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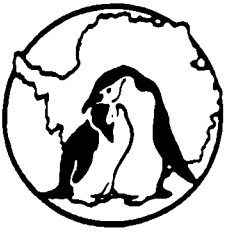
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TO: Folks interested in Antarctica
FM: Beth Marks
RE: ASOC Report of CCAMLR XI
DA: March 1, 1993

Enclosed is ASOC's Report of the meeting of XI CCAMLR. Note that this report was written by the various ASOC folks who attended XI CCAMLR, and is not the US NGO report, as I have written in past years. Life in Washington is too hectic to afford the luxury of two reports!



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ASOC REPORT ON THE XITH MEETING OF THE COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

1. INTRODUCTION

The XIth meeting of the Commission for the Conservation of Antarctic Marine Living Resources was held from 26 October to 6 November 1992, with the meeting of the Scientific Committee taking place from 26 to 30 October, 1992, in Hobart, Australia. The XII meeting will be held from 25 October through 5 November 1993, in Hobart, Australia.

Progress was made on several issues in which ASOC was involved, including the adoption of a scientific observer scheme. 19 Conservation Measures (CMs) and one resolution were adopted, and two CMs were amended. As in past years, consensus was not reached in several important areas, including:

- * defining an exploratory fishery, i.e., reclassifying as an "exploratory" fishery, any fishery that was previously classified as a "new" fishery. This would have ensured that new fisheries do not develop ahead of the acquisition of biological and demographic information;
- * limiting or closing the krill fishery during critical periods to protect krill predators;
- * closure of nursery grounds to fishing to protect juvenile fish (for the second year, data were not available);

As in past years, the fishing nations attempted to gain consensus for catch levels which were economically beneficial, regardless of the state of the fishery. Although submission of data was better than in the past, timely submission of data is still a problem. Several new or "expanding" fisheries were also reported, and new nations are starting Antarctic fisheries (Ukraine, Bulgaria, Chile and U.S.). We worked closely with CCAMLR nations to try to ensure that new fisheries would develop slowly.

Seven people from Antarctic and Southern Ocean Coalition (ASOC) organisations were in Hobart in various capacities:

Dr. Maj De Poorter (Greenpeace International/NZ) was the ASOC representative in both the Scientific Committee and Commission.

Cassandra Phillips (Worldwide Fund for Nature International/UK) also attended

the Commission meeting as an ASOC observer.

Janet Dalziell (Greenpeace International/Australia) was the ASOC Australia representative on the Australian delegation.

Indrani Lutchman (Worldwide Fund for Nature/UK) was the NGO on the UK delegation.

Beth Marks (The Antarctica Project/US) was the NGO on the US delegation.

Kaye Dyson (Greenpeace Australia) and **Johanna Wesnigk** (Greenpeace Germany) were in Hobart as lobbyists at the meeting but did not attend the meeting itself.

2. RESULTS OF THE MEETING

2.1 KRILL

Krill catches for all areas have been increasing since 1986, but the total catch for 1991/92 showed a decline from the 1990/91 season. Catches were 19% less than 1990/91, totalling 288,546 tonnes. Most of the krill catch for 1991/92 was taken from sub-area 48.3 (South Georgia), although there were substantial catches from subareas 48.1 (Peninsula) and 48.2 (South Orkneys).

Countries fishing for krill in the 1991/92 season were Russia, Ukraine, Poland, Korea, Chile and Japan, with Russia taking the highest catches, followed by Japan and Ukraine. Most countries said that their fishing activities for krill will not be expanded during the coming season.

Although the total catch was much below the precautionary limit which was established last year, there was concern about the lack of compliance with the conservation measure which called for the monthly reporting of krill catches. It was assumed that this was because this was the first year that Conservation Measure (CM) 32/X was in force, and compliance would improve in the future. (CM 32/X requires monthly reporting of the krill catch in Statistical Area 48.)

It was felt that the placing of observers on board Russian and Chilean vessels this past season was very helpful in the collection of haul by haul data to be used in assessment studies, and the placement of observers on fishing boats in the future was encouraged. The importance of haul by haul data was once again emphasised at this meeting in the hope that more countries would comply.

The Scientific Committee (SC) extensively discussed the work done by the Krill Working Group during the last year on the topics of estimation of biomass, refining calculations of potential yield, refining the precautionary principle, and the ecological implications of krill fishing.

CM 45/XI was adopted, which sets a precautionary catch limit (pcl) of 390,000 tonnes for

Sub-area 58.4.2 (Prydz Bay) for any fishing season (defined as 1 July through 30 June of the following year). This catch limit was calculated in a similar way to the pcl for Area 48 set in 1991. Australia reported that it was considering a proposal from an Australian company to start a krill fishery. It would not proceed before the 1992/93 season, if then, and would involve a maximum of four boats and an 80,000 tonne catch.

Several options for allocating pcl's to sub-areas were considered this year. It was suggested that, ideally, the total biomass should be assessed along with predator demands and krill movements. However, many delegations felt that this type of allocation scheme would be very difficult to implement, and in any case, the total catch for 1991/92 was far below 620,000 tonnes, so there is little need to worry.

CM 46/XI was adopted, which divides the 1.5 million tonne total allowable catch (TAC) for Area 48 into the various sub-areas on the basis of a combination of historic data in each sub-area and an estimate of stock from the FIBEX survey. These figures total to more than 1.5 million tonnes, but there is still a requirement that total catch does not exceed 1.5 million tonnes. The limits shall apply to the 1992/93 and 1993/94 fishing seasons, after which they shall be reviewed.

Now that this total has been divided into sub-areas, there is still one major issue to be resolved. Last year, analyses were done that showed the considerable geographical overlap between the krill harvest and the foraging ranges of krill-dependent predators during their breeding season in three successive years in subareas 48.1 and 48.2. The SC stated that "a situation whereby a substantial krill fishery consistently operates within the foraging range of krill-dependent predators at a critical time of year (where the predators have dependent offspring) had long been identified as a most serious concern and one where close and urgent attention needs to be given appropriate management action." The meeting therefore discussed the possibility of doing some analyses of past catches to see how a system of closed areas and seasons aimed at preventing such overlap could be arranged, and how various options would affect the fishery.

Several delegations, including Japan and Chile, stated that because of prevailing low catch levels of krill, and the lack of scientific evidence pointing to the overlap having a negative impact on predator populations, there was no need for additional measures (see section on CEMP).

In the final report, the SC encouraged the Working Groups for Krill and CEMP to prepare relevant information to assist with allocation by finer areas as a priority, and it was suggested that sub-area 48.1 should be the first target for this work.

Several members also expressed interest in estimates of krill consumption by selected predators (especially penguins and fur seals) for Subareas 48.1 and 48.2. WG-CEMP was urged to try and complete the task for some Integrated Study Regions (ISR).

2.2 FISH

A. Statistical Area 48

1. Subarea 48.3 (South Georgia and Shag Rocks)

a. Notothenia rossii

The reported catch in 1991/92 was one tonne, from a research vessel. The biomass estimate of 7,309 tonnes was similar to estimates since the mid 1980s, which suggests that stocks are still at a very low level.

Existing conservation measures (2/III and 3/IV) remain in force. These prohibit direct fishing and aim at keeping bycatch as low as possible.

b. Champsoccephalus gunnari

In January 1992, a bottom trawl survey was undertaken (UK/Poland/Germany). Total standing stock was estimated to be 37,311 tonnes around South Georgia, and 2,935 tonnes around Shag Rocks. This suggests a general increase in stock since the 1991 survey.

The estimate is in accordance with the predictions based on a similar survey in 1991, which suggests that the methods used in the survey are reliable.

The Working Group on Fish Stock Assessment (WG-FSA) also discussed calculated values for the standing stock, using Virtual Population Analysis (VPA), based on 1977-1991 fishing data, but concluded that the VPA as performed was not a good assessment of the current status of the stock because the projected biomass and age structure was not consistent with patterns observed in the survey. For example, projections from VPA predicted that 4 and 5 year old fish would be abundant in 1991/92, but the surveys in 1990/91 and 1991/92 indicated that fish of that age were no longer abundant.

Current stocks were hence estimated based on the survey results. From this, a maximum TAC of 15,200 tonnes for 1992/93 was derived. This takes into account the effects only of the catch on the target species. The implications of bottom trawling in relation to by-catch of other species, as well as the adverse effects on the benthos, would lead to a much lower TAC of 8,200 tonnes, and the implications of by-catch of other species in pelagic trawling would lead to a TAC of 9,200-15,200 tonnes (pelagic trawling has a lower by-catch than bottom trawling).

The SC report specified that a conservative approach would be to maintain the present prohibition on directed fishing, because of the uncertainty surrounding the estimates of the current status of the exploitable stock. It then went on to specify additional conditions, in

case the fisheries were re-opened anyway for 1992/93: the above mentioned TACs for pelagic or bottom trawling, and additional recommendations on a temporal closure, a ban on bottom trawling, and maximum by-catch specifications for the different by-catch species.

In the Commission, the UK, New Zealand, Australia and Argentina favoured the conservative option of keeping the fisheries closed, but others did not agree.

CMs 49/XI, 50/XI, 51/XI and 52/XI were adopted. These set a TAC for *C. gunnari* of 9,200 tonnes in Subarea 48.3 for the 1992/93 season. The fishery will close if the TAC is reached, or if the by-catch limit is reached for any one of the by-catch species (*Notothenia gibberifrons*, *N. rossii*, *N. squamifrons*, *Chaenocephalus aceratus*, and *Pseudochaenichthys georgianus*) as specified in CM 50/XI. There is also the requirement of moving to another fishing ground within the subarea if, in one haul of directed fishing, by-catch of the species named in CM 50/XI exceeds 5%. Bottom trawling is prohibited. The fishery shall be closed from 1 April 1993 until the end of the 1993 Commission meeting.

There are further requirements for a five-day catch and effort reporting system, and a monthly data reporting system for trawl fisheries.

c. Patagonotothen guntheri and Notothenia squamifrons

The WG-FSA stated that they did not have enough information to assess current biomass. The SC advised that therefore the fisheries should remain closed.

CM 48/XI was adopted, which prohibits directed fishing for these species. It was suggested that the CM could remain in force until the SC recommended to lift it. Others only wanted it to apply to the 1992/93 fishing season. In the end the Commission decided to have the CM apply to the 1992/93 and the 1993/94 season.

d. Notothenia gibberifrons, Chaenocephalus aceratus and Pseudochaenichthys georgianus

These species are usually caught as by-catch, especially in bottom-trawling for *C. gunneri*. Biomass estimates were available from a January 1992 survey, which indicate an increase in stock size for all three species since the Conservation Measures were introduced in 1989. However, the SC report recommended against a re-opening of directed fishing for these species because the potential yields could already entirely be taken as by-catch in the *C. gunnari* fishery.

The Commission followed this advice and included these three species in **CM 48/XI**, which prohibits directed fishing on these species, as well as on *N. squamifrons* and *P. guntheri*.

e. Electrona carlsbergi

The reported catch of E. carlsbergi was down to 46,960 tonnes in 1991/92, which was less than in 1990/91, and only 19% of the TAC set for 1991/92. Data and assessments on these species are no longer current, and the SC refused to advise on a value for a TAC under those circumstances.

During the discussion in the Commission, it was pointed out that the lower catch could mean that the stock is not less abundant than in the past. Australia, New Zealand and Sweden argued that in the absence of current biological data the TAC should not remain the same as last year, but should be 20% lower as a precautionary approach. Russia argued that the lower catch was due not to biological factors, but to economic ones (they could not fish as much because they cannot afford market prices for fuel) and that the TAC should hence not be lowered. Japan argued that lowering a TAC in the absence of advice of the Scientific Commission would be a "bad precedent". (This was one of several examples of Japan's aggressive attempts this year to block a true precautionary approach.)

The Commission agreed that the principle on how to set TACs in the absence of advice from the SC should be discussed further.

In the end the Commission decided to set a TAC at the same level as last year's, and adopted **CM 53/XI**. It sets a TAC of 245,000 tonnes in Statistical Subarea 48.3, with an additional proviso that the catch in 1992/93 shall not exceed 53,000 tonnes in the Shag Rocks area. Catches in 48.3 or in the Shag Rock area shall stop if the TAC is reached, or if the level of by-catch specified in CM 50/XI is reached. If the by-catch of the species mentioned in the latter Measure exceeds 5% in any one haul the fishing vessel must move to another fishing ground.

CM 54/XI specifies biological data that should be reported on a monthly basis.

f. Dissostichus eleginoides

The TAC for 1991/92 was 3,500 tonnes. The TAC was reached early in the season, because several Chilean vessels entered the fishery for the first time. These Chilean vessels are bigger and more efficient than the Russian ones. One Bulgarian vessel also participated.

The SC recommended a TAC for 1992/93 in the middle of the range between 750 to 5,370 tonnes, similar to that of the previous season, and advised that further expansion of the number of vessels would be undesirable.

The TAC was in fact exceeded in the 1991/92 season, in part because Russia, having lost out against Chile, initiated a "research" cruise after the TAC was reached and the fishery was closed (see section on "Scientific Research Exemption"). Also, Chilean vessels had

been (unofficially) observed fishing after the closing date of the fishery, and Chilean vessels were impounded in the Falklands/Malvinas for longlining out of season. It was also almost certain (though not confirmed) that the measures to avoid bird-catch were not applied properly in many cases.

In view of this, the EEC argued that the TAC should be reduced by the amount over taken above the 91/92 TAC, and should be around 3,000 tonnes. Chile argued that last year's TAC had been set in a conservative way, in the absence of much data. They also said that they should not be penalized for the Russian's "research" take. Also, because the fishermen have not yet been tried and found guilty, the Commission could not take the possibility of illegal fishing into account in setting the TAC. They argued that they had been very good at providing data from their fisheries, and that it would be "unfair" to use those data to come up with a much lowered TAC compared to last year.

Russia then brought up the fact that Russia is much further away from the fishing grounds than Chile, and that it was not fair that Chile could get there first and use up most of the TAC. Chile's reply was along the lines of "Well, if Northern hemisphere nations want to fish in the Southern Ocean, it was not Chile's problem that the Southern Ocean is closer to Chile than to Russia." Russia argued repeatedly for allocation of TAC by country - which created quite a stir as this has not been done before by CCAMLR. It is also probably impossible, legally, for CCAMLR to do this. It was pointed out that CCAMLR is not an economics convention, but a fisheries convention, whose purpose is to sustainably manage fisheries, not allocate fisheries.

Russia also pointed out that a simple TAC would cause intense competition which would result in the effort being concentrated at the beginning of the season, leading to a very short season. This would be contrary to the need for data over a longer period of the year, in order to get better stock assessments. This argument was acknowledged as valid by other scientists. Russia then suggested that the number of vessels allowed should be set at ten, and that this should be divided equally among the nations fishing for this species. This too provoked strong opposing reactions.

The compromise that was reached was that each fishing state that is a member of CCAMLR and that fished last year (i.e., Russia and Chile) were asked to make assurances that they would not increase the number of vessels in the fishery. Bulgaria, which had one vessel fishing for this species, is likewise thought to only have one vessel planned for next season.

CM 55/XI sets a TAC of 3,350 tonnes for *D. eleginoides* in Subarea 48.3 in 1992/93, and specifies that the number of vessels of members who have been fishing in the 1991/92 season should not increase. It also provides for a five-day catch and effort reporting system. **CM 56/XI** specifies an effort and biological data reporting system.

Because of the above debate, the Conservation Measure for this species took quite some

negotiation in small groups in order to reach a consensus between the various interests. It was unclear, almost until the last day, if agreement on a TAC would be reached, and many nations, and ASOC, were concerned that if agreement could not be reached then the fishery would be wide open. Luckily, cooler heads prevailed, and the CM was reached. This highlights the problems in getting nations to abide by the precautionary principle when their economic interests are at stake.

2. Subarea 48.2 (South Orkney Islands)

Based on the advice from the SC that there are major uncertainties about the status of fish stocks (specifically, C. gunnari stocks), this subarea remains closed to fishing. CM 57/XI prohibits directed fishing on finfish in Subarea 48.2 for the 1992/93 season.

3. Subarea 48.1 (Antarctic Peninsula)

Based on the advice from the SC that there is no information about the status of fish stocks, this subarea remains closed. CM 58/XI prohibits directed fishing on finfish in Subarea 48.2 for the 1992/93 season.

B. Statistical Area 58

1. Division 58.5.1 (Kerguelen)

D. eleginoides

This species has been trawled since 1984/85 in the Western Shelf area, and trawling in the northern part of the plateau started in the 1990/91 season. The northern grounds accounted for most of the 6,787 tonnes trawled in 1991/92. In the western grounds, 705 tonnes were caught in 1991/92 by an exploratory longline fishery.

In view of the increase in catches and simultaneous decline in CPUE, the SC advised a TAC of no larger than 1,100 tonnes each for both the western and northern grounds.

However, as usual, France made it clear that they would use their right to reject CMs in the Kerguelen Area. Rumour in the corridors had it that they had already agreed on larger TACs in bilateral agreements with fishing states. As a result, no CM was agreed on, and the report just states that catches in the western ground should not exceed 1,100 tonnes, and catches for the northern ground should be substantially below those taken last year.

2. Division 58.4.4 (Ob and Lena Banks)

N. squamifrons

This fishery was prohibited in 1991/92. The SC report mentions that in 1990 a stock biomass of 6,000 tonnes was calculated for Lena Bank, and 3,500 tonnes for Ob bank. In view of the slow growth of this species, the stock size is likely to have changed little since 1990. The SC concluded that, although it appears that the stock could sustain a fishery of a few hundred tonnes, a survey should be undertaken before the fishery is re-opened.

During the Commission Meeting, however, Ukraine, which is an observer but not a full member, presented its plans for a fishery on this species in the Ob and Lena Banks.

Much discussion followed outside the official meeting. As a non-member, Ukraine would not be bound by any CM that closes the fishery. But it was felt that since Ukraine, as well as CCAMLR, wanted Ukraine to join CCAMLR as a full member, it made sense to encourage and deal positively with Ukraine, especially because of its willingness to discuss its planned fishing and survey with CCAMLR fisheries scientists. An additional complication was that the Ukraine representative explained that they wanted to do the research in the Ob and Lena area, but did not have sufficient funds for this unless they were allowed to catch enough fish to sell (which would be greater than the catch which the SC felt the fishery could sustain).

In the end, **CM 59/XI** was adopted. It sets a TAC of 1,150 tonnes for the combined catches in 1992/93 and 1993/94. This is with the understanding that Ukraine will catch all of that in the first year, with the result that the fishery will be closed in the second year. This way, the total TAC for the two years is compatible with the recommendations of the SC, even though the amounts that are expected to be caught in the first year are higher than the catch recommended by the SC for one season.

The TAC of 1,150 tonnes for two years is further divided into 715 tonnes on Lena Bank and 435 tonnes on Ob Bank.

2.3 NEW AND EXPLORATORY FISHERIES

2.3.1 New Fisheries

CCAMLR received notifications for two new fisheries in Subarea 48.4 (South Sandwich Islands), from the U.S. and Chile, for the 1992/93 fishing season.

1. The U.S. intended to take D. eleginoides in fish pots used to capture bait for the crab fishery. However, since very few of these fish were captured during the first trip of the crab vessel, it is unlikely that this fishery will go forward.

2. A Chilean fishing company plans to conduct an exploratory longline fishery for D. eleginoides in Subarea 48.4. The fishery development plan stated that only one vessel conducting one trip of 40 days would catch a maximum of 240 tonnes. A scientific observer will be on board, and biological and other information will be collected. The SC supported, and the Commission approved the application. **CM 44/XI** was adopted, which limits the fishery by Chile to 240 tonnes, during the period 6 November 1992 to the close of the Commission meeting in 1993.

2.3.2 Exploratory Fisheries

In the 1991/92 fishing season, one U.S. fisherman initiated an exploratory fishery for king and stone crabs, Paralomis spinosissima and P. formosa, in Area 48. A total of 52,486 tonnes of P. spinosissima and 36,920 tonnes of P. formosa were caught in Subarea 48.3 during the first fishing trip (the second trip was just ending during the meeting). Based on the limited data available from the fishery, it was estimated that there was a standing stock of 155,000 tonnes.

Catch rates from the first year of a fishery tend to be high because there is a high standing stock which tends to get fished out in a few years. Thus, this estimation of standing stock, while attempting to be conservative, is very uncertain, and the SC agreed that until more data had been collected, a precautionary approach would be appropriate. The Commission requested that the SC develop a long-term management plan for the exploratory crab fishery. A CCAMLR workshop, hosted by the US in April, will specify the data needed.

CM 60/XI was adopted. It closes the crab fishery from 15 November 1992 until the end of the workshop and limits the fishery to one vessel per member. If more than three vessels intend to fish then a total of 1,600 tonnes can be taken. The CM requires prior notification of intent to fish, specifies data to be collected, establishes a reporting system, limits the fishery to sexually mature males, and limits fishing gear to crab pots. **CM 61/XI** specifies the ten-day catch and effort reporting system to be implemented for this fishery.

Agreement was not reached on a CM which would formalise the process of a new fishery becoming an "exploratory" fishery. The major problem with the definition of a new fishery adopted at CCAMLR X (CM 31/X) is that after the first year the fishery is no longer new, and any country can start a fishery with no notification and reporting requirements. It was hoped that consensus could be reached which would reclassify as an "exploratory" fishery, any fishery that was previously classified as a "new" fishery, until sufficient information is gathered to determine safe catch levels. This way a fishery can develop slowly, and be studied at the same time.

The Commission agreed that it would be desirable to develop a formal procedure for the development of an exploratory fishery, and directed the SC to consider this intercessionally, with the expectation that a CM could be agreed at CCAMLR XII.

2.4 SCIENTIFIC RESEARCH EXEMPTION

When the D. eleginoides fishery closed in March, the Russians sent a plan to CCAMLR for taking 100,000 fish for research purposes between March and December 1992 (which is many more fish than are needed for any scientific purpose!). Apparently the plan was circulated with very little time before it was proposed to start. Most believe that Russia initiated this scientific fishery because Chile took 75% of the d.e. TAC. Several nations, including the UK, US, and NZ sent off strongly worded letters of protest, saying that this shouldn't go ahead. The Russians initially agreed to not go ahead, but then went ahead, and took 161.64 tonnes, which brought the total d.e. catch above the TAC.

At CCAMLR, this situation created quite a stir. It was pointed out that they didn't follow the correct procedures for starting a scientific fishery (as far as registering their scientific vessels, and notifying the Secretariat). The report of CCAMLR V detailed the responsibilities prior to starting a scientific fishery, but these were not crystal clear and thus open to misinterpretation.

Since many vessels are capable of taking large catches which could have a detrimental impact on specific CMs, scientific review exemption procedures were agreed which would be applied to all vessels planning to undertake research on species, or in areas, subject to CMs.

CM 47/XI, Scientific Research Exemption Provisions, was adopted which stipulates that catches taken during fishing for research purposes by commercial fishing vessels, or vessels of a similar catching capacity, will be considered part of any catch limit. Reporting procedures are set out.

Resolution 9/XI, Scientific Research Exemption Provisions for Finfish, details notification procedures prior to inception of the fishery. These include information about the vessel, including carrying capacity and anticipated catch, and details of the research plan. A summary of the results must be sent to the Secretariat within 180 days of completion of the research fishery.

The requirements in this resolution are considered interim, and the SC WGs will be developing guidelines and standardised formats for the next meeting.

2.5 OBSERVATION AND INSPECTION

2.5.1 Scheme of scientific observation

This year saw (at last) the adoption of a scheme of scientific observation. Last year, agreement had been blocked by the European Community, who wanted to avoid setting precedents that could be used against them in other agreements. The scheme that was

finally adopted was a slightly modified version of the EC proposal (which itself was a slightly modified version of the text that had almost been agreed upon last year.) Under the scheme, members agree to take observers on board both research and harvesting vessels. The country that wants to put observers on board and the fishing country then have to come to a bilateral arrangement about when and how this will actually take place. These bilateral arrangements have to be agreed in accordance with a list of principles that includes a statement that the vessel operator has to cooperate fully with the observer and give them access to data and operations, but otherwise is mainly about who is responsible for the expenses involved.

The function of scientific observers is described as "to observe and report on the operation of fishing activities in the Convention Area with the objectives and principles of the [CCAMLR] in mind."

Tasks are listed as:

- (a) record details of the vessels operation...;
- (b) take samples of catches to determine biological characteristics;
- (c) record biological data by species caught;
- (d) record by-catches, their quantity and other biological data;
- (e) record entanglement and incidental mortality of birds and mammals;
- (f) record the procedure by which declared catch weight is measured and collect data relating to the conversion factor between green weight and final product in the event the catch is recorded on the basis of weight of processed product;
- (g) prepare reports of their observations... and submit them to CCAMLR through their respective authorities;
- (h) submit copies of reports to captains of vessels;
- (i) assist, if requested, the captain of the vessel in the catch recording and reporting procedures, and;
- (j) undertake other tasks as may be decided by mutual agreement of the parties involved.

2.5.2 Inspections and Infringements

During the 1991/92 year, the UK did an inspection of a Chilean longliner, and the US did an inspection of a Russian krill trawler. The British also watched a Russian longliner, but was unable to board and inspect it, because of bad weather.

The Chilean ship inspected by the UK was not correctly using the devices required by Conservation Measure 29/X, to minimise the attraction of seabirds to baited hooks.

The Chileans reported that they are prosecuting four Chilean ships that arrived in Port

Stanley and appear to have been longlining around South Georgia in June, several months after the fishery was closed for the season. They are being charged with violations both of CCAMLR and of Chilean fisheries law. However, because this is in front of the courts, it could not be discussed further at the CCAMLR meeting.

2.6 ECOSYSTEM MONITORING AND MANAGEMENT

2.6.1 Monitoring Results

Prey data from both fishery and fishery-independent activities had been reviewed. Both Russia and Chile submitted fine-scale catch data, including haul by haul and catch per unit effort (CPUE) data. The value of this data was stressed, and Japan was requested to submit its data. Japan again stated its inability in submitting fine-scale data (for fear it would give away commercial data), but would submit data on a larger scale.

2.6.2 Ecosystem Assessment

For the first time WG-CEMP was able to review and assess data on the biological and physical environment in the manner endorsed last year by the Commission. One result corroborated previous findings, that 1991 was a year of poor availability of krill to predators in Subareas 48.1, 2 and 3.

2.6.3 Potential Impact of Localised Krill Catches

Last year, an analysis by the Secretariat showed that the krill fishery in Subareas 48.1 and 2 overlaps the foraging ranges of krill-dependent predators at a critical time of year (when the predators have a restricted foraging range due to dependent offspring). This year's analyses reinforced these findings; 96 to 98% of the krill catch in Subarea 48.1 and 2 from December to March is taken within the critical period-distance for foraging activity of breeding penguins and fur seals. This has long been identified as a serious concern, and the Commission requested that recommendations be made at this meeting.

Most Members wanted to implement a CM to provide adequate protection for predators in 48.1 and 2 until such time that sufficient data are available to assess the situation more precisely. Japan opposed this, stating that there is no evidence that the fishery is having any effect on seal and penguin colonies.

The SC considered a proposal tabled by the US concerning allocation of krill precautionary catches within the foraging ranges of land-based predators in Area 48 (after adoption of the precautionary catch limit last year, members agreed to refine the estimate to provide protection for predators). Chile, endorsed by Japan, Korea and Poland, objected to the proposal because the low catch levels of krill did not warrant immediate attention. Chile proposed the matter be given further consideration.

Japan then came up with a series of (unsubstantiated) reasons for opposing a reduction of the krill catch. Most Members disagreed with Japan.

Japan stated that it was opposed to any proposition which might pre-determine the necessity of closed area or closed season measures, in light of the current historical low catch levels. Other Members stated that in recent meetings of CEMP and the SC, there had been near unanimous concern over the persistent geographical overlap between the krill fishery and the foraging ranges of krill-dependant predators at critical times of the year.

In addition, last year, the SC had agreed unanimously that it needed to give close attention to the appropriate management action in these circumstances. Members had agreed that some combination of catch limits, closed seasons and closed areas could mitigate the potential impact on predators without imposing unacceptable changes to fishing practices.

To try to reach closure on this discussion (which became very contentious, and was yet another area where Japan proved to be looking out for their own economic interests and would not back down) Members currently engaged in krill fishing were asked to consider and report (at the next meeting) on what potential measures would be acceptable to them.

2.6.2 Prey Requirements for Krill Predators

Considerable progress had been made in accumulating some of the necessary data. But a knowledge of the functional relationships between krill availability and predator performance is still needed. These data are necessary to help assess the consequence of the overlap between the krill fishery and dependant predators. Also needed are estimates of krill consumption by predators.

2.6.3 Seal Island CEMP Site

Last year, the Commission adopted Resolution 8/X which accorded protection to CEMP sites on Seal Island. Comments were then sought from the Scientific Committee on Antarctic Research (SCAR) and the Treaty Parties. Within SCAR, the management plan was considered by the Group of Specialists on Environmental Affairs and Conservation (GOSEAC), the Working Group on Biology (WGB), the Working Group on Geology (WGG), and SCAR. GOSEAC, the WGB and SCAR endorsed the plan. The Some members of the WGG were concerned that the management plan would restrict their access to the area (as it should!).

The management plan was modified to permit access if the planned activity would not result in the killing, injuring or disturbing of pinnipeds or seabirds, their breeding areas, or access to their breeding areas. No negative responses had been received from any Treaty Party.

CM 18/IX, Procedure for Affording Protection to CEMP Sites was amended with two Annexes specifying the management plan for the Seal Island CEMP Sites. **CM 62/XI, Protection of the Seal Islands CEMP Site**, was also adopted.

2.7 INCIDENTAL MORTALITY/MARINE DEBRIS

2.7.1 Longline fisheries

The main issue was with the use of streamer lines in the longline fishery. Last year's CM stated that they needed to be used at night. It became clear from the UK inspection of a Chilean ship that the definition of night (when they are not required) was unclear, and that streamers should be used between nautical twilights, which in the Southern Ocean, might be all night at some times of the year. In the end, CM 29/X was modified. **CM 29/XI** requires streamer lines to be used at all times.

The Russians submitted a report about work they did to investigate ways of reducing incidental mortality in the longline fishery. However, this report was not detailed enough to be particularly useful, and the SC merely asked for more details. The UK observation of a Russian longliner said that the Russians were using a "blinker" (which seems to be some sort of brightly coloured buoy) that is towed behind the ship to deter birds from diving for the bait. This is consistent with Greenpeace observations from the previous summer.

The US also tabled a report about observations at Palmer Station of four live giant petrels entangled in longline hooks and nylon line. This is apparently the first such record from that area.

2.7.2 Trawl fisheries

Russia said that it was on track to remove net monitor cables from its trawlers as required by CM 30/X (beginning of 1994), and that in the meantime it had been complying with the requirement to use a system of pulleys to bring the cables down to water level immediately behind the ship.

2.7.3 Marine Debris

Several countries, including the U.S., submitted reports on this item. The UK again conducted a beach litter survey on South Georgia, and reported that the incidence of fur seal entanglement in marine debris had declined, although the types of debris had not changed. However, surveys by the U.S. at Seal Island demonstrated that the number of entanglements was unchanged.

2.8 IWC WHALE SANCTUARY PROPOSAL

From the whale conservation point of view, an extremely important proposal was put forward by the French Government at the June 1992 IWC meeting, for the whole Southern Ocean (south of 40 degrees South) to be declared a whale sanctuary, where all commercial whaling would be prohibited. No decision was taken on this at the IWC, but it was agreed to put it on the agenda again at the 1993 IWC meeting, and in the meantime to request CCAMLR, through its SC, and other relevant organisations, for their comments on the scientific aspects of the proposal.

It was clear that the opponents of the sanctuary proposal (primarily Japan, supported by Norway as the only other whaling country left in the IWC) would try to use CCAMLR to get support for their case. ASOC's objective was therefore to prevent negative comments on the proposal being recorded by the SC, and this was successfully achieved.

Japan tabled a paper just two days before the item came up, which appeared hastily written and contained a number of errors. To counter the statements in this paper, delegates from New Zealand, with support from Australia and others, worked with ASOC, the evening before the discussion, to draft two further papers, one commenting on the Japanese paper and one in support of the sanctuary. These papers were not in fact available before the discussion took place, but were listed in the final report (the first tabled by Australia, France and New Zealand, and the second by these countries and Sweden).

When the item was discussed in the SC, ASOC made a statement introducing the background paper we had tabled in support of the sanctuary. There was a heated discussion, about 40 minutes long, but in the end the SC report was neutral on the issue. It recognised that "the IWC is the global international organisation with authority for the management of whales" (this is important in the context of attempts to set up rival organisations in the North Atlantic and elsewhere) and also had some useful language on the need for cooperation with the IWC SC on the role of whales in the Southern Ocean ecosystem. This was all repeated in the CCAMLR Report, although no further discussion on the issue took place in the Commission itself.

2.9 OZONE DEPLETION

Ozone depletion was mentioned a few times during the course of the meeting. NZ circulated a bibliography, and ASOC tabled, and spoke to, a paper outlining the extent of the issue and suggesting actions CCAMLR could take. The Chair of the Commission, who had been CCAMLR's observer to UNCED, reported that "concern for the ozone layer depletion had ranked high within the Agenda 21 of UNCED." CCAMLR therefore duly expressed concern about these impacts, but refused to go as far as to send that concern to the Montreal Protocol.

2.10 APPOINTMENTS

One of the big background issues of the meeting was the appointment of an Executive Secretary to replace Darry Powell, an Australian who has held the position since its inception. There were five final candidates (Inigo Everson - UK, Karl Herman Koch - Germany, Peter Welkner - Chile, Rennie Holt - USA, and Esteban de Salas - Spain). Spain pushed its candidate (the only one that had national endorsement in this way) aggressively both before, and at the meeting. Several countries were doubtful about appointing a Spanish person, given Spain's reputation in fisheries matters, but in the end, it was the Spanish person who was appointed. He has a background in fisheries management within Spain.

The chairs of both the SC and Commission also came up for election at this meeting. Karl-Herman Koch was elected to the chair of the SC. Members take turns, alphabetically, to provide the chair of the Commission (for two-year terms) and this year it was the turn of the European Community. Initially, there was some grumbling that EC countries were getting more than one share in chairing, and that if the EC were to take it up, one of the EC countries should therefore drop out. This grumbling was also spurred on by the almost universal dislike, stemming from the year before, with which the EC commissioner was regarded.

These objections were eventually dropped, but at the last minute further mutterings were caused by the EC's inability to nominate exactly who it would provide for this position. Apparently John Spencer, the current CCAMLR commissioner, will not be available next year, and he could not say who the replacement would be. In any case, it is unlikely to be someone who has much knowledge of the workings of CCAMLR. Some of the concern centred around the question of who would fill in should any decisions be needed from the chairperson.

3. ASOC'S OBSERVER STATUS

ASOC had been invited to send someone to attend both the SC and Commission meetings under the standing Rules of Procedure for the respective meetings. However, in the SC, Japan claimed that it had not received the proposal from the Secretariat about this invitation, and while it wasn't suggesting that ASOC should be removed, its understanding was that ASOC was attending under the additional conditions placed on ASOC's attendance at the Xth meeting of the SC (i.e., scientific background, and promise of confidentiality of proceedings). (Those extra conditions had been set in place for that year only.)

ASOC asked the Commission if two observers could attend the Commission meeting this year. This caused a much greater ruckus than was expected. It was initially discussed at the Heads of Delegation meeting, when the chair of the Commission confused the issue by giving the wrong story (that we wanted someone to replace Maj when she had to leave the

meeting early). Japan referred back to the initial conditions put on ASOC at its first year of attendance (which were formulated explicitly for that year only) that stated that there should only be one observer. In the end, an unwritten deal was struck between the chair and Japan that we could have an extra person in the meeting provided they didn't speak. While this was not an ideal solution, at least there is no written precedent for next year.

4. ASOC ACTIVITIES

This year for the first time, ASOC decided not to produce ECO - the newsletter that, in the past, has been produced at the meeting for distribution to delegates. It was felt this year that with the high level of access and acceptance that ASOC now has within the meeting, it is becoming difficult to maintain a pretence that ECO is written solely from information gained by outside lobbyists.

ASOC tabled two papers; one on the IWC Southern Ocean whale sanctuary proposal, and one on the possible effects of ozone depletion on the Southern Ocean ecosystem.

5. THE YEAR AHEAD

Pressures on the Antarctic ecosystem continue. As the world gains new nations, and these turn to the Southern Ocean for what they perceive as easy, accessible fisheries, it becomes increasingly difficult to apply the "precautionary principle," that is, erring on the side of caution. Constant vigilance by ASOC and those CCAMLR Member nations that are truly committed to protecting Antarctica's ecosystem is critical. Intersessional meetings with delegates from the fishing nations is probably the best way to ensure that consensus will be reached, at CCAMLR XII, for strong conservation measures.

For the year ahead, we need to focus on the following:

1. A CM defining an exploratory fishery, including reporting requirements for that fishery; classified as a "new" fishery.
2. A CM limiting or closing the krill fishery during critical periods to protect krill predators (including an allocation scheme for the Statistical Areas);
3. A CM protecting nursery grounds.