

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

**REPORT OF THE SEVENTEENTH MEETING
OF THE COMMISSION**

HOBART, AUSTRALIA
26 OCTOBER – 6 NOVEMBER, 1998

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Abstract

This document is the adopted record of the Seventeenth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 26 October to 6 November 1998. Major topics discussed at this meeting include: review of the Report of the Scientific Committee; illegal, unreported and unregulated fishing in the Convention Area; assessment and avoidance of incidental mortality of Antarctic marine living resources; new and exploratory fisheries; current operation of the System of Inspection and the Scheme of International Scientific Observation; compliance with conservation measures in force; review of existing conservation measures and adoption of new conservation measures; management under conditions of uncertainty; and cooperation with other international organisations including the Antarctic Treaty System. The Reports of the Standing Committee on Administration and Finance and the Standing Committee on Observation and Inspection are appended.

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REPORT OF THE SEVENTEENTH MEETING OF THE COMMISSION (Hobart, Australia, 26 October to 6 November 1998)

OPENING OF THE MEETING

1.1 The Seventeenth Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources was held in Hobart, Tasmania, Australia from 26 October to 6 November 1998 under the Chairmanship of Mr D. Bock (Germany).

1.2 In opening the meeting, the Chairman assured Members that it was a special honour for Germany to hold the chairmanship until the end of this year's meeting. He stated that CCAMLR, as an international organisation, enjoys an excellent reputation. He noted that the conservation measures adopted each year are exemplary, but that these measures will have little impact if they are not effectively controlled and implemented.

1.3 The Chairman further commented that the extent of illegal fishing, particularly for Patagonian toothfish (*Dissostichus eleginoides*), has led to great concern and seriously undermines CCAMLR's conservation policies. Consideration of the implementation and effectiveness of measures adopted last year, examination of additional measures and decisions necessary to contain illegal fishing were issues that he considered would play a central role at this meeting. However, he did not intend to anticipate the discussions of the ensuing days.

1.4 All 23 Members of the Commission were represented: Argentina, Australia, Belgium, Brazil, Chile, European Community, France, Germany, India, Italy, Japan, Republic of Korea, New Zealand, Norway, Poland, Russian Federation, South Africa, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.

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

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

1.7 At last year's meeting the Commission invited Mauritius and Namibia to attend CCAMLR-XVII as observers. Both countries were represented.

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

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

1.10 Attending his third meeting of the Commission, His Excellency paid tribute to the way in which the Commission had converted that part of the Antarctic Treaty System with which it was concerned into an effective regime supported by equally effective institutional arrangements.

1.11 His Excellency referred to the major challenge created by illegal, unregulated and unreported fishing. Because the international community today more than ever accepts responsibility for conservation and environmental protection, he expressed his hope that this shared responsibility will mean that representations made to Flag States to take appropriate action to combat this problem will have positive results.

1.12 His Excellency also referred to the krill biomass survey to be carried out in the Southern Ocean in 2000. He considered this to be an exciting and important initiative and continued that the project deserved the support of everyone. This will ensure that the precautionary approach to any expanded krill harvesting operation will be based on even more solid foundations. He extended his best wishes for the successful completion of this survey and added that it will be a most auspicious way for CCAMLR to enter the new millennium.

1.13 In concluding the address, His Excellency expressed a hope that delegates may find some time to relax and enjoy some of the delights which Tasmania has to offer.

ORGANISATION OF THE MEETING

Adoption of the Agenda

2.1 The Provisional Agenda (CCAMLR-XVII/1) had been distributed prior to the meeting and was adopted without amendment (Annex 3).

Changes to the Rules of Procedure

2.2 Last year, the Commission agreed to invite Namibia and Mauritius as observers to the Seventeenth Meeting of CCAMLR (CCAMLR-XVI, paragraph 5.36). Both accepted the invitation to attend.

2.3 The Commission discussed the necessary changes to its Rules of Procedure so as to allow invited observers from States of non-Parties to CCAMLR, such as Mauritius and Namibia, to participate in the work of the Commission's subsidiary bodies.

2.4 In accordance with the procedure described in Rules 6 and 22, it was proposed that Rule 32(b) be amended as follows (see further amendments in paragraph 16.2):

Rule 32(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), Rule 30(b) and in **Rule 30(c)**.

2.5 Members discussed the procedure for inviting observers, and the amendments to Rule 32(b) in particular, in the context of the invitation to Mauritius and Namibia, and more broadly in relation to the participation of observers from States, intergovernmental and non-governmental organisations at Standing Committees of the Commission.

2.6 The European Community noted that the invitations to Mauritius and Namibia to participate at the meeting of the Standing Committee on Observation and Inspection (SCOI) was a logical development of last year's political decision of the Commission to invite Mauritius and Namibia to participate as observers at the 1998 meeting of the Commission.

2.7 There was general agreement that invited observers had made a significant contribution to the meetings of CCAMLR, and that their participation enhanced the transparency of CCAMLR's decision-making process.

2.8 Several Members outlined their position regarding the proposed changes to Rule 32(b), and the status of observers at the meetings.

2.9 Australia stated that it was mindful of the Commission's decision at CCAMLR-XVI to invite a wide range of observers to CCAMLR-XVII. Those observers included intergovernmental organisations, other regional fisheries management organisations, and non-governmental organisations, as well as States not party to the Convention, who have special expertise and interests in the management of Antarctic marine living resources.

2.10 This decision was built on the approach of previous meetings and sought to strengthen the links between the Commission, non-Party States and organisations relevant to the Commission's business.

2.11 Australia considered that any erosion of the openness and transparency of the Commission would diminish the strength of the Commission and its close relations with a wide range of observers.

2.12 Australia was deeply concerned by the proposal that the Commission rescind from the invitations issued at CCAMLR-XVI. While Australia would not block the consensus of other Members, it wished the report to clearly reflect these concerns.

2.13 New Zealand stated that it would not accept any discrimination between observers with respect to participation at meetings, and wished to defer this matter for further consideration.

2.14 The USA proposed that further informal discussions should take place at this meeting within the bounds of the Rules of the Commission.

2.15 The Commission endorsed the amendment to Rule 32(b) with respect to participation by observers at the public sessions of CCAMLR. However, some Members wished to consider this amendment further with respect to participation by observers at the closed sessions of subsidiary bodies of CCAMLR.

2.16 Some Members felt that observers invited to the meetings of the Commission and the Scientific Committee should be invited to the meetings of SCAF and SCOI. Japan explained its understanding that the proposed amendment is aimed at allowing observers from non-Contracting Parties, such as Mauritius and Namibia, to participate at meetings of subsidiary bodies of the Commission, especially SCOI. Therefore if this modification should lead to invitations to other observers, Japan would have to make some reservations to the proposal.

2.17 Other Members supported a broader participation of observers at meetings of the Commission's subsidiary bodies, including observers from international organisations. With regard to the participation of intergovernmental and non-governmental international organisations in the meeting of SCOI, the European Community pointed out the need for CCAMLR to develop means for ensuring a continued dialogue with these organisations.

2.18 Members decided to discuss further amendments to Rule 32(b), as proposed by Japan, under Agenda Item 16, 'Other Business'.

2.19 All Members welcomed the observers from Mauritius and Namibia to the meeting.

2.20 The observer from Namibia conveyed to the Commission personal regards from the Minister of Fisheries and Marine Resources. In his statement he also drew to the Commission's attention that at the time of gaining Independence in 1990, Namibia had

experienced massive problems with illegal fishing by foreign fleets in its EEZ. Namibia is aware that unregulated and unreported fishing for toothfish (*Dissostichus* spp.) in Antarctic waters seriously undermines the effectiveness of CCAMLR management measures. The Government of Namibia strongly opposes such actions. When it became obvious that Namibia's ports were being used to land *Dissostichus* spp. caught in the CCAMLR Convention Area, the Government realised that the existing legal system does not provide adequate mechanisms to deal with the problem. At present the Government is working on amendments to its Sea Fisheries Act. These amendments, when adopted, will ensure that the Act conforms with the principles of the UN Straddling and Highly Migratory Stocks Agreement and the FAO Compliance Agreement. Namibia further voiced its serious concerns about some companies and nationals from CCAMLR Member States which controlled and directed illegal and unregulated catches of *Dissostichus* spp. using Namibian vessels and nationals. The Government of Namibia is at an advanced stage in preparation for joining CCAMLR and any progress in this regard will be advised to CCAMLR in due course.

2.21 The Commission thanked Namibia for its statement and for the encouraging steps taken to assist in combating illegal and unregulated fishing in the Convention Area. The hope was expressed that Mauritius, too, would be able to announce similar action in the near future.

Report of the Chairman

2.22 The Chairman reported on intersessional activities. He informed the meeting that there have been no changes to the CCAMLR membership during the past year. Thirteen reports had been received from Members detailing their activities in the Convention Area in 1997/98. Further reports are expected to be presented during the meeting.

2.23 The Commission recalled the tragic sinking of the South African-registered vessel *Sudur Havid* which sank on 6 June while fishing in Subarea 48.3. Of the 38 crew on board there were only 21 survivors, including a scientific observer from the UK. The Commission paid tribute to the 17 people who lost their lives in the accident with one minute of silence.

2.24 There had been a number of CCAMLR intersessional meetings. The Scientific Committee's Working Group on Ecosystem Monitoring and Management (WG-EMM) met in Kochi, India, and the Working Group on Fish Stock Assessment (WG-FSA) met in Hobart, Australia. A Workshop on Area 48, associated with WG-EMM, met in La Jolla, USA prior to the WG-EMM meeting.

2.25 Members continued to participate actively in the System of Inspection and in the International Scheme of Scientific Observation. A number of fisheries had been open in 1997/98 and most of the reported catches were from fisheries for krill (*Euphausia superba*) in Area 48, mackerel icefish (*Champsocephalus gunnari*) and *D. eleginoides* in Subarea 48.3 and Division 58.5.2 and *D. eleginoides* and Antarctic toothfish (*Dissostichus mawsoni*) in Subarea 88.1 (see also paragraphs 4.3 and 4.6). There were no fisheries for squid or crabs during the past season. Several notifications for new and exploratory fisheries had been received from Members for the 1998/99 season.

2.26 During the year, the Commission and the Scientific Committee had been represented by observers at a number of international meetings as listed in paragraphs 12.30 to 12.46 and also in paragraph 1.16 of SC-CAMLR-XVII.

FINANCE AND ADMINISTRATION

3.1 The Chairman of the Standing Committee on Administration and Finance (SCAF), Mr C. Dominguez (Spain), presented the report of the Committee (Annex 4) and outlined the results of its discussions.

Relocation of CCAMLR Headquarters

3.2 The Commission noted that although there had been some disruption of the work of the Secretariat as a result of the move to new premises, these new premises represented a significant improvement for the longer-term requirements of the CCAMLR Headquarters. The Commission expressed its appreciation to Australia, as Host Government, and the State of Tasmania for their continuing support of the Commission through fulfilment of Australia's responsibilities under the Headquarters Agreement.

Examination of Audited Financial Statements for 1997, 1998 and 1999

3.3 Noting that the audit performed on the 1997 statements had been a review only, the Commission accepted the audited Financial Statements for 1997.

3.4 The Commission appointed the Australian National Audit Office as auditor in respect of the 1998 and 1999 financial years.

3.5 The Commission decided that only a review audit should be performed on the 1998 Financial Statements. It noted that this decision would lead to a requirement for a full audit to be conducted in the following year.

Revision of Financial Regulations

3.6 The Commission adopted the change to Financial Regulation 4.4 as proposed by SCAF:

The Chairman may authorise the Executive Secretary to make transfers of up to 10 per cent of appropriations between items. **The Chairman of the Standing Committee on Administration and Finance may authorise the Executive Secretary to make transfers of up to 10 per cent of appropriations between categories within subitems and/or indivisible items.** The Executive Secretary may authorise the transfer of up to 10 per cent of appropriations between subitems of an item. All transfers must be reported by the Executive Secretary to the next annual meeting of the Commission.

Review of Budget for 1998

3.7 The Chairman of SCAF advised the Commission that circumstances occurring during the year had caused the Secretariat to rearrange some of its work programs. While this had not had a significant effect on the work for the Commission and Scientific Committee, and the overall budget adopted in 1997 was not expected to be exceeded, it had been found necessary to make reallocations between budget items and subitems. As a result of this the Commission adopted a revised budget for 1998 as presented in the 'expected outcome' column of Appendix II of Annex 4.

Budget for 1999

3.8 In presenting the results of the Committee's deliberations on the 1999 budget, the Chairman of SCAF noted that the Committee had referred to the Commission the decision on whether the travel costs for the Chairman of the Scientific Committee to attend the meeting of the Committee on Environmental Protection (CEP) should be borne by the Commission.

3.9 The Commission noted that the requirement for the Chairman of the Scientific Committee to attend the CEP meetings would impose an additional financial burden on the Member that provides the Chairman of the Scientific Committee, because of the requirement to attend working groups and represent the Scientific Committee at meetings of other organisations. To date, this work and related travel requirements have been funded by that Chairman's country. To ensure that the Chairman of the Scientific Committee would be able to attend the CEP meetings each year, the Commission decided that travel costs for the CEP meetings only would be met from the Commission's budget. It noted that travel costs other than those of the Secretariat are normally borne by the Member State of the person concerned. The decision relating to this instance was based on the specific circumstances relating to ensuring coordination within the Antarctic Treaty System and would not be construed as establishing a precedent contradicting normal procedures.

3.10 The Chairman of SCAF noted that as the meeting of SCAF had finished before the meetings of the Scientific Committee or the Standing Committee on Observation and Inspection (SCOI), it had not been able to take full account of any final decisions of those two committees. In particular, he drew to the attention of the Commission the decisions of the Scientific Committee in respect of printing and distributing *Understanding CCAMLR's Approach to Management*; full implementation of these decisions would require further additional expenditure to be included in the Commission's 1999 budget. The Commission noted that the additional costs would be attributable to printing and distributing 300 copies of the full text of the book, and decided that this should be deferred to the 2000 financial year.

3.11 The Commission joined with SCAF in encouraging the continued development of the CCAMLR website and the order of priorities for development in 1999 (Annex 4, paragraph 11). It noted the Committee's observation that Members would need to exercise appropriate controls in respect of the sensitive pages to which key access is applied.

3.12 The Chairman of the Scientific Committee requested that the development of the web not compromise high-priority data management work by the Secretariat for the Scientific Committee. The Executive Secretary took note of this requirement and assured the Commission that he would continue to communicate with the Chairman of the Scientific Committee to ensure that conflicts with work for the Scientific Committee do not arise. It was also noted that the priority list prepared by SCAF took account of the requirement to facilitate the work of the Scientific Committee and to facilitate the sharing of information on compliance issues.

3.13 The Commission agreed that the *Basic Documents* will be published on the web and there will be no requirement to print this publication in 1999.

3.14 The Commission noted that links between the website of CCAMLR and those of other appropriate organisations were important, particularly with those of other bodies of the Antarctic Treaty System such as Antarctic Treaty Consultative Meetings (ATCM) and CEP.

3.15 The Chairman of the Scientific Committee advised the Commission that the Scientific Committee had agreed that the inclusion of its report on the web would enable the number of free printed copies to Members to be reduced from 12 to five and that the future requirements would be reviewed in the light of Member's experience with the web version of the report. The Commission agreed to comply with the numbers suggested by the Scientific Committee. Since SCAF had assumed that only four free copies of the Scientific Committee Report would be made available in 1999, an increase of A\$1 700 would be required in the 1999 budget.

3.16 After including the increase of A\$1 700 referred to above, the Commission adopted the budget for 1999 as presented by SCAF in Appendix II to its report.

Forecast Budget for 2000

3.17 The Commission noted the forecast budget for 2000.

Management Review of the Secretariat

3.18 The Commission received the report of SCAF with respect to the progress on implementation of recommendations adopted by the Commission last year based on the 1997 management review of the Secretariat and noted that a further report will be received at the next meeting.

SCIENTIFIC COMMITTEE

4.1 The Chairman of the Scientific Committee, Dr D. Miller (South Africa) presented an overview of the Scientific Committee's report. The Commission agreed to note, in general, all recommendations, advice, research and data requirements of the Scientific Committee. The Commission also agreed to return to substantive matters and advice from the Scientific Committee pertinent to the Commission under the relevant agenda items.

Intersessional Activities

4.2 Three CCAMLR meetings were held during the intersessional period:

- (i) the Workshop on Area 48 was held in La Jolla, USA, in June 1998 and was convened by Dr R. Hewitt (USA);
- (ii) the meeting of WG-EMM was held in Kochi, India, in August 1998 and was convened by Dr I. Everson (UK); and
- (iii) the meeting of WG-FSA was held at the Secretariat Headquarters in Hobart, Australia, in October 1998 and was convened by Dr R. Holt (USA); ad hoc WG-IMALF met in conjunction with WG-FSA.

Fishery Status and Trends

4.3 The total reported catch of krill during the 1997/98 split-year (1 July 1997 to 30 June 1998) was 80 802 tonnes, and this was taken in Area 48 by Japan (63 233 tonnes), Poland (15 312 tonnes), Republic of Korea (1 623 tonnes) and the UK (634 tonnes). This was the lowest catch reported over the past 10 years (SC-CAMLR-XVII, Table 2). In comparison, the total reported catch was 82 508 tonnes and 101 707 tonnes in 1996/97 and 1995/96 respectively.

4.4 The Commission noted that the Scientific Committee encouraged Members to provide catch and effort data for krill fisheries in waters adjacent to the Convention Area

(SC-CAMLR-XVII, paragraph 2.2), and fine-scale data and haul-by-haul data for fishing within the Convention Area (SC-CAMLR-XVII, paragraph 2.3). Past and current market information was also sought so as to provide further insight into the fishery, including gaining an appreciation of the economic factors affecting the fishery (SC-CAMLR-XVII, paragraph 2.6).

4.5 The Commission noted that Japan, Poland, the Republic of Korea and the UK planned to continue fishing in 1998/99 at levels similar to those in the 1997/98 season (SC-CAMLR-XVII, paragraph 2.4). In addition, Argentina, Germany, Ukraine, Uruguay and the USA had expressed interest in fishing in 1998/99. Ukraine advised that a joint venture with Canada was still under discussion.

4.6 The total catch of finfish reported from the Convention Area during the 1997/98 split-year was 11 419 tonnes (SC-CAMLR-XVII, paragraph 2.7), of which *D. eleginoides* accounted for 11 168 tonnes. This species was reported from Subarea 48.3 (3 258 tonnes by mostly Chile, South Africa and the UK), Divisions 58.5.1 (4 741 tonnes by France and Ukraine) and 58.5.2 (2 418 tonnes by Australia), and Subareas 58.6 (175 tonnes by France and South Africa within their respective EEZs) and 58.7 (576 tonnes by South Africa within its EEZ). *Dissostichus mawsoni* was taken in Subarea 88.1 (41 tonnes by New Zealand), and *C. gunnari* was reported from Subarea 48.3 (6 tonnes by Chile) and Division 58.5.2 (68 tonnes by Australia). In comparison, the total reported catch of finfish was 10 562 tonnes in 1996/97.

4.7 The total reported catch of *D. eleginoides* from CCAMLR waters and EEZs outside the CCAMLR Convention Area was 27 908 tonnes in the 1997/98 split-year. However, the estimated unreported catch of *D. eleginoides* was 22 415 tonnes, yielding a global annual catch of 50 323 tonnes for this species (SC-CAMLR-XVII, paragraph 2.8).

4.8 The Scientific Committee noted that about 90% of *D. eleginoides* was exported to Japan and the USA, and that at least 60 518 tonnes of *D. eleginoides* were traded in the 1997/98 split-year. Less than 50% of this trade could be attributed to reported catches from CCAMLR waters and EEZs outside the Convention Area.

4.9 The Commission noted with great concern the continued high level of illegal, unregulated and unreported fishing for *D. eleginoides*, in particular in the Indian Ocean sector (Area 58), and that these activities had serious implications for estimating yield both over the short and long term (SC-CAMLR-XVII, paragraphs 2.10 and 2.11). These matters were discussed in detail under Agenda Item 5.

CCAMLR Scheme of International Scientific Observation

4.10 An ad hoc task group had been formed to consider comments from scientific observers about the data recording forms and procedures currently in use for observations on board longline vessels. The group worked intersessionally to collate comments and suggestions received from scientific observers (SC-CAMLR-XVII, paragraph 3.4). Further changes had been proposed during WG-FSA. These included the formalisation of procedures to be followed by observers in calculating conversion factors in the field (SC-CAMLR-XVII, paragraph 3.6).

4.11 The Scientific Committee considered other issues under this topic, many of which are discussed further by the Commission under Agenda Item 8.

Dependent Species

4.12 The Workshop on Area 48 has contributed significantly to the work of the Scientific Committee and had provided fresh ideas to the activities of WG-EMM (SC-CAMLR-XVII, paragraphs 4.1 to 4.11).

4.13 In addition, the Scientific Committee had continued its work on quantifying, and reducing, the incidental mortality of seabirds during longline fishing operations (SC-CAMLR-XVII, paragraphs 4.35 to 4.73). Deliberations under this particular agenda item had contributed to the Committee's advice on new and exploratory fisheries (see Agenda Items 6 and 7).

Harvested Species

Krill Resources

4.14 Plans for the synoptic survey in Area 48, scheduled for January 2000, were well advanced (SC-CAMLR-XVII, paragraphs 5.4 to 5.14). A coordinating committee had been established and a planning workshop will be held in March 1999. Vessels from Japan, UK and USA are likely to participate in the survey and the Scientific Committee requested that these Members confirm their ability to arrive at South Georgia in the first week of January 2000 to start the first calibration.

4.15 The CCAMLR Data Centre will be the depository of all core data. The Commission noted that the core datasets would be analysed at a workshop attended by all survey participants as soon as possible after the survey and in advance of the meeting of WG-EMM in 2000.

4.16 The Commission noted that the precautionary catch limit for krill in Area 48 would not be reassessed until after the analyses of survey data were completed. These analyses would contribute to an evaluation of a subdivision of the precautionary catch limit in that area (SC-CAMLR-XVII, paragraph 5.16). No new management measures for krill were proposed for 1998/99 (SC-CAMLR-XVII, paragraph 5.17).

Finfish Resources

4.17 The revised assessments of finfish had used all available catch and effort data from CCAMLR fisheries, estimates of removals in the illegal, unregulated and unreported fisheries targeting *Dissostichus* spp., and data from research surveys (SC-CAMLR-XVII, paragraphs 5.1 to 5.35). In addition, calculation of yields for new and exploratory fisheries had used revised estimates of seabed areas within fishable depth ranges (SC-CAMLR-XVII, paragraph 5.24).

4.18 As in previous years, the main tool used for assessing stocks had been the Generalised Yield Model (GYM). The GYM had been validated and a user-friendly interface had been developed during the intersessional period (SC-CAMLR-XVII, paragraph 5.36). These assessments were supported by analyses of catch per unit effort, and length frequency distributions.

4.19 Another important development of the assessment work, especially in relation to *Dissostichus* spp., had been the consideration of the spatial extent of management units within the Convention Area and adjacent waters. The Commission noted that the assessment of yields in new and exploratory fisheries notified for 1998/99 had used statistical subareas or divisions as the assessment units (SC-CAMLR-XVII, paragraph 5.38). This had been the same

approach as used in 1997. However, WG-FSA had tentatively identified smaller management units based on the analyses of seabed areas within the fishing depth range of 500 to 1 800 m, and the possibility that stocks of *Dissostichus* spp. may occur over smaller geographic scales than those previously considered.

4.20 The Commission was asked to consider how such management units could be used for allocating fishing effort in new and exploratory fisheries, and in areas where longliners and trawlers may simultaneously target one species. The designation of management units may also be used to ascertain preferred fishing grounds in future notifications of new and exploratory fisheries (SC-CAMLR-XVII, paragraph 5.39). The Commission's advice is detailed under Agenda Item 7.

By-Catch Provisions

4.21 The Commission's attention was drawn to the Scientific Committee's discussion on, and suggestions for, general by-catch provisions for new and exploratory fisheries. Balanced consideration is required to ensure that the acquisition of information on the levels and distribution of by-catch in new and exploratory fisheries is not jeopardised by stringent by-catch provisions which may restrict the development of those fisheries (SC-CAMLR-XVII, paragraphs 5.115 and 5.116). Deliberations are reported under Agenda Item 10.

Other Resources

4.22 There had been no fishing for crabs since CCAMLR-XV. There was no fishing for squid in the 1997/98 season.

Timing of the CCAMLR Fishing Year

4.23 The Commission adopted the proposed change to the timing of the CCAMLR fishing year in order to ensure sufficient time for the implementation of related licensing and legislation procedures, and an appropriate time interval over which assessments may be conducted (SC-CAMLR-XVII, paragraphs 5.150 to 5.152). The Commission's decision on this matter is set out in paragraphs 9.1 and 9.2.

Ecosystem Monitoring and Management

4.24 The Commission noted the formal establishment of two CEMP environmental indices, Indices F2 and F5 (SC-CAMLR-XVII, paragraphs 6.1 to 6.3), and the further development of Composite Standardised Indices (CSIs) as part of WG-EMM's ongoing analysis of the Antarctic marine ecosystem (SC-CAMLR-XVII, paragraphs 6.4 to 6.6). Other developments had included a revision of the krill–fishery–predator interactions (SC-CAMLR-XVII, paragraphs 6.11 and 6.12) and assessments of the status of the ecosystem (SC-CAMLR-XVII, paragraphs 6.14 to 6.18).

New and Exploratory Fisheries

4.25 Another major item on the Scientific Committee's agenda was 'New and Exploratory Fisheries' (SC-CAMLR-XVII, Section 9). The activities of new and exploratory fisheries in 1997/98 were reviewed (SC-CAMLR-XVII, paragraphs 9.1 to 9.10). Notifications for new and exploratory fisheries in 1998/99 were evaluated (SC-CAMLR-XVII, paragraphs 9.11 to 9.37). In this respect, the Commission's guidance was sought as to how to handle late notifications (SC-CAMLR-XVII, paragraph 9.18); see Agenda Item 7.

4.26 The Commission noted that the question of how mixed-gear fisheries (i.e. trawl and longline fisheries) should be treated for both assessment and management purposes had been highlighted as a matter of concern (SC-CAMLR-XVII, paragraphs 9.20 to 9.22). The Commission also noted that the application of the current 100-tonne catch limit for fine-scale rectangles to trawl fisheries had been referred to WG-FSA for further attention (SC-CAMLR-XVII, paragraphs 9.23 and 9.24).

4.27 Estimates of yield and precautionary catch limits for new and exploratory fisheries for *Dissostichus* spp. in 1998/99 are contained in Tables 7 and 8 and discussed in paragraph 9.44 of SC-CAMLR-XVII.

CCAMLR Data Management

4.28 The Commission noted the tasks allocated to the Secretariat's Data Management section by the Scientific Committee (SC-CAMLR-XVII, paragraph 10.8), in particular the attendance of the Data Manager at the 1999 meeting of the CWP (SC-CAMLR-XVII, paragraph 10.14), and the development of the CCAMLR website (SC-CAMLR-XVII, paragraph 10.22). The Scientific Committee had agreed that the development of the website must proceed as an important task within the other urgent data management priorities for the intersessional period.

Publications

4.29 The Commission noted the following 1998 publications:

- (i) *Schedule of Conservation Measures in Force, 1997/98*;
- (ii) annual reports;
- (iii) *CCAMLR Scientific Abstracts* covering papers presented in 1997;
- (iv) revised sections of *Scientific Observers Manual*;
- (v) *Statistical Bulletin*, Volume 10;
- (vi) *CCAMLR Science*, Volume 5;
- (vii) fliers and stickers for *Fish the Sea Not the Sky*; and
- (viii) educational poster on marine debris in the Antarctic.

4.30 The Commission also noted the pending publication of *Understanding CCAMLR's Approach to Management* (CCAMLR-XVI, paragraph 3.10; SC-CAMLR-XVII, paragraphs 12.7 to 12.14; this report, paragraph 3.10).

Activities of the Scientific Committee during the 1998/99 Intersessional Period

4.31 The Commission noted the major activities planned during the 1998/99 intersessional period including:

- (i) a meeting of WG-EMM in Tenerife, Spain, in late July 1999 (SC-CAMLR-XVII, paragraph 13.2);
- (ii) the Second Symposium on Krill Biology of which CCAMLR is a co-sponsor in the USA in late August 1999 (SC-CAMLR-XVII, paragraph 13.3); and
- (iii) a meeting of WG-FSA in Hobart, Australia, in mid-October 1999 (SC-CAMLR-XVII, paragraph 13.4).

Scientific Committee Budget

4.32 The Scientific Committee budgets for 1999 and 2000 indicated extremely modest increases. The Scientific Committee had discussed possible savings to be accrued as a result of changes in the current method of circulating reports (SC-CAMLR-XVII, paragraphs 14.3 and 14.4) and the Scientific Committee agreed that a reduced circulation of five free copies per Member of the annual report would be acceptable but that the matter should be reviewed next year (SC-CAMLR-XVII, paragraphs 13.7 to 13.12). The Commission discussed these issues under Agenda Item 3.

Election of Chairman

4.33 Dr D. Miller (South Africa) was elected for a second term as Chairman of the Scientific Committee until the end of the meeting in 2000.

Future Presentation of the Scientific Committee Report to the Commission

4.34 In concluding his presentation, Dr Miller sought advice from the Commission on how the work of the Scientific Committee should be presented at future meetings. The Commission congratulated Dr Miller on his excellent presentation and agreed that his general presentation of the report, together with a supporting list of key points and actions, had been very useful. The Commission also agreed that, at future meetings, an overview of the Scientific Committee's report should be given. Detailed consideration of the Scientific Committee's deliberations and advice should then be taken under the relevant Commission agenda items. This had been the intent during the current meeting, however, the breadth and quantity of issues the Commission had confronted had led to difficulties in this process.

4.35 Dr Miller thanked the Commission for its support, and hoped that he would be able to serve CCAMLR well during his second term as Chairman of the Scientific Committee.

ILLEGAL, UNREGULATED AND UNREPORTED FISHING IN THE CONVENTION AREA

5.1 The Commission was addressed on behalf of Australia by Senator, the Honourable Robert Hill, the Australian Minister for the Environment and Heritage.

5.2 Senator Hill stressed the high priority the Australian Government placed on the work of the Commission in seeking to address a wide range of vital conservation issues facing the Antarctic and sub-Antarctic regions. He welcomed the presence of Mauritius and Namibia as observers and strongly encouraged their early accession to the Convention.

5.3 Senator Hill stressed the urgent need for concerted and decisive action by CCAMLR Members to stop illegal, unreported and unregulated fishing in the Convention Area. He noted with grave concern the report by CCAMLR's Scientific Committee on the virtual commercial extinction of some stocks of *Dissostichus* spp. due to illegal fishing. He also noted that illegal fishing was continuing to threaten remaining viable populations of *Dissostichus* spp. and was killing a large number of seabirds. Senator Hill urged CCAMLR Members to adopt a range of effective measures to combat these illegal activities, including a catch certification scheme and related measures to prevent trade in illegally caught fish. A failure to act on such proposals would mean that CCAMLR would be failing in its primary objective of conserving Antarctic marine living resources. It would also undermine the credibility of CCAMLR as an effective international organisation.

5.4 The Chairman of SCOI reported on the findings of that Committee with regard to illegal, unregulated and unreported fishing in the Convention Area during 1997/98 (Annex 5, paragraphs 2.1 to 2.24). In accordance with Articles X and XXII of the Convention, Members reported 45 sightings of fishing vessels of non-Contracting Parties. The Flag States involved were Seychelles, the Faroe Islands and Belize. The Flag States and ports of registration of a number of vessels were not identified. The effectiveness of measures adopted by the Commission last year was considered, several new conservation measures proposed by Members were discussed and the Committee recommended them to the Commission for further consideration and possible adoption.

5.5 The Commission also noted that the Scientific Committee had recommended that the Commission take the most stringent measures possible to combat illegal, unregulated and unreported fishing in the Convention Area. This recommendation was based on the following conclusions on the potential impact of unregulated fishing (SC-CAMLR-XVII, paragraphs 2.8 to 2.14 and 4.48 to 4.50):

- (i) there is a distinct possibility that stocks of *D. eleginoides* will continue to be depleted to extremely low levels;
- (ii) the long-term yield of the targeted stocks of *D. eleginoides* is likely to be compromised in the future by ineffective control of illegal, unregulated and unreported fishing; and
- (iii) the potential levels of incidental mortality of several species of seabirds in longline fisheries were found to be unsustainable for the populations of these species.

5.6 Statements on the subject were made by the European Community, Norway, New Zealand, Chile and South Africa.

5.7 The European Community stated that:

‘The continuing high level of illegal and unregulated fisheries conducted both by vessels from Contracting Parties and non-Contracting Parties was alarming. Such activities, prevalent now over several years, undermine the effectiveness of CCAMLR's measures and the level of such destructive fisheries constitute a serious challenge to CCAMLR and the Antarctic ecosystem.

Last year's meeting signalled the first steps to redress this situation but we must now build on that with separate but inter-related measures, namely, inspections by Contracting Parties on all their vessels licensed to fish in the Convention Area; the introduction of a mandatory VMS; the establishment of cooperative mechanisms between Parties to improve on compliance; compulsory identification marking on vessels and fishing gear; the development of this organisation's relations with non-Contracting Parties by inviting them to adhere to CCAMLR and, if not, to cooperate constructively with the organisation.’

5.8 Norway stated that:

‘The Report of the Scientific Committee has again brought before us the alarming picture of overfishing, illegal and unreported.

Norway is satisfied that at the Sixteenth Meeting we were able to adopt a series of new measures directed at the elimination of illegal, unregulated and unreported fishing both by vessels flying flags of CCAMLR Members and flags of non-Contracting Parties as well as measures addressed to the role of Port States. We may conclude that the Sixteenth Meeting set us on the right track, giving an active direction to our efforts. But also part of our evaluation is the strong feeling that the situation calls for further collective measures by the States within CCAMLR, measures by Coastal States and new steps vis-a-vis non-Contracting Parties to enhance enforcement and compliance with existing and new measures of resource management.

Norway would like to welcome as most positive and promising the participation at this meeting of representatives from Namibia and Mauritius who are here in response to our invitation. My delegation appreciated very much the constructive and substantial statement made by Namibia and would welcome Namibia and Mauritius as new Members. We shall need their cooperation in securing compliance with conservation measures.

In discussing new efficient measures and ways and means of their enforcement we are approaching complex questions of international law, the sacrosanct Flag-State principle and the principle of not giving laws extra-territorial application. These principles have, so to speak, been pillars of marine resource management both in CCAMLR and other international marine management organisations. In the Norwegian view, the Flag-State principle – i.e. that the responsibility resides with the Flag State – should continue as the basis of regulatory measures. We should therefore stop short of measures undermining the Flag-State principle. Likewise we should treat cautiously when approaching questions of extra-territoriality. The same goes for trade-related measures where we should take care that any measures would be in strict conformity with GATT and WTO.

This having been said, it should also be said that in our discussions we have profited much from the UN Straddling Stocks Agreement from 1995 as well as from the FAO Compliance Agreement and FAO’s Code of Conduct. Although the straddling stocks agreement and the Compliance Agreement have not yet come into force, we have through measures adopted last year and new measures which we may adopt this year, gone far in the direction of implementing in practice measures set out in these two basic agreements. We have by far not exhausted the benevolent effect of these agreements which I would urge Member States to ratify so they may enter into force.

In discussing ways and means of combating illegal, unregulated and unreported fishing we should also more actively continue to draw on the experience of other relevant regional fishing management organisations such as NAFO and NEAFC. They are up against similar, if not identical, challenges.

In concluding, Mr Chairman, Norway is satisfied that work at this meeting so far has been permeated by a shared perception of the gravity of the situation. We have seen a constructive atmosphere and a will to share in the formulation of new measures to rectify the situation. We are hopeful that the Seventeenth Meeting of CCAMLR will stand out as one of the more successful meetings of the Commission.’

5.9 The New Zealand statement is summarised as follows:

New Zealand emphasised its concern about illegal, unregulated and unreported fishing and compared it to a cancer eating at the fibre of the Antarctic Treaty System. It expressed grave concern over reports of illegal activity in the waters under the jurisdiction of South Africa, France and Australia and commended them for their enforcement efforts. Regrettably, it was no longer a problem for South Africa because the plunder had continued and the illegal and unregulated fishers had moved on to other areas. As already noted by the observer from Namibia, illegal and unregulated fishing was being carried out in the main by companies and individuals originating from CCAMLR Parties. Much of what occurs appeared to be legal in the jurisdiction of such companies and the flags flown on the vessels when fishing for *Dissostichus* spp. generally appear to be the flags of third parties.

In looking at this problem a far-sighted, imaginative and creative approach was needed. New Zealand proposed that the way to deal with this problem was to call on all Parties to the Convention to put in place national measures that recognised responsibilities for the activities of their companies and nationals. Almost all Members of the Commission represented countries which were Consultative Parties to the Antarctic Treaty. As such, they recognised that effective exercise of national jurisdiction was the only way that the objectives of the Treaty and the Environmental Protocol could be met. New Zealand urged all Contracting Parties to put in place such effective national measures.

New Zealand also drew the attention of Commission Members to the particular situation in the Ross Sea and expressed its concern over indications that longliners associated with illegal, unregulated and unreported fishing for *Dissostichus* spp. might be getting ready to fish in the Ross Sea this summer season. New Zealand had put in place nationally a set of measures to help to identify any illegal and unregulated fishers. It would also be calling on CCAMLR Members to assist in whatever follow-up action was appropriate.

New Zealand reminded Members of the importance of balancing impositions on legal fishers which placed higher compliance costs on legal operators and made unregulated activity more attractive. Until and unless CCAMLR Parties were prepared to take effective action against nationals and companies, the rest of the world would fail to see CCAMLR as an effective conservation regime.

5.10 Chile stated that:

‘Chile agreed with other Members in their concern on the impact of illegal and unregulated fishing both on the work of the Scientific Committee and the operation of CCAMLR as a whole.

Estimates by the CCAMLR Working Group on Fish Stock Assessment which have been considered by the Scientific Committee on the amount of unreported catch demonstrated that despite the existence of more stringent conservation measures the levels of unregulated fishing continue to challenge the feasibility of the objectives of the Convention. Certain steps taken at the 1997 Commission meeting require improvements to become fully operational: the licensing system, the implementation of an automated vessel monitoring system on licensed vessels, and extension of port controls to prevent the landings and transshipments from vessels assumed to be undermining the CCAMLR conservation measures.

The inspection system had been strengthened pursuant to Chilean proposals. Nevertheless, there is a need for new initiatives to certify and verify the origin of

the catch, to establish a more complete vessel register, to prohibit reflagging when it contributes to undermine the conservation measures and build a tight integrated approach to attain a much higher level of compliance if CCAMLR is to maintain its credibility as an effective conservation and management regime.

Chile supported the whole range of conservation measures introduced by various Members to combat illegal, unregulated and unreported fishing and praised the US proposal for a certification system to monitor catch and trade of *Dissostichus* spp. Chile thanked as well the USA for coordinating the drafting process and facilitating acceptance of the various proposals. However, the whole set of new measures would only be effective if consistently applied in the entire Convention Area. Chile agreed with New Zealand that in the context of a situation such as the extension of unregulated fishing to the Ross Sea area or to any vulnerable ecosystem in the Antarctic Ocean, the effective exercise of national jurisdiction should be supported by collective action by all Contracting Parties to enforce compliance with the objective of the Convention.'

5.11 South Africa stated that:

'South Africa is encouraged by the positive spirit reflected by the draft conservation measures put forward. However, South Africa shares New Zealand's concern that these measures do not go far enough, especially in view of the already identified threat to resources of *Dissostichus* spp. in the Ross Sea and the recent South African experience with irresponsible fishing in its EEZ.

The strong measures announced by South Africa at the Sixteenth Meeting, some of which were criticised for going too far, turned out to not have gone far enough.

In our view a three-pronged approach was needed involving:

- (i) efficient vessel monitoring, both inside and outside the Convention Area;
- (ii) Port State control involving Parties and non-Parties to CCAMLR; and
- (iii) trade flow monitoring and, if possible, control.

South Africa welcomes the draft measures put forward by especially the USA and the European Community, but would remark with regard to VMS, that in the event of breakdowns the proposed grace period should be reduced and these events should be reported to the Secretariat.'

5.12 The Commission concluded that the level of illegal, unregulated and unreported fishing reported from the Convention Area continued to be unacceptable and endorsed the recommendations of SCOI and the Scientific Committee that the most stringent measures possible should be taken to deal with such fishing.

5.13 The USA welcomed, in particular, the statement made by the observer from Namibia who provided information on catches landed in the ports of Namibia by companies and nationals from CCAMLR Member countries (see paragraph 2.20). In this regard the USA believed that in order to receive full support of and develop cooperation with non-Contracting Parties, the Commission should explore all possible means consistent with the Convention to deal with illegal, unregulated and unreported fishing with respect to Contracting Parties. Until that is done, it will be difficult to obtain the cooperation of non-Contracting Parties. In the US view, it is time to move from reiterating the seriousness of the problem to dealing with it.

5.14 The Commission requested, as suggested by Poland, that Namibia and Mauritius provide the Secretariat with all available information on landings of *Dissostichus* spp. into ports under their jurisdiction.

5.15 In discussing conservation measures to deal with the problem of illegal, unregulated and unreported fishing as a whole, the Commission took into account the advice of SCOI (Annex 5, paragraphs 2.24, 2.47, 2.53, 2.55, 2.61, 2.64 and 2.69). Discussion on measures aimed at better controlling illegal, unregulated and unreported fishing in the Convention Area is set out in the following paragraphs.

Catch Certification Scheme

5.16 The USA tabled two draft conservation measures (CCAMLR-XVII/34) based in part on the statistical documentation scheme of ICCAT. Australia tabled a similar proposal (CCAMLR-XVII/24). After consultations, the USA tabled a revised draft which combined common elements of the Australian and US proposals.

5.17 The USA noted that its draft contained two basic principles:

- (i) the catch certification system should be based on Flag State responsibilities; and
- (ii) it must be consistent with international trade agreements, including that of WTO.

These could be subsumed into a suite of interlinking measures.

5.18 The first measure would establish a framework for tracking the landings and trade flows of *Dissostichus* spp. from the Convention Area through a certificate of origin system. The second measure would provide for Contracting Parties to deny access to their markets of imports of *Dissostichus* spp. unless it was demonstrated that the *Dissostichus* spp. were caught in the Convention Area in accordance with CCAMLR conservation measures or were caught legitimately outside the Convention Area.

5.19 It is intended that the system would provide information to be used for tracking trade flows of *Dissostichus* spp. originating in the Convention Area and also for the evaluation by the Scientific Committee of the total quantities of fish removed from targeted stocks.

5.20 The proposal was discussed by SCOI (Annex 5, paragraphs 2.44 to 2.47), but after further modification consensus could not be reached by the Commission.

5.21 The Commission endorsed the importance of developing such a catch certification scheme for *Dissostichus* spp. and the urgency of doing so, and it saw the US draft as a significant step forward in this direction. The proposal was seen as a noteworthy initial step in the development of what is likely to be a complicated series of interlinking regulatory fisheries and trade-based measures to monitor catches and trade of *Dissostichus* spp. It was agreed that further and urgent development of this framework should be undertaken and that the draft US measure should be appended to the Commission's report (Annex 6) to provide a focus for further high-priority work.

5.22 To this end, it was also agreed that an intersessional meeting should be held in early 1999 to move the development of the catch certification scheme forward with a view to adopting a catch certification, or inherently similar scheme at CCAMLR-XVIII. The Commission welcomed the offer of the European Community to host such a meeting in Brussels, Belgium, during the second half of April 1999.

5.23 Australia tabled a draft action policy (CCAMLR-XVII/35) which proposed that the Commission establish a comprehensive approach for the elimination of illegal, unregulated and unreported fishing for *Dissostichus* spp. within the Convention Area. Australia stressed that, in addition to the agreed intersessional meeting to further elaborate approaches to certify the origin of catch and flows of *Dissostichus* spp. in trade, Members should also work intersessionally on the following key issues:

- (i) harmonising the conservation program for *Dissostichus* spp. with recent developments in international law, e.g. the 1995 UN Agreement for the Implementation of Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNIA);
- (ii) examining approaches that could be adopted by the Commission, consistent with the objective of the Convention, for areas adjacent to the Convention Area;
- (iii) approaches which can envisage cooperation with non-Contracting Parties; and
- (iv) reviewing of the objective and role of SCOI, in order to better assist the Commission in achieving its objective.

5.24 The Commission recognised the importance of the issues raised by Australia in its paper, and encouraged Members to pursue such cooperative intersessional work as recommended by Australia.

5.25 The Commission identified various other measures to combat illegal, unregulated and unreported fishing. These are discussed below.

Trade Statistics for *Dissostichus* spp.

5.26 SCOI provided advice on the potential utility of using trade statistics to better understand the international trade flows of *Dissostichus* spp. (Annex 5, paragraphs 2.16 to 2.24).

5.27 For available trade statistics, it was pointed out that a wide variety of common and market names are used for *Dissostichus* spp. It was further noted that this complicates the basic collection of statistics. Several Members stressed the importance of using scientific names to verify species identity in the collection and compilation of trade statistics.

5.28 The USA reported that, since 1 January 1998, the use of specific harmonised system codes are required on all documentation accompanying the import of *D. eleginoides* into the USA (CCAMLR-XVII/BG/24). The analyses undertaken by the USA identified an increase over the past two years in the import of *Dissostichus* spp. to the USA market from a number of countries which are implicated in illegal, unregulated and unreported fishing in the Convention Area.

5.29 The Commission commended the USA on their approach which could be used by other Members as a model and suggested that a classification within the harmonised system should be developed for both *D. eleginoides* and *D. mawsoni*.

5.30 The Commission agreed that Members should:

- (i) introduce new classification codes in trade statistics at a national level; and
- (ii) review the matter at CCAMLR-XVIII.

Marking of Fishing Vessels and Fishing Gear

5.31 A draft conservation measure was tabled by the European Community (CAMLR-XVII/31 Rev. 1) taking into account a proposal put forward by Australia. There was general support at SCOI for this conservation measure (Annex 5, paragraphs 2.54 and 2.55).

5.32 Accordingly, Conservation Measure 146/XVII was adopted by the Commission (paragraph 9.57).

Automated Satellite-Linked Vessel Monitoring Systems

5.33 A draft conservation measure was tabled by the European Community (CCAMLR-XVII/30 Rev. 1). It introduced a requirement for the mandatory use of VMS by Flag States of Contracting Parties to monitor their fishing vessels operating in the Convention Area.

5.34 In presenting the draft to the Commission, the European Community reiterated its basic approach that all fishing vessels should be covered by VMS. A number of countries, however, had views that krill fishing vessels should be exempt, for the time being, from the requirement to use VMS (Annex 5, paragraphs 2.50 and 2.51). The Republic of Korea, Poland, Russia and Ukraine re-stated their position with regard to exemption from VMS for vessels fishing for krill. In addition, Poland referred to CCAMLR-XVII/BG/30 which contained a policy statement adopted at the recent meeting of the International Coalition of Fisheries Associations (ICFA). ICFA supported the introduction of a mandatory VMS on all vessels fishing in the Convention Area with the exception of vessels fishing for krill.

5.35 The European Community maintains its position that, as a matter of principle, VMS should be installed on all vessels fishing in CCAMLR waters and particularly on vessels fishing for krill given that these vessels are not required to have scientific observers on board. The European Community, nevertheless, with a view to accommodating the concerns expressed by certain Members, agreed that vessels fishing for krill may be exempted from this measure on an interim basis, this situation being open to review in the light of developments in CCAMLR.

5.36 With regard to the date of introduction of the system, it was noted that the level of development and implementation of VMS varies from country to country and that the proposed deadline of 1 March 1999 is not practicable for several Members (Annex 5, paragraph 2.52). The Republic of Korea expressed its view that it could introduce its own VMS no earlier than 1 January 2000.

5.37 To meet this concern, paragraph 2 of the draft measure was revised and Conservation Measure 148/XVII was adopted by the Commission (paragraphs 9.57 and 9.58).

5.38 New Zealand stated its view that the introduction of mandatory VMS on vessels fishing for finfish, is a positive development. It nevertheless found it regrettable that it has not been possible for all countries to subscribe to the immediate introduction of VMS and that krill vessels have been excluded from coverage. It considered VMS as a vital tool to assist Flag States in fulfilling their obligations to monitor and control their flag vessels. New Zealand regarded the operational requirements of the VMS conservation measure as a minimum and did not consider that this consensus decision is in any way a precedent for other areas and circumstances.

5.39 A number of Members supported the view expressed by New Zealand.

Application of VMS in Areas Adjacent to the Convention Area

5.40 At SCOI, several Members highlighted the need to monitor vessels fishing for *Dissostichus* spp. in areas adjacent to the Convention Area and the potential for VMS to assist

this task (Annex 5, paragraphs 2.65 to 2.67). A draft resolution was presented by Australia which was prepared taking into account existing Resolution 10/XII on harvesting of stocks occurring both within and outside the Convention Area.

5.41 The Commission noted that while there was no agreement in SCOI on a resolution to make wider use of VMS on vessels fishing in areas adjacent to the Convention Area, several Contracting Parties already require this and other Parties were considering such a practice. The Commission encouraged Parties to give consideration to requiring use of VMS in areas adjacent to the Convention Area.

Licensing and Inspection Regime of Contracting Parties

5.42 Two draft conservation measures based on the provisions of Conservation Measure 119/XVI were considered.

5.43 The first draft conservation measure was tabled by the European Community (CCAMLR-XVII/32 Rev. 2). This revision of an earlier draft took into account a number of comments made by SCOI (Annex 5, paragraphs 2.56 to 2.61).

5.44 The second draft conservation measure was tabled by Chile (CCAMLR-XVII/37).

5.45 Chile noted that its draft differed from the one submitted by the European Community only in the comprehensive nature of the licensing regime that the Contracting Parties would be required to establish in order to comply with the objectives of the Convention. The draft prepared by Chile maintains the language used in a similar document adopted by NAFO.

5.46 The European Community believed that some modifications were still required to the language of the draft prepared by Chile, in particular, with respect to provisions already provided in the System of Inspection, and provisions related to the FAO Compliance Agreement.

5.47 Accordingly, Conservation Measure 119/XVII was adopted by the Commission (paragraph 9.57).

Cooperation between Contracting Parties to Ensure Compliance

5.48 A draft conservation measure was tabled by the European Community (CCAMLR-XVII/33 Rev. 1). It took into account a number of clarifications and editorial changes proposed by SCOI (Annex 5, paragraphs 2.62 to 2.64). The main objective of this measure was to ensure cooperation between Contracting Parties, especially when vessels of one Contracting Party enter ports of another Contracting Party.

5.49 Accordingly, Conservation Measure 147/XVII was adopted by the Commission (paragraph 9.57).

5.50 Japan expressed concern about the feasibility of complying with Conservation Measure 147/XVII because of the limited number of inspectors which may be available at its ports visited by foreign fishing vessels.

5.51 The Commission noted this concern, and agreed that the wording in paragraph 1 of Conservation Measure 147/XVII, as it relates to the undertaking of the inspection by the Port State, may be reconsidered in 1999 in the light of experience gained by Members in the conduct of required inspections.

5.52 After consultation with other Members concerned, and in order to avoid any doubt, South Africa expressed the collective understanding that Conservation Measure 147/XVII does not affect the exercise of rights preserved by the Convention, in particular, by Article IV.2(b).

5.53 In relation to the declaration of South Africa, the USA reserved its position, based on the provisions of Article IV of the Convention as a whole.

5.54 With respect to the statements made by South Africa and the USA, Chile considered that the application of this conservation measure does not undermine the rights referred to in Article IV.2(b) of the Convention.

CCAMLR Vessel Register

5.55 A CCAMLR Vessel Register was proposed by Australia (CCAMLR-XVII/25). The Commission noted that SCOI had initiated discussions on the matter and indicated that the proposal would require further reflection in terms of its substance, its possible uses and its eventual accessibility (Annex 5, paragraph 2.40).

5.56 The Commission considered Australia's proposal that Contracting Parties, in addition to existing vessel information supplied to the Secretariat, also provide a general description of their vessels, including its general dimensions, markings, types of fishing gear it can use and a colour photograph of the vessel. In agreeing to the proposal, the Commission requested SCOI to review the usefulness of additional vessel information at its next meeting.

5.57 The Commission also considered whether States which are not Party to the Convention may be allowed access to information about Contracting Parties' vessels licensed to fish in the Convention Area. The potential benefits of developing cooperative links with non-Contracting Parties, especially those which may be prepared to cooperate with the Commission to avoid undermining the effectiveness of CCAMLR conservation measures, were acknowledged. The Commission considered that Namibia and Mauritius were two such States and agreed to allow them access to the information on Contracting Parties' vessels. The Commission noted that there may be future benefits in allowing access by other non-Contracting Parties to this information and agreed to consider other cases on an individual basis.

5.58 The Commission agreed that further development of the CCAMLR Vessel Register Scheme should be addressed during the forthcoming intersessional period.

Action Plan

5.59 Australia proposed that the Commission should commit itself to an Action Plan to combat the illegal, unregulated and unreported fishing of *Dissostichus* spp. in the Convention Area (CCAMLR-XVII/24). In presenting this proposal, Australia advised that the plan has the following objectives:

- (i) to review a framework of conservation measures as proposed by the European Community;
- (ii) to review how this framework would interact with other international agreements such as UNIA;
- (iii) to consider possible approaches for areas adjacent to the Convention Area; and

- (iv) to further elaborate trade-related measures that can better combat illegal, unregulated and unreported fishing.

Australia believed that such a plan is of the utmost urgency and needs to be elaborated in the intersessional period.

5.60 The European Community and the USA felt that future development of an Action Plan should incorporate existing conservation measures, including those which would be adopted at this meeting.

5.61 The Commission agreed that further development of such an Action Plan as prepared by Australia, should be considered during the forthcoming intersessional period.

Actions in Respect of Companies and Nationals of Flag States

5.62 At the meeting of SCOI, New Zealand tabled a proposal to consider the application of national jurisdiction by CCAMLR Parties to their nationals and companies in respect of fishing activities in the Convention Area. This proposal was considered by SCOI (Annex 5, paragraphs 2.41 to 2.43).

5.63 New Zealand's position was that Parties to CCAMLR must take responsibility for their companies and nationals in Antarctic waters. New Zealand advised the Commission that it will be acting on any information that it can obtain on future illegal/unregulated fisheries activities in the Ross Sea. In that regard, New Zealand will hold Parties accountable for the activities of their nationals that undermine the objective of the Commission.

5.64 The European Community, together with other Members, expressed the view that the term 'nationals' in the context of Part 7 of the UN Convention on the Law of the Sea (UNCLOS) refers to 'vessels' and that therefore only the Flag State can exercise jurisdiction over its fishing vessels on the high seas, both as a right and as a duty. Flag State jurisdiction should therefore be the principal means of controlling activities in Antarctic waters.

Amendment to Conservation Measure 118/XVI

5.65 Two proposals were received for amendments to Conservation Measure 118/XVI:

- (i) a proposal by Japan aimed at clarifying paragraph 6 of this measure by qualifying the reference from 'vessels' to 'fishing vessels' (CCAMLR-XVII/40); and
- (ii) a proposal from Australia with respect to paragraph 5 of the measure aimed at clarifying the way in which it could be established whether the fish were caught inside or outside the Convention Area (CCAMLR-XVII/38).

5.66 Accordingly, Conservation Measure 118/XVI was revised and adopted as Conservation Measure 118/XVII (paragraph 9.57).

5.67 The Commission recognised that some Members may encounter difficulties in the application of this conservation measure and encouraged Members of the Commission to exchange experiences and assist each other on such application.

5.68 Notwithstanding the possible difficulties mentioned above, the Commission agreed that all Members would, in the meantime, seek to ensure the application of this measure within their domestic legislation.

5.69 Chile considers that the reference made at the end of paragraph 5 of this conservation measure (i.e. compliance with conservation measures and with provisions of the Convention by vessels of non-Contracting Parties operating in the Convention Area), is contrary to the conservation measures, contradicts the practice of the Contracting Parties and of the Commission, and challenges the objectives of the Convention.

ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY OF ANTARCTIC MARINE LIVING RESOURCES

Marine Debris

6.1 The Commission noted reports received from Members which summarised their activities in relation to information requested by the Commission on marine debris and incidental mortality of Antarctic seabirds and marine mammals. Reports were received from the following Members: South Africa (CCAMLR-XVII/BG/6), Australia (BG/11), Republic of Korea (BG/14), Japan (BG/15), USA (BG/36), UK (BG/37), France (BG/41), Brazil (BG/51) and Poland (BG/52).

6.2 The Commission noted that there is scope for improving the effectiveness of the use of information submitted by Members in their reports. In particular, the Commission agreed with the recommendation of SCOI and requested the Secretariat to examine intersessionally whether improvements could be made to Members' reporting obligations, including the *Reports of Members' Activities* and *Reports on Avoidance and Assessment of Incidental Mortality* to reduce the number of reports, duplication between reports and improve the timing of the reports' deadlines (Annex 5, paragraph 6.2).

6.3 The Commission recalled that Members are required to report annually on gear lost during fishing operations. In 1997/1998, reports of lost gear were received from the UK (CCAMLR-XVII/BG/37), France (BG/41) and South Africa (BG/6).

6.4 The Commission noted the concerns of the Scientific Committee (SC-CAMLR-XVII, paragraph 4.85) and SCOI (Annex 5, paragraph 2.4) that there may be quite extensive amounts of gear lost from longline vessels which are currently unreported to CCAMLR. The lost gear may have an additional impact both on fish stocks (ghost fishing) and seabird and marine mammal populations (entanglement, ingestions). This problem is likely to be more acute in the unregulated fishery, exacerbated by instances of large-scale gear loss, when complete longlines are abandoned in order that vessels may evade sighting or inspection.

6.5 CCAMLR Members currently carry out monitoring of beached marine debris, in accordance with the CCAMLR standard method on the conduct of surveys of beached marine debris, at several locations. The CCAMLR database on marine debris surveys was established by the Secretariat in 1997. It currently holds 25 sets of data collected by four Members (Chile, Norway, UK and USA) from 1994 to 1997. At CCAMLR-XVI, the Commission encouraged all Members to submit data from marine debris surveys to the CCAMLR database (CCAMLR-XVI, paragraph 6.16). During the 1997/98 intersessional period, only one new dataset, covering seven beach surveys on Bird Island, South Georgia (Subarea 48.3) conducted by the UK in 1997, had been submitted. A summary of data currently contained in the database and their preliminary analysis are given in CCAMLR-XVII/BG/22.

6.6 In accordance with the Commission's decision last year, the Secretariat published a set of educational materials on the problem of marine debris in Antarctic waters. The set consists of a poster and a mini-poster. These materials are intended for distribution to all fishing, research, re-supply and tourist vessels working in Antarctic waters. Members were asked to circulate the material widely and were requested to advise the Secretariat of the number of copies of posters they require. Following requests received, a number of copies have already

been provided to Members for distribution to interested national organisations. Copies of posters were also sent to the International Association of Antarctica Tour Operators (IAATO).

6.7 The Commission thanked the Secretariat and its Science Officer for their intersessional work on the subject of marine debris and its impact on Antarctic marine living resources.

6.8 The UK reported that in 1996/97, the seventh consecutive end-of-summer survey of beached man-made debris at Bird Island (CCAMLR-XVII/BG/7) revealed a total of 289 items, 60% less than the record totals of 725 and 710 items in 1994/95 and 1995/96 respectively. This may reflect reduced fishing effort (especially illegal longlining) in the area in 1996/97. Unusually, more debris items (62%) were collected at the end of summer than throughout the winter. Nylon line, identical to that attached to longline fishing gear, accounted for 57% of items, nearly all of which clearly originated from fishing vessels. Despite the CCAMLR ban on the use of plastic packaging bands being in force since 1994/95, many of these bands, 9% of which were uncut, were found ashore.

6.9 The UK also reported the results of the eighth annual beach litter survey, at three study beaches at Signy Island, South Orkney Islands (Subarea 48.2) during the 1997/98 austral summer (CCAMLR-XVII/BG/20). A total of 29 items weighing 3.6 kg were recovered from Cummings Cove; 11 items weighing 0.9 kg were found at Foca Cove and four items with a total weight of 1.7 kg were found at Starfish Cove. The total number of marine debris items collected from the three beaches was the lowest recorded since the surveys began in 1990, following a continuing downward trend since 1993/94. The proportion of plastic items recovered remained high, accounting for 57% of all items found. Despite the ban on the use of packaging bands, nine (36% of all plastic items) were recorded, although all had been cut. On the positive side this represents a continuing reduction since the record total of 115 bands in 1993/94.

6.10 South Africa reported on standardised beach litter surveys at sub-Antarctic Marion Island (Subarea 58.7) for the period 1996 to 1998, in comparison with surveys done in 1984 and 1995, prior to the onset of unregulated illegal fishing in this area (CCAMLR-XVII/BG/25). An exponential increase in the litter accumulation was noted in annual accumulation studies at designated beaches. Styrofoam pieces and plastic bottles showed the largest increases while fishing equipment also doubled during this period. An increase in the number and proportion of Spanish script items was noted, while French script items only appeared after the onset of illegal fishing. Monthly accumulation showed a strong seasonal effect, which also corresponded to periods of reported illegal fishing. Of the litter items that could be identified to their place of origin, most were from South America, while Oriental and French items also featured significantly. French items are noteworthy in light of reports of illegal fishing vessels using Port Louis, Mauritius, to land catches and resupply. A fast turnover rate of litter and very little accumulation effect were recorded in a beach litter retention study.

6.11 Chile presented the report of its survey of marine debris carried out at Cape Shirreff (Subarea 48.1) (CCAMLR-XVII/BG/27) and highlighted the findings of expanded polystyrene, which is prohibited under Annex III of the Madrid Protocol, evidence of incinerated material, and bundles of packaging bands, the use of which is prohibited by CCAMLR. It was noted, however, that these could have come from outside the Convention Area, or from unauthorised fishing vessels. Chile suggested that it might be worthwhile investigating the possibility of requiring the deployment on fishing vessels of logbooks for recording solid waste material generated, and the possibility of establishing guidelines to facilitate the recording of marine debris by scientists and others in Antarctic expeditions.

6.12 Other documents contained reports of debris survey work by the USA at Palmer Station, Antarctic Peninsula (Subarea 48.1) (CCAMLR-XVII/BG/36), Brazil at King George Island, South Shetland Island group (Subarea 48.1) (CCAMLR-XVII/BG/51) and Australia, undertaking at-sea collection and evaluation of pelagic plastics and synthetic artefacts on transects across the Southern Ocean (CCAMLR-XVII/BG/11).

6.13 Noting considerable progress in the collection and evaluation of scientific data on marine debris and the suggestions raised by Chile, the Commission requested the Scientific Committee to include annual reviews of this topic on its agenda for future meetings, thereby providing the Commission with a summary report on which to commence its discussion under this agenda item in the future. This represents a change from current practice, whereby the Scientific Committee has previously only considered aspects relating to interactions between marine animals and debris.

6.14 The Commission endorsed the Science Officer's request that all Members conducting surveys of marine debris should submit historic, as well as current data to the Secretariat as soon as possible and in accordance with requirements of the CCAMLR standard method on the conduct of surveys of beached marine debris.

6.15 The Commission noted the reports of UK surveys of entanglements of fur seals and marine debris at South Georgia and Signy Island, South Orkney Islands (SC-CAMLR-XVII, paragraphs 4.76 and 4.77); the reductions in entanglement levels at the two sites were encouraging but the increased incidence of packaging bands remains a concern. The Commission also noted reports from the UK, South Africa and France of increased levels of fishing gear associated with seabirds at South Georgia, Marion Island and Crozet Islands respectively (SC-CAMLR-XVII, paragraphs 4.78 to 4.82).

6.16 The Commission expressed concern at the evidence for the continuing (even increasing) presence of packaging bands (sometimes uncut or retied into loops) in the Convention Area. It agreed with the Scientific Committee this is not necessarily evidence of failure by vessels of Members of CCAMLR to comply with Conservation Measure 63/XV, as the bands could well derive from vessels engaged in illegal or unregulated fishing (SC-CAMLR-XVII, paragraph 4.84). However, the Commission noted that observers reported the presence of packaging bands on at least two vessels in the Convention Area in 1997/98 (SC-CAMLR-XVII, Annex 5, Table 14). It commended South Africa for its prompt and effective action in this respect (CCAMLR-XVII/BG/29).

Incidental Mortality of Marine Animals during Fishing Operations

6.17 The Commission noted the extensive 1998 intersessional activities, the productive meeting of ad hoc WG-IMALF during WG-FSA and its report, summarised in SC-CAMLR-XVII, paragraphs 4.35 to 4.74. It thanked ad hoc WG-IMALF and its Convener, Prof. J. Croxall (UK) for such a comprehensive and detailed report, addressing a topic of major importance for the Commission.

6.18 The Commission noted the final revised estimates for seabird by-catch in 1997 (SC-CAMLR-XVII, paragraphs 4.38 and 4.39) and endorsed ad hoc WG-IMALF plans for detailed analysis of 1998 and 1999 data (SC-CAMLR-XVII, paragraph 4.40). The Commission noted the results of the existing analysis of the 1998 data on seabird by-catch whereby:

- (i) in Subarea 48.3 (SC-CAMLR-XVII, paragraph 4.43):
 - (a) 79 seabirds (83% white-chinned petrels, 12% black-browed albatrosses) were observed killed at an overall catch rate of 0.025 birds/thousand hooks compared with 712 seabirds at a catch rate of 0.23 birds/thousand hooks in 1997;
 - (b) an estimated 640 birds were killed, a substantial reduction (88% fewer) from the estimated 1997 kill of 5 755;

- (c) these results represent a major improvement compared with 1997, due to the much higher levels of compliance with CCAMLR conservation measures; and
 - (d) the one-month delay (from 1 March to 1 April) in the start of the fishing season was thought to be a major factor in reducing bird by-catch in 1998.
- (ii) in Subareas 58.6 (outside the French EEZ) and 58.7 (SC-CAMLR-XVII, paragraph 4.44):
- (a) 498 seabirds of five species (mainly (96%) white-chinned petrels) were observed killed with an average catch rate of 0.117 birds/thousand hooks, compared with 834 seabirds at a catch rate of 0.52 birds/thousand hooks in 1997;
 - (b) the reduction in seabird by-catch rates compared with 1997 was probably because of improved compliance with Conservation Measure 29/XVI, especially with respect to night setting and use of streamer lines (though the 5 n miles fishing exclusion zone around the Prince Edward Islands may have contributed); and
 - (c) by-catch occurred mainly during summer, peaking during February to mid-March, the chick-rearing period of white-chinned petrels.

The Commission noted that, as last year, these are absolute numbers of birds observed killed, not estimates of the total seabird by-catch mortality in these subareas. Based on last year's data, the observed total may be about 75% of the estimated total by-catch (SC-CAMLR-XVII, Annex 5, paragraph 7.57).

- (iii) in Division 58.5.1 (SC-CAMLR-XVII, Annex 5, paragraph 7.40) results from two longliners indicated by-catch levels of zero and 15 white-chinned petrels at a rate of 0.016 birds/thousand hooks (compared with 1.93 birds/thousand hooks for two hauls from unregulated vessels in this division); and
- (iv) in Subareas 48.1, 48.2, 88.1 and 88.3 fishing feasibility surveys and new and exploratory fisheries reported no seabird by-catch (SC-CAMLR-XVII, Annex 5, paragraphs 7.25 and 7.26).

6.19 The Commission endorsed the advice of the Scientific Committee, that:

- (i) there had been a substantial reduction (by 90% in Subarea 48.3 and about 50% in Subareas 58.6 and 58.7) in seabird by-catch in the regulated fisheries in the Convention Area in 1997/98;
- (ii) this was in part attributable to greater compliance with the mitigating measures set out in Conservation Measure 29/XVI and to the later commencement of the fishing season in most areas in 1997/98 than in preceding years; and
- (iii) that the highest by-catch rates recorded were for sets commenced in daytime and for those undertaken during February and March in Subareas 58.6 and 58.7 and in April in Subarea 48.3.

6.20 The Commission noted that despite general improvement in compliance with Conservation Measure 29/XVI there are still numerous failures in compliance, especially with line weighting, but also with night setting, offal discharge and streamer lines (SC-CAMLR-XVII, paragraph 4.47).

6.21 Chile commented on non-compliance by vessels with line weighting provisions in Conservation Measure 29/XVI and emphasised the importance of identifying cost-effective strategies for increasing the effectiveness of conservation measures intended to reduce the incidental catch of seabirds, such as those outlined in SC-CAMLR-XVII, paragraph 4.52.

6.22 The Commission noted that estimates of seabird by-catch mortality from unregulated fishing in the Convention Area in 1998 (50 000 to 89 000 seabirds) are essentially similar to those of 1997 (SC-CAMLR-XVII, paragraph 4.49). It noted further that these levels of by-catch are:

- (i) about two orders of magnitude greater than in the regulated fishery; and
- (ii) unsustainable for the albatross, giant petrel and white-chinned petrel populations concerned (SC-CAMLR-XVII, paragraph 4.50).

This is a most serious situation, viewed with the greatest concern by the Commission, which is proposing a wide range of measures to address the problem of unregulated and illegal fishing (paragraphs 5.16 to 5.71).

6.23 The Commission noted data from Australia and New Zealand on the continuing by-catch of seabirds from the Convention Area in fisheries operating outside, especially tuna fisheries in adjacent regions (SC-CAMLR-XVII, paragraph 4.51).

6.24 The Commission endorsed the advice of the Scientific Committee (SC-CAMLR-XVII, paragraph 4.52) in respect of new information relating to methods for mitigating seabird by-catch in longline fisheries, relating to:

- (i) offal discharge, in that vessels discharging offal during the haul on the same side as the line hauling site should not be allowed to fish in the Convention Area and drew this especially to the attention of those involved in licensing of vessels to fish in EEZs;
- (ii) the importance of adequate line weighting as potentially the most effective of existing mitigating measures, the need to develop more efficient methods to weight lines and the high priority for experimental research into the effects of line sink rates;
- (iii) the possible future need to add a provision to Conservation Measure 29/XVI governing the use of line floats;
- (iv) the need to investigate the use of line-setting devices;
- (v) encouraging the development and testing of underwater setting tubes, especially current initiatives by Australia, New Zealand, Norway and South Africa; and
- (vi) the need for research into artificial bait, gear colour and bait-taking behaviour of seabirds.

6.25 The Commission recalled that last year it requested the Secretariat to arrange for comments on the draft of the FAO International Plan of Action on the Reduction of Incidental Catch of Seabirds in Longline Fisheries (IPOA) from ad hoc WG-IMALF (SC-CAMLR-XVII/BG/5) to be forwarded to the FAO in time for consideration at the FAO Consultation to be held in Rome from 26 to 30 October 1998 (CCAMLR-XVI, paragraph 12.4). The revised IPOA would then be submitted for adoption at the next meeting of the FAO Committee on Fisheries (COFI) to be held in February 1999.

6.26 It noted that comments from WG-FSA had been forwarded and that ad hoc WG-IMALF members (notably Mr N. Brothers (Australia) and Mr J. Cooper (South Africa)) had been very active in developing key background documents for the FAO Consultation, which had resulted in the draft IPOA being accepted for adoption at the forthcoming COFI meeting (CCAMLR-XVII/BG/58).

6.27 The Commission encouraged all Members to support the adoption of IPOA at the COFI meeting. It requested all nations fishing in the Southern Ocean then to adopt their own National Plans of Action (within the IPOA) by 2001.

6.28 The Commission asked the Scientific Committee to monitor progress on the IPOA and to arrange for an observer to represent the Scientific Committee at this element of the COFI meeting in 1999.

6.29 The Commission noted assessments and advice provided by the Scientific Committee in respect of protection of seabirds from incidental mortality in relation to proposals for new and exploratory longline fisheries for *Dissostichus* spp. in the Convention Area (SC-CAMLR-XVII, paragraphs 4.60 to 4.67). These were considered under Agenda Item 7.

6.30 The Commission endorsed the recommendation of the Scientific Committee that Conservation Measure 29/XVI should be retained in full for longline fishing in all parts of the Convention Area in 1998/99 (SC-CAMLR-XVII, paragraph 4.70). It approved a variation to this, however, in respect of the New Zealand longline fishery in Subarea 88.1 south of 65°S (SC-CAMLR-XVII, paragraphs 4.66 and 4.67).

6.31 The Commission noted the strategic advice of the Scientific Committee concerning policies and practices believed essential to addressing and resolving the issue of seabird by-catch in longline fisheries (SC-CAMLR-XVII, paragraph 4.71), specifically that:

- (i) sustained development of underwater setting offers the most likely medium- to long-term solution to the problem;
- (ii) work to develop line weighting regimes to ensure sink rates that will preclude seabirds accessing bait offers the best short-term solution, as well as the likelihood of permitting exemption from several other mitigating measures currently in use in the Convention Area; and
- (iii) in the meantime, improved compliance with the existing suite of mitigation measures in Conservation Measure 29/XVI is essential.

6.32 The Commission also endorsed the advice of the Scientific Committee concerning:

- (i) improved training and education of fishing companies, vessel captains, fishing masters, crew, scientific observers and technical coordinators (SC-CAMLR-XVII, Annex 5, paragraph 7.194);
- (ii) development of a range of national and international plans of action, e.g. those under FAO, the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and the Australian Threat Abatement Plan (SC-CAMLR-XVII, Annex 5, paragraph 7.196); and
- (iii) action relating to improved regulation of high seas fishing (especially through harmonisation of management measures) and encouraging Members (and other countries fishing in the Convention Area) to ratify and promote entry into force of instruments such as UNIA, the FAO Compliance Agreement and the Code of Conduct for Responsible Fisheries.

6.33 New Zealand reported on the good progress made on the seabird identification guide which it expects to have available for delivery to Members in early 1999 (CCAMLR-XVII/BG/55). It thanked the guide's Oversight Committee, the sponsors and the technical experts in each of the four CCAMLR languages who have worked hard to ensure that an important publication worthy of CCAMLR is produced.

6.34 The Commission commended Brazil for its initiative in translating the CCAMLR booklet *Fish the Sea Not the Sky* into Portuguese (CCAMLR-XVII/BG/51).

6.35 Brazil noted that it does not undertake commercial fishing in Antarctic waters. Nevertheless, it believes in the need for an educational program for fishers that operate in its waters because these fishing grounds are used as feeding grounds for breeding and migrating individuals of some species of Antarctic seabirds. Brazil hoped that other Members would undertake similar educational actions in relation to fisheries conducted outside the CCAMLR Convention Area but of relevance to species occurring within it.

6.36 The Commission noted that during the 1997/98 season there had been only one bird killed in collision with a trawl warp, and that there had been no evidence of fishing with net monitor cables in contravention of Conservation Measure 30/X (SC-CAMLR-XVII, paragraph 4.74).

NEW AND EXPLORATORY FISHERIES

New and Exploratory Fisheries in the 1997/98 Season

7.1 Last year, the Commission had endorsed seven new fisheries and five exploratory fisheries for the 1997/98 season (SC-CAMLR-XVI, paragraphs 9.3 to 9.10). New fisheries for *Dissostichus* spp. had been notified in Subareas 48.1, 48.2, 48.6, 88.2, 88.3, Divisions 58.4.3 and 58.4.4. Exploratory fisheries for *Dissostichus* spp. had been notified in Subareas 58.6, 58.7, 88.1 and Division 58.4.3. In addition, one exploratory fishery for squid (*Martialia hyadesi*) had been notified in Subarea 48.3.

7.2 As part of the requirements of the conservation measure in force, Chile had conducted a longline survey to determine the feasibility of new fisheries in Subareas 48.1 and 48.2; this cruise had also included fishing in Subarea 88.3. The cruise was conducted during February and March 1998, and the observed catch rates for *Dissostichus* spp. were well below the criterion of 0.1 kg/hook required to invoke Conservation Measures 134/XVI and 135/XVI (CCAMLR-XVI, paragraph 9.29). Consequently, the new fisheries in Subareas 48.1 and 48.2 were not opened in 1997/98.

7.3 In addition, New Zealand had fished in Subarea 88.1, south of 65°S, and taken 39 tonnes of *Dissostichus* spp., and South Africa had conducted limited fishing outside its EEZ in Subareas 58.6 (1 tonne of *D. eleginoides*) and 58.7 (<1 tonne of *D. eleginoides*). No fishing had taken place under the notifications for new and exploratory fisheries for *Dissostichus* spp. in Subareas 48.6, 88.2, Divisions 58.4.3 and 58.4.4 and *M. hyadesi* in Subarea 48.3.

New and Exploratory Fisheries Notified for the 1998/99 Season

7.4 The Commission noted that the Scientific Committee had considered notifications for new and exploratory fisheries for the 1998/99 season from Australia, France, New Zealand, South Africa, Spain and Uruguay.

7.5 Australia submitted a notification for exploratory trawl fisheries for *Dissostichus* spp. in Divisions 58.4.1 and 58.4.3 (CCAMLR-XVII/11).

7.6 France submitted a notification for new fisheries for *D. eleginoides* in Subareas 58.6 and 58.7 and Divisions 58.4.3, 58.4.4, 58.5.1 and 58.5.2, outside EEZs in all subareas and divisions (CCAMLR-XVII/9 Rev. 1). The Commission noted that during the meeting of WG-FSA, Prof. G. Duhamel (France) had clarified that the notification no longer applied for Divisions 58.5.1 and 58.5.2. As such, the Scientific Committee considered only the notifications for Subareas 58.6 and 58.7 and Divisions 58.4.3 and 58.4.4 (outside EEZs). The notification was for longline fisheries in all subareas and divisions nominated, and trawl fisheries in Subarea 58.6 and Division 58.4.4. At the time of drafting the conservation measures, the European Community advised that France had withdrawn its notification in relation to the trawl fisheries.

7.7 New Zealand submitted a notification for an exploratory longline fishery for *Dissostichus* spp. in Subarea 88.1 (CCAMLR-XVII/13 Rev. 1).

7.8 South Africa submitted a notification for new longline fisheries for *Dissostichus* spp. in Subarea 48.6 and Division 58.4.4 (CCAMLR-XVII/10), and a notification for exploratory longline fisheries for *Dissostichus* spp. in Subareas 58.6 and 58.7, outside EEZs (CCAMLR-XVII/14).

7.9 The Delegation of Japan explained that Japan had received various requests from industry for new and exploratory fisheries for *Dissostichus* spp. in the Convention Area. However, Japan had decided not to proceed with any notification because it believed that there was insufficient information available for the expansion of fisheries on *Dissostichus* spp. It stated that whatever may be agreed on conservation measures relating to new and exploratory fisheries should not be construed as prejudicing the rights of other Members to participate in those fisheries in the future.

7.10 Spain submitted a notification for an exploratory longline fishery for *D. eleginoides* in Division 58.4.4 (CCAMLR-XVII/12).

7.11 Uruguay submitted a notification for a new longline fishery for *D. eleginoides* in Division 58.4.4 (CCAMLR-XVII/19).

7.12 A notification was received during the course of the Commission's meeting from the UK and the Republic of Korea of intention to undertake an exploratory fishery for *M. hyadesi* in Subarea 48.3 (CCAMLR-XVII/42).

7.13 The Commission noted that some notifications for new and exploratory fisheries had been submitted after the deadlines set out in Conservation Measures 31/X and 65/XII, but that these had still been evaluated by the Scientific Committee. Regarding this aspect, the Scientific Committee had sought the guidance of the Commission as to how late submissions of fishery notifications should be handled in the future.

7.14 The European Community expressed the view that the deadlines were necessary to permit parties to have sufficient time to evaluate proposals.

7.15 The Commission reiterated that notifications for new and exploratory fisheries must be submitted by the deadlines stated in Conservation Measures 31/X and 65/XII so as to ensure that each notification was thoroughly evaluated.

7.16 The Commission noted that the Scientific Committee had been unable to provide yield estimates for mixed-gear fisheries notified for 1998/99 (SC-CAMLR-XVII, paragraph 9.22). A series of assessments were, however, given for either a longline or a trawl fishery in these areas (SC-CAMLR-XVII, Table 7). This was done under the assumption that only one of these

gear types would be used and in this respect the assessments should be considered as very separate entities and not additive. The Scientific Committee considered that the maximum catch for a statistical area should be no more than the yield estimated for longlining, as this is greater than the yield for trawling in this case. Also, the catch for the trawl component of the mixed fishery should be no greater than the yield estimated for the trawl fishery. The Scientific Committee agreed that the yield for the respective gear types should be discounted in some way when the other gear type is also being used in the same management area, but could not determine a suitable scientific method for achieving this at this meeting.

7.17 The Commission noted the comments of the Scientific Committee for mixed-gear fisheries in the 1998/99 season, and requested the Scientific Committee to develop further methods to address catch limits for mixed-gear fisheries at its next meeting.

7.18 The European Community noted the catch limits provided in Table 8 of the Scientific Committee report, and that these had been obtained by applying an arbitrary discount factor to the yields estimated by the GYM. The European Community sought advice as to whether the Scientific Committee had used the same procedure as in previous years, and if progress had been made with respect to the discount factors used and the assessment methodology.

7.19 The Chairman of the Scientific Committee informed the Commission that the latest work of the Scientific Committee and WG-FSA had followed the procedure of the past two years, and had been limited by the paucity of information in areas notified for new and exploratory fisheries. However, significant developments had taken place since CCAMLR-XVI. Validation of the GYM had been conducted by the Secretariat (SC-CAMLR-XVII, paragraph 5.36) and revised estimates of seabed areas within fishable depths had enabled WG-FSA to consider scale of management units.

7.20 The Commission noted that the Scientific Committee is unable to consider fully the notifications of new fisheries because not all notifications include details of minimum levels of catch on which to base viable exploratory activity. The Commission considered that such information would be useful, particularly because it would help the Scientific Committee assess the potential for interaction with other proposed fishing activities. The Commission also noted that information concerning the management units of interest to the nominees (as discussed in SC-CAMLR-XVII, Annex 5, paragraphs 3.151 to 3.154 and Figure 1) would help in these assessments. The Commission requested that future proposals for new fisheries should include this information for consideration by the Scientific Committee.

7.21 The USA had expressed concern over the development of fisheries targeting *D. mawsoni*. This species was one of the few target species which occurred entirely within the Convention Area, and which had only recently been subject to fishing. Although some research on this species had been conducted in the Ross Sea, very little basic information was available on its distribution, abundance and population dynamics. The USA had urged the Commission to make every effort possible to ensure that fisheries for *D. mawsoni* develop under strict precautionary principles. The matter was discussed further under Agenda Item 10.

7.22 In the light of earlier discussions, Norway had asked the Chairman of the Scientific Committee how the Commission could reconcile the views of the Scientific Committee regarding the setting of catch limits and the grave threat to the stocks of *D. eleginoides* which had been brought about through illegal, unregulated and unreported fishing.

7.23 In relation to the fishery in Subarea 48.3, Dr Miller explained that the Scientific Committee had felt confident with the assessment of *D. eleginoides*. This species had been the focus of detailed research, and illegal, unregulated and unreported fishing has probably been low in that subarea in recent years (SC-CAMLR-XVII, Annex 5, Table 6).

7.24 More generally, Dr Miller noted that the Scientific Committee had been concerned by the scarcity of information available for assessing stocks of *Dissostichus* spp. targeted by the new

and exploratory fisheries. The Scientific Committee had conducted assessments based on the best available information. However, the Scientific Committee had addressed specific concerns by identifying the following high-priority tasks (SC-CAMLR-XVII, paragraph 5.134):

- (i) consider the currency of assessments for both *D. eleginoides*, as well as other species;
- (ii) subject to the advice of the Scientific Committee and the Commission, define a start date for fisheries for *Dissostichus* spp. and review the 35-year period of which stock trajectories are projected with the GYM, especially in terms of reconciling the outputs of the GYM and information derived from CPUE;
- (iii) identify stock structure;
- (iv) analysis and interpretation of CPUE data;
- (v) develop and validate growth models for *D. eleginoides* and *D. mawsoni* in different parts of their range;
- (vi) obtain recruitment data for areas where none are currently available;
- (vii) derive recruitment indices from mixture analyses and analysis of their sensitivity to expected outcomes from growth and mortality functions; and
- (viii) develop methods for calculating catch limits in mixed-gear fisheries.

7.25 The Scientific Committee had also considered the possibility that discrete stocks of *Dissostichus* spp. may occur over smaller spatial scales than the management areas currently used by CCAMLR. Given this possibility, the Scientific Committee advised that the most precautionary approach was to assume that discrete stocks of *Dissostichus* spp. may occur over small spatial scales, and that the management units identified (SC-CAMLR-XVII, paragraph 5.39) should form the basis of the Commission's decisions regarding the allocation of effort in fisheries targeting these species (SC-CAMLR-XVII, paragraph 5.37).

OBSERVATION AND INSPECTION

8.1 The Chairman of SCOI, Dr W. Figaj (Poland), presented the report of SCOI to the Commission. Discussions in paragraphs below relate to the implementation of the System of Inspection and the Scheme of International Scientific Observation. The matter of illegal, unregulated and unreported fishing in the Convention Area was discussed under Agenda Item 5.

8.2 The Chairman of SCOI expressed his gratitude to all Members for their work in the Committee. He also thanked the Secretariat for its excellent work during the past years in support of the Committee.

8.3 The report of SCOI was endorsed in general. The Commission then considered the findings and recommendations made by SCOI.

Operation of the System of Inspection and Compliance with Conservation Measures

8.4 As required in accordance with Article XX.3 and XXI of the Convention, further information on the national legal and administrative procedures to give effect to CCAMLR conservation measures had been reported by Australia, Norway, USA and South Africa (Annex 5, paragraphs 3.2 to 3.4).

8.5 Three inspections of fishing vessels carried out in accordance with the System of Inspection, were reported to the Secretariat in 1997/98. All inspections were carried out in Subarea 48.3 by CCAMLR inspectors designated by the UK. Inspectors reported that certain provisions of Conservation Measures 63/XV and/or 29/XVI had not been fully complied with by the vessels inspected.

8.6 The Commission also considered the advice of the Scientific Committee on the matter of compliance with Conservation Measure 29/XVI (SC-CAMLR-XVII, paragraph 4.47; Annex 5, paragraph 3.9).

8.7 The Commission reminded Members of the necessity to ensure full compliance with all provisions of Conservation Measures 63/XV (the use of plastic packaging bands) and 29/XVI (in particular, line weighting and offal discharge requirements) (Annex 5, paragraph 3.10).

8.8 Reports by Flag States of actions taken in respect of inspections undertaken were received from Chile and South Africa. The Commission joined SCOI in its appreciation of the clear and important information provided by Chile and South Africa on sanctions imposed and legal proceedings undertaken on infringements against CCAMLR conservation measures (Annex 5, paragraphs 3.14 to 3.18).

8.9 Australia, supported by several other Members, had expressed at SCOI a need to have a summary of all vessels licensed or permitted by Members to fish in the Convention Area placed on the CCAMLR website (Annex 5, paragraph 3.20). The Commission agreed with this proposal. Further decisions on this and other proposals related to the CCAMLR website were made under Agenda Item 3 'Finance and Administration'.

8.10 The Commission requested the Secretariat to circulate for guidance and action a schedule of information required to be submitted by Members in the 1998/99 season in accordance with the System of Inspection (Annex 5, paragraph 3.21).

Operation of the Scheme of International Scientific Observation

8.11 During 1997/98, international scientific observers undertook 21 observation programs on 14 longline vessels and one program on a trawl vessel. National scientific observers undertook eight observation programs on three longline vessels and five programs on three trawl vessels (Annex 5, paragraph 4.1).

8.12 The Scientific Committee advised the Commission that improvement in the timely submission and the quality of the data logbooks was noted in 1997/98. This was mainly due to efforts of scientific observers and to improved communication between the Secretariat and technical coordinators of national observer programs.

8.13 The Commission agreed with views of the Scientific Committee and SCOI, however, that late submission of scientific observer reports make it difficult for the Secretariat to prepare and analyse data in time for the annual WG-FSA meetings. The Commission, therefore,

reminded Members that the submission of reports of scientific observers one month after returning to port should be enforced rigorously (SC-CAMLR-XVII, paragraph 3.3; Annex 5, paragraph 4.4).

8.14 The Commission also requested the Secretariat to circulate for guidance and action a schedule of information to be submitted by Members in accordance with the Scheme of International Scientific Observation (Annex 5, paragraph 4.5).

8.15 Last year, the Commission asked Members to consider intersessionally the extent to which it would be appropriate to involve scientific observers in collecting information on vessels fishing in the Convention Area in contravention of CCAMLR conservation measures (CCAMLR-XVI, paragraph 8.20). The advice received from the Scientific Committee was considered by SCOI (Annex 5, paragraph 4.10).

8.16 Taking into account the recommendation of SCOI (Annex 5, paragraph 4.11) and the advice of the Scientific Committee (SC-CAMLR-XVII, paragraph 3.14), the Commission agreed that scientific observers should report factual data on sightings of fishing vessels in the Convention Area as specified in the report of the Scientific Committee. It was noted, however, that the independence and integrity of scientific observers should not be compromised and that their activities should be confined to gathering information and data in support of the Scientific Committee. This type of data would not be expected in real time and should be submitted to the Secretariat at the end of the voyage in the observers' reports.

8.17 The Commission decided to review the effectiveness and the need to continue this activity after a two-year trial period.

8.18 The Commission endorsed the evaluation by scientific observers in the coming season of a new procedure for estimating conversion factors for *D. eleginoides* and *D. mawsoni* described in SC-CAMLR-XVII, Annex 5, Appendix D. The Commission looked forward to the reporting of conversion factors so obtained and encouraged observers to comment on the proposed methodology in time for further evaluation at the next meeting of WG-FSA.

Organisation of the Future Work of SCOI

8.19 The Commission noted the recommendation of SCOI on the subject of contents and timing of submission of various reports which are now required from Members (Annex 5, paragraph 6.2). The Commission agreed that the Secretariat be requested to examine intersessionally whether improvements could be made to Members' reporting obligations in order to reduce the number of reports, duplication between reports and to improve the timing of the reports' deadlines.

8.20 The Commission also noted that SCOI had drawn the attention of the Commission to the fact that the number of issues dealt with under SCOI had grown considerably over recent years. The Commission confirmed that the following items of its work should generally be considered by SCOI:

- (i) the systems of observation and inspection;
- (ii) application of and compliance with conservation measures by Contracting Parties;
- (iii) non-Contracting Party activities; and
- (iv) new proposals relating to any of the above items.

8.21 Some Members noted that given this list of tasks there may be a need to re-examine the terms of reference and operation of SCOI. In order to meet this concern, the Commission agreed to consider, intersessionally, the tasks assigned to SCOI, the terms of reference of SCOI, Secretariat support needed for its work and the SCOI agenda.

CONSERVATION MEASURES

Timing of the CCAMLR Fishing Year

9.1 The Commission considered a proposal by the Scientific Committee regarding the desirability and feasibility of changing the timing of the CCAMLR fishing year (SC-CAMLR-XVII, paragraphs 5.150 to 5.152). The Scientific Committee had recognised that the requirement for Members to license vessels to fish in the Convention Area results in a period immediately following CCAMLR when fishing cannot take place. This is because licences based on the conservation measures in force need to be issued in a manner consistent with domestic legislative requirements.

9.2 The Commission agreed that moving the end of the annual season for finfish to 30 November would allow 12 months of fishing activity when there is no biological reason to have a closed season and maintain the requirement that regulations come into force close to the end of the Commission meeting. The Commission endorsed a new CCAMLR fishing year, beginning on 1 December of a year, and ending on 30 November of the following year, except for the forthcoming fishing year, which would begin on 7 November 1998 and end on 30 November 1999. This interim step was necessary to facilitate the transition to the new fishing year, and would have little impact on the fisheries.

Timing of the Fishing Season for Longlining

9.3 Last year in order to protect seabirds, for most areas relevant to existing, new and exploratory longline fisheries for *Dissostichus* spp.:

- (i) the Scientific Committee recommended closure of longline fisheries from 1 September to 30 April (October to March for Subareas 48.1 and 48.2) (SC-CAMLR-XVI, paragraph 4.61; CCAMLR-XVI, paragraph 9.20) and recommended the application of Conservation Measure 29/XVI at all times;
- (ii) the Commission accepted all closing dates proposed for longline fishing that were in accordance with the above (CCAMLR-XVI, paragraph 9.21) and also imposed a closure date of 31 August for all other *Dissostichus* spp. longline fisheries except:
 - (a) those subject to reservations in respect of the French and South African EEZs; and
 - (b) where the Scientific Committee had not advised closed fishing seasons to protect seabirds (e.g. Subarea 48.6 and Area 88); and
- (iii) in respect of dates of opening the longline fishing season for *Dissostichus* spp., the Commission agreed to implement the dates recommended by the Scientific Committee, but over a period of two years.

9.4 Therefore opening of longline fisheries for the 1997/98 season was set at 1 April 1998, with the Commission advising that the opening date for the 1998/99 season should be 1 May 1999 (CCAMLR-XVI, paragraph 9.22).

9.5 This year the advice from WG-FSA and the Scientific Committee on closed seasons to protect seabirds in respect of new and exploratory fishing applications (SC-CAMLR-XVI, paragraph 4.63) is essentially identical to last year's (see paragraph 9.3 above).

9.6 Potential conflicts between fishing seasons proposed in applications for new and exploratory fisheries in 1998/99 and the seasons proposed by the Scientific Committee to protect seabirds are summarised in SC-CAMLR-XVII, Table 5.

9.7 These variations in the timing of fishing seasons included:

- (i) for the applications by Spain (Division 58.4.4) and South Africa (Division 58.4.4, Subareas 58.6 and 58.7, outside EEZs), a difference of one month (i.e. opening 1 April as opposed to 1 May);
- (ii) the original application by France (Divisions 58.4.3 and 58.4.4, Subareas 58.6 and 58.7, outside EEZs) for year-round fishing, therefore substantially at variance with the advice of the Scientific Committee in respect of protecting seabirds; and
- (iii) the application by New Zealand (Subarea 88.1) for an area where the Scientific Committee made no recommendation on closed seasons to protect seabirds.

9.8 With respect to the latter point, New Zealand indicated that complying with the night-setting element of Conservation Measure 29/XVI greatly restricts the time of year when fishing can be undertaken. Therefore, New Zealand applied for exemption from the night-setting requirement in Conservation Measure 29/XVI, linked to experiments on line weighting to achieve rapid line sinking. The experiment would cease should even a relatively small amount of bird mortality occur, and fishing would revert to the full provisions under Conservation Measure 29/XVI.

9.9 In respect of seabird–fishery interactions over the past year, there have been a number of potentially important changes compared to the previous year.

- (i) The level of compliance with Conservation Measure 29/XVI has, in general, improved substantially (though not in one potentially critical requirement, that of line weighting).
- (ii) This improved compliance, together with the one-month delay to the start of the fishing season in Subarea 48.3, reduced seabird by-catch by 90% in Subarea 48.3.
- (iii) In the South African EEZ, with year-round fishing, the highest by-catch rates of white-chinned petrels were in February/March (SC-CAMLR-XVII, paragraph 4.44(iv) and (v)).
- (iv) In those areas where fishing started in April, this was the month with highest bird by-catch rates.
- (v) The estimated seabird by-catch in unregulated/illegal fisheries this year (50 000 to 89 000 seabirds including 11 000 to 20 000 albatrosses) remains as high as last year and almost two orders of magnitude greater than the by-catch in regulated fisheries.

9.10 Some Members proposed that year-round longline fishing is required:

- (i) effectively to monitor unregulated fishing (see SC-CAMLR-XVII, paragraphs 4.45 and 9.25);
- (ii) to improve the collection of data for the management of the fishery; and
- (iii) to be able to avoid, at least in part, the times of year when weather conditions are most inclement and safety may be compromised.

9.11 In responding to a proposal to modify the unanimous advice of the Scientific Committee with regard to the timing of the fishing season (paragraphs 9.4 to 9.6), aimed at protecting bird species in high-risk areas, Argentina expressed its grave concern about allowing an expansion of the fishing season which will result in larger by-catches of seabirds within their breeding season. Argentina noted that this increased impact on the ecosystem is not balanced with equivalent benefits, except those of an economical nature.

9.12 Taking all these points into account, the Commission decided that the start of the longline fishing season for *Dissostichus* spp. in 1998/99 in all areas for which the Scientific Committee had proposed fishing seasons beginning 1 May to protect seabirds should be 15 April 1999. The longline fishing season in 1998/99 would close in all these areas on 31 August 1999.

9.13 The Commission noted the intention of ad hoc WG-IMALF to review at its next meeting, for all parts of the Convention Area, its assessments of seabirds known to be at risk of by-catch in fisheries and recommendations for closed fishing seasons; this was endorsed as a high priority. The Commission, recollecting CCAMLR-XVI, paragraphs 6.46 and 6.47, agreed to review at its next meeting the whole topic of longline fishing seasons for *Dissostichus* spp. This would involve not only the protection of seabirds, but also major issues relating to fishery operations and management, data acquisition and other relevant considerations. It requested Members to provide the Commission, Scientific Committee and WG-FSA, as appropriate, with pertinent information.

Review of Existing Measures

Euphausia superba

9.14 The Commission noted that the Scientific Committee had not provided new management advice because there was insufficient new information to warrant a reassessment of the precautionary catch limits for *E. superba*. The Scientific Committee, however, had continued developing a general model of krill dynamics in Area 48 arising from the Workshop on Area 48 which would, in the near future, contribute to an evaluation of a subdivision of the precautionary catch limit in that area (SC-CAMLR-XVII, paragraphs 5.17 and 5.18).

9.15 The Commission agreed that Conservation Measures 32/X, 45/XIV and 106/XV should remain in force.

9.16 In reaching this agreement, the Commission had noted that the European Community had questioned the manner in which krill fisheries were monitored, the present lack of coverage under CCAMLR's Scheme of Scientific Observation, and the paucity of haul-by-haul data. In addition, the implementation of VMS in the krill fishery had not been considered mandatory (Conservation Measure 148/XVII).

9.17 These concerns were shared by many Members, and most agreed that the detailed measures for monitoring vessels and collecting data, which had been applied by the Commission to finfish fisheries, should also be applied to the krill fisheries.

9.18 Japan, Poland and Russia expressed concern over the escalation of management measures for the krill fisheries given the present low levels of exploitation.

9.19 The Commission endorsed the Scientific Committee's request for detailed information on the krill fishery, including haul-by-haul data on catch and effort, krill fishing vessel activity (time budget data), and by-catch (SC-CAMLR-XVII, paragraphs 2.3, 2.6 and 6.24). The Commission also noted that Japan had regularly contributed valuable information to WG-EMM regarding krill fishing (SC-CAMLR-XVII, paragraph 3.1).

9.20 The Commission also noted that haul-by-haul data were essential for estimating the degree of overlap between the fishing fleets and the foraging ranges of krill predators (SC-CAMLR-XVII, paragraphs 6.11 and 6.12). In turn, this information may be used in the development of management measures to reduce potential interactions between fishing vessels and krill predators, and to assess the potential risks of localised krill depletion to predators.

9.21 The Commission noted the advice of the Scientific Committee in respect of examining the potential localised effects of krill fishing on predators. It endorsed the development of a fresh dialogue with fishers to determine the manner in which fishing practices may be varied in local areas important to predators (SC-CAMLR-XVII, paragraph 6.12).

9.22 The Commission noted the Scientific Committee's ongoing work to address the question of fish by-catch in the krill fishery (SC-CAMLR-XVII, paragraph 6.24). Japan had questioned the Scientific Committee's concern that the low incidence of larval/juvenile fish in krill catches could result in a substantial impact on future abundance of key species in some areas (SC-CAMLR-XVII, paragraph 6.24). In response, the Chairman of the Scientific Committee explained that while larval and juvenile stages of finfish by-catch occurred in low abundance in the catches, there were large errors in the determination of catch rate, and in their extrapolation to the krill fisheries in general. This was due to the limited seasonal and spatial extent of samples collected as well as limited knowledge of fish life histories in all areas where the krill fishery is known to operate.

9.23 Norway emphasised the importance of krill, both as the fundamental species in the Antarctic food chain, and as the focus of Antarctic marine resource management at the time of establishing CCAMLR.

9.24 The Commission agreed that it would be appropriate to consider, in the near future, increased monitoring and data reporting measures for the krill fisheries so as to bring these fisheries in line with other major fisheries within the Convention Area.

Dissostichus spp.

9.25 The Commission noted the Scientific Committee's advice for the longline fishery for *D. eleginoides* in Subarea 48.3 (SC-CAMLR-XVII, paragraphs 5.54 to 5.57). The estimated yield for 1998/99 was 3 616 tonnes, and was similar to the estimate of 3 540 tonnes derived by the Scientific Committee last year. This year the Scientific Committee advised that a modest reduction of the catch limit below the precautionary yield would be appropriate, and the Commission agreed that a discount factor similar to that used at its last meeting should be applied to the yield estimate for the 1998/99 fishing season. The Commission had also considered the advice of the Scientific Committee regarding the avoidance of seabird by-catch (paragraph 9.12).

9.26 The Commission agreed that the catch limit for *D. eleginoides* in Subarea 48.3 in the 1998/99 season be set at 3 500 tonnes, and that the longline fishery should begin on 15 April 1999 and close on 31 August 1999 or when the catch limit was reached. Accordingly, Conservation Measure 154/XVII was adopted.

9.27 The Commission noted the Scientific Committee's advice that the catch limit for the longline fishery for *D. eleginoides* in Subarea 48.4 should remain at 28 tonnes for the forthcoming season (SC-CAMLR-XVII, paragraph 5.59). The season should begin on 15 April 1999 and close on 31 August 1999 or when the catch limit was reached. Accordingly, Conservation Measure 156/XVII was adopted.

9.28 The Commission noted the Scientific Committee's advice that the catch limit for the trawl fishery for *D. eleginoides* in Division 58.5.2 should be revised to 3 690 tonnes for the

forthcoming season (SC-CAMLR-XVII, paragraphs 5.75 to 5.77). There had been no observed by-catch of seabirds in this fishery in 1997/98 (SC-CAMLR-XVII, paragraph 4.74). The season would begin on 7 November 1998 and close on 30 November 1999 or when the catch limit was reached. Accordingly, Conservation Measure 158/XVII was adopted.

9.29 The Commission noted the advice of the Scientific Committee to prohibit fishing for *Dissostichus* spp. in Subareas 48.1, 48.2 and 88.3 following low catch rates during the feasibility survey conducted by Chile in 1998 (SC-CAMLR-XVII, paragraphs 5.109, 5.111 and 5.114). Accordingly, Conservation Measures 72/XVII and 73/XVII were revised and adopted for Subareas 48.1 and 48.2 respectively. These measures subsumed Conservation Measures 134/XVI and 135/XVI. Fishing for *Dissostichus* spp. in Subarea 88.3 was prohibited under Conservation Measure 149/XVII.

9.30 A prohibition on directed fishing for *Dissostichus* spp. in the 1998/99 season, except in accordance with specific conservation measures, was adopted as Conservation Measure 149/XVII. This conservation measure covered Subareas 48.5, 88.2 and 88.3, and Division 58.4.1, east of 90°E, and replaced Conservation Measure 120/XVI.

Champscephalus gunnari

9.31 The Commission noted the Scientific Committee's advice that the catch limit for the midwater trawl fishery for *C. gunnari* in Subarea 48.3 should be revised to 4 840 tonnes for the forthcoming season (SC-CAMLR-XVII, paragraphs 5.95 to 5.97).

9.32 Argentina expressed concern that the low catch rates in this fishery and the high percentage of small fish taken indicated that the stock remained at a low level. Argentina stated that further research was needed on the causes of this situation, and that the postponed workshop on *C. gunnari* was to have made a significant contribution to understanding the dynamics of this stock. In the absence of new information, Argentina requested that the stock should be afforded maximum protection by closing the fishery (SC-CAMLR-XVII, paragraph 5.96).

9.33 Argentina expressed its grave concern regarding fishing this stock because:

- (i) the short-term estimate of yield of 4 840 tonnes assumes that the population has increased since the last assessment (September 1997, UK survey) (SC-CAMLR-XVII, paragraph 5.92, and Annex 5, paragraph 4.162), and this was not supported by the poor results of the fishery in the 1997/98 season. However, the Scientific Committee had discarded these results because of the inexperience of the captain of the fishing vessel involved (SC-CAMLR-XVII, paragraph 5.91);
- (ii) since this ad hoc hypothesis is applicable to all future attempts to fish this stock (SC-CAMLR-XVII, paragraph 5.93), the consequence will be that the Scientific Committee will only consider data from the fishery when the catch levels are in line with the results expected;
- (iii) concerns expressed by Argentina about the poor status of the stock were noted by the Commission at last year's meeting (CCAMLR-XVI, paragraph 9.44), and a workshop on a long-term strategy for this stock was planned for the past intersessional period. The workshop did not take place and, therefore, there is no advice on this resource; and

- (iv) the final result of this methodologically unsound process is a proposal of a catch limit which, despite the increasing uncertainties about the status of the stock, is larger than last year's catch limit.

9.34 The Commission noted the conclusion of the Scientific Committee that the results of the limited fishing in 1997/98 did not provide a reliable indication of the current viability of the fishery or of stock status. The Commission further noted that the yields estimated by the Scientific Committee from the short-term projections were based on the lower 95% confidence bound of the 1997 UK trawl survey (SC-CAMLR-XVII, paragraph 5.97) and that therefore they constituted conservative estimates of yield.

9.35 The Commission agreed that the catch limit should be set at 4 840 tonnes during the forthcoming season. The season shall be closed from 1 April to 30 November 1999, or when the catch limit was reached if this was before 1 April 1999. Accordingly, Conservation Measure 153/XVII was adopted.

9.36 The Commission noted the Scientific Committee's advice that the catch limit for the trawl fishery for *C. gunnari* in Division 58.5.2 should be revised to 1 160 tonnes for the forthcoming season (SC-CAMLR-XVII, paragraph 5.105). The season would begin on 7 November 1998 and close on 30 November 1999 or when the catch limit was reached. Accordingly, Conservation Measure 159/XVII was adopted.

Electrona carlsbergi

9.37 The Commission revised Conservation Measure 125/XVI, regulating the fishery for *E. carlsbergi*, and adopted Conservation Measure 155/XVII for the 1998/99 season. The catch limit for *E. carlsbergi* was set at 109 000 tonnes, as for 1997/98, and the season would begin on 7 November 1998 and close on 30 November 1999 or when the catch limit was reached.

Crabs

9.38 The Commission noted the views of the Scientific Committee regarding Conservation Measure 90/XV (SC-CAMLR-XVII, paragraph 5.146), and the utility of the experimental harvest regime set out in that conservation measure. Accordingly, Conservation Measure 90/XV and related Measure 126/XVI were revised, and adopted as Conservation Measure 150/XVII and 151/XVII respectively. The catch limit for crabs in 1998/99 was set at 1 600 tonnes, and the forthcoming season would begin on 7 November 1998 and close on 30 November 1999 or when the catch limit was reached.

Other Taxa

9.39 The Commission noted the Scientific Committee's advice on the prohibition of directed fishing for *Gobionotothen gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*, *Lepidonotothen squamifrons* and *Patagonotothen guntheri* in Subarea 48.3 for the 1998/99 season. Accordingly, Conservation Measure 127/XVI was revised and adopted as Conservation Measure 152/XVII.

9.40 The Commission noted the advice of the Scientific Committee regarding provisions for by-catch species in Division 58.5.2 (SC-CAMLR-XVII, paragraphs 5.119 to 5.123). Accordingly, Conservation Measure 132/XVI was revised and adopted as Conservation Measure 157/XVII.

Other Conservation Measures

9.41 The Commission agreed that Conservation Measures 2/III¹, 3/IV, 4/V, 5/V², 6/V², 7/V, 18/XIII, 19/IX³, 29/XVI⁴, 30/X³, 31/X⁴, 32/X, 40/X, 45/XIV, 51/XII, 61/XII, 62/XI, 63/XV, 64/XII⁴, 65/XII⁴, 82/XIII, 95/XIV, 106/XV, 121/XVI, 122/XVI and 129/XVI should remain in force as they stand. Conservation Measures 134/XVI, 135/XVI, 139/XVI, 140/XVI and 142/XVI⁵ lapsed at the end of the Seventeenth Meeting, and Resolution 12/XVI was subsumed in Conservation Measure 148/XVII.

9.42 Dr Miller had brought to the attention of the Commission the possible need to revise the application of conservation measures to scientific research, and in particular, applicability of the clause in paragraph 1(b) of Conservation Measure 64/XII to research surveys using longlines. The European Community supported the comments of the Scientific Committee and Australia with respect to a review of Conservation Measure 64/XII. In the European Community's opinion it was timely to re-examine the provisions of Conservation Measure 64/XII, especially in respect of research on longline fisheries. The Commission referred this matter to the Scientific Committee for consideration in the forthcoming year.

Consideration of New Measures and Other Conservation Requirements

9.43 The Commission agreed that the general measures for new and exploratory longline fisheries for *Dissostichus* spp. (Conservation Measure 133/XVI) should be carried over to the 1998/99 season and adopted Conservation Measure 161/XVII.

New Fisheries for *Dissostichus* spp.

9.44 The Commission noted the advice of the Scientific Committee regarding the notifications of France, South Africa, Spain and Uruguay to conduct new longline fisheries in Division 58.4.4 (SC-CAMLR-XVII, Tables 5, 7 and 8). The catch in that division was limited to 572 tonnes of *D. eleginoides* north of 60°S, and the season in that area was defined as the period 15 April to 31 August 1999. Accordingly, Conservation Measure 164/XVII was adopted with an exception for waters adjacent to the Prince Edward Islands.

9.45 The Commission noted the advice of the Scientific Committee regarding the notification of South Africa to conduct a new longline fishery in Subarea 48.6 (SC-CAMLR-XVII, Tables 5, 7 and 8). The catch in that subarea was limited to 707 tonnes of *Dissostichus* spp. north of 60°S, and 495 tonnes of *Dissostichus* spp. south of 60°S. The fishing season to the north of 60°S was defined as the period from 1 March to 31 August 1999, and the fishing season to the south of 60°S was defined as the period from 15 February to 15 October 1999. Accordingly, Conservation Measure 162/XVII was adopted.

9.46 The Commission noted the advice of the Scientific Committee regarding the notification of France to conduct a new longline fishery in Division 58.4.3 outside the areas under national jurisdictions (SC-CAMLR-XVII, Tables 5, 7 and 8). The catch in that division was limited to

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

² 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/XVII and 73/XVII.

³ Except for waters adjacent to the Kerguelen and Crozet Islands

⁴ Except for waters adjacent to the Kerguelen and Crozet Islands and Prince Edward Islands

⁵ Except for waters adjacent to the Prince Edward Islands

700 tonnes of *Dissostichus* spp. north of 60°S and the fishing season in that area was defined as the period from 15 April to 31 August 1999. Accordingly, Conservation Measure 163/XVII was adopted.

Exploratory Fisheries

Dissostichus spp.

9.47 The Commission noted the advice of the Scientific Committee regarding the notification by Australia to conduct an exploratory trawl fishery in Divisions 58.4.1 and 58.4.3 (SC-CAMLR-XVII, Tables 5, 7 and 8). The Commission also noted that fishing in Division 58.4.1 would be limited to BANZARE Bank which occurred partly in that division, and partly in Division 58.4.3. The catch limit for *Dissostichus* spp. in Division 58.4.1 west of 90°E (i.e. eastern part of BANZARE Bank) was set at 261 tonnes, and the season would begin on 7 November 1998 and close on 30 November 1999 or when the catch limit was reached. Accordingly, Conservation Measure 166/XVII was adopted. Fishing for *Dissostichus* spp. in Division 58.4.1 east of 90°E in 1998/99 was prohibited under Conservation Measure 149/XVII.

9.48 The catch limit for *Dissostichus* spp. taken by trawl in Division 58.4.3 was set at 625 tonnes, and the season would begin on 7 November 1998 and close on 30 November 1999 or when the catch limit was reached. Accordingly, Conservation Measure 167/XVII was adopted.

9.49 The Commission noted the advice of the Scientific Committee regarding the notifications of France and South Africa to conduct exploratory longline fisheries in Subareas 58.6 and 58.7 outside areas under national jurisdiction (SC-CAMLR-XVII, Tables 5, 7 and 8). The catch in Subarea 58.6 was limited to 1 555 tonnes of *D. eleginoides* and the season in that area was defined as the period 15 April to 31 August 1999. Accordingly, Conservation Measure 168/XVII was adopted with an exception for waters adjacent to the Crozet Islands and the Prince Edward Islands in Subarea 58.6.

9.50 The yield for the fishery in Subarea 58.7 outside areas under national jurisdiction was 27 tonnes of *D. eleginoides*, and both France and South Africa had declined to pursue fishing in that part of the subarea. However, South Africa indicated that it may conduct a research survey. Accordingly, Conservation Measure 160/XVII was adopted with an exception for waters adjacent to the Prince Edward Islands in Subarea 58.7. This measure prohibited directed fishing for *D. eleginoides*, other than for the purpose of scientific research.

9.51 The Commission noted the advice of the Scientific Committee regarding the notification of New Zealand to conduct an exploratory longline fishery in Subarea 88.1 (SC-CAMLR-XVII, Tables 5, 7 and 8). The catch in that subarea was limited to 271 tonnes of *Dissostichus* spp. north of 65°S, and 2 010 tonnes of *Dissostichus* spp. south of 65°S. The fishing season was defined as the period from 15 December 1998 to 31 August 1999. Accordingly, Conservation Measure 169/XVII was adopted.

9.52 Conservation Measure 169/XVII includes a trial line weighting experiment. In adopting this conservation measure, the Commission, in accordance with the advice of the Scientific Committee, agreed that for the purpose of experimental line weighting trials, daytime setting would be permitted in Subarea 88.1 south of 65°S in the 1998/99 season subject to the vessels demonstrating a minimum line sink rate of 0.3 m/sec. The experimental trial will cease and the vessels shall revert to all the requirements of Conservation Measure 29/XVI if a significant seabird by-catch (10 birds) occurs. This variation does not constitute a precedent for longline fishing operations in other years, seasons or areas.

Fisheries in Divisions 58.4.3 and 58.5.2

9.53 The Commission noted that notifications in Division 58.4.3 were the only instance for the 1998/99 season where catch limits were required for both longline and trawl fisheries in a single area. These fisheries comprised a new longline fishery to be undertaken by France and an exploratory trawl fishery to be undertaken by Australia in Division 58.4.3. The catch limits for these fisheries were calculated on the basis of the requirements of the vessels in each fishery to undertake exploration in this division as well as allowing sufficient catch to facilitate the research trawl program included in Australia's proposal for the exploratory trawl fishery. The Commission applied the conditions as suggested by the Scientific Committee (see paragraph 7.14). The resulting catch limits are described in paragraphs 9.46 and 9.48.

9.54 Australia advised the Commission that any fishing or fishery research activities in those parts of Divisions 58.5.2 and 58.4.3 which constitute the Australian EEZ around the Australian Territory of Heard Island and McDonald Islands must have the prior approval of Australian authorities. The Australian EEZ extends up to 200 n miles from the Territory. Australia regards unauthorised fishing in its waters as a serious matter that undermines efforts to ensure that fishing occurs only on an ecologically sustainable basis. Australia seeks the assistance of other CCAMLR Members in ensuring their nationals are aware of the boundaries of the Australian EEZ and the need for prior permission to fish there. Australia has implemented strict controls to ensure that fishing in its EEZ occurs only on a sustainable basis. These controls include a limit on the number of fishing concessions issued. Presently, fishing concessions are fully subscribed and no further concessions are available to be issued in 1998/99. Any enquiries about fishing in the Australian EEZ should be made initially to the Australian Fisheries Management Authority.

Squid

9.55 The Commission noted that the Scientific Committee had provided advice that Conservation Measure 145/XVI, related to exploratory fisheries for squid, is still appropriate for this fishery (SC-CAMLR-XVII, paragraph 5.149). It further noted that the Scientific Committee had not reviewed a late notification of intention to undertake an exploratory fishery for *M. hyadesi* in the 1998/99 season.

9.56 On the basis of the Scientific Committee's advice (SC-CAMLR-XVII, paragraph 5.149), the Commission agreed that the provisions of Conservation Measure 145/XVI should be carried over to the 1998/99 season and adopted Conservation Measure 165/XVII.

Illegal, Unregulated and Unreported Fishing

9.57 The Commission had considered a number of draft conservation measures which had been proposed by SCOI. These measures were discussed under Agenda Item 5. Accordingly, the revised Conservation Measures 118/XVII and 119/XVII and new Conservation Measures 146/XVII, 147/XVII and 148/XVII were adopted.

9.58 In relation to Conservation Measure 148/XVII, Argentina reiterated its reservation regarding the application of VMS to Subareas 48.3 and 48.4 as stated in paragraphs 9.59 and 9.60 of CCAMLR-XVI. The UK recalled its statements made at the same meeting and recorded in paragraphs 9.61 to 9.65 of the report of that meeting.

CONSERVATION MEASURES ADOPTED IN 1998

CONSERVATION MEASURE 72/XVII

Prohibition of Directed Fishing for Finfish in Statistical Subarea 48.1

Taking of finfish, other than for scientific research purposes, is prohibited in Statistical Subarea 48.1 from 7 November 1998 until at least such time that a survey of stock biomass is carried out, its results reported to and analysed by the Working Group on Fish Stock Assessment and a decision that the fishery be reopened is made by the Commission based on the advice of the Scientific Committee.

CONSERVATION MEASURE 73/XVII

Prohibition of Directed Fishing for Finfish in Statistical Subarea 48.2

Taking of finfish, other than for scientific research purposes, is prohibited in Statistical Subarea 48.2 from 7 November 1998 until at least such time that a survey of stock biomass is carried out, its results reported to and analysed by the Working Group on Fish Stock Assessment and a decision that the fishery be reopened is made by the Commission based on the advice of the Scientific Committee.

CONSERVATION MEASURE 118/XVII

Scheme to Promote Compliance by Non-Contracting Party Vessels with CCAMLR Conservation Measures

The Commission hereby adopts the following Conservation Measure in accordance with Article IX.2(i) of the Convention:

1. A non-Contracting Party vessel which has been sighted engaging in fishing activities in the Convention Area is presumed to be undermining the effectiveness of CCAMLR Conservation Measures. In the case of any transshipment activities involving a sighted non-Contracting Party vessel inside or outside the Convention Area, the presumption of undermining the effectiveness of CCAMLR Conservation Measures applies to any other non-Contracting Party vessel which has engaged in such activities with that vessel.
2. Information regarding such sightings shall be transmitted immediately to the Commission in accordance with Article XXII of the Convention. The Secretariat shall transmit this information to all Contracting Parties within one business day of receiving this information, and to the Flag State of the sighted vessel as soon as possible.
3. The Contracting Party which sights the non-Contracting Party vessel shall attempt to inform the vessel that it has been sighted engaging in fishing activities in the Convention Area and is accordingly presumed to be undermining the objective of the Convention and that this information will be distributed to all Contracting Parties to the Convention and to the Flag State of the vessel.
4. When a non-Contracting Party vessel referred to in paragraph 1 enters a port of any Contracting Party, it shall be inspected by authorised Contracting Party officials knowledgeable of CCAMLR Conservation Measures and shall not be allowed to land or tranship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, logbooks, fishing gear, catch on board and any other matter, which may include information from a VMS¹, relating to the vessel's activities in the Convention Area.

5. Landing and transshipments of all fish from a non-Contracting Party vessel, which has been inspected pursuant to paragraph 4, shall be prohibited in all Contracting Party ports if such inspection reveals that the vessel has on board species subject to CCAMLR Conservation Measures, unless the vessel establishes that the fish were caught outside the Convention Area or in compliance with all relevant CCAMLR Conservation Measures and requirements under the Convention.
6. Contracting Parties shall ensure that their vessels do not receive transshipments of fish from a non-Contracting Party vessel which has been sighted and reported as having engaged in fishing activities in the Convention Area and therefore presumed as having undermined the effectiveness of CCAMLR Conservation Measures.
7. Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Contracting Parties, and on any subsequent action, shall be transmitted immediately to the Commission. The Secretariat shall transmit this information immediately to all Contracting Parties and to the relevant Flag State(s).

¹ The term VMS shall be taken to mean a system which operates to the same standard as defined in Conservation Measure 148/XVII.

CONSERVATION MEASURE 119/XVII^{1,2}
 Licensing and Inspection Obligations of Contracting Parties
 with Regard to their Flag Vessels Operating in the Convention Area

1. Each Contracting Party shall prohibit fishing by its flag vessels in the Convention Area except pursuant to a licence³ that the Contracting Party has issued setting forth the specific areas, species and time periods for which such fishing is authorised and all other specific conditions to which the fishing is subject to give effect to CCAMLR Conservation Measures and requirements under the Convention.
2. A Contracting Party may only issue such a licence to fish in the Convention Area to vessels flying its flag, if it is satisfied of its ability to exercise its responsibilities under the Convention and its Conservation Measures, by requiring from each vessel, *inter alia*, the following:
 - (i) timely notification by the vessel to its Flag State of exit from and entry into any port;
 - (ii) notification by the vessel to its Flag State of entry into the Convention Area and movement between areas, subareas/divisions;
 - (iii) reporting by the vessel of catch data in accordance with CCAMLR requirements; and
 - (iv) operation of a VMS system on board the vessel in accordance with Conservation Measure 148/XVII.
3. The licence or an authorised copy of the licence must be carried by the fishing vessel and must be available for inspection at any time by a designated CCAMLR inspector in the Convention Area.
4. Each Contracting Party shall verify, through inspections of all of its fishing vessels at the Party's departure and arrival ports, and where appropriate, in its Exclusive Economic Zone, their compliance with the conditions of the licence as described in paragraph 1 and with the CCAMLR Conservation Measures. In the event that there is evidence that the

vessel has not fished in accordance with the conditions of its licence, the Contracting Party shall investigate the infringement and, if necessary, apply appropriate sanctions in accordance with its national legislation.

5. Each Contracting Party shall include in its annual report pursuant to paragraph 12 of the CCAMLR System of Inspection, steps it has taken to implement and apply this Conservation Measure; and may include additional measures it may have taken in relation to its flag vessels to promote the effectiveness of CCAMLR Conservation Measures.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands

² Except for waters adjacent to the Prince Edward Islands

³ Includes permit

CONSERVATION MEASURE 146/XVII¹ Marking of Fishing Vessels and Fishing Gear

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

1. All Contracting Parties shall ensure that their fishing vessels licensed² in accordance with Conservation Measure 119/XVII to operate in the Convention Area are marked in such a way that they can be readily identified in accordance with internationally recognised standards, such as the FAO Standard Specifications and Guidelines for the Marking and Identification of Fishing Vessels.
2. Marker buoys and similar objects floating on the surface and intended to indicate the location of fixed or set fishing gear shall be clearly marked at all times with the letter(s) and/or numbers of the vessels to which they belong.

¹ Except for waters adjacent to Kerguelen and Crozet Islands

² Includes permitted

CONSERVATION MEASURE 147/XVII¹ Cooperation between Contracting Parties to Ensure Compliance with CCAMLR Conservation Measures with Regard to their Vessels

1. When a fishing vessel licensed² by a Contracting Party to fish in the Convention Area in accordance with Conservation Measure 119/XVII approaches the port of another Contracting Party in order to land or tranship its catch, it shall notify the Port State, 72 hours in advance, of its intended arrival. The Port State, in exercise of its rights under international law, shall undertake an inspection of the vessel, within 48 hours of the vessel entering the port, to confirm that it has carried out activities in the Convention Area in accordance with CCAMLR Conservation Measures. The inspection shall be carried out in an expeditious fashion, shall impose no undue burdens on the vessel or its crew, and shall be guided by the relevant provisions of the CCAMLR System of Inspection.
2. In the event that there is evidence that the vessel has fished in contravention of the CCAMLR Conservation Measures, the Contracting Party shall inform the Flag State of the vessel of its inspection findings. The two Contracting Parties shall, in the spirit of

cooperation, take such appropriate action as is required by the Flag State of the vessel to enable it to investigate the infringement and, if necessary, apply appropriate sanctions in accordance with its national legislation.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands

² Includes permitted

CONSERVATION MEASURE 148/XVII

Automated Satellite-Linked Vessel Monitoring Systems (VMS)

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

1. Each Contracting Party shall, no later than 1 March 1999, establish an automated Vessel Monitoring System (VMS) to monitor the position of its fishing vessels, which are licensed¹ in accordance with Conservation Measure 119/XVII, to harvest marine living resources in the Convention Area, and for which catch limits, fishing seasons or area restrictions have been set by Conservation Measures adopted by the Commission.
2. Any Contracting Party unable to establish VMS in accordance with paragraph 1 shall inform the CCAMLR Secretariat within 90 days following the notification of this Conservation Measure, and communicate its intended timetable for implementation of VMS. However, the Contracting Party shall establish VMS at the earliest possible date, and in any event, no later than 31 December 2000.
3. The implementation of VMS on vessels while participating only in a krill fishery is not currently required.
4. For the purpose of this Measure, VMS means a system where, *inter alia*:
 - (i) through the installation of satellite-tracking devices on board its fishing vessels, the Flag State receives automatic transmission of certain information. This information includes the fishing vessel identification, location, date and time, and is collected by the Flag State at least every four hours to enable it to monitor effectively its flag vessels;
 - (ii) performance standards provide, as a minimum, that the VMS:
 - (a) is tamper proof;
 - (b) is fully automatic and operational at all times regardless of environmental conditions;
 - (c) provides real time data;
 - (d) provides the geographical position of the vessel, with a position error of less than 500 m with a confidence interval of 99%, the format being determined by the Flag State; and
 - (e) in addition to regular messages, provides special messages when the vessel enters or leaves the Convention Area and when it moves between one CCAMLR area, subarea or division within the Convention Area.
5. In the event of technical failure or other non-function of the VMS, the master or the owner of the fishing vessel, as a minimum:

- (i) shall communicate at least once every 24 hours, starting from the time that this event was detected, the data referred in paragraph 4(i) by telex, by fax, by telephone message or by radio to the Flag State; and
 - (ii) shall take immediate steps to have the device repaired or replaced as soon as possible, and, in any event, within two months. If during that period the vessel returns to port it shall not be allowed to commence a further fishing trip without having the defective device repaired or replaced.
6. In the event that the VMS ceases to operate, the Contracting Party as soon as possible shall advise the Executive Secretary of the name of the vessel, the date, time and the location of the vessel when the VMS failed. The Party shall also inform the Executive Secretary when the VMS becomes operational again. The Executive Secretary shall make such information available to Contracting Parties upon request.
7. Contracting Parties shall report to the Secretariat before the start of the annual meeting of the Commission in 1999, on the VMS which has been introduced in accordance with paragraphs 1 and 2, including its technical details, and each year thereafter, on:
- (i) any change in the VMS;
 - (ii) in accordance with paragraph XI of the CCAMLR System of Inspection, all cases where they have determined, with the assistance of the VMS that vessels of their flag had fished in the Convention Area in possible contravention of CCAMLR Conservation Measures.

¹ Includes permitted

CONSERVATION MEASURE 149/XVII

Prohibition on Directed Fishing for *Dissostichus* spp. except in Accordance with Specific Conservation Measures in the 1998/99 Season

The Commission,

Concerned to ensure the regulation of directed fishing for *Dissostichus* spp. in all statistical areas and subareas in the Convention Area, and

Noting that Conservation Measures in respect of the regulation of *Dissostichus* spp. have been agreed for all areas except Statistical Subareas 48.5, 88.2, 88.3 and Statistical Division 58.4.1 (east of 90°E),

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

Directed fishing for *Dissostichus* spp. in Statistical Subareas 48.5, 88.2, 88.3 and Statistical Division 58.4.1 (east of 90°E) is prohibited from 7 November 1998 to 30 November 1999.

CONSERVATION MEASURE 150/XVII

Experimental Harvest Regime for the Crab Fishery in Statistical Subarea 48.3 for the Seasons 1998/99 and 1999/2000

The following measures apply to all crab fishing within Statistical Subarea 48.3 for the 1998/99 and 1999/2000 fishing seasons. Every vessel participating in the crab fishery in Statistical

Subarea 48.3 shall conduct fishing operations in accordance with an experimental harvest regime as outlined below:

1. The experimental harvest regime shall consist of at least two phases. Each vessel participating in the fishery shall complete all of the phases. Phase 1 shall be conducted during the first season that a vessel participates in the experimental harvest regime. Phase 2, and any additional phases, shall be completed in the next season of fishing.
2. Vessels shall conduct Phase 1 of the experimental harvest regime at the start of their first season of participation in the crab fishery. For the purposes of Phase 1, the following conditions shall apply:
 - (i) Phase 1 shall be defined as a vessel's first 200 000 pot hours of effort at the start of its first fishing season;
 - (ii) every vessel conducting Phase 1 shall expend its first 200 000 pot hours of effort within a total area delineated by twelve blocks of 0.5° latitude by 1.0° longitude. For the purposes of this Conservation Measure, these blocks shall be numbered A to L. In Annex 150/A, the blocks are illustrated (Figure 1), and the geographic position is denoted by the coordinates of the northeast corner of the block. For each string, pot hours shall be calculated by taking the total number of pots on the string and multiplying that number by the soak time (in hours) for that string. Soak time shall be defined for each string as the time between start of setting and start of hauling;
 - (iii) vessels shall not fish outside the area delineated by the 0.5° latitude by 1.0° longitude blocks prior to completing Phase 1;
 - (iv) during Phase 1, vessels shall not expend more than 30 000 pot hours in any single block of 0.5° latitude by 1.0° longitude;
 - (v) if a vessel returns to port before it has expended 200 000 pot hours in Phase 1, the remaining pot hours shall be expended before it can be considered that the vessel has completed Phase 1; and
 - (vi) after completing 200 000 pot hours of experimental fishing, it shall be considered that vessels have completed Phase 1 and shall commence fishing in a normal fashion.
3. Normal fishing operations shall be conducted in accordance with the regulations set out in Conservation Measure 151/XVII.
4. For the purposes of implementing normal fishing operations after Phase 1 of the experimental harvest regime, the Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII shall apply.
5. Vessels shall conduct Phase 2, and any additional phases, of the experimental harvest regime during their second season of participation in the crab fishery. If any vessel initiates Phase 1 of the experimental harvest regime during the 1998/99 or 1999/2000 fishing seasons, the Scientific Committee, and its Working Group on Fish Stock Assessment, shall advise the Commission on an appropriate experimental harvest strategy, Phase 2, for the following fishing season. This advice shall include provisions for:
 - (i) requiring each vessel to expend approximately one month of experimental fishing effort during its second season of participation in the experimental harvest regime; and

- (ii) a data collection and submission policy appropriate to the experimental fishing strategy that is being recommended.
6. Data collected during the experimental harvest regime in both Phase 1 and Phase 2 up to 30 June in any split-year shall be submitted to CCAMLR by 31 August of the following split-year.
 7. Vessels that complete all phases of the experimental harvest regime shall not be required to conduct experimental fishing in future seasons. However, these vessels shall abide by the guidelines set forth in Conservation Measure 151/XVII.
 8. Fishing vessels shall participate in the experimental harvest regime independently (e.g. vessels may not cooperate to complete phases of the experiment).
 9. Crabs captured during the experimental harvest regime shall be considered part of the prevailing catch limit for the current fishing season (e.g. for 1998/99, experimental catches shall be considered part of the 1 600-tonne catch limit outlined in Conservation Measure 151/XVII).
 10. All vessels participating in the experimental harvest regime shall carry at least one scientific observer on board during all fishing activities.
 11. The experimental harvest regime shall be instituted for a period of two fishing seasons (1998/99 and 1999/2000), and the details of the regime may be revised by the Commission during this period of time. Fishing vessels commencing experimental fishing in the 1998/99 season must complete the experimental harvest regime during the 1999/2000 season.

ANNEX 150/A

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

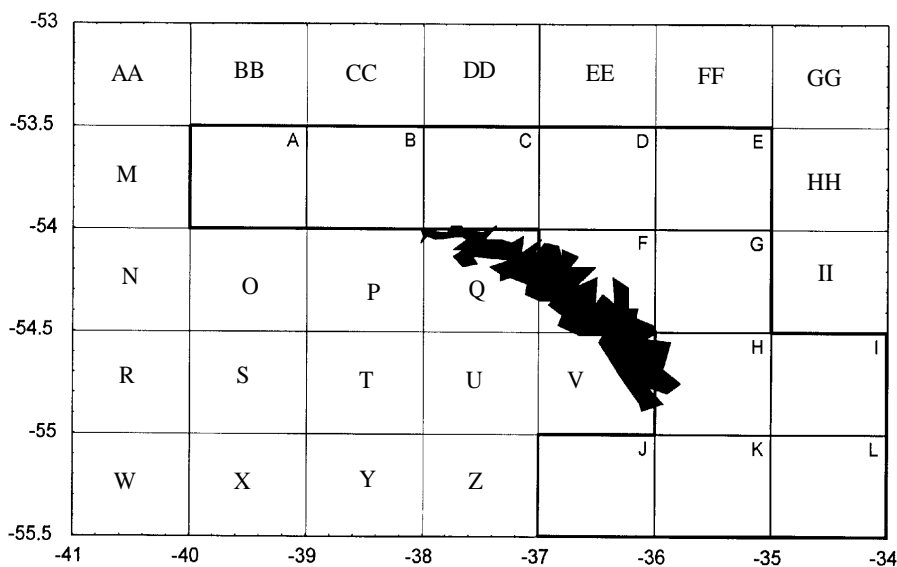


Figure 1: Operations area for Phase 1 of the experimental harvest regime for the crab fishery in Statistical Subarea 48.3.

CONSERVATION MEASURE 151/XVII
Limits on the Crab Fishery in Statistical Subarea 48.3
in the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V:

1. The crab fishery is defined as any commercial harvest activity in which the target species is any member of the crab group (Order Decapoda, Suborder Reptantia).
2. In Statistical Subarea 48.3, the crab fishing season is defined as the period from 7 November 1998 to 30 November 1999, or until the catch limit is reached, whichever is sooner.
3. The crab fishery shall be limited to one vessel per Member.
4. The total catch of crab from Statistical Subarea 48.3 shall be limited to 1 600 tonnes during the 1998/99 crab fishing season.
5. Each vessel participating in the crab fishery in Statistical Subarea 48.3 in the 1998/99 season shall have a scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.
6. 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.
7. All vessels fishing for crab shall report the following data to CCAMLR by 31 August 1999 for crabs caught prior to 31 July 1999:
 - (i) the location, date, depth, fishing effort (number and spacing of pots and soak time), and catch (numbers and weight) of commercially sized crabs (reported on as fine a scale as possible, but no coarser than 0.5° latitude by 1.0° longitude) for each 10-day period;
 - (ii) the species, size, and sex of a representative subsample of crab sampled according to the procedure set out in Annex 151/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 151/A.
8. For the purposes of implementing this Conservation Measure, the Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII shall apply.
9. Data on catches taken between 31 July and 31 August 1999 shall be reported to CCAMLR by 30 September 1999 so that the data will be available to the Working Group on Fish Stock Assessment.
10. 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.
11. 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 *Paralomis spinosissima* and *Paralomis formosa*, males with a minimum carapace width of 102 mm and 90 mm, respectively, may be retained in the catch.

12. Crab processed at sea shall be frozen as crab sections (minimum size of crabs can be determined using crab sections).

ANNEX 151/A

**DATA REQUIREMENTS ON THE
CRAB FISHERY IN STATISTICAL SUBAREA 48.3**

Catch and Effort Data:

Cruise Descriptions

cruise code, vessel code, permit number, year.

Pot Descriptions

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

Effort Descriptions

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

Catch Descriptions

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

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

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

Biological Data:

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

Cruise Descriptions

cruise code, vessel code, permit number.

Sample Descriptions

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

Data

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

CONSERVATION MEASURE 152/XVII

Prohibition of Directed Fishery on *Gobionotothen gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*, *Lepidonotothen squamifrons* and *Patagonotothen guntheri* in Statistical Subarea 48.3 for the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V:

Directed fishing on *Gobionotothen gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*, *Lepidonotothen squamifrons* and *Patagonotothen guntheri* in Statistical Subarea 48.3 is prohibited in the 1998/99 season, defined as the period from 7 November 1998 to 30 November 1999.

CONSERVATION MEASURE 153/XVII

Limitation of the Total Catch of *Champscephalus gunnari* in Statistical Subarea 48.3 in the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V:

1. The total catch of *Champscephalus gunnari* in the 1998/99 season shall be limited to 4 840 tonnes in Statistical Subarea 48.3.
2. The fishery for *Champscephalus gunnari* in Statistical Subarea 48.3 shall close if the by-catch of any of the species listed in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Champscephalus gunnari* reaches 4 840 tonnes, whichever is sooner.
3. If, in the course of the directed fishery for *Champscephalus gunnari*, the by-catch in any one haul of any of the species named in Conservation Measure 95/XIV
 - is greater than 100 kg and exceeds 5% of the total catch of all fish by weight, or
 - is equal to or greater than 2 tonnes, then

the fishing vessel shall move to another location at least 5 n miles distant¹. The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch of species named in Conservation Measure 95/XIV exceeded 5% for a period of at least five days². The location where the by-catch exceeded 5% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

4. Where any haul contains more than 100 kg of *Champscephalus gunnari*, and more than 10% of the *Champscephalus gunnari* by number are smaller than 240 mm total length, the fishing vessel shall move to another fishing location at least 5 n miles distant¹. The fishing vessel shall not return to any point within 5 n miles of the location where the catch of small *Champscephalus gunnari* exceeded 10%, for a period of at least five days². The location where the catch of small *Champscephalus gunnari* exceeded 10% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.
5. The use of bottom trawls in the directed fishery for *Champscephalus gunnari* in Statistical Subarea 48.3 is prohibited.

6. The fishery for *Champsoccephalus gunnari* in Statistical Subarea 48.3 shall be closed from 1 April to 30 November 1999.
7. Each vessel participating in the directed fishery for *Champsoccephalus gunnari* in Statistical Subarea 48.3 in the 1998/99 season shall have a scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.
8. For the purpose of implementing paragraphs 1 and 2 of this Conservation Measure:
 - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1998/99 season; and
 - (ii) the Monthly Fine-scale Catch and Effort Data Reporting System set out in Conservation Measure 122/XVI shall apply for *Champsoccephalus gunnari*. Data shall be reported on a haul-by-haul basis.
9. Fine-scale biological data, as required under Conservation Measure 121/XVI shall be collected and recorded. Such data shall be reported in accordance with the Scheme of International Scientific Observation.
 - ¹ This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.
 - ² The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

CONSERVATION MEASURE 154/XVII
 Limits on the Fishery for *Dissostichus eleginoides*
 in Statistical Subarea 48.3 for the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V:

1. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.3 in the 1998/99 season shall be limited to 3 500 tonnes.
2. For the purposes of the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3, the 1998/99 fishing season is defined as the period from 15 April to 31 August 1999, or until the catch limit is reached, whichever is the sooner.
3. Each vessel participating in the *Dissostichus eleginoides* fishery in Statistical Subarea 48.3 in the 1998/99 season shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.
4. For the purpose of implementing this Conservation Measure:
 - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1998/99 season, commencing on 15 April 1999; and
 - (ii) the Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 122/XVI shall apply in the 1998/99 season, commencing on 15 April 1999. Data shall be submitted on a haul-by-haul basis. For the purpose of

Conservation Measure 122/XVI the target species is *Dissostichus eleginoides* and 'by-catch species' are defined as any species other than *Dissostichus eleginoides*.

5. Fine-scale biological data, as required under Conservation Measure 121/XVI shall be collected and recorded. Such data shall be reported in accordance with the System of International Scientific Observation.
6. Directed fishing shall be by longlines only. The use of all other methods of directed fishing for *Dissostichus eleginoides* in Statistical Subarea 48.3 shall be prohibited.

CONSERVATION MEASURE 155/XVII

Precautionary Catch Limit for *Electrona carlsbergi*
in Statistical Subarea 48.3 for the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V:

1. For the purposes of this Conservation Measure the fishing season for *Electronacarlbergi* is defined as the period from 7 November 1998 to 30 November 1999.
2. The total catch of *Electronacarlbergi* in the 1998/99 season shall be limited to 109 000 tonnes in Statistical Subarea 48.3.
3. In addition, the total catch of *Electronacarlbergi* in the 1998/99 season shall be limited to 14 500 tonnes in the Shag Rocks region, defined as the area bounded by 52°30'S, 40°W; 52°30'S, 44°W; 54°30'S, 40°W and 54°30'S, 44°W.
4. In the event that the catch of *Electronacarlbergi* is expected to exceed 20 000 tonnes in the 1998/99 season, a survey of stock biomass and age structure shall be conducted during that season by the principal fishing nations involved. A full report of this survey including data on stock biomass (specifically including area surveyed, survey design and density estimates), age structure and the biological characteristics of the by-catch shall be made available in advance for discussion at the 1999 meeting of the Working Group on Fish Stock Assessment.
5. The directed fishery for *Electronacarlbergi* in Statistical Subarea 48.3 shall close if the by-catch of any of the species named in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Electronacarlbergi* reaches 109 000 tonnes, whichever is sooner.
6. The directed fishery for *Electronacarlbergi* in the Shag Rocks region shall close if the by-catch of any of the species named in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Electronacarlbergi* reaches 14 500 tonnes, whichever is sooner.
7. If, in the course of the directed fishery for *Electronacarlbergi*, the by-catch in any one haul of any species other than the target species
 - is greater than 100 kg and exceeds 5% of the total catch of all fish by weight, or
 - is equal to or greater than 2 tonnes, then

the fishing vessel shall move to another fishing location at least 5 n miles distant¹. The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch of species, other than the target species, exceeded 5%, for a period of at least five days². The location where the by-catch exceeded 5% is defined as the path followed

by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

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 1998/99 season;
 - (ii) the Monthly Fine-scale Catch and Effort Data Reporting System set out in Conservation Measure 122/XVI shall also apply in the 1998/99 season. For the purposes of Conservation Measure 122/XVI, the target species is *Electronacarlbergi*, and 'by-catch species' are defined as any cephalopod, crustacean or fish species other than *Electrona carlsbergi*; and
 - (iii) the Monthly Fine-scale Biological Data Reporting System set out in Conservation Measure 121/XVI shall also apply in the 1998/99 season. For the purposes of Conservation Measure 121/XVI, the target species is *Electronacarlbergi*, and 'by-catch species' are defined as any cephalopod, crustacean or fish species other than *Electronacarlbergi*. For the purposes of paragraph 8(ii) of Conservation Measure 121/XVI a representative sample shall be a minimum of 500 fish.
- ¹ This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.
- ² The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

CONSERVATION MEASURE 156/XVII
Catch Limit on *Dissostichus eleginoides* and *Dissostichus mawsoni*
in Statistical Subarea 48.4 for the 1998/99 Season

1. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.4 in the 1998/99 season shall be limited to 28 tonnes.
2. Taking of *Dissostichus mawsoni*, other than for scientific research purposes, is prohibited.
3. For the purposes of the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.4, the 1998/99 fishing season is defined as the period from 15 April to 31 August 1999, or until the catch limit for *Dissostichus eleginoides* in Subarea 48.4 is reached, or until the catch limit for *Dissostichus eleginoides* in Subarea 48.3, as specified in Conservation Measure 154/XVII, is reached, whichever is sooner.
4. Each vessel participating in the *Dissostichus eleginoides* fishery in Statistical Subarea 48.4 in the 1998/99 season shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.
5. For the purpose of implementing this Conservation Measure:
 - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1998/99 season, commencing on 15 April 1999; and
 - (ii) the Monthly Fine-scale Catch and Effort Data Reporting System set out in Conservation Measure 122/XVI shall apply in the 1998/99 season, commencing on

15 April 1999. Data shall be reported on a haul-by-haul basis. For the purposes of Conservation Measure 122/XVI, the target species is *Dissostichus eleginoides*, and 'by-catch species' are defined as any species other than *Dissostichus eleginoides*.

6. Fine-scale biological data, as required under Conservation Measure 121/XVI shall be collected and recorded. Such data shall be reported in accordance with the Scheme of International Scientific Observation.
7. Directed fishing shall be by longlines only. The use of all other methods of directed fishing for *Dissostichus eleginoides* in Statistical Subarea 48.4 shall be prohibited.

CONSERVATION MEASURE 157/XVII

Limitation of the By-catch in Statistical Division 58.5.2
in the 1998/99 Fishing Season

1. There shall be no directed fishing for any species other than *Dissostichus eleginoides* and *Champscephalus gunnari* in Statistical Division 58.5.2 in the 1998/99 fishing season.
2. In directed fisheries in Statistical Division 58.5.2 in the 1998/99 fishing season, the by-catch of *Channichthys rhinoceratus* shall not exceed 150 tonnes, and the by-catch of *Lepidonotothen squamifrons* shall not exceed 80 tonnes.
3. The by-catch of any fish species not mentioned in paragraph 2, and for which there is no other catch limit in force, shall not exceed 50 tonnes in Statistical Division 58.5.2.
4. If, in the course of a directed fishery, the by-catch in any one haul of any by-catch species for which by-catch limitations apply under this Conservation Measure is equal to, or greater than 2 tonnes, then the fishing vessel shall not fish using that method of fishing at any point within 5 n miles¹ of the location where the by-catch exceeded 2 tonnes for a period of at least five days². The location where the by-catch exceeded 2 tonnes is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

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

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

CONSERVATION MEASURE 158/XVII

Fishery for *Dissostichus eleginoides* in
Statistical Division 58.5.2 for the 1998/99 Season

1. The total catch of *Dissostichus eleginoides* in Statistical Division 58.5.2 shall be limited to 3 690 tonnes in the 1998/99 season.
2. For the purpose of this fishery for *Dissostichus eleginoides*, the 1998/99 fishing season is defined as the period from 7 November 1998 to 30 November 1999.
3. Fishing shall cease if the by-catch of any species reaches its by-catch limit as detailed in Conservation Measure 157/XVII.
4. The catch limit may only be taken by trawling.

5. Each vessel participating in the fishery for *Dissostichus eleginoides* in Statistical Division 58.5.2 shall have at least one scientific observer, and include, if available, one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities.
6. Each vessel operating in the fishery for *Dissostichus eleginoides* in Statistical Division 58.5.2 shall be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.
7. A ten-day catch and effort reporting system shall be implemented:
 - (i) for the purpose of implementing this system, the calendar month shall be divided into three reporting periods viz: day 1 to day 10, day 11 to day 20, day 21 to the last day of the month. These reporting periods are hereinafter referred to as periods A, B and C;
 - (ii) at the end of each reporting period, each Contracting Party participating in the fishery shall obtain from each of its vessels information on total catch and total days and hours fished for the period and shall, by electronic transmission, cable, telex or facsimile, transmit the aggregated catch and days and hours fished for its vessels so as to reach the Executive Secretary not later than the end of the next reporting period;
 - (iii) a report must be submitted by every Contracting Party taking part in the fishery for each reporting period for the duration of the fishery, even if no catches are taken;
 - (iv) the catch of *Dissostichus eleginoides* and of all by-catch species must be reported;
 - (v) such reports will specify the month and reporting period (A, B and C) to which each report refers;
 - (vi) immediately after the deadline has passed for receipt of the reports for each period, the Executive Secretary shall notify all Contracting Parties engaged in fishing activities in the division of the total catch taken during the reporting period and the total aggregate catch for the season to date; and
 - (vii) at the end of every three reporting periods, the Executive Secretary shall inform all Contracting Parties of the total catch taken during the three most recent reporting periods and the total aggregate catch for the season to date.
8. A fine-scale effort and biological data reporting system shall be implemented:
 - (i) the scientific observer(s) aboard each vessel shall collect the data required to complete the CCAMLR fine-scale catch and effort data form C1, latest version. These data shall be submitted to the CCAMLR Secretariat not later than one month after the vessel returns to port;
 - (ii) the catch of *Dissostichus eleginoides* and all by-catch species must be reported;
 - (iii) the numbers of seabirds and marine mammals of each species caught and released or killed must be reported;
 - (iv) the scientific observer(s) aboard each vessel shall collect data on the length composition from representative samples of *Dissostichus eleginoides* and by-catch species:
 - (a) length measurements shall be to the nearest centimetre below;

- (b) representative samples of length composition shall be taken from each fine-scale grid rectangle (0.5° latitude by 1° longitude) fished in each calendar month; and
 - (v) the above data shall be submitted to the CCAMLR Secretariat not later than one month after the vessel returns to port.
9. The total number and weight of *Dissostichus eleginoides* discarded, including those with the jellymeat condition, shall be reported. These fish will count towards the total allowable catch.

CONSERVATION MEASURE 159/XVII

Fishery for *Champscephalus gunnari* in Statistical Division 58.5.2 in the 1998/99 Fishing Season

1. The total catch for *Champscephalus gunnari* in Statistical Division 58.5.2 shall be limited to 1 160 tonnes in the 1998/99 fishing season.
2. Areas in Statistical Division 58.5.2 outside that defined in paragraph 4 below shall be closed to directed fishing for *Champscephalus gunnari*.
3. Fishing shall cease if the by-catch of any of the species reaches its by-catch limit as detailed in Conservation Measure 157/XVII.
4. For the purpose of this fishery for *Champscephalus gunnari*, the area open to the fishery is defined as that portion of Statistical Division 58.5.2 that lies within the area enclosed by a line:
 - (i) starting at the point where the meridian of longitude 72°15'E intersects the Australia–France Maritime Delimitation Agreement Boundary then south along the meridian to its intersection with the parallel of latitude 53°25'S;
 - (ii) then east along that parallel to its intersection with the meridian of longitude 74°E;
 - (iii) then northeasterly along the geodesic to the intersection of the parallel of latitude 52°40'S and the meridian of longitude 76°E;
 - (iv) then north along the meridian to its intersection with the parallel of latitude 52°S;
 - (v) then northwesterly along the geodesic to the intersection of the parallel of latitude 51°S with the meridian of longitude 74°30'E; and
 - (vi) then southwesterly along the geodesic to the point of commencement.

A chart illustrating the above definition is appended to this Conservation Measure (Annex 159/A).

5. For the purposes of this fishery for *Champscephalus gunnari*, the 1998/99 fishing season is defined as the period from 7 November 1998 to 30 November 1999.
6. The catch limit may only be taken by trawling.
7. Where any haul contains more than 100 kg of *Champscephalus gunnari*, and more than 10% of the *Champscephalus gunnari* by number are smaller than 240 mm total length, the fishing vessel shall move to another fishing location at least 5 n miles distant¹. The

fishing vessel shall not return to any point within 5 n miles of the location where the catch of small *Champscephalus gunnari* exceeded 10% for a period of at least five days². The location where the catch of small *Champscephalus gunnari* exceeded 10% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

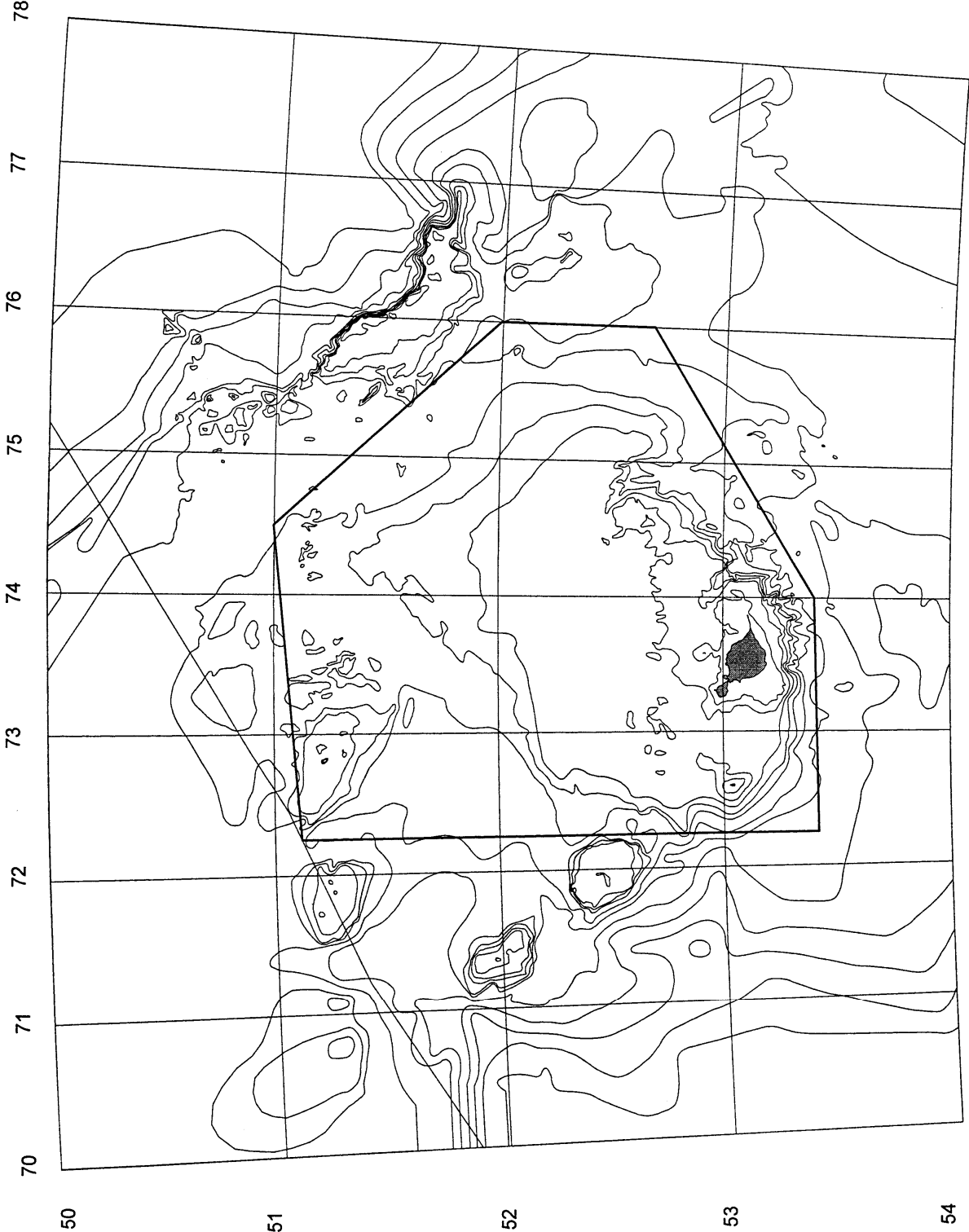
8. Each vessel participating in the fishery shall have at least one scientific observer, and include, if available, one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities.
9. Each vessel operating in the fishery for *Champscephalus gunnari* in Statistical Division 58.5.2 shall be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.
10. A ten-day catch and effort reporting system shall be implemented:
 - (i) for the purpose of implementing this system, the calendar month shall be divided into three reporting periods, viz: day 1 to day 10, day 11 to day 20 and day 21 to the last day of the month. The reporting periods are hereafter referred to as periods A, B and C;
 - (ii) at the end of each reporting period, each Contracting Party participating in the fishery shall obtain from each of its vessels information on total catch and total days and hours fished for that period and shall, by cable, telex, facsimile or electronic transmission, transmit the aggregated catch and days and hours fished for its vessels so as to reach the Executive Secretary no later than the end of the next reporting period;
 - (iii) a report must be submitted by every Contracting Party taking part in the fishery for each reporting period for the duration of the fishery, even if no catches are taken;
 - (iv) the catch of *Champscephalus gunnari* and of all by-catch species must be reported;
 - (v) such reports shall specify the month and reporting period (A, B and C) to which each report refers;
 - (vi) immediately after the deadline has passed for receipt of the reports for each period, the Executive Secretary shall notify all Contracting Parties engaged in fishing activities in the division of the total catch taken during the reporting period and the total aggregate catch for the season to date; and
 - (vii) at the end of every three reporting periods, the Executive Secretary shall inform all Contracting Parties of the total catch taken during the three most recent reporting periods and the total aggregate catch for the season to date.
11. A fine-scale effort and biological data reporting system shall be implemented:
 - (i) the scientific observer(s) aboard each vessel shall collect the data required to complete the CCAMLR fine-scale catch and effort data form C1, latest version. These data shall be submitted to the CCAMLR Secretariat not later than one month after the vessel returns to port;
 - (ii) the catch of *Champscephalus gunnari* and of all by-catch species must be reported;
 - (iii) the numbers of seabirds and marine mammals of each species caught and released or killed must be reported;

- (iv) the scientific observer(s) aboard each vessel shall collect data on the length composition from representative samples of *Champscephalus gunnari* and by-catch species:
 - (a) length measurements shall be to the nearest centimetre below; and
 - (b) representative samples of length composition shall be taken from each fine-scale grid rectangle (0.5° latitude by 1° longitude) fished in each calendar month; and
- (v) the above data shall be submitted to the CCAMLR Secretariat not later than one month after the vessel returns to port.

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

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

CHART OF THE HEARD ISLAND PLATEAU



CONSERVATION MEASURE 160/XVII¹
Prohibition of Directed Fishing for *Dissostichus eleginoides*
in Statistical Subarea 58.7

Taking of *Dissostichus eleginoides*, other than for scientific research purposes in accordance with Conservation Measure 64/XII, is prohibited in Statistical Subarea 58.7 from 7 November 1998. This prohibition shall apply until at least such time that a survey of the *Dissostichus eleginoides* stock in this subarea is carried out, its results reported to and analysed by the Working Group on Fish Stock Assessment and a decision that the fishery be reopened is made by the Commission based on the advice of the Scientific Committee.

¹ Except for waters adjacent to the Prince Edward Islands

CONSERVATION MEASURE 161/XVII^{1,2}
General Measures for New and Exploratory Longline Fisheries
for *Dissostichus* spp. in the Convention Area for the 1998/99 Season

The Commission,

Noting the need for the distribution of fishing effort and appropriate catch levels in fine-scale rectangles³ in these new fisheries,

hereby adopts the following Conservation Measure:

1. Fishing should take place over as large a geographical and bathymetric range as possible to obtain the information necessary to determine fishery potential and to avoid over-concentration of catch and effort. To this end, fishing in any fine-scale rectangle shall cease when the reported catch reaches 100 tonnes and that rectangle shall be closed to fishing for the remainder of the season. Fishing in any fine-scale rectangle shall be restricted to one vessel at any one time.
2. In order to give effect to paragraph 1 above:
 - (i) the precise geographic position of the mid-point between the start and end of the longline shall be determined using appropriate means;
 - (ii) catch and effort information for each species by fine-scale rectangle shall be reported to the Executive Secretary every five days using the Five-Day Catch and Effort Reporting System set out in Conservation Measure 51/XII; and
 - (iii) the Secretariat shall notify Contracting Parties participating in these fisheries when the total longline catch for *Dissostichus eleginoides* and *Dissostichus mawsoni* combined in any fine-scale rectangle exceeds 100 tonnes.
3. The by-catch of any species in the new and exploratory fisheries other than *Dissostichus* spp. in the Statistical Subareas and Divisions concerned shall be limited to 50 tonnes.
4. The total number and weight of *Dissostichus eleginoides* and *Dissostichus mawsoni* discarded, including those with the 'jellymeat' condition, shall be reported.
- 5². Each vessel participating in the new and exploratory fisheries for *Dissostichus* spp. during the 1998/99 season shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing season.

6. The data collection plan (Annex 161/A) shall be implemented. Data collected pursuant to the plan for the period up to 31 August 1999 shall be reported to CCAMLR by 30 September 1999 so that the data will be available to the 1999 meeting of the Working Group on Fish Stock Assessment. Such data taken after 31 August shall be reported to CCAMLR not later than three months after the closure of the fishery.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands

² Except for waters adjacent to the Prince Edward Islands

³ A fine-scale rectangle is defined as an area of 0.5° latitude by 1° longitude with respect to the northwest corner of the Statistical Subarea or Division. The identification of each rectangle is by the latitude of its northernmost boundary and the longitude of the boundary closest to 0°.

ANNEX 161/A

DATA COLLECTION PLAN FOR NEW AND EXPLORATORY LONGLINE FISHERIES

1. All vessels will comply with conditions set by CCAMLR. These include five-day catch and effort reporting system (Conservation Measure 51/XII) and monthly fine-scale effort and biological data reporting system (Conservation Measures 121/XVI and 122/XVI) will be followed.
2. All data required by the CCAMLR *Scientific Observers Manual* for finfish fisheries will be collected. These include:
 - (i) haul-by-haul catch and catch per effort by species;
 - (ii) haul-by-haul length frequency of common species;
 - (iii) sex and gonad state of common species;
 - (iv) diet and stomach fullness;
 - (v) scales and/or otoliths for age determination;
 - (vi) by-catch of fish and other organisms; and
 - (vii) observation on occurrence and incidental mortality of seabirds and mammals in relation to fishing operations.
3. Data specific to longline fisheries will be collected. These include:
 - (i) number of fish lost at surface;
 - (ii) number of hooks set;
 - (iii) bait type;
 - (iv) baiting success (%);
 - (v) hook type;
 - (vi) setting, soak, and hauling times;
 - (vii) sea depth at each end of line on hauling; and
 - (viii) bottom type.

CONSERVATION MEASURE 162/XVII

New Longline Fishery for *Dissostichus eleginoides* and *Dissostichus mawsoni* in Statistical Subarea 48.6 in the 1998/99 Season

The Commission,

Welcoming the notification of South Africa of its intention to conduct a new longline fishery in Statistical Subarea 48.6 for *Dissostichus eleginoides* and *Dissostichus mawsoni* in the 1998/99 fishing season,

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

1. Fishing for *Dissostichus eleginoides* and *Dissostichus mawsoni* in Statistical Subarea 48.6 shall be limited to the new longline fishery by South Africa. The fishery shall be conducted by South African flagged vessels using longlining only.
2. The precautionary catch limit for this new longline fishery in Statistical Subarea 48.6 shall be limited to 707 tonnes of *Dissostichus* spp. north of 60°S, and 495 tonnes of *Dissostichus* spp. south of 60°S. In the event that either limit is reached, the relevant fishery shall be closed.
3. For the purpose of this new longline fishery, the 1998/99 fishing season to the north of 60°S is defined as the period from 1 March to 31 August 1999. The 1998/99 fishing season south of 60°S is defined as the period from 15 February to 15 October 1999.
4. The new longline fishery for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 161/XVII.
5. Each vessel participating in this new longline fishery will be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.

CONSERVATION MEASURE 163/XVII

New Longline Fishery for *Dissostichus* spp. in Statistical Division 58.4.3 outside Areas under National Jurisdictions in the 1998/99 Season

The Commission,

Welcoming the notification of France of its intention to conduct a new longline fishery in Statistical Division 58.4.3 outside areas under national jurisdictions for *Dissostichus* spp. in the 1998/99 fishing season,

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

1. Fishing for *Dissostichus* spp. in Statistical Division 58.4.3 outside areas under national jurisdictions shall be limited to the new longline fishery by France. The fishery shall be conducted by French flagged vessels using longlining only.
2. The precautionary catch limit for this new longline fishery in Statistical Division 58.4.3 shall be limited to 700 tonnes of *Dissostichus* spp. north of 60°S. In the event that this limit is reached, the fishery shall be closed.
3. For the purpose of this new longline fishery, the 1998/99 fishing season to the north of 60°S is defined as the period from 15 April to 31 August 1999.
4. The new longline fishery for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 161/XVII.
5. Each vessel participating in this new longline fishery will be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.

CONSERVATION MEASURE 164/XVII¹
New Longline Fisheries for *Dissostichus eleginoides*
in Statistical Division 58.4.4 in the 1998/99 Season

The Commission,

Welcoming the notifications of France, South Africa, Spain and Uruguay of their intention to conduct new longline fisheries in Statistical Division 58.4.4 for *Dissostichus eleginoides* in the 1998/99 season,

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

1. Fishing for *Dissostichus eleginoides* in Statistical Division 58.4.4 shall be limited to the new longline fisheries by France, South Africa, Spain and Uruguay. The fisheries shall be conducted by French, South African, Spanish and Uruguayan flagged vessels using longlining only.
2. The precautionary catch for Statistical Division 58.4.4 shall be limited to 572 tonnes of *Dissostichus* spp. north of 60°S, to be taken by longlining. In the event that this limit is reached, the fisheries shall be closed.
3. For the purpose of these new longline fisheries, the 1998/99 fishing season is defined as the period from 15 April to 31 August 1999.
4. The new longline fisheries for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 161/XVII.
5. Each vessel participating in these new longline fisheries will be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.

¹ Except for waters adjacent to the Prince Edward Islands

CONSERVATION MEASURE 165/XVII
Exploratory Fishery for *Martialia hyadesi* in
Statistical Subarea 48.3 in the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measures 7/V and 65/XII:

1. The total catch of *Martialia hyadesi* in the 1998/99 season shall be limited to 2 500 tonnes.
2. For the purposes of this exploratory fishery, the fishing season is defined as the period from 7 November 1998 to 30 November 1999 or until the catch limit is reached, whichever is sooner.
3. For the purposes of implementing this Conservation Measure:
 - (i) the Ten-day Catch and Effort Reporting System, as set out in Conservation Measure 61/XII shall apply;
 - (ii) the data required to complete the CCAMLR standard fine-scale catch and effort data form for squid jig fisheries (Form C3) shall be reported from each vessel. These

data shall include numbers of seabirds and marine mammals of each species caught and released or killed. These data shall be reported to CCAMLR by 31 August 1999 for catches taken prior to 31 July 1999; and

- (iii) data on catches taken between 31 July 1999 and 31 August 1999 shall be reported to CCAMLR by 30 September 1999 so that the data will be available to the 1999 meeting of the Working Group on Fish Stock Assessment.
4. Each vessel participating in this exploratory fishery for *Martialiahyadesi* in Statistical Subarea 48.3 during the 1998/99 season shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities in this subarea.
5. The data collection plan in Annex 165/A shall be implemented. Data collected pursuant to the plan for the period up to 31 August 1999 shall be reported to CCAMLR by 30 September 1999 so that the data will be available to the 1999 meeting of the Working Group on Fish Stock Assessment. Such data taken after 31 August shall be reported to CCAMLR not later than three months after the closure of the fishery.

ANNEX 165/A

DATA COLLECTION PLAN FOR EXPLORATORY SQUID (*MARTIALIA HYADESI*) FISHERIES IN STATISTICAL SUBAREA 48.3

1. All vessels will comply with conditions set by CCAMLR. These include data required to complete the data form (Form TAC) for the Ten-day Catch and Effort Reporting System, as specified by Conservation Measure 61/XII; and data required to complete the CCAMLR standard fine-scale catch and effort data form for a squid jig fishery (Form C3). This includes numbers of seabirds and marine mammals of each species caught and released or killed.
2. All data required by the CCAMLR *Scientific Observers Manual* for squid fisheries will be collected. These include:
 - (i) vessel and observer program details (Form S1);
 - (ii) catch information (Form S2); and
 - (iii) biological data (Form S3).

CONSERVATION MEASURE 166/XVII
Exploratory Trawl Fishery for *Dissostichus* spp. in
Statistical Division 58.4.1 in the 1998/99 Season

The Commission,

Welcoming the notification of Australia of its intention to conduct an exploratory trawl fishery in Statistical Division 58.4.1 west of 90°E in the 1998/99 season,

hereby adopts the following Conservation Measure in accordance with Conservation Measure 65/XII:

1. Fishing for *Dissostichus* spp. by trawl in Statistical Division 58.4.1 west of 90°E shall be limited to the exploratory fishery by Australian flagged vessels.

2. The total catch of *Dissostichus* spp. in the 1998/99 season taken by the trawl method shall not exceed 261 tonnes.
3. For the purposes of this exploratory trawl fishery, the 1998/99 fishing season is defined as the period from 7 November 1998 to 30 November 1999 or until the catch limit is reached, whichever is the sooner.
4. Each vessel participating in this exploratory trawl fishery for *Dissostichus* spp. in Statistical Division 58.4.1 west of 90°E in the 1998/99 season shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation on board throughout all fishing activities within this division.
5. Each vessel operating in this exploratory trawl fishery for *Dissostichus* spp. in Statistical Division 58.4.1 west of 90°E shall be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.
6. 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; and
 - (ii) the monthly fine-scale biological data, as required under Conservation Measure 121/XVI, shall be recorded and reported in accordance with the System of International Scientific Observation.
7.
 - (i) There shall be no directed fishing for any species other than *Dissostichus* spp.
 - (ii) The by-catch of any fish species other than *Dissostichus* spp. shall not exceed 50 tonnes.
 - (iii) If, in the course of a directed fishery, the by-catch in any one haul of any by-catch species for which by-catch limitations apply under this Conservation Measure is equal to, or greater than 2 tonnes, then the fishing vessel shall not fish using that method of fishing at any point within 5 n miles¹ of the location where the by-catch exceeded 2 tonnes for a period of at least five days². The location where the by-catch exceeded 2 tonnes is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.
8. The total number and weight of *Dissostichus* spp. discarded, including those with the jellymeat condition, shall be reported. These fish will count towards the total allowable catch.
9. The data collection plan in Conservation Measure 167/XVII for BANZARE Bank as a whole shall be implemented and the results reported to CCAMLR not later than three months after the closure of the fishery.

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

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

CONSERVATION MEASURE 167/XVII
Exploratory Trawl Fishery for *Dissostichus* spp. in
Statistical Division 58.4.3 in the 1998/99 Season

The Commission,

Welcoming the notification of Australia of its intention to conduct an exploratory trawl fishery in Statistical Division 58.4.3 in the 1998/99 season,

hereby adopts the following Conservation Measure in accordance with Conservation Measure 65/XII:

1. Fishing for *Dissostichus* spp. by trawl in Statistical Division 58.4.3 shall be limited to the exploratory fishery by Australian flagged vessels.
2. The total catch of *Dissostichus* spp. in the 1998/99 season taken by the trawl method shall not exceed 625 tonnes.
3. For the purposes of this exploratory trawl fishery, the 1998/99 fishing season is defined as the period from 7 November 1998 to 30 November 1999 or until the catch limit is reached, whichever is the sooner.
4. Each vessel participating in this exploratory trawl fishery for *Dissostichus* spp. in Statistical Division 58.4.3 in the 1998/99 season shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation on board throughout all fishing activities within this division.
5. Each vessel operating in this exploratory trawl fishery for *Dissostichus* spp. in Statistical Division 58.4.3 shall be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.
6. 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; and
 - (ii) the monthly fine-scale biological data, as required under Conservation Measure 121/XVI, shall be recorded and reported in accordance with the System of International Scientific Observation.
7.
 - (i) There shall be no directed fishing for any species other than *Dissostichus* spp.
 - (ii) The by-catch of any fish species other than *Dissostichus* spp. shall not exceed 50 tonnes.
 - (iii) If, in the course of a directed fishery, the by-catch in any one haul of any by-catch species for which by-catch limitations apply under this Conservation Measure is equal to, or greater than 2 tonnes, then the fishing vessel shall not fish using that method of fishing at any point within 5 n miles¹ of the location where the by-catch exceeded 2 tonnes for a period of at least five days². The location where the by-catch exceeded 2 tonnes is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.
8. The total number and weight of *Dissostichus* spp. discarded, including those with the jellymeat condition, shall be reported. These fish will count towards the total allowable catch.

9. The data collection plan in Annex 167/A shall be implemented and the results reported to CCAMLR not later than three months after the closure of the fishery.

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

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

ANNEX 167/A

RESEARCH AND FISHERY OPERATIONS PLAN

During the early stages of exploratory fishing on the Elan and BANZARE Banks, subject to the catch limits set by CCAMLR, Australian vessels will conduct a trawl survey to assess the biomass of commercially important species on each of the banks down to 1 500 m depth. Exploration and surveys might not occur on both banks in the same season, but commercial exploration will not occur unless a survey is conducted at the same time. The survey, once commenced, will be completed in as short a time period as possible.

The survey on each bank will comprise 40 hauls at randomly chosen positions. Because the suitability of the bottom on these banks for fishing is not well known, and even the positions of some parts of the banks are not precisely known, it is likely that a high proportion of the sites will be unsuitable for trawling. To make the survey as practicable as possible, the ground shallower than 1 500 m on each bank has been divided into just over 40 squares, each of 15 n miles square for Elan Bank and 25 n miles square for BANZARE Bank (Figures 1 and 2). Within each square, five randomly chosen trawling positions have been nominated (Tables 1 and 2), and the vessel will trawl at one of the five positions in each square. If no nominated trawl position in a square is suitable, then that square will be abandoned. More accurate charts of these areas will be available soon, and it may be necessary alter the positions of the sampling squares.

PERMIT CONDITIONS AND DATA COLLECTION PLAN

The vessels will comply with all express and implied conditions set by CCAMLR. General conditions include 120 mm minimum mesh size (Conservation Measure 2/III), and no net monitor cables to be used (Conservation Measure 30/X). The five-day catch and effort reporting system (Conservation Measure 51/XII) and the monthly effort and biological data reporting required by Conservation Measures 121/XVI and 122/XVI will also apply in Statistical Division 58.4.3, and Statistical Division 58.4.1 west of 90°E.

In addition to conditions set by CCAMLR, the Australian Fisheries Management Authority (AFMA) will require that the vessels carry an operating VMS which will enable AFMA to know their position at all times. An inspector/scientific observer will also be aboard all vessels at all times to monitor activities and catches and to collect biological data.

The following data and material will be collected from both the survey and commercial fishing operations, as required by the CCAMLR *Scientific Observers Manual* for finfish fisheries:

- (i) haul-by-haul catch and catch per effort by species;
- (ii) haul-by-haul length frequency of common species;
- (iii) sex and gonad state of common species;
- (iv) diet and stomach fullness;
- (v) scales and/or otoliths for age determination;

- (vi) by-catch of fish and other organisms; and
- (vii) observations on the occurrence of seabirds and mammals in relation to fishing operations, and details of any incidental mortality of these animals.

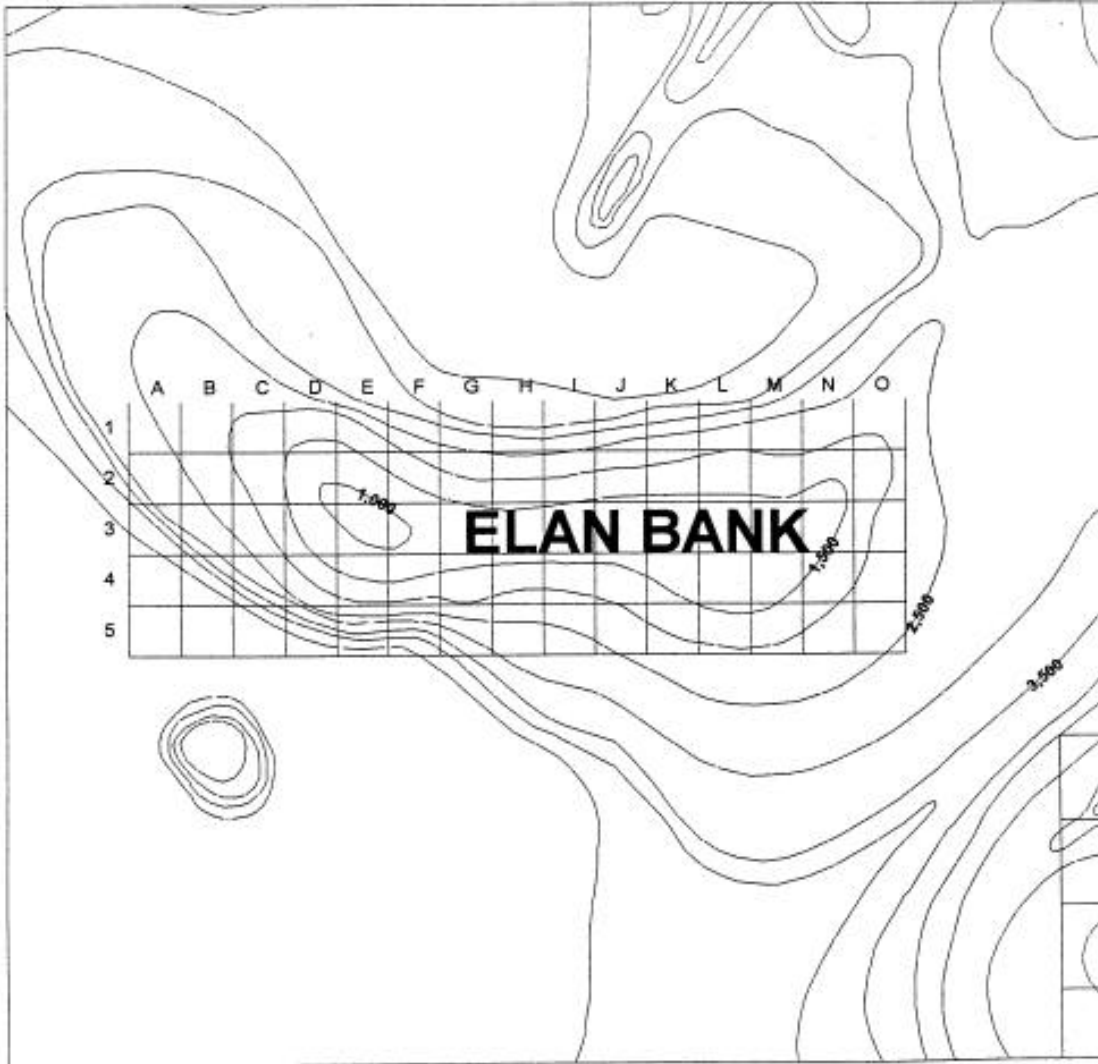


Figure 1: Chart of the Elan Bank area, showing the location and numbering system of the 15 n mile sampling squares.

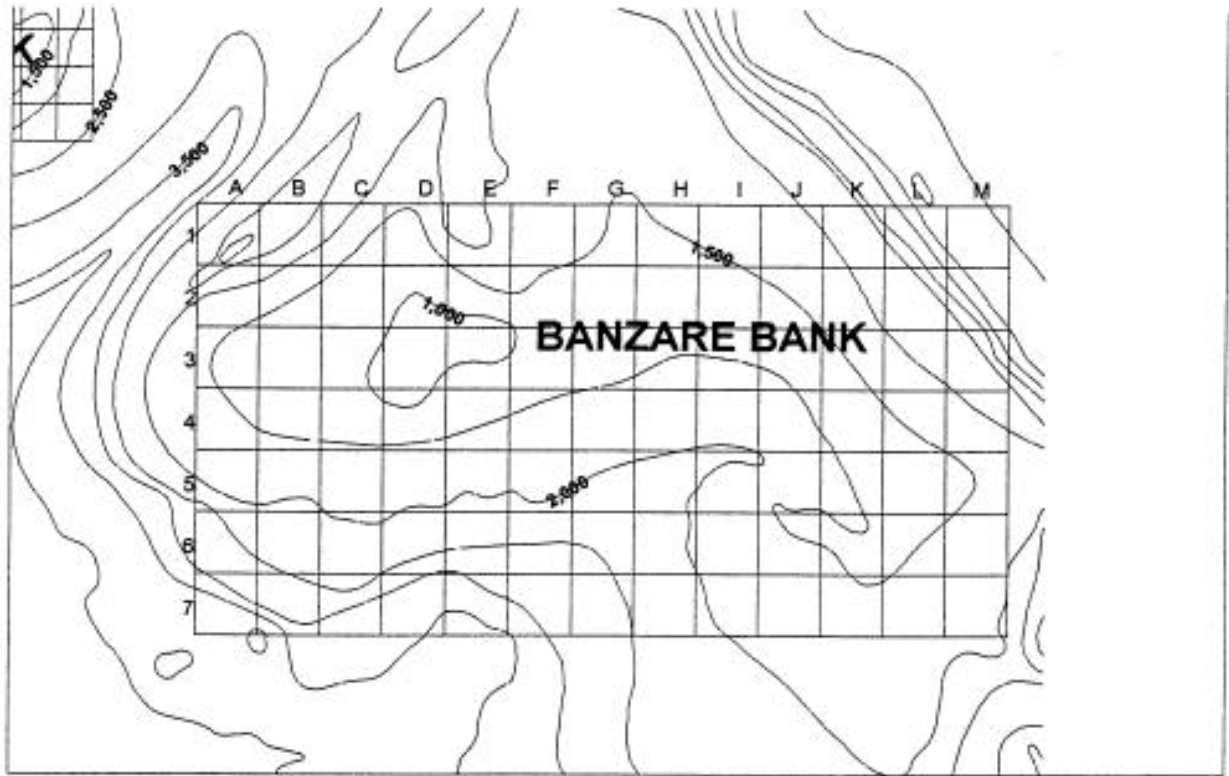


Figure 2: Chart of the BANZARE Bank area, showing the location and numbering system of the 25 n mile sampling squares.

Table 1: List of random trawl stations for Elan Bank. Square grid locations are shown on Figure 1.

Square Grid Locations	First Station	Second Station	Third Station	Fourth Station	Fifth Station
A1	S56 24.55:E065 55.28	S56 21.12:E066 3.82	S56 17.66:E065 50.32	S56 14.65:E066 4.36	S56 26.73:E066 5.89
A2	S56 30.88:E065 50.84	S56 38.82:E066 1.89	S56 41.46:E065 44.57	S56 31.88:E066 4.77	S56 41.86:E066 9.47
A3	S56 43.80:E065 59.38	S56 47.81:E066 10.68	S56 55.20:E066 9.21	S56 56.51:E065 56.59	S56 43.96:E065 47.81
A4	S57 1.86:E065 50.20	S57 11.73:E066 10.04	S57 4.77:E066 2.05	S57 8.51:E065 55.01	S56 57.71:E066 3.60
B1	S56 19.77:E066 24.88	S56 24.48:E066 23.68	S56 27.58:E066 11.59	S56 15.71:E066 14.24	S56 15.57:E066 32.45
B2	S56 32.59:E066 26.48	S56 41.04:E066 33.01	S56 41.31:E066 15.90	S56 36.50:E066 12.88	S56 31.14:E066 16.33
B3	S56 57.24:E066 30.36	S56 56.25:E066 15.73	S56 51.16:E066 25.84	S56 48.05:E066 15.76	S56 43.91:E066 26.87
B4	S57 8.66:E066 31.75	S57 10.15:E066 18.07	S56 57.75:E066 36.28	S56 58.71:E066 11.59	S57 3.86:E066 22.46
C1	S56 13.43:E066 43.93	S56 14.03:E066 51.00	S56 20.12:E066 47.04	S56 20.73:E067 2.48	S56 25.59:E066 56.10
C2	S56 28.07:E066 46.62	S56 33.00:E067 5.98	S56 37.80:E066 55.92	S56 40.03:E067 4.47	S56 38.39:E066 41.83
C3	S56 42.86:E066 59.98	S56 48.13:E066 39.05	S56 53.97:E066 45.39	S56 48.01:E066 56.59	S56 57.31:E067 2.60
C4	S56 59.31:E067 3.75	S57 9.51:E066 59.68	S57 7.15:E066 41.78	S57 12.46:E066 38.81	S57 1.67:E066 49.23
D1	S56 17.42:E067 25.10	S56 22.14:E067 12.51	S56 12.84:E067 21.12	S56 23.03:E067 22.84	S56 13.68:E067 10.66
D2	S56 32.16:E067 7.69	S56 33.54:E067 26.84	S56 37.29:E067 11.22	S56 27.87:E067 28.71	S56 38.10:E067 20.66
D3	S56 50.27:E067 28.99	S56 46.18:E067 12.53	S56 42.89:E067 26.35	S56 56.10:E067 7.64	S56 57.46:E067 31.84
D4	S57 11.71:E067 31.52	S57 11.31:E067 10.26	S57 11.92:E067 20.28	S57 1.14:E067 29.01	S57 1.82:E067 15.79
E1	S56 17.94:E067 47.43	S56 21.58:E067 35.71	S56 22.18:E067 53.91	S56 26.71:E067 43.50	S56 14.81:E067 36.87
E2	S56 34.13:E067 33.41	S56 39.36:E067 43.38	S56 27.69:E067 52.77	S56 27.87:E067 42.28	S56 33.46:E067 44.98
E3	S56 52.19:E067 51.62	S56 48.28:E067 42.73	S56 56.95:E067 57.64	S56 45.39:E067 55.36	S56 55.34:E067 42.67
E4	S57 10.30:E067 45.79	S57 0.91:E067 55.70	S57 6.08:E067 39.83	S57 8.91:E067 59.13	S57 4.51:E067 48.72
F2	S56 31.79:E068 19.54	S56 29.77:E068 7.02	S56 42.14:E068 19.35	S56 39.69:E068 27.72	S56 42.53:E068 2.68
F3	S56 49.85:E068 10.15	S56 53.68:E068 6.36	S56 50.13:E068 26.41	S56 42.67:E068 27.43	S56 44.87:E068 18.07
F4	S57 1.32:E068 15.10	S57 11.30:E068 22.33	S57 5.48:E068 21.23	S56 58.09:E068 24.18	S57 9.65:E068 7.07

Table 1 (continued)

Square Grid Locations	First Station	Second Station	Third Station	Fourth Station	Fifth Station
G3	S56 52.75:E068 44.92	S56 51.43:E068 47.19	S56 43.84:E068 55.14	S56 43.63:E068 40.01	S56 49.36:E068 34.34
G4	S57 9.15:E068 45.12	S57 9.09:E068 54.03	S57 10.80:E068 34.27	S57 0.20:E068 46.70	S57 5.54:E068 38.71
H3	S56 55.61:E069 16.27	S56 45.47:E069 14.63	S56 51.20:E068 57.49	S56 50.62:E069 17.28	S56 43.85:E068 57.67
H4	S57 3.55:E068 58.58	S57 5.71:E069 18.97	S56 59.69:E069 9.34	S57 10.24:E069 7.86	S57 11.67:E069 18.29
I3	S56 54.98:E069 28.76	S56 45.85:E069 44.25	S56 52.47:E069 40.74	S56 47.59:E069 33.11	S56 49.09:E069 23.90
I4	S56 58.09:E069 22.93	S56 58.48:E069 29.63	S57 5.01:E069 28.52	S57 2.20:E069 40.34	S57 6.80:E069 44.71
J2	S56 41.22:E070 12.99	S56 37.35:E070 5.22	S56 28.16:E070 6.82	S56 37.77:E069 50.54	S56 42.32:E069 57.38
J3	S56 44.29:E070 3.81	S56 46.26:E070 4.58	S56 48.97:E070 16.73	S56 53.70:E069 59.62	S56 49.47:E069 50.61
J4	S57 7.43:E070 0.43	S57 6.37:E070 8.17	S56 57.71:E070 14.28	S57 0.09:E069 55.88	S57 11.12:E070 13.28
K2	S56 35.56:E070 23.01	S56 30.25:E070 43.89	S56 38.08:E070 32.86	S56 28.40:E070 21.44	S56 42.07:E070 23.07
K3	S56 48.69:E070 18.37	S56 54.12:E070 24.61	S56 44.02:E070 36.35	S56 54.77:E070 38.90	S56 49.46:E070 39.43
K4	S57 3.49:E070 31.74	S57 9.24:E070 25.28	S56 57.79:E070 28.55	S57 11.43:E070 44.95	S57 0.18:E070 18.83
L2	S56 41.58:E070 52.32	S56 40.63:E071 10.52	S56 28.96:E071 11.74	S56 37.49:E070 46.66	S56 37.42:E071 2.33
L3	S56 43.03:E070 56.09	S56 47.01:E071 3.54	S56 51.73:E070 55.05	S56 56.84:E070 47.53	S56 55.15:E071 4.23
L4	S56 59.49:E070 59.86	S57 8.39:E070 56.57	S57 1.20:E070 48.39	S57 5.07:E071 8.73	S57 9.40:E070 45.68
L5	S57 25.96:E071 4.82	S57 26.01:E071 12.54	S57 16.56:E071 10.81	S57 16.14:E070 58.26	S57 19.40:E070 50.56
M2	S56 30.47:E071 26.49	S56 41.30:E071 32.08	S56 36.42:E071 24.09	S56 38.61:E071 14.23	S56 28.57:E071 16.97
M3	S56 51.90:E071 29.02	S56 51.44:E071 29.81	S56 43.59:E071 21.03	S56 57.22:E071 38.90	S56 55.56:E071 19.31
M4	S57 8.41:E071 36.19	S57 1.54:E071 36.32	S57 8.12:E071 18.90	S56 58.48:E071 14.11	S57 11.74:E071 28.07
M5	S57 24.86:E071 12.87	S57 22.91:E071 29.50	S57 15.88:E071 29.57	S57 18.36:E071 18.60	S57 17.03:E071 38.76
N2	S56 36.28:E071 41.27	S56 36.81:E071 59.21	S56 41.04:E071 44.72	S56 29.13:E071 48.45	S56 28.46:E072 0.76
N3	S56 54.39:E072 3.05	S56 49.45:E071 44.59	S56 45.04:E072 4.42	S56 56.14:E071 42.39	S56 56.67:E071 53.95
N4	S57 10.90:E071 42.78	S56 59.54:E071 51.25	S57 9.56:E072 2.23	S56 59.08:E072 0.75	S57 5.76:E071 52.41

Table 2: List of random trawl stations for BANZARE Bank. Square grid locations are shown on Figure 2.

Square Grid Locations	First Station	Second Station	Third Station	Fourth Station	Fifth Station
A3	S59 6.68:E074 8.29	S58 57.00:E074 8.20	S58 52.09:E073 58.17	S59 1.81:E074 22.81	S58 51.15:E074 7.73
A4	S59 19.98:E074 44.54	S59 24.14:E074 39.25	S59 28.51:E074 16.83	S59 10.38:E074 43.06	S59 16.09:E074 34.18
B2	S58 29.53:E075 8.08	S58 34.35:E075 29.03	S58 25.12:E075 13.44	S58 24.11:E074 49.18	S58 40.60:E074 51.30
B3	S58 43.13:E074 55.73	S59 1.89:E075 11.48	S59 6.61:E074 56.73	S58 47.70:E075 17.89	S59 0.79:E074 48.47
B4	S59 27.04:E074 58.19	S59 24.82:E075 15.60	S59 14.62:E074 48.93	S59 15.43:E075 19.41	S59 31.66:E074 49.16
C1	S58 17.16:E075 36.55	S58 6.50:E075 38.50	S58 12.30:E076 21.48	S57 57.65:E075 40.85	S58 1.11:E075 51.03
C2	S58 36.14:E076 15.55	S58 41.71:E075 43.27	S58 35.57:E075 57.08	S58 18.14:E076 9.18	S58 39.07:E076 4.40
C3	S59 0.99:E075 50.17	S59 7.12:E075 44.47	S58 55.64:E075 43.37	S59 2.32:E076 0.84	S58 53.08:E076 6.38
C4	S59 22.69:E075 41.90	S59 21.69:E075 59.30	S59 9.30:E076 3.10	S59 29.82:E076 11.60	S59 17.08:E075 41.12
D1	S57 54.15:E076 33.90	S58 0.02:E076 46.21	S58 8.06:E076 36.40	S58 14.02:E076 35.91	S58 2.87:E077 5.60
D2	S58 20.00:E076 40.46	S58 34.60:E076 34.08	S58 20.38:E076 55.38	S58 32.81:E076 54.16	S58 27.78:E076 47.82
D3	S58 53.31:E077 7.82	S58 47.37:E077 7.06	S59 0.93:E076 51.30	S59 0.73:E076 34.51	S58 52.71:E076 43.69
D4	S59 31.62:E077 1.82	S59 20.84:E076 25.43	S59 15.43:E076 46.96	S59 24.03:E076 46.41	S59 18.48:E076 58.35
E2	S58 38.66:E077 42.49	S58 20.46:E077 28.30	S58 38.91:E077 55.26	S58 18.90:E077 40.11	S58 31.56:E077 27.30
E3	S58 57.84:E077 44.98	S58 43.81:E077 32.47	S58 49.99:E077 24.67	S58 57.63:E077 19.60	S58 45.47:E077 14.52
E4	S59 24.97:E077 45.35	S59 13.35:E077 44.94	S59 24.86:E077 18.27	S59 9.74:E077 55.79	S59 30.39:E077 58.36
F2	S58 31.85:E078 25.98	S58 37.98:E078 48.39	S58 23.37:E078 26.88	S58 37.55:E078 4.15	S58 35.15:E078 37.45
F3	S59 5.07:E078 47.42	S58 44.51:E078 9.18	S58 49.35:E078 45.16	S58 56.32:E078 21.30	S58 50.65:E078 32.24
F4	S59 32.20:E078 11.72	S59 26.32:E078 20.90	S59 16.74:E078 41.97	S59 8.90:E078 5.97	S59 31.68:E078 1.58
G1	S58 14.30:E078 52.18	S58 1.97:E079 24.58	S58 15.23:E079 1.60	S58 14.37:E079 14.31	S58 9.69:E079 36.73
G2	S58 36.12:E079 33.11	S58 40.88:E078 50.21	S58 28.76:E079 21.33	S58 42.18:E079 25.07	S58 24.86:E079 29.63
G3	S58 55.39:E078 52.74	S58 45.28:E079 18.68	S58 56.05:E079 22.50	S58 52.58:E079 7.93	S59 3.29:E079 36.09

Table 2 (continued)

Square Grid Locations	First Station	Second Station	Third Station	Fourth Station	Fifth Station
H1	S57 55.18:E080 24.42	S58 4.46:E080 13.98	S58 7.82:E080 1.07	S58 13.95:E080 4.73	S58 10.54:E080 24.86
H2	S58 18.32:E079 59.36	S58 28.88:E080 15.16	S58 18.77:E079 46.51	S58 24.00:E079 39.85	S58 39.60:E080 5.92
H3	S58 57.21:E079 53.27	S59 2.66:E080 21.62	S59 5.28:E079 46.51	S59 7.21:E080 3.99	S58 51.29:E079 41.58
12	S58 23.29:E081 7.50	S58 31.36:E081 3.21	S58 38.44:E080 54.85	S58 37.98:E081 11.40	S58 25.91:E080 45.40
13	S58 45.18:E080 46.79	S58 58.96:E080 29.85	S59 2.52:E080 50.64	S59 0.10:E080 42.13	S58 50.30:E080 36.72
J2	S58 42.04:E081 27.22	S58 23.47:E081 33.11	S58 34.05:E081 31.30	S58 38.94:E081 49.52	S58 36.20:E082 0.92
J3	S59 1.04:E081 17.15	S58 59.52:E081 37.81	S58 50.94:E081 52.49	S58 44.76:E081 20.67	S58 48.38:E082 3.04
J4	S 59 28.18:E081 23.78	S59 10.18:E081 25.53	S59 17.05:E081 22.19	S59 19.17:E081 51.46	S59 23.43:E081 39.41
J6	S60 12.55:E081 32.51	S60 4.44:E081 53.65	S60 7.81:E081 18.43	S60 7.67:E082 1.68	S60 17.36:E081 22.43
K3	S58 51.44:E082 17.45	S59 6.54:E082 22.58	S59 0.93:E082 49.02	S58 43.21:E082 7.79	S58 56.98:E082 38.52
K4	S59 9.53:E082 42.21	S59 29.98:E082 30.35	S59 26.46:E082 52.60	S59 18.94:E082 24.71	S59 17.94:E082 9.29
K5	S59 50.21:E082 36.43	S59 42.98:E082 49.35	S59 42.22:E082 9.33	S59 34.72:E082 25.80	S59 36.26:E082 46.60
K6	S60 12.27:E082 28.16	S59 57.88:E082 14.99	S60 4.79:E082 12.27	S60 15.68:E082 18.70	S60 4.65:E082 33.94
L4	S59 13.61:E082 54.09	S59 26.71:E082 57.05	S59 28.84:E083 21.14	S59 18.55:E083 28.86	S59 9.85:E083 35.25
L5	S59 49.16:E082 58.64	S59 43.61:E083 41.57	S59 40.81:E083 15.64	S59 57.45:E083 41.01	S59 54.56:E083 11.15
L6	S60 5.64:E083 24.26	S60 2.70:E083 34.56	S60 20.36:E083 35.41	S60 21.01:E083 12.15	S60 0.21:E083 3.92
M5	S59 45.76:E084 8.87	S59 39.77:E084 21.41	S59 45.64:E083 55.72	S59 46.12:E083 44.18	S59 34.33:E084 11.57

CONSERVATION MEASURE 168/XVII^{1,2}
Exploratory Longline Fisheries for *Dissostichus eleginoides*
in Statistical Subarea 58.6 in the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 65/XII:

1. Fishing for *Dissostichus eleginoides* in Statistical Subarea 58.6 shall be limited to the exploratory longline fisheries by France and South Africa. The fisheries shall be conducted by French and South African flagged vessels using longlining only.
2. The precautionary catch limit for these exploratory fisheries in Statistical Subarea 58.6 shall be limited to 1 555 tonnes of *Dissostichus eleginoides*, to be taken by longlining. In the event that this limit is reached, the fisheries shall be closed.
3. For the purpose of these exploratory longline fisheries, the 1998/99 fishing season is defined as the period from 15 April to 31 August 1999.
4. The exploratory longline fisheries for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 133/XVI.
5. Each vessel participating in these exploratory longline fisheries will be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.

¹ Except for waters adjacent to the Crozet Islands

² Except for waters adjacent to the Prince Edward Islands

CONSERVATION MEASURE 169/XVII
Exploratory Longline Fishery for *Dissostichus eleginoides*
and *Dissostichus mawsoni* in Statistical Subarea 88.1
in the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 65/XII:

1. Fishing for *Dissostichus eleginoides* and *Dissostichus mawsoni* in Statistical Subarea 88.1 shall be limited to the exploratory longline fishery by New Zealand. The fishery shall be conducted by no more than two New Zealand flagged vessels using longlining only.
2. The precautionary catch for these exploratory longline fisheries in Statistical Subarea 88.1 shall be limited to 271 tonnes of *Dissostichus* spp. north of 65°S and 2 010 tonnes of *Dissostichus* spp. south of 65°S. In the event that these limits are reached, the fishery shall be closed.
3. For the purposes of this exploratory longline fishery, the 1998/99 fishing season is defined as the period from 15 December 1998 to 31 August 1999.
4. The directed longline fishery for *Dissostichus* spp. in Statistical Subarea 88.1 north of 65°S shall be carried out in accordance with Conservation Measure 29/XVI. South of 65°S the directed fishery for the above species shall be carried out in accordance with all the provisions of Conservation Measure 29/XVI, except paragraph 3. To permit experimental line weighting trials south of 65°S, longlines may be set during daylight

hours if the vessels can demonstrate a consistent minimum line sink rate of 0.3 metres per second. Vessels shall revert to setting longlines at night in accordance with Conservation Measure 29/XVI if a significant level of seabird by-catch occurs.

5. The directed longline fishery for the above species shall be carried out in accordance with Conservation Measure 161/XVII.
6. Each vessel participating in this exploratory longline fishery shall be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.

MANAGEMENT UNDER UNCERTAINTY

Regulatory Framework

10.1 Last year, the Commission had requested the Scientific Committee to consider the inter-relationship between different stages of fishery development (CCAMLR-XVI, paragraph 10.1). The Commission welcomed the Scientific Committee's initiative to determine the period of time over which assessment may be considered valid (i.e. the 'currency' of available assessments). This was an important element in the debate associated with the resumption of closed or lapsed fisheries for which fishery or research data from recent seasons were absent (SC-CAMLR-XVII, paragraph 5.26).

10.2 The Commission recalled its discussion at last year's meeting regarding the status of fisheries, and the need to review the inter-relationship of all stages of fisheries development, including those of new and exploratory fisheries, to ensure that there was a coherent progression from an unexploited resource, through the various phases of fisheries, to fully-commercial fisheries (CCAMLR-XVI, paragraph 10.4). At that meeting, the Commission proposed that Members should examine this issue intersessionally and submit proposals to the Secretariat for timely transmission to all Parties.

10.3 The Commission welcomed the submission by the European Community of a discussion paper on a unified regulatory framework of CCAMLR based on stages of fishery development (CCAMLR-XVII/18). The proposed framework, while drawing substantially on the existing regulatory procedures of the Commission, has been designed to meet two criteria: on the one hand to be sufficiently comprehensive to provide guidelines for the management of all existing and potential fisheries, and on the other to be adequately flexible to allow the Commission to adopt measures tailored to the specific needs of individual fisheries.

10.4 The Commission agreed that this proposal was an important initiative and that a framework of this type needed to be developed. The Commission noted the comments of the Scientific Committee regarding the need to develop the scientific criteria for transition between stages of fishery development, particularly with respect to the move from a developing to an established fishery.

10.5 The European Community noted that some confusion had arisen regarding their proposal for a unified regulatory framework and confirmed there was no question of automatic transfer from notification to established fishery.

10.6 The Commission endorsed the sentiments expressed in the final paragraph of CCAMLR-XVII/18 which emphasised that the development of the framework would take some time, and that Conservation Measures 31/X and 65/XII should remain in force until an alternative scheme is adopted.

10.7 The Commission agreed that it was desirable to make progress on developing the scientific basis of the framework prior to the next meeting of the Commission. In this regard it

requested the Chairman of the Scientific Committee to set up a task group during the intersessional period to explore the scientific issues with the purpose of preparing a working paper to be considered by the 1999 meeting of the Scientific Committee.

10.8 Dr Miller indicated that the Scientific Committee would be very interested in moving this process forward, and developing scientific criteria to enhance the decision-making process. It was agreed that this matter could be progressed by adding it to the program of high-priority work endorsed to be undertaken on *D. eleginoides* at the next meeting of WG-FSA.

10.9 Without minimising the importance of international and national initiatives relating to incidental mortality of seabirds, Chile considered that several other aspects of CCAMLR-XVII/18 deserved special attention, including strategies devised to regulate and control the expansion of new fishing activity in the Convention Area; the requirement for a unified regulatory framework which would provide guidelines for the management of all existing and potential fisheries in the Convention Area; the requirement for further research surveys to estimate recruitment or biomass in each area for which yields have so far been based on extrapolated data, as well as to improve knowledge about the levels of by-catch or its potential effects on stocks of the by-catch species, some of which required better taxonomic keys; and methods to calculate yield estimates for mixed fisheries at the present stage, a matter to which the Scientific Committee had drawn the attention of the Commission.

Management Units

10.10 The Commission recognised that there is substantial uncertainty concerning the estimated precautionary yield levels for new and exploratory fisheries for *Dissostichus* spp. because it has been necessary in most cases to extrapolate recruitment and stock discreteness levels from estimates of these parameters in other areas (SC-CAMLR-XVII, paragraph 7.6). The Commission noted the Scientific Committee's advice that it would normally be preferable to manage *Dissostichus* spp. stocks using geographic units smaller than the statistical areas currently used (SC-CAMLR-XVII, paragraph 7.8). The Commission also noted the Scientific Committee's advice that research surveys are a critical element of the precautionary approach to fisheries management (SC-CAMLR-XVII, paragraph 7.8) and the Committee's recommendation (SC-CAMLR-XVII, paragraph 9.48) that research surveys to estimate biomass should be included in the early stages of new and exploratory fishery development. The Commission endorsed the Scientific Committee's conclusion (SC-CAMLR-XVII, paragraph 5.134) that high priority should be afforded to resolving uncertainties concerning *Dissostichus* spp., particularly regarding stock structure and recruitment.

10.11 With regard to the last point, the USA noted the Scientific Committee's concern that much less is known about stocks of *D. mawsoni* than stocks of *D. eleginoides* (SC-CAMLR-XVII, paragraph 9.40) and that, as a consequence, there is greater uncertainty associated with the estimates of precautionary yields for *D. mawsoni* stocks than for *D. eleginoides* stocks (SC-CAMLR-XVII, paragraph 9.42). The USA also noted that *D. mawsoni* occurs exclusively in the Convention Area and that, to date, new and exploratory fisheries for that species have been initiated only in a small part of the species' probable range. The USA proposed and the Commission requested that the Scientific Committee consider and, as a matter of priority, provide advice as to how the development of fisheries for *D. mawsoni* might be structured and research surveys or experimental fisheries conducted, as was done for the new crab fisheries, to ensure the fisheries develop no faster than the acquisition of information needed to assure compliance with the objectives set forth in Article II of the Convention.

General By-catch Provision

10.12 The Commission discussed existing by-catch provisions in conservation measures (e.g. Conservation Measures 130/XVI and 133/XVI), and the advice of the Scientific Committee regarding possible changes (SC-CAMLR-XVII, paragraphs 5.115 and 5.116).

10.13 The Chairman of the Scientific Committee outlined the rationale applied to develop these recommendations (SC-CAMLR-XVII, paragraph 5.115). The Scientific Committee considered that existing conservation measures (e.g. Conservation Measure 130/XVI) may limit exploratory fishing on some of the grounds where *Dissostichus* spp. may occur. The Scientific Committee had discussed the extent to which the existing by-catch provisions of conservation measures need to be revised in order to allow prospecting as part of exploratory fishing for *Dissostichus* spp. It was agreed that any such change should nevertheless ensure that exploratory fisheries continue to be undertaken in the spirit of Conservation Measure 65/XII, and retain the level of control on the size and distribution of by-catch inferred by the existing provisions.

10.14 The Commission noted the advice of the Scientific Committee that the scheme set out in the following subparagraphs would be a reasonable way to proceed:

- (i) for any species for which there is no explicit by-catch limit held under a conservation measure, the by-catch limit should be set at 50 tonnes;
- (ii) when the catch of a single by-catch species (as defined in conservation measures) in an individual set or haul exceeds 2 tonnes, the vessel shall move to another fishing location at least 5 n miles distant, in accordance with the existing provision; and
- (iii) in statistical areas where the aggregate catch limits for target species are less than 1 000 tonnes, the catch of a single by-catch species should be no more than 5% by weight of the aggregate catch limit.

This last provision was added in recognition of the fact that 50 tonnes represents a high proportion of the catch in some statistical areas where the sum of all catch limits for target species is low.

10.15 The Commission agreed that the Scientific Committee should consider further the requirements for a general by-catch conservation measure at its next meeting.

COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM

Twenty-second Antarctic Treaty Consultative Party Meeting

11.1 The Executive Secretary reported on his participation as the CCAMLR Observer at the Twenty-second Antarctic Treaty Consultative Parties Meeting (ATCM-XXII) held in Tromsø, Norway, from 25 May to 5 June 1998. The statement of the Executive Secretary at the ATCM was tabled as CCAMLR-XVII/BG/5. In presenting his report, the Executive Secretary drew to the attention of the Commission the following aspects, and the decisions of the ATCM which are of importance to CCAMLR (CCAMLR-XVII/BG/18):

- (i) agreement of the ATCM that concerted action was needed to support the Convention in matters of illegal, unregulated and unreported fishing in the CCAMLR Convention Area;

- (ii) participation of the CCAMLR Chairman of the Scientific Committee as the observer at meetings of the ATCM Committee for Environmental Protection (CEP);
- (iii) the invitation to interested observers and experts from CCAMLR to participate in the 1999 Workshop on Antarctic Specially Protected Areas to be held in conjunction with ATCM-XXIII;
- (iv) adoption of a definition of marine protected areas, as endorsed by CCAMLR-XVI; and
- (v) Bulgaria's participation as a Consultative Party in ATCM.

11.2 The UK pointed out that CCAMLR, being not only a fisheries organisation but also an environmental organisation, has a crucially important role within the Antarctic Treaty System. Any weakness in the operation of CCAMLR reflects on the Antarctic Treaty System as a whole. The UK also noted that a provision for the participation of CCAMLR's Chairman of the Scientific Committee at meetings of CEP was an important development which provided for greater integration between CCAMLR and ATCM.

11.3 The UK recalled that ATCM-XXII acknowledged that Bulgaria had fulfilled the requirements for consultative status under Article IX of the Antarctic Treaty. In this context, Bulgaria had informed the meeting (ATCM-XXII) of its intention to accept the conservation measures in force under CCAMLR and to apply for membership of CCAMLR, should it resume harvesting activity in the Convention Area. New Zealand supported the views expressed by the UK, particularly that CCAMLR is not just an international fisheries organisation but is part of the Antarctic Treaty System, and suggested that Bulgaria should be invited to become a Member of the Commission. The Commission agreed that the Chairman should write to Bulgaria extending this invitation.

11.4 Norway and Sweden associated themselves with the sentiments expressed by the UK and New Zealand. Norway further mentioned that the link between CCAMLR and the ATCM, particularly in terms of its Protocol for Environmental Protection, has established a unique environment protection system for Antarctica.

11.5 The Commission endorsed these points of view of its Members with respect to cooperation with the ATCM.

Cooperation with SCAR

11.6 The SCAR Observer, Dr E. Fanta (Brazil), reported on the XXV meeting held in Concepción, Chile in July 1998, and on the activities of some of the groups within SCAR, pointing out matters of interest to CCAMLR (CCAMLR-XVII/BG/59). Discussions on reports of CCAMLR Observers at various SCAR meetings took place at the meeting of the Scientific Committee (SC-CAMLR-XVII, paragraphs 11.7 to 11.13). These discussions included reports on the SCAR Subcommittee on Evolutionary Biology of Antarctic Organisms, Group of Specialist on Seals, Subcommittee on Bird Biology, Working Group on Biology and the VII International Biology Symposium. The SCAR Working Group on Biology, in particular, recognised the need for the establishment of multidisciplinary programs in collaboration and coordination with other bodies of the Antarctic Treaty System such as CCAMLR, mainly in matters of environmental protection, conservation and management. It also recognised the need for an efficient communication mechanism inside and among these bodies (SC-CAMLR-XVII/BG/20).

11.7 In discussing the report of the observer from SCAR, the UK, Chile and New Zealand noted, in particular, the following initiatives:

- (i) development of research programs and methodology relating to environmental protection, including protection of marine areas;
- (ii) review of protected areas, including marine areas of interest to CCAMLR; and
- (iii) classification, under IUCN's Red List Categories of Threat, of rockhopper and royal penguins as vulnerable, and of macaroni penguins as near-threatened.

11.8 These initiatives were considered by the Commission as being important to CCAMLR. It was agreed that CCAMLR should continue its work on the development of a methodology for the assessment of proposals for marine protected areas put forward by the ATCM within a framework of the Protocol for Environmental Protection.

11.9 The UK expressed concern that, considering the importance to CCAMLR of the work undertaken by SCAR and its subsidiary groups, its report to the Commission had been summarised too briefly, particularly in relation to the treatment accorded reports from other observers. The UK looked forward to seeing a more balanced discussion and summary of observer reports at subsequent meetings.

COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

Reports of Observers from Other International Organisations

FAO

12.1 The FAO Observer, Mr R. Shotton, presented his report to the Commission (CCAMLR-XVII/BG/44 Rev 1). The revised version of the report contained some changes to the use of names of geographical locations and entities as requested by the Delegation of Argentina.

12.2 Presenting his report, Mr Shotton noted that CCAMLR delegates, no doubt, appreciate the limits that exist on observers in their participation in discussions at relevant Commission meetings and meetings of their subsidiary bodies, where no matter the congruence of interests and concerns with the host organisation, meeting rules may prevent the most effective communications and interactions.

12.3 The FAO report described important initiatives of FAO which are of particular interest to CCAMLR. Some Members expressed their regret that due to procedural matters the observer from FAO, a specialist of such knowledge and experience, could not participate at the meeting of SCOI, at least during discussion of some items of its agenda. These Members felt that the matter would be resolved next year.

12.4 The FAO report focused on several matters which were of particular interest to CCAMLR. These subjects were as follows:

- (i) availability of catch and trade statistics on *Dissostichus* spp.;
- (ii) status of ratification of UNIA and the FAO Compliance Agreement; and
- (iii) other FAO meetings and programs of interest to CCAMLR.

12.5 It is FAO's view that scope exists to improve the nature of the interactions between Member countries of CCAMLR and FAO, specifically in the detail of the catch and trade data

that are provided to FAO's statistical service. On behalf of FAO's Fishery Information, Data and Statistics Unit (FIDI), the efforts of CCAMLR Member countries are sought to improve data reporting practices. In this regard, the cooperation of FAO was assured.

12.6 Several Members expressed the wish that FAO provide more detailed statistics concerning *Dissostichus* spp. catches and trade. During discussions it was, however, noted that FAO has no power to impose, or enforce, species trade codes despite their apparent desirability, but individual countries are better placed to achieve this through their national membership in the appropriate trade organisations. Chile noted that its statistical tabulations included preservation methods, product type, country of destination and exporting company; but suggested that interested CCAMLR Members could agree to a uniform identification of the product in all languages.

12.7 The Commission then considered information on the ratification by CCAMLR Members of UNIA and the FAO Compliance Agreement. FAO recalled that these accords were sought to deal with exactly the situation that confronts CCAMLR in dealing with the illegal fishing of *D. eleginoides*, and in the past, other unregulated fishing. It was noted that Norway, Russia and the USA had ratified UNIA and Argentina, the European Community, Norway, Sweden and the USA had ratified the FAO Compliance Agreement. It was also noted that Namibia, an observer to CCAMLR, had also ratified both agreements.

12.8 FAO hopes that by next year's Eighteenth CCAMLR Meeting, all CCAMLR Members will have signed these accords. Further, FAO is active in the analysis of vessel registration data, not only of registered ownership, but also of beneficial ownership and it is anticipated that there will be reports on these activities in the future as this seems to be an issue of direct relevance to CCAMLR.

12.9 The Commission urged its Members to consider the ratification of both agreements as soon as possible. The Commission recalled that certain elements of its drafts of new conservation measures on the problem of illegal, unregulated and unreported fishing are based, at least in part, on one or both of these agreements. In particular, the draft conservation measure dealing with the standard marking of fishing vessels is in line with one of the provisions of the FAO Compliance Agreement.

12.10 The report of FAO also dealt with other FAO initiatives that are a consequence of the last COFI meeting. These include: (i) technical consultation on fleet capacity and control, (ii) consultation on conservation requirements for sharks, and (iii) consultation on the reduction of incidental catch of seabirds by longlining.

12.11 The Commission noted that the CCAMLR Observer, Mr J. Cooper (South Africa), took part in the FAO consultation on the reduction of incidental catch of seabirds in longline fisheries. His report was considered under item 'Assessment and Avoidance of Incidental Mortality of Antarctic Marine Living Resources' (paragraphs 6.25 to 6.28).

12.12 The Commission also noted that a FAO meeting on the use of Property Rights in Fisheries Management is to be held in Perth, Australia, in November 1999. Its primary objective will be to exchange views and experiences relating to strengthened forms of property rights in fisheries management. High-seas issues may be addressed.

12.13 Poland, supported by Norway, proposed that the Executive Secretary should write to the FAO Fishing Department seeking its assistance in dealing with the problem of illegal, unregulated and unreported fishing in the CCAMLR Convention Area. It was also proposed that CCAMLR Members who usually participate in meetings of the FAO Committee on Fisheries should use this opportunity to hold informal meetings with non-Contracting Parties to CCAMLR whose vessels are engaged in fishing in the CCAMLR Convention Area. Chile

suggested that the meeting of FAO and non-FAO regional bodies (Rome, Italy, February 1999) would provide a suitable forum for cooperative exchange. The Secretariat will provide briefing notes to the observer attending this meeting.

12.14 The European Community referred to one of the recent initiatives of FAO, i.e. the development of an International Plan for Reducing Incidental Catch of Seabirds in Longline Fisheries. CCAMLR has already made a major contribution to its discussion. The report of the SC-CAMLR Observer, Mr Cooper, on the recent FAO consultation (October 1998) was received during the meeting (CCAMLR-XVII/BG/58).

12.15 In his concluding remarks, the observer from FAO advised the Commission that his report to next year's meeting would address ways in which FAO could assist international organisations, including CCAMLR, in their actions against illegal, unregulated and unreported fishing. The Commission thanked the FAO Observer for a comprehensive and focused report.

ASOC

12.16 The report from ASOC was presented by the ASOC Observer, Ms C. Mormorunni (CCAMLR-XVII/BG/48).

12.17 The ASOC Observer noted that illegal and unregulated fishing for *Dissostichus* spp. threatens to undermine severely CCAMLR's progress towards precautionary management and the conservation of Antarctica marine living resources. The uncertainty surrounding the catch level in illegal and unregulated fisheries introduces an uncertainty into fish stock assessments, as well as into the evaluation of the impact of fisheries on dependent and associated species, and the greater marine environment. ASOC believes that Members have no other choice but to set zero catch limits for *Dissostichus* spp. until the illegal and unregulated fishery is brought under control. It is unacceptable to be conducting 'legal' fishing when the actual catch is already so far above what CCAMLR estimates as a precautionary level.

12.18 A proposal put forward by ASOC that a 'zero' catch limit for *Dissostichus* spp. should be established by CCAMLR until all illegal, unregulated and unreported fishing are brought under control was considered by several Members as groundless for a number of reasons. Firstly, CCAMLR establishes catch limits for marine living resources taking into account advice of its Scientific Committee which is based on the best available data. Secondly, CCAMLR has already adopted a number of measures and will consider more stringent and comprehensive measures during the meeting. The implementation of these measures would enable CCAMLR to tackle the problem effectively without adversely affecting legitimate fishing.

12.19 The levels of seabird by-catch reported by CCAMLR indicate that urgent action to eliminate all incidental seabird mortality is needed. Incidental seabird mortality is exacerbated by the illegal and unregulated fishery and cannot be adequately addressed until these fisheries are dealt with.

12.20 ASOC recalled the paper on Marine Protected Areas (MPA) tabled by the IUCN at CCAMLR-XVI. ASOC encouraged the consideration of this powerful conservation and management tool and, more specifically, its application in the Convention Area, at next year's meeting.

12.21 In closing, ASOC felt that decisions taken by the Commission this year would demonstrate to the broader international community whether CCAMLR is in fact able to carry out its mission and ensure the protection and conservation of the Antarctic marine environment.

12.22 In relation to CCAMLR-XVII/BG/49 and BG/50, Chile, Norway, Japan and Argentina expressed the opinion that although the papers contain very interesting information which is of

relevance to CCAMLR, the language used in these papers is often inappropriate and should be avoided in communications between governmental and non-governmental organisations.

12.23 In addition, Argentina stated that references in CCAMLR-XVII/BG/49 (e.g. p. 19) to the territorial status of the Falkland/Malvinas Islands are incorrect and that any reference to those islands should conform with CCAMLR's usual practice. Such inaccuracies should be avoided in the future.

12.24 New Zealand stated that, notwithstanding the current difficulty over inappropriate use of language, it regarded ASOC's general contribution to the work of the Commission as being valuable. New Zealand looked forward to continuing cooperation with ASOC.

12.25 It came to the attention of the Commission that ISOFISH had recently placed on its website information which reported proceedings of a meeting of SCOI to which no observers from international organisations were invited. This action was in a clear breach of confidentiality of discussions held by SCOI. Members also noted that CCAMLR had received a letter of apology from ASOC together with an assurance that such actions would not recur.

12.26 The Delegation of Uruguay expressed its concern and disappointment at learning, via international channels, that a non-governmental organisation (ISOFISH) had circulated information on topics discussed at the meeting of SCOI. This matter was exacerbated by the fact that, as has been confirmed, this information was distorted to the detriment of one of the parties identified, i.e. it was wrongly affirmed that the offending vessel was flying the Uruguayan flag.

12.27 The Delegation of Uruguay emphasised that this constitutes a dangerous deviation from the confidentiality with which SCOI matters should be dealt at meetings. This does not conform with the responsibilities established by the CCAMLR Headquarters Agreement or for international conventions in relation to the inviolability of information considered within the ambit of international organisations. It should be noted, however, that Uruguay was pleased to receive a note from ASOC expressing regret in this matter. In the spirit of constructive cooperation Uruguay accepted this apology and looked forward to receiving the results of the investigation, as advised in this note, into the origin of the leak.

12.28 Norway pointed out that there should be a clear-cut line between CCAMLR as an intergovernmental organisation and non-governmental organisations with observer status. Norway warned that non-governmental organisations should not give the impression of representing CCAMLR and stressed that CCAMLR itself through subsidiary bodies should take appropriate actions.

12.29 Japan advised the Commission that it had drafted a proposal for an amendment of the Commission Rules of Procedure dealing with the attendance of observers at meetings of the Commission and its subsidiary bodies. Japan also expressed the need to reaffirm the moral obligations of Members and observers to maintain the confidentiality of the information presented to the subsidiary bodies of the Commission. These proposals are considered further under 'Other Business'.

Reports of CCAMLR Representatives at
1997/98 Meetings of Other International Organisations

CWP

12.30 The CCAMLR Secretariat took part in the work of the intersessional meeting of the Coordinating Working Party on Fisheries Statistics (CWP), held in Rome, Italy in February 1998 (CCAMLR-XVII/BG/9). The major thrust of the meeting was the identification of causes

of discrepancies between agency statistics, and discussion of methods and procedures for the harmonisation of data. The Commission noted the advice of the Chairman of the Scientific Committee on the matter and discussions which were held by the Scientific Committee (SC-CCAMLR-XVII, paragraphs 10.9 to 10.14). The Commission agreed that participation of CCAMLR in CWP would provide a direct input to the work of CCAMLR for a number of reasons as described in the report of the Scientific Committee.

12.31 The agenda of the 1999 meeting of CWP includes, in particular, evaluation of programs applied by different fisheries organisations in fishery statistics and statistical implications of the precautionary approach in fishery management.

IATTC

12.32 The CCAMLR Observer (USA) briefly described to the Commission the major results of the recent Sixth Meeting of the Inter-American Tropical Tuna Commission (IATTC). Topics covered by the meeting included the reduction of by-catch in tuna fisheries, catch limits for yellowfin tuna and discussions on the limitation of fishing capacity of tuna fleets (CCAMLR-XVII/BG/35).

ICCAT

12.33 The CCAMLR Observer (Spain) reported on the Fifteenth Regular Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) (CCAMLR-XVII/BG/46). A number of important decisions were taken by ICCAT at this meeting which are of relevance to CCAMLR's actions in respect of illegal, unregulated and unreported fishing. Among these decisions were the following:

- (i) Revised Port Inspection Scheme;
- (ii) Recommendation on Transshipments and Vessel sighting;
- (iii) Vessel Monitoring System Pilot Program;
- (iv) Prohibition of the importation of bluefin tuna from Honduras, Belize and Panama; and
- (v) the first steps for a possible cap or a reduction of the fleet capacity directed to tropical tuna.

12.34 The UK recollected that one aspect of the original proposal of exchange of information between CCAMLR and ICCAT was to obtain data on the measures of seabird by-catch mitigation that they use in the fisheries they regulate (CCAMLR-XVI, paragraph 12.1(b)), with special reference to areas under their jurisdiction in which seabirds breeding in the Convention Area are at risk. The Commission had received very detailed feedback from CCSBT, through its Ecosystem and Related Species Working Group (ERSWG), but had been less successful in obtaining information from the other tuna commissions.

12.35 Last year (CCAMLR-XVI, paragraph 12.16) Spain indicated that information from ICCAT was not yet available but that the issue would be discussed at the 1998 meeting and reported to CCAMLR. The UK enquired as to the current status of ICCAT's deliberations on this issue.

12.36 Spain indicated that ICCAT had not yet adopted any measures relating to the mitigation of seabird by-catch. However, members of ICCAT participated in work relating to the International Plan for Reducing Incidental Catch of Seabirds in Longline Fisheries, including the FAO Consultations in October 1998. The results of such consultation could be discussed at the forthcoming meeting of ICCAT. These discussions could then be reported to the Commission next year by the CCAMLR Observer.

IWC

12.37 The CCAMLR Observer (Sweden) reported on the Fiftieth Annual Meeting of IWC (CCAMLR-XVII/BG/47).

12.38 One of the remaining elements for the Revised Management Scheme to be completed is the establishment of an International Observation Scheme, which is still being discussed within IWC.

12.39 Discussions on the future of the IWC were characterised by differing views held by members in favour of commercial whaling and those against. Compromise proposals were discussed including putting a stop to scientific whaling and permitting whaling in coastal waters for local consumption only.

12.40 The IWC reiterated the great importance it attached to cooperation with CCAMLR and it endorsed the formation of a liaison group. Further discussions of this development are given in the report of the Scientific Committee (SC-CAMLR-XVII, paragraphs 11.20 and 11.21).

12.41 Several areas, including the Southern Ocean Whale Sanctuary and exchanges between the respective Scientific Committees, were mentioned as the Commission noted with satisfaction the cooperation being developed between the two organisations. In particular, the Commission welcomed plans of the IWC to have its observers conduct whale sightings during the CCAMLR synoptic krill survey in Area 48 during the year 2000.

SPC

12.42 The CCAMLR Observer (France) at the South Pacific Commission (SPC), now known as the 'Pacific Community', reported on the work of this organisation (CCAMLR-XVII/BG/56).

12.43 The last regional technical meeting on fisheries was held in August 1995. The first meeting of directors of fisheries authorities in the member countries and territories will take place in 1999. In the absence of a technical meeting for three years, a seminar on fisheries resource management was held in October 1998, at the headquarters of SPC. Discussions at the seminar focused mainly on coastal fisheries in the Pacific.

12.44 The Standing Committee on Tuna and Billfish meets annually to assess the status of the resources of these highly migratory fish in the western Pacific, and to plan the scientific studies necessary for a better knowledge of such species.

CCSBT

12.45 Japan, as CCAMLR Observer at the Fifth Annual Meeting of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), informed the Commission that the meeting was postponed and a decision as to its timing had not yet been taken.

12.46 The CCSBT Observer to CCAMLR, Mr A. Mae, distributed to the Commission an information paper describing recent activities of CCSBT (CAMLAR-XVII/BG/57). In particular, this document drew the Commission's attention to the following matters related to CCAMLR:

- (i) the CCSBT affirms its desire to continue to cooperate with CCAMLR in areas of mutual interest, including the exchange of relevant data on southern bluefin tuna and ecologically related species; and
- (ii) the CCSBT would welcome any southern bluefin tuna catch and effort data collected by CCAMLR Members who are not members of CCSBT.

Nomination of Representatives to 1998/99 Meetings of Other International Organisations

12.47 The following observers were nominated to represent CCAMLR at intersessional meetings in 1998/99:

- (i) Eleventh Special Meeting of ICCAT, 16 to 23 November, 1998, Santiago de Compostela, Spain – European Community;
- (ii) Third Session of the IOTC, 9 to 12 December, 1998, Victoria, Seychelles – Australia;
- (iii) Meeting of FAO and Non-FAO Regional Fishery Bodies, 11 and 12 February, 1999, Rome, Italy – Italy;
- (iv) Meeting of COFI 15 to 19 February, 1999, Rome, Italy – Executive Secretary;
- (v) Fifty-first Annual Meeting of IWC, 24 to 28 May 1999, Grenada, West Indies – Sweden (Prof. B. Fernholm);
- (vi) Twenty-third Antarctic Treaty Consultative Meeting, May 1999, Lima, Peru – Executive Secretary;
- (vii) Second Meeting of the Committee on Environmental Protection of the Antarctic Treaty, May 1999, Lima, Peru – Chairman of the Scientific Committee;
- (viii) Second Workshop on Antarctic Specially Protected Areas (immediately preceding ATCM-XXIII) – Chile (Dr J. Valencia);
- (ix) Secretariat of the Pacific Community (Regional Technical Meeting) (venue and dates to be determined) – France;
- (x) Inter-American Tropical Tuna Commission (venue and dates to be determined) – European Community; and
- (xi) Commission for the Conservation of Southern Bluefin Tuna (venue and dates to be determined) – Australia and Japan (for meetings in Australia and Japan respectively).

CONSIDERATION OF THE IMPLEMENTATION OF THE OBJECTIVE OF THE CONVENTION

13.1 The Commission considered a paper submitted by the UK on the subject of CCAMLR's application of the precautionary approach (CCAMLR-XVII/BG/32). The Chairman of the Scientific Committee noted that the paper addressed many of the issues intended to be included in the synopsis of *Understanding CCAMLR's Approach to Management*, which is to be produced in 1999. Chile highlighted the intrinsic value of this paper in the context of a unified framework for the development of new and exploratory fisheries, and recalled that in paragraph 13.2 of CCAMLR-XVI the Delegation of Chile had underlined the importance of the ecosystem management approach to the fulfilment of the objective of the Convention.

13.2 The Commission encouraged the UK to ensure that the paper be published in a prominent journal to assist in the wider dissemination of such information concerning this aspect of CCAMLR's work. The UK indicated its willingness to do this.

13.3 Australia noted that the paper also addressed the issue of management under uncertainty. In this respect, Australia recalled that, in assessing stocks of *D. eleginoides*, the Scientific Committee uses estimates of recruitments. In the light of the high level of illegal, unregulated and unreported fishing, the status of the spawning stocks of *D. eleginoides* needs to be addressed in some areas. Currently this can only be reviewed using fisheries catch data. Australia suggested that the Commission ask the Scientific Committee to investigate methods for monitoring spawning stocks of *D. eleginoides*.

13.4 The Representative of Chile expanded on some of the elements outlined in paragraph 13.2 of CCAMLR-XVI. Several delegations expressed an interest that the Chilean statement be circulated intersessionally to allow for its further consideration at the next meeting of the Commission.

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 India shall provide the Chairman from the end of the 1998 meeting until the end of the 2000 meeting.

14.2 In accepting the nomination, Mr Ravindranathan (India) conveyed to the Commission that the Government of India considered it a great privilege and honour to be elected to the Chair. It assured Members that it would spare no efforts in ensuring the continuation of the fine traditions of previous chairmen in furthering the best interests of the Commission.

NEXT MEETING

Invitation of Observers to Next Meeting

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

15.2 The Commission recognised the valuable contribution made by the Governments of Mauritius and Namibia to the work of the Commission at CCAMLR-XVII and it was agreed

that they should again be invited to attend CCAMLR-XVIII as observers, although it was hoped that they would accede to the Convention and consequently might participate instead as Contracting Parties.

Date and Location of Next Meeting

15.3 Members agreed that the 1999 meeting of the Commission and the Scientific Committee be held at the Wrest Point Hotel in Hobart, Australia, during the period 25 October to 5 November 1999. Heads of Delegation were requested to be in Hobart for a Heads of Delegation meeting on 24 October 1999.

OTHER BUSINESS

16.1 Further to changes to the Commission's Rule of Procedure 32(b) made by the Commission earlier in the meeting (paragraph 2.4), Japan pointed out that while the changes made had been necessary to accommodate the specific circumstances, they prevented the Standing Committees from restricting attendance to Members only. This was sometimes necessary, for example, for discussions on such matters as administration and finance.

16.2 The Commission recognised the importance of such restriction being available, and noted that this could be accomplished without counteracting the effect of the previous change. Accordingly, the Commission agreed that 32(b) be amended as follows:

Rule 32(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 Rule 30(b). **With respect to any session so restricted, the Commission may also agree to invite observers referred to in Rule 30(c).**

16.3 Japan presented a proposal for the Commission to adopt a resolution on maintaining confidentiality without impeding the full exchange of information (CCAMLR-XVII/BG/41). Japan believed that, in the light of certain unfortunate circumstances during the current meeting, it was an appropriate time for the Commission to reaffirm the moral and ethical obligations of Members to respect the confidentiality of specific information presented to the Commission. In presenting the proposal, Japan noted that such a resolution could assist in the maintenance of transparency.

16.4 A number of Members pointed out that this responsibility is generally recognised within intergovernmental organisations, including CCAMLR, and that it would not be appropriate, therefore, for such a resolution to be passed by the Commission.

16.5 The European Community advised the Commission that this issue is by its nature a sensitive one and, together with the issue of transparency, one that is currently being discussed by a number of other organisations. The Commission confirmed that while transparency in its operation is important, especially for the involvement of non-Member States and intergovernmental organisations, the Members continue to take seriously their responsibilities with respect to confidentiality.

16.6 With respect to the representation of the Commission by Italy at the meeting of FAO and non-FAO Regional Fishery Bodies in February next year (paragraph 12.47(iii)), the USA

advised the Commission that it had now viewed the agenda of the meeting and noted a number of major items of relevance to CCAMLR. The Commission directed the Executive Secretary to provide Italy with a detailed briefing note on all the relevant issues.

16.7 The Commission noted that the present term of appointment of the Executive Secretary expires in February 2001 and that it was necessary to include on the agenda for CCAMLR-XVIII consideration of the process to fill the position of Executive Secretary beyond February 2001.

REPORT OF THE SEVENTEENTH MEETING OF THE COMMISSION

17.1 The Report of the Seventeenth Meeting was adopted.

CLOSE OF THE MEETING

18.1 Dr M. Richardson (UK), on behalf of the delegates, expressed appreciation at the constructive way in which Mr T. Scully (USA) had lead the drafting group on conservation measures, and had brought deliberations to a successful close.

18.2 The delegates joined the Executive Secretary in thanking Mr Bock for his second and final year as Chairman of the Commission. The Executive Secretary presented the Chairman with a CCAMLR gavel.

18.3 In closing the meeting, the Chairman thanked all the delegates for their efforts and collaboration during the meeting. He also thanked the Executive Secretary and the Secretariat for their work. The meeting was closed.

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LIST OF PARTICIPANTS

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LIST OF DOCUMENTS

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CCAMLR-XVII/1	Provisional Agenda for the Seventeenth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XVII/2	Provisional Annotated Agenda for the Seventeenth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XVII/3	Examination of the Audited Financial Statements for 1997 Executive Secretary
CCAMLR-XVII/4	Review of the 1998 Budget, Draft 1999 Budget and Forecast Budget for 2000 Executive Secretary
CCAMLR-XVII/5	Proposal for change to Financial Regulations Executive Secretary
CCAMLR-XVII/6	Vacant
CCAMLR-XVII/7	Publication and distribution of <i>Understanding CCAMLR's Approach to Management</i> Secretariat
CCAMLR-XVII/8	Vacant
CCAMLR-XVII/9 Rev. 1	Notification of France's intention to initiate new fisheries Delegation of France
CCAMLR-XVII/10	Notification of South Africa's intention to initiate new fisheries Delegation of South Africa
CCAMLR-XVII/11	Notification of Australia's intention to initiate an exploratory fishery Delegation of Australia
CCAMLR-XVII/12	Notification of Spain's intention to initiate an exploratory fishery Delegation of Spain
CCAMLR-XVII/13 Rev. 1	Notification of New Zealand's intention to continue an exploratory fishery Delegation of New Zealand
CCAMLR-XVII/14	Notification of South Africa's intention to initiate an exploratory fishery Delegation of South Africa
CCAMLR-XVII/15	Letter from Spain to the UK concerning the implementation of the CCAMLR Scheme of International Scientific Observation (Previously distributed in Spanish and English as Comm Circ 98/12) Delegation of Spain

CCAMLR-XVII/16	Letter from Chile concerning the implementation of the CCAMLR Scheme of International Scientific Observation (Previously distributed in Spanish and English as Comm Circ 98/33) Delegation of Chile
CCAMLR-XVII/17	Note from Argentina concerning the implementation of the CCAMLR Scheme of International Scientific Observation (Previously distributed in Spanish and English as Comm Circ 98/63) Delegation of Argentina
CCAMLR-XVII/18	European Community discussion paper on a unified regulatory framework for CCAMLR based on stages of fishery development Delegation of the European Community
CCAMLR-XVII/19	Notification of Uruguay's intention to initiate a new fishery Delegation of Uruguay
CCAMLR-XVII/20	Deadlines set by CCAMLR for the submission of information by Member countries Delegation of Chile
CCAMLR-XVII/21	Further measures to combat illegal, unreported and unregulated fishing in the Convention Area: measures to enhance compliance with CCAMLR requirements Delegation of New Zealand
CCAMLR-XVII/22	Requirement for flag vessels of Contracting Parties fishing or undertaking research in the Convention Area to be marked in accordance with the 'FAO standard specifications and guidelines for marking and identification of fishing vessels' Delegations of Australia and New Zealand
CCAMLR-XVII/23	Further measures to combat illegal, unreported and unregulated fishing in the Convention Area: reports by scientific observers Delegations of Australia and New Zealand
CCAMLR-XVII/24	The implementation of an action plan to ensure the effectiveness of the conservation measures for <i>Dissostichus</i> spp. Delegation of Australia
CCAMLR-XVII/25	Further measures to combat illegal, unreported and unregulated fishing in the Convention Area: establishment of a CCAMLR vessel register Delegation of Australia
CCAMLR-XVII/25 Addendum	Further measures to combat illegal, unreported and unregulated fishing in the Convention Area: establishment of a CCAMLR vessel register Delegation of Australia

CCAMLR-XVII/26	Further measures to combat illegal, unreported and unregulated fishing in the Convention Area: use of satellite linked vessel monitoring system Delegation of Australia
CCAMLR-XVII/27	Note from the UK concerning the implementation of the CCAMLR Scheme of International Scientific Observation (Previously distributed as Comm Circ 98/82) Delegation of the United Kingdom
CCAMLR-XVII/28	Proposed changes to the Commission Rules of Procedure Chairman of the Commission
CCAMLR-XVII/29 Rev. 1	Japanese proposal for the amendment of the Rules of Procedure (draft) Delegation of Japan
CCAMLR-XVII/30 Rev. 1	Draft Conservation Measure A/XVII Delegation of the European Community
CCAMLR-XVII/31 Rev. 1	Draft Conservation Measure B/XVII Delegation of the European Community
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CCAMLR-XVII/33 Rev. 1	Conservation Measure XXX/XVII Delegation of the European Community
CCAMLR-XVII/34	Catch certification scheme for <i>Dissostichus</i> spp.: draft conservation measures Delegation of the USA
CCAMLR-XVII/34 Addendum	Catch certification scheme for <i>Dissostichus</i> spp.: draft conservation measures: statistical form Delegation of the USA
CCAMLR-XVII/35	Action policy to combat illegal, unreported and unregulated fishing for <i>Dissostichus</i> spp. Delegation of Australia
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CCAMLR-XVII/41	Proposed Resolution XXX/XVII Delegation of Japan
CCAMLR-XVII/42	Notification by the United Kingdom and Republic of Korea of the intention to continue an exploratory fishery for squid (<i>Martialia hyadesi</i>) in Subarea 48.3 Delegations of the United Kingdom and the Republic of Korea

CCAMLR-XVII/BG/1	List of documents
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CCAMLR-XVII/BG/3	Multilateral fisheries conservation and management arrangements: the use of trade measures Secretariat
CCAMLR-XVII/BG/4 Rev. 1	Implementation of conservation measures in 1997/98 Secretariat
CCAMLR-XVII/BG/5	Statement by the CCAMLR Observer at the XXIIInd ATCM Executive Secretary
CCAMLR-XVII/BG/6	Report on the assessment and avoidance of incidental mortality in the Convention Area 1997/98 South Africa
CCAMLR-XVII/BG/7	Beach debris survey – Main Bay, Bird Island, South Georgia 1996/97 Delegation of the United Kingdom
CCAMLR-XVII/BG/8	Summary of current conservation measures and resolutions 1997/98 Secretariat
CCAMLR-XVII/BG/9	Report on the intersessional meeting of the Coordinating Working Party on Fisheries Statistics Secretariat
CCAMLR-XVII/BG/10	Relevamiento de materiales de desechos que llegan hasta la costa comprendida entre Punta Suffield y la primera punta del Glaciar Collins Delegación de Uruguay
CCAMLR-XVII/BG/11	Report on the assessment and avoidance of incidental mortality in the Convention Area 1997/98 Australia
CCAMLR-XVII/BG/12	The international trade in Patagonian toothfish: international involvement, concerns and recommendations Submitted by ASOC
CCAMLR-XVII/BG/13	Further measures to combat illegal, unreported and unregulated fishing in the Convention Area Delegation of Australia

CCAMLR-XVII/BG/14	Report on the assessment and avoidance of incidental mortality in the Convention Area 1997/98 Republic of Korea
CCAMLR-XVII/BG/15	Report on the assessment and avoidance of incidental mortality in the Convention Area 1997/98 Japan
CCAMLR-XVII/BG/16	Évaluation de la pêche illicite à la palangre dans les eaux françaises adjacentes aux Îles Kerguelen (division 58.5.1) pour la saison 1997/98 (1 ^{er} juillet 1997–30 juin 1998), estimation du prélèvement de légine. Observations pour les Îles Crozet (sous-zone 58.6). Impact sur l'environnement. Délégation de la France
CCAMLR-XVII/BG/17	Functionality of a full-sized marine mammal exclusion device Delegation of New Zealand
CCAMLR-XVII/BG/18	Report of the CCAMLR Observer at the XXII nd Antarctic Treaty Consultative Meeting Executive Secretary
CCAMLR-XVII/BG/19	Report on inspection and implementation of sanctions – 1997/98 Delegation of South Africa
CCAMLR-XVII/BG/20	Beach debris survey Signy Island, South Orkney Islands 1997/98 Delegation of the United Kingdom
CCAMLR-XVII/BG/21	Amendment of privileges and immunities regulations Delegation of Australia
CCAMLR-XVII/BG/22	CCAMLR activities on monitoring marine debris in the Convention Area Secretariat
CCAMLR-XVII/BG/23	CCAMLR website Secretariat
CCAMLR-XVII/BG/24	United States report on trade in <i>Dissostichus</i> Delegation of the USA
CCAMLR-XVII/BG/25	Beach litter accumulation and retention at sub-Antarctic Marion Island: trends in relation to longline fishing activity Delegation of South Africa
CCAMLR-XVII/BG/26	Marine pollutants and fishing gear associated with seabirds at sub-Antarctic Marion Island, 1996–1998: trends in relation to longline fishing activity Delegation of South Africa
CCAMLR-XVII/BG/27	Results synthesis of marine debris survey carried out at Cape Shirreff, Livingston Island, in the austral summer 1997/98 Delegation of Chile

CCAMLR-XVII/BG/28	Implementation of the System of Inspection and other CCAMLR enforcement provisions in the 1997/98 season Secretariat
CCAMLR-XVII/BG/29	South African legislation addressing the requirements of CCAMLR conservation measures Delegation of South Africa
CCAMLR-XVII/BG/30	Correspondence with the International Coalition of Fisheries Associations Secretariat
CCAMLR-XVII/BG/31	Illegal fishing within Australia's EEZ around Heard Island including fishing in breach of CCAMLR conservation measures Delegation of Australia
CCAMLR-XVII/BG/32	CCAMLR's application of the precautionary approach Delegation of the United Kingdom
CCAMLR-XVII/BG/33	Correspondence relating to the meeting of FAO and non-FAO regional fisheries bodies Secretariat
CCAMLR-XVII/BG/34	Correspondence relating to the International Southern Oceans Longline Fisheries Information Clearing House (ISOFISH) Secretariat
CCAMLR-XVII/BG/35	Report of the CCAMLR Observer to the annual meeting of the Inter-American Tropical Tuna Commission CCAMLR Observer (USA)
CCAMLR-XVII/BG/36	Report on the assessment and avoidance of incidental mortality in the Convention Area 1997/98 United States of America
CCAMLR-XVII/BG/37	Report on the assessment and avoidance of incidental mortality in the Convention Area 1997/98 United Kingdom
CCAMLR-XVII/BG/38	Implementation and effectiveness of measures adopted in 1997 to combat illegal, unregulated and unreported fishing in the Convention Area Delegation of Australia
CCAMLR-XVII/BG/39	Update on prosecutions against vessels for alleged illegal fishing in Australia's EEZ around the territory of Heard Island and McDonald Islands Delegation of Australia
CCAMLR-XVII/BG/40	Informe sobre procesos judiciales sustanciados en Chile por infracciones a medidas de conservación de la CCRVMA (1992 a Septiembre de 1998) Delegación de Chile
CCAMLR-XVII/BG/41	Rapport sur l'évaluation et al prévention de la mortalité accidentelle Délégation de la France

CCAMLR-XVII/BG/42	Summary of scientific observations conducted during the 1997/98 season in accordance with the Scheme of International Scientific Observation and national observation programs Secretariat
CCAMLR-XVII/BG/43	Calendar of meetings of relevance to the Commission – 1998/99 Secretariat
CCAMLR-XVII/BG/44 Rev. 1	Observer's Report to the Meeting of the Commission for the Conservation of Antarctic Marine Living Resources, Hobart 26 October to 6 November 1998 FAO Observer (R. Shotton)
CCAMLR-XVII/BG/45	Response to CCAMLR from the Forum Fisheries Agency (FFA) – illegal, unreported and unregulated fishing Secretariat
CCAMLR-XVII/BG/46	Report on the Fifteenth Regular Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) CCAMLR Observer (Spain) (Submitted in English and Spanish)
CCAMLR-XVII/BG/47	Observer's report on the Fiftieth Annual Meeting of the IWC CCAMLR Observer (Sweden)
CCAMLR-XVII/BG/48	Report of the Antarctic and Southern Ocean Coalition (ASOC) to the XVIIIth Meeting of the Convention on the Conservation of Antarctic Marine Living Resources Submitted by ASOC
CCAMLR-XVII/BG/49	ISOFISH Occasional Report No. 1 Submitted by ASOC
CCAMLR-XVII/BG/50	ISOFISH Occasional Report No. 3 Submitted by ASOC
CCAMLR-XVII/BG/51	Report on the assessment and avoidance of incidental mortality in the Convention Area 1997/98 Brazil
CCAMLR-XVII/BG/52	Report on the assessment and avoidance of incidental mortality in the Convention Area 1997/98 Poland
CCAMLR-XVII/BG/53	Korean position on proposed Conservation Measure AAA/XVII (CCAMLR-XVII/26) Delegation of the Republic of Korea
CCAMLR-XVII/BG/54	Measures to combat illegal, unreported and unregulatory fishing in the Convention Area Delegation of Italy
CCAMLR-XVII/BG/55	Seabird identification guide: update Delegation of New Zealand

CCAMLR-XVII/BG/56	Rapport de l'observateur auprès de la Communauté du Pacifique (CPS) Délégation de la France
CCAMLR-XVII/BG/57	Report of the CCSBT Observer to CCAMLR CCSBT Observer (A. Mae)
CCAMLR-XVII/BG/58	FAO consultation on the incidental catch of seabirds in longline fisheries Rome, Italy, 26–30 October 1998 CCAMLR Observer (J. Cooper)
CCAMLR-XVII/BG/59	Report of the SCAR Observer to CCAMLR Observer (E. Fanta, Brazil)

CCAMLR-XVII/MA/1	Report of Member's activities in the Convention Area 1997/98 South Africa
CCAMLR-XVII/MA/2	Report of Member's activities in the Convention Area 1997/98 Italy
CCAMLR-XVII/MA/3 Rev. 1	Report of Member's activities in the Convention Area 1997/98 New Zealand
CCAMLR-XVII/MA/4	Report of Member's activities in the Convention Area 1997/98 France
CCAMLR-XVII/MA/5	Report of Member's activities in the Convention Area 1997/98 Uruguay
CCAMLR-XVII/MA/6	Report of Member's activities in the Convention Area 1997/98 Australia
CCAMLR-XVII/MA/7	Report of Member's activities in the Convention Area 1997/98 Poland
CCAMLR-XVII/MA/8	Report of Member's activities in the Convention Area 1997/98 Chile (available in Spanish only)
CCAMLR-XVII/MA/9	Report of Member's activities in the Convention Area 1997/98 Republic of Korea
CCAMLR-XVII/MA/10	Report of Member's activities in the Convention Area 1997/98 Ukraine
CCAMLR-XVII/MA/11	Report of Member's activities in the Convention Area 1997/98 United Kingdom
CCAMLR-XVII/MA/12	Report of Member's activities in the Convention Area 1997/98 Norway
CCAMLR-XVII/MA/13	Report of Member's activities in the Convention Area 1997/98 USA

CCAMLR-XVII/MA/14	Report of Member's activities in the Convention Area 1997/98 Sweden
CCAMLR-XVII/MA/15	Report of Member's activities in the Convention Area 1997/98 Japan
CCAMLR-XVII/MA/16	Report of Member's activities in the Convention Area 1997/98 Brazil
CCAMLR-XVII/MA/17	Report of Member's activities in the Convention Area 1997/98 Argentina (available in Spanish only)
CCAMLR-XVII/MA/18	Report of Member's activities in the Convention Area 1997/98 Spain (available in Spanish only)

SC-CAMLR-XVII/1	Provisional Agenda for the Seventeenth Meeting of the Scientific Committee for the Conservation of Antarctic Marine Living Resources
SC-CAMLR-XVII/2	Provisional Annotated Agenda for the Seventeenth Meeting of the Scientific Committee for the Conservation of Antarctic Marine Living Resources
SC-CAMLR-XVII/3	Report of the Working Group on Ecosystem Monitoring and Management (Kochi, India, 10 to 20 August 1998)
SC-CAMLR-XVII/4	Report of the Working Group on Fish Stock Assessment (Hobart, Australia, 12 to 22 October 1998)

SC-CAMLR-XVII/BG/1 Rev. 2	Catches in the Convention Area 1997/98 Secretariat
SC-CAMLR-XVII/BG/2 Rev. 1	CEMP tables 1 to 3 Secretariat
SC-CAMLR-XVII/BG/3	Towards a closer cooperation between CCAMLR and the IWC CCAMLR Observer (K.-H. Kock, Germany)
SC-CAMLR-XVII/BG/4	Report of the CCAMLR Observer to the Third Meeting of the Commission for the Conservation of Southern Bluefin Tuna's Ecologically Related Species Working Group CCAMLR Observer (K. Truelove, Australia)
SC-CAMLR-XVII/BG/5	International plan of action for reducing incidental catch of seabirds in longline fisheries Submitted by FAO
SC-CAMLR-XVII/BG/6	Data management: report on activities during 1998 Secretariat

SC-CAMLR-XVII/BG/7 Rev. 1	Results of the <i>Dissostichus</i> spp. new fisheries projects in the Antarctic region (CCAMLR Statistical Subareas 48.1, 48.2 and 88.3) Delegation of Chile
SC-CAMLR-XVII/BG/8	Survey and monitoring of black petrels on Great Barrier Island 1997 Delegation of New Zealand
SC-CAMLR-XVII/BG/9	Light-mantled sooty albatross on Campbell Island, 1995–96: a pilot investigation Delegation of New Zealand
SC-CAMLR-XVII/BG/10	Oil, paint, marine debris and fishing gear associated with seabirds at Bird Island, South Georgia, 1997/98 Delegation of the United Kingdom
SC-CAMLR-XVII/BG/11	Entanglement of Antarctic fur seals <i>Arctocephalus gazella</i> in man-made debris at Bird Island, South Georgia during the 1997 winter and 1997/98 pup-rearing season Delegation of the United Kingdom
SC-CAMLR-XVII/BG/12	Entanglement of Antarctic fur seals <i>Arctocephalus gazella</i> in man-made debris at Signy Island, South Orkney Islands 1997/98 Delegation of the United Kingdom
SC-CAMLR-XVII/BG/13	Southern royal albatross <i>Diomedea epomophora</i> census on Campbell Island, 4 January–6 February 1996, and a review of population figures Delegation of New Zealand
SC-CAMLR-XVII/BG/14	Correspondence with the Secretariat of the Convention on Biological Diversity Secretariat
SC-CAMLR-XVII/BG/14 Addendum	Correspondence with the Secretariat of the Convention on Biological Diversity Secretariat
SC-CAMLR-XVII/BG/15	Informe del observador de la CCRVMA a la Reunión del Grupo de Especialistas en Pinípedos del SCAR Delegación de Chile
SC-CAMLR-XVII/BG/16	Report of the CCAMLR Observer at the Third GLOBEC SSC Meeting and the First GLOBEC Open Science Meeting CCAMLR Observer (S. Kim, Republic of Korea)
SC-CAMLR-XVII/BG/17	Report of the ICES Annual Science Conference (16–19 September 1998) CCAMLR Observer (I. Lutchman, United Kingdom)
SC-CAMLR-XVII/BG/18	Calendar of meetings of relevance to the Scientific Committee – 1998/99 Secretariat

SC-CAMLR-XVII/BG/19	Letter from the founding editor of the journal 'Reviews in Fish Biology and Fisheries' (RFBF) Secretariat
SC-CAMLR-XVII/BG/20	Observer's report on the 1998 meeting of the SCAR Working Group on Biology CCAMLR Observer (Sweden)
SC-CAMLR-XVII/BG/21	Report on activities of SCAR's Group of Specialists on Environmental Affairs and Conservation E. Fanta, Brazil, GOSEAC Liaison Officer
SC-CAMLR-XVII/BG/22	Report of the CCAMLR Observer to the SCAR Sub-Committee on Evolutionary Biology of Antarctic Organisms CCAMLR Observer (E. Fanta, Brazil)
SC-CAMLR-XVII/BG/23	Report of the Scientific Committee for Antarctic Research: VII International Biology Symposium CCAMLR Observer (P. Penhale, United States of America)
SC-CAMLR-XVII/BG/24	Report of the Scientific Committee on Antarctic Research, Bird Biology Subcommittee CCAMLR Observer (J.P. Croxall, United Kingdom)
SC-CAMLR-XVII/BG/25	Secretariat tasks, allocated priorities and deadlines for 1997/98: prepared by the Chairman of the Scientific Committee and Conveners of Working Groups
Other Documents	
WG-FSA-98/34 Rev. 2	Comments of the Working Group on Fish Stock Assessment on the FAO International Plan of Action on the Reduction of Incidental Catch of Seabirds in Longline Fisheries Secretariat

**AGENDA FOR THE SEVENTEENTH MEETING
OF THE COMMISSION**

AGENDA FOR THE SEVENTEENTH MEETING OF THE COMMISSION

1. Opening of the Meeting
2. Organisation of the Meeting
 - (i) Adoption of the Agenda
 - (ii) Report of the Chairman
3. Finance and Administration
 - (i) Report of SCAF
 - (ii) Relocation of CCAMLR Headquarters
 - (iii) Audited Financial Statements for 1997 and 1998 and Appointment of Auditor
 - (iv) Budgets for 1998, 1999 and 2000
 - (v) CCAMLR Site on the World Wide Web
 - (vi) Management Review of the Secretariat
4. Scientific Committee
5. Illegal, Unregulated and Unreported Fishing in the Convention Area
 - (i) Implementation and Effectiveness of Measures Adopted in 1997
 - (ii) Examination of Additional Measures
6. Assessment and Avoidance of Incidental Mortality of Antarctic Marine Living Resources
 - (i) Marine Debris
 - (ii) Incidental Mortality of Marine Animals During Fishing Operations
7. New and Exploratory Fisheries
8. Observation and Inspection
 - (i) Report of SCOI
 - (ii) Operation of the System of Inspection and Compliance with Conservation Measures
 - (iii) Operation of the Scheme of International Scientific Observation
9. Conservation Measures
 - (i) Review of Existing Measures
 - (ii) Consideration of New Measures and other Conservation Requirements
10. Management Under Uncertainty

11. Cooperation with Other Elements of the Antarctic Treaty System
 - (i) Twenty-second Antarctic Treaty Consultative Party Meeting
 - (ii) Cooperation with SCAR

12. Cooperation with Other International Organisations
 - (i) Reports of Observers from International Organisations
 - (ii) Reports from CCAMLR Representatives at 1997/98 Meetings of International Organisations
 - (ii) Nomination of Representatives to 1998/99 Meetings of International Organisations

13. Consideration of the Implementation of the Objective of the Convention

14. Election of Chairman of the Commission

15. Next Meeting
 - (i) Invitation of Observers to Next Meeting
 - (ii) Date and Location of Next Meeting

16. Other Business

17. Report of the Seventeenth 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 Agenda as included as Appendix A to the Commission's Provisional Agenda (CCAMLR-XVII/1) was adopted (Appendix I).

RELOCATION OF CCAMLR HEADQUARTERS

2. The Executive Secretary reported on the relocation of the Secretariat offices in June 1998. He noted that the new offices provided an improved working environment and considered them to be totally suitable for the long-term requirements of the Secretariat. There had been minimal effect on the work for the Commission and the Scientific Committee despite the disruption caused by the move.

3. The Committee expressed its thanks to the Australian and Tasmanian Governments for the provision of these offices. The Delegation of Australia advised the Committee that, as host government, Australia takes its responsibilities under the Headquarters Agreement very seriously, and will continue to give high priority to finalising the arrangements for the new offices.

AUDITED FINANCIAL STATEMENTS

4. The Committee **recommended that the Commission accept the Financial Statements as presented in CCAMLR-XVII/3.** The Committee noted that the audit report to the 1997 Financial Statements, based on a review audit, advised no qualifications in respect of compliance with Financial Regulations or International Accounting Standards.

APPOINTMENT OF AUDITOR

5. The Committee **recommended that the Commission appoint the Australian National Audit Office as auditor in respect of the 1998 and 1999 financial years.** The Committee considered it appropriate that the Australian National Audit Office, whose term of appointment had just ended, should be reappointed auditor of the Commission for the next two years.

6. The Committee **recommended that the Commission require that only a review audit be performed on the 1998 Financial Statements.** In making this recommendation, the Committee noted that a review was performed last year also, and since the Commission has decided that a full audit is required at least once every three years (CCAMLR-XVI, paragraph 3.6), a full audit will be needed for the 1999 Financial Statements.

FINANCIAL REGULATIONS

7. Following the decisions made with respect to the new budget format adopted by the Commission in 1997, the Committee **recommended the Commission adopt a revised**

Financial Regulation 4.4 in the form presented in Appendix III to permit the Executive Secretary to make transfers between categories with the authorisation of the Chairman of SCAF.

REVIEW OF BUDGET FOR 1998

8. The Committee received the report of the Executive Secretary on the expected outcome of the 1998 expenditure budget as presented in CCAMLR-XVII/4, and noted that while the total budget expenditure was not expected to be exceeded, a number of items and subitems were likely to be overspent. The Committee **recommended that the Commission adopt a revised budget for 1998 in accordance with the expected outcome for 1998 as presented in CCAMLR-XVII/4.**

1999 BUDGET

Scientific Committee Budget

9. The Chairman of the Scientific Committee presented to SCAF the Scientific Committee's budget for 1999 and explained the expenditure items included. SCAF commended the Scientific Committee's ability to limit its expenditure in times of increasing work requirements and **recommended that the Commission approve the Scientific Committee proposed budget of A\$149 800 for inclusion in the Commission's 1999 budget.**

Travel

10. The Committee discussed the policy for funding of travel by nominated persons to non-CCAMLR meetings where these persons are not CCAMLR Secretariat staff. In this respect it was unable to reach a decision as to whether, if the Commission should require the Chairman of the Scientific Committee to attend the Committee on Environmental Protection (CEP) in 1999, the travel costs should be borne by the Commission. While the proposed budget presented in Appendix II includes such costs, the Commission may wish to consider whether this is appropriate.

CCAMLR Site on the World Wide Web

11. The Committee received the advice of the Executive Secretary on the progress towards establishing a site on the World Wide Web (the web), as presented in CCAMLR-XVII/BG/23. It encouraged the continued development of the site and considered that the Commission should identify for the Secretariat a set of priorities for the work to be done in 1999. In this respect, it recommended that the establishment of particular pages should progress in the following order:

- (i) pages required by the Commission to facilitate its work in respect of fisheries management and compliance;
- (ii) specific pages of general information to facilitate the work of the Commission and the Scientific Committee;

- (iii) current background information; and
- (iv) historical material.

12. The Committee noted that it is intended that all pages which have been identified by the Secretariat will be prepared in 1999 but that many of the lower priority pages will only be developed to the extent that resources permit.

13. The Committee noted that a number of the pages, in particular pages relating to compliance issues, would be sensitive and access controls would be applied. Members would need to exercise measures to ensure that the access keys supplied by the Secretariat are appropriately controlled.

Publications

14. The Committee reviewed the procedures for CCAMLR publications in light of the availability of the web. It **recommended that the *Basic Documents*, which are scheduled for publishing on the web, not be printed in 1999.**

15. The Committee **recommended that the number of copies of the Scientific Committee Report allowed to Members free of charge be reduced from 12 to four and that the savings generated from this change in publication distribution policy be used to enhance the utility of the Scientific Committee Report in electronic form, especially in the form presented on the web.**

16. The Committee recognised that there may be future savings from other publications being made available in electronic form. The Committee also noted the Secretariat's advice about the difficulties of moving some publications to the web, including the *Statistical Bulletins*, and its intention to work to resolve these problems.

17. Following advice from the Scientific Committee, SCAF **recommended that *Understanding CCAMLR'S Approach to Management* should be published on the web only, and not in printed form, and that a short, approximately 10-page, synopsis of the publication should be prepared and published in printed form in 1999.**

Overall Budget

18. The Committee **recommended that the Commission adopt the budget for 1999 as presented in the table appended to this report (Appendix II).** The Committee noted that in presenting this budget it had not received any advice from SCOI requesting any increase in tasks in 1999.

MANAGEMENT REVIEW OF THE SECRETARIAT

19. The Committee addressed the recommendations adopted by the Commission last year based on the 1997 management review of the Secretariat. It received the Executive Secretary's report on the progress in respect of the implementation of relevant recommendations and noted that a significant majority of the requirements of the Commission had already been fully or substantially implemented.

20. The Committee encouraged the Secretariat in its efforts to complete the implementation, in order to realise the full efficiency that the management review had intended to be derived from its recommendations.

21. The Committee noted the Executive Secretary's concern on the difficulties regarding strategic planning in times when the Commission's priorities are having to evolve. The Committee encouraged the Executive Secretary to continue to assist the Commission by identifying, as they arise, issues which lead to such changes in priority.

22. The Executive Secretary reported that the job descriptions for Professional Staff had been submitted to the United Nations for review but that there has not yet been sufficient time for a response. The Committee decided to address the issue of Professional Staff salaries and allowances when the results of this review are received, in principle at the 1999 meeting. The Committee advised the Commission that it had not had time to address the issue of possible performance criteria for the Executive Secretary.

23. The Executive Secretary will continue to report to the Commission on the progress of implementation of the Management Review recommendations at the next meeting.

24. The Committee congratulated the Chairman on a successful SCAF meeting, thanking him for his time management and effective chairing. The Committee also expressed its gratitude to the Secretariat for a short and precise report.

ADOPTION OF THE REPORT

25. The report of the meeting was adopted.

AGENDA

Standing Committee on Administration and Finance (SCAF)
(Hobart, Australia, 26 to 29 October 1998)

1. Relocation of CCAMLR Headquarters
2. Examination of Audited Financial Statements for 1997
3. Audit Requirement for 1998 Financial Statements and Appointment of Auditor
4. Review of Financial Regulations
5. Review of Budget for 1998
6. Budget for 1999 and Forecast Budget for 2000
 - (i) Publications
 - (ii) Scientific Committee Budget
7. CCAMLR Site on the World Wide Web
8. Management Review of the Secretariat
9. Any Other Business Referred by the Commission
10. Adoption of the Report.

**REVIEW OF 1998 BUDGET, BUDGET FOR 1999
AND FORECAST BUDGET FOR 2000**

1998 BUDGET			1999 BUDGET					2000		
Adopted in 1997 A\$	Expected Outcome A\$	Variance A\$	TOTAL A\$	SCIENTIFIC COMMITTEE			COMMISSION & MEETINGS A\$	ADMINIS- TRATION A\$	FORECAST A\$	
				Own Budget A\$	Other A\$	Total A\$				
INCOME										
1 673 200	1 670 178	- 3 022	Members' Contributions	1 707 300					1 729 600	
			Items from previous year:							
35 300	35 032	- 268	Interest	31 900					35 400	
33 300	33 257	- 43	New Members' Contributions	0						
228 500	231 530	3 030	Staff Assessment Levy	263 000					271 500	
0	303	303	Surplus	0					0	
1 970 300	1 970 300	0		2 002 200					2 036 500	
EXPENDITURE										
Salaries and Allowances										
649 700	655 700	6 000	Professional Staff	661 800	0	303 000	303 000	232 900	125 900	668 300
282 000	289 300	7 300	Translation	277 900	57 300	13 300	70 600	185 600	21 700	293 100
495 600	504 800	9 200	Support Staff	486 900	20 000	194 000	214 000	143 700	129 200	497 200
1 427 300	1 449 800	22 500	Total	1 426 600	77 300	510 300	587 600	562 200	276 800	1 458 600
6 000	6 000	0	Capital Expenditure	8 000	0	0	0	0	8 000	8 000
Communication										
27 900	27 900	0	Postage and Freight	26 900	3 500	1 500	5 000	6 300	15 600	30 600
16 200	16 200	0	Internet	19 400	0	13 600	13 600	1 900	3 900	19 900
11 600	10 600	- 1 000	Fax	9 700	0	1 000	1 000	7 800	900	9 400
10 300	10 300	0	Telephone	10 600	0	0	0	2 100	8 500	11 300
66 000	65 000	-1 000	Total	66 600	3 500	16 100	19 600	18 100	28 900	71 200
Hire and Lease										
35 700	29 000	- 6 700	Computers	55 200	8 000	4 000	12 000	11 900	31 300	64 200
29 800	22 700	- 7 100	Maintenance and Training	32 000	0	7 600	7 600	0	24 400	21 600
9 700	17 800	8 100	Photocopying Equipment	17 700	0	0	0	14 200	3 500	19 700
43 000	43 000	0	Meetings Venue	44 000	0	0	0	44 000	0	47 000
117 700	117 700	0	Translation/Interpretation	117 400	14 300	0	14 300	103 100	0	123 500
33 700	33 700	0	Multilingual Equipment	34 500	0	0	0	34 500	0	35 800
15 400	15 400	0	Translation Facilities	15 600	0	0	0	15 600	0	15 800
285 000	279 300	-5 700	Total	316 400	22 300	11 600	33 900	223 300	59 200	327 600
74 400	74 400	0	Travel	88 300	34 200	0	34 200	54 100	0	83 200
Support Costs										
4 600	5 000	400	Auditor	5 000	0	0	0	0	5 000	5 100
10 800	10 800	0	Insurance	11 100	0	0	0	0	11 100	11 900
15 400	11 900	- 3 500	Light and Power	13 000	0	0	0	0	13 000	13 500
27 900	21 700	- 6 200	Printing and Copying	21 600	1 000	2 700	3 700	17 900	0	11 300
26 000	19 500	- 6 500	Stationery	18 400	0	500	500	9 200	8 700	18 100
26 900	26 900	0	Miscellaneous	27 200	11 500	400	11 900	700	14 600	28 000
111 600	95 800	-15 800	Total	96 300	12 500	3 600	16 100	27 800	52 400	87 900
1 970 300	1 970 300	0		2 002 200	149 800	541 600	691 400	885 500	425 300	2 036 500

REVISION TO FINANCIAL REGULATIONS

4.4 The Chairman may authorise the Executive Secretary to make transfers of up to 10 per cent of appropriations between items. **The Chairman of the Standing Committee on Administration and Finance may authorise the Executive Secretary to make transfers of up to 10 per cent of appropriations between categories within subitems and/or indivisible items.** The Executive Secretary may authorise the transfer of up to 10 per cent of appropriations between subitems of an item. All transfers must be reported by the Executive Secretary to the next annual meeting of the Commission.

**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 28 to 30 October 1998 under the chairmanship of Dr W. Figaj (Poland).

1.2 In opening the meeting the Chairman welcomed the observer from Namibia.

1.3 The Provisional Agenda of SCOI was distributed to Members as an attachment to the Provisional Agenda of the Commission (CCAMLR-XVII/1). No additions or amendments were proposed and the Agenda was adopted (Appendix I). The list of papers considered by the Committee is given in Appendix II.

ILLEGAL, UNREGULATED AND UNREPORTED FISHING IN THE CONVENTION AREA

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

2.1 A summary of sightings of fishing vessels in the Convention Area during the 1997/98 season was submitted by the Secretariat in CCAMLR-XVII/BG/28. These sightings were reported by Members in accordance with Articles X and XXII of the Convention.

2.2 In total, there were 45 reported sightings of non-Contracting Party vessels. The Flag States and ports of registration of some vessels were identified. The Flag States involved were Seychelles, Faroe Islands and Belize. One vessel's port of registration is Port-Vila (Vanuatu). A number of vessels were not identified and were reported as 'unknown', and their activities were also referred to as 'unknown'. Most sightings were reported from within the Exclusive Economic Zones (EEZs) of France or Australia.

2.3 The Committee also noted the advice received from the Scientific Committee. The Chairman of the Scientific Committee explained that, in general, there was a downturn in the scope of illegal, unregulated and unreported fishing in the Convention Area during 1997/98. This was very clear from the evidence available for the Indian Ocean sector and from the West Atlantic sector. Reasons for the downturn are not clear and may relate to market forces, the increase in enforcement effort by CCAMLR Members and a decrease in catch rates. As a matter of fact, the analyses undertaken by WG-FSA demonstrated a decrease of catch rates in Subareas 58.6 and 58.7.

2.4 One special impact of illegal fishing was drawn to the attention of the Committee. A large amount of abandoned fishing gear was observed on fishing grounds. Illegal fishing vessels often set aside their gear in order to avoid sighting or inspection. The lost gear may have an additional impact both on fish stocks (ghost fishing) and seabird populations (entanglement, ingestions).

2.5 The Committee expressed its concern that the level of illegal, unregulated and unreported fishing reported from the Convention Area was still high.

2.6 Reports from France (CCAMLR-XVII/BG/16) and Australia (CCAMLR-XVII/BG/31 and BG/39) contain additional information on sightings of vessels illegally fishing in the Convention Area.

2.7 France reported that during the 1997/98 fishing season, 18 longliners were observed carrying out illegal fishing operations in the French EEZ around the Kerguelen Islands. The total catch taken by illegal fishing was estimated to be 5 000 tonnes. A total of 10 000 tonnes was taken in the 1997/98 season which is a great deal more than it can sustain on an annual basis. Around the Crozet Islands the number of illegal fishing vessels decreased to approximately three. This was largely attributed to overfishing of toothfish (*Dissostichus* spp.) stocks in this area in previous seasons.

2.8 Australia reported that it had arrested three vessels alleged to have been fishing illegally in its EEZ around Heard and McDonald Islands. As a result of prosecutions undertaken, two of these vessels were convicted (*Big Star*, flag – Seychelles and *Salvora*, flag – Belize). The Spanish Master of the *Big Star*, and the Spanish Master and Fishing Master of the *Salvora* were, in total, fined A\$200 000 and their vessels' catches and fishing gear were confiscated. As both vessels had been released under bond, it is expected that the bonds will be forfeited. The total value of these bonds is estimated at A\$2.1 million. Court proceedings in relation to the third vessel *Aliza Glacial* (Panama) are still underway. Australia drew the attention of the Committee to the problem of reflagging to flags of convenience, a practice which became obvious during the course of these investigations.

2.9 Chile advised the Committee that its authorities had received documentation from France related to the detention of two Chilean-flagged vessels in the Kerguelen EEZ. Although the primary responsibility for the investigation of these vessels resides with the Coastal State, Chile, as the Flag State of these vessels, has also initiated investigations with regard to alleged violations of CCAMLR measures, and possible infringements of the Chilean Navigation and Fisheries Laws.

2.10 Australia reported that the Belize-flagged vessel *Salvora*, which was sighted fishing illegally within the EEZ of Australia around Heard and McDonald Islands (Division 58.5.2), appeared to be owned by a Uruguayan company (CCAMLR-XVII/BG/31). This information was passed on intersessionally to Uruguayan authorities.

2.11 Following receipt of this information, Uruguayan authorities conducted an investigation into the vessel and informed the Committee that the company involved has regularly been changing its name and owner. It has also been using unethical methods to market its products. The detailed report of the investigation undertaken was submitted to the Committee (SCOI-98/20).

2.12 Australia thanked Uruguay for its assistance and expressed gratitude for the efforts undertaken by Uruguayan authorities to investigate this matter.

2.13 Last year Australia reported to the Committee that several vessels with links to Contracting Parties were sighted fishing illegally within its EEZ (SCOI-97/6). Argentina advised that administrative actions had been taken with respect to the following three vessels: *Magallanes I*, *Marunaka* and *Estella*. A fine together with a 15-day suspension of fishing operations was recommended for each vessel, but this may still be subject to appeal. Legal proceedings were underway and Argentina advised it will inform the Commission about results of these proceedings.

2.14 The USA commented that a permit is required for the import of all Antarctic species, including *Dissostichus* spp., into the USA (CCAMLR-XVII/BG/24). Several applications, received by the USA in 1997/98 from companies seeking to import *Dissostichus* spp., were refused. These fish were from vessels which had been convicted of illegal fishing activities by Members. Permit requests made to import catch from the vessels *Big Star* and *Antonio Lorenzo* and a permit request to bid at auction on the cargoes for *Antonio Lorenzo* and *Ercilla*, which were seized by France, were refused.

2.15 The Committee also noted two information papers submitted by ASOC on the subject of illegal and unregulated fishing for Patagonian toothfish (*Dissostichus eleginoides*) in the Southern Ocean (CCAMLR-XVII/BG/49 and BG/50). Some delegations stressed that the status of these did not justify discussion of their content.

Current Status of International Trade of *Dissostichus* spp.

2.16 At last year's meeting of CCAMLR, Members were requested to collect and provide to the Secretariat information on matters related to the trade of *Dissostichus* spp. (CCAMLR-XVI, paragraph 8.11). In particular, Members were requested to:

- (i) collect information related to trade of *Dissostichus* spp. in order to better understand the international flows (including where it is landed, transhipped or imported and under what product names it is being marketed); and
- (ii) provide that information to the Secretariat for distribution to Members for consideration in advance of the meeting of CCAMLR.

2.17 Information on this matter has been received from Australia, Chile, Japan, the Republic of Korea and Ukraine (SCOI-98/16) and also from the USA (CCAMLR-XVII/BG/24).

2.18 All information contained in these reports was made available to the Working Group on Fish Stock Assessment (WG-FSA) for its work on the estimation of illegal catches of *Dissostichus* spp. The section of the WG-FSA report dealing with the estimation of trade in *Dissostichus* spp. was available to the Committee as SCOI-98/18.

2.19 The USA reported that, since 1 January 1998, the use of specific codes is required on all documentation accompanying the import of *D. eleginoides* into the USA (CCAMLR-XVII/BG/24). New classification codes have made it possible to accurately track and monitor the import of *D. eleginoides* into the US market.

2.20 The analyses undertaken by the USA identified an increase in the import of *Dissostichus* spp. to the US market from a number of other countries which are now implicated in illegal, unregulated and unreported fishing in the Convention Area (CCAMLR-XVII/BG/24). This increase has taken place over the past two years.

2.21 The Committee noted that currently only the USA, Japan and the Republic of Korea record separate trade statistics for *Dissostichus* spp. The European Community announced its intention to introduce a specific code for trade statistics relating to *Dissostichus* spp.

2.22 The Committee commended the USA on their approach which could be used by other Members as a model. It suggested that a harmonised tariff schedule classification be developed for both *D. eleginoides* and *D. mawsoni*. It is especially important to have a trade code for *D. mawsoni* as this species can only be found in the Convention Area. The USA commented that this should be taken up on a national level by Members in accordance with the harmonised tariff schedule.

2.23 The Committee also noted the additional information on international trade in *Dissostichus* spp. received from FAO (CCAMLR-XVII/BG/44) and ASOC (CCAMLR-XVII/BG/24).

2.24 In general, the Committee agreed that the Commission should consider the following action with regard to monitoring and tracking international trade in *Dissostichus* spp.:

- (i) introduction of new classification codes in trade statistics for *Dissostichus* spp. at a national level; and
- (ii) review of the matter at the next CCAMLR meeting.

Implementation and Effectiveness of Measures Adopted in 1997

2.25 The report of the Secretariat on the implementation of the System of Inspection and other CCAMLR enforcement provisions, including measures adopted in 1997, was given in CCAMLR-XVII/BG/28.

2.26 The reports received from Members mainly related to the implementation of Resolution 12/XVI on Vessel Monitoring Systems (VMS). These reports were received from Australia, Argentina, Chile, the Republic of Korea, the UK and Uruguay. No other reports under paragraph 2 of Resolution 12/XVI were received.

2.27 Argentina reported that it had initiated the implementation of a national satellite-based VMS. So far some 355 vessels have been fitted with the appropriate equipment (SCOI-98/13). New national legislation currently under study in the Argentine Senate, which among other things contemplates compulsory use of VMS on all Argentine vessels fishing in the Convention Area, will enable better compliance with CCAMLR measures.

2.28 The UK has initiated the installation of an automated VMS to cover its flag vessels fishing in CCAMLR waters (SCOI-98/19). The UK will further inform CCAMLR once its VMS has been fully installed.

2.29 In Australia, under domestic legislation, VMS has been mandatory on all Australian vessels licensed to fish for *Dissostichus* spp. since 1995 (SCOI-98/6). There is no evidence, either from VMS or from the two observers on board vessels, that any Australian-licensed vessel has fished in contravention of any conservation measure.

2.30 A satellite-based VMS is being introduced in Uruguay in order to fulfil the requirements of Resolution 12/XVI (SCOI-98/10). This is an experimental program which, depending on results, may be modified for the next season in order to achieve a greater degree of reliability of monitoring fishing operations carried out by the Uruguayan fishing fleet.

2.31 The Republic of Korea has made efforts towards establishing VMS (SCOI-98/15). Financial constraints, however, prevented the establishment of the system in the time required by CCAMLR. It is anticipated that the National Assembly will approve the budget required for the implementation of VMS.

2.32 Chile reported that its VMS system will be fully operational by the end of 1998 (SCOI-98/7). Priority in the system implementation is given to specially protected areas within the Chilean EEZ and also to the CCAMLR Convention Area.

2.33 The European Community has adopted a regulation which provides for the implementation of VMS. According to this regulation, the system is applicable to all Community fishing vessels greater than 20 m in length between perpendiculars or 24 m in overall length which operate on the high seas except in the Mediterranean, with effect from 30 June 1998. Consequently, all Community vessels operating, or which wish to operate, in the CCAMLR Convention Area will have an operational VMS.

2.34 Russia carried out a successful test of VMS which is based on the 'ARGOS' system. At the present time, the first Regional VMS Centre in Murmansk is in full operation and has control over 70 fishing vessels deployed in the Northeast Atlantic and the Barents Sea. Russia is also developing a VMS system specifically for Antarctic waters (SCOI-98/21).

2.35 The Committee then considered information available on the implementation of other measures adopted in 1997.

2.36 No information has yet been received from Members on the implementation of Conservation Measure 118/XVI. France suggested that each Member should be requested to submit this information to the Secretariat for collation and circulation among Members. The Committee, consequently, recommended to the Commission that such steps be taken.

2.37 During the 1997/98 season Members were required to notify the Commission of licences or permits issued to their vessels, authorising them to fish in the Convention Area (Conservation Measure 119/XVI and System of Inspection, paragraph IV.(c)). All notifications received by the Secretariat have been circulated to Members intersessionally as required. As part of its work on monitoring the implementation of Conservation Measure 119/XVI and the requirements of the System of Inspection, the Secretariat has, throughout the year, incorporated all details of licensed vessels into a database. A summary of this information was presented in CCAMLR-XVII/BG/28.

Examination of Additional Measures

2.38 A number of measures which have been proposed by Members to combat illegal, unreported and unregulated fishing in the Convention Area and measures which are implemented or planned by international fisheries organisations to combat the problem of fishing by non-Contracting Parties (CCAMLR-XVII/21, 22, 23, 24, 25 and 26; CCAMLR-XVII/BG/3, BG/13, BG/30 and BG/45) were summarised by the Secretariat in SCOI-98/17. This summary was used by the Committee as a reference guide in its discussions on proposed measures.

2.39 A number of proposals were submitted by Australia, the European Community, New Zealand and the USA and examined by the Committee. Discussion of these items is summarised in the following paragraphs.

Vessel Register

2.40 A discussion took place on the possible merits of introducing a vessel register in CCAMLR. The Committee decided that, in the absence of a formal proposal, this matter would require further reflection in terms of its substance, the possible uses it might be put to and its eventual accessibility.

Applications to Nationals

2.41 New Zealand tabled a proposal to consider the application of national jurisdiction by CCAMLR Parties to their nationals and companies in respect of fisheries activities in the Convention Area. It was drafted taking into account requirements of the Antarctic Treaty System and the provisions of Article 117 of the UN Convention on the Law of the Sea (UNCLOS).

2.42 New Zealand stated that a State can apply its legislation over its own nationals in some areas (such as on the high sea), but that the application of its enforcement jurisdiction would have to occur within its territory and be subject to the usual rules of evidence. On the other hand, some Members stated that, in their view, the term ‘nationals’ in the context of Part VII of UNCLOS refers to ‘vessels’ and that therefore, only the Flag State can exercise jurisdiction over its fishing vessels on the high seas, both as a right and as a duty. Several Members stated their opinion that Flag State jurisdiction should be the principle means of controlling activities in Antarctic waters.

2.43 New Zealand raised the issue of information obtained through aerial surveillance or other means on the activities of fishing vessels in the CCAMLR Convention Area. New Zealand encouraged Contracting Parties to apply paragraphs XI to XIV of the CCAMLR System of Inspection to evidence of an alleged violation of CCAMLR conservation measures including that collected through means other than an inspection at sea under the CCAMLR System of Inspection.

Catch Certification Scheme

2.44 The Committee emphasised the urgency of monitoring trade flows and improving the Commission’s capacity to determine the source of the catch and the trade flows of *Dissostichus* spp. To this end, a catch certification scheme, which met the specific objectives of CCAMLR, was supported by many Members. The need for careful preparation of such a scheme as well as a policy for dealing with non-Contracting Parties was also noted.

2.45 The USA submitted informal drafts of two new conservation measures which were based in part on the statistical documentation scheme of the International Commission for the Conservation of Atlantic Tunas (ICCAT). These drafts took into account factors unique to CCAMLR, in particular, the fact that stocks of the *D. eleginoides* occur both inside and outside the Convention Area.

2.46 While there was general support for the basic aims of these two measures, several Members raised concerns over the applicability of the proposed catch certification scheme to catches taken outside of the Convention Area and, in particular, within the EEZs of Coastal States.

2.47 The USA submitted a revised proposal designed to take account of those concerns (CCAMLR-XVII/34). There was insufficient time to discuss this new draft, but in light of the importance of the issue the Committee forwarded it to the Commission for further consideration.

VMS on Vessels of Contracting Parties

2.48 There was support for a conservation measure to make VMS mandatory on vessels that Contracting Parties licence or permit to fish the Convention Area.

2.49 Papers were submitted by Australia and the European Community (CCAMLR-XVII/26 and CCAMLR-XVII/30 respectively). The Committee considered the European Community text which contained several new features such as additional operational requirements for the system and a provision for providing continued information in case of the system failure.

2.50 Several Members requested that the measure should contain an exemption for vessels fishing for krill similar to that in Resolution 12/XVI. Other Members argued that Flag States should control and monitor all their vessels irrespective of the type of fishing gear or the target species.

2.51 The position of the European Community is that, as a matter of principle, all CCAMLR conservation and control measures should apply to all of the fleet; installation of VMS should apply, therefore, to all of the fishing vessels operating in the Convention Area. However, without prejudice to this position the European Community recognises the view held by certain delegations that the krill stock is not under sufficient pressure, at present, to warrant installation of VMS, and can therefore accept that the krill fleet be exempted from this measure on an interim basis. Nevertheless, the European Community and some other Members stressed it shall be the responsibility of Contracting Parties which operate vessels fishing for krill and which are exempted from carrying VMS to ensure that they fish only krill and no other species in the Convention Area. This derogation for the krill fleet should be reviewed on a regular basis in the light of developments within CCAMLR. The European Community undertook to revise its proposal in order to reflect this position.

2.52 It was also noted that the level of development and implementation of VMS varies from country to country and that the proposed deadline for the introduction of VMS of 1 March 1999 is not practicable for several Members.

2.53 After minor modifications the Committee agreed that, for the time being, a new measure would retain an exemption for vessels fishing for krill and that certain priority deadlines would be considered for Members whose VMS systems require more time for their development and implementation. The Committee recommended that the Commission consider further this conservation measure for possible adoption.

Marking of Fishing Vessels and Fishing Gear

2.54 There was general support for a conservation measure to set a uniform standard of identification markings on Contracting Parties' fishing vessels in the Convention Area and on the gear they use. Two texts were submitted by Australia and the European Community.

2.55 The Committee recommended that the Commission consider further this conservation measure for possible adoption.

Licensing and Inspection Obligations of Contracting Parties

2.56 A draft conservation measure, presented by the European Community (CCAMLR-XVII/32), proposed amendments and additions to Conservation Measure 119/XVI. These included, notably, requirements for a licence to be retained on board and port inspection by Contracting Parties of their own flag vessels operating in the Convention Area.

2.57 A number of provisions of the draft measure were questioned by several Members, including the need to state the requirement for the vessel to notify its exit from and entry into any port, responsibilities of port authorities and the performance by them of some duties of CCAMLR inspectors. Most comments related to provisions of inspection of vessels by the port authorities of a Flag State.

2.58 Several Members recalled their reservations with respect to the reference to the use of VMS for monitoring vessels fishing for krill (see paragraph 2.50 above).

2.59 Several Members raised concern at the failure of the draft conservation measure to address the issue of reflagging and noted the need for redrafting the draft measure to reflect some of the concepts contained in the FAO Compliance Agreement.

2.60 South Africa stated that a similar measure already applies in a practical sense to South African vessels and it has no intention to deviate from this position. However, in terms of the 1980 Statement by the Chairman of the Conference on the Conservation of Antarctic Marine Living Resources, South Africa reserves its position in relation to waters adjacent to the Prince Edward Islands.

2.61 The Committee recommended that the Commission consider further this conservation measure for possible adoption.

Cooperation between Contracting Parties

2.62 A number of clarifications and editorial changes were suggested to the conservation measure drafted by the European Community (SCOI-98/33). This measure includes a provision for cooperation among Contracting Parties to enable preliminary inspection of a vessel of one Contracting Party when it enters the port of another.

2.63 Certain views were expressed that the delicate balance provided by UNCLOS between Flag State and Port State jurisdiction should be carefully preserved.

2.64 The Committee recommended that the Commission consider further this conservation measure for possible adoption.

Application of VMS in Areas Adjacent to the Convention Area

2.65 Several Members highlighted the need to monitor vessels fishing for *D. eleginoides* in areas adjacent to the Convention Area and the potential for VMS to assist in this.

2.66 A draft resolution was presented by Australia taking into account Resolution 10/XII on harvesting stocks occurring both within and outside the Convention Area which was supported by those Members. On the other hand, other Members considered that the Commission had no mandate for regulating outside the Convention Area.

2.67 Several Members recalled their reservation in respect to the use of VMS for monitoring vessels fishing for krill (see paragraph 2.50 above), taking into account that krill fishing also occurs outside the Convention Area, e.g. in FAO Statistical Division 41.3.2.

Amendment to Conservation Measure 118/XVI

2.68 The potential benefits of requiring VMS on non-Contracting Party vessels sighted engaged in fishing activities in the Convention Area, which sought to land or tranship catch in Contracting Parties' ports, were discussed.

2.69 An amendment to Conservation Measure 118/XVI was proposed by Australia. The amendment prohibits landing and transshipment from a non-Contracting Party vessel in all Contracting Party ports unless it is fitted with VMS. Australia noted that it had prepared a revised draft and submitted it to the Commission.

2.70 Some Members highlighted the need to maintain the onus on the vessel (rather than the Contracting Party) to establish the origins of their catch, in line with the requirements of Conservation Measure 118/XVI.

OPERATION OF THE SYSTEM OF INSPECTION AND COMPLIANCE WITH CONSERVATION MEASURES

Implementation of Conservation Measures in the 1997/98 Season

3.1 Members' activities on the implementation of conservation measures in the 1997/98 season were summarised by the Secretariat in the following two papers:

- (i) a report on the implementation of the System of Inspection and other enforcement-related decisions and provisions of the Convention (CCAMLR-XVII/BG/28); and
- (ii) a report on the implementation of conservation measures dealing with the management of fisheries, the CCAMLR reporting system, notification of scientific research surveys and notification of new and exploratory fisheries (CCAMLR-XVII/BG/4 Rev. 1).

3.2 In the past, Members have informed the Commission that they had in place the legislative and administrative procedures required to give effect to conservation measures annually. Further comments on this matter were received from Australia, Norway, USA and South Africa.

3.3 The USA advised that the conservation measures adopted at CCAMLR-XVI had become part of their federal register and were in effect (SCOI-98/12). Norway also advised that they had issued stricter regulations for Norwegian vessels fishing in the Convention Area (SCOI-98/5).

3.4 South Africa informed the Committee that, as of 1 September, their new Marine Living Resources Act, 1998, came into effect which allows for the relevant conservation measures to be applied to their vessels (CCAMLR-XVII/BG/29). The recently received report from Australia also contained information on the use of national legislation to give effect to CCAMLR conservation measures in the 1997/98 season (CCAMLR-XVII/BG/38).

Inspections Undertaken in the 1997/98 Season

3.5 As required, Members provided the Committee with information about the actual number of inspectors deployed at sea, the duration of their trips and areas covered. This information is essential for assessing the level of inspection of activities in the Convention Area. In 1997/98, inspectors were deployed by Australia, the UK and Ukraine.

3.6 In the 1997/98 season, three inspections were reported to the Secretariat. All inspections were carried out in Subarea 48.3 by CCAMLR inspectors designated by the UK. The three vessels inspected were *Isla Sofia* (Chile), *Arctic Fox 1* (South Africa) and *Koryo Maru 11* (South Africa).

3.7 Summary details of the inspections carried out in the 1997/98 season were submitted by the Secretariat in CCAMLR-XVII/BG/28. Inspectors reported that certain provisions of Conservation Measures 63/XV, 'Regulation of the Use and Disposal of Plastic Packaging

Bands on Fishing Vessels' and/or 29/XVI, 'Minimisation of the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research in the Convention Area' had not been fully complied with by the vessels inspected.

3.8 The Committee noted that details of non-compliance with Conservation Measure 63/XV reported by inspectors, were similar on all three vessels and related to the use of plastic packaging bands, although they were all cut and stored for disposal at home ports. One vessel had not fully complied with Conservation Measure 29/XVI.

3.9 The Chairman of the Scientific Committee advised that information available from scientific observers on longline vessels showed a large improvement in compliance with Conservation Measures 29/XVI. In general, the rate of by-catch of seabirds in regulated longline fisheries has dropped. The compliance with some provisions of the measures (line weighting and offal discharge provisions), however, still remains of concern. The Scientific Committee felt that if the provision of weighting lines is complied with in full, this alone would further dramatically reduce by-catch of seabirds. In particular, it relates to longliners with 'autoline' equipment. It was noted that full compliance with an appropriate line weighting regime might enable vessels to have much greater flexibility in the streamer line design and possibly become exempt from night setting requirements. The Chairman of the Scientific Committee indicated that further experimental work, for instance under Conservation Measure 64/XII, on underwater setting of longlines might usefully be undertaken so that measures aimed at reducing seabird by-catch in longline fisheries can continue to be developed.

3.10 The Committee recommended that the Commission should remind Members of the necessity to ensure full compliance with all provisions of Conservation Measure 63/XV (the use of plastic packaging bands) and 29/XVI (in particular, line weighting and offal discharge requirements).

3.11 In the past two seasons, the Secretariat has received several requests from a Flag State of inspected vessels for originals of Inspection Reports which it required in order to proceed with investigations of alleged infringements. The Secretariat used to keep originals of Inspection Reports in its files, but since it had to provide originals to the Flag States in these cases, it now holds only copies of the original reports.

3.12 The Committee noted that if it continued to be a requirement for the Secretariat to provide original reports to Flag States, the Committee may consider, in the future, an option of publishing Inspection Report Forms in four copies instead of three.

Actions of Flag States in Respect of Inspections Undertaken

3.13 In accordance with paragraph XII of the System of Inspection, Flag States are required to report annually in writing to the Commission the results of prosecutions and sanctions imposed with respect to activities of vessels reported by inspectors as being in contravention of CCAMLR conservation measures. If a prosecution has not been completed, a progress report should be made. When a prosecution has not been launched, or has been unsuccessful, the report shall contain an explanation.

3.14 Reports of Flag States on inspections undertaken were received from Chile and South Africa (CCAMLR-XVII/BG/19 and BG/40).

3.15 South Africa informed the Committee that letters of sanction had been forwarded to the operators of *Koryo Maru 11* and *Arctic Fox*, indicating that technically they were in violation of their South African permit conditions with respect to the implementation of CCAMLR conservation measures. The letters indicated the possibility of permits being withdrawn if the

vessels failed to rectify the problems. South Africa also gave details of other sanctions imposed on the *Koryo Maru 11* with regard to dumping offal (Conservation Measure 29/XVI) and also on the *Alida Glacial* (possession of longlines without the necessary South African permit).

3.16 Chile informed the Committee that they had also taken action against its vessel *Isla Sofia*, which had been implicated in the violation of certain provisions of Conservation Measures 63/XV and 29/XVI, and also supplied detailed information on progress made in prosecuting vessels since 1992. This information indicated that, in some cases, judicial procedures required in accordance with Chilean law, could take several years. Three more cases were reported as finalised with absolute sentences imposed.

3.17 Chile also advised the Committee that although it had amended fisheries laws in order to take into account requirements of the Chilean court in prosecuting fishing vessels alleged in violations of CCAMLR conservation measures, in the future the navigation law would also need amendments to empower the authorities to take action through administrative procedures.

3.18 The Committee expressed its appreciation for the clear and important information provided by South Africa and Chile on sanctions imposed and legal proceedings undertaken in relation to infringements of CCAMLR conservation measures.

Improvements to the System of Inspection

3.19 The Secretariat reported to the Committee the following work undertaken in 1997/98:

- (i) updates to the *Inspectors Manual* were issued twice during the 1997/98 season; in December 1997 and May 1998;
- (ii) Members were informed of any additions to or deletions from the List of Vessels of Members Intending to Harvest Marine Living Resources;
- (iii) Members were reminded twice during the year of current requirements for the implementation of the System of Inspection and also on the Commission's decisions regarding the enforcement of the system;
- (iv) as part of its work on processing information received from Members on renaming, changing registration and reflagging vessels, the Secretariat maintains a registry of vessels; and
- (v) provisions were made for information on fishing vessels to be placed on a secure page of the CCAMLR website which deals with matters related to SCOI (CCAMLR-XVI, paragraph 8.24). A detailed description of the CCAMLR website is given in CCAMLR-XVII/BG/23.

3.20 Australia and several other Members expressed the need to have a summary of all vessels licensed or permitted by Members to fish in the Convention Area placed on a public domain page of the CCAMLR website. This would allow access of this information at any time by Contracting Parties and also by non-Contracting Parties. It was felt that public access to this information would facilitate activities of non-Contracting Parties who sought to support the effectiveness of CCAMLR conservation measures. The Committee recommended to the Commission that the list of vessels licensed to fish by CCAMLR Members in accordance with Conservation Measure 119/XVI be placed on the CCAMLR website and restricted to Contracting Parties. The Committee agreed to review the question of wider availability of some parts of the vessel registry list.

3.21 The Committee found very useful a schedule, prepared by the Secretariat, on information to be submitted by Members in accordance with the System of Inspection (SCOI-98/4). Members were requested to use the schedule as a guide to ensure the timely submission of the required information to the Secretariat.

3.22 At its 1997 meeting, the Committee agreed that Members continue discussions on a bilateral basis, the interpretation of paragraph III(b) of the System of Inspection (CCAMLR-XVI, Annex 5, paragraphs 1.54 to 1.56). No reports on the subject were received and the Committee encouraged Members to continue discussions during the 1998/99 intersessional period.

OPERATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

Observations Undertaken in the 1997/98 Season

4.1 The Secretariat was informed that international scientific observers undertook a total of 21 observation programs on 14 longline vessels and one program on one trawl vessel. National scientific observers undertook eight observation programs on three longline vessels and five programs on three trawl vessels.

4.2 The Committee noted the paper submitted by the UK which summarised information on scientific observers deployed and scientific programs undertaken in the 1997/98 season (SCOI-98/11).

Improvements to the Scheme

4.3 During the year, cooperation between the Secretariat and technical coordinators of national observer programs resulted in an improvement in the timely submission and the quality of the data logbooks. Despite this, some reports from observers were still submitted late.

4.4 The Chairman of the Scientific Committee advised that the requirement to submit the reports of scientific observers one month after returning to port should be strictly enforced. The Committee endorsed this view.

4.5 A schedule of information required to be provided by Members in accordance with the amended texts of the Scheme was prepared and circulated to Members in January 1998 (COMM CIRC 98/1). The updated schedule was submitted to the Committee in SCOI-98/4. Members were requested to use the schedule as a guide to ensure the timely submission of the required information to the Secretariat.

4.6 A training workshop for scientific observers was organised by Chile in March 1998 (SCOI-98/8). Scientific observers from Chile and Uruguay participated. The Committee congratulated Chile on this important initiative and noted its plans to convene the workshop again next year.

4.7 Last year, the Commission asked Members to consider intersessionally the extent to which it would be appropriate for scientific observers to collect information on vessels fishing in the Convention Area in contravention of CCAMLR conservation measures (CCAMLR-XVI, paragraph 8.20).

4.8 The Committee has already discussed a proposal prepared by Australia on the matter and submitted in CCAMLR-XVII/24 (paragraphs 2.38 and 2.39).

4.9 The Committee also took into account advice received from the Scientific Committee. In particular, the Scientific Committee was requested to examine to what extent the collection of such information might compromise the other duties of the scientific observers.

4.10 The Chairman of the Scientific Committee advised that any decision with regard to the involvement of scientific observers in collecting information on other fishing vessels should take into account the following:

- (i) issues of compliance with conservation measures are the responsibility of the Flag State;
- (ii) there is a risk of compromising scientific observers on board the vessel by duties which could be interpreted by its crew as being enforcement duties;
- (iii) reporting observations of other vessels, if conducted, should be done by observers after the completion of their observation programs, as part of summary cruise reports; and
- (iv) such reports should contain only factual information and no interpretation of it should be made.

4.11 The Committee felt that the independence and integrity of scientific observers should not be compromised and endorsed the operational mechanism outlined in parts (iii) and (iv) of paragraph 4.10. With respect to the requirement of recording factual information, Japan gave an example from the report of WG-FSA (SC-CAMLR-XVII, Annex 5) where a report mentioned a 'Japanese-designed trawler', a definition which does not exist.

4.12 During the intersessional period a number of Members wrote to the Secretariat and submitted papers on the subject of the implementation of the Scheme in the Subarea 48.3. The following papers relate to this matter: CCAMLR-XVII/15 (Spain), CCAMLR-XVII/16 (Chile), CCAMLR-XVII/17 (Argentina) and CCAMLR-XVII/27 (UK).

4.13 In relation to the imposition of a UK designated or approved scientific observer on board vessels fishing in Subarea 48.3, Argentina stated the following:

'Such action by the UK constitutes a violation of the multilateral scientific observation scheme established by CCAMLR. Argentina reiterates the terms of its Note contained in CCAMLR-XVII/17 and rejects the views expressed in the UK Note contained in CCAMLR-XVII/27, while it reserved its right to further comment on the latter.

The UK is not a Coastal State in the area of the Convention. Since the exceptions allowed for in the 1980 Chairman's Statement¹ are not applicable to waters adjacent to the South Georgia and the South Sandwich Islands, measures taken by the UK in respect of those waters are unilateral and therefore illegal. The imposition of a UK-designated observer is indeed inconsistent with the CCAMLR multilateral scheme of scientific observation which is fully applicable in that area. The implementation of this scheme is fundamentally bilateral but this component is lost when the relationship between the two states concerned turns into a contract of compulsion.

Argentina recalls its position reflected in the CCAMLR-XVI report, according to which only the multilateral regime of the Convention is to be applied in Subareas 48.3 and 48.4, and that the Convention and its conservation measures

¹ 1980 Statement by the Chairman of the Conference on the Conservation of Antarctic Marine Living Resources.

are not to be utilised for purposes other than those strictly established as objectives of the multilateral regime. The UK requirements in relation to observers of its designation or approval in Subarea 48.3, undermine the Scheme of International Scientific Observation and are contrary to the request made by the Commission at its Fifteenth Meeting in the sense that Argentina and the UK continue their discussions in order to resolve their differences in a spirit of cooperation.’

4.14 Russia posed a question to the UK regarding the rationale for calculating costs of observers. Russia was of the opinion that an effective competition should be maintained between various companies providing observers and that Flag States should be able to choose the most cost-effective option.

4.15 The statement of the UK is summarised as follows:

The UK indicated that the deployment of scientific observers on board vessels in Subarea 48.3 was part of its wider scheme to ensure the effective management of fish stocks in the waters of South Georgia, in line with CCAMLR objectives. Since 1993, when the 200 n mile zone around South Georgia and the South Sandwich Islands (SGSSI) had been introduced, the UK’s policies in support of the conservation of marine living resources had achieved success. All commercial and exploratory fisheries in South Georgia waters were being maintained in line with CCAMLR catch limits. Illegal fishing had not been observed since early 1996, whilst unregulated fishing was at a zero or very low threshold. These results were evident from Tables 5, 6 and 8 of the WG-FSA report (SC-CAMLR-XVII, Annex 5).

The rationale for the deployment of observers during 1998 had been to enhance the quality and consistency of observers’ reports, recognising that the data provided by such reports was vital to the management of the fishery. The reports in previous years showed variable, sometimes poor, quality of observation and data collection. The success of the CCAMLR Scheme of International Scientific Observation in 1998 had been clearly recognised by the Scientific Committee and WG-FSA, which had commented on the improved quality of reports and data in 1998.

In relation to concerns raised by Chile, Spain and Argentina, the UK indicated that, on costs, there was no agreement within CCAMLR on what such costs should be. The costs of UK-designated observers reflected real costs; no revenue had accrued to the UK from observer placements. Furthermore, the question of costs was a commercial consideration to be addressed by fishing companies when applying for licences. The costs were small compared with the overall potential revenues from the fishery and had not apparently deterred fishing vessels from participation in 1998.

On the nationality of observers, the UK indicated that it supported the multilateral nature of the CCAMLR Scheme of International Scientific Observation. But the UK also reiterated its right to decide on the manner of the implementation of the scheme in the waters adjacent to South Georgia and the South Sandwich Islands in line with the understandings of paragraphs 4 and 5 of the 1980 Chairman’s Statement. That right would be retained.

In conclusion, the UK drew the attention of the Committee to its Note of 15 October 1998, circulated to Parties under Comm Circ 98/82, which indicated that no action taken by the UK in respect of observers in 1998 had been inconsistent with CCAMLR conservation measures or its Scheme of International Scientific Observation, and that all observer placements had been held under the necessary bilateral arrangements.

4.16 The statement of Chile is summarised as follows:

Chile explained the rationale behind the Note addressed by the Director of its Foreign Ministry's Division for the Environment; and its own comments on the documents where Argentina, Spain and the UK stated their respective positions. From the Chilean perspective, the multilateral nature of the scheme and its contribution to the dissemination and the shared value of Antarctic science should never be compromised. In such context, the support by Argentina and Spain for these basic assumptions was greatly appreciated and acknowledgment in the UK reply of the essential components of the Scheme of International Scientific Observation offered the possibility of an agreement which all the Parties could seek interessionally, on the assumption that foresight and early consultation would help to prevent the occurrence of undesirable distortions in the application of the Scheme. Some of the matters concerning the scope and relevance of the 1980 Chairman's Statement raised by Argentina and the UK in their exchanges were of a political and legal nature and could be referred by the Parties to the dispute settlement provisions of the Convention. Nevertheless, with regard to the understandings of paragraphs 4 and 5 of the 1980 Chairman's Statement, harmonisation of measures being applied in all maritime spaces within CCAMLR's area of application was a subject being pursued by Chile in the framework of the agenda item on compliance with the Convention.

4.17 The statement of Spain is summarised as follows:

Spain explained that the reason behind the letter included in CCAMLR-XVII/15 was the concern about the possible confusion between the CCAMLR Scheme of International Scientific Observation and the imposition of other observers and observer fees outside the framework of the Commission. Spain reiterated its firm commitment to the multilateral character of the scheme under which the designation of international observers on board vessels fishing in the Convention Area is the result of an agreement between the Flag State and the State of nationality of the observer.

Some ambiguities in official communications from the UK gave rise to doubts as to whether CCAMLR observers could be designated by a State other than the Flag State, in conjunction with the State of nationality of the observer.

Furthermore, Spain worried that the CCAMLR Scheme of International Scientific Observation could then be used for commercial and lucrative purposes instead of scientific, by substantially modifying the fees usually charged until now.

In this context, Spain – setting aside the issues related to the 1980 Chairman's Statement raised by Argentina and the UK – welcomed the recognition by the UK of the multilateral nature of the Scheme of International Scientific Observation, including the acceptance of the rules of designation of the observer by agreement between the Flag State and the State of nationality of the observer.

4.18 In response to the statement of the UK, Argentina objected to the view expressed and reiterated its position in the sense that only the multilateral regime is applicable in Subareas 48.3 and 48.4.

ADVICE TO SCAF

5.1 There were no financial matters discussed by the Committee which would require consideration by SCAF.

OTHER BUSINESS

6.1 The Committee pointed out to the Commission that the issues now being dealt with within its agenda had grown considerably. In the opinion of the Committee it was now timely for the Commission to re-examine the Terms of Reference of the Committee which had been adopted in 1987 at CCAMLR-VI (*Basic Documents*, Part 8).

6.2 The Committee recommended that the Secretariat be requested by the Commission to examine intersessionally whether improvements could be made to Members' reporting obligations, including the *Reports of Members' Activities* and *Reports on Assessment and Avoidance of Incidental Mortality* to reduce the number of reports, duplication between reports and improve the timing of the reports' deadlines.

6.3 Australia tabled CCAMLR-XVII/35 which stressed the need for the Commission to adopt urgently an action plan that would establish a comprehensive approach for the elimination of illegal, unreported and unregulated fishing for *Dissostichus* spp. within the Convention Area.

6.4 The Committee noted the proposal and agreed to refer the paper to the Commission for consideration.

6.5 At the end of the Committee's deliberations, the Chairman and the Committee as a whole, welcomed the observer from Mauritius, who joined the meeting at this stage.

ELECTION OF THE CHAIRMAN OF SCOI

7.1 Australia proposed that Dr Figaj be re-elected to serve as Chairman of the Committee until the end of the Committee meeting in the year 2000. The proposal was seconded by the USA and Dr Figaj was re-elected as Chairman. The Committee congratulated and thanked him for the work he had done over the previous years.

ADOPTION OF THE REPORT

8.1 The report of the meeting was adopted.

AGENDA

Standing Committee on Observation and Inspection (SCOI)
(Hobart, Australia, 27 to 30 October 1998)

1. Opening of Meeting
2. Illegal, Unreported and Unregulated Fishing in the Convention Area
 - (i) Information Provided by Members in Accordance with Articles X and XXII of the Convention and the System of Inspection
 - (ii) Current Status of International Trade of *Dissostichus* spp.
 - (iii) Implementation and Effectiveness of Measures Adopted in 1997
 - (iv) Examination of Additional Measures
3. Operation of the System of Inspection and Compliance with Conservation Measures
 - (i) Implementation of Conservation Measures in the 1997/98 Season
 - (ii) Inspections Undertaken in the 1997/98 Season
 - (iii) Actions of Flag States in Respect of Inspections Undertaken
 - (iv) Improvements to the System of Inspection
4. Operation of the Scheme of International Scientific Observation
 - (i) Observations Undertaken in 1997/98 Season
 - (ii) Improvements to the Scheme
5. Advice to SCAF
6. Other Business
7. Election of Chairman
8. Adoption of the Report
9. Close of Meeting

LIST OF DOCUMENTS

Standing Committee on Observation and Inspection (SCOI)
(Hobart, Australia, 27 to 30 October 1998)

SCOI-98/1	Provisional Agenda
SCOI-98/2	List of Documents
SCOI-98/3	Reports of inspection Secretariat
SCOI-98/4	Provision of information in accordance with the System of Inspection and the Scheme of International Scientific Observation Secretariat
SCOI-98/5	New Norwegian regulations for fishing in the CCAMLR area Delegation of Norway
SCOI-98/6	Report on the use of automatic satellite-linked vessel monitoring system Delegation of Australia
SCOI-98/7	Automatic vessel monitoring system on board fishing and research vessels Delegation of Chile
SCOI-98/8	CCAMLR scientific observers: an account of a training experience Delegation of Chile
SCOI-98/9	Assessment of illegal longline fishing in French waters adjacent to the Kerguelen Islands (Division 58.5.1) during the 1997/98 season (1 July 1997–30 June 1998): estimate of removals of toothfish – observations on the Crozet Islands (Subarea 58.6) – impact on the environment Delegation of France
SCOI-98/10	Implementation of VMS during the 1998/99 Season Delegation of Uruguay
SCOI-98/11	Deployment of UK-designated CCAMLR inspectors and observers during the 1997/98 fishing season Delegation of the United Kingdom
SCOI-98/12	The US regulatory notice on the implementation of conservation and management measures adopted at CCAMLR-XVI Delegation of the USA
SCOI-98/13	Informe sobre medidas adoptadas por la republica Argentina en relación con el monitoreo satelital de buques Delegación de Argentina

SCOI-98/14	Awareness of CCAMLR conservation measures and use of information booklet on seabird by-catch on longliners in Subarea 48.3, 58.6 and 58.7 during the 1997/98 season Delegation of the United Kingdom
SCOI-98/15	Progress of Korea's implementation of CCAMLR Resolution 12/XVI Delegation of the Republic of Korea
SCOI-98/16	Summary of information on <i>Dissostichus</i> spp. trade Secretariat
SCOI-98/17	Summary of proposed measures to combat illegal, unreported and unregulated fishing in the Convention Area Secretariat
SCOI-98/18	Extract from the report of WG-FSA on unreported catches of <i>Dissostichus</i> spp. Secretariat
SCOI-98/19	Automated satellite-linked vessel monitoring system (VMS) Delegation of the United Kingdom
SCOI-98/20	Provision of information regarding CCAMLR-XVII/BG/31 and CCAMLR-XVII/BG/39 Delegation of Uruguay
Other Documents	
CCAMLR-XVII/15	Letter from Spain to the UK concerning the implementation of the CCAMLR Scheme of International Scientific Observation (Previously distributed in Spanish and English as Comm Circ 98/12) Delegation of Spain
CCAMLR-XVII/16	Letter from Chile concerning the implementation of the CCAMLR Scheme of International Scientific Observation (Previously distributed in Spanish and English as Comm Circ 98/33) Delegation of Chile
CCAMLR-XVII/17	Note from Argentina concerning the implementation of the CCAMLR Scheme of International Scientific Observation (Previously distributed in Spanish and English as Comm Circ 98/63) Delegation of Argentina
CCAMLR-XVII/21	Further measures to combat illegal, unreported and unregulated fishing in the Convention Area: measures to enhance compliance with CCAMLR requirements Delegation of New Zealand
CCAMLR-XVII/22	Requirement for Flag Vessels of Contracting Parties fishing or undertaking research in the Convention Area to be marked in accordance with the 'FAO Standard Specifications and Guidelines for Marking and Identification of Fishing Vessels' Delegations of Australia and New Zealand
CCAMLR-XVII/23	Further measures to combat illegal, unreported and unregulated fishing in the Convention Area: reports by scientific observers Delegations of Australia and New Zealand

CCAMLR-XVII/24	The implementation of an action plan to ensure the effectiveness of the conservation measures for <i>Dissostichus</i> spp. Delegation of Australia
CCAMLR-XVII/25	Further measures to combat illegal, unreported and unregulated fishing in the Convention Area: establishment of a CCAMLR vessel register Delegation of Australia
CCAMLR-XVII/26	Further measures to combat illegal, unreported and unregulated fishing in the Convention Area: use of satellite-linked vessel monitoring system Delegation of Australia
CCAMLR-XVII/27	Note from the UK concerning the implementation of the CCAMLR Scheme of International Scientific Observation (previously distributed as Comm Circ 98/82) Delegation of United Kingdom
CCAMLR-XVII/30	Draft Conservation Measure A/XVII Delegation of the European Community
CCAMLR-XVII/31	Draft Conservation Measure B/XVII Delegation of the European Community
CCAMLR-XVII/32	Conservation Measure 119/XVII Delegation of the European Community
CCAMLR-XVII/33	Conservation Measure XXX/XVII Delegation of the European Community
CCAMLR-XVII/34	Catch Certification Scheme for <i>Dissostichus</i> spp.: Draft Conservation Measures Delegation of the USA
CCAMLR-XVII/35	Action policy to combat illegal, unreported and unregulated fishing for <i>Dissostichus</i> spp. Delegation of Australia
CCAMLR-XVII/BG/3	Multilateral fisheries conservation and management arrangements: the use of trade measures Secretariat
CCAMLR-XVII/BG/12	The international trade in Patagonian toothfish: international involvement, concerns and recommendations Submitted by ASOC
CCAMLR-XVII/BG/13	Further measures to combat illegal, unreported and unregulated fishing in the Convention Area Delegation of Australia
CCAMLR-XVII/BG/19	Report on inspection and implementation of sanctions – 1997/98 Delegation of South Africa
CCAMLR-XVII/BG/23	CCAMLR website Secretariat

- CCAMLR-XVII/BG/24 United States report on trade in *Dissostichus*
Delegation of the USA
- CCAMLR-XVII/BG/29 South African legislation addressing the requirements of CCAMLR
conservation measures
Delegation of South Africa
- CCAMLR-XVII/BG/30 Correspondence with the International Coalition of Fisheries
Associations
Secretariat
- CCAMLR-XVII/BG/31 Illegal fishing within Australia's EEZ around Heard Island including
fishing in breach of CCAMLR conservation measures
Delegation of Australia
- CCAMLR-XVII/BG/38 Implementation and effectiveness of measures adopted in 1997 to
combat illegal, unregulated and unreported fishing in the Convention
Area
Delegation of Australia
- CCAMLR-XVII/BG/39 Update on prosecutions against vessels for alleged illegal fishing in
Australia's EEZ around the Territory of Heard Island and McDonald
Islands
Delegation of Australia
- CCAMLR-XVII/BG/40 Informe sobre procesos judiciales sustanciados en Chile por
infracciones a medidas de conservacion de la CCRVMA
(1992 a septiembre de 1998)
Delegación de Chile
- CCAMLR-XVII/BG/42 Summary of scientific observations conducted during the 1997/98
season in accordance with the Scheme of International Scientific
Observation and national observer programs
Secretariat
- CCAMLR-XVII/BG/45 Response to CCAMLR from the Forum Fisheries Agency (FFA) –
illegal, unreported and unregulated fishing
Secretariat
- CCAMLR-XVII/BG/49 ISOFISH Occasional Report No. 1
Submitted by ASOC
- CCAMLR-XVII/BG/50 ISOFISH Occasional Report No. 3
Submitted by ASOC
- CCAMLR-XVII/BG/53 Korean position on proposed conservation measure AAA/XVII
(CCAMLR-XVII/26)
Delegation of the Republic of Korea

**DRAFT CONSERVATION MEASURES RELATING TO THE
DEVELOPMENT OF A CATCH CERTIFICATION SCHEME**

DRAFT CONSERVATION MEASURES RELATING TO THE DEVELOPMENT OF A CATCH CERTIFICATION SCHEME

DRAFT CONSERVATION MEASURE A/XVII Catch Certification for *Dissostichus* spp.

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

1. Each Contracting Party shall require that each of its flag vessels authorised to engage in harvesting of *Dissostichus eleginoides* and/or *Dissostichus mawsoni* in the Convention Area complete a CCAMLR certificate of origin for the catch landed or transhipped on each occasion that it lands or tranships *Dissostichus* spp. The certificate of origin shall certify that the catch was taken in the Convention Area in accordance with applicable CCAMLR Conservation Measures and shall identify:
 - (i) the name, registry number and call sign of the vessel;
 - (ii) the number of the licence or permit issued to the vessel;
 - (iii) the species of *Dissostichus* spp.;
 - (iv) the amount of the catch by weight;
 - (v) the specific CCAMLR statistical subarea or division from which the catch was taken;
 - (vi) the dates within which the catch was taken; and
 - (vii) the date and the port at which the catch was landed or the vessel to which the catch was transhipped.
2. Procedures for the issuance of CCAMLR certificates of origin and their use are set forth in Annex A/A. A sample certificate of origin form is attached to the annex.

1. Each Contracting Party shall provide CCAMLR certificate of origin forms to each of its flag vessels authorised to harvest *Dissostichus* spp., and only to those vessels.
2. Each Contracting Party shall ensure that each CCAMLR certificate of origin form that it issues includes a specific identification number consisting of:
 - (i) a two-digit International Standards Organization (ISO) country code plus the last two digits of the year for which the certificate is issued: and
 - (ii) a three-digit sequence number (beginning with 001) to denote the order in which certificate of origin forms are issued.

It shall also enter on each CCAMLR certificate of origin form provided to a vessel the number of the licence or permit issued to that vessel.

3. Each Contracting Party shall require that the master of each of its flag vessels complete and sign a CCAMLR certificate of origin form on each occasion that such vessel lands or tranships *Dissostichus* spp. and shall require that the master adhere to the following procedures in completing the certificate of origin form:
 - (i) the master shall ensure that the information specified in paragraph 1 of this Conservation Measure is accurately recorded on the certificate of origin form;
 - (ii) if a landing or transshipment includes both *Dissostichus* spp., the master shall record on the certificate of origin form the total amount of the catch by weight of each species; and
 - (iii) if a landing or transshipment includes *Dissostichus* spp. taken from different statistical subareas and/or divisions, the master shall record on the certificate of origin form the amount of the catch by weight of each species taken from each statistical subarea and/or division.
4. Each Contracting Party shall require that the master of each of its flag vessels adhere to the following procedures after completion and signature of a signed CCAMLR certificate of origin form:
 - (i) the master shall provide a copy of the signed CCAMLR certificate of origin to the individual authorised to receive or take possession of the catch at the port of landing or to the master of the vessel to which the catch is transhipped;
 - (ii) in the event that the catch is divided upon landing, the master shall provide a copy of the certificate of origin to each individual authorised to receive or take possession of a part of the catch at the port of landing and shall record on the certificate provided to each such individual the amount and origin of the catch received by that individual; and
 - (iii) the master shall immediately convey by fax or other means, a copy or, if the catch was divided, copies of the signed certificate of origin to the Contracting Party, which shall immediately transmit a copy to the CCAMLR Secretariat, and shall retain the original for return to the Contracting Party no later than one month after the end of the fishing season.

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Document Number

**COMMISSION FOR THE CONSERVATION OF
ANTARCTIC MARINE LIVING RESOURCES**
Dissostichus spp. – Certificate of Origin

Fishing Vessel Name Call Sign Registration/Documentation Number

Licence or Permit Number Issuing Authority

Trip Start (DD/MM/YY)

- When a landing includes both species of *Dissostichus* there is a separate entry for each species.
- When a landing includes catch from multiple CCAMLR statistical subareas or divisions there is a separate entry for each such area.
- Landed net weight is to account for total landing.
Sold net accounts only for each individual sale.

Species Type Landed Net (kg) CCAMLR subarea/division Sold Net (kg) Type

Species Type Landed Net (kg) CCAMLR subarea/division Sold Net (kg) Type

Species Type Landed Net (kg) CCAMLR subarea/division Sold Net (kg) Type

Species: **TOP** *Dissostichus eleginoides*, **TOA** *Dissostichus mawsoni*

Type: **WHO** Whole; **HAG** Headed and gutted; **HAT** Headed and tailed;
HGT Headed, gutted, tailed; **FLT** Fillet; **OTH** Other (Specify)

Date of Landing/Transshipment (DD/MM/YY)

Port and Country of Landing Vessel Name and Flag of Transshipment

Signature (Individual Receiving Shipment) Signature (Transshipment Vessel Master)

Printed Name and Position of Printed Name (Transshipment Vessel Master)
Individual Receiving Fish

Signature (Vessel Master Only)

Printed Name (Vessel Master Only)

1 copy to Flag State Authority
1 copy to accompany shipment

DRAFT CONSERVATION MEASURE B/XVII
Catch Certification for *Dissostichus* spp.

1. Each Contracting Party shall require that each landing of *Dissostichus* spp. at its ports and each transshipment of *Dissostichus* spp. to its vessels be accompanied by a valid CCAMLR certificate of origin unless the vessel demonstrates that the *Dissostichus* spp. landed or transhipped was caught outside the Convention Area.
2. Each Contracting Party shall take steps to identify the amount of *Dissostichus* spp. imported into its territory and to ascertain that it was caught in accordance with CCAMLR conservation measures. To this end, it shall require that each importer intending to import *Dissostichus* spp. into its territory obtain from the exporter, in respect of each shipment of *Dissostichus* spp. to be imported, a copy of the CCAMLR certificate of origin – or copies of the CCAMLR certificates of origin – each validated by an authorised official of the Flag State of the vessel, that account for all *Dissostichus* spp. contained in the shipment; or, if all or part of the shipment consists of *Dissostichus* spp. caught outside the Convention Area, obtain from the exporter certification from an authorised official of the exporting nation that all or part of the shipment was caught outside the Convention Area.