

CCAMLR-XIV

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

**REPORT OF THE FOURTEENTH MEETING  
OF THE COMMISSION**

HOBART, AUSTRALIA  
24 OCTOBER - 3 NOVEMBER, 1995

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### **Abstract**

This document presents the adopted record of the Fourteenth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 24 October to 3 November 1995. Major topics discussed at this meeting include: review of the Report of the Scientific Committee, assessment and avoidance of incidental mortality of Antarctic marine living resources, current operation of the Systems of Inspection and Scientific Observation, compliance with conservation measures in force, review of existing conservation measures and adoption of new conservation measures including catch limitations for a number of species of finfish and for Antarctic crabs, management under conditions of uncertainty and cooperation with other international organisations including the Antarctic Treaty System. The Reports of the Standing Committee on Administration and Finance and the Standing Committee on Observation and Inspection are appended.

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## **REPORT OF THE FOURTEENTH MEETING OF THE COMMISSION**

(Hobart, Australia, 24 October to 3 November 1995)

### OPENING OF THE MEETING

1.1 The Fourteenth Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources was held in Hobart, Tasmania, Australia from 24 October to 3 November 1995 under the Chairmanship of Mr J. Villemain (France).

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

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

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

1.5 The Chairman welcomed Members and observers to the meeting and noted that Ukraine had become a full Member of the Commission since the last meeting. There are now 22 Members and seven Acceding States.

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

## ORGANISATION OF THE MEETING

### Adoption of the Agenda

2.1 The Provisional Agenda (CCAMLR-XIV/1) was distributed prior to the meeting. The Agenda was adopted with one amendment, the addition of 'Appointment of Executive Secretary' as Item 12 (Annex 3).

### Report of the Chairman

2.2 The Chairman reported on intersessional activities. He informed the meeting that Scientific Committee Working Groups had met during the year in Siena, Italy (Working Group on Ecosystem Monitoring and Management (WG-EMM)) and in Hobart (Workshop on Methods for the Assessment of *Dissostichus eleginoides* (WS-MAD) and Working Group on Fish Stock Assessment (WG-FSA)). Two *ad hoc* subgroups associated with WG-EMM had also met during the intersessional period: a subgroup on CEMP statistics met in Cambridge, UK, and another met in Hamburg, Germany to review a number of cooperative oceanographic surveys at a workshop entitled 'Temporal Changes in Marine Environments in the Antarctic Peninsula'. The Chairman also reported that although the *ad hoc* Working Group on Incidental Mortality Arising from Longline Fishing (WG-IMALF) had not met during the year, a coordinating group had conducted its work by correspondence.

2.3 The Commission was represented as an observer at a number of international meetings as listed in paragraph 11.12. Cooperation with other organisations is discussed in sections 10 and 11.

## FINANCE AND ADMINISTRATION

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

### Administration

3.2 The Commission approved the establishment and funding of a full-time Receptionist position for the Secretariat, as recommended by SCAF (Annex 4, paragraph 4). The Chairman

of SCAF advised the meeting that the full effects of this funding are not reflected in the proposed budget, as the Secretariat salaries have subsequently been subjected to cuts of A\$6 000 and a further 1.5% was agreed across all budget items.

3.3 The Chairman of the Commission agreed with the recommendation of SCAF that the Commission should meet for a full two weeks in 1996. He drew attention to the fact that the continuation of the 1995 SCAF meeting into the second week had disrupted the Commission's plenary meeting. The Commission endorsed the recommendation of SCAF.

3.4 While acknowledging the advice from SCAF that the design of a CCAMLR flag should not be formally adopted until the Fifteenth Meeting of CCAMLR, the Chairman of the Commission reminded Members that there were certain formalities and procedures which needed to be carried out after the flag is agreed upon by the Commission before it can be fully recognised under international law.

#### Examination of Audited Financial Statements for 1994

3.5 The Commission accepted the audited Financial Statements for 1994.

#### Audit of 1995 Financial Statements

3.6 As recommended by SCAF, the Commission decided that only a review audit should be performed on the 1995 Financial Statements, and that in the future a full audit would be required at least every three years. In accordance with this decision, a full audit would be required to be performed on the 1996 Financial Statements.

#### Review of Budget for 1995

3.7 The Commission endorsed the recommendation of SCAF that monies received in relation to Ukraine's membership be placed into a special fund, the use of which will be determined by the Commission (Annex 4, paragraph 10).

3.8 The Commission also agreed that the amount of contributions to be received from Ukraine in respect of 1994 and 1995 should be reduced by A\$14 162, this amount to be credited against Ukraine's contribution for 1996. As a result of this, the amount of contributions to be included in the special fund will be A\$97 089.

3.9 The Commission adopted the revised budget for 1995 as presented in the SCAF report. This budget includes a transfer of A\$3 500 to the Scientific Committee budget (Annex 4, paragraph 11).

#### Budget for 1996

3.10 The Commission endorsed the recommendation of SCAF in respect of the publications distribution policy (Annex 4, paragraphs 13 and 14). The present policy will continue, in a modified form, for a further year, with the policy being reconsidered at the next meeting.

3.11 The Commission adopted the revised text of Staff Regulation 8.1 as presented in Annex 4, paragraph 16.

3.12 While confirming that the use of the Commission's funds for the provision of a generic placard on marine debris for use on tourist vessels entering the Convention Area is inappropriate, the Commission agreed that the use of such placards would be desirable. The Executive Secretary was directed to write to the International Association of Antarctic Tour Operators (IAATO) expressing the Commission's recommendations on this matter (Annex 4, paragraph 17).

3.13 The Executive Secretary confirmed that funds will be made available out of the Secretariat Costs travel budget to ensure that the reduction in the Scientific Committee budget does not prevent both the Data Manager and the Science Officer attending WG-EMM in 1996.

3.14 The Delegate of the USA drew attention to the recommendation of SCAF that the budgeted expenditure should include an overall reduction, after all other revisions by SCAF, of 1.5%. SCAF made this recommendation on the understanding that it would not necessarily be possible to apply this reduction in full to all individual budget components. The Chairman confirmed that he was empowered by Financial Regulation 4.4 to authorise the Executive Secretary to make transfers of up to 10% of appropriations between items which should provide the flexibility in distributing this reduction between budget items.

3.15 The Chairman of the Scientific Committee drew the attention of the Commission to the fact that the amount included in the Commission's budget for allocation to the Scientific Committee budget was 10% less than the amount presented by the Scientific Committee for approval.

3.16 While agreeing with the overall size of the budget of the Commission for 1996, the Delegation of Russia drew the Commission's attention to the unwarranted reduction of the Scientific Committee's budget and expressed its regret in this regard. Moreover, documents important for CCAMLR's activities, such as *Scientific Abstracts*, the *Scientific Observers Manual*, etc. would not be published in 1996. This would reduce the level of awareness of CCAMLR's activities in international and national fisheries and scientific organisations. In addition, it believed that the financing of activities in the area of Data Management had been increased without sufficient justification.

3.17 The observer from ASOC expressed disappointment that the Committee had been unable to approve expenditure in 1996 on the completion of a brochure relating to incidental mortality of birds in longline fisheries and on the production of a brochure on the subject of CCAMLR's approach to management. ASOC stated that these were practical measures for improving and promoting conservation, and the IMALF brochure in particular is urgently needed.

3.18 The Chairman of the Commission conveyed the regret of the Commission that savings in certain areas of the budget were necessary this year, but pointed out that, in respect of publications in particular, the omission of certain items from the 1996 budget did not mean that the Commission has decided never to produce the publications.

3.19 The Commission adopted the budget for 1996 as presented in the SCAF report.

3.20 The Commission noted the provision by the US of US\$23 000 to be placed in a special fund to support the potential development of a vessel monitoring system (VMS).

#### Forecast Budget for 1997

3.21 The Chairman of SCAF introduced the forecast budget for 1997 as presented in the SCAF report and noted that if all proposals to SCAF so far for expenditure in 1997 were included in the budget, then this would result in an increase over the approved 1996 budget of A\$70 700 more than is accounted for by inflation. He further pointed out that the list of items proposed to the Commission for expenditure in 1997 may be incomplete at this stage.

3.22 The Commission endorsed the recommendation of SCAF that, in its presentation of the draft budget to the 1996 meeting of the Commission, the Secretariat provide more detail on the 1997 draft budget than it has in previous years. This would enable the Commission to be better prepared for its task of adopting a budget for 1997 which contains the Commission's aim of zero growth in expenditure.

3.23 The Executive Secretary was directed to solicit from Members suggestions as to how the presentation of the budget could be improved to assist its consideration by Members.

3.24 The Delegate of Germany suggested that an informal intersessional meeting might be convened for interested Members to discuss some possible method for easing the task of SCAF. The Chairman of the Commission will present a proposal with regard to such a meeting, which will be submitted by correspondence for the approval of Commission Members.

3.25 Brazil stated that it understood that the word 'better', used in paragraph 27 of SCAF's report (Annex 4) as guidance for consideration by the Commission, meant preferably avoiding downward fluctuations in the Scientific Committee part of future budgets, a part which already is less than 10% of the total budget of CCAMLR.

3.26 The Commission endorsed the view of SCAF that more flexibility needed to be introduced into the budget methods of the Commission. The Commission identified two improvements. First, the Scientific Committee and the Secretariat should make general estimates of their budgetary requirements for the years 1997 to 2001 and present them to the next meeting of SCAF. The estimates would assume zero real growth in the Commission's budget for each of the five years. Second, in agreeing its budget for 1997 (and for subsequent years), the Commission should approve expenditure by the Scientific Committee and the Secretariat on the basis of the priorities for each body as decided by the Commission, taking into account the consequences of each budgetary decision with regard to meeting the objectives of the Convention. For example, if an intersessional Working Group were to meet only every other year, the resulting savings might be used for other priority expenditure.

#### Formula for Calculating Members' Contributions

3.27 The Chairman of SCAF advised the Commission that SCAF had been unable to come to any decisions regarding a revised formula for calculating Members' contributions to the annual budget. It therefore recommended that the Commission continue to use the existing formula for a further year. The Commission endorsed this recommendation.

3.28 To assist future deliberation on this subject by the Commission, SCAF has solicited comments from Members on their attitudes towards the proposed revised formula as presented in CCAMLR-XIV/16. At the time of adoption of this report, 14 replies out of 22 had been received, only one of which found the revised formula totally unacceptable. The majority preferred some form of modification of the revised formula.

3.29 On behalf of the European Economic Community and its Member States, the Spanish Presidency made the following statement.

‘With respect to paragraph 28 of the report of the Standing Committee on Administration and Finance, the Delegation of the European Economic Community and its Member States which are Members of the Commission (Belgium, France, Germany, Italy, Spain, Sweden, UK) wish to register their disappointment that the Commission was unable to reach a consensus on a new formula for calculating CCAMLR Members’ contributions to achieve a better balance between the quantity of catches and the amounts equally contributed by all CCAMLR Members as initially intended.

The European Economic Community and its Member States consider that as the percentage of the contributions based on the first criterion has declined to two per cent, fundamental rather than marginal revisions to the formula are necessary.

While not opposed to a consensus retaining either the existing formula or the proposed new one for 1996, the European Economic Community and its Member States are of the view that major efforts must be made during the intersessional period to achieve a better balance.

Should the impasse persist, a fundamental re-assessment of the formula may be the only way to return to a more equitable situation.’

3.30 Japan, at the time of adoption of the report, reiterated its position that, although flaws in the present formula for calculating Members’ contributions must be rectified, any new formula should not be such that it would have the effect of requiring excessive burdens in the contribution to be made by fishing nations and would thus frustrate rational utilisation of marine living resources.

Chair and Vice-Chair of SCAF

3.31 Japan was elected Chair of SCAF for the next two years. Chile was re-elected Vice-Chair for the same period.

3.32 The Commission expressed its appreciation to Mr de Villiers for the efficient way he has chaired SCAF for the last two years.

## SCIENTIFIC COMMITTEE

### Report of the Scientific Committee

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

4.2 In his introduction to the report, the Chairman of the Scientific Committee, Dr K.-H. Kock (Germany), pointed out that CCAMLR has become a pioneer in the development of precautionary approaches to management. The Commission noted that it is important that CCAMLR continue to work at the forefront of world development of precautionary approaches to the management of marine resources (see also paragraph 9.1).

#### Fishery Status and Trends

4.3 The Commission noted that one Panamanian vessel was reported to have caught 637 tonnes of krill from mid-June to mid-July 1995 in Subarea 48.3. Panama is not a Member of CCAMLR. The Commission agreed to draw Panama's attention to the various requirements and related monthly data reporting provisions set out in Conservation Measure 32/X as related to krill (SC-CAMLR-XIV, paragraph 2.4).

4.4 The Commission endorsed the recommendation of the Scientific Committee that in accordance with Article X of the Convention the Commission should encourage any State which is not a Party to CCAMLR to join the Commission and to comply with conservation measures currently in force (SC-CAMLR XIV, paragraph 2.6).

4.5 The Commission noted the increasing interest in fishing for *D. eleginoides* in the Convention Area (SC-CAMLR-XIV, paragraphs 2.13 to 2.24) and that the Scientific Committee had reported that fishing for krill was likely to continue at similar levels to that in 1994/95 (SC-CAMLR-XIV, paragraphs 2.1 to 2.12). In addition to the information presented in the Scientific Committee's report, the Republic of Korea reported that one Korean fishing company had recently expressed an interest in fishing for krill in the Convention Area. Korea last fished for krill in the 1991/92 season.

## Dependent Species

### CEMP

4.6 The Commission congratulated the Scientific Committee on the considerable progress it was able to make on monitoring methods and data acquisition for the CCAMLR Ecosystem Monitoring Program (SC-CAMLR-XIV, paragraphs 3.4 to 3.16) and endorsed its data requirements (SC-CAMLR-XIV, Annex 4, section 8). It further endorsed the Scientific Committee's decision to establish a subgroup on the further development of monitoring methods and a subgroup on statistics (SC-CAMLR-XIV, paragraphs 3.15 to 3.17) in order to be able to cope with the increasing workload relating to the development of new methods and the potential revision of all methods, and to improve analysis, interpretation and presentation of the CEMP indices.

4.7 There were no specific proposals for CEMP site protection. Norway intends to nominate Bouvet Island as a CEMP monitoring site in the future. US shore-based operations at Seal Island were being discontinued because the site of the field station was unsafe. A new site is being sought in the Antarctic Peninsula so that the land-based work can continue (SC-CAMLR-XIV, paragraphs 3.20 to 3.22).

### Marine Mammal and Bird Populations

4.8 The Commission noted the Scientific Committee's discussion on the report of SCAR's 1995 Antarctic Pack Ice Seals (APIS) Program planning meeting (Seattle, USA, 7 to 9 June 1995) which was partly funded by CCAMLR. The Commission recalled earlier recommendations (CCAMLR-XII, paragraph 4.40; CCAMLR-XIII, paragraph 3.16) and encouraged the continuation of the Scientific Committee's close liaison with SCAR during the planning and implementation of the APIS Program (SC-CAMLR-XIV, paragraphs 3.64 to 3.69) in order to encourage developments of relevance to CCAMLR and especially its ecosystem monitoring program.

4.9 At its Sixth Meeting, the Scientific Committee decided to ask SCAR to provide CCAMLR with a report on the status of Antarctic seal and seabird populations and to update this report every three to five years. Reports were received and discussed in 1988 and 1992. The Commission endorsed the Scientific Committee's decision to address a similar request to SCAR's Group of Specialists on Seals and the Subcommittee on Bird Biology again in 1996 and

to ask the IWC to provide a report on the status of whales in the Southern Ocean. Any reports received will be reviewed at the 1996 meeting of the Scientific Committee (SC-CAMLR-XIV, paragraph 3.70).

## Harvested Species

### Krill

4.10 The Commission noted the Scientific Committee's progress in relation to methods for assessing krill distribution and abundance (SC-CAMLR-XIV, paragraphs 4.10 to 4.18), in particular the large number of surveys of krill planned for the forthcoming season (SC-CAMLR-XIV, paragraphs 4.1 to 4.9).

4.11 The Commission noted that the Scientific Committee's current best estimate of  $B_0$  for krill is 35.4 million tonnes in Area 48 and 3.9 million tonnes for Division 58.4.2. Both estimates are based on FIBEX survey results (SC-CAMLR-XIV, paragraph 4.27). However, it also noted the Scientific Committee's conclusion that a new synoptic survey of krill in Area 48 would be desirable (SC-CAMLR-XIV, paragraph 4.16), and endorsed the Scientific Committee's recommendation that plans for such a survey be developed (SC-CAMLR-XIV, paragraph 4.26).

4.12 The Commission noted that a number of assumptions are included in the calculations the Scientific Committee has made to obtain estimates of krill yield (SC-CAMLR-XIV, paragraph 4.28). The explanation of these assumptions is not always easy, but it is critical to understanding of the limitations of the calculations. For instance, spatial characteristics of krill distribution are not modelled.

4.13 The Commission strongly endorsed the Scientific Committee's initiative in planning a high-quality booklet describing in layman's terms the CCAMLR approach to ecosystem monitoring and management (SC-CAMLR-XIV, paragraph 5.8), which should include an explanation of all the assumptions used in the calculation of yields.

4.14 The Commission agreed that CCAMLR had a strong interest in a symposium on the biology and ecology of krill and related species, planned for 1997 or 1998, and endorsed the Scientific Committee's recommendation to make a financial contribution of around A\$11 500 in order to support the symposium. This financial contribution should be included in the Scientific Committee's budget in 1996 or 1997 (SC-CAMLR-XIV, paragraph 4.24).

## Fish Resources

4.15 The Commission welcomed the considerable progress the Scientific Committee and WG-FSA were able to make this year in assessing *D. eleginoides* in Subarea 48.3.

4.16 The Commission noted that for the first time WG-FSA had estimated the level of unreported catch from the Convention Area and adjacent banks (SC-CAMLR-XIV, paragraph 4.40, Table 3). The unreported catch was either of the same order or higher than the reported catch. It was acknowledged that although the estimates of unreported catches had been possible this year, such estimates would not necessarily be possible in the future. Australia pointed out that where similar estimations have been performed in other fisheries the sources of information on unreported catch have often disappeared or become less reliable.

4.17 The Commission noted with satisfaction that the new approach used by WG-FSA in its assessment, in particular the use of the generalised yield model, gave results far superior to those obtained from previously conducted assessments, because it takes uncertainty in a number of input parameters specifically into account (SC-CAMLR-XIV, paragraphs 4.41 to 4.42).

4.18 The Commission endorsed the Scientific Committee's conclusion that an  $F_{0.1}$  harvesting strategy was not appropriate for this fishery, because it does not take uncertainty and variability in recruitment into account. It noted that WG-FSA had demonstrated that harvesting at  $F_{0.1}$  over the period of the projection would in fact result in a high probability of depletion of the spawning stock (SC-CAMLR-XIV, paragraph 4.45).

4.19 The Commission endorsed the application of the  $\alpha_1$  decision rule to *D. eleginoides* in Subarea 48.3. The  $\alpha_1$  decision rule has already been applied to krill, and to fish stocks around Heard and McDonald Islands (SC-CAMLR-XIII, paragraph 10.3). However, the Commission noted that the Scientific Committee had discussed the general appropriateness of the probability level (10%) used in the  $\alpha_1$  decision rule, particularly in relation to whether the same probability level should be used for resources with very different life histories (such as krill, which is relatively short-lived, and *D. eleginoides*, which is relatively long-lived). It acknowledged that the choice of a probability level was both a scientific and policy question. The Commission endorsed the recommendation of the Scientific Committee that WG-FSA give this matter detailed scientific consideration at its next meeting, including the possibility of presenting a wider range of options corresponding to different levels of risk (SC-CAMLR-XIV, paragraph 4.48).

4.20 The Commission noted that little progress had been made in the development of a longterm management plan for *Champtocephalus gunnari*, requested by the Commission last

year (CCAMLR-XIII, paragraph 8.38). The Commission reiterated the need for such a plan, especially in the light of uncertainty in many stock parameters (SC-CAMLR-XIV, paragraph 4.66), and requested that the Scientific Committee consider it a priority.

4.21 The Commission endorsed the Scientific Committee's advice in respect of stocks in Division 58.5.1 (SC-CAMLR-XIV, paragraphs 4.84 to 4.89). It noted that fishing for *D. eleginoides* is taking place on the western slope, northern shelf and a recently discovered ground on the eastern shelf of the Kerguelen plateau, and endorsed the catch limits set by France for these fisheries. It also endorsed the recommendation that haul-by-haul data be acquired from the longline fishery and that the Secretariat acquire haul-by-haul data from Ukraine for previous years in order to undertake further analyses on the stocks in which both the longline and trawl fisheries are based.

4.22 The Commission endorsed the Scientific Committee's recommendation that the *C. gunnari* fishery in Division 58.5.1 be closed until at least the 1997/98 season, when the 1994 cohort will have had the opportunity to spawn, and that a pre-recruit biomass survey be conducted in the 1996/97 season (SC-CAMLR-XIV, paragraphs 4.82 and 4.83). The fisheries for *N. rossii* and *L. squamifrons* should remain closed (SC-CAMLR-XIV, paragraph 4.78).

4.23 Further discussion of the Scientific Committee's consideration of fish stocks is given in section 8.

#### Other Matters

4.24 The Commission noted the Scientific Committee's discussions on the development of a World Wide Web (WWW) site at the Secretariat, and the consequences of the increasing workload for data management at the Secretariat (SC-CAMLR-XIV, paragraphs 3.24 and 10.5 to 10.11). The Commission requested that the Scientific Committee keep both these topics under close review. It endorsed the Scientific Committee's recommendation for increased staff to assist with scientific observer data (SC-CAMLR-XIV, paragraph 9.8) and the purchase of a fast workstation to assist with assessments (SC-CAMLR-XIV, paragraph 10.10).

4.25 The Commission acknowledged that increasing workloads for data management might lead to increased budget requirements in this area. It was emphasised that the Secretariat should continue to be as cost effective as possible to minimise budget increases. However, it was recognised that maintaining centralised databases and information repositories, and a Data

Management section able to complete the functions identified by the Scientific Committee in SC-CAMLR-XIV, paragraph 10.8, was much more efficient than the maintenance of such services by individual Members.

4.26 The Commission noted the very positive response the first volume of *CCAMLR Science* has received in the scientific community, and endorsed all the Scientific Committee's recommendations for publications (SC-CAMLR-XIV, paragraphs 12.1 to 12.4). It further noted the high level of intersessional activity of the Scientific Committee (SC-CAMLR-XIV, paragraphs 13.1 to 13.7), and encouraged the Committee to continue cooperation with other international organisations (SC-CAMLR-XIV, section 11).

#### Implications of an Integrated Approach to Management

4.27 The Commission noted with satisfaction that the amalgamation of the Working Group on Krill (WG-Krill) and the Working Group for the CCAMLR Ecosystem Monitoring Program (WG-CEMP) into a new group, the Working Group on Ecosystem Monitoring and Management (WG-EMM), had proved extremely effective in advancing the Scientific Committee's work on ecosystem assessment.

4.28 The Commission noted the progress made towards an understanding of what an ecosystem assessment entails, and towards the formulation of a strategic model which incorporates biological, environmental and fishery components, the links between them, the procedures for ecosystem assessment and for the provision of management advice, and the resulting management actions (SC-CAMLR-XIV, paragraphs 5.4 to 5.6). The Commission noted that this is the first time that a strategy for developing an ecosystem assessment for the Antarctic has been explicitly mapped out.

4.29 The Commission congratulated the Scientific Committee on its continuing progress towards transition from a qualitative to a quantitative ecosystem assessment and encouraged work on the many analyses and models being developed by WG-EMM to integrate into its strategic model (SC-CAMLR-XIV, paragraphs 3.25 and 5.11 to 5.17).

4.30 The Commission noted the Scientific Committee's advice on the nature and significance of potential overlap between the location of krill harvesting and the foraging areas of krill-dependent predator species (SC-CAMLR-XIV, paragraphs 5.18 to 5.23), and that:

- (i) there is a continuing need to ensure that krill catches are not concentrated in small areas and over short periods of time to such an extent that local populations of dependent species may be adversely affected;
- (ii) when determining precautionary catch limits, and subdividing precautionary limits set for larger areas, as much relevant environmental and biological information as is possible should be used; and
- (iii) a valuable new thrust towards achieving these goals is the proposal to make use of predator food consumption data.

4.31 The US noted that while the primary concern of paragraph (i) above and the calculations currently being carried out by the Scientific Committee were directed at land-based predators during the breeding season (SC-CAMLR-XIV, paragraphs 5.18 to 5.20), in its work the Scientific Committee should also bear in mind other dependent species, and times other than the breeding periods of land-based predators.

4.32 Japan stated that in relation to paragraph 5.22(i) of SC-CAMLR-XIV, the scientific papers presented in the past by Japanese scientists indicated that there was no significant overlap between land-based predators' foraging areas and krill harvesting in Subarea 48.1 (e.g., SC-CAMLR-XIII, Annex 7, paragraph 4.1). Japan also expressed its belief that Article II of the Convention should not be interpreted in any way which would require conservation measures to be framed such that predator needs always outweigh the interests of fisheries. In this connection, Japan, although not objecting to the approach envisaged in paragraph 5.22(iii) of SC-CAMLR-XIV being pursued by WG-EMM, could not endorse this approach as a sound and practical one at this time and reserved its position until more balanced approaches are developed.

4.33 The UK noted that the conclusions, advanced by Japanese scientists in their papers on the issue referred to above, had been subject to reservations from WG-CEMP and the Scientific Committee (e.g., SC-CAMLR-XIII, paragraph 7.29 and SC-CAMLR-XIII, Annex 7, paragraph 4.3). The UK further noted that Article II of the Convention, while not specifying primacy either to harvesting or dependent species, requires that harvesting be conducted in accordance with provisions of a precautionary nature to protect dependent species. The UK expressed surprise that Japan was unable to endorse the unanimous conclusion of WG-EMM and the Scientific Committee that the approach referred to in paragraph 5.22(iii) of SC-CAMLR-XIV represented a valuable advance in the development of precautionary approaches to local-scale interactions between commercial fisheries and dependent predators.

ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY  
OF ANTARCTIC MARINE LIVING RESOURCES

Marine Debris

5.1 Reports of assessment of incidental mortality in the Convention Area in the 1994/95 season were submitted by Australia, Brazil, France, Japan, UK and USA (CCAMLR-XIV/BG/12, 25, 13, 26, 16 and 18). Reports on surveys of beached marine debris, conducted according to the CEMP standard methods, were received from South Africa (CCAMLR-XIV/BG/14), Chile (CCAMLR-XIV/BG/24) and the UK (CCAMLR-XIV/BG/10 and 15).

5.2 South Africa reported that all data from its first survey of beached marine debris at Marion Island, Prince Edward Islands (CCAMLR-XIV/BG/14) have been submitted to the Secretariat. South Africa advised the Commission that, as recommended in the report of the survey, the use of expanded plastic foams and plastic packaging bands at Marion Island will be discontinued.

5.3 The UK survey of marine debris in 1993/94 showed a continuing reduction in the overall amount of debris at Bird Island, South Georgia (CCAMLR-XIV/BG/10) and in the number of packaging bands recorded. For the second successive year, all bands found had been cut. While this suggests improving compliance with CCAMLR measures seeking to reduce marine debris, it should be noted that most debris and packaging bands were not found until the start of the local fishing season in March.

5.4 The UK also surveyed beached marine debris on Signy Island, South Orkney Islands in 1994/95. The trend of the reduction in the amount of debris recorded from 1990/91 to 1992/93 has unfortunately been reversed in the past two seasons. Furthermore, many of the packaging bands found during 1994/95 had not been cut as required by Conservation Measure 63/XIII.

5.5 At last year's meeting of the Commission, Chile reported that it has established a baseline for the assessment of trends in the accumulation of marine debris on the beaches of Cape Shirreff, Livingston Island. During the 1993/94 survey, the 14-km-long beach was cleared of all debris. The survey was repeated in 1994/95 (CCAMLR-XIV/BG/24), when the amount of debris collected was similar to last year (237 and 284 kg respectively). Of particular concern was the discovery of some plastic items which showed evidence of having been processed in incinerators before being thrown into the water. In this regard, Chile reminded

Members that, in accordance with Annex III to the Protocol on Environmental Protection to the Antarctic Treaty, all solid residues of such incineration should be removed from the Antarctic Treaty area.

5.6 Japan advised that all its krill fishing vessels are equipped with incinerators for burning plastic materials such as pieces of net gear, etc. No fishing gear lost from Japanese vessels was reported in 1994/95 (CCAMLR-XIV/BG/26).

5.7 Australia reported that surveys of marine debris were conducted on a monthly basis throughout the 1995 winter at Macquarie Island (located about 300 n miles north of the Convention Area) (CCAMLR-XIV/BG/12). The results suggested that the collection of materials even every month was likely to underestimate the quantities of materials washed up on the beach because light items could be washed away or blown inland and heavy items buried.

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

5.9 The Commission encouraged Brazil to report to the Commission the results of its surveys of beached marine debris in Admiralty Bay, King George Island (South Shetland Islands).

5.10 The Commission noted with concern that current survey data do not suggest any reduction in the amount of marine debris in the Convention Area but do indicate that fishing vessels are probably still an important source of this type of pollution. Members were reminded of the importance of complying with Annex V of MARPOL 73/78 regarding the prevention of pollution from ships in the form of garbage.

5.11 The Commission reminded Members that, in accordance with Conservation Measure 63/XII, the use on fishing vessels of plastic packaging bands to secure bait boxes will be prohibited from the 1995/96 season.

5.12 The Commission noted that the Scientific Committee had reviewed information on the entanglement of seals and seabirds in marine debris (SC-CAMLR-XIV, paragraphs 3.51 to 3.55). It thanked South Africa and the UK for their detailed reports, noting that the latter's report indicated a trend of a continued reduction in the level of entanglement of Antarctic fur seals at

South Georgia. However, the coincidence of the higher entanglement rates with the start of local longline fisheries also indicated that fishing vessels need to exercise greater care in the disposal of waste at sea.

5.13 The Commission was informed that the interim summary of the Third International Conference on Marine Debris (May 1994, USA) (see CCAMLR-XIII, paragraph 4.13), attended by the CCAMLR Science Officer, had been published and widely distributed. Members interested in seeing this could obtain the source address from the Secretariat. It was regretted that the report does not contain any reference to CCAMLR and its initiatives with respect to monitoring marine debris or reducing the level of entanglement of marine animals. The Science Officer said that the full report of the conference and its working groups would, however, contain detailed references to CCAMLR initiatives.

5.14 In the meantime, the Commission agreed that the Secretariat should contribute an article on CCAMLR initiatives to the recently established newsletter 'Marine Debris Worldwide'.

#### Incidental Mortality of Marine Animals during Fishing Operations

5.15 The problem of incidental mortality of seabirds in longline fisheries, which was a major item in the Commission's discussions last year (CCAMLR-XIII, paragraphs 4.20 to 4.35), was thoroughly discussed by the Scientific Committee (SC-CAMLR-XIV, paragraphs 3.26 to 3.49), particularly in relation to the extensive data and information collected by scientific observers placed on board longline vessels fishing for *D. eleginoides* in Subarea 48.3 in 1994/95 in accordance with the CCAMLR Scheme of International Scientific Observation.

5.16 Because of these data from scientific observers, the Scientific Committee had been able to make considerable progress in the assessment of incidental mortality of seabirds within the Convention Area and in the evaluation of the effectiveness of mitigating measures applied in accordance with Conservation Measure 29/XIII.

5.17 The Commission expressed its particular gratitude to Argentina and Chile for their efforts in ensuring comprehensive scientific observation on board longline vessels, and also for arranging for two scientific observers on many vessels, thereby ensuring the provision of particularly accurate and extensive data to CCAMLR.

5.18 The Commission also thanked the Convener of WG-IMALF, Prof. C. Moreno (Chile), and the Secretariat for the substantial intersessional work conducted in accordance with the plan of intersessional activities described in CCAMLR-XIII/BG/30.

5.19 In particular, the following international organisations were informed of CCAMLR initiatives on the prevention of incidental mortality of seabirds in longline fisheries: ICCAT, IOFC, SPC, FFA, CCSBT, FAO, UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks and IWC.

5.20 All CCAMLR observers nominated by the Commission to meetings of the international organisations listed above were asked to assist CCAMLR in obtaining information on the steps these organisations have taken or are planning to take on the matter of incidental mortality of seabirds associated with fisheries, especially longline fisheries (CCAMLR-XIII, paragraph 12.16).

5.21 The Commission received reports from CCAMLR observers at meetings of ICCAT (CCAMLR-XIV/BG/6), FAO (CCAMLR-XIV/BG/7), CCSBT (CCAMLR-XIV/BG/29) and the UN Conference on Straddling Stocks and Highly Migratory Fish Stocks (CCAMLR-XIV/BG/20), which contain references to information presented on behalf of CCAMLR.

5.22 The Secretariat has received letters from IATTC, ICCAT and FFA acknowledging the receipt of information and indicating steps being taken or planned by these organisations to deal with the problem of incidental mortality of seabirds in longline fisheries. The report to the Commission from the observer at CCSBT contains important information on that Commission's plan to address the issue of incidental mortality of seabirds (see paragraph 11.20).

5.23 The response of IWC on possible means of reducing interactions between cetaceans and longline fishing in the Convention Area is summarised in SC-CAMLR-XIV, paragraph 11.23 which also notes the intention of continuing dialogue.

5.24 In discussing the problem of incidental mortality of seabirds, several delegations expressed their concern that a considerable proportion of the incidental mortality of seabirds in the Convention Area might remain unreported, especially where it results from the illegal fishing operations noted in the report of the Standing Committee on Observation and Inspection (SCOI) (Annex 5, paragraph 1.37). It was further noted that CCAMLR has no evidence that the vessels involved in illegal operations use any mitigating techniques to reduce the mortality of seabirds.

5.25 The Delegations of Australia, USA and the UK jointly drew the attention of the Commission to the importance of the following points raised by the Scientific Committee that:

- (i) despite extensive reported compliance with Conservation Measure 29/XIII, there were numerous cases where several parts of this measure were not complied with;
- (ii) despite some excellent data and reports from scientific observers, there are significant improvements to data reporting methods which need to be put in place as soon as possible (through observers' logbooks, guidelines to observers and the revised *Scientific Observers Manual*);
- (iii) the handbook for fisherman entitled 'Catching fish not birds: a guide to improving longline fishing efficiency' should be completed as soon as possible; and
- (iv) an exchange of information on the problem of incidental mortality of seabirds should be initiated not only with relevant international organisations but also with relevant national authorities of those Members whose vessels are engaged in longline fishing in waters adjacent to the Convention Area and in other regions where seabirds from the Convention Area might be affected.

5.26 In addition, the Delegation of New Zealand advised the Commission that New Zealand intends to initiate work this year on albatross and petrel populations and the methods for the reduction of their mortality in longline fisheries. In particular, it was noted that the Scientific Committee had yet to determine what level of incidental by-catch would not prevent depleted populations of albatrosses and petrels from recovering to pre-depleted levels. Some work on this issue will be carried out in New Zealand with regard to wandering albatross populations in New Zealand waters. Results of this work will be made available to the Scientific Committee.

5.27 The ASOC Observer noted the success of CCAMLR conservation measures designed to reduce albatross death in longline fisheries. CCAMLR should be especially concerned about the increase in mortality of white-chinned petrels. ASOC urged CCAMLR to continue its work on developing measures to reduce albatross and other bird mortality and promote these measures among other relevant organisations on a global scale.

5.28 The Commission noted the conclusions of the Scientific Committee in respect of the success of mitigating measures, adopted last year as Convention Measure 29/XIII, in reducing incidental mortality of seabirds, especially albatrosses (SC-CAMLR-XIV, paragraph 3.34). It also noted the advice that better compliance with the conservation measure would have further reduced seabird mortality and improved fishing efficiency (SC-CAMLR-XIV, paragraph 3.35).

5.29 The Commission endorsed the following advice of the Scientific Committee:

- (i) the importance of working internationally to tackle the problem of incidental mortality (SC-CAMLR-XIV, paragraphs 3.27, 3.56 and 3.62);
- (ii) the need for Members to report information on specimens collected by scientific observers (SC-CAMLR-XIV, paragraph 3.32);
- (iii) the urgent need for research into ways of reducing the by-catch of white-chinned petrels, especially at night (SC-CAMLR-XIV, paragraph 3.32);
- (iv) the desirability, wherever possible, of having two scientific observers on board longline fishing vessels in order to collect data on fish and incidental mortality necessary for assessments by CCAMLR (SC-CAMLR-XIV, paragraphs 3.36 and 3.58);
- (v) the production of a handbook to educate the captains, fishing masters and crew of fishing vessels about the benefit to fishing arising from the reduction of incidental mortality of seabirds (SC-CAMLR-XIV, paragraphs 3.40, 3.41 and 3.61);
- (vi) that Members comply in full with all elements of Conservation Measure 29/XIII (SC-CAMLR-XIV, paragraph 3.60);
- (vii) the need to encourage Members to use appropriate mitigating measures in longline fisheries in waters adjacent to the Convention Area (SC-CAMLR-XIV, paragraphs 3.43 and 3.62);
- (viii) the potential of longline systems which release baited lines under water and the need to evaluate their effectiveness (SC-CAMLR-XIV, paragraph 3.46); and
- (ix) additional items arising from the report of WG-FSA relating to seabird identification handbooks, population and monitoring studies of albatrosses and petrels (SC-CAMLR-XIV, paragraphs 3.28(iii) to (vi)).

5.30 With regard to incidental mortality of seabirds in trawl fisheries, the Commission welcomed information from the Delegation of France that the use of net monitor cables would be prohibited in the Kerguelen Exclusive Economic Zone (EEZ) from the start of the 1995/96 fishing season. Conservation Measure 30/X will be, *de facto*, extended to the whole of the Convention Area.

## NEW AND EXPLORATORY FISHERIES

6.1 An Australian proposal for new fisheries in Division 58.4.3 (Elan and Banzare Banks), and in deep water in Division 58.5.2 (Heard and McDonald Islands), presented in CCAMLR-XIV/8 was considered in detail by the Scientific Committee. The Scientific Committee reported that the notification had been extremely thorough, and the Commission noted that this had considerably facilitated the Committee's consideration of the matter (SC-CAMLR-XIV, paragraphs 8.1 and 8.2). The Commission noted that the vessel involved will carry a scientific observer and will be fitted with a satellite-linked VMS.

6.2 The Commission endorsed the advice of the Scientific Committee with respect to management of the fishery (SC-CAMLR-XIV, paragraphs 8.3 to 8.6), and accordingly adopted Conservation Measures 88/XIV and 89/XIV.

6.3 South Africa informed CCAMLR of its intention to initiate a new longline fishery for *D. eleginoides* within South Africa's EEZ, on the high seas adjacent to this EEZ and within the CCAMLR Convention Area in the EEZ around the Prince Edward Islands (CCAMLR-XIV/19). The Commission, noting the Scientific Committee's discussion on this topic (SC-CAMLR-XIV, paragraphs 8.7 to 8.9), endorsed the approach outlined by South Africa that the spirit of Conservation Measure 31/X will be followed closely in managing the fishery, that Conservation Measure 29/XIV will be adhered to, vessels will carry scientific observers, and vessels will be fitted with satellite-linked VMS.

## OBSERVATION AND INSPECTION

7.1 The Chairman of the Standing Committee on Observation and Inspection (SCOI), Dr W. Figaj (Poland), introduced the report of the Committee. The report of SCOI is appended as Annex 5 and was endorsed in its entirety by the Commission.

7.2 The Chairman of SCOI expressed his gratitude to all Members for their constructive debate during the serious matters under consideration. He thanked Ambassador J. Arvesen (Norway) for his support and guidance throughout the meeting, and in addition, thanked the Secretariat and especially its Science Officer for his excellent work in the preparation of the meeting documents and the report of the meeting.

7.3 At the beginning of the discussions, Norway expressed its deep concern about evidence that illegal fishing in the CCAMLR Convention Area was apparently increasing and appeared to have reached alarming proportions.

7.4 Norway further acknowledged that some improvements to the System of Inspection had been agreed to, but expressed its disappointment that it had not been possible to reach consensus on either a vessel notification system or the introduction of an automated VMS.

7.5 Australia associated itself strongly with the statement made by Norway.

7.6 The UK also strongly endorsed the statement by Norway. The inability of certain Flag States to deal effectively with infringements of conservation measures by their vessels had resulted in quite unacceptably high levels of illegal fishing. This could not continue if the integrity of CCAMLR is to be maintained. This required practical measures such as mandatory vessel notification and satellite-linked monitoring systems, such as proposed in 1993 (CCAMLR-XII, paragraph 6.17). The legal objections to such measures expressed at the present meeting by some Members (Annex 5, paragraphs 2.41 to 2.45) were baseless. There was nothing in general international law, nor the law of the sea, which presented an obstacle to agreement on such measures by the Members of the Commission. The amendment to Article III of the System of Inspection adopted at the present meeting was an example of agreement by Members to a measure affecting the freedom of navigation of vessels of Members.

7.7 Several other delegations also made general comments with regard to the SCOI report, its recommendations and conclusions.

7.8 Chile argued that the matter under consideration was out of proportion and context. It was to the honour of CCAMLR that the problem of illegal fishing had been so thoroughly considered, that appropriate measures were being undertaken by the Flag States and that additional and exceptional measures were being considered (e.g., inspections in the high seas and presumptions on fishing activities).

7.9 Chile stated that illegal fishing in Subarea 48.3, while important, was not the main problem in the operation of CCAMLR and was presently being exaggerated. Measures were being taken and Chile, as a Flag State, had a clear conscience on having fully complied with its obligations (i.e., through the judicial process of six presumptive infractions and severe punishment of two of them). In relation to modifications to the Law of the Sea and specifically to the freedom of the high seas, CCAMLR has gone further than any other agreement on limiting the latter. Reducing such freedom to practical non-existence could be deemed to be contrary to the Law of the Sea and there was no ground, in practice, to envisage such over-powering measures and changes.

7.10 Chile further stated that the most important problem was the simultaneous operation in practically the whole area of the Convention of two regimes, two sets of rules - national and those adopted by CCAMLR. This, in practice, did not correspond to the objectives of CCAMLR, based on the ecosystem approach for the conservation of the whole Antarctic marine ecosystem south of the Antarctic convergence. Chile said that further consideration was required in relation to this matter.

7.11 Argentina shared the views of Chile and recalled what was said in paragraphs 2.41 to 2.45 of the SCOI Report. It also disqualified comments made under paragraph 7.6 above. The Delegation of Chile shared this view.

7.12 In addition, Argentina further recalled its commitment to contribute to strengthening the CCAMLR System of Inspection and the CCAMLR Scheme of International Scientific Observation, and to the recommendation that Flag States exert their jurisdiction and take steps to prosecute and impose sanctions on vessels of their flag which infringe CCAMLR Conservation Measures.

7.13 On the other hand, Argentina underlined the substantial difficulty which arose when it was intended to devise a system in a manner which, in its view, was incompatible with the Law of the Sea Convention, favouring relinquishment of long-established Flag State rights in favour of an international organisation and/or third parties.

7.14 Finally, Argentina expressed its view that it was often forgotten that CCAMLR was agreed upon as a conservation instrument within the framework of the Antarctic Treaty System. Its membership, nature and content were clearly different from those of a fisheries commission or organisation.

7.15 The US emphasised that the issue of fishing occurring in the Convention Area in contravention of CCAMLR Conservation Measures was a serious problem threatening the Commission Members' collective ability to implement the Convention. The US drew the attention of the Commission to the reports of illegal fishing it submitted to the Commission (CCAMLR-XIV/BG/28 and SCOI 95/5). The US stated its strong support for an automated VMS and made clear that it believed such a system was entirely consistent with international law. The US also took the opportunity to remind the Commission of the importance of scientific observers and noted the Scientific Committee's call for the placement of two observers on fishing vessels whenever possible.

7.16 In the Commission's conclusion of general aspects of the SCOI report, Brazil said it had gone on record as being in favour of measures which would strengthen CCAMLR and as being against initiatives which could either, in the short- or longterm, weaken it. It believed that, by weakening CCAMLR, by altering its nature or objectives, the whole of the Antarctic Treaty System was in focus. Situations of a contentious character should be seen as striking at the heart of the Antarctic system - a system whose very basis was built on international cooperation. By remaining passive or even condoning such situations, the Commission takes upon itself the responsibility for any serious consequences for the future of the system. These were matters which the Commission should, sooner rather than later (and in this respect Brazil agreed with Chile), consider.

7.17 The Commission's further deliberations on the SCOI report were considered section by section.

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

7.18 The Commission noted that there were no objections to the Conservation Measures adopted at CCAMLR-XIII which therefore became binding on 7 May 1995.

7.19 Australia drew the attention of the Commission to the reports of scientific observers on board longline vessels in Subarea 48.3, where it was noted that not all vessels complied in full with Conservation Measure 29/XIII to reduce the incidental mortality of seabirds. The Commission urged Members to make every possible effort to ensure that vessels of their flags comply in full with all conservation measures.

7.20 The US advised the Commission that new information on sightings of fishing vessels in Subarea 48.3, as mentioned in paragraph 1.24 of the SCOI report, had been received and distributed to delegates as document CCAMLR-XIV/BG/28. The UK advised the Commission that it had received information on sightings of three vessels on the night of 20/21 October 1995 in the vicinity of Shag Rocks.

7.21 In considering the activities of non-Member States in the Convention Area, the Commission requested the Executive Secretary to write to the Government of Latvia to invite it to consider joining CCAMLR on the grounds of its fishing activities in the Convention Area. The Executive Secretary was also directed to seek clarification of the origin of the FV *Thunnus*, reported as being in the Convention Area (Annex 5, paragraphs 1.44 and 1.45), and write to the Flag State concerned.

## Improvements to the System of Inspection

7.22 The Commission adopted the recommendation of SCOI (Annex 5, paragraph 2.13) that the first sentence of Article III of the System of Inspection be replaced with the following sentence:

‘Article III. In order to verify compliance with Conservation Measures adopted under the Convention, Inspectors designated by Members shall be entitled to board a fishing or fisheries research vessel in the area to which the Convention applies to determine whether the vessel is, or has been, engaged in scientific research, or harvesting, of marine living resources.’

7.23 France and South Africa reiterated their positions regarding the non-application of the System of Inspection to waters adjacent to the Crozet and Kerguelen, and Prince Edward Islands, respectively, in accordance with the statement made by the Chairman of the Conference on the Conservation of Antarctic Marine Living Resources on 19 May 1980.

7.24 The Commission noted the advice from Australia that duly-designated CCAMLR inspectors would be permitted to board Australian vessels fishing in that area of Australia’s Fishing Zone around Australia’s external territory of Heard Island and McDonald Islands which is within the Convention Area.

7.25 The Commission stated its understanding that the System of Inspection applied to flag vessels of all Members of the Commission and where appropriate, Acceding States. It was decided that this should be emphasised in the *Inspectors Manual*.

7.26 The Commission adopted the recommendation of SCOI (Annex 5, paragraphs 2.19) that the following new Article should be added to the System of Inspection:

‘Article IX bis. A fishing vessel present in the area of application of the Convention shall be presumed to have been engaged in scientific research, or harvesting, of marine living resources (or to have been commencing such operations) if one or more of the following four indicators have been reported by an inspector, and there is no information to the contrary:

- (a) fishing gear was in use, had recently been in use or was about to be used, e.g.:

- nets, lines or pots were in the water;
  - baited hooks or thawed bait were ready for use;
  - log indicated recent fishing or fishing commencing;
- (b) fish which occur in the Convention Area were being processed or had recently been processed, e.g.:
- fresh fish or fish waste were on board;
  - fish were being frozen;
  - from operational or product information;
- (c) fishing gear from the vessel was in the water, e.g.:
- fishing gear bore the vessel's markings;
  - fishing gear matched that on the vessel;
  - log indicated gear in the water;
- (d) fish (or their products) which occur in the Convention Area were stowed on board.'

7.27 In adopting this new Article, the Commission decided that it should not at the moment apply to krill, but should a closed season or area be declared for krill, appropriate modifications to the above indicators should be made by the Commission to take account of the particular circumstances of krill harvesting and processing.

7.28 The Commission approved the new inspection report form prepared by SCOI (Annex 5, Appendix III) together with the following amendments to the System of Inspection dealing with a procedure for handling photographs and/or video footage taken in the course of an inspection (Annex 5, paragraph 2.28):

Article VI(d)

'Inspectors may take photographs and/or video footage as necessary to document any alleged violation of Commission measures in force.'

Article VIII(d)

'The Inspector shall provide a copy of the completed inspection form along with copies of photographs and video footage to the designating Member at the earliest opportunity.'

Article VIII(e)

‘The designating Member shall, as soon as possible, forward a copy of the inspection form, along with two copies of photographs and video footage to the CCAMLR Executive Secretary who shall forward one copy of this material to the Flag State of the inspected vessel.’

7.29 Members were reminded of their obligations under Article IV of the System of Inspection to inform the Commission, by 1 May each year, of their flag vessels intending to harvest marine living resources in the Convention Area in the following season. Members were also reminded that the Commission must be advised as quickly as practicable of any additions to, or deletions from, this list during the fishing season. The Secretariat was requested to inform Members on a monthly basis, as from the end of the Commission meeting, of the current status of the list of vessels.

7.30 The Commission noted that SCOI had been unable to reach a consensus on either a vessel notification system or a satellite-based VMS for Commission consideration during the 1995 meeting.

7.31 The Commission also noted that Members had explained their positions with regard to these systems at the meeting of SCOI and these were described in the SCOI report (Annex 5, paragraphs 2.37 to 2.66) and in paragraphs 7.4 to 7.16 of the present report.

7.32 Japan noted that at its 1994 meeting SCOI had concluded that at present there was neither need nor justification to introduce a VMS for the krill fishery. Japan noted its understanding that the same conclusion would logically apply to the vessel notification and hail system for the reasons stated in the SCOI report (Annex 5, paragraph 2.51).

7.33 The Commission summarised, *inter alia*, the following points on which Members had expressed differing views with regard to the application of a vessel notification system and/or an automated VMS to the CCAMLR Convention Area:

- practical, administrative and financial aspects of the implementation of a vessel notification system and a VMS;
- compatibility of the vessel notification and monitoring approaches with general international law and, in particular, with UNCLOS 1982<sup>1</sup>;

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<sup>1</sup> Draft agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks.

- compatibility of the vessel notification and monitoring requirements with national jurisdictions of CCAMLR Members; and
- compatibility of the vessel notification and monitoring approaches with CCAMLR objectives *vis-à-vis* the objectives of a regional fisheries organisation.

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

7.34 The Commission welcomed the excellent efforts of Argentina, Chile, Russia, Ukraine and USA in arranging for scientific observers to be placed on board each of the 13 vessels fishing for *D. eleginoides* in Subarea 48.3 and one trawler fishing for krill in Area 58 in the 1994/95 season.

7.35 The Commission endorsed the advice of the Scientific Committee on Scientific Observation (SC-CAMLR-XIV, paragraphs 9.1 to 9.12). In particular, it recognised that the Scheme of International Scientific Observation was often the only means to obtain reliable data and information from fisheries and effectively educate vessels' crews in the use of measures mitigating the incidental mortality of seabirds.

7.36 The Commission recollected that it regulated fisheries in which international scientific observers or national observers were mandatory and that, wherever possible, the presence of two scientific observers was recommended. It endorsed the recommendation of the Scientific Committee (SC-CAMLR-XIV, paragraph 9.5) that 100% International Scientific Observer coverage should become mandatory in other CCAMLR finfish fisheries.

7.37 The Commission also endorsed the Scientific Committee's advice concerning the observation of fisheries for *D. eleginoides* in waters adjacent to the Convention Area (SC-CAMLR-XIV, paragraph 9.9) and drew the attention of Members fishing for *D. eleginoides* outside the Convention Area to the benefits of a high degree of observer coverage.

7.38 The Commission encouraged Members to ensure that crews of vessels receiving International Scientific Observers be made aware of their responsibilities and obligations towards those observers under the CCAMLR Scheme of International Scientific Observation (SC-CAMLR-XIV, paragraph 9.10).

7.39 The Commission also recommended that the fate of data and samples, and the arrangements for their analysis, should be considered at the initiation of observer arrangements (SC-CAMLR-XIV, paragraph 9.10). Information on the fate of samples should be included in the summary reports submitted to the Secretariat.

#### Future Work

7.40 Noting the lack of consensus on the questions of vessel notification and VMS, the UK proposed two ways of examining the general issue of notification:

- (i) that Members who voluntarily introduce VMS on their vessels operating in the Convention's waters should bring to the next meeting of the Commission reports of their experiences in terms of costs, effectiveness, etc.; and
- (ii) that to assist in addressing the legal obstacles suggested by some Members to mandatory VMS and vessel notification, intersessional work by correspondence between interested Members be considered.

7.41 The US supported this proposal. The US also called upon Members to voluntarily install VMS transceivers on at least a representative subset of their vessels fishing in the Convention Area in 1995/96 and to report the results at the next meeting.

7.42 Chile and Argentina emphasised again that the matter of further measures of inspection was not only of a legal nature, but had also to be considered on the grounds of such measures being adequate, commensurate or, indeed, necessary. They also made the point that the suggestions by the UK were not the only points to be considered regarding the improvement of the operation and management of the System of Inspection.

7.43 The Commission noted the differing positions of delegations on the legal implications of the UNCLOS Agreement and the Agreement to Promote Compliance with Internationally Agreed Conservation and Management Measures by Vessels Fishing on the High Seas, in relation to the Convention on the Conservation of Antarctic Marine Living Resources expressed in the report of SCOI. The Commission agreed that Members could consult on the relevance of and the relationships among these agreements, as well as on other items and issues under consideration.

7.44 It was agreed that measures needed to improve the CCAMLR systems of observation and inspection should be kept under continuing review.

## CONSERVATION MEASURES

8.1 The Commission agreed that Conservation Measures 2/III<sup>2</sup>, 3/IV, 4/V, 5/V<sup>3</sup>, 6/V<sup>3</sup>, 7/V, 19/IX<sup>4</sup>, 30/X<sup>3</sup>, 31/X<sup>5</sup>, 32/X, 40/X, 51/XII, 52/XI, 61/XII, 62/XI, 63/XII, 64/XII<sup>4</sup>, 65/XII<sup>4</sup>, 72/XII, 73/XII, 76/XIII, 82/XIII and 87/XIII should remain in force.

8.2 Conservation Measures 77/XIII, 79/XIII, 80/XIII, 81/XIII, 84/XIII, 85/XIII and 86/XIII were applicable to the 1994/95 season only and therefore lapse at the end of the present meeting.

8.3 As noted in paragraphs 8.47, 8.12 and 8.44, Conservation Measures 29/XIII, 45/XI and 78/XIII were amended and adopted as Conservation Measures 29/XIV, 45/XIV and 78/XIV.

8.4 Conservation Measure 75/XII did not lapse at the end of the present meeting, but was revised to apply to different seasons (paragraph 8.39) as Conservation Measure 90/XIV. Conservation Measure 54/XI did not lapse, but was revoked following consideration in paragraph 8.33.

## Fishing Grounds

8.5 Noting the footnotes referring to the definitions of fishing grounds for different fisheries in Conservation Measures 78/XIV, 89/XIV, 94/XIV and 96/XIV, the Commission requested that the Scientific Committee consider this topic as a matter of priority.

## Scientific Research Exemption

8.6 The Commission noted the advice of the Scientific Committee on this matter (SC-CAMLR-XIV, paragraphs 7.1 to 7.4).

8.7 The Commission noted that no information was yet available from Members on the applicability of the 50-tonne limit in Conservation Measure 64/XII to krill and requested the Scientific Committee to continue to keep this matter under review.

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<sup>2</sup> As amended by Conservation Measure 19/IX which came into force on 1 November 1991 except for waters adjacent to Kerguelen and Crozet Islands.

<sup>3</sup> Conservation Measures 5/V and 6/V, which prohibit directed fishing for *Notothenia rossii* in Subareas 48.1 and 48.2 respectively, remain in force but are currently encompassed within the provisions in Conservation Measures 72/XII and 73/XII.

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

<sup>5</sup> Except for waters adjacent to Kerguelen and Crozet Islands and Prince Edward Islands

8.8 The Commission confirmed the Scientific Committee's understanding of Conservation Measure 64/XII, paragraph 3(a), that the review process for research plans would be complete either at the end of the two-month review period, should no request for review be lodged, or at the end of full review by the Scientific Committee and its Working Groups, should a request be lodged.

#### New Fisheries

8.9 The Commission noted that the Spanish and French editions of the *Schedule of Conservation Measures in Force 1994/95* contained an error in the text of Conservation Measure 31/X paragraph 1(iii). It was agreed that the correct text of this subparagraph was that in the English and Russian editions, and that the text should read:

‘(iii) catch and effort data from the two most recent seasons in which fishing occurred have not been submitted to CCAMLR.’

#### Krill

8.10 The Commission noted the advice of the Scientific Committee that it was not yet in a position to recommend a new catch limit for krill in Area 48, or to recommend an appropriate subdivision of precautionary limits within Area 48 (SC-CAMLR-XIV, paragraphs 4.28, 4.30 and 4.31).

8.11 The Commission also noted the advice that the precautionary catch limit for krill in Division 58.4.2 is not expected to be further refined and that the current best estimate of a precautionary catch limit in this division is 450 000 tonnes (SC-CAMLR-XIV, paragraph 4.29).

8.12 The Commission revised Conservation Measure 45/XI to 45/XIV accordingly.

#### *Dissostichus eleginoides* in Subarea 48.3

8.13 The Commission endorsed the advice of the Scientific Committee that a TAC of 4 000 tonnes for *D. eleginoides* in Subarea 48.3 should apply, that longline fishing only should be permitted, that the fishing season should run from 1 March to 31 August 1996 and that there should be 100% scientific observer coverage of the fishery (SC-CAMLR-XIV, paragraphs 4.52 to 4.61).

8.14 The Commission endorsed the advice of the Scientific Committee that fishing effort should be distributed in such a way as to ensure that catch and effort data can be used in assessments of the stock, and should not be concentrated in too short a time period in one area (SC-CAMLR-XIV, paragraph 4.56). It recalled that this had also been the Scientific Committee's advice in 1994 (SC-CAMLR-XIII, paragraphs 2.20 and 2.21). The Commission requested the Scientific Committee to give high priority to consideration of the topic of the distribution and time allocation of fishing effort for this fishery.

8.15 The Commission noted that Members had indicated to the Scientific Committee that their effort in this fishery would not increase in the 1995/96 season (SC-CAMLR-XIV, paragraphs 2.17, 2.20 and 2.21). It therefore reiterated its decision of 1994 (CCAMLR-XIII, paragraph 8.30) that States should be encouraged to cooperate in controlling the level of fishing effort and its distribution over the fishing season.

8.16 Accordingly, the Commission adopted Conservation Measures 93/XIV and 94/XIV.

#### *Dissostichus eleginoides* in Subarea 48.4

8.17 The Commission endorsed the advice of the Scientific Committee that a TAC of 28 tonnes should apply for the 1995/96 season (SC-CAMLR-XIV, paragraph 4.77).

8.18 Accordingly, the Commission adopted Conservation Measure 92/XIV, which is amended to apply similar provisions to Subarea 48.4 as apply to Subarea 48.3 (Conservation Measure 93/XIV).

#### *Champscephalus gunnari* in Subarea 48.3

8.19 Conservation Measure 86/XIII, which prohibits directed fishing for *C. gunnari* in Subarea 48.3, expired at the end of the Commission's 1995 meeting.

8.20 The Commission noted that it had requested the Scientific Committee to develop a longterm management plan for this fishery, but that the Scientific Committee had so far been unable to make progress in the development of such a plan. It agreed that research surveys were urgently needed to enable the Scientific Committee to make progress with this task.

8.21 The Commission considered the advice of the Scientific Committee that the most reliable estimate of abundance for *C. gunnari* around South Georgia and Shag Rocks was that calculated by WG-FSA from the results of the UK survey in January 1994. It noted that WG-FSA had considered two options for the fishery in 1995/96 (SC-CAMLR-XIV, Annex 5, paragraph 5.107):

- (i) no TAC should be set until a new research survey to assess the status of the stock has been conducted. This new estimate would then be considered by WG-FSA as a basis for providing new management advice; and
- (ii) a TAC should be set (at some proportion of the lower confidence limit of the 1994 UK survey estimate (13 295 tonnes)), but this TAC will depend on two things; a research survey being carried out before the commercial operation, and an international scientific observer being on board each vessel fishing commercially;

8.22 The Commission further noted that in considering the recommendations of WG-FSA:

- (i) the Scientific Committee had preferred option (i); and
- (ii) some Members, however, had regarded option (ii) as acceptable.

8.23 The Commission noted that:

- (i) Argentina intended to undertake a survey of abundance in early 1996, using a survey design approved by WG-FSA and the same fisheries research vessel used for previous surveys; and
- (ii) Russia indicated its willingness to undertake a similar survey in 1995/96, contingent on resuming a limited commercial fishery for *C. gunnari* in Subarea 48.3.

8.24 Many Members expressed great concern at the possibility of setting a precedent that, when re-opening a fishery for which an appropriate survey is required, the immediate resumption of commercial fishing is linked to the conduct of a survey.

8.25 They emphasised that:

- (i) any agreement for the fishery for *C. gunnari* in Subarea 48.3 in 1995/96 should under no circumstances be regarded as constituting any such precedent. It should

be regarded as an interim procedure aimed at collecting information necessary for assessing the status of the stock in the absence of unequivocal advice from the Scientific Committee and in the absence of measures governing the re-opening of closed fisheries;

- (ii) any catch necessary to acquire these data should be at a level of less than 10% of the lower confidence limit of the 1994 UK survey estimate of 13 295 tonnes (i.e., below 1 300 tonnes); and
- (iii) any conservation measure should:
  - require an international scientific observer on board each vessel;
  - specify reporting of haul-by-haul data; and
  - specify that each vessel entering the fishery shall carry out a survey of approved design.

8.26 It was understood that should a similar situation to the current one prevail at the next meeting of the Commission, the fishery should be closed until the Scientific Committee has:

- (i) provided advice on a longterm management strategy for the stock; and
- (ii) provided advice on the re-opening of closed fisheries;

or has provided unanimous advice on an appropriate TAC for *C. gunnari* in Subarea 48.3.

8.27 Russia expressed its opinion that recent survey data suggest that the stock of *C. gunnari* in Subarea 48.3 has increased to levels greater than in previous years. It expressed concern that:

- (i) despite a survey to monitor the stock in February/March 1995, WG-FSA has been unable to use the resulting data to provide the Scientific Committee with management advice which included a TAC; and
- (ii) this situation seems likely to persist until WG-FSA receives adequate data to assess the status of the stock.

8.28 The Commission, recognising that considerable useful information could be gathered from a limited fishery, was prepared to accept option (ii) of paragraph 8.21 bearing in mind that the TAC would be set at a level considerably below the lower 95% confidence limit of the UK survey in January 1994.

8.29 The Commission therefore adopted Conservation Measures 97/XIV and 98/XIV.

8.30 The Commission noted that the survey to be undertaken by Russia during the 1995/96 season would be based on the survey design specified in the Draft Manual for Bottom Trawl Surveys in the Convention Area (SC-CAMLR-XI, Annex 5, Appendix H, Attachment E). The survey would be conducted using a bottom trawl, but the fishery will use a midwater trawl.

8.31 In addition, the Commission requested the Scientific Committee and WG-FSA, as a matter of the highest priority, to:

- (i) address issues associated with the re-opening of closed fisheries; and
- (ii) develop a longterm management plan for this fishery.

8.32 Argentina noted that because a biomass survey would now be conducted by Russia, Argentina would find it difficult to undertake a similar survey and would instead probably carry out a survey using methods similar to those used in 1995.

#### *Electrona carlsbergi* in Subarea 48.3

8.33 The Commission endorsed the advice of the Scientific Committee that a TAC of 14 500 tonnes for the region around Shag Rocks and 109 000 tonnes for all of Subarea 48.3 should apply for the 1995/96 season, that restrictions on by-catch should apply and that biological information should be reported (SC-CAMLR-XIV, paragraphs 4.74 and 4.75).

8.34 Accordingly, the Commission adopted Conservation Measure 96/XIV and revoked Conservation Measure 54/XI.

*Chaenocephalus aceratus*, *Gobionotothen gibberifrons*<sup>6</sup>, *Notothenia rossii*, *Pseudochaenichthys georgianus*, *Lepidonotothen squamifrons*<sup>7</sup> and *Patagonotothen guntheri* in Subarea 48.3

8.35 The Commission endorsed the advice of the Scientific Committee that directed fishing for these species should continue to be prohibited, and that by-catch restrictions should be put in place for any fishery in Subarea 48.3 where these species might be caught (SC-CAMLR-XIV, paragraph 4.72).

8.36 Accordingly, the Commission adopted Conservation Measure 95/XIV.

### Crabs in Subarea 48.3

8.37 At its Eleventh Meeting in 1992, the Commission adopted Conservation Measure 60/XI (re-adopted subsequently as Conservation Measures 74/XII, 79/XIII and 91/XIV). Conservation Measure 60/XI limited the crab fishery in Statistical Subarea 48.3 and described it as an ‘exploratory fishery’. The term ‘exploratory fishery’ was not defined generically or for the crab fishery until the Twelfth Meeting of the Commission in 1993 in Conservation Measure 65/XII.

8.38 Paragraph 2(iv) of Conservation Measure 65/XII requires that prior to any Member authorising its vessels to enter an exploratory fishery that is already in progress, that Member shall notify the Commission not less than three months in advance of the next regular meeting of the Commission, and the Member shall not enter the exploratory fishery until the conclusion of that meeting. The Commission adopted this paragraph to allow the Member to submit a Research and Fishery Operation Plan and for the Scientific Committee to develop and approve a Data Collection Plan (paragraph 2(i) of Conservation Measure 65/XII) prior to the entry of new vessels into the fishery.

8.39 In the case of the exploratory crab fishery in Subarea 48.3, however, a Data Collection Plan was adopted by the Commission as part of Conservation Measure 75/XII (experimental harvest regime for the crab fishery in Statistical Subarea 48.3 for seasons 1993/94 to 1995/96). At this year’s meeting, the Commission agreed to extend this conservation measure to remain in force to the end of the 1997/98 crab fishing season (Conservation Measure 90/XIV).

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<sup>6</sup> Formerly known as *Notothenia gibberifrons*

<sup>7</sup> Formerly known as *Notothenia squamifrons*

8.40 For the purpose of clarifying the application of Conservation Measure 65/XII to the exploratory crab fishery in Subarea 48.3 and bearing in mind the advance notification provision of Conservation Measure 91/XIV (paragraph 5) and the provisions of Conservation Measure 90/XIV, the Commission agreed that it was not necessary for Members authorising vessels to enter the exploratory crab fishery to notify the Commission again in accordance with the advance notification provision specified in paragraph 2(iv) of Conservation Measure 65/XII. However, this was without prejudice or precedent to the future application of the provisions of Conservation Measure 65/XII to fisheries designated as exploratory in accordance with that conservation measure.

8.41 Accordingly the Commission adopted Conservation Measures 90/XIV and 91/XIV.

8.42 Chile stated that it accepted paragraph 3 of Conservation Measure 91/XIV, which limits the fishery to one vessel per Member, as being applicable to this measure only, and that this provision should not be considered as a precedent for other measures or fisheries.

#### Division 58.5.2

8.43 The Commission endorsed the Scientific Committee's advice that the fishery for *C. gunnari* in Division 58.5.2 avoid taking fish smaller than the size at first spawning (28 cm total length) (SC-CAMLR-XIV, paragraph 4.97 and Annex 5, paragraph 5.183) and that by-catch restrictions should apply (SC-CAMLR-XIV, paragraph 8.3).

8.44 The Commission amended Conservation Measure 78/XIII to Conservation Measure 78/XIV.

8.45 Australia noted that fishing under Conservation Measure 78/XIV is subject to Australian legislation applying within the Australian Fishing Zone around the Australian Territory of Heard and McDonald Islands. The Delegation of Australia advised that the necessary approval under Australian legislation is required from Australian authorities prior to fishing or fisheries research activities being undertaken in this zone.

#### Incidental Mortality

8.46 The Commission noted the conclusions of the Scientific Committee in respect of the success of mitigating measures, adopted last year as Convention Measure 29/XIII, in reducing incidental mortality of seabirds, especially albatrosses (paragraphs 5.24 to 5.29 and SC-CAMLR-XIV, paragraph 3.34).

8.47 The Commission endorsed the amendments to Conservation Measure 29/XIII suggested by the Scientific Committee (SC-CAMLR-XIV, paragraph 3.49) and revised Conservation Measure 29/XIII to 29/XIV accordingly.

#### Deep-water Fishery in Division 58.5.2 and New Fishery in Division 58.4.3

8.48 Discussion of these new fisheries is given in paragraphs 6.1 and 6.2. The Commission adopted Conservation Measures 88/XIV and 89/XIV.

8.49 In respect of Conservation Measure 88/XIV (new fishery in Division 58.4.3), Australia noted that some of Division 58.4.3 falls within the Australian Fishing Zone around the Australian Territory of Heard and McDonald Islands. The Delegation of Australia advised that the necessary approval under Australian legislation is required from Australian authorities prior to fishing or fisheries research activities being undertaken in this zone.

8.50 In respect of Conservation Measure 89/XIV (new deep-water fishery in Division 58.5.2), Australia noted that fishing under Conservation Measure 89/XIV is subject to Australian legislation applying within the Australian Fishing Zone around the Australian Territory of Heard and McDonald Islands. The Delegation of Australia advised that the necessary approval under Australian legislation is required from Australian authorities prior to fishing or fisheries research activities being undertaken in this zone.

#### CONSERVATION MEASURES ADOPTED IN 1995

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

The Commission,

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

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

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

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

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

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

<sup>4</sup> Wherever possible, setting of lines should be completed at least three hours before dawn (to reduce loss of bait to/catches of white-chinned petrels).

<sup>5</sup> The streamer lines under test should be constructed and operated taking full account of the principles set out in WG-IMALF-94/19 (available from the CCAMLR Secretariat); testing should be carried out independently of actual commercial fishing and in a manner consistent with the spirit of Conservation Measure 65/XII.

CONSERVATION MEASURE 45/XIV  
Precautionary Catch Limitation on *Euphausia superba*  
in Statistical Division 58.4.2

The total catch of *Euphausia superba* in Statistical Division 58.4.2 shall be limited to 450 000 tonnes in any fishing season. A fishing season begins on 1 July and finishes on 30 June of the following year.

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

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

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

1. In accordance with the management advice of the 1994 meeting of the Scientific Committee:
  - (i) a precautionary TAC of 311 tonnes in any one season shall be set for *Champocephalus gunnari* in Division 58.5.2; and
  - (ii) a precautionary TAC of 297 tonnes in any one season shall be set for *Dissostichus eleginoides* in Division 58.5.2.

These TACs may only be taken by trawling.

2. If, in the course of a directed fishery for *Dissostichus eleginoides* or *Champocephalus gunnari*, the by-catch in any haul of any of the species *Lepidonotothen squamifrons*, *Notothenia rossii*, *Channichthysrhinoceratus* or *Bathyraja* spp. exceeds 5%, the fishing vessel shall move to another fishing location not closer than 5 n miles distant<sup>1</sup>. The fishing vessel shall not fish within 5 n miles of the location in which the by-catch exceeded 5%, for a period of at least five days<sup>2</sup>.
3. The Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII and the Monthly Effort and Biological Data Reporting System set out in Conservation Measure 52/XI shall apply.

4. The fishing season shall commence in each year at the close of the annual meeting of the Commission and shall continue until the respective precautionary catch limits are reached, or until 30 June, whichever comes first.
5. The catch limits shall be kept under review by the Commission, taking into account the advice of the Scientific Committee.
  - <sup>1</sup> This provision is adopted pending the adoption of a more appropriate definition of a fishing ground by the Commission.
  - <sup>2</sup> The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

CONSERVATION MEASURE 88/XIV  
New Fishery in Statistical Division 58.4.3 in the 1995/96 Season

The Commission,

Welcoming the notification of Australia of its intention to conduct a new fishery in Statistical Division 58.4.3 for *Dissostichus* species,

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

Agreeing that no other fishing shall occur for *Dissostichus* species in Statistical Division 58.4.3 in the 1995/96 season,

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

1. The new fishery by Australia for *Dissostichus eleginoides* and *D. mawsoni* in Statistical Division 58.4.3 shall be limited to 200 tonnes for both species combined. This fishery shall be conducted by bottom trawling only.
2. For the purposes of this new fishery, the fishing season is defined as the period from 4 November 1995 until 30 June 1996.
3. The by-catch of any other species in this Statistical Division shall not exceed 50 tonnes for each species.

4. Fishing should take place over as large a geographical and bathymetric range as possible within the Statistical Division. In particular, areas where concentrations of fish are found should not be the only areas that are fished.
5. The Ten-day Catch and Effort Reporting System, as set out in Conservation Measure 61/XII shall apply.
6. Monthly effort and biological data shall be reported in accordance with Conservation Measure 52/XI. By-catch species are defined as any cephalopod, crustacean or fish species other than *Dissostichus* species.

CONSERVATION MEASURE 89/XIV  
New Fishery in Statistical Division 58.5.2 in  
the 1995/96 Season for Deep-water Species

The Commission,

Welcoming the notification of Australia of its intention to conduct a new fishery in the 1995/96 season in Statistical Division 58.5.2 for deep-water species, not covered by Conservation Measure 78/XIV,

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

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

1. The new fishery by Australia for deep-water species, not covered by Conservation Measure 78/XIV, shall be limited to 50 tonnes for each species. This fishery shall be conducted by bottom trawling only.
2. For the purposes of this new fishery, the fishing season is defined as the period from 4 November 1995 to 30 June 1996.
3. If, in any haul, the by-catch of any of the species *Lepidonotothen squamifrons*, *Notothenia rossii*, *Channichthys rhinoceratus* or *Bathyraja* spp. exceeds 5%, the fishing vessel shall move to another location not closer than 5 n miles distant<sup>1</sup>. The fishing vessel shall not fish within 5 n miles of the location in which the by-catch exceeded 5%, for a period of at least five days<sup>2</sup>.

4. The Ten-day Catch and Effort Reporting System, as set out in Conservation Measure 61/XII shall apply.

5. Monthly effort and biological data shall be reported in accordance with Conservation Measure 52/XI.

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

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

CONSERVATION MEASURE 90/XIV  
Experimental Harvest Regime for the Crab Fishery in  
Statistical Subarea 48.3 for the Seasons 1995/96 to 1997/98

The following measures apply to all crab fishing within Statistical Subarea 48.3 for the 1995/96, 1996/97 and 1997/98 fishing seasons. Every vessel participating in the crab fishery in Subarea 48.3 shall conduct fishing operations in accordance with an experimental fishing regime as outlined below:

1. The experimental regime shall consist of three phases. Each vessel participating in the fishery shall complete all three phases. Phase 1 shall be conducted during the first season that a vessel participates in the experimental regime. Phases 2 and 3 shall be completed in the next season of fishing.
2. Vessels shall conduct Phase 1 of the experimental regime at the start of their first season of participation in the experimental regime. For the purposes of Phase 1, the following conditions shall apply:
  - (i) Phase 1 shall be defined as a vessel's first 200 000 pot hours of effort at the start of its first fishing season;
  - (ii) every vessel conducting Phase 1 shall expend its first 200 000 pot hours of effort within a total area delineated by twelve blocks of 0.5° latitude by 1.0° longitude. For the purposes of this Conservation Measure, these blocks shall be numbered A to L. In Annex 90/A, the blocks are illustrated (Figure 1), and the northeast corner of each block is listed (Table 1). 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 twelve 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 91/XIV.
4. For the purposes of implementing normal fishing operations after Phase 1 of the experimental regime, the Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII shall apply.
5. Vessels shall conduct Phase 2 of the experimental regime at the start of their second season of participation in the experimental regime. For the purposes of Phase 2, the following conditions shall apply:
- (i) every vessel conducting Phase 2 shall fish in three small squares measuring approximately 26 n miles<sup>2</sup> in area (the dimensions of these squares shall be 6.0' latitude by 7.5' longitude). These squares shall be subdivisions of the blocks delineated in Phase 1 of the experimental regime;
  - (ii) vessel captains shall determine the location of the three squares that will be fished, but selected squares must not be contiguous, the distance between the boundaries of any two squares being at least 4 n miles;
  - (iii) vessels shall fish continuously (except in emergencies or foul weather conditions) within a single square until the average catch-per-pot has been reduced to 25% or less of its initial value and then continue fishing for an additional 7 500 pot hours. Not more than 50 000 total pot hours shall be expended in each square. For the

purposes of Phase 2, the initial catch rate for a particular square shall be defined as the average catch-per-pot calculated from the first five sets made in that square. Soak times for these initial sets shall be at least 24 hours;

- (iv) vessels shall finish fishing in one square before starting operations in another square;
  - (v) vessels shall attempt to distribute effort throughout the entire square and not deploy the gear in the same location on every set; and
  - (vi) after completing fishing operations in the third square, it shall be considered that fishing vessels have completed Phase 2 and shall commence fishing in a normal fashion.
6. For the purposes of implementing normal fishing operations after Phase 2 of the experimental regime, the Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII shall apply.
7. Vessels shall conduct Phase 3 of the experimental regime at the end of their second season of participation in the experimental regime. For the purposes of Phase 3, the following conditions shall apply:
- (i) a vessel shall begin conducting Phase 3 of the experimental regime approximately one week prior to the conclusion of its second fishing season. A vessel's fishing season shall be concluded if the vessel leaves the fishery voluntarily or if the fishery is closed because the TAC has been attained;
  - (ii) if a vessel captain voluntarily concludes fishing operations, the vessel shall begin implementing Phase 3 approximately one week prior to the conclusion of its fishing operations;
  - (iii) the CCAMLR Secretariat shall notify (according to the guidelines set out in Conservation Measure 61/XII) all Contracting Parties that are conducting operations in their second experimental fishing season that they are to begin Phase 3 when approximately one week remains before the TAC is attained and the fishery is closed; and

- (iv) to conduct Phase 3, every vessel shall return to the three squares it depleted during Phase 2 of the experimental regime and expend between 10 000 and 15 000 pot hours of effort in each square.
8. To facilitate analysis of data collected during Phases 2 and 3, vessels shall report the coordinates defining the boundaries of the squares where fishing occurred, date, fishing effort (number and spacing of pots and soak time), and catch (numbers and weight) for each haul.
  9. Data collected during the experimental harvest regime up to 30 June in any split-year shall be submitted to CCAMLR by 31 August of the following split-year.
  10. Vessels that complete all three phases of the experimental 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 91/XIV.
  11. Fishing vessels shall participate in the experiment independently (e.g., vessels may not cooperate to complete phases of the experiment).
  12. Crabs captured during the experimental regime shall be considered part of the prevailing TAC for the current fishing season (e.g., for 1995/96, experimental catches shall be considered part of the 1 600-tonne TAC outlined in Conservation Measure 91/XIV).
  13. The experimental regime shall be instituted for a period of three split-years (1995/96 to 1997/98), and the details of the regime may be revised by the Commission during this period of time. Fishing vessels that begin experimental fishing in the 1997/98 split-year must complete the regime during the 1998/99 split-year.

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

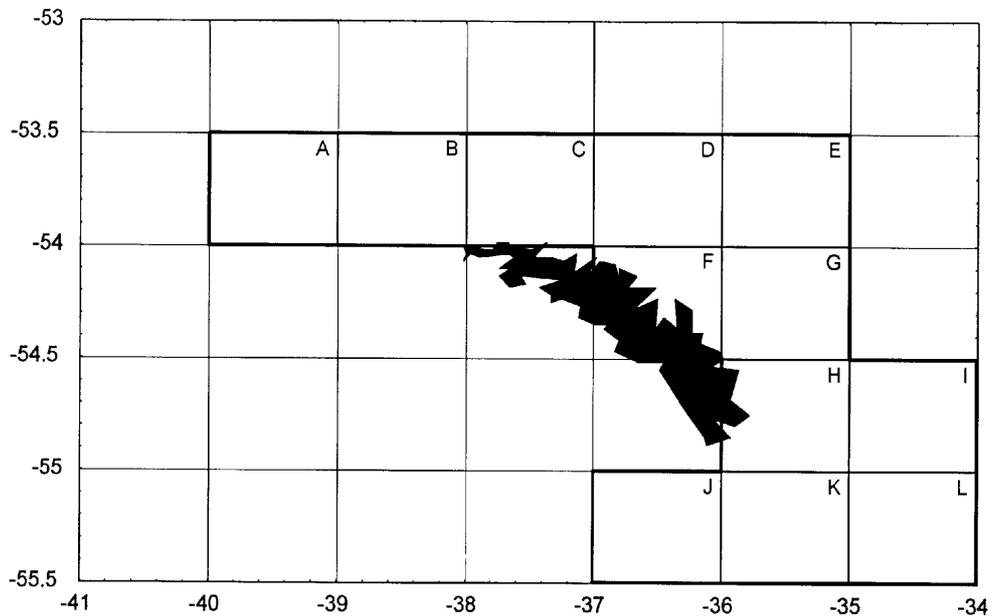


Figure 1: Operations area for Phase 1 of the experimental management regime for the crab fishery in Subarea 48.3.

Table 1: Northeast corners for twelve blocks of 0.5° latitude by 1.0° longitude that are considered to be the operational area for fishing vessels conducting Phase 1 of the experimental crab fishery regime (Conservation Measure 90/XIV).

Block Number	Coordinates of Northeast Corner	
	Latitude	Longitude
A	53° 30.0' S	39° 00.0' W
B	53° 30.0' S	38° 00.0' W
C	53° 30.0' S	37° 00.0' W
D	53° 30.0' S	36° 00.0' W
E	53° 30.0' S	35° 00.0' W
F	54° 00.0' S	36° 00.0' W
G	54° 00.0' S	35° 00.0' W
H	54° 30.0' S	35° 00.0' W
I	54° 30.0' S	34° 00.0' W
J	55° 00.0' S	36° 00.0' W
K	55° 00.0' S	35° 00.0' W
L	55° 00.0' S	34° 00.0' W

CONSERVATION MEASURE 91/XIV  
Limits on the Exploratory Crab Fishery in  
Statistical Subarea 48.3 in the 1995/96 Season

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

1. The crab fishery is defined as any commercial harvest activity in which the target species is any member of the crab group (Order *Decapoda*, Suborder *Reptantia*).
2. In Statistical Subarea 48.3, the crab fishing season is defined as the period from 4 November 1995 to end of the Commission meeting in 1996, or until the TAC is reached, whichever is sooner.
3. The crab fishery shall be limited to one vessel per Member.
4. The total catch of crab from Statistical Subarea 48.3 shall not exceed 1 600 tonnes during the 1995/96 crab fishing season.
5. Each Member intending to participate in the crab fishery shall notify the CCAMLR Secretariat at least three months in advance of starting fishing of the name, type, size, registration number, radio call sign, and research and fishing operations plan of the vessel that the Member has authorised to participate in the crab fishery.
6. All vessels fishing for crab shall report the following data to CCAMLR by 31 August 1996 for crabs caught prior to 31 July 1996:
  - (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 91/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 91/A.

7. For the purposes of implementing this Conservation Measure, the Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII shall apply.
8. Data on catches taken between 31 July 1996 and 31 August 1996 shall be reported to CCAMLR by 30 September 1996 so that the data will be available to the Working Group on Fish Stock Assessment.
9. Crab fishing gear shall be limited to the use of crab pots (traps). The use of all other methods of catching crabs (e.g., bottom trawls) shall be prohibited.
10. The crab fishery shall be limited to sexually mature male crabs - all female and undersized male crabs caught shall be released unharmed. In the case of *Paralomis spinosissima* and *P. formosa*, males with a minimum carapace width of 102 mm and 90 mm, respectively, may be retained in the catch.
11. Crab processed at sea shall be frozen as crab sections (minimum size of crabs can be determined using crab sections).

ANNEX 91/A

DATA REQUIREMENTS ON THE EXPLORATORY  
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 exploratory 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 92/XIV Catch Limit on *Dissostichus eleginoides* in Statistical Subarea 48.4 for the 1995/96 Season

1. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.4 in the 1995/96 season shall be limited to 28 tonnes.
2. For the purposes of the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.4, the 1995/96 fishing season is defined as the period from 1 March to 31 August 1996, or until the TAC for *Dissostichus eleginoides* in Subarea 48.4 is reached, or until the TAC for *Dissostichus eleginoides* in Subarea 48.3, as specified in Conservation Measure 93/XIV is reached, whichever is sooner.
3. Each vessel participating in the *Dissostichus eleginoides* fishery in Statistical Subarea 48.4 in the 1995/96 season shall have at least one scientific observer, including

one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

4. For the purpose of implementing this Conservation Measure:
  - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1995/96 season, commencing on 1 March 1996; and
  - (ii) the Effort and Biological Data Reporting System set out in Conservation Measure 94/XIV shall apply in the 1995/96 season, commencing on 1 March 1996.
5. Directed fishing shall be by longlines only. The use of all other methods of directed fishing for *Dissostichus eleginoides* in Statistical Subarea 48.4 shall be prohibited.

CONSERVATION MEASURE 93/XIV  
Limits on the Fishery for *Dissostichus eleginoides*  
in Statistical Subarea 48.3 for the 1995/96 Season

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

1. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.3 in the 1995/96 season shall be limited to 4 000 tonnes.
2. For the purposes of the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3, the 1995/96 fishing season is defined as the period from 1 March to 31 August 1996, or until the TAC is reached, whichever is the sooner.
3. Each vessel participating in the *Dissostichus eleginoides* fishery in Statistical Subarea 48.3 in the 1995/96 season shall have at least one scientific observer, including one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.
4. For the purpose of implementing this Conservation Measure:
  - (i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1995/96 season, commencing on 1 March 1996; and

- (ii) the Effort and Biological Data Reporting System set out in Conservation Measure 94/XIV shall apply in the 1995/96 season, commencing on 1 March 1996.
5. Directed fishing shall be by longlines only. The use of all other methods of directed fishing for *Dissostichus eleginoides* in Statistical Subarea 48.3 shall be prohibited.

CONSERVATION MEASURE 94/XIV  
Effort and Biological Data Reporting System for *Dissostichus eleginoides*  
in Statistical Subareas 48.3 and 48.4 for the 1995/96 Season

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

1. At the end of each month each Contracting Party shall obtain from each of its vessels the haul-by-haul data required to complete the CCAMLR fine-scale catch and effort data form for longline fisheries (Form C2, latest version). These data shall include numbers of seabirds and marine mammals of each species caught and released or killed. It shall transmit those data to the Executive Secretary not later than the end of the following month.
2. At the end of each month, each Contracting Party shall obtain from each of its vessels a representative sample of length composition measurements from the fishery (Form B2, latest version). It shall transmit those data to the Executive Secretary not later than the end of the following month.
3. For the purpose of implementing this Conservation Measure:
  - (i) length measurements of fish should be of total length to the nearest centimetre below; and
  - (ii) representative samples of length composition should be taken from a single fishing ground<sup>1</sup>. In the event that the vessel moves from one fishing ground to another during the course of a month, then separate length compositions should be submitted for each fishing ground.
4. Should a Contracting Party fail to transmit the fine-scale catch and effort data or length composition data to the Executive Secretary by the deadline specified in paragraph 2, the Executive Secretary shall issue a reminder to the Contracting Party. If at the end of a

further two months those data have still not been provided the Executive Secretary shall notify all Contracting parties of the closure of the fishery to vessels of the Contracting Party which has failed to supply the data as required.

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

CONSERVATION MEASURE 95/XIV  
Limitation of the By-catch of *Gobionotothen gibberifrons*,  
*Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*,  
*Notothenia rossii* and *Lepidonotothen squamifrons*  
in Statistical Subarea 48.3

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

In any directed fishery in Statistical Subarea 48.3 in any fishing season, the by-catch of *Gobionotothen gibberifrons* shall not exceed 1 470 tonnes; the by-catch of *Chaenocephalus aceratus* shall not exceed 2 200 tonnes; and the by-catch of *Pseudochaenichthys georgianus*, *Notothenia rossii* and *Lepidonotothen squamifrons* shall not exceed 300 tonnes each.

These limits shall be kept under review by the Commission taking into account the advice of the Scientific Committee.

CONSERVATION MEASURE 96/XIV  
Precautionary TAC for *Electrona carlsbergi*  
in Statistical Subarea 48.3 for the 1995/96 Season

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

1. For the purposes of this Conservation Measure the fishing season for *Electronacarlbergi* is defined as the period from 4 November 1995 to the end of the Commission meeting in 1996.
2. The total catch of *Electronacarlbergi* in the 1995/96 season shall not exceed 109 000 tonnes in Statistical Subarea 48.3.
3. In addition, the total catch of *Electronacarlbergi* in the 1995/96 season shall not exceed 14 500 tonnes in the Shag Rocks region, defined as the area bounded by 52°30'S, 40°W; 52°30'S, 44°W; 54°30'S, 40°W and 54°30'S, 44°W.

4. In the event that the catch of *Electronacarlsbergi* is expected to exceed 20 000 tonnes in the 1995/96 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 1996 meeting of the Working Group on Fish Stock Assessment.
5. The directed fishery for *Electronacarlsbergi* in Statistical Subarea 48.3 shall close if the by-catch of any of the species named in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Electronacarlsbergi* reaches 109 000 tonnes, whichever comes first.
6. The directed fishery for *Electronacarlsbergi* in the Shag Rocks region shall close if the by-catch of any of the species named in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Electronacarlsbergi* reaches 14 500 tonnes, whichever comes first.
7. If, in the course of the directed fishery for *Electrona carlsbergi*, the catch of any one haul of any species other than the target species exceeds 5%, the fishing vessel shall move to another fishing location not closer than 5 n miles distant<sup>1</sup>. The fishing vessel shall not fish within 5 n miles of the location in which the catch of species, other than the target species, exceeded 5%, for a period of at least five days<sup>2</sup>.
8. For the purpose of implementing this Conservation Measure:
  - (i) the Catch Reporting System set out in Conservation Measure 40/X shall apply in the 1995/96 season; and
  - (ii) the Monthly Effort and Biological Data Reporting System set out in Conservation Measure 52/XI shall also apply in the 1995/96 season. For the purposes of Conservation Measure 52/XI, the target species is *Electronacarlsbergi*, and ‘by-catch species’ are defined as any cephalopod, crustacean or fish species other than *Electronacarlsbergi*. For the purposes of paragraph 6(ii) of Conservation Measure 52/XI a representative sample shall be a minimum of 500 fish.

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

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

CONSERVATION MEASURE 97/XIV  
Limitation of the Total Catch of *Champocephalus gunnari*  
in Statistical Subarea 48.3 in the 1995/96 Season

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

1. The total catch of *Champocephalus gunnari* in the 1995/96 season shall not exceed 1 000 tonnes in Statistical Subarea 48.3.
2. The fishery for *Champocephalus gunnari* in Statistical Subarea 48.3 shall close if the by-catch of any of the species listed in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Champocephalus gunnari* reaches 1 000 tonnes, whichever comes first.
3. If, in the course of the directed fishery for *Champocephalus gunnari*, the by-catch in any one haul of any of the species named in Conservation Measure 95/XIV exceeds 5%, the fishing vessel shall move to another location not closer than 5 n miles distant<sup>1</sup>. The fishing vessel shall not fish within 5 n miles of the location in which the by-catch exceeded 5%, for a period of at least five days<sup>2</sup>.
4. The use of bottom trawls in the directed fishery for *Champocephalus gunnari* in Statistical Subarea 48.3 is prohibited.
5. The fishery for *Champocephalus gunnari* in Statistical Subarea 48.3 shall be closed from 1 April 1996 until the end of the Commission meeting in 1996.
6. Any vessel of any Member intending to participate in the directed fishery for *Champocephalus gunnari* in Statistical Subarea 48.3 during the 1995/96 season shall be required to undertake a scientific survey carried out in accordance with the survey design specified in the Draft Manual for Bottom Trawl Surveys in the Convention Area (SC-CAMLR-XI, Annex 5, Appendix H, Attachment E). A list of proposed trawl survey stations shall be transmitted to the Executive Secretary at least one month before the start of the survey.
7. Each vessel participating in the directed fishery for *Champocephalus gunnari* in Subarea 48.3 in the 1995/96 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 1995/96 season; and
  - (ii) the Effort and Biological Data Reporting System set out in Conservation Measure 98/XIV shall apply for *Champscephalus gunnari*.

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

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

CONSERVATION MEASURE 98/XIV  
Effort and Biological Data Reporting System for *Champscephalus gunnari*  
in Statistical Subarea 48.3 for the 1995/96 Season

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

1. At the end of each month each Contracting Party shall obtain from each of its vessels the haul-by-haul data required to complete the CCAMLR fine-scale catch and effort data form for trawl fisheries (Form C1, latest version). It shall transmit those haul-by-haul data to the Executive Secretary not later than the end of the following month.
2. At the end of each month, each Contracting Party shall obtain from each of its vessels a representative sample of length composition measurements from the fishery (Form B2, latest version). It shall transmit those data to the Executive Secretary not later than the end of the following month.
3. For the purpose of implementing this Conservation Measure:
  - (i) length measurements of fish should be of total length to the nearest centimetre below; and
  - (ii) representative samples of length composition should be taken from a single fishing ground<sup>1</sup>. In the event that the vessel moves from one fishing ground to another during the course of a month, then separate length compositions should be submitted for each fishing ground.

4. Should a Contracting Party fail to transmit the fine-scale catch and effort data or length composition data to the Executive Secretary by the deadline specified in paragraphs 1 and 2, the Executive Secretary shall issue a reminder to the Contracting Party. If at the end of a further two months those data have still not been provided the Executive Secretary shall notify all Contracting parties of the closure of the fishery to vessels of the Contracting Party which has failed to supply the data as required.

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

#### MANAGEMENT UNDER UNCERTAINTY

9.1 The Commission endorsed the section of the Scientific Committee report dealing with the FAO/Government of Sweden Technical Consultation on the Precautionary Approach to Fisheries held at Lysekil in Sweden in 1995, which produced a set of recommendations representing the latest thinking on what a precautionary approach entails. The Commission particularly noted that although CCAMLR had acted as a pioneer for this approach there was still much to be done, especially in the prospective evaluation of management procedures and their likely outcomes under conditions of uncertainty. It encouraged the Scientific Committee to continue its work on precautionary approaches.

9.2 The Commission endorsed the advances made this year by the development of a general yield model which takes uncertainty into account, and which was used to significantly improve the assessments and management advice for *D. eleginoides* (see also paragraphs 4.17 to 4.19). It noted that the general advice given last year (see CCAMLR-XIII, paragraph 10.2), that estimated yields usually decrease as uncertainty in model parameters increases, had been demonstrated by the Scientific Committee in its assessment of this stock (SC-CAMLR-XIV, paragraph 6.3).

9.3 The Commission noted that one aspect of uncertainty in regard to the *D. eleginoides* fishery in Subarea 48.3 was the question of the occurrence of this species both in the Convention Area and in areas adjacent to it. The Commission considered in some detail the question of whether such stocks should be considered 'straddling stocks' in the definition of the new UNCLOS Agreement.

9.4 The Commission recognised that there are a number of stocks which occur both inside and outside the Convention Area, often in adjacent areas and often showing contiguous

distributions. It also recognised that for these stocks, harvesting outside the Convention Area affects the stocks inside the Convention Area, and *vice versa*. This implies that scientifically these stocks must be considered to extend from within the CCAMLR Convention Area to outside the area, and that this must be taken into account when developing scientific assessments.

9.5 The Commission agreed to refer to these stocks as ‘stocks occurring both inside and outside the Convention Area’.

9.6 Australia stated that in its opinion the question of whether these stocks are straddling stocks according to the definition of the UNCLOS Agreement was still open and should continue to be investigated by the Commission. Other Members had strong reservations about the applicability of the agreement to CCAMLR.

9.7 The Commission continues to encourage the use of assessments incorporating uncertainty for other stocks. It especially encouraged the adoption of approaches incorporating uncertainty in the Scientific Committee’s development of a longterm management plan for *C. gunnari* and strategic modelling for the development and evaluation of ecosystem assessments (SC-CAMLR-XIV, paragraphs 6.5 and 6.6).

9.8 The Commission endorsed the comments of the Scientific Committee concerning the interdependency of the Committee’s evaluation of management strategies and the Commission’s development of policies and objectives in scientifically interpretable terms. It considered that its continuing dialogue with the Scientific Committee was the most appropriate mechanism for ensuring that both these requirements for effective management are developed in concert.

9.9 The Commission noted the discussions of the Scientific Committee on the lack of specific policies or measures to deal with cases where fisheries have been closed but are under consideration for re-opening. These cases do not fall into the provisions for either New Fisheries (Conservation Measure 31/X) or Exploratory Fisheries (Conservation 65/XII). The Commission endorsed the Scientific Committee’s intention to discuss the topic of policies and measures to deal with re-opening fisheries at its next meeting, and decided that the topic should also be put on the Commission’s agenda.

XIX Antarctic Treaty Consultative Meeting

10.1 The XIX Antarctic Treaty Consultative Meeting (ATCM) took place in Seoul, Republic of Korea, from 8 to 19 May 1995. CCAMLR had been invited to attend the meeting as an observer and was represented by its Executive Secretary, Mr E. de Salas, as was agreed in CCAMLR-XII, paragraph 10.24. The report of the Executive Secretary to the ATCM was tabled as CCAMLR-XIV/BG/11. In it the Executive Secretary pointed out some of the Commission's specific and innovative approaches to the management of resources, as was suggested in CCAMLR-XIII, paragraph 11.7. The Executive Secretary's report to the Commission can be found in CCAMLR-XIV/BG/3.

10.2 In presenting his report, the Executive Secretary summarised different aspects of the ATCM meeting which could be of interest to the Members of CCAMLR. He pointed out the new organisational aspects of the meeting were based on the Transitional Environmental Working Group (TEWG) meeting during the first week and Working Groups I and II during the second. A group of legal experts also met during the first week to discuss a Liability Annex to the Protocol on Environmental Protection.

10.3 The Executive Secretary explained that the nature and mandate of the TEWG were extensively discussed as were the support mechanisms that it would need to be effective. The operation of the Antarctic Treaty itself was also debated, in particular, the possible ways of strengthening its functions. There remains no consensus on the location of the Secretariat.

10.4 The Executive Secretary reported that tourism and the need to collect and standardise data on tourism were debated, as was the environmental impact of tourism. Environmental Impact Assessment Procedures were studied, the Antarctic Protected Area System was reviewed, and specific environmental protection measures were considered. When considering global change, the potential importance of changes detected in the polar regions for increasing world ocean levels and changing weather patterns was emphasised, and attention was drawn to the need for coherent and sustained research to improve the accuracy of future predictions.

10.5 The next Consultative Meeting will be held in the Netherlands during the last week of April and the first week of May 1996. The report of the Executive Secretary was endorsed by the Commission and it was agreed that he should represent the Commission at the XX Consultative Meeting (CCAMLR-XII, paragraph 10.24).

10.6 The Chairman of the Commission drew the attention of Members to a discussion which took place at the Consultative Meeting on Article 2 of a draft Annex on Liability to the Protocol on Environmental Protection to the Antarctic Treaty. A copy of the draft of this article and a possible alternative draft was distributed as CCAMLR-XIV/6.

10.7 On presenting the paper, the Chairman explained that he had been charged by the ATCM to request the opinion of the Commission on the two alternatives for Article 2. There were, he explained, at least three questions to be asked, namely: whether the liability annex should apply to a Member's vessel fishing in compliance with conservation measures in force; whether the liability annex should apply when a Member's vessel was not complying with one or more specific CCAMLR regulations in force; and whether the annex should apply to a related but non-fishing activity, such as an oil spill. The Chairman requested that the Members of the Commission consider these questions so that he could answer the ATCM.

10.8 It was pointed out that the questions raised were of a highly technical nature and that the group of legal experts at the ATCM meetings was faced essentially with a drafting problem. Some Members considered that it was possible that certain delegations to the Commission might lack, at this stage of the discussions, the necessary legal expertise to give a concrete answer. It was also pointed out that the negotiations would continue for some time on the annex on liability, with at least two more meetings of legal experts planned over the next 12 months.

10.9 There was an extensive debate on the substance of the two proposals and on the possibility of reaching an agreement at this stage. Finally, and considering that it was highly probable that at the next ATCM the question would still be open, it was agreed that the Chairman should send a letter to the ATCM in answer to its request, the text of which is in Annex 6.

#### Cooperation with SCAR

10.10 Dr D. Miller (South Africa), the SCAR Observer to CCAMLR, introduced his report by pointing out the special relationship that SCAR shares with the Commission under Article XXIII of the Convention and the high level of cooperation between the two organisations. He drew the Commission's attention to forthcoming meetings of the SCAR Groups of Specialists on Seals and on Southern Ocean Ecology (including CS-EASIZ) and of the Subcommittee on Bird Biology associated with the XXIV SCAR Meeting in Cambridge in July/August 1996. All these meetings had items on their agendas of direct relevance to the work of CCAMLR or included in response to requests from CCAMLR. He noted that the Scientific Committee had already nominated observers to report to CCAMLR from these meetings. He also noted that Dr E. Fanta

(Brazil) had been nominated as the liaison officer between the SCAR Group of Specialists on Environmental Affairs and Conservation (GOSEAC) and CCAMLR. These nominations were endorsed by the Commission.

10.11 Dr Fanta announced that the terms of reference for the SCAR Subgroup on 'Evolutionary Biology of Antarctic Organisms' were established during a meeting held in Curitiba, Brazil, from 26 to 30 June 1995. This subgroup will promote collaboration among scientists, discuss methodology and exchange information on topics such as adaptation, gene flow, biodiversity and life cycles. It will also promote the integration with existing groups in SCAR and CCAMLR. Topics of particular interest to CCAMLR will be in the fields of krill and fish stock separation, straddling stocks and the identification of the origin of birds accidentally captured during fishing activities.

10.12 Dr M. Richardson (UK) drew attention to the two linked workshops on environmental monitoring being convened by SCAR and COMNAP. The terms of reference for these workshops stemmed from XVII and XVIII ATCM at which the importance of monitoring seabirds and seals had been recognised by the Antarctic Treaty Consultative Parties (ATCPs). In this respect, it is important that the details of, and background to, the CEMP monitoring procedures be made available to the workshops.

#### Proposal by Brazil and Poland for the Establishment of an Antarctic Specially Managed Area (ASMA)

10.13 On behalf of Brazil and Poland, Dr Fanta introduced the proposal that Admiralty Bay at King George Island (South Shetland Islands) be designated as an Antarctic Specially Managed Area (ASMA), in accordance with the requirements of Annex V to the Protocol on Environmental Protection to the Antarctic Treaty (CCAMLR-XIV/BG/27 Rev. 1). She drew attention to points of special interest to CCAMLR: (i) that the information required by the Commission (CCAMLR-XIII, paragraph 11.20) is provided in the text; (ii) that Parties are asked to refrain from commercial fishing within the ASMA, to avoid interference with scientific activities in the area; and (iii) that there are longterm studies in progress on species that are of special interest to the CCAMLR Ecosystem Monitoring Program (CEMP), and which have their feeding grounds in the Admiralty Bay.

10.14 Delegations welcomed the proposal by Brazil and Poland (CCAMLR-XIV/BG/27 Rev. 1) that Admiralty Bay, King George Island, be designated as an ASMA. The Commission concluded that those provisions of the proposed ASMA relating to the marine environment were

consistent with and would further the objectives of CCAMLR. The Commission noted that the procedures established for reviewing such proposals would facilitate consideration of other proposals that might be referred to CCAMLR for consideration in the future.

10.15 Brazil was prepared to give assurances to the Delegations of the USA, Australia and the UK that the Brazilian Ministry of External Relations would maintain contact with the Department of State, the Department of Foreign Affairs and Trade and the Foreign Office respectively with regard to whatever questions related to the management plan in terms of the Antarctic Treaty Protocol Annex V.

10.16 Some delegations expressed the desire that the Brazil/Poland ASMA plan being considered by CCAMLR at this meeting should reflect their comments when it is finally presented to the 1996 ATCM meeting. The Delegation of Brazil also indicated that it would welcome, before ATCM meetings, views of other interested parties.

10.17 The Delegation of Brazil referred to a certain feeling of pride, certainly shared by the Delegation of Poland, with reference to an approval of the Admiralty Bay plan and to the fact that as one of the consequences of the bilateral initiative in presenting a pioneer plan, CCAMLR now had general guidelines for the assessment of future ASMA and Antarctic Specially Protected Area (ASPA) management plans.

## COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

### Reports of Observers from Other International Organisations

11.1 Observers from FAO, SCOR, IWC, IOC, CCSBT, ASOC and IUCN attended the meeting and were invited to present their reports.

11.2 The FAO Observer, Dr R. Shotton, referred to his earlier comments documented in the report of the Fourteenth Meeting of the Scientific Committee and stressed FAO's interest in both the successes and problems of CCAMLR as a fisheries management organisation. These were of interest in that both lessons and experiences may be gained which are of relevance to the activities of the Fisheries Department of FAO, and to client countries and organisations that FAO serves.

11.3 FAO regretted that it had been unable to observe the sessions of the Standing Committees of the Fourteenth Meeting. FAO would be particularly interested in questions of

management problems, and especially their solutions, in the CCAMLR region that were addressed by these committees. FAO will correspond with CCAMLR in the intersessional period to explore these problems.

11.4 The SCOR Observer, Dr I. Everson, expressed his thanks to the Commission for its invitation to attend CCAMLR-XIV. He noted that SCOR had active programs on sea-ice ecology (SCOR WG-86), global ocean flux (JGOFS) and Southern Ocean - Global Ocean Ecosystems Dynamics (SO-GLOBEC). Components of these programs have relevance to the work of the Scientific Committee and consequently he looked forward to continued collaboration between CCAMLR and SCOR.

11.5 The observer from IWC, Mr J. Bannister, referred to a number of current or future projects involving cooperation between CCAMLR and IWC, as detailed in the report of the Scientific Committee. They include scientific participation in a steering group meeting on research related to the conservation of large baleen whales earlier in the year (SC-CAMLR-XIV, paragraph 11.15), the involvement of CCAMLR scientists in a symposium/workshop on the effects of climate change on cetaceans to be held in March 1996 (SC-CAMLR-XIV, paragraph 11.16), and CCAMLR's request to IWC for ongoing information on interactions between cetaceans and fisheries (SC-CAMLR-XIV, paragraph 11.23), as well as for updated estimates of whale stock sizes (SC-CAMLR-XIV, paragraph 3.69). He expressed the view that IWC would be interested in receiving further information on the planned symposium on the biology of krill (SC-CCAMLR-XIV, paragraphs 4.23 and 4.24).

11.6 The observer from IOC, Prof. P. Quilty, when presenting his report (SC-CAMLR-XIV/BG/19), noted that there were many IOC programs in the Southern Ocean in which CCAMLR has a clear interest. When reviewing programs proposed, IOC takes into account programs of other organisations. Professor Quilty was pleased to see that the Chairman of the Scientific Committee would be attending the First Southern Ocean Forum to be held at Bremerhaven, Germany, from 9 to 13 September 1996.

11.7 On behalf of the Chairman of CCSBT, the observer from CCSBT, Mr N. Hermes, expressed gratitude to the Commission for taking the initiative to establish links between the organisations. He expressed assurance that these links would lead to close collaboration in the future.

11.8 The observer from ASOC presented CCAMLR-XIV/BG/30. ASOC continues to place a high priority on CCAMLR, and encourages its work towards developing an operational application of the precautionary approach. ASOC believes that developments to date put

CCAMLR, in theory at least, in the forefront of fisheries management. However, ASOC expressed concern about CCAMLR's progress in practice. In particular, problems with the enforcement of conservation measures and continued mortality of sea birds in longline fisheries were highlighted. ASOC also urged a reconsideration of CCAMLR's budget given recent increases in fisheries, particularly those of high value. In conclusion, ASOC expressed its desire to continue to participate in and contribute to the work of the Commission.

11.9 The IUCN Observer, Mr A. Graham, noted problems CCAMLR is having curbing illegal fishing and enforcing conservation measures, and commented that this would threaten CCAMLR's status as a model fisheries agreement. The Commission was urged to address these problems intersessionally and to be determined to adopt adequate measures to solve them at its next meeting.

11.10 Concern was also expressed by the IUCN Observer that some Commission Members considered that CCAMLR was not a fisheries agreement and that the UNCLOS Agreement was thus not relevant to the CCAMLR Convention Area or to the Commission's work. IUCN wished to emphasise its view that CCAMLR is very much a fisheries agreement - albeit a special one, but not an exceptional one.

11.11 At the time of the adoption of the report, the Delegations of Chile and Argentina expressed their disagreement and concern that some observers had exceeded their role and were interfering in political matters under discussion in the Commission.

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

11.12 During the intersessional period, CCAMLR was represented at the following meetings;

- UN Conference on Straddling Stocks and Highly Migratory Fish Stocks;
- Twenty-first Session of the FAO Committee on Fisheries (COFI);
- Sixteenth Session of the Coordinating Working Party on Fishery Statistics (CWP);
- FFA's Fifth Technical Consultation on Fishing Vessel Monitoring Systems;
- Forty-seventh Annual Meeting of IWC;
- Ninth Special Meeting of ICCAT;
- Second Meeting of CCSBT;
- Twenty-sixth Meeting of FFA;
- Multilateral High Level Conference on South Pacific Tuna Fisheries; and
- Thirty-fifth South Pacific Conference (SPC).

11.13 The Commission was represented as an observer at the UN Conference on Straddling Stocks and Highly Migratory Fish Stocks by Argentina. In presenting the report on this Conference (CCAMLR-XIV/BG/20), the Representative of Argentina pointed out that the Conference had put much effort into ensuring that agreements were reached on this important matter.

11.14 The observer to COFI, the Executive Secretary, reported that he had informed COFI of measures taken by the Commission to assess and minimise the incidental mortality of seabirds resulting from longline fishing, and requested information from COFI on measures that have been taken by others. The Executive Secretary noted that, to support the UN Convention on the Law of the Sea and UNCED, COFI has developed a Code of Conduct for Responsible Fisheries.

11.15 The Executive Secretary also represented the Commission at the Sixteenth session of CWP. At this meeting revised proposed statutes were presented. These had already been approved by Northwest Atlantic Fisheries Organization (NAFO) and International Council for the Exploration of the Sea (ICES) and require endorsement by other participants in CWP. The proposed statutes were presented to the Commission in CCAMLR-XIV/7 and the Commission agreed to endorse them as presented.

11.16 Australia stated that it had not had time to consider fully the implications of the new CWP statutes prior to their adoption by the Commission. It was principally concerned that the very high standard currently set by CCAMLR for its fishery statistics should not be compromised by the decisions of the CWP.

11.17 The Executive Secretary re-assured Members that CCAMLR would not need to adopt any recommendations of the CWP that were not in CCAMLR's interests of maintaining the quality of its statistics.

11.18 In accordance with last year's decision of SCOI, the Science Officer attended the Fifth Consultation on Vessel Monitoring convened by FFA. The meeting agreed that the Inmarsat-C/GPS-based system was the most effective and efficient method for monitoring vessels in the high seas areas. Methods have been developed to assign a 'signature' to individual vessels to assist identification and it is hoped that this will provide a legal basis for proving that vessels are, for example, improperly operating in an area closed for fishing. Unfortunately this has yet to be tested in the courts. Comments of technical experts who participated in the meeting were taken into account in the preparation of a draft configuration of a CCAMLR Fishing Monitoring Centre (FMC) (CCAMLR-XIV/14).

11.19 The observer to IWC, UK, indicated that its report of the plenary meeting (CCAMLR-XIV/BG/21) contained no matters of relevance to CCAMLR that had not already been addressed in the discussion of this item by the Scientific Committee (SC-CAMLR-XIV, paragraphs 11.14 to 11.23). The observer to ICCAT (Spain) advised that there were no other matters than those already reflected in its report (CCAMLR-XIV/BG/6) which would require additional attention of the meeting.

11.20 The observer to the Second Meeting of CCSBT presented his report (CCAMLR-XIV/BG/29) and noted that CCSBT had established a working group on ecologically related species, whose terms of reference are directed to the investigation of relationships between the fishery, its target species and species interacting with these, including seabirds. This is of particular interest to CCAMLR because the area covered by CCSBT is adjacent to the Convention Area.

#### Future Cooperation

11.21 The following observers were nominated for meetings during the 1995/96 intersessional period:

- Thirty-second Executive Committee Meeting of SCOR, November 1995, Cape Town, South Africa - South Africa;
- Fourteenth Meeting of ICCAT, November 1995, Madrid, Spain - Spain;
- XX ATCM, April/May 1996, Netherlands - Executive Secretary;
- FFA Annual Meeting, May 1996 - New Zealand;
- Forty-eighth Annual Meeting of IWC, June 1996, Aberdeen, UK - UK;
- ICCAT Tuna Symposium, June/July 1996, San Miguel Is, Portugal - Spain (subject to confirmation);
- Third CCSBT, July 1996, Canberra, Australia - New Zealand;
- XXIV SCAR meetings, August 1996, Cambridge, UK - UK;
- XXIII General Meeting of SCOR, September 1996, Southampton, UK - UK; and
- SPC, Noumea, ? 1996 - France.

#### APPOINTMENT OF EXECUTIVE SECRETARY

12.1 The Commission noted that the Executive Secretary's term of office expires in February 1997. Under the agreed procedures for re-appointment of the Executive Secretary, this item had been included in the Agenda so as to consider at this point in time the consequences of the mechanism for his replacement. In doing so, the Commission wished to avoid an interim situation in which the post of Executive Secretary to CCAMLR could fall vacant over a prolonged period of time.

12.2 The Commission therefore agreed to extend the term of office of the Executive Secretary by one year from February 1997 to February 1998.

12.3 It further agreed that the subject of the re-appointment of the Executive Secretary for a second term be placed on the Agenda for next year's meeting.

#### ELECTION OF VICE-CHAIRMAN OF THE COMMISSION

13.1 It was noted that Japan would complete its term as Vice-Chairman of the Commission at the conclusion of the Fourteenth Meeting. Ukraine was elected to serve in this position from the end of the 1995 meeting until the end of the meeting in 1997.

#### NEXT MEETING

##### Invitation of Observers to Next Meeting

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

14.2 Chile expressed a reservation with respect to the participation of IUCN as an observer at the 1996 meeting of the Commission.

14.3 Japan noted the paper distributed during the meeting by the ASOC Observer. While respecting ASOC's right to present this information paper, it felt it was a statement on policy

issues which more correctly fell within the Commission's area of responsibility. Japan also pointed out that it believed future such information papers from non-governmental organisation observers should be matters of substance or science and not opinions.

#### Date and Location of Next Meeting

14.4 To provide SCAF and SCOI with more time for their deliberations, it was decided that in 1996 the Commission commence its meeting on a Monday, in order that it can convene for a full two weeks. Members agreed that the 1996 meetings of the Commission and the Scientific Committee be held at the Wrest Point Hotel in Hobart during the period Monday 21 October to Friday 1 November 1996. Heads of Delegation were requested to be in Hobart for a Heads of Delegation meeting on Sunday evening 20 October.

#### OTHER BUSINESS

##### 15.1 The Delegation of Chile stated:

'The Delegation of Chile recalls the objectives of CCAMLR, which can be identified as the conservation of Antarctic marine resources and the protection of the ecosystem in which they are found (ecosystem approach).

Articles I and II of the Convention convey this very general objective. The conservation of marine resources includes all living organisms, the relationships between these organisms and their environment. The Consultative Parties to the Antarctic Treaty wished to protect the entire ecological chain: krill, birds, seals, penguins, whales, and of course, fish. Thus, the scope of CCAMLR exceeds by far that of a mere fishing agreement, from which it is substantially different.

During the negotiations the decision was made to extend the Area of the Convention beyond that of the Antarctic Treaty to the Antarctic Convergence, in order to encompass the marine ecosystem in its entirety.

In brief, its aim was to apply the activities conducted under the Convention to the whole of the ecosystem, and to develop a set of common regulations for its protection.

With respect to the scope of the Convention, CCAMLR's activities also include the pursuit of the understanding, as well as the monitoring and protection of the ecosystem as a whole, a task which goes far beyond the mere setting of total allowable catches of fish. In spite of the commendable activity of the Scientific Committee (WG-EMM) and of some, albeit limited, cooperation with other organisations (IWC), much remains to be done by the Commission to fulfil these objectives.

With respect to common regulations which could be applied to the whole of the Convention Area, it should be noted that unfortunately two regimes appear to coexist, with two sets of rules: those of CCAMLR and those pertaining to individual nations, in relation to the general activities pertinent to CCAMLR. This duality seems to be most intense and unfortunate in the areas of greatest fishing activity.

The statement of the Chairman with regard to the Antarctic islands, interpreting the Convention, was of an exceptional character. It was so because such a statement is not a part of the Convention, because it applies only to the islands mentioned and 'to waters adjacent to the other islands within the area to which this Convention applies over which the existence of State Sovereignty is recognised by all Contracting Parties', and because, in the intention of the negotiators, the application of national rules to the sub-Antarctic islands would be an exceptional recourse on behalf of the Sovereign States, without prejudice to their sovereignty. The intention appears to have been to exhaust the possibilities of obtaining a consensus before resorting to national legislation.

The Delegation of Chile considers it useful and important for the Commission to reflect upon this fundamental issue, so as to permit a full debate on this question. Therefore, it will propose that at its next meeting, CCAMLR should consider an item on the implementation of the objective of the Convention.

Moreover, it would be useful to consider holding consultations on this subject during the intersessional period.'

#### 15.2 The Delegation of Argentina stated:

'The Delegation of Argentina shared the comments and reflections made by the Delegation of Chile. It also highlighted its concern about some of the problems

described. These problems may lead to differences of opinion and even to disputes, which would have to be settled within the framework of the Convention. By all means, it would be desirable to prevent such a situation.

The Delegation of Argentina stressed its concern about the full and comprehensive application of the Convention and in relation to the need to avoid a fragmentary application of the Convention on the basis of species, areas, subareas, institutions, etc. In this sense Argentina stated that the application of rules and regulations of CCAMLR should have a general and complete scope, avoiding fragmentary approaches or approaches based on individual interests. These approaches are not compatible with the objectives of the Convention nor with the global ecosystem approach that the Convention dictates.

The Delegation of Argentina stressed that the problems conceptually described are of a legal, political and ecological nature, and require a reflection in accordance with that nature. It also emphasised that CCAMLR is an instrument composing the Antarctic Treaty System and that it is not a regional fisheries commission or a fisheries organisation. It also pointed out the obligation of Members to reflect upon these matters with the view of avoiding the deterioration of the Antarctic Treaty System through the deterioration of any of its components. It finally expressed the commitment of Argentina to the objectives of the Convention and to make all possible efforts to fully achieve them.'

### 15.3 The Delegation of Brazil stated:

'As CCAMLR, an intergovernmental organisation, reaches its 20th anniversary and increases its membership, and as the importance of Antarctica's environment increases, we might look carefully into the concerns expressed by some delegates with regard to the ways and directions in which the Commission has evolved in these two decades. An exercise in reflection about whether CCAMLR has remained faithful to its original concepts, scope and purposes may be timely. The Commission might arrive at the conclusion that it has, indeed, remained faithful to its role. But if there have been distortions, then the sooner they are corrected, the better.

If some CCAMLR Members have had, during these initial years, second thoughts about the means and objectives originally agreed to, the constructive attitude is to come forward openly. In the same way, if there are, nowadays, Members that

identify unwelcome changes in the Commission's operation or structures, they should also come forward. Increasingly, debates in the Commission have tended to lead to the belief that there are now, among Members, more divergences in relation to many aspects than existed when the convergence of concepts that created CCAMLR was crystallised.

To the extent that this situation may exist, and, consequently, that CCAMLR risks sliding into fragmentation, Brazil, an early participant in environmental concerns, believes the Commission should not procrastinate indefinitely about opportunities for an exercise in self-reflection which has the purpose of reducing discord.'

#### 15.4 The Delegation of Australia stated:

'Australia has listened carefully to the statements of Argentina, Brazil and Chile. Australia does not consider that there is any incompatibility between the exercise of coastal state jurisdiction and obligations of the Convention. The legal position is quite clear.

Subparagraphs (b) and (c) of Article IV of the Convention expressly recognise that Parties may exercise coastal state jurisdiction; and such jurisdiction may be exercised in respect of islands within the area of application of CCAMLR. In respect of those islands, CCAMLR makes provision for a modified regime. The Final Act of the Conference on the Conservation of Antarctic Marine Living Resources includes the text of a statement made by the Chairman of the Conference on 19 May 1980 ('the Chairman's Statement') regarding the application of the Convention to the waters adjacent to islands within the area to which the Convention applies. The statement set out four understandings regarding the application of the Convention to those islands. The Final Act records that no objection to the statement was made. In interpreting the Convention one must have regard to any agreement relating to it which was made between the Parties in connection with its conclusion (Vienna Convention on the Law of Treaties 1969, Article 31(2) (a)). The Chairman's Statement falls squarely within that provision.

As regards the policy adopted by coastal states, it is of course correct that CCAMLR was created for the purpose of conserving Antarctic marine living resources (which include fish) by means of international cooperation. The

Convention defines 'conservation' as including 'rational use' e.g. fishing. CCAMLR, by its terms and practice, in particular Article IX, unquestionably involves regional fishing regulation. International cooperation involves not only agreeing within CCAMLR on conservation measures, but also requires that the Members of the Commission do what is necessary to ensure that conservation measures are implemented by their national legislation and enforced by national means. CCAMLR has no police force, no fisheries patrol boats. Enforcement rests primarily with those Members of the Commission whose flag vessels fish in the CCAMLR area.

However, as has been demonstrated this year, and in previous years, infringements by flag vessels of Members of the Commission continue, and are increasing despite the efforts made by flag states. Exercise of coastal state jurisdiction is a most useful additional way of seeking to ensure compliance with conservation measures (including compliance by vessels of States which are Parties to the Convention but not Members of the Commission and non-CCAMLR States).

It has been said that coastal states should only exercise their jurisdiction exceptionally when the consensus mechanism of CCAMLR has failed. Australia would not agree with that interpretation for which in our view there is no basis in the Chairman's Statement. But it is nevertheless clear that we as a Commission do not have effective enforcement of conservation measures.

Australia could not accept any suggestion that our exercise of coastal state jurisdiction is in any way inconsistent with the Convention, or its spirit.

We would be pleased to take up the offer of Argentina and Chile to take part in intersessional consultations on these matters, which would include discussion of all relevant aspects, including the question of compatibility of vessel notification systems with international law.

We would also welcome discussion at CCAMLR-XV on how best to attain the objectives of the Convention.

- 15.5 The Delegation of France associated itself with the statement made by Australia.

15.6 The Delegation of the UK strongly associated itself with each and every point in the statement of Australia.

15.7 The Delegation of South Africa stated:

‘South Africa wishes to state for the record that it fully supports the aims of the Convention for the Conservation of Antarctic Marine Living Resources. In the terms set out in the statement by the Chairman of the Conference on the Conservation of Antarctic Marine Living Resources, and as a Member of the Commission exercising State Sovereignty within the Convention Area, South Africa recognises the unique obligation that it is under to ensure that the spirit of the Convention is preserved in relation to the conservation of marine living resources in the Exclusive Economic Zone of the Prince Edward Islands. In the exercising of its sovereign rights in its waters around the Prince Edward Islands, South Africa re-affirms its readiness to closely observe and act in accordance with the aims and objectives of CCAMLR, thereby contributing towards conservation of the marine living resources in the area.

Further, as stated in the preamble to the Convention, South Africa sincerely believes that it is the responsibility of all Members of this Commission to remain committed to the ongoing development of suitable mechanisms for recommending, promoting and coordinating the measures and scientific studies necessary for the continued conservation of Antarctic marine living resources in the Convention Area.

It is of deep concern to the Delegation of South Africa, that any potential divergence in the interpretation of the basic principles may undermine the Convention’s spirit and purpose. Under the circumstances, South Africa re-affirms its belief in the Convention’s aims and objectives. South Africa shares the view expressed by Brazil that any possible divergence amongst Members be addressed soonest in the interests of promoting constructive cooperation. South Africa therefore calls on all Members of this Commission to strive to address this issue in due regard of the provisions and in the spirit of cooperation that is at the heart of this Convention.

The Delegation of South Africa therefore places itself at the disposal of the Commission in any ongoing initiative aimed at improving the Convention’s

application and in preserving the Convention Area's freedom from discord. Hence, South Africa is ready to participate in any debates the Commission may decide on in this regard, either intersessionally or at the next meeting."

15.8 The Delegation of Norway stated:

'Norway stated that this question is also of great interest and importance to Norway as a coastal state with sovereignty over Bouvet Island.

As this question did not appear as a separate item on the Agenda, but had been raised under 'Any Other Business', the Delegation of Norway had no instruction to pronounce the view of the Norwegian Government in the substance of the matter at this stage.

Norway would, however, welcome the inscription of the question 'El Cumplimiento del Objetivo de la Convención' on the Agenda for next year's meeting.'

15.9 The Delegation of Sweden associated itself with the statement of Norway.

15.10 The Delegation of Chile further stated:

'The Delegation of Chile thanked the Commission for the inclusion, in the Agenda of its next meeting in 1996, of the proposed item. An in depth discussion is important, timely and even necessary, with respect to the compliance with the objectives of the Convention.

With respect to the statement made by Australia, and to those mentioning islands to which States have the right to apply the Statement made by the Chairman, the Delegation of Chile further stated that it never was its intention to place the sovereignty of those States or the validity of such Statement in doubt, nor to pass judgement upon the conduct of those States. This is reflected in the statement that the Delegation of Chile made yesterday.

What is important is the understanding that, south of the Antarctic Convergence, we are committed to the regime of CCAMLR, and that we will carefully and in a mature fashion examine our ways of complying.'

15.11 The Delegation of Argentina further stated:

‘The Delegation of Argentina confirmed its view about the need of further examination of this topic given the substance of statements made.

It furthermore expressed it could share several of the remarks made by the Delegation of Australia in relation to Heard and McDonald Islands, and that were also relevant to other islands as referred to by the Delegations of France, South Africa and Norway.

There were other cases or issues which may, however, arise within that context and consequently it will be pertinent to reflect upon them.

In this respect, the Delegation of Argentina coincided with the Delegation of Australia about the appropriateness of consulting interested countries during the intersessional period. The Delegation of Argentina expressed its re-assurance to that end.’

15.12 In conclusion, the Commission agreed that an item should be placed on the Agenda of the next meeting of the Commission, titled ‘Consideration of the implementation of the objective of the Convention’, in order to address all aspects stated above in the paragraphs.

15.13 The Delegation of Brazil further stated:

‘Brazil appreciated the Commission’s decision on the opportunity of reviewing at the Fifteenth Meeting, the compliance with the objectives of the Convention.

Since its establishment, the world has changed, issues and concerns have changed. Antarctica may be frozen, but CCAMLR should not.’

#### REPORT OF THE FOURTEENTH MEETING OF THE COMMISSION

16.1 The Report of the Fourteenth Meeting of the Commission was adopted.

## CLOSE OF THE MEETING

17.1 In closing the meeting, the Chairman expressed his gratitude to delegations, interpreters, technical personnel and the Secretariat, especially the Secretariat translators for their efforts and contributions to an efficient meeting.

17.2 The Delegation of Brazil also extended the Commission's thanks to the Secretariat, noting especially the provision of a room and computing facilities which greatly assisted delegations with their work.

17.3 The Delegation of Chile congratulated the Chairman and the Secretariat on the conduct of a meeting which had many difficult moments.

17.4 The Chairman then closed the meeting.

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- SC-CAMLR-XIV/BG/26 INFORME DEL OBSERVADOR CIENTIFICO ARGENTINO EMBARCADO A  
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- SC-CAMLR-XIV/BG/27 INSTITUTO NACIONAL DE INVESTIGACION Y DESARROLLO PESQUERO  
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## AGENDA FOR THE FOURTEENTH MEETING OF THE COMMISSION

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  - (i) Adoption of the Agenda
  - (ii) Report of the Chairman
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  - (ii) Administration
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  - (v) Formula for Calculating Members' Contributions
4. Scientific Committee
  - (i) Report of the Scientific Committee
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5. Assessment and Avoidance of Incidental Mortality of Antarctic Marine Living Resources
  - (i) Marine Debris
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6. New and Exploratory Fisheries
7. Observation and Inspection
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  - (i) Review of Existing Measures
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ON ADMINISTRATION AND FINANCE (SCAF)**

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

Item 3 of the Commission's agenda, Finance and Administration, had been referred to the Standing Committee on Administration and Finance (SCAF) for preliminary consideration. In accordance with this instruction, the Agenda of SCAF was adopted in the form presented as Appendix A to the Commission's Provisional Agenda. The adopted Agenda of SCAF is presented as Appendix I to this report.

### ADMINISTRATION

2. The Committee received the advice of the Executive Secretary that the premises on the first floor of 23-25 Old Wharf, which are intended for the Secretariat's accommodation, are being refurbished to suit the Secretariat's requirements. The Delegation of Australia advised the meeting that a formal invitation to the Commission for such occupancy by the Secretariat was imminent. The proposed lease term would be for three years and if the Secretariat were to be required to move again thereafter, it would be to suitable permanent quarters, in accordance with the Headquarters Agreement.

3. The Committee noted that it would be appropriate for the Executive Secretary to accept the offer to occupy the premises on the first floor if he considers them appropriate.

4. **The Committee recommended that the Commission approve the establishment of the full-time position of Receptionist within the Secretariat, and that an increase of A\$16 000 be included within the Commission's 1996 budget to accommodate this position.**

5. The Committee noted that, as a result of the Commission meeting only being for four days in its first week, there was insufficient time for the Committee to consider adequately the matters referred to it by the Commission. It therefore **recommended that the Commission commence its meeting on a Monday in 1996 in order that it can convene for a full two weeks.** The Committee noted that there would be minimal additional costs to the Commission since costs resulting from the increased length of meetings would relate to individual delegates.

6. After viewing the flag prepared by the Secretariat as a result of SCAF's comments at the previous year's meeting, the Committee **recommended to the Commission that the new flag be adopted in 1996 at the Fifteenth Meeting of the Commission.**

#### AUDITED FINANCIAL STATEMENTS

7. **The Committee recommended that the Commission adopt the financial statements as presented in CCAMLR-XIV/3.** The Committee noted that the audit report to the 1994 Financial Statements advised no qualifications in respect of compliance with Financial Regulations or International Accounting Standards. It also noted that the audit report had been provided on the basis of only a review audit having been performed, and received the advice of the auditor as to the resulting reduced degree of comfort to the Commission provided by such a report.

8. **The Committee recommended that the Commission require that only a review audit be performed on the 1995 Financial Statements.** In making this recommendation, the Committee wished to ensure that there should be some limit imposed on the frequency of review-only audits. Consequently, in addition to the requirement imposed by the 1993 meeting of SCAF that the full audits be required on average every other year (CCAMLR-XII, Annex 4, paragraph 3), the Commission should also require that **a full audit be required at least every third year, thus a full audit will be required on the 1996 financial statements in 1997.**

#### REVIEW OF 1995 BUDGET

9. The Committee received the advice from the Secretariat that there were two matters affecting the 1995 budget which had occurred subsequent to the distribution to Members of the paper tabled for discussion (CCAMLR-XIV/4): receipt of contributions from Ukraine and an expected over-expenditure in the Working Groups of the Scientific Committee.

10. **The Committee recommended that monies received in relation to Ukraine's membership be placed into a special fund, the use of which will be determined by the Commission.**

11. Over-expenditure in the budget items relating to the working groups of the Scientific Committee was now anticipated to result in the 1995 Scientific Committee budget being

exceeded by A\$3 500. The Committee **recommended that the Commission authorise a transfer of A\$3 500 in the Commission's 1995 budget to the Scientific Committee, to accommodate this over-expenditure.**

12. The Committee noted that there are no other items of expenditure expected to exceed the budgeted amounts in 1995.

#### PUBLICATIONS DISTRIBUTION POLICY

13. **The Committee recommended that the Commission adopt the following policy for the distribution of publications to Members in 1996:**

- **Members will receive the same numbers of publications in 1996 as they requested in 1995, and be charged at the 1995 rate plus 3.1% for inflation; and**
- **additional copies will be charged at A\$39 per copy.**

14. **The Committee further recommended that the Executive Secretary should be directed to ascertain more efficient methods of disseminating information and report his findings to the 1996 meeting of SCAF. Subject to the findings in this report, the Commission should reconsider the policy on distributing publications.**

#### *CCAMLR SCIENCE*

15. The Committee received the report of the Executive Secretary (CCAMLR-XIV/BG/4). The budget has not been exceeded and the *CCAMLR Science* journal has been well received by members of the Scientific Committee. The first independent reviews have also been encouraging. The Committee noted that the Executive Secretary would be providing a more detailed report in 1997, by which time the third, and final, trial issue of *CCAMLR Science* would have been produced, and it would be necessary for the Commission to take a decision on the future of the journal.

## SOCIAL SECURITY CONTRIBUTIONS

16. **The Committee recommended that the Commission adopt the following change to the wording of Staff Regulation 8.1: replace ‘...up to a maximum of 14% of...’ with ‘... up to the maximum percentage currently applied in the United Nations Secretariat to...’.** This revision to the Staff Regulations will enable closer compliance with the United Nations pay system.

## MARINE DEBRIS PLACARDS

17. The Committee considered that it was inappropriate to issue a generic placard on marine debris for use on vessels of non-CCAMLR States in the Convention Area. The Executive Secretary should write to the International Association of Antarctic Tour Operators (IAATO) recommending appropriate measures in this regard that could be taken by vessels entering the Convention Area.

## 1996 BUDGET

18. The Committee considered the 1996 draft budget presented in CCAMLR-XIV/4.

19. The Committee also received a proposed Scientific Committee budget for 1996, as generated by the Scientific Committee from its deliberations at the 1995 meeting, and several proposals for additions to the Commission’s 1996 budget from the Secretariat, the Scientific Committee and from the Standing Committee on Observation and Inspection (SCOI). The Committee noted that the total of these proposals exceeded the amount that was available for expenditure in 1996.

20. **Consequently, the Committee recommended the Commission adopt the budget for 1996 as presented in the attached table. This budget is based on that proposed in CCAMLR-XIV/4, with the following amendments:**

- **increase Data Management Capital Equipment by A\$33 000 to allow for the purchase of a fast workstation;**
- **increase Data Management contract labour by A\$38 000 to permit the employment of a technician for observer data for nine months;**

- **reduce Publications by A\$5 300 to permit the publication, in 1996, of Observer Logbooks and revised Inspection Forms, and not to publish, in 1996, *Scientific Abstracts* or the *Scientific Observers Manual*;**
- **reduce Scientific Committee budget by A\$6 000;**
- **reduce Secretariat Administration by A\$3 600, following the decision to require a review-only audit on the 1995 financial statements;**
- **increase Secretariat Allowances by A\$2 000 to permit the payment of social security contributions in accordance with the revised Staff Regulation 8.1;**
- **reduce Secretariat Communications by A\$5 300 which would enable only basic Internet connection;**
- **reduce Secretariat Salaries by A\$6 000;**
- **reduce Secretariat Travel by A\$12 100; and**
- **reduce all budget items by 1.5%.**

21. The United States is providing US\$23 000 to be placed in a special fund to support the potential development of a vessel monitoring system within the Convention Area.

#### 1997 FORECAST BUDGET

22. The Committee noted that, when discussing the 1996 budget, it had been presented with a number of proposals for additional expenditure which, notwithstanding the merit of the proposals, could not be accommodated within the 1996 budget. These items should be noted in relation to the draft budget for 1997 prepared by the Executive Secretary for discussion by SCAF at its 1996 meeting. These items were:

- full publication of the *Scientific Observers Manual* (A\$8 400);
- completion of the conservation brochure relating to IMALF (A\$6 000);

- publication of a special edition of the *Statistical Bulletin* containing revised historical data (A\$3 500);
- requirements for increases in the Scientific Committee budget (A\$20 800) to re-establish the Scientific Committee budget at the level it was at before the reduction required by the 1995 meeting of SCAF and to permit the production of a brochure on the subject of CCAMLR's approach to management;
- upgrade of electronic communications to full Internet standards (A\$5 300); and
- the establishment of a World Wide Web (www) server (A\$7 000).

23. The Committee noted the forecast budget and recognised that, as a result of decisions made in respect of the 1996 budget, the forecast expenditure budget for 1997, after accounting for inflation, exceeds the budgeted expenditure for 1996 by A\$70 700. It noted that one aim of SCAF at the 1996 meeting will be to present to the Commission a total budgeted expenditure for 1997 which, after being adjusted for inflation, is no higher than that for 1996.

**24. The Committee recommended that future budget proposals prepared by the Secretariat should be more transparent and contain a better analysis of the different items, *inter alia*, reflecting salaries.**

**25. The Committee recommended that the Executive Secretary be directed to solicit Members' suggestions for improvements to the presentation of the budget at meetings of SCAF and the Commission during the intersessional period.**

26. While acknowledging that budgetary advice to the Commission is the responsibility of SCAF, the Committee recognised that the majority of proposals for budgetary increases in recent years have been the result of initiatives of the Scientific Committee that have affected both the Scientific Committee and other components of the budget. These proposals are to facilitate the Scientific Committee's task in providing advice to the Commission. **The Standing Committee recommended that the Commission request the Scientific Committee to consider the Commission's aim for a zero-increase budget when making its proposals next year for inclusion of expenditure in the Commission's 1997 budget.**

27. The Committee suggests that the Commission should be prepared to consider better accommodating annual fluctuations in the different parts of the budget providing that zero growth is maintained overall.

#### REVIEW OF FORMULA FOR CALCULATING MEMBERS' CONTRIBUTIONS

28. The Committee was unable to reach any conclusions on a revised formula for the calculation of Members' Contributions and **recommended to the Commission that the use of the existing formula be extended for a further year.** The inability to reach a conclusion this year is reported with regret, and the Committee has sought written comments from all Members in order to achieve further progress towards resolving this matter at the next meeting.

29. The Committee elected Japan as Chair of the Committee for 1996 and 1997. Chile was re-elected as Vice-Chair for the same period.

30. The Committee expressed its gratitude to Mr G. de Villiers (South Africa) for the efficient and effective way he has chaired SCAF during the last two years.

PROJECTED INCOME AND EXPENDITURE FOR 1995  
BUDGET FOR 1996 AND FORECAST FOR 1997

(Australian Dollars)

Budget for 1995						
(1)	(2)	(3)	Item	Subitem	1996 Budget (4)	1997 Forecast Budget (5)
Budget adopted	Estimates projected to 31/12/95	Variance from Budget				
<b>INCOME</b>						
1 417 500	1 413 474	-4 026		Members' Contributions	1 481 300	1 623 900
				Items from previous year		
0	0	0		- Arrears of Contributions	0	0
29 500	32 206	2 706		- Interest	44 000	47 000
0	0	0		- Members' Contributions	0	0
0	0	0		- New Members' Contributions	0	0
244 900	176 779	-68 121		- Staff Assessment Levy	194 500	206 000
0	69 441	69 441		- Surplus	32 100	0
1 691 900	1 691 900	0		<b>Total Income</b>	1 751 900	1 876 900
<b>EXPENDITURE</b>						
<b>DATA MANAGEMENT</b>						
6600	6600	0		Capital Equipment	39 200	7 000
3 800	3 800	0		Consumables	3 800	4 000
72 400	72 400	0		Contract Labour	119 500	125 100
11 800	11 800	0		Maintenance	12 000	16 000
5 700	5 700	0		Time Share Usage	0	0
100 300	100 300	0		<b>Total Data Management</b>	174 500	152 100
<b>MEETINGS</b>						
401 800	401 800	0		<b>Total Meetings</b>	408 100	427 000
<b>PUBLICATIONS</b>						
96 400	96 400	0		<b>Total Publications</b>	95 600	113 800
<b>SCIENTIFIC COMMITTEE</b>						
131 300	131 300			<b>Total Scientific Committee</b>	123 400	156 200
<b>SECRETARIAT COSTS</b>						
16 200	16 200	0		Administration	16 900	25 000
242 100	236 100	- 6 000		Allowances	230 100	255 800
4 900	4 900	0		Automobile	4 600	4 800
30 400	30 400	0		Communication	35 100	47 700
3 900	3 900	0		Incidentals	3 900	4 100
3 900	3 900	0		Library	3 900	4 100
30 200	30 200	0		Office Requisites	33 600	35 200
9 300	9 300	0		Premises	20 300	21 200
584 600	558 500	- 26 100		Salaries	576 700	603 500
36 600	36 600	0		Travel	25 200	26 400
962 100	930 000	- 32 100		<b>Total Secretariat Costs</b>	950 300	1 027 800
<u>A\$1 691 900</u>	<u>A\$1 659 800</u>	<u>-A\$32 100</u>		<b>Total Expenditure</b>	<u>A\$1 751 900</u>	<u>A\$1 876 900</u>

**AGENDA FOR THE 1995 MEETING OF THE  
STANDING COMMITTEE ON ADMINISTRATION AND FINANCE**

1. Administration
  - (i) New Location of the Secretariat
  - (ii) Review of Staffing Levels of the Secretariat
  - (iii) Translation at Meetings
  - (iv) CCAMLR Flag
2. Examination of Audited Financial Statements for 1994
3. Audit of 1995 Financial Statements
4. Review of Budget for 1995
5. Budget for 1996 and Forecast Budget for 1997
  - (i) Publications Distribution Policy
  - (ii) *CCAMLR Science*
  - (iii) Scientific Committee Budget
6. Review of Formula for Calculating Members' Contributions
7. Any Other Business Referred by the Commission
8. Election of Chairman and Vice-Chairman
9. Adoption of the Report.

**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 24 to 26 October under the chairmanship of Dr W. Figaj (Poland). All Members were represented at the meeting.

1.2 This year the Provisional and Annotated Provisional Agendas of SCOI were distributed to Members as an attachment to the Provisional Agendas of the Commission. The Provisional Agenda of SCOI took account of all sub-items of Commission Agenda Item 7, 'Observation and Inspection'. No additional items were referred to SCOI by the Commission.

1.3 In discussing the Agenda, several Members of SCOI suggested that the paper, 'Draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks' (UNCLOS Agreement), may contain information useful to the Committee's work on improvements to the System of Inspection. It was decided that this proposal be discussed under Agenda Item 2.

1.4 The item, 'Members' Reports on Sightings of Vessels in the Convention Area' was added to Item 1 of the Agenda. It was also decided that the discussions on items 'Notification of Vessels' and 'Satellite-based Vessel Monitoring System' be combined.

1.5 With these amendments the Agenda was adopted. The adopted Agenda is given in Appendix I.

1.6 In addition to papers distributed to the Commission and the Scientific Committee on subjects related to its terms of reference, SCOI considered several other papers prepared by Members and the Secretariat. The complete list of papers considered by the Committee is given in Appendix II.

### **OPERATION OF THE SYSTEM OF INSPECTION AND COMPLIANCE WITH CONSERVATION MEASURES**

#### **Implementation of Conservation Measures in the 1994/95 Season**

1.7 All conservation measures adopted at CCAMLR-XIII were notified to Members on 8 November 1994. There were no objections to any measures and, in accordance with

Article IX 6(b) of the Convention, they became binding on all Members on 7 May 1995. A paper on the implementation of conservation measures in 1994/95 was prepared by the Secretariat (CCAMLR-XIV/BG/8).

1.8 The Committee noted that Australia provided information on steps taken to implement and ensure compliance with conservation measures adopted by the Commission. In the past, several Members informed SCOI that they had in place the legislative procedures required to give effect annually to conservation measures.

1.9 In discussing the papers CCAMLR-XIV/BG/8 and SC-CAMLR-XIV/BG/16, the Committee noted that there were a number of vessels fishing in the Convention Area which had not been notified in accordance with the System of Inspection. This required, under Article IV of the System of Inspection, that Members give the Commission by 1 May each year a list of the vessels intending to harvest during the following fishing season, and that additions to, or deletions from, this list be conveyed to the Commission as soon as possible.

1.10 In discussing this matter it was apparent that there had been a misunderstanding by some Members of the requirement to renew the list annually and also to notify the Commission of any changes to the list of vessels which occurred during the season.

1.11 It was noted that by 1 May each year Members generally do not have complete information for the following season. Consequently it was acknowledged that after that date timely and current information was particularly relevant. SCOI reminded Members of the need to comply in full with this requirement of the System of Inspection.

#### Inspections Undertaken in the 1994/95 Season

1.12 Thirty-six inspectors were designated by Members in accordance with the CCAMLR System of Inspection to carry out inspections in the 1994/95 season. Members which designated inspectors were Argentina (eight inspectors), Australia (five), Chile (three), Russian Federation (four), UK (13) and USA (three).

1.13 In accordance with SCOI's request in 1993 (CCAMLR-XII, Annex 5, paragraph 11), information on the number of inspectors deployed at sea in the 1994/95 season, the duration of their trips and the area covered was reported by Australia and the UK (SCOI-95/3 and 8).

1.14 Argentina advised that its inspectors designated in accordance with the System of Inspection were on board the icebreaker *Almirante Irizar* during the summer season and on board the RV *Eduardo L. Holmberg* during the research cruise carried out in February/March 1995 in the Convention Area. Unfortunately, sea and bad weather conditions at the time of encountering or sighting fishing vessels had prevented inspections being carried out.

1.15 During the 1994/95 season one inspection, conducted in accordance with the CCAMLR System of Inspection, was reported to the Secretariat. A summary of the inspection report was prepared by the Secretariat and distributed, as required, to the Commission (CCAMLR-XIV/15).

1.16 A CCAMLR Inspector designated by the UK carried out an inspection of the Korean longliner *Ihn Sung 66* on 15 December at 54°07'S, 39°56'W (Subarea 48.3, South Georgia).

1.17 The completed inspection report form was submitted to the Secretariat together with a separate written report, two photographs and a video film. The report was considered by SCOI (SCOI-95/2).

1.18 The UK commented that, although the vessel was not fishing at the time it was intercepted, the presence of a deployed longline from the vessel in the vicinity provided clear evidence that it had been fishing illegally in CCAMLR waters. The captain of the vessel also gave the inspector information which indicated that violations of CCAMLR Conservation Measures had taken place over an extended period. This inspection again highlighted the problem inspectors face in verifying compliance with conservation measures if vessels were not actually engaged in fishing at the time of an inspection.

1.19 The inspector's conclusions were summarised by the UK as follows:

- 'The Korean longliner *Ihn Sung 66* had infringed both Conservation Measures 69/XII and 80/XIII by fishing for *Dissostichus eleginoides* out of season in Subarea 48.3. The vessel's own log book and deployment of longline within the area verified these infringements.
- The admission of the Master indicated that, for a period in November 1994, the vessel had been fishing in Subarea 48.2 in contravention of Conservation Measure 73/XII.
- In addition, the data reporting requirements of Conservation Measures 51/XII and 71/XII (or 81/XIII) had not been complied with.'

1.20 As required by Article VIII, paragraph (e) of the System of Inspection, the completed inspection report form together with supplementary documents, photographs and a video were forwarded to the Flag State of the inspected vessel.

1.21 Comments of the Republic of Korea, the Flag State of the *Ihn Sung 66*, are given below in the section 'Report of Flag States'.

#### Members' Reports of Sightings of Vessels in the Convention Area

1.22 The UK submitted a paper advising the Committee of sightings of 10 fishing vessels registered with CCAMLR Members presumably infringing CCAMLR Conservation Measures and also of other unidentified fishing vessels seen within Subarea 48.3 during the 1994/95 season (CCAMLR-XIV/18). The UK expressed considerable concern over what it viewed as an escalating trend in illegal fishing within the Convention's waters. The catches resulting from illegal fishing had now, in the opinion of the UK, exceeded those taken by vessels fishing legitimately.

1.23 Pursuant to Article XXII of the Convention, the USA drew the attention of SCOI to COMM CIRC 95/43 (SCOI-95/5) which reported sightings of fishing vessels inside Subarea 48.3 between 15 September and 2 October 1995. The vessels appeared to be setting their fishing gears. The report of apparent illegal fishing was provided to the USA by the captain of the FV *American Champion*, a US flag vessel conducting an experimental crab fishery in the area pursuant to Conservation Measures 75/XII and 79/XIII.

1.24 The USA also advised that it had received a further report from the FV *American Champion* concerning an additional sighting of a vessel apparently setting fishing gear in Subarea 48.3 and that, after the port state identified in the report has been advised, the USA will provide this information to the Commission in accordance with Article XXII of the Convention.

1.25 SCOI reaffirmed its position that any information Members wished to convey to CCAMLR in accordance with Articles X and XXII of the Convention should be submitted through official channels. CCAMLR operated at an intergovernmental level and therefore any information submitted in this way would enable Members to investigate and take action, as appropriate, against those vessels which acted in contravention of CCAMLR Conservation Measures.

## Reports of Flag States

1.26 With regard to the inspection report of the Korean longliner *Ihn Sung 66*, the Republic of Korea advised that, although the company owner expressed some unwillingness to admit the infringement asserted by the UK-designated CCAMLR inspector, evidence to support his case was not provided to the Government of the Republic of Korea by the shipowner and therefore the vessel's fishing operation was suspended for 10 days.

1.27 The Government of the Republic of Korea confirmed that it had again advised the company of CCAMLR Conservation Measures and, for its part, would continue to make every endeavour to remain a responsible fishing nation.

1.28 Regarding the Chilean vessel sightings reported in CCAMLR-XIV/18, Chile advised the Committee that it had received a request from the UK to investigate only two of the three alleged sightings of its vessels in the Convention Area. Chile acknowledged that it was up to the Flag State concerned to investigate the matter.

1.29 Chile informed the meeting that it was not the vessel *Isla Camila* in the Convention Area on 23 August 1995, the date of the reported sighting, but the *Isla Sofia*, which had come to the rescue of the Argentinian vessel *Mar del Sur III*, which caught fire on the night of 22/23 August 1995. An investigation with regard to the second sighting on 21 September 1995 of the same vessel had recently been initiated, since the information had been passed on to the Chilean authorities by the UK on 11 October 1995. Regarding the third sighting involving the *Elqui*, Chile had not received any prior information. Therefore no investigation was in progress. The information contained in CCAMLR-XIV/18 would be passed on to the appropriate authorities and their response conveyed to CCAMLR in due course.

1.30 The UK accepted that the vessel sighted on 23 August 1995 may have been the *Isla Sofia*, but advised the Committee that it had additional evidence that this vessel had been fishing when sighted in the Convention Area on 21 September 1995. This information would be passed to Chile for appropriate action. The vessel *Elqui* had been seen fishing out of season twice in July 1995 and also in March 1993.

1.31 Argentina asked the Committee to note that, due to its geographical position and the fishing and other activities of its flag vessels both inside and outside its Exclusive Economic Zone (EEZ), navigation routes of Argentinian vessels often crossed the Convention Area. For these reasons, it was difficult to establish the activity of some vessels at the time of sighting.

1.32 In response to this, the UK commented that since no known fishing grounds were located to the east or south of Subarea 48.3, it was therefore not clear why the vessels concerned had been in the area of sighting.

1.33 Correspondence on the sighting of the Argentinian vessel *Mar del Sur III* in Subarea 48.3 on 16 January 1995 was circulated as SCOI-95/6. In its written response to the Secretariat, Argentina advised that appropriate investigations had been initiated and that it had ordered the immediate return of the vessel to port. As a result of these investigations, legal proceedings were instituted against the owners of the vessel, and they were fined and the vessel was suspended from its activities for the infringement of Conservation Measure 80/XIII. The sentence was subject to appeal by the fishing company, therefore the case could not yet be considered closed.

1.34 Argentina acknowledged the value of information provided by Members in relation to compliance with conservation measures in force. However, it pointed out the difference between information derived from inspections carried out under the CCAMLR System of Inspection and information acquired from other means in accordance with the Convention. The latter would depend on whether the Flag State considered the circumstances relevant.

1.35 Chile informed the Committee that two of the six court cases initiated in 1992/93 to deal with infringements reported by CCAMLR Inspectors had been resolved. In one case, the company was fined over US\$1 000 000. In another case, the captain of the vessel involved was fined US\$5 000 and the company fined over US\$230 000. The other four cases were still under active consideration by the Chilean courts. Chile reiterated that it had been able to take this action because the information had been submitted via the proper channels.

1.36 SCOI noted with satisfaction the way Member States were dealing with information on sightings of vessels, particularly the extent to which Argentina and Chile used their legal systems to investigate the reported inspections.

1.37 However, SCOI noted with deep concern that the reported sightings indicated that a high level of illegal fishing activity was taking place in Subarea 48.3. Some delegates said the credibility of CCAMLR was at stake and it faced a considerable challenge in bringing this illegal fishing under control. In this connection, it was stressed that the prime responsibility resided with the CCAMLR Flag States.

## Activities of Non-Member States in the Convention Area

1.38 The report of the Executive Secretary in response to the Commission's request last year to write to non-Member countries fishing in the Convention Area (CCAMLR-XIII, paragraph 5.16) is given in CCAMLR-XIV/12.

1.39 The Government of Belize had responded to the request for comments regarding the Belize-registered vessel *Liberty* fishing in Subarea 48.3 in 1994 and 1995, advising that a warning had been issued to the vessel. The captain of the *Liberty* had given assurances that the vessel would undertake no further fishing activities in the Convention Area and that, if such action occurred, the company would remove him from his post (SCOI-95/7).

1.40 However, in view of the *Liberty* again being sighted fishing in Subarea 48.3 (by the UK on 10 July 1995) (CCAMLR-XIV/18), the Committee directed the Executive Secretary to write once more to the Government of Belize requesting comments regarding this latest sighting and asking, if it were the same captain, what measures had been taken by the company against him. The UK agreed to provide the Secretariat with details of the latest vessel sighting to be included in the letter.

1.41 Comments were sought, but had not so far been received, from the Government of Panama, following the Secretariat receiving advice about the Panamanian-registered vessel *Valka* fishing for krill in the Convention Area. The UK advised SCOI that it had acquired catch records of the vessel during the period 20 June to 20 July 1995. The total catch during this period was 637 tonnes of krill. These data would be passed to the Secretariat.

1.42 In accordance with the Commission's request last year (CCAMLR-XIII, paragraph 3.11), the Secretariat sought further details from Latvia of the STATLANT report from FAO of Latvia's catch of 71 tonnes of krill in the 1993 season, and from Lithuania of its activities in the southwest Atlantic in the 1993/94. No responses had so far been received from either Latvia or Lithuania.

1.43 New Zealand wrote to the Secretariat during the year, advising that it had taken the opportunity to raise the matter of Latvia's fishing activities with authorities during a visit to Latvia late last year by the New Zealand Ambassador to Russia. The Ministry of Foreign Affairs in Riga confirmed that Latvia had been engaged in fishing in the Convention Area and noted that, as a maritime state, it was ready to undertake the obligations of a fishing state.

1.44 SCOI recommended that the Executive Secretary write to the Government of Latvia and invite it to consider joining CCAMLR on the grounds of its fishing activities in the Convention Area.

1.45 In paper CCAMLR-XIV/18, one of the vessels reported as being in the Convention Area was the FV *Thunnus*. It appeared from the International Register of Fishing Vessels that the vessel's Flag State may possibly be Indonesia. The Executive Secretary was requested to seek further clarification of the origin of this vessel.

#### IMPROVEMENTS TO THE SYSTEM OF INSPECTION

##### UN Agreement on Straddling and Highly Migratory Stocks

2.1 The UK informed SCOI that the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, at its last session in August 1995, had adopted an 'Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks' (UNCLOS Agreement).

2.2 Argentina participated at the UN meeting as the CCAMLR Observer and a report for the Commission is provided in CCAMLR-XIV/BG/20.

2.3 SCOI noted that a general report on the successful conclusion of the UN Conference would be considered by the Commission under its Agenda Item 11.

2.4 Australia suggested that there would be merit in distributing the text of the UN Agreement to SCOI Members.

2.5 Some Members suggested that parts of the UNCLOS Agreement, in particular Parts V and VI relating to the duties of Flag States and to matters of compliance and enforcement, might have applicability to CCAMLR. These provisions could assist Members in continuing to build an effective observation and inspection scheme for CCAMLR fisheries. Japan expressed reservation about the applicability of the enforcement-related articles of the UN Agreement to further development of the CCAMLR System of Inspection. These reservations were shared by some other Members.

2.6 Other Members had reservations about the applicability of the agreement to CCAMLR because it dealt with the management of straddling and/or highly migratory fish stocks between waters of coastal states and the high seas.

2.7 The Delegation of the USA noted that the Commission had addressed the issue of stocks which are harvested both within and outside the Convention Area in Resolution 10/XII, and the Commission continued to be concerned about the illegal harvest of stocks of *D. eleginoides* which occur in the coastal waters of some Member States and on the high seas of the Convention Area.

2.8 Australia stated that it did not share the reservations of Japan and some other Members about the applicability of the UNCLOS Agreement to CCAMLR. Australia's view was that the Agreement was of direct relevance to CCAMLR and that it established a comprehensive framework for improved compliance and enforcement in international fisheries. In making available the text of the UNCLOS Agreement to other Members of SCOI, Australia encouraged them to carefully examine its provisions.

2.9 The text of the UNCLOS Agreement was distributed to Members of SCOI for information (as SCOI-95/9) since the agreement had only recently been concluded and some Members had not had the opportunity to consider it in detail.

#### Definition of Fishing and Rights of Inspectors

2.10 SCOI considered improvements to the CCAMLR System of Inspection, following the Committee highlighting at its last meeting two potential deficiencies in the System concerning: the right of inspectors to board any fishing or fisheries research vessel and the reporting of possible infringements (CCAMLR-XIII, paragraphs 5.19 to 5.20), the so-called 'definition of fishing' questions.

2.11 Members were requested to consider further the 'definition of fishing' proposal and advise the Secretariat of their comments and specific suggestions, or other alternatives to deal with the problem of the identification of infringements. To assist in this consideration, Australia's definition of fishing, as contained in its national legislation, was circulated to Members in COMM CIRC 95/8 of 10 March 1995.

2.12 The following Members responded before the start of the 1995 meeting of SCOI: Australia, Chile, Germany, Japan, Italy, New Zealand and the UK. Their responses are summarised in the Secretariat's paper (CCAMLR-XIV/5). The Secretariat's paper also included a comparison of the Australian and New Zealand definitions of fishing.

## Rights of Inspectors

2.13 In respect of the right of inspection, SCOI considered that it should be confirmed explicitly in the CCAMLR System of Inspection and consequently decided to recommend to the Commission that the first sentence of Article III of the System of Inspection be replaced with the following sentence:

‘III. In order to verify compliance with Conservation Measures adopted under the Convention, Inspectors designated by Members shall be entitled to board a fishing or fisheries research vessel in the area to which the Convention applies, to determine whether the vessel is, or has been, engaged in scientific research, or harvesting, of marine living resources.’

2.14 Australia advised that duly-designated CCAMLR Inspectors would be permitted to board Australian vessels fishing in that area of Australia’s EEZ around Australia’s external territory of Heard and McDonald Islands which is within the Convention Area.

### ‘Definition of Fishing’

2.15 SCOI considered three proposals regarding the ‘definition of fishing’ (CCAMLR-XIV/5):

- (i) UK’s proposal of a list of indicators;
- (ii) Australia’s proposal for a conservation measure concerning the stowage of fishing equipment in prohibited areas ; and
- (iii) Australia’s and New Zealand’s definition of fishing.

2.16 The SCOI Chairman advised that, on the question of a ‘definition of fishing’, Members expressed two different opinions on the Australian and New Zealand definitions. Some felt that the Australian definition was comprehensive while others felt it was too broad.

2.17 While some SCOI Members supported, in principle, the Commission adopting a definition of fishing, some were concerned that such a course of action may require an amendment to the CCAMLR Convention and may also create an undesirable precedent for other international organisations. Rather than a definition of fishing, Japan suggested that SCOI should consider another approach to formulate a common understanding among Members, that certain activities could be considered as an ‘inexcusable’ indication that ‘fishing’ had occurred.

2.18 SCOI gave consideration to a list of indicators, proposed by the UK, which would assist inspectors in making their observations. If the inspector observed one or more of these indicators, it would be presumed that some fishing had occurred or was about to occur. SCOI agreed that it was not the role of the inspector to ‘conclude’, based on his observations, that there had been an infraction of a conservation measure. Rather, an inspector was required to report his observations to the Commission, and it was the Flag State’s responsibility to take enforcement or any other legal action in respect of a vessel which had breached a conservation measure. The inspector’s report was only part of the evidence that may lead to a conclusion, by the Flag State, that an infraction of a conservation measure had occurred.

Some Members were concerned that an intention to take a course of action was not embodied as an offence in criminal or civil law. Some Members would not be able to modify their legal system to incorporate ‘intention’ as an illegal act.

2.19 The required indicators were defined and SCOI recommended that the Commission should adopt, under Article XXIV of the Convention, the following new Article for the CCAMLR System of Inspection:

‘IX bis. A fishing vessel present in the area of application of the Convention shall be presumed to have been engaged in scientific research, or harvesting, of marine living resources (or to have been commencing such operations) if one or more of the following four indicators have been reported by an inspector, and there is no information to the contrary:

- (a) fishing gear in use, recently in use or about to be used, e.g.:
  - nets, lines or pots in the water;
  - baited hooks or thawed bait ready for use;
  - log indicates recent fishing or fishing commencing;
  
- (b) fish which occur in the Convention Area are being processed or have recently been processed, e.g.:
  - fresh fish or fish waste on board;
  - fish being frozen;
  - operational or product information;

- (c) fishing gear from the vessel in the water, e.g.:
- fishing gear bears the vessel's markings;
  - fishing gear matches that on the vessel;
  - log indicates gear in the water;
- (d) having on board stowed fish (or their products) which occur in the Convention Area.'

2.20 SCOI recommended to the Commission that the new article should not at the moment apply to krill, but should a closed season or area be declared for krill, appropriate modifications to the above indicators should be made by the Commission to take account of the particular circumstances of krill harvesting and processing.

2.21 SCOI also recommended that the Commission agree to incorporate the list of indicators into the *Inspectors Manual*.

2.22 SCOI considered there was some merit in Australia's suggestion that the Commission adopt a conservation measure requiring that all fishing vessels have their fishing gear stowed while they were transiting an area closed for fishing (CCAMLR-XIV/5). However, such a measure should not place constraints on fishermen undertaking activities associated with fishing, such as mending nets.

2.23 Australia noted the views of some Members about their difficulties in adopting new conservation measures as one option to deal with illegal fishing.

2.24 Australia advised that, in light of the difficulties some Members had in adopting a new conservation measure to deal with illegal fishing, it would withdraw its suggestion for such a measure. However, Australia expressed its strong concern at the substantial indications that large-scale illegal fishing in contravention of some conservation measures in force was taking place in the Convention Area. Australia suggested that there was benefit in the Commission's further considering the adoption of a conservation measure requiring all vessels equipped for harvesting species, the harvesting of which was prohibited by a conservation measure in force, to have their fishing gear securely stowed, in a manner which prevented its ready use for harvesting, when transiting areas where the measures were in force. Vessels which were transiting such closed areas would be permitted to repair or construct their fishing gear.

2.25 Australia recognised the need for Members to consider intersessionally both Australia's suggestion and other possible ways to minimise illegal fishing and requested that these issues be discussed further at the next meeting of SCOI.

### Inspection Report Form

2.26 In accordance with SCOI's request last year (CCAMLR-XIII, Annex 5, paragraphs 1.70 and 1.72), a draft revision of the inspection report form, based on the draft outlined by Dr I. Everson (UK) in CCAMLR-XIV/BG/12, had been prepared and forwarded to Drs Everson and R. Holt (USA) for comment. A revised form and an expanded glossary of terms from the *Inspectors Manual* was prepared for the meeting by the Secretariat and circulated as CCAMLR-XIV/BG/22.

2.27 The original inspection report forms for trawl and longline fisheries had included the requirement that duplicate copies of photographs taken during the course of an inspection should be given to the master of the vessel at the time of the inspection. It was accepted that, except in exceptional circumstances, this requirement was impractical, even though there was a necessity that duplicate copies of photographs should be provided to the Flag State and the Secretariat as soon as possible after the inspection.

2.28 Accordingly, SCOI recommended to the Commission that the text of the inspection form and the rules for inspections be amended to reflect this change. The recommended amended text of the System of Inspection is given below:

#### Article VI(d)

'Inspectors may take photographs and/or video footage as necessary to document any alleged violation of Commission measures in force.'

#### Article VIII(d)

'The Inspector shall provide a copy of the completed inspection form along with copies of photographs and video footage to the designating Member at the earliest opportunity.'

#### Article VIII(e)

'The designating Member shall, as soon as possible, forward a copy of the inspection form, along with two copies of photographs and video footage to the CCAMLR Executive Secretary who shall forward one copy of this material to the Flag State of the inspected vessel.'

2.29 Other minor amendments were proposed to the text by SCOI Members and in its revised version the inspection report form was approved by SCOI (Appendix III). Drs Everson and E. Sabourenkov (Science Officer) were requested to prepare a final layout of the approved form for publication in the four languages of CCAMLR.

#### Vessel Notification and Satellite-linked Vessel Monitoring Systems

2.30 In accordance with the decision taken at the opening of the meeting of SCOI, discussion of the items on vessel notification and satellite-based vessel monitoring systems were combined.

2.31 At its 1994 meeting, the Secretariat was requested to conduct a feasibility study on the use of a vessel notification system in the Convention Area and to prepare a draft configuration of a CCAMLR satellite-based Vessel Monitoring System (VMS) (CCAMLR-XIII, Annex 5, paragraph 1.65 and CCAMLR-XIII, paragraph 5.23).

2.32 It was suggested that the VMS proposal should concentrate on finfish fisheries and should consider such factors as the results of current EEC pilot projects to be reported by September 1995 (CCAMLR-XIII, Annex 5, paragraph 1.44). At the meeting, Germany advised SCOI that the duration of these projects had been extended until the end of 1995 and their results would not be available until then.

2.33 The feasibility study on the use of a vessel notification system and a draft configuration of a CCAMLR VMS were prepared by the Science Officer and submitted to SCOI for consideration (CCAMLR-XIV/13 and 14). According to the study, the modified hail system could strengthen the System of Inspection if it were combined with a reliable system of advance notification of fishing vessels.

2.34 The study compared the expected performance of the proposed hail system with the performance of a satellite-based VMS (Inmarsat-C/GPS). According to the study, the comparison indicated that the hail system's performance in such areas as fishing regulation enforcement, optimisation of the deployment of inspectors and verification of submitted information was lower than the proposed satellite-based system. However, the comparison in the study also indicated that implementation of the hail system would take less time than a satellite-based system and the installation costs of the hail system would be lower.

2.35 A draft configuration of a CCAMLR VMS was also prepared by the Science Officer and submitted for consideration by SCOI (CCAMLR-XIV/14). The draft configuration had taken into account available expertise in the design and implementation of satellite-based vessel monitoring of several CCAMLR Members and of the Forum Fisheries Agency (FFA).

2.36 The paper CCAMLR-XIV/14 concluded that the eventual establishment of a CCAMLR VMS would be based on consideration of its various technical, financial, administrative and legal aspects. Having assumed that all fishing vessels of CCAMLR Members would be equipped with Inmarsat-C/GPS terminals, the study deemed that the establishment of a CCAMLR VMS, until it became fully operational, would take from 1.5 to 2 years approximately.

2.37 The Delegation of the USA noted that there were at least two possibilities, in addition to the vessel notification and vessel monitoring systems described in CCAMLR-XIV/13 and CCAMLR-XIV/14, to detect illegal fishing. These are (i) requiring that an international inspector be present on all vessels fishing in areas and for species covered by conservation measures in force, and (ii) having ships or aircraft conduct patrols to locate and identify vessels fishing in violation of agreed conservation measures.

2.38 The USA believed that, in the longterm, a satellite-linked VMS, as described in CCAMLR-XIV/14, would be both the most effective and most inexpensive means whereby Contracting Parties can ensure that vessels subject to their jurisdiction are not fishing at times and in places where fishing has been prohibited by the Commission. Carrying an appropriate transceiver could be made a condition of participating in certain fisheries, and failure to carry a functioning transceiver could be made to constitute violation of the conservation measure requiring it.

2.39 The USA noted that it had made a special US\$23 000 contribution to help purchase the computer hardware and software necessary to establish a VMS Base Station at CCAMLR Headquarters. The USA proposed that the additional funds necessary to establish the Base Station be included in the 1996 budget and that, to begin developing experience in the use of the system, Members should volunteer to place transceivers on a representative subset of their vessels intending to engage in fisheries, other than the krill fishery, in the Convention Area. The USA indicated that FV *American Champion*, which would be continuing experimental crab fishing in Subarea 48.3 in accordance with Conservation Measure 75/XII, had volunteered to purchase and carry a transceiver to help demonstrate how the VMS could be used to improve compliance with time and area closures adopted by the Commission.

2.40 Argentina and Chile shared the concern on ensuring conservation of Antarctic marine living resources and expressed their readiness to continue making every effort to improve compliance with conservation measures in force. They recalled their commitment since the signing of the Convention in 1982 and their endeavour to achieve its objectives shown since that time. Both delegations expressed, however, strong reservations in respect to the approach followed by systems of notification and monitoring under consideration. They also expressed some reservations in respect to several parts of documents CCAMLR-XIV/13 and 14 which, in their opinion, were not neutral and went beyond a study or report prepared by a secretariat.

2.41 Argentina and Chile recalled that the geographical location of their mainland territories in South America and their EEZs were in the closest proximity of Antarctica and adjacent to the Convention Area. Hence, maritime navigation and traffic of these two countries in those areas was more than frequent since last century. They also considered that the notification and monitoring approaches being considered were incompatible with general international law and, in particular, with the UN Convention on the Law of the Sea of 1982. Freedom of navigation for all ships in the high seas and EEZs was recognised by the whole international community, as was the right of innocent passage through the territorial sea.

Requiring prior notification from vessels which are bound for the CCAMLR Area or navigating through it, not intending to fish or conduct fisheries research, was incompatible with that freedom and with that right. Moreover, for claimant states, like Argentina and Chile, Antarctica generates an EEZ and continental shelf, though these countries refrained from exercising jurisdiction, given the provisions of the Antarctic Treaty and related instruments.

2.42 These delegations also expressed the opinion that an additional incompatibility would therefore arise if notification to an international system, or monitoring by it, was required for their vessels which were not intending to fish or conduct fisheries research, while navigating within what they considered their EEZ.

2.43 Both delegations stated that CCAMLR was not a regional fisheries organisation and consequently it was not pertinent to follow the approaches for notification and monitoring which may have been in practice in some other such organisations. There were two different legal and conceptual frameworks. They expressed the opinion that the transformation of CCAMLR into a regional fisheries organisation would need a structural amendment to the Convention. This, in turn presupposed a prior political will, shared by all Parties.

2.44 Both delegations further stressed that, in addition to these substantive problems, there were serious budgetary, administrative and practical implications arising from the approach of the systems of notification and/or monitoring under consideration. In this respect they underlined that the cost and the burden of an administrative structure aimed at dealing with these systems could not be justified and such a structure was neither feasible nor commensurate with the problem SCOI was trying to address. Furthermore, they were not prepared to accept the administrative and budgetary implications that the systems under consideration would have upon the Secretariat and the Commission.

2.45 Finally, they reminded the meeting that possibilities for improving the System of Inspection and ensuring compliance with conservation measures were demonstrated during this session. Additional improvements to that end could be further pursued without the need to follow the approaches of notification and monitoring under consideration.

2.46 Referring to the substance of paragraph 2.41, France, Australia and the UK expressed the view that, although the United Nations Convention on the Law of the Sea (UNCLOS) does not impose such obligations of prior notification, it is possible for States to create them under a cooperative agreement under Article 118 of UNCLOS, under which States can take all measures they deem to be pertinent in order to protect marine living resources. Such an agreement could therefore be concluded in the framework of CCAMLR by its Members.

2.47 Norway expressed the opinion that illegal activities in the Convention Area represented a serious threat to the credibility of CCAMLR and informed SCOI that it would accept an increase in its contribution to CCAMLR to cover both vessel notification and VMS projects.

2.48 The UK indicated that it saw merit in both a vessel notification scheme and a VMS, but stressed that the important requirement was that practical steps be taken to implement one or other system at the earliest opportunity.

2.49 In that respect, the UK preferred a notification scheme which used a simpler formulation than that presented by the Secretariat. A scheme which allowed for 'real-time' inputs, accurate to within two to three days, that enabled an up-to-date database on notification to be held by the Secretariat, but allowed for distribution of data only at the specific request of a Member, would provide a simpler, more cost-effective mechanism of notification.

2.50 The UK saw such a scheme as an interim measure to be phased out as and when a VMS was introduced.

2.51 The Delegation of Japan stated that, in general, it supported an investigation of various alternatives for cost-effective monitoring devices. Any decision on the implementation of vessel notification, hail system or VMS, should depend on clear objectives such as monitoring of closed seasons/areas. In the case of the krill fishery in the Convention Area, Japan reminded the Committee that SCOI, at its 1994 meeting, did not see any need or justification to introduce a VMS, mainly because the level of fishing was far too low compared to total allowable catches (TACs), and there were no closed areas and seasons.

2.52 The Delegation of Spain said that Spain had recently installed VMS in Spanish vessels operating in EEC waters and in Northwest Atlantic Fisheries Organization (NAFO) waters and that the NAFO hail system had been working for several years. Nevertheless, comparative studies on cost-effectiveness were not yet available. The control and monitoring of those systems were always the responsibility of the authorities of the Flag State. In that respect, Spain reserved its position on the possible implementation of the proposed system.

2.53 Germany thanked the Secretariat for the presentation of its excellent reports concerning the description of a hail system and a VMS. The Delegation of Germany referred to the hail system in force in the NAFO area and introduced in the western area of EEC waters from the beginning of 1996. Germany emphasised the need for effective control and enforcement. One way to improve control and enforcement in the CCAMLR Convention Area could be the introduction of a hail system with a simple notification mechanism to avoid any bureaucracy. It seemed to be obvious that the introduction of such a system would be simple and relatively cheap. Concerning the VMS, Germany pointed out some doubts and reservations, especially referring to the cost/benefit ratio.

2.54 Australia commended the Secretariat for the outstanding quality of its papers on both approaches and did not share the reservations expressed by others.

2.55 Australia endorsed the remarks of the USA and observed that a VMS offered greater future enhancement capabilities for CCAMLR to achieve its objectives than a hail system. While a hail system could also achieve some of the desired benefits, these could be better achieved by a VMS. Australia regarded a VMS as more effective from both a financial and fishery management perspective. Australia's experience was that a VMS was a cost-effective enforcement and monitoring system. Australia noted that inspections were required regardless of whether a hail system or a VMS was adopted and that neither option would prevent fishing in the Convention Area by non-Member States. However, a VMS offered the means for Flag States to control their own vessels better.

2.56 Australia felt that the purchase and operation of a VMS was financially achievable by the Commission this year given the Membership contribution received from Ukraine. Australia would support a one-year increase in the Commission's budget for the purchase of a VMS and noted that the cost to a vessel owner of purchase and installation of a VMS was less than the market value of 1 tonne of *D. eleginoides*.

2.57 Australia stated that it would be inappropriate to adopt a hail system as an interim measure pending the adoption of a VMS.

2.58 The Delegation of New Zealand supported the introduction of a VMS in the CCAMLR Convention Area. It was concerned about the level and incidence of illegal fishing in the Convention Area and viewed the introduction of a VMS as an effective means of helping to resolve the problem for Member States' vessels.

2.59 New Zealand currently had 300 vessels (both national and foreign-licensed) on a VMS. It would be happy to join the USA and Australia in offering its experience and technical assistance in developing such a system for CCAMLR.

2.60 While New Zealand acknowledged that VMS would not resolve the problem of illegal fishing by non-Member States operating in the Convention Area, Members should ensure that CCAMLR Member States operating in the Convention Area did so in accordance with the Convention and the relevant conservation measures.

2.61 The Delegation of Brazil commended the strenuous efforts of the Secretariat in preparing the documents. It agreed with the USA's remarks that illegal fishing was now the paramount problem threatening CCAMLR and recognised that Argentina and Chile shared special difficulties.

2.62 Brazil reserved its position on the matters under discussion indicating that, over and above the question of alternatives available for notification, it would be of paramount concern to initiate the proposals for international monitoring in terms of the compatibility between the mandate of the Commission and the principles and prescriptions of the Law of the Sea Convention.

2.63 Sweden supported statements made by several Members that illegal fishing represented the most serious threat to CCAMLR and its credibility. It also considered that VMS was the best possible option if CCAMLR was to deal effectively with the problem.

2.64 Russia stressed that effective control of illegal fishing was important. The major problem with both the notification system and VMS would not be with those vessels which complied with the systems' requirements, but with those which did not. Russia was currently investigating the applicability of VMS in its national program to enforce fishery regulations in its EEZ waters. It believed that, for the present, the implementation of a vessel notification system, similar to NAFO's, appeared to be more feasible than VMS for CCAMLR. However, Russia reserved its position until the completion of an evaluation of both systems.

2.65 The USA suggested that, given the differing opinions of Members with regard to VMS, the following two possibilities might be considered:

- equipment be purchased for the CCAMLR VMS Centre by using the USA special fund and other Members' contributions, and interested Members voluntarily install transceivers on their vessels fishing in the Convention Area to gather information on the potential value of a mandatory VMS;
- CCAMLR Members who have established their own VMS be asked to conduct a trial monitoring project in the CCAMLR Convention Area using vessels which voluntarily agree to install transceivers.

2.66 Australia supported the USA's call for voluntary use of a VMS in the Convention Area. Australia noted that it was using an automated system to help monitor the movement of vessels engaged in certain domestic fisheries and that the Australian vessel intending to initiate the new fisheries in the Convention Area, as described in CCAMLR-XIV/8, would be required to carry a transceiver. Australia indicated that it would be willing to use its Base Station in Canberra to receive data from a small number of additional transceivers that other Members, including the USA, might place on their vessels fishing in the Convention Area, and to transmit the data to CCAMLR to demonstrate the utility of such systems.

2.67 As a result of the above discussion, SCOI concluded that, at this stage, it was not possible to reach any agreement or a compromise solution with regard to either a notification system or VMS.

Advice to SCAF

2.68 SCOI recommended that SCAF consider an allocation in the 1996 budget for translation and publication of the new inspection report forms in the four official languages of the

Commission. The inspection report forms currently used for trawl and longline fisheries are printed on multiple-copy carbon paper. The cost of printing 500 forms in 1993 was A\$ 3 620.

2.69 Funds should be also allocated for translation of the amended 'List of Questions and Statements' from the *Inspectors Manual* into all languages of CCAMLR Flag States fishing in the Convention Area (CCAMLR-XIII, Annex 5, paragraph 1.72).

#### OPERATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

3.1 The Secretariat reported on scientific observations undertaken in the 1994/95 season in accordance with the Scheme. A summary of observation programs undertaken in accordance with the Scheme is given in SC-CAMLR-XIV/BG/16.

3.2 As was the case last season and in accordance with Conservation Measure 80/XIII, scientific observers designated under the Scheme conducted observations aboard each of the 13 vessels fishing for *D. eleginoides* in the 1994/95 season in Subarea 48.3. A scientific observer designated by the USA also conducted an observation program aboard the Japanese vessel *Chiyo Maru No. 2* fishing for krill in Statistical Area 58. In addition, scientific observers from Ukraine were placed on board two krill trawlers as part of the Ukrainian national research program.

3.3 In accordance with the Scheme, copies of bilateral agreements on observers were submitted to the Secretariat and made available to Members on request.

3.4 All reports of scientific observers on board vessels fishing for *D. eleginoides* were submitted to the Secretariat and considered by the Working Group on Fish Stock Assessment (WG-FSA) and the Scientific Committee. The observer's report on the Japanese krill fishing vessel was also submitted to the Secretariat and considered by the Working Group on Ecosystem Monitoring and Management (WG-EMM). Other reports from krill fishing vessels have also been submitted and will be considered in full at the next meeting of WG-EMM.

3.5 Chile submitted a paper describing its experience in the implementation of the Scheme during the 1994/95 season (CCAMLR-XIV/BG/17). The aim of the paper was to evaluate the Scheme's implementation by Chile in the *D. eleginoides* fishery in Subarea 48.3 in 1994/95. One of the conclusions of this evaluation was that, due to the large number of observations of fish and seabirds which had to be conducted, it would require the placement of two observers

on each vessel. If only one observer was available, the observation program should be restricted to a limited number of tasks, the priority order of which should be defined by the Scheme.

3.6 SCOI was informed by the Chairman of the Scientific Committee of the Committee's Draft Advice on the operation of the CCAMLR Scheme of International Scientific Observation.

3.7 SCOI welcomed with satisfaction this information and concurred with the Scientific Committee's recommendations regarding the continuation and expansion of observer coverage with respect to all finfish fisheries in the Convention Area.

3.8 As observer coverage is often the only means to obtain verifiable data from fisheries in the Convention Area, SCOI also concurred with the Scientific Committee's recommendation to employ a technician to assist with the compilation, validation and analysis of observer data.

#### ADOPTION OF THE REPORT

4.1 The report of the meeting was adopted. Delegates thanked the Chairman of SCOI for his guidance and for steering the Committee through its, at times, difficult deliberations. They looked forward to working under his chairmanship next year.

**AGENDA**

Standing Committee on Observation and Inspection (SCOI)  
(24 to 27 October 1995)

1. Operation of the System of Inspection and Compliance with Conservation Measures
  - (i) Implementation of Conservation Measures in the 1994/95 Season
  - (ii) Inspections Undertaken in the 1994/95 Season
  - (iii) Members' Reports of Sightings of Vessels in the Convention Area
  - (iv) Reports of Flag States
  - (v) Activities of Non-Member States in the Convention Area
  
2. Improvements to the System
  - (i) UN Agreement on Straddling and Highly Migratory Stocks
  - (ii) Rights of Inspectors
  - (iii) Definition of Fishing
  - (iv) Inspection Report Forms
  - (v) Notification of Vessels and Satellite-based Vessel Monitoring System
  - (vi) Advice to SCAF
  
3. Operation of the Scheme of International Scientific Observation
  
4. Any Other Business Referred by the Commission
  
5. Adoption of the Report.

## LIST OF DOCUMENTS

Standing Committee on Observation and Inspection (SCOI)  
(24 to 27 October 1995)

SCOI-95/1	LIST OF DOCUMENTS
SCOI-95/2	REPORT OF INSPECTION OF THE KOREAN VESSEL R/V <i>IHN SUNG 66</i> United Kingdom
SCOI-95/3	DEPLOYMENT OF AUSTRALIAN INSPECTORS Australia
SCOI-95/4	ARTICLES X AND XXII OF THE CONVENTION Secretariat
SCOI-95/5	SIGHTINGS OF FISHING VESSELS IN SUBAREA 48.3 IN SEPTEMBER- OCTOBER 1995 USA
SCOI-95/6	CORRESPONDENCE ON THE SIGHTING OF THE ARGENTINIAN VESSEL <i>MAR DEL SUR III</i> IN SUBAREA 48.3 ON 16 JANUARY 1995 Secretariat
SCOI-95/7	CORRESPONDENCE ON THE SIGHTING OF THE BELIZE-REGISTERED VESSEL <i>LIBERTY</i> IN SUBAREA 48.3 ON 16 JANUARY 1995 Secretariat
SCOI-95/8	DEPLOYMENT OF INSPECTORS BY THE UNITED KINGDOM IN 1994/95 United Kingdom
SCOI-95/9	DRAFT AGREEMENT FOR THE IMPLEMENTATION OF THE PROVISIONS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA OF 10 DECEMBER 1982 RELATING TO THE CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS Australia
CCAMLR-XIV/1	PROVISIONAL AGENDA FOR THE FOURTEENTH MEETING OF THE COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES
CCAMLR-XIV/2	ANNOTATED PROVISIONAL AGENDA FOR THE FOURTEENTH MEETING OF THE COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES
CCAMLR-XIV/5	PROPOSALS TO IMPROVE THE CCAMLR SYSTEM OF INSPECTION Secretariat
CCAMLR-XIV/12	FISHING IN CCAMLR WATERS BY NON-MEMBER STATES Executive Secretary

CCAMLR-XIV/13	VESSEL NOTIFICATION Secretariat
CCAMLR-XIV/14	A PROPOSAL FOR A CCAMLR VESSEL MONITORING SYSTEM Secretariat
CCAMLR-XIV/15	SUMMARY OF INSPECTIONS Secretariat
CCAMLR-XIV/18	A RECORD OF VESSELS INFRINGING CCAMLR CONSERVATION MEASURES PLUS OTHER FISHING VESSELS SEEN WITHIN SUBAREA 48.3 DURING THE 1994/95 FISHING SEASON United Kingdom
CCAMLR-XIV/BG/8	IMPLEMENTATION OF CONSERVATION MEASURES IN 1994/95 Secretariat
CCAMLR-XIV/BG/17	SISTEMA DE OBSERVACION CIENTIFICA INTERNATIONAL DE LA CCRVMA EN NAVES CHILENAS Chile
CCAMLR-XIV/BG/22	PROPOSAL FOR A NEW INSPECTION REPORT FORM Secretariat
CCAMLR-XIV/MA/8	REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1994/95 Australia
CCAMLR-XIV/MA/10	REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1994/95 United Kingdom
CCAMLR-XIII/17	PROPOSALS TO IMPROVE THE CCAMLR SYSTEM OF INSPECTION United Kingdom
SC-CAMLR-XIV/BG/16	SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION - SUMMARY OF OBSERVATION PROGRAMS 1994/95 SEASON Secretariat

CCAMLR-SI/No. ....

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

**REPORT OF INSPECTION**

(Inspector: Please use BLOCK CAPITAL LETTERS)

Note to Master of the vessel to be inspected

The CCAMLR Inspector will produce his CCAMLR document of identity on boarding. He is then entitled to inspect and measure all fishing gear on or near the working deck and readily available for use and the catch on and/or below decks and any relevant documents. This inspection will be to check your compliance with CCAMLR's measures to which your Country has not objected and, notwithstanding any such objection, to inspect the logbook entries and fishing records for the Convention Area and the catches on board. The Inspector is authorised to examine and photograph the vessel's gear, catch, logbook or other relevant document. The Inspector will not ask you to haul your fishing gear. However, he may remain on board until the fishing gear in use is hauled in. The information you provided during the course of this inspection will only be made available to the CCAMLR Secretariat and to the Flag State of your vessel. Subsequently it will be considered within the rules of confidentiality of CCAMLR.

1. AUTHORISED INSPECTOR(S)

1.a	Name	Designating Country
1		
2		
3		

1.b Name and identifying letters and/or number of vessel carrying the Inspector .....  
.....

2. INFORMATION ON VESSEL INSPECTED

2.a Vessel's name and registration number .....

2.b Country and port of registration .....

2.c Radio call sign .....

2.d Type of vessel (fishing, research) .....

2.e Tonnage: GRT..... Net RT.....

2.f Master's name .....

2.g Owner's name and address .....

.....

3. DETAILS OF INSPECTION

3.a Date ..... Time arrived on board ..... GMT; Time of departure .....GMT

3.b Opinions of the Master and Inspector regarding the position of the vessel:

	Time (GMT)	Latitude		Longitude		Equipment used in Determining Position, e.g. GPS	CCAMLR Area, Subarea or Division
		Deg.	Min.	Deg.	Min.		
Master							
Inspector							

3.c Type of fishing gear in current or recent use (e.g. trawling, longlining) .....

3.d Target species .....

3.e Current conservation measures applicable, in the opinion of the Inspector, to this fishery:

Reference Number	Summary Title
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

4. GEAR INSPECTED ON OR NEAR THE WORKING DECK

4.1 TRAWL GEAR

4.1.a Net type (pelagic or bottom trawl) .....

4.1.b Manufacturer or design reference .....

4.1.c Mesh measurement:

Net material ..... Single or double twine .....

Condition of net (rigging) .....

(wet-dry) .....

4.1.d Initial measurement pursuant to Conservation Measure 4/V (Article 6):

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	

Total mm for 20 mesh ÷ 20 measurements =  average mesh size

4.1.e 40 additional measurements in accordance with Conservation Measure 4/V (Article 6):

21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40

41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60

Total mm for 60 mesh ÷ 60 measurements =  average mesh size

If Master disputes initial 60 mesh measurements, a further 20 meshes will be measured using a weight or dynamometer in accordance with Conservation Measure 4/V (Article 6 (2)). This measurement will be considered final.

4.1.f Final measurement in case of dispute, Conservation Measure 4/V (Article 6 (2)):

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

Total mm for 20 mesh ÷ 20 measurements =  average mesh size

#### 4.2 LONGLINE GEAR

	1st gear	2nd gear	3rd gear
Length of a longline section (m)			
Diameter of main line (mm)			
Material and/or breaking strength of main line			
Length of branch lines (m)			
Diameter of branch lines (mm)			
Material and/or breaking strength of branch line			
Spacing of branch lines (m)			
Type of hooks: (a) straight (b) curved (c) other			
Brand name and size of hooks			
Number of hooks			
Type of bait			
Mean weight of bait per hook (g)			
Remarks			

#### 4.3 CRAB POT (TRAP) GEAR

	1st gear	2nd gear	3rd gear
Description of pots: Shape			
Dimensions			
Mesh size			
Funnel attitude			
Number of chambers			
Presence of an escape port			
Total number of pots on the line			
Spacing of pots on the line			
Type of bait			
Remarks			

#### 5. DETAILS OF THE LAST ENTRIES IN VESSEL'S FISHING LOGBOOK

##### 5.1 Setting gear:

Setting No.	Date	Time (GMT)	Start Position	
			Latitude	Longitude

##### 5.2 Hauling gear:

Setting No.	Date	Time (GMT)	Start Position	
			Latitude	Longitude

##### 5.3 Total catch:

	Species	Species Code	Type of Product*	Processed Weight (tonnes)	Conversion Factor	Weight of Catch (tonnes)
Target species						
By-catch						
Discards						

\* e.g. Whole, Fillets, Headed+Gutted, Meal, etc.

6. DESCRIPTION OF ACTIVITY IN WHICH THE VESSEL WAS ENGAGED

Vessel Activity:	When Sighted:	When Boarded:
Steaming		
Setting Gear		
Hauling Gear		
Towing Gear		
Stationary		
Transshipping		
Other (describe)		

7. COMPLIANCE WITH CURRENT CONSERVATION MEASURES

7.1 Inspector's opinion on whether or not the conservation measures outlined in paragraph 3 above were being complied with.

*NB: An entry of NO must be followed by a statement by the Inspector. The Master may also make a statement but is not obliged so to do.*

Reference Number (see paragraph 3 above)	Evidence for Compliance (Yes/No) and Short Comments
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

7.2 Indicate items of gear marked with an official CCAMLR marker and the reasons for marking such gear:

Marker Reference Number	Gear	Reason for Marking

7.3 Inspector's Statement .....  
.....  
.....  
.....  
.....

7.4 Master's Statement .....  
.....  
.....  
.....  
.....

8. COMPLETION OF INSPECTION

8.1 Signature of Inspector in Charge .....  
Name (Please use BLOCK CAPITAL LETTERS) .....

8.2 Signature of Second Inspector .....  
Name (Please use BLOCK CAPITAL LETTERS) .....

8.3 Acknowledgment and receipt of report:

I, the undersigned, Master of the vessel ....., hereby confirm that a copy of this report has been delivered to me on this date. My signature does not constitute acceptance of any part of the contents of the report.

Date .....

Time .....

Signature of Master .....  
Name (Please use BLOCK CAPITAL LETTERS) .....

**DRAFT LETTER TO THE ATCM ON THE  
DRAFT ANNEX ON LIABILITY TO THE PROTOCOL ON  
ENVIRONMENTAL PROTECTION TO THE ANTARCTIC TREATY**

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ENVIRONMENTAL PROTECTION TO THE ANTARCTIC TREATY**

The question of the scope of the annex on liability to the Protocol to the Antarctic Treaty on the Environment was considered by CCAMLR at its Fourteenth Meeting.

Various opinions were expressed by Members of the Commission, who are also represented at Antarctic Treaty Consultative Meetings (ATCMs). This diversity of views may also be expressed again at the ATCM. However, a point of view was generally expressed, without a consensus having necessarily been reached, supporting the following two views:

1. Matters subject to regulation by CCAMLR should not involve liability under the annex on liability.
2. Activities or events associated with harvesting could fall within the scope of the annex on liability of the Protocol.