

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

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### **OPENING OF THE MEETING**

1.1 The meeting of the Standing Committee on Observation and Inspection (SCOI) was conducted from 25 to 29 October 1999 under the chairmanship of the Vice-Chairman Mr G. Bryden (New Zealand). Mr Bryden welcomed all participating delegations.

1.2 The Provisional Agenda of SCOI was distributed to Members as an attachment to the Provisional Agenda of the Commission (CCAMLR-XVIII/1). The Committee noted that the Commission had decided to deal with the 'Catch Documentation System' as a high-priority item and had referred it for consideration to a special open-ended working group. Therefore, the Committee deleted Item 2(iii) 'Catch Documentation System' from its Agenda.

1.3 It was agreed that discussions of Item 2(iv)(b) 'Development of an Action Plan' be deferred until the results of deliberations of the working group on the Catch Documentation Scheme were known.

1.4 There were no further amendments to the Agenda and it was adopted (Appendix I).

1.5 The list of papers considered by the Committee is given in Appendix II.

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

#### **Information Provided by Members in Accordance with Articles X and XXII of the Convention and the System of Inspection**

2.1 A summary of sightings of fishing vessels in the Convention Area during the 1998/99 season was submitted by the Secretariat (CCAMLR-XVIII/BG/15, Table 3). Further sighting reports were submitted by France (SCOI-99/9).

2.2 In total, sightings of 16 vessels were reported by Australia, Argentina and France. Flags of only four vessels were identified. They were of Argentina (1), Belize (2) and Panama (1).

2.3 Last year the Commission decided that scientific observers should collect factual data on sightings of fishing vessels in the Convention Area (CCAMLR-XVII, paragraphs 8.17 and 8.18). Only one report of a sighting of a vessel was received from the UK-designated CCAMLR observer on board the *Tierra del Fuego* (Chile). This report also describes sightings of several vessels by radar in Subarea 48.3 during the fishing season.

2.4 National observers working on board the following vessels also submitted sighting reports: *AustralLeader* and *Southern Champion* (Australia) and *Eldfisk* (South Africa). The sightings, containing factual information, were later reported to CCAMLR by national authorities (see CCAMLR-XVIII/BG/15, Table 3).

2.5 Argentina clarified to the meeting details of the sighting by an Argentine-designated CCAMLR inspector of the vessel *Isla Guamblin* (see SCOI-99/8 and SCOI-99/17). The inspector requested the vessel to leave CCAMLR waters immediately. According to

information available to the Argentine authorities, up to three more vessels were operating in contact with *Isla Guamblin* in Subarea 48.3. However, adverse weather prevented the use of helicopters and therefore the presence of these vessels was not confirmed.

2.6 New Zealand conducted aerial surveillance over Subareas 88.1 and 88.2 from December 1998 to March 1999. No unlicensed vessels were sighted during the 14 flights made.

2.7 New Zealand also raised the issue of the Belize-registered vessel *Salvora*. This vessel received worldwide media coverage in February this year and is the subject of an ongoing investigation by South Africa (SCOI-99/3). New Zealand suggested that in the case of the *Salvora*, it may be appropriate to apply the provisions of Article X of the Convention.

2.8. Chile suggested that a more prompt submission of sighting reports would improve cooperation among Members and facilitate any appropriate action that could be taken against the offending vessels.

2.9 Australia also noted the need for consistency in the reporting of sightings and identification of vessels. France drew the attention of the Committee to the fact that the identification of vessels is sometimes impossible, especially when vessels bear no proper markings or when observations are made by radar (SCOI-99/14).

2.10 The Committee noted that procedures for submitting notifications of sightings of vessels should be reviewed, and that the format for submitting details to the Secretariat be standardised for entry in the CCAMLR database. The Committee recommended that a standard format for reporting sightings be developed by the Secretariat and circulated among Members after the meeting. It was agreed that whenever possible, Members should submit sighting reports within the deadline for the submission of inspection reports, i.e. 15 days after the receipt of sighting reports by respective national authorities.

2.11 The Committee also considered the advice of the Scientific Committee's Working Group on Fish Stock Assessment (WG-FSA) regarding catches taken during illegal, unregulated and unreported (IUU) fishing in the Convention Area (SC-CAMLR-XVIII, Annex 5, paragraphs 3.29 to 3.44). This advice was based on information on sightings of vessels, landings of *Dissostichus* spp. in ports of non-Contracting Parties and also *Dissostichus* spp. import and export statistics.

2.12 In response to a question from the UK about the amount of IUU catches of *D. eleginoides* in Subarea 48.3, as calculated by WG-FSA, Argentina explained that the information contained in paragraphs 2.3 and 2.5 above was used by WG-FSA in the calculations of IUU catches following the approach adopted at its 1998 meeting (SC-CAMLR-XVIII, Annex 5, paragraph 3.32). The UK indicated that it was wholly unconvinced by the figures presented by Argentina which were not based on any factual information. In its opinion, they appeared to be derived solely from the subsequent inspection in port of the *Isla Guamblin*.

2.13 Taking into account information submitted by Members and the advice of WG-FSA, the Committee reiterated last year's advice to the Commission that the level of IUU fishing in the Convention Area continued to be unacceptable and that the most stringent measures possible should be taken to deal with such fishing.

2.14 In this connection New Zealand drew the attention of the Committee to the Communiqué agreed by Ministers and officials from 23 Antarctic Treaty Parties attending the 'Ministerial Meeting on Ice' held at Ross Island, Antarctica, from 25 to 28 January 1999. Representatives expressed their grave concern at the threat posed by continuing IUU fishing for *Dissostichus* spp. They pledged to work to meet these new challenges and to maintain the integrity of the Antarctic Treaty System.

## Implementation and Effectiveness of Measures Adopted in 1998

2.15 In 1998/99 Members were required to report on the implementation of a number of conservation measures dealing directly with enforcement issues. A summary of Members' reports is summarised below:

Conservation Measure	Content of Reports	Information Reported
118/XVII	Port inspections by Contracting Parties of non-Contracting Parties vessels.	No reports received.
119/XVII	Details of fishing licences.  Port inspections by Contracting Parties of their flag vessels.	Information was submitted by all Members as required.  A report from Argentina: one vessel inspected (SCOI-99/8 and SCOI-99/17). New Zealand informed the meeting of inspections of two vessels returned from fishing in Subarea 88.1.
147/XVII	Inspections of vessels of one Contracting Party in ports of another Contracting Party.	Two verbal reports (one from the UK on inspection of a Korean vessel and one from Uruguay on inspection of two UK vessels).
148/XVII*	Implementation of VMS.	Argentina, Australia, New Zealand, Norway, Republic of Korea, South Africa, UK, Uruguay and USA have already implemented VMS; France will establish VMS in summer 2000 in relation to its overseas territories; Chile will establish VMS by January 2000; Russia and Ukraine will establish VMS by 31 December 2000; and The European Community has VMS which is fully compatible with CCAMLR requirements.

\* This measure requires that all Members shall establish VMS by 31 December 2000.

2.16 In accordance with Conservation Measure 148/XVII (paragraph 6) Uruguay reported details to the Secretariat regarding vessel monitoring system (VMS) failure on board one of its vessels.

2.17 The Committee considered the concern expressed by the UK with respect to port inspections required under Conservation Measure 147/XVII. This was related to the fact that inspections could be carried out some months after vessels had fished in CCAMLR waters and their fishing licences under Conservation Measure 119/XVII could have expired by that time. The Committee noted that the objective of port inspections is to confirm that vessels have conducted activities in the Convention Area in accordance with CCAMLR conservation measures. In this case the question of licence validity at the time of inspection could be taken into account by the Port State.

2.18 The Committee noted with satisfaction that most Members have introduced VMS or have committed to introduce VMS in accordance with the deadlines established by Conservation Measure 148/XVII. However, Members' attention was drawn to the very small number of port inspections conducted in accordance with Conservation Measures 118/XVII and 147/XVII. The Committee, therefore, recommended to the Commission that steps be taken by Members to ensure the effective implementation of these measures.

2.19 A number of Members informed the Committee of developments in their domestic legislation in relation to IUU fishing in their national waters as well as on the high seas. South Africa advised on its legislation which enforces Port State Control over vessels entering South African waters with *Dissostichus* spp. on board or carrying toothfish longlines (CCAMLR-XVIII/MA/1). Norway noted that in accordance with a new domestic regulation 'an application of a licence to fish in Norwegian waters may be denied if the vessel or vessel's owner has taken part in fishing operations that contravene regulatory measures laid down by regional fisheries management organisations' (SCOI-99/10). Australia reported that they had made significant changes to Australian legislation concerning the apprehension, detention, forfeiture and fines relating to foreign vessels fishing illegally in the Australian Exclusive Economic Zone (EEZ).

## Examination of Additional Measures

### Collection of Landings and Trade Statistics for *Dissostichus* spp.

2.20 At last year's meeting the Commission recommended that Members introduce new classification codes in trade statistics for *Dissostichus* spp. at a national level. The USA informed the Committee that it had introduced codes, additional to those effective in 1998 and 1999, for fresh toothfish and toothfish exports. These new codes will become effective from 1 January 2000. The USA also advised that by 1 January 2000, Canada (an Acceding State to the Convention) would also implement these new trade codes. The European Community and Norway informed the Committee that new trade codes would be implemented by 1 January 2000. Australia informed the Committee that it would have trade codes in place by not later than 1 February 2000.

2.21 Pursuant to a suggestion of the USA, the Committee recommended that the Commission Chairman write to Canada and Peru as Acceding States, requesting submission of trade statistics for *Dissostichus* spp.

2.22 The Committee noted with satisfaction information from Members on the implementation of classification codes in trade statistics for *Dissostichus* spp. It agreed that the introduction of classification codes for *Dissostichus* spp. in trade statistics at a national level is an important prerequisite for the effective implementation of a Catch Documentation Scheme.

2.23 The Committee agreed that the Commission should reinforce the importance for all Parties to introduce classification codes in trade statistics for *Dissostichus* spp. in their domestic regulations.

2.24 The Committee considered a summary of *Dissostichus* spp. trade statistics prepared by the Secretariat on the basis of information received from Australia, USA and FAO (SC-CAMLR-XVIII/BG/1 Rev.1, also SCOI-99/13). Some discrepancies were noted in the statistics provided, possibly due to the fact that the Secretariat used a conversion factor for calculating whole fish weight from data on processed fish.

2.25 The Committee welcomed information provided by Namibia and Mauritius on landings of *Dissostichus* spp. in their ports (SCOI-99/11). This information on landings had been circulated to Members intersessionally.

2.26 The European Community has fully investigated the information received on vessels which were reported as vessels allegedly belonging to European Community Flag States (SCOI-99/12).

2.27 The European Community confirmed that it had immediately launched an investigation in relation to the vessels allegedly of Community origin listed in information received from

non-Contracting Parties. The results of the investigation to date indicate that four of the vessels alleged to be of Community origin were in fact not on the Community fishing register – that two Community vessels for which the Community possesses trade documentation had no *Dissostichus* spp. in their catches.

2.28 The European Community further noted that the receipt of such information after a long lapse of time (certain data referred to 1998) and incomplete and inaccurate in certain respects had naturally made the follow-up extremely difficult, in spite of the efforts made by the Community inspection authorities. Additional information will be forwarded by the EC to the Commission on the results of the investigations.

2.29 New Zealand noted that the information contained in SCOI-99/11 was extremely important. It indicated that the problem of IUU fishing within CCAMLR waters could as much be one of non-compliance by vessels flagged in Contracting Parties as one of activities of non-Contracting Parties. New Zealand called on all Contracting Parties to take steps to investigate the information in SCOI-99/11 to avoid a situation where a Contracting Party was *prima facie* in breach of its obligations under Article XXI of the Convention. New Zealand also encouraged Contracting Parties with more resources to provide technical assistance to developing states with undertaking investigations.

2.30 The European Community, referring to its letter of 5 July 1999 in response to COMM CIRC 99/60 and 99/66, encouraged non-Contracting Parties to continue their cooperation with CCAMLR and suggested a range of standard information that could be provided by them to assist the Commission. The Committee agreed on a range of information requirements (see paragraphs 2.34 to 2.37 below).

2.31 Further information was provided at the meeting by Ukraine and Russia concerning investigations of landings by their flag vessels reported by Namibia and Mauritius. These investigations concluded that all records of *Dissostichus* spp. landings were found to be unsubstantiated and/or in error.

2.32 Chile and Argentina, while recognising the difficulty of adequately processing the information provided in its present form, expressed their appreciation for the reports received from Namibia and Mauritius and suggested that these countries should be encouraged to continue and improve their reporting activity.

2.33 Taking into account the results of investigations carried out by the European Community, Ukraine and Russia, the Committee emphasised that information on landings should be accompanied by some standard details about the vessels. These details would enable Members to expediently consider any cases of landings which involve vessels of their flags.

2.34 SCOI expressed its appreciation for the information forwarded to it by the Namibian and Mauritius authorities. The Committee considered that such information on landings, transshipments and trade in *Dissostichus* spp. emanating from non-Contracting Parties sources constituted important additional information both from a control and scientific perspective.

2.35 In order to optimise the utilisation and the follow-up of such information, in particular by the Flag State(s), SCOI recommended that non-Contracting Parties be invited to submit information to CCAMLR, to the extent possible, in accordance with the following format:

- (i) whether the vessel is a fishing or cargo vessel; if it is a fishing vessel, what type of vessel (trawler/longliner);
- (ii) the name, international call sign and registration number of the vessel;
- (iii) the flag and port of registration;

- (iv) whether an inspection had been conducted by the Port State and, if so, its findings, including information on the fishing licence of the vessel concerned;
- (v) the species of fish involved, including the weight and form of catch, and whether it was landed or transhipped;
- (vi) if a fishing vessel, the location(s) in which it had operated according to the vessel's records and where it reported the catch as having been taken (CCAMLR or non-CCAMLR); and
- (vii) the nature of any matters requiring further investigation by the Flag State.

2.36 In order to ensure the follow-up by the Flag State(s) in a timely manner, the CCAMLR Secretariat, after initial examination of the information received, will transmit that information without delay to each of the relevant Flag State(s) concerned.

2.37 The Flag State(s) concerned shall notify the results of their follow-up to CCAMLR Secretariat as soon as possible.

2.38 One month after transmission of the information to all Flag State(s) concerned, it will be circulated by the Secretariat to all Members, together with results of investigations, if any, received from the Flag State(s).

#### Development of an Action Plan

2.39 Following the request from the Brussel's intersessional meeting, Australia submitted a paper (SCOI-99/18) proposing a revised policy to enhance cooperation between CCAMLR and non-Contracting parties. In line with paragraph 1.3, the proposed Action Plan was referred to the Commission.

#### CCAMLR Vessel Register

2.40 CCAMLR-XVII agreed that the issue of a Vessel Register should be developed further during the intersessional period (CCAMLR-XVII, paragraph 5.58). The Secretariat has provided a report on the status of the CCAMLR vessel database (SCOI-99/5). This database could be conveniently expanded to a comprehensive Vessel Register, when required.

2.41 The Committee requested Members to provide intersessionally to the Secretariat details of their vessel registers. It also agreed that the matter be considered further at the next meeting of SCOI. In this connection, the Secretariat noted the conclusion of its paper SCOI-99/5 that when a decision is made on the establishment of a Vessel Register, clear guidelines from the Commission should be provided as to what information should be recorded and how this information is to be collected and/or supplied by Members. Guidelines should also be provided for the access and use of information contained in the register. All costs involved in establishing and maintaining the Register should also be agreed upon.

2.42 In the meantime, the Committee agreed on the merit of maintaining a vessel database of the type developed by the Secretariat. New Zealand also commented that it would be useful to have this information on the CCAMLR website, and recommended that photographic images be included so that vessels can be identified more easily.

## Other Actions

2.43 Norway presented its paper on 'Additional Measures to Counteract Activities by Non-Contracting Parties' (SCOI-99/19) which highlighted the effectiveness of this system in waters under its jurisdiction and adjacent high seas areas. Norway suggested that its legislation might serve as a model for CCAMLR and that CCAMLR incorporate the following text into Conservation Measure 118/XVII as a means of reducing IUU fishing.

2.44 The proposed wording is as follows:

'A licence to fish in areas under fisheries jurisdiction of Contracting Parties shall be denied if the fishing vessel in question has been prohibited to land and tranship fish pursuant to paragraphs 5 and 6 of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the CCAMLR Conservation Measures. This measure does not affect the exercise by CCAMLR Contracting Parties of their sovereignty within their exclusive economic zones.'

2.45 The European Community noted that this proposal had been considered in other regional organisations, notably the Northwest Atlantic Fisheries Organisation (NAFO), and it had been rejected.

2.46 The European Community was not favourable to the approach proposed. New Zealand expressed support for the idea.

2.47 The Committee took note of the proposal by Norway for consideration at next year's meeting.

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

### Implementation of Conservation Measures in the 1998/99 Season

3.1 In accordance with Article XX(3) of the Convention, Members are required to inform the Commission of steps taken to implement and ensure compliance with conservation measures adopted by the Commission.

3.2 Australia, Chile, European Community, New Zealand, Norway, Russia, South Africa, Uruguay and the USA had previously informed the Commission that they have in place the legislative and administrative procedures required to give effect to conservation measures annually.

3.3 During 1998/99 additional information was received from Chile, Norway, South Africa, Ukraine and Uruguay. Chile, Ukraine and Uruguay reported on national procedures to ensure compliance with conservation measures (CCAMLR-XVIII/BG/27, MA/4 and MA/7).

3.4 The Committee considered all matters regarding the implementation of enforcement-related measures under Agenda Item 2 (paragraphs 2.15 to 2.19).

3.5 The Secretariat presented CCAMLR-XVIII/BG/9 on the implementation of conservation measures related to fisheries management, including the notifications of new and exploratory fisheries, reporting of catch and effort and compliance with measures to reduce mortality of seabirds in longline fisheries and the use of plastic packaging bands.



3.6 The Committee noted the information provided in CCAMLR-XVIII/BG/9 and that the Scientific Committee would later advise the Commission directly on any matters related to fisheries management.

3.7 The Committee recalled that last year the Commission reminded Members of the need to ensure full compliance with the implementation of Conservation Measures 29/XVI (reduction of seabird mortality in longline fisheries) and 63/XV (prohibition of the use of plastic packaging bands).

3.8 The Committee received advice from the Chairman of the Scientific Committee on this matter. The Scientific Committee's advice was based on reports of scientific observations conducted on board longline vessels fishing for *Dissostichus* spp.

3.9 The Chairman of the Scientific Committee pointed out that the level of compliance with some elements of Conservation Measure 29/XVI remained low, especially with respect to the use of prescribed weights in the course of fishing operations using the Spanish longline system. The Scientific Committee suggested that scientific observers be requested to weigh a sample of longline weights at random while the vessel is alongside the wharf. This procedure should preferably take place during a routine inspection by a Flag State (e.g. in accordance Conservation Measure 119/XVII).

3.10 Taking this advice into account, the Committee reiterated its past advice to the Commission that Members be requested to ensure full compliance with all elements of Conservation Measure 29/XVI, especially with the line-weighting regime. It also suggested that the Commission request Members, when inspecting vessels in ports, to ensure that vessels carry on board all gear required to comply in full with all aspects of Conservation Measure 29/XVI.

3.11 The Committee endorsed the Scientific Committee's proposal that the task of measuring a sample of weights be added to the list of tasks of scientific observers. It was considered by the Committee under Agenda Item 4 'Operation of the Scheme of International Scientific Observation' (see paragraph 4.6 below).

3.12 The Committee then considered whether any amendments should be made to the enforcement-related conservation measures currently in force.

3.13 Last year the European Community undertook to revise its proposal concerning requirements that the installation of VMS should apply to all of the fishing vessels operating in the Convention Area (CCAMLR-XVII, Annex 5, paragraph 2.51).

3.14 The European Community rejected the rationale whereby it was argued that because there was no apparent conservation problem on a fisheries resource, there was no need for the obligatory application of VMS. On the contrary, the European Community contended that international law places the responsibility for monitoring the activities of its flag vessels on the Flag State. In the case of krill, fishing vessels operating in the Convention Area, had neither scientific observers nor VMS on board, and this was unacceptable from a control perspective. It recommended that VMS should become obligatory for these vessels for the coming fishing season.

3.15 Argentina, Australia, New Zealand and Norway agreed that there was no reason for the exemption of VMS on krill vessels especially since it was possible that krill vessels could switch gear for fishing for other species and also be engaged in transshipment of other target species, e.g. *Dissostichus* spp. New Zealand urged all Members whose vessels operate in the krill fishery to consider implementing VMS in the very near future.

3.16 SCOI noted the advice of the Chairman of the Scientific Committee regarding the paucity of information on the operation of krill fisheries and associated by-catch. The Scientific

Committee encouraged the deployment of national or international observers on krill fishing vessels to collect and submit information in accordance with the CCAMLR Scheme of International Scientific Observation. The Scientific Committee also recommended that high priority should be given to the deployment of scientific observers (either international or national) aboard krill fishing vessels during the CCAMLR 2000 Krill Synoptic Survey in Area 48 (CCAMLR-2000 Survey) which is to be conducted during January and February 2000.

3.17 Japan noted that scientific observers could be placed on board fishing vessels for the CCAMLR-2000 Survey by means of bilateral arrangements concluded between interested Parties in accordance with the Scheme of International Scientific Observation.

3.18 However, Japan rejected the suggestion that any link existed between the objectives of scientific observation and the monitoring of vessels by means of VMS. Japan pointed out that for a number of years it has continuously supplied the required finer-scale information from krill vessels. Japan also noted that as krill vessels had not been implicated in any illegal activities, there was no need for the implementation of VMS on board these vessels. It further stated that, although it accepts the fact that the situation may change in the future, the rationale to do it now is absent at present.

3.19 The European Community and Australia put forward a proposal for an amendment of Conservation Measure 148/XVII, stating that 'with effect from 1 July 2000, VMS of vessels participating in a krill fishery is obligatory'.

3.20 Japan reiterated its arguments against the introduction of VMS for krill fishing vessels. As a responsible Flag State it uses methods other than VMS to monitor its krill fishing vessels. However, Japan did not exclude the possibility of reconsidering its position if there were rational grounds to do so.

3.21 Chile explained that in accordance with its domestic legislation, all fishing vessels are required to use VMS. At present Chilean vessels do not fish for krill. However, if such fishing is resumed, all Chilean vessels will be obliged to use VMS. Chile also invited Japan to consider a possible timetable for the implementation of VMS.

3.22 Poland, Ukraine and the Republic of Korea stated that there is no need to re-examine the exemption of krill fishing vessels from Conservation Measure 148/XVII. They concurred with the arguments put forward by Japan. Poland noted that the present level of krill fishing has no impact on krill resources and there is therefore no need to introduce compulsory VMS for krill vessels. Ukraine pointed out that at present it did not intend to change its position with respect to the current exemption from VMS for krill fishing vessels.

3.23 The USA stated that it will enter the krill fishery this season and noted that its vessels will use VMS. The USA urged all krill fishing Members to do the same.

3.24 The European Community regretted that not all Members involved in krill fishing were able to agree with the proposed measure. It reiterated its position that VMS should become obligatory for all fishing vessels.

#### Inspections Undertaken in the 1998/99 Season

3.25 A summary of information received from Members regarding inspectors designated, the actual number of inspectors deployed at sea and the duration of their trips and areas covered was submitted by the Secretariat (CCAMLR-XVIII/BG/15). Details of the work of the UK-designated CCAMLR inspectors were also given in SCOI-99/6. The information contained in CCAMLR-XVIII/BG/15 was updated during the meeting.

3.26 In total, Members designated 55 inspectors, 17 of whom were deployed on board vessels which fished in Subareas 48.1, 48.2, 48.3 and 88.1 and Divisions 58.4.3, 58.5.1 and 58.5.2.

3.27 Three at-sea inspections were reported to the Secretariat. All inspections were carried out in Subarea 48.3 by CCAMLR inspectors designated by the UK (CCAMLR-XVIII/BG/15 and SCOI-99/7). The three vessels inspected were the longliners *Illa da Rua* (Uruguay), *Isla Sofia* and *Tierra del Fuego* (Chile). Compliance with conservation measures by all three vessels inspected was found to be satisfactory

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

3.28 Chile informed the Committee of the action it had taken against vessels flying its flag, which had been involved in infringements of CCAMLR conservation measures reported by inspections undertaken both at international and national level (SCOI-99/4). The paper gives details of court proceedings for the period from 1992 to September 1999 which have been initiated with respect to 10 vessels.

3.29 Argentina reported that at present, legal proceedings are being carried out in relation to presumed infringements of conservation measures by the following Argentine vessels: *Estela*, *Marunaka*, *Magallanes I*, *Vieirasa Doce*, *Cristal Marino* and *Isla Guamblin*. With respect to the latter, the proceedings have been initiated following an inspection related to the infringement of conservation measures in Subarea 48.3.

3.30 In addition, Argentina reported and commented on the conclusion of proceedings whereby Argentine vessels have been fined and in some cases, their permits have been suspended.

3.31 The Committee thanked both Chile and Argentina for the information supplied and emphasised the importance of the need to provide such information under paragraph XII of the System of Inspection.

#### Improvements to the System of Inspection

3.32 The Secretariat reported on its work regarding the implementation of the System of Inspection and decisions taken at CCAMLR-XVII on the improvement of the system. All tasks have been accomplished within the deadlines prescribed.

3.33 As part of the development of the CCAMLR website, the Secretariat has created a secure SCOI page and placed on it information about the implementation of the System of Inspection and other enforcement-related activities. This page has been in operation since April 1999, and is regularly updated as new information is received from Members.

3.34 At its 1998 meeting, the Committee agreed that Members should continue discussions, on a bilateral basis, on the interpretation of paragraph III(b) of the System of Inspection (CCAMLR-XVI, Annex 5, paragraphs 1.54 to 1.56). No reports have been received on the subject and the Committee encouraged Members to continue discussions during the 1999/2000 intersessional period.

3.35 Amendments to the text of the System of Inspection to take account of reporting requirements are discussed further in the report under Item 5 'Review of SCOI Working Arrangements'.

## OPERATION OF THE SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

### Observations Undertaken in the 1998/99 Season

4.1 SC-CAMLR-XVIII/BG/11 contains information on observer programs undertaken during the intersessional period. In total, international and national observers conducted 32 programs on board longliners, eight programs on board trawlers and one program on board a crab fishing vessel.

4.2 The advice received from the Chairman of the Scientific Committee contained the following points relating to the implementation of the Scheme of International Scientific Observation:

- (i) much of the information on vessel activities contained in observer reports could be utilised by SCOI in its work;
- (ii) preferably two observers should be deployed on each fishing vessel in order to share their duties equally between observations of fish, and seabird and marine mammal interactions;
- (iii) scientific observers should weigh a sample of longline weights while the vessels in alongside the wharf; this procedure should preferably take place during a routine inspection by a Flag State (e.g. under Conservation Measure 119/XVII);
- (iv) a vessel's compliance with Conservation Measures and the submission of catch and effort reports and fine-scale biological data collected during the vessel's activities, remains the firm responsibility of the Flag State; and
- (v) scientific observers should continue to collect factual data on IUU fishing for another year before the effectiveness and the need for this task will be reviewed by the Commission.

4.3 The Committee considered advice received from the Chairman of the Scientific Committee. It noted that scientific observer reports contain information on activities of fishing vessels which could be of importance to the work of SCOI.

4.4 It recommended to the Commission that preferably two scientific observers be deployed on each fishing vessel.

4.5 The Committee endorsed the recommendation of the Scientific Committee that an additional task to weigh a sample of longline weights while the vessel is alongside the wharf, be added to the list of tasks in the *Scientific Observers Manual*.

4.6 The Committee recommended that Members be reminded that Flag States are responsible for vessels' compliance with the submission of catch and effort reports and fine-scale biological data under the relevant conservation measures.

4.7 With respect to the latter, the Committee recalled the 1997 recommendation of the Scientific Committee and the Commission's decision on a similar matter (CCAMLR-XVI, paragraph 8.23 and SC-CAMLR-XVI, paragraphs 3.20 and 3.21).

4.8 The Committee noted that the collection of factual data on sightings of vessels in the Convention Area should be continued in 1999/2000 and recalled its decision to review the process next year.

## REVIEW OF SCOI WORKING ARRANGEMENTS

5.1 Last year, the Commission noted that the issues addressed by SCOI had increased considerably over recent years and decided to re-examine the terms of reference and operation of SCOI. To meet this concern, the Commission agreed that the tasks assigned to SCOI, its terms of reference, Secretariat support needed for its work and the SCOI agenda (CCAMLR-XVII, paragraph 8.21) should be considered intersessionally.

5.2 To this end, the Secretariat prepared and circulated a set of proposals to assist Members in their consideration of the work of SCOI (CCAMLR-XVIII/19).

5.3 The Committee thanked the Secretariat for the timely preparation and circulation of proposals. Several Members noted that the highest priority issue, i.e. the development of a Catch Documentation Scheme, had prevented Members from considering in detail the required revision of the work undertaken by SCOI both during the intersessional period and at the meeting.

5.4 The Committee agreed that as a priority, Members should continue to analyse and review SCOI's working arrangements during the intersessional period. Members should take into consideration the fact that any review of the working arrangements of SCOI cannot be considered in isolation from the Commission, Scientific Committee and its subsidiary bodies.

5.5 However, the USA recommended that from an organisational point of view the following changes could be made at the meeting to help Members to prepare for the work of SCOI:

- (i) a list of SCOI and Commission documents should be provided together with each agenda item;
- (ii) SCOI papers should be available on the CCAMLR website in a password protected area before the meeting; and
- (iii) at the beginning of each meeting the Committee should select which papers need to be discussed in detail and which need to be used only for reference purposes.

5.6 The Committee agreed that such changes would be of benefit to its work from an organisational point of view.

5.7 In conjunction with the revision of SCOI's working arrangements, the Commission also asked the Secretariat to examine intersessionally whether changes could be made to Member's reporting obligations in order to reduce the number of reports, duplication between reports and to improve the report deadlines (CCAMLR-XVII, paragraph 8.19).

5.8 The Committee noted that CCAMLR-XVIII/6, prepared by the Secretariat, contains a number of proposals, which could be considered at the meeting. It was further noted that although some proposals would require changes to be made to the text of the System of Inspection, others could be implemented through Commission report language.

5.9 The USA convened a special task group to develop proposals on reporting obligations. The group took into account the advice received from the Chairman of the Scientific Committee.

5.10 The Committee considered the group's recommendations and made the following recommendations to the Commission:

SCOI recommended that the Commission direct the following changes in reporting obligations by Contracting Parties and in data handling by the Secretariat:

- (i) Direct Members to continue to submit annual Members' Activities Reports by 10 September, consider the recommendations of the Scientific Committee (SC-CAMLR-XVIII, paragraph 18.1) on information Members might include in their activities reports, and submit the activities reports in electronic, preferably web-compatible, format;
- (ii) Direct the Secretariat to place Members' Activities Reports on the general access page of the CCAMLR website in the language of presentation and discontinue distribution of hard copies of the activity reports at the annual meetings;
- (iii) Discontinue the Members' Reports on Assessment and Avoidance of Incidental Mortality once the Secretariat, in consultation with the Scientific Committee, has designed a standard form for submission of the data generally included in the report. Once the standard form is developed and approved, it will be used to submit data directly to the CCAMLR database;
- (iv) Direct the Secretariat to place and update the list of Designated Inspectors on secure password-protected pages of the CCAMLR website and discontinue publishing the list in the *Inspectors Manual*;
- (v) Once the Secretariat has developed a standard format for reporting the number, dates and statistical area/subarea/division of inspection, discontinue providing information on inspection effort in the Members' Activities Reports and submit it separately each year, using the standard format, 30 days before the annual CCAMLR meeting;
- (vi) Direct the Secretariat to place inspection reports (including supplementary information), on secure password-protected pages of the CCAMLR website and to discontinue publication as hard copy;
- (vii) Direct the Secretariat to place information on prosecution and sanctions imposed with respect to activities of vessels considered to be in contravention of CCAMLR measures on secure password-protected pages of the CCAMLR website;
- (viii) Direct the Secretariat to place the annual Members' reports of actions taken to implement Conservation Measure 119/XVII on secure password-protected pages of the CCAMLR website;
- (ix) Direct the Secretariat to place Members' reports of inspections of non-Contracting Party vessels conducted in accordance with Conservation Measure 118/XVII on secure password-protected pages of the CCAMLR website immediately after receipt;
- (x) Discontinue submission of information presently due 1 May on vessels intending to harvest or conduct fishing for research purposes;
- (xi) Direct the Secretariat to place details of licences or permits issued to flag vessels of Contracting Parties for fishing in the Convention Area supplied by Members, as required by the System of Inspection and Conservation Measure 119/XVII, on secure password-protected pages of the CCAMLR website;
- (xii) Direct the Secretariat to place the information required by paragraph 6 of Conservation Measure 148/XVII on disruptions in VMS transmissions (including details of the vessel involved), on secure password-protected pages of the CCAMLR website;

- (xiii) Continue submission of reports on the establishment and implementation of VMS, as required by paragraph 7 of Conservation Measure 148/XVII;
- (xiv) Direct the meeting of SCOI-19 to consider the level of detail of information on vessel movements which Members should submit on vessels to which Conservation Measure 148/XVII applies;
- (xv) Direct the Secretariat to place the details of research cruises and plan for surveys as required by Conservation Measure 64/XII on secure password-protected pages of the CCAMLR website, but continue to make hard copies of the details available to the Scientific Committee until the Committee advises that hard copies are no longer necessary;
- (xvi) Direct the Secretariat to place information on research cruises which do not include sampling by fishing gear on secure password-protected pages of the CCAMLR website and discontinue publication of this information in the *Inspectors Manual*;
- (xvii) Direct the Secretariat to continue to place the details of planned scientific observation program required by paragraph C of the Scheme of Scientific Observation on secure password-protected pages of the CCAMLR website;
- (xviii) Direct the Secretariat to provide hard copies of information on general pages and password-protected pages of the CCAMLR website to any Member who notifies the Secretariat that it does not have or has had a failure in its technical means to access the CCAMLR website. Members who lack the technical means to convey information electronically may submit it in writing;
- (xix) Amend the System of Inspection as follows:
  - Amend paragraph I(f) to read:
    - (f) Names of Inspectors shall be communicated to the Secretariat within fourteen days of designation.
  - Amend paragraph IV to read:
    - IV. Each Contracting Party shall provide to the Secretariat:
      - (a) One month before the commencement of the research cruise and in accordance with Conservation Measure 64/XII ‘The Application of Conservation Measures to Scientific Research’ the names of all vessels intending to conduct fishing for research purposes.
      - (b) Within seven days of the issuance of each permit or licence in accordance with Conservation Measure 119/XVII “Licensing and Inspection Obligations of Contracting Parties with regard to their Flag Vessels Operating in the Convention Area”, the following information about licences or permits issued by its authorities to its flag vessels authorising them to fish in the Convention Area;
        - Name of the vessel;
        - Time periods authorised for fishing (start and end dates);
        - Area(s) of fishing;
        - Species targeted; and
        - Gear used.

- (c) By 31 August an annual report of steps it has taken to implement the inspection, investigation, and sanctions provisions of Conservation Measure 119/XVII “Licensing and Inspection Obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area”;

- Amend paragraph XII by inserting a new sentence at the start as follows:

The Flag State shall, within fourteen days of the initiation of a laying of charges or court proceedings relating to a prosecution, inform the Secretariat of this information, and shall continue thereafter to inform the Secretariat as the prosecution develops or is concluded.

The next sentence should start with ‘In addition,’.

- (xx) Direct the Secretariat to provide information submitted by Members on assessment and avoidance of incidental mortality, on the implementation of Conservation Measure 119/XVII and details of inspection effort, prosecutions and sanctions taken with respect to vessels fishing in contravention of CCAMLR conservation measures, inspections of non-Contracting Party vessels, and establishment and implementation of VMS in summary form to Members for review during annual meetings of the SCOI, Commission and the Scientific Committee;
- (xxi) Direct the Secretariat to develop mechanisms on the website for notifying Members of updates to the CCAMLR website; and
- (xxii) Direct the Secretariat to follow all the deadlines established by the System of Inspection and conservation measures when placing all information mentioned above on the CCAMLR website.

5.11 The Secretariat informed the Committee that these changes to the reporting obligations and the means by which the Secretariat circulates information should not impact on the budget provided that:

- (i) there is no conflict with the Secretariat’s current priorities;
- (ii) there is not a large degree of duplication of information, i.e. hard copies being circulated to a large number of Members in addition to posting information on a website; and
- (iii) the majority of information received from Members is in electronic format.

5.12 SCOI discussed the continuing application of paragraph 7.22 of the Report of CCAMLR-XV. Paragraph 7.22 notes that, ‘The Commission agreed that the effectiveness of paragraph IV of the System of inspection could be improved by obtaining positional information including movements by vessels in and out of the Convention Area and CCAMLR statistical areas. This would require information to be conveyed among Members via the Secretariat in as close to real time as possible.’ The Science Officer informed SCOI that no Members have responded to requests by the Secretariat for this information.

5.13 SCOI requested the Commission to consider:

- (i) whether paragraph 7.22 has been superseded in whole or in part, and if not
- (ii) whether the language of paragraph 7.22 is mandatory or hortatory.



## ADVICE TO SCAF

6.1 The recommendations described in paragraph 5.11 relate to the distribution of information by means of the CCAMLRL website. Extra funds could be required if these recommendations are implemented in a relatively short period of time. The Committee, however, realised that given the present levels of funds, the Secretariat would be able to fully implement all of the Committee's recommendations by the time of the next meeting of CCAMLRL (see also paragraph 5.12).

## OTHER BUSINESS

7.1 There was no other business proposed under this agenda item.

## ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

8.1 The Committee elected Mr G. Bryden (New Zealand) to the position of Chair and Mr M. Fontanot (Uruguay) to the position of Vice-Chair.

8.2 The Committee recommended to the Commission that these officers should serve a one-year term until the end of the 2000 annual meeting. At the end of that term the Vice-Chair should assume the Chair.

## ADOPTION OF THE REPORT

9.1 The report of the 1999 Meeting of the Standing Committee on Observation and Inspection was adopted.

## CLOSE OF THE MEETING

10.1 The Chairman thanked delegates for their hard work during the Committee's deliberations.

10.2 The meeting was closed.

**AGENDA**

Standing Committee on Observation and Inspection (SCOI)  
(Hobart, Australia, 25 to 29 October 1999)

1. Opening of Meeting
2. Illegal, Unreported and Unregulated Fishing in the Convention Area
  - (i) Information Provided by Members in Accordance with Articles X and XXII of the Convention and the System of Inspection
  - (ii) Implementation and Effectiveness of Measures Adopted in 1998
  - (iii) Development of a Catch Documentation System for *Dissostichus* spp.
  - (iv) Examination of Additional Measures
    - (a) Collection of Landing and Trade Statistics for *Dissostichus* spp.
    - (b) Development of an Action Plan
    - (c) CCAMLR Vessel Register
    - (d) Other Actions
  - (v) Advice to the Commission
3. Operation of the System of Inspection and Compliance with Conservation Measures
  - (i) Implementation of Conservation Measures in the 1998/99 Season
  - (ii) Inspections Undertaken in the 1998/99 Season
  - (iii) Actions of Flag States in Respect of Inspections Undertaken
  - (iv) Improvements to the System of Inspection
  - (v) Advice to the Commission
4. Operation of the Scheme of International Scientific Observation
  - (i) Observations Undertaken in 1998/99 Season
  - (ii) Improvements to the Scheme
  - (iii) Advice to the Commission
5. Review of SCOI Working Arrangements
6. Advice to SCAF
7. Other Business
8. Election of the Chairman of the Committee
9. Adoption of the Report
10. Close of Meeting.

## LIST OF DOCUMENTS

Standing Committee on Observation and Inspection (SCOI)  
(Hobart, Australia, 25 to 29 October 1999)

SCOI-99/1	Provisional agenda
SCOI-99/2	List of documents
SCOI-99/3	Report on inspection and implementation of sanctions – 1998/99 Delegation of South Africa
SCOI-99/4	Informe sobre procesos judiciales sustanciados en Chile por infracciones a la normativa vigente de la CCRVMA desde 1992 al 16 de Septiembre de 1999 Delegación de Chile
SCOI-99/5	On the establishment of a CCAMLR Vessel Register Secretariat
SCOI-99/6	Deployment of UK-designated CCAMLR inspectors and observers during the 1998/99 fishing season Delegation of the United Kingdom
SCOI-99/7	Reports of inspection Secretariat
SCOI-99/8	Sighting of fishing vessel in the Convention Area and implementation of Conservation Measure 119/XVII Delegation of Argentina
SCOI-99/9	Sighting of fishing vessel in the Convention Area in 1998/99 Delegation of France
SCOI-99/10	Information on Norway's regulations with respect to unregulated fisheries on the high seas Delegation of Norway
SCOI-99/11	Information on landings of toothfish in ports of non-contracting parties, Mauritius and Namibia Secretariat
SCOI-99/12	Comments of the European Community on information provided by non-contracting parties on landings of toothfish Delegation of the European Community
SCOI-99/13	Summary of trade data for <i>Dissostichus eleginoides</i> (Appendix B from SC-CAMLR-XVIII/BG/1)
SCOI-99/14	Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen pour la saison 1998/99 (1 <sup>er</sup> juillet 1998 – 30 juin 1999) Informations générales sur la zone CCAMLR 58 Délégation française

SCOI-99/15	Catches from IUU fishing of <i>Dissostichus</i> spp. and unregulated seabird by-catch (Extracts from SC-CAMLR-XVIII, Annex 5 – report of WG-FSA)
SCOI-99/16	Vessel monitoring system – UK compliance with Conservation Measure 148/XVII Delegation of the United Kingdom
SCOI-99/17	Informe de la inspección realizada al buque palangrero <i>Isla Guamblin</i> Delegación de Argentina
SCOI-99/18	The adoption of a policy to enhance cooperation between CCAMLR and non-Contracting parties Delegation of Australia
SCOI-99/19	Unregulated fisheries in the CCAMLR area on stocks regulated by CCAMLR: additional measures to counteract activities by non-Contracting parties Delegation of Norway
SCOI-99/20	Report of the Task Group on Members' Reporting Obligations Convener, USA
SCOI-99/21	Proposal from the European Community and Australia on an amendment to Conservation Measure 148/XVII
SCOI-99/22	Members' annual reporting obligations – discussion text
Other Documents	
CCAMLR-XVIII/6	Review of Members' annual reporting obligations Secretariat
CCAMLR-XVIII/19	Review of working arrangements for the Standing Committee on Observation and Inspection (SCOI) Secretariat
CCAMLR-XVIII/22	Catch Documentation Scheme Delegations of Australia, European Community and USA
CCAMLR-XVIII/BG/9	Implementation of conservation measures in 1998/99 Secretariat
CCAMLR-XVIII/BG/15	Implementation of the System of Inspection and other CCAMLR enforcement provisions in the 1998/99 season Secretariat
CCAMLR-XVIII/BG/24	International conference, monitoring, control and surveillance on fishing activities Santiago, Chile, 25–27 January 2000 Secretariat
CCAMLR-XVIII/BG/27	Implementación de las medidas de conservación de la CCRVMA en Chile Delegación de Chile

- CCAMLR-XVIII/BG/29 Information on trade in *Dissostichus* spp.  
Delegation of Australia
- CCAMLR-XVIII/BG/33 Implementation by the United States of Conservation  
Measure 148/XVII, automated satellite-linked vessel monitoring  
systems (VMS)  
Delegation of the USA
- CCAMLR-XVIII/BG/37 Summary of measures taken to combat illegal, unregulated and  
unreported fishing in the Convention Area for the year to 30 June  
1999  
Delegation of Australia
- SC-CAMLR-XVIII/BG/1 Catches in the Convention Area 1998/99  
Secretariat