

**CCAMLR-XIII**

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

**REPORT OF THE THIRTEENTH MEETING  
OF THE COMMISSION**

**HOBART, AUSTRALIA  
26 OCTOBER - 4 NOVEMBER, 1994**

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### **Abstract**

This document presents the adopted record of the Thirteenth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 26 October to 4 November 1994. Major topics discussed at this meeting include: review of the Report of the Scientific Committee, assessment and avoidance of incidental mortality of Antarctic marine living resources, current operation of the Systems of Inspection and Scientific Observation, compliance with conservation measures in force, review of existing conservation measures and adoption of new conservation measures including catch limitations for a number of species of finfish and for Antarctic crabs, management under conditions of uncertainty and cooperation with other international organisations including the Antarctic Treaty System. The Reports of the Standing Committee on Administration and Finance and the Standing Committee on Observation and Inspection are appended.

## TABLE OF CONTENTS

	Page
OPENING OF THE MEETING .....	1
FINANCE AND ADMINISTRATION .....	2
Audited Financial Statements .....	2
Appointment of Auditor .....	2
Review of the 1994 Budget .....	3
Publications Distribution Policy .....	3
<i>CCAMLR Science</i> .....	3
Meeting Costs .....	3
1995 Budget .....	3
1996 Forecast Budget .....	4
Review of Formula for Calculating Members' Contributions .....	4
CCAMLR Flag .....	5
Other Business .....	5
SCIENTIFIC COMMITTEE REPORT .....	5
Fish Resources .....	5
Krill .....	6
CEMP .....	7
Joint Meeting of WG-Krill and WG-CEMP .....	8
Marine Mammals and Birds .....	8
Other Matters .....	8
ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY OF ANTARCTIC MARINE LIVING RESOURCES .....	9
Marine Debris .....	9
Incidental Mortality during Fishing Operations .....	11
Incidental Mortality in Longline Fisheries .....	12
OBSERVATION AND INSPECTION .....	15
Operation and Compliance - System of Inspection .....	15
Establishment of an Intersessional Procedure for Notifying CCAMLR Members of Infractions and Sanctions Imposed by Flag States .....	18
Operation of the Scheme of International Scientific Observation .....	19
Election of the Chairman of SCOI .....	20
NEW AND EXPLORATORY FISHERIES .....	20
CONSERVATION AND MANAGEMENT OF THE ANTARCTIC MARINE LIVING RESOURCES IN STATISTICAL SUBAREAS 48.3 AND 48.4 .....	21
CONSERVATION MEASURES .....	24
Krill Resources .....	25
Protection of CEMP Sites .....	26
RESOLUTION 11/XIII .....	27
Fish Resources .....	27
<i>Dissostichus eleginoides</i> in Subarea 48.3 .....	28
<i>Champsocephalus gunnari</i> in Subarea 48.3 .....	30
<i>Electrona carlsbergi</i> in Subarea 48.3 .....	31
<i>Notothenia squamifrons</i> in Division 58.4.4 (Ob and Lena Banks) .....	32
Incidental Mortality .....	34

CONSERVATION MEASURES ADOPTED IN 1994 .....	35
CONSERVATION MEASURE 18/XIII .....	35
CONSERVATION MEASURE 29/XIII .....	37
CONSERVATION MEASURE 76/XIII .....	39
CONSERVATION MEASURE 77/XIII .....	40
CONSERVATION MEASURE 78/XIII .....	40
CONSERVATION MEASURE 79/XIII .....	41
CONSERVATION MEASURE 80/XIII .....	42
CONSERVATION MEASURE 81/XIII .....	43
CONSERVATION MEASURE 82/XIII .....	44
CONSERVATION MEASURE 84/XIII .....	45
CONSERVATION MEASURE 85/XIII .....	46
CONSERVATION MEASURE 86/XIII .....	46
CONSERVATION MEASURE 87/XIII .....	46
SCIENTIFIC RESEARCH EXEMPTION .....	47
MANAGEMENT UNDER CONDITIONS OF UNCERTAINTY ABOUT STOCK SIZE AND SUSTAINABLE YIELD .....	48
COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM .....	49
XVIII Antarctic Treaty Consultative Meeting .....	49
Coordination of CEMP Site Protection within the Antarctic Treaty System .....	51
COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS .....	53
Reports of Observers from Other International Organisations .....	53
Reports of CCAMLR Representatives at Meetings of Other International Organisations .....	53
Establishment of a General CCAMLR Policy on the Designation of CCAMLR Observers to International Conferences or Meetings .....	54
Future Cooperation .....	55
REVIEW OF CURRENT ARRANGEMENTS FOR INVITING OBSERVERS TO CCAMLR MEETINGS .....	57
ELECTION OF CHAIRMAN OF THE COMMISSION .....	60
NEXT MEETING .....	60
OTHER BUSINESS .....	61
Conservation Measure 29/XIII .....	61
Press Release .....	61
ADOPTION OF THE REPORT OF THE THIRTEENTH MEETING OF THE COMMISSION .....	61
CLOSE OF THE MEETING .....	62
ANNEX 1: LIST OF PARTICIPANTS .....	63
ANNEX 2: LIST OF DOCUMENTS .....	77
ANNEX 3: AGENDA FOR THE THIRTEENTH MEETING OF THE COMMISSION .....	85
ANNEX 4: REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE (SCAF) .....	89
ANNEX 5: REPORT OF THE STANDING COMMITTEE ON OBSERVATION AND INSPECTION (SCOI) .....	99

# **REPORT OF THE THIRTEENTH MEETING OF THE COMMISSION**

(Hobart, Australia, 26 October to 4 November 1994)

## OPENING OF THE MEETING

1.1 The Thirteenth Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources was held in Hobart, Tasmania, Australia from 26 October to 4 November 1994 under the Chairmanship of Dr D. Hammer (EEC).

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

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

1.4 In welcoming all Members and observers to the meeting, the Chairman paid tribute to the work performed by observers both in contributing to the meetings and in disseminating information about CCAMLR within their states and organisations.

1.5 The Food and Agriculture Organisation of the United Nations (FAO), the Intergovernmental Oceanographic Commission (IOC), the World Conservation Union (IUCN), the International Whaling Commission (IWC), the Scientific Committee on Antarctic Research (SCAR), the Scientific Committee on Oceanic Research (SCOR) and the Antarctic and Southern Ocean Coalition (ASOC) were invited to attend the meeting as observers. ASOC, IOC, IUCN, IWC and SCAR attended.

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 Provisional Agenda for the meeting (CCAMLR-XIII/1) was adopted without changes (Annex 3).

1.8 The Chairman advised that, unless the meeting decided on changes as a result of discussions under other agenda items, the status of observers at the 1994 meeting would be on the same basis as at the 1993 meeting.

1.9 The Chairman reported on intersessional activities. He informed the meeting that Scientific Committee Working Groups had met during the year in Cape Town, South Africa (Workshop on Evaluating Krill Flux Factors, Working Group on Krill (WG-Krill), Working Group for the CCAMLR Ecosystem Monitoring Program (WG-CEMP) and a joint meeting of WG-Krill and WG-CEMP) and in Hobart (Working Group on Fish Stock Assessment (WG-FSA) and Working Group on Incidental Mortality Arising from Longline Fishing (WG-IMALF)). He also reported on representation at the 46th Meeting of the IWC, the FAO Technical Consultation on the Code of Conduct for Responsible Fishing, XXIII Meeting of SCAR and the Third International Conference on 'Marine Debris - Seeking Global Solutions'. Reports of these meetings are discussed in the relevant sections of this report.

1.10 The Delegate of South Africa reminded the Commission of the change in the political situation in South Africa following full democratic elections in April this year. He drew Members' attention to the new flag of South Africa which is symbolic of the new situation.

1.11 Ambassador E.J. Perkins, the US Ambassador to Australia, addressed the Commission and expressed the US support for the work of CCAMLR. He commended CCAMLR's commitment, since its inception, to using a precautionary and ecosystem approach in the management of Antarctic marine living resources and encouraged continued adherence to this approach in the future (CCAMLR-XIII/BG/31).

## FINANCE AND ADMINISTRATION

2.1 The Chairman of the Standing Committee on Administration and Finance (SCAF), Mr G. de Villiers (South Africa), presented the report of the Committee (Annex 4) and outlined the results of discussions.

### Audited Financial Statements

2.2 The Commission accepted the Financial Statements for 1993.

### Appointment of Auditor

2.3 As recommended by SCAF, the Commission agreed to appoint the Australian National Audit Office as the Commission's external auditor for a further two years, and directed that in respect of the 1994 financial year a review audit would be required.

2.4 To permit the auditor to perform a review audit only, the Commission adopted the changes to the Financial Regulations as set out in Appendix 1 to the SCAF report.

#### Review of the 1994 Budget

2.5 The Commission noted that the forecast results of income and expenditure for 1994 were in line with the agreed budget of A\$1 633 000.

#### Publications Distribution Policy

2.6 The Commission endorsed the advice of SCAF that the trial period for the new distribution policy continue for a second year, as agreed at the 1993 meeting of the Commission. The Commission directed that the Secretariat correspond with Members, as recommended by SCAF, and prepare a full cost-benefit analysis to assist the Commission's deliberations at the 1995 meeting.

#### *CCAMLR Science*

2.7 In receiving SCAF's report on the progress of the *CCAMLR Science* publication, the Commission noted that approval of budgeted expenditure for this publication is for the production of only one issue per year.

#### Meeting Costs

2.8 The Commission noted SCAF's advice that it was not able to identify further savings in the meeting-costs budget at this stage. It was noted that the Secretariat should not cease its endeavours to ensure that such costs are kept to a minimum.

#### 1995 Budget

2.9 The budget of A\$1 691 900 for 1995, as presented in the report of SCAF, was adopted by the Commission.

2.10 The Commission noted the advice of SCAF concerning the increasing work being asked of the Secretariat and the resources available to and allocated by it. The Commission directed the 1995 meeting of SCAF to set priorities when recommending the 1996 budget to the Commission.

2.11 The Commission noted the advice of the Chairman of the Scientific Committee that the Committee currently endeavours to ascertain the financial implications of any recommendation it makes for action by the Commission. The Commission agreed that any proposals put to it or the Scientific Committee for work to be performed should include a statement of financial implications.

#### 1996 Forecast Budget

2.12 The Commission noted a forecast 1996 expenditure budget of A\$1 759 700.

#### Review of Formula for Calculating Members' Contributions

2.13 The Commission agreed to use the existing formula for calculating Members' contributions to the 1995 budget.

2.14 Several Members expressed disappointment that no agreement could be reached at this year's meeting but stressed the importance of achieving a result next year.

2.15 Argentina pointed out the Commission's obligation to have a formula appropriate to the requirements of the Convention. The Commission endorsed SCAF's recommendation that SCAF should treat as a priority the aim to reach a consensus on an acceptable formula at next year's meeting.

2.16 The Delegation of France considered that one should not lose sight of the fact that taking into account the quantity of catches in the contribution formula offsets the cost to CCAMLR resulting from fishing activities (particularly setting up and enforcing conservation measures). It wished to insist that, in its opinion, any new formula for the calculation of contributions should take this principle into account.

2.17 The Commission endorsed SCAF's report on this matter and the proposals contained therein regarding intersessional work to resolve this question.

## CCAMLR Flag

2.18 The Executive Secretary advised that following comments from some delegates the proposed design had been revised and a new version was displayed at the meeting for further consideration by Members. This matter will be considered at the Commission's next meeting.

## Other Business

2.19 The Commission noted the concern of SCAF that the Committee had had insufficient time to discuss all matters referred to it. The Commission took this into consideration when determining the length of next year's meeting (paragraph 15.1).

2.20 The Chairman of SCAF advised the meeting that SCAF's concerns regarding the financial implications of proposals made by the Standing Committee on Observation and Inspection (SCOI) were no longer valid. The Australian Government has offered A\$20 000 to finance these proposals.

2.21 Appreciation was expressed to the Chairman of SCAF for his effective management of the SCAF meeting.

## SCIENTIFIC COMMITTEE REPORT

3.1 The Chairman of the Scientific Committee, Dr K.-H. Kock (Germany), introduced the report of the Scientific Committee.

3.2 Decisions of the Commission relating to conservation measures arising from recommendations of the Scientific Committee are reported in sections 6 and 8 of this report. The Commission endorsed the recommendations, advice and interim research plans of the Scientific Committee, unless otherwise indicated.

## Fish Resources

3.3 The only fish species targeted in commercial fisheries in the 1993/94 season were *Dissostichus eleginoides* and *Electronacarlbergi*. A catch of 603 tonnes of *D. eleginoides* was reported from the longline fishery in Subarea 48.3 under Conservation Measure 69/XII,

although an additional 43 tonnes were reported taken by Russian longliners in the same subarea from October to January. 5 083 tonnes were taken in Division 58.5.1. A catch of 114 tonnes of myctophids was taken in Subarea 48.3.

3.4 The Commission endorsed the requests for data specifically identified by WG-FSA (SC-CAMLR-XIII, Annex 4, Appendix D). It noted that the new submission date for STATLANT data (31 August) had made it easier for the Secretariat to prepare data for the WG-FSA meeting. It also noted the Scientific Committee's concern that some of the catches taken in Subarea 48.3 were not recorded in official statistics (SC-CAMLR-XIII, paragraph 2.19).

3.5 Details of the Commission's discussion on stocks are given under Item 8. The Commission noted its appreciation of the efforts taken by the Scientific Committee and WG-FSA to incorporate considerations of uncertainty into assessments of fish stocks (see SC-CAMLR-XIII, paragraph 2.79). It considered that this was in line with its requests for more work on this subject made last year (CCAMLR-XII, paragraph 4.26).

3.6 The Commission endorsed the Scientific Committee's advice in respect of stocks in Division 58.5.1. For *D. eleginoides*, it endorsed the already established French conservation measures, and the advice that trawl surveys of the entire stocks of the western and northern shelves would provide useful indices of abundance. For *Champocephalus gunnari*, it endorsed the advice that the fishery in the 1994/95 season be kept to a low level to allow the present strong cohort to spawn a second time. The prohibition of directed fishing for *Notothenia rossii* and *Notothenia squamifrons* should be retained.

## Krill

3.7 The data requirements identified by WG-Krill were endorsed by the Commission (SC-CAMLR-XIII, Annex 5, Table 3).

3.8 The Commission congratulated the Scientific Committee and WG-Krill on their considerable progress with the calculations of potential krill yield (SC-CAMLR-XIII, paragraphs 5.18 to 5.26). Estimates of unexploited biomass and the constant  $\alpha$ , which is the proportion of the estimate of unexploited biomass which can be set as an annual catch limit, have been subject to rigorous analysis over the last two years. It noted that all key parameters of the yield model are now based on analyses of empirical data.

3.9 The Scientific Committee has elaborated the three decision rules for its choice of a suitable value of  $F_{MSY}$ . The first is one which chooses  $F_{MSY}$  to ensure stable recruitment; the second is one which chooses  $F_{MSY}$  in order to ensure that sufficient krill biomass remains after fishing to supply predator populations; and the third rule chooses the lower of the first two values of  $F_{MSY}$  to calculate a yield from the estimate of unexploited biomass. The Commission noted that the Scientific Committee had endorsed a value of 0.116 as being the best available at this time.

3.10 The Commission endorsed the three decision rules, and noted that they incorporate the central tenets of the Convention as set out in Article II. It encouraged the Scientific Committee in its steps towards applying this approach to the assessment of other stocks (see SC-CAMLR-XIII, paragraph 2.79).

3.11 The Delegation of the USA noted that the Secretariat had obtained a STATLANT report from FAO of a catch of 71 tonnes of krill this year by Latvia. The Commission endorsed the Scientific Committee's recommendation that the Secretariat further investigate this catch, and in addition request information from Lithuania on possible activity in the Convention Area since Lithuania and Latvia have both been active in the southwest Atlantic recently (SC-CAMLR-XIII, paragraph 14.27).

#### CEMP

3.12 The Commission recognised the considerable progress which had been made in developing the CCAMLR Ecosystem Monitoring Program over the last year and encouraged the Scientific Committee in its efforts towards an objective review of monitoring results and integrated ecosystem assessment (SC-CAMLR-XIII, paragraphs 6.29 to 6.33). It noted that new CEMP-related research programs were being initiated by Italy, South Africa and Norway (SC-CAMLR-XIII, paragraph 6.3), and that five Members had submitted data in 1994 which was an improvement on the situation in 1993 when only three Members submitted data (CCAMLR-XII, paragraph 4.31). The Commission encouraged more Members to participate in CEMP activities (SC-CAMLR-XIII, paragraphs 6.3 to 6.5).

3.13 The Commission endorsed the advice and recommendations regarding CEMP (SC-CAMLR-XIII, paragraphs 6.42 to 6.46).

## Joint Meeting of WG-Krill and WG-CEMP

3.14 The Commission noted that the second joint meeting of these two Working Groups had been particularly helpful in furthering the Scientific Committee's integrated approach to ecosystem monitoring and management, and noted that considerable progress had been made on a number of topics (SC-CAMLR-XIII, paragraphs 7.3 to 7.24).

3.15 The Scientific Committee, at its thirteenth session, established a new Working Group on Ecosystem Monitoring and Management (WG-EMM) to replace WG-CEMP and WG-Krill. The decision to establish WG-EMM was taken following the Scientific Committee's review of ways to organise its work more efficiently (SC-CAMLR-XII, paragraph 15.16; CCAMLR-XII, paragraph 4.45). The Commission expressed its approval of this review by the Scientific Committee, and endorsed the terms of reference, list of priority activities and intersessional tasks of this Working Group (SC-CAMLR-XIII, paragraphs 7.41 to 7.43).

## Marine Mammals and Birds

3.16 The Commission noted the Scientific Committee's report on SCAR's Antarctic Pack Ice Seals (APIS) Program and noted that this program is likely to provide valuable information useful to the Scientific Committee's work. It endorsed the close interest and support being shown by the Scientific Committee for this program (SC-CAMLR-XIII, paragraph 8.5; SC-CAMLR-X, paragraph 7.11), and recalled its 1993 recommendation for close coordination and communication between CCAMLR and the APIS Program (CCAMLR-XII, paragraph 4.40).

## Other Matters

3.17 The Commission endorsed the Scientific Committee's recommendations that: information on planned research cruises compiled by CCAMLR should be lodged on an electronic bulletin board being developed by SCAR (SC-CAMLR-XIII, paragraph 14.11); a summary of CCAMLR's data holdings and data access protocols should be lodged on SCAR's Antarctic Master Directory (SC-CAMLR-XIII, paragraph 14.14); and some published CCAMLR material should be lodged with the International Centre for Antarctic Information and Research (ICAIR) World Wide Web server (SC-CAMLR-XIII, paragraph 14.30).

3.18 The Commission congratulated the Scientific Committee and Secretariat for the production of *CCAMLR Science* this year. It noted that this was a high quality publication of which CCAMLR could be justifiably proud.

ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY  
OF ANTARCTIC MARINE LIVING RESOURCES

Marine Debris

4.1 Reports on the assessment and avoidance of incidental mortality in the Convention Area for the 1993/94 season were received from Australia, Brazil, Japan, Russia, Poland, South Africa, UK and USA (CCAMLR-XIII/BG/6, 24, 23, 28, 7, 5, 20 and 15 respectively).

4.2 The Scientific Committee noted from these reports that fishing net fragments, especially strings and bags, were the most common forms of entangling material (SC-CAMLR-XIII, paragraph 9.79). The number of entanglements of Antarctic fur seals at Bird Island, South Georgia, in the 1993/94 season was lower than in previous years but still much higher than in 1990 and 1991 (CCAMLR-XIII/BG/3). The first observations of oiled albatrosses at South Georgia were reported (SC-CAMLR-XIII/BG/4). A six-fold increase over the previous years of the incidence of fishing line and hooks associated with, regurgitated by, and impaled in seabirds was reported at Bird Island (SC-CAMLR-XIII/BG/4).

4.3 The Commission shared the Scientific Committee's concern about the apparent increase in the number and variety of environmental threats to birds and seals (SC-CAMLR-XIII, paragraph 9.82).

4.4 In addition to reports on incidental mortality in the Convention Area, Members submitted a number of papers describing results of their studies on marine debris.

4.5 The Delegation of the UK informed the Commission that at Bird Island, South Georgia, amounts of debris on beaches were slightly reduced from 1992 but still five times the 1991 amount (CCAMLR-XIII/BG/3). Almost all material found probably originated from local fishing vessels, especially packaging bands, whose presence coincided with the arrival in the local area of krill fishing vessels. However, for the first time, all packaging bands recovered had been cut as required in accordance with Conservation Measure 63/XII 'Reduction in Use of Plastic Packaging Bands'.

4.6 In addition, at Signy Island the trend since 1991 of a reduction in number and mass of debris was reversed, with a four-fold increase in mass and a five-fold increase in numbers compared with 1993. However, levels are still lower than in 1991. The reason for the increase in 1994 is unknown (CCAMLR-XIII/BG/11).

4.7 At Cape Shirreff, Livingston Island, periodical surveys of beached marine debris conducted by Chile had resulted in the establishment of a baseline for planning further assessment surveys in accordance with the CCAMLR Guidelines for Conducting Surveys of Beached Marine Debris (CCAMLR-XIII/BG/17). During the 1993/94 season, a total of 36 beaches at Cape Shirreff was surveyed and accumulated debris removed (284 kg). As in previous studies in the area, marine debris mainly consisted of plastic and synthetic fibres (92%). It was observed that some nests of Antarctic birds were built with plastic material and some Antarctic fur seals were observed with neck collars.

4.8 The Delegation of Chile advised the Commission that Conservation Measure 63/XII 'Reduction in Use of Plastic Packaging Bands' had been incorporated into Chilean legislation and published in the official Government Gazette.

4.9 A survey of marine debris was conducted by Australia at Macquarie Island on a monthly basis over a one-year period (CCAMLR-XIII/BG/6). In 1994, debris loading on the beach surveyed was equivalent to past years' loadings.

4.10 The Commission reiterated its call that Members should undertake surveys of beached debris in accordance with the Guidelines for Conducting Surveys of Beached Marine Debris adopted in 1993 (CCAMLR-XII, paragraph 5.8). The Commission also urged wider participation of Members in this important activity.

4.11 Members were reminded about simple but effective educational materials which have been produced by the Commission, i.e. a placard on the prevention of marine debris pollution from vessels and an information brochure on marine debris. The Commission strongly encouraged the wide use of this placard and brochure to advise fishermen, researchers and others working in the Convention Area of the sources, fates and effects of marine debris on Antarctic marine living resources.

4.12 Reports of CCAMLR scientific observers in the 1993/94 season indicated that placards, which should be displayed in appropriate places aboard ships operating in the Convention Area, were absent on some vessels. The Secretariat was asked to inquire whether Members needed more placards for their vessels and to produce more copies of the placard if required.

4.13 The Third International Conference on 'Marine Debris - Seeking Global Solutions' was held in Miami, USA, from 8 to 13 May 1994 (CCAMLR-XIII/BG/8). At the invitation of the organisers, the CCAMLR Secretariat was represented at the conference by the Science Officer. His participation was funded by NOAA/NMFS, USA.

4.14 The poster 'CCAMLR and its Activities on Monitoring Beached Marine Debris in Antarctic Waters' was prepared for the conference. The poster reflects CCAMLR activities relating to monitoring of the incidence of marine debris, and provides summaries of marine debris surveys conducted by Members. The conference report makes mention of CCAMLR activities regarding monitoring of beached marine debris.

4.15 The Commission noted that the participation of the CCAMLR Secretariat in the conference has helped international promotion of CCAMLR's activities relating to the monitoring of the incidence of marine debris and its impact on marine biota. It has also assisted the Secretariat in gaining a better knowledge of current problems with marine debris on a global level.

#### Incidental Mortality during Fishing Operations

4.16 Members were asked to report on progress towards the implementation of Conservation Measure 30/X (phasing out of net monitor cables). In accordance with Conservation Measure 30/X, the use of net monitor cables is prohibited from the beginning of the 1994/95 season, i.e. from 1 July 1994.

4.17 Last year the Delegation of Poland proposed that the Commission amend Conservation Measure 30/X in order to allow Polish fishing vessels to defer the installation of cableless net echosounders until the end of 1995. The Secretariat has been informed by Poland that one Polish vessel is intending to harvest in the Convention Area in the 1994/95 season. The Commission noted that Conservation Measure 30/X was passed two years ago, and recommended the Government of Poland to urge its fleet to comply with this measure. It was agreed to place this issue on this year's Commission agenda (CCAMLR-XII, paragraph 5.21).

4.18 The Delegation of Poland had asked SCOI to explore the possibility of granting an exemption from Conservation Measure 30/X for one Polish krill trawler until the end of 1995. After careful and detailed consideration SCOI recommended to the Commission a set of conditions under which the required exemption might be granted. SCOI also decided that any further requests for delay in the implementation of Conservation Measure 30/X would not be considered (Annex 5, paragraphs 1.11 and 1.12).

4.19 The Delegation of Poland, after consultation with the owner of the vessel in question, informed the Commission that the required cableless netsonde would be installed on the vessel

if the owner decided to fish for krill in the 1994/95 season. Therefore, the exemption requested was no longer required. The Commission commended Poland for its action on the implementation of Conservation Measure 30/X with regard to its vessels.

#### Incidental Mortality in Longline Fisheries

4.20 The Scientific Committee Chairman informed the Commission that an *Ad Hoc* Working Group on Incidental Mortality Arising from Longline Fishing (WG-IMALF) had met for the first time during the intersessional period. The discussions of the Scientific Committee on the results of this Working Group's work are given in SC-CAMLR-XIII, paragraphs 9.1 to 9.70.

4.21 The Commission welcomed the Scientific Committee's work towards addressing the issue of incidental mortality during longline operations, which it recognised was a serious problem and an issue of great importance in the work of the Commission, and congratulated the Scientific Committee and WG-IMALF on the substantial progress they had made.

4.22 Recognising the need for scientific observers in the longline fishery for *D. eleginoides* in Subarea 48.3, in 1993 the Commission had incorporated into the management regulations for the fishery (Conservation Measure 69/XII) the requirement that a scientific observer be aboard each vessel authorised to fish in the subarea. The Commission noted that this measure had proved very successful in terms of acquiring relevant scientific information. The Scientific Committee had reviewed in detail the reports of observers from this longline fishery, and the Commission endorsed its conclusions (SC-CAMLR-XIII, paragraphs 9.11 and 9.12).

4.23 Although considerable uncertainty exists concerning the estimates of total seabird mortality, it was reported that substantial numbers of seabirds are killed each year (SC-CAMLR-XIII, paragraph 9.25). Of the species breeding in the Convention Area, albatrosses and white-chinned petrels are particularly at risk (SC-CAMLR-XIII, paragraph 9.24). From the information available, it was reported that catch rates of seabirds are broadly similar across fisheries, including those inside and outside the Convention Area, despite the differences between the near-surface longline gear employed in tuna fisheries and the bottom lines used in the fisheries for *D. eleginoides* (SC-CAMLR-XIII, Table 8).

4.24 The Commission noted the Scientific Committee's conclusion that in spite of similar catch rates for seabirds inside and outside the Convention Area, the greater part of seabird incidental mortality, relating to birds breeding in the Convention Area, arises from fisheries outside the Convention Area (SC-CAMLR-XIII, paragraphs 9.25 and 9.56). Japan reiterated the

comment expressed in SC-CAMLR-XIII, paragraph 9.57 that it reserved its position on the conclusion of the Scientific Committee (SC-CAMLR-XIII, paragraph 9.56 and Table 8) since Japanese scientists had not yet analysed the relevant papers and data.

4.25 The Commission considered three ways it could act to reduce the incidental mortality of seabirds in longline fisheries: dissemination of information on incidental mortality and its mitigation to Members, fishermen and other management authorities and international organisations (SC-CAMLR-XIII, paragraphs 9.30 and 9.61); comprehensive acquisition of data from longline operations in the Convention Area, especially by observers (paragraphs 9.26 to 9.30); and through conservation measures applying to longline fisheries. Conservation Measures dealing with incidental mortality are discussed in section 8.

4.26 The Commission endorsed the advice of the Scientific Committee given in paragraphs 9.47 to 9.49 and 9.61 and requested that the Secretariat contact appropriate fishery management authorities and international organisations, including international fishery organisations covering the waters adjacent to the Convention Area, and FAO and the UN, to exchange information on the status of Antarctic seabird populations affected by longline fisheries, incidental catches in these fisheries and relevant data on fishing effort, and CCAMLR experiences with mitigating techniques and the formulation of conservation measures. Further details of the information to be exchanged are given in paragraphs 12.20 and 12.21.

4.27 The Commission agreed to consult FAO and IWC to seek advice on the topic of the interactions between longline fishing and cetaceans (SC-CAMLR-XIII, paragraph 9.60).

4.28 The Commission noted that several Members had already been actively informing their fishermen about the problems of incidental mortality during longline fishing operations. In order to continue and expand this work, it endorsed the Scientific Committee's advice (SC-CAMLR-XIII, paragraphs 9.30 and 9.39) that two documents, WG-IMALF-94/19 and 20, suitably revised to apply to CCAMLR fisheries, would be particularly useful for educating fishermen about the problems of incidental mortality of seabirds and the benefits that possible solutions would have for seabirds and fishing operations. They also clearly describe the principles involved in the construction and use of streamer lines.

4.29 The Commission requested that the Secretariat arrange for these documents to be revised to apply to CCAMLR and to be translated into all Commission languages and other languages of Members currently fishing in the Convention Area. These should be circulated to Members and, through them, to longline fishing fleets. However, it noted that no provision had been made in its 1995 budget for translating these documents into languages other than those of the Commission.

4.30 Several delegations commented on these financial implications, but noted that the principle of preparing this information was important enough to be endorsed without reference to a time frame for completion of the work. It was also pointed out that considerable work was required before translation could commence, and that assistance could be sought from Members whose language was not one of the Commission's.

4.31 The Delegation of Australia stressed the importance of addressing this urgent problem in a timely fashion, and stated its concern that its implementation may be delayed because of financial constraints. It stated that the Australian Antarctic Foundation would contribute A\$20 000 to a special fund to assist in the drafting of text, applicable to fisheries in the Convention Area, aimed at facilitating the reduction of incidental mortality; design and production of materials suitable for the fishing community; and the translation and printing of this material for distribution to longline fishing vessels.

4.32 The Commission expressed its gratitude to Australia for this offer and requested that the Secretariat proceed with this project in consultation with Australia.

4.33 The Commission endorsed the advice of the Scientific Committee in respect of data reporting on incidental mortality arising from longline fishing (paragraphs 9.26 to 9.30). Specifically, it agreed that reliable data would only be obtained from observers, that whenever logistically possible two scientific observers, one of which should be an international scientific observer, should be present on each vessel, that it was necessary to have observers on all longline vessels, and it endorsed the priority tasks for observers (paragraph 9.27).

4.34 The Commission agreed that the Scientific Committee should work towards updating the *Scientific Observers Manual* (paragraph 9.28) to take account of observations of incidental mortality, and endorsed the request that the Secretariat create data sheets in book format for reporting observations conducted on board longline vessels. It endorsed the Scientific Committee's plans for this work (SC-CAMLR-XIII, paragraph 13.15), recognising that it would not be completed in time for the 1994/95 fishing season, and would require close liaison between WG-IMALF and WG-FSA. The Commission also endorsed the Scientific Committee's recommendation that the Secretariat circulate to Members the existing list of data required for scientific observers to assist standardisation of data collection from vessels fishing in the 1994/95 season.

4.35 A coordination group has been set up to continue WG-IMALF activities intersessionally (CCAMLR-XIII/BG/30). The Commission encouraged the Convener (Dr C. Moreno, Chile) in this task.

## OBSERVATION AND INSPECTION

5.1 The Chairman of SCOI, Ambassador J. Arvesen (Norway), introduced the report of the Committee. SCOI had slightly rearranged the original order of discussion of sub-items under Item 5 as referred by the Commission, however, the entire Item 5 was adequately covered in the revised agenda of SCOI. The report of SCOI is appended as Annex 5.

### Operation and Compliance - System of Inspection

5.2 Three inspections were reported to the Secretariat. A summary of reports of these inspections is given in CCAMLR-XIII/10. All three inspections were carried out in Subarea 48.3 in January and February 1994 by CCAMLR Inspectors designated by the UK. The vessels inspected were the Chilean-registered *Antonio Lorenzo* (longliner) and the Russian-registered *Makshevo* and *Mirgorod* (stern trawlers converted for longlining).

5.3 A number of infringements was recorded by inspectors in respect of the Russian vessels. Russia informed the Commission that it had undertaken a thorough investigation as a result of the inspectors' reports. As a consequence, sanctions had been imposed on the captains of both fishing vessels, their licences revoked and both vessels had been recalled from working in the CCAMLR Convention Area (Annex 5, paragraphs 1.18, 1.19 and 1.24).

5.4 The Commission noted with satisfaction the way Russia had conducted its investigation and imposed sanctions.

5.5 No actual violations were recorded by the CCAMLR Inspectors on board the Chilean longliner *Antonio Lorenzo*. Therefore, there were no grounds for prosecution (Annex 5, paragraphs 1.17, 1.22 and 1.23).

5.6 The UK drew the attention of the Commission to paragraph 1.17 of the SCOI report (Annex 5). The *Antonio Lorenzo* had been found some 300 n miles inside Subarea 48.3 with baited hooks. The inspector had concluded that there was an intention to fish.

5.7 The Delegation of Chile informed the Commission that, in accordance with Chilean domestic legislation, all cases of alleged infringements have to be considered through the judicial system and not through an administrative system as is the case in some other countries.

5.8 The Delegation of the UK asked if there was any further information on the legal proceedings in relation to the four vessels encountered during the 1992/93 fishing season in the Convention Area in contravention of Conservation Measure 55/XI (CCAMLR-XII, Annex 5, paragraph 31). One of these vessels was the *Antonio Lorenzo*.

5.9 In its response, the Delegation of Chile referred to the document CCAMLR-XIII/18 submitted to the Commission. This document lists all current lawsuits initiated by the Government of Chile against national flagged vessels alleged to be in violation of CCAMLR conservation measures. Included in the lawsuits was the *Antonio Lorenzo* for an alleged violation relating to the 1992/93 season. None of the eight proceedings initiated in 1993 had yet been concluded. Chile stated that it would inform the Commission of their results later.

5.10 The Commission noted with appreciation the active steps that Chile continues to take in relation to vessels alleged to be in violation of CCAMLR conservation measures.

5.11 With regard to the Chilean-registered longlining vessel *Isla Guamblin*, which had been fishing illegally in Subarea 48.3, the Delegation of Chile stated that the case was not related to fishing under a Flag of Convenience (Annex 5, paragraphs 1.30 to 1.32).

5.12 The Commission noted the view of SCOI that Members should be further encouraged to make more extensive use of the System of Inspection. The requirement for more active participation of Members in the System had become clearly obvious in the light of illegal fishing operations recently observed in the CCAMLR Convention Area (Annex 5, paragraph 1.29).

5.13 The Commission approved the recommendation of SCOI to express its deep concern over indications that large-scale fishing in contravention of conservation measures is taking place in the CCAMLR Convention Area (Annex 5, paragraph 1.29).

5.14 The Commission also approved the recommendation of SCOI to remind Members of their treaty obligations to ensure that their flag vessels conduct their activities in the Convention Area in conformity with conservation measures in force, and that infractions of these measures are dealt with promptly and effectively (Annex 5, paragraph 1.29).

5.15 The Commission recalled Resolution 10/XII and reaffirmed that Members should ensure that their flag vessels conduct harvesting in areas adjacent to the Convention Area responsibly and with due respect for CCAMLR conservation measures.

5.16 The Commission also expressed its concern over the evidence of fishing by non-Member countries in the Convention Area (Annex 5, paragraph 1.33; see also paragraph 3.11). The Commission endorsed the recommendation of SCOI that the Secretariat should write to the governments of the States concerned with information about CCAMLR and request comments in respect of fishing in the Convention Area.

5.17 SCOI had considered the request from Poland to explore the possibility of granting an exemption from Conservation Measure 30/X until the end of 1995 for one Polish krill trawler. After careful and detailed consideration of the issue, SCOI laid down specific conditions and recommended that the Commission agree to the request from the Delegation of Poland.

5.18 Although the Delegation of Poland later informed the Commission that the exemption requested was no longer required (see paragraph 4.19), the Commission noted that the results of SCOI's discussions on the matter were important and established a process for the handling of any further requests at this meeting.

5.19 The Commission noted that experience from CCAMLR inspections carried out during the most recent, and previous, seasons had highlighted two potential deficiencies in the CCAMLR System of Inspection (Annex 5, paragraphs 1.53 to 1.55). These deficiencies are related to the right of inspectors to board any fishing or fisheries research vessel and to the identification of infringements of CCAMLR conservation measures.

5.20 The Commission directed SCOI to consider improvements to the CCAMLR System of Inspection at its 1995 meeting as a separate item. In the meantime, the Commission considers that under the present system, an inspector may board a fishing or fisheries research vessel to determine whether the vessel is engaged in fishing activities or fisheries research except for waters around Kerguelen and Crozet Islands, except with the agreement of France and in the manner so agreed.

5.21 The Delegation of the USA expressed its reservation in regard to the concept that unless a vessel was encountered actually engaged in fishing then no such infringement could be deemed to have occurred (Annex 5, paragraph 1.55). For example, there are other means, such as review of logbooks and fishing plans, by which illegal fishing activities can be identified. It also noted that the matter should be further considered at the next year's meeting of SCOI.

5.22 The Commission considered the paper prepared by the Science Officer which explored the feasibility of using transponders linked to vessels' Global Positioning System (GPS) which regularly transmit vessel identification and position in the CCAMLR Convention Area

(CCAMLR-XIII/11). The proposal for the CCAMLR Vessel Monitoring System (VMS) was based on the use of integrated Inmarsat-C/GPS terminals installed on the vessels of all CCAMLR Members fishing in the Convention Area (Annex 5, paragraphs 1.34 to 1.51).

5.23 The Commission requested that SCOI continue consideration of this issue. The Secretariat was asked to prepare for the next meeting a proposal on the possible configuration of VMS for the CCAMLR Convention Area based on the use of the Inmarsat-C/GPS-linked system. Members were asked to assist the Secretariat in preparing this proposal. The Commission agreed with the course of action proposed by SCOI.

5.24 The Delegations of Poland and Japan informed the Commission of their opinion that a continuous position monitoring system should not be introduced for krill fishing at the present time due to its current very low level compared to TACs and due to the fact that there are no closed areas or seasons. This view was shared by SCOI (Annex 5, paragraphs 1.43 to 1.45).

#### Establishment of an Intersessional Procedure for Notifying CCAMLR Members of Infractions and Sanctions Imposed by Flag States

5.25 SCOI had considered a number of changes to the existing reporting requirements proposed by the Delegation of Australia (CCAMLR-XIII/16). The Commission felt that the present procedures for notification of infractions of conservation measures, and any related sanctions, could result in undesirable delays before Members received and acted on advice of such activities.

5.26 The Commission endorsed changes to the System of Inspection proposed by SCOI with respect to the current rules on the processing of reports of inspection (Annex 5, Appendix III).

5.27 The Commission also emphasised the importance of Members acting promptly to implement the notification and information exchange procedures associated with inspections. The Commission endorsed the recommendation of SCOI that once inspection reports had been transmitted by the CCAMLR Executive Secretary to Members, the information, and any comments by the Flag State of the inspected vessel, should be available for use by the Committees and Working Groups of the Commission and the Scientific Committee. The Commission further endorsed the recommendation of SCOI that Members should be encouraged to ensure that supplementary reports or information be prepared by inspectors wherever practicable.

## Operation of the Scheme of International Scientific Observation

5.28 In the 1993/94 season, scientific observers designated by the UK (three observers on a Korean vessel and one observer on a Chilean vessel), the USA (one observer on a Russian vessel) and Russia (one observer on the vessel operated jointly by Bulgaria and Ukraine) had conducted observations on the fishery for Patagonian toothfish in Subarea 48.3 (South Georgia).

5.29 The Commission noted that SCOI had identified certain difficulties which arose in the implementation of the Scheme of International Scientific Observation. These included funding and transportation of the observer to and from the vessel, negotiating bilateral agreements at various levels ranging from governments to fishing companies and individuals and the desirability of obtaining a qualified observer with an ability to communicate in the Flag State language.

5.30 The Commission noted the need to urge Members to initiate negotiations for placing observers early in the season after the annual meetings of CCAMLR, rather than at the beginning of the fishery (Annex 5, paragraph 2.7).

5.31 The Commission considered the advice from the Scientific Committee on scientific observation (SC-CAMLR-XIII, paragraphs 13.10 to 13.15).

5.32 The Commission noted the advice that, due to the technical complexities involved in recording data on incidental mortality, two scientific observers, including one international observer, should be present on a longline vessel for this purpose whenever logistically possible (SC-CAMLR-XIII, paragraph 13.10). It also encouraged CCAMLR parties to put this advice into practice in appropriate circumstances.

5.33 The Delegation of the UK further noted that any requirements for observers on vessels taking part in specific fisheries should be contained within relevant conservation measures.

5.34 The Commission endorsed the advice that Members entering into an Observer Arrangement shall take steps to ensure that the crews of their fishing vessels are made aware of the responsibilities of hosting an observer and shall ensure that the conditions available on the vessels are satisfactory for the observers in the execution of their duties (SC-CAMLR-XIII, paragraph 13.11).

5.35 The Commission noted the advice of the Scientific Committee on the fate of samples collected by scientific observers (SC-CAMLR-XIII, paragraphs 13.12 and 13.13), the arrangements for submitting data from observer programs (SC-CAMLR-XIII, paragraph 13.14) and changes to the *Scientific Observers Manual* (SC-CAMLR-XIII, paragraph 13.15).

5.36 However, the Commission agreed that many of the matters discussed in SC-CAMLR-XIII, paragraphs 13.11, 13.12 and 13.14 should be dealt with by SCOI before the Commission considers them further. It therefore requested that at its next meeting SCOI consider these items. It recognised that this introduced a delay of one year in referring the Scientific Committee's advice to the Commission. The Commission recommended that to avoid this delay in future the Scientific Committee should prepare in any one year a summary of its recommendations on scientific observation for immediate presentation at the SCOI meeting of the same year.

5.37 Nevertheless, the Commission suggested that many of the technical recommendations of the Scientific Committee, for instance revisions to the *Scientific Observers Manual* (SC-CAMLR-XIII, paragraph 13.15) or submission of observer data to the Secretariat (SC-CAMLR-XIII, paragraph 13.14), involved work which could be started during the 1995 intersessional period or could be undertaken at the initiative of individual Members prior to their formal consideration at SCOI in 1995.

#### Election of the Chairman of SCOI

5.38 The Commission joined SCOI in expressing gratitude to Ambassador Arvesen for his efforts over the last three years in guiding negotiations and the excellent way in which he had conducted the business of SCOI.

5.39 Dr W. Figaj (Poland), the present Vice-Chairman of the Committee, was elected as Chairman of SCOI for the period from the end of this meeting to the end of the Committee meeting in 1996. SCOI then elected a new Vice-Chairman. Dr S.A.H. Abidi (India) was elected as Vice-Chairman of SCOI for the period from the end of this meeting to the end of the Committee meeting in 1996.

#### NEW AND EXPLORATORY FISHERIES

6.1 CCAMLR has not received any notification of intention to conduct new or exploratory fisheries in the 1994/95 season. However, the USA notified its intention to fish for crabs in Subarea 48.3 during the 1994/95 season in accordance with Conservation Measure 74/XII,

which classifies this fishery as exploratory. The Commission agreed that Conservation Measure 74/XII should be applied to the 1994/95 season as Conservation Measure 79/XIII (see paragraphs 8.16 and 8.17) and noted that Conservation Measure 75/XII also remains in force.

CONSERVATION AND MANAGEMENT OF THE ANTARCTIC MARINE  
LIVING RESOURCES IN STATISTICAL SUBAREAS 48.3 AND 48.4

7.1 The Delegation of Argentina had requested that this item be put on the agenda of the Commission and was invited to introduce it.

7.2 The Delegation of Argentina pointed out that:

‘The management and conservation of Antarctic marine living resources in Subareas 48.3 and 48.4 has been the subject of special attention of the Commission for justified reasons, including:

- (i) the large number of fish species commercially exploited in these subareas;
- (ii) the majority of the conservation measures in force are applicable to Subareas 48.3 and 48.4;
- (iii) Subarea 48.3 is the only subarea open to the fishery for *D. eleginoides* (apart from the small number of captures allowed by Conservation Measure 70/XII in Subarea 48.4);
- (iv) the Commission has recognised the special importance of Subarea 48.3 by approving Conservation Measure 7/V. Moreover, at the 1993 meeting, it was defined by the Commission as a Special Area for Protection and Scientific Study (Conservation Measure 69/XII), in accordance with Article IX of the Convention;
- (v) the Commission also highlighted the ecological unity of Subarea 48.3, stressing the need that its Members use the control mechanisms in force more extensively;
- (vi) during the last intersessional period several events reaffirmed the importance of Subarea 48.3, among them: the proposal made by one Member to bring forward the close of the fishery for *C. gunnari*, supported by many Members including Argentina (it should be recalled that during the Twelfth Meeting of the

Commission, Argentina proposed the closure of that fishery); and the fact that all the inspections and observations were performed in Subarea 48.3, as well as the infringements detected.

- (vii) the Scientific Committee, at its recent meeting, recognised some specific issues relating to Subareas 48.3 and 48.4, recommending that: a precautionary approach for *D. eleginoides* be adopted; the fishery for *C. gunnari* be closed; the conservation measures relating to other species in the subareas remain in force; scientific research cruises for different species be carried out; a precautionary TAC for crabs be adopted; and the holding of a workshop on methods to assess *D. eleginoides*, due to the uncertainty about the status of this stock. It also expressed its concern about the incidental mortality of seabirds;
- (viii) the above examples show the importance and special concern given to Subareas 48.3 and 48.4 by the Commission and the Scientific Committee. Such problems also indicate the need for adequate follow-up in order to resolve them. This is also consistent with the recommendation that Members of the Commission make more extensive use of systems of observation and inspection.
- (ix) a comprehensive monitoring of the more relevant aspects of Subareas 48.3 and 48.4 would facilitate cooperation between the Commission and coastal Member States with jurisdiction over maritime spaces surrounding the Convention Area, aimed at protecting associated species and detection of illegal captures and other infringements. Such follow up also implies the recommendation that Flag States exert their control and take steps to prosecute and impose sanctions on infractor vessels of their flag. The comprehensive monitoring proposed is in line with the objectives of Article II of the Convention; and
- (x) in conclusion, the problems in Subarea 48.3 deserve special consideration. They require an integrated management approach by the Commission to achieve a ‘harmonious’ solution to the problems of observation and inspection, krill and finfish evaluation, incidental mortality and, in more general terms, the ecosystem approach to management.

Argentina reaffirms its readiness to collaborate extensively and constructively in such tasks.’

7.3 The Delegation of Chile reflected on what has been done within the Commission and on what, in its view, needed to be done in the light of the experience gathered so far. In this context, it reiterated the commitment made by its government to strengthen the Antarctic Treaty

and the Convention on the Conservation of Antarctic Marine Living Resources, as one of the main elements of the Antarctic Treaty System. It noted that since Chile is a maritime and fishing nation, whatever takes place at sea concerns it as a rule and warrants extremely rigorous monitoring, particularly insofar as research, science and conservation of resources are concerned. In this regard, success in creating and developing projects puts to the test such sensitive matters as inspection, observation and implementation of agreed rules.

7.4 The Delegation of Chile pointed out that both the letter and the spirit of the Canberra Convention provide the necessary means for appropriate management of marine resources in the Convention Area and that the differences that have arisen have been dealt with on the basis of a broad consensus, which is one of the fundamental principles giving CCAMLR stability, prestige and image, without having had to resort so far to mechanisms for the settlement of disputes which are addressed by this Convention. It further pointed out that most of the measures and activities relating to fisheries focus on Subareas 48.3 and 48.4, and therefore the Parties must combine their effort to deal adequately with the problems that arise, with the cooperation and participation of all Member States.

7.5 It noted that Chile has been a pioneer in Antarctic fisheries research and has been one of the countries which has contributed most in submitting information without invoking any type of confidentiality. Furthermore, it recalled the role that Chile has played in the implementation of the International Scheme of Scientific Observation in Subarea 48.4.

7.6 With respect to the infringements of conservation measures, some of which have been attributed to Chilean vessels, it reiterated its government's decision to continue addressing these issues openly and in accordance with the ongoing policy of strengthening CCAMLR and protecting the environment. In this context, it indicated that the submission of information to national fishing entities is an ongoing requirement, aiming at involving them in the terms and the scope of the international regulations, thus assuming fully and in a decisive way the concept of sustainable growth.

7.7 The Delegation of Chile highlighted the fact that the precautionary approach and common responsibility deserve an appropriate monitoring on the part of the Commission; this constitutes an incentive to raise awareness of the common interests, quality and quantity of marine living resources involved and the threat of overfishing. It added that those environmental controls will arise naturally, through the provisions of agreed principles and rules, going beyond the letter of the respective Conventions.

7.8 The Delegation of Australia stated that Subareas 48.3 and 48.4 are areas subject to significant pressures, and that Australia will follow the debate on this matter with interest. One of the strengths of CCAMLR is its ability to develop effective approaches in particular areas of importance. Subareas 48.3 and 48.4, because of their importance, require careful consideration in this forum.

7.9 A further strength of CCAMLR is its ability to adopt and apply conservation measures in areas subject to special pressures. Australia supports the application of the CCAMLR system of rules in this context, based on its mechanisms for detailed scientific consideration of the issues involved. Australia looks forward to a constructive resolution of this matter.

7.10 The Delegation of New Zealand stated that New Zealand has taken careful note of the reasons behind the submission of Argentina on the question of the conservation and management of the Antarctic Marine Living Resources in Subareas 48.3 and 48.4.

7.11 New Zealand is wholeheartedly committed to the principles of conservation enunciated in the Convention on the Conservation of Antarctic Marine Living Resources. New Zealand strongly believes in the importance of safeguarding the environment and protecting the integrity of the seas surrounding Antarctica. In this respect it recalls with interest the references in the Report of the Twelfth Meeting of the Commission to the importance of the ecological unity of the area, of which Subareas 48.3 and 48.4 form part, which is closest to the continent of South America.

7.12 New Zealand welcomes the continuing efforts of the contracting parties involved in the management and conservation of marine living resources in this area to ensure that the principles of the Convention are respected.

7.13 The Commission noted with appreciation the remarks made by the delegations referred to above and acknowledged the importance of a general overview relating to Subareas 48.3 and 48.4.

#### CONSERVATION MEASURES

8.1 The Commission agreed that Conservation Measures 2/III (as amended by 19/IX which came into force on 1 November 1991 except for waters adjacent to Kerguelen and Crozet Islands), 3/IV, 4/V, 5/V, 6/V, 7/V, 19/IX, 30/X (which came into force on 3 May 1992, except for waters adjacent to Kerguelen and Crozet Islands), 31/X (which came into force on 3 May 1992,

except for waters around Kerguelen and Crozet Islands and around the Prince Edward Islands), 32/X, 40/X, 45/XI, 51/XII, 52/XI, 54/XI, 61/XII, 62/XI, 63/XII, 64/XII, 65/XII, 72/XII, 73/XII and 75/XII, should remain in force<sup>1</sup>.

8.2 Conservation Measures 66/XII, 67/XII, 68/XII, 69/XII, 70/XII, 71/XII and 74/XII were applicable to the 1993/94 season only and therefore lapse at the end of the present meeting. Conservation Measures 46/XI, 48/XI and 59/XI were applicable to the 1992/93 and 1993/94 seasons only and therefore also lapse at the end of the present meeting.

### Krill Resources

8.3 The Commission thanked the Scientific Committee and WG-Krill for their advice on precautionary limits and noted the extensive work that had gone into the development, refinement and application of the potential yield model for krill. The model is described in SC-CAMLR-XII and, using the best available estimates for the parameter values, provides for a revised potential yield for Statistical Area 48 of 4.1 million tonnes.

8.4 The Scientific Committee, through WG-Krill, considered a number of views put forward as to how the revised potential yield of 4.1 million tonnes could be treated and subdivided, but had been unable to come to an agreement on this subject. The two options for allocation suggested (SC-CAMLR-XIII, Table 7, columns A and B) each result in anomalies which the Scientific Committee was unable to resolve at this time.

8.5 In considering precautionary catch limits for krill the Commission decided that, bearing in mind that the current catch levels are well below the levels specified in Conservation Measure 32/X, and also that firm scientific advice on how to divide the potential yield and precautionary catch limit was not available, Conservation Measure 32/X should remain in force. Conservation Measure 45/XI also remains in force, while Conservation Measure 46/XI lapsed at the end of the 1993/94 fishing season.

8.6 In making this decision the Commission urged the Scientific Committee to continue work on providing estimates of potential yield for all areas.

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<sup>1</sup> Conservation Measures 5/V and 6/V, which prohibit directed fishing for *Notothenia rossii* in Subareas 48.1 and 48.2 respectively, remain in force but are currently encompassed within the provisions in Conservation Measures 72/XII and 73/XII.

8.7 Conservation Measure 32/X contains a trigger level whereby, if the total catch in a season within Subareas 48.1, 48.2 and 48.3 exceeds 620 000 tonnes, the Commission, based on the advice of the Scientific Committee, shall apply precautionary limits to subareas or on any such other basis as the Scientific Committee may advise.

8.8 The Scientific Committee was requested as a priority to provide advice on appropriate precautionary catch limits in terms of amount and area.

#### Protection of CEMP Sites

8.9 It was noted that Conservation Measure 18/IX makes reference to WG-CEMP. This year the Scientific Committee formally merged WG-Krill and WG-CEMP into a new Working Group for Ecosystem Monitoring and Management (paragraph 3.15). The Commission revised Conservation Measure 18/IX to take account of this organisational change and adopted it as Conservation Measure 18/XIII.

8.10 At its 1993 meeting, the Commission adopted Resolution 11/XII, which provides provisional protection to the Cape Shirreff and the San Telmo Islands in accordance with Conservation Measure 18/XIII.

8.11 Following the procedure defined in Conservation Measure 18/XIII, the draft management plan was circulated to SCAR and the Antarctic Treaty Consultative Parties for their review. No comments were received.

8.12 In accordance with Conservation Measure 18/XIII, paragraph 6, the Commission confirmed its adoption of the management plan for the Cape Shirreff CEMP Site as Conservation Measure 82/XIII.

8.13 In formulating Conservation Measure 82/XIII, the Commission was generally in favour of its becoming effective immediately, rather than on 1 May 1995. One Member stated that it was necessary that Conservation 82/XIII should not become effective until 1 May 1995 to allow time for national legislation to be enacted. However, this Member also stated that it had accepted and complied voluntarily with Resolution 11/XII since its adoption in 1993.

8.14 The Commission agreed that since Conservation Measure 82/XIII would not become effective immediately, Resolution 11/XII should not be rescinded until 1 May 1995. The Delegation of the UK noted that paragraph 3 of Resolution 11/XII was no longer appropriate,

since SCAR and the Antarctic Treaty Consultative Parties had been consulted (paragraph 8.11 above). The Commission agreed that this reference should be substituted with a reference to the date that the Conservation Measure 82/XIII became effective.

8.15 The Commission adopted Conservation Measure 82/XIII and Resolution 11/XIII.

RESOLUTION 11/XIII  
Cape Shirreff CEMP Protected Area

1. The Commission noted that a program of longterm studies is being undertaken and is planned at Cape Shirreff and the San Telmo Islands, Livingston Island, South Shetland Islands, as part of the CCAMLR Ecosystem Monitoring Program (CEMP). Recognising that these studies may be vulnerable to accidental or wilful interference, the Commission expressed its concern that this CEMP site, the scientific investigations, and the Antarctic marine living resources therein be protected.
2. Therefore, the Commission considers it appropriate to accord protection to Cape Shirreff and the San Telmo Islands by establishing the 'Cape Shirreff CEMP Protected Area'.
3. Members are requested to comply, on a voluntary basis, with the provisions of the management plan for the Cape Shirreff CEMP Protected Area, until such time as Conservation Measure 82/XIII comes into effect.
4. It was agreed that, in accordance with Article X, the Commission would draw this Resolution to the attention of any State that is not a Party to the Convention and whose nationals or vessels are present in the Convention Area.

Fish Resources

8.16 The Commission endorsed the advice of the Scientific Committee with respect to:

- *Notothenia gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*, *N. rossii*, *Patagonotothen guntheri* and *N. squamifrons* (Subarea 48.3) (SC-CAMLR-XIII, paragraph 2.49);
- *D. eleginoides* in Subarea 48.4 (SC-CAMLR-XIII, paragraph 2.53);

- *D. eleginoides* and *C. gunnari* in Division 58.5.2 (SC-CAMLR-XIII, paragraph 2.71); and
- crabs in Subarea 48.3 (SC-CAMLR-XIII, paragraph 3.6), noting the remarks of the Scientific Committee that the most appropriate data from the fishery would be in haul-by-haul format but that at this stage of the fishery a question of commercial confidentiality arose (SC-CAMLR-XIII, paragraph 3.7).

8.17 Accordingly, Conservation Measures 76/XIII, 77/XIII, 78/XIII and 79/XIII were adopted.

8.18 In respect of Conservation Measure 78/XIII (*D. eleginoides* and *C. gunnari* in Division 58.5.2), Australia noted that fishing under Conservation Measure 78/XIII is subject to Australian legislation applying within the Australian Exclusive Economic Zone around the Australian Territory of Heard and McDonald Islands. The Delegation of Australia advised that the necessary approval under Australian legislation is required from Australian authorities prior to fishing or fisheries research activities being undertaken in this zone.

#### *Dissostichus eleginoides* in Subarea 48.3

8.19 The Commission agreed that in formulating a conservation measure to apply to *D. eleginoides* in Subarea 48.3 it was essential that the TAC and fishing season should be limited, that each vessel should carry an international scientific observer throughout the fishing period, and that there should be appropriate reporting systems for catch, effort and biological data.

8.20 The Commission noted that because methods of assessment which had previously been judged satisfactory had been invalidated by WG-FSA at its 1994 meeting, the Scientific Committee had been unable to recommend an appropriate level of TAC for this fishery (SC-CAMLR-XIII, paragraph 2.29).

8.21 The Delegation of the EEC noted that in the absence of clear recommendations by the Scientific Committee it was appropriate to keep a TAC level around the average catch level in the last few years.

8.22 The Delegation of the UK supported the view of the EEC and noted that the Scientific Committee had not detected any effects of fishing on the stock. It was therefore appropriate to base a TAC on the average catch levels and it was suggested that the average be taken over the last five years.

8.23 The Delegation of Argentina proposed a different approach, based on the unanimous advice provided by the Scientific Committee (SC-CAMLR-VIII, paragraph 3.43) to the Eighth Meeting of the Commission, which was based on the last realistic assessment of this stock. The advice in 1989 was for a TAC in the range 240 to 1 200 tonnes, and at that time the Commission agreed that 1 200 tonnes could form the basis for a TAC (CCAMLR-VIII, paragraphs 105 and 106). As subsequent analyses of this stock are flawed to a greater or lesser extent (SC-CAMLR-XIII, paragraphs 2.13 and 2.14 and Table 1), and taking into account the recommendation of the Scientific Committee to set precautionary limits (SC-CAMLR-XIII, paragraph 2.25), Argentina suggested the lower end of the range.

8.24 The Commission considered that its ability to formulate conservation measures based on objective scientific analysis and advice was fundamental to its work and to the Convention. It therefore exhorted the Scientific Committee as a matter of high priority to develop an approach to the assessment and provision of management advice for *D. eleginoides* in Subarea 48.3.

8.25 In this regard the Commission strongly endorsed the intention of the Scientific Committee to hold a workshop just prior to the meeting of WG-FSA in 1995 on the development of methods for assessing the biomass of *D. eleginoides* (SC-CAMLR-XIII, paragraph 2.17). It noted that biological and catch data from the 1995 fishery will be available to this group and will be important in assisting its work. The Delegation of Argentina noted that the deliberations of this group, WG-FSA and the Scientific Committee should provide effective guidance to the Commission to enable it to reach its decisions next year.

8.26 The Delegation of the UK stated that although the assessments conducted by the Scientific Committee had encountered some difficulties this year, significant progress had been made through its WG-IMALF, which had resulted in measures which should act to significantly reduce the problem of incidental mortality of seabirds in the future, including through the revision of Conservation Measure 29/XII.

8.27 The Commission agreed that the fishing season should be from 1 March to 31 August 1995. The timing of this season should assist other measures taken by the Commission to reduce incidental mortality of seabirds in the longline fishery in two ways; firstly, the season extends from the Antarctic autumn to winter, ensuring long hours of darkness and making it easier for vessels to conform to the provisions of Conservation Measure 29/XIII paragraph 2; and secondly, it restricts fishing to seasons when the abundance of birds in the area is lower.

8.28 The Delegation of Russia stated that the restriction of the fishing season from 1 March to 31 August 1995 should be adopted without prejudice to any seasonal closures which might be considered in future conservation measures concerning *D. eleginoides* in Subarea 48.3.

8.29 The Commission noted this statement, and agreed that this period, and any other aspects of the conservation measure as appropriate, should be reviewed at its next meeting in the light of advice from the Scientific Committee.

8.30 The Commission noted the advice of the Scientific Committee that fishing effort should be distributed in such a way as to ensure that catch and effort data are able to contribute to assessments of the stock (SC-CAMLR-XIII, paragraph 2.20), and accordingly encouraged States to cooperate in controlling the level of fishing effort and its distribution over the fishing season.

8.31 Concerning scientific observers, the Commission strongly recommended that wherever possible a second observer, additional to the one appointed under the Scheme of International Scientific Observation of CCAMLR, should be present. The Commission further noted the advantages of having this second observer provided by the State operating the fishing vessel.

8.32 Conservation Measure 80/XIII, and a measure regulating the submission of catch, effort and biological data from the fishery, Conservation Measure 81/XIII, were adopted.

8.33 The Delegation of Chile welcomed the adoption of Conservation Measure 80/XIII. It stated that the management of resources in this area faced many challenges and that the cooperation shown by Members in adopting Conservation Measure 80/XIII demonstrated well the strengths of CCAMLR. Chile looked forward to the full implementation of this conservation measure in the 1995 season by all Members.

#### *Champscephalus gunnari* in Subarea 48.3

8.34 In reviewing management advice on this species, the Commission recollected its decision last year to set a TAC at the same level as the previous year. The start of the season was delayed until January 1994 on the understanding that any significant trend which would affect the estimates of the stock, indicated by the UK survey scheduled for January 1994, would immediately be brought to the attention of the Commission. The results of the UK survey indicated a much lower standing stock of *C. gunnari* than had been expected. This information had been communicated to the Commission as requested and circulated to Members by the Executive Secretary (COMM CIRC 94/11, 17 February 1994). No fishing on this stock was undertaken by any Member during the 1993/94 season.

8.35 The Commission noted the unanimous advice of the Scientific Committee that:

- (i) the fishery for *C. gunnari* be closed for the 1994/95 fishing season; and
- (ii) a survey be carried out during the coming season to monitor the status of the stock and to provide more information for the development of a longterm management approach.

8.36 The Commission accordingly adopted Conservation Measure 86/XIII.

8.37 The Commission noted the conclusion of the Scientific Committee that biomass surveys just prior to the meeting of WG-FSA would assist in the development of management advice for this fishery. The Commission requested the Scientific Committee to examine ways in which the results of such pre-season surveys could be used directly in the assessment of TACs for future seasons (SC-CAMLR-XIII, paragraph 2.35).

8.38 The Commission also endorsed the plans of the Scientific Committee to develop a longterm management plan for this fishery to account for uncertainty in biomass estimates, variability in recruitment and variability in natural mortality with age and between years (SC-CAMLR-XIII, paragraph 2.34).

8.39 The Delegation of Russia expressed its hope that the progress anticipated from WG-FSA and the Scientific Committee next year, combined with the results of biomass surveys conducted in the 1994/95 season, might make it possible to set a TAC for *C. gunnari* in Subarea 48.3 in the 1995/96 season.

*Electrona carlsbergi* in Subarea 48.3

8.40 The Commission noted the advice of the Scientific Committee that Conservation Measure 67/XII be retained. It also noted that the Scientific Committee suggested a potential revision to the TACs (for the area as a whole and for the region around Shag Rocks) based on the application of the generalised krill yield model (SC-CAMLR-XIII, paragraphs 2.45 and 2.47), but that a reservation to this approach had been indicated (SC-CAMLR-XIII, paragraph 2.46).

8.41 This reservation was reiterated.

8.42 Concern was also expressed that application of the krill yield model to conservation measures in fisheries other than krill should, as far as possible, be consistent with the Commission's decisions in respect of the krill fishery.

8.43 Australia suggested that even without unanimity on a precautionary TAC based on the application of the krill model, the TAC should be reduced to reflect the continuing absence of recent data on the biomass and biological characteristics of the stock, as was done last year by the Commission when Conservation Measure 67/XII was adopted.

8.44 Some Members supported this approach. Others, however, raised concerns about the principle of progressively reducing a TAC when the lack of fishing precluded the ability to acquire the necessary biological data, as opposed to a situation when fishing was taking place and the necessary biological data were not being submitted.

8.45 The Commission decided to ask the Scientific Committee to examine the principles involved in adjusting TACs to take account of factors such as the time elapsed since the last realistic stock assessment was conducted and the absence of data relevant to appropriate assessments, and to advise the Commission at its next meeting.

8.46 Accordingly, the Commission decided to retain the provisions of Conservation Measure 67/XII for one further year. Conservation Measure 84/XIII was therefore adopted.

8.47 The Commission further decided to retain the by-catch provisions of Conservation Measure 71/XII, and accordingly adopted Conservation Measure 85/XIII.

*Notothenia squamifrons* in Division 58.4.4  
(Ob and Lena Banks)

8.48 The Commission noted the advice of the Scientific Committee that a biomass survey is likely to improve considerably assessments of fish stocks on Ob and Lena Banks (SC-CAMLR-XIII, paragraph 2.76), and also noted its comments on the plans for a research trawl survey by Ukraine in the 1994/95 season (SC-CAMLR-XIII, paragraph 2.77). It recalled that its previous conservation measure for this division, which allowed for a small TAC on each bank, had lapsed this year (Conservation Measure 59/XI).

8.49 The Commission noted the statement by the representative of the Ukraine that his government intended to apply, in accordance with Article VII(2)(d) of the Convention, to become a Member of the Commission at the earliest possible opportunity. The Members of the

Commission unanimously welcomed his statement and decided in accordance with Article VII(2)(d) that there would be no need for any meeting of the Commission to consider the application. They would therefore consider Ukraine to be a Member of the Commission immediately on receipt by the Depositary of the Ukraine's application to join the Commission in due form, in accordance with the procedure provided for Acceding States, as set out in Article VII(2)(d).

8.50 Noting its intention to become a Member of the Commission in the near future, Ukraine requested that the Commission approve a fishing and fisheries research program by one Ukrainian trawler for the 1994/95 season only in Division 58.4.4. Ukraine also requested in respect of that vessel that, for the 1994/95 season only, the Commission exempt the vessel from Conservation Measure 30/X on the same conditions as were recommended by SCOI in respect of one Polish vessel.

8.51 Ukraine advised that it had modified the rigging of the net monitor cable on this trawler, in accordance with the arrangements described in the report of CCAMLR-X (paragraph 5.11 and Annex 6), so that the risks it presented to seabirds would be minimised. Moreover, the trawler would deploy flags on the monitor cable as a further means of reducing the risk of incidental mortality of seabirds.

8.52 The Commission agreed to the fisheries and research program proposed by Ukraine subject to the following conditions:

- (i) that the fisheries and research program would not commence until immediately after Ukraine deposits with the Government of Australia, as Depositary of the Convention, an application to join the Commission in accordance with Article VII(2)(d) of the Convention;
- (ii) that Ukraine will place an international scientific observer, designated in accordance with the CCAMLR Scheme of International Scientific Observation, on board the vessel during the period while the vessel is deployed in the Convention area and undertaking fishing activities. Ukraine agrees to meet all expenses associated with such a scientific observer;
- (iii) that Ukraine will ensure observance of all conservation measures in force, in particular Conservation Measure 64/XII. Ukraine advised in their proposal that the first part of the voyage will be a series of trawls to conduct a biomass survey of the Banks. Under Conservation Measure 64/XII, catches taken by any vessel for

research purposes will be considered as part of any catch limits in force for each species taken and shall be reported to CCAMLR as part of the annual STATLANT returns. Also, any catch in excess of 50 tonnes taken for any purpose is subject to all conservation measures in force including Conservation Measure 2/III on mesh size regulations;

- (iv) that in order to give effect to Conservation Measures 30/X, in addition to the modifications to the net monitor cable advised by Ukraine, Ukraine will ensure that the vessel immediately ceases to use the net monitor cable for the remainder of the 1994/95 season should it cause any incidental mortality of seabirds; and
- (v) that the observer shall submit a report, including advice of any seabird mortality, in accordance with the CCAMLR Scheme of International Scientific Observation, for consideration at the next meeting of SCOI.

8.53 The Representative of Ukraine advised the Commission of Ukraine's acceptance of the conditions in paragraph 8.52. Accordingly, Conservation Measure 87/XIII was adopted.

#### Incidental Mortality

8.54 The Commission noted the Scientific Committee's recommendations for amendments to Conservation Measure 29/XII (SC-CAMLR-XIII, paragraphs 9.37 and 9.38).

8.55 Accordingly, the revised measure 29/XIII was adopted.

8.56 The Delegation of France stated that it welcomed any measure leading to a reduction in the incidental mortality of seabirds during fishing operations, but wished to stress the fact that specific French regulations apply and would continue to apply in the Exclusive Economic Zone around the Crozet and Kerguelen Islands<sup>2</sup>. The Delegation of France therefore concurred with the consensus to adopt Conservation Measure 29/XIII, on the understanding that France reserves its rights regarding the application of this conservation measure in the Crozet and Kerguelen areas, in accordance with the statement made by the Chairman of the Conference on the Conservation of Antarctic Marine Living Resources on 19 May 1980.

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<sup>2</sup> WG-IMALF-94/12; SC-CAMLR-XIII, paragraphs 9.31 and 9.32

CONSERVATION MEASURES ADOPTED IN 1994

CONSERVATION MEASURE 18/XIII  
Procedure for According Protection to CEMP Sites

The Commission,

Bearing in mind that the Scientific Committee has established a system of sites contributing data to the CCAMLR Ecosystem Monitoring Program (CEMP), and that additions may be made to this system in the future;

Recalling that it is not the purpose of the protection accorded to CEMP sites to restrict fishing activity in adjacent waters;

Recognising that studies being undertaken at CEMP sites may be vulnerable to accidental or wilful interference;

Concerned, therefore, to provide protection for CEMP sites, scientific investigations and the Antarctic marine living resources therein, in cases where a Member or Members of the Commission conducting or planning to conduct CEMP studies believes such protection to be desirable;

hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

1. In cases where a Member or Members of the Commission conducting, or planning to conduct, CEMP studies at a CEMP site believe it desirable that protection should be accorded to the site, it, or they, shall prepare a draft management plan in accordance with Annex A to this Conservation Measure.
2. Each such draft management plan shall be sent to the Executive Secretary for transmission to all Members of the Commission for their consideration at least three months before its consideration by WG-EMM.
3. The draft management plan shall be considered in turn by WG-EMM, the Scientific Committee and the Commission. In consultation with the Member or Members of the Commission which drew up the draft management plan, it may be amended by any of these bodies. If a draft management plan is amended by either WG-EMM or the Scientific Committee, it shall be passed on in its amended form either to the Scientific Committee or to the Commission as the case may be.

4. If, following completion of the procedures outlined in paragraphs 1 to 3 above, the Commission considers it appropriate to accord the desired protection to the CEMP site, the Commission shall adopt a Resolution calling on Members to comply, on a voluntary basis, with the provisions of the draft management plan, pending the conclusion of action in accordance with paragraphs 5 to 8 below.
5. The Executive Secretary shall communicate such a Resolution to SCAR, the Antarctic Treaty Consultative Parties and, if appropriate, the Contracting Parties to other components of the Antarctic Treaty System which are in force.
6. Unless, before the opening date of the next regular meeting of the Commission, the Executive Secretary has received:
  - (i) an indication from an Antarctic Treaty Consultative Party that it desires the resolution to be considered at a Consultative Meeting; or
  - (ii) an objection from any other quarter referred to in paragraph 5 above;

the Commission may, by means of a conservation measure, confirm its adoption of the management plan for the CEMP site and shall include the management plan in Annex B to Conservation Measure 18/XIII.

7. In the event that an Antarctic Treaty Consultative Party has indicated its desire for the Resolution to be considered at a Consultative Meeting, the Commission shall await the outcome of such consideration, and may then proceed accordingly.
8. If objection is received in accordance with paragraphs 6(ii) or 7 above, the Commission may institute such consultations as it may deem appropriate to achieve the necessary protection and to avoid interference with the achievement of the principles and purposes of, and measures approved under, the Antarctic Treaty and other components of the Antarctic Treaty System which are in force.
9. The management plan of any site may be amended by decision of the Commission. In such cases full account shall be taken of the advice of the Scientific Committee. Any amendment which increases the area of the site or adds to categories or types of activities that would jeopardise the objectives of the site shall be subject to the procedures set out in paragraphs 5 to 8 above.

10. Entry into a CEMP site included in Annex B shall be prohibited except for the purposes authorised in the relevant management plan for the site and in accordance with a permit issued under paragraph 11.
11. Each Contracting Party shall, as appropriate, issue permits authorising its nationals to carry out activities consistent with the provisions of the management plans for CEMP sites and shall take such other measures, within its competence, as may be necessary to ensure that its nationals comply with the management plans for such sites.
12. Copies of such permits shall be sent to the Executive Secretary as soon as practical after they are issued. Each year the Executive Secretary shall provide the Commission and the Scientific Committee with a brief description of the permits that have been issued by the Parties. In cases where permits are issued for purposes not directly related to the conduct of CEMP studies at the site in question, the Executive Secretary shall forward a copy of the permit to the Member or Members of the Commission conducting CEMP studies at that site.
13. Each management plan shall be reviewed every five years by WG-EMM and the Scientific Committee to determine whether it requires revision and whether continued protection is necessary. The Commission may then act accordingly.

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

The Commission,

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

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

1. Fishing operations shall be conducted in such a way that the baited hooks sink as soon as possible after they are put in the water. Only thawed bait shall be used.

2. Longlines shall be set at night only (i.e., between the times of nautical twilight). During longline fishing at night, only the minimum ship's lights necessary for safety shall be used.
3. Trash and offal should not be dumped while longlines are being set or hauled; if discharge of offal is unavoidable, this discharge shall take place as far as possible and/or on the opposite side of the vessel from the area of the vessel where longlines are set or hauled.
4. Every effort should be made to ensure that birds captured alive during longlining are released alive and that wherever possible hooks are removed without jeopardising the life of the bird concerned.
5. A streamer line designed to discourage birds from settling on baits during deployment of longlines shall be towed. Specification of the streamer line and its method of deployment is given in the Appendix to this Measure. Details of the construction relating to the number and placement of swivels may be varied so long as the effective sea surface covered by the streamers is no less than that covered by the currently specified design. Details of the device dragged in the water in order to create tension in the line may also be varied.
6. Other variations in the design of streamer lines can be tested on vessels carrying two observers, at least one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, providing that all other elements of this Conservation Measure are complied with<sup>3</sup>.

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

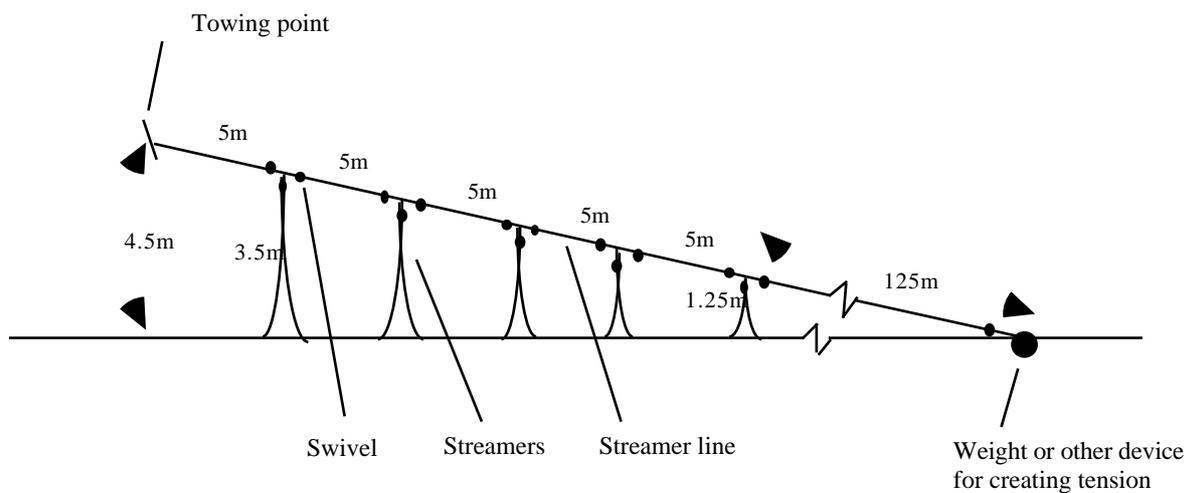
<sup>2</sup> Except for waters adjacent to the Prince Edward Islands

<sup>3</sup> The streamer lines under test should be constructed and operated taking full account of the principles set out in WG-IMALF-94/19 and available from the CCAMLR Secretariat.

#### APPENDIX TO CONSERVATION MEASURE 29/XIII

1. The streamer line is to be suspended at the stern from a point approximately 4.5 m above the water and such that the line is directly above the point where the baits hit the water.
2. The streamer line is to be approximately 3 mm diameter, have a minimum length of 150 m and have a device at the end to create tension so that the main line streams directly behind the ship even in cross winds.

3. At 5 m intervals commencing from the point of attachment to the ship five branch streamers each comprising two strands of approximately 3 mm diameter cord should be attached. The length of the streamer should range between approximately 3.5 m nearest the ship to approximately 1.25 m for the fifth streamer. When the streamer line is deployed the branch streamers should reach the sea surface and periodically dip into it as the ship heaves. Swivels should be placed in the streamer line at the towing point, before and after the point of attachment of each branch streamer and immediately before any weight placed on the end of the streamer line. Each branch streamer should also have a swivel at its attachment to the streamer line.



CONSERVATION MEASURE 76/XIII

Prohibition of Directed Fishery on *Notothenia gibberifrons*,  
*Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*,  
*Notothenia squamifrons* and *Patagonotothen guntheri*, in  
 Statistical Subarea 48.3 for the 1994/95 and 1995/96 Seasons

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

Directed fishing on *Notothenia gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*, *Notothenia squamifrons* and *Patagonotothen guntheri* in Statistical Subarea 48.3 is prohibited in the 1994/95 and 1995/96 seasons, defined as the period from 5 November 1994 to the end of the Commission meeting in 1996.

CONSERVATION MEASURE 77/XIII  
Catch Limit on *Dissostichus eleginoides* in  
Statistical Subarea 48.4 for the 1994/95 Season

1. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.4 caught in the 1994/95 season shall be limited to 28 tonnes.
2. For the purposes of the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.4, the 1994/95 fishing season is defined as the period from 15 December 1994 to the end of the Commission meeting in 1995, or until the TAC is reached, whichever is sooner.
3. For the purpose of implementing this Conservation Measure:
  - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1994/95 season, commencing on 15 December 1994; and
  - (ii) the Effort and Biological Data Reporting System set out in Conservation Measure 81/XIII shall apply in the 1994/95 season, commencing on 15 December 1994.

CONSERVATION MEASURE 78/XIII  
Precautionary Catch Limits on *Champocephalus gunnari*  
and *Dissostichus eleginoides* in Division 58.5.2

1. In accordance with the management advice of the 1994 meeting of the Scientific Committee:
  - (i) a precautionary TAC of 311 tonnes in any one season shall be set for *Champocephalus gunnari* in Division 58.5.2; and
  - (ii) a precautionary TAC of 297 tonnes in any one season shall be set for *Dissostichus eleginoides* in Division 58.5.2. This TAC may only be taken by trawling.
2. The Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII and the Monthly Effort and Biological Data Reporting System set out in Conservation Measure 52/XI shall apply.

3. The fishing season shall commence in each year at the close of the annual meeting of the Commission and shall continue until the respective precautionary catch limits are reached, or until 30 June, whichever comes first.
4. For the purposes of implementing this Conservation Measure, the catches shall be reported to the Commission on a monthly basis.
5. Those limits shall be kept under review by the Commission, taking into account the advice of the Scientific Committee.

CONSERVATION MEASURE 79/XIII  
Limits on the Exploratory Crab Fishery in  
Statistical Subarea 48.3 in the 1994/95 Season

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

1. The crab fishery is defined as any commercial harvest activity in which the target species is any member of the crab group (Order *Decapoda*, Suborder *Reptantia*).
2. The crab fishery shall be limited to one vessel per Member.
3. The total catch of crab from Statistical Subarea 48.3 shall not exceed 1 600 tonnes during the 1994/95 fishing season.
4. Each Member intending to participate in the crab fishery shall notify the CCAMLR Secretariat at least three months in advance of starting fishing of the name, type, size, registration number, radio call sign, and research and fishing operations plan of the vessel that the Member has authorised to participate in the crab fishery.
5. All vessels fishing for crab shall report the following data to CCAMLR by 31 August 1995 for crabs caught prior to 31 July 1995:
  - (i) the location, date, depth, fishing effort (number and spacing of pots and soak time), and catch (numbers and weight) of commercially sized crabs (reported on as fine a scale as possible, but no coarser than 0.5° latitude by 1° longitude) for each 10-day period;

- (ii) the species, size, and sex of a representative subsample of crabs sampled according to the procedure set out in Annex 79/A (between 35 and 50 crabs shall be sampled every day from the line hauled just prior to noon) and by-catch caught in traps; and
  - (iii) other relevant data, as possible, according to the requirements set out in Annex 79/A.
6. For the purposes of implementing this Conservation Measure, the 10-day Catch and Effort Reporting System set out in Conservation Measure 61/XII shall apply.
  7. Data on catches taken between 31 July 1995 and 31 August 1995 shall be reported to CCAMLR by 30 September 1995 so that the data will be available to the Working Group on Fish Stock Assessment.
  8. Crab fishing gear shall be limited to the use of crab pots (traps). The use of all other methods of catching crabs (e.g., bottom trawls) shall be prohibited.
  9. The crab fishery shall be limited to sexually mature male crabs - all female and undersized male crabs caught shall be released unharmed. In the case of *Paralomisspinosissima* and *P. formosa*, males with a minimum carapace width of 102 mm and 90 mm, respectively, may be retained in the catch.
  10. Crab processed at sea shall be frozen as crab sections (minimum size of crabs can be determined using crab sections).

CONSERVATION MEASURE 80/XIII  
Limits on the Fishery for *Dissostichus eleginoides*  
in Statistical Subarea 48.3 for the 1994/95 Season

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

1. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.3 caught during the 1994/95 season shall be limited to 2 800 tonnes.
2. For the purposes of the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3, the 1994/95 fishing season is defined as the period from 1 March to 31 August 1995, or until the TAC is reached, whichever is the sooner.

3. Each vessel participating in the *Dissostichus eleginoides* fishery in Statistical Subarea 48.3 in the 1994/95 season shall have a scientific observer, appointed in accordance with the Scheme of International Scientific Observation of CCAMLR, on board throughout all fishing activities within the fishing period.
4. For the purpose of implementing this Conservation Measure:
  - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1994/95 season, commencing on 1 March 1995; and
  - (ii) the Effort and Biological Data Reporting System set out in Conservation Measure 81/XIII shall apply in the 1994/95 season, commencing on 1 March 1995.

CONSERVATION MEASURE 81/XIII  
Effort and Biological Data Reporting System for *Dissostichus eleginoides*  
in Statistical Subareas 48.3 and 48.4 for the 1994/95 Season

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

1. At the end of each month each Contracting Party shall obtain from each of its vessels the haul-by-haul data required to complete the CCAMLR fine-scale catch and effort data form for longline fisheries (Form C2, latest version). These data shall include numbers of seabirds or marine mammals of each species caught and released or killed. It shall transmit those data to the Executive Secretary not later than the end of the following month.
2. At the end of each month, each Contracting Party shall obtain from each of its vessels a representative sample of length composition measurements from the fishery (Form B2, latest version). It shall transmit those data to the Executive Secretary not later than the end of the following month.
3. For the purpose of implementing this Conservation Measure:
  - (i) length measurements of fish should be of total length to the nearest centimetre below; and

- (ii) representative samples of length composition should be taken from a single fishing ground<sup>1</sup>. In the event that the vessel moves from one fishing ground to another during the course of a month, then separate length compositions should be submitted for each fishing ground.
4. Should a Contracting Party fail to transmit the fine-scale catch and effort data or length composition data to the Executive Secretary by the deadline specified in paragraph 2, the Executive Secretary shall issue a reminder to the Contracting Party. If at the end of a further two months those data have still not been provided the Executive Secretary shall notify all Contracting parties of the closure of the fishery to vessels of the Contracting Party which has failed to supply the data as required.

<sup>1</sup> Pending the provision of a more appropriate definition, the term fishing ground is defined here as the area within a single fine-scale grid rectangle (0.5° latitude by 1° longitude).

#### CONSERVATION MEASURE 82/XIII Protection of the Cape Shirreff CEMP Site

1. The Commission noted that a program of longterm studies is being undertaken at Cape Shirreff and the San Telmo Islands, Livingston Island, South Shetland Islands, as part of the CCAMLR Ecosystem Monitoring Program (CEMP). Recognising that these studies may be vulnerable to accidental or wilful interference, the Commission expressed its concern that this CEMP site, the scientific investigations, and the Antarctic marine living resources therein be protected.
2. Therefore, the Commission considers it appropriate to accord protection to the Cape Shirreff CEMP site, as defined in the Cape Shirreff management plan.
3. Members shall comply with the provisions of the Cape Shirreff CEMP site management plan, which is recorded in Annex B of Conservation Measure 18/XIII.
4. To allow Members adequate time to implement the relevant permitting procedures associated with this measure and the management plan, Conservation 82/XIII shall become effective as of 1 May 1995.
5. In accordance with Article X, the Commission shall draw this Conservation Measure to the attention of any State that is not a Party to the Convention and whose nationals or vessels are present in the Convention Area.

CONSERVATION MEASURE 84/XIII  
Precautionary TAC for *Electrona carlsbergi*  
in Statistical Subarea 48.3 for the 1994/95 Season

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

1. For the purposes of this Conservation Measure the fishing season for *Electronacarlsbergi* is defined as the period from 5 November 1994 to the end of the Commission meeting in 1995.
2. The total catch of *Electronacarlsbergi* in the 1994/95 season shall not exceed 200 000 tonnes in Statistical Subarea 48.3.
3. In addition, the total catch of *Electronacarlsbergi* in the 1994/95 season shall not exceed 43 000 tonnes in the Shag Rocks region, defined as the area bounded by 52°30'S, 40°W; 52°30'S, 44°W; 54°30'S, 40°W and 54°30'S, 44°W.
4. In the event that the catch of *Electronacarlsbergi* is expected to exceed 20 000 tonnes in the 1994/95 season, a survey of stock biomass and age structure shall be conducted during that season by the principal fishing nations involved. A full report of this survey including data on stock biomass (specifically including area surveyed, survey design and density estimates), age structure and the biological characteristics of the by-catch shall be available for discussion at the 1995 meeting of the Working Group on Fish Stock Assessment.
5. The directed fishery for *Electronacarlsbergi* in Statistical Subarea 48.3 shall close if the by-catch of any of the species named in Conservation Measure 85/XIII reaches its by-catch limit or if the total catch of *Electronacarlsbergi* reaches 200 000 tonnes, whichever comes first.
6. The directed fishery for *Electronacarlsbergi* in the Shag Rocks region shall close if the by-catch of any of the species named in Conservation Measure 85/XIII reaches its by-catch limit or if the total catch of *Electronacarlsbergi* reaches 43 000 tonnes, whichever comes first.
7. If, in the course of the directed fishery for *Electronacarlsbergi*, the by-catch of any one haul of any of the species named in Conservation Measure 85/XIII exceeds 5%, the fishing vessel shall move to another fishing ground within the subarea.

8. For the purpose of implementing this Conservation Measure:

- (i) the Catch Reporting System set out in Conservation Measure 40/X shall apply in the 1994/95 season; and
- (ii) the Data Reporting System set out in Conservation Measure 54/XI shall apply in the 1994/95 season.

CONSERVATION MEASURE 85/XIII

Limitation of the By-catch of *Notothenia gibberifrons*,  
*Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*,  
*Notothenia rossii* and *Notothenia squamifrons*,  
in Statistical Subarea 48.3 for the 1994/95 Season

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

In any directed fishery in Statistical Subarea 48.3, during the 1994/95 season commencing 5 November 1994, the by-catch of *Notothenia gibberifrons* shall not exceed 1 470 tonnes; the by-catch of *Chaenocephalus aceratus* shall not exceed 2 200 tonnes; and the by-catch of *Pseudochaenichthys georgianus*, *Notothenia rossii* and *Notothenia squamifrons* shall not exceed 300 tonnes each.

CONSERVATION MEASURE 86/XIII

Prohibition of Directed Fishery on *Champsocephalus gunnari*  
in Statistical Subarea 48.3 in the 1994/95 Season

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

Directed fishing on *Champsocephalusgunnari* is prohibited in Statistical Subarea 48.3 in the 1994/95 season, defined as the period from 5 November 1994 to the end of the Commission meeting in 1995.

CONSERVATION MEASURE 87/XIII

Limitation of Total Catch of *Notothenia squamifrons*  
in Statistical Division 58.4.4 (Ob and Lena Banks)  
in the 1994/95 and 1995/96 Seasons

1. The total catch of *Notothenia squamifrons* for the entire two year period shall not exceed 1 150 tonnes, which shall be made up of 715 tonnes on Lena Bank and 435 tonnes on Ob Bank.

2. The two year period shall be from 5 November 1994 to the end of the Commission meeting in 1996.
3. For the purpose of implementing this conservation measure:
  - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the period 1994 to 1996 commencing on 5 November 1994;
  - (ii) the Monthly Effort and Biological Data Reporting System set out in Conservation Measure 52/XI shall apply for the target species *Notothenia squamifrons*, and the by-catch species *Dissostichus eleginoides* commencing on 5 November 1994;
  - (iii) data on the numbers of seabirds of each species killed or injured in incidents involving the net monitor cable shall also be reported to the Commission;
  - (iv) age frequency, length frequency and age/length keys for *Notothenia squamifrons*, *Dissostichus eleginoides* and any other species forming a significant part of the catch shall be collected and reported to each annual meeting of the Working Group on Fish Stock Assessment for each Bank separately on forms B2 and B3; and
  - (v) the fishery for *Notothenia squamifrons* will be subject to review at the 1995 annual meetings of the Scientific Committee and the Commission.
4. Each vessel participating in the fishery in Statistical Division 58.4.4 in the 1994/95 and 1995/96 seasons shall have a scientific observer, appointed in accordance with the Scheme of International Scientific Observation of CCAMLR, on board throughout all fishing activities within the fishing period.

#### SCIENTIFIC RESEARCH EXEMPTION

9.1 At its 1993 meeting the Commission requested that the Scientific Committee consider the applicability of the 50 tonnes limit specified in paragraph 2 of Conservation Measure 64/XII to krill, crabs and squid (CCAMLR-XII, paragraph 6.10).

9.2 The Commission noted the progress made by the Scientific Committee and its Working Groups in considering this problem. It accepted the advice that for crab the 50 tonnes catch

limit appeared sensible given the relatively tight provisions of Conservation Measures 79/XIII (formerly Conservation Measure 74/XII) and 75/XII. It also endorsed the request that Members using commercial types of trawl in krill research should submit information on the levels of catches which could be taken in research cruises, for review at the next meeting of WG-EMM.

9.3 The Commission noted that the Scientific Committee had not been able to offer any advice in respect of squid.

9.4 Given that advice on the applicability of the 50 tonnes limit to krill was dependent upon further deliberations of the Scientific Committee and its Working Groups, the Commission decided that it would not amend Conservation Measure 64/XII now but should revisit the issue with a view to revising the conservation measure at its next meeting.

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

10.1 The Commission commended the Scientific Committee on the progress it had made in considering management under conditions of uncertainty this year (SC-CAMLR-XIII, paragraphs 2.79, 10.1 to 10.8), in response to its request in 1993 (CCAMLR-XII, paragraph 4.26), and endorsed its advice. It endorsed the approach taken by the Working Groups to consider appropriate assessment methods and management advice on a stock-by-stock basis. It particularly encouraged the elaboration of advice based on a series of decision rules which took into account effects of uncertainty on the stock and on predators, such as those developed by WG-Krill and applied both to krill and some finfish (paragraph 3.10; SC-CAMLR-XIII, paragraphs 2.42, 2.70 and 2.79).

10.2 It noted that the techniques and models currently being used to incorporate uncertainty in the stock assessments operate in such a way that estimated yields and catch limits usually decrease as uncertainty in model parameters increases (SC-CAMLR-XIII, paragraph 10.7).

10.3 The Commission noted that further elaboration of methods for dealing with uncertainty is required, and endorsed the comments of the Scientific Committee that there is further scope for incorporation of uncertainty into its assessments (SC-CAMLR-XIII, paragraph 10.4).

10.4 The Delegation of Australia noted that consideration of the matter as an agenda item, both on the Commission's and the Scientific Committee's agenda, had enabled Members to keep abreast of developments across the field, even though the Working Groups are proceeding on a stock-by-stock basis. The Commission agreed and decided that it should retain this agenda item in future.

COOPERATION WITH OTHER ELEMENTS  
OF THE ANTARCTIC TREATY SYSTEM

XVIII Antarctic Treaty Consultative Meeting

11.1 The XVIII Antarctic Treaty Consultative Meeting (ATCM) took place in Kyoto, Japan, from 11 to 22 April 1994. CCAMLR had been invited to attend the meeting as an observer and was represented by the Executive Secretary, Mr E. de Salas (CCAMLR-XII, paragraph 10.24). The report of the Executive Secretary on his participation at the ATCM meeting was circulated at the meeting as CCAMLR-XIII/BG/4.

11.2 The Executive Secretary informed the Commission that the CCAMLR report to the ATCM meeting was well received. The XVIII ATCM report draws attention to 'the important accomplishments of CCAMLR in the field of conservation and ecosystem management'.

11.3 In presenting his report the Executive Secretary summarised several aspects of the ATCM meeting which might be of direct interest to CCAMLR.

11.4 There was general agreement that the Protocol on Environmental Protection to the Antarctic Treaty should be implemented as soon as possible. In particular, the Protocol provides for the establishment of a Committee on Environmental Protection (CEP) to which CCAMLR will be an observer. In the interim, ahead of entry into force of the Protocol, the Treaty Parties established a Transitional Environmental Working Group (TEWG). This transitional group will address those agenda items which will in future be dealt with by the Committee on Environmental Protection (Items under Article 12 of the Protocol).

11.5 The ATCM decided that representatives of CCAMLR, as well as of the Scientific Committee on Antarctic Research (SCAR), the Council of Managers of National Antarctic Programs (COMNAP) and other such specialist bodies as may be invited, should participate in the work of TEWG which will begin its work at XIX ATCM.

11.6 The Commission noted the complementary nature of the objectives of the Antarctic Treaty Consultative Parties (ATCP) and CCAMLR in protecting the marine environment. This has been enhanced by the adoption of the Protocol on Environmental Protection. This requires further strengthening the links between CCAMLR and the ATCP and SCAR's group GOSEAC. The Executive Secretary was asked to work further in this direction.

11.7 In concluding the presentation of his report, the Executive Secretary suggested that CCAMLR reports to future ATCM meetings might be extended by including details of specific and innovative approaches to the management of resources as well as matters related to the future CEP. The report of the Executive Secretary was endorsed by the Commission.

11.8 The XIX ATCM will be held in Seoul, Republic of Korea, from 8 to 19 May 1995. The Government of the Republic of Korea, as the host country, officially invited CCAMLR to be represented as an observer at the XIX ATCM. The Delegation of the Republic of Korea to CCAMLR informed the Commission of arrangements for this meeting.

11.9 In accordance with agreed procedure, CCAMLR will be represented at the XIX ATCM by the Executive Secretary.

11.10 As is the usual practice under this agenda item, the Chairman invited the CCAMLR Observer to SCAR, Dr J. Croxall (UK) to outline those parts of his report which are of direct relevance to the work of the Commission (CCAMLR-XIII/BG/18). Other parts of the report had already been discussed by the Scientific Committee (SC-CAMLR-XIII, paragraphs 14.5 to 14.15).

11.11 During the intersessional period there were numerous meetings of SCAR and its subsidiary bodies. CCAMLR representation at these meetings was shared by Drs Croxall and I. Everson (UK).

11.12 In their reports, Drs Croxall and Everson noted that additional areas of interest to CCAMLR included the Coastal Zone part of the Program on the Ecology of the Antarctic Sea-Ice Zone (CS-EASIZ). This program, developed by the Group of Specialists on Southern Ocean Ecology (GOSSOE), is the main marine ecological input to the SCAR Group of Specialists on Global Change in Antarctica (GLOCHANT) which is coordinating the SCAR-IGBP Program and whose Secretariat has been established in Hobart. This should greatly facilitate further liaison between CCAMLR and SCAR.

11.13 The Commission endorsed nominations by the Scientific Committee of observers and liaison officers to SCAR and its various committees and working groups (CCAMLR-XIII, paragraphs 14.8 to 14.14). The Commission also strongly associated itself with the Scientific Committee's belief that close liaison between SCAR and CCAMLR was of great benefit to both organisations (SC-CAMLR-XIII, paragraph 14.15).

11.14 The Commission also endorsed the Scientific Committee's decision to lodge a directory entry to the Antarctic Master Directory of SCAR/COMNAP describing some of CCAMLR's data holdings and data access rules (SC-CAMLR-XIII, paragraph 14.14).

#### Coordination of CEMP Site Protection within the Antarctic Treaty System

11.15 Last year the Commission requested that the Scientific Committee and its Working Groups review - and provide advice on - the draft management plan for the Admiralty Bay Antarctic Specially Managed Area (ASMA), submitted jointly by the Delegations of Brazil and Poland (CCAMLR-XIII/BG/21) in accordance with Annex V to the Protocol on Environmental Protection to the Antarctic Treaty.

11.16 In regard to the assessment by the Scientific Committee of the proposal for the Admiralty Bay ASMA and any future proposals for ASMAs or Antarctic Specially Protected Areas (ASPAs), the Commission endorsed the criteria established by the Scientific Committee (SC-CAMLR-XIII, paragraph 6.11). Any future assessment should include an evaluation of whether the proposals adequately:

- (i) describe the breeding distribution of seabirds and seals in the area and, at least for colonially breeding species, include points of their entry and departure from the sea;
- (ii) note the location of sites where monitoring studies for purposes of direct relevance to CEMP are being undertaken. This is irrespective of whether or not the sites have been formally protected under Conservation Measure 18/XIII;
- (iii) ensure protection to research which contributes to the objectives of CCAMLR;
- (iv) describe areas in which birds and seals, associated with or breeding in the proposed management area, are known to forage; and
- (v) draw to the attention of CCAMLR any other matters which may be relevant to the implementation of Article II of the Convention.

11.17 In regard to the request by the Scientific Committee that the Commission develop a formal procedure for considering proposals for ASMAs and ASPAs (SC-CAMLR-XIII, paragraph 6.12), the Commission agreed that Articles 5 and 6, Annex V to the Protocol on

Environmental Protection to the Antarctic Treaty, already elaborated such a procedure. This should be followed by CCAMLR.

11.18 The Commission further agreed that there should be some flexibility in the deadlines for receiving ASMA and ASPA proposals, and that the most important consideration was that they should be available for review by the Scientific Committee and its appropriate Working Groups at the earliest opportunity.

11.19 The Delegation of the UK advised the Commission that the appropriateness of mandatory prohibitions within Management Plans for ASMAs has been discussed at the XVIII ATCM. Such prohibitions may cover various activities, e.g. commercial fishing in marine ASMAs. The ATCM had yet to clarify this situation in the light of distinctions made in Articles 4 and 5 of Annex V to the Protocol. In particular, this clarification would be needed to finalise the management plan for the Admiralty Bay ASMA.

11.20 The Commission commended Brazil and Poland for their effort in preparing the ASMA proposal for Admiralty Bay, the first proposal made under Annex V to the Protocol. The Commission also noted the Scientific Committee's findings that certain information is still missing from the proposal and that there was no report on consultations with other parties which are known to be conducting research in the area. The Commission endorsed the recommendation of the Scientific Committee that the proposal should be revised accordingly and resubmitted for consideration (SC-CAMLR-XIII, paragraphs 6.13 and 6.14).

11.21 Brazil informed the Commission of developments after the Commission endorsed the criteria and recommendations of the Scientific Committee. The two Delegations of Brazil and Poland had met and coordinated the appropriate actions to fulfil the criteria and recommendations of the Scientific Committee. Brazil and Poland wished to go on record as expressing appreciation of the work done by the Scientific Committee on the first ASMA plan proposed, as well as to the Commission for defining the guidelines for approval. To the extent that the criteria and recommendations of the Scientific Committee endorsed by the Commission are complied with, Brazil looked forward with anticipation to the approval of the joint proposal for an ASMA plan for Admiralty Bay.

11.22 At the last meeting of the Commission, Members were also asked to consider to what extent it may be appropriate to revise the provisions of Conservation Measure 18/IX, since revised as 18/XIII, 'Procedure for According Protection to CEMP Sites', so that they correspond to the provisions of Annex V to the Protocol on Environmental Protection (CCAMLR-XII, paragraph 10.15).

11.23 No proposals had been received from Members on the subject and the Commission

decided to postpone its consideration to the next meeting. Members were requested to submit their proposals to the Secretariat during the intersessional period.

## COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

### Reports of Observers from Other International Organisations

12.1 Observers from ASOC, IOC, SCAR, IUCN and IWC attended the meeting. No reports or statements were received from observers during the discussion of this agenda item.

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

12.2 During the intersessional period CCAMLR was represented at the following meetings:

- 46th Annual Meeting of the International Whaling Commission (May 1994, Puerto Vallarta, Mexico). CCAMLR was represented by Japan; and
- FAO Technical Consultation on the Code of Conduct for Responsible Fishing (September to October 1994, Rome, Italy). CCAMLR was represented by the USA.

12.3 In his report to the Commission, the Delegate of Japan summarised those aspects of the 46th Annual Meeting of IWC which are of particular importance to CCAMLR: establishment of the Southern Ocean Whale Sanctuary, endorsement of the Revised Management Scheme for Baleen Whales; scientific permits; a research plan for the southern hemisphere large baleen whales, and the impact of environmental change on whale stocks (CCAMLR-XIII/BG/22).

12.4 The Chairman of the Scientific Committee also noted the report from the CCAMLR Observer at the IWC Scientific Committee meeting (SC-CAMLR-XIII, paragraphs 14.16 to 14.25) and that the Chairman of the IWC Scientific Committee, Dr S. Reilly (USA), attended this year's meeting of the CCAMLR Scientific Committee.

12.5 The Commission noted with satisfaction recent developments in cooperation between CCAMLR and IWC. The Commission endorsed a set of the Scientific Committee's recommendations contained in paragraphs 14.16 to 14.24 of SC-CAMLR-XIII regarding cooperation with IWC.

12.6 The Delegation of Australia advised the Commission that the Executive Secretary asked Australia to represent the Commission at the intersessional meeting of the Working Group on a Sanctuary in the Southern Ocean at Norfolk Island, 20 to 24 February 1994. This Working Group of the IWC was set up to examine outstanding legal, political, ecological and other issues in relation to the establishment of a sanctuary in the Southern Ocean and was hosted by the Australian Government. The meeting resulted from discussions at the IWC over the past few years on an initial French proposal for a circumpolar sanctuary in all waters south of 40°S latitude. The meeting agreed on a series of recommendations concerning the Sanctuary proposal, which were subsequently considered at IWC46 in Mexico, including that the IWC should further examine options for the geographical boundaries of such a sanctuary.

12.7 In addition, the Executive Secretary informed the Commission of his visit to the IWC Secretariat and his participation at the meeting of the FAO Coordinating Working Party on Fisheries Statistics (CWP) (Madrid, Spain) immediately prior to the Working Group meetings in South Africa. Discussions at the IWC Secretariat concentrated on the possible assistance of CCAMLR in publishing IWC whaling statistics. Participation in CWP was in response to an invitation received from FAO. The meeting dealt with CWP statutory documentation and plans for future work which will include the possible approval of the statutes and rules of procedure of CWP at its next meeting.

12.8 The Delegation of the USA informed the Commission of its representation of CCAMLR at the FAO Technical Consultation on the Code of Conduct for Responsible Fishing. Two CCAMLR papers were submitted to the meeting: comments on the FAO draft of the 'General Principles' of the International Code of Conduct on Responsible Fishing, prepared by the Secretariat and a letter describing 'CCAMLR's Approach to Ecosystem Management'.

#### Establishment of a General CCAMLR Policy on the Designation of CCAMLR Observers to International Conferences or Meetings

12.9 This sub-item was added in response to a request from Australia. In the explanatory memorandum provided, Australia has made specific proposals for a procedure for the designation of CCAMLR Observers.

12.10 The Delegation of Australia proposed that, at its annual meetings, the Commission should nominate observers to represent CCAMLR at key meetings of international organisations. Australia also proposed that if the question of attendance at such a meeting arises intersessionally, the Executive Secretary should seek to designate a CCAMLR representative from a Member State who is also attending that meeting, and that, where practicable, this

Member should be the host country where the meeting is being held. In cases where the host country is not a CCAMLR Member, the Executive Secretary should consult with Members in order to nominate an observer.

12.11 The Commission supported the need to promote a wider awareness of the objectives and work of CCAMLR in relevant international organisations and forums through the designation of representatives of CCAMLR to be observers at meetings of these bodies. The value of cooperative exchanges with such organisations was also discussed, particularly in the light of Article XXIII of the Convention which refers to the development of cooperative working relationships with appropriate organisations which could contribute to the work of CCAMLR.

12.12 The Commission decided that, at its annual meeting, the Commission would decide on its representation at key meetings of organisations with which CCAMLR should develop or maintain cooperative working relations or which are considering issues of relevance to CCAMLR.

12.13 If representation at such a meeting could not be discussed at the annual meeting of the Commission, and the Executive Secretary, in consultation with the Chair of the Commission, considers that representation of CCAMLR at that meeting may be appropriate, the Executive Secretary could initially approach the host country where the meeting is being held, if that country is a party to the Convention, and request that country, if it is in a position to do so, to represent CCAMLR.

12.14 If the host country of such a meeting is not a party to the Convention or cannot serve as the CCAMLR representative, the Executive Secretary, in consultation with the Chair of the Commission, should raise the matter intersessionally with Members of the Commission in order to identify another CCAMLR Member which can represent the Commission.

12.15 The Commission agreed to the principle that representation of CCAMLR at any one organisation or forum should be rotated amongst Members, having regard, however, to the benefits of appropriate expertise in representation of CCAMLR at meetings which are considering technical questions.

#### Future Cooperation

12.16 The following observers were nominated for meetings in 1995:

- United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, March 1995, New York, USA - Argentina;

- FAO Technical Consultations on the Code of Conduct on Responsible Fishing, to be held during the COFI meeting, March 1995, Rome, Italy - Secretariat;
- ATCM, May 1995, Seoul, Republic of Korea - Secretariat;
- 47th Meeting of IWC, May 1995, Dublin, Ireland - UK;
- South Pacific Forum Fisheries Agency, May 1995, Solomon Islands - New Zealand;
- International Commission for the Conservation of Atlantic Tunas (ICCAT), November 1995, Madrid, Spain - Spain;
- Indian Ocean Fisheries Commission (IOFC), Kenya - Japan;
- South Pacific Commission (SPC), Noumea - France;
- Commission for the Conservation of the Southern Bluefin Tuna (CCSBT) - Australia; and
- Inter-American Tropical Tuna Commission (I-ATTC) - USA.

12.17 The Commission considered that it would be useful to have a timetable of future meetings of these and other international organisations available at the beginning of the annual meetings. It requested the Secretariat to prepare such a timetable, as far as possible.

12.18 The Commission endorsed paragraphs 9.47 to 9.49 and 9.60 to 9.61 of SC-CAMLR-XIII referring to liaison between CCAMLR and a range of international bodies, including the UN, FAO, IWC and various fishery commissions. This liaison relates to items of mutual interest associated with the reduction of incidental mortality of seabirds in longline fisheries.

12.19 However, the Commission noted that it has also nominated official observers to some of these meetings (paragraph 12.16).

12.20 In order to clarify and coordinate activities common to both these actions, the Commission agreed that, to the organisations listed in SC-CAMLR-XIII, Annex 8, Appendix E

plus IWC, FAO and UN (specifically its Conference on Straddling Stocks and Highly Migratory Species), the Secretariat should send:

- (i) a summary of the Scientific Committee and Commission actions with respect to incidental mortality of seabirds associated with fisheries prior to the 1994 meeting;
- (ii) the report of WG-IMALF and relevant sections of the 1994 report of the Scientific Committee and Commission, together with an appropriate executive summary; and
- (iii) a copy of the 1994/95 work plan of the IMALF coordinating group (CCAMLR-XIII/BG/30);

and request from them:

- (i) information on the steps they have taken and are planning to address the topic of incidental mortality of seabirds associated with fisheries, especially longline fisheries; and
- (ii) details of current and forthcoming meetings at which input from CCAMLR might be particularly relevant.

12.21 In addition, the official observers from CCAMLR to meetings referred to in paragraph 12.16 should be provided with the documents described above by the Secretariat and requested to assist in obtaining responses to the questions posed in paragraph 12.20.

#### REVIEW OF CURRENT ARRANGEMENTS FOR INVITING OBSERVERS TO CCAMLR MEETINGS

13.1 Norway, supported by Japan, requested that attendance at discussions of this item be restricted to Members only. This request was made in accordance with Rule 32 of the Commission's Rules of Procedure.

13.2 The observer from Ukraine explained Ukraine's current position in relation to CCAMLR. On 23 February 1994 Ukraine had sent a note to Australia, as Depositary, advising that the Ukraine parliament had passed legislation confirming the participation of Ukraine in international agreements directly related to Antarctica, including the Convention on the Conservation of Antarctic Marine Living Resources. Krill is an important food source for Ukrainians and Ukraine has carried out, and intends to continue to carry out, scientific research and rational use of Antarctic marine living resources.

13.3 Ukraine hoped for a favourable decision in relation to its formal application for full membership of the Commission.

13.4 All observers left the meeting room during discussion of this item of the agenda.

13.5 Australia presented a paper on the subject of inviting observers to CCAMLR meetings (CCAMLR-XIII/15) and explained its reasons for requesting this item to be placed on the agenda. Under the present Rules of Procedure, the Commission may invite specific observers to attend its meetings. This can be done either at the preceding meeting of the Commission or, if necessary, intersessionally. Australia suggested that the subject of inviting specific observers to the succeeding meeting should be a standing item on the Commission's agenda; this would provide advance notice to Members and observers of observers' participation and would be administratively easier than the use of an intersessional procedure. No changes to the Rules of Procedure are necessary to implement this proposal.

13.6 The proposal was generally welcomed though several Members expressed concern that taking decisions at formal plenary meetings could force some Members to take a rigid position and inhibit the taking of acceptable decisions on the attendance of observers. To mitigate this possibility, it was suggested that in future the subject could be discussed at the Heads of Delegation meeting before the start of the Commission meeting. However, the Chairman noted that the Heads of Delegation meeting is an informal meeting only, and any decisions could only be taken at the full plenary session of the Commission.

13.7 In the light of these discussions the Commission considered that it would be appropriate for the invitation of observers to attend meetings of the Commission to be discussed during the meetings of the Commission, rather than intersessionally, and decided that the invitation of observers to the following meeting of the Commission would become a permanent agenda item. It was noted that prior to formal consideration by the Commission, this matter should, if necessary, be the subject of preliminary discussion at Heads of Delegation meetings. Henceforth, consideration of the invitation of observers will normally occur at the preceding annual meeting of the Commission.

13.8 Members noted that the range of organisations that might be appropriately invited is small and, thus, use of the intersessional mechanism for additional invitations would only rarely occur. In the unlikely event that it is necessary to raise the invitation of a particular observer intersessionally, Members should seek as far as possible to reach consensus on the question of the invitation pursuant to Rules 7 and 31 of the Rules of Procedure. If consensus did not

emerge intersessionally, the matter would be considered further at the following meeting of the Commission. Accordingly, in such cases it would not be possible to issue an invitation to a particular observer until the matter is addressed at the next meeting of the Commission.

13.9 Norway advised the meeting of a deficiency in Rule 32(b) of the Commission's Rules of Procedure: that there is no distinction between States party to the Convention and other observers in this rule relating to attendance of observers at discussions of particular agenda items. Norway suggested that Rule 32(b) should be amended to permit observers from Acceding States to attend discussion on items where other observers are excluded.

13.10 It was agreed that part (b) of Rule 32 should be amended to read as follows:

‘(b) If a Member of the Commission so requests, sessions of the Commission at which a particular agenda item is under consideration shall be restricted to its Members and observers referred to in Rule 30(a) and in Rule 30(b).’

13.11 Concern was expressed that under this amendment Acceding States which are eligible for membership of the Commission would still be excluded from discussions if Rule 32(b) was invoked. It was decided that part (b) of Rule 30 should be revised to include all States party to the Convention which are not Members of the Commission. The Commission adopted the amended part of Rule 30 which reads:

‘(b) extend an invitation to any State party to the Convention which is not a Member of the Commission to attend, in accordance with Rules 32, 33 and 34 below, as observers in meetings of the Commission.’

13.12 Australia advised the meeting of the current status of Ukraine. Ukraine submitted an instrument of succession for the Convention to Australia, as Depositary, and Australia had circulated copies of that instrument to other Parties to the Convention. As at the beginning of this meeting, Ukraine had not sought membership of the Commission. Australia expressed its strong desire to see Ukraine become a full Member at the earliest possible opportunity.

13.13 The Commission decided that the following states: Canada, Finland, Greece, the Netherlands, Peru and Uruguay; and the following intergovernmental and non-governmental organisations: FAO, SCAR, SCOR, IWC, IOC, Forum Fisheries Agency, International Commission for the Conservation of Atlantic Tunas, Indian Ocean Fisheries Commission, the South Pacific Commission, Commission for the Conservation of the Southern Bluefin Tuna,

Inter-American Tropical Tuna Commission, ASOC and IUCN, would be invited to attend CCAMLR-XIV as observers. It is expected that Ukraine and hopefully Bulgaria will attend CCAMLR-XIV as Members of the Commission.

13.14 The Commission also considered the question of participation of observers at plenary sessions of the Commission and at standing committees and working groups as well as other related issues. It was agreed, in accordance with existing practice, that observers can attend plenary sessions of the Commission. The question of extending this practice to allow observers other than States to attend subsidiary bodies, which has not been agreed so far, as well as other related issues concerning participation of such observers, should if necessary, and prior to formal consideration by the Commission, be considered in a preliminary way at the Heads of Delegation meeting for CCAMLR-XIV. In this connection, the Commission understands that any further decisions would be taken by consensus.

#### ELECTION OF CHAIRMAN OF THE COMMISSION

14.1 In accordance with the agreed procedure, set down in the footnote to Rule 8 of the Rules of Procedure, the Commission agreed that France shall provide the Chairman from the end of the 1994 meeting until the end of the 1996 meeting.

14.2 In accepting the nomination, the Delegate of France expressed the gratitude of his country and congratulated the Chairman for his and the Commission's success in the conduct of the last two meetings.

#### NEXT MEETING

15.1 To provide SCAF and SCOI with more time for their deliberations, the Commission decided to extend its meeting by one day in 1995. Members agreed that the 1995 meeting of the Commission will be held at Wrest Point Hotel in Hobart during the period Tuesday, 24 October to Friday, 3 November 1995. It was noted that the 1995 meeting of the Scientific Committee will be held at the same location from Monday, 23 October to Friday, 27 October 1995.

## OTHER BUSINESS

### Conservation Measure 29/XIII

16.1 The Delegation of Australia expressed its disappointment that two Members had reserved their positions with respect to the application of Conservation Measure 29/XIII to the waters around their sub-Antarctic island territories, stating that Australia considered this to be a very important measure, providing essential protection for seabirds against incidental mortality in longlines.

16.2 In reply, the Delegation of South Africa indicated that by reserving its position with respect to the application of Conservation Measure 29/XIII to the Prince Edward Islands, it should not be interpreted that South Africa has any intention of not conforming with the provisions of this important measure.

16.3 The Delegation of France gave its complete support to the Delegation of South Africa and confirmed that it shared the spirit of its reply, which is nothing more than affirmation of incontestable sovereign rights.

### Press Release

16.4 The Commission agreed that the wider public knowledge of its work is of great importance. It was noted that the Secretariat had prepared a press release and several suggestions for topics to be included in it were made. It was suggested that, in future, the Commission should devote some time to consideration of the topics it wished to be included in a press release.

16.5 The Commission agreed that it would address this matter in more detail at its next meeting.

## ADOPTION OF THE REPORT OF THE THIRTEENTH MEETING OF THE COMMISSION

17.1 The report of the Thirteenth Meeting of the Commission was adopted.

## CLOSE OF THE MEETING

18.1 The Delegation of the USA thanked the Chairman for his work in ensuring a smoothly run and productive meeting, and also for his work over the last two years. The USA further extended its thanks to the Secretariat, interpreters and the sound technicians for their high professional standards and contributions to the meeting.

18.2 The Chairman also extended his thanks to all participants, Secretariat and other staff. He then closed the meeting.

**LIST OF PARTICIPANTS**

## LIST OF PARTICIPANTS

**CHAIRMAN:** Dr Dietrich Hammer  
Head of Delegation of the Commission  
of the European Communities  
Canberra

**CHAIRMAN,  
SCIENTIFIC COMMITTEE:** Dr Karl-Hermann Kock  
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### ARGENTINA

Representative: Dr Orlando R. Rebagliati  
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Ministerio de Relaciones Exteriores,  
Comercio Internacional y Culto  
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Alternate Representatives: Mr Gerardo E. Bompadre  
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**LIST OF DOCUMENTS**

## LIST OF DOCUMENTS

CCAMLR-XIII/1	PROVISIONAL AGENDA FOR THE THIRTEENTH MEETING OF THE COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES
CCAMLR-XIII/2	ANNOTATED PROVISIONAL AGENDA FOR THE THIRTEENTH MEETING OF THE COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES
CCAMLR-XIII/3	EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS FOR 1993 AND APPOINTMENT OF AN EXTERNAL AUDITOR Executive Secretary
CCAMLR-XIII/4	REVIEW OF THE 1994 BUDGET, DRAFT 1995 BUDGET AND FORECAST 1996 BUDGET Executive Secretary
CCAMLR-XIII/5	FORMULA FOR CALCULATING MEMBERS' CONTRIBUTIONS TO THE 1995 BUDGET Secretariat
CCAMLR-XIII/6	AUDIT OF 1994 FINANCIAL STATEMENTS Secretariat
CCAMLR-XIII/7	PUBLICATIONS DISTRIBUTION POLICY Secretariat
CCAMLR-XIII/8	OPTIONS FOR REDUCING THE COSTS OF MEETINGS Secretariat
CCAMLR-XIII/9	VACANT
CCAMLR-XIII/10	CCAMLR SYSTEM OF INSPECTION SUMMARY OF INSPECTIONS 1993/94 SEASON Secretariat
CCAMLR-XIII/11	REMOTELY-SENSED VESSEL POSITIONING AND DATA REPORTING SYSTEMS APPLICATION TO THE CCAMLR CONVENTION AREA Secretariat
CCAMLR-XIII/12	VACANT
CCAMLR-XIII/13	IMPLEMENTATION OF CONSERVATION MEASURES IN 1993/94 Secretariat
CCAMLR-XIII/14	VACANT
CCAMLR-XIII/15	INVITATION OF OBSERVERS TO COMMISSION MEETINGS Delegation of Australia
CCAMLR-XIII/16	INTERSESSIONAL NOTIFICATION OF INFRACTIONS AND SANCTIONS Delegation of Australia

- CCAMLR-XIII/17 PROPOSALS TO IMPROVE THE CCAMLR SYSTEM OF INSPECTION  
Delegation of United Kingdom
- CCAMLR-XIII/18 COMPLIANCE WITH CONSERVATION MEASURES IN FORCE  
LAWSUITS INITIATED BY CHILE AGAINST NATIONAL FLAG VESSELS  
ENCOUNTERED WITHIN THE CONVENTION AREA IN CONTRAVENTION  
OF THE COMMISSION MEASURES  
Chile
- CCAMLR-XIII/19 REPORT OF THE STANDING COMMITTEE ON OBSERVATION AND  
INSPECTION (SCOI)
- CCAMLR-XIII/20 REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION AND  
FINANCE (SCAF)
- \*\*\*\*\*
- CCAMLR-XIII/BG/1 LIST OF DOCUMENTS
- CCAMLR-XIII/BG/2 LIST OF MEETING PARTICIPANTS
- CCAMLR-XIII/BG/3 BEACH DEBRIS SURVEY - MAIN BAY, BIRD ISLAND SOUTH GEORGIA  
1992/93  
Delegation of United Kingdom
- CCAMLR-XIII/BG/4 REPORT OF THE CCAMLR OBSERVER AT THE XVIIIITH ANTARCTIC  
TREATY CONSULTATIVE MEETING  
Executive Secretary
- CCAMLR-XIII/BG/5 REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL  
MORTALITY IN THE CONVENTION AREA 1993/94  
South Africa
- CCAMLR-XIII/BG/6 REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL  
MORTALITY IN THE CONVENTION AREA 1993/94  
Australia
- CCAMLR-XIII/BG/7 REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL  
MORTALITY IN THE CONVENTION AREA 1993/94  
Poland
- CCAMLR-XIII/BG/8 REPORT ON CCAMLR'S PARTICIPATION IN THE THIRD INTERNATIONAL  
CONFERENCE 'MARINE DEBRIS - SEEKING GLOBAL SOLUTIONS'  
(Miami, USA, 8 to 13 May 1994)  
Secretariat
- CCAMLR-XIII/BG/9 USE OF SATELLITE TRANSPONDERS TO ASSIST IN FISHERIES  
MANAGEMENT - THE AUSTRALIAN EXPERIENCE  
Delegation of Australia
- CCAMLR-XIII/BG/10 PUBLICATION OF *CCAMLR SCIENCE*  
Secretariat
- CCAMLR-XIII/BG/11 BEACH LITTER SURVEY SIGNY ISLAND, SOUTH ORKNEY ISLANDS,  
1993/94  
Delegation of United Kingdom

CCAMLR-XIII/BG/12	CCAMLR INSPECTION SYSTEM - INSPECTION REPORTING FORMS Delegation of United Kingdom
CCAMLR-XIII/BG/13	A PROPOSAL FOR INSPECTION REPORT FORMS Secretariat
CCAMLR-XIII/BG/14	REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA 1993/94 Report of Observer (Ukraine)
CCAMLR-XIII/BG/15	REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA 1993/94 United States of America
CCAMLR-XIII/BG/16	CCAMLR SYSTEM OF OBSERVATION AND INSPECTION - REPORT TO THE STANDING COMMITTEE ON OBSERVATION AND INSPECTION Delegation of United Kingdom
CCAMLR-XIII/BG/17	MARINE DEBRIS COLLECTED AT CAPE SHIRREFF, LIVINGSTON ISLAND, DURING THE ANTARCTIC SEASON 1993/94 Delegation of Chile
CCAMLR-XIII/BG/18	REPORT OF THE CCAMLR OBSERVERS TO SCAR Observers (J.P. Croxall and I. Everson, United Kingdom)
CCAMLR-XIII/BG/19	VACANT
CCAMLR-XIII/BG/20	REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA 1993/94 United Kingdom
CCAMLR-XIII/BG/21	A PROPOSAL BY BRAZIL AND POLAND THAT ADMIRALTY BAY, KING GEORGE ISLAND (SOUTH SHETLAND ISLANDS) BE DESIGNATED AS AN ANTARCTIC SPECIALLY MANAGED AREA (ASMA) Delegations of Brazil and Poland
CCAMLR-XIII/BG/22	REPORT OF THE 46TH ANNUAL MEETING OF THE IWC CCAMLR Observer (Japan)
CCAMLR-XIII/BG/23	REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA 1993/94 Japan
CCAMLR-XIII/BG/24	REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA 1993/94 Brazil
CCAMLR-XIII/BG/25 Rev. 1	INFORME SOBRE ACCIDENTE DEL NAVIO B/F <i>FRIOSUR V</i> Chile (available in Spanish only)
CCAMLR-XIII/BG/26	OBSERVANCIA DE LAS MEDIDAS DE CONSERVACION VIGENTES - SISTEMA DE REGISTRO AUTOMATICO DE NAVES PESQUERAS MATRICULADAS EN CHILE (PROYECTO DE LEY) Chile (available in Spanish only)

- CCAMLR-XIII/BG/27 USE OF VESSEL MONITORING SYSTEMS TO ASSIST IN FISHERIES  
MANAGEMENT - THE NEW ZEALAND EXPERIENCE  
Delegation of New Zealand
- CCAMLR-XIII/BG/28 REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL  
MORTALITY IN THE CCAMLR CONVENTION AREA DURING THE 1993/94  
SEASON  
Russian Federation
- CCAMLR-XIII/BG/29 REQUEST FOR PARTICIPATION IN *D. ELEGINOIDES* FISHERY  
Observer, Bulgaria
- CCAMLR-XIII/BG/30 INTERSESSIONAL WORK ON LONGLINE INCIDENTAL MORTALITY  
1994/95
- CCAMLR-XIII/BG/31 SPEECH BY AMBASSADOR EDWARD J. PERKINS AT CCAMLR,  
HOBART, TASMANIA
- \*\*\*\*\*
- CCAMLR-XIII/MA/1 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
Germany
- CCAMLR-XIII/MA/2 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
Poland
- CCAMLR-XIII/MA/3 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
South Africa
- CCAMLR-XIII/MA/4 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
France
- CCAMLR-XIII/MA/5 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
Sweden
- CCAMLR-XIII/MA/6 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
Australia
- CCAMLR-XIII/MA/7 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
Chile
- CCAMLR-XIII/MA/8 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
Russia
- CCAMLR-XIII/MA/9 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
New Zealand
- CCAMLR-XIII/MA/10 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
Norway
- CCAMLR-XIII/MA/11 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
Korea
- CCAMLR-XIII/MA/12 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
USA
- CCAMLR-XIII/MA/13 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
United Kingdom

- CCAMLR-XIII/MA/14 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
Japan
- CCAMLR-XIII/MA/15 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
Brazil
- CCAMLR-XIII/MA/16 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
Italy
- CCAMLR-XIII/MA/17 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
Argentina
- CCAMLR-XIII/MA/18 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1993/94  
Spain

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SCIENTIFIC COMMITTEE FOR THE CONSERVATION OF ANTARCTIC  
MARINE LIVING RESOURCES
- SC-CAMLR-XIII/2 ANNOTATED PROVISIONAL AGENDA FOR THE THIRTEENTH MEETING  
OF THE SCIENTIFIC COMMITTEE FOR THE CONSERVATION OF  
ANTARCTIC MARINE LIVING RESOURCES
- SC-CAMLR-XIII/3 REPORT OF THE WORKING GROUP FOR THE CCAMLR ECOSYSTEM  
MONITORING PROGRAM  
(Cape Town, South Africa, 25 July to 3 August 1994)
- SC-CAMLR-XIII/4 REPORT OF THE SIXTH MEETING OF THE WORKING GROUP ON KRILL  
(Cape Town, South Africa, 25 July to 3 August 1994)
- SC-CAMLR-XIII/5 REPORT OF THE JOINT MEETING OF THE WORKING GROUP ON KRILL  
AND THE WORKING GROUP FOR THE CCAMLR ECOSYSTEM  
MONITORING PROGRAM  
(Cape Town, South Africa, 27 July to 2 August 1994)
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(Hobart, Australia, 11 to 19 October 1994)
- SC-CAMLR-XIII/7 REPORT OF THE *AD HOC* WORKING GROUP ON INCIDENTAL  
MORTALITY ARISING FROM LONGLINE FISHING  
(Hobart, Australia, 21 and 22 October 1994)
- SC-CAMLR-XIII/8 ANTARCTIC PACK ICE SEALS RESEARCH INITIATIVE  
SCAR Group of Specialists on Seals

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- SC-CAMLR-XIII/BG/1 STATUS OF CATCHES IN THE CONVENTION AREA 1993/94 SEASON  
Rev. 1 Secretariat
- SC-CAMLR-XIII/BG/2 DRAFT CEMP TABLES 1 TO 3  
Secretariat
- SC-CAMLR-XIII/BG/3 ENTANGLEMENT OF ANTARCTIC FUR SEALS *ARCTOCEPHALUS*  
*GAZELLA* IN MAN-MADE DEBRIS AT BIRD ISLAND, SOUTH GEORGIA  
DURING THE 1993 WINTER AND 1993/94 PUP-REARING SEASON  
Delegation of United Kingdom

- SC-CAMLR-XIII/BG/4 FISHING GEAR, OIL AND MARINE DEBRIS ASSOCIATED WITH SEABIRDS AT BIRD ISLAND, SOUTH GEORGIA, 1993/94  
Delegation of United Kingdom
- SC-CAMLR-XIII/BG/5 REPORT ON CCAMLR'S PARTICIPATION AT THE FAO *AD HOC* CONSULTATION ON THE ROLE OF REGIONAL FISHERIES AGENCIES IN RELATION TO HIGH SEAS STATISTICS  
(La Jolla, California, USA, 13 to 16 December 1993)
- SC-CAMLR-XIII/BG/6 OBSERVER'S REPORT FROM THE 1994 MEETING OF THE SCIENTIFIC COMMITTEE OF THE INTERNATIONAL WHALING COMMISSION  
Observer (W.K. de la Mare, Australia)
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(Venice, Italy, 30 May to 3 June 1994)
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Secretariat
- SC-CAMLR-XIII/BG/9 CCAMLR SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION  
Rev. 1 PRELIMINARY REPORT OF THE SCIENTIFIC OBSERVER - F/V *MAKSHEEVO*, 7 FEBRUARY TO 18 APRIL 1994  
Delegation of USA
- SC-CAMLR-XIII/BG/10 CCAMLR SEA-ICE DATA PROJECT  
Secretariat
- SC-CAMLR-XIII/BG/11 REVISION OF THE STATISTICAL BULLETIN  
Secretariat
- SC-CAMLR-XIII/BG/12 REPORT ON FISHERY AND SCIENTIFIC ACTIVITY OF UKRAINE IN THE ANTARCTIC IN 1993/94  
Observer (Ukraine)
- SC-CAMLR-XIII/BG/13 OB' AND LENA BANKS  
Report of Observer (Ukraine)
- SC-CAMLR-XIII/BG/14 SUMMARY REPORT OF THE UK NOMINATED SCIENTIFIC OBSERVERS ON FV *IHN SUNG 66*, 15 DECEMBER 1993 TO 7 FEBRUARY 1994  
Delegation of United Kingdom
- SC-CAMLR-XIII/BG/15 INFORMATION ON SQUID RELEVANT TO CCAMLR AREA, 1993/94  
Delegation of United Kingdom
- SC-CAMLR-XIII/BG/16 INTERNATIONAL DATA MANAGEMENT  
Secretariat
- SC-CAMLR-XIII/BG/17 THE PROPOSED TERMS OF REFERENCE FOR THE COMBINED WG-KRILL AND WG-CEMP WORKING GROUP  
Delegation of USA

**AGENDA FOR THE THIRTEENTH MEETING OF THE COMMISSION**

## AGENDA FOR THE THIRTEENTH MEETING OF THE COMMISSION

1. Opening of the Meeting
  - (i) Organisation of the Meeting
  - (ii) Adoption of the Agenda
  - (iii) Report of the Chairman
  
2. Finance and Administration
  - (i) Examination of Audited Financial Statements for 1993
  - (ii) Appointment of Auditor
  - (iii) Review of Budget for 1994
  - (iv) Publications Distribution Policy
  - (v) *CCAMLR Science*
  - (vi) Meeting Costs
  - (vii) Budget for 1995 and Forecast Budget for 1996
  - (viii) Review of Formula for Calculating Members' Contributions
  - (ix) CCAMLR Flag
  
3. Report of the Scientific Committee
  
4. Assessment and Avoidance of Incidental Mortality of Antarctic Marine Living Resources
  - (i) Marine Debris
  - (ii) Incidental Mortality of Marine Animals during Fishing Operations
  
5. Observation and Inspection
  - (i) Operation of the System of Inspection
  - (ii) Compliance with Conservation Measures in Force
  - (iii) Operation of the Scheme of International Scientific Observation
  - (iv) Establishment of an Intersessional Procedure for Notifying CCAMLR Members of Infractions and Sanctions Imposed by Flag States
  - (v) Election of Chairman of SCOI
  
6. New and Exploratory Fisheries

7. Conservation and Management of the Antarctic Marine Living Resources in Statistical Subareas 48.3 and 48.4
8. Conservation Measures
  - (i) Review of Existing Measures
  - (ii) Consideration of New Measures and Other Conservation Requirements
9. Scientific Research Exemption
10. Management under Conditions of Uncertainty about Stock Size and Sustainable Yield
11. Cooperation with Other Elements of the Antarctic Treaty System
  - (i) XVIIIth Antarctic Treaty Consultative Party Meeting
  - (ii) Coordination of CEMP Site Protection within the Antarctic Treaty System
12. Cooperation with Other International Organisations
  - (i) Reports of Observers from Other International Organisations
  - (ii) Reports of CCAMLR Representatives at Meetings of Other International Organisations
  - (iii) Establishment of a General CCAMLR Policy on the Designation of CCAMLR Observers to International Conferences or Meetings
  - (iv) Future Cooperation
13. Review of Current Arrangements for Inviting Observers to CCAMLR Meetings
14. Election of Chairman of the Commission
15. Next Meeting
16. Other Business
17. Report of the Thirteenth Meeting of the Commission
18. Close of the Meeting.

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

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

The following agenda items were considered by the Standing Committee on Administration and Finance (SCAF) for preliminary discussion:

Examination of Audited Financial Statements for 1993 (CCAMLR-XIII/3)

Appointment of Auditor (CCAMLR-XIII/3 and CCAMLR-XIII/6)

Review of Budget for 1994 (CCAMLR-XIII/4)

Publications Distribution Policy (CCAMLR-XIII/7)

*CCAMLR Science* (CCAMLR-XIII/BG/10)

Meeting Costs (CCAMLR-XIII/8)

Budget for 1995 and Forecast Budget for 1996 (CCAMLR-XIII/4)

Review of Formula for Calculating of Members' Contributions (CCAMLR-XIII/5)

CCAMLR Flag

### AUDITED FINANCIAL STATEMENTS

2. **The Committee recommended that the Commission adopt the financial statements as presented in CCAMLR-XIII/4.** The Committee noted that the audit report to the 1993 Financial Statements advised no qualifications in respect of compliance with Financial Regulations or International Accounting Standards.

### APPOINTMENT OF AUDITOR

3. **The Committee recommended that the Commission appoint the Australian National Audit Office as auditor in respect of the Financial Years 1994 and 1995.** The Committee considered it appropriate that the Australian National Audit Office, whose term of appointment had ended, should be reappointed auditor of the Commission for the next two years.

4. **The Committee recommended that the Commission adopt the changes to the Financial Regulations as outlined in Appendix 1 to this report.** The changes are needed to permit the Commission to require only a review audit to be performed in any particular year, as

a cost saving measure.

5. **The Committee recommended that the Commission require that only a review audit be performed on the 1994 Financial Statements.** The Committee advises that a full audit is not necessary in respect of the current year, and that the cost savings from having only a review audit would be A\$4 000.

#### REVIEW OF 1994 BUDGET

6. The Committee noted that there are no items of expenditure expected to exceed the budgeted amounts in 1994.

#### PUBLICATIONS DISTRIBUTION POLICY

7. While recognising the problems which have resulted from the implementation of the publications distribution policy in 1993, the Committee noted that many of these related to the introduction stage only. It would therefore be inappropriate for the Commission to change its 1993 decision that the existing policy be introduced for a trial period of two years. **The Committee recommended that the Commission direct the Secretariat to correspond with Members during the intersessional period to obtain information on any adverse effect that the introduction of this policy may be having on the level of awareness of CCAMLR's activities.**

#### *CCAMLR SCIENCE*

8. The Committee received the report of the Executive Secretary (CCAMLR-XIII/BG/10) and verbal advice from the Chairman of the Scientific Committee. The production of this publication has caused many problems, but the budget has not been exceeded and the resulting *CCAMLR Science* journal has been well received by members of the Scientific Committee. Because the first issue had been received only in the last few days, it is too early to assess subscriber interest. The Committee saw no need to provide further advice to the Commission on *CCAMLR Science* at this stage.

## MEETING COSTS

9. The Committee discussed the options for possible cost savings outlined by the Secretariat in CCAMLR-XIII/8, and agreed that it is not in a position to recommend any further cost savings to the Commission in respect of the annual meetings of the Commission and Scientific Committee at this stage. However, the Secretariat should continue to aim at reducing costs wherever possible.

## 1995 BUDGET

10. **The Committee recommended that the Commission approve the individual elements of the budget as set out in the attached table.** The 1995 expenditure budget of A\$1 691 900 compares with a 1994 expenditure budget of A\$1 633 000. The increase of A\$58 900 represents an increase of 3.5%; after adjustment for inflation this represents zero real growth. The Committee particularly noted the efforts of the Scientific Committee in keeping its budget increase below the rate of inflation.

11. The Committee noted the advice of the Secretariat that the Commission has been increasing the workload of the Secretariat without proportional increases in the resources provided. The Committee recommended that the Commission address the issue in the following manner:

- **the Commission consider an order of priority for work to be performed;**
- **any proposals put to the Commission or Scientific Committee for work to be performed to include a statement of the financial implications; and**
- **the Secretariat be directed to prepare, for the consideration of SCAF at the 1995 meeting a set of two alternative budgetary proposals (with growth rate or zero real growth) that would include or delete work to be performed according to priorities set by the Commission.**

## 1996 FORECAST BUDGET

12. The Committee noted a forecast 1996 expenditure budget of A\$1 759 700.

## REVIEW OF FORMULA FOR CALCULATING MEMBERS' CONTRIBUTIONS

13. **The Committee recommended to the Commission that the existing formula for calculating Member contributions be used as a basis for the 1995 budget contributions.**

The Committee considered the Secretariat's report on the new formula for calculating Members' contributions to the 1995 budget. It discussed some of the elements of the formula suggested by the Secretariat. It concluded that the previous formula needed improvements, in terms particularly of its lack of equity between contributions from fishing and non-fishing Members, and between fishing Members themselves. A number of Members suggested that the proposed new formula should be given a trial for a year. Others made suggestions for changes to the new formula. Yet others said that they were not ready to endorse the new formula, because their concerns had not been addressed.

14. The Committee concluded that although there was consensus on many principles contained in the new formula, it was not possible at this stage to agree to adopt it, or to amend it so as to be able to reach agreement. It agreed to continue to use the previous formula for 1995, on the understanding that it would continue negotiations intersessionally on the basis of the new formula, with a view to securing consensus as a matter of high priority at the next meeting.

15. To this end the Committee encouraged all Members to review their positions and convey comments or alternative proposals to other Members and to the Secretariat intersessionally. It asked the Secretariat to prepare and circulate a composite text including any alternative proposals to enable Members to continue intersessional negotiations. It resolved to work towards agreement on a new formula at the next session of the Commission.

### CCAMLR FLAG

16. The Executive Secretary presented to the Committee two possible designs for the flag for the consideration of Members prior to discussion at the plenary meeting of the Commission.

OTHER BUSINESS

17. The Committee noted that there had not been sufficient time for discussion of all of the issues referred to it for consideration and **recommended that the Commission direct that this Committee commence informal discussions on the budget issues in 1995 on the day before the opening of the Commission meeting.**

18. Subsequent to completion of discussions on the 1995 budget, the Committee was advised of proposals by the Standing Committee on Observation and Inspection (SCOI), including for the production of inspection forms and glossaries in languages of all Members engaged in fishing in the Convention Area, which would result in expenditure which had not been included in the 1995 budget. The Secretariat was directed to provide the Commission with the financial implications of these proposals in order that the Commission can make an informed decision on this matter.

**RECOMMENDED MODIFICATIONS TO THE FINANCIAL  
REGULATIONS TO PERMIT REVIEW AUDITS**

11.3 If required by the Commission to perform a full audit, the external auditor shall conduct his examination of the statements in conformity with generally accepted auditing standards and shall report to the Commission on all relevant matters, including:

- (a) whether, in his opinion, the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records;
- (c) whether, in his opinion, the income, expenditure and investment of moneys and the acquisition and disposal of assets by the Commission during the year have been in accordance with these Regulations; and
- (d) observations with respect to the efficiency and economy of the financial procedures and the conduct of business, the accounting system, internal financial controls and the administration and management of the Commission.

11.4 If required by the Commission to perform a review audit, the external auditor shall review the statements and accounting controls in operation. He shall report to the Commission whether anything has come to his attention which would cause him to doubt whether:

- (a) the statements are based on proper accounts and records;
- (b) the statements are in agreement with the accounts and records; or
- (c) the income, expenditure and investment of moneys and the acquisition and disposal of assets by the Commission during the year have been in accordance with these Regulations.

Subsequent paragraphs of Regulation 11 to be renumbered.

PROJECTED INCOME AND EXPENDITURE FOR 1994  
BUDGET FOR 1995 AND FORECAST FOR 1996

(Australian Dollars)

Budget for 1994				1995 Budget (4)	1996 Forecast Budget (5)
(1) Budget adopted in 1993	(2) Estimates projected to 31/12/94	(3) Variance from Budget	Item		
			Subitem		
<b>INCOME</b>					
1 355 100	1 328 261	-26 839	Members' Contributions	1 417 500	1 465 000
			Items from previous year		
0	0	0	- Arrears of Contributions	0	0
28 900	24 047	-4 853	- Interest	29 500	36 000
0	0	0	- Members' Contributions	0	0
0	0	0	- New Members' Contributions	0	0
249 000	269 539	20 539	- Staff Assessment Levy	244 900	264 600
0	11 153	11 153	- Surplus	0	0
1 633 000	1 633 000	0	Total Income	1 691 900	1 765 600
<b>EXPENDITURE</b>					
<b>DATA MANAGEMENT</b>					
6 400	6 400	0	Capital Equipment	6 600	6 800
3 700	3 700	0	Consumables	3 800	3 900
60 300	60 300	0	Contract Labour	72 400	82 700
11 400	11 400	0	Maintenance	11 800	12 200
5 500	5 500	0	Time Share Usage	5 700	5 900
87 300	87 300	0	Total Data Management	100 300	111 500
<b>MEETINGS</b>					
388 200	388 200	0	Total Meetings	401 800	414 500
<b>PUBLICATIONS</b>					
103 400	103 400	0	Total Publications	96 400	96 800
<b>SCIENTIFIC COMMITTEE</b>					
127 200	127 200	0	Total Scientific Committee	127 800	131 300
<b>SECRETARIAT COSTS</b>					
19 100	19 100	0	Administration	16 200	16 700
247 800	247 800	0	Allowances	242 100	264 800
5 100	5 100	0	Automobile	4 900	5 100
29 400	29 400	0	Communication	30 400	31 400
3 800	3 800	0	Incidentals	3 900	4 000
3 800	3 800	0	Library	3 900	4 000
29 200	29 200	0	Office Requisites	30 200	31 200
9 000	9 000	0	Premises	9 300	9 600
544 300	544 300	0	Salaries	588 100	601 000
35 400	35 400	0	Travel	36 600	37 800
926 900	926 900	0	Total Secretariat Costs	965 600	1 005 600
<u>A\$1 633 000</u>	<u>A\$1 633 000</u>	<u>A\$0</u>	Total Expenditure	<u>A\$1 691 900</u>	<u>A\$1 759 700</u>

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

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

1.1 The meeting of the Standing Committee on Observation and Inspection (SCOI) was held from 26 to 27 October 1994 under the chairmanship of Ambassador J. Arvesen (Norway). All Members were represented at the meeting. The Observer from Ukraine, which is a new party to the CCAMLR Convention, was also present at the meeting.

1.2 The Commission's Agenda Item 5 was referred to the Committee for consideration. The Chairman suggested that sub-item 1 of Agenda Item 5, 'Operation of the System of Inspection', be considered together with sub-item 2, 'Compliance with Conservation Measures in Force', because both sub-items were closely interlinked. The agreed Agenda of the 1994 meeting of SCOI is given in Appendix I.

1.3 In addition to documents distributed to the Commission and the Scientific Committee meetings, SCOI considered several other papers, including reports of inspections conducted in the 1993/94 season. It was decided to number these papers as internal SCOI documents for reference purposes. The complete list of papers considered by the Committee is given in Appendix II.

### OPERATION OF THE SYSTEM OF INSPECTION AND COMPLIANCE

#### Implementation of Conservation Measures

1.4 All Conservation Measures adopted at CCAMLR-XII were notified to Members on 9 November 1993. There were no objections to any Measures and, in accordance with Article IX 6(b) of the Convention, they became binding on all Members on 8 May 1994. A paper on the implementation of Conservation Measures in 1993/94 was prepared by the Secretariat (CCAMLR-XIII/13).

1.5 The Committee also considered information provided by Members on steps taken by them to implement and ensure compliance with the Conservation Measures (Article XX (3) and Article XXI of the Convention). During the intersessional period, Australia, Japan, Norway and South Africa informed CCAMLR of the steps taken to implement the Conservation Measures.

1.6 The Delegation of the USA advised the Committee that national regulations had been adopted in the previous year which implemented the Conservation Measures adopted by CCAMLR in 1993.

1.7 The Delegation of Chile informed the Committee of the tragic accident on board the Chilean longline vessel *Friosur V*, which was fishing for Patagonian toothfish in Subarea 48.3. The captain and one crew member died as a result of the fire on board the vessel (CCAMLR-XIII/BG/25). The Delegation of Chile expressed its gratitude to the Government of the United Kingdom for the assistance given in locating the vessel and escorting it to port.

#### Request from Poland for Exemption from Conservation Measure 30/X

1.8 Last year the Delegation of Poland proposed that the Commission amend Conservation Measure 30/X in order to allow Polish fishing vessels to defer the installation of cableless netsondes to the end of 1995. The Commission noted that the measure was passed two years ago, and recommended the Government of Poland to urge its fleet to comply with this measure. It was agreed to place this issue on this year's Commission Agenda (CCAMLR-XII, paragraph 5.21).

1.9 In asking the Committee to explore the possibility of granting an exemption from Conservation Measure 30/X for one Polish krill trawler until the end of 1995, the Delegation of Poland explained that this vessel was the last in a series of vessels equipped with cable netsondes. This series is to be replaced with new vessels at the beginning of 1996. For this reason, Poland advised that the installation of cableless net monitoring equipment was uneconomic at this late stage.

1.10 It was further explained that the netsonde cable on this Polish vessel is deployed in accordance with the scheme recommended by the Commission for the phasing-out period for the use of such cables (CCAMLR-X, paragraph 5.11). Fishing for krill is conducted at low speed and the duration of trawls is short. No cases of birds being incidentally killed by the netsonde cable during fishing for krill have been observed on this vessel during the past three seasons. The Delegation of Poland invited CCAMLR Members to consider placing a scientific observer on board the vessel in order to monitor incidental mortality of seabirds. The Delegation of Australia expressed its concern at the Polish request and the precedent it would set of derogating from a conservation measure.

1.11 After careful and detailed consideration of the issue, the Committee recommended that the Commission agree to the request from the Delegation of Poland to allow one Polish vessel to carry out fishing activities with the use of a net monitor cable until the beginning of the next meeting of the Commission, subject to the following conditions:

- (i) that Poland will place an international observer on board the vessel for at least three months during the period while the vessel is deployed in the Convention Area and undertaking fishing activities. Russia has agreed to provide a scientific observer for this purpose; and
- (ii) in order to give effect to Conservation Measure 30/X, Poland will ensure that the vessel immediately ceases to use the net monitor cable should it cause any incidental mortality of seabirds.

1.12 The Committee decided that there will be no consideration of any further requests for delay in the implementation of Conservation Measure 30/X. The Committee recommended that the report of the above-mentioned observer should be reviewed at its next meeting. The report shall be submitted in accordance with the CCAMLR Scheme of International Scientific Observation.

1.13 The Committee noted that the Delegation of Poland would advise the Commission when it reconvened on 31 October that these arrangements had proved acceptable to Polish authorities.

#### Inspections Undertaken in the 1993/93 Season

1.14 Thirty inspectors were designated by Members in accordance with the CCAMLR System of Inspection to carry out inspections in the 1993/94 season. Members which designated inspectors were Argentina (five inspectors), Chile (six), Australia (four), Republic of Korea (one), Poland (three), UK (eight) and USA (three).

1.15 A summary of reports of inspection was prepared by the Secretariat (CCAMLR-XIII/10). Three inspections were reported to the Secretariat. These were carried out by CCAMLR Inspectors designated by the UK. All three inspections were carried out in Subarea 48.3 in January and February 1994. The vessels inspected were the Chilean-registered *Antonio Lorenzo* (longliner) and the Russian-registered *Makshevo* and *Mirgorod* (stern trawlers converted for longlining).

1.16 One of the UK-designated CCAMLR Inspectors, Dr I. Everson, presented to the Committee the conclusions of the inspectors, as follows:

1.17 Inspected vessel - *Antonio Lorenzo* (Chile):

- (i) the vessel which was 300 n miles inside Subarea 48.3 was not actually fishing at the time of the inspection. However, the presence of baited hooks along with all other gear in a state of readiness to fish indicated that there was an intention to fish within a short period of time;
- (ii) fresh toothfish cheek muscles were found in the factory area;
- (iii) the plate freezer had been emptied in a hurry and its contents stowed untidily in the freezer hold;
- (iv) the vessel's navigational and fishing logbooks were incomplete for the period prior to the inspection, making it impossible for the inspectors to determine what activities the vessel had been engaged in during the preceding days;
- (v) the inspectors were of the opinion that the vessel would have been unable to travel from its last reported fishing position, which was outside Subarea 48.3, to the position of the inspection in the time stated by the Master of the vessel;
- (vi) there was considerable doubt that the claim by the master of *Antonio Lorenzo* that he had not fished within Subarea 48.3 was true; and
- (vii) the Master stated that, even though he was 300 n miles inside Subarea 48.3, he was not fishing but merely prospecting the ground.

1.18 Inspected vessel - *Mirgorod* (Russia):

- (i) On 7 February, the *Mirgorod* was found to be fishing in Subarea 48.3 in contravention of Conservation Measure 69/XII. In addition the vessel was not carrying a scientific observer on board as required by this Conservation Measure. Evidence from the logbook indicated that the vessel had been fishing in the area from 26 January until the time of the inspection, also in contravention of Conservation Measure 69/XII, and that 20.7 tonnes of toothfish had been taken within that period;

- (ii) no record was being kept of by-catch of any species, including incidental catch of seabirds; and
- (iii) the practice of cutting drowned birds free before they could be brought on board the vessel appeared to be a deliberate attempt to ‘turn a blind eye’ to what was potentially an extremely serious problem.

1.19 Inspected vessel - *Maksheevo* (Russia):

- (i) At the time of the inspection the vessel was not engaged in fishing. However, the inspectors were unable to determine unequivocally what activity the vessel had been engaged in during the previous night;
- (ii) the Master stated that he had travelled 200 miles into Subarea 48.3 in order to prospect the ground; and
- (iii) the logbook clearly indicated that 14.7 tonnes of toothfish had been taken in Subarea 48.3 during the period 16 November to 10 December 1993 in contravention of CCAMLR Conservation Measure 69/XII.

1.20 A short film, prepared from video taken by inspectors during the course of the three inspections, was shown to the Committee. This provided additional background information to supplement the inspection reports and highlighted a number of important issues concerning infringements.

1.21 Copies of the Inspection Reports were sent to the Flag States concerned and distributed to all Members of the Commission on 18 July as COMM CIRC 94/40. The Delegations of Chile and Russia, the Flag States of the inspected vessels, were asked to comment on actions taken as a result of these inspections.

1.22 Chile received notification of the inspection within 48 hours but the written report of inspection arrived two to three months after the inspection had taken place. It was then transmitted to the appropriate national authorities. Unfortunately, by the time the report was received, the vessel in question had made three calls to port, and it was not possible to verify its compliance with CCAMLR Conservation Measures.

1.23 No actual violations were recorded by the CCAMLR Inspectors. There were, therefore, no grounds for prosecution. All Chilean vessels are required to have licences for fishing both

inside and outside national waters, including the CCAMLR Convention Area. Chile maintains a record of infractions by Chilean vessels registered in the CCAMLR Convention Area and has the capacity to revoke licenses issued to such vessels (CCAMLR-XII/BG/26).

1.24 Russia had undertaken a thorough investigation as a result of the inspectors' reports. As a consequence, sanctions have been imposed on the captains of both fishing vessels, their licences revoked and both vessels have been recalled from working in the CCAMLR Convention Area. STATLANT catch reports of Russian data were updated to take account of catches taken by these vessels.

1.25 The Delegation of Russia also pointed out that, in many cases, difficulties had been encountered in informing fishing vessels of the Conservation Measures adopted by CCAMLR, particularly when conservation measures come into force immediately following the end of the Commission Meeting. Following extensive discussion the Committee agreed that the start of any fishing season for a particular fishery should be taken on a case-by-case basis and no fishing by individual vessels should begin until they are informed of conditions and restrictions of conservation measures as well as the date the conservation measures come into force.

1.26 A concern was also expressed in relation to the video film shown to the Committee. Although the film was taken with the full agreement of the captains of the vessels, copies of the film should have been sent first to Flag States together with the Inspection Reports. The Delegation of Russia considered that the System of Inspection, which has a specific requirement regarding photographs, should also cover all video and cinematographic material. The video film would have helped the Russian authorities in investigating the facts recorded by the inspectors.

1.27 The Committee expressed its satisfaction with the way both Flag States conducted their investigations and with the sanctions imposed by Russia in relation to their vessels. It was noted that this was done in full accordance with the Convention.

1.28 The Committee noted that present procedures for the notification of alleged infractions of Conservation Measures have resulted in undesirable delays before Members were informed of the results of inspections. The Delegation of Australia suggested several changes to the existing rules for processing reports of inspections. These are reported in detail in paragraphs 3.1 to 3.7 below.

1.29 The Committee encouraged Members once more to make more extensive use of the System of Inspection. During the first six years of the operation of the System, the level of

inspections was very low, with only seven inspections reported to the Commission. The requirement for more active participation of Members in the System had become clearly obvious in the light of illegal fishing operations recently observed in the CCAMLR Convention Area. The Committee decided to recommend that the Commission:

- (i) express its deep concern regarding the strong indication that large-scale fishing in contravention of Conservation Measures in force is taking place in the CCAMLR Convention Area; and
- (ii) remind Members of their treaty obligations to ensure that their flag vessels conduct their activities in the Convention Area in conformity with Conservation Measures in force, and that infractions of these measures are sanctioned promptly and effectively.

1.30 The Delegation of the UK advised the Committee that the Chilean-registered longlining vessel *Isla Guamblin* had been fishing illegally in Subarea 48.3. Relevant information had been communicated to the Chilean authorities.

1.31 The Delegation of Chile informed the Committee that, after receiving the information, an investigation was undertaken which found that the vessel *Isla Guamblin* called at the port of a third State before returning to Chile. Chile had approached the appropriate authorities of that State and asked their assistance in confirming this fact, but so far no response has been received. The Commission would be informed of the response when it was received.

1.32 In this connection some members of the Committee felt that the case might be related to fishing under a Flag of Convenience. The Delegation of the USA drew the Committee's attention to the new Agreement to Promote Compliance with Internationally Agreed Conservation and Management Measures by Vessels Fishing on the High Seas. Other Delegations noted that the third party concerned was an Acceding State to the CCAMLR Convention and, as such, had certain obligations, in particular those listed in the Article XXI of the Convention, which the Commission may wish to raise with this party. While some Members felt that the Commission should take immediate action, others thought that it may be premature to do so before Chile had received a response from the authorities of that third party.

1.33 The Delegation of the UK also reported sightings on 8 and 13 October 1994 of the Belize vessel *Liberty* fishing in Subarea 48.3. The name and registration details of the vessel had been painted out. The presence of this vessel represented evidence of fishing by non-Member countries in the Convention's waters. The Secretariat was asked to write to the Government of

Belize and draw its attention to the objectives of the CCAMLR Convention and request comments in respect of activities of the above-mentioned vessel in the CCAMLR Convention Area.

#### Satellite-linked Vessel Monitoring System (VMS)

1.34 At its meeting during CCAMLR-XII (1993), SCOI recommended that a sub-item on the use of remotely-sensed automatic position-fixing systems on vessels fishing in the Convention Area be included in the Provisional Agenda of the 1994 meeting of the Commission. In approving this recommendation, the Commission agreed that the use of these systems would be an important step towards ensuring that the objectives of the Convention were effectively met (CCAMLR-XII, paragraph 6.17).

1.35 The Secretariat had been directed to explore the feasibility of using transponders linked to vessels' Global Positioning System (GPS) which regularly transmit vessel identification and position, and also to prepare a paper containing proposals and addressing matters of costs and data confidentiality, to be tabled at the 1994 meeting of SCOI. The required paper was prepared by the Science Officer and presented to the Committee (CCAMLR-XIII/11).

1.36 The proposal for the CCAMLR Vessel Monitoring System (VMS) was based on the use of integrated Inmarsat-C/GPS terminals installed on the vessels of all CCAMLR Members fishing in the Convention Area. It is proposed that handling the position reports from the vessels of CCAMLR Members will be carried out at a central Fisheries Monitoring Centre (FMC) maintained by the CCAMLR Secretariat on behalf of all Members.

1.37 An Inmarsat-C/GPS-linked system has been selected for the following reasons:

- highly accurate measurement of position, speed and course, calculated in real-time;
- reports can be set remotely for any varied interval;
- access to communications and safety Global Marine Distress Signal System (GMDSS)-compatible facilities for vessel operators; and
- low cumulative equipment and transmission costs for vessel operators.

1.38 The main benefits of the VMS are considered to be the following:

- it would improve the efficiency of fisheries monitoring by identifying probable infringements of fishing regulations and would, consequently, allow optimisation of the deployment of inspectors;
- the very presence of the system would probably act, to some extent, as a deterrent against fishermen committing infringements; and
- in general, it would improve the enforcement of an applied conservation regime.

1.39 The Delegation of the UK noted that the VMS system, whilst providing a basis for the management of vessels within the fishery, would not ensure compliance. Unauthorised vessels operating within the Convention Area would probably not be carrying the system.

1.40 It was stressed that a VMS would complement rather than replace traditional monitoring methods, such as boarding by inspectors. The following disadvantages were identified:

- the system would only be capable of monitoring compliance with certain types of regulations, namely those which relate to vessels of particular flags and types, fishing in certain geographical areas at certain times (as distinct from regulations concerned with fishing for a particular species); and
- it would not necessarily be capable of providing legally conclusive proof that a vessel was fishing; physical inspection would still be required to obtain such proof.

1.41 In considering the proposal described above, the Committee commended the Science Officer for the preparation of an excellent paper.

1.42 The Delegation of Germany informed the Committee that the European Economic Community (EEC) has made a commitment to decide before 1 January 1996 when, and to what extent, a continuous position-monitoring system will be installed on EEC members' fishing vessels. In order to assess the technologies to be used and the vessels to be included in a satellite-based monitoring system, the EEC member states will carry out pilot projects in 1994/95. The results of these pilot projects will be analysed and reported in September 1995. The Committee asked the EEC members in CCAMLR to make these reports available to CCAMLR in order to consider them when further evaluating the applicability of VMS to the CCAMLR Convention Area.

1.43 The Delegation of Poland informed the Committee that Poland will follow with interest the results of the introduction of these pilot projects by member states of the EEC. A continuous position-monitoring system should not, however, be introduced for krill fishing due to its current low level.

1.44 The Delegation of Japan stated that, in general, it supported an investigation of the possible use of VMS in the CCAMLR Convention Area. Any decision on the implementation of VMS should depend on clear objectives. The examples of such objectives were described, i.e., regulation of the southern bluefin tuna fishery in the southern Pacific and the pollack fishery in the Bering Sea. In the case of the krill fishery in the Convention Area, Japan does not see any need to introduce VMS, mainly because the level of fishing is far too low compared to TACs and there are no closed areas or seasons.

1.45 The view expressed by Japan and Poland with regard to its present application was shared by the Committee.

1.46 The Delegation of Russia informed the Committee that a study on the use of transponders on national and foreign vessels operating in Russian waters is in progress but Russia does not yet have practical experience in the use of transponders on fishing vessels. In general, Russia considers that VMS in the CCAMLR Convention Area might be applied in future but only for some specific fisheries. Any decision on this matter would take into account both financial and technical problems associated with it.

1.47 The Delegation of Japan added that, before deciding on the introduction of VMS, the Committee should carefully consider all aspects of the confidentiality of handling information in the position reports.

1.48 The Delegation of Chile advised the Committee of domestic legislation which will make the use of satellite-linked transponders compulsory for all Chilean fishing vessels within the CCAMLR Convention Area (CCAMLR-XIII/BG/26). It is expected that the legislation will be ratified by the Senate in the near future. The Committee welcomed this development.

1.49 The Delegations of Australia and New Zealand described to the Committee their experiences in establishing and operating VMS for monitoring fishing activities in their respective national waters (CCAMLR-XIII/BG/9 and 27). Initial results indicated that the use of VMS increased the level of compliance by fishermen with fishing regulations. It was also found

that VMS acted as a deterrent against fishermen committing infringements. Australia advised that use of VMS Inmarsat-C/GPS had generated cost savings by improving the efficiency of physical inspections.

1.50 In conclusion, the Committee decided that it should continue consideration of the issue. The Secretariat was asked to prepare for the next meeting a proposal on the possible configuration of VMS for the CCAMLR Convention Area based on the use of the Inmarsat-C/GPS-linked system. The proposal should concentrate on finfish fisheries and should consider factors including the results of the EEC pilot projects described in paragraph 1.41 above. Members were asked to assist the Secretariat in preparing this proposal.

1.51 The Delegation of Australia suggested that the Secretariat visit the Australian Fisheries Management Authority VMS Centre in Canberra in order to get first-hand information on the actual operation of their system and also the Forum Fisheries Agency to see how VMS has been used in a multi-lateral context. It was noted that the required expertise is available in the USA and the USA offered technical assistance to design a VMS.

#### Proposals to Improve the CCAMLR System of Inspection

1.52 The Delegation of the UK submitted proposals to improve the CCAMLR System of Inspection (CCAMLR-XIII/17).

1.53 Experience from the CCAMLR inspections carried out during the most recent, and previous, seasons had highlighted two potential deficiencies in the CCAMLR System of Inspection.

1.54 Firstly, under Section III of the System of Inspection, CCAMLR Inspectors are entitled to carry out inspections on board vessels engaged in scientific research or harvesting of marine living resources in the Convention Area, but a vessel might claim to be in transit through the Convention Area and might seek to deny an inspector the right to board the vessel and investigate compliance.

1.55 Secondly, that the identification of infringements of CCAMLR Conservation Measures was complicated by the fact that unless a vessel was encountered actually engaged in fishing then no such infringement could be deemed to have occurred.

1.56 The Delegation of the UK proposed three solutions to address these problems:

- (i) that the **Right of Inspection** should be confirmed to extend to any fishing or fisheries research vessel registered in the territory of a Member and present in the Convention Area;
- (ii) that a system of **Vessel Notification** be introduced whereby flag states would notify the Secretariat of the intention of their vessels to enter, or exit, or move between the subareas and/or divisions of the Convention Area; and
- (iii) that a more comprehensive **Definition of Fishing** be introduced, possibly as an Annex to the System of Inspection or a preface to the Schedule of Conservation Measures in force.

1.57 In general members of the Committee noted with appreciation the UK initiative as a means of strengthening the System of Inspection, but several specific concerns were raised. These are summarised below.

1.58 **The Right of Inspection**: Concern was expressed over a possible conflict with Article XXIV of the Convention. It was suggested that the proposed changes might interfere with the concept of the freedom of navigation of international maritime law. It was further suggested that the existing wording of the System of Inspection, when interpreted in more general terms, may be extended to include the right of inspections of vessels which are not engaged in any scientific research or fishing activities at the time of inspection.

1.59 The Delegation of the UK explained that there was no contradiction. Article XXIV of the Convention should be read in conjunction with Article IX 1(g). Article XXIV lays down principles, rather than rules, of an inspection system and requires the Commission to elaborate the principles.

1.60 **Vessel Notification**: The proposed system is modelled on the NAFO 'Hail' system. It was originally designed to account for specifics of fishing in the NAFO area. Its introduction took some four years. Recent information indicates that the system is hard to maintain and has many logistical problems associated with it. It also requires substantial expenditure.

1.61 **Definition of Fishing**: This new concept would need detailed analysis and reflection, taking into account the experience of Member states. The Delegation of Australia

offered to make available its definition of fishing contained in its national legislation. Another comment was expressed that new and expanded definition 'engaged in fishing' may have legal implications for fisheries in other parts of the world, which should be avoided.

1.62 The Delegation of France advised the Committee that a French System of Inspection has been in place for some time for Kerguelen and Crozet Islands waters. It does not contradict the CCAMLR System but has several provisions tailored specifically to meet the requirements of the national EEZ regime, as expressed in the Statement by the Chairman of the Conference on the Conservation of Antarctic Marine Living Resources on 19 May 1980.

1.63 The Delegation of Argentina pointed out that a casuistic approach may not necessarily represent an improvement in respect of the present conceptual approach in the existing principles embodied in Article II (3).

1.64 The Committee considered proposals to improve the CCAMLR System of Inspection and recommended that the Commission note that, under the present system, CCAMLR Inspectors may board a fishing or fisheries research vessel to determine whether the vessel is engaged in fishing activities or fisheries research. The Committee proposed further to consider improvements to the System at its 1995 meeting as a separate item.

1.65 The Committee agreed that the **Vessel Notification** system required further analysis. The Committee requested the Secretariat to carry out a feasibility study and prepare a paper on the subject for consideration at the next meeting of SCOI.

1.66 In relation to the **Definition of Fishing**, the Committee requested Members to consider further the UK proposal and advise the Secretariat of their comments and specific suggestions. The Secretariat would then prepare a summary of these comments and suggestions received, or other alternatives to deal with this problem. In order to complete this proposal in time for the next meeting of SCOI, Members were requested to comment as soon as practicable and not later than 1 June 1995.

#### REVISION OF INSPECTION REPORTING FORMS

1.67 In 1993 the Delegation of the UK suggested that it might be useful to consider adding to existing inspection report forms details relating to specific Conservation Measures applicable to particular fisheries (CCAMLR-XII, Annex 5, paragraphs 13 and 14).

1.68 The Committee decided that the revision of forms should be considered in detail at the 1994 meeting of SCOI. The Secretariat was asked to consult with Members during the intersessional period and to prepare a draft proposal. This proposal was to explore various ways of improving existing forms and, in particular, of designing new forms which might be used to report inspections of all types of fishing operations (i.e., trawl, longline and pot fisheries).

1.69 Two papers were tabled, one prepared by Dr Everson (CCAMLR-XIII/BG/12) and the other by the Secretariat (CCAMLR-XIII/BG/13). The drafts are not contradictory and were designed taking into account similar criteria.

1.70 The Committee considered both proposals and decided to use the draft form outlined in CCAMLR-XIII/BG/12 for the development of a standard CCAMLR inspection form. It was suggested that the Secretariat develop the prototype of the form in consultation with Drs Everson and R. Holt (USA) and submit it to the next meeting of SCOI. Members were asked to advise the Secretariat if there were any omissions in the proposed form.

1.71 The Secretariat suggested that any new standard form agreed by SCOI might first be tested in the field. The production of only a limited number of copies of the new form is required for this purpose.

1.72 In order to facilitate the conduct of inspections on board vessels, the Delegation of the UK proposed that the Secretariat expand the existing glossary of terms from the *Inspectors Manual*, to cover all expressions used in the new inspection report form. The new form should be translated into all the languages of CCAMLR Flag States fishing in the Convention Area. These proposals were approved by the Committee.

## OPERATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

### Operation of the Scheme in the 1993/94 Season

2.1 Last year the Commission suggested that the Scheme of International Scientific Observation be used for placing observers on a high proportion of longline vessels to collect the data required for a reliable assessment of the number and species of birds incidentally captured on longlines (CCAMLR-XII, paragraph 5.20).

2.2 In the 1993/94 season, it was a requirement of Conservation Measure 69/XII that a scientific observer designated under the Scheme be aboard each vessel fishing for Patagonian toothfish in Subarea 48.3.

2.3 In accordance with the Scheme, scientific observers were designated by the UK (three observers on the Korean vessel and one observer on the Chilean vessel), the USA (one observer on the Russian vessel) and Russia (one observer on the vessel operated jointly by Bulgaria and Ukraine). Copies of bilateral agreements on observers have been submitted to the Secretariat and are available to interested Members on request.

2.4 Reports of observers from the UK and USA were submitted to the Scientific Committee for consideration (SC-CAMLR-XIII/BG/9 Rev.1 and SC-CAMLR-XIII/BG/14). The Delegation of Russia informed the Committee that its observer had completed the observation program on board the joint Bulgaria/Ukraine vessel and returned to the vessel's home port on 20 October. His report will be submitted to the Secretariat at a later date.

2.5 Dr G. Parkes (UK) presented the reports compiled by the UK-nominated observers, informing the Committee of their observations on board the Korean longliner *Ihn Sung 66*. The cooperation of the crew was acknowledged and appreciated. There were, however, some difficulties. In particular, it appeared that at the beginning of the cruise the captain was unaware of Conservation Measure 69/XII regarding the conduct of experimental fishing.

2.6 The Delegations of the UK and USA suggested that the Committee draw the Commission's attention to certain difficulties in the implementation of the scientific observation program, such as searching for a qualified observer with a knowledge of the Flag State language, funding and transportation of the observer to and from the vessel, negotiating bilateral agreements at various levels ranging from Governments to fishing companies and individuals.

2.7 It was also decided to draw the attention of the Commission to the necessity to urge Members to try to initiate negotiations for placing observers early in the season after the annual meetings of CCAMLR, rather than at the beginning of the fishery.

2.8 The Chairman of SCOI relayed the request from the Chairman of the Scientific Committee for comments on various proposals dealing with the implementation of the Scheme of International Scientific Observation contained in the report of the *Ad Hoc* Working Group on Incidental Mortality Arising from Longline Fishing (WG-IMALF).

2.9 As this report had been distributed only a day before SCOI met, the Committee did not have enough time to consider it in detail. However, it decided that its members should work closely with their Scientific Committee representatives to ensure that any comments were conveyed to the Scientific Committee during its discussion of the report of WG-IMALF.

#### Identification Document of the Scientific Observer

2.10 The Secretariat prepared a draft Identification Document for Scientific Observers. Such an ID card was required in accordance with Article A (e) of the CCAMLR Scheme of International Scientific Observation, 'Scientific observers shall carry a document issued by the designating Member in a form approved by the Commission identifying them as CCAMLR scientific observers'.

2.11 The Committee adopted the draft with one minor change and asked the Secretariat to print the ID card and distribute it to Members.

#### ESTABLISHMENT OF AN INTERSESSIONAL PROCEDURE FOR NOTIFYING CCAMLR MEMBERS OF INFRACTIONS AND SANCTIONS IMPOSED BY FLAG STATES

3.1 Australia had asked that this item be included on the Agenda of this meeting of the Commission. In a paper prepared on the subject, Australia said that present procedures for notification of infractions of Conservation Measures, and any related sanctions, could result in undesirable delays before Members received and acted on advice of such activities (CCAMLR-XIII/16). A number of changes to the existing reporting requirements were suggested in this paper.

3.2 In presenting the paper, the Delegation of Australia emphasised that prompt notification to CCAMLR Members of any infractions was necessary to allow early consideration of any ramifications of alleged violations. The Delegation of the UK also added that early notification of any illegal catches taken in the Convention Area would be important for the work of the Scientific Committee and its Working Group on Fish Stock Assessment (WG-FSA).

3.3 In general, the Committee supported the Australian proposal but doubts were expressed on the practicality of some deadline requirements. It was agreed that it was difficult to expect a Flag State to inform CCAMLR promptly of any 'notice of actions, including any consequential sanctions imposed', as sanctions could not be imposed in a short period of time.

3.4 It was noted that the System of Inspection does not include provision for 'any intersessional recommendation of action' by the Executive Secretary, as proposed by Australia, other than those contained in Conservation Measures, i.e., closing fisheries when TACs are completed or fishing seasons are over. In this connection, the Delegation of Japan stated its concern that the Australian proposal, as first presented, may deviate from the principles of Flag State jurisdiction.

3.5 The Committee agreed that a revision of the current rules on the processing of the reports of inspection was desirable and asked the Delegation of Australia to convene a small group in order to draft a proposal, taking into account comments of Members.

3.6 The required draft was prepared and adopted by the Committee (see Appendix III).

3.7 In addition, the Committee emphasised the importance of Members acting promptly to implement the notification and information exchange procedures associated with inspections. The Committee recommends to the Commission that once inspection reporting forms have been transmitted by the CCAMLR Executive Secretary to Members, the information contained therein, and any comments by the Flag State of the inspected vessel, should be available for use by the committees and working groups of the Commission and the Scientific Committee. The Committee further recommends that the Commission should encourage Members to ensure that supplementary reports or information be prepared by inspectors wherever practicable.

#### ELECTION OF THE CHAIRMAN OF SCOI

4.1 Last year the Chairman of SCOI, Ambassador Arvesen, agreed to continue to chair the Committee for an additional year. The Committee should now elect a new Chairman.

4.2 Dr W. Figaj (Poland), the present Vice-Chairman of the Committee, was proposed by the Delegation of Sweden and this proposal was seconded by the Delegation of Argentina. The Committee unanimously elected Dr Figaj as Chairman of the Committee for the period from the end of this meeting to the end of the Committee meeting in 1996.

4.3 The Committee then elected a new Vice-Chairman. Dr S.A.H. Abidi (India) was unanimously elected as Vice-Chairman of the Committee for the period from the end of this meeting to the end of the Committee meeting in 1996.

4.4 On behalf of the Committee, Ms R. Tuttle (USA) expressed gratitude to Ambassador Arvesen for his efforts over the last three years in guiding negotiations and conducting the business of the Committee. The Committee also congratulated the Secretariat and, in particular, the Science Officer for his excellent work in the preparation of the meeting report.

#### ADOPTION OF THE REPORT

5.1 The report of the meeting was adopted.

**AGENDA**

Standing Committee on Observation and Inspection (SCOI)  
(26 to 27 October 1994)

1. Operation of the System of Inspection and Compliance
  - (i) Implementation of Conservation Measures
  - (ii) Request from Poland for Exemption from Conservation Measure 30/X
  - (iii) Inspections Undertaken in the 1993/94 Season
  - (iv) Satellite-linked Vessel Monitoring Systems (VMS)
  - (v) Proposals to Improve CCAMLR System of Inspection
  - (vi) Revision of Inspection Reporting Forms
2. Operation of the Scheme of International Scientific Observation
  - (i) Operation of the Scheme in the 1993/94 Season
  - (ii) Identification Document of the Scientific Observer
3. Establishment of an Intersessional Procedure for Notifying CCAMLR Members of Infractions and Sanctions Imposed by Flag States
4. Election of Chairman of SCOI.
5. Adoption of the Report

## LIST OF DOCUMENTS

Standing Committee on Observation and Inspection (SCOI)  
(26 to 27 October 1994)

SCOI-94/1	DEPLOYMENT OF INSPECTORS, SEASONS AND AREAS COVERED Australia
SCOI-94/2	DEPLOYMENT OF INSPECTORS, SEASONS AND AREAS COVERED United Kingdom
SCOI-94/3	PROCESSING REPORTS OF INSPECTION. SYSTEM OF INSPECTION
SCOI-94/4	REPORT OF INSPECTION, CHILEAN REGISTERED <i>ANTONIO LORENZO</i> United Kingdom
SCOI-94/5	REPORT OF INSPECTION, RUSSIAN REGISTERED <i>MAKSHEEVO</i> United Kingdom
SCOI-94/6	REPORT OF INSPECTION, RUSSIAN REGISTERED <i>MIRGOROD</i> United Kingdom
SCOI-94/7	BILATERAL PROVISIONS FOR REPORTING SCIENTIFIC OBSERVATIONS Secretariat
SCOI-94/8	DRAFT IDENTIFICATION DOCUMENT FOR THE SCIENTIFIC OBSERVER Secretariat
SCOI-94/9	SCOI TERMS OF REFERENCE
SCOI-94/10	TEXT OF THE CCAMLR SYSTEM OF INSPECTION
SCOI-94/11	SYNOPSIS OF INSPECTIONS United Kingdom
CCAMLR-XIII/10	CCAMLR SYSTEM OF INSPECTION SUMMARY OF INSPECTIONS 1993/94 SEASON Secretariat
CCAMLR-XIII/11	REMOTELY-SENSED VESSEL POSITIONING AND DATA REPORTING SYSTEMS APPLICATION TO THE CCAMLR CONVENTION AREA Secretariat
CCAMLR-XIII/13	IMPLEMENTATION OF CONSERVATION MEASURES IN 1993/94 Secretariat

CCAMLR-XIII/16	INTERSESSIONAL NOTIFICATION OF INFRACTIONS AND SANCTIONS Delegation of Australia
CCAMLR-XIII/17	PROPOSAL TO IMPROVE THE CCAMLR SYSTEM OF INSPECTION Delegation of United Kingdom
CCAMLR-XIII/18	COMPLIANCE WITH CONSERVATION MEASURES IN FORCE LAWSUITS INITIATED BY CHILE AGAINST NATIONAL FLAG VESSELS ENCOUNTERED WITHIN THE CONVENTION AREA IN CONTRAVENTION OF THE COMMISSION MEASURES Chile
CCAMLR-XIII/BG/9	USE OF SATELLITE TRANSPONDERS TO ASSIST IN FISHERIES MANAGEMENT - THE AUSTRALIAN EXPERIENCE Delegation of Australia
CCAMLR-XIII/BG/12	CCAMLR INSPECTION SYSTEM - INSPECTION REPORTING FORMS Delegation of United Kingdom
CCAMLR-XIII/BG/13	A PROPOSAL FOR INSPECTION REPORT FORMS Secretariat
CCAMLR-XIII/BG/25	INFORME SOBRE ACCIDENTE DEL NAVIO B/F <i>FRIOSUR V</i> Chile
CCAMLR-XIII/BG/26	OBSERVANCIA DE LAS MEDIDAS DE CONSERVACION VIGENTES SISTEMA DE REGISTRO AUTOMATICO DE NAVES PESQUERAS MATRICULADAS EN CHILE (PROYECTO DE LEY) Chile
CCAMLR-XIII/BG/27	USE OF VESSEL MONITORING SYSTEMS TO ASSIST IN FISHERIES MANAGEMENT - THE NEW ZEALAND EXPERIENCE Delegation of New Zealand
SC-CAMLR-XIII/BG/9 Rev.1	CCAMLR SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION. PRELIMINARY REPORT OF THE US SCIENTIFIC OBSERVER - F/V <i>MAKSHEEVO</i> 7 FEBRUARY TO 18 APRIL 1994 Delegation of USA
SC-CAMLR/XIII/BG/14	SUMMARY REPORT OF THE UK NOMINATED SCIENTIFIC OBSERVERS ON F/V <i>IHN SUNG 66</i> , 15 DECEMBER 1993 TO 7 FEBRUARY 1994 United Kingdom

**INTERSESSIONAL PROCEDURE FOR NOTIFYING  
CCAMLR MEMBERS OF INFRACTIONS AND  
SANCTIONS IMPOSED BY FLAG STATES**

The Committee recommends to the Commission that the following paragraphs replace paragraphs VIII and IX of the CCAMLR System of Inspection.

- VIII. Inspectors shall complete the approved CCAMLR inspection report form.
- (a) The Inspector shall provide a written explanation, on the inspection report form, of any alleged violation of Commission measures in force. The Inspector shall allow the Master of the vessel being inspected to comment, on the inspection report form, about any aspect of the inspection.
  - (b) The Inspector shall sign the inspection report form. The Master of the inspected vessel shall be invited to sign the inspection report form to acknowledge receipt of the report.
  - (c) Before leaving the vessel that has been inspected, the Inspector shall give the Master of that vessel a copy of the completed inspection form.
  - (d) The Inspector shall provide a copy of the completed inspection form to the designating Member at the earliest practicable opportunity.
  - (e) The designating Member shall, as soon as practicable, forward a copy of the inspection form to the CCAMLR Executive Secretary who shall forward a copy of this form to the Flag State of the inspected vessel.
  - (f) Fifteen days after the transmission of the completed inspection form to the Flag State, the CCAMLR Executive Secretary shall transmit that form to Members together with comments or observations, if any, received from the Flag State.

IX. Any supplementary reports or information prepared by the Inspector shall be provided by the designating Member to the CCAMLR Executive Secretary. The CCAMLR Executive Secretary shall provide such reports or information to the Flag State, which shall be then afforded the opportunity to comment, and advise of any actions the Flag State is considering, or has taken, in respect of the report, prior to its consideration by the Commission.