

CONSIDERATION OF THE IMPLICATIONS OF POSSIBLE LIMITS ON KRILL CATCHES IN SUBAREA 48.3

8.1 In 1989, the Commission asked three questions of the Scientific Committee, concerning the biomass and potential yield of krill in Subarea 48.3 and the actions necessary to protect predators dependent on krill and young fish caught as by-catch in the krill fishery. If the Scientific Committee was unable to answer these questions it was requested to give an indication of the time period required to provide answers (CCAMLR-VIII, paragraph 50).

8.2 The Scientific Committee was unable to provide adequate answers to these questions due to uncertainties in methodologies and data, and recommended that in the light of these uncertainties the Commission should consider imposing precautionary measures for limiting the krill fishery in Subarea 48.3 (SC-CAMLR-IX, paragraph 2.76).

8.3 At the time the report of the Scientific Committee was being adopted, the Delegations of Japan and USSR expressed the view that the introduction of precautionary limits on krill fishing in Subarea 48.3 was not yet justified because of the lack of estimates of the total biomass and the potential yield.

8.4 The EEC, supported by other Members, expressed the view that a precautionary limit on krill catches would be an appropriate response to the Scientific Committee's recommendation. In principle, such a limit could be extended to include areas in addition to Subarea 48.3 and it was agreed that the questions asked of the Scientific Committee in respect of Subarea 48.3 should also be asked in respect of Subareas 48.1 and 48.2 and Statistical Areas 48, 54 and 88 as a whole.

8.5 Furthermore, the Scientific Committee should be specifically asked for an indication of its best estimate of a precautionary limit for krill in the various statistical areas. It should also be asked to identify the various options for the basis on which such a precautionary limit could be established.

8.6 Several Members explained that the proposed management procedures associated with precautionary limits to fishing would act to prevent unregulated escalation of the fishery, and would not be designed to limit the current activities of fishing Members, or to restrict the activities of fleets to specific areas. One possible management measure along these lines would involve the establishment of an initial catch limit in excess of present catches and permit expansion of the fishery at a controlled rate (for example 5% a year). The limit would remain unchanged following years in which it was not exceeded. This management procedure would be reviewed as improved scientific advice became available.

8.7 The USSR, Japan and Korea stated their view that they were not in principle opposed to the idea of a precautionary limit on krill fishing, but that any quantitative basis for such a precautionary limit on fishing should have scientific justification based on assessments performed by the Scientific Committee.

8.8 Other delegations indicated their view that the setting of a precautionary limit in the absence of scientific advice, based on assessments, was a natural and well established method in other international fishery organisations (e.g., NAFO) to limit uncontrolled expansion of a fishery. Indeed a central reason for the need for a precautionary limit on the krill fishery was the acknowledged inability of the Scientific Committee to give quantitative advice on the biomass and potential yield of krill.

8.9 In any event the USSR, Japan and Korea considered that such precautionary measures were unnecessary because the fishery had remained at approximately the same level since 1986. In this regard, both the USSR and Japanese Delegations stated that they anticipated no increase in the total catches of krill in the Convention Area in the near future.

8.10 In this connection, the Commission:

- (i) takes note of the intention of all Members presently fishing for krill in the Convention Area not to increase significantly their fishing effort for krill or the catches of krill within the Convention Area in the near future.
- (ii) urges any Member intending to increase significantly its fishing effort or catches of krill from the Convention Area to notify the Commission at least four months in advance of the next Commission meeting; and
- (iii) urges any Member at present not conducting fishing for krill in the Convention Area but intending to initiate fishing for krill in the Convention Area, to notify the Commission at least four months in advance of the next Commission meeting.

8.11 The EEC expressed strong regret that the Commission had not followed the advice of the Scientific Committee in fixing a precautionary limit for krill in Subarea 48.3.

8.12 Australia, New Zealand and other delegations expressed strong disappointment that the Commission had been unable to reach consensus on a conservation measure to put a precautionary limit on the krill fishery. Krill was by far the largest fishery in the Convention Area and its development had been a key factor prompting the negotiating of the Convention. It was therefore a

matter of deep concern that in its nine annual meetings since the Commission commenced operation, it had not been possible to secure the cooperation of the major fishing Members for the adoption of any measure directed at the conservation of krill.

8.13 The Delegation of the USSR, in response, noted that the issue of establishing conservation measures on krill was formally raised for the first time at the Eighth Meeting of the Commission and was included on the Agenda for the first time at the Ninth Meeting of the Commission.