

OBSERVATION AND INSPECTION

Operation of the System of Inspection and Compliance with Conservation Measures

8.1 The Commission welcomed information from Members on port inspections, including from Argentina, and welcomed information from Chile, France, Russia and Ukraine about the implementation of VMS in accordance with Conservation Measure 148/XVII (Annex 5, paragraphs 3.3 to 3.7).

8.2 With regard to compliance with Conservation Measure 29/XVI, the Commission noted that overall compliance was slightly improved in Subarea 48.3, slightly poorer in Subareas 58.6 and 58.7, poor in Division 58.4.4 and complete in Subarea 88.1 (Annex 5, paragraph 3.8).

8.3 The Chair of SCOI noted that vessels which had not complied with certain aspects of Conservation Measure 29/XVI included *Argos Helena*, *Eldfisk*, *Illa de Rua*, *Isla Gorriti*, *Lyn*, *Jacqueline*, *Magallanes III*, *No. 1 Moresko*, *Tierra del Fuego*, *Isla Sofía*, *Isla Camila* and all vessels using the Spanish longline system (Annex 5, paragraph 3.9).

8.4 The Chair of SCOI noted that *Isla Sofía*, *Magallanes III*, *Aquatic Pioneer* and *Eldfisk* did not comply with Conservation Measure 63/XV with respect to the use and/or disposal of plastic packaging bands (Annex 5, paragraph 3.11).

8.5 The Chair of SCOI noted that while vessels of three Members had triggered the research requirements under Conservation Measure 182/XVIII, no data had been received from South Africa (paragraph 8.16; Annex 5, paragraph 3.12).

8.6 Some catch and effort reports were submitted late from vessels from Chile, the Republic of Korea, Japan, Poland, South Africa, Spain, UK, Ukraine and Uruguay. The Commission reminded Members of the necessity to submit reports on time (Annex 5, paragraph 3.13 and 3.14).

8.7 South Africa indicated that reporting of information associated with potential violations of conservation measures should be accurately reflected when contravention of a measure is implied. In this respect, the South African-flagged vessel *Eldfisk*, which had been indicated in the SCOI report to be in contravention of the night-time setting requirements of Conservation Measure 29/XVI, was undertaking an underwater line-setting experiment in the South African EEZ around the Prince Edward Islands and under the sanction of the South African authorities. Similarly, the SCOI report had highlighted late reporting of catch data from South African vessels in respect of various conservation measures when either the vessels returned to port only after the deadline for the submission of such data had passed, and, or when such vessels had been fishing within the South African EEZ around the Prince Edward Islands.

8.8 The Commission also considered a proposal of Chile on the revision of some reporting requirements as contained in Conservation Measures 40/X, 51/XII, 121/XVI, 122/XVI and 182/XVIII (CCAMLR-XIX/19) and requested the Scientific Committee to consider it further.

8.9 For 1999/2000, CCAMLR inspectors designated by Chile and the UK submitted 110 reports.

8.10 Three reports related to attempted and refused inspections and one report to avoided inspection (Annex 5, paragraph 3.16).

8.11 The UK made the following statement:

‘The Report of SCOI records in paragraphs 3.16 to 3.18 that the Argentine-flagged vessels *Cristal Marino* and *Kinsho Maru* had been present in CCAMLR Subarea 48.3 outside the toothfish fishing season. The vessels had declined inspections by a United Kingdom-designated inspector. This was because, although the inspector had identified himself as a CCAMLR inspector, the vessel carrying him had not been flying a CCAMLR inspection pennant. The pennant which was being flown, the international inspection pennant, conformed to that illustrated in the latest (1999) version of the *CCAMLR Inspectors’ Manual*, but, due to a misprint, the CCAMLR insignia had been omitted. We regret this incident, both in respect to the type of pennant flown, and that CCAMLR inspections were not undertaken.

Nevertheless, the United Kingdom is pleased to note from the SCOI Report (paragraphs 3.20 to 3.22) that, following the reports by the United Kingdom-designated CCAMLR inspector and port inspections by the Argentine authorities, the Argentine courts found that the vessels had indeed been fishing illegally and imposed significant fines and suspensions from fishing.

Thus, the end result – firm action against IUU fishing – was the right one, even if the procedures by which this was achieved were somewhat unorthodox.’

8.12 In reply, Argentina made the following statement:

‘The Delegation of Argentina certainly does not agree with some of the aspects contained in the intervention of the UK and reiterates the concepts which it explained in paragraph 3.17 of the SCOI report.’

8.13 The Commission expressed its concern at any information which could indicate that a Member’s vessel had refused to accept a legitimate inspection under the CCAMLR System of Inspection, noting that this was a fundamental principle of the Convention. The Commission noted that it was incumbent on all Members seeking to undertake at-sea inspections to ensure they complied in full with all requirements of the CCAMLR System of Inspection (Annex 5, paragraph 3.19).

8.14 The Commission noted the importance of inspection reports being limited to recording acts, findings and, where required, inspectors’ opinions. The Commission further noted that there were no proposals received for improvements to the System of Inspection (Annex 5, paragraph 3.30).

8.15 The Commission requested the Secretariat to compile annually a quantitative summary of

data relating to individual vessels on all compliance issues derived from information available as a result of the System of Inspection, reports of Members in accordance with Articles X and XXII of the Convention and the Scheme of International Scientific Observation.

Actions by Flag States

8.16 The Commission emphasised the importance of Flag States conveying information on actions taken in respect of their vessels based on reports submitted by CCAMLR inspectors. The Commission noted that the required information was submitted by Argentina, Japan, New Zealand, Chile and South Africa (Annex 5, paragraphs 3.20 to 3.29).

8.17 The Commission welcomed information conveyed by Argentina on investigations related to reports in respect of its vessels submitted by CCAMLR inspectors designated by the UK (Annex 5, paragraph 3.20).

8.18 Argentina noted that its port inspections by an Argentine-designated CCAMLR inspector, indicated that the vessels had presumably been engaged in IUU activity within the Convention Area. After the inspections Argentina had immediately instituted legal proceedings against the vessel *Cristal Marino* and since imposed sanctions (Annex 5, paragraph 3.21).

8.19 Argentina also advised that the *Cristal Marino* had been fined US\$50 000 and suspended from fishing for 60 days. The second incident had resulted in a US\$150 000 fine and a 67-day suspension. Argentina also provided advice on sanctions imposed on the vessel *Isla Guamblin*. Proceedings against the *Kinsho Maru* are under way. The Commission welcomed this information from Argentina (Annex 5, paragraph 3.22).

8.20 Argentina noted that in some cases the information in SCOI-00/24 conflicted with inspection reports relating to streamer lines for the *Isla Santa Clara*, *Argos Helena*, *Ibsa Quinto* and *Jacqueline*. Argentina noted it was difficult to take legal actions against those vessels when information relating to compliance was inconsistent (Annex 5, paragraph 3.23).

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

8.22 New Zealand advised that proceedings were outstanding against two vessels which had not completed all research hauls in Subarea 88.1 in light of weather and fuel restrictions (SCOI-00/11). It also advised that the *Polar Viking* was no longer on the New Zealand register and had no authorisation to fish (Annex 5, paragraph 3.25).

8.23 Chile had informed SCOI about the action it had taken against vessels involved in infringements of CCAMLR conservation measures reported by inspections undertaken nationally

(CCAMLR-XIX/BG/11). The paper contained details of the court proceedings initiated over the period 1992 to July 2000 with respect to six vessels (Annex 5, paragraph 3.26).

8.24 The Commission emphasised the importance of receiving information from Flag States on actions taken in respect of their vessels, submitted by CCAMLR inspectors. It noted that: Argentina had submitted such information in respect of actions arising from port inspections of the *Cristal Marino*, the *Isla Guamblin* and the *Kinsho Maru*; Japan had advised that investigations regarding *Chiyo Maru No. 5* were continuing; New Zealand had advised that proceedings were outstanding against two vessels which had not completed all research hauls in Subarea 88.1; Chile was taking action against vessels arising from national inspections; and South Africa was also undertaking prosecutions against two vessels (Annex 5, paragraphs 3.20 to 3.28).

8.25 The UK reported that the UK-flagged vessel *Mila* had arrived back in the home port on 28 October 2000. The vessel had been arrested and court proceedings against the charter and owner who had already pleaded guilty to two charges, had begun. The UK informed the Commission that further information on this matter would be transmitted to the Secretariat as required by paragraph XII of the System of Inspection.

8.26 Following its statement to SCOI, South Africa wished it to be recorded in respect of its EEZ around Prince Edward and Marion Islands that:

- (i) South Africa is deeply concerned about IUU fishing in its EEZ. As part of its strategy to curb such fishing it relies on licensed vessels to report on IUU fishing.
- (ii) Despite South Africa's limited financial and logistic resources, South Africa has recently deployed a naval vessel to these islands. This has had a deterrent effect on IUU fishing. Further details of this initiative are not as yet available.
- (iii) South Africa reiterates that it insists, as part of its permit conditions, on adherence to all CCAMLR conservation measures, including Conservation Measure 29/XVI.
- (iv) South Africa also wishes to advise the Commission that with regard to Conservation Measure 182/XVIII it is currently investigating a contravention with regard to one of the South African-flagged vessels.
- (v) South Africa also continues to actively exercise Port State controls, with inspections, with regard to *Dissostichus* spp. This has been done since 1996. There are currently two prosecutions under way.
- (vi) South Africa is fully mindful of all conservation measures and therefore adheres to submission of catch data (fine-scale data and observer data) to the Commission.
- (vii) South Africa has recently cooperated with other CCAMLR Members concerning investigations into alleged IUU contraventions. This took place in Durban and Cape Town harbours and has led to the basis for a prosecution.'

8.27 The Commission endorsed the recommendations of SCOI and:

- (i) reminded Members that before they authorise vessels under Conservation Measure 119/XVII they should ensure that those vessels are able to comply with Conservation Measure 29/XVI, and withhold authorisation unless compliance can be demonstrated (Annex 5, paragraph 3.10); and
- (ii) reminded Members of the necessity to submit catch and effort reports on time (Annex 5, paragraph 3.14).

Operation of the Scheme of International Scientific Observation

8.28 Regarding the operation of the Scheme of International Scientific Observation, the Commission noted that although the quality/timing of the submission of observer reports and logbooks had continued to improve, compliance with Conservation Measure 29/XVI continued to be low, and only a small number of fishing vessels sighted in the Convention Area were reported (Annex 5, paragraphs 4.1 to 4.7).

8.29 As required, observers were deployed on board 20 longliners engaged in exploratory fishing for toothfish, seven trawl vessels fishing for finfish and one krill fishing vessel. All but two longliners had complied with the requirement (Annex 5, paragraphs 4.2 and 4.4).

8.30 The Commission noted that discrepancies in compliance evaluations between reports of observers and inspectors were likely to be due to the 'snap shot' of vessels' compliance observed during the inspection, compared to data from observers relating to the entire trips for those vessels (Annex 5, paragraph 4.6).

8.31 The Commission noted with satisfaction that an international observer was deployed on board a krill fishing vessel, but expressed concern about the lack of access of the observer to the fishing deck and factory area (Annex 5, paragraph 4.7).

8.32 The Commission took note of the advice received this year from the Scientific Committee (SC-CAMLR-XIX, paragraph 3.19) that, where possible:

- (i) two scientific observers should be deployed on board each vessel operating in fisheries where requirements for observer data are high;
- (ii) scientific observers should record and submit data using the CCAMLR electronic forms in Microsoft Excel format; and
- (iii) scientific observers should record data on conversion factors on a fish-by-fish basis.

The Commission also noted that the Scientific Committee had advised that observers on board krill fishing vessels should follow the protocols in the *Scientific Observers Manual* (SC-CAMLR-XIX, paragraph 3.14).

8.33 The Commission also recalled the advice it had received from the Scientific Committee at 5CCAMLR-XVIII that:

- (i) there is a paucity of information on the operation of krill fisheries and the associated by-catch in the fishery and that such information could only be obtained by observers on krill fishing vessels (SC-CAMLR-XVIII, paragraph 3.6); and
- (ii) whenever possible, two scientific observers should be deployed on longline fishing vessels (SC-CAMLR-XVIII, paragraph 3.21).

8.34 The Commission agreed with a recommendation by SCOI that a request for scientific observers to collect factual data on sightings of fishing vessels be continued. In future, all reports of sightings should be submitted in accordance with instructions and on the standard form which had been developed by the Scientific Committee (SC-CAMLR-XIX, Annex 6).

SCOI Working Arrangements

8.35 The Commission recalled its decision in 1998 on the revision of SCOI working arrangements (CCAMLR-XVII, paragraph 8.19).

8.36 The European Community submitted a proposal which included replacing SCOI with a new Standing Committee on the Control of Fishing with new terms of reference. The proposal also suggested raising the status of the current discussions on conservation measures from an ad hoc group to a Standing Committee (CCAMLR-XIX/22).

8.37 The Commission noted that the proposal had been discussed by SCOI. Although some Members saw merit in the idea, others noted the functions of the ad hoc group were among the most important of the Commission and that it may not entirely lend itself to a permanent Committee with an additional layer of decision making in the CCAMLR system. However, there was a general recognition that SCOI had developed wider responsibilities than reflected in its current terms of reference. There were concerns about costs and parallel meetings, and reservations about placing too much emphasis on the management of fisheries at the expense of the objectives of the Commission, including issues relating to the conservation of Antarctic marine living resources (Annex 5, paragraphs 5.1 to 5.7).

8.38 The Commission requested Members to consider during the intersessional period the proposal of the European Community to adjust SCOI's Terms of Reference with a view to discussing the matter further at CCAMLR-XX (Annex 5, Appendix V).