

**REPORT OF THE STANDING COMMITTEE  
ON OBSERVATION AND INSPECTION (SCOI)**

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1.1 The meeting of the Standing Committee on Observation and Inspection (SCOI) was held from 26 to 27 October 1994 under the chairmanship of Ambassador J. Arvesen (Norway). All Members were represented at the meeting. The Observer from Ukraine, which is a new party to the CCAMLR Convention, was also present at the meeting.

1.2 The Commission's Agenda Item 5 was referred to the Committee for consideration. The Chairman suggested that sub-item 1 of Agenda Item 5, 'Operation of the System of Inspection', be considered together with sub-item 2, 'Compliance with Conservation Measures in Force', because both sub-items were closely interlinked. The agreed Agenda of the 1994 meeting of SCOI is given in Appendix I.

1.3 In addition to documents distributed to the Commission and the Scientific Committee meetings, SCOI considered several other papers, including reports of inspections conducted in the 1993/94 season. It was decided to number these papers as internal SCOI documents for reference purposes. The complete list of papers considered by the Committee is given in Appendix II.

### OPERATION OF THE SYSTEM OF INSPECTION AND COMPLIANCE

#### Implementation of Conservation Measures

1.4 All Conservation Measures adopted at CCAMLR-XII were notified to Members on 9 November 1993. There were no objections to any Measures and, in accordance with Article IX 6(b) of the Convention, they became binding on all Members on 8 May 1994. A paper on the implementation of Conservation Measures in 1993/94 was prepared by the Secretariat (CCAMLR-XIII/13).

1.5 The Committee also considered information provided by Members on steps taken by them to implement and ensure compliance with the Conservation Measures (Article XX (3) and Article XXI of the Convention). During the intersessional period, Australia, Japan, Norway and South Africa informed CCAMLR of the steps taken to implement the Conservation Measures.

1.6 The Delegation of the USA advised the Committee that national regulations had been adopted in the previous year which implemented the Conservation Measures adopted by CCAMLR in 1993.

1.7 The Delegation of Chile informed the Committee of the tragic accident on board the Chilean longline vessel *Friosur V*, which was fishing for Patagonian toothfish in Subarea 48.3. The captain and one crew member died as a result of the fire on board the vessel (CCAMLR-XIII/BG/25). The Delegation of Chile expressed its gratitude to the Government of the United Kingdom for the assistance given in locating the vessel and escorting it to port.

#### Request from Poland for Exemption from Conservation Measure 30/X

1.8 Last year the Delegation of Poland proposed that the Commission amend Conservation Measure 30/X in order to allow Polish fishing vessels to defer the installation of cableless netsondes to the end of 1995. The Commission noted that the measure was passed two years ago, and recommended the Government of Poland to urge its fleet to comply with this measure. It was agreed to place this issue on this year's Commission Agenda (CCAMLR-XII, paragraph 5.21).

1.9 In asking the Committee to explore the possibility of granting an exemption from Conservation Measure 30/X for one Polish krill trawler until the end of 1995, the Delegation of Poland explained that this vessel was the last in a series of vessels equipped with cable netsondes. This series is to be replaced with new vessels at the beginning of 1996. For this reason, Poland advised that the installation of cableless net monitoring equipment was uneconomic at this late stage.

1.10 It was further explained that the netsonde cable on this Polish vessel is deployed in accordance with the scheme recommended by the Commission for the phasing-out period for the use of such cables (CCAMLR-X, paragraph 5.11). Fishing for krill is conducted at low speed and the duration of trawls is short. No cases of birds being incidentally killed by the netsonde cable during fishing for krill have been observed on this vessel during the past three seasons. The Delegation of Poland invited CCAMLR Members to consider placing a scientific observer on board the vessel in order to monitor incidental mortality of seabirds. The Delegation of Australia expressed its concern at the Polish request and the precedent it would set of derogating from a conservation measure.

1.11 After careful and detailed consideration of the issue, the Committee recommended that the Commission agree to the request from the Delegation of Poland to allow one Polish vessel to carry out fishing activities with the use of a net monitor cable until the beginning of the next meeting of the Commission, subject to the following conditions:

- (i) that Poland will place an international observer on board the vessel for at least three months during the period while the vessel is deployed in the Convention Area and undertaking fishing activities. Russia has agreed to provide a scientific observer for this purpose; and
- (ii) in order to give effect to Conservation Measure 30/X, Poland will ensure that the vessel immediately ceases to use the net monitor cable should it cause any incidental mortality of seabirds.

1.12 The Committee decided that there will be no consideration of any further requests for delay in the implementation of Conservation Measure 30/X. The Committee recommended that the report of the above-mentioned observer should be reviewed at its next meeting. The report shall be submitted in accordance with the CCAMLR Scheme of International Scientific Observation.

1.13 The Committee noted that the Delegation of Poland would advise the Commission when it reconvened on 31 October that these arrangements had proved acceptable to Polish authorities.

#### Inspections Undertaken in the 1993/93 Season

1.14 Thirty inspectors were designated by Members in accordance with the CCAMLR System of Inspection to carry out inspections in the 1993/94 season. Members which designated inspectors were Argentina (five inspectors), Chile (six), Australia (four), Republic of Korea (one), Poland (three), UK (eight) and USA (three).

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

1.16 One of the UK-designated CCAMLR Inspectors, Dr I. Everson, presented to the Committee the conclusions of the inspectors, as follows:

1.17 Inspected vessel - *Antonio Lorenzo* (Chile):

- (i) the vessel which was 300 n miles inside Subarea 48.3 was not actually fishing at the time of the inspection. However, the presence of baited hooks along with all other gear in a state of readiness to fish indicated that there was an intention to fish within a short period of time;
- (ii) fresh toothfish cheek muscles were found in the factory area;
- (iii) the plate freezer had been emptied in a hurry and its contents stowed untidily in the freezer hold;
- (iv) the vessel's navigational and fishing logbooks were incomplete for the period prior to the inspection, making it impossible for the inspectors to determine what activities the vessel had been engaged in during the preceding days;
- (v) the inspectors were of the opinion that the vessel would have been unable to travel from its last reported fishing position, which was outside Subarea 48.3, to the position of the inspection in the time stated by the Master of the vessel;
- (vi) there was considerable doubt that the claim by the master of *Antonio Lorenzo* that he had not fished within Subarea 48.3 was true; and
- (vii) the Master stated that, even though he was 300 n miles inside Subarea 48.3, he was not fishing but merely prospecting the ground.

1.18 Inspected vessel - *Mirgorod* (Russia):

- (i) On 7 February, the *Mirgorod* was found to be fishing in Subarea 48.3 in contravention of Conservation Measure 69/XII. In addition the vessel was not carrying a scientific observer on board as required by this Conservation Measure. Evidence from the logbook indicated that the vessel had been fishing in the area from 26 January until the time of the inspection, also in contravention of Conservation Measure 69/XII, and that 20.7 tonnes of toothfish had been taken within that period;

- (ii) no record was being kept of by-catch of any species, including incidental catch of seabirds; and
- (iii) the practice of cutting drowned birds free before they could be brought on board the vessel appeared to be a deliberate attempt to ‘turn a blind eye’ to what was potentially an extremely serious problem.

1.19 Inspected vessel - *Maksheevo* (Russia):

- (i) At the time of the inspection the vessel was not engaged in fishing. However, the inspectors were unable to determine unequivocally what activity the vessel had been engaged in during the previous night;
- (ii) the Master stated that he had travelled 200 miles into Subarea 48.3 in order to prospect the ground; and
- (iii) the logbook clearly indicated that 14.7 tonnes of toothfish had been taken in Subarea 48.3 during the period 16 November to 10 December 1993 in contravention of CCAMLR Conservation Measure 69/XII.

1.20 A short film, prepared from video taken by inspectors during the course of the three inspections, was shown to the Committee. This provided additional background information to supplement the inspection reports and highlighted a number of important issues concerning infringements.

1.21 Copies of the Inspection Reports were sent to the Flag States concerned and distributed to all Members of the Commission on 18 July as COMM CIRC 94/40. The Delegations of Chile and Russia, the Flag States of the inspected vessels, were asked to comment on actions taken as a result of these inspections.

1.22 Chile received notification of the inspection within 48 hours but the written report of inspection arrived two to three months after the inspection had taken place. It was then transmitted to the appropriate national authorities. Unfortunately, by the time the report was received, the vessel in question had made three calls to port, and it was not possible to verify its compliance with CCAMLR Conservation Measures.

1.23 No actual violations were recorded by the CCAMLR Inspectors. There were, therefore, no grounds for prosecution. All Chilean vessels are required to have licences for fishing both

inside and outside national waters, including the CCAMLR Convention Area. Chile maintains a record of infractions by Chilean vessels registered in the CCAMLR Convention Area and has the capacity to revoke licenses issued to such vessels (CCAMLR-XII/BG/26).

1.24 Russia had undertaken a thorough investigation as a result of the inspectors' reports. As a consequence, sanctions have been imposed on the captains of both fishing vessels, their licences revoked and both vessels have been recalled from working in the CCAMLR Convention Area. STATLANT catch reports of Russian data were updated to take account of catches taken by these vessels.

1.25 The Delegation of Russia also pointed out that, in many cases, difficulties had been encountered in informing fishing vessels of the Conservation Measures adopted by CCAMLR, particularly when conservation measures come into force immediately following the end of the Commission Meeting. Following extensive discussion the Committee agreed that the start of any fishing season for a particular fishery should be taken on a case-by-case basis and no fishing by individual vessels should begin until they are informed of conditions and restrictions of conservation measures as well as the date the conservation measures come into force.

1.26 A concern was also expressed in relation to the video film shown to the Committee. Although the film was taken with the full agreement of the captains of the vessels, copies of the film should have been sent first to Flag States together with the Inspection Reports. The Delegation of Russia considered that the System of Inspection, which has a specific requirement regarding photographs, should also cover all video and cinematographic material. The video film would have helped the Russian authorities in investigating the facts recorded by the inspectors.

1.27 The Committee expressed its satisfaction with the way both Flag States conducted their investigations and with the sanctions imposed by Russia in relation to their vessels. It was noted that this was done in full accordance with the Convention.

1.28 The Committee noted that present procedures for the notification of alleged infractions of Conservation Measures have resulted in undesirable delays before Members were informed of the results of inspections. The Delegation of Australia suggested several changes to the existing rules for processing reports of inspections. These are reported in detail in paragraphs 3.1 to 3.7 below.

1.29 The Committee encouraged Members once more to make more extensive use of the System of Inspection. During the first six years of the operation of the System, the level of

inspections was very low, with only seven inspections reported to the Commission. 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. The Committee decided to recommend that the Commission:

- (i) express its deep concern regarding the strong indication that large-scale fishing in contravention of Conservation Measures in force is taking place in the CCAMLR Convention Area; and
- (ii) 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 sanctioned promptly and effectively.

1.30 The Delegation of the UK advised the Committee that the Chilean-registered longlining vessel *Isla Guamblin* had been fishing illegally in Subarea 48.3. Relevant information had been communicated to the Chilean authorities.

1.31 The Delegation of Chile informed the Committee that, after receiving the information, an investigation was undertaken which found that the vessel *Isla Guamblin* called at the port of a third State before returning to Chile. Chile had approached the appropriate authorities of that State and asked their assistance in confirming this fact, but so far no response has been received. The Commission would be informed of the response when it was received.

1.32 In this connection some members of the Committee felt that the case might be related to fishing under a Flag of Convenience. The Delegation of the USA drew the Committee's attention to the new Agreement to Promote Compliance with Internationally Agreed Conservation and Management Measures by Vessels Fishing on the High Seas. Other Delegations noted that the third party concerned was an Acceding State to the CCAMLR Convention and, as such, had certain obligations, in particular those listed in the Article XXI of the Convention, which the Commission may wish to raise with this party. While some Members felt that the Commission should take immediate action, others thought that it may be premature to do so before Chile had received a response from the authorities of that third party.

1.33 The Delegation of the UK also reported sightings on 8 and 13 October 1994 of the Belize vessel *Liberty* fishing in Subarea 48.3. The name and registration details of the vessel had been painted out. The presence of this vessel represented evidence of fishing by non-Member countries in the Convention's waters. The Secretariat was asked to write to the Government of



Belize and draw its attention to the objectives of the CCAMLR Convention and request comments in respect of activities of the above-mentioned vessel in the CCAMLR Convention Area.

#### Satellite-linked Vessel Monitoring System (VMS)

1.34 At its meeting during CCAMLR-XII (1993), SCOI recommended that a sub-item on the use of remotely-sensed automatic position-fixing systems on vessels fishing in the Convention Area be included in the Provisional Agenda of the 1994 meeting of the Commission. In approving this recommendation, the Commission agreed that the use of these systems would be an important step towards ensuring that the objectives of the Convention were effectively met (CCAMLR-XII, paragraph 6.17).

1.35 The Secretariat had been directed to explore the feasibility of using transponders linked to vessels' Global Positioning System (GPS) which regularly transmit vessel identification and position, and also to prepare a paper containing proposals and addressing matters of costs and data confidentiality, to be tabled at the 1994 meeting of SCOI. The required paper was prepared by the Science Officer and presented to the Committee (CCAMLR-XIII/11).

1.36 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. It is proposed that handling the position reports from the vessels of CCAMLR Members will be carried out at a central Fisheries Monitoring Centre (FMC) maintained by the CCAMLR Secretariat on behalf of all Members.

1.37 An Inmarsat-C/GPS-linked system has been selected for the following reasons:

- highly accurate measurement of position, speed and course, calculated in real-time;
- reports can be set remotely for any varied interval;
- access to communications and safety Global Marine Distress Signal System (GMDSS)-compatible facilities for vessel operators; and
- low cumulative equipment and transmission costs for vessel operators.

1.38 The main benefits of the VMS are considered to be the following:

- it would improve the efficiency of fisheries monitoring by identifying probable infringements of fishing regulations and would, consequently, allow optimisation of the deployment of inspectors;
- the very presence of the system would probably act, to some extent, as a deterrent against fishermen committing infringements; and
- in general, it would improve the enforcement of an applied conservation regime.

1.39 The Delegation of the UK noted that the VMS system, whilst providing a basis for the management of vessels within the fishery, would not ensure compliance. Unauthorised vessels operating within the Convention Area would probably not be carrying the system.

1.40 It was stressed that a VMS would complement rather than replace traditional monitoring methods, such as boarding by inspectors. The following disadvantages were identified:

- the system would only be capable of monitoring compliance with certain types of regulations, namely those which relate to vessels of particular flags and types, fishing in certain geographical areas at certain times (as distinct from regulations concerned with fishing for a particular species); and
- it would not necessarily be capable of providing legally conclusive proof that a vessel was fishing; physical inspection would still be required to obtain such proof.

1.41 In considering the proposal described above, the Committee commended the Science Officer for the preparation of an excellent paper.

1.42 The Delegation of Germany informed the Committee that the European Economic Community (EEC) has made a commitment to decide before 1 January 1996 when, and to what extent, a continuous position-monitoring system will be installed on EEC members' fishing vessels. In order to assess the technologies to be used and the vessels to be included in a satellite-based monitoring system, the EEC member states will carry out pilot projects in 1994/95. The results of these pilot projects will be analysed and reported in September 1995. The Committee asked the EEC members in CCAMLR to make these reports available to CCAMLR in order to consider them when further evaluating the applicability of VMS to the CCAMLR Convention Area.

1.43 The Delegation of Poland informed the Committee that Poland will follow with interest the results of the introduction of these pilot projects by member states of the EEC. A continuous position-monitoring system should not, however, be introduced for krill fishing due to its current low level.

1.44 The Delegation of Japan stated that, in general, it supported an investigation of the possible use of VMS in the CCAMLR Convention Area. Any decision on the implementation of VMS should depend on clear objectives. The examples of such objectives were described, i.e., regulation of the southern bluefin tuna fishery in the southern Pacific and the pollack fishery in the Bering Sea. In the case of the krill fishery in the Convention Area, Japan does not see any need to introduce VMS, mainly because the level of fishing is far too low compared to TACs and there are no closed areas or seasons.

1.45 The view expressed by Japan and Poland with regard to its present application was shared by the Committee.

1.46 The Delegation of Russia informed the Committee that a study on the use of transponders on national and foreign vessels operating in Russian waters is in progress but Russia does not yet have practical experience in the use of transponders on fishing vessels. In general, Russia considers that VMS in the CCAMLR Convention Area might be applied in future but only for some specific fisheries. Any decision on this matter would take into account both financial and technical problems associated with it.

1.47 The Delegation of Japan added that, before deciding on the introduction of VMS, the Committee should carefully consider all aspects of the confidentiality of handling information in the position reports.

1.48 The Delegation of Chile advised the Committee of domestic legislation which will make the use of satellite-linked transponders compulsory for all Chilean fishing vessels within the CCAMLR Convention Area (CCAMLR-XIII/BG/26). It is expected that the legislation will be ratified by the Senate in the near future. The Committee welcomed this development.

1.49 The Delegations of Australia and New Zealand described to the Committee their experiences in establishing and operating VMS for monitoring fishing activities in their respective national waters (CCAMLR-XIII/BG/9 and 27). Initial results indicated that the use of VMS increased the level of compliance by fishermen with fishing regulations. It was also found

that VMS acted as a deterrent against fishermen committing infringements. Australia advised that use of VMS Inmarsat-C/GPS had generated cost savings by improving the efficiency of physical inspections.

1.50 In conclusion, the Committee decided that it should continue consideration of the 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. The proposal should concentrate on finfish fisheries and should consider factors including the results of the EEC pilot projects described in paragraph 1.41 above. Members were asked to assist the Secretariat in preparing this proposal.

1.51 The Delegation of Australia suggested that the Secretariat visit the Australian Fisheries Management Authority VMS Centre in Canberra in order to get first-hand information on the actual operation of their system and also the Forum Fisheries Agency to see how VMS has been used in a multi-lateral context. It was noted that the required expertise is available in the USA and the USA offered technical assistance to design a VMS.

#### Proposals to Improve the CCAMLR System of Inspection

1.52 The Delegation of the UK submitted proposals to improve the CCAMLR System of Inspection (CCAMLR-XIII/17).

1.53 Experience from the CCAMLR inspections carried out during the most recent, and previous, seasons had highlighted two potential deficiencies in the CCAMLR System of Inspection.

1.54 Firstly, under Section III of the System of Inspection, CCAMLR Inspectors are entitled to carry out inspections on board vessels engaged in scientific research or harvesting of marine living resources in the Convention Area, but a vessel might claim to be in transit through the Convention Area and might seek to deny an inspector the right to board the vessel and investigate compliance.

1.55 Secondly, that the identification of infringements of CCAMLR Conservation Measures was complicated by the fact that unless a vessel was encountered actually engaged in fishing then no such infringement could be deemed to have occurred.

1.56 The Delegation of the UK proposed three solutions to address these problems:

- (i) that the **Right of Inspection** should be confirmed to extend to any fishing or fisheries research vessel registered in the territory of a Member and present in the Convention Area;
- (ii) that a system of **Vessel Notification** be introduced whereby flag states would notify the Secretariat of the intention of their vessels to enter, or exit, or move between the subareas and/or divisions of the Convention Area; and
- (iii) that a more comprehensive **Definition of Fishing** be introduced, possibly as an Annex to the System of Inspection or a preface to the Schedule of Conservation Measures in force.

1.57 In general members of the Committee noted with appreciation the UK initiative as a means of strengthening the System of Inspection, but several specific concerns were raised. These are summarised below.

1.58 **The Right of Inspection**: Concern was expressed over a possible conflict with Article XXIV of the Convention. It was suggested that the proposed changes might interfere with the concept of the freedom of navigation of international maritime law. It was further suggested that the existing wording of the System of Inspection, when interpreted in more general terms, may be extended to include the right of inspections of vessels which are not engaged in any scientific research or fishing activities at the time of inspection.

1.59 The Delegation of the UK explained that there was no contradiction. Article XXIV of the Convention should be read in conjunction with Article IX 1(g). Article XXIV lays down principles, rather than rules, of an inspection system and requires the Commission to elaborate the principles.

1.60 **Vessel Notification**: The proposed system is modelled on the NAFO 'Hail' system. It was originally designed to account for specifics of fishing in the NAFO area. Its introduction took some four years. Recent information indicates that the system is hard to maintain and has many logistical problems associated with it. It also requires substantial expenditure.

1.61 **Definition of Fishing**: This new concept would need detailed analysis and reflection, taking into account the experience of Member states. The Delegation of Australia

offered to make available its definition of fishing contained in its national legislation. Another comment was expressed that new and expanded definition 'engaged in fishing' may have legal implications for fisheries in other parts of the world, which should be avoided.

1.62 The Delegation of France advised the Committee that a French System of Inspection has been in place for some time for Kerguelen and Crozet Islands waters. It does not contradict the CCAMLR System but has several provisions tailored specifically to meet the requirements of the national EEZ regime, as expressed in the Statement by the Chairman of the Conference on the Conservation of Antarctic Marine Living Resources on 19 May 1980.

1.63 The Delegation of Argentina pointed out that a casuistic approach may not necessarily represent an improvement in respect of the present conceptual approach in the existing principles embodied in Article II (3).

1.64 The Committee considered proposals to improve the CCAMLR System of Inspection and recommended that the Commission note that, under the present system, CCAMLR Inspectors may board a fishing or fisheries research vessel to determine whether the vessel is engaged in fishing activities or fisheries research. The Committee proposed further to consider improvements to the System at its 1995 meeting as a separate item.

1.65 The Committee agreed that the **Vessel Notification** system required further analysis. The Committee requested the Secretariat to carry out a feasibility study and prepare a paper on the subject for consideration at the next meeting of SCOI.

1.66 In relation to the **Definition of Fishing**, the Committee requested Members to consider further the UK proposal and advise the Secretariat of their comments and specific suggestions. The Secretariat would then prepare a summary of these comments and suggestions received, or other alternatives to deal with this problem. In order to complete this proposal in time for the next meeting of SCOI, Members were requested to comment as soon as practicable and not later than 1 June 1995.

#### REVISION OF INSPECTION REPORTING FORMS

1.67 In 1993 the Delegation of the UK suggested that it might be useful to consider adding to existing inspection report forms details relating to specific Conservation Measures applicable to particular fisheries (CCAMLR-XII, Annex 5, paragraphs 13 and 14).

1.68 The Committee decided that the revision of forms should be considered in detail at the 1994 meeting of SCOI. The Secretariat was asked to consult with Members during the intersessional period and to prepare a draft proposal. This proposal was to explore various ways of improving existing forms and, in particular, of designing new forms which might be used to report inspections of all types of fishing operations (i.e., trawl, longline and pot fisheries).

1.69 Two papers were tabled, one prepared by Dr Everson (CCAMLR-XIII/BG/12) and the other by the Secretariat (CCAMLR-XIII/BG/13). The drafts are not contradictory and were designed taking into account similar criteria.

1.70 The Committee considered both proposals and decided to use the draft form outlined in CCAMLR-XIII/BG/12 for the development of a standard CCAMLR inspection form. It was suggested that the Secretariat develop the prototype of the form in consultation with Drs Everson and R. Holt (USA) and submit it to the next meeting of SCOI. Members were asked to advise the Secretariat if there were any omissions in the proposed form.

1.71 The Secretariat suggested that any new standard form agreed by SCOI might first be tested in the field. The production of only a limited number of copies of the new form is required for this purpose.

1.72 In order to facilitate the conduct of inspections on board vessels, the Delegation of the UK proposed that the Secretariat expand the existing glossary of terms from the *Inspectors Manual*, to cover all expressions used in the new inspection report form. The new form should be translated into all the languages of CCAMLR Flag States fishing in the Convention Area. These proposals were approved by the Committee.

## OPERATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

### Operation of the Scheme in the 1993/94 Season

2.1 Last year the Commission suggested that the Scheme of International Scientific Observation be used for placing observers on a high proportion of longline vessels to collect the data required for a reliable assessment of the number and species of birds incidentally captured on longlines (CCAMLR-XII, paragraph 5.20).

2.2 In the 1993/94 season, it was a requirement of Conservation Measure 69/XII that a scientific observer designated under the Scheme be aboard each vessel fishing for Patagonian toothfish in Subarea 48.3.

2.3 In accordance with the Scheme, scientific observers were designated by the UK (three observers on the Korean vessel and one observer on the Chilean vessel), the USA (one observer on the Russian vessel) and Russia (one observer on the vessel operated jointly by Bulgaria and Ukraine). Copies of bilateral agreements on observers have been submitted to the Secretariat and are available to interested Members on request.

2.4 Reports of observers from the UK and USA were submitted to the Scientific Committee for consideration (SC-CAMLR-XIII/BG/9 Rev.1 and SC-CAMLR-XIII/BG/14). The Delegation of Russia informed the Committee that its observer had completed the observation program on board the joint Bulgaria/Ukraine vessel and returned to the vessel's home port on 20 October. His report will be submitted to the Secretariat at a later date.

2.5 Dr G. Parkes (UK) presented the reports compiled by the UK-nominated observers, informing the Committee of their observations on board the Korean longliner *Ihn Sung 66*. The cooperation of the crew was acknowledged and appreciated. There were, however, some difficulties. In particular, it appeared that at the beginning of the cruise the captain was unaware of Conservation Measure 69/XII regarding the conduct of experimental fishing.

2.6 The Delegations of the UK and USA suggested that the Committee draw the Commission's attention to certain difficulties in the implementation of the scientific observation program, such as searching for a qualified observer with a knowledge of the Flag State language, 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.

2.7 It was also decided to draw the attention of the Commission to the necessity to urge Members to try to initiate negotiations for placing observers early in the season after the annual meetings of CCAMLR, rather than at the beginning of the fishery.

2.8 The Chairman of SCOI relayed the request from the Chairman of the Scientific Committee for comments on various proposals dealing with the implementation of the Scheme of International Scientific Observation contained in the report of the *Ad Hoc* Working Group on Incidental Mortality Arising from Longline Fishing (WG-IMALF).



2.9 As this report had been distributed only a day before SCOI met, the Committee did not have enough time to consider it in detail. However, it decided that its members should work closely with their Scientific Committee representatives to ensure that any comments were conveyed to the Scientific Committee during its discussion of the report of WG-IMALF.

#### Identification Document of the Scientific Observer

2.10 The Secretariat prepared a draft Identification Document for Scientific Observers. Such an ID card was required in accordance with Article A (e) of the CCAMLR Scheme of International Scientific Observation, 'Scientific observers shall carry a document issued by the designating Member in a form approved by the Commission identifying them as CCAMLR scientific observers'.

2.11 The Committee adopted the draft with one minor change and asked the Secretariat to print the ID card and distribute it to Members.

#### ESTABLISHMENT OF AN INTERSESSIONAL PROCEDURE FOR NOTIFYING CCAMLR MEMBERS OF INFRACTIONS AND SANCTIONS IMPOSED BY FLAG STATES

3.1 Australia had asked that this item be included on the Agenda of this meeting of the Commission. In a paper prepared on the subject, Australia said that 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 (CCAMLR-XIII/16). A number of changes to the existing reporting requirements were suggested in this paper.

3.2 In presenting the paper, the Delegation of Australia emphasised that prompt notification to CCAMLR Members of any infractions was necessary to allow early consideration of any ramifications of alleged violations. The Delegation of the UK also added that early notification of any illegal catches taken in the Convention Area would be important for the work of the Scientific Committee and its Working Group on Fish Stock Assessment (WG-FSA).

3.3 In general, the Committee supported the Australian proposal but doubts were expressed on the practicality of some deadline requirements. It was agreed that it was difficult to expect a Flag State to inform CCAMLR promptly of any 'notice of actions, including any consequential sanctions imposed', as sanctions could not be imposed in a short period of time.

3.4 It was noted that the System of Inspection does not include provision for 'any intersessional recommendation of action' by the Executive Secretary, as proposed by Australia, other than those contained in Conservation Measures, i.e., closing fisheries when TACs are completed or fishing seasons are over. In this connection, the Delegation of Japan stated its concern that the Australian proposal, as first presented, may deviate from the principles of Flag State jurisdiction.

3.5 The Committee agreed that a revision of the current rules on the processing of the reports of inspection was desirable and asked the Delegation of Australia to convene a small group in order to draft a proposal, taking into account comments of Members.

3.6 The required draft was prepared and adopted by the Committee (see Appendix III).

3.7 In addition, the Committee emphasised the importance of Members acting promptly to implement the notification and information exchange procedures associated with inspections. The Committee recommends to the Commission that once inspection reporting forms have been transmitted by the CCAMLR Executive Secretary to Members, the information contained therein, 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 Committee further recommends that the Commission should encourage Members to ensure that supplementary reports or information be prepared by inspectors wherever practicable.

#### ELECTION OF THE CHAIRMAN OF SCOI

4.1 Last year the Chairman of SCOI, Ambassador Arvesen, agreed to continue to chair the Committee for an additional year. The Committee should now elect a new Chairman.

4.2 Dr W. Figaj (Poland), the present Vice-Chairman of the Committee, was proposed by the Delegation of Sweden and this proposal was seconded by the Delegation of Argentina. The Committee unanimously elected Dr Figaj as Chairman of the Committee for the period from the end of this meeting to the end of the Committee meeting in 1996.

4.3 The Committee then elected a new Vice-Chairman. Dr S.A.H. Abidi (India) was unanimously elected as Vice-Chairman of the Committee for the period from the end of this meeting to the end of the Committee meeting in 1996.

4.4 On behalf of the Committee, Ms R. Tuttle (USA) expressed gratitude to Ambassador Arvesen for his efforts over the last three years in guiding negotiations and conducting the business of the Committee. The Committee also congratulated the Secretariat and, in particular, the Science Officer for his excellent work in the preparation of the meeting report.

#### ADOPTION OF THE REPORT

5.1 The report of the meeting was adopted.

**AGENDA**

Standing Committee on Observation and Inspection (SCOI)  
(26 to 27 October 1994)

1. Operation of the System of Inspection and Compliance
  - (i) Implementation of Conservation Measures
  - (ii) Request from Poland for Exemption from Conservation Measure 30/X
  - (iii) Inspections Undertaken in the 1993/94 Season
  - (iv) Satellite-linked Vessel Monitoring Systems (VMS)
  - (v) Proposals to Improve CCAMLR System of Inspection
  - (vi) Revision of Inspection Reporting Forms
2. Operation of the Scheme of International Scientific Observation
  - (i) Operation of the Scheme in the 1993/94 Season
  - (ii) Identification Document of the Scientific Observer
3. Establishment of an Intersessional Procedure for Notifying CCAMLR Members of Infractions and Sanctions Imposed by Flag States
4. Election of Chairman of SCOI.
5. Adoption of the Report

## LIST OF DOCUMENTS

Standing Committee on Observation and Inspection (SCOI)  
(26 to 27 October 1994)

SCOI-94/1	DEPLOYMENT OF INSPECTORS, SEASONS AND AREAS COVERED Australia
SCOI-94/2	DEPLOYMENT OF INSPECTORS, SEASONS AND AREAS COVERED United Kingdom
SCOI-94/3	PROCESSING REPORTS OF INSPECTION. SYSTEM OF INSPECTION
SCOI-94/4	REPORT OF INSPECTION, CHILEAN REGISTERED <i>ANTONIO LORENZO</i> United Kingdom
SCOI-94/5	REPORT OF INSPECTION, RUSSIAN REGISTERED <i>MAKSHEEVO</i> United Kingdom
SCOI-94/6	REPORT OF INSPECTION, RUSSIAN REGISTERED <i>MIRGOROD</i> United Kingdom
SCOI-94/7	BILATERAL PROVISIONS FOR REPORTING SCIENTIFIC OBSERVATIONS Secretariat
SCOI-94/8	DRAFT IDENTIFICATION DOCUMENT FOR THE SCIENTIFIC OBSERVER Secretariat
SCOI-94/9	SCOI TERMS OF REFERENCE
SCOI-94/10	TEXT OF THE CCAMLR SYSTEM OF INSPECTION
SCOI-94/11	SYNOPSIS OF INSPECTIONS United Kingdom
CCAMLR-XIII/10	CCAMLR SYSTEM OF INSPECTION SUMMARY OF INSPECTIONS 1993/94 SEASON Secretariat
CCAMLR-XIII/11	REMOTELY-SENSED VESSEL POSITIONING AND DATA REPORTING SYSTEMS APPLICATION TO THE CCAMLR CONVENTION AREA Secretariat
CCAMLR-XIII/13	IMPLEMENTATION OF CONSERVATION MEASURES IN 1993/94 Secretariat

CCAMLR-XIII/16	INTERSESSIONAL NOTIFICATION OF INFRACTIONS AND SANCTIONS Delegation of Australia
CCAMLR-XIII/17	PROPOSAL TO IMPROVE THE CCAMLR SYSTEM OF INSPECTION Delegation of United Kingdom
CCAMLR-XIII/18	COMPLIANCE WITH CONSERVATION MEASURES IN FORCE LAWSUITS INITIATED BY CHILE AGAINST NATIONAL FLAG VESSELS ENCOUNTERED WITHIN THE CONVENTION AREA IN CONTRAVENTION OF THE COMMISSION MEASURES Chile
CCAMLR-XIII/BG/9	USE OF SATELLITE TRANSPONDERS TO ASSIST IN FISHERIES MANAGEMENT - THE AUSTRALIAN EXPERIENCE Delegation of Australia
CCAMLR-XIII/BG/12	CCAMLR INSPECTION SYSTEM - INSPECTION REPORTING FORMS Delegation of United Kingdom
CCAMLR-XIII/BG/13	A PROPOSAL FOR INSPECTION REPORT FORMS Secretariat
CCAMLR-XIII/BG/25	INFORME SOBRE ACCIDENTE DEL NAVIO B/F <i>FRIOSUR V</i> Chile
CCAMLR-XIII/BG/26	OBSERVANCIA DE LAS MEDIDAS DE CONSERVACION VIGENTES SISTEMA DE REGISTRO AUTOMATICO DE NAVES PESQUERAS MATRICULADAS EN CHILE (PROYECTO DE LEY) Chile
CCAMLR-XIII/BG/27	USE OF VESSEL MONITORING SYSTEMS TO ASSIST IN FISHERIES MANAGEMENT - THE NEW ZEALAND EXPERIENCE Delegation of New Zealand
SC-CAMLR-XIII/BG/9 Rev.1	CCAMLR SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION. PRELIMINARY REPORT OF THE US SCIENTIFIC OBSERVER - F/V <i>MAKSHEEVO</i> 7 FEBRUARY TO 18 APRIL 1994 Delegation of USA
SC-CAMLR/XIII/BG/14	SUMMARY REPORT OF THE UK NOMINATED SCIENTIFIC OBSERVERS ON F/V <i>IHN SUNG 66</i> , 15 DECEMBER 1993 TO 7 FEBRUARY 1994 United Kingdom

**INTERSESSIONAL PROCEDURE FOR NOTIFYING  
CCAMLR MEMBERS OF INFRACTIONS AND  
SANCTIONS IMPOSED BY FLAG STATES**

The Committee recommends to the Commission that the following paragraphs replace paragraphs VIII and IX of the CCAMLR System of Inspection.

- VIII. Inspectors shall complete the approved CCAMLR inspection report form.
- (a) The Inspector shall provide a written explanation, on the inspection report form, of any alleged violation of Commission measures in force. The Inspector shall allow the Master of the vessel being inspected to comment, on the inspection report form, about any aspect of the inspection.
  - (b) The Inspector shall sign the inspection report form. The Master of the inspected vessel shall be invited to sign the inspection report form to acknowledge receipt of the report.
  - (c) Before leaving the vessel that has been inspected, the Inspector shall give the Master of that vessel a copy of the completed inspection form.
  - (d) The Inspector shall provide a copy of the completed inspection form to the designating Member at the earliest practicable opportunity.
  - (e) The designating Member shall, as soon as practicable, forward a copy of the inspection form to the CCAMLR Executive Secretary who shall forward a copy of this form to the Flag State of the inspected vessel.
  - (f) Fifteen days after the transmission of the completed inspection form to the Flag State, the CCAMLR Executive Secretary shall transmit that form to Members together with comments or observations, if any, received from the Flag State.

IX. Any supplementary reports or information prepared by the Inspector shall be provided by the designating Member to the CCAMLR Executive Secretary. The CCAMLR Executive Secretary shall provide such reports or information to the Flag State, which shall be then afforded the opportunity to comment, and advise of any actions the Flag State is considering, or has taken, in respect of the report, prior to its consideration by the Commission.