

**Antarctic and
Southern Ocean
Coalition**



**CCAMLR XXIII
(25 OCTOBER – 5 NOVEMBER, 2004)**

HOBART, AUSTRALIA

MEETING REPORT

NOVEMBER 2004

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ACRONYMS AND ABBREVIATIONS

ATCM	Antarctic Treaty Consultative Meeting
CCAMLR	Convention / Commission for the Conservation of Antarctic Marine Living Resources
CDS	Catch Documentation Scheme
DCD	<i>Dissostichus</i> Catch Document
EEZ	Exclusive Economic Zone
GYM	Generalized Yield Model
MCS	Monitoring, Control and Surveillance
MPAs	Marine Protected Areas
RFMO	Regional Fisheries Management Organization
SC	Scientific Committee
SCAR	Scientific Committee on Antarctic Research
SCIC	Standing Committee on Implementation and Compliance
SSMUs	Small Scale Management Units (krill fishery)
TAC	Total Allowable Catch
VMS	Vessel Monitoring System
WG-EMM	Working Group on Ecosystem Monitoring and Management
WG-FSA	Working Group on Fish Stock Assessment

LIST OF ASOC PARTICIPANTS

- **Alistair Graham** (Tasmanian Conservation Trust), NGO representative in Australian delegation
- **Nathan Walker** (WWF), NGO representative in New Zealand delegation.
- **Deon Nel** (WWF), NGO representative in South African delegation.
- **Andrea Kavanagh** (National Environmental Trust, US), NGO representative in US delegation.
- **Indrani Lutchman** (WWF), NGO representative in UK delegation
- **Margaret Moore** (WWF), representative on ASOC delegation
- **Estelle Van der Merwe** (ASOC, Southern Africa), representative on ASOC delegation.
- **Cristián Perez Muñoz** (ASOC, Latin America), representative on ASOC delegation.
- **Mark Stevens** (National Environmental Trust, US), representative on ASOC delegation.
- **Virginia Gascon** (ASOC, Europe), representative on ASOC delegation.
- **Yeyong Choi** (ASOC, Korea), representative on ASOC delegation.

SUMMARY

The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) held its XXIII Meeting in Hobart (Australia), from October 25 to November 5, 2004. ASOC has observer status and attends each year. The main step forward taken by CCAMLR this year has been the adoption of a centralized Vessel Monitoring System (cVMS), which had been on trial for the previous season and has been under discussion for the last two years. The implementation of a cVMS requiring vessels to transmit VMS position information to the Secretariat headquarters as well as the flag state, is a key measure to combat Illegal, Unreported and Unregulated (IUU) fishing for toothfish in the CCAMLR Area. A cVMS is important to close the current loophole that allows vessels to misreport catches taken illegally within the CCAMLR Area, as having been obtained outside the Convention Area. Although this year's adoption of a cVMS is an important step forward, CCAMLR's VMS is still only required within the Convention Area instead of on a port-port basis, an aspect that limits the effectiveness of the measure.

Another important improvement needed to close current loopholes in the system is the adoption of an electronic CDS (eCDS). The eCDS has been on trial for two years and it was clear at this meeting that there are no major practical problems associated with the use of the eCDS. In spite of this, there was no agreement on the adoption of a compulsory eCDS this year and paper DCDS will still be accepted. The US, a major import market for toothfish, has announced that, in the short term, only toothfish with eDCDS will be admitted in the US market.

The role of ASOC as an accepted CCAMLR observer was somewhat hampered at this meeting by the fact that much of the substantive discussion on new conservation measures and key issues was held in working groups without the participation of observers. The lack of transparency of the discussions, together with unjustifiable restrictions to comments by observers in relation to key issues, was a worrying development at this meeting.

The issue of the toothfish TAC for Subarea 48.3 has been one of the more contentious at CCAMLR XXIII, with important implications regarding the role and ability of the SC to reach agreement on recommendations to the Commission. The Commission was placed in the position of having to debate and decide a TAC in the absence of an agreed SC position.

While some steps have been taken at this meeting on planning future work for the discussion of potential MPAs in the CCAMLR Area, no progress has been made on other critical issues such as ensuring a precautionary management of the krill fishery, or taking steps towards protecting sea mounts and other deep-sea ecosystems by effectively limiting or prohibiting bottom trawling in the CCAMLR Area. In spite of international calls to take urgent action to protect vulnerable deep sea habitats, the issue was out of the Commission agenda and there were even attempts by a CCAMLR Member to initiate a new bottom trawl fishery in the CCAMLR Area. Fortunately, concerns expressed by other Members and pressure from ASOC and IUCN resulted in the withdrawal of this proposal.

The main developments and outcomes of CCAMLR XXIII on ASOC's policy priorities and other important issues are presented as follows:

1. *Dissostichus* Catches and estimates of IUU Fishing

Recent seasons' removals of *Dissostichus* are as follows (in tonnes):

Season	CCAMLR legal catch	CCAMLR IUU catch	EEZs outside CCAMLR	High seas outside CCAMLR (IUU) ^b	Total
2002/03	18,507	10,070	12,182	11,955	52,714
2003/04	13,307 ^a	2,622	7,220	3,746	26,888

a Reported catches as of October 2004.

b CDS-reported catches from outside the Convention Area. These can be considered unregulated catches, and part of IUU fishing, as there is no guarantee that the flag state exerts appropriate control over its vessels, and there are no catch limits in place for these areas.

The table above shows a significant decline in estimated IUU catches taken from inside the Convention Area, as well as catches reported to be taken from the high seas outside the CCAMLR Area. The SC and WG-FSA discussed the reasons for this decline, including: Depletion of stocks; shifting of IUU activity to other areas, where surveillance is less intense and licensed vessels do not operate, resulting in less sightings; impact of trade and MCS measures and consequent reduction of market availability for IUU product; fewer CDS reports from catches outside the Convention Area, as a consequence of re-flagging of vessels to countries not implementing the CDS. It was concluded that the information available does not determine which of these possible reasons are most likely to have caused this decline.

Nevertheless, the SC reaffirmed its conclusion from previous years that catches in Areas 47, 51 and 57 (outside the Convention Area) are likely to be unsustainable.

OUTCOME: *Current estimates indicate a significant decline in IUU catches. However, it is not clear whether this is due to a decline in IUU activity as a result of CCAMLR measures, a depletion of the stocks, or an under-estimation of IUU levels. Regardless of this, IUU catches (inside and outside the CCAMLR Area) continue to be unsustainable.*

2. Centralized Vessel Monitoring System (cVMS)

The adoption of a centralized Vessel Monitoring System (cVMS) represents the most important step forward of this CCAMLR Meeting. This system requires vessels fishing in the Convention Area to transmit VMS position information to the Secretariat headquarters as well as the flag State.

As at CCAMLR XXII Meeting, the proposal was jointly submitted by the delegations of Australia, New Zealand and the USA. At CCAMLR XXII, the measure was not adopted, but received strong support from all but a few delegations. As a result, a voluntary trial of cVMS was agreed. For this trial, conducted during the 2003/04 season, the CCAMLR Secretariat installed a cVMS system under the oversight of a committee of Members. The results of the trial were deemed satisfactory by Members participating in the trial.

The proposal implied the reform of the VMS CCAMLR conservation measure (CM 10/04) and it was discussed at SCIC, prior to its reference to the Commission. Main issues discussed related to confidentiality of the data, the role of the Secretariat, flag states and port states in regards to verification and disclosure of the VMS data, and the need to make sure that the VMS is tamper-proof.

A particularly important issue in discussion was whether the measure would apply to vessels only while they remain in the CCAMLR Area, or throughout the whole fishing trip. Some delegations strongly defend the position that the use of VMS should only be required while vessels are operating within the Convention Area, and not outside. Although it was proposed that a VMS should be operative throughout the whole operation (port-to-port), this requirement was finally removed. Nonetheless, the US delegation announced that although the new conservation measure requires cVMS only in the Convention Area, the US would continue to require VMS coverage from port to port, with reporting every four hours, for any imports of toothfish in to the country.

On a related matter, the need to strengthen the tamper-proof component of the VMS conservation measure has been in discussion for some time within CCAMLR and has also been one of ASOC's priorities. Proposed amendments to the system this year included a provision requiring CCAMLR Parties to report on steps taken to ensure that the national VMS applied is tamper proof. This is an important first step towards a mechanism that pressures countries to operate a reliable system. The provision was removed from the proposed reforms to CM 10/04 but was included in the reforms of CM 10/02 (licensing and inspection obligations) also approved by CCAMLR XXIII. This conservation measure includes now an obligation of flag states to provide information of steps taken to ensure the tamper proofing of VMS for each vessel licensed to fish in the CCAMLR Area.

Main features of CCAMLR cVMS:

- Applicable to all CCAMLR fisheries except krill: VMS is only currently required by CCAMLR for all fisheries except for krill. Consequently, cVMS does not apply to krill fishing either.
- Applicable only within the Convention Area: currently, the operation of a VMS is only required when fishing vessels enter the Convention Area. The operation of a port-to-port VMS system would be the only way to make sure that mis-reporting toothfish catches is not possible. Under the current system, if VMS is not required by flag states on fishing vessels throughout the whole fishing trip, it would be possible for a vessel to enter the Convention Area illegally without reporting its positions. Some CCAMLR Members require its registered vessels to operate a VMS outside the Convention Area as well as inside, but it is still not generally and equally applied, as it is not required by a CCAMLR conservation measure.

- Indirect reporting of data to the Secretariat: the new VMS conservation measure requires CCAMLR Parties to forward VMS data on its vessels fishing in the Convention Area to the Secretariat. This means that the VMS data is first transmitted from the vessel to the flag state, and then from the flag state to the Secretariat. The new measure provides for the possibility of flag states to establish a direct reporting from the vessel to the Secretariat, on a voluntary basis.
- Data reporting frequency: the current system required the on-forwarding of VMS data to the Secretariat consists on a two-tiered system: data must be forwarded four hours after receipt of the data for longline exploratory fisheries, and “as soon as possible following departure of the CCAMLR Area” for the rest of the fisheries. This possibility will reduce the effectiveness of the measure in non-exploratory fisheries, particularly for inspection purposes.
- Sharing of VMS data: General data on vessels submitting VMS data to the Secretariat will be placed on the password-protected section of the CCAMLR website, indicating subareas and divisions where the vessels are located, but not their exact position. VMS data including exact vessel locations is made available to CCAMLR Parties other than the flag state only for DCD validation or for inspection and surveillance activities. The provision of specific locations for verification of DCDs is very important, since it is the only way to make sure that catches were taken in accordance with the fishing licence (and therefore, that the information on the DCD on the legality of the catch is correct). In this case, the Secretariat will seek permission of the flag state to provide the VMS data to the state that wants to validate the DCD. Concerns over this safeguard were expressed during SCIC, namely what will happen if a flag state denies permission to share the VMS data. The proposed solution to this situation is that the importing state or state of landing can reserve its right not to accept the toothfish consignment if it is not convinced of the validity of the DCD, and VMS data on vessel location is not provided. In the case of use of VMS data for inspection or surveillance activities, the CCAMLR Secretariat can provide VMS data, including vessel locations, without the permission of the flag state.

OUTCOME: *A centralized Vessel Monitoring System was adopted at this meeting. cVMS only applies to vessels when they enter the Convention Area. A compulsory port-to-port VMS is still opposed by a number of delegations.*

3. Electronic Catch Documentation Scheme (eCDS)

The need for the implementation of an electronic CDS (eCDS) was discussed at SCIC. Most CCAMLR Members agreed that the trial on the use of eCDCs, already in place for two years, had been successful. The US was very proactive in trying to convince CCAMLR Members to adopt a full eCDS at this meeting. However, some delegations expressed concerns over the possibility that the implementation of eCDCs would rule out the use of paper DCDs, arguing that some countries might have difficulties to issue DCDs. These delegations argued that paper DCDs should still be admitted as well as eCDCs. Other

delegations highlighted the benefits of fully implementing the eDCDs right away, pointing out that the system is cost-effective and easy to use. It was clear that CCAMLR Members should be ready and able now to fully implement a eDCD. However, as a compromise between those in favor of its full implementation and those who argue defend for eDCDs and paper DCs to co-exist for some more (undetermined) time, the reform of the CDS was put off, and in its place, a voluntary Resolution was adopted, encouraging CCAMLR Members and countries participating in the CDS to move towards the full implementation of a eCDS “as a matter of priority”.

While CCAMLR’s decision to postpone compulsory full implementation of eDCDs is disappointing, it is important to note that the US formally announced at this meeting that, in the short term, its government will only accept toothfish imports accompanied by eDCDs. Taking into account that the US is a major import market for toothfish, it is likely that this decision, if implemented, will force CDS-participating countries that fish and export toothfish to make progress towards using eDCDs, even in the absence of a CCAMLR conservation measure requiring them to do so.

OUTCOME: *No agreement on a mandatory eCDS was reached. In its place, a voluntary Resolution encouraging Members to adopt an eCDS was adopted. The US announced that soon it will only accept toothfish imports with eDCDs, which is likely to force other countries to adopt eDCDs in order to meet the US demands.*

4. IUU Vessel Black List and Actions Against non-Complying States

Conservation Measures 10-06 (2002) and 10-07 (2002), adopted by CCAMLR in 2001, instruct the Commission to identify, at each annual meeting, those vessels that have engaged in IUU fishing activities in the Convention area. These are the vessels to be included in the “IUU Vessel List”, adopted yearly by the Commission. The adoption of the IUU Vessel List seemed to be less controversial at this meeting than it was last year, when a Member of the Commission (the Russian Federation) managed to block consensus on the listing of Russian-flagged vessels, despite convincing documented evidence put forward by other members that Russian ships had engaged in IUU activities.

It was agreed that all the vessels included in the 2003 IUU Vessel List should remain on the lists. This comprises the following vessels, including updated information on new names and flags:

Contracting Party Vessels:

- ❑ ETERNAL (according to France, this vessel is re-flagged to Madagascar and is now a passenger vessel, it should remain on the list for the time being)
- ❑ VIARSA 1

Non-Contracting Party Vessels:

- ❑ ROSS (ex ALOS, ex LENA, now flagged to Togo)
- ❑ AMORINN (ex NOEMI, ex LOME; now flagged to Togo)
- ❑ GOLDEN SUN (ex NOTRE DAME, ex MARE, now flagged to Equatorial Guinea)
- ❑ LUCKY STAR (ex PRASLIN, flagged to Equatorial Guinea)
- ❑ INCA (ex VIKING; flagged to Belize)
- ❑ SARGO (flagged to Togo; ex LUGALPESCA; it was listed in 2003 under the Contracting Party vessel list; originally included in the 2004 Contracting Party vessel list as flagged to Uruguay, but the vessel was found to be renamed and re-flagged to Togo)
- ❑ THULE (flagged to Equatorial Guinea; ex MAGNUS, ex DORITA; was listed in 2003 under Contracting Party vessel list (Uruguay))

In addition, the following vessels were added to the IUU Lists:

Contracting Party Vessels:

- ❑ MAYA V (Uruguay)
- ❑ SHERPA UNO (Uruguay)

Non-Contracting Party Vessels:

- ❑ APACHE I (ex AMERICA I, ex CAROLINA GLACIAL, now flagged to Honduras)
- ❑ CHAMPION-I (unknown flag, ex-Russia; originally included in the CCAMLR Parties IUU vessel List as a Russian flag, but Russia announced its de-flagging and provided no details of its new flag)
- ❑ HAMMER (ex CARRAN, unknown flag)
- ❑ KOKO (France claims to be ex AUSTIN-1, previously flagged to Russia, now flagged to Georgia)
- ❑ PISCIS (unknown flag; originally included in the CCAMLR Parties IUU vessel List as flagged to Uruguay, but Uruguay informed of de-flagging)

The most controversial issue this year in relation to IUU vessels was the notification by a CCAMLR Member (Ukraine) of two Ukrainian-flagged vessels, with an IUU history, to participate in CCAMLR exploratory fisheries. The vessels are the MELLAS and the SIMEIZ. Evidence was presented to SCIC that these vessels were the EVA-1 and the FLORENS-1, two Russian vessels that were discussed at CCAMLR XXII, but could not be listed because of the Russian veto, despite documented evidence presented that these vessels had been engaged in IUU activities. It was clear at the meetings that documentation

exists establishing that the beneficial ownership of these vessels is the same as when they were engaged in IUU activities. The vessels are reported to be under the control of *Sunhope Investments*, a subsidiary of *Pacific Andes*, a major illegal toothfish operator.

This issue was regarded with particular concern since at the ATCM-XXVII in 2004, Ukraine had been accepted as a Consultative Party to the Antarctic Treaty. At that meeting, the Minister for Science and Technology of Ukraine had offered a public apology regarding these vessels, assuring the ATCM that the case would be thoroughly investigated, and that the now disputed vessels might be de-licensed. In spite of that ministerial statement at the ATCM, the explanations given by Ukraine at CCAMLR XXIII about these vessels were completely unsatisfactory. This response disappointed most delegations, and many Members requested Ukraine to withdraw the vessels from the list of notifications for exploratory fisheries.

As it became apparent at these discussions, the problem is that there is no clear legal mechanism within CCAMLR that allows the Commission to deny the right of these vessels to participate in exploratory fisheries. Neither of the vessels were on the IUU Lists (having been blocked in 2003 by Russia). As a result, the vessel SIMEIZ will be allowed to enter CCAMLR legal fisheries even though it is commonly known that it is an IUU vessel and that it is still operated by companies related to Pacific Andes.

The situation concerning the MELLAS and the SIMEIZ is a good example of the loopholes of CCAMLR current measures on IUU vessels. First, it is possible for a CCAMLR Member to block the inclusion of its vessels on the IUU Vessel List, in spite of conclusive evidence of the involvement of the vessels in IUU activities. Second, there is no legal mechanism that provides for a review of the circumstances in regard to vessels that are notified for new or exploratory fisheries, that would allow the Commission to deny the entrance of these vessels into CCAMLR fisheries, based on evidence presented on the vessels' link to IUU operators.

OUTCOME: *Contracting Party and non-Contracting IUU Vessel Lists were adopted and updated this year. Vessels with a proven link to IUU operators were notified for exploratory fisheries by a CCAMLR Member, making clear that the current CCAMLR system against IUU vessels has serious loopholes that allow IUU operators to re-enter the legal fishery fairly easily.*

5. Precautionary Management of the krill fishery

At this meeting, ASOC tabled a background paper describing the main features of the Antarctic krill (*Euphausia superba*) fishery, outlining major concerns in relation to a potential expansion of the fishery in the near future, and reviewing related impacts on krill-dependent predators such as penguins, seals and other mammals and seabirds.

The total krill catch for the 2002/03 season was 117,728 tonnes. Most of the catch was obtained in 3 of the 15 SSMUs in Area 48. In the 2003/04 season, reported krill catch prior to the meeting amounted to 87,133 tonnes (by seven CCAMLR Members). SCIC, the Scientific Committee and the Commission held discussions on the issue of a vessel flagged to a non-CCAMLR Member, the ATLANTIC NAVIGATOR, flagged to Vanuatu, an acceding state, and apparently under the control of US nationals. This vessel had failed to

submit its catch data in a timely manner, and only reported to the Secretariat during the meeting. This vessel's reported catch amounted to 14,979 tonnes, bringing the total krill catch within the CCAMLR Area during the 2003/04 season to 102,112 tonnes.

The case of the ATLANTIC NAVIGATOR raises important concerns not only because of its failure to submit timely catch reports to CCAMLR (necessary for the SC to be able to make adequate informed assessments on this fishery), but also because this vessel is reported to be using new technology to catch and process krill. It was reported that this vessel intends to catch 60,000 tonnes of krill in the 2004/05 season.

Some Members expressed concerns that Vanuatu should become a full CCAMLR Member and fully comply with all CCAMLR conservation measures, and even suggested that meanwhile, this vessel's activities might be considered IUU fishing. It was also mentioned that the appearance of new entrants and the use of new technologies might bring changes in the nature of the fishery, driven by developments and increased expectations occurring outside the CCAMLR community. This brings even more uncertainty to CCAMLR's predictions in relation to the krill fishery.

CCAMLR krill fishing Members submitted data on fishing plans, which indicate a projected total catch of 226,000 tonnes for the next season. Even though the SC acknowledged that projected catches were just estimates, probably higher than real catches, a total catch of 160,000 tonnes in 2004/05 was considered a reasonable expectation. This could represent nearly a 50% increase in relation to 2003/04 krill catches. The majority of the SC concurs that, analyzing multi-year trends, the fishery shows an increasing pattern, which needs to be considered in combination with new factors that add uncertainty to the issue.

The SC noted ASOC's paper on krill, which was presented to the floor and its recommendations included in the krill section of the SC Report.

Another issue that raises concern in relation to the krill fishery is the increased level of entrapment and killing of Antarctic fur seals in krill fishing operations. A minimum of 114 Antarctic fur seals were caught in krill fishing operations in Area 48 in the 2002/03 season, 53 of which were killed. It is important to know that these data are not comprehensive, as the presence of observers on board krill vessels is not currently required by CCAMLR. Reports for 2003/04 included data that indicated that 142 seals were killed by a single vessel. Reports from observers on six vessels indicated entrapment of 292 seals. These reports are alarming, especially taking into account that the real figures are not known. The situation might be even worse and it might have been serious for many years, without data being available for CCAMLR. Some Members are using mitigation devices that seem to be effective, but it was noted that they might work differently when deployed in vessels using different gears, so the SC concluded that more studies are needed before the use of a particular device can be recommended for the whole fishery.

In relation to the subdivision of catches between the SSMUs established in 2002, the WG-EMM still has not come to an agreement on how to subdivide catch limits in Area 48, to adequately account for predator needs. A workshop will be held in 2005 to address this issue. The general view of the SC was that the subdivision is essential to the management of the fishery.

Despite the clear pressing need to establish a regulated and enforceable precautionary management regime for the second generation krill fishery, the increasing uncertainties regarding this fishery, new technologies being used, new states entering the fishery, a potentially serious by-catch problem, and insufficient information available to CCAMLR, no substantive discussion on the krill fishery occurred at the Commission Meeting. As a result, no progress was made on CCAMLR rules applicable to this fishery, which still does not require detailed reporting, observers on board nor the operation of a VMS.

OUTCOME: *No progress was made this year on CCAMLR requirements applicable to the krill fishery. Krill catches are likely to increase in the near future, and greater uncertainties affect this fishery. New, alarming by-catch reports are a clear indication of the need for scientific observers to be required on board all krill vessels.*

6. Special mention to the TAC for the South Georgia, South Sandwich Islands (SGSSI) Patagonian toothfish fishery – Sub Area 48.3

In 2002, the WG-FSA discovered a significant error in the 2002 toothfish stock assessment on which it based the 7,800 tonnes TAC for 2002/03 in Subarea 48.3. It was found that the working group had failed to include zero-catch data from the trawl surveys in its calculations, using only data from trawls where they actually caught fish. Upon further investigation, the group discovered that it had made similar errors in 1991, 1990 and 1979. The combined effect was a dramatically over-estimated recruitment for the fishery. A quick recalculation led to two possible TAC recommendations. Correcting for the 2002 error would have resulted in a TAC of around 5,500 tonnes. Correcting for both 2002 and 1990 would have resulted in a TAC of around 2,000 tonnes. Instead of correcting for all of the mistakes, the Commission decided to correct for the 2002 mistake only and applied an arbitrary additional reduction of 20%, resulting in a TAC of 4,420 tonnes. It was agreed that during the inter-sessional period, the recruitment series would be revised. A further reduction in the TAC in Sub Area 48.3 for 2004/05 was expected.

At its the 2004 meeting, WG-FSA attempted to correct the problems identified with the survey data and to apply the GYM - the method traditionally used by CCAMLR to estimate sustainable yields - to calculate a long-term yield that would satisfy CCAMLR decision rules. This resulted in a TAC of 1,900 tonnes in the absence of a historical fishery, and a “zero” TAC if historical catches were to be taken into account. These options would imply either a substantial reduction of fishing operations, or simply closing down the fishery in South Georgia.

A second alternative approach was also proposed. This was based on toothfish tagging estimates that had been conducted in the area since 2000. This suggested annual yields of 4,200– 4,900 tonnes, but considering the uncertainty surrounding some of the assumptions taken into account for these estimates, the lower 95% confidence limit of the tagging analysis was considered. This gave an annual yield of 3,050 to 3,750 tonnes. As some Members pointed out, there are too many uncertainties in relation to these tagging studies.

No solid scientific basis exists that can justify changing the current assessment methods, particularly taking into account that there is a real potential for the stock to be depleted.

Neither the WG-FSA nor the SC were able to come to an agreement on a recommended TAC for 48.3 for the 2004/05 season. The issue was discussed in a sub-working group of the SC, that after protracted debate could not reach consensus, and forwarded it to the Commission for further discussion and decision. Two options were given for the Commission to consider:

- a) A TAC that, given the base-case conditions, was considered not to substantially increase the probability of the spawning stock being depleted, amounting to 1,900 tonnes.
- b) A TAC based on the tagging estimates and scaled recruitment series, amounting to an annual yield of 3,050 to 3,750 tonnes in the so-called “conservative scenario”.

During the Commission Meeting, the issue was referred to a working group from which observers were excluded. Finally, a catch limit of 3,050 tonnes for *D. eleginoides* in Subarea 48.3 in the 2004/05 season was established. This was clearly a purely political decision, not based on solid scientific data. As ASOC highlighted in its statements to the SC and the Commission, it is deeply worrying that the SC was unable to provide proper management advice. The catch limit finally established is neither conservative, nor precautionary, nor scientific.

The catch limit was divided amongst three management areas as follows:

- Area 1 (West Shag Rocks): closed
- Area 2 (Shag Rocks): 915 tonnes (30% of the catch limit)
- Area 3 (South Georgia): 2,135 tonnes (70% of the catch limit).

CONCLUSION: *When correcting past errors in toothfish stock assessments for 48.3, and applying the current assessment method (GYM), the TAC for 2004/05 should have been 0, or 1,900 tonnes at a more risky scenario (still a reduction of more than 50% if compared with last year TAC). Instead of doing this, WG-FSA and SC proposed an alternative method of calculating the TAC based on tagging estimates, with a high degree of uncertainty. The SC was unable to provide agreed management advice and the final decision was left to the Commission, which set a TAC of 3,050 tonnes. This political, non-precautionary decision increases the risks of depletion of stocks and undermines the credibility of CCAMLR scientific bodies.*

7. Marine Protected Areas (MPAs)

Some efforts within CCAMLR were put forward at this meeting, aimed at making progress towards a CCAMLR- MPA strategy. This issue has received a bit more of attention at this meeting than past years, and specific steps have been proposed for making progress

towards a CCAMLR plan of action on MPAs. There was a sense of urgency in the SC for advancing this issue.

A significant development was the fact that an ad hoc group was convened during the SC to formulate recommended actions, and also that this meeting was open to NGO participation (IUCN, ASOC). It was agreed that an inter-sessional workshop would be convened to consider the establishment of MPAs as one of the management tools to support CCAMLR goals. This group recommended that, apart from CCAMLR Members, experts from other governmental, inter- governmental and non- governmental organizations with expertise on this issue be invited to the workshop.

The draft terms of reference for this workshop include: a review of current principles and practices related to the establishment of MPAs; a discussion of how the use of MPAs could contribute to CCAMLR objectives; the consideration of proposals currently under development; a discussion of the types of scientific information that may be required for the development of MPAs to further CCAMLR objectives, including the identification of biophysical regions across the Convention Area. The Commission endorsed this recommendation and the proposed terms of reference for the workshop.

OUTCOME: *Some progress was made this year on specific steps on this issue. A workshop will be organized inter-sessionally to review this issue and discuss the use of MPAs as a management tool to achieve CCAMLR objectives. It is foreseen that this workshop will be open to the participation of NGO-observers.*

8. Deep-sea Conservation and bottom trawling

As a member of the Deep Sea Conservation Coalition, one of ASOC's priorities for this CCAMLR Meeting included the conservation of vulnerable deep sea habitats, particularly sea mounts, cold water corals and other fragile ecosystems. A reasonable expectation for this meeting was for the Commission to adopt official report language expressing CCAMLR's concern about the impact of bottom trawling in the Convention Area and the need to address this issue as a matter of priority in the near future.

There was no leadership within CCAMLR on the need to prohibit bottom trawling to protect deep sea ecosystems. The UK even tabled a proposal to initiate a bottom-trawl fishery for icefish in the Convention Area (Subarea 48.3), which ASOC strongly opposed. During the Commission's discussion on this proposal, some delegations expressed concerns over a potential expansion of bottom trawling in this area and possible greater impacts in the future, particularly considering that a rich benthic community, dominated by sponges and corals, has been documented in some parts of the South Georgia shelf. As a result of this pressure, the proposal was finally withdrawn.

OUTCOME: *No action was taken by CCAMLR towards the protection of deep sea ecosystems, and no substantive discussion on the need to take action to protect these habitats throughout the CCAMLR Area took place. Nevertheless, attempts to expand bottom trawling by a CCAMLR Member were opposed by the Commission on the basis of potential impacts to deep sea sponges and corals.*

9. Cooperation with CITES and support for a toothfish Appendix II listing

In 2002, the 12th Conference of the Parties of CITES adopted a Resolution urging CITES Parties to voluntarily adopt CCAMLR's CDS (Res. Conf. 12.4). The Resolution recognized the need for CCAMLR and CITES to cooperate closely and invited both organizations to exchange information concerning international trade in toothfish products. The Resolution was accompanied by a series of CITES Decisions that instructed CITES Parties to report to the CITES Secretariat about their use of the system by the end of 2003, and the CITES Secretariat to compile this information and report to CCAMLR and to the Conference of the Parties of CITES. The Secretariat was also required to invite CCAMLR to consider, at its 22nd Commission Meeting, how further cooperation between CITES and CCAMLR could be progressed (Decisions 12.57, 12.58 and 12.59). However, no substantial discussion on this issue took place at CCAMLR XXII.

Shortly before the XXIII CCAMLR Meeting, the CITES COP13 met in Bangkok, Thailand (2-14 October 2004). Australia had presented to this COP proposed amendments to Res. Conf. 12.4, which created an on-going reporting mechanism on toothfish trade and on the adoption of the CDS by CITES Parties. Although this was only a voluntary Resolution, it was not adopted by COP. The proposal was voted at one of the CITES Committees and not adopted by a narrow margin. A series of procedural issues would have allowed Australia to bring the issue again by consideration of the COP in plenary and probably obtain the necessary votes to make the Resolution pass, but Australia decided to withdraw the proposal.

At CCAMLR XXIII, there was just a brief presentation by the Executive Secretary of communications between CITES and CCAMLR Secretariats during the 2003/04 season.

CONCLUSION: *No discussion on a CITES toothfish listing took place at the meeting. At CITES COP13, a Resolution presented by Australia to establish an on-going mechanism for cooperation between CCAMLR and CITES, failed to be adopted.*

10. Seabird and other by-catch

In relation to total estimates of incidental mortality of seabirds, it was concluded that the estimated reduction of IUU fishing has also considerably reduced estimates of seabirds killed in IUU operations in the CCAMLR Area to levels only slightly greater than the total estimated for all regulated fisheries. Nevertheless, an issue of concern is the great number of birds still being killed by fishing operations outside the Convention Area. Last year, the Commission stated the need to collaborate with RFMOs with responsibilities for relevant areas, but there has been a lack of response from these RFMOs. The US suggested that

CCAMLR should adopt a Resolution encouraging strengthened communication with appropriate RFMOs, including a call to CCAMLR Members that are also members of other RFMOs to raise the issue at appropriate meetings. The Resolution was adopted.

Regarding seabird by-catch by regulated fisheries, France presented its inter-sessional work conducted to reduce seabird by-catch in its longline operations, which included collaborative work with Australia and New Zealand in the use of mitigation techniques and testing the use of IWLs (Integrated Weighted Lines), and a revision of fishing practices on offal discharge, night setting, line weighting and streamer lines, fishery closure in February, and other measures. As a result, 342 seabirds were reported killed in Crozet, a reduction of 42.5 % with respect to last year (1,243 birds were killed in the previous season in this area), and 3,666 birds were killed in Kerguelen, a reduction of 73.7% if compared with last year (where 13,926 birds were killed). Mortality in these areas mainly affects white-chinned petrels (93%) and grey petrels (5%). France was congratulated for progress made, and further improvements were recommended, which France undertook to implement.

The level of compliance with some measures to reduce seabird by-catch in the legal fisheries other than the French EEZs has been significantly lower than last year. In some cases, this may be due to certain reforms introduced to Conservation Measure 25-02 last year, but in other cases, lack of compliance relates to measures that haven been in force for previous years, and there seems to be no justification for non-compliance.

The Commission noted the celebration of the First Meeting of Parties of ACAP, held in Hobart shortly after the CCAMLR Meeting (10 to 12 November 2004). The Secretariat prepared a paper to be submitted to the ACAP Meeting.

The issue of fur seals entrapments and killings in the krill fishery was also briefly discussed by the Commission, although no specific decisions were taken in this regard (see section 5 of this report).

CONCLUSION: *French fishermen have significantly reduced their seabird by-catch rates, but there is still much room for improvement. The level of compliance with mitigation measures in fisheries other than the French EEZs has been lower than last year's. Data on fur seals by-catch as a result of krill fishing is a cause of serious concern.*

ASOC tabled the following papers to CCAMLR XXIII:

CCAMLR-XXIII/BG/27: Illegal toothfish trade: Introducing illegal catches into the markets (Submitted in English and Spanish).

CCAMLR-BG/31: Priority issues and recommendations of the Antarctic and Southern Ocean Coalition (ASOC) for the XXIII Meeting of the Convention on the Conservation of Antarctic Marine Living Resources.

CCAMLR-BG/32: Noise Pollution in the Southern Ocean.

CCAMLR-BG/33: Protection of the High Seas.

SC-CCAMLR-BG/25: Management of the Antarctic krill: ensuring the conservation of the Antarctic marine ecosystem.

ASOC papers were generally very well received and many delegation members expressed their appreciation of the quality of the papers and the appropriateness of their recommendations.

The illegal toothfish trade paper was briefly presented by Virginia Gascón at SCIC. This paper triggered some discussion at SCIC and the Commission on the use of trade statistics and information as an indication for illegal fishing activities. The paper was also used as a basis for very useful and productive exchanges of views and information with trade control and enforcement officials in several delegations.

The krill paper was formally presented by Mark Stevens at the SC, and references were made to the Acoustics and Priorities Paper in ASOC's Statement to the SC.

ASOC's statement to the Commission included specific references to the krill, protection of the high seas and priorities paper.

Two ECOs were produced throughout the meeting, ECO 1 in the first week and ECO 2 in the second week of the meeting.

The ASOC team conducted lobbying activities addressed at advocating the issues identified in ASOC's priorities paper.

An ASOC/IUCN meeting was held, where the main elements of ASOC strategy at the meeting and ASOC's statement to the Commission were identified. Positions were coordinated with the IUCN representative in CCAMLR (Imène Meliane) in order to make sure that IUCN and ASOC interventions at the floor were complementary and mutually supportive, particularly on issues like bottom trawling and MPAs.

Estelle Van der Merwe prepared an update of ASOC's IUU Vessels Red List for this meeting. Although the Red List was not formally tabled at CCAMLR, it was shared with several delegations particularly involved in tracking IUU vessels and operations. This was the basis for a series of very productive meetings between members of the ASOC team and enforcement officials present at the meeting, to strengthen the collaborative work. This will enable ASOC to continue sharing of information on IUU operations and vessels, and to extend ASOC's informal network against IUU fishing and trade.

Several ASOC representatives attended the MPAs ad hoc group convened during the SC. This group formulated recommended actions on MPAs such as an inter-sessional workshop on MPAs that will be held in 2005.

12. ASOC Statements to the Scientific Committee and the Commission

ASOC Statement to the Commission (read out in Spanish by Virginia Gascón, English translation follows):

ASOC welcomes this opportunity to address the Twenty-Third Meeting of the Commission. We would like to draw attention to the following papers tabled at this meeting: CCAMLR-BG/27, CCAMLR CCAMLR-BG/31, CCAMLR-BG/32, CCAMLR-BG/33, SC-CCAMLR-BG/25.

ASOC remains concerned about the highly unsustainable levels of IUU fishing in the Convention Area. Current levels of IUU seem to be an under-estimate. Fewer sightings of illegal vessels does not necessarily mean that there is less illegal fishing, unless there is a corresponding decline in trade flows and market availability of toothfish, which we have not observed.

We therefore urge the Commission to take prompt, effective action to close the loopholes of the system, which are currently enabling IUU operators to catch and sell illegally-caught toothfish.

In this context, ASOC welcomes progress made in this meeting towards the implementation of a centralized Vessel Monitoring System. We strongly urge the Commission to adopt this decision.

In relation to VMS, ASOC also believes that an effective vessels tracking system should be capable of determining the position of a vessel throughout the entirety of the fishing trip, on a port-to-port basis. We hope that the Commission will support this concept for all vessels fishing in the Convention Area.

ASOC also welcomes discussions towards the implementation of an electronic Dissostichus Catch Document. After two years of successful trials, it is clear that the e-DCDs are easy to use, and that they do not entail increased administrative costs. The use of e-DCDs will close one of the major loopholes of the system which is enabling illegal catches to enter the markets in the same conditions as legal catches.

ASOC urges the Commission to adopt a mandatory e-DCD system as a matter of urgency, and all countries participating in the CDS to move quickly towards full implementation.

With regard to IUU vessels, ASOC is troubled that some vessels with IUU history are to be considered by the Commission this week to potentially engage in new and exploratory fisheries in the Convention Area. We believe that CCAMLR should establish rules that ensure that illegal operators are not able of entering CCAMLR fisheries through the re-naming and re-flagging of their vessels.

ASOC is also concerned about the increasing interest in the krill fishery, including the introduction of new and improved processing technologies, and the use of new flags to operate in the Convention Area. The information available on these harvesting operations is still insufficient for the Scientific Committee to provide adequate management advice on this fishery. Therefore, we urge the Commission to establish the requirement of scientific observers on board krill vessels. Vessels fishing for krill in the Convention Area should also be required to maintain a VMS, and to report haul-by-haul data, as required in CCAMLR finfish fisheries. Finally, CCAMLR Parties should be required to report their detailed krill fishing plans to the Commission.

To ensure a precautionary management of the krill fishery that avoids impacts on krill-dependent predators, CCAMLR should consider the sub-division of precautionary catch limits amongst the 15 SSMUs established in 2002 as a matter of priority.

ASOC would also like to draw the attention of the Commission to the need to protect critical, vulnerable and high biodiversity areas in the Southern Ocean, through the establishment of Marine Protected Areas in the Convention Area. ASOC urges CCAMLR to support the establishment of Marine Protected Areas and their integration into CCAMLR's management regime. In this context, we welcome the recommendations from the Scientific Committee, particularly the proposed inter-sessional work, which we urge the Commission to endorse.

ASOC also urges CCAMLR to endorse the calls from the Convention of Biological Diversity and the United Nations General Assembly to take urgent action to protect vulnerable deep sea habitats, including sea mounts, cold water corals and other vulnerable ecosystems. This should include the consideration of establishing an interim prohibition of bottom trawl fishing in the Convention Area, until the Scientific Committee has had the opportunity to assess the extent of such vulnerable biodiversity in the Convention Area. In light of all this, ASOC recommends that the Commission rejects any new proposal for initiating a bottom trawl fishery in the Convention Area.

With regards to the fish stock assessment for toothfish in Subarea 48.3, ASOC is concerned that the Scientific Committee could not provide advice on a total allowable catch. This clearly indicates that there is a high degree of uncertainty concerning this assessment. Therefore, we urge the Commission to apply the precautionary principle. Based on the reports from WG-FSA, ASOC believes that a total allowable catch exceeding 1,900 tonnes would not be precautionary.

ASOC's Statement to the SC (read out in English by Mark Stevens):

ASOC draws delegates' attention to the following papers we have prepared for this meeting: SC-CAMLR-XXIII/BG/25 (recommendations on krill); CCAMLR-XXIII/BG/31 (recommendations and priorities for this meeting); CCAMLR-XXIII/BG/32 (noise pollution in the Southern Ocean and recommendations for standardized mitigation measures); and CCAMLR-XXIII/BG/33 (protection of sensitive high seas areas).

ASOC welcomes the initial efforts made by the SCAR Action Group on Noise Pollution and Acoustic Impacts on the Marine Environment. ASOC submits that coordinated efforts by CCAMLR and the ATCM's Committee on Environmental Protection should be made to implement mitigation measures before ATCM-XXVIII, with the aim of reporting back to the ATCM on the progress made. ASOC urges the Scientific Committee and CCAMLR Member States to endorse the recommendations developed by the IWC and SCAR, and to commit CCAMLR resources to this joint effort.

ASOC strongly encourages CCAMLR Members to promote the development of Marine Protected Areas, and to follow recommendations on this from the World Parks Congress, the Convention on Biological Diversity and the UN General Assembly.

CCAMLR's adherence to ecosystem and precautionary approaches is integral to the management of the Convention Area, and places the Commission in a unique position to take concrete action to protect critical, vulnerable and highly sensitive deep-sea habitats in the Southern Ocean, particularly cold-water corals and their associated and dependent species. Special attention should also be granted to the Ross Sea, which has been highlighted as the largest intact marine ecosystem remaining on Earth.

ASOC commends WG-FSA and the subgroup on Subarea 48.3 for its hard work on the assessment of the fishery in Subarea 48.3. This WG and this fishery are recognized globally as examples of conservative, precautionary, and scientific fisheries management. It is clear that there is significant uncertainty associated with this assessment. In that context, ASOC finds it extremely troubling that for the second year running, the Scientific Committee has failed to provide concrete advice to the Commission. A catch limit chosen by a political body is not conservative, precautionary, or scientific.

Additionally, ASOC seeks reassurance that the proposed closure of fishing in Management Area 1 (West Shag Rocks) does not preclude patrolling against IUU fishing, which could severely impact seabird populations in the area.