

OBSERVATION AND INSPECTION

7.1 The Chairman of SCOI, Dr W. Figaj (Poland), introduced the report of the Committee. The report of SCOI is appended as Annex 5.

7.2 The Chairman of SCOI expressed his gratitude to all Members for their constructive contribution to the Committee's deliberations. He thanked the Secretariat and especially the Executive Secretary and the Science Officer for their excellent work in the preparation of the meeting documents and the report of the meeting.

7.3 The Commission's discussions of the SCOI report and decisions taken are presented below.

Operation of the System of Inspection and Compliance with Conservation Measures

7.4 The Commission noted that there were no objections to the conservation measures adopted at CCAMLR-XIV which therefore became binding on 5 May 1996.

7.5 The Commission noted that reports were received from Australia, Argentina, Chile, European Community, France, Japan, Norway, Russia, South Africa and USA on the legal and administrative mechanisms which give effect to CCAMLR conservation measures in force (Annex 5, paragraphs 1.5 to 1.17).

7.6 The Commission considered results of inspections undertaken in the 1995/96 season and reports of Flag States (Annex 5, paragraphs 1.18 to 1.30). A summary of all reports of inspection was available to the Commission as CCAMLR-XV/16 Rev. 1.

7.7 It was noted that although all five inspections demonstrated general compliance with conservation measures, some infringements were noted. Some longlines were reported as having been set during daylight hours (in contravention of Conservation Measure 29/XIV) and plastic packaging bands were still in use on some vessels (in contravention of Conservation Measure 63/XII). Though important, these infringements were, at this stage, considered not to be as serious as previous seasons' infringements (Annex 5, paragraph 1.23).

7.8 In this regard Argentina and Australia noted that in their view any infringements to conservation measures are equally grave. Incidental mortality problems have the same importance as any other.

7.9 The Commission noted that some possible ambiguity existed in the wording of the two abovementioned conservation measures, which contributed to an apparent misunderstanding of

their requirements by fishing masters (Annex 5, paragraphs 1.24 and 1.25). As a result, the Commission made the necessary revisions to these measures and adopted them as Conservation Measures 29/XV and 63/XV (see section 8 of this report).

Information Provided by Members in Accordance with Articles X and XXII of the Convention

7.10 The Commission considered the Committee's discussions of Members' reports on sightings of vessels of Contracting Parties and activities of non-Member States in the Convention Area (Annex 5, paragraphs 1.31 to 1.58).

7.11 The Commission noted with satisfaction reports of Members on investigations and legal procedures undertaken with regard to reported sightings of their vessels (Annex 5, paragraphs 1.33 to 1.37).

7.12 Of extreme concern to the Commission was further evidence of illegal fishing activities in the Convention Area. In accordance with the report on illegal fishing received from South Africa (CCAMLR-XV/18) and taking into account observations made by SCOI last year (CCAMLR-XIV, Annex 5, paragraph 1.37), the extent of illegal fishing activities in the Convention Area poses a serious problem (Annex 5, paragraphs 1.38 to 1.46).

7.13 This problem was exacerbated by the presence of vessels of non-Members fishing in the Convention Area (Annex 5, paragraphs 1.53 to 1.58). These vessels fish apparently without any regard for CCAMLR conservation measures and provide no reports of their catches to CCAMLR, which undermines its fisheries management effort.

7.14 In discussing this particular issue, the European Community advised the Commission that an official request was forwarded to Portugal, a member of the European Community, with regard to the reported sighting of the vessel *Priaia Do Rostello*. In addition, South Africa informed the Commission that it intends to contact Portugal on a bilateral basis.

7.15 In this connection, it was further noted that SCOI indicated another potentially serious problem, that of reflagging vessels. In particular, two of the four vessels observed by South Africa fishing illegally in CCAMLR waters inside and outside the South African Exclusive Economic Zone (EEZ) around the Prince Edward Islands were reflagged vessels originally belonging to a Member of the Commission.

7.16 The Commission endorsed the following suggestions considered by SCOI and aimed at dealing more effectively with contraventions of CCAMLR conservation measures (Annex 5, paragraph 1.48):

- (i) communication between CCAMLR and States which are not Party to the Convention under Article X of the Convention should be strengthened and improved;
- (ii) the status and implementation of the procedure set out in paragraph IV of the System of Inspection should be improved; and
- (iii) the items of information required under (ii) should be reviewed with respect to improving the information conveyed.

7.17 The Commission expressed its deep concern over the increasing number of reports of fishing activities in the Convention Area by vessels of non-Members. It therefore directed the Chairman to write to the Governments of the Flag States of these vessels to convey a firm message underlining the fact that such activities undermine the effectiveness of the CCAMLR conservation approach. (Letter attached at Annex 6).

7.18 The Commission invited Members, in accordance with the obligations of Article XXII(2) of the Convention, to report promptly to the Executive Secretary of CCAMLR activities of this nature that come to their attention. The Executive Secretary shall in turn inform Members.

7.19 The Executive Secretary was requested to inform all Members within three months of the Chairman's letter, pursuant to paragraph 7.17, of the reply or lack thereof to the letter. In the event of no reply or a negative reply, the Commission recommended that Members individually or jointly reiterate firmly the position of CCAMLR to the Government concerned.

7.20 The Commission further recalled the obligation of Article XXII(1) in this regard and agreed that Members would strive to draw up at the Sixteenth Meeting a common approach in regard to such activities.

7.21 In respect of items (ii) and (iii) in paragraph 7.16 above, the Commission agreed that compliance with conservation measures would be enhanced by the timely and accurate submission, as well as dissemination, of information on the fishing vessels of Members which are in the Convention Area. To this end, paragraph IV of the System of Inspection was considered to be inadequate since it did little more than provide a list of each Member's flag

vessels intending to fish in the forthcoming season (Annex 5, paragraph 1.50). The Commission agreed with the SCOI recommendation and Members were requested to consider possible ways of further elaborating of this provision for consideration at the next meeting.

7.22 The Commission agreed that the effectiveness of paragraph IV of the System of Inspection could be improved by obtaining positional information including movements by vessels in and out of the Convention Area and CCAMLR statistical areas. This would require information to be conveyed among Members via the Secretariat in as close to real time as possible (Annex 5, paragraph 1.51).

7.23 Further, The Commission agreed that each Member should also be requested to provide and pass on, in as close to real time as possible, available information on vessels that have fished or intend fishing in the Convention Area, and (i) which are on its register and have been renamed; (ii) which have assumed its registration; or (iii) which have left their registration and have been reflagged elsewhere (Annex 5, paragraph 1.52).

Improvements to the System of Inspection

7.24 The Commission adopted two amendments, recommended by SCOI, to paragraphs VII, IX and X(a) of the System of Inspection (Annex 5, paragraphs 1.66 and 1.72):

- (i) Delete in paragraph VII the reference to paragraph VIII and replace existing paragraph IX with the following:

‘Any supplementary reports or information, or any report prepared in accordance with paragraph VII, shall be provided by the designating Member to the CCAMLR Executive Secretary. The latter shall provide such reports or information to the Flag State, which shall be then afforded the opportunity to comment. The CCAMLR Executive Secretary shall transmit the reports or information to Members within 15 days following their receipt from the designating Member, and the observations or comments, if any, received from the Flag State’.

- (ii) Amend paragraph X(a) as follows (new text is in bold type):

‘A fishing vessel present in the area of application of the Convention shall be presumed to have been engaged in scientific research, or harvesting, of marine living resources (or to have been commencing such operations) if

one or more of the following four indicators have been reported by an inspector, and there is no information to the contrary:

- (a) fishing gear was in use, had recently been in use or was **ready** to be used, e.g.:
- nets, lines or pots were in the water;
 - **trawl nets and doors rigged;**
 - baited hooks, **baited pots or traps** or thawed bait were ready for use;
 - log indicated recent fishing or fishing commencing.’

7.25 In view of the concern expressed by some Members of SCOI about the inclusion of the indicator, ‘trawl nets and doors rigged’, the Commission agreed that Members which inspect trawlers be asked to report to next year’s meeting if, by means of this indicator, it was possible for their inspectors to identify whether a vessel was engaged in fishing and to suggest possible refinements to this indicator.

Vessel Notification and Vessel Monitoring Systems

7.26 The Commission noted with satisfaction that a number of CCAMLR Members have established satellite-based vessel monitoring of their vessels in waters under national jurisdiction or conducted pilot studies on the evaluation of different vessel monitoring systems (VMS) (Annex 5, paragraph 1.79).

7.27 It was also noted that after considering the issue of VMS, SCOI agreed that vessel monitoring was a useful and highly effective means of enhancing compliance with fisheries conservation measures. As evidence of this usefulness, a number of Members either presently required a system of vessel monitoring within their national jurisdictions or intended in the near future to require such a system. It was further noted that the use of a system or systems of vessel monitoring within the Convention Area should be a goal of the Commission (Annex 5, paragraph 1.98) at the next meeting.

7.28 The European Community reiterated its general support for VMS subject to the definition of appropriate conditions. It underlined that its conception of VMS is based on Flag State responsibility and added that VMS, being but one part of a compliance approach, could not by itself solve all problems.

7.29 Japan had repeated the statement it made to SCOI last year on this subject, that, in general, it supported an investigation of various alternatives for cost-effective monitoring devices. Any decision on the implementation of vessel notification, hail system or VMS, should depend on clear objectives such as monitoring of closed seasons/areas. In the case of the krill fishery in the Convention Area, Japan had reminded the Committee that SCOI, at its 1994 meeting, did not see any need nor justification to introduce a VMS for the krill fishery, mainly because the level of fishing was far too low compared to TACs, and there were no closed areas and seasons (Annex 5, paragraph 1.91). Poland affiliated itself with this position.

7.30 Based on the result of SCOI discussions (Annex 5, paragraph 1.101), the Commission strongly urged Members which:

- (i) require the use of a VMS within their national jurisdictions, or which have the legal authority to require a VMS within their national jurisdictions or on the high seas, to also voluntarily require their Flag vessels participating in the new fisheries in Areas 58 and 88 and Subarea 48.6 to carry a satellite-based vessel monitoring device; and
- (ii) choose to require the use of their national systems of vessel monitoring by their Flag vessels in the Convention Area;

to coordinate intersessionally on the operation of these systems by meeting before the fishing seasons for major CCAMLR fisheries commence. Further intersessional consultation would be held at the conclusion of the fishing seasons to prepare a report to SCOI on these pilot efforts.

7.31 The Commission accepted the offer of Australia to chair the intersessional consultations on the proposed pilot projects. The first of such consultations took place during CCAMLR-XV.

The Relevance to CCAMLR of the UN Agreement Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

7.32 The paper, 'The Relevance to CCAMLR of the UN Agreement Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks' (CCAMLR-XV/12 Rev. 1), was submitted to SCOI for information. The paper was then considered by the Commission in detail at the plenary meeting.

7.33 The paper outlined why Australia saw the UN Agreement and CCAMLR to be complementary and mutually reinforcing. Many elements of the UN Agreement reflected

practices being implemented by CCAMLR. Relevant to the work of SCOI were that the UN Agreement offered benefits to CCAMLR - improved cooperation between States; strengthened arrangements for data collection and sharing; and enhanced monitoring, control and surveillance.

7.34 After detailed discussion and without prejudice to the question as to whether the UN Agreement is applicable to the Convention Area, the Commission agreed that:

- (i) all Parties of CCAMLR are encouraged to examine the implications of the UN Agreement for themselves, and for CCAMLR; and
- (ii) all Parties to CCAMLR are requested to consider becoming Parties to the UN Agreement.

Advice of the Scientific Committee

7.35 The Commission noted the advice provided to SCOI by the Scientific Committee as reflected in paragraphs 1.106 to 1.111 of Annex 5 to this report. The Commission endorsed the comments and advice of SCOI.

Operation of the Scheme of International Scientific Observation

7.36 The Commission noted with satisfaction that the Scheme of International Scientific Observation has proved to be an important tool in collecting reliable data and information from fisheries.

7.37 The Commission endorsed recommendations made by the Scientific Committee relating to improvements to the Scheme. In general, these recommendations related to changes made to the Scientific Observers Logbook for longline fisheries, the new logbook for trawl fisheries and publication of the *Scientific Observers Manual* (Annex 5, paragraphs 2.11 and 2.12; also SC-CAMLR-XV, paragraph 9.7 to 9.12).

7.38 In particular, the Commission requested each Member to designate as a matter of priority a technical coordinator of the national observer program who will be responsible for:

- (i) receipt and distribution of observer logbooks;
- (ii) advance notification to the Secretariat of all observers designated and the duration of their programs;

- (iii) timeliness of the submission of reports on observations; and
- (iv) answering data queries received from the Secretariat.

7.39 Members were also requested to ensure that all observers, both national and designated under the Scheme of International Scientific Observation, provide data for submission to the Secretariat in the format prescribed by the Scientific Observer Logbooks. In the future, the Secretariat would not be able to process any data unless submitted in CCAMLR formats (SC-CAMLR-XV, paragraph 9.11).

7.40 With regard to the timeliness of submission of observers' reports, the Commission endorsed the suggestion of the Scientific Committee, as amended by SCOI, that the reports should be submitted to the Secretariat 'not later than one month after the completion of the observer cruise or the return of the observer to his/her home country'.

7.41 The Commission considered the advice of SCOI and the Scientific Committee on the implementation of the Scheme (Annex 5, paragraphs 2.9 and 2.10).

7.42 Concerning implementation of the Scheme the Commission noted the views expressed in paragraphs 2.9 and 2.10 of Annex 5. It confirmed that 100% observer coverage under the CCAMLR Scheme of International Scientific Observation should continue to apply to all longline fisheries for *D. eleginoides*. For all new fisheries (i.e. those operating under Conservation Measure 31/X) there should be 100% observer coverage, preferably under the Scheme or, if this is not possible, using national observers.

7.43 The Commission agreed that, in taking decisions on the application of the Scheme of International Scientific Observation, it should establish priorities for fisheries based on the relative need for information for conservation purposes. It requested advice from the Scientific Committee on the topic. It was also noted that in doing so, the financial implications arising from the management of these fisheries and from the volume of data to be processed by the Secretariat would need to be addressed.

Boundary Change between Divisions 58.5.1 and 58.5.2

7.44 Australia presented, on behalf of Australia and France, a proposal to redefine the coordinates of part of the boundary between Divisions 58.5.1 and 58.5.2 to align with relevant coordinates defined in the Agreement of Maritime Delimitation between France and Australia of 4 January 1982 (CCAMLR-XV/19).

7.45 Presently the CCAMLR boundary in this region contains only the first and last sets of coordinates from the eight sets agreed to by France and Australia. It was proposed that the Commission adopt all eight sets of coordinates as was originally intended at the Sixth Meeting of SC-CAMLR (SC-CAMLR-VI, paragraph 5.77). This would be consistent with the 1982 Agreement and would provide clearer guidance for the Secretariat in allocating catches and managing data.

7.46 It is not expected that any reallocation of historic catch data will be required as a result of the proposed boundary change.

7.47 The Commission adopted this proposal.

Election of the Chairman and Vice-Chairman of SCOI

7.48 The Commission congratulated Dr W. Figaj (Poland) on his re-election as Chairman of SCOI for another two-year term and Mr I. Hay (Australia) on his election as Vice-Chairman of the Committee.