical application of the two proposed mathematical models for estimating IUU catches in the Convention Area (WG-FSA-02/4 and 04/63).

2.6 The Committee reiterated its view that estimation of total removals, including IUU catches, should involve the expertise of both SCIC and the Scientific Committee and noted that the Commission planned to consider organisation of such work (CCAMLR-XXII, paragraph 6.12(vii)).

## IUU Vessel Lists

### IUU Vessel List for 2003

2.7 According to the criteria established in paragraph 10 of Conservation Measures 10-06 and 10-07, no information was made available to the Committee to substantiate removal of any vessel included on the adopted IUU Vessel List for 2003. **The Committee therefore recommended** to the Commission that all vessels included on the adopted IUU Vessel List for 2003 be retained (Appendix III).

2.8 The Committee noted information submitted by France that the vessel *Eternal* has been converted to a transport vessel and would not be able to participate in fishing activities for the next five years. The Committee agreed that the vessel be retained on the IUU Vessel List, but that it should be noted that it has now reflagged to Madagascar.

### IUU Vessel List for 2004

2.9 The Committee noted that, in general, information submitted for consideration in respect of the IUU Vessel Lists for 2004 lacked important details and **the Committee recommended** to the Commission that Members with deflagged or deregistered vessels provide additional information such as new names, flags and call signs and Lloyds/IMO numbers.

2.10 **The Committee recommended** to the Commission that Members be reminded to collect and provide more detailed information in future reports to the Commission on the establishment of IUU Vessel Lists, including provision of more detailed information in respect of owners, where available.

2.11 In respect of the IUU Vessel Lists prepared for 2004, the Secretariat asked for clarification of the deadlines for the submission of information to be included in the Provisional IUU Vessel List and whether information to be included should comprise information from the previous season or information submitted during the previous intersessional period. Nevertheless, consideration of IUU Vessel Lists for 2004 was in accordance with the deadlines established in Conservation Measures 10-06 and 10-07.

2.12 The Committee expressed general support for considering information submitted during the intersessional period but emphasised that, if a shorter deadline was adopted, incidents which were reported during the interval between the deadline and the annual meeting should be considered in the next intersessional period.

2.13 In considering information submitted in respect of each vessel, the Committee also noted the need to include some definitions in Conservation Measures 10-06 and 10-07, including definitions of fishing and transhipment activities, and in particular, a definition of logistical support.

2.14 The Committee noted with concern that a number of vessels on the Proposed List of Non-Contracting Party Vessels were being considered for inclusion on the adopted IUU Vessel List without their Flag States first being notified due to the Secretariat's inability to find appropriate contact details for some Flag States. The Committee requested that every effort be made to contact and inform those States whose flag vessels were being considered for inclusion on the IUU Vessel List.

2.15 The Committee considered the practice of some vessels continuing to fly their former flags after deregistration and noted that such vessels are stateless in accordance with UNCLOS. The Committee urged Members to exchange all relevant information in this respect.

2.16 In accordance with Conservation Measures 10-06 and 10-07, the Committee examined the lists presented by the Secretariat in CCAMLR-XXIII/40 and prepared Proposed IUU Vessel Lists for consideration by the Commission. A summary of the Committee's discussions of vessels included in the Provisional IUU Vessel List for Contracting Parties and the draft IUU Vessel List for Non-Contracting Parties is provided in the following paragraphs.

#### Contracting Party vessels

2.17 **The Committee recommended** to the Commission that the Uruguayan-flagged vessels *Maya V* and *Sherpa Uno* be included on the Proposed List of Contracting Party Vessels.

2.18 *Elqui* (Uruguay) – The Committee noted a report that the *Elqui* had entered the Convention Area to deliver spare parts to another vessel and had subsequently unloaded toothfish in Mauritius accompanied by a catch document. As no new information concerning the incident had been made available, the Committee agreed that this action did not meet the criteria for inclusion in the Proposed List as specified in paragraph 4 of Conservation Measure 10-06.

#### Non-Contracting Party vessels

2.19 *Aldabra* (Kenya) – The Committee could find no information to substantiate the existence of the *Aldabra* which had been reported located inside the Convention Area by a Uruguayan observer. The Committee requested that the Secretariat conduct further investigations in order to ascertain more details regarding the existence of the *Aldabra*.

2.20 **The Committee recommended** to the Commission that the following vessels be included on the Proposed List of Non-Contracting Party Vessels: *Amorinn*, *Hammer*, *Ross*, *Sargo* (flagged to Togo); *Apache 1* (flagged to Honduras); *Champion-1*, *Piscis* (unknown flags); *Golden Sun*, *Lucky Star*, *Thule* (flagged to Equatorial Guinea); and *Koko* (flagged to Georgia).

2.21 In conclusion, the Committee prepared for submission to the Commission a Proposed IUU Vessel List for Contracting Parties and a Proposed IUU Vessel List for Non-Contracting Parties, and recommended them for approval by the Commission according to the comment expressed in the last column of the Proposed Lists. The Lists are provided in Appendix III.

2.22 The European Community noted that all IUU vessels listed in 2003 which were not seized continued to operate and trade in 2004. Members should therefore consider how the provisions set out in paragraph 14 of Conservation Measure 10-06 and paragraph 11 of Conservation Measure 10-07 can be implemented in a more efficient manner.

#### Other vessels discussed

2.23 The Secretariat reported that according to a notification received and licence details submitted, the Vanuatu-flagged vessel *Atlantic Navigator* (COMM CIRC 03/94) fished for krill in Area 48 during the 2003/04 season. According to anecdotal information received, the vessel commenced in Subarea 48.2 in April–May 2004. Despite several reminders from the Secretariat to Vanuatu, no information on the start and end dates of fishing and no reports of monthly catches were received until 27 October 2004, i.e. during CCAMLR-XXIII. The reports submitted by Vanuatu contain haul-by-haul catch and effort data for the period 11 June to 28 September 2004.

2.24 The Committee noted that the catches reported constituted approximately 20% of the total krill harvest for the 2004 fishing season. The Committee also noted with concern that no information on the vessel's fishing activities was made available to WG-EMM and WG-FSA. At the time of the meeting of SCIC, no information was available on planned activities of the vessel in the future.

2.25 At the same time, the Committee noted that the current Conservation Measure 23-06 contained a deadline for the provision of the complete set of fine-scale catch and effort data but no deadline for the provision of monthly catches. The Committee recommended that the Commission seek advice from the Scientific Committee on krill data reporting requirements and review the measure, if required.

2.26 Argentina provided some additional information about the *Atlantic Navigator* and expressed its concern about the use of a new method, which had the potential to change the economic implications of the krill fishery. It also believed that most of the information now available to the Commission was brought up as a consequence of the informal contacts reported. According to other Members, the fishing method did not differ from methods currently in use and pumping krill on board from the hauled trawl represents a modern technology.

2.27 The UK indicated that a report on mitigating measures relevant to all vessels in the krill fishery in Subarea 48.3, including the *Atlantic Navigator*, had been submitted to

WG-FSA (WG-FSA-04/83). In addition, the scientific observer on board the vessel while it fished in Subarea 48.3, had produced a report on incidental mortality and mitigation measures applied by the *Atlantic Navigator*.

2.28 The Committee requested that the Executive Secretary write to Vanuatu and convey the concern of the Committee at the failure to report data in conformity with conservation measures in force for the previous fishing season and request that all such data for the current fishing season be received by April 2005.

2.29 Russia suggested that it would be desirable if Vanuatu also be requested to provide reports on the by-catch of mammals, finfish and incidental mortality of seabirds.

2.30 The Committee expressed the view that Vanuatu should consider applying for membership of the Commission as soon as possible and also inform CCAMLR of its future fishery plans. The Secretariat was requested to communicate with Vanuatu on this matter.

2.31 Chile reserved its position in respect of the ability of Acceding States to continue to fish inside the Convention Area without becoming Members of the Commission. In response, the UK drew the attention of the Committee to Article VII.2(b) of the Convention which explicitly addresses the issue of Acceding States being engaged in harvesting activities.

2.32 The European Community informed the Committee that the vessel *Atlantic 52*, which Members had been requested to pay particular attention to its activities (CCAMLR-XXII, paragraph 8.60), was apparently still authorised to operate in the port of Montevideo.

2.33 Uruguay informed the Committee that the vessel had had its licence revoked, that sanctions had been imposed on the captain and that the vessel had not operated at Montevideo for approximately one year.

2.34 The Committee welcomed information from Chile regarding the Chilean-flagged vessel *Globalpesca I* which had been purchased by a Chilean company on 13 October 2003. It had been brought to the attention of Chile that this vessel was formerly the *Zarya* and that Members had also been requested to pay particular attention to its activities (CCAMLR-XXII, paragraph 8.60). Chile advised that it had investigated the current owner carefully and had found that there were no links between it and the previous owner. Chile advised that it is now a Party to the FAO Compliance Agreement and is accordingly drafting procedures which may make it easier to trace the history of vessels.

2.35 The Committee discussed the need for transparency concerning a vessel's flagging history, fishing activities, owners and beneficial ownership. In particular, the Committee noted the importance of transparency in making fully informed decisions on whether, according to criteria under Conservation Measure 10-06, to recommend the placement, retention or deletion of a vessel on or from the IUU Vessel List and of the participation of a vessel in an exploratory fishery.

2.36 The significance of transparency was illustrated by the recent approval for exploratory fisheries of two vessels with a history of engaging in IUU activities. The circumstances surrounding the reflagging of the vessels *Simeiz* and *Mellas* had been addressed in COMM CIRCS 04/01, 04/04, 04/08, 04/15, 04/17, 04/19 and 04/22, and CCAMLR-XXIII/BG/30 and BG/34.

2.37 As a consequence of this concern, the Committee recommended that the Commission consider proposals submitted by the European Community and Ukraine to amend Conservation Measures 21-01 and 21-02 in order to ensure the necessary level of transparency of the notification process in the future.

2.38 Ukraine reminded the Committee that the vessels *Mellas* and *Simeiz* had been notified to CCAMLR-XXII by Ukraine as intending to participate in the exploratory fishery in Subarea 88.1 during the 2003/04 fishing season. Considering the information concerning the *Mellas* and *Simeiz*, provided by New Zealand in January–February 2004 that these vessels were the former *Eva-1* and the *Florens-1* respectively, Ukraine verified this information and reported to the Commission (COMM CIRCs 04/08 and 04/19). Following concerns expressed by several delegations that the vessels *Eva-1* and *Florens-1* might have been considered at CCAMLR-XXII for inclusion on the IUU Vessel List, if not for an administrative deadline, Ukraine has taken the matter very seriously and committed itself at the meeting of Consultative Parties to the Antarctic Treaty in Cape Town in May 2004, to fully investigate the details of the registration of the *Mellas* and *Simeiz* and report the results at CCAMLR-XXIII. Following the special order of the Ukrainian Government, the Ministry of Agriculture, in cooperation with the Ministry of Transport and Communications of Ukraine, conducted the investigation of the abovementioned matters and submitted the report to CCAMLR (CCAMLR-XXIII/BG/34). The report concluded that the process of registration of the vessels *Mellas* and *Simeiz* was entirely in accordance with Ukrainian legislation harmonised with international law and there are no reasons to doubt that these vessels have legally navigated under the Ukrainian flag since July 2003. Additionally, the report made it clear that Ukraine had not violated any CCAMLR obligation including conservation measures in force (Conservation Measures 10-02, paragraph 3 and 21-02, paragraph 2(vii)) during the notification to CCAMLR-XXII of the vessels *Mellas* and *Simeiz* for access to the exploratory fishery in the Convention Area in 2003/04.

2.39 Ukraine specifically stressed that whilst the vessels' previous names would have been available to the Ukrainian vessel (ship) registrar authority prior to CCAMLR-XXII, the Ukrainian authorities responsible for the notification of participation of vessels flying the Ukrainian flag in the exploratory fishery in the Convention Area had no knowledge of the vessels' histories until after CCAMLR-XXII because of the abovementioned reasons.

2.40 Ukraine assured the Committee of its willingness to continue to cooperate in respect of the matter and noted that whilst the vessels *Mellas* and *Simeiz* had been brought to the attention of the Commission, and since Ukraine as Flag State has exercised the jurisdiction over these vessels, no infraction had been recorded against them.

2.41 The Committee recalled that, in 2003, the vessels would have been considered for inclusion on the IUU Vessel List, if not for an administrative deadline, and that the Commission had requested Members to pay particular attention to their future activities (CCAMLR-XXII, paragraph 8.60).

2.42 New Zealand requested that the Committee note some inconsistencies between information presented in CCAMLR-XXIII/BG/34 and information reported by Ukraine in previous correspondence (COMM CIRCs 04/08, 04/19, 04/22 and 04/33). New Zealand also presented documentation which suggested that the vessels may not have actually changed beneficial ownership since the period when they were engaged in suspected IUU activities.

New Zealand noted that it was evident Ukraine would not have provided information on the true background of the vessels if New Zealand had not presented to the Commission evidence from its inspection and surveillance activities.

2.43 The European Community noted that CCAMLR-XXIII/BG/34 reported a Taiwanese company was the VMS manager for the vessels concerned. However, the European Community advised that the Taiwanese company referred to in its report is the vessel manager and is not a VMS service provider.

2.44 Australia reiterated that vessels which were reported to have engaged in IUU activities should not be eligible to be considered for participation in an exploratory fishery and that CCAMLR Members must take action to ensure the integrity of CCAMLR conservation measures.

2.45 Several other Members agreed with Australia's views and expressed their strong concern that the vessels had been allowed to participate in the exploratory fishery for Subarea 88.1 during the 2003/04 season and believed that the Committee should recommend that the Commission prevent the vessels from participating in exploratory fisheries in future. In response, Ukraine once again reiterated that there are no legal grounds for preventing the vessels *Mellas* and *Simeiz* from participating in exploratory fisheries in the Convention Area, and for the request that Ukraine consider withdrawing the notification for the vessel *Simeiz*.

2.46 Several Members recalled the commitment given by Ukraine at ATCM-XXVII to undertake a full investigation into the circumstances around the vessels *Mellas* and *Simeiz*, and expressed disappointment at the response by Ukraine, including Ukraine's approach towards efforts to cooperate.

2.47 Ukraine responded that it has completely fulfilled its assurance to examine the matter concerning the vessels *Mellas* and *Simeiz*. At the same time, Ukraine noted that since there still exist concerns of several Members relating to the vessels, especially with regard to their so-called 'beneficial ownership', any details which might be available in this respect would be provided to the Commission. Members expressed the view that this information should be made available to SCIC or to the Commission, depending on when it was received.

2.48 In conclusion, the SCIC Chair reminded Ukraine that if any new information concerning ownership as requested by Members was obtained, then this should be made available to the Commission.

2.49 The Committee discussed proposals for amendments to Conservation Measures 10-06 and 10-07 and identified several areas of concern that needed strengthening in order to improve measures to combat IUU fishing. Significant points of discussion were the broadening of the activities in the conservation measure, the lack of mandate of the Secretariat to collect additional information on IUU vessels, and the notification periods of the various forms of the IUU Vessel Lists to Contracting Parties and the Secretariat. In general, the Committee agreed that consideration needs to be given to the practice of some vessels reflagging to prevent from appearing on the Provisional List of Contracting Party Vessels, or to continue to use Contracting Party flags after having been deregistered. Only amendments to paragraphs 3 and 4(e) of Conservation Measure 10-06 were accepted and **the Committee agreed** to forward the draft text to the Commission for review and consideration.

2.50 The issue of the definition of ‘fishing’ in paragraph 10 in the CCAMLR System of Inspection was raised but not concluded. Other issues relating to suggested amendments to Conservation Measures 10-06 and 10-07 were not discussed, and **the Committee agreed** to forward the draft text to the Commission for review and consideration.

### III. REVIEW OF COMPLIANCE AND IMPLEMENTATION-RELATED MEASURES AND POLICIES

#### System of Inspection

3.1 In 2003/04, Members designated 44 inspectors. According to information received by the time of the meeting, 20 inspectors were actually deployed at sea and 11 vessels were inspected. All vessels were inspected in Subarea 48.3 by CCAMLR inspectors designated by the UK.

3.2 Inspection reports of two vessels contained records of non-compliance with certain elements of some conservation measures. The UK advised the Committee that taking into account the inspection report received on the UK-flagged vessel *Jacqueline*, legal proceedings had been initiated. Chile, the Flag State of the second vessel *Globalpesca I*, advised that the inspection report differed substantially from the contents of the international observer report concerning the same vessel but that these differences had yet to be analysed. Results of this matter would be submitted to the Secretariat in due course.

3.3 In accordance with paragraph XII of the System of Inspection, Argentina and South Africa submitted SCIC reports in respect of prosecutions and actions imposed on their flag vessels as a consequence of inspections conducted in the past.

3.4 Argentina informed the Committee that the proceedings carried out in relation to infringements in 1997 of CCAMLR conservation measures were concluded and sanctions imposed on the vessels *Vieirasa Doce*, *Estela*, *Marunaka* and *Magallanes I*. A proceeding in relation to infringements in 2000 of CCAMLR conservation measures by the vessel *Kinsho Maru* had concluded but the sanctions imposed are currently under review.

3.5 The USA and South Africa submitted an information paper on a joint investigation into a fish product dealer unlawfully importing toothfish and other species from its operations in South Africa to associated companies in the USA. The investigation involved significant cooperation between USA and South African enforcement authorities and the resulting prosecutions in both nations resulted in heavy sanctions, including lengthy prison sentences, asset forfeitures and multi-million dollar penalties against the various entities involved in the conspiracy.

3.6 There were no proposals received from Members on the improvement of the System of Inspection.

## Compliance with conservation measures in force

3.7 According to Articles X, XXI, XXII and XXIV of the CAMLR Convention, reports of sightings and/or apprehensions of vessels in the 2003/04 intersessional period were submitted by Australia, France and South Africa. The reports received were used by the Secretariat in the preparation of draft IUU Vessel Lists in accordance with Conservation Measures 10-06 and 10-07. The Committee expressed concern that many IUU vessels, including those listed in the 2003 IUU Vessel List, appeared to have reflagged to Togo and Equatorial Guinea.

3.8 With respect to two sightings reported by international scientific observers working on board fishing vessels in Subarea 88.1, the Committee noted that the vessels reported could indeed be vessels properly licensed by CCAMLR Members. Reports received from other verifiable sources did not indicate IUU fishing activity in the area.

3.9 In accordance with Conservation Measure 10-03, Members are required to conduct port inspections of all vessels carrying toothfish and to submit reports of such inspections. The UK reported that it conducted port inspections of 16 vessels. South Africa reported to the meeting that it conducted port inspections of three vessels. In general, during the 2003/04 intersessional period, no reports of port inspections were received which reported that a vessel was found to have fished in contravention of CCAMLR conservation measures.

3.10 **The Committee recommended** to the Commission that, in future, Members be requested to submit reports of all port inspections conducted irrespective of whether a vessel inspected was found acting in contravention of, or in full compliance with, conservation measures in force.

3.11 During the intersessional period, Members notified the Commission of licences or permits issued to their vessels for fishing in the Convention Area (Conservation Measure 10-02 and System of Inspection, paragraph IV(c)). A list of fishing vessels licensed to fish in the Convention Area in 2003/04 has been made available to Members on the CCAMLR website.

3.12 Members continued to submit, on a voluntary basis, details of their vessels licensed to fish for toothfish outside the Convention Area (CCAMLR-XX, paragraph 5.23). During 2003/04, information was submitted by Australia, Japan, Republic of Korea, South Africa and Uruguay. Uruguay notified that during the 2003/04 season it had withdrawn the high-seas licences of five of its licensed flag vessels.

3.13 Members continued to inform the Secretariat of name changes, reflagging and reregistration of their flag vessels. Information on reflagging during the 2003/04 intersessional period was submitted by Russia, USA and Uruguay. **The Committee** noted the information submitted and **recommended** that Members be reminded of the need to also provide, where possible, details of new vessel flags and names.

3.14 In accordance with Conservation Measure 10-04, Members continued to report details of movements of their flag vessels into, out of and between areas, subareas and divisions of the Convention Area. During the 2003/04 season, Members submitted 140 reports of the movements of 55 individual vessels. Reports were received in respect of all vessels targeting *Dissostichus* spp. in the Convention Area. The Republic of Korea, Poland, Ukraine and the USA also submitted reports of the movements of their krill vessels on a voluntary basis.

Three reports of VMS disruptions were also received. No reports were received in respect of cases where Flag States determined that their vessels had fished in the Convention Area in contravention of conservation measures in force by means of VMS.

3.15 In discussing implementation of conservation measures, New Zealand reported that according to information received, the Russian vessel *Volna* had started fishing in Subarea 88.1 10 days earlier than the deadline of 90 days after the notification of the vessels to the Commission (Conservation Measure 21-02). Russia explained that it interpreted a 90-day limit as a requirement for the vessel to be notified to the Commission but that this did not relate to the start of fishing. After clarification received from New Zealand, Russia asked that a three-day early start of fishing be considered as a genuine mistake on its part which would be avoided in future. **The Committee recommended** to the Commission that Members be requested to assure that vessel licences are consistent with notification dates as contained in SCIC-04/16.

3.16 The Committee noted with concern continued problems with the implementation of data reporting requirements of a number of conservation measures relating to fishery management (CCAMLR-XXIII/BG/8). In particular, the percentage of overdue catch and effort reports (13%) had increased in comparison to two previous seasons, and the percentage of overdue fine-scale datasets (44%) remains as high as it was in the previous two seasons.

3.17 Late submission of catch and effort reports contributed to significant difficulties encountered by the Secretariat this season in monitoring fisheries with a total of 155 catch limits. These resulted in eight instances where total catches exceeded their catch limits (over-runs), including catches in Small-scale Research Units (SSRUs) taken in exploratory fisheries.

3.18 The Committee requested advice from the Chair of the Scientific Committee on the impact of such over-runs in SSRUs on scientific objectives of fishery management. Advice received was that SSRUs were introduced in exploratory fisheries in order to distribute fishing effort over the entire stock area, to collect necessary data on fish abundance and distribution, and to prevent overfishing. Therefore, from the Scientific Committee's point of view, the main problem of over-runs in SSRUs is not scientific but relates to compliance with data reporting.

3.19 An additional factor which was found to contribute to over-runs was related to logistic errors in estimating catches at-sea in comparison to verified catch weight in ports. In particular, the UK reported that during port inspection of the Spanish vessel *Ibsa Quinto*, it was found that the vessel had exceeded its reported catch of toothfish from Subarea 48.3 by an estimated 33 tonnes live weight (CCAMLR-XXIII/BG/8, SCIC-04/13). The Committee recalled that the CDS procedure for verification of landed catch weights was introduced to alleviate this particular problem but that this would not help with matters of fishery monitoring which is based on at-sea catch and effort reports.

3.20 The Committee noted a number of proposals on the improvement of the reporting system prepared by the Secretariat (CCAMLR-XXIII/38). The Committee recalled that in the past such proposals have been submitted by the Scientific Committee directly to the Commission and considered that discussion of some of the proposals submitted this year could be out of the Committee's current remit. It was also noted that any modifications to existing reporting systems should take into account not only difficulties of fishery

management but also their implication for vessels. After discussing the topic, the **Committee decided** not to consider the proposals in detail but found it possible **to express general support** for proposals which were limited to improvements in existing reporting requirements. At the same time, the Committee decided to comment on proposals which relate to the introduction of penalties for overdue catch and effort reports and the limitation of the number of vessels allowed to fish in a designated SSRU (proposals ‘D’ and ‘F’ in CCAMLR-XXIII/38).

3.21 While recognising potential difficulties in managing fishing in SSRUs, the Committee expressed concern that proposal ‘F’ could be construed as the introduction of a catch quota approach to the CCAMLR fishery management system. Therefore, any such proposals should first be discussed by the Commission. Similarly, the Committee felt that a policy of imposing any penalties due to data reporting failure should first be considered by the Commission.

3.22 The Committee’s attention was drawn to information contained in the report of WG-FSA that in 28% of cases the required number of research sets were not completed as required under Conservation Measure 41-01 (SC-CAMLR-XXIII, Annex 5, paragraph 5.18). According to the Secretariat’s report to WG-FSA, it was not possible to determine from Members’ reports whether this was because research sets had not been done or because they contained incomplete or incorrectly recorded information. **The Committee recommended** to the Commission that Members be urged to ensure that the required research sets are completed and data submitted to the Secretariat in a timely and accurate form.

3.23 The Committee recognised the useful work undertaken by the Secretariat and the European Community on the Plan of Action, but believed that further work on the document is needed (CCAMLR-XXIII/39). Therefore, **the Committee recommended** to the Commission that the Plan’s contents should be reviewed further intersessionally under terms of reference to be agreed by the Commission.

3.24 The Committee discussed improvements to Conservation Measures 10-02 and 21-02. The Committee agreed that amendments to Conservation Measure 21-02 would be forwarded to the Commission for adoption. Furthermore, **the Committee agreed** on amendments to Conservation Measure 10-02, except for one set of terms that remains to be agreed, and forwarded this text to the Commission for review and consideration.

#### Compliance evaluation procedure

3.25 The Committee discussed possible avenues to produce a compliance evaluation report, based on measurable and specific criteria, for consideration by the Commission, and received the views of the Chair of the Scientific Committee on this matter.

3.26 In presenting his advice to the Committee, the Chair of the Scientific Committee noted that, for a number of years, WG-FSA and ad hoc WG-IMAF have been involved in the analysis and verification of compliance-related information extracted from scientific observer reports and related to the implementation of conservation measures, in particular, on the reduction of seabird and marine mammal by-catch during longline and trawl fisheries as well on the use and disposal of plastic packaging bands on fishing vessels (SC-CAMLR-XXIII, Annex 5, paragraphs 11.56 to 11.60). The Scientific Committee felt that it was inappropriate

for it to carry out this type of analysis. The Scientific Committee recommended that SCIC could take initial responsibility for this function in future given its role and expertise in relation to compliance matters.

3.27 **The Committee recommended** to the Commission that it undertake an annual assessment of compliance in accordance with the principles outlined below. Such an assessment could be considered by the Commission in the light of the Scientific Committee's current consideration of the performance of vessels with regard to conservation measures, specially those involving mitigation.

3.28 The objectives of undertaking the assessment are:

- (i) to ensure that conservation measures are being effectively implemented and objectively monitored;
- (ii) to evaluate the effectiveness of conservation measures in meeting their conservation objective;
- (iii) to identify vessels, areas, sectors or fisheries where compliance with conservation measures is inadequate;
- (iv) to identify specific action points for the Commission and Contracting Parties.

3.29 The preparation of the compliance assessment for consideration by the Commission should involve at least the following steps:

- I. All provisions of a conservation measure must be amenable to monitoring.
- II. SCIC suggested that an appropriate procedure for undertaking the assessment would be:
  - (i) for the Commission to task the Secretariat with collating and analysing the data required for the assessment;
  - (ii) for the Scientific Committee (including WG-FSA) to review these calculations and provide advice to SCIC;
  - (iii) for SCIC, taking into account such comments and advice, as well as other relevant data, to agree a final assessment.
- III. The final assessment report will include a description of any technical difficulties encountered in monitoring compliance, with suggested solutions to these problems, including, where appropriate, recommendations on improvements of conservation measures.

3.30 In the first instance, SCIC recommended that the Secretariat identify the types of monitoring data and the methods of collection that are currently used in the assessment of compliance with conservation measures. SCIC recommended that it and the Scientific Committee comment on these methods and provide recommendations on their modification or adoption by the Commission meeting in 2005.

## C-VMS trial

3.31 The Committee considered a report by the Secretariat on the centralised vessel monitoring system (C-VMS) trial which was conducted during the 2003/04 intersessional period.

3.32 The Committee noted that the trial had successfully tested centralised vessel position reporting to the Secretariat without any significant technical problems.

3.33 The Committee noted that the success of the trial constituted a good basis for consideration of a full C-VMS scheme. The Committee also noted that C-VMS information could be used in conjunction with at-sea inspections and that this should be a clear objective of any C-VMS.

3.34 The Committee noted the concerns of some Members in respect of C-VMS data confidentiality. The Secretariat noted implementation issues, including whether reporting in the North Atlantic format might require upgrading of some Flag State Fisheries Monitoring Centre VMS servers.

3.35 Argentina recalled that the Commission should refrain from legislating for areas beyond the Convention Area.

3.36 The Committee considered a proposal submitted by Australia, New Zealand and the USA for CCAMLR to establish a C-VMS to be operated by the Secretariat (CCAMLR-XXIII/49 and BG/12).

3.37 The proposal was based on the draft Conservation Measure 10-04 text discussed at CCAMLR-XXII and the resulting trial of the C-VMS in the intersessional period in which participation was drawn from 17 vessels flagged to five Contracting Parties. It was noted that the data would be used only for compliance purposes to support the CDS, surveillance and the CCAMLR System of Inspection.

3.38 Discussion of the proposal centred around the required frequency of data reporting to the Secretariat, the security and availability of the data, and a system of generating automatic exception reports.

3.39 The Committee agreed that VMS reports and messages received from a vessel would be forwarded to the Secretariat within four hours for those exploratory longline fisheries subject to conservation measures adopted at CCAMLR-XXIII or on departure from the Convention Area for all other fisheries.

3.40 The Committee agreed that C-VMS data would be provided to Contracting Parties, subject to permission from Flag States, prior to those Parties conducting active surveillance or inspection. It was also agreed that the Secretariat may also provide a Contracting Party with VMS data when verifying a claim on a *Dissostichus* catch document, subject to Flag State permission.

3.41 The Committee did not agree on a proposal to establish a mandatory system of generating automatic exception reports. The exception reports were proposed to compare

vessel data against decision rules and alert any potential violation of those rules where the operations of a vessel may be inconsistent with licensed operations. It was agreed that a voluntary pilot program of exception reporting would be established.

3.42 **The Committee** noted the draft amended Conservation Measure 10-04 presented by Australia, New Zealand and the USA and **agreed to forward** the draft text to the Commission for review and consideration.

#### IV. REVIEW OF THE CATCH DOCUMENTATION SCHEME

##### Operation of the existing CDS with paper-based catch documents

4.1 The Committee considered a report by the Secretariat on the implementation and operation of the CDS (CCAMLR-XXIII/BG/15). The Committee also reviewed the 2004 CDS data summary report submitted in SCIC-04/10.

4.2 The Committee noted that the Republic of Mauritius, which cooperated with CCAMLR in the implementation of the CDS, had become a CCAMLR Contracting Party on 2 October 2004.

4.3 The Committee noted that Canada had reported via CITES that it had implemented the CDS in full since 1 April 2004 but this had not yet been formally conveyed to CCAMLR.

4.4 The Committee also noted that the People's Republic of China had moved towards full implementation of the CDS by appointing its Ministry of Agriculture as the relevant authority to sign landing, export and re-export certificates of CDS documents. The authority of the China Fisheries Association to authorise CDS documents had been terminated.

4.5 In respect of a number of undocumented landings of toothfish in Singapore during the 2003/04 intersessional period, the Committee welcomed information that the Executive Secretary had written to Singapore to request that it review and reconsider its partial implementation of the CDS in that it only authorises re-export documents.

4.6 Poland advised the Committee that, with its membership of the European Community, it has taken steps to develop a legal basis to ensure a more efficient supervision over the trading in toothfish both within and through the territory of the Republic of Poland. The Fisheries Department of the Polish Ministry of Agriculture and Rural Development will also ensure better cooperation between the Ministry and the parties concerned.

4.7 The Committee noted expert consultations initiated in 2002 by FAO on harmonisation of catch documentation schemes amongst RFMOs (CCAMLR-XXIII/BG/11). The work was reviewed in 2004 by the COFI Sub-Committee on Fish Trade. According to the CCAMLR observer at this meeting, progress was limited mainly to standardisation of data reporting requirements. It seems that harmonisation of the schemes' objectives and procedures used to certify catches and verify export and import information, remains a task of future work. **The Committee** noted that another set of RFMO expert consultations was planned by FAO during 2005 and **recommended** to the Commission that the CCAMLR Secretariat be given the opportunity to continue to participate in these consultations.

4.8 The Secretariat introduced results of its evaluation of the use of trade statistics in the evaluation of total removals of toothfish and the performance of CDS (CCAMLR-XXIII/BG/17). A number of shortcomings in current trade statistics have been described in previous sections. It appears that, at present, the impact of these shortcomings cannot be quantified with any degree of certainty. Although trade statistics can provide a general indication that IUU fishing may have occurred, they cannot provide a reliable estimate of the overall level of that fishing as the statistics cannot, on their own, be considered accurate and reliable for the following main reasons:

- double counting, which occurs as a result of a number of factors discussed above
- data reporting failures
- time lapse between landing, export and re-export
- uncertainty in identifying and reporting toothfish products.

4.9 The USA advised the Committee that it undertook a similar review in relation to trade statistics analysis made by the National Environmental Trust in the USA and came to similar conclusions.

4.10 The Committee noted that the abovementioned deficiencies in trade statistics were further compounded by the fact that not all countries engaged in toothfish trade use standard custom tariff codes for toothfish, thus making the toothfish import/export data less accurate. In 2003, the WCO amended its Harmonised Tariff Schedule and incorporated standards for toothfish products. New codes, however, will not come into effect until 2007.

4.11 **The Committee recommended** to the Commission that, in order to improve performance of trade statistics collected via CDS, Members should be encouraged to voluntarily adopt the new codes as soon as practicable and before the established deadline of 1 January 2007.

4.12 The Committee recalled discussions at CCAMLR-XXII concerning the proposal to publish CDS data in the *Statistical Bulletin* and gave further consideration to what data might be published. **The Committee recommended** to the Commission that the format for a standard set of CDS data prepared for publication by the Secretariat (as appended to CCAMLR-XXIII/BG/17) be adopted by the Commission pending the development of a standard procedure for the evaluation of total removals of toothfish based on CDS and trade statistics.

4.13 The Committee discussed definitions of landing, port State, export, re-export, import and transhipment for the purposes of the CDS. **The Committee recommended** to the Commission that the definitions be further discussed intersessionally and at the next meeting of CCAMLR (Appendix IV).

4.14 **The Committee** agreed on improvements to Conservation Measure 10-05 and **recommended** to the Commission that it adopt the non-bracketed text and to review and consider the remaining proposals.

## E-CDS development and trial

4.15 The Committee considered a report by the Secretariat on the continued operation of the E-CDS trial and noted the intention of the Secretariat to conduct E-CDS training sessions during CCAMLR-XXIII.

4.16 The Committee expressed general support for the E-CDS trial but noted the reservations of some Members as to whether full implementation could be achieved. Some Members of the Committee also expressed the view that the existing paper-based documentation should continue indefinitely alongside possible wider implementation of the E-CDS.

4.17 Consequently, **the Committee** agreed a resolution on the implementation of the E-CDS and **recommended** to the Commission that it adopt the resolution.

## V. SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

5.1 During the 2003/04 fishing season, the Scheme of International Scientific Observation provided observer coverage in all finfish fisheries in the Convention Area. In addition, seven international observers worked on board krill fishing vessels. A summary of scientific observation programs undertaken was presented to the Committee in SC-CAMLR-XXIII/BG/6.

5.2 The Committee received and discussed advice from the Chair of the Scientific Committee on those aspects relating to the operation of the scheme and the use by the Committee of data collected by observers. These include assessment of compliance with conservation measures (see paragraphs 3.25 to 3.30 above); collection of factual data on sightings of fishing vessels other than licensed by CCAMLR Members and the need for deploying of international scientific observers on board krill fishing vessels.

5.3 With respect to deployment of international scientific observers on krill vessels, the Committee noted that the Commission should receive advice from the Scientific Committee on the matter which would present scientific observation objectives and urgency attached to the deployment of observers.

## VI. ELECTION OF THE CHAIR AND VICE-CHAIR OF THE COMMITTEE

6.1 The Committee elected Ms V. Carvajal (Chile) as the Chair of the Committee. She was proposed by South Africa and seconded by Argentina, Australia and the USA.

6.2 The Committee agreed that the next Chair of SCIC would consult with Members in order to consider and elect a Vice-Chair at the meeting of the Committee in 2005.

## VII. OTHER BUSINESS

7.1 With regard to incorrect references to the territorial status of the Malvinas (Falkland), South Georgia and the South Sandwich Islands made in documents prepared by the Secretariat for consideration by SCIC, Argentina rejected the pretension to refer to those islands as a separate entity of its territory, as well as of giving them an international status that they do not have. In addition, Argentina rejected references to an alleged and illegitimate Government of the Malvinas Islands (Falkland) and of South Georgia and the South Sandwich Islands. Argentina recalled that the Malvinas Islands (Falkland), South Georgia and the South Sandwich Islands and surrounding waters are an integral part of the Argentine National Territory.

7.2 In response, the UK reiterated its well-known position that it has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas. Furthermore, the UK believed it regrettable that Argentina had objected to generic terms such as ‘UK (Overseas Territories)’ which had featured commonly in previous reports of the Commission without attracting any adverse comment. This was an unhelpful and unwelcome development.

7.3 Argentina did not share the UK’s views, rejected the UK’s statement and reiterated its position.

## VIII. ADVICE TO THE COMMISSION

8.1 A summary of advice to the Commission is given below. It should be read in conjunction with the report.

8.2 The Committee made the following recommendations to the Commission:

Implementation and compliance –

- (i) request Members to submit annually reports of all port inspections (paragraph 3.10);
- (ii) request Members to assure that vessel licences are consistent with notification dates as contained in SCIC-04/16 (paragraph 3.15);
- (iii) note general support for proposals made by the Secretariat on improving the existing reporting requirements (paragraph 3.20);
- (iv) urge Members to ensure that the required research sets required under Conservation Measure 41-01 are completed and data submitted to the Secretariat in a timely and accurate form;
- (v) review intersessionally the proposed draft of the CCAMLR Plan of Action in support of IPOA-IUU (paragraph 3.23);

- (vi) adopt revisions to Conservation Measures 10-02 and 21-02 and consider revisions proposed but not yet agreed (paragraph 3.24);
- (vii) undertake an annual assessment of compliance with conservation measures in accordance with outlined principles (paragraphs 3.27 to 3.30);
- (viii) review and consider the draft amended Conservation Measure 10-04 (paragraph 3.42).

Catch Documentation Scheme for *Dissostichus* spp. –

- (ix) note FAO initiative on harmonisation of catch documentation schemes amongst RFMOs and give opportunity to the CCAMLR Secretariat to continue to participate in these consultations including a meeting scheduled for 2005 (paragraph 4.7);
- (x) encourage Members to voluntarily adopt the new WCO customs tariff codes for *Dissostichus* spp. as soon as practicable and before the established deadline of 1 January 2007 (paragraph 4.11);
- (xi) adopt the format prepared by the Secretariat for publication of CDS data in the CCAMLR *Statistical Bulletin* (paragraph 4.12);
- (xii) discuss further intersessionally and at CCAMLR-XXIV, definitions of landing, Port State, export, re-export, import and transhipment for the purposes of the CDS (paragraph 4.13);
- (xiii) adopt agreed text of Conservation Measure 10-05 and review text not yet agreed (paragraph 4.14);
- (xiv) adopt resolution on the implementation of E-CDS (paragraph 4.16).

IUU fishing in the Convention Area –

- (xv) note estimates of IUU catches prepared by the Secretariat as reviewed and commented by the Scientific Committee (paragraphs 2.1 to 2.4);
- (xvi) retain all vessels on the IUU Vessel Lists as adopted in 2003 (paragraph 2.7 and Appendix III);
- (xvii) urge Members with deflagged or deregistered vessels to provide additional information on such vessels (paragraphs 2.9 and 3.13);
- (xviii) remind Members to collect and provide more detailed information in future reports related to the establishment of IUU Vessel Lists (paragraph 2.10);
- (xix) include vessels in the lists for 2004 as recommended in paragraphs 2.17, 2.20 and 2.21 (Appendix III);

- (xx) review and consider proposed revisions to Conservation measures 10-06 and 10-07 (paragraphs 2.49 and 2.50).

## IX. ADOPTION OF THE REPORT AND CLOSE OF MEETING

9.1 The report of SCIC was adopted and the meeting closed. The Chair thanked the Committee and, in particular, the leads of the drafting groups for their efforts and hard work. The Committee thanked the Chair for her outstanding work in ensuring a well-organised meeting. The Committee and Chair also thanked the Secretariat for its excellent work.

## **APPENDIX I**

### **AGENDA**

#### **Standing Committee on Implementation and Compliance (SCIC) (Hobart, Australia, 25 to 29 October 2004)**

1. Opening of the meeting
  - (i) Adoption of the agenda
  - (ii) Organisation of the meeting
  - (iii) Review of submitted papers, reports and other presentations
2. IUU fishing in the Convention Area
  - (i) Current level of IUU fishing
  - (ii) Procedure for estimation of IUU catches
  - (iii) IUU Vessel Lists
3. Review of compliance and implementation-related measures and policies
  - (i) System of Inspection
  - (ii) Compliance with conservation measures in force
  - (iii) Compliance evaluation procedure
  - (iv) C-VMS development and trial
  - (v) Proposals for new and revised measures
4. Review of the Catch Documentation Scheme (CDS)
  - (i) Operation of the existing CDS with paper-based catch documents
  - (ii) E-CDS development and trial
5. Scheme of International Scientific Observation
6. Election of the Chair of the Committee
7. Other business
8. Advice to the Commission
9. Adoption of the report
10. Close of the meeting.

## APPENDIX II

### LIST OF DOCUMENTS

Standing Committee on Implementation and Compliance (SCIC)  
(Hobart, Australia, 25 to 29 October 2004)

SCIC-04/1	Provisional Agenda for the 2004 Meeting of the CCAMLR Standing Committee on Implementation and Compliance (SCIC)
SCIC-04/2	List of documents
SCIC-04/3 Rev. 2	Estimation of IUU catches of toothfish inside the Convention Area during the 2003/04 fishing season Secretariat
SCIC-04/4	Provisional and proposed IUU vessel lists: supplementary information Secretariat
SCIC-04/5	Proposals for the revision of Conservation Measures 10-06 and 10-07 (CCAMLR-XXII, Annexes 7 and 8) Secretariat
SCIC-04/6	Reports of at-sea inspections submitted in accordance with the CCAMLR System of Inspection 2003/04 Secretariat
SCIC-04/7	Developing methods for estimating total removals of toothfish and assessing compliance with conservation measures (Extracts from the reports of CCAMLR-XXII and SC-CAMLR-XXII) Secretariat
SCIC-04/8	Draft Conservation Measure 10-04 ‘Automated Satellite-Linked Vessel Monitoring System (VMS)’ (CCAMLR-XXII, Annex 9) Secretariat
SCIC-04/9	Aplicación del Sistema de Documentación de capturas de <i>Dissostichus</i> spp. en Chile Aplicación de la MC 10-05 de la CCAMLR Chile
SCIC-04/10	Catch Documentation Scheme (CDS) annual summary reports 2004 Secretariat

SCIC-04/11	Rules for Access and Use of CCAMLR Data Secretariat
SCIC-04/12	Report on calls of toothfish fishing vessels and transhipment of toothfish in Mauritius (September 2003 to August 2004) Mauritius
SCIC-04/13 Rev. 1	Inspection report for <i>Ibsa Quinto</i> Secretariat
SCIC-04/14	Extracts from Sections 3 and 8 of the Report of WG-FSA-04 (IUU fishing) Secretariat
SCIC-04/15	Discharge of sea products in Mozambican ports from fishing vessels operating in international waters Mozambique
SCIC-04/16	Notifications of vessels for new and exploratory fisheries Secretariat

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#### Other Documents

CCAMLR-XXIII/1	Provisional Agenda for the Twenty-Third Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XXIII/2	Provisional Annotated Agenda for the Twenty-Third Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XXIII/39	Draft CCAMLR Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing Delegation of the European Community and CCAMLR Secretariat
CCAMLR-XXIII/40	Implementation of Conservation Measures 10-06 and 10-07 Draft List of IUU Vessels, 2004 Secretariat
CCAMLR-XXIII/43	Ukraine's proposals to amend certain provisions of conservation measures in order to increase the 'Transparency' of the information submitted and to prevent IUU fishing (category 'general fishery matters', subcategory 'notifications') Delegation of Ukraine

CCAMLR-XXIII/44	E-CDS trial Delegation of France
CCAMLR-XXIII/46	EC Proposal Amendments to Conservation Measure 10-02 Licensing and Inspection Obligations of Contracting Parties with regard to their Flag Vessels Operating in the Convention Area Delegation of the European Community
CCAMLR-XXIII/48	Improvements to the CCAMLR Illegal, Unreported and Unregulated (IUU) Vessel Lists Delegation of Australia
CCAMLR-XXIII/49	A proposal to establish a CCAMLR Centralised Vessel Monitoring System (C-VMS) Delegations of Australia, New Zealand and the USA
CCAMLR-XXIII/BG/3	Attendance at OECD workshop on IUU fishing (Paris, France, 19–20 April 2004) Executive Secretary
CCAMLR-XXIII/BG/5	Cooperation between CCAMLR and CITES Secretariat
CCAMLR-XXIII/BG/8	Implementation of fishery conservation measures in 2003/04 Secretariat
CCAMLR-XXIII/BG/11	Report on the Ninth Session of the COFI Sub-Committee on Fish Trade (10 to 14 February 2004, Bremen, Germany) CCAMLR Observer (H. Pott, Germany)
CCAMLR-XXIII/BG/12	Observer Report on FAO Technical Consultation on Fishing Capacity/IUU Fishing (Rome, Italy, 19 to 24 June 2004) CCAMLR Observer (Japan)
CCAMLR-XXIII/BG/13	Implementation of the System of Inspection and other CCAMLR enforcement provisions in 2003/04 Secretariat
CCAMLR-XXIII/BG/14	Report of the C-VMS trial Secretariat
CCAMLR-XXIII/BG/15	Implementation and operation of the Catch Documentation Scheme in 2003/04 Secretariat
CCAMLR-XXIII/BG/16	Report of the E-CDS trial Secretariat

CCAMLR-XXIII/BG/17	The use of trade statistics in the evaluation of total removals of toothfish and the performance of the CDS Secretariat
CCAMLR-XXIII/BG/19	Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen et Crozet pour la saison 2003/04 (1 <sup>er</sup> juillet 2003 – 30 juin 2004) Informations générales sur la zone 58 de la CCAMLR Délégation française
CCAMLR-XXIII/BG/20	Mise en œuvre du C-VMS Délégation française
CCAMLR-XXIII/BG/24	Illegal, unreported and unregulated Patagonian toothfish catch estimate for the Australian EEZ around Heard Island and McDonald Islands Delegation of Australia
CCAMLR-XXIII/BG/26	Further clarification and standardisation of Catch Documentation Scheme procedures Delegation of the USA
CCAMLR-XXIII/BG/27	Illegal toothfish trade: introducing illegal catches into the markets Submitted by ASOC Available in English and Spanish
CCAMLR-XXIII/BG/28	Report on the FAO technical consultation to review Port State measures to combat illegal, unreported and unregulated fishing CCAMLR Observer (Norway)
CCAMLR-XXIII/BG/34	Regarding the circumstances of registration of vessels <i>Simeiz</i> , <i>Mellas</i> and <i>Soriza</i> in Ukraine and issuing to them permissions to fish in the Convention Area Delegation of Ukraine (Submitted in Russian and English)
SC-CAMLR-XXIII/BG/6	Summary of scientific observation programs undertaken during the 2003/04 season Secretariat
WG-FSA-02/4	A statistical method for analysing the extent of IUU fishing in CCAMLR waters: application to Subarea 48.3 Delegation of the United Kingdom

WG-FSA-04/63

An alternative method for estimating the level of illegal  
fishing using scaling methods on detected effort  
Delegation of Australia

Information Documents

Informe de causas en trámite en Argentina por infracciones a la normativa CCRVMA a  
Octubre de 2004

Information submitted by South Africa on inspections and prosecutions

Information submitted by France in COMM CIRC 04/68

**APPENDIX III**

**IUU VESSEL LISTS**

## PROPOSED LIST OF CONTRACTING PARTIES VESSELS (CONSERVATION MEASURE 10-06)

Current name	Current Flag	Lloyds/ IMO number	Name at time of incident (if different)	Reported Flag at time of incident	Call sign at time of incident	Previous name(s) if known	Nature of activity	Date(s) of incident	Conservation measure applied	SCIC deliberations
<i>Elqui</i>	Uruguay	6622654			CXBH		Supporting IUU activities of <i>Aldabra</i>	22 Jan 04	10-06	Delete
<i>Maya V</i>	Uruguay	8882818			CXCI		Fishing Division 58.5.2. Apprehended.	23 Jan 04	10-06	Retain
<i>Sherpa Uno</i>	Uruguay	7322926		Uruguay	CXZN		(i) Undocumented transhipment  (ii) Sighted Division 58.5.1	20 Dec 03  3 Feb 04	10-06	Retain

## PROPOSED LIST OF NON-CONTRACTING PARTY VESSELS (CONSERVATION MEASURE 10-07)

Current name	Current Flag	Lloyds/ IMO number	Name at time of incident (if different)	Reported Flag at time of incident	Call sign at time of incident	Previous name(s) if known	Nature of activity	Date(s) of incident	Conservation measure applied	SCIC deliberations
<i>Aldabra</i>	Kenya	unknown			unknown	unknown	Inside Division 58.7	22 Jan 04	10-07	Delete
<i>Amorinn</i>	Togo	7036345	<i>Lome*/Iceberg II?</i>		unknown	<i>Lome*/Noemi</i>	Inside Division 58.4.2	23 Jan 04	10-07	Retain
<i>Apache I</i>	Honduras	9142693			HQWPS	<i>America I</i>	Fishing Division 58.5.1 Apprehended	25 Jun 04	10-07	Retain
<i>Champion I</i>	unknown	9230660			UFIS	<i>Champion</i>	Fishing inside Division 58.4.3	22 Apr 04	10-06	Retain
<i>Golden Sun</i>	Equatorial Guinea	5225851			3CM2150	<i>Notre Dame*</i>	Fishing inside Division 58.4.3	22 Apr 04	10-07	Retain
<i>Hammer</i>	Togo	unknown			unknown	<i>Caran</i>	Undocumented landing, Malaysia	Aug 04	10-07	Retain
<i>Koko</i>	Georgia	unknown			4LON	<i>Austin-1</i>	Inside Division 58.4.3	24 Apr 04	10-07	Retain
<i>Lucky Star*</i>	Equatorial Guinea	7930034			3CM2149	<i>Praslin/Big Star</i>	Fishing inside Division 58.4.3	22 Apr 04	10-07	Retain
<i>Piscis</i>	unknown	unknown		Uruguay	CXCM		Supporting IUU activities of <i>Thule</i>	5 Apr 04	10-06	Retain
<i>Ross</i>	Togo	unknown			unknown	<i>Alos*/Lena</i>	Fishing Division 58.7	Mar–Apr 04	10-07	Retain
<i>Sargo</i>	Togo	unknown	<i>Lugalpesca*</i>	Uruguay	CXYT	<i>Lugalpesca*</i>	(i) Undocumented landing/ transhipment	28 Dec 03	10-07	Retain
							(ii) Sighted Division 58.4.2	21 Jan 04		
							(iii) Undocumented landing, Malaysia	Aug 04		
<i>Thule</i>	Equatorial Guinea	unknown			unknown	<i>Magnus*/Dorita</i>	Inside Division 58.5.2	31 Jan 04	10-07	Retain

\* Vessels which appear on the IUU Vessel List for 2003/04.

## IUU VESSEL LISTS FOR THE 2003/04 FISHING SEASON

### Contracting Party Vessels (Conservation Measure 10-06)

Current name	Current Flag	Lloyds/ IMO number	Vessel name at time of incident	Flag at time of incident	Call sign at time of incident	Nature of activity	Date of incident	Conservation measure applied
<i>Eternal</i>	Madagascar	8608470	<i>Eternal</i>	Netherlands (Netherlands Antilles)	unknown	Reported 58.4.2 Apprehended 58.5.1	10 Jan 01 19 Jul 02	10-06
<i>Lugalpesca</i>	Uruguay	unknown	<i>Lugalpesca</i>	Uruguay	CXYT	Reported 58.5.1 Sighted in 58.5.1	1 Dec 02 4 Jun 03	10-06
<i>Viarsa I</i>	Uruguay	8011335	<i>Viarsa I</i>	Uruguay	CXYU	Apprehended 58.5.2	7 Aug 03	10-06

### Non-Contracting Party Vessels (Conservation Measure 10-07)

Current name	Current Flag	Lloyds/ IMO number	Vessel name at time of incident	Flag at time of incident	Call sign at time of incident	Nature of activity	Date of incident	Conservation measure applied
<i>Alos</i>	Ghana	7388267	<i>Lena Alos</i>	Seychelles/Ghana	Possibly S7PM	Reported 58.6/58.5.1 Sighted 58.5.2	21 Dec 02 21 Sep 03	10-07
<i>Magnus</i>	St Vincent and the Grenadines	7322897?	<i>Dorita</i>	Uruguay	CXMX	Sighted 58.4.2	9 Jan 02	10-06
<i>Lucky Star</i>	Ghana	7930034	<i>Praslin</i>	Seychelles	unknown (ex S7ME)	Sighted 58.5.1 Undocumented landing	21 Dec 02 24 Feb 03	10-07
<i>Lome</i>	Togo	7036345	<i>Lome/ Noemi</i>	Belize	V3QW2	Sighted 58.5.1 Undocumented landing, had been inside 58.5.1	21 Oct 03 24 Sep 02	10-07
<i>Notre Dame</i>	Bolivia	unknown	<i>Notre Dame</i>	Bolivia	CDB-536	Undocumented landing	14 Mar 02	10-07

## APPENDIX IV

### DEFINITIONS FOR THE PURPOSES OF THE CATCH DOCUMENTATION SCHEME

Proposed preamble to definitions:

The following definitions are intended only for the purposes of the CDS and must be applied as stated regardless of whether such actions as landings, transhipments, imports, exports or re-exports constitute the same under any CDS participants' customs law or other domestic legislation.

Proposed definitions:

1. Port State: The State that has jurisdiction over a particular port area or free trade zone for the purposes of landing, transhipment, importing, exporting and re-exporting and whose authority serves as the authority for landing certification.
2. Landing: The initial transfer of catch in its harvested or processed form from a vessel to dockside or to another vessel in a port or free trade zone where the catch is certified by an authority of the Port State as landed.
3. Export: Any movement of a catch in its harvested or processed form from the State or free trade zone of landing, or, where that State or free trade zone forms part of a customs union, any other Member State of that customs union.
4. Import: The placing of a catch under the control of the importing State following its export or re-export.
- (5. Re-export: Any movement of a catch in its harvested or processed form from a State, free trade zone, or Member State of a customs union of import.)
6. Transhipment: The unloading of catch in its harvested or processed form from a vessel to mother vessel or means of transport, other than under the authority of the Port State.