

**REPORT OF THE STANDING COMMITTEE ON
IMPLEMENTATION AND COMPLIANCE (SCIC)**

CONTENTS

	Page
I. OPENING OF THE MEETING.....	141
II. IUU FISHING IN THE CONVENTION AREA	141
Current level of IUU fishing.....	141
Procedures for the estimation of IUU catches	143
IUU Vessel Lists.....	144
CCAMLR Plan of Action on IUU Fishing	145
III. REVIEW OF COMPLIANCE AND IMPLEMENTATION-RELATED MEASURES AND POLICIES	146
System of Inspection	146
Reports on compliance with conservation measures	147
Compliance evaluation procedure	149
IV. REVIEW OF THE CATCH DOCUMENTATION SCHEME (CDS)	150
Implementation and operation of the CDS	150
E-CDS trial	150
CDS Fund	151
V. SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION	151
VI. ELECTION OF THE VICE-CHAIR OF THE COMMITTEE	152
VII. OTHER BUSINESS.....	153
VIII. ADVICE TO SCAF	154
IX. ADOPTION OF THE REPORT AND CLOSE OF THE MEETING.....	154
 APPENDIX I: Agenda.....	 155
APPENDIX II: List of documents	156
APPENDIX III: Proposed List of non-Contracting Party Vessels (Conservation Measure 10-07) 2005	161
APPENDIX IV: IUU Vessel Lists for 2003 and 2004 combined	165
APPENDIX V: Proposed draft agenda for JAG 2006 Estimation of IUU in the Convention Area	169

REPORT OF THE STANDING COMMITTEE ON IMPLEMENTATION AND COMPLIANCE (SCIC)

I. OPENING OF THE MEETING

1.1 The meeting of the Standing Committee on Implementation and Compliance (SCIC) was held from 24 to 28 October 2005.

1.2 The Chair of SCIC, Ms V. Carvajal (Chile) opened the meeting and most Members of the Commission participated. No Members invoked a ruling in accordance with Rule 32(b) of the Commission Rules of Procedure. Therefore, all observers were invited to participate in the meeting as appropriate.

1.3 The Committee adopted the Agenda as set out in CCAMLR-XXIV/1 and SCIC-05/1. The Agenda and List of Documents considered by the Committee are provided in Appendices I and II respectively.

II. IUU FISHING IN THE CONVENTION AREA

Current level of IUU fishing

2.1 The Committee considered estimates of IUU catches in the Convention Area prepared by the Secretariat (SCIC-05/11) and used by the Working Group on Fish Stock Assessment (WG-FSA) for the estimation of total removals of toothfish (SCIC-05/10 Rev. 2). These estimates were prepared using the existing methodology outlined in CCAMLR-XXII, paragraph 6.12.

2.2 As of 1 October 2005, the total compliance-derived estimate of IUU catches in the Convention Area for the 2004/05 fishing season is 2 068 tonnes. The Committee noted that there was a decline in IUU catches over the past three years, although estimated levels for 2005 were at similar levels to 2004.

2.3 In response to the request contained in the report of WG-FSA (SC-CAMLR-XXIV, Annex 5, paragraph 8.3), the Committee considered and, with some exceptions, agreed with the total IUU catch estimate prepared by the Secretariat for the 2004/05 season. However, the Committee also observed that assumptions used to estimate IUU catch, combined with recent changes in IUU operations, could likely lead to potential overestimation of IUU catches in some areas and underestimation in other areas.

2.4 Based on advice received from the Scientific Committee last year, SCIC considered whether additional information would justify the revision of IUU catches estimated for 2003/04 (CCAMLR-XXIII, Annex 5, paragraph 2.3; SC-CAMLR-XXIII, Annex 5, paragraphs 8.7 to 8.10). No new information had been received and the 2004 estimate remained unchanged.

2.5 France submitted a report on IUU activities in the EEZ around Kerguelen and Crozet Islands which confirmed that the reduction of IUU catches reported taken from Area 58 has

been substantiated by reduced IUU effort considering that no IUU activities were reported in the EEZ around Kerguelen and Crozet Islands (CCAMLR-XXIV/BG/38). Australia reported that IUU fishing within the EEZ around Heard and McDonald Islands had decreased significantly. Australia did not accept that the methodology used by the Secretariat was appropriate for estimating IUU catches in some divisions including in Division 58.5.2. Australia estimated the IUU catch for Division 58.5.2 was in the range of 0–150 tonnes. The Committee noted that the pressure from surveillance operations around sub-Antarctic islands had forced IUU fishing into high-seas areas within the Convention Area.

2.6 The Committee took note of the summary of Members' surveillance activities prepared by the Secretariat which included reports of sightings and/or apprehensions of vessels in the 2004/05 intersessional period submitted by Australia, France, New Zealand and the UK (CCAMLR-XXIV/BG/14).

2.7 Australia advised the Committee on its surveillance program undertaken in the Convention Area which included high-seas areas outside national EEZs of Coastal States. In particular, Australia advised of:

- the sightings of eight IUU fishing vessels of non-Contracting Parties in high-seas areas (Divisions 58.4.3a, 58.4.3b and 58.4.4b);
- Flags of non-Compliance – Equatorial Guinea, Georgia and Togo;
- apprehension of the Cambodian-flagged fishing vessel *Taruman* for alleged illegal fishing outside the Convention Area in the EEZ around Macquarie Island;
- ports used by IUU vessels, including Jakarta and Singapore.

2.8 The Committee also noted information from South Africa on the deployment of a number of patrol vessels, including one patrol vessel in the EEZ around Prince Edward and Marion Islands. South Africa also reported that it had recently sighted an unknown vessel inside Subarea 58.7.

2.9 The Committee noted that Members should:

- collect information on agencies involved in the recruitment of crew for IUU fishing vessels;
- make the results of actions against IUU fishing vessels, and companies and crew involved, publicly available worldwide;
- take into account the FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing.

2.10 The Committee recommended that the Commission take action with Flag States of IUU vessels and considered Resolution 19/XXI in respect of the possibility of listing some flags, such as Equatorial Guinea, Georgia and Togo, as 'Flags of non-Compliance'.

2.11 The Committee also recommended that diplomatic approaches be made to the Flag States of vessels on the IUU List or suspected IUU vessels. In respect of Australia's

apprehension on the high seas of the *Taruman* with the permission of the Flag State of the vessel, Cambodia, Spain advised that it had undertaken such actions aware that some Spanish nationals were on board the vessel (SCIC-05/14).

2.12 The Committee considered a draft resolution to help combat IUU fishing by non-Contracting Parties put forward by Australia. Australia advised that compared with the Policy to Enhance Cooperation between CCAMLR and non-Contracting Parties (CCAMLR-XVIII) the new resolution presents a much broader policy on cooperation with non-Contracting Parties and a framework for diplomatic actions.

2.13 The Committee recommended that the Commission adopt the resolution to develop a cooperation enhancement program.

Procedures for the estimation of IUU catches

2.14 The Committee considered WG-FSA's advice on future work required to develop a new standard methodology for the estimation of IUU catches (SC-CAMLR-XXIV, Annex 5, paragraphs 8.1 to 8.10). In particular, the Committee noted that the work proposed would involve both compliance and fish stock assessment specialists, and noted that in 2003 the Commission had already considered the possibility of convening a specialist joint group to deal with the matter (CCAMLR-XXII, paragraphs 6.3 to 6.10).

2.15 The Committee reviewed various requests from WG-FSA-05 (SC-CAMLR-XXIV, Annex 5, paragraphs 8.1 to 8.10) concerning the information to be used in the estimation of IUU catches. These were essentially:

- to seek specialist assistance from SCIC;
- to clarify the responsibilities of WG-FSA and SCIC;
- to review the methodologies for IUU catch estimation, including the use of various types of information such as sightings and surveillance coverage in different fishery areas;
- to review sensitivity of assumptions used in current and historical estimates about IUU activity in the context of providing the best estimate of IUU extractions for use in assessments (SC-CAMLR-XXIV, Annex 5, paragraph 8.8).

2.16 SCIC recalled that the Commission had formed a Joint Assessment Group (JAG) in 2003 to draw on the expertise of both SCIC and the Scientific Committee (paragraph 2.14), in part to develop methods for estimating IUU removals of toothfish. It noted that this group had yet to be convened. The Committee recognised that progress with this issue was now dependent on an intersessional JAG meeting.

2.17 The Committee noted the JAG terms of reference adopted by the Commission in 2003. These appeared to remain relevant although the Committee suggested that the terms of reference be limited to Task I contained in Annex VI of CCAMLR-XXII and should not be considered exhaustive. SCIC therefore recommended that a meeting of JAG should be held prior to the next WG-FSA meeting, most appropriately in association with WG-EMM

immediately following WG-FSA-SAM in mid-July 2006. To be successful, such a meeting would require participants from WG-FSA with expertise in scientific sampling and assessment methodologies (who usually attend WG-FSA-SAM), and participants from SCIC with expertise in monitoring, control and surveillance (MCS). A successful outcome would depend on there being sufficient preparation of working papers prior to the meeting and a mutual willingness of participants from the scientific and MCS communities to pool their knowledge and expertise.

2.18 To focus the JAG meeting, the Committee prepared a draft agenda (Appendix V). The primary purpose of the meeting will be to examine methodologies for estimating IUU catch and provide advice to the Commission.

2.19 It was acknowledged that once methodologies had been agreed, JAG might not need to meet annually, but periodically perhaps every three to five years to review and update procedures as necessary and in response to changing IUU situations. However, it was also recognised that the proposed agenda, whilst covering all current issues, might be too ambitious for a single first meeting. Therefore, in order to complete its work, JAG should also develop a prioritised work plan and timetable and might need to meet in both 2006 and 2007.

2.20 SCIC recognised that although there would be Secretariat facilities available at the JAG 2006 meeting, these would be principally supplied to support WG-FSA-SAM and WG-EMM. It would therefore be desirable for both the Science/Compliance Officer and Compliance Administrator to provide support, including data access, in light of their expertise in the Secretariat's current methods for estimation of IUU fishing.

2.21 The Committee informed the Chair of the Scientific Committee of developments on JAG at the time of receiving preliminary advice from the Chair of the Scientific Committee on matters of relevance to SCIC.

IUU Vessel Lists

2.22 The Committee considered the Provisional List of IUU Vessels for Contracting Parties and Draft List of IUU Vessels for non-Contracting Parties for 2005 and reviewed the IUU Vessel Lists for 2003 and 2004 (CCAMLR-XXIV/39). This review covered all evidentiary and supporting information submitted by Members, Flag States and the Secretariat and is summarised in SCIC-05/9.

2.23 The Committee decided:

- (i) that the 2003 and 2004 IUU Vessel Lists be consolidated into a combined List of Contracting Party Vessels and a combined List of non-Contracting Party Vessels (Appendix III) and that its format be amended as set out in Appendix IV;
- (ii) not to forward a Proposed IUU Vessel List to the Commission under Conservation Measure 10-06, since there were no Contracting Party vessels which should be included on such a list. The Committee decided that the incident reported by Argentina concerning the Uruguayan-flagged *Viking Sky* did not constitute a violation of CCAMLR conservation measures;

- (iii) to forward the Proposed IUU Vessel List for non-Contracting Party Vessels (Appendix IV) to the Commission for approval under Conservation Measure 10-07;
- (iv) to recommend to the Commission that the Madagascan-flagged *Eternal* be removed from the IUU Vessel List of Contracting Party Vessels as it was now deployed exclusively as a passenger vessel;
- (v) to recommend to the Commission that Members pay particular attention to the future activities of the Togolese-flagged *Aldabra*.

2.24 The Committee requested that the Secretariat contact St Kitts & Nevis in order to request information in respect of the flag status of the vessel *Keta* (ex *Sherpa Uno*).

2.25 Australia reported the sighting of the *Sea Storm* in Subarea 58.6. South Africa indicated that it may be able to provide additional information on the change of ownership of the *Sea Storm* as she was currently in Durban, South Africa. The Committee recommended the inclusion of the *Sea Storm* on the Provisional List of non-Contracting Party Vessels.

2.26 The Committee considered proposals submitted by the European Community and the Secretariat suggesting amendments to Conservation Measure 10-06 'Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures in force' (SCIC-05/17 and CCAMLR-XXIV/39) and forwarded a revised draft of Conservation Measure 10-06 to the Commission for further consideration (CCAMLR-XXIV/BG/47).

2.27 The Committee considered proposals submitted by the UK, the European Community and the Secretariat suggesting amendments to Conservation Measure 10-07 'Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures in force' (SCIC-05/13, SCIC-05/17 and CCAMLR-XXIV/39) and forwarded a revised draft of Conservation Measure 10-07 to the Commission for further consideration (CCAMLR-XXIV/BG/47).

CCAMLR Plan of Action on IUU Fishing

2.28 The Committee discussed the current situation with the CCAMLR Plan of Action on IUU Fishing (POA-IUU) proposed in 2002 and the subsequently revised draft of the CCAMLR plan (CCAMLR-XXIV/36). The Committee decided to currently suspend the project but instead to analyse whether the current set of CCAMLR conservation measures adequately meets all actions required by the FAO IPOA-IUU, and to identify potential gaps. Chile agreed to conduct the required analysis and report to the next meeting of SCIC.

2.29 Argentina stated that a CCAMLR POA-IUU should strictly abide by UNCLOS provisions and reflect the objectives of the Convention.

III. REVIEW OF COMPLIANCE AND IMPLEMENTATION-RELATED MEASURES AND POLICIES

System of Inspection

3.1 In 2004/05 Members designated 53 inspectors, of which eight were reported to have been deployed at sea and conducted 10 at-sea inspections of vessels. All inspections were conducted in Subarea 48.3 by inspectors designated by the UK (CCAMLR-XXIV/BG/14).

3.2 The UK reported on the progress of a prosecution against the UK-flagged vessel *Jacqueline* as a result of non-compliance with CCAMLR conservation measures during 2004. The UK also reported on the prosecutions of the Spanish-flagged vessel *Ibsa Quinto* and the Guinea-flagged vessel *Elqui*.

3.3 Argentina made the following statement:

‘With regard to inspections carried out in the CCAMLR Area as well as to port inspections and further unilateral action by the UK, Argentina reserved its legal position, including also action taken by vessels based in and operating off the Malvinas Islands, South Georgia and the South Sandwich Islands. These and the surrounding waters are an integral part of the Argentine National Territory and are subject to the illegitimate occupation by the UK.

With regard to unilateral action taken by the alleged British authorities against vessels such as *Elqui* and *Ibsa Quinto*, deviating from the multilateral system of the Convention and the Chairman’s Statement, Argentina recalled its position which remains unvaried and was already expressed on the occasion of the illegal arrest and further prosecution of the Chilean vessel *Antonio Lorenzo* in 1996.’

3.4 The UK made the following statement:

‘In response to the Argentine statement, the United Kingdom reiterated that it had no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas.

Furthermore, in relation to this issue, the United Kingdom reminded the Committee of the provisions of the 1980 Chairman’s Statement were relevant.

Accordingly, the United Kingdom regarded the actions taken against the IUU vessel *Elqui* as entirely justified and legitimate.’

3.5 Argentina rejected the statement of the UK and reiterated its position.

3.6 The USA submitted an information paper on the prosecution of a dealer, Antonio Vidal Pego, indicted for unlawfully importing toothfish into the USA from the fishing vessel *Carran*.

3.7 There were no proposals from Members on improvements to the System of Inspection.

Reports on compliance with conservation measures

3.8 The Committee considered a proposal from the Secretariat to avoid delays in the submission of catch and effort reports (CCAMLR-XXIV/BG/13). The Secretariat proposed that the current deadline of two working days for the submission of five-day catch and effort reports be reduced to 48 hours in order to improve fisheries monitoring and forecast fishery closures. However, the Committee did not have time to consider the proposal in any detail.

3.9 The Committee noted that the Scientific Committee had considered summaries of data collected by scientific observers concerning the implementation of conservation measures relating to the reduction of seabird and marine mammal by-catch and the disposal of plastic waste. The Committee was advised that the results of analyses of these data will be submitted directly to the Commission by the Scientific Committee.

3.10 The Committee reviewed the results of the first year's implementation and operation of the Centralised Vessel Monitoring System (C-VMS) following entry into force on 11 May 2005 (CCAMLR-XXIV/BG/17). The Committee generally considered that C-VMS was working well, although there were some technical issues that needed to be resolved, and reviewed information on data transmission options, security and summary information on the CCAMLR website. The Committee agreed that the Secretariat should continue to acquire the technical expertise necessary to effectively process C-VMS data and that some Members needed to improve the timeliness, format and communication methods of submission of C-VMS data. The Secretariat noted in CCAMLR-XXIV/BG/17 that it had found direct reporting the most efficient method of data receipt. Argentina believed that other means should be explored to achieve, when necessary, a more effective reporting, other than direct reporting, since Flag State jurisdiction remains paramount.

3.11 During 2004/05, C-VMS data had been submitted by vessels flagged to Argentina, Australia, Chile, France (Overseas Territories), Japan, New Zealand, Republic of Korea, South Africa, Spain, Ukraine, UK and Uruguay. Vessels flagged to Australia, Chile, Korea, New Zealand and Ukraine had voluntarily reported some VMS data in respect of fishing activities outside the Convention Area.

3.12 The USA indicated that it intends to implement regulations that would require an electronic catch document to accompany imports of toothfish. These regulations would also require toothfish imported into the USA to have been harvested by vessels participating in the C-VMS.

3.13 Many Members expressed strong concern as regards this announcement. These Members noted that there is no obligation to submit VMS position reports relating to activities outside the Convention Area. It was suggested that the USA instead seek VMS reports directly from the relevant Flag States if it had concerns regarding the real origin of the catch rather than involving CCAMLR in matters which do not fall under its jurisdiction.

3.14 The Committee considered proposals submitted by the Secretariat suggesting amendments to Conservation Measure 10-04 'Automated satellite-linked vessel monitoring system' (CCAMLR-XXIV/BG/17). The proposed amendments were revised to take into account comments made by members of the Committee. The Committee agreed to the revised draft of Conservation Measure 10-04 and forwarded it to the Commission for consideration (CCAMLR-XXIV/BG/47).

3.15 The Committee reviewed the Secretariat's ongoing work on the CCAMLR Vessel Database (CCAMLR-XXIV/BG/18) and noted that CCAMLR now has an online subscription to Lloyds Seaweb. The Committee agreed that this was a useful tool in the maintenance of the CCAMLR Vessel Database and that the subscription should be renewed annually. The Committee also recommended assessment of the value of other Lloyds products which provide records of port calls of vessels and requested that the Secretariat investigate these and report back at CCAMLR-XXV.

3.16 The Committee noted that very few Members had submitted reports of port inspections of vessels carrying toothfish as required under the current version of Conservation Measure 10-03 compared to the number of catch documents received each year (i.e. in excess of 2 000). The Secretariat was tasked with reminding Members on each occasion a catch document is issued but a corresponding port inspection report is not subsequently received.

3.17 New Zealand raised the question of compliance with Conservation Measure 21-02 of notifications for exploratory fisheries. New Zealand noted that very few Members had included all vessel details required in accordance with paragraph 5(i) of Conservation Measure 21-02 in their notification of intention to participate in an exploratory fishery in the 2005/06 fishing season. New Zealand proposed that the Committee consider notifications received and assess compliance with paragraphs 5(i) and 7 of Conservation Measure 21-02.

3.18 Some Members suggested that paragraphs 4 and 5 of Conservation Measure 10-02 require mandatory submission of additional vessel details only after 1 August 2005. It was clarified that this was an incorrect interpretation.

3.19 Some Members also pointed out that paragraph 5(i) of Conservation Measure 21-02 requires exploratory notifications to include some information prescribed in paragraph 4(ii) of Conservation Measure 10-02, but that it was not possible to submit licensing information at the time of submitting exploratory notifications as, according to national legislation, licences cannot be issued until after the fishery has been approved by the Commission by means of a conservation measure. The Committee recommended that the Commission amend paragraph 5(i) of Conservation Measure 21-02 to cover this point.

3.20 The Committee also noted that paragraph 8 of Conservation Measure 21-02 makes provision for the substitution of one vessel for another if the vessel originally notified is prevented from participating in the fishery for legitimate operational or force majeure reasons. The Republic of Korea and South Africa advised the Committee of their intention to notify of substitute vessels in this regard.

3.21 The Committee agreed that it was a matter of serious concern that the majority of notifications for exploratory fisheries did not comply with Conservation Measure 21-02. The Committee also agreed to recommend to the Commission that, for 2005, vessel details from the CCAMLR Vessel Database, if sufficient, could be used by the Commission in consideration of the new and exploratory fishery notifications. The Secretariat was requested to provide a report on the vessels notified for the 2005/06 season.

3.22 The Committee reminded Members of the obligation under paragraph 7 of Conservation Measure 21-02 that the Commission shall not consider a notification by a Member unless the information required by paragraph 5 has been submitted by the due date. The Committee agreed that notifications which were incomplete at the deadline would not be

considered in future. However, the Secretariat was requested to prompt Members about any deficiencies in their notifications, where those notifications were received at least five working days before the deadline for receipt. The Secretariat was also requested to develop a pro forma and checklist to assist with the process of notification submission.

3.23 Australia requested that for 2005 the Commission agree to notifications, provided that Members submit all information required under Conservation Measure 21-02.

3.24 The Committee noted that the Secretariat usually circulates requests, reminders and information to Members on a number of aspects of the implementation of conservation measures and other reporting requirements. However, the Committee expressed the view that when reports and data are overdue, the Secretariat should advise Members in a manner similar to that described in paragraph 3.22.

3.25 The Committee also recommended that the Commission adopt an amendment to Conservation Measure 10-03 to include the same exemption as set out in footnote 1 of Conservation Measure 10-05 in respect of vessels which had caught less than 50 tonnes of toothfish as by-catch (CCAMLR-XXIV/BG/47).

Compliance evaluation procedure

3.26 The Committee noted that there are a number of outstanding points in the proposed procedure which still need clarifications, such as the division of responsibilities between SCIC and the Scientific Committee as well as identification of compliance evaluation criteria. The Committee recalled the Commission's decision at CCAMLR-XXIII that responsibility for the evaluation of compliance with conservation measures should reside with SCIC and that the Scientific Committee would continue to play an important role in the evaluation of performance of conservation measures (CCAMLR-XXIII, paragraph 6.7; CCAMLR-XXIII, Annex 5, paragraphs 3.27 to 3.29). With respect to compliance-related data collected by scientific observers, the Committee took note of advice received last year from the Scientific Committee that SCIC should take initial responsibility for the review of compliance with conservation measures using scientific observer reports (SC-CAMLR-XXIII, paragraph 2.14).

3.27 The Secretariat prepared a table summarising sources of compliance information which might be used in an evaluation of compliance as requested by the Commission (CCAMLR-XXIV/35). In preparing the table, the Secretariat took into account that the proposed annual assessment of compliance with conservation measures and their performance contains provisions which might require additional clarification, particularly in relation to development of the compliance evaluation criteria and the division of responsibility between SCIC and the Scientific Committee. A summary of scientific observer data collected on compliance with conservation measures relating to the reduction of seabird and marine mammal by-catch in fisheries prepared by the Secretariat and considered by WG-FSA was also submitted to the Committee (WG-FSA-05/9 Rev. 2).

3.28 The Committee noted these papers but decided that in order to consider further development of any proposed procedure for the evaluation of compliance with conservation measures it would be useful for the Secretariat to identify a set of key compliance elements and to circulate these intersessionally to Members for comment. The Committee agreed that

information on key compliance elements identified by the Secretariat should be circulated in April 2006 and Members be requested to comment by the end of June. On the basis of comments received, the Secretariat will prepare summaries of compliance information to be considered at the next meeting of the Committee. These summaries will be used by the Committee to further develop the proposed procedure.

IV. REVIEW OF THE CATCH DOCUMENTATION SCHEME (CDS)

Implementation and operation of the CDS

4.1 The Secretariat reported on the implementation and operation of the CDS in 2004/05. The Committee noted that Canada and Mauritius were now fully implementing the CDS. The Committee also noted that of the non-Contracting Parties participating in the CDS, Singapore was not implementing the CDS in respect of toothfish landed or exported into Singapore and that the People's Republic of China had not reported on whether it inspected vessels and catches prior to authorising landing certificates.

4.2 The USA advised the Committee that it had met with Singaporean officials and had brought a number of undocumented landings to their attention (SCIC-05/15 Rev. 1). The USA expressed concern that Singapore is not fully implementing the CDS. In response, Singapore indicated that it is not in a position to fully implement the CDS.

4.3 The Committee agreed that further actions were required in respect of Port, Export and Import States, such as Singapore, China and its Special Administrative Region Hong Kong, either implementing the CDS partially or not at all. The Committee agreed that collective diplomatic demarches be undertaken regarding Singapore's implementation of the CDS only in respect of toothfish re-exported from Singapore.

4.4 The Committee agreed that the Executive Secretary should invite countries having no specific customs codes for *Dissostichus* spp. to consider the implementation of the new World Customs Organization (WCO) harmonised system codes prior to their entry into force.

4.5 The Committee considered proposals submitted by France and the Secretariat suggesting amendments to Conservation Measure 10-05 'Catch Documentation Scheme for *Dissostichus* spp.' (CCAMLR-XXIV/41 and BG/15). The Committee proposed an amended draft of Conservation Measure 10-05 and forwarded it to the Commission for further consideration (CCAMLR-XXIV/BG/47).

E-CDS trial

4.6 The Committee noted that the electronic web-based Catch Documentation Scheme for *Dissostichus* spp. (E-CDS) trial had continued during 2005 although several Members expressed concerns about its feasibility. Australia, Chile, France, Japan, New Zealand, South Africa, UK and the USA have issued electronic catch, export and/or re-export documents. Mauritius, as an Acceding State, has issued electronic landing certificates and export documents.

4.7 France presented two papers which contained proposals to improve several elements of the current version of the E-CDS and identified possible ways of modernising in a global approach the E-CDS by taking into account existing technologies in order to monitor the consignment to its final destination (CCAMLR-XXIV/41 and BG/27).

4.8 The Committee also took into account that Australia, France and the USA intend to consult intersessionally with a view to develop the proposals further. The Secretariat advised the Parties concerned that any improvements to the system should not compromise its facility for electronic documents to be converted, when required, to paper-based documents as both electronic and paper formats would continue to coexist for some time.

4.9 The USA advised of its intention to require that all future imports of toothfish to the USA be accompanied by electronically issued documentation.

CDS Fund

4.10 No proposals for expenditure from the CDS Fund had been submitted in 2004/05. The Committee appointed Australia, Chile, France, Germany, Japan, UK and the USA to the CDS Fund Review Panel for 2005/06.

4.11 The Committee noted a proposal made by the USA that the CDS Fund could be used in 2006 for updating the E-CDS by including options with French and Russian languages.

V. SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

5.1 A summary of scientific observation programs undertaken in accordance with the CCAMLR Scheme of International Scientific Observation for the 2004/05 season was given in SC-CAMLR-XXIV/BG/7. A total of 31 longline, 14 finfish trawl, 2 finfish pot and 8 krill trawl observation programs were conducted.

5.2 The Committee received and discussed the advice from the Chair of the Scientific Committee relating to the need for the deployment of scientific observers on board krill fishing vessels. The Committee noted that last year it also considered a similar request from the Scientific Committee and asked for advice on the objectives and urgency attached to the deployment of observers on board krill vessels.

5.3 The Chair of the Scientific Committee advised that the current research priorities for observers on board krill fishing vessels are collection of data on incidental mortality of marine mammals and, in relation to the new pumping method, fish by-catch.

5.4 The Committee noted the proposal from New Zealand for the mandatory use of observers deployed under the CCAMLR Scheme of International Scientific Observation (CCAMLR-XXIV/42), as well as a proposal from Ukraine for the mandatory use of scientific observers on krill vessels (WG-EMM-05/32).

5.5 These proposals, as well as the advice from the Chair of the Scientific Committee, support the need for mandatory observers to allow important data to be collected on by-catch,

mitigation measures and krill and juvenile fish biology, which would enable a more complete understanding of the impact of this fishery on the ecosystem.

5.6 Although the proposal of New Zealand was supported by most Members, Japan had the following reservations:

- (i) although the need for scientists to obtain the necessary data for analysis is understood, Japan did not think that 100% observer coverage is necessary in light of the healthy conditions of krill resources;
- (ii) as the krill fishery was not a fishery like the toothfish fishery which targets depleted resources, there was no justification to treat it the same way and apply the same strict requirements for observers.

5.7 The Republic of Korea also expressed reservations on the necessity for mandatory deployment of observers on board krill fishing vessels. These concerns were based on the following points:

- (i) the issue of by-catch of seals was not a problem for Korean krill fishing vessels as they have developed a new trawl net design which prevents seals from entering the net;
- (ii) due to low financial returns in the krill fishery, which may be forced to close, the industry did not have the finances to pay for such an extensive observer program.

However, the Republic of Korea also noted that it has deployed international observers on board its krill fishing vessels during part of the krill fishing period, and in addition it will provide haul-by-haul data to the Commission for the better management of krill stocks.

5.8 Some Members also believed that scientific data on fish by-catch in krill fisheries could be obtained by placing scientific observers on vessels for a limited period of time, in order to obtain a representative sample of what is happening in the fishery.

5.9 Despite there being no mandatory requirement to place observers on board krill vessels, Ukraine and the USA noted that they currently deploy observers on board all their vessels.

5.10 Russia suggested as a compromise that scientific data collected by national observers on board krill vessels should be presented in the format of the CCAMLR Scheme of International Scientific Observation.

5.11 Due to the lack of consensus on this issue, the Committee was unable to recommend to the Commission that the use of observers on board krill vessels should be mandatory.

VI. ELECTION OF THE VICE-CHAIR OF THE COMMITTEE

6.1 The Committee unanimously elected Ms T. Akkers (South Africa) to the Vice-Chair of SCIC. The Committee congratulated Ms Akkers on her appointment.

VII. OTHER BUSINESS

7.1 The Chair asked Mr R. Arnaudo, head of the US Delegation, to report on his informal paper on administrative improvements as they pertain to SCIC. The paper remains an informal document which has not been circulated officially, and will be discussed at the meeting of Heads of Delegation. Mr Arnaudo noted several areas where SCIC might consider changes to its procedures or operations, including:

- shorter reports;
- agreement that the work adopted by SCIC should be broadly accepted by plenary, rather than re-debating issues;
- the possibility of interpretation at SCIC;
- reviewing the time allotted to SCIC, or holding meetings prior to the first week of the CCAMLR meeting;
- informal forbearance of the Flag State of a vessel accused of violating CCAMLR measures from blocking consensus of the meeting.

7.2 Several Members supported some of the proposals for improvements to the work of SCIC and Mr Arnaudo was requested to make his paper available to all interested parties for further discussion.

7.3 Argentina stated that:

‘The rule of consensus is paramount within the whole Antarctic Treaty System and should be used in a responsible manner.

Although reports might be shorter, they should duly allow to reflect each Member’s views, particularly when different positions exist. Report language and conservation measures should be precise and avoid oblique cross references as well as wording that might signify the existence of an agreement or common views when it is not the case.

With regard to proposals allowing for CCAMLR to legislate or make recommendations for areas outside the Convention Area, Argentina reiterated its legal views against such developments.’

7.4 Argentina expressed its reservations with regard to CCAMLR-XXIV/BG/5 (Report of Interministerial Task Force Meeting on IUU Fishing), which refers to initiatives that should be dealt with only at an appropriate universal level.

VIII. ADVICE TO SCAF

8.1 The following recommendations agreed by the Committee have financial implications:

- (i) establishment of a new JAG with an intersessional meeting to be held in 2006 in conjunction with WG-EMM and WG-FSA-SAM (in order to support a meeting, additional Secretariat personnel with expertise in the Secretariat's work on the assessment of IUU fishing will be required) (paragraph 2.20);
- (ii) continued subscription of the Secretariat to Lloyd's Seaweb which provides comprehensive details of vessels, as well as vessel owners and has been an invaluable tool for the maintenance of the CCAMLR Vessel Database (the current discount rate of subscription is A\$2 500) (paragraph 3.15);
- (iii) participation of the Secretariat at the following international meetings:
 - (a) Western and Central Pacific Fisheries Commission – Technical Committee on Compliance (December 2005, Micronesia);
 - (b) VMS Conference (April 2006, Hong Kong).

IX. ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

9.1 The report of SCIC was adopted and the meeting closed. The Chair thanked the Committee. The Committee thanked the Chair for her excellent guidance during the course of the meeting.

AGENDA

Standing Committee on Implementation and Compliance (SCIC)
(Hobart, Australia, 24 to 28 October 2005)

1. Opening of the meeting
 - (i) Adoption of the agenda
 - (ii) Organisation of the meeting
 - (iii) Review of submitted papers, reports and other presentations
2. IUU fishing in the Convention Area
 - (i) Current level of IUU fishing
 - (ii) Procedure for estimation of IUU catches
 - (iii) IUU Vessel Lists
3. Review of compliance and implementation-related measures and policies
 - (i) Compliance with conservation measures in force
 - (ii) Compliance evaluation procedure
 - (iii) Proposals for new and revised measures
4. Catch Documentation Scheme (CDS)
5. Scheme of International Scientific Observation
6. Election of the Vice-Chair of the Committee
7. Other business
8. Advice to the Commission
9. Advice to SCAF
10. Adoption of the report
11. Close of the meeting.

LIST OF DOCUMENTS

Standing Committee on Implementation and Compliance (SCIC)
(Hobart, Australia, 24 to 28 October 2005)

SCIC-05/1	Provisional Agenda for the 2005 Meeting of the CCAMLR Standing Committee on Implementation and Compliance (SCIC)
SCIC-05/2	List of documents
SCIC-05/3	Information received from Belize Secretariat
SCIC-05/4	Report of Member's steps taken to implement the inspection, investigation and sanction provisions of Conservation Measure 10-02 during 2004/05 New Zealand
SCIC-05/5	Summary of notifications of vessels for new and exploratory fisheries Secretariat
SCIC-05/6	Deployment of UK-designated CCAMLR inspectors during the 2004/05 fishing season United Kingdom
SCIC-05/7	Reports of CCAMLR Inspectors submitted in accordance with the CCAMLR System of Inspection for 2004/05 Secretariat
SCIC-05/8	Catch Documentation Scheme (CDS): annual summary reports 2005 Secretariat
SCIC-05/9	Supplementary information for consideration under Conservation Measures 10-06 and 10-07 Draft list of IUU vessels 2005 Secretariat
SCIC-05/10 Rev. 2	Estimation of IUU catches of toothfish inside the Convention Area during the 2004/05 season Secretariat

SCIC-05/11	Extracts from the Report of the Working Group on Fish Stock Assessment (Total removals of <i>Dissostichus</i> spp., including IUU catches in the Convention Area) (Hobart, Australia, 10 to 21 October 2005)
SCIC-05/12	Conservation Measure 10-06: Ukraine registered vessel <i>Mellas</i> Delegation of the United Kingdom
SCIC-05/13	Revision of Conservation Measure 10-07: report on intersessional work of a drafting group United Kingdom (Convener of the group)
SCIC-05/14	Information received from Spain Delegation of Spain
SCIC-05/15 Rev. 1	Landings and trade of toothfish in Singapore Delegation of the USA
SCIC-05/16	Brazilian toothfish import and export records Delegation of Brazil
SCIC-05/17	Amendments to Conservation Measures 10-03, 10-06 and 10-07 Proposal by the European Community

Other Documents

CCAMLR-XXIV/32	A draft resolution on combating unregulated fishing in the Convention Area by the vessels of non-Contracting Parties Delegation of Australia
CCAMLR-XXIV/33	A proposal that CCAMLR adopt a capacity building program Delegation of Australia
CCAMLR-XXIV/35	Categorisation, collection and availability of information applicable to assessment of compliance with the conservation measures Secretariat
CCAMLR-XXIV/36	CCAMLR Plan of Action on Illegal, Unreported and Unregulated Fishing (CPOA-IUU) Secretariat
CCAMLR-XXIV/39	Implementation of Conservation Measures 10-06 and 10-07 draft lists of IUU vessels, 2005 Secretariat

CCAMLR-XXIV/40	Proposal to amend the E-CDS Delegation of France
CCAMLR-XXIV/41	Amendment of the catch document format Delegation of France
CCAMLR-XXIV/42	Requirement for observers on krill-fishing vessels in the CCAMLR Area Delegation of New Zealand
CCAMLR-XXIV/BG/5	Report of Interministerial Task Force Meeting on IUU Fishing (9 and 11 March 2005, Paris, France and Rome, Italy) Executive Secretary
CCAMLR-XXIV/BG/6	Report of attendance at the Twenty-sixth Meeting of the FAO Committee on Fisheries (COFI), the Fourth Meeting of Regional Fisheries Bodies (RFBs) and the FAO Ministerial Meeting on Fisheries (7 to 15 March 2005, Rome, Italy) Executive Secretary
CCAMLR-XXIV/BG/8	Report on the Global Fisheries Enforcement Training Workshop (18 to 22 July 2005, Kuala Lumpur, Malaysia) Secretariat
CCAMLR-XXIV/BG/13	Implementation of fishery conservation measures in 2004/05 Secretariat
CCAMLR-XXIV/BG/14	Implementation of the System of Inspection and other CCAMLR enforcement provisions in 2004/05 Secretariat
CCAMLR-XXIV/BG/15	Implementation and operation of the Catch Documentation Scheme in 2004/05 Secretariat
CCAMLR-XXIV/BG/16	Report of the E-CDS trial Secretariat
CCAMLR-XXIV/BG/17	Implementation and operation of the Centralised Vessel Monitoring System (C-VMS) in 2004/05 Secretariat
CCAMLR-XXIV/BG/18	Development and maintenance of the CCAMLR Vessel Database Secretariat

CCAMLR-XXIV/BG/25	Fonctions et attributions des contrôleurs de pêche Délégation française
CCAMLR-XXIV/BG/27	L'E-CDS moderne Délégation française
CCAMLR-XXIV/BG/38	Assessment of IUU fishing activities in the French waters bordering Kerguelen and Crozet Islands for the season 2004/05: general information concerning CCAMLR Area 58 1 June 2004 to 30 June 2005 Delegation of France (available in English and French)
CCAMLR-XXIV/BG/40	FAO Observer's Report FAO Observer (R. Shotton)
SC-CAMLR-XXIV/BG/7	Summary of scientific observation programmes undertaken during the 2004/05 season Secretariat
WG-FSA-05/9 Rev. 2	A summary of scientific observations related to Conservation Measures 25-01 (1996), 25-02 (2003) and 25-03 (2003) Secretariat
WG-EMM-05/32	On the use of scientific observers on board krill fishing vessels Delegation of Ukraine

**PROPOSED LIST OF NON-CONTRACTING PARTY VESSELS
(CONSERVATION MEASURE 10-07) 2005**

PROPOSED LIST OF NON-CONTRACTING PARTY VESSELS (CONSERVATION MEASURE 10-07)¹ 2005

Current name	Current Flag	Lloyds/IMO number	Call sign	Previous name(s) if known	List of owners ²	Nature of activity	Date(s) of incident(s)	Flag State comments
<i>Condor</i>	Togo	6818930	SVCR8	<i>Inca, Viking, Cisne Azul</i>	- Arcosmar Fisheries (99) - Lopez JMS (01) - Premier Business (03) - Operator: Jose Manuel Salgueiro	Fishing inside Division 58.4.3b Fishing inside Division 58.4.4a	25 Feb 05 2 Aug 05	None received
<i>Jian Yuan</i>	Georgia	9230658	4LCW	<i>Boston-1, Boston</i>	- Sunhope Investments (00) - Great Feat Inc., c/- Sunhope Investments (Oct 04)	Fishing inside Division 58.4.3b	25 Feb 05	None received
<i>Sea Storm</i>	Equatorial Guinea	9146352	3CM2172	<i>Christina Glacial, American Warrior, Mohicano</i>	- Glacial Shipping (97) - Staplefield Investments (04) - Derime (Aug 05) - Operator: Vidal Armadores	Sighted inside Subarea 58.6	29 Jul 05	None received
<i>Taruman</i>	Cambodia	7235733	XUGW9		- Rulfend Corporation (05) - Operator: Rivadulla MD	Sighted fishing in Subarea 88.1	15 Jun 05	None received

Vessel	Current flag	Year included	Year deleted	Reason for deletion
<i>Elqui</i> ³	Guinea	2004	2005	Scuttled
<i>Eternal</i>	Madagascar	2003	2005	Converted to a passenger vessel

¹ Vessels deleted from the IUU Vessel Lists adopted in 2003 and 2004.

² Ownership history is sourced from Lloyds Registry and only records dating back to 1995 have been included. The date in parenthesis is the date on which the ownership was reported to have come into effect. The latest reported owner is the lowest entry on the list. However, this information may not necessarily be current or correct.

³ See paragraphs 3.3 to 3.5

IUU VESSEL LISTS FOR 2003 AND 2004 COMBINED

IUU VESSEL LISTS FOR 2003 AND 2004 COMBINED

Contracting Party Vessels, Conservation Measure 10-06

Current name	Current Flag	Lloyds/IMO number	Name at time of incident(s) (if different)	Reported Flag at time of incident(s) (if different)	Previous name(s)	Ownership history ¹	Nature of activity	Date(s) of incident(s)	Year included
<i>Viarsa I</i>	Uruguay	8001335			<i>Starlet No. 901</i>	- Viarsa Fishing Co. (Jan 02) - Operator: Navalmar SA	Sighted in Division 58.5.1 Apprehended in Division 58.5.2	7 Aug 03 3 Feb 04	2003
<i>Maya V</i>	Uruguay	8882818				- Globe Fishers (98) - Campopesca (99) - Rainbow Fisheries (Feb 03)	Fishing in Division 58.5.2 Apprehended	23 Jan 04	2004

Non-Contracting Party Vessels, Conservation Measure 10-07

Current name	Current Flag	Lloyds/IMO number	Name at time of incident(s) (if different)	Reported Flag at time of incident(s) (if different)	Previous name(s)	Ownership history ¹	Nature of Activity	Date(s) of incident(s)	Year included
<i>Amorinn</i>	Togo	7036345	<i>Lome/ Iceberg II?</i>		<i>Lome/ Noemi</i>	- Infitco (1998) - Seric Business SA (unknown) - Sold to undisclosed interests (Jul 03)	In Division 58.4.2	23 Jan 04	2003
<i>Apache I</i>	Honduras	9142693			<i>America I</i>	- Kongshawn Shipping (01) - Long Liners (03) - Staplefield Investments SA (Apr 04)	Fishing in Division 58.5.1 Apprehended	25 Jun 04	2004
<i>Eolo</i>	Equatorial Guinea	7322897	<i>Thule</i>		<i>Magnus/ Dorita</i>	- Meteora Development Inc. (Feb 04) - Operator: Vidal Armadores	In Division 58.5.2	31 Jan 04	2003

(continued)

Non-Contracting Party Vessels (continued)

Current name	Current Flag	Lloyds/ IMO number	Name at time of incident(s) (if different)	Reported Flag at time of incident(s) (if different)	Previous name(s)	Ownership history ¹	Nature of Activity	Date(s) of incident(s)	Year included
<i>Golden Sun</i>	Equatorial Guinea	6803961	<i>Notre Dame</i>		<i>Mare</i>	- Monteco Shipping (Feb 03) - Operator: Capensis	Fishing in Division 58.4.3	22 Apr 04	2003
<i>Hammer</i>	Togo	9042001			<i>Carran</i>	- Fadilur SA (Aug 04) - Global Intercontinental Services (05) - Operator: Vidal Armadores	Undocumented landing, Malaysia	Aug 04	2004
<i>Kang Yuan</i>	Georgia	9230660	<i>Champion I</i>	Unknown	<i>Champion</i>	- Sunhope Investments (01) - Profit Peak (Oct 04) - Operator: Kando Maritime	Fishing in Division 58.4.3	22 Apr 04	2004
<i>Keta</i> ²	Unknown	7322926	<i>Sherpa Uno</i>	Uruguay	<i>Sherpa Uno</i>	- C&S Fisheries (Sep 96) - Muner SA (00)	Sighted in Division 58.5.1	20 Dec 02 3 Feb 04	2004
<i>South Ocean</i> ³	China	9230646	<i>Koko</i>	Georgia	<i>Austin-1</i>	- Sunhope Investments (00) - Koko Fishery (Feb 03) - Great Feat Inc., c/- Sunhope Investments (Sep 05)	In Division 58.4.3	24 Apr 04	2004
<i>Red Lion 22</i>	Equatorial Guinea	7930034	<i>Lucky Star</i>		<i>Praslin/ Big Star</i>	- Big Star International (Oct 98) - Praslin Corporation (Nov 00) - Transglove Investment Inc. (Sep 03)	Fishing in Division 58.4.3	22 Apr 04	2003
<i>Sargo</i>	Togo	5428908	<i>Lugalpesca</i>	Uruguay	<i>Lugalpesca/ Hoking</i>	- Jose Lorenzo SL (80) - Vibu Pesquera (Oct 05)	In Division 58.5.1	1 Dec 02 4 Jun 03	2003
<i>South Boy</i>	Equatorial Guinea	8713392	<i>Piscis</i>	Uruguay	<i>Piscis</i>	- Cazenove International SA (03) - Operator: Insuabela	Supporting IUU activities of <i>Thule</i>	5 Apr 04	2004
<i>Ross</i>	Togo	7388267			<i>Alos/Lena</i>	- Lena Enterprises (01) - Grupo Oya Perez SL (Aug 03)	Fishing in Subarea 58.7	Mar–Apr 04	2003

¹ Ownership history is sourced from Lloyds Registry and only records dating back to 1980 have been listed here. The date in parenthesis is the date on which the ownership was reported to have come into effect. The latest reported owner is the lowest entry on the list. However, this information may not necessarily be current or correct.

² Originally listed as *Sherpa Uno* on IUU List of Contracting Party Vessels in 2004. Moved to the List of non-Contracting Party Vessels in 2005.

³ Reported renamed and reflagged after consideration by SCIC.

**PROPOSED DRAFT AGENDA FOR JAG 2006
ESTIMATION OF IUU IN THE CONVENTION AREA**

1. Examination of potential IUU methodologies and data sources
 - (i) description of methods used by various national agencies
 - (ii) description of methods used by Secretariat/CCAMLR
 - (iii) sub-Antarctic island areas (Subareas 48.3, 58.6, 58.7, Divisions 58.5.1 and 58.5.2)
 - (iv) high-seas areas (Subareas 48.6, 88.1, 88.2, 88.3, Divisions 58.4.1, 58.4.2, 58.4.3, 58.4.4)
2. Data sources and coverage issues
 - (i) potential data sources; validation of information
 - (ii) classification of coverage areas
 - (iii) identification of appropriate coverage levels
3. Definition of assessment methods
 - (i) appropriate methods by area
 - (ii) confidentiality and publication issues
 - (iii) annual procedure for IUU estimation
4. Review of historical IUU estimates
 - (i) identification of potential problems with past estimates
 - (ii) identification of solutions and revision of estimates
5. Advice
 - (i) advice to the Scientific Committee and SCIC on assessment methodology
 - (ii) advice to WG-FSA on IUU estimates to be used in toothfish assessments
 - (iii) future work program (including periodicity of JAG review of IUU estimates and methods, priorities and timetable).