

CONSERVATION MEASURES

11.1 Conservation measures adopted at CCAMLR-XXI are listed in the *Schedule of Conservation Measures in Force 2002/03*.

11.2 With the aim of further simplifying the presentation of the conservation measures, the Commission at its 2001 meeting had requested the Secretariat to review the numbering system used for conservation measures along with the sequence in which measures and resolutions are subsequently published (CCAMLR-XX, paragraph 9.4).

11.3 The Secretariat's review (CCAMLR-XXI/15) proposed a numbering system which would allow measures to be traced over the course of their history, provide information on the topics addressed by the measures, and retain a notation familiar to CCAMLR.

11.4 The review also identified enhancement in the presentation of measures in the *Schedule of Conservation Measures in Force* by adding:

- a reference box to each conservation measure, to indicate where appropriate, the target species, area, season and fishing gear to which the measures apply;
- a table to indicate which measures applied to particular fisheries; and
- a table summarising the history of conservation measures.

11.5 The Commission endorsed this proposal with the following changes:

- the roman numeral designating the meeting at which each measure was adopted would be replaced by the year of that meeting; and
- the categories of measures was further elaborated (Table 2).

11.6 The Commission also agreed that all measures in force in 2002/03 would be renumbered using the new system, and that the existing numbering system for resolutions would be retained.

Review of Existing Conservation Measures and Resolutions

Lapsed Measures and Resolutions

11.7 The Commission noted that the following conservation measures² will lapse on 30 November 2002: 218/XX, 219/XX, 220/XX, 221/XX, 222/XX, 223/XX, 224/XX, 225/XX, 226/XX, 227/XX, 228/XX, 229/XX, 230/XX, 231/XX, 232/XX, 233/XX, 234/XX, 235/XX, 236/XX, 237/XX and 238/XX.

11.8 The Commission agreed that Resolution 13/XIX (Flagging and Licensing of Non-Contracting Party Vessels) be rescinded (see Conservation Measure 10-07 (2002)).

² Reservations to these measures are given in the *Schedule of Conservation Measures in Force in 2001/02*.

Measures and Resolutions Remaining in Force

11.9 The Commission agreed that the following conservation measures² will remain in force in 2002/03: 10-01 (1998), 10-02 (2001), 22-01 (1986), 22-02 (1984), 22-03 (1990), 23-01 (2000), 23-02 (1993), 23-03 (1991), 23-04 (2000), 23-05 (2000), 25-01 (1996), 25-03 (1999), 31-01 (1986), 32-01 (2001), 32-02 (1998), 32-03 (1998), 32-04 (1986), 32-05 (1986), 32-06 (1985), 32-07 (1999), 32-08 (1997), 32-12 (1998), 33-01 (1995), 41-03 (1999), 91-01 (2000), 91-02 (2000) and 91-03 (2000). The numbers of these measures under the previous number system were as follows: 146/XVII, 119/XX, 4/V, 2/III, 19/IX, 51/XIX, 61/XII, 40/X, 122/XIX, 121/XIX, 63/XV, 173/XVIII, 7/V, 217/XX, 72/XVII, 73/XVII, 5/V, 6/V, 3/IV, 171/XVIII, 129/XVI, 160/XVII, 95/XIV, 180/XVIII, 18/XIX, 82/XIX and 62/XIX respectively.

11.10 The Commission agreed that the following resolutions will remain in force in 2002/03: Resolutions 7/IX, 10/XII, 14/XIX, 15/XIX, 16/XIX, 17/XX.

11.11 The Commission agreed to update, where needed, the references to conservation measures in the text of the resolutions. Such changes would not result in a change in the meeting number at which the resolutions were adopted.

Revised Measures

11.12 The Commission revised the following conservation measures²: 29/XIX, 31/X, 32/XIX, 45/XX, 64/XIX, 65/XII, 106/XIX, 118/XX, 147/XIX, 148/XX, 170/XX and 216/XX. Details are provided in the following sections.

CDS and Compliance Measures

11.13 The Commission endorsed SCOI's advice to revise a number of conservation measures to ensure overall consistency of compliance mechanisms, reinforce port controls of vessels carrying *Dissostichus* spp. on board and link the use of VMS to the licensing requirements in Conservation Measure 10-02 (2001) (Annex 5, paragraphs 5.66 to 5.98, Appendices 5 and 6).

11.14 The following measures were revised and adopted:

- 118/XX (Scheme to Promote Compliance by Non-Contracting Party Vessels with CCAMLR Conservation Measures), adopted as Conservation Measure 10-07 (2002);
- 147/XIX (Provision to Ensure Compliance with CCAMLR Conservation Measures by Vessels, including Cooperation between Contracting Parties), adopted as Conservation Measure 10-03 (2002);
- 148/XX (Automated Satellite-linked Vessel Monitoring System), adopted as Conservation Measure 10-04 (2002); and

- 170/XX (Catch Documentation Scheme for *Dissostichus* spp.), adopted as Conservation Measure 10-05 (2002).

11.15 The revised Conservation Measure 10-07 (2002) establishes a list of non-Contracting Party vessels (IUU Vessel List) whose fishing activities in the Convention Area have diminished the effectiveness of CCAMLR conservation measures in force. The establishment of the IUU Vessel List would include the following steps:

- preparation by the Secretariat of a draft IUU Vessel List based on available information;
- consultation with all Contracting Parties and cooperating non-Contracting Parties regarding vessels which appear on the draft list;
- placement of the IUU Vessel List on a secure section of the CCAMLR website; and
- consideration of the IUU Vessel List by SCOI, and preparation of a final IUU Vessel List which would be appended to Conservation Measure 10-07 (2002).

11.16 The Commission tasked the Secretariat with developing the format of the IUU Vessel List by March 2003 (see also paragraph 11.30).

11.17 The following statements were made in relation to Conservation Measure 10-05 (2002).

11.18 Argentina stated that with respect to the application of Conservation Measure 10-05 (2002), it expressly reserved its sovereignty right over the Malvinas/Falkland Islands, South Georgia and the South Sandwich Islands. In this regard, the Argentine Government reserved its right to further expand this declaration at a later stage.

11.19 In response, the UK stated that it had no doubts about its sovereignty over the Falkland/Malvinas Islands, South Georgia and the South Sandwich Islands and their respective surrounding maritime areas.

11.20 Argentina rejected the statement made by the UK and reiterated its statement in paragraph 11.18.

Fishery-related Measures

11.21 The Commission endorsed the Scientific Committee's recommendation that a requirement to remove fish hooks from discarded material should be added to Conservation Measure 29/XIX (SC-CAMLR-XXI, paragraph 5.12). Accordingly, this measure was revised and adopted as Conservation Measure 25-02 (2002).

11.22 The Commission commended the Chilean bounty scheme initiative on its vessels for retrieving hooks (SC-CAMLR-XXI, Annex 5, paragraph 6.70) and encouraged the emulation of this as widely as possible.

11.23 The Commission agreed to revise Conservation Measures 31/X and 65/XII so as to restrict access to new and exploratory fisheries to vessels which can demonstrate compliance with all relevant conservation measures. In addition, vessels with confirmed involvement in IUU fishing would not be permitted to participate in these fisheries. The revised measures, which include reference to vessels listed in Conservation Measures 10-06 (2002) and 10-07 (2002), were adopted as measures 21-01 (2002) and 21-02 (2002).

11.24 The Commission noted that the Scientific Committee had compelling reasons for requiring detailed data for krill fisheries (SC-CAMLR-XXI, paragraph 4.22). Consequently, the data requirements for the fisheries for *E. superba* in Area 48 and Divisions 58.4.1 and 58.4.2 were revised. These data requirements are specified in Conservation Measure 23-06 (2002) (see paragraph 11.47). Conservation Measures 32/XIX, 45/XX and 106/XIX were revised and adopted as 51-01 (2002), 51-03 (2002) and 51-02 (2002) respectively.

11.25 The Commission re-examined the application of conservation measures to scientific research (Conservation Measure 64/XIX). It was agreed that notifications of research surveys were required for surveys targeting finfish, as well as those targeting other taxa such as krill. However, it was recognised that the levels of expected catch necessitating notification may vary between taxa. Accordingly, Conservation Measure 64/XIX was revised and adopted as Conservation Measure 24-01 (2002).

11.26 In agreeing to the above revision, the Commission requested that the Scientific Committee review at its next meeting the list of taxa and their expected levels of catch in Annex 24-01/B. It should also consider the expected levels below which notification would not be required.

11.27 The Commission endorsed the recommendation of the Scientific Committee to alter the bottle test (Protocol B) of the experimental line-weighting trials described in Conservation Measure 216/XX (SC-CAMLR-XXI, paragraph 5.15). In addition, the Commission noted that these trials may be conducted in the exploratory longline fishery for *Dissostichus* spp. in Division 58.4.2, as well as in those in Subareas 48.6 south 60°S, 88.1 and 88.2. Accordingly, the measure was revised and adopted as Conservation Measure 24-02 (2002).

New Conservation Measures

Compliance

11.28 The Commission agreed that it should identify those Contracting Parties whose vessels have engaged in fishing activities in the Convention Area in a manner which has diminished the effectiveness of CCAMLR conservation measures in force. A key step in this process was the establishment of a list of such vessels (IUU Vessel List). Accordingly, the Commission adopted Conservation Measure 10-06 (2002) which outlined the procedure and criteria for listing such vessels.

11.29 The procedure established in Conservation Measure 10-06 (2002) includes the following steps:

- preparation by the Secretariat of a draft IUU Vessel List based on available information;
- consultation with Members whose vessels appear on the draft list;
- compilation of Members' advice and supporting information into a provisional IUU Vessel List, and circulation to all Members;
- consideration of the provisional IUU Vessel List by SCOI, and preparation of a final IUU Vessel List which would be appended to Conservation Measure 10-06 (2002); and
- placement of the final Vessel List on a secure section of the CCAMLR website.

11.30 The Commission tasked the Secretariat with developing the format of the IUU Vessel List by March 2003. This format should include:

- vessel details and Flag State;
- information concerning the allegation of IUU activities, and the source of such allegations;
- Flag State advice and supporting information; and
- recommendations from SCOI.

11.31 Japan expressed its view that there may be a need for re-examination of Conservation Measures 10-06 (2002) and 10-07 (2002) for further refinement.

11.32 The following statements were made in relation to Conservation Measure 10-06 (2002).

11.33 Argentina reserved its position concerning Subareas 48.3 and 48.4 and to that effect it reiterated, *mutatis mutandis*, paragraphs 9.59 and 9.60 of CCAMLR-XVI. This statement also applies to any conservation measure relating to the aforesaid paragraph.

11.34 The UK reiterated its position as expressed in the final subparagraph of paragraph 14.10, and in that regard, considered that the provisions of the 1980 Chair's statement are applicable.

11.35 Argentina rejected the UK's statement, reiterated its position and recalled that in Subareas 48.3 and 48.4, Members are only legally bound by CCAMLR and its conservation measures. The Argentine Delegation reserved its right to further expand on its statements at a later stage after the conclusion of CCAMLR-XXI.

Prohibition of Directed Fishing

11.36 The Commission recalled the Scientific Committee's concern regarding the low levels of stocks of *Dissostichus* spp. in Division 58.4.4 and Subarea 58.6 and the high levels of IUU fishing (SC-CAMLR-XXI, paragraphs 4.106 and 4.108). The Commission agreed that

directed fishing for *Dissostichus* spp. should be prohibited in these regions, and that such prohibition shall apply until at least such a time that further scientific information is gathered and reviewed by the Scientific Committee and WG-FSA. Accordingly, Conservation Measures 32-10 (2002) and 32-11 (2002) were adopted to prohibit directed fishing for *Dissostichus* spp. in Division 58.4.4 and Subarea 58.6 respectively.

11.37 The Commission noted that the Scientific Committee had asked it to consider the designation of a marine protected area in Division 58.4.4 (SC-CAMLR-XXI, paragraph 4.106).

11.38 In accordance with Article IX of the Convention, the Commission adopted Conservation Measure 32-09 (2002) prohibiting directed fishing on *Dissostichus* spp. except in accordance with specific conservation measures in the 2002/03 season. This prohibition applied to Subareas 48.5, 88.2 north of 65°S and 88.3, and Divisions 58.4.1, 58.5.1 outside the French EEZ and 58.5.2 east of 79°20'E outside the Australian EEZ.

Assessed Fisheries

Champscephalus gunnari

11.39 Argentina expressed some reservations with respect to the method used in the assessment provided because it does not contain elements to analyse the status of the stock. The stocks in Subareas 48.1 and 48.2 have not recovered 20 years after the commercial fishery, a situation that has not been analysed in Subarea 48.3. Argentina noted that the number of birds taken in the fishery in Subarea 48.3 is too high (SC-CAMLR-XXI, paragraph 5.2). If these incidental levels of bird mortality are maintained, during the coming season one bird will be killed for approximately every 15 tonnes of fish, a cause of greater concern being that some of them belong to threatened species. In terms of its food value this fishery is insignificant in relation to its environmental impact. Thus, Argentina proposed to close the *C. gunnari* fishery in Subarea 48.3.

11.40 The Commission endorsed the Scientific Committee's advice on the trawl fishery for *C. gunnari* in Subarea 48.3 in the 2002/03 season (SC-CAMLR-XXI, paragraphs 4.84 to 4.86). This advice included setting the catch limit for *C. gunnari* at 2 181 tonnes, allowing limited fishing during the spawning period (1 March to 31 May), setting a limit to the total number of seabirds that may be accidentally caught during fishing, and conducting fishery-based research during the spawning season. Accordingly, a conservation measure for the trawl fishery for *C. gunnari* in Subarea 48.3 in the 2002/03 season was adopted as Conservation Measure 42-01 (2002).

11.41 The Commission endorsed the Scientific Committee's advice on the trawl fishery for *C. gunnari* on the Heard Island Plateau part of Division 58.5.2 in the 2002/03 season (SC-CAMLR-XXI, paragraphs 4.92 and 4.93). This advice included setting the catch limit for *C. gunnari* at 2 980 tonnes. Conservation Measure 42-02 (2002) was adopted.

11.42 The Commission noted that the incidental catch of seabirds in this fishery was extremely low and, consequently, a catch limit of seabirds as set in Conservation Measure 42-01 (2002) for Subarea 48.3 was not required.

Dissostichus eleginoides

11.43 Argentina noted that it was not clear why only one of two sets of recruitment data for 2002 were used in this year's assessment of *D. eleginoides* in Subarea 48.3 (paragraph 4.37). This means that the recommended catch limit for this fishery in 2002/03 (a 40% increase on the limit in the 2001/02 season) was based on a limited number of hauls which may not be representative of the entire datasets available to WG-FSA. In view of this and other concerns that were expressed by both WG-FSA (SC-CAMLR-XXI, Annex 5, paragraphs 5.69, 5.70 and 5.81) and the Scientific Committee (SC-CAMLR-XXI, paragraphs 4.49 to 4.54), Argentina proposed that the catch limit for 2002/03 remain at the same level as that applied in the previous season, pending further work by WG-FSA (SC-CAMLR-XXI, Annex 5, paragraphs 5.69 and 5.82).

11.44 The Commission endorsed the Scientific Committee's advice on the longline fishery for *D. eleginoides* in Subarea 48.3 in the 2002/03 season (SC-CAMLR-XXI, paragraphs 4.55 to 4.57). This advice included setting the catch limit for *D. eleginoides* at 7 810 tonnes and counting any catch of *D. eleginoides* taken in other fisheries in Subarea 48.3 against the catch limit for *D. eleginoides*. In addition, the Commission agreed to re-apply the interim limits set for the by-catch of skates and rays and *Macrourus* spp. (CCAMLR-XX, paragraph 9.41). Accordingly, Conservation Measure 41-02 (2002) was adopted.

11.45 The Commission endorsed the Scientific Committee's advice on the trawl and longline fishery for *D. eleginoides* in Division 58.5.2 in the 2002/03 season (SC-CAMLR-XXI, paragraphs 4.67 to 4.69). This was the first season that a longliner would operate in this fishery. The advice included the catch limit of 2 879 tonnes which was applicable west of 79°20'E. In addition, the fishing season for the trawl fishery was defined as the period from 1 December 2002 to 30 November 2003, or until the catch limit is reached, whichever is sooner, while the season for longlining was defined as the period from 1 May to 31 August 2003, or until the catch limit is reached, whichever is sooner. Accordingly, Conservation Measure 41-08 (2002) was adopted.

Electrona carlsbergi

11.46 The Commission noted the advice of the Scientific Committee regarding the fishery for *Electrona carlsbergi* in Subarea 48.3. The currency of this management advice was in question, and the Scientific Committee had agreed to undertake a revision of this assessment in 2003, pending other research priorities. For the 2002/03 season, the Commission adopted Conservation Measure 43-01 (2002).

Euphausia superba

11.47 The Commission reviewed the data reporting requirements for the krill fisheries and agreed that:

- catches should continue to be reported to the Secretariat on a monthly basis; and

- fine-scale catch and effort data, aggregated by 10 x 10 n mile rectangle and 10-day period, would be submitted to the Secretariat no later than 1 April of the following year.

11.48 The Commission adopted Conservation Measure 23-06 (2002) (Data Reporting System in Krill Fisheries).

By-catch

11.49 The Commission endorsed the advice of the Scientific Committee concerning catch limits for *Macrourus* spp. (465 tonnes) and skates and rays (120 tonnes) in Division 58.5.2, and the need for a move-on rule (SC-CAMLR-XXI, paragraphs 5.74 and 5.75). Accordingly, by-catch limits for fisheries in Division 58.5.2 in 2002/03 were adopted as Conservation Measure 33-02 (2002).

New and Exploratory Fisheries

General Measures

11.50 The Commission noted that there were some problems in administrating the rules governing the operation of vessels in fine-scale rectangles in new and exploratory fisheries, namely:

- fishing in any fine-scale rectangle is restricted to one vessel at any one time; and
- the catch limit of target species in each fine-scale rectangle is 100 tonnes.

11.51 The Scientific Committee had examined these issues, and proposed amendments to the general measure for exploratory fisheries for *Dissostichus* spp. (SC-CAMLR-XXI, paragraph 4.107). The Commission endorsed these recommendations, and adopted Conservation Measure 41-01 (2002).

11.52 The Commission endorsed the Scientific Committee revision to the by-catch limits for skates and rays, i.e. 5% of the catch limit for *Dissostichus* spp. in each SSRU, or 50 tonnes, whichever was the greater (SC-CAMLR-XXI, paragraph 5.76). However, the Commission noted that the catch limit for *Dissostichus* spp. in each SSRU was not defined in some of the exploratory fisheries.

11.53 The Commission also noted that the by-catch catch limits agreed in the 2001/02 season (Conservation Measure 228/XX) were often equal to the catch limits set for *Dissostichus* spp. Noting that the by-catch limit for *Macrourus* spp. in Division 58.5.2 was 16% of the catch limit for *D. eleginoides*, the Commission agreed that the by-catch limit for *Macrourus* spp. in the exploratory fisheries should be set at 16% of each catch limit for *Dissostichus* spp., or 50 tonnes, whichever was the greater.

11.54 The Commission also agreed to arbitrarily set a total by-catch limit of 20 tonnes per SSRU for all species other than skates and rays and *Macrourus* spp.

11.55 Revised by-catch limits for exploratory fisheries were adopted as Conservation Measure 33-03 (2002); the limits are set forth in Annex 33-03/A. The Commission requested that the Scientific Committee provide further advice on by-catch limits for consideration at CCAMLR-XXII.

Dissostichus spp.

11.56 Argentina expressed its concern about the safety of vessels operating in high Antarctic latitudes. It noted that many vessels fishing in that region were designed, manned and equipped for operation in temperate waters; few vessels had ice-strengthened hulls. Recent experience had shown that a delay of at least 20 days might be expected before any rescue attempts might be launched and that such an operation has high associated costs, probably not covered by the vessel owner. Thus Argentina recalled that Members participating in Antarctic fisheries should ensure that their vessels fulfil all the relevant provisions developed within the Antarctic Treaty System.

11.57 The Commission noted that the Scientific Committee had been unable to provide any new advice on precautionary catch limits for exploratory fisheries for *Dissostichus* spp. in Subarea 48.6 and Divisions 58.4.2, 58.4.3a and 58.4.3b. Consequently, the Commission agreed to set the catch limits for *Dissostichus* spp. at the same levels as those set in 2001/02:

Subarea 48.6	north of 60°S: 455 tonnes south of 60°S: 455 tonnes
Division 58.4.2	500 tonnes equally divided amongst five SSRUs
Division 58.4.3a	250 tonnes
Division 58.4.3b	300 tonnes.

11.58 The Commission agreed that vessels participating in the exploratory fisheries for *Dissostichus* spp. in Subareas 48.6, 88.1 and 88.2 south of 60°S, and Division 58.4.2, may be exempted from paragraph 3 of Conservation Measure 25-02 (2002) (night setting), if prior to licensing, each vessel can demonstrate its capacity to comply with the experimental line-weighting trials (Conservation Measure 24-02 (2002)).

11.59 The Commission also agreed that each vessel participating in the exploratory fisheries for *Dissostichus* spp. in Subareas 48.6, 88.1 or 88.2 south of 60°S, or Division 58.4.2, shall carry at least two scientific observers.

11.60 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 48.6 in 2002/03 would be limited to Japanese, New Zealand and South African flagged vessels using longlines only, and that no more than one vessel per country shall fish at any one time. The Commission noted that South Africa had only notified to fish in the region north of 60°S. Conservation Measure 41-04 (2002) was adopted.

11.61 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.2 in 2002/03 would be limited to a single Australian-flagged vessel using longlines only. Accordingly, the Commission adopted Conservation Measure 41-05 (2002).

11.62 The Commission agreed that the exploratory fisheries for *Dissostichus* spp. in Division 58.4.3a and 58.4.3b in 2002/03 would be limited to Japanese and Australian flagged

vessels using longlines only, and that no more than one vessel per country shall fish at any one time in each of these fisheries. The Commission adopted Conservation Measures 41-06 (2002) (Division 58.4.3a) and 41-07 (2002) (Division 58.4.3b).

11.63 The Commission endorsed the revised yield estimates for *Dissostichus* spp. in Subareas 88.1 and 88.2 (SC-CAMLR-XXI, paragraphs 4.110 and 4.111). In view of the uncertainties associated with these assessments, the Commission had agreed that the catch limits in these subareas should not be increased by more than 50% (paragraph 9.17). Consequently, the catch limits were set as follows:

Subarea 88.1	north of 65°S	256 tonnes
	south of 65°S	3 504 tonnes
Subarea 88.2	south of 65°S	375 tonnes.

11.64 The USA and Argentina expressed concern that the increase in assessments of *Dissostichus* spp. in Subareas 88.1 and 88.2 was due in part to an increase in recruitment estimated for *D. eleginoides* in Subarea 48.3 and to an increase in CPUE, which may be explained by reasons other than an increase in biomass (SC-CAMLR-XXI, Annex 5, paragraphs 5.24 to 5.30). Furthermore, the Scientific Committee recognised that the approach employed by WG-FSA to estimate precautionary yields in Subareas 88.1 and 88.2 may have reached a point where the limitations had outweighed the advantages (SC-CAMLR-XXI, paragraph 4.113).

11.65 New Zealand commented that the application of either discount factors proposed by the Scientific Committee (SC-CAMLR-XXI, paragraph 4.112) would result in a large increase in the catch limit and that a 50% increase in catch limit was more reasonable. In the meantime, New Zealand noted that the fishery-based research mandated by the conservation measures has improved the knowledge of stocks of *D. mawsoni* in Subareas 88.1 and 88.2.

11.66 The USA and Argentina concurred but also noted that the quality of information on which new assessments of *Dissostichus* spp. in these subareas will be based, should improve substantially before another increase in the catch limit is considered.

11.67 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.1 in 2002/03 would be limited to no more than two Japanese, six New Zealand, two Russian, two South African and one Spanish flagged vessels using longlines only. Russia indicated that it decided to withdraw its notification in respect of two of its vessels *Strela* and *Zarya*, and that the remaining two vessels *Volna* and *Yantar* would be the two Russian vessels to enter the fisheries. The Commission adopted Conservation Measure 41-09 (2002).

11.68 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.2 in 2002/03 would be limited to no more than two Japanese, five New Zealand and two Russian flagged vessels using longlines only. Russia indicated that it decided to withdraw its notification in respect of two of its vessels *Strela* and *Zarya*, and that the remaining two vessels *Volna* and *Yantar* would be the two Russian vessels to enter the fisheries. The Commission adopted Conservation Measure 41-10 (2002).

Martialia hyadesi

11.69 The Commission agreed that the existing management regime for the exploratory jig fishery for *M. hyadesi* in Subarea 48.3 be maintained for the 2002/03 fishing season (SC-CAMLR-XXI, paragraph 4.121). Accordingly, Conservation Measure 61-01 (2002) was adopted.

Paralomis spp.

11.70 The Commission endorsed the advice of the Scientific Committee regarding the crab fishery in Subarea 48.3. Accordingly, the Commission removed the restriction on the processing of crabs on board vessels on the understanding that scientific observers would be afforded unrestricted access to the catch for statistical random sampling prior to, as well as after, sorting by the crew. Accordingly, Conservation Measure 52-01 (2002) was adopted.

11.71 The Commission also adopted Conservation Measure 52-02 (2002) (Experimental Harvest Regime).

New Resolutions

11.72 The Commission expressed concern that some Flag States, particularly certain non-Contracting Parties, did not comply with their obligations regarding jurisdiction and control according to international law in respect of fishing vessels entitled to fly their flag that carry out their activities in the Convention Area. The Commission agreed that such vessels were not under effective control of the Flag States. Accordingly, the Commission endorsed the recommendation of SCOI (Annex 5, Appendix VI) and adopted Resolution 19/XXI.

11.73 The Commission recognised that the harvesting of *Dissostichus* spp. in the Convention Area needs to be undertaken in a manner consistent with the objectives of the Convention. It acknowledged that this principle also needed to be taken into account when harvesting *Dissostichus* spp. stocks in the Indian Ocean which extend beyond the boundary of the Convention Area.

11.74 In Resolution 10/XII, the Commission agreed that it is necessary to ensure that harvesting in areas adjacent to the Convention Area is consistent with measures applicable to adjacent areas within the Convention Area, such as for Subareas 58.5, 58.6 and 58.7. The practice in exploratory *Dissostichus* spp. fisheries is to limit the catch in order to provide for an orderly development of the fishery until more scientific information is available for assessment of those stocks. The Commission has agreed that Subareas 58.6 and 58.7 be closed outside EEZs.

11.75 The Commission agreed that information on available fishing grounds, including information from the fishery in Areas 51 and 57, should be reviewed at the next meeting of the Scientific Committee and its working groups.

11.76 The Commission agreed that Members should take steps with respect to the harvesting of *D. eleginoides* in areas adjacent to the Convention Area through:

- in accordance with Resolution 10/XII, seeking to facilitate the management of the harvesting of *Dissostichus* spp. in order that the conservation of Antarctic marine living resources inside the CCAMLR Convention Area is not undermined;
- recognising the need for Contracting Parties to CCAMLR to manage the harvesting of toothfish in areas beyond the Convention Area, if appropriate, until such time that other RFMOs are established in those areas, and which could potentially share responsibility for the management of these stocks with CCAMLR; and
- taking measures necessary to conserve living resources on the high seas according to the obligations of States party to UNCLOS as specified in Articles 117 to 119 of that Convention.

11.77 In so doing, the Commission adopted Resolution 18/XXI and agreed to consider these matters further at its next meeting.

General Statements

11.78 Australia advised the Commission that any fishing or fisheries research activities in that part of Divisions 58.4.3 and 58.5.2 that constitutes the Australian EEZ around the Australian Territory of Heard Island and McDonald Islands must have the prior approval of Australian authorities. The Australian EEZ extends up to 200 n miles from the Territory. Australia regarded unauthorised fishing in its waters as a serious matter that undermines efforts to ensure fishing occurs only on an ecologically sustainable basis. Australia seeks the assistance of other CCAMLR Members in ensuring their nationals and vessels are aware of the limits of the Australian EEZ and the need for prior permission to fish there. Australia has implemented strict controls to ensure that fishing in its EEZ occurs only on a sustainable basis. These controls include a limit on the number of fishing concessions issued. Presently, fishing concessions are fully subscribed and no further concessions are available in 2002/03. Australia has legislation to provide for large penalties for illegal fishing in Australia's EEZ, including the immediate forfeiture of foreign vessels found engaged in such activities. Any enquiries about fishing in the Australian EEZ should be made initially to the Australian Fisheries Management Authority.

11.79 South Africa made the following statement:

'In 1996 South Africa drew the Commission's attention to the potentially high levels of IUU fishing for toothfish in the Indian Ocean in general and in South Africa's EEZ around the Prince Edward Islands in particular. Some six years later, all South Africa's fears in this regard have clearly manifested themselves with South Africa, as a developing nation, having been the victim of IUU fishing. We wish to emphasise that during the time since our concerns were first expressed six years ago, South Africa has lost, not 10s of million dollars but in excess of US\$150 million dollars due to the illegal removal of fish from its EEZ.

Despite its limited human, technological and economic resources, South Africa has whole heartedly joined with other Members of this Commission in our efforts to combat IUU fishing. South Africa was one of the first Members to introduce Port State controls (in 1997) for toothfish landings, to institute VMS verification of fishing

location for any vessel using our ports, and to embrace the CDS. We also proposed the closure to toothfish fishing in Subarea 58.7 at CCAMLR-XVII and have supported the most recent suggestion to close Subarea 58.6 and Division 58.4.4, despite our concern that closure of these areas may once again lead to IUU vessel targeting the Prince Edward Island EEZ.

It is clear that the road has not been an easy one for us. Nevertheless, we have joined with many other Members in the collection of information on IUU fishing, in spreading CCAMLR's concerns to countries in the region in which we live (particularly in the context of our membership of the Southern African Development Community) and in assisting with the enforcement actions taken by other CCAMLR Parties such as the assistance we provided to Australia in the apprehension of the *South Tomi*. Our efforts of cooperation within CCAMLR have also been demonstrated in recent events pertaining to the vessel *Noemi's* illegal fishing in the French EEZ.

It is therefore with amazement that we have listened to the Commission's debate on IUU fishing over the past two weeks. Quite frankly, we are dumbfounded by what seems to be a political unwillingness of some CCAMLR Parties to exercise effective control over toothfish vessels flying their flags. We sincerely believe that if a small country with limited resources such as South Africa, can do what we are proud of having achieved then other countries should at least be able to demonstrate a similar political will. Therefore, we are deeply disturbed to note that a highly developed country like Canada cannot seem to see its way free to implement the CDS. Likewise, we find it ridiculous that one Member appears ready to score some "political points" by attempting to divert attention away from its inability to control vessels under its flag in order to make their "a reflagging issue".

South Africa does not like having to make long political statements, but the events of the past few days have moved us to document our "sacrifice" in the records of this Commission. I would like to conclude with a question: How long will it be before certain other Members of this Commission are willing to demonstrate their willingness to make sacrifices like those we have made?

11.80 The French Delegation endorsed the statements made by Australia and South Africa. It would, in turn, like to reaffirm the commitment of the Government of the French Republic to the elimination of the scourge of illegal fishing and, to this end, reiterated its availability for cooperative action in the region.