

## NEW AND EXPLORATORY FISHERIES

6.1 CCAMLR has not received any notification of intention to conduct new or exploratory fisheries in the 1994/95 season. However, the USA notified its intention to fish for crabs in Subarea 48.3 during the 1994/95 season in accordance with Conservation Measure 74/XII, which classifies this fishery as exploratory. The Commission agreed that Conservation Measure 74/XII should be applied to the 1994/95 season as Conservation Measure 79/XIII (see paragraphs 8.16 and 8.17) and noted that Conservation Measure 75/XII also remains in force.

## CONSERVATION AND MANAGEMENT OF THE ANTARCTIC MARINE LIVING RESOURCES IN STATISTICAL SUBAREAS 48.3 AND 48.4

7.1 The Delegation of Argentina had requested that this item be put on the agenda of the Commission and was invited to introduce it.

7.2 The Delegation of Argentina pointed out that:

‘The management and conservation of Antarctic marine living resources in Subareas 48.3 and 48.4 has been the subject of special attention of the Commission for justified reasons, including:

- (i) the large number of fish species commercially exploited in these subareas;
- (ii) the majority of the conservation measures in force are applicable to Subareas 48.3 and 48.4;
- (iii) Subarea 48.3 is the only subarea open to the fishery for *D. eleginoides* (apart from the small number of captures allowed by Conservation Measure 70/XII in Subarea 48.4);
- (iv) the Commission has recognised the special importance of Subarea 48.3 by approving Conservation Measure 7/V. Moreover, at the 1993 meeting, it was defined by the Commission as a Special Area for Protection and Scientific Study (Conservation Measure 69/XII), in accordance with Article IX of the Convention;
- (v) the Commission also highlighted the ecological unity of Subarea 48.3, stressing the need that its Members use the control mechanisms in force more extensively;

- (vi) during the last intersessional period several events reaffirmed the importance of Subarea 48.3, among them: the proposal made by one Member to bring forward the close of the fishery for *C. gunnari*, supported by many Members including Argentina (it should be recalled that during the Twelfth Meeting of the Commission, Argentina proposed the closure of that fishery); and the fact that all the inspections and observations were performed in Subarea 48.3, as well as the infringements detected.
- (vii) the Scientific Committee, at its recent meeting, recognised some specific issues relating to Subareas 48.3 and 48.4, recommending that: a precautionary approach for *D. eleginoides* be adopted; the fishery for *C. gunnari* be closed; the conservation measures relating to other species in the subareas remain in force; scientific research cruises for different species be carried out; a precautionary TAC for crabs be adopted; and the holding of a workshop on methods to assess *D. eleginoides*, due to the uncertainty about the status of this stock. It also expressed its concern about the incidental mortality of seabirds;
- (viii) the above examples show the importance and special concern given to Subareas 48.3 and 48.4 by the Commission and the Scientific Committee. Such problems also indicate the need for adequate follow-up in order to resolve them. This is also consistent with the recommendation that Members of the Commission make more extensive use of systems of observation and inspection.
- (ix) a comprehensive monitoring of the more relevant aspects of Subareas 48.3 and 48.4 would facilitate cooperation between the Commission and coastal Member States with jurisdiction over maritime spaces surrounding the Convention Area, aimed at protecting associated species and detection of illegal captures and other infringements. Such follow up also implies the recommendation that Flag States exert their control and take steps to prosecute and impose sanctions on infractor vessels of their flag. The comprehensive monitoring proposed is in line with the objectives of Article II of the Convention; and
- (x) in conclusion, the problems in Subarea 48.3 deserve special consideration. They require an integrated management approach by the Commission to achieve a 'harmonious' solution to the problems of observation and inspection, krill and finfish evaluation, incidental mortality and, in more general terms, the ecosystem approach to management.

Argentina reaffirms its readiness to collaborate extensively and constructively in such tasks.'

7.3 The Delegation of Chile reflected on what has been done within the Commission and on what, in its view, needed to be done in the light of the experience gathered so far. In this context, it reiterated the commitment made by its government to strengthen the Antarctic Treaty and the Convention on the Conservation of Antarctic Marine Living Resources, as one of the main elements of the Antarctic Treaty System. It noted that since Chile is a maritime and fishing nation, whatever takes place at sea concerns it as a rule and warrants extremely rigorous monitoring, particularly insofar as research, science and conservation of resources are concerned. In this regard, success in creating and developing projects puts to the test such sensitive matters as inspection, observation and implementation of agreed rules.

7.4 The Delegation of Chile pointed out that both the letter and the spirit of the Canberra Convention provide the necessary means for appropriate management of marine resources in the Convention Area and that the differences that have arisen have been dealt with on the basis of a broad consensus, which is one of the fundamental principles giving CCAMLR stability, prestige and image, without having had to resort so far to mechanisms for the settlement of disputes which are addressed by this Convention. It further pointed out that most of the measures and activities relating to fisheries focus on Subareas 48.3 and 48.4, and therefore the Parties must combine their effort to deal adequately with the problems that arise, with the cooperation and participation of all Member States.

7.5 It noted that Chile has been a pioneer in Antarctic fisheries research and has been one of the countries which has contributed most in submitting information without invoking any type of confidentiality. Furthermore, it recalled the role that Chile has played in the implementation of the International Scheme of Scientific Observation in Subarea 48.4.

7.6 With respect to the infringements of conservation measures, some of which have been attributed to Chilean vessels, it reiterated its government's decision to continue addressing these issues openly and in accordance with the ongoing policy of strengthening CCAMLR and protecting the environment. In this context, it indicated that the submission of information to national fishing entities is an ongoing requirement, aiming at involving them in the terms and the scope of the international regulations, thus assuming fully and in a decisive way the concept of sustainable growth.

7.7 The Delegation of Chile highlighted the fact that the precautionary approach and common responsibility deserve an appropriate monitoring on the part of the Commission; this constitutes an incentive to raise awareness of the common interests, quality and quantity of

marine living resources involved and the threat of overfishing. It added that those environmental controls will arise naturally, through the provisions of agreed principles and rules, going beyond the letter of the respective Conventions.

7.8 The Delegation of Australia stated that Subareas 48.3 and 48.4 are areas subject to significant pressures, and that Australia will follow the debate on this matter with interest. One of the strengths of CCAMLR is its ability to develop effective approaches in particular areas of importance. Subareas 48.3 and 48.4, because of their importance, require careful consideration in this forum.

7.9 A further strength of CCAMLR is its ability to adopt and apply conservation measures in areas subject to special pressures. Australia supports the application of the CCAMLR system of rules in this context, based on its mechanisms for detailed scientific consideration of the issues involved. Australia looks forward to a constructive resolution of this matter.

7.10 The Delegation of New Zealand stated that New Zealand has taken careful note of the reasons behind the submission of Argentina on the question of the conservation and management of the Antarctic Marine Living Resources in Subareas 48.3 and 48.4.

7.11 New Zealand is wholeheartedly committed to the principles of conservation enunciated in the Convention on the Conservation of Antarctic Marine Living Resources. New Zealand strongly believes in the importance of safeguarding the environment and protecting the integrity of the seas surrounding Antarctica. In this respect it recalls with interest the references in the Report of the Twelfth Meeting of the Commission to the importance of the ecological unity of the area, of which Subareas 48.3 and 48.4 form part, which is closest to the continent of South America.

7.12 New Zealand welcomes the continuing efforts of the contracting parties involved in the management and conservation of marine living resources in this area to ensure that the principles of the Convention are respected.

7.13 The Commission noted with appreciation the remarks made by the delegations referred to above and acknowledged the importance of a general overview relating to Subareas 48.3 and 48.4.