

OBSERVATION AND INSPECTION

5.1 The Chairman of SCOI, Ambassador J. Arvesen (Norway), introduced the report of the Committee. SCOI had slightly rearranged the original order of discussion of sub-items under Item 5 as referred by the Commission, however, the entire Item 5 was adequately covered in the revised agenda of SCOI. The report of SCOI is appended as Annex 5.

Operation and Compliance - System of Inspection

5.2 Three inspections were reported to the Secretariat. A summary of reports of these inspections is given in CCAMLR-XIII/10. All three inspections were carried out in Subarea 48.3 in January and February 1994 by CCAMLR Inspectors designated by the UK. The vessels inspected were the Chilean-registered *Antonio Lorenzo* (longliner) and the Russian-registered *Makshevo* and *Mirgorod* (stern trawlers converted for longlining).

5.3 A number of infringements was recorded by inspectors in respect of the Russian vessels. Russia informed the Commission that it had undertaken a thorough investigation as a result of the inspectors' reports. As a consequence, sanctions had been imposed on the captains of both fishing vessels, their licences revoked and both vessels had been recalled from working in the CCAMLR Convention Area (Annex 5, paragraphs 1.18, 1.19 and 1.24).

5.4 The Commission noted with satisfaction the way Russia had conducted its investigation and imposed sanctions.

5.5 No actual violations were recorded by the CCAMLR Inspectors on board the Chilean longliner *Antonio Lorenzo*. Therefore, there were no grounds for prosecution (Annex 5, paragraphs 1.17, 1.22 and 1.23).

5.6 The UK drew the attention of the Commission to paragraph 1.17 of the SCOI report (Annex 5). The *Antonio Lorenzo* had been found some 300 n miles inside Subarea 48.3 with baited hooks. The inspector had concluded that there was an intention to fish.

5.7 The Delegation of Chile informed the Commission that, in accordance with Chilean domestic legislation, all cases of alleged infringements have to be considered through the judicial system and not through an administrative system as is the case in some other countries.

5.8 The Delegation of the UK asked if there was any further information on the legal proceedings in relation to the four vessels encountered during the 1992/93 fishing season in the Convention Area in contravention of Conservation Measure 55/XI (CCAMLR-XII, Annex 5, paragraph 31). One of these vessels was the *Antonio Lorenzo*.

5.9 In its response, the Delegation of Chile referred to the document CCAMLR-XIII/18 submitted to the Commission. This document lists all current lawsuits initiated by the Government of Chile against national flagged vessels alleged to be in violation of CCAMLR conservation measures. Included in the lawsuits was the *Antonio Lorenzo* for an alleged violation relating to the 1992/93 season. None of the eight proceedings initiated in 1993 had yet been concluded. Chile stated that it would inform the Commission of their results later.

5.10 The Commission noted with appreciation the active steps that Chile continues to take in relation to vessels alleged to be in violation of CCAMLR conservation measures.

5.11 With regard to the Chilean-registered longlining vessel *Isla Guamblin*, which had been fishing illegally in Subarea 48.3, the Delegation of Chile stated that the case was not related to fishing under a Flag of Convenience (Annex 5, paragraphs 1.30 to 1.32).

5.12 The Commission noted the view of SCOI that Members should be further encouraged to make more extensive use of the System of Inspection. The requirement for more active participation of Members in the System had become clearly obvious in the light of illegal fishing operations recently observed in the CCAMLR Convention Area (Annex 5, paragraph 1.29).

5.13 The Commission approved the recommendation of SCOI to express its deep concern over indications that large-scale fishing in contravention of conservation measures is taking place in the CCAMLR Convention Area (Annex 5, paragraph 1.29).

5.14 The Commission also approved the recommendation of SCOI to remind Members of their treaty obligations to ensure that their flag vessels conduct their activities in the Convention Area in conformity with conservation measures in force, and that infractions of these measures are dealt with promptly and effectively (Annex 5, paragraph 1.29).

5.15 The Commission recalled Resolution 10/XII and reaffirmed that Members should ensure that their flag vessels conduct harvesting in areas adjacent to the Convention Area responsibly and with due respect for CCAMLR conservation measures.

5.16 The Commission also expressed its concern over the evidence of fishing by non-Member countries in the Convention Area (Annex 5, paragraph 1.33; see also paragraph 3.11). The Commission endorsed the recommendation of SCOI that the Secretariat should write to the governments of the States concerned with information about CCAMLR and request comments in respect of fishing in the Convention Area.

5.17 SCOI had considered the request from Poland to explore the possibility of granting an exemption from Conservation Measure 30/X until the end of 1995 for one Polish krill trawler. After careful and detailed consideration of the issue, SCOI laid down specific conditions and recommended that the Commission agree to the request from the Delegation of Poland.

5.18 Although the Delegation of Poland later informed the Commission that the exemption requested was no longer required (see paragraph 4.19), the Commission noted that the results of SCOI's discussions on the matter were important and established a process for the handling of any further requests at this meeting.

5.19 The Commission noted that experience from CCAMLR inspections carried out during the most recent, and previous, seasons had highlighted two potential deficiencies in the CCAMLR System of Inspection (Annex 5, paragraphs 1.53 to 1.55). These deficiencies are related to the right of inspectors to board any fishing or fisheries research vessel and to the identification of infringements of CCAMLR conservation measures.

5.20 The Commission directed SCOI to consider improvements to the CCAMLR System of Inspection at its 1995 meeting as a separate item. In the meantime, the Commission considers that under the present system, an inspector may board a fishing or fisheries research vessel to determine whether the vessel is engaged in fishing activities or fisheries research except for waters around Kerguelen and Crozet Islands, except with the agreement of France and in the manner so agreed.

5.21 The Delegation of the USA expressed its reservation in regard to the concept that unless a vessel was encountered actually engaged in fishing then no such infringement could be deemed to have occurred (Annex 5, paragraph 1.55). For example, there are other means, such as review of logbooks and fishing plans, by which illegal fishing activities can be identified. It also noted that the matter should be further considered at the next year's meeting of SCOI.

5.22 The Commission considered the paper prepared by the Science Officer which explored the feasibility of using transponders linked to vessels' Global Positioning System (GPS) which regularly transmit vessel identification and position in the CCAMLR Convention Area

(CCAMLR-XIII/11). The proposal for the CCAMLR Vessel Monitoring System (VMS) was based on the use of integrated Inmarsat-C/GPS terminals installed on the vessels of all CCAMLR Members fishing in the Convention Area (Annex 5, paragraphs 1.34 to 1.51).

5.23 The Commission requested that SCOI continue consideration of this issue. The Secretariat was asked to prepare for the next meeting a proposal on the possible configuration of VMS for the CCAMLR Convention Area based on the use of the Inmarsat-C/GPS-linked system. Members were asked to assist the Secretariat in preparing this proposal. The Commission agreed with the course of action proposed by SCOI.

5.24 The Delegations of Poland and Japan informed the Commission of their opinion that a continuous position monitoring system should not be introduced for krill fishing at the present time due to its current very low level compared to TACs and due to the fact that there are no closed areas or seasons. This view was shared by SCOI (Annex 5, paragraphs 1.43 to 1.45).

Establishment of an Intersessional Procedure for Notifying CCAMLR Members of Infractions and Sanctions Imposed by Flag States

5.25 SCOI had considered a number of changes to the existing reporting requirements proposed by the Delegation of Australia (CCAMLR-XIII/16). The Commission felt that the present procedures for notification of infractions of conservation measures, and any related sanctions, could result in undesirable delays before Members received and acted on advice of such activities.

5.26 The Commission endorsed changes to the System of Inspection proposed by SCOI with respect to the current rules on the processing of reports of inspection (Annex 5, Appendix III).

5.27 The Commission also emphasised the importance of Members acting promptly to implement the notification and information exchange procedures associated with inspections. The Commission endorsed the recommendation of SCOI that once inspection reports had been transmitted by the CCAMLR Executive Secretary to Members, the information, and any comments by the Flag State of the inspected vessel, should be available for use by the Committees and Working Groups of the Commission and the Scientific Committee. The Commission further endorsed the recommendation of SCOI that Members should be encouraged to ensure that supplementary reports or information be prepared by inspectors wherever practicable.

Operation of the Scheme of International Scientific Observation

5.28 In the 1993/94 season, scientific observers designated by the UK (three observers on a Korean vessel and one observer on a Chilean vessel), the USA (one observer on a Russian vessel) and Russia (one observer on the vessel operated jointly by Bulgaria and Ukraine) had conducted observations on the fishery for Patagonian toothfish in Subarea 48.3 (South Georgia).

5.29 The Commission noted that SCOI had identified certain difficulties which arose in the implementation of the Scheme of International Scientific Observation. These included funding and transportation of the observer to and from the vessel, negotiating bilateral agreements at various levels ranging from governments to fishing companies and individuals and the desirability of obtaining a qualified observer with an ability to communicate in the Flag State language.

5.30 The Commission noted the need to urge Members to initiate negotiations for placing observers early in the season after the annual meetings of CCAMLR, rather than at the beginning of the fishery (Annex 5, paragraph 2.7).

5.31 The Commission considered the advice from the Scientific Committee on scientific observation (SC-CAMLR-XIII, paragraphs 13.10 to 13.15).

5.32 The Commission noted the advice that, due to the technical complexities involved in recording data on incidental mortality, two scientific observers, including one international observer, should be present on a longline vessel for this purpose whenever logistically possible (SC-CAMLR-XIII, paragraph 13.10). It also encouraged CCAMLR parties to put this advice into practice in appropriate circumstances.

5.33 The Delegation of the UK further noted that any requirements for observers on vessels taking part in specific fisheries should be contained within relevant conservation measures.

5.34 The Commission endorsed the advice that Members entering into an Observer Arrangement shall take steps to ensure that the crews of their fishing vessels are made aware of the responsibilities of hosting an observer and shall ensure that the conditions available on the vessels are satisfactory for the observers in the execution of their duties (SC-CAMLR-XIII, paragraph 13.11).

5.35 The Commission noted the advice of the Scientific Committee on the fate of samples collected by scientific observers (SC-CAMLR-XIII, paragraphs 13.12 and 13.13), the arrangements for submitting data from observer programs (SC-CAMLR-XIII, paragraph 13.14) and changes to the *Scientific Observers Manual* (SC-CAMLR-XIII, paragraph 13.15).

5.36 However, the Commission agreed that many of the matters discussed in SC-CAMLR-XIII, paragraphs 13.11, 13.12 and 13.14 should be dealt with by SCOI before the Commission considers them further. It therefore requested that at its next meeting SCOI consider these items. It recognised that this introduced a delay of one year in referring the Scientific Committee's advice to the Commission. The Commission recommended that to avoid this delay in future the Scientific Committee should prepare in any one year a summary of its recommendations on scientific observation for immediate presentation at the SCOI meeting of the same year.

5.37 Nevertheless, the Commission suggested that many of the technical recommendations of the Scientific Committee, for instance revisions to the *Scientific Observers Manual* (SC-CAMLR-XIII, paragraph 13.15) or submission of observer data to the Secretariat (SC-CAMLR-XIII, paragraph 13.14), involved work which could be started during the 1995 intersessional period or could be undertaken at the initiative of individual Members prior to their formal consideration at SCOI in 1995.

Election of the Chairman of SCOI

5.38 The Commission joined SCOI in expressing gratitude to Ambassador Arvesen for his efforts over the last three years in guiding negotiations and the excellent way in which he had conducted the business of SCOI.

5.39 Dr W. Figaj (Poland), the present Vice-Chairman of the Committee, was elected as Chairman of SCOI for the period from the end of this meeting to the end of the Committee meeting in 1996. SCOI then elected a new Vice-Chairman. Dr S.A.H. Abidi (India) was elected as Vice-Chairman of SCOI for the period from the end of this meeting to the end of the Committee meeting in 1996.