

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

## CONTENTS

	Page
OPENING OF THE MEETING .....	153
OPERATION OF THE CATCH DOCUMENTATION SCHEME.....	153
Annual Summary Reports under Conservation Measure 170/XX .....	153
CDS Fund .....	154
Seized or Confiscated Catches .....	155
Improvements to the CDS .....	155
Proposal for an Electronic Web-based CDS .....	157
OPERATION OF THE SYSTEM OF INSPECTION AND COMPLIANCE WITH CONSERVATION MEASURES .....	158
Inspections Undertaken in the 2001/02 Season.....	158
Actions taken by Flag States in respect of Inspections Undertaken .....	158
Improvements to the System of Inspection.....	158
Compliance with Conservation Measures .....	159
Improvements to Conservation Measures.....	161
IMPLEMENTATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION.....	161
ILLEGAL, UNREGULATED AND UNREPORTED FISHING IN THE CONVENTION AREA .....	162
Information Provided by Members in Accordance with Articles X and XXII of the Convention, the System of Inspection and the Scheme of International Scientific Observation .....	162
Implementation of Other Measures to Eliminate IUU Fishing .....	168
Cooperation with Non-Contracting Parties .....	168
CCAMLR Vessel Database .....	169
Implementation of CDS-related Conservation Measures and Resolutions .....	169
Additional Measures .....	170
Other Measures .....	174
REVIEW OF SCOI WORKING ARRANGEMENTS .....	177
ADVICE TO SCAF .....	177
OTHER BUSINESS .....	178
ELECTION OF THE CHAIR OF SCOI.....	178
ADOPTION OF REPORT AND CLOSE OF MEETING.....	178

APPENDIX I:	Agenda.....	179
APPENDIX II:	List of Documents .....	181
APPENDIX III:	Report of the Meeting of the CDS Informal Group .....	185
APPENDIX IV:	List of Intersessional Tasks Identified by the CDS Informal Group .....	194
APPENDIX V:	Proposed Amendments to Conservation Measure 147/XIX.....	195
APPENDIX VI:	Drafts of Proposed Conservation Measures and Resolutions .....	197
APPENDIX VII:	Terms of Reference and Organisation of Work of the Standing Committee on Implementation and Compliance (SCIC) ...	204

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

### OPENING OF THE MEETING

1.1 The meeting of the Standing Committee on Observation and Inspection (SCOI) was held from 21 to 24 October 2002 chaired by Dr H. Nion (Uruguay). All Members of the Commission participated in the meeting. No Members invoked a ruling in accordance with Rule 32(b) of the Commission Rules of Procedure. Therefore, Observers from the People's Republic of China, Mauritius, Mozambique, Seychelles, Antarctic and Southern Ocean Coalition (ASOC) and the World Conservation Union (IUCN) participated in the meeting as appropriate.

1.2 The Committee adopted the Agenda as contained in CCAMLR-XXI/1.

1.3 The Agenda and list of papers considered by the Committee are contained in Appendices I and II respectively.

### OPERATION OF THE CATCH DOCUMENTATION SCHEME

#### Annual Summary Reports under Conservation Measure 170/XX

2.1 The Secretariat presented annual reports which comprised information on the operation of the Catch Documentation scheme for *Dissostichus* spp. (CDS) (CCAMLR-XXI/BG/25), details of cooperation with non-Contracting Parties (SCOI-02/11) and CDS-derived and national trade statistics (SCOI-02/6).

2.2 The Committee noted that the CDS had been fully established and was providing CCAMLR with information required in order to track the trade of toothfish caught in the Convention Area and adjacent waters and ensure that catches taken within the Convention Area were consistent with CCAMLR conservation measures. CDS procedures for Port and Import States continued to improve and the Secretariat continued its work with Re-exporting States to improve procedures. Re-export documents were now being received by the Secretariat in significant quantities.

2.3 A number of non-Contracting Parties, identified in 2001/02 as Port States or States involved in the trade of toothfish, have been invited by CCAMLR to implement the CDS. The Secretariat continues its work with these Parties in accordance with the 'Policy for Cooperation with non-Contracting Parties'.

2.4 Several points of concern regarding the operation of the CDS were identified by the Secretariat and referred to the informal CDS group and SCOI for consideration (see paragraph 2.23).

2.5 The Committee noted that Canada, as a Contracting Party to CCAMLR, was still not in a position to implement the CDS despite a number of diplomatic demarches made by CCAMLR Members during the 2001/02 intersessional period. The Secretariat also continued

to correspond with Canada. In its most recent letter, Canada advised that it was examining the feasibility of implementing, on a voluntary basis, the CDS. The main difficulty encountered was the apparent lack of domestic legislation or regulatory authority appropriate to implement the CDS. The Committee expressed disappointment that Canada has still not implemented the CDS and recommended that diplomatic demarches continue in the 2002/03 intersessional period.

2.6 The Committee also noted Resolution 3 taken at ATCM-XXV in Warsaw, Poland, this year. The Resolution implies that Canada, as a party to the Antarctic Treaty and an Acceding State to the Convention, should be urged to implement the CDS. The Committee welcomed the support of the ATCM towards CCAMLR.

2.7 The Secretariat presented its annual summary report of CDS data and national trade statistics (SCOI-02/6). The Committee considered these summaries and noted with concern the continued high level of catches reported in the Indian Ocean sector outside the Convention Area.

2.8 The Committee noted information submitted by Mauritius which provided a list of vessels landing in Port Louis during the 2001/02 intersessional period. The Committee noted that no vessels were reported to have landed in Port Louis without a catch document.

2.9 The Committee noted that a number of landings had been reported from ports in Mozambique during the 2001/02 intersessional period, four of which were not documented under the CDS. The vessels were: *Noemi* (Belize), two landings by the *Santo Antero* (Portugal) and one landing by the *Notre Dame* (Bolivia). The vessels' Flag States, as well as the Import State(s), where known, were notified and investigations are pending.

2.10 Mozambique also denied permission for the Uruguayan-flagged vessel, *Dorita*, to unload toothfish in its ports. The vessel subsequently landed fish in the port of Mombasa, Kenya. A catch document was submitted to the Secretariat, the landing certificate of which had been signed by a Uruguayan inspector. The Secretariat subsequently wrote to Kenya, urging it to implement the CDS.

2.11 The other Uruguayan-flagged vessel, *Lugalpesca*, unloaded its cargo of toothfish at Maputo and departed from Mozambique. A catch document was submitted to the Secretariat, the landing certificate of which had been signed by a Uruguayan inspector.

2.12 The Committee thanked Mozambique for its cooperation with CCAMLR during 2002. It hoped that Mozambique would accept an invitation to join CCAMLR and to participate in the CDS.

2.13 No other landings in the territories of non-participating Parties were reported.

#### CDS Fund

2.14 The Committee was advised that the Chair of the CDS Fund Panel had received the following two proposals for expenditure of the CDS Fund during 2001/02 (see paragraphs 2.28 and 5.75):

- (i) a proposal on a pilot project for the establishment of an electronic web-based CDS (submitted by the USA); and
- (ii) a proposal to establish a centralised vessel monitoring system (VMS) for monitoring fishing vessels (submitted by Australia).

2.15 The Chair of the CDS Fund Panel advised that not all Panel members had submitted comments on these proposals and that the Panel would continue its work during CCAMLR-XXI. The report of the Panel was duly submitted directly to SCAF.

#### Seized or Confiscated Catches

2.16 The Committee noted that Australia had issued two catch documents in respect of seized or confiscated catches during the 2001/02 intersessional period. These related to fish confiscated as a result of the apprehensions of the Russian-flagged vessels *Lena* and *Volga* (see paragraph 5.2).

2.17 The USA reported that it was currently investigating three shipments of toothfish for which they could not confirm that the underlying fishing was conducted in a manner upholding the biological principles of CCAMLR conservation measures. As part of those three investigations, the USA has seized 89 tonnes of toothfish product for potential forfeiture.

2.18 The European Community noted that Contracting Parties had the opportunity to contribute to the CDS Fund should they have received any funds as a result of legal action taken in respect of catches seized or confiscated by them and enquired whether Contracting Parties which had issued Specially Validated *Dissostichus* catch documents had any intentions in this respect.

2.19 Australia, France and the USA advised the Committee that their respective domestic legislation prevented them from contributing such income to the CDS Fund. Australia noted that funds collected from seized catches were returned to Treasury and were recognised and used in the Government's actions in respect of illegal, unregulated and unreported (IUU) fishing activities.

#### Improvements to the CDS

2.20 During the 2001/02 intersessional period, the CDS Intersessional Group continued its work, culminating in a two-day informal meeting of the CDS group immediately prior to CCAMLR-XXI. Participants comprised representatives from Australia, European Community, Japan, New Zealand, Seychelles, South Africa and the USA.

2.21 The Chair of the CDS group (Mr E.S. Garrett, USA) presented to the Committee the report of the meeting of the CDS group (Appendix III). The CDS group had discussed a number of tasks identified at CCAMLR-XX for further consideration and discussed other possible improvements to the CDS.

2.22 The USA and Chile have continued to improve their bilateral working arrangements over the 2001/02 intersessional period. Chile has provided advance notification of all shipments of toothfish for which catch documents have been issued. This notification included both a listing of shipments and the scanned images of those catch documents.

2.23 The Committee considered the report of the group, and noted that the majority of the CDS group expressed general support for adoption of stronger measures to prevent misreporting catches and trade in *Dissostichus* spp. The Committee endorsed a number of the recommendations of the group and passed them on to the Commission. In particular, the Committee recommended that:

- (i) the current format of summaries of CDS data developed by the Secretariat be amended as proposed by the CDS group, including the addition of the table indicating the location of a catch (i.e. Exclusive Economic Zone (EEZ) versus high seas) and the percentage of the harvest by product type along with the standard conversions;
- (ii) a standard set of summary CDS data be developed by SCOI which should be annually published by the Secretariat as part of the *Statistical Bulletin* or placed on the CCAMLR website. The development of such a dataset should involve consultations with other international organisations in order to obtain their views on what type of data reporting might be required for their work;
- (iii) Members be requested to jointly work with the World Customs Organization (WCO) in order to introduce universal harmonised tariff codes for *Dissostichus* spp. products;
- (iv) cooperation with FAO and regional fishery management organisations (RFMOs) continue in respect of the development of a harmonised catch document system;
- (v) whilst Members often participate at meetings of international organisations and can represent CCAMLR, Secretariat staff should attend the most important meetings that relate to CDS;
- (vi) countries be requested to provide information on conversion factors and food additives in order to apply these to CDS data reports and that the current CCAMLR conversion factors be employed until more detailed information on conversion factors is obtained;
- (vii) the Secretariat and national CDS officers continue to investigate differences between weights of toothfish landed and exported on a case-by-case basis;
- (viii) multiple transshipments at sea, defined as two or more transshipments, be prohibited until a standard procedure can be developed to prevent fraud and accurately account for catch movements; and
- (ix) catch document validation and verification procedures and measures be standardised for all Parties to the CDS for all stages of the trade cycle.

2.24 The Committee also recommended that the CDS group continue its work intersessionally in 2002/03 and that the terms of reference of this meeting be clarified. A list

of tasks for the intersessional work is appended (Appendix IV). The Committee also drew to the Commission's attention that the CDS group would require a three-day intersessional meeting. Consideration could be given to holding this meeting earlier than immediately prior to CCAMLR-XXII and in a more central location than Hobart.

2.25 The Committee considered a paper submitted by ASOC which discussed the application of Port State jurisdiction in respect of inspections of vessels visiting Antarctic waters (CCAMLR-XXI/BG/20). The Committee welcomed this contribution.

2.26 Argentina, while thanking ASOC for its important contribution, stressed the need to note the difference between the concept of 'Port State jurisdiction' and that of 'Departure State jurisdiction', the latter not being widely accepted in international law. While strongly supporting efforts to enhance port State jurisdiction, Argentina considered that Departure State jurisdiction, as a means for asserting jurisdiction in relation to past or future events occurring in Antarctica or on the high seas, may be contrary to UN Convention on the Law of the Sea (UNCLOS).

2.27 The Committee proposed to ASOC that the paper be revised, in particular, the attached draft Memorandum of Understanding in order to address fishing vessels specifically. ASOC agreed to undertake the required revision and to submit the revised paper next year. It was further noted that FAO will address the issue of Port State control of foreign fishing vessels at an Expert Consultation taking place from 4 to 7 November 2002.

#### Proposal for an Electronic Web-based CDS

2.28 The Committee reviewed a presentation by the USA and the Secretariat on the proposal to develop a pilot scheme to examine the feasibility of transferring the existing paper-based CDS to an electronic web-based format as described in CCAMLR-XXI/18, BG/11, BG/24 and SCOI-02/5.

2.29 The Committee agreed that an electronic web-based CDS format would be beneficial to the operation of the CDS assisting the tracking of toothfish trade in real time, resolve missing or incorrect information and greatly reducing the opportunity for fraudulent activity.

2.30 The Committee recommended that the Commission endorse a proposal for a trial of the system in the 2002/03. The pilot project will run in parallel with the current paper system, to be evaluated and subsequently decided on prior to its implementation in full by the Commission.

2.31 The Committee noted the list of issues that the pilot project should address, such as data security, data access, levels of user and State access to data, and electronic evidence. Consideration should also be given as to who should be the participants in the pilot project.



## OPERATION OF THE SYSTEM OF INSPECTION AND COMPLIANCE WITH CONSERVATION MEASURES

### Inspections Undertaken in the 2001/02 Season

3.1 The Secretariat reported that there were 32 CCAMLR inspectors designated by Australia, Chile, New Zealand, UK and the USA. In total, five CCAMLR inspectors designated by the UK were deployed in Subarea 48.3 during the 2001/02 season.

3.2 In the 2001/02 season eight inspection reports were received from CCAMLR inspectors, all designated by the UK. All inspections took place in Subarea 48.3. Vessels inspected were of the following flags: Chile (1), Japan (1), Russia (1), Spain (2), UK (1) and Uruguay (2). All vessels inspected were reported as complying with conservation measures in force.

### Actions taken by Flag States in respect of Inspections Undertaken

3.3 The Committee expressed its thanks for information reported in accordance with Paragraph XII of the System of Inspection, by CCAMLR Flag States in respect of prosecutions and sanctions imposed on their flag vessels as a consequence of inspections conducted.

3.4 Chile informed the Committee of actions it had taken against vessels involved in infringements of CCAMLR conservation measures reported by inspections undertaken nationally (SCOI-02/9). The paper contained details of the court proceedings initiated over the period 1993 to 1996 with respect to the vessels *Ercilla*, *Puerto Ballena*, *Chaval* and *Mar del Sur 1*. Chile noted that no new proceedings for IUU fishing have been initiated after 1996.

3.5 Argentina informed the Committee that proceedings carried out in relation to infringements of CCAMLR conservation measures by the vessels *Estela*, *Magallanes I*, *Vieirasa Doce*, *Marunaka* and *Kinsho Maru* had concluded as the vessels had admitted their charges. Payment of the fines was pending. In addition, Argentina informed that legal action was under way against the vessel *Antartic I* involved in a presumed infringement of a CCAMLR conservation measure and Argentine domestic legislation (see CCAMLR-XXI/BG/25, paragraph 36).

### Improvements to the System of Inspection

3.6 There were no proposals received from Members on the improvement of the System of Inspection.

## Compliance with Conservation Measures

3.7 The Committee considered annual summaries of information prepared by the Secretariat on compliance with conservation measures. Details of compliance with fisheries management measures and data submission were given in CCAMLR-XXI/BG/5 along with details of compliance with enforcement-related measures given in CCAMLR-XXI/BG/25.

3.8 The Committee noted that no problems with fisheries management and data submission measures were reported by the Secretariat in CCAMLR-XXI/BG/5.

3.9 From information on enforcement-related measures presented in CCAMLR-XXI/BG/25, the Committee noted that a number of late licence notifications were received in 2001/02 after the established deadline (Conservation Measure 119/XX 'Licensing and Inspection Obligations of Contracting Parties with regard to their Flag Vessels Operating in the Convention Area'). Out of 57 notifications received, 10 were received after the deadline.

3.10 Chile reported that it has conducted port inspections on four of its own-flagged vessels in accordance with Conservation Measure 119/XX. New Zealand and Uruguay reported that all own-flagged vessels were inspected.

3.11 Chile, UK and Uruguay reported port inspections of vessels of Contracting Parties made in accordance with Conservation Measure 147/XIX 'Provisions to ensure Compliance with CCAMLR Conservation Measures by Vessels, including Cooperation between Contracting Parties'. The flags of the vessels inspected were Chile, Japan, Republic of Korea, Poland, Russia, South Africa, Spain, USA and Uruguay. No violations of Conservation Measure 147/XIX were reported.

3.12 The Committee also considered information required under Conservation Measure 148/XX 'Automated Satellite-Linked Vessel Monitoring Systems (VMS)' which requires that Members notify of the movements of their flag vessels into, out of and between areas, subareas and divisions of the Convention Area. The Committee noted that of 42 vessels reported to have harvested in the Convention Area during the 2002 fishing season, 17 had not submitted the required information.

3.13 In accordance with paragraphs 7.22 and 7.23 of CCAMLR-XV, Members are required to inform the Secretariat of name changes, re-flagging and re-registration of their vessels. Seven reports of re-flagging or intended re-flagging had been received in the 2001/02 intersessional period.

3.14 No instances of bait-box bands discarded were reported by CCAMLR inspectors or were observed by scientific observers (Conservation Measure 63/XV 'Regulation of the use and disposal of plastic packaging bands on fishing vessels').

3.15 The Committee noted advice received from the Chair of the Scientific Committee on matters of compliance with Conservation Measure 29/XIX 'Minimisation of the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research in the Convention Area'. Data on compliance with all elements of Conservation Measure 29/XIX have been prepared by WG-FSA based on factual data submitted by scientific observers (SC-CAMLR-XXI/BG/33).

3.16 The European Community expressed the view that it was doubtful whether the Scientific Committee should compile compliance data in relation to Conservation Measure 29/XIX, but also make a compliance assessment based on these data. According to the European Community, it would be more appropriate that the compliance assessment be carried out in the framework of SCOI based on the data compiled by the Scientific Committee. Such an arrangement would also give Members the opportunity to give more input on the compliance level of vessels in that forum.

3.17 The Committee also noted that, in relation to potential achievement of full compliance with Conservation Measure 29/XIX and the continuing low level of seabird by-catch, the Scientific Committee reaffirmed its advice to the Commission (SC-CAMLR-XIX, paragraph 4.43) that any relaxation of closed seasons should proceed in a step-by-step fashion and the results be carefully monitored and reported.

3.18 Argentina requested information about whether legal actions have been taken against those vessels not complying with Conservation Measure 29/XIX.

3.19 The European Community noted that, in this respect, the assessment would be made on the basis of a scientific observer report, rather than an inspector's report. Such data could hardly be used in a court of justice. In the view of the European Community, only inspection reports would be suitable to serve as evidence in this respect.

3.20 The Committee considered three options put forward by the Scientific Committee for the extension of the fishing season. In considering options it was agreed to focus compliance aspects and leave other aspects of the proposals for consideration by the Commission.

3.21 The Committee agreed in principle with the proposals put forward by the Scientific Committee concerning a possible extension of the toothfish fishing season in Subarea 48.3. The Committee noted that such an extension would only be implemented once there was full compliance of the fishing fleet overall. The Committee endorsed the Scientific Committee's view that extension of the end rather than the start of the season was preferable, once there was full compliance with Conservation Measure 29/XIX.

3.22 The Committee agreed to recommend to the Commission that in the forthcoming season only vessels in Subarea 48.3 that were judged to have complied fully with Conservation Measure 29/XIX in 2001/02, be allowed to fish during the last two weeks of April to enable a preliminary assessment of seabird by-catch during this period. During the 2001/02 season only the UK-flagged vessel *Argos Helena* was judged to have complied fully with Conservation Measure 29/XIX in the fishery in Subarea 48.3.

3.23 ASOC asked whether the Scientific Committee had any data on the possible consequential effects of relaxing the closed season for CCAMLR-authorized fishing activity in relation to increased exposure of seabirds to IUU vessels. ASOC noted that whilst there might be a reasonable basis for considering that a longer season need not increase seabird by-catch by these authorized vessels, it was important to know whether their activities might attract seabirds to areas where they would be at risk from IUU vessels which employed no mitigation measures – and from which no reports of seabird mortality would be received.

3.24 The Chair of the Scientific Committee advised that there was no data available on this aspect, and agreed that it warranted consideration.

## Improvements to Conservation Measures

3.25 The Secretariat drew the attention of the Committee to one fisheries regulatory decision taken in the past by the Commission and which might require clarification. This related to fishing in the Convention Area by vessels chartered by Members. During the past two years the Secretariat continued to receive from time to time queries on this matter. The most recent query was from a fishing industry representative in Poland.

3.26 In the past, the Commission had considered the question of responsibility for catch reporting and the attribution of catches for the purposes of Article XIX.3 of the Convention. In particular, the Commission decided that in the case of joint ventures where one party is not a Member of CCAMLR, the party which was a Member of CCAMLR would be expected to assume responsibility for reporting data and ensuring compliance with conservation measures (CCAMLR-XII, paragraph 4.5; CCAMLR-XVI, paragraph 8.17).

3.27 The Committee stated that, whilst acknowledging that joint ventures may occur, joint ventures should not allow non-CCAMLR flagged vessels to fish inside the Convention Area.

3.28 The Committee recommended to the Commission that any sort of devolution of the responsibilities of Flag States should be avoided and that only vessels under the jurisdiction of CCAMLR Flag States could be issued with licences to fish in the Convention Area (Conservation Measure 119/XX). It was felt that this requirement clarifies the responsibilities attached to CCAMLR Members in respect of any joint ventures to fish in the Convention Area.

## IMPLEMENTATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

4.1 A summary of all scientific observation programs undertaken in accordance with the scheme was given in SC-CAMLR-XXI/BG/14.

4.2 A total of 24 longline and 10 trawl finfish cruises were conducted within the Convention Area during the 2001/02 season with national and international Scientific Observers aboard all vessels. A total of five observations were conducted by international observers on four vessels fishing for krill in Subarea 48.3. An additional three observations were conducted on two South African vessels fishing in waters adjacent to the Convention Area, as well as one observation conducted by an international observer on a vessel fishing for crabs in Subarea 48.3.

4.3 Reports received from scientific observers with factual detail on sightings of fishing vessels were discussed by the Committee together with other information on IUU fishing activities in the Convention Area.

4.4 The Committee noted that, as in the past, the report of the Scientific Committee will include advice to the Commission on all aspects of the scheme and also on scientific observation requirements for 2002/03 fisheries.

4.5 The Committee noted that this year it had not received any advice from the Scientific Committee on the administration or operation of the scheme or the need for its improvement. Consequently, no advice to the Commission on the operational requirements of the scheme was considered.

## ILLEGAL, UNREGULATED AND UNREPORTED FISHING IN THE CONVENTION AREA

Information Provided by Members in Accordance with Articles X and XXII of the Convention, the System of Inspection and the Scheme of International Scientific Observation

5.1 The Committee considered information submitted by Members relating to activities in the Convention Area which affect the implementation of the objectives of the Convention as well as compliance with conservation measures in force, including reports on IUU fishing activities in the Convention Area.

5.2 Australia presented information to SCOI on a number of major incidents of IUU fishing during the 2001/02 season (SCOI-02/15). These incidents comprised:

- the sighting of the *Lena* (Russia) fishing illegally in the Australian EEZ in Division 58.5.2 and its subsequent hot pursuit by an Australian fisheries patrol;
- the sighting of vessels alleging to be the *Kambott* (Mauritania) and the *Nova Tuna 1* (Ghana) in Division 58.4.3, later identified by Australia as the *Arvisa 1* and the *Dorita*, both flagged to Uruguay;
- the sighting in Division 58.5.1 and pursuit of the *Eternal* (Netherlands Antilles), ex-*Arvisa 1* (Uruguay); and
- the arrest of the *Lena* (Russia) and the *Volga* (Russia) for fishing illegally inside the Australian EEZ in Division 58.5.2.

5.3 The Australian presentation highlighted that a very high level of IUU fishing continues and it was now a highly organised form of transnational crime. Members' vessels and nationals were involved; VMS and other requirements agreed by CCAMLR were not being properly implemented; fraudulent use of the CDS is occurring; non-Contracting Party vessels were also involved, notably from Bolivia; and that stronger measures were needed immediately to combat IUU fishing.

5.4 Australia advised the Committee that it had made diplomatic approaches to the Netherlands Antilles, Netherlands and Uruguay requesting that reflagging of the *Arvisa 1* and *Dorita* be denied. Australia drew attention to Resolution 13/XIX which urged Contracting Parties to avoid re-flagging vessels of non-Contracting Parties with a history of IUU fishing in the Convention Area. Australia expressed disappointment that a temporary flagging certificate was granted to the *Arvisa 1* by Netherlands Antilles.

5.5 The Committee believed that the problem of reflagging IUU vessels should be drawn directly to the attention of the Netherlands, a Party to the Convention. It was recommended

that the Commission instruct the Executive Secretary to write to the Netherlands with a request not to undermine the Convention by accepting applications for reflagging IUU vessels.

5.6 In respect of the presentation given by Australia, Japan explained its position regarding the import of 54 tonnes of toothfish caught by the vessel *Dorita*. Japan stated that the cargo was accepted in full accordance with Conservation Measure 170/XX and based on a letter and a copy of VMS data provided by the vessel's Flag State through diplomatic channels.

5.7 The Observer from the Peoples' Republic of China advised the Committee that, with respect to the import of a shipment of toothfish from one of the vessels, it had contacted the CCAMLR Secretariat and received confirmation that the catch document was issued and certified by the Flag State of the vessel as required under the CDS.

5.8 Uruguay expressed full support for the actions taken by Australia and other Members in combating IUU fishing and drew the attention of the Committee to the number of port inspections conducted by Uruguayan port authorities. However, Uruguay believed that some of the information presented by Australia still required clarification, particularly as legal proceedings initiated against Navalmar S.A., the owner of *Arvisa I*, had not yet concluded. However, the Uruguayan court had taken precautionary measures against Navalmar S.A. by suspending the hearing of an application to purchase a vessel to replace *Arvisa I*.

5.9 Uruguay emphasised that VMS data received through France Telecom did not raise doubt as to the position of the *Arvisa I*, especially taking into account that information from Australia was received some 40 days after sightings of the vessels *Nova Tuna* and *Kambott*.

5.10 Uruguay advised the Committee of recent improvements to its VMS including the installation of the software 'Smart Track' which enables automatic plotting of vessel position on digitalised charts.

5.11 Australia stated that it would continue to pursue measures to effectively combat IUU fishing. However, the recent incidents were neither unreported or unregulated; they were blatant acts of illegal fishing in CCAMLR waters, in the Australian EEZ specifically, and also off the coast of Prydz Bay. There was direct evidence of flagrant disregard for CCAMLR conservation and management measures. Therefore, such activities were significantly undermining the credibility of the Convention and its Commission. While recognising that addressing the problem of IUU fishing was a major task, Australia stated that it was not an impossible one and CCAMLR-XXI must vigorously address this issue. Australia had proposed a suite of initiatives to combat IUU fishing and asked Members to seriously address these.

5.12 Australia advised that it would provide Uruguay and other CCAMLR Members with all available evidence concerning the sightings of the two vessels in CCAMLR waters earlier in 2002, and welcomed statements of cooperation from Uruguay. Australia stated that it was obvious some Members' VMS were not complying with Conservation Measure 148/XX, as demonstrated by Australia's sighting of two vessels off the Antarctic coast, when the Flag State (Uruguay) VMS showed them to be located over 1 000 km to the north. Australia stated that this discrepancy was not a mistake but direct evidence that the VMS were being tampered with or were not operating in a manner that complied with CCAMLR requirements.

5.13 The USA pointed out that during the discussions, several delegations referred to a VMS instrument described as a ‘mechanical VMS’, which allows the vessel’s crew to upload their position and other data to a satellite for downloading to the Flag State, and by definition the procedure is not an automated VMS, does not conform to the requirements of Conservation Measure 148/XX and should never be referred to as an automated VMS in CCAMLR discussions.

5.14 Further, in relation to incidents of illegal fishing in the Australian EEZ at Heard and McDonald Islands, Australia asserted that when it had approached Russian authorities over the *Lena* and the *Volga*, Russia had asked whether Australia knew the whereabouts of two of its vessels fishing for toothfish. All such vessels were required by CCAMLR to be monitored by VMS.

5.15 In turn, Russia stated that it officially informed the Australian authorities of actual locations of two of its vessels.

5.16 Russia reaffirmed its continued support of the two fundamental tools agreed by CCAMLR to combat IUU fishing, i.e CDS and VMS. With reference to the two Russian-flagged vessels apprehended by Australia, Russia explained that the vessel *Volga* had been detained outside the Australian EEZ in Division 58.5.2 and that investigations of the incident were still pending. Appropriate actions were taken by Russia with respect to the second vessel *Lena*. It should be noted that several weeks before the incident, the vessel was sold to a non-Russian company and, at the time of the vessel’s apprehension, only a couple of Russian mechanics still remained on board. Russia also advised that the fishing licence of the previous owner of the vessel was cancelled.

5.17 Russia also gave details of a national VMS program which includes monitoring of about 2 500 vessels from two VMS centres, in the ports of Petropavlovsk-Kamchatsky and Murmansk. Both VMS systems, Inmarsat-C and Argos, were in use. According to domestic legislation, any vessel found in breach of VMS regulations may be deprived from having a fishing licence for up to two years depending on the nature of the infringement. Like Uruguay, Russia has encountered several incidents involving tampering with VMS transponders aboard vessels.

5.18 Australia welcomed the commitment of Russia to combating IUU fishing and its advice that it would revoke the licence, for a period of two years, of any Russian vessel found anywhere on the high seas without VMS. Australia noted the information from Russia about the change of ownership of the *Lena* and asked Russia whether the licence issued to the company owning the *Lena* had been withdrawn following Australia’s representations about the *Lena* fishing illegally inside Australia’s EEZ in December 2001 and its subsequent failure to obey directions from an Australian fisheries patrol. Australia also asked Russia to provide VMS data for the *Lena* for the period from its sighting by the Australian patrol in December 2001 until the end of the hot pursuit.

5.19 Australia also stated that it wished the meeting to note that it objected to the presence of agents and representatives of companies implicated in IUU fishing at the current sessions of CCAMLR, either as members of delegations or otherwise. Australia stated that their presence at the meeting undermined the Commission’s aims and objectives.

5.20 South Africa informed SCOI that it had recently undertaken port inspections of the following three vessels: *Noemi* (Belize), *Lugalpesca* and *Viola* (Uruguay).

5.21 The Uruguayan-flagged vessel *Lugalpesca* had entered Durban, South Africa, for reprovisioning after having discharged toothfish in the port of Maputo, Mozambique, during October 2002. The vessel had on board a catch document and the landing was supervised by a Uruguayan-designated inspector. The vessel was subsequently inspected by South Africa but no evidence was found to indicate that the vessel had engaged in IUU fishing activities.

5.22 The Belize-flagged fishing vessel *Noemi* discharged toothfish in Beira, Mozambique, in September 2002. It was claimed that the fish were caught on the high seas outside the CCAMLR Convention Area. The vessel, which did not have VMS installed, was subsequently inspected in Durban, South Africa, and electronic logbooks provided by the Master subsequently showed the vessel to have fished in the French EEZ within Division 58.5.1 of the Convention Area.

5.23 With respect to the vessel *Noemi*, it was recommended that the Commission request the Executive Secretary to write to Belize advising details of investigations initiated by South Africa and requesting that Belize order the vessel to remain in Durban until full investigation of its activities are completed.

5.24 France reported that, based on information obtained by South Africa, it had started investigations of the fishing activities of the vessel *Noemi* in the French EEZ around the Kerguelen Islands.

5.25 South Africa also reported that the Uruguayan-flagged vessel *Viola*, currently in dry dock in Cape Town harbour, had discharged 4 960.8 kg of toothfish without a catch document in Cape Town, South Africa, in July 2002. Uruguayan authorities had indicated that the vessel had been fishing in FAO Area 41 outside the Convention Area and, although being equipped with VMS, was unable to provide the VMS plot. In the event that the vessel owner cannot furnish the required catch documentation and relevant vessel plots, South Africa intends seizing the vessel and its catch.

5.26 Uruguay reported that early in 2002 the vessel *Viola* had infringed national fisheries regulations and legal proceedings had been initiated against the vessel owners. According to information available to Uruguay, the vessel later applied for re-flagging to South Africa.

5.27 South Africa asked Uruguay whether details of legal proceedings against the vessel could be made available to its authorities. Uruguay undertook to provide the required information to South Africa via appropriate diplomatic channels.

5.28 South Africa also indicated that the *Viola* is currently flagless in Cape Town and that any potential reflagging of *Viola* would be in strict accordance with CCAMLR Resolution 13/XIX and national law.

5.29 The UK also raised concerns over the fraudulent nature of VMS data, citing two examples. The first related to the Uruguayan-flagged vessel *Atlantic 52* whose VMS data were barely credible. The data as presented on first submission indicated that the vessel was at times travelling at speeds of over 100 knots. 'Reworking' of the data as presented placed



the vessel along the southern boundary of Area 51 where toothfish was not believed to be present in any number. The UK continued to liaise with Uruguay to clarify inconsistencies found.

5.30 The UK also drew the attention of the Committee to VMS data for the Russian-flagged *Eva I* for the period from November 2001 to March 2002 which showed major gaps. More importantly, detailed analysis of the VMS position reports indicated four periods when identical position plots had been replicated. It was clear in the view of the UK that this detailed analysis of these data using plotting and GPS tools showed that they had probably been completely fabricated.

5.31 Russia advised that their experts would consult with the UK Delegation about the VMS data presented, with a view to examining this matter in more detail.

5.32 The Committee agreed that the information presented exposed the true nature of IUU fishing activities and that the nationals and vessels of both Contracting and non-Contracting Parties were involved. Key problems revealed were related to re-flagging and non-compliance with the requirements of VMS.

5.33 Chile praised Australia and other Members for actions taken against IUU and noted that information about IUU fishing activities should not detract from the value of VMS, but a close look must be taken at its present use. The lesson was that VMS should be used at all times and in all areas. The concepts of nationals, offshore companies and tax havens; incidents of Port and Flag States unwilling or unable to control the activities of their vessels, and of crews brutally coerced by their masters, should be closely investigated and considered with a view to improving existing and establishing new measures.

5.34 Norway noted the Chilean concern about vessels without nationality and stated that such vessels on the high seas were subject to the jurisdiction of any State. Thus any State may impose penalties on a stateless vessel for engaging in IUU fishing on the high seas. The problem unveiled in other RFMOs was, however, that a number of countries did not have in place domestic legislation enabling them to prosecute such vessels. Norway mentioned that it had recently amended its Fisheries Law to tackle the problem. Norway urged other Parties to examine whether they were in a position to take legal action against stateless vessels under their domestic legislation.

5.35 The UK commented that Resolution 13/XIX addressed the issue of re-flagging of non-Contracting Party vessels. It proposed extending and enhancing this resolution by making it applicable to all States' vessels (not just those of non-Contracting Parties) and making it a conservation measure.

5.36 Uruguay proposed that consideration be given to amending Conservation Measure 170/XX to reverse the onus of proof for the Flag State to issue or refuse to issue a catch document, applicable also to vessels fishing for *Dissostichus* spp. on the high seas.

5.37 Namibia referred to legal threats and actions Contracting Parties received from vessel owners or their representatives. In this regard, Namibia asked to what extent the Commission, other Contracting Parties or any independent body could assist in the case of one Contracting Party being subject to legal proceedings due to its refusal to allow landing,

refuelling, provision or re-flagging of a vessel with a history of IUU fishing. Namibia suggested that Contracting Parties should explore the possibility of de-registering those vessels which have a history of IUU fishing.

5.38 Australia stated that, in the case of one Contracting Party being threatened, all Contracting Parties should be in support of such a Member.

5.39 Chile stated that such actions seriously undermined the Convention and that Namibia or any other Member placed in its situation deserved the solidarity and assistance of all Commission Members.

5.40 The Secretariat suggested that it would be useful if the Commission consider the utility of CCAMLR compiling its own plan of action in support of the FAO IPOA-IUU (CCAMLR-XXI/BG/25).

5.41 The Committee recommended to the Commission that a CCAMLR plan be developed in support of IPOA-IUU.

5.42 Members considered all the abovementioned proposals, proposals put forward by Australia (CCAMLR-XXI/21, 23 and 24) and also a set of proposals put forward by the European Community, aimed at preventing further problems with re-flagging and misuse of VMS. A number of these proposals were elaborated further and recommended for adoption by the Commission (see paragraphs 5.97 and 5.98).

5.43 The Committee noted the advice received from the Chair of the Scientific Committee on the level of IUU fishing activities in the Convention Area and their impact of marine living resources. In particular, it was noted that:

- (i) the catches attributed by CDS reports of catches from outside the Convention Area in Areas 51 and 57 were unlikely to have come from those areas and most likely to have come from within the Indian Ocean sector of the Convention Area;
- (ii) IUU catches within the Indian Ocean sector of the Convention Area were most likely to be underestimated;
- (iii) current levels of IUU fishing had depleted stocks in Division 58.4.4 and in Subareas 58.6 and 58.7, and the catch rates in Division 58.5.1 had substantially declined; and
- (iv) current levels of IUU fishing would substantially reduce populations of seabirds which have been taken as by-catch in longline fishing operations.

5.44 The Committee noted the estimates of IUU fishing activities provided by Australia for Division 58.5.2 and by France for Division 58.5.1 and Subarea 58.6 (CCAMLR-XXI/BG/17 Rev. 1 and BG/18 respectively).

5.45 The majority of Members of the Committee agreed that catches reported from Areas 51 and 57 were not credible and questioned the veracity of information reported in catch documents which did not match available knowledge of toothfish distribution and potential biomass for waters outside the Convention Area.

5.46 However, the Republic of Korea expressed its concerns on the majority's view that could discourage a legitimate fishing operation on the high seas outside the Convention Area and noted that its vessels fishing for toothfish in Area 57 fully complied with all CCAMLR measures that can be applied to those vessels, including even the implementation of the voluntary Resolution 17/XX as mandatory.

5.47 The Committee agreed that there was a need to bring together the expertise of SCOI and the Scientific Committee in order to assess total removals of toothfish. The Committee recommended that the Commission consider establishing a task group which could meet in the first week of the WG-FSA meeting.

## Implementation of Other Measures to Eliminate IUU Fishing

### Cooperation with Non-Contracting Parties

5.48 The Secretariat reported on cooperation with non-Contracting Parties on the implementation of the CDS (CCAMLR-XXI/BG/26 and SCOI-02/10). As required, the Secretariat corresponded with each non-Contracting Party whose vessels were implicated in IUU fishing in the Convention Area.

5.49 The Secretariat requested information on landings of toothfish from those non-Contracting Parties, especially from those which had not yet introduced CDS and provided them with information about the Commission, its management measures and the steps needed to implement the CDS.

5.50 Mauritius and Mozambique submitted information on landings (CCAMLR-XXI/BG/26 and SCOI-02/11 respectively). All details of vessels and landings were cross-checked by the Secretariat with information contained in the CDS Database.

5.51 In addition, the Committee noted the document SCOI-02/12 which contained information from Bolivia on the establishment of the Bolivian Maritime Fishery Commission and the document SCOI-02/13 containing information from Belize on recent developments in legal and administrative matters related to fisheries. The Committee noted that Bolivian and Belize vessels had undermined, or appeared to have undermined, the effectiveness of CCAMLR conservation measures.

5.52 During the meeting, the Committee was provided with copies of a letter from Indonesia in response to the Secretariat's letter providing details of recent landings of toothfish in Jakarta. The letter from Indonesia proposed that the Directorate General of Management of Marine and Fisheries Resources in Indonesia be nominated as 'CCAMLR inspectors or agents so that supervision...of trade in...toothfish in Indonesia can be conducted more efficiently'.

5.53 In light of the information contained in the letter from Indonesia that the Russian-flagged vessels *Strela* and *Zarya* had landed some 700 tonnes of toothfish in Indonesian ports, and noting that both of these vessels had been proposed for inclusion in exploratory fisheries in the Convention Area, New Zealand asked whether Russia could advise as to the previous history of the vessels and of the steps taken to verify the consistency of this catch with CCAMLR conservation measures.

5.54 Russia advised that these were newly-built vessels purchased by owners via a third party and flagged to Russia in 2002. The Russian Delegation undertook to communicate with fisheries authorities in Russia and vessel owners in order to obtain information related to the posed questions.

5.55 The Committee recommended that the Executive Secretary write to Indonesia with detailed information on the CDS responsibilities of Indonesia as a Port and Export State and inviting Indonesia to become a Party to CCAMLR and fully implement the CDS.

5.56 The Committee also noted the extensive work conducted by the Secretariat on cooperation with non-Contracting Parties and that the work was in full accordance with provisions of the Conservation Measure 118/XX ‘Scheme to Promote Compliance by Non-Contracting Party Vessels with CCAMLR Conservation Measures’.

#### CCAMLR Vessel Database

5.57 The Secretariat reported that it continued to update the CCAMLR Vessel Database with all available information, particularly on vessels with a history of involvement in IUU fishing (CCAMLR-XX, paragraphs 5.19 and 5.26 and Annex 5, paragraphs 2.119 to 2.121). In order to further assist with the development of the database, the Secretariat maintained a list of contact details of Member’s national fisheries monitoring and surveillance authorities. The list was available on the CCAMLR website. To date, information had been provided by Australia, France, Germany, Namibia, New Zealand, South Africa and the USA. Information from other Members was still required.

5.58 Whilst the task of collecting vessel information had been more or less routine, it was difficult to discern ‘flags of convenience’ in the light of various definitions of the term currently in use. The Secretariat sought guidance on the definition of such flags to be used in determining ‘flag of convenience’ vessels. The Secretariat proposed that, based on a definition of a non-Contracting Party vessel which undermines CCAMLR conservation measures (see Conservation Measure 118/XX) (SCOI-02/4), a ‘flag of convenience’ could be defined as ‘The flag of a State which is not party to CCAMLR and/or which does not enforce CCAMLR conservation measures and whose vessels fish in areas covered by CCAMLR conservation measures’.

5.59 The Committee noted that international maritime law did not precisely define ‘flags of convenience’.

5.60 The Committee considered the request and decided that there was no reason to further define the term.

#### Implementation of CDS-related Conservation Measures and Resolutions

5.61 The Secretariat reported on implementation by Members of CDS-related conservation measures and resolutions, which included port inspections of vessels of non-Contracting Parties (Conservation Measures 118/XX and 147/XIX), actions taken with respect to the flagging of non-Contracting Party vessels (Resolution 13/XIX), use of ports not implementing

the CDS (Resolution 15/XIX), the application of VMS in the CDS (Resolution 16/XIX) and the application of VMS and other measures to verify CDS catch data from high seas areas outside the Convention Area (Resolution 17/XX).

5.62 The Committee noted a report submitted by the Secretariat (CCAMLR-XXI/BG/25).

5.63 At CCAMLR-XX, the Commission agreed that CDS data which reported catches on the high seas outside the Convention Area be considered more closely (CCAMLR-XX, paragraph 5.5) and that Russia and Uruguay be invited to report to CCAMLR-XXI on the verification of catches reported from the high seas outside the Convention Area (CCAMLR-XX, paragraph 5.20). These reports were submitted (CCAMLR-XXI/BG/12 and BG/22). In addition, Seychelles also submitted a report on a voluntary basis (CCAMLR-XXI/BG/23).

5.64 The Committee requested that reports of Russia and Uruguay be translated. Consideration of these reports was postponed until the Commission plenary.

#### Additional Measures

5.65 Chile referred to CCAMLR-XXI/BG/7 on the national administration of its domestic fishery, both artisanal and industrial, for *Dissostichus eleginoides* as an example of the complementarity of national and international measures designed to enforce compliance with CCAMLR conservation measures. Chile noted that more detailed analysis of the management of this fishery would be made at the Commission level with the necessary explanations of what Chile believes to be lessons to be drawn from this model.

5.66 The European Community presented a document introducing proposed draft conservation measures and resolutions on IUU fishing. In its presentation, the European Community informed that in June 2002, it had approved its Action Plan for the Eradication of IUU fishing. This plan, in accordance with FAO's IPOA-IUU, identified a number of actions to be taken, *inter alia*, in the framework of RFMOs. The European Community proposals were thus aimed at reinforcing CCAMLR's compliance scheme and procedures and building on the progress that CCAMLR had achieved over the years, which caused it to be acknowledged as a pioneer organisation in the field of the fight against IUU fishing.

5.67 On the basis of a detailed examination of the existing compliance measures in force in the framework of CCAMLR, the European Community considered three key aspects: procedures to address and discourage non-compliance by Members; procedures to identify and monitor the activities of IUU vessels; and the activities of Parties in respect of their interaction with Flag States that do not comply with their obligations regarding jurisdiction and control according to international law with respect to vessels entitled to fly their flag in the Convention Area.

5.68 In addition, the European Community proposed a number of modifications of CCAMLR conservation measures in force to ensure the overall consistency of CCAMLR's compliance mechanisms, reinforce port controls of vessels carrying *Dissostichus* spp. on board and link the use of VMS to the licensing requirements set forth in Conservation Measure 119/XX. Finally, the European Community proposed to amend Conservation

Measure 170/XX to incorporate stronger controls on landings, imports, exports and re-exports of toothfish, particularly those regarding catches made outside the Convention Area, along the lines of Resolution 17/XX.

5.69 Chile expressed agreement with the content of the European Community proposal and most of the proposed amendments, but stated reservations to a general approach which could blur essential differences between Members and non-Contracting Parties to CCAMLR and fail to address the issue of flags of convenience, which it considered critical in the fight against IUU fishing. These differences of emphasis should not prevent agreement on the reinforcement of the integrated set of measures already in force.

5.70 Japan expressed its concern about the overfishing of toothfish by IUU fisheries and recognised the importance of trade-related measures as a tool of conservation of toothfish stocks.

5.71 Japan also recognised that, in order to be consistent with international law, trade-related measures must be introduced in accordance with the procedures agreed by Member countries so that the measures will not be regarded as a unilateral action. It also indicated that very few cases were justified in being contested under the General Agreement on Tariffs and Trade (GATT) Article 20(g) regarding general disputes on measures relating to the conservation of exhaustible natural resources.

5.72 In light of these, Japan stressed that it is indispensable that CCAMLR establishes a certain procedure for the introduction of these measures similar to those established by other RFMOs such as the International Commission for the Conservation of Atlantic Tuna (ICCAT) and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT).

5.73 Therefore, Japan requested the Committee to consider recommending to the Commission the Japanese proposal for the CCAMLR Action Plan for Toothfish.

5.74 The Committee also considered a proposal submitted by Australia to establish a centralised/dual-reporting<sup>1</sup> VMS.

5.75 Australia presented CCAMLR-XXI/21 as well as a supplementary paper outlining a proposal for the establishment of a centralised or dual-reporting VMS system. Under the proposal, the Flag State would require vessels fishing for toothfish to transmit identification and position information directly to the CCAMLR Secretariat as well as to the Flag State.

5.76 Australia pointed out that information before SCOI (SCOI-02/14, Table 5.30) indicated that some 50% of toothfish catches were identified as having been taken by IUU vessels and that the majority of that catch was reported as having been taken from outside the CCAMLR Convention Area. Australia drew attention to information provided by the Secretariat (CCAMLR-XXI/BG/25) that some 16 Members had not notified the Secretariat of details of their VMS arrangements. Australia also drew attention to the earlier discussions in SCOI and said that it was clear that there was demonstrated widespread abuse of the VMS and CDS taking place. This abuse was undermining the sustainability of resources for which CCAMLR had responsibility.

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<sup>1</sup> A VMS which reports to both the Flag State and the Secretariat.

5.77 Therefore, Australia considered that it was crucial that VMS be linked to the CDS to improve compliance with the CDS and Conservation Measure 148/XX. Australia noted that the proposal did not involve a devolution of Flag State responsibilities. The costs involved with the proposal were outlined in CCAMLR-XXI/21.

5.78 Australia expressed its belief that the costs involved with a centralised VMS were minor in comparison to the potential benefits. Australia noted that the problem of IUU fishing was a matter for all Members as the international repute of the Commission, as well as the livelihoods of individual fishers of CCAMLR Members, was at stake.

5.79 The European Community thanked Australia for the proposal stating that it believed that VMS was a useful tool for the monitoring and control of fishing activities.

5.80 The European Community advised that a system of Flag State reporting of VMS information to a Secretariat had been implemented in the North Atlantic. The European Community described such models whereby VMS signals can be submitted from the vessel to the Flag State authority and then forwarded by the Flag State to a secretariat. In this model, Parties have the option of choosing whether a signal is relayed directly from the vessel or forwarded via the vessel Flag State. The European Community also noted the issues of confidentiality, the role of the Secretariat and the format of reports which might be transmitted to the Secretariat. The European Community also noted that financial implications would need to be considered and that a pre-condition of the proposed system would be the availability of funds.

5.81 New Zealand advised that this might be a reasonable approach where the information had to be provided to the Secretariat within a defined time frame, such as within 24 hours of receipt by the Flag State. Brazil supported the proposal along the lines described by the European Community as applying to NAFO. Chile agreed in principle with the proposal as modified by the European Community, but noted domestic legislative difficulties associated with the provision of confidential VMS data.

5.82 New Zealand stated that it was prepared to have VMS data transmitted directly from New Zealand vessels to a Commission centralised VMS. New Zealand understood, however, that some Members might not be able to adhere to this approach and therefore recognised that a reporting system via the Flag State to the Secretariat might be appropriate. New Zealand was of the view that the transmission of VMS data from Flag States to the Secretariat should be without delay and in near real time.

5.83 Norway supported the initiative taken by Australia to establish a centralised system. However, Norway was of the view that the information deriving from the VMS should be submitted to CCAMLR via the Fisheries Monitoring Centre of the vessel Flag State. Norway further noted that the information should be transmitted without delay. Norway also mentioned that the issue of confidentiality should be carefully examined. In this regard, Norway mentioned that NAFO and NEAFC have adopted appropriate rules that could serve as a template in CCAMLR. Finally, Norway stated that Parties have to agree on the use of this data by the Secretariat and access by others.

5.84 Whilst noting that Australia has undertaken a great deal of work which eventually would enhance CCAMLR efficiency, Russia expressed support for the Norwegian and European Community proposals.

5.85 It was suggested that there were sufficient measures in place to provide for VMS integrity if Flag States were given the opportunity to work them through. Other delegations noted the urgency of the matter and the need for demonstrated action. It was also noted that Flag States' failure to comply with VMS and CDS measures imposed costs on other States in the form of lost catches, administrative delays and having to apply enforcement measures to protect their interests.

5.86 Argentina expressed appreciation for the efforts of Australia reflected in CCAMLR-XX/21. However, Argentina believed that because of domestic legislation matters and issues relating to the confidential treatment of the information concerned, the national VMS was adequate. The fact that the current system has failed on occasions does not justify replacing it with a centralised system, as it would not be justified to replace the CCAMLR Scheme of International Scientific Observation by a centralised system, merely because in some instances the aforesaid system did not function properly. Argentina stated that it applied Conservation Measure 148/XX in the Convention Area, and voluntarily in the high seas and within Argentina's EEZ. In any case, what was needed was to substantially improve the channels through which the information reaches the Secretariat.

5.87 Brazil reported that all its flagged vessels have VMS on board and that this data should be first transmitted to the Flag State authorities and then to the Secretariat.

5.88 Japan, whilst acknowledging the merits of a centralised VMS system or dual reporting VMS in improving the CDS, pointed out that full analysis of long-term cost-benefit implications are necessary. Japan also expressed concern that suitable procedures to prevent the system from the disclosure of VMS data were not adequately considered taking into account the nature of the data which are of great value to IUU vessels. Therefore, Japan was of the opinion that the proposal should be studied in more detail.

5.89 Russia acknowledged the problems certain countries were facing in implementing VMS and stated that more work should be done on this matter.

5.90 South Africa thanked Australia for the proposal and expressed support for both the centralised VMS and dual-system VMS, although they acknowledged the concerns of the European Community. Further, South Africa already subscribed to a domestic centralised VMS, as all vessels of a certain size are required by national law to have VMS on board. South Africa expressed hope that, in the implementation of a dual-system VMS, any information should be relayed to the Secretariat with a minimum of delay. South Africa also drew the attention of the Committee to possible safety benefits which could be provided by a centralised VMS.

5.91 The Republic of Korea thanked Australia for reminding it of the importance of centralised VMS through the Minister's letter and advised that it would need to consult with its government and industry sector after CCAMLR-XXI.

5.92 Namibia expressed its support for the proposal but noted that due consideration would need to be given to the potential costs of implementation.

5.93 Ukraine stated that it supported the proposal as it would provide monitoring of vessels and vessel owners. Ukraine noted that the costs per vessel would be minimal and pointed out that confidentiality issues should be of no greater concern than those already existing under



the current levels of reporting which need to be reported under existing conservation measures. Ukraine also pointed out that, by acceding to the Convention, Flag States had already devolved some of their responsibilities.

5.94 A number of delegations drew attention to the sensitivity of VMS data and the need for absolute confidentiality to be maintained for such data if provided to the Secretariat. Australia noted that the Scientific Committee was currently reviewing the Rules for Access and Use of CCAMLR Data. Australia agreed that this was indeed a sensitive matter which would require strong protocols. It was also noted that the Committee endorsed a need to consult with the Scientific Committee on issues of evaluation of IUU catches (see paragraph 5.47). The consultation would be able to review the VMS information provided to the Secretariat and consider how it would best be used to strengthen the system. This would be an iterative process in which Members would have the opportunity to comment on how their data was used and protected.

5.95 An informal group was established to consider these issues during the meeting of the Committee.

5.96 The informal group considered a number of proposals related to compliance, addressing IUU fishing and the use of a dual-reporting VMS. The group's discussions were based on SCOI-02/16 and 02/17 and a proposal by the Delegation of Australia for a 'Dual-Reporting Vessel Monitoring System'.

5.97 The Committee noted the agreement by the informal group to amend paragraphs 1 and 4 of Conservation Measure 147/XIX. The Committee recommended that the Commission adopt the revised paragraphs 1 and 4 of Conservation Measure 147/XIX (Appendix V).

5.98 The Committee noted that useful progress had been made on the proposals for new and amended conservation measures and a resolution addressing IUU fishing and the use of a centralised VMS. In the absence of consensus, the Committee agreed to forward to the Commission a number of draft conservation measures and resolutions for consideration (Appendix VI).

#### Other Measures

5.99 The Committee considered a proposal submitted by Australia to modify the operation of Article 73(2) of UNCLOS (CCAMLR-XXI/23) and a proposal for managing the harvest of *Dissostichus* spp. outside the Convention Area (CCAMLR-XXI/24).

5.100 Australia introduced CCAMLR-XXI/23, outlining a proposal to modify the operation of Article 73(2) of UNCLOS to assist in preventing IUU fishing that undermines CCAMLR conservation and management measures.

5.101 Article 73(2) of UNCLOS required the prompt bonding and release of vessels, which in Australia's view constrained the ability of States to take effective measures to combat IUU fishing. Many of the vessels involved in IUU fishing were chronic offenders, and once released were almost certain to return to illegal fishing. Given the serious threat that IUU

fishing posed to marine resource conservation and the significant difficulty associated with arresting IUU vessels, Australia stated that allowing them to return to IUU fishing severely undermined the CCAMLR conservation and management regime.

5.102 The requirement for the prompt release of vessels under Article 73(2) of UNCLOS meant that a detaining State was required to set a reasonable bond or other financial security for the release of a detained vessel. However, 'reasonable bond or other security' was not defined in UNCLOS. Pragmatically, determining what constitutes a reasonable bond had created significant difficulties for States prosecuting vessels apprehended for fishing illegally in their EEZs. Coastal States were faced with a dilemma over the need to strike a balance between setting a bond high enough to deter illegal fishers from retrieving their vessels and resuming fishing over the period of legal proceedings but also avoiding a challenge from the Flag State through the International Tribunal for the Law of the Sea (ITLOS) about the level of the bond.

5.103 States had sought to set bonds for apprehended vessels at levels that would deter their return to illegal activity while legal proceedings were completed. However, as there had been a number of successful challenges by Flag States through ITLOS on the reasonableness of a bond and Coastal States were hesitant to set bonds too high and leave their Government open to expensive legal challenges, ITLOS had displayed a willingness to reduce the level of the bond or financial security set by a Coastal State according to its own assessment. Australia viewed this trend regarding the interpretation and application of Article 73(2) of UNCLOS with some concern. In Australia's view, States should have a right to set a bond for the release of an apprehended vessel at a level that was sufficient to deter further illegal fishing activities.

5.104 Australia proposed that the modification would operate in respect of any fishing vessels, or support craft, that were apprehended by a CCAMLR Member for fishing in contravention of CCAMLR conservation and management measures. It would apply primarily in the case of fishing vessels that are arrested by the authorities of CCAMLR Member States that exercise jurisdiction and control over maritime areas that are located within the CCAMLR Convention Area. The proposal to modify the requirement of Article 73(2) would operate only in respect of vessels apprehended by a CCAMLR Member, it would not apply to crew; the requirement for a detaining State to promptly release detained crew would continue to apply.

5.105 Australia said that in its view Article 311(3) of UNCLOS allows that two or more States may conclude agreements modifying or suspending the operation of provisions of UNCLOS.

5.106 Chile, UK and New Zealand indicated that they felt the substance of the paper presented by Australia went beyond the mandate of SCOI and proposed that this matter was more appropriately discussed directly by the Commission. SCOI endorsed this view.

5.107 Australia presented its proposal for managing the harvest of *Dissostichus* spp. outside the CCAMLR Convention Area. IUU fishers had been exploiting the fact that the northern limits of the range of *Dissostichus* spp. lie just beyond the northern boundary of the Convention Area by claiming that catches taken inside the Convention Area but validated under the CDS as having come from areas outside the Convention Area (FAO Areas 51

and 57 in particular) (CCAMLR-XXI/24). Australia proposed that the Commission agree to alter the jurisdiction of the Convention specified in Article I in accordance with Article XXX as the:

- most easily recognisable option for extending CCAMLR's competency to manage the harvesting of *Dissostichus* spp. outside the current CCAMLR Convention Area;
- mechanism with the greatest strength for combating IUU fishing for *Dissostichus* spp.; and
- necessary step to support the Commission's efforts to conserve *Dissostichus* spp. stocks within the current CCAMLR Convention Area.

5.108 Australia encouraged that toothfish on the high seas outside the Convention Area be managed in a manner consistent with management inside and that the best way to do so was to bring it under a single management body.

5.109 In response, the USA articulated that amending the boundaries was both a complex and political issue, and was probably better discussed in the Commission rather than in SCOI. The USA indicated that amendment to the Convention was an enormous undertaking and would take a very long time, probably in the order of several years. Further, changing the area for which CCAMLR had a mandate would not necessarily address the problem of IUU fishing.

5.110 Norway indicated that CCAMLR should develop other means to solve this issue, and stated that it was not appropriate for SCOI to handle this matter which was more appropriately addressed in discussions by the Commission. Chile agreed with the position of the USA and Norway, and indicated that to answer some of the questions raised over the catch of toothfish from Areas 51 and 57 could be advanced through possible exploratory/research fishing in those regions.

5.111 Australia drew attention to the outcomes of discussions of the Scientific Committee regarding the catches of toothfish from Areas 51 and 57 which indicated the likelihood that catches from these areas were in reality taken from within CCAMLR waters and that the current level of removals was unsustainable. It was not necessary to undertake exploratory fishing to settle this matter.

5.112 Namibia indicated its support for this proposal put forward by Australia to seek the consent of the Commission to agree to possible alteration of the Convention jurisdiction specified in Article I. Namibia reminded the Committee of the huge task involved in conducting a study prior to a possible extension of CCAMLR's northern boundaries. This includes the study on toothfish geographical distribution, migration patterns, as well as overlapping with existing or emerging regimes.

5.113 Argentina stressed the need for comprehensive studies on species migration patterns and distribution areas. It also indicated that complex problems may arise as a result of the overlapping of areas of responsibility of various regional fisheries management and conservation organisations when, acting with respect to the same resource, they expand their area of competence.

5.114 The European Community supported the concerns of Australia over the catch of toothfish declared as being taken outside of CCAMLR waters, however, it indicated that the matter of boundary changes was something more appropriately dealt with within the plenary of the Commission. The European Community drew attention to the package of measures it had proposed including amendments to Conservation Measure 170/XX.

5.115 The Ukraine stated it supported the Australian proposal but indicated that Members should not lose time in resolving this matter because of the rate at which the resource was being depleted. The FAO representative at the last meeting had promised to support Members if the Commission chose to extend the jurisdiction of CCAMLR. Area 51 had been raised as an issue last year and now Area 57 was also an issue.

5.116 The Republic of Korea supported the US position and comments by Norway. Korea advised that it had caught some 1 000 tonnes of toothfish in Area 57, which had been properly recorded in the CDS and validated by automated VMS.

## REVIEW OF SCOI WORKING ARRANGEMENTS

6.1 At CCAMLR-XX, Members were requested to consider the proposal by the European Community to amend SCOI's Terms of Reference and to submit any comments directly to the European Community (CCAMLR-XX, paragraphs 8.15 and 8.16 and Annex 8).

6.2 The European Community advised SCOI that comments were received intersessionally from Australia, Germany, Poland, UK, Uruguay and the USA. The revised draft was submitted as CCAMLR-XXI/19.

6.3 The Committee considered the draft of the revised terms of reference and organisation of work of the proposed Standing Committee on Implementation and Compliance (SCIC). Several editorial changes were proposed and incorporated in the draft during the meeting. It was also agreed that the Committee would decide later, when required, on the organisation of subsidiary bodies to be established in order to facilitate its work.

6.4 The Committee recommended that the Commission adopt the revised terms of reference (Appendix VII).

## ADVICE TO SCAF

7.1 The following recommendations of the Committee have financial consequences:

- (i) a pilot project of the proposed electronic web-based CDS (paragraph 2.30); and
- (ii) a three-day intersessional meeting of the informal CDS group to be held immediately preceding CCAMLR-XXII (paragraph 2.24).

## OTHER BUSINESS

8.1 The USA distributed information relating to the International Monitoring, Control and Surveillance Network (MCS). The network is intended to organise enhanced cooperation, coordination, information collection and exchange among national organisations responsible for fisheries-related monitoring, control and surveillance. The network encourages participation of all CCAMLR Parties and non-Contracting Parties. Australia and New Zealand supported this initiative.

8.2 The Committee also noted that an International Conference against Illegal, Unregulated and Unreported Fishing is to be held in Santiago de Compostela, Spain, on 25 and 26 November 2002 (CCAMLR-XXI/BG/14). Spain advised that a report and other documents of the conference would be made available to the CAMLR Secretariat after the meeting.

8.3 Brazil drew the attention of the Committee to the needs of small delegations at CCAMLR annual meetings where the presence of a delegate was required at a number of meetings simultaneously. In particular, Brazil requested that a special arrangement for distributing SCOI documents were put in place for such small delegations, e.g. via Heads of Delegation.

8.4 Australia requested the Secretariat that, irrespective of the meeting venue for CCAMLR-XXII, an alternative meeting room be arranged for the Committee next year. Current meeting room facilities were found to be inadequate for such meetings.

## ELECTION OF THE CHAIR OF SCOI

9.1 The Committee elected Mr Y. Becouarn (France) as Chair of SCOI for the next two years, taking effect from the end of CCAMLR-XXI.

9.2 The Committee noted that the election of the Vice-Chair was deferred until the meeting of the Commission.

9.3 The Committee thanked Dr Nion for his contribution over the past two years.

## ADOPTION OF REPORT AND CLOSE OF MEETING

10.1 The Report of SCOI was adopted and the meeting closed.

**AGENDA**

Standing Committee on Observation and Inspection (SCOI)  
(Hobart, Australia, 21 to 24 October 2002)

1. Organisation of the Meeting
  - (i) Adoption of the Agenda
2. Catch Documentation Scheme for *Dissostichus* spp. (CDS)
  - (i) Annual Summary Report
  - (ii) CDS Fund
  - (iii) Confiscated or Seized Catches
  - (iv) Development of an Electronic Paperless Web-based CDS
  - (v) Improvements to the CDS
  - (vi) Advice to the Commission
3. System of Inspection and Compliance with Conservation Measures
  - (i) Inspections Undertaken
  - (ii) Actions by Flag and Port States in respect of Inspections Undertaken
  - (iii) Improvements to the System of Inspection
  - (iv) Compliance with Conservation Measures
  - (v) Advice to the Commission
4. Scheme of International Scientific Observation
  - (i) Observation Programs Undertaken
  - (ii) Improvements to the Scheme
  - (iii) Advice to the Commission
5. Illegal, Unregulated and Unreported (IUU) Fishing in the Convention Area
  - (i) Members' Reports under Articles X and XXII of the Convention, the System of Inspection and the Scheme of International Scientific Observation
  - (ii) Implementation of Other Measures to Eliminate IUU Fishing
    - (a) Cooperation with Non-Contracting Parties
    - (b) CCAMLR Vessel Database
    - (c) Implementation of CDS-related Conservation Measures and Resolutions
    - (d) Additional Measures
  - (iii) Advice to the Commission

6. Review of SCOI Working Arrangements
7. Advice to SCAF
8. Other Business
9. Election of Chair of SCOI
10. Adoption of the Report
11. Close of the Meeting.

### LIST OF DOCUMENTS

Standing Committee on Observation and Inspection (SCOI)  
(Hobart, Australia, 21 to 24 October 2002)

SCOI-02/1	Agenda
SCOI-02/2	List of Documents
SCOI-02/3	Reports of inspections carried out in accordance with the CCAMLR System of Inspection for 2000/01
SCOI-02/4	Flags of Convenience Secretariat
SCOI-02/5	Report of discussions by the CDS Working Group on the CCAMLR Catch Documentation Scheme (CDS) for <i>Dissostichus</i> spp.
SCOI-02/6	Annual summary reports under Conservation Measure 170/XX Secretariat
SCOI-02/7	Control y fiscalización de la actividad pesquera en el Área de la Convención para la conservación de los recursos vivos marinos antárticos (CCRVMA/CCAMLR), temporada 2001/2002 Chile
SCOI-02/8	Information from Bolivia on the establishment of the Bolivian Maritime Fishery Commission
SCOI-02/9	Informe de causas sustanciadas en Chile por infracciones a la norma CCAMLR a Septiembre de 2002 Chile
SCOI-02/10	Report on inspection and implementation of sanctions – 2001/02 South Africa
SCOI-02/11	Cooperation with non-Contracting Parties Secretariat
SCOI-02/12	Information on landings of toothfish in Port Louis Mauritius



SCOI-02/13	A letter from IMMARBE, Belize of 11 October 2002 Secretariat
SCOI-02/14	Estimates of catch and effort from IUU fishing (extract from the 2002 Report of the Working Group on Fish Stock Assessment)
SCOI-02/15	Correspondence relating to sightings of fishing vessels reported by Australia Secretariat
SCOI-02/16	Proposal of CCAMLR action plan 'Toothfish' Delegation of Japan
SCOI-02/17	European Community proposals: Draft conservation measures and resolution on IUU fishing – explanatory memorandum Delegation of the European Community
Other Documents	
CCAMLR-XXI/14 Rev. 1	Documentation relating to CITES COP-12 Proposal 39 – inclusion in Appendix II of <i>Dissostichus eleginoides</i> and <i>D. mawsoni</i> Executive Secretary
CCAMLR-XXI/15	CCAMLR conservation measures: review of the numbering system Secretariat
CCAMLR-XXI/18 Rev. 1	Proposal for an electronic web-based Catch Documentation Scheme for <i>Dissostichus</i> spp. Delegation of the USA
CCAMLR-XXI/19	Review of SCOI working arrangements Delegation of the European Community
CCAMLR-XXI/20	Cooperation with the Committee on Trade and Environment of the World Trade Organization (WTO) Secretariat
CCAMLR-XXI/21	A proposal to establish a CCAMLR centralised Vessel Monitoring System (VMS) Delegation of Australia

CCAMLR-XXI/23	Modification of the operation of Article 73(2) of the United Nations Convention on the Law of the Sea to assist in preventing IUU fishing that undermines CCAMLR conservation and management measures Delegation of Australia
CCAMLR-XXI/24	Achieving sustainable fisheries for <i>Dissostichus</i> spp.: managing the harvesting of stocks outside the CCAMLR area Delegation of Australia
CCAMLR-XXI/BG/3	Report on the Committee on Fisheries Sub-Committee on Fish Trade Eighth Session (Bremen, Germany, 12 to 16 February 2002) CCAMLR Observer (Germany)
CCAMLR-XXI/BG/5	Implementation of Conservation Measures in 2001/02 Secretariat
CCAMLR-XXI/BG/7	Administración Chilena de la pesquería de bacalao de profundidad ( <i>Dissostichus eleginoides</i> ) Delegación de Chile (Executive Summary available in English)
CCAMLR-XXI/BG/10	Report on the Expert Consultation of Regional Fisheries Management Bodies on the Harmonisation of Catch Certification (La Jolla, USA, 9 to 11 January 2002) Secretariat
CCAMLR-XXI/BG/11	Minutes of an informal meeting on the development of an electronic web-based CDS (Pascagoula, Mississippi, 20 to 23 August 2002) Secretariat
CCAMLR-XXI/BG/12	Report on CDS verification procedure Delegation of Uruguay
CCAMLR-XXI/BG/14	International Conference against Illegal, Unreported and Unregulated Fishing (Santiago de Compostela, Spain, 25 and 26 November 2002) Delegation of Spain
CCAMLR-XXI/BG/17 Rev. 1	Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen et Crozet pour la saison 2001/02 (1 <sup>er</sup> juillet 2001 – 30 juin 2002) Informations générales sur la zone CCAMLR 58 et la zone FAO 51 Délégation française

CCAMLR-XXI/BG/18	Estimated IUU fishing for toothfish in that portion of Australia's EEZ within Division 58.5.2 – 1 July 2001 to 30 June 2002 Delegation of Australia
CCAMLR-XXI/BG/19	CCAMLR centralised vessel monitoring system (VMS) implementation plan Delegation of Australia
CCAMLR-XXI/BG/20	The application of Port State jurisdiction The Antarctic and Southern Ocean Coalition
CCAMLR-XXI/BG/21	Observer report to CCAMLR on meetings of the Committee on Trade and Environment Special Session CCAMLR Observer (New Zealand)
CCAMLR-XXI/BG/22	Report on CDS verification procedure Delegation of Russia
CCAMLR-XXI/BG/23	Report to CCAMLR on the verification of catches reported from the high seas outside the Convention Area Republic of Seychelles
CCAMLR-XXI/BG/24	Rationale for the establishment of an electronic web-based Catch Documentation Scheme for <i>Dissostichus</i> spp. Secretariat
CCAMLR-XXI/BG/25	Implementation of the System of Inspection and other CCAMLR enforcement provisions in 2001/02 Secretariat
CCAMLR-XXI/BG/26	Implementation and operation of the Catch Documentation Scheme in 2001/02 Secretariat
CCAMLR-XXI/BG/30	A CCAMLR response to use of flags of convenience by IUU vessels in the Convention Area The Antarctic and Southern Ocean Coalition
CCAMLR-XXI/BG/31	CDS-related information from Canada
SC-CAMLR-XXI/BG/14	Summary of scientific observation programs conducted during the 2001/02 season Secretariat

**REPORT OF THE MEETING OF THE CDS INFORMAL GROUP**

**REPORT OF THE MEETING OF THE CDS INFORMAL GROUP**  
(Hobart, Australia, 17 and 18 October 2002)

On 17 and 18 October 2002, discussions between States were held in Hobart regarding the operation of the Catch Documentation Scheme for *Dissostichus* spp. (CDS). Participating Parties comprised Australia, European Community, Japan, New Zealand, Seychelles, South Africa and the USA (Attachment A).

2. Discussions were based on the work undertaken by the intersessional contact group (ICG), established by SCOI, to address issues to improve the functioning of the CDS.
3. The CDS Informal Group met in Hobart and was chaired by Mr E.S. Garrett (USA). The group prioritised the issues developed by the ICG. The Agenda is attached (Attachment B).
4. Presentations were made by Mr I. Hay and Mr J. Davis (Australia) on a proposal for a centralised vessel monitoring system (VMS) (CCAMLR-XXI/BG/19), by Mr Garrett on the status of the US Patagonian Toothfish Import Control Program and by Ms K. Dawson (USA) and Mr T. Pedersen (Secretariat) on a proposal for an electronic web-based CDS for *Dissostichus* spp. (CCAMLR-XXI/18 and BG/24).
5. A summary of the conclusions and recommendations drawn from the group's discussions on the agenda items follow.

#### CDS Data Analysis

6. The group agreed that it was useful for the Secretariat to continue providing a summary of CDS data, and recommended that the current format be adopted as the standard for reporting. The group suggested adding a table on the location of the catch (i.e. Exclusive Economic Zone (EEZ) versus high seas) and the percentage of harvest by product type along with the standard conversion factors. The group agreed that the current conversion factors should continue to be used until additional research is available.
7. It was noted that the FAO statistical subarea or division was often missing from the *Dissostichus* catch document (DCD), although this is required by Conservation Measure 170/XX, and the group observed that this was important information. The group noted that a distinction also needed to be made on the DCD between catches originating from the high seas and elsewhere.
8. Concern was expressed about the potential for commercially confidential data to be revealed, noting that such data may be protected by national legislation. It was agreed that it was necessary to continue providing this information to the Secretariat and Members, for internal CCAMLR use; but it would only be released to the public in aggregated form, which does not reveal commercially sensitive data (see paragraph 9).

## Data Access

9. The group was mindful of the confidentiality requirements in data and information transfer or release to the public. It was agreed that public release of data should only be in aggregated form. The group recommended that SCOI consider developing a standard set of CDS data which could be annually compiled by the Secretariat and published, e.g. as part of the CCAMLR *Statistical Bulletin* or placed on the CCAMLR website. It was also recommended that before agreeing on a standard set of CDS data to be released to the general public, international organisations were to be consulted in order to get their views on the type of data which could be required for their work.

## Cooperation with International Organisations

10. The group recommended that cooperation between CCAMLR and international organisations with potential to assist the Commission be supported as a general principle. For instance, there could be utility in CCAMLR being represented at the meetings of the WTO/CTE, COFI, CITES and WCO. It was recognised that this list is not exhaustive. While Member countries often attend these meetings from a national perspective and can represent CCAMLR, Secretariat staff should attend the most important meetings that relate to the CDS.

11. Further, a purpose of participation by Secretariat staff could be to represent CCAMLR, for professional development, or for the opportunity to learn the different operating environments that deal with world trade.

12. It was recommended that CCAMLR Members work with WCO to develop harmonised tariff codes for *Dissostichus* spp. for fresh, frozen, and two fillet products – in sections 0302 (fresh), 0303 (frozen), 0304 (fillets – fresh and frozen) of Chapter 3 of the Harmonised System. All members of WCO would then have the possibility to adopt the same codes, thus facilitating the work of CCAMLR's CDS.

13. It was further recommended that the Commission continue to cooperate with FAO and regional fishery management organisations (RFMOs) to develop harmonisation efforts for catch documents, including for *Dissostichus* spp., taking particular note of confidentiality considerations.

## Conversion Factors

14. It was recommended that SCOI again request countries to provide conversion factors, and information on whether permitted food additives are used on toothfish products to increase moisture content for food technology purposes.

15. The group agreed that conversion factors need to be employed with caution until such time as better precision can be gained, and encouraged research into approved food additives and how these affect conversion rates for processed products. Until better precision can be gained, it is recommended that the current CCAMLR conversion factors be employed (see paragraph 6).

## Differences between Weights of Fish Exported and Landed

16. Given the difficulty of this issue, it was recommended that the Secretariat and inspectors continue to investigate weight differences on a case-by-case basis. It should be noted that such differences provide a potential for laundering catches, and therefore this issue is not trivial.

## Multiple Transshipments

17. It was recommended that multiple transshipments at sea be prohibited until a standard procedure can be developed to prevent fraud and accurately account for catch movements.

## Definitions

18. It was concluded that the definitions section needs further refinement, e.g. exporter, re-exporter, export reference number and landings relative to free trade zones.

## Use of Observers

19. The group agreed that in the absence of an RFMO outside the Convention Area, observers should be used for all high seas areas, and be subject to the same standards as those used for the CCAMLR Convention Area.

20. The group also agreed that the use of independent scientific observers (i.e. independent of the Flag State, as occurs with observers appointed under the CCAMLR Scheme of International Scientific Observation) on vessels fishing on the high seas outside the Convention Area would improve the consistency and standard of validation of DCDs.

## Verification Procedures

21. The group noted discussions and action by the Commission at CCAMLR-XX, including the adoption of Resolution 17/XX, to address the misreporting of *Dissostichus* spp. catches from inside the CCAMLR Convention Area as having been taken from Area 51. The group noted that the WG-FSA report for 2002 indicated that the problem of misreporting continued, including in other statistical areas, such as FAO Area 57. The group agreed that the majority of the catches' origins were being falsely reported.

22. It was noted that Resolution 17/XX, paragraph 2, urges States participating in the CDS to take various actions in order to verify the accuracy of DCDs specifying toothfish caught in Area 51.

23. It was noted that the Scientific Committee has been asked by the Commission to provide advice again this year on the status of toothfish populations on the high seas. Several Members expected that the advice would again reflect the lack of commercially viable populations in most areas outside the Convention Area or EEZs.

24. The group agreed that DCD validation and verification measures must be strengthened. The group agreed that, as a matter of principle, standard procedures for all types of data and validation and verification processes relating to the harvesting of *Dissostichus* spp. are needed, and should be used by every State that validates and verifies DCDs, regardless of whether the area fished is outside or inside the Convention Area. In that regard, the group agreed that accurate VMS and observer data are not only essential for validation and verification decisions about every DCD, but also for reasons of transparency and CCAMLR credibility.

#### Proposal for Centralised VMS

25. The group noted the proposal by Australia for a centralised VMS to be operated by the Secretariat and for data from that VMS to be integrated into CDS validation procedures. Such a system has a range of benefits, including uniformity of vessel monitoring standards, greater transparency of monitoring arrangements and more efficient reporting of vessel movements in the Convention Area, improving the credibility of the Commission.

26. The group recommended that SCOI recommend to the Commission that it adopt stronger measures to prevent such misreporting and trade in misreported catches, including:

- (i) by requiring all vessels fishing for toothfish on the high seas inside or outside the Convention Area and wishing to participate in the CDS, to carry independent scientific observers;
- (ii) by requiring those same vessels to be monitored by a centralised VMS that complies with the standards described in Conservation Measure 148/XX, operated by the Secretariat; and
- (iii) by taking WTO-consistent trade-related actions to prevent trade in toothfish, caught in an IUU manner, from entering the markets of CCAMLR Members. Such measures would aim to identify those States or companies undermining the effectiveness of CCAMLR and to take action to prevent their catches being imported into Members' markets or otherwise being traded under the CDS.

27. Japan reserved its position in regard to centralised VMS because, in Japan's view, the proposed centralised VMS seems too costly for its foreseen effectiveness. Japan also reserves its position on the use of independent scientific observers outside the Convention Area.

#### Verification of Catch and Landing Procedures

28. It was noted that the CDS could be significantly improved to facilitate trade and reduce opportunities for fraud if the Commission would implement a centralised VMS, web-based electronic CDS, and standardisation of all validation and verification procedures. It was recognised that other measures, such as trade sanctions, could also be used.



29. It was further noted that standardised verification of the following was needed at landing:

- (i) species landed (*D. eleginoides* or *D. mawsoni*);
- (ii) location of harvest;
- (iii) accurate weight; and
- (iv) import validation – based on observer and VMS documentation.

30. It was recommended that standardisation should occur throughout the CDS, and that the different responsibilities of the Flag and Port States should be incorporated into the CDS guide.

#### US Presentation on Toothfish Import Control Program

31. The utility of compliance analysis was noted, and it was agreed that it would be beneficial if other States, importers, exporters and Flag States involved in the toothfish trade would conduct an evaluation of how well the scheme is working. Japan and the European Community indicated their willingness to undertake this. An electronic based system could significantly assist in resolving problems highlighted in the compliance analysis. The group recommended that SCOI consider implementing this as the next step in resolving these issues.

#### Electronic Web-based CDS

32. The USA and the Secretariat gave a detailed presentation to the group of a concept and model of an electronic web-based CDS (CCAMLR-XX, Annex 5, paragraphs 2.95 and 2.96). The presentation covered the financial, procedural, security, legal and other aspects of the model.

33. The main benefits of an electronic web-based CDS include:

- (i) monitoring and verification of data in real time;
- (ii) limiting access to CDS data to only that needed for the functions of each user (there can be several categories of users);
- (iii) reducing opportunities for fraudulent DCDs, missing information, unreadable data and reporting errors;
- (iv) issuing of permits in real time and providing market States with notice of movements in trade before consignments reach their territories; and
- (v) reducing time-consuming paperwork, and thus saving in administrative costs for states and fishers participating in the CDS.

34. Overall, the electronic system would significantly facilitate trade of toothfish and would significantly reduce the opportunities for fraud.

35. The group noted the overwhelming benefits of an electronic system and recommended to SCOI that a trial commence as soon as possible, with a view to the progressive implementation of such a system by CCAMLR-XXII (2003).

36. The pilot project should include all sectors that participate in the current system, i.e. Flag States, Port States, vessels, transhippers, exporting and importing countries etc. The electronic certification pilot project should mirror the current paper system, and the advice from representatives of the aforementioned sectors should be sought prior to initiation of the project.

37. The group discussed elements to consider during the development of the electronic-based CDS, including:

- (i) zero tolerance (all fields must be completed, or the generation of the DCD is blocked; and
- (ii) logic checks on entered data (DCD would only get certified if it met these tests).

#### OTHER MATTERS DISCUSSED

38. The group noted the need to further consider how to identify vessels, nationals and States that do not comply with CDS requirements, and what measures or sanctions should be applied in the event of such non-compliance. The group recommended that these matters be further considered by SCOI and at future meetings of the CDS Group.

39. The group noted that Australia is preparing a paper on a proposed informal intersessional dispute-settlement mechanism to augment Article XXV of the Convention.

40. The group recommended that SCOI set up an ad hoc informal CDS Group in the margins of SCOI to develop a list of issues that the pilot project should address, such as data security, data access, levels of user and State access to data and electronic evidence. Consideration should be given to the participants in the pilot project.

41. Noting the large number of useful ideas at the meeting of the CDS Group, it recommended that there should be a three-day meeting of the group in the 2002/03 intersessional period. Consideration should also be given to holding this meeting earlier than immediately prior to CCAMLR-XXII and in a more central location than Hobart.

**LIST OF PARTICIPANTS**

Meeting of the CDS Informal Group  
(Hobart, Australia, 17 and 18 October 2002)

GARRETT, E. Spencer (Mr) – Convener	USA
BRYDEN, Grant (Mr)	New Zealand
CHEW, Roberta (Ms)	USA
CLARK, Beth (Ms)	USA
DAVIS, John (Mr)	Australia
DAWSON, Kim (Ms)	USA
DOMINGUE, Gerard (Mr)	Seychelles
GONZALES, Mike (Mr)	USA
GOTO, Satoru (Mr)	Japan
HAY, Ian (Mr)	Australia
KOPLIN, Steve (Mr)	USA
MATSUDA, Ryota (Mr)	Japan
ORITZ, Paul (Mr)	USA
PEDERSEN, Tim (Mr)	Secretariat
ROHAN, Geoff (Mr)	Australia
SABOURENKOV, Eugene (Dr)	Secretariat
SHIMIZU, Ichiro (Mr)	Japan
SLICER, Natasha (Ms)	Secretariat
VERGINE, Jean-Pierre (Mr)	European Community
WATKINS, Barry (Mr)	South Africa

**AGENDA**

Meeting of the CDS Informal Group  
(Hobart, Australia, 17 and 18 October 2002)

1. Adoption of Agenda and nomination of rapporteurs
2. Discussion of CDS intersessional items
  - (i) CDS data analysis
  - (ii) CDS data access
  - (iii) Cooperation with international organisations
  - (iv) Conversion factors
  - (v) Differences between weights of fish exported and landed
  - (vi) Multiple transshipments
  - (vii) Definitions
  - (viii) Use of observers
3. Proposal for a centralised VMS
4. Verification procedures
5. US presentation on status of CDS Import Program
6. Proposal for an electronic web-based CDS
7. Demonstration of a prototype
8. Recommendations to SCOI
9. Adoption of the report.

**LIST OF INTERSESSIONAL TASKS IDENTIFIED  
BY THE CDS INFORMAL GROUP**

1. Definitions

Exporter, re-exporter, importer, export reference number, landing relative to free trade zones. Incorporate into CDS Guide.

2. The development of validation and verification standards

- (i) for uniform data sources; and
- (ii) for all aspects of harvesting *Dissostichus* spp., i.e. standardised verification of the following:
  - (a) species landed;
  - (b) location of harvest;
  - (c) accurate weight; and
  - (d) import validation based on observer and/or VMS documentation.

3. Responsibilities of the Flag and Port State should be incorporated into the CDS guide.

4. Continue consideration of how to identify vessels, nationals and States that do not comply with CDS requirements and consider what measures should be applied.

**PROPOSED AMENDMENTS TO CONSERVATION MEASURE 147/XIX**

New title: Port Inspections of Vessels Carrying Toothfish

1. Contracting Parties shall undertake inspection of ~~those~~ **all** fishing vessels ~~that intend to land or tranship~~ **carrying** *Dissostichus* spp. ~~at which enter~~ their ports. The inspection shall be for the purpose of determining that **if the vessel carried out harvesting activities in the Convention Area, these activities were carried out in accordance with CCAMLR conservation measures, and that if it intends to land or tranship *Dissostichus* spp.** the catch to be unloaded or transhipped is accompanied by ~~the a~~ **a** *Dissostichus* catch document required by Conservation Measure 170/XX, **and** that the catch agrees with the information recorded on the document. ~~and if the vessels carried out harvesting activities in the Convention Area, that these activities were carried out in accordance with CCAMLR Conservation Measures.~~
2. Unchanged
3. Unchanged
4. Contracting Parties shall promptly **provide advise** the Secretariat ~~of~~ **with a report on the outcome of each inspection conducted under this conservation measure, in respect of** any vessels denied port access or permission to land or tranship *Dissostichus* spp., the Secretariat shall promptly convey such reports to all Contracting Parties.

**DRAFTS OF PROPOSED CONSERVATION MEASURES  
AND RESOLUTIONS**

**CONSERVATION MEASURE ----/--**  
**Scheme to Promote Compliance by Contracting Party Vessels**  
**with CCAMLR Conservation Measures**

1. At each annual meeting, the Commission will identify those Contracting Parties whose vessels have engaged in fishing operations in the Convention Area in a manner which has diminished the effectiveness of CCAMLR conservation measures in force. This identification will be based, *inter alia*, on reports relating to the application of Conservation Measure 147/XIX, trade information obtained on the basis of the implementation of Conservation Measure 170/XX and other relevant national or international verifiable trade statistics, on the CCAMLR list of IUU vessels as well as any other relevant information obtained in ports and from the fishing grounds.
2. For the purposes of this conservation measure, the Contracting Parties are considered as having carried out fishing activities that have diminished the effectiveness of the conservation measures adopted by the Commission if:
  - (a) the Parties do not ensure compliance by their vessels with the Conservation Measures adopted by the Commission and in force, in respect of the fisheries in which they participate that are placed under the competence of CCAMLR;
  - (b) their vessels are repeatedly included on the CCAMLR list of IUU vessels (NB – this criterion relies on the adoption of the European Community proposed measure establishing the IUU list).
3. The Commission shall request the Contracting Parties identified pursuant to paragraph 1 to take all necessary measures to avoid diminishing of the effectiveness of the CCAMLR conservation and management measures resulting from their vessels' activities, and to advise the Commission of actions taken in that regard.
4. The Commission shall review, at subsequent annual meetings, as appropriate, actions taken by those Contracting Parties identified pursuant to paragraph 1 to which requests have been made pursuant to paragraph 3.
5. The Commission shall annually review information accrued under paragraphs 1 to 4 to decide the appropriate measures to be taken so as to address these issues with those identified Contracting Parties. Such measures could include, but are not limited to, those measures set out in paragraph 68 of the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

**CONSERVATION MEASURE ----/--**  
**Scheme to Establish a List of Vessels Presumed to have carried out**  
**Illegal, Unregulated and Unreported (IUU) Fishing Activities**  
**in the CCAMLR Convention Area**

1. For the purposes of this scheme, fishing vessels flying the flag of a Contracting Party for which evidence is made available to CCAMLR that they:



- (a) engaged in fishing activities in the CCAMLR Convention Area without a licence issued in accordance with Conservation Measure 119/XX, or in violation of the conditions under which such licence would have been issued in relation to authorised areas, species and time periods; or
- (b) did not record or did not declare their catches made in the CCAMLR Convention Area in accordance with the reporting system applicable to the fisheries they engaged in, or made false declarations; or
- (c) fished during closed fishing periods or in closed areas in contravention of CCAMLR conservation measures; or
- (d) used prohibited gear in contravention of applicable CCAMLR conservation measures; or
- (e) transhipped or participated in joint fishing operations with vessels included in the IUU list; or
- (f) fished in waters in the CCAMLR Convention Area under the national jurisdiction of a Coastal State, without authorisation and/or infringed its laws and regulations, without prejudice to the sovereign rights of Coastal States to take measures against such vessels; or
- (g) engaged in fishing activities contrary to any other CCAMLR conservation and management measures in a manner that undermines the attainment of the objectives of the Convention;

as well vessels flying the flag of a non-Contracting Party that, in accordance with Conservation Measure 118/XX have been:

- (a) sighted while engaging in fishing activities in the CCAMLR Convention Area;
- (b) denied landing or transshipment in accordance with CCAMLR Conservation Measure 147/XIX;
- (c) engaged in transshipment activities involving a sighted non-Contracting Party vessel inside or outside the CCAMLR Convention Area;

are presumed to have carried out illegal, unregulated and unreported fishing activities in the CCAMLR Convention Area.

2. Contracting Parties which obtain evidence suggesting that a vessel could be presumed to have carried out illegal, unregulated and unreported fishing activities in the CCAMLR Convention Area in accordance with the criteria established in paragraph 1 shall immediately communicate the relevant information and evidence to the Commission in accordance with Article XXI of the Convention. The Secretariat shall transmit this information within one business day of receipt to all Contracting Parties, and as soon as possible to the Flag State of the vessels concerned, if the latter flies the flag of a non-Contracting Party.

3. Upon receipt of the information transmitted by the Secretariat in accordance with paragraph 3, Contracting Parties will closely monitor the vessel concerned in order to determine its activities and possible changes of name, flag and/or registered owner.
4. The Executive Secretary shall, before 30 April of each year, draw up a draft list of vessels that, on the basis of the information compiled in accordance with paragraph 3 and of any other information and evidence that the Secretariat might have obtained and verified in relation thereto, might be presumed to have carried out illegal, unregulated and unreported fishing activities in the CCAMLR Convention Area during the previous season.
5. Contracting Parties and non-Contracting Parties whose vessels are included in the draft list established by the Secretariat will transmit before 30 June to CCAMLR, their comments, as appropriate, including evidence showing that the vessels listed have neither engaged in fishing activities in contravention of CCAMLR conservation and management measures nor had the possibility of being engaged in fishing activities in the Convention Area.
6. On the basis of the information received pursuant to paragraph 6, the Executive Secretary shall draw up a provisional list of IUU vessels, which he will transmit before 31 July to the Contracting Parties and to the non-Contracting Parties concerned together with all the evidence provided.
7. Contracting Parties and non-Contracting Parties concerned may at any time submit to the Executive Secretary any additional information, which might be relevant for the establishment of the IUU list. The Executive Secretary shall circulate the information at the latest 30 days before the annual meeting to the Contracting Parties and to the non-Contracting Parties concerned together with all the evidence provided.
8. The Standing Committee on Observation and Inspection (SCOI) shall examine, each year, the provisional list as well as the information referred to in paragraph 8.
9. SCOI shall recommend that the Commission should remove vessels from the provisional list if the Flag State proves that:
  - (a) the vessel did not take part in IUU fishing activities described in paragraph 1; or
  - (b) it has taken effective action in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity; or
  - (c) the vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it; or
  - (d) the Flag State has taken measures to ensure the granting of the right to the vessel to fly its flag will not result in IUU fishing.

10. Following the examination referred to in paragraph 9, SCOI shall submit to the Commission for approval, a draft list of the vessels identified as carrying out IUU fishing activities in the CCAMLR Convention Area. This list will be established in accordance with the format referred to in the annex [format to be established], with vessels organised by Flag State.
11. On approval the list referred to in paragraph 10, the Commission shall request Contracting Parties and non-Contracting Parties whose vessels appear on the IUU list to take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licences of these vessels, and to inform the Commission of the measures taken in this respect.
12. Contracting Parties shall take all the necessary measures, under their applicable legislation, in order that:
  - (a) the issuance of a license to vessels appearing on the IUU list to fish in the Convention Area is prohibited;
  - (b) the issuance of a license to a vessel included on the IUU list to fish in waters under their fisheries jurisdiction is prohibited;
  - (c) fishing vessels, mother-ships and cargo vessels flying their flag do not participate in any transshipment or joint fishing operations with vessels registered on the IUU list;
  - (d) vessels appearing on the IUU list that enter ports voluntarily are not authorised to land or tranship therein;
  - (e) the chartering of a vessel included on the IUU list is prohibited;
  - (f) granting of their flag to vessels appearing on the IUU list is refused, except if the vessel has changed owner; and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the Flag State determines that granting the vessel its flag will not result in IUU fishing;
  - (g) imports of fish from vessels included in the IUU list are prohibited;
  - (h) importers, transporters and other sectors concerned, are encouraged to refrain from negotiating and from transshipping of fish caught by vessels appearing in the IUU list; and
  - (i) any appropriate information is collected and exchanged with other Contracting Parties or cooperating non-Contracting Parties, entities or fishing entities with the aim of searching, controlling and preventing false import/export certificates regarding fish from vessels appearing in the IUU list.
13. The Executive Secretary will take any necessary measures to assure publicity of the IUU list approved by CCAMLR pursuant to paragraph 11, through electronic means, by

placing it on the CCAMLR website. The Executive Secretary will transmit the IUU list to other Regional Fisheries Organisations for the purposes of enhanced cooperation between CCAMLR and those organisations.

14. Without prejudice to the rights of Flag States and Coastal States to take proper action consistent with international law, Contracting Parties should not take any unilateral trade measures or other sanctions against vessels included in the draft IUU list, pursuant to paragraph 5, or which have already been removed from the provisional list, pursuant to paragraph 9, on the grounds that such vessels are involved in IUU fishing activities.

**Proposed amendment to Conservation Measure 118/XX to establish a cross-reference with the new measure on the establishment of a list of IUU vessels**

Paragraph 2b of Conservation Measure 118/XX would be modified as follows :

2. Information regarding such sightings or denials of landings or transshipments shall be transmitted immediately to the Commission in accordance with Article XXII of the Convention. The Secretariat shall transmit this information to all Contracting Parties, within one business day of receiving this information, and to the Flag State of the sighted vessels as soon as possible. **The Secretariat shall include such vessels in the draft list of vessels established pursuant to paragraph 5 of Conservation Measure \_\_\_/XXI.**

**Proposed amendments to Conservation Measure 148/XX**

Paragraph 5 of Conservation Measure 148/XX would read as follows :

5. For the purpose of this measure, VMS means a system where, *inter alia*:
  - (i) through the installation of satellite-tracking devices on board its fishing vessels, the Flag State receives automatic transmission of certain information. This information includes the fishing vessel identification, location, date and time, and is collected by the Flag State at least every four hours to enable it to monitor effectively its flag vessels;
  - (ii) performance standards provide, as a minimum, that the VMS:
    - (a) is tamper proof, i.e. the operation of the VMS unit cannot be interrupted nor transmitted positions falsified;
    - (b) is fully automatic and operational at all times regardless of environmental conditions;
    - (c) provides real-time data;

- (d) provides the geographical position of the vessel, with a position error of less than 500 m with a confidence interval of 99%, the format being determined by the Flag State; and
- (e) in addition to regular messages, provides special messages when the vessel enters or leaves the Convention Area and when it moves between one CCAMLR area, subarea or division within the Convention Area.

**5a. Contracting parties shall not issue licences under Conservation Measure 119/XX to their flag vessels unless the VMS complies with paragraph 5 in its entirety.**

Rest: unchanged

**RESOLUTION --/XXI  
Flags of Non-Compliance**

The Commission,

Particularly Concerned that some Flag States, particularly non-Contracting Parties do not comply with their obligations regarding jurisdiction and control according to international law with respect to fishing vessels entitled to fly their flag in the Convention Area, and that as a result these vessels are not under the effective control of such non-Contracting Parties;

Aware that the lack of effective control ~~encourages~~ facilitates such vessels to fish in the Convention Area in ways that undermine CCAMLR's conservation measures, leading to IUU catches of fish and incidental mortality of seabirds;

Considering therefore such vessels to be flying flags of non-compliance with CCAMLR (FONC vessels);

Noting especially that the FAO Agreement to Promote Compliance and the International Plan of Action on IUU urges States to take such measures to ensure that the activities of nationals, industry and other entities operating within their jurisdiction do not contribute to the activities of fishing vessels flying flags of non-compliance in undermining the effectiveness of CCAMLR's conservation measures;

Urges all Contracting Parties and non-Contracting Parties cooperating with CCAMLR to:

1. without prejudice to the primacy of the responsibility of the Flag State, to take measures or otherwise cooperate to ensure, to the greatest extent possible, that the nationals and industry subject to their jurisdiction do not support or engage in IUU fishing, including on board FONC vessels in the CCAMLR Area;
2. develop ways to ensure that the export of fishing vessels from their State to FONC is ~~discouraged~~ prohibited; and
3. ~~strengthen port controls related to~~ prohibit the landing and transhipment of fish products from FONC vessels.

**TERMS OF REFERENCE AND ORGANISATION OF WORK  
OF THE STANDING COMMITTEE ON IMPLEMENTATION  
AND COMPLIANCE (SCIC)**

The Standing Committee on Implementation and Compliance (SCIC) was established by the Commission with the following terms of reference.

1. The Committee shall be tasked with providing the Commission with information, advice and recommendations necessary to give effect to Articles X, XXI, XXII and XXIV of the Convention.
2. The Committee shall:
  - (i) review and assess Contracting Parties' implementation of, and compliance with, conservation and management measures adopted by the Commission;
  - (ii) review and assess, as appropriate, the implementation of, and compliance with, conservation and management measures by those non-Contracting Parties which have agreed to apply such measures;
  - (iii) provide technical advice and recommendations on means to promote the effective implementation of, and compliance with, conservation and management measures;
  - (iv) review and analyse information pertaining to activities of Contracting Parties and non-Contracting Parties which undermine the objectives of the Convention, including in particular illegal, unregulated and unreported (IUU) fishing, and recommend actions to be taken by the Commission to prevent, deter and eliminate such activities;
  - (v) review the operation of, and recommend priorities of and improvements to, the System of Inspection and, in association with the Scientific Committee, as appropriate, the Scheme of International Scientific Observation;
  - (vi) exchange information with the Scientific Committee and its subsidiary bodies as well as the Standing Committee on Administration and Finance (SCAF), as appropriate, on matters of relevance for the exercise of their respective functions;
  - (vii) provide the Commission with recommendations on appropriate interaction with other fisheries or conservation management, technical or scientific organisations on matters of relevance to the effective implementation of, and compliance with, conservation and management measures;
  - (viii) perform such other functions consistent with its terms of reference as the Commission might decide; and

- (ix) prepare a report on its activities and recommendations, as well as an agenda for its next meeting, for consideration by the Commission.

### 3. Organisation

- (i) SCIC may establish working groups to address technical or other specific issues.
- (ii) SCIC may propose terms of reference and agendas, and determine meeting frequency for such working groups.
- (iii) Working groups will be supported by conveners/chairs, rapporteurs and the Secretariat, as appropriate.
- (iv) Working groups will ordinarily meet preceding the annual meeting of the Commission, but may meet intersessionally if so required.
- (v) Any funding for such an intersessional meeting of a working group shall be decided by the Commission.