

CCAMLR-XXX

**COMMISSION FOR THE CONSERVATION OF  
ANTARCTIC MARINE LIVING RESOURCES**

**REPORT OF THE THIRTIETH MEETING  
OF THE COMMISSION**

HOBART, AUSTRALIA  
24 OCTOBER – 4 NOVEMBER 2011

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Chair of the Commission  
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## **Abstract**

This document is the adopted record of the Thirtieth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 24 October to 4 November 2011. Major topics discussed at this meeting include: review of the Report of the Scientific Committee; illegal, unreported and unregulated fishing in the Convention Area; vulnerable marine ecosystems and bottom fishing; the establishment of a representative system of marine protected areas in the Convention Area; assessment and avoidance of incidental mortality of Antarctic marine living resources; new and exploratory fisheries; current operation of the System of Inspection and the Scheme of International Scientific Observation and the development of a procedure for certification of observer training; compliance with conservation measures in force; review of existing conservation measures and adoption of new conservation measures; management under conditions of uncertainty; ongoing review of the Commission's responses to the recommendations of the 2008 Performance Review Report and cooperation with other international organisations, including within the Antarctic Treaty System. The Reports of the Standing Committee on Administration and Finance and the Standing Committee on Implementation and Compliance are appended.

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## **REPORT OF THE THIRTIETH MEETING OF THE COMMISSION**

(Hobart, Australia, 24 October to 4 November 2011)

### **OPENING OF THE MEETING**

1.1 The Thirtieth Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources was held in Hobart, Tasmania, Australia, from 24 October to 4 November 2011. It was chaired by Mr T. Løbach (Norway).

1.2 The following Members of the Commission were represented: Argentina, Australia, Belgium, Brazil, People's Republic of China (hereafter referred to as China), Chile, European Union, France, Germany, Italy, Japan, Republic of Korea, Namibia, New Zealand, Norway, Poland, Russian Federation, South Africa, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.

1.3 Other Contracting Parties, Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, Netherlands, Peru and Vanuatu, were invited to attend the meeting as Observers. Netherlands was represented.

1.4 The Agreement on the Conservation of Albatrosses and Petrels (ACAP), the Antarctic and Southern Ocean Coalition (ASOC), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Committee for Environmental Protection (CEP), the Convention on International Trade in Endangered Species (CITES), the Coalition of Legal Toothfish Operators (COLTO), the Permanent Commission on the South Pacific (CPPS), the Food and Agriculture Organization of the United Nations (FAO), the Forum Fisheries Agency (FFA), the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Intergovernmental Oceanographic Commission (IOC), the World Conservation Union (IUCN), the International Whaling Commission (IWC), the Scientific Committee on Antarctic Research (SCAR), the Scientific Committee on Oceanic Research (SCOR), the South East Atlantic Fisheries Organisation (SEAFO), the Secretariat of the Pacific Community (SPC), the United Nations Environment Programme (UNEP) and the Commission for the Conservation and Management of the Highly Migratory Fish Stocks of the Western and Central Pacific Ocean (WCPFC) were also invited to attend the meeting as observers. ACAP, ASOC, CCSBT, CEP, COLTO, FAO, IUCN, IWC, SCAR and SEAFO attended.

1.5 In accordance with the Commission's decision last year (CCAMLR-XXIX, paragraph 17.1) and COMM CIRC 11/45, the following non-Contracting Parties (NCPs) were invited to attend CCAMLR-XXX as observers: Antigua, Bahamas, Cambodia, Colombia, Democratic People's Republic of Korea, Dominican Republic, Equatorial Guinea, Islamic Republic of Iran, Kenya, Malaysia, Mexico, Mongolia, Nigeria, Panamá, Philippines, Singapore, Seychelles, Thailand, Togo, Trinidad and Tobago, Turkey, United Arab Emirates and Vietnam. There were no NCPs represented.

1.6 The List of Participants is given in Annex 1. The List of Documents presented to the meeting is given in Annex 2.

1.7 The Chair welcomed all participants to the meeting. He said that it was a privilege for Norway to chair the Commission's annual meeting and thanked Members for their support and encouragement.

1.8 The Chair introduced His Excellency the Honourable Peter Underwood AC, Governor of Tasmania, who he said maintained a keen interest in Antarctic affairs and consequently the work of CCAMLR. His Excellency's opening address is at Annex 3.

1.9 On behalf of the Tasmanian aboriginal community, Ms Theresa Sainty provided a traditional Welcome to Country for all participants.

## ORGANISATION OF THE MEETING

### Adoption of the Agenda

2.1 The Agenda (CCAMLR-XXX/1) for the meeting was adopted and is at Annex 4.

2.2 The Chair referred Agenda Item 3 to the Standing Committee on Administration and Finance (SCAF), and Agenda Items 8 and 9 to the Standing Committee on Implementation and Compliance (SCIC). The reports of SCAF and SCIC are given in Annexes 5 and 6 respectively.

### Report of the Chair

2.3 The Chair reported that there had been no change to the membership of the Commission since CCAMLR-XXIX and that the Commission had 25 Members and that nine other States are party to the Convention.

2.4 The annual meetings of the Working Group on Statistics, Assessments and Modelling (WG-SAM) and the Working Group on Ecosystem Monitoring and Management (WG-EMM) were held in Busan, Republic of Korea, in July 2011. A Workshop on Marine Protected Areas (MPAs) was held in Brest, France, in late August/early September. Details of these meetings are elaborated in SC-CAMLR-XXX, paragraph 1.8.

2.5 During the 2010/11 fishing season, 62 inspectors were designated by Australia, Chile, France, New Zealand and the UK. Eleven at-sea inspections were reported to have been conducted by UK-designated inspectors in Subarea 48.3. Twenty-four port inspections were conducted by Mauritius, New Zealand, UK and Uruguay.

2.6 CCAMLR-designated scientific observers were deployed on all vessels in all finfish fisheries in the Convention Area; 40 on vessels fishing for toothfish and one fishing for icefish. In addition, a total of 21 observation deployments were undertaken on vessels fishing for krill.

2.7 During the 2010/11 fishing season, CCAMLR Members had actively participated in 14 fisheries in the Convention Area. Vessels fishing in fisheries managed under conservation

measures in force in 2010/11 had reported, by 24 September 2011, a total catch of 179 131 tonnes of krill, 11 254 tonnes of toothfish and 11 tonnes of icefish. A number of other species were taken as by-catch.

2.8 During the year, the Commission and the Scientific Committee had been represented by Observers at a number of international meetings (sections 13 and 14; SC-CAMLR-XXX, section 10).

2.9 With sadness, the Chair reflected on the passing of two members of the CCAMLR community: Ambassador Jorge Berguño (Chile) and Mr Alexandre de Lichtervelde (Belgium).

- Ambassador Berguño attended 12 Commission meetings between 1982 and 2005, including the first in 1982 when he was Chile's Ambassador to UNESCO. He was Commission Chair in 1991 and 1992 and was passionate about the Antarctic and the role of CCAMLR.
- Mr de Lichtervelde made an extremely valuable contribution to the work of CCAMLR in each of the six annual meetings in which he participated; his knowledge of Antarctic issues was extremely highly regarded.

2.10 The Chair requested that the Delegations of Chile and Belgium relay the sympathy and condolences of CCAMLR colleagues to the families and friends of Ambassador Berguño and Mr de Lichtervelde respectively. The contributions that they had each made to advancing Antarctic affairs was held in very high regard.

2.11 The Chair also reflected on another tragedy in the Southern Ocean when, on 13 December 2010, the Korean-flagged fishing vessel *Insung No. 1* sank in the Ross Sea. While 20 crew survived, 22 crew were lost. The Chair asked the Delegation of the Republic of Korea to convey CCAMLR Members' condolences to the families and friends of the Korean, Chinese, Indonesian and Vietnamese crew members who were lost. He also extended appreciation to all those involved in the search and rescue operation.

## FINANCE AND ADMINISTRATION

3.1 The Vice-Chair of SCAF, Dr M. Mayekiso (South Africa), presented the report of SCAF.

3.2 The Commission endorsed the recommendations of the SCAF report as presented at Annex 5, noting that:

- Australia was pleased to convene the SCAF Correspondence Group (SCAF-CG) and looked forward to working with Members in the 2011/12 intersessional period on issues identified by SCAF for consideration by the SCAF-CG
- the budget approved for 2012 would enable the Commission to trial the shortened structure of the meeting in 2012.

3.3 In accordance with Financial Regulation 5.6, and in accordance with past practice, the Commission granted extensions to 31 May 2012 for Argentina, Belgium, Brazil, Chile, China, Republic of Korea, South Africa, USA and Uruguay in respect of the due date for payment of their 2012 Members' contributions.

3.4 South Africa was appointed Chair of SCAF for two years concluding with the end of the 2013 meeting.

## SCIENTIFIC COMMITTEE

4.1 The Scientific Committee Chair, Dr D. Agnew (UK) presented the report of the Committee (SC-CAMLR-XXX). He thanked the many delegations that had contributed to rapporteuring of the meeting.

4.2 The Commission noted the Scientific Committee's general recommendations, advice, research and data requirements. The Commission also discussed substantive matters arising from the Committee's deliberations under various sections of its agenda, marine debris and incidental mortality (section 6); MPAs (section 7); illegal, unreported and unregulated (IUU) fishing (section 9); CCAMLR Scheme of International Scientific Observation (section 10); and new and exploratory fisheries (section 11).

### Intersessional activities

4.3 The Commission noted the five intersessional meetings of the Scientific Committee during 2011 (SC-CAMLR-XXX, paragraph 1.8) and joined the Committee in thanking the conveners and participants in these meetings for their contributions to the work of CCAMLR. Members which had hosted the meetings were also thanked for their hospitality, as well as logistical and administrative support.

### Advances in statistics, assessments, modelling and acoustic surveys

4.4 The Commission noted that, while the advice from the Scientific Committee was that the primary purpose of research in data-poor exploratory fisheries should be to collect data that will lead to a robust estimate of stock status and enable the estimation of precautionary catch limits, there had been little progress in delivering such advice (paragraph 11.11).

4.5 The Commission endorsed the terms of reference for the 2012 meeting of the Subgroup on Acoustic Survey and Analysis Methods (SG-ASAM) to provide advice on the collection and use of acoustic data from krill fishing vessels (SC-CAMLR-XXX, paragraph 2.10).

## Harvested species

### Krill resources

4.6 In 2009/10, six Members harvested 211 974 tonnes of krill from Subareas 48.1 (153 262 tonnes), 48.2 (49 999 tonnes) and 48.3 (8 712 tonnes) (SC-CAMLR-XXX, Table 1).

4.7 In 2010/11 (to 24 September 2011), six Members harvested 179 131 tonnes of krill from Subareas 48.1 (9 158 tonnes), 48.2 (116 552 tonnes) and 48.3 (53 421 tonnes) (SC-CAMLR-XXX, Table 2).

4.8 The Commission noted the large difference in the relative distribution of catch between Subareas 48.1, 48.2 and 48.3 between 2009/10 and 2010/11 and that these differences were primarily caused by differences in the extent of winter sea-ice in Subarea 48.1 (SC-CAMLR-XXX, paragraph 3.5).

4.9 Notifications for krill fishing in 2011/12 were received from seven Members and 15 vessels with a notified total predicted catch of 401 000 tonnes (SC-CAMLR-XXX, Table 3); there was no notification for exploratory krill fisheries. The Commission noted that the notification from Ukraine in respect of the vessel *Maxim Starostin* was received by the Secretariat after the deadline specified in Conservation Measure (CM) 21-03 and was not available for review by WG-EMM.

4.10 Ukraine advised the Commission that the notification was delayed because of the process of transferring the Flag State registration of the vessel, that the catches proposed for the vessel would not have any adverse impact on krill stocks, and that there were plans to conduct important scientific research on the vessel during krill fishing operations.

4.11 The Commission agreed that, while there was a desire to make pragmatic decisions in respect of this late notification from Ukraine, accepting a notification received after the specified deadline, such that it could not be considered WG-EMM, would be a departure from normal rules of operation and would set an unfortunate precedent. The Commission did not reach consensus concerning the possibility of accepting the notification from Ukraine. The Commission noted that some Members had provided advice to potential krill fishing operators that proposals would not be accepted after the deadline in CM 21-03 and, therefore, there was a need to ensure a uniformity of approach.

4.12 The Commission agreed that, given the importance of ensuring compliance with all aspects of conservation measures, it was not able to accept the notification from Ukraine.

4.13 The Commission noted that uncertainty in the estimation of green weight of krill was not accounted for in the current management process for krill and looked forward to receiving advice from the Scientific Committee on the potential impacts of this on the management of krill (SC-CAMLR-XXX, paragraphs 3.14 and 3.15).

4.14 The Commission endorsed the advice of the Scientific Committee that CM 51-07 should remain in force and recommended that the measure should be reviewed after three years, consistent with the schedule for progress in developing a feedback management approach for krill fisheries (SC-CAMLR-XXX, paragraphs 3.22 and 3.23).

4.15 The Commission noted the information from the Scientific Committee that fishing for krill had taken place inside ASMA No. 1 in Admiralty Bay in 2010 and that this may be inconsistent with the management objectives of the ASMA. The Commission acknowledged that, while it is the role of CCAMLR to manage fishing, cooperation with the ATCM was important to ensure that fishing activities do not compromise the ecosystem values afforded special protection by the ATCM.

4.16 The Commission endorsed the recommendation that the investigation of recruitment variability of krill should be afforded a high priority because, if recruitment variability is too high or there are long-term trends in recruitment, this may require reassessment of the catch limit or an alternative application of the decision rules (SC-CAMLR-XXX, paragraph 3.30).

4.17 The Commission commended the work of the Scientific Committee in respect of the development of a feedback management approach for the krill fishery and, in particular, it noted the proposed work schedule outlined by WG-EMM (SC-CAMLR-XXX, Annex 4, paragraph 2.157) to address the six components of the process (SC-CAMLR-XXX, paragraphs 3.34 and 3.35).

#### Toothfish resources

4.18 In 2009/10, 11 Members fished for toothfish in Subareas 48.3, 48.4, 48.6, 58.6, 58.7, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.5.1 and 58.5.2; Japan also conducted research fishing in Divisions 58.4.3b, 58.4.4a and 58.4.4b. The reported total catch was 14 518 tonnes (SC-CAMLR-XXX, Table 1).

4.19 In 2010/11, 12 Members fished for toothfish in Subareas 48.3, 48.4, 48.6, 58.6, 58.7, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.5.1 and 58.5.2; Japan also conducted research fishing in Divisions 58.4.3b, 58.4.4a and 58.4.4b. The reported total catch to 24 September 2011 was 11 254 tonnes (SC-CAMLR-XXX, Table 2).

4.20 In addition, catches reported under the Catch Documentation Scheme for *Dissostichus* spp. (CDS) indicated that 9 190 tonnes of *Dissostichus* spp. were taken outside the Convention Area in 2010/11 (to 26 September 2011) compared with 12 441 tonnes in 2009/10 (SC-CAMLR-XXX, Annex 7, Table 2). As in previous years, catches in both seasons were taken mostly in Areas 41 and 87.

4.21 The Commission endorsed the request from the Scientific Committee that Members fishing for *Dissostichus eleginoides* outside the Convention Area be encouraged to provide information on these activities and associated research for review by the Working Group on Fish Stock Assessment (WG-FSA) and the Scientific Committee (SC-CAMLR-XXX, paragraph 3.49).

4.22 The Commission endorsed the Scientific Committee's management advice on toothfish fisheries (SC-CAMLR-XXX, paragraphs 3.77, 3.78, 3.87, 3.92, 3.97, 3.101 to 3.103, 3.107 and 3.108), including:

- (i) a catch limit of 2 600 tonnes of *D. eleginoides* in Subarea 48.3 for 2011/12 and a revised starting date of 16 April 2012 for the season extension

(ii) a catch limit of 48 tonnes of *D. eleginoides* in Subarea 48.4 North and 33 tonnes of *Dissostichus* spp. (*D. eleginoides* and *D. mawsoni* combined) in Subarea 48.4 South for 2011/12, including the continuation of the tagging experiment in Subarea 48.4 South

(iii) a catch limit of 2 730 tonnes of *D. eleginoides* in Division 58.5.2 in 2011/12.

4.23 The Commission noted that an assessment model is being developed for *D. eleginoides* in Division 58.5.1 but that, as currently configured, the model could not be used for management advice. The Commission encouraged further development of this assessment, noting that the fishery in Division 58.5.1 was the largest fishery for *D. eleginoides* in the Convention Area (SC-CAMLR-XXX, paragraphs 3.93 to 3.96).

4.24 The Commission noted that, as no new information was available on the state of fish stocks in Division 58.5.1 outside areas of national jurisdiction, the prohibition of directed fishing for *D. eleginoides*, described in CM 32-13, should remain in force.

4.25 The Commission encouraged the estimation of biological parameters and the development of a stock assessment for *D. eleginoides* in the French EEZ of Subarea 58.6.

4.26 The Commission noted that the catch limit for *D. eleginoides* in the South African EEZ for 2011/12 is likely to be 320 tonnes, and that a revised operational management procedure to form the basis for management advice is under development by national scientists. The Commission noted that the Scientific Committee was unable to provide management advice for *D. eleginoides* in the South African EEZ at the Prince Edward Islands.

4.27 As no new information was available on the state of fish stocks in Subareas 58.6 and 58.7 and Division 58.4.4 outside areas of national jurisdiction, the Commission agreed that the prohibition of directed fishing for *D. eleginoides*, described in CMs 32-10, 32-11 and 32-12, remains in force.

4.28 The Commission noted that the Scientific Committee was unable to provide new advice on the catch limits in data-poor exploratory fisheries for *Dissostichus* spp. in Subarea 48.6 and Divisions 58.4.1, 58.4.2 and 58.4.3a.

#### Icefish resources

4.29 In 2009/10, two Members fished for icefish in Subarea 48.3 with a reported catch of 12 tonnes and one Member fished in Division 58.5.2 with a reported total catch of 352 tonnes (SC-CAMLR-XXX, Table 1).

4.30 In 2010/11, one Member fished for icefish in Subarea 48.3 with a reported catch of 10 tonnes, and one Member fished in Division 58.5.2 and reported a total catch of 1 tonne (SC-CAMLR-XXX, Table 2).

4.31 The Commission endorsed the Scientific Committee's management advice on icefish fisheries (SC-CAMLR-XXX, paragraphs 3.59, 3.62, 3.65, 3.69, 3.70 and 3.71) and:

- (i) recommended that the catch limit for *Champsocephalus gunnari* in Subarea 48.3 should be set at 3 072 tonnes in 2011/12 and 2 933 tonnes in 2012/13
- (ii) noted the application of an interim limit reference point to the fishery for *C. gunnari* in Division 58.5.2 and agreed to a catch limit for 2011/12 of 0 tonnes, with a 30-tonne research and by-catch limit.

#### Other fishery resources

4.32 The Commission endorsed the Scientific Committee's management advice on other fisheries (SC-CAMLR-XXX, paragraphs 3.109 and 3.113), including that:

- (i) the prohibitions of finfishing in Subareas 48.1 and 48.2 remain in force
- (ii) the crab fishery in Subarea 48.3 be closed.

#### Fish and invertebrate by-catch

4.33 The Commission noted that this issue will be considered in detail by WG-FSA in 2012 (SC-CAMLR-XXX, paragraph 3.114).

#### Climate change

4.34 The Commission welcomed the Scientific Committee's deliberation on climate change and, in particular, noted the recommendation of the EU/Netherlands-sponsored workshop on 'Antarctic Krill and Climate Change' (SC-CAMLR-XXX/BG/3).

4.35 The Commission noted the Scientific Committee's advice about the importance of the KRILLBASE database to the work of CCAMLR. It endorsed the request for the Scientific Committee Chair to write to the data holders to request that the KRILLBASE database be submitted to CCAMLR and made available for work by the Scientific Committee under CCAMLR's Rules for Access and Use of CCAMLR Data.

4.36 The Commission noted the proposal for large-scale multinational krill surveys and encouraged Members to engage in this work (SC-CAMLR-XXX, paragraphs 8.8 to 8.10).

#### Secretariat supported activities

4.37 The Commission noted the outcomes of the independent review of the Secretariat's data management systems (CCAMLR-XXX/5) and the Secretariat's plan for further work in 2012 and 2013 on this issue, including redevelopment of the CCAMLR website.

## Scientific Committee activities

4.38 The Commission endorsed the work plans and priorities for the Scientific Committee and its subsidiary working groups (SC-CAMLR-XXX, Table 6 and paragraph 15.5), including the following meetings in the 2011/12 intersessional period:

### Working group meetings –

- SG-ASAM (Bergen, Norway, April/May) (Co-conveners: Drs R. Korneliussen (Norway) and J. Watkins (UK))
- WG-SAM (Tenerife, Spain, July) (Convener: Dr S. Hanchet (New Zealand))
- WG-EMM (Tenerife, Spain, July) (Co-conveners: Drs G. Watters (USA) and S. Kawaguchi (Australia))
- WG-FSA (CCAMLR Headquarters, Hobart, Australia, from 8 to 19 October) (Convener: Dr M. Belchier (UK)).

### Technical workshops on MPAs –

- Western Antarctic Peninsula–South Scotia Arc domain (domain 1) to be hosted by Chile and Argentina
- del Cano–Crozet domain (domain 5) – hosted by France
- circumpolar systematic conservation planning – hosted by Belgium.

4.39 The Commission congratulated Dr C. Jones (USA) on his election as Scientific Committee Chair, Dr X. Zhao (China) on his election as the new Scientific Committee Vice-Chair, and all the working group conveners who have contributed a great deal of time and effort to the progress made by the Scientific Committee in the intersessional period (SC-CAMLR-XXX, paragraphs 16.1 and 16.2).

4.40 The Commission noted the request from the Scientific Committee for guidance on the publication of maps showing fine-scale distribution of fisheries data (SC-CAMLR-XXX, paragraphs 3.51 to 3.53) and agreed that, while there is a desire for transparency, the publication of data showing the detailed location of fishing data should be examined on a case-by-case basis to ensure that there is no potential for use of the data by IUU operators.

## BOTTOM FISHING

5.1 The Commission endorsed the advice regarding bottom fishing and vulnerable marine ecosystems (VMEs) which had been provided by the Scientific Committee, WG-EMM and WG-FSA (SC-CAMLR-XXX, paragraphs 5.1 to 5.9). This included:

- (i) the prohibition of bottom fishing in Subarea 88.1 (SSRU G) within the areas of two circles, centred at 66°56.04'S 170°51.66'E and 67°10.14'S 171°10.26'E, with radii of 1.25 n miles to provide protection of registered VMEs from direct effects of interactions with fishing gear (see also paragraph 12.18)
- (ii) tasking the Secretariat with the annual update of the combined cumulative impact assessments for all bottom fishing methods (using the PlotImpact software)
- (iii) requesting that Members with vessels using bottom fishing gear types for which vessel-specific gear descriptions are not yet available in the CCAMLR gear library, be required to provide detailed descriptions of their vessel-specific fishing gear, including gear configuration, setting and hauling procedures, likely bottom fishing footprint (per unit effort) and estimated impacts on VME taxa within the footprint
- (iv) further development of the fishing gear library (see SC-CAMLR-XXX, paragraph 5.7).

5.2 The Commission also agreed that Members intending to use vessel-specific gear configurations already described in the fishing gear library need only to notify their expected level of effort deployment for the coming season, with a cross-reference to an existing gear description/impact assessment in the gear library (SC-CAMLR-XXX, paragraph 5.9). The Commission requested that the Secretariat remind Members of this requirement at the time of calling for notifications for new and exploratory fisheries.

## ASSESSMENT OF INCIDENTAL MORTALITY OF ANTARCTIC MARINE LIVING RESOURCES

### Marine debris

6.1 The Commission noted the Scientific Committee's advice on marine debris in the Convention Area (SC-CAMLR-XXX, paragraphs 4.2 to 4.5).

### Incidental mortality of seabirds and marine mammals during fishing operations

6.2 The Commission noted the Scientific Committee's general advice on incidental mortality of seabirds and marine mammals (SC-CAMLR-XXX, paragraphs 4.6 and 4.7), in particular noting that the total extrapolated mortalities of seabirds within the French EEZ in Subarea 58.6 and Division 58.5.1 was estimated to be 220 and that incidental mortalities elsewhere in the Convention Area were similar to the near-zero levels of recent years.

6.3 France indicated that the three-year plan to reduce incidental seabird mortality in the French EEZ had come successfully to an end and thanked the Scientific Committee and the

Working Group on Incidental Mortality Associated with Fishing (WG-IMAF) for their contributions to this success. France reiterated its intention to implement all measures possible to further reduce seabird mortality to near-zero levels.

6.4 The Commission endorsed the advice from the Scientific Committee regarding proposals to vary mitigation measures within a fishery in Subarea 48.3 and Division 58.5.2 (SC-CAMLR-XXX, paragraphs 4.9 and 4.10).

6.5 Noting that seabird by-catch outside the Convention Area presents a significant risk to Convention Area seabirds, the Commission encouraged all Members that are engaged in fisheries management bodies in areas adjacent to the Convention Area to implement best-practice mitigation to reduce seabird by-catch.

6.6 The Commission noted that a draft Memorandum of Understanding (MoU) in respect of general cooperation, including on seabird by-catch mitigation, that had been forwarded by CCAMLR three years ago was still under consideration by CCSBT and requested the Executive Secretary to write to CCSBT to urge progress in this matter.

6.7 In response to a request for an update on interactions between ACAP and CCAMLR following the MoU between the respective Secretariats signed in 2008, the ACAP Observer noted that these interactions have been very effective in promoting the exchange of information and expert advice on issues of relevance to the respective organisations. Noting in particular that, as WG-IMAF will no longer meet annually, this continuing coordination between the Secretariats will be essential if ACAP is to provide expert advice on issues being addressed by the Scientific Committee and the Commission.

6.8 The Commission endorsed the recommendation of the Scientific Committee in respect of the continued and enhanced engagement between the Secretariats of ACAP and CCAMLR (SC-CAMLR-XXX, paragraph 4.15).

6.9 The Commission endorsed the clarification regarding the definition of 'stick water' and the proposed revision to CM 25-03 (SC-CAMLR-XXX, paragraph 4.17). It requested advice from the Scientific Committee as to whether a similar clarification could also apply to stick water generated in the process of finfish fishing and whether a similar revision should be made to CM 25-02 next year.

## MARINE PROTECTED AREAS

7.1 The Commission noted the outcomes of the Workshop on MPAs (SC-CAMLR-XXX, Annex 6) and expressed its gratitude to France for hosting the workshop and to the Co-conveners for their extensive work in preparation for and during the workshop.

7.2 The Commission endorsed the recommendation that the CCAMLR Secretariat liaise with the UK to further develop the GIS database to aid the management of spatial data, including in the development of proposals for MPAs and to make this database available for the use of all Members (SC-CAMLR-XXX, paragraph 5.13).

7.3 The Commission endorsed the Scientific Committee's advice that proposals for MPAs should include a clear description of the balance between the protection of ecological function and allowance for, and impact on, harvesting (SC-CAMLR-XXX, paragraph 5.16).

7.4 The Commission welcomed the development of planning domains for representative systems of MPAs (SC-CAMLR-XXX, Annex 6, Figure 3) and endorsed these to replace the priority areas defined in 2008 as the basis for planning MPAs in the Convention Area. It also endorsed proposals by Members to hold technical workshops to examine the Western Antarctic Peninsula–South Scotia Arc domain (domain 1), the del Cano–Crozet domain (domain 5) and the circumpolar systematic conservation planning (SC-CAMLR-XXX, paragraph 5.20).

7.5 In response to the request from the Scientific Committee on how plans for management of MPAs, including implementation plans and research and/or scientific monitoring plans, might be developed (SC-CAMLR-XXX, paragraphs 5.22 to 5.27), the Commission agreed that as MPA proposals are brought forward, there will be different needs for monitoring and management plans and, therefore, advice on how these associated plans are developed should be considered on a case-by-case basis.

7.6 The Commission agreed that management plans for MPAs need to be in accordance with the objectives for that MPA and that, given the scale of the CCAMLR region and of the proposed MPAs system, while it may be the responsibility of the proponent to articulate the broad aims of the proposal, there is a clear need for a process that allows wider engagement in the process of determining and implementing management arrangements for each MPA.

7.7 Some Members suggested that management plans that accompany MPA proposals should address surveillance and control of IUU fishing. The USA agreed that IUU fishing threatens the success of MPAs, but noted that the threat of IUU fishing is circumpolar. The USA recommended that CCAMLR develop an overall strategy for surveillance and control of illegal activities, which would support all MPAs in the Convention Area, and ensure that IUU fishing does not threaten the values for which the MPAs are established or other elements of the Antarctic marine ecosystem. The USA recalled from the discussion on IUU that legal fishing vessels are not the most important source of information about the presence of IUU vessels, and the USA saw little evidence that keeping areas open for fishing will deter IUU fishing.

7.8 Argentina made the following statement:

'Four decades have passed and certain species have not recovered yet, and only now, after several years of fishery closures, some of them are showing signs of a recovery. These instances have clearly demonstrated that the characteristics of Antarctic ecosystems make compliance with Article II of the Convention difficult to achieve when there is overfishing.

Argentina therefore supports the establishment of Marine Protected Areas as a vehicle to achieve the objectives of Article II. Their establishment and implementation need to be in accordance with international law.

Moreover, it wishes to note that each of such areas should necessarily include a management and administration plan.'

7.9 The EU expressed its support for the establishment of MPAs on the basis of best scientific evidence, in line with the commitments of World Summit on Sustainable Development in 2002 as well as the Convention on Biological Diversity, and hoped that CCAMLR will soon be in a position to adopt a representative network of MPAs.

#### Ross Sea region

7.10 The USA introduced SC-CAMLR-XXX/9, which presented a scenario for an MPA in the Ross Sea planning domain that articulated three policy aims to guide its effort, all of which were consistent with Article II of the Convention. The USA noted its view that establishing an MPA to achieve these aims will constitute rational use. It also noted that the Scientific Committee had concluded that the proposed scenario supports the identification of areas for protection consistent with its aims (SC-CAMLR-XXX, paragraph 5.45). The USA invited all Members to endorse the establishment of an MPA in the Ross Sea Region to:

- (i) conserve ecological structure and function – at all levels of biological organisation – by prohibiting fishing in habitats that are important to native mammals, birds, fishes and invertebrates throughout the Ross Sea region
- (ii) maintain a reference area in which there is no fishing to better gauge the ecosystem effects of climate change
- (iii) promote research and other scientific activities (e.g. monitoring) focused on marine living resources.

7.11 New Zealand introduced SC-CAMLR-XXX/10 which presented a scenario for an MPA in the Ross Sea planning domain. New Zealand sought to apply the systematic conservation planning method in a transparent, rigorous and scientifically defensible manner consistent with international best-practice as referenced in SC-CAMLR-XXX, paragraph 5.12 and following the advice of the Scientific Committee (SC-CAMLR-XXX, paragraphs 5.14 to 5.18). The specific areas assigned the highest protection targets in Table 1 of SC-CAMLR-XXX/10 were chosen to eliminate identifiable risks to the stated objectives of the MPA in different areas, and were endorsed by the Workshop on MPAs (SC-CAMLR-XXX, Annex 6, paragraph 3.40). The scenario achieves high protection while minimising associated displacement of fishing effort; fishery displacement under this scenario is 15% with respect to catch, or 21% with respect to effort. The scenario was also planned with careful consideration of ice dynamics, of the potential for vessel crowding under existing effort levels and of the effect of the MPA on tag returns to inform stock assessments.

7.12 New Zealand sought the views of Members regarding appropriate protection targets for different objectives and on appropriate trade-offs between protection and rational use. New Zealand reiterated that it can provide the MPA planning software and associated data used in the New Zealand MPA planning process to other Members in order to explore such trade-offs.

7.13 The Commission thanked New Zealand and the USA for the significant amount of work contained in both scenarios for an MPA in the Ross Sea planning domain and noted the

advice of the Scientific Committee (SC-CAMLR-XXX, paragraphs 5.45 to 5.47) that the scenarios are based on the best scientific evidence available and that no further scientific analysis and debate is needed in that Committee.

7.14 Italy thanked the USA for its scenario for a Ross Sea MPA. In Italy's view, the US proposal represented an appropriate balance and was a good basis for discussion of a Ross Sea MPA in 2012 pending future deliberations of this issue.

7.15 Norway stressed the importance of a balanced approach with regard to the provisions in a measure to establish an MPA. For Norway, sustainable, ecosystem-based, responsible fishing founded on science is a fundamental part of harvesting and harvesting is a fundamental part of Article II of the CAMLR Convention. Any suggestion that raises doubt of the definition of 'rational use' as it is defined in Article II in the Convention will not be helpful and cannot be supported.

7.16 Some Members supported the rigorous and transparent approach used in the New Zealand proposal for the MPA scenario in the Ross Sea and especially the two-phase 'systematic conservation planning' that clearly outlines the available scientific data, analysis and resulting management decisions that could be proposed on the basis of these data. This provides a sound basis for further consideration of the proposal. At the same time, some Members questioned the size and border of the suggested MPA and encouraged the USA and New Zealand to explore different levels of protection for different objectives and resulting outcomes, and forward a revised version to the Commission next year.

7.17 Sweden believed it is important that work on biodiversity, as well as fishing-related issues, continues in order to protect the living organisms within Antarctic waters, and it supported the establishment of the suggested MPAs. It also recalled a suggested definition of rational use found in the report of the Workshop on MPAs (SC-CAMLR-XXX, Annex 6):

'The use of the resources of an ecosystem in such a way that the goods and services provided by that ecosystem are maintained in perpetuity along with the biological diversity and ecosystem structure on which they depend.'

7.18 Argentina expressed its disagreement with the definition of 'rational use' included in the report of the Workshop on MPAs (SC-CAMLR-XXX, Annex 6, paragraph 5.16), which was offered by one of the invited experts, since it considers inappropriate in the context of CCAMLR to limit this concept to the sustainable use of the resources and to the conservation of the ecosystem, if necessary, for the exploited populations. In its view, the objectives set out in Article II also apply to non-exploitable species as established in Article I.2 of the Convention.

7.19 The Commission agreed that both the US and the New Zealand proposal for an MPA for the Ross Sea region are very good starting points for further discussions. In Norway's view, the New Zealand text takes a more holistic approach, enabling a customised approach to the different parts of an MPA and to what kind of measures are needed in each MPA. Norway also appreciated the transparency of the proposal.

7.20 Japan reiterated its position that restrictions on fishing activities as part of an MPA should be commensurate with the objectives of the MPA. It therefore requested further scientific analysis of the impact of fishing activities on the specific objectives of the proposed MPA.

7.21 China and Russia appreciated the work done by New Zealand in accommodating comments from Members, especially in providing clarity on the conservation objectives and the level of protection provided. They also noted the advantage in having mechanisms to explore the effects of different levels of protection for different values being protected to provide different options for consideration by the Commission.

7.22 Japan welcomed the approach taken in the New Zealand scenario and the analysis of the potential impacts of fishing on specific objectives of each target area. It also welcomed the idea of making the protection target proportional to the expected impact of fishing in the objectives of the MPA as a useful concept for MPA planning. Japan noted that further examination of the New Zealand scenario is necessary to examine the appropriateness of the size and delineation of the proposed MPA.

7.23 New Zealand and the USA confirmed their willingness to undertake further consultation with Members and encouraged all interested parties to engage in these discussions with the intention of bringing forward proposals for the formal establishment of an MPA to the Commission in 2012.

#### East Antarctica

7.24 Australia and France jointly presented the proposal for a representative system of MPAs for the whole East Antarctic planning domain (SC-CAMLR-XXX/11).

7.25 Australia noted that the system aims to conserve representative areas of marine biodiversity in the region based on analyses of biology, ecology and biogeography of biota in the region. It highlighted that the system will provide reference areas for measuring the effects of climate change independent from the effects of human activities, and provide the reference areas necessary for managing ecosystem effects of fishing.

7.26 The Commission thanked Australia and France for the significant amount of work contained in their proposal in the East Antarctic planning domain and noted the discussion of the Scientific Committee on the proposal (SC-CAMLR-XXX, paragraphs 5.48 to 5.62) and its advice that the proposal contained the best scientific evidence available (SC-CAMLR-XXX, paragraphs 5.63 to 5.66).

7.27 Australia and France appreciated the views and advice of the Scientific Committee on the scientific paper for MPAs in East Antarctica and expressed their intention to prepare a conservation measure for consideration by the Commission in 2012.

7.28 South Africa endorsed the basis on which the proposal on the East Antarctic planning domain is based on and agreed that the analyses proposed by Australia and France for a representative system of MPAs within the East Antarctic region are based on the best scientific evidence available when their analyses were performed.

7.29 Australia and France also invited other Members to consider the analyses presented in the current proposal and to provide comments in the intersessional period.

7.30 China welcomed the statements by Australia and France and encouraged the proponents to adopt a more explicit, and preferably, a statistical approach to deal with the impact on rational use (in the present context, the fishery) as done in other proposals.

#### Protection of habitats newly exposed by the collapse of ice shelves

7.31 The Commission noted the UK proposal in SC-CAMLR-XXX/13 concerning the protection of marine habitats that may be newly exposed as a consequence of ice-shelf collapse. The EU presented to the Commission a proposal for a conservation measure to provide protection for such areas, noting that this had been borne out of the recommendations of the Workshop on MPAs, and, in particular, focused on protection in the Antarctic Peninsula region, given the risk to ice shelves associated with the elevated rate of warming in this region.

7.32 The Commission noted the advice of the Scientific Committee in regard to this proposal and noted that the science available was limited because the areas to be protected were currently inaccessible (SC-CAMLR-XXX, paragraphs 5.76 and 5.77).

7.33 Some Members noted that, as with other proposals, there was a desire to have a clearly articulated research and monitoring plan before the Commission could proceed with this proposal. In response, the UK noted that, in following the precautionary approach described in the proposal, there was a strong case to put in place measures to protect newly exposed habitats before plans for scientific research and monitoring could be fully developed. Furthermore, detailed research and monitoring plans would depend on the precise location of any individual ice-shelf collapse.

7.34 Russia expressed concern that establishment of MPAs adjacent to the Antarctic Peninsula may impede logistic operations of national Antarctic programs. Russia seeks clarification about the legal framework for the establishment of MPAs adjacent to land masses in the CCAMLR area.

7.35 China expressed its understanding that a thorough scientific analysis might not be feasible as the proposal was mainly aiming to protect areas which would be the results of future events, but noted that information describing the recent trend and the present state of those ice shelves would be of great help. China indicated that because the area to be protected had significant scientific merits, research and monitoring plans would be particularly needed. At the same time, China questioned the necessity to protect all of those areas and stated that the fact that those areas were not utilised by any fishery or logistic activities at present should not constitute an excuse to exclude such activities in the future.

7.36 Many delegations expressed the view that the protection of the unique habitats found when ice shelves collapse would have been a sound precautionary measure, noting that it had been recommended by the Antarctic Treaty Meeting of Experts on Climate Change, held in 2010, and endorsed by the CCAMLR MPA Workshop held this year in France. These delegations stressed that protecting those habitats would have had no implications for harvesting or logistics, but would have protected the areas for science, as envisaged under

Article IX.2(g) of the CAMLR Convention. These delegations further noted that the lack of progress during the meeting on this issue meant that there would be no new designations for marine protection going into 2012. These delegations urged greater progress by the Commission in respect of MPAs next year.

#### Proposal for a general conservation measure on MPAs

7.37 Australia presented CCAMLR-XXX/30, a conservation measure that provides a general framework for the establishment of CCAMLR MPAs. In presenting this proposal, Australia noted that the general conservation measure for establishing MPAs was introduced last year (CCAMLR-XXIX, paragraphs 12.74 to 12.76), considered through intersessional correspondence, and has been discussed extensively in SCIC (Annex 6, paragraphs 2.71 to 2.73).

7.38 Australia stated that it was of the view that there is general support for this proposal and noted the importance of establishing a framework for CCAMLR MPAs. Australia noted that CCAMLR is held in high regard for its leadership in managing the conservation and sustainable use of Antarctic marine living resources, and that it greatly values the positive and cooperative approach taken by Members to conclude the development of a general conservation measure on MPAs this year.

7.39 Russia pointed out that a general conservation measure on CCAMLR MPAs should include a clear timeframe within which a management plan and research and monitoring plan associated with every MPA should be reviewed, as well as a clear timeframe within which MPA status should be reviewed on the basis of information collected under these plans.

7.40 Australia noted the considerable discussion to date regarding the balance between conservation and rational use in the establishment of MPAs, and recognised the need for the general conservation measure on MPAs to adequately reflect Article II to achieve the appropriate balance.

7.41 Australia acknowledged the general goodwill to date of Members to conclude the development of a general conservation measure this year to guide the establishment of MPAs in 2012, and encouraged Members to focus on the text of the measure to ensure this can be achieved.

7.42 The EU welcomed the adoption of this general conservation measure and expressed its appreciation for the flexible approach of Members in agreeing to this measure, which will guide the establishment of CCAMLR MPAs in the future (paragraph 12.39).

7.43 ASOC made the following statement in respect of MPAs:

‘The East Antarctica and ice shelves proposals embody the implementation the ecosystem and precautionary approaches at the heart of Article II of the CAMLR Convention. As Members are well aware, the objective set out in Article II is the conservation of Antarctic marine living resources, where the term conservation includes rational use, and plainly marine protected areas and marine reserves are entirely consistent with this objective.

Furthermore, Article IX of the Convention allows for the “designation of the opening and closing of areas, regions or sub-regions for purposes of scientific study or conservation, including special areas for protection and scientific study” – that is the establishment of marine protected areas and marine reserves.

ASOC does not consider conservation and rational use to be two separate goals but as complementary and central aspects of CCAMLR’s central objective. Marine protected areas and marine reserves can provide a range of benefits, not least to fisheries management in the form of reducing the risk of overfishing, providing reference areas to study the effects of fishing and environmental change and in some cases have been shown to lead to enhanced catches.

Thus ASOC is strongly supportive of the East Antarctica and ice shelves proposals and especially the adoption of a general MPA conservation measure.’

## IMPLEMENTATION AND COMPLIANCE

8.1 The SCIC Chair, Ms K. Dawson-Guynn (USA), reported to the Commission on the work of SCIC in relation to compliance with conservation measures, the development of a compliance evaluation procedure (DOCEP), the CDS, IUU fishing in the Convention Area and consideration of progress made in respect of recommendations contained in the Performance Review.

### Compliance with conservation measures in force

#### System of Inspection

8.2 The Commission noted advice from SCIC that no cases of non-compliance with conservation measures had been reported as a result of any at-sea inspections undertaken under the System of Inspection. The Commission also noted that Members were encouraged to actively participate in the System of Inspection where possible and report the results back to the Commission.

#### Tagging program (CM 41-01, Annex C)

8.3 The Commission noted the advice of SCIC that all vessels, except the Korean-flagged *Hong Jin No. 707*, participating in exploratory fisheries in Subarea 88.2 during 2010/11 had achieved the required minimum tagging rate, and all vessels achieved the required tag overlap statistic.

#### Environmental and mitigation measures

8.4 The Commission noted advice from SCIC that eight vessels were reported not to have complied with all the requirements of CMs 25-02 and 26-01 in 2010/11. SCIC considered

responses by the Flag States concerned, noting that in almost all cases the reports had been investigated and no violations had been found to have occurred. In two cases, Members were required to provide additional information and resubmit reports to the Commission.

8.5 The Commission also noted advice from SCIC that no reports of non-compliance with CM 25-02 had been recorded during 2010/11 for those vessels operating in Subarea 48.3. Therefore, all vessels that operated in this area in 2010/11 could be potentially eligible to be granted a licence extension in 2011/12.

8.6 The Commission noted advice from the Scientific Committee that SCIC consider amending conservation measures to prohibit vessels from using gear types other than those specified in a notification.

#### Compliance evaluation procedure

8.7 The Commission noted the advice of SCIC that significant progress had been made in refining DOCEP and that CCAMLR was in a position to develop a compliance evaluation procedure to be put forward as a draft conservation measure for possible adoption at CCAMLR-XXXI. One Member noted that a compliance evaluation procedure would have been of significant value to the Commission in 2011 in considering the case of the *Insung No. 7* and urged that work on DOCEP be advanced with some urgency.

8.8 Some Members expressed disappointment that the Commission was not able to adopt a compliance evaluation procedure at this stage and urged Members to engage with Australia in the 2011 /12 intersessional period.

8.9 The Commission thanked Australia for its work to progress the development of a compliance evaluation procedure and echoed SCIC's advice that Members actively engage with Australia to contribute to intersessional work toward drafting a conservation measure for consideration by CCAMLR in 2012.

#### Catch Documentation Scheme

8.10 The Commission noted the advice of SCIC that Singapore had been non-responsive to communications from the Secretariat and Members, and that Singapore had not taken appropriate action to fully implement the CDS. The Commission noted with concern that ports in Malaysia and Singapore continue to be used by IUU-listed vessels and Singapore had again been silent on this issue. The Commission noted the importance CM 10-05, Annex C, and endorsed the advice of SCIC that the list of NCPs not cooperating with CCAMLR's CDS should be made public on the CCAMLR website.

8.11 The EU pointed to the fact that the procedure outlined in Annex C of CM 10-05 needs to be followed closely in order to encourage cooperation with CCAMLR in the implementation of the CDS by NCPs involved in toothfish trade. In this respect, the Secretariat should ensure that it communicates with NCPs involved in toothfish trade in due time to enable sufficient response time before the annual meeting of the Commission. At the annual meeting, in accordance with Annex 10-05/C, paragraph C8, the Commission should

review the status granted to each NCP, following the advice from SCIC. The list of NCPs cooperating and non-cooperating with CCAMLR's CDS should be made public on the CCAMLR website. The EU reiterated that the lack of cooperation of NCPs with CCAMLR's CDS represents a significant loophole in the system and these shortcomings need to be addressed in order to more effectively combat IUU.

8.12 The Commission endorsed SCIC's recommendation that Singapore's status as an NCP cooperating with CCAMLR by participating in the CDS be revoked. The Commission requested that the Chair write to Singapore in relation to this matter.

8.13 Although the Commission currently has no formal relationship with Malaysia, it was noted that Malaysia had recently acceded to the Antarctic Treaty. The Commission requested the Chair to write to the Antarctic Treaty Secretariat to outline CCAMLR's efforts in engaging with Malaysia to combat IUU fishing and prevent fishing vessels that undermine CCAMLR's conservation measures from using Malaysian ports, and encourage active collaboration with CCAMLR by Malaysia. The letter will request that the matter be formally raised with Malaysia at the next opportunity.

8.14 The Commission noted the advice of SCIC that Hong Kong Special Administrative Region (SAR) was reviewing internal policies and procedures in preparation for the possible implementation of the CDS which China estimated would take about two years to complete, and that Hong Kong SAR was considering the application of the CAMLR Convention. The Commission noted this progress and encouraged China to continue its work on the implementation of the CDS in Hong Kong SAR.

## IUU FISHING IN THE CONVENTION AREA

### Current level of IUU fishing

9.1 The Commission reviewed advice from SCIC and the Scientific Committee on the current level of IUU fishing. Five vessels were reported to have engaged in IUU fishing activities in the Convention Area and three IUU-listed vessels were sighted outside the Convention Area during 2010/11. Six of the identified vessels were reported to be using gillnets; one, the *Sima Qian Baru 22*, was reported to be using longlines and one, the *Koosha 4*, was a refrigerated cargo vessel. The Commission noted the advice from SCIC that the *Koosha 4*, being a refrigerated cargo vessel, should be of particular concern. The Commission noted advice from SCIC that the *Yangzi Hua 44* was active in the Convention Area in Divisions 58.4.1 and 58.4.4 during 2009/10 and 2010/11.

9.2 The Commission noted advice from the Scientific Committee that there is no evidence to suggest that IUU fishing has declined and that it continued at a relatively low level, although it was possible it was increasing and that the spatial distribution of IUU fishing may be changing.

9.3 The Commission noted that only one IUU vessel sighting report from a vessel master of a licensed vessel operating in the Convention Area, and two sighting reports from observers operating under the Scheme of International Scientific Observation, had been received by the Secretariat in 2010/11 and expressed concern at the lack of sighting reports from licensed vessels.

9.4 The Scientific Committee Chair highlighted the advice of the Scientific Committee that the Secretariat should monitor trends in IUU effort rather than estimate IUU catch, but that estimates of total removals are needed for stock assessments, and Members are encouraged to assist the Scientific Committee to develop methodologies to generate these estimates (SC-CAMLR-XXX, paragraphs 6.1 and 6.2).

9.5 The Commission agreed with the Scientific Committee regarding the uncertainty surrounding gillnet catch rates and suggested that information could be gained from other organisations, such as IOTC, where gillnets are reported to be used. The Commission noted that gillnets were of particular concern due to the potential impacts on by-catch species and benthic ecosystems.

9.6 The Commission expressed concern that, despite efforts to combat IUU fishing, it continues to be a problem in the Convention Area. The Commission agreed that there is a need to measure IUU fishing levels and agreed with the advice of the Scientific Committee that the recommendations of the Joint Assessment Group (JAG) on alternate methods to estimate IUU fishing extractions, should be revisited.

9.7 The EU reiterated strong concern with regard to IUU fishing in the Convention Area which continues to threaten the marine resources under CCAMLR's purview and undermine the objectives of the Convention. The EU urged CCAMLR Members to make progress on expanding the array of instruments necessary to combat IUU fishing in the area by adopting a market-related measure and amending the current measure on CCAMLR Port State inspections. The EU believed that without progress in these respects CCAMLR will be unable to effectively fight IUU fishing.

#### Control of nationals (CM 10-08)

9.8 The Commission noted the report submitted by Chile in relation to new domestic legislation for the control of nationals who engage in IUU fishing. The Commission also noted a report submitted by Spain in relation to the implementation of CM 10-08 during 2010/11 relating to investigations involving Spanish nationals, some of which resulted in sanctions and penalties.

#### IUU Vessel Lists

9.9 The Commission adopted the recommendation from SCIC that the Iranian-flagged vessel, the *Koosha 4*, be included on the NCP-IUU Vessel List in 2011. The EU noted that it was currently in communication with Iran in relation to the *Koosha 4*.

9.10 The Commission noted the advice from SCIC that most Members had agreed that China had satisfied CM 10-06, paragraph 14, and supported China's request that the *West Ocean* and *North Ocean* be removed from the CP-IUU Vessel List. A number of delegations advised the Commission that they had reviewed the information provided by China and could join the consensus in this matter. The Commission agreed to remove the vessels *West Ocean* and *North Ocean* from the CP-IUU Vessel List.

9.11 China thanked the Commission for supporting its proposal and reiterated its commitment to continue cooperation with Parties in combatting IUU fishing.

9.12 The Commission noted the recommendation from SCIC to include the Korean-flagged vessel, the *Insung No. 7*, on the CP-IUU Vessel List in 2011. The Republic of Korea requested that the Commission reconsider this recommendation. The Commission expressed concern that a consensus decision reached in SCIC was reopened at the Commission.

9.13 Many delegations expressed their appreciation for the cooperation demonstrated by the Republic of Korea in joining the consensus in SCIC to include the *Insung No. 7* on the Proposed CP-IUU Vessel List. They supported that recommendation and were of the view that the Commission should adopt the recommendation of SCIC regarding the inclusion of the *Insung No. 7* on the CP-IUU Vessel List. They noted that the vessel's 339% over-catch of toothfish in SSRU 5842E, including through the setting of two lines after the vessel was aware that the catch limit had been exceeded, represents intentional acts of illegal fishing that should be of major concern to the Commission. In addition, they were of the view that the sanctions that had been applied by Korea to the operator, vessel and master were completely inadequate given the seriousness of the illegal activity.

9.14 The USA also noted that, how the Commission responds to these illegal acts will send a strong signal about the value that this organisation places on transparency, compliance and the objectives of the Convention. It added that the world is watching to see whether CCAMLR will stand for those objectives, by applying its conservation measures to Members and non-Members alike, or whether it will turn a blind eye when it is convenient to do so. If the Commission chooses the latter, it will be complicit in the illegal fishing of the *Insung No. 7* and call into question the Commission's credibility.

9.15 The Commission noted SCIC's advice that highlighted the seriousness of the actions by the *Insung No. 7* and that it had engaged in intentional illegal activity. The Commission reiterated the comments by SCIC that the inclusion of the *Insung No. 7* on the CP-IUU Vessel List was an important demonstration of the Commission's commitment to the objectives of the CAMLR Convention and that the vessel had clearly met the requirements for IUU listing as outlined in CM 10-06.

9.16 Russia reiterated that the incident regarding the *Insung No. 7* demonstrated the urgency for a compliance evaluation procedure, particularly in terms of evaluating the severity of such incidents, and was of the view that the IUU listing of the *Insung No. 7* should not be considered in the future as a precedent for categorising the seriousness of conservation measure violations and bypassing DOCEP. Several Members noted that, even with a compliance evaluation procedure to evaluate the *Insung No. 7*'s actions, IUU listing would still be the appropriate action.

9.17 The Republic of Korea advised the Commission that it had received advice that, in the event of its domestic legislation being amended to provide for the application of commensurate sanctions, this legislation could not be applied to the case involving the *Insung No. 7* as the event occurred before the legislation would be in place. Korea advised the Commission that it intended to withdraw all Insung Corp. vessels from new and exploratory fisheries in 2011/12 which includes the *Insung No. 3* (Subareas 88.1 and 88.2), the *Insung No. 5* (Subareas 88.1 and 88.2) and the *Insung No. 66* (Subareas 48.6 and 88.2 and Division 58.4.1), and that there would be no replacement of these vessels. Korea considered

this was a severe sanction on Insung Corp. and represented a significant financial penalty to the company (approximately 10 times higher than the value of fish taken illegally by the *Insung No. 7*). Korea noted that this demonstrated its desire to uphold the CAMLR Convention and punish those vessels flying its flag for engaging in IUU fishing.

9.18 The Commission noted that the issue of listing a vessel on the IUU Vessel List was separate from the notification of vessels for exploratory fisheries. The application of sanctions is a factor to be considered in the delisting process. A number of Members thanked the Republic of Korea for considering the application of alternative sanctions and noted the constraints of its domestic legislation, but expressed that it was still necessary to include the *Insung No. 7* on the CP-IUU Vessel List.

9.19 Some Members requested information on the relationship of Insung Corp. and Hong Jin Corp. and Korea responded that there are no legal, financial and/or beneficial linkages between the two companies. Korea also advised that no substitution of vessels would take place for the exploratory fisheries in 2011/12.

9.20 Some Members noted the Insung Corp. may not suffer economically if these vessels fished elsewhere and the Commission was provided with no information in this respect.

9.21 A number of Members noted that the decision before the Commission related to the adoption of the recommendation made by SCIC to include the *Insung No. 7* on the CP-IUU Vessel List, and recalled that this decision was made by consensus at SCIC and included the Republic of Korea.

9.22 Ukraine reminded Members of a decision taken by the Commission in 2006 in relation to a similar issue which it considered as a precedent for how these issues should be dealt with. Ukraine noted that SCIC only makes recommendations to the Commission.

9.23 New Zealand and the UK noted that it was not appropriate to draw a linkage between the discussion this week and what had occurred in 2006, and that the circumstances were very different. New Zealand noted that it recalled the discussion that took place in 2006 and that the official record of the Commission did not necessarily reflect all the nuances of that discussion and it was dangerous to attempt to retrospectively reinterpret history.

9.24 New Zealand expressed its appreciation to the Republic of Korea for the honest, transparent and fulsome approach it had taken in informing the Commission of all the details associated with this issue. New Zealand noted that this transparent approach by Korea did not temper New Zealand's disappointment with the position of Korea to not support the inclusion of the *Insung No. 7* on the Commission's CP-IUU Vessel List.

9.25 The Republic of Korea stated that it respected the integrity of the CAMLR Convention and felt it had applied a significant financial penalty on Insung Corp. by the withdrawal of all its vessels from fishing in 2011/12.

9.26 The Republic of Korea noted that its agreeing on the listing of the *Insung No. 7* on the proposed list at SCIC was the most feasible option at that time because there was no alternative way in terms of domestic sanctions, while at the Commission, Korea indicated that having to withdraw three Insung Corp. vessels from all the CCAMLR area would in its view provide adequate sanctions. Korea further noted that by withdrawing these vessels it had

taken all the measures it could against the vessels' non-compliance. Korea advised that this was why it did not support at the Commission the listing of the vessel on the CP-IUU Vessel List.

9.27 The Chair concluded that there was no consensus for including the *Insung No. 7* on the CP-IUU Vessel List.

9.28 Several delegations indicated that they were disappointed that the Republic of Korea did not accept the advice of SCIC to include the *Insung No. 7* on the CP-IUU Vessel List. In their view, the *Insung No. 7* committed serious violations of CCAMLR's conservation measures, and the correct action, as SCIC advised following a consensus decision supported by Korea, would have been to list the vessel.

## SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

10.1 In accordance with the CCAMLR Scheme of International Scientific Observation, scientific observers were deployed on all vessels in all finfish fisheries in the Convention Area in 2010/11. Information collected by scientific observers on board longline, finfish trawl, pot and krill trawl cruises were summarised in SC-CAMLR-XXX/BG/4.

10.2 The Commission endorsed the recommendations on the development of the CCAMLR Observer Training Program Accreditation Scheme (COTPAS) (SC-CAMLR-XXX, paragraph 7.19; SC-CAMLR-XXX/8) and welcomed offers from Australia and the UK to participate in the trial of parts a–c of the accreditation process.

10.3 The Commission endorsed the proposed revision to Annex B of CM 41-01 to clarify the sampling requirements in exploratory fisheries (SC-CAMLR-XXX, paragraph 7.16) and noted the need to ensure that there was clarity in the conservation measure as to the relative responsibilities of the vessel and the scientific observer in delivering the required data.

10.4 The Commission endorsed the recommendations of the Scientific Committee in respect of revisions to the observer logbooks and the *Scientific Observers Manual*, as well as the clarification of an observed haul in the krill fishery (SC-CAMLR-XXX, paragraphs 7.2 to 7.10).

## NEW AND EXPLORATORY FISHERIES AND RESEARCH FISHING

11.1 The Commission noted that the Scientific Committee and WG-FSA had reviewed progress in assessing the exploratory fisheries for *Dissostichus* spp. (SC-CAMLR-XXX, paragraphs 3.115 to 3.180), and in research fishing conducted in closed fisheries (SC-CAMLR-XXX, paragraphs 9.1 to 9.43). These topics have similar research objectives and requirements, and the Commission agreed to combine these matters for consideration in this section on new and exploratory fisheries.

11.2 There were no new fisheries operating in the Convention Area in 2010/11, and no notifications have been made for new fisheries in 2011/12.

## Exploratory fisheries

11.3 Seven exploratory longline fisheries for *Dissostichus* spp. were agreed for 2010/11 (CMs 41-04 to 41-07 and 41-09 to 41-11), and the Commission endorsed the Scientific Committee's advice on these fisheries (SC-CAMLR-XXX, paragraphs 3.115 to 3.121, Table 1), noting that:

- (i) anomalously high CPUEs were reported in SSRU 5841E in the last two seasons and in SSRU 5842E in 2010/11, and the Scientific Committee has requested further investigation by the Secretariat, WG-FSA and Members, to understand the reason for these high values
- (ii) in 2010/11 most vessels released tags continuously at or above the required rates throughout their fishing trips
- (iii) almost all vessels had improved their tagging performance over the last three years, some significantly, and this confirmed that vessels can achieve the required overlap statistic of 60% in 2011/12
- (iv) approximately 14 000 tagged fish have been released in Subareas 48.6 and 58.4, yet there have been only 69 (0.5%) recaptures, and only seven tagged fish were recaptured from these subareas in 2010/11. This is the lowest number of tagged fish recaptured in these subareas since the start of the tagging program, even though catches in 2010/11 in these subareas were higher than in the previous two years.

11.4 The Commission noted that the Scientific Committee, WG-SAM and WG-FSA had focused discussions in 2011 on the exploratory fishery in Subarea 48.6, as well as on exploratory and closed fisheries in Subarea 58.4. The Scientific Committee had referred to these fisheries as 'data-poor exploratory fisheries' (SC-CAMLR-XXX, paragraph 3.122).

11.5 With respect to the high CPUE rates reported in SSRUs 5841E and 5842E, the Commission noted the Republic of Korea's advice to SCIC (Annex 6, paragraph 2.30).

11.6 The Commission also noted that nine Members had notified for exploratory longline fisheries for *Dissostichus* spp. in Subareas 48.6, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b for 2011/12 (SC-CAMLR-XXX, paragraph 3.116).

11.7 Some Members noted that New Zealand's notifications for the *Antarctic Chieftain* did not reflect the vessel's reflagging history over the previous 12 months, as required in paragraph 5(i) of CM 21-02. New Zealand's notifications for the vessel *Antarctic Chieftain* for exploratory fisheries in the 2011/12 season were consistent with the notifications provided by New Zealand in the past three seasons and no concern had previously been raised. Consistent with the requirements of CM 10-02, New Zealand only authorises vessels flying its flag to operate in CCAMLR exploratory fisheries. New Zealand thanked Ukraine and Russia for raising the issue of ambiguity between CM 10-02 and CM 21-02. New Zealand reported that the vessel *Antarctic Chieftain* reverts to New Zealand flag at the conclusion of its operations in Australian fisheries, and before entering CCAMLR exploratory fisheries. It was further reported that the beneficial ownership of the vessel has remained unchanged since 2008.

11.8 During the meeting, the Republic of Korea withdrew the three Insung-owned vessels notified in exploratory fisheries in Division 58.4.1 and Subareas 48.6, 88.1 and 88.2 in 2011/12 (*Insung No. 3, Insung No. 5, Insung No. 66*). Korea confirmed that these vessels would not operate in the Convention Area in 2011/12. Korea also advised the Commission that this withdrawal would give a strong signal to Korean fishing vessel operators to comply with all the conservation measures.

11.9 Some Members thanked the Republic of Korea for withdrawing these vessels and reducing the fishing capacity in the exploratory fisheries in Division 58.4.1 and Subareas 48.6, 88.1 and 88.2.

#### Progress on assessments in exploratory fisheries in Subareas 48.6 and 58.4

11.10 The Commission noted the Scientific Committee's lack of progress on assessments in the exploratory fisheries in Subareas 48.6 and 58.4, and endorsed the advice on this matter (SC-CAMLR-XXX, paragraphs 3.128 to 3.133, 3.137, 3.138 and 3.141), including:

- (i) increasing the number of research hauls and the tagging rates to increase the amount of data and the number of tagged fish available for recapture
- (ii) tagging only fish with a high probability of survival, and collecting data characterising the suitability of captured fish for tagging, including the number of hooking injuries
- (iii) increasing the number of research hauls in fine-scale rectangles in which most tagged fish have been released in the past few years in order to increase the likelihood of tagged fish being recaptured
- (iv) reducing the minimum distance between research hauls from 5 n miles to 3 n miles in order to concentrate effort in locations where tagged fish have been released
- (v) that Members include a detailed research plan in future notifications for exploratory fisheries in these subareas, based on requirements of CM 24-01, Annex 24-01/A, format 2.

11.11 The Commission discussed the progress made by the Scientific Committee, including the following points raised by Members:

- (i) The USA was concerned that, despite fishing activity dating back to the late 1990s and early 2000s, the Scientific Committee has been unable to provide advice on catch limits for the exploratory fisheries for *Dissostichus* spp. in Subareas 48.6 and 58.4 (the so-called 'data-poor' exploratory fisheries) (SC-CAMLR-XXX, paragraphs 3.146, 3.152, 3.161 and 3.165). In its view, however, the Scientific Committee has made substantial and important progress in providing advice relative to undertaking assessments of these fisheries. It specifically noted SC-CAMLR-XXX, paragraph 2.4, and endorsed the view that 'the primary purpose of research in data-poor fisheries should be to collect data

that will lead to a robust estimate of stock status and enable the estimation of precautionary catch limits consistent with CCAMLR decision rules.’ It endorsed the Scientific Committee’s advice to increase tagging rates, tag and release only ‘single-hooked fish in good condition’, achieve a minimum tag overlap statistic of 60%, and concentrate ‘research hauls’ in locations where tagged fish have been previously released (SC-CAMLR-XXX, paragraphs 3.128 to 3.133).

- (ii) The USA was encouraged by, and endorsed, the advice provided in SC-CAMLR-XXX, paragraphs 3.137 and 3.138. In its view, Members wishing to participate in data-poor exploratory fisheries should be provided an opportunity to revise and improve their research fishing proposals on the basis of an intersessional review that occurs prior to the annual meetings of WG-FSA and the Scientific Committee. It noted that the timeline outlined in SC-CAMLR-XXX, paragraph 3.138, provides ample opportunity for Members to revise their research plans, and, importantly, seems more likely to provide plans that, when well implemented, will lead towards assessments for data-poor fisheries.
- (iii) Australia believed that the term ‘data-poor exploratory fisheries’ was misleading because considerable fishery-based research has been conducted in the fisheries in Subareas 48.6 and 58.4, including the release of over 14 000 tagged fish. It believed that the current progress in assessing these fisheries had been limited by poor research implementation rather than poor research design, and endorsed the Scientific Committee’s requirements for future research fishing.
- (iv) The EU indicated that the low recapture rates recorded in Subarea 58.4 were likely to be linked to IUU fishing in this region, and it urged the Commission to further develop measures to deter and eliminate IUU fishing in the Convention Area.
- (v) Japan and the Republic of Korea expressed their concern about the increased requirements for tagging fish in these exploratory fisheries, and in particular the Scientific Committee’s advice that only single-hooked fish, hooked in the mouth and with a high probability of survival, shall be tagged and released.

11.12 The Commission also endorsed the Scientific Committee’s recommendation that scientific observers be required to collect data from all research hauls to characterise the suitability of captured fish for tagging, including the number of hooking injuries (SC-CAMLR-XXX, paragraph 3.140).

#### Catch limits for *Dissostichus* spp.

11.13 The Commission noted that the Scientific Committee had been unable to provide new advice on the catch limits in the exploratory fisheries in Subareas 48.6 and 58.4 (SC-CAMLR-XXX, paragraphs 3.146, 3.152, 3.161 and 3.165).

11.14 The Commission endorsed the Scientific Committee’s advice on catch limits in Subareas 88.1 and 88.2 (SC-CAMLR-XXX, paragraphs 3.172 to 3.174, 3.176 and 3.177), including the:

- (i) revised catch limit for *Dissostichus* spp. in Subarea 88.1, and consequential changes to the limits in combined SSRUs B, C, G, SSRUs H, I, K and SSRUs J, L
- (ii) protection of the registered VMEs on Admiralty Seamount in Subarea 88.1, SSRU G (see paragraph 5.1 and CM 22-09)
- (iii) provision of 80 tonnes set aside to facilitate the pre-recruit survey in Subarea 88.1 in 2011/12 and 2012/13
- (iv) revised catch limit for *Dissostichus* spp. in Subarea 88.2, revised boundaries of SSRUs in that subarea, and related changes to the catch limits in SSRU H and the combined SSRUs C, D, E, F, G.

11.15 The Commission confirmed that the provision of 80 tonnes for the pre-recruit survey in Subarea 88.1 would be deducted from the catch limit set in combined SSRUs J, L. It also agreed that the survey be limited to 65 sets per year. Gear standardisation, both within and between years, would be a critical factor in the implementation of this survey and this could be best achieved by using the same vessel between years (SC-CAMLR-XXX, paragraph 3.175). Further, the Commission encouraged the Scientific Committee to consider the requirements for extending the pre-recruit survey beyond 2012/13 in order to achieve greater benefits from this research.

11.16 The Commission noted that the Scientific Committee had considered a proposal for the conditional transition of the fishery for *Dissostichus* spp. in the Ross Sea from exploratory to established (SC-CAMLR-XXX, paragraphs 3.179 and 3.180). The Scientific Committee had noted the view of WG-FSA that sufficient information had become available to warrant removal of its exploratory status as it meets the criteria set out for exploratory fisheries in paragraph 1 of CM 21-02. However, there were many elements of the existing conservation measures which had been essential for reaching this status and whose retention would be essential in the future, and the Scientific Committee had requested advice from WG-FSA on the key elements of the data collection, research plan, and assessment procedures required to ensure the continued assessment and management of the fishery.

#### Research fishing in closed fisheries or fisheries with zero catch limits

11.17 The Commission noted that the Scientific Committee had considered proposals for research fishing under CM 24-01 in closed fisheries or fisheries with zero catch limits. These proposals were considered with reference to the general principles to be followed when developing CCAMLR-sponsored research, and specific advice from WG-SAM's 2011 focus topic on the requirements for research plans (SC-CAMLR-XXX, paragraphs 9.3 to 9.6).

11.18 The Commission endorsed the Scientific Committee's advice on the three-year research fishing by Russia on *Dissostichus* spp. in Subarea 88.3 SSRUs B and C (SC-CAMLR-XXX, paragraphs 9.7 to 9.13 and 9.37), including the:

- (i) limits on research fishing (50 longline sets and 65 tonnes of *Dissostichus* spp. in 2011/12)

- (ii) increase in the tagging rate to 10 fish per tonne of green weight caught
- (iii) provision of additional data on the spatial distribution of tagged fish released in 2010/11 and on the suitability of fish for tagging and number of hooking injuries for captured fish
- (iv) invitation for scientists from other Members to collaborate in the modelling of stock status.

11.19 The Commission endorsed the Scientific Committee's advice on the two-year research fishing by Russia on *Dissostichus* spp. in SSRU 882A (SC-CAMLR-XXX, paragraphs 9.14 to 9.16, see also CCAMLR-XXIX, paragraphs 4.68 and 4.69), including:

- (i) limits on research fishing (10 tonnes of *Dissostichus* spp. in 2011/12)
- (ii) submission of results to WG-FSA in 2012.

11.20 The Commission endorsed the Scientific Committee's advice on research fishing by Japan on *Dissostichus* spp. in Divisions 58.4.4a and 58.4.4b (Ob and Lena Banks) (SC-CAMLR-XXX, paragraphs 9.17 to 9.26 and 9.37), including:

- (i) limits on research fishing (71 longline sets and 70 tonnes of *Dissostichus* spp. in 2011/12)
- (ii) requirement to tag fish with a high probability of survival
- (iii) requirement to evaluate and report the effects of fishing gear on the suitability of fish for tagging and the number of hooking injuries for captured fish across all size classes and modify the research design and/or choice of fishing gear configuration accordingly to ensure that the requirements of an effective tagging program are met. Where particular gear types are incapable of capturing sufficient fish suitable for tagging, alternate sampling tools should be used.

11.21 The Commission endorsed the Scientific Committee's advice on the research fishing by Japan on *Dissostichus* spp. in Division 58.4.3b (BANZARE Bank) (SC-CAMLR-XXX, paragraphs 9.27 to 9.36), including the:

- (i) limits on research fishing (48 longline sets and 40 tonnes of *Dissostichus* spp. in 2011/12)
- (ii) requirement to tag fish with a high probability of survival
- (iii) requirement to evaluate and report the effects of fishing gear on the suitability of fish for tagging and the number of hooking injuries for captured fish across all size classes and modify the research design and/or choice of fishing gear configuration accordingly to ensure that the requirements of an effective tagging program are met. Where particular gear types are incapable of capturing sufficient fish suitable for tagging, alternate sampling tools should be used
- (iv) analysis of the distribution of tags, the effect of different gear types on trauma and condition and tagging rates across the survey area to be reported to WG-FSA in 2012.

11.22 The Commission noted the work program of the Scientific Committee in the coming intersessional period (SC-CAMLR-XXX, paragraph 9.36) and looked forward to recommendations on these research programs next year.

#### Research fishing in fisheries with assessments

11.23 The Commission endorsed the Scientific Committee's advice on the multi-year research fishing proposal by New Zealand to monitor the abundance of pre-recruit *D. mawsoni* in the southern Ross Sea (paragraphs 11.14 and 11.15; SC-CAMLR-XXX, paragraphs 9.40 and 9.41).

11.24 The Commission noted the other notifications of scientific research activities in 2011/12 (SC-CAMLR-XXX, paragraph 9.43).

### CONSERVATION MEASURES

12.1 The Commission's consideration of revised and new conservation measures and resolutions, and related matters, is reported in this section. Conservation measures and resolutions adopted at CCAMLR-XXX will be published in the *Schedule of Conservation Measures in Force 2011/12*.

12.2 The Commission noted that the following conservation measures will lapse on 30 November 2011: 32-09 (2010), 33-02 (2010), 33-03 (2010), 41-01 (2010), 41-02 (2009), 41-03 (2010), 41-04 (2010), 41-05 (2010), 41-06 (2010), 41-07 (2010), 41-08 (2009), 41-09 (2010), 41-10 (2010), 41-11 (2010), 42-01 (2010), 42-02 (2010), 51-04 (2010) and 52-01 (2010).

12.3 The Commission agreed that the following conservation measures<sup>1</sup> and resolutions will remain in force in 2011/12:

#### Measures on compliance

10-01 (1998), 10-03 (2009), 10-05 (2009), 10-06 (2008), 10-07 (2009) and 10-08 (2009).

#### Measures on general fishery matters

21-01 (2010), 22-01 (1986), 22-02 (1984), 22-03 (1990), 22-04 (2010), 22-05 (2008), 22-06 (2010), 22-07 (2010), 22-08 (2009), 23-01 (2005), 23-02 (1993), 23-03 (1991), 23-04 (2000), 23-05 (2000), 23-06 (2010), 23-07 (2010), 24-02 (2008), 25-02 (2009) and 26-01 (2009).

#### Measures on fishery regulations

31-01 (1986), 31-02 (2007), 32-01 (2001), 32-02 (1998), 32-03 (1998), 32-04 (1986), 32-05 (1986), 32-06 (1985), 32-07 (1999), 32-08 (1997), 32-10 (2002),

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<sup>1</sup> Reservation to these measures are given in the *Schedule of Conservation Measures in Force in 2011/12*.

32-11 (2002), 32-12 (1998), 32-13 (2003), 32-14 (2003), 32-15 (2003), 32-16 (2003), 32-17 (2003), 32-18 (2006), 33-01 (1995), 51-01 (2010), 51-02 (2008) and 51-03 (2008).

Measures on protected areas

91-01 (2004) and 91-03 (2009).

Resolutions

7/IX, 10/XII, 14/XIX, 15/XXII, 16/XIX, 17/XX, 18/XXI, 19/XXI, 20/XXII, 22/XXV, 23/XXIII, 25/XXV, 27/XXVII, 28/XXVII, 29/XXVIII, 30/XXVIII, 31/XXVIII and 32/XXIX.

12.4 The Commission adopted the following revised and new conservation measures<sup>1</sup> and resolutions:

Revised measures on compliance (see paragraphs 12.5 to 12.8)

10-02 (2011), 10-04 (2011) and 10-09 (2011).

Revised measures on general fishery matters (see paragraphs 12.9 to 12.14)

21-02 (2011), 21-03 (2011), 24-01 (2011) and 25-03 (2011).

Revised measures on fishery regulations (see paragraphs 12.15 to 12.17)

51-06 (2011) and 51-07 (2011).

New measure on general fishery matters (see paragraphs 12.18 and 12.19)

22-09 (2011).

New measures on fishery regulations (see paragraphs 12.20 to 12.37)

32-09 (2011), 33-02 (2011), 33-03 (2011), 41-01 (2011), 41-02 (2011), 41-03 (2011), 41-04 (2011), 41-05 (2011), 41-06 (2011), 41-07 (2011), 41-08 (2011), 41-09 (2011), 41-10 (2011), 41-11 (2011), 42-01 (2011), 42-02 (2011) and 51-04 (2011).

New measure on protected areas (see paragraphs 12.38 and 12.39)

91-04 (2011).

New resolutions (see paragraphs 12.40 and 12.41)

33/XXX and 34/XXX.

Revised conservation measures

Compliance

Licensing and inspection

12.5 The Commission agreed that Contracting Parties be required to investigate each very serious marine casualty involving their fishing vessels in the Convention Area, and report this

information as part of the licensing and inspection requirements in CM 10-02 (Annex 6, paragraphs 2.55 and 2.74). The Commission noted that this requirement is consistent with Article 94(7) of the Convention on the Law of the Sea.

12.6 The Commission also agreed that a Contracting Party's vessel may only be licensed to fish for *Dissostichus* spp. in the Convention Area if that vessel has an IMO number and if the Contracting Party is satisfied that the vessel is able to exercise its responsibility under the Convention and the conservation measures (Annex 6, paragraph 2.75). The revised CM 10-02 (2011) was adopted.

#### Vessel monitoring systems

12.7 The Commission agreed that VMS data may be provided by the Secretariat to a requesting Contracting Party other than the Flag State without the permission of the Flag State for the purposes of planning for active surveillance and/or inspections (Annex 6, paragraph 2.75). The Commission agreed that these data may only be provided for these purposes if the requesting Contracting Party has designated inspectors, and has previously carried out active surveillance and/or inspection activities, in accordance with CCAMLR's System of Inspection. Specific conditions were agreed on how the requested VMS data may be released and used. The Commission agreed that a Contracting Party may request the Secretariat to check VMS data from a vessel against the claims on a *Dissostichus* Catch Document in order to verify those claims. The revised CM 10-04 (2011) was adopted.

#### Notification system for transshipments

12.8 The Commission agreed to introduce the notification system for transshipments (CM 10-09) to the krill fisheries in Subareas 48.1 to 48.4 and Divisions 58.4.1 and 58.4.2, in order to increase the understanding of fishing operations in the Convention Area and improve the management of krill fisheries (Annex 6, paragraphs 2.67 and 2.74). The revised CM 10-09 (2011) was adopted.

#### General fishery matters

##### Notifications

12.9 The Commission agreed that future notifications for exploratory fisheries in Divisions 58.4.1, 58.4.2 and 58.4.3a and Subarea 48.6 (CM 21-02) must include research plans for review by the Scientific Committee and its working groups. These research plans must be reported in accordance with CM 24-01, Annex 24-01/A, format 2, and submitted to the Secretariat by 1 June prior to the next regular meeting of the Commission. This deadline will enable research plans to be reviewed iteratively at the intersessional working groups in July and October, and the Scientific Committee (SC-CAMLR-XXX, paragraphs 3.136 to 3.138). The Commission also agreed to prohibit vessels, including any replacement vessel, from changing gear type once it had been described in a notification (Annex 6, paragraph 2.32).

12.10 The Commission noted that Members intending to fish for krill in the Convention Area may only notify in respect of vessels flying their flag at the time of notification (CM 21-03; see also CCAMLR-XXV, paragraphs 7.27 to 7.29 and CCAMLR-XXVI, paragraph 13.24), while this requirement was not necessary for notifications for exploratory fisheries (CM 21-02). The Commission agreed to standardise this notification requirement, such that a Member intending to fish may only notify in respect to vessels flying its flag or that of another Member at the time of the notification. Further, and in accordance with CM 10-02, any vessel notified would need to be flagged to the notifying Member before entering the fishery.

12.11 CM 21-02 (2011) and CM 21-03 (2011) were revised accordingly and adopted.

#### Research and experiments

12.12 The Commission revised the format for reporting research proposals submitted in accordance with paragraph 3 of CM 24-01, based on the Scientific Committee's advice (SC-CAMLR-XXX, paragraph 3.137). The revised CM 24-01 (2011) was adopted.

#### Minimisation of incidental mortality

12.13 The Commission noted that 'stick water' was an unavoidable by-product of at-sea processing of krill and fish, and endorsed the Scientific Committee's advice that stick water is not a strong attractant to seabirds and therefore does not pose a significant threat to seabirds (SC-CAMLR-XXX, paragraph 4.17). The Commission agreed that stick water should not be considered as offal in respect of CM 25-03 (Minimisation of the incidental mortality of seabirds and marine mammals in the course of trawl fishing). A footnote was added to clarify this matter, and the revised CM 25-03 (2011) was adopted.

12.14 The Commission noted that stick water was also a by-product in finfish fisheries, and requested further advice from the Scientific Committee and WG-FSA on the application of the new footnote to other mitigation measures.

#### Fishery regulation

##### Krill fisheries

12.15 The Commission clarified the requirements for the systematic observer coverage scheme in the general measure for scientific observation in fisheries for *Euphausia superba* (CM 51-06). The Commission agreed that fishing vessels must ensure that an observer has access to sufficient samples to enable a target coverage rate of at least 20% of hauls or haul units during the period that the observer is on board the vessel per fishing season (SC-CAMLR-XXX, paragraphs 7.8 and 7.9). The Commission noted that the term 'haul units' referred to a two-hour contiguous period of fishing using the continuous trawling method. The revised CM 51-06 (2011) was adopted.

12.16 The Commission agreed that all sampling requirements for scientific observers on board vessels fishing for krill should be listed in the CCAMLR *Scientific Observers Manual*.

12.17 The Commission agreed to retain the interim distribution of the trigger level in the fishery for *E. superba* in Subareas 48.1 to 48.4 (CM 51-07) for a further three seasons, until the Scientific Committee and WG-EMM complete the development of a feedback management procedure for this fishery (SC-CAMLR-XXX, paragraphs 3.22, 3.23, 3.33 and 15.5, Table 6). The revised CM 51-07 (2011) was adopted.

## New conservation measures

### General fishery matters

#### Gear regulations and bottom fishing

12.18 The Commission agreed to afford protection to registered VMEs notified in accordance with CM 22-06. The Commission agreed that all bottom fishing activities shall be prohibited within the defined area of the registered VMEs, with the exception of scientific research activities agreed by the Commission for monitoring or other purposes on advice from the Scientific Committee and in accordance with CMs 24-01 and 22-06. CM 22-09 (2011) (Protection of registered vulnerable marine ecosystems in subareas, divisions, small-scale research units, or management areas open to bottom fishing) was adopted. The defined areas of the registered VMEs on Admiralty Seamount in SSRU 881G (paragraph 5.1) were listed in Annex 22-09/A.

12.19 The Commission agreed that the defined areas of registered VMEs in Annex 22-09/A should be included in the in-season fishery summaries which the Secretariat provides regularly to Members engaged in fishing activities within the area of application of CM 22-06.

#### Fishing seasons, closed areas and prohibition of fishing

12.20 The Commission reaffirmed the prohibition of directed fishing for *Dissostichus* spp. except in accordance with specific conservation measures. Accordingly, directed fishing for *Dissostichus* spp. in Subarea 48.5 was prohibited in 2011/12 and CM 32-09 (2011) was adopted.

#### By-catch limits

12.21 The Commission carried forward the existing by-catch limits in Division 58.5.2 in 2011/12. CM 33-02 (2011) was adopted.

12.22 The Commission carried forward the by-catch limits for exploratory fisheries in 2011/12, taking account of the revised catch limits for *Dissostichus* spp. in Subareas 88.1 and 88.2, and revised boundaries of SSRUs in Subarea 88.2. CM 33-03 (2011) was adopted.

## Toothfish

12.23 The Commission revised the limits on the fishery for *D. eleginoides* in Subarea 48.3 in 2011/12 and 2012/13, and agreed that the longline fishing operations may be extended in both seasons subject to the conditions and decision rule described in paragraphs 5 to 7 of CM 41-02 (SC-CAMLR-XXX, paragraphs 3.77, 3.78 and 4.9). The Commission recalled its decision to close the fishery for crab in this subarea, and agreed that any crab taken during the course of the fishery for *D. eleginoides* should, as far as possible, be released alive. CM 41-02 (2011) was adopted.

12.24 The Commission revised the catch limits for *D. eleginoides* and *D. mawsoni* in the fishery for *Dissostichus* spp. in Subarea 48.4 (SC-CAMLR-XXX, paragraph 3.87), and agreed to consequential changes to the by-catch limits for rajids and macrourids in the northern area of that subarea. Other elements regulating this fishery were carried forward and CM 41-03 (2011) was adopted.

12.25 The Commission revised the limits on the fishery for *D. eleginoides* in Division 58.5.2 west of 79°20'E in 2011/12 and 2012/13 (SC-CAMLR-XXX, paragraphs 3.92 and 4.10). CM 41-08 (2011) was adopted.

12.26 The Commission agreed that access to exploratory fisheries for *Dissostichus* spp. in Subareas 48.6, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b in 2011/12 would be open to those Members and vessels listed in Table 1, and that the catch limits for target and by-catch species listed in Table 2 would apply (SC-CAMLR-XXX, paragraphs 3.146, 3.152, 3.161 and 3.165; see also paragraph 11.8).

12.27 The Commission revised the research requirements in the exploratory fisheries for *Dissostichus* spp. in 2011/12, including the following elements:

- (i) clarification of the requirements of the data collection plan, including the need for vessels to ensure that sufficient samples are made available for scientific observers to conduct observations as required by the CCAMLR *Scientific Observers Manual* (SC-CAMLR-XXX, paragraph 7.16)
- (ii) in Divisions 58.4.1, 58.4.2 and 58.4.3a and Subarea 48.6, each vessel will be required to conduct a prescribed number of research hauls in each SSRU fished, with research hauls being made within fine-scale rectangles designated by the Secretariat prior to the start of the season (SC-CAMLR-XXX, paragraphs 3.131 and 3.132)
- (iii) in Divisions 58.4.1, 58.4.2 and 58.4.3a and Subarea 48.6, each vessel will tag *Dissostichus* spp. at a rate of at least five fish per tonne of green weight caught (SC-CAMLR-XXX, paragraph 3.128)
- (iv) in Division 58.4.3b, the fishery remained closed and the notified vessel will be required to conduct the agreed research plan and will be limited to 48 longline sets and 40 tonnes of *Dissostichus* spp. (SC-CAMLR-XXX, paragraph 9.35)

- (v) only fish with a high probability of survival shall be tagged and released, and as far as possible, only single-hooked fish should be tagged and released (noting that fish hooked only in the mouth are counted as single-hooked) (SC-CAMLR-XXX, paragraphs 3.133 and 9.39)
- (vi) each vessel shall achieve a minimum tag overlap statistic of 60% from 2011/12 onwards for each species of *Dissostichus* with a catch of more than 10 tonnes in a fishery (SC-CAMLR-XXX, paragraph 3.133)
- (vii) revision of the boundaries of SSRUs in Subarea 88.2 (SC-CAMLR-XXX, paragraph 3.177).

12.28 The Commission tasked the Secretariat with providing a list of fine-scale rectangles where research hauls will be conducted in 2011/12. This list will be provided to notifying Members in November 2011, prior to the start of the next fishing season. The Commission agreed that if fine-scale rectangles designated for research sets are blocked by sea-ice, then vessels may move to the nearest available rectangles with fishing depth between 550 and 2 200 m, and conduct the research sets in those rectangles (SC-CAMLR-XXX, paragraph 3.131).

12.29 The Commission agreed that all sampling requirements for scientific observers on board vessels fishing for *Dissostichus* spp. should be listed in the CCAMLR *Scientific Observers Manual*, including the following requirements:

- (i) in the exploratory fisheries in Subareas 88.1 and 88.2, sample fish of each *Dissostichus* species in a haul at a rate of 7 fish per 1 000 hooks up to a maximum of 35 fish of each species
- (ii) in all other exploratory fisheries, all fish in a research haul up to 100 fish are to be measured and at least 30 fish sampled for biological studies. Where more than 100 fish are caught, a method for randomly subsampling the fish should be applied.

12.30 The Commission adopted CM 41-01 (2011).

12.31 The Commission agreed to the limits for exploratory fisheries for *Dissostichus* spp. in 2011/12, with access, catch limits and research requirements as described above and in Tables 1 and 2, and adopted the following conservation measures:

- CM 41-04 (2011) – exploratory fishery for *Dissostichus* spp. in Subarea 48.6
- CM 41-05 (2011) – exploratory fishery for *Dissostichus* spp. in Division 58.4.2
- CM 41-06 (2011) – exploratory fishery for *Dissostichus* spp. in Division 58.4.3a
- CM 41-07 (2011) – exploratory fishery for *Dissostichus* spp. in Division 58.4.3b
- CM 41-09 (2011) – exploratory fishery for *Dissostichus* spp. in Subarea 88.1
- CM 41-10 (2011) – exploratory fishery for *Dissostichus* spp. in Subarea 88.2
- CM 41-11 (2011) – exploratory fishery for *Dissostichus* spp. in Division 58.4.1.

12.32 These conservation measures included the following limits and requirements:

- (i) all exploratory fisheries for *Dissostichus* spp. in 2011/12 were limited to vessels using longlines only

- (ii) no more than one vessel per country is permitted to fish at any one time in the exploratory fishery for *Dissostichus* spp. in Subarea 48.6
- (iii) the general limits and measures for by-catch and move-on rules provided in CM 33-03 apply
- (iv) the data collection and research plans and tagging protocols provided in CMs 21-02, 24-01 and 41-01 apply
- (v) a research catch limit of 80 tonnes of *Dissostichus* spp. was set aside to facilitate a pre-recruit survey in Subarea 88.1 (paragraph 11.15), and this amount was deducted from the catch limit in the combined SSRUs J, L in 2011/12
- (vi) catches taken during research fishing in SSRU 882A in 2011/12 (paragraph 11.19) will not be counted against the catch limit in the exploratory fishery in Subarea 88.2
- (vii) a prohibition of fishing in the defined areas for the registered VMEs on Admiralty Seamount in SSRU 881G (CM 22-09)
- (viii) the requirements for environmental protection provided in CMs 22-06, 22-07, 22-08 and 26-01 apply.

12.33 The Commission recalled the discussion of the existing system of alternate open and closed SSRUs in exploratory fisheries in Divisions 58.4.1 and 58.4.2 (SC-CAMLR-XXX, paragraphs 3.124 and 3.125; CCAMLR-XXIX, paragraphs 11.5 to 11.10), and noted that a well-designed multi-annual research plan notified under CM 21-02 may include research fishing in closed SSRUs (SC-CAMLR-XXX, Annex 7, paragraph 6.80). The Commission encouraged Members notifying in these exploratory fisheries to submit research plans which will lead to robust stock assessments, for consideration by WG-SAM, WG-FSA and the Scientific Committee in 2012. The Commission requested the Scientific Committee to consider catch limits in relation to the exploratory fisheries in Divisions 58.4.1 and 58.4.2 at its 2012 meeting and provide specific advice on this matter to CCAMLR-XXXI.

#### Icefish

12.34 The Commission revised the limits on the fishery for *C. gunnari* in Subarea 48.3 (SC-CAMLR-XXX, paragraph 3.62). Other elements regulating this fishery were carried forward and CM 42-01 (2011) was adopted.

12.35 The Commission revised the limits on the fishery for *C. gunnari* in Division 58.5.2 taking account of the interim limit reference point agreed by the Scientific Committee. The catch limit for the fishery in 2011/12 was set to 0 tonnes, with a 30-tonne research and by-catch limit (SC-CAMLR-XXX, paragraphs 3.70 and 3.71). Other elements regulating this fishery were carried forward and CM 42-02 (2011) was adopted.

## Krill

12.36 The Commission recalled that no notification had been made for exploratory fisheries for *E. superba* in 2011/12 (SC-CAMLR-XXX, paragraph 3.7). However, the requirements of the general measure for exploratory fisheries for *E. superba* were carried forward to 2011/12 in order to provide guidance to Members who may wish to notify for these exploratory fisheries in 2012/13. CM 51-04 (2011) was adopted.

## Crab

12.37 The Commission noted that crabs were not harvested during 2010/11 in Subarea 48.3, and no notification to harvest crabs in 2011/12 has been received. Further, the Scientific Committee advised that the current annual precautionary catch limit for the crab fishery in Subarea 48.3 might not be sustainable in the long term if the limit was reached consistently, due to the high level of discarding and uncertainty surrounding discard mortality. The Commission endorsed the Scientific Committee's advice and the fishery was closed (SC-CAMLR-XXX, paragraphs 3.110 to 3.112).

## Protected areas

### General framework for the establishment of CCAMLR MPAs

12.38 The Commission adopted a general framework for the establishment of CCAMLR MPAs. This framework outlined the common actions and requirements for the declaration, administration and management of CCAMLR MPAs, consistent with international law, including as reflected in the United Nations Convention on the Law of the Sea. CM 91-04 (2011) (General framework for the establishment of CCAMLR Marine Protected Areas) was adopted. The adoption of this conservation measure confirmed CCAMLR's commitment to create a system of MPAs in the Convention Area.

12.39 Australia thanked all Members for their cooperative spirit in working on the general framework conservation measure during the meeting and noted that CCAMLR was in a good position to work towards the establishment of CCAMLR MPAs in 2012 and beyond.

## New resolutions

12.40 The Commission adopted a resolution which encourages Members and their flagged vessels to provide relevant vessel information to the appropriate Maritime Rescue Coordination Centre in advance of the vessels entering the Convention Area (Annex 6, paragraphs 2.69 and 2.74). Resolution 33/XXX (Provision of flag vessel information to Maritime Rescue Coordination Centres) was adopted.

12.41 Recalling the sinking of the FV *Insung No.1* in the Ross Sea in 2010, and Members' concerns for the safety of fishing vessels, crew and scientific observers operating in the

Southern Ocean, the Commission adopted a resolution to enhance the safety of fishing vessels in the Convention Area. Resolution 34/XXX (Enhancing the safety of fishing vessels in the CAMLR Convention Area) was adopted.

#### Other measures considered

##### Port State measures to prevent, deter and eliminate IUU fishing

12.42 The Commission considered a proposal to extend port inspections to other species harvested in the Convention Area in order to strengthen CCAMLR's port inspection scheme to prevent, deter and eliminate IUU fishing (CM 10-03, Port inspections of vessels carrying toothfish) (see Annex 6, paragraph 2.75). This proposal was presented in response to comments made during SCIC to reflect much more limited amendments, focused within the context of the existing CCAMLR scheme. However, the EU and the USA reaffirmed their commitment to the ratification of the FAO Port State Measures (PSM) Agreement.

12.43 Japan advised the Commission that it is undertaking a review of the legal aspect of this proposal, as well as the practical aspects of its port inspection regime with respect to foreign vessels in the context of the ratification by Japan of the FAO PSM Agreement. While Japan fully supports the Commission's work to enhance CCAMLR's measures to combat and eliminate IUU fishing, Japan was unable to endorse the proposal at the time of the meeting.

12.44 Many Members expressed their strong disappointment that the Commission was again unable to make progress in strengthening CCAMLR's port inspection requirements. A robust regime of port inspections is a critical and cost-effective tool for detecting and addressing IUU fishing that occurs in the CAMLR Convention Area. While CCAMLR made some progress in 2008 and 2009 to improve this conservation measure, following the recommendations of the Performance Review Panel, they believed that a valuable opportunity to make a strong statement that CCAMLR is continuing to look for ways to enhance its position against IUU fishing activity had been missed. Those Members felt that it was particularly disappointing that other Members were unable to be flexible and adopt even minimal improvements to the current system. The EU and the USA reiterated their strong commitment to the improvement of this measure and keeping the discussions ongoing during the intersessional period and at the next annual meeting.

12.45 The Commission urged further consultation amongst Members in order to strengthen the Commission's fight against IUU fishing.

##### Market-related measures

12.46 The Commission noted that the EU, in consultation with other Members, resubmitted the proposal on market-related measures to promote compliance in the Convention Area (CCAMLR-XXX/35). The proposal aimed at establishing criteria and procedures for market-related measures that can be legitimately imposed, in a transparent and non-discriminatory way, in conformity with World Trade Organization (WTO) and the guidelines of the FAO

International Plan of Action to Prevent, Deter and Eliminate IUU Fishing and of the United Nations General Assembly Resolutions 61/105 and 62/215 on sustainable fisheries. The proposal included criteria for the removal of trade sanctions.

12.47 Some Members agreed that the introduction of market-related measures would strengthen the Commission's measures to combat IUU fishing and counteract criminal activities. However, some Members stated that it would be inappropriate to introduce market-related measures within the context of CCAMLR, that such measures may pose unjust restrictions on developing nations, and that CM 10-08 should be fully complied with.

12.48 The Commission encouraged further consultation amongst Members in order to progress this work and strengthen the Commission's fight against IUU fishing.

12.49 The USA welcomed the resubmission of the EU's market measures proposal, agreeing that it would be an important tool to help address IUU fishing and promote compliance. In the view of the USA, this proposed conservation measure not only goes a long way to accomplish the intended objective of ensuring that conservation measures are not undermined, but it is designed so that subsequent market-related measures will be applied consistently with international trade obligations. In its view, the USA believed that the proposed measure ensures due process prior to determination that a Party is not fulfilling its obligations or a non-Party is undermining CCAMLR measures, that there are opportunities for identified Parties and non-Parties to respond to identifications and to rectify their actions, and that the measure is designed to provide the Commission and its Members with the necessary flexibility to tailor implementation of the measure on a case-by-case basis in order to take into account relevant international trade obligations.

12.50 The USA, in response to the discussion in the plenary on international trade law, stressed that market-related measures taken pursuant to the rules and decisions of regional fisheries management organisations (RFMOs) or multilateral agreements, such as CCAMLR, must be designed and applied in a manner consistent with international trade law, including the WTO agreements. This obligation extends to measures taken against Members and non-Members alike, and otherwise GATT (General Agreement on Tariffs and Trade)-inconsistent measures do not, *per se*, satisfy the requirements of GATT Article XX(g) nor are they, *per se*, justified under Article XX simply because the State measure is either consistent with, or taken pursuant to, the rules or decisions of the RFMO or multilateral agreement. The USA believed that the substantive provisions of the proposal were in fact providing the guidance and procedural flexibility necessary such that measures taken by CCAMLR Members will be, or will likely be, WTO consistent. The USA noted that the 'explanatory memo' in CCAMLR-XXX/35 holds no legal interpretive guidance relative to the conservation measure were it be adopted.

12.51 Argentina made the following statement:

'Argentina indicated that no substantial changes had been introduced in the proposal of the EU. The proposal of the EU deviates from the spirit of cooperation that must prevail in the Antarctic Treaty System, of which CCAMLR is an important component, and where a regime allowing the imposition of sanctions against States does not exist. Any such sanctioning mechanism would place CCAMLR on the way to becoming a regional fisheries management organisation (RFMO), based on the

exclusion of non-Contracting Parties from sharing the benefits derived from fishing, whereupon the deliberations conducted within CCAMLR would begin to focus on matters of a commercial nature, thus losing its legitimacy.

With respect to third States, Argentina objects to the imposition of sanctions to States that have not consented to abide by the provisions of the Convention. Otherwise, one of the basic principles of international law would be violated, that is, the principle establishing that a treaty cannot impose obligations on third States without their consent.

To qualify a State as an IUU Fishing State would imply an indiscriminate ‘prohibition’ of all exportations of fishing products from the State thus identified and sanctioned, and this would at the same time represent an unfair restriction on trade and an arbitrary and unjustifiable discrimination under the rules of the WTO. Moreover, given that all of the production of the State involved would not have a market, fishing activities in waters within its national jurisdiction would need to be transferred to vessels flagged to other States.

In order to offer an effective solution to IUU fishing in the Convention Area, Argentina presented a proposal in 2009 that resulted in a modification to Conservation Measure 10-08 (Scheme to promote compliance by Contracting Party nationals with CCAMLR conservation measures). Argentina’s proposal focused on the beneficial element, that is, the primary owner of the corporate structure to which vessels participating in IUU fishing and operating under flags of convenience belong. Once a sanction has been applied to a vessel, the beneficial owner seeks a new flag.

In practice, the economic groups that finance IUU fishing seek flags of convenience, mainly from Developing States. These States would potentially make up CCAMLR’s adopted ‘black lists’ of IUU Fishing States, and given their economic situation, they would be particularly vulnerable to the pressure from corporations seeking a flag of convenience and to action undertaken by other countries.

Argentina at present chairs the Group of 77. It is in no position to support such a measure that could be detrimental to Developing States.

Notwithstanding that the EU asserts that its proposal to apply commercial measures against States is consistent with WTO rules, nothing in the text or context of Article XX of GATT (General Agreement on Tariffs and Trade: exceptions based on requirements related to conservation, human health etc.) allows to assert that a measure adopted in the framework of an international conservation organisation is automatically consistent with the standards required by international trade law. Therefore, examination of the measure by WTO is an unavoidable process. In this context, Argentina recalls its statements made in 2008 and 2009.’

### Fishing capacity and effort in exploratory fisheries

12.52 The Commission considered the EU’s proposal on fishing capacity and effort in exploratory fisheries (CCAMLR-XXX/38). The proposal included an analysis of the possible impacts on the fisheries from overcapacity of effort, and recommended that the Commission

consider instruments and mechanisms to ensure that deployed fishing capacity is commensurate with the resources and the recommendations of the Performance Review. The EU noted that the first option would be a consideration of limits on the number of vessels that may participate in the exploratory fisheries.

12.53 The Commission agreed on the need for a discussion on capacity management and called for restraint in exploratory fisheries while this issue was being developed in order to avoid further exacerbating the problems of overcapacity. The Commission urged Members to consider this matter, and to begin applying domestic constraints on fishing capacity and effort in exploratory fisheries while the discussions are ongoing in the Commission.

12.54 The EU encouraged Members to provide written comments on the proposal in CCAMLR-XXX/38 during the intersessional period in order to further refine the proposal and provide a sound basis for the Commission's consideration in 2012.

#### Proposal to consolidate closely related measures

12.55 The Commission considered the Secretariat's proposal on the possibility of consolidating selected, closely related, conservation measures into general measures (CCAMLR-XXX/9). Two series of conservation measures were identified as suitable candidates for consolidation: prohibitions of directed fishing (15 measures); and catch and effort reporting systems (4 measures). The Commission requested that the Secretariat distribute a revised proposal for consideration by Members during the intersessional period for subsequent consideration by the Commission in 2012.

#### General

12.56 Australia advised the Commission that any fishing or fisheries research activities in that part of Divisions 58.4.3a, 58.4.3b and 58.5.2 that constitutes the Australian EEZ around the Australian Territory of Heard Island and McDonald Islands, must have the prior approval of Australian authorities. The Australian EEZ extends up to 200 n miles from the Territory. Unauthorised or illegal fishing in these waters is a serious offence under Australian law. Australia seeks the assistance of other CCAMLR Members in ensuring their nationals and vessels are aware of the limits of the Australian EEZ and the need for prior permission to fish there. Australia has implemented strict controls to ensure that fishing in its EEZ occurs only on a sustainable basis. Presently, fishing concessions are fully subscribed and no further concessions for legal fishing in the EEZ are available. Australian legislation provides for large penalties for illegal fishing in Australia's EEZ, including the immediate forfeiture of foreign vessels found engaged in such activities. Any enquiries about fishing in the Australian EEZ should be made initially to the Australian Fisheries Management Authority.

12.57 The Commission expressed its appreciation to Ms G. Slocum (Australia) for chairing the conservation measures drafting groups of both SCIC and the Commission.

## COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM

### Cooperation with Antarctic Treaty Consultative Parties

13.1 The Executive Secretary presented CCAMLR-XXX/BG/6 which summarised the key outcomes of interest to CCAMLR Members from the Thirty-fourth Antarctic Treaty Consultative Meeting (ATCM) held in Buenos Aires, Argentina, 20 June to 1 July 2011. As Depository, the USA advised Members that, as of 1 November 2011, Malaysia had become a Party to the Antarctic Treaty with the result that there are now 49 Parties to the Treaty.

13.2 The Commission agreed that CCAMLR should be represented at ATCM XXXV by the Executive Secretary and by the Scientific Committee Chair and the Science Officer at CEP XIV to be held in Hobart, Australia, from 11 to 20 June 2012.

### Cooperation with SCAR

13.3 The SCAR Observer (Dr P. Trathan, UK) reported on various activities conducted by SCAR that are of potential interest to CCAMLR, and which are contained in CCAMLR-XXX/BG/11, BG/13, BG/14 and BG/15. SCAR drew attention to the development of a new strategic plan, 'Antarctic Science and Policy Advice in a Changing World,' and the establishment of four new research programs. The second SCAR annual update to the Antarctic Climate Change and the Environment (ACCE) report highlighted important scientific developments, including research on the thinning of certain glaciers in West Antarctica, changes to penguin populations in the Antarctic Peninsula region, and faunistic similarities between the Weddell Sea and the Ross Sea.

13.4 The Southern Ocean Observing System (SOOS) is moving into its implementation phase. SCAR considered CCAMLR as a key partner in this initiative, with the CCAMLR Science Officer, Dr K. Reid, appointed as a member of the SOOS steering committee. Three new SCAR scientific research programs under active development are of relevance to CCAMLR: Antarctic Ecosystems – Adaptations, Thresholds and Resilience (AntETR), State of the Antarctic Ecosystem (AntEco) and Antarctic Climate in the 21st Century (AntClim21). AntEco, as the research program most directly relevant to CCAMLR, is represented on the planning committee by the CCAMLR Science Officer. SCAR has several initiatives of relevance to the work of CCAMLR, in particular, the SCAR MarBIN data portal.

13.5 Belgium advised the Commission that the future of SCAR MarBIN is uncertain due to funding difficulties. Noting that Belgium's support to SCAR MarBIN had resulted in the systematic compiling of marine biodiversity data for the Antarctic, Belgium invited CCAMLR Members to consider partnering with Belgium to provide funding to support SCAR MarBIN.

13.6 While thanking SCAR and expressing appreciation for its excellent work, Argentina indicated that it employs the term 'Southern Oceans' when it refers to the southern zones of the South Atlantic, South Pacific and South Indian Oceans.

Proposals for Antarctic Specially Protected Areas and Specially Managed Areas that include marine areas

13.7 There were no proposals requiring consideration at CCAMLR-XXX.

COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

Reports of observers from international organisations and intergovernmental organisations

ACAP

14.1 The ACAP Observer made the following statement to the Commission:

‘ACAP noted that it is very pleasing to see that issues associated with incidental mortality have been addressed so effectively by CCAMLR that it is now possible to have WG-IMAF meet on an irregular basis. ACAP also noted that a watching brief needs to be maintained and that some issues will still need to be addressed on an annual basis.

ACAP noted that a great deal of work still needs to be done to address the by-catch of Convention Area seabirds in waters adjacent to CCAMLR. ACAP intends to take this work forward, using the achievements of CCAMLR as a model for the managers of the adjacent fisheries. However, it is vital that ACAP has the support of CCAMLR Members, who are also Members of these other Commissions. In particular, individuals who have participated in the work of CCAMLR and understand how these successes have been achieved must use this knowledge to encourage the adoption of appropriate methodologies and practices in these adjacent Commissions, if we are to be successful in addressing the by-catch of seabirds in these waters.

ACAP thanked the Chairman, the people participating in the meeting and their predecessors, for their innovation, persistence and hard work that have enabled seabird by-catch to be addressed so effectively by CCAMLR. CCAMLR has undoubtedly been responsible for preventing the loss from the Southern Ocean of some of the most majestic species found there and have demonstrated to the international community that it is indeed possible to manage high-seas resources effectively. This is a remarkable achievement.’

ASOC

14.2 ASOC made the following statement to the Commission:

‘ASOC thanked the Commission for the opportunity to observe the 30th annual meeting of the Commission, and submitted five papers (CCAMLR-XXX/BG/19, BG/20, BG/21, BG/22 and BG/23) to the meeting that are relevant to the work of the Commission.

ASOC encouraged all countries that have not ratified the Port State Measures Agreement to do so expeditiously in order to enhance the battle against IUU fishing, and urged the CAMLR Commission to strengthen its own system of Port State Measures. ASOC thanked the Commission for the progress made on krill at this meeting, specifically noting the extension of Conservation Measure 51-07, the establishment of a dedicated CEMP fund, the further refinement of data collection from observers, and new notification of requirements for transshipment of krill.’

## COLTO

### 14.3 COLTO made the following statement:

‘The Coalition of Legal Toothfish Operators (COLTO) would like to record our pleasure at some very positive results from this past year.

COLTO has become formally incorporated as an organisation, and we have improved our website to reflect our more positive approach to supporting legal and sustainable fishing for toothfish, and particularly our focus to promote accuracy in reporting on toothfish fisheries. Our website can be found at [www.colto.org](http://www.colto.org). There are still many websites giving inaccurate or outdated details on our fisheries, and COLTO will be working to help explain some of those errors to the hosts of those sites over the next 12 months.

This refocus for COLTO members has been made possible through the achievements of CCAMLR at ensuring IUU fishing for Patagonian toothfish remains at an all-time low. For Antarctic toothfish, IUU catches remain at near-zero levels except for the high seas in Subarea 58.4, where CCAMLR have no established fisheries, and limited control over non-Party vessel operations. This continues to represent a problem for all of us.

That said, the reduction by over 95% of estimated toothfish IUU catches from their peak in 1996 is astounding. That was outlined last year in SC-CAMLR-XXIX, Annex 8, Table 6. Within those figures, there is a reduction of 99.9% of IUU catches of Patagonian toothfish.

COLTO will continue to work with CCAMLR Members to eliminate the remaining IUU activity on Antarctic toothfish in the high-seas areas of Subarea 58.4, and applauds the substantial progress to date of us all.

The collaboration between COLTO member vessels and science is evident in so many of CCAMLR’s programs. It is off the back of our vessels that much of the science has been gathered and introduced to CCAMLR. Some examples include the literally tens of thousands of toothfish tagged and released by COLTO members, support from COLTO members for scientific observers and research programs to improve understanding of our fisheries and ecosystems, as well as acoustic data provision, along with climate and weather data collection programs. Members will continue their keen interest in, support of, and provision of data for, scientific purposes.

It is also a significant achievement for CCAMLR when we hear the Chair of the Scientific Committee state this week that "...levels of seabird mortality are negligible in most areas...". In the one region yet to achieve these near-zero results, it is still incredible they have reduced interactions by over 98% from their peak levels, and are continuing to improve each year. The congratulations on our achievements from the Executive Secretary of ACAP, and recognition of the value and applicability of our approaches to reduce seabird by-catch for other conservation bodies and RFMOs, again is a success story for industry and CCAMLR alike.

It is clear that claims from anti-fishing groups toothfish fishing in CCAMLR may be decimating seabird populations are patently incorrect. Along with other false statements that mislead the public, COLTO will focus on promoting the good work of CCAMLR and its many Members, to tell the true story that we can all rightfully be proud of.

On other environmental aspects, COLTO members have a clear interest, and significant expertise, that can be valuable regarding proposals for MPAs in CCAMLR, including East Antarctica as well as the Ross Sea. Whenever Members are considering development of management plans or proposals, COLTO members remain keen and willing to provide inputs and expert advice to any working groups or discussions.

We look forward to continued collaboration and positive involvement within CCAMLR, and appreciate being afforded the opportunity to participate as an observer. On that note, we also acknowledge the new approach for electronic access to papers by the Secretariat as beneficial, environmentally friendly, and an improvement over the huge impost of paperwork we all used to struggle with.'

## IWC

14.4 The IWC Observer drew attention to CCAMLR-XXX/BG/33 – Report of the IWC Observer from the 63rd Annual Meeting of the IWC, 3–14 July 2011, St Helier, Jersey, UK, noting that Mr de Lichtervelde was appointed Vice-Chair of the Conservation Committee. Additional information on IWC was also provided in the Scientific Committee report (SC-CAMLR-XXX, paragraph 10.8).

### Reports of CCAMLR representatives at meetings of international organisations in 2010/11

14.5 The Commission noted, with appreciation, the numerous reports summarising the main outcomes of meetings of other organisations of interest to CCAMLR tabled as background papers by numerous delegations:

CCAMLR-XXX/BG/28 – Report from the CCAMLR Observer (European Union) to the 17th Special Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT), CCAMLR Observer (European Union)

CCAMLR-XXX/BG/29 – Report from the CCAMLR Observer (European Union) to the FAO Technical Consultation on Flag State Performance, 2–6 May 2011, CCAMLR Observer (European Union)

CCAMLR-XXX/BG/30 – Report from the CCAMLR Observer (European Union) to the 15th Session of the Indian Ocean Tuna Commission (IOTC) held in Colombo, Sri Lanka, from 18 to 22 March 2011, CCAMLR Observer (European Union)

CCAMLR-XXX/BG/31 – Report from the CCAMLR Observer (European Union) to the 82nd Meeting of the Interamerican Tropical Tuna Commission (IATTC) CCAMLR Observer (European Union)

CCAMLR-XXX/BG/32 – Report from the CCAMLR Observer (European Union) to the 33rd NAFO Annual Meeting, 19–23 September 2011, Halifax, Canada, CCAMLR Observer (European Union)

CCAMLR-XXX/BG/33 – Report of the IWC Observer from the 63rd Annual Meeting of the IWC, 3–14 July 2011, St Helier, Jersey, UK, IWC Observer (Sweden)

CCAMLR-XXX/BG/39 – Report from the CCAMLR Observer to the Meeting of the Extended Commission for the 18th Annual Session of the Commission for the Conservation of Southern Bluefin Tuna (10–13 October 2011, Bali, Indonesia), CCAMLR Observer (Australia)

CCAMLR-XXX/BG/41 – Observer's report from the Second Preparatory Conference of the South Pacific Regional Fisheries Management Organisation, CCAMLR Observer (New Zealand)

CCAMLR-XXX/BG/42 – Observer's Report from the Seventh Session of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, CCAMLR Observer (New Zealand).

14.6 New Zealand, in its capacity as CCAMLR Observer for the South Pacific Regional Fisheries Management Organisation (SPRFMO), drew attention to CCAMLR-XXX/BG/41 and informed the Commission that eight ratifications or accessions were required for the Convention to enter into force and that currently there are six ratifications; the next SPRFMO meeting is scheduled for 30 January to 3 February 2012 in Santiago, Chile.

14.7 The Chair introduced CCAMLR-XXX/BG/16 (Calendar of meetings of relevance to the Commission in 2011/12) and invited nominations for the CCAMLR observers to other meetings; the nominations are presented in Table 3.

14.8 Argentina made the following statement:

‘Argentina once again emphasised that it is not a Party to the New York Agreement of 1995 on Straddling Fish Stocks and Highly Migratory Fish Stocks and that none of its provisions nor its decisions, resolutions or recommendations adopted in its framework, or derived from the said Agreement, are binding or have an exhortatory effect for

Argentina, nor for any other State that is not a Party to the said instrument which has not expressly given its consent to be bound by it. In addition, Argentina stated that the Agreement must not be considered customary law.

In relation to regional fisheries management organisations (RFMOs) in general, the 1995 New York Agreement has, since then, regulated the establishment and functioning of such organisations, but only in respect to States that are Party to it. The establishment of RFMOs regulating high-seas areas is not an end in itself, nor do RFMOs constitute the only existing means for conservation of high-seas resources. Furthermore, RFMOs have the inherent limitation of being made up of a group of States that do not represent the international community as a whole, nor do they necessarily represent its interests. In fact, they are not entitled to prescribe regulations in relation to third-party States, nor can they assume representation of the rest of the international community nor pretend to establish measures to be applied *erga omnes*. RFMOs have a clearly precise mandate defined by their competence which is conservation and the exploitation of fish resources by maximising benefits. Therefore, high-seas ‘governance’ cannot be their objective.

Argentina clarified that cooperation should not be based on the UN Fish Stocks Agreement but on the Law of the Sea. CCAMLR and ACAP are both conservation organisations; they do not have economic objectives. Therefore, cooperation between them is highly desirable. However, when attempting to establish links between CCAMLR and an RFMO, since they have different objectives, a careful analysis should be carried out in order to regulate the instruments of that cooperation and to determine the consequences deriving from it. Otherwise, if CCAMLR was to appear to be just another RFMO, this could undermine the objectives of the Convention.

Furthermore, Argentina considers that in those documents related to international meetings in which the Executive Secretary is involved, CCAMLR should not be reflected as being an RFMO.’

## IMPLEMENTATION OF OBJECTIVES

### Performance Review Report

15.1 The Scientific Committee Chair advised the Commission that the Performance Review recommendations relating to the Scientific Committee are being progressed with a range of activities in both the Scientific Committee and its working groups, and that progress on these issues will be regularly reported to the Commission.

15.2 The Commission noted the concerns expressed in 2008 by the Scientific Committee and the Performance Review Panel at the declining levels of participation in the Scientific Committee and its working groups; it welcomed the information from the Scientific Committee that the measures introduced to address this have resulted in an increase in the participation by individual scientists and by Members in the work of the Scientific Committee (SC-CAMLR-XXX, paragraph 19.2).

15.3 Norway and the EU informed the Commission of contributions of A\$100 000 and €20 000 respectively to establish a CEMP Special Fund to support ecosystem management as

a central component of the management of the krill fishery. The Commission noted the discussion of this issue by the Scientific Committee (SC-CAMLR-XXX, paragraphs 11.1 to 11.3) and endorsed the establishment of an ad hoc CEMP Fund Correspondence Group to develop the terms of reference for use of the fund.

15.4 ASOC thanked Norway and the EU for their leadership in establishing the CEMP Fund and providing significant contributions to resource this effort. ASOC believed that this fund will play a critical role in the development of the feedback management system for krill. It strongly urged all other CCAMLR Members to make contributions to this important fund and to encourage the ad hoc group to establish terms of reference for use of the fund.

15.5 Norway also advised that, for the next five years, the Norwegian fishing industry was providing a vessel to carry out five days of research fishing at no cost and that A\$1 million has been provided to the Norwegian Institute of Marine Research for krill research.

15.6 The Commission noted the advice from the Scientific Committee (SC-CAMLR-XXX, paragraphs 11.4 to 11.13) that the first CCAMLR scientific scholarship had been awarded to Dr R. Wiff from Chile. The EU congratulated CCAMLR on the establishment of the Scholarship Scheme and advised it would make a further contribution of €20 000 to the General Science Capacity Fund in the coming year.

15.7 Russia and Ukraine welcomed the achievement award by the young Chilean scientist Dr Wiff. At the same time, these delegations pointed out that the Scientific Scholarship Scheme initially was conceived 'to assist early career scientists to participate in the work of the Scientific Committee and its working groups' (SC-CAMLR-XXIX, Annex 9, Appendix I). Awarding only one young scientist in one year, from the point of view of Russia and Ukraine, will not improve attendance by young scientists of CCAMLR working groups and does not meet the original objectives of this scheme. They also believed that, in the future, awarding of CCAMLR Scholarships should proceed through consideration by the Scientific Committee of all scholarship proposals submitted as prescribed by paragraph 2(v), rather than through consideration by the Review Panel alone.

15.8 The Commission did not consider the issue of which body should review future scholarship proposals.

15.9 The Commission noted the progress achieved by SCIC in relation to the Performance Review recommendations relevant to its work. The Commission noted that SCIC had recorded progress against each Performance Review recommendation and articulated possible intersessional work that could be undertaken to progress a number of these. The details of this progress are available in CCAMLR-XXX/BG/12 Rev. 1; the Performance Review section of the CCAMLR website will be updated following CCAMLR-XXX.

15.10 SCIC reminded the Commission of the Performance Review recommendations that have been identified as priority items relevant to its work:

- (i) 3.1.2.1 – Mechanisms for ensuring compliance by Contracting and non-Contracting Parties and enhanced surveillance and enforcement
- (ii) 4.1 – Flag State duties

(iii) 4.3 – Monitoring, control and surveillance

(iv) 4.6 – Market-related measures.

15.11 The EU reiterated the importance of the reviewing progress on all of the recommendations of the Performance Review Panel Report and recommended an update be maintained on the Commission's website as proposed by SCIC.

15.12 The SCAF Chair reported that SCAF had considered a paper prepared by the Secretariat in response to a Performance Review recommendation relating to strengthening the engagement of Developing States in the work of the Commission. SCAF agreed to keep this matter under review.

#### Future structure of Commission meetings

15.13 The Commission noted recommendations from SCIC and SCAF which gave general support for an eight-day meeting to be trialled in 2012 and 2013 and reviewed at the end of the 2013 meeting. In supporting this in principle, many delegations spoke of the need to maintain discipline and limit interventions during debates to ensure that work is completed in a timely manner without compromising quality. It was noted that both the Scientific Committee and the Commission will have a particularly demanding agenda at CCAMLR-XXXI.

15.14 Some concern was expressed that there may be a need for extended interpreting and translation services if sessions continued into the evenings in order for the Commission to complete its work. The Secretariat was requested to manage the budget to allow a realignment of financial resources to ensure additional translation and interpretation would be available.

15.15 The Executive Secretary undertook to seek comments from Members on a draft agenda and associated schedule for the 2012 meeting that could assist with the preparation of the Preliminary Agenda for CCAMLR-XXXI under Rule 15. The Executive Secretary assured the Commission that the Secretariat would endeavour to provide the best possible services to support the meeting in 2012, recognising there will be a need to take into account translation and interpretation demands in considering the meeting schedule.

#### ELECTION OF VICE-CHAIR

16.1 The Commission elected the USA as Vice-Chair of the Commission from the end of this meeting until the conclusion of the 2013 meeting.

16.2 The Commission extended its thanks to the USA for accepting this important role.

## NEXT MEETING

### Invitation of Observers

17.1 The Commission will invite the following to attend the Thirty-first Meeting of the Commission as Observers:

- non-Member Contracting Parties – Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, Netherlands, Peru and Vanuatu
- NCPs participating in the CDS who are involved in harvesting or landing and/or trade of toothfish – Seychelles
- NCPs not participating in the CDS but possibly involved in harvesting or landing and/or trade of toothfish – Antigua, Bahamas, Cambodia, Colombia, Dominican Republic, Indonesia, Kenya, Malaysia, Mexico, Morocco, Nigeria, Philippines, Singapore, St Kitts and Nevis, Thailand, Trinidad and Tobago, Turkey, United Arab Emirates and Vietnam.

17.2 The Executive Secretary advised the Commission that a list of NCPs to be invited to CCAMLR-XXXI will be circulated to Members for comment prior to meeting invitations being issued in July 2012.

17.3 The following intergovernmental organisations will be invited: ACAP, CCSBT, CEP, CITES, CPPS, FAO, FFA, IATTC, ICCAT, IOC, IUCN, IWC, SCAR, SCOR, SEAFO, SPC, UNEP and WCPFC.

17.4 The following non-governmental organisations will be invited: ASOC, ARK and COLTO.

### Date and location of the next meeting

17.5 The Commission agreed that its Thirty-first Meeting will be held from 23 October to 1 November 2012. Heads of Delegations were requested to be in Hobart for a meeting on 22 October 2012.

17.6 The Commission noted that the Thirty-first Meeting of the Scientific Committee will be held in the same location, from 22 to 26 October 2012.

## OTHER BUSINESS

### Statements by Argentina and the UK

18.1 Argentina made the following statement:

‘With regard to incorrect references existing in CCAMLR documents related to the territorial status of the Malvinas Islands, South Georgias and South Sandwich Islands, for example, references made in documents regarding toponomy and in the Electronic

Catch Documentation Scheme, Argentina rejects any reference to those islands as being a separate entity from its national territory, thus giving them an international status that they do not have. The Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas are an integral part of the Argentine national territory, are subject of a sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland and are under illegal British occupation.

Argentina once more wishes to recall that only the multilateral scheme of the Convention is legally applicable in Statistical Subareas 48.2, 48.3 and 48.4. Moreover, Argentina recalls that the following actions are illegal and consequently, invalid:

- those actions carried out in the CCAMLR area by vessels based in, or operating out of, the Malvinas, South Georgias and South Sandwich Islands, or flagged to alleged British authorities thereof which Argentina does not recognise; as well as
- port inspections and inspections at-sea
- the issuance of, as well the clearing of, catch documents by such alleged authorities
- the imposition by them of fishing licences
- the imposition of either a British scientific observer or of an observer designated with British conformity on other Member vessels operating in the CCAMLR area
- as well as any other unilateral action taken by the abovementioned colonial authorities in those territories.’

18.2 The UK made the following statement:

‘In response to Argentina’s statement, the UK reiterates that it has no doubts about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas, as is well known to all delegates.

In that regard, the UK has no doubt about the right of the Government of the Falkland Islands to operate a shipping register for UK-flagged vessels. As the UK has stated on previous occasions, the port inspections undertaken by the Port authorities of the respective governments of the UK’s Overseas Territories of South Georgia and the South Sandwich Islands and the Falkland Islands were conducted pursuant to the UK’s obligations under CCAMLR CM 10-03 and were reported to the Commission as such.

Furthermore, the UK has the right to undertake inspections within those of its jurisdictional waters that lie within Subareas 48.2, 48.3 and 48.4 in the way that it sees fit. In addition, the UK remains committed to the implementation of the Systems of Observation and Inspection of CCAMLR and its record of doing so is clearly apparent in this Commission.

The UK would reiterate its views expressed previously that it remains wholly committed to the principles and objectives of CCAMLR. It intends to ensure that the highest standards of fisheries management as well as appropriate spatial and temporal

marine protection will be implemented in its jurisdictional waters – through licensing and inspections, and also through the imposition of legislation and tough management measures that are in line with, and back up, the provisions of CCAMLR.’

18.3 Argentina rejected the statement made by the UK and reiterated its legal position, which is well known to all Members.

#### Global Environment Facility proposal

18.4 South Africa requested assistance from the CCAMLR Secretariat to coordinate the preparation of a submission of a project proposal to the Global Environment Facility (GEF). As reported to CCAMLR-XXIX (CCAMLR-XXIX, paragraph 4.82), South Africa is seeking GEF support to improve the capacity of Developing State Members of CCAMLR to engage in CCAMLR processes. The proposal would complement the capacity building initiative that has been progressed in the Scientific Committee over the last two years. The Executive Secretary responded that the Secretariat would be willing to assist where appropriate, subject to the agreement of Members. There was no objection to the Secretariat providing such assistance, resources permitting.

#### ADOPTION OF THE REPORT

19.1 The report of the Thirtieth Meeting of the Commission was adopted.

#### CLOSE OF THE MEETING

20.1 In closing the meeting, the Chair thanked the Chairs of the Scientific Committee and subsidiary bodies, the Secretariat and interpreters. He noted that increased efficiency will be required for CCAMLR-XXXI as a result of the reduced timeframe agreed by the Commission for the meeting in 2012.

20.2 Mr A. Wright (Executive Secretary) also expressed his appreciation to the Secretariat staff for the logistical, administrative and technical support they provided from the early planning stages of the meeting. He particularly thanked the interpreters and audio services engineers for the professional support they had provided. He reflected on ongoing efforts to reduce the consumption of paper during the Commission’s meetings advising that, for the 2012 meetings, the Secretariat would continue to promote electronic and web-based options for meeting document management.

20.3 The Chair then closed the Thirtieth Meeting of CCAMLR.

Table 1: Access (Members and number of vessels) in exploratory longline fisheries for *Dissostichus* spp. in 2011/12.

Member	Number of vessels in each subarea or division						
	48.6*	58.4.1	58.4.2	58.4.3a	58.4.3b	88.1	88.2
France				1			
Japan	1	1	1	1	1	1	
Korea, Republic of	1	2	1			4	3
New Zealand		3	1			4	4
Norway	1					1	1
Russia	2	2				5	5
South Africa	1	1	1	1			
Spain		1	1			1	1
UK						2	2
Number of vessels	6	10	5	3	1	18	16

\* Only one vessel per Member permitted to fish at any one time.

Table 2: Catch limits (tonne) for target and by-catch species in exploratory fisheries for *Dissostichus* spp. in 2011/12. SSRU – small-scale research unit; ✓ – applicable; shaded areas – closed.

Fishery Area	Target species	By-catch species			
	<i>Dissostichus</i> spp.	Macrourids	Rajids	Other species	Move-on rule
Exploratory fishery for <i>Dissostichus</i> spp. in Subarea 48.6					
North of 60°S (SSRUs A, G)	200	32	50	40	✓
South of 60°S (SSRUs B, C, D, E, F)	200	32	50	100	✓
Whole fishery	400	64	100	140	✓
Exploratory fishery for <i>Dissostichus</i> spp. in Division 58.4.1					
SSRUs A, B, D, F, H	0 (closed)				
SSRU C	100	-	-	20	✓
SSRU E	50	-	-	20	✓
SSRU G	60	-	-	20	✓
Whole fishery	210	33	50	60	✓
Exploratory fishery for <i>Dissostichus</i> spp. in Division 58.4.2					
SSRU A	30	-	-	20	✓
SSRUs B, C, D	0 (closed)				
SSRU E	40	-	-	20	✓
Whole fishery	70	20	50	40	✓
Exploratory fishery for <i>Dissostichus</i> spp. in Division 58.4.3a					
Whole fishery	86	26	50	20	✓
Exploratory fishery for <i>Dissostichus</i> spp. in Division 58.4.3b					
Whole fishery	0 (closed)				
Exploratory fishery for <i>Dissostichus</i> spp. in Subarea 88.1					
SSRUs A, D, E, F, M	0 (closed)				
SSRUs B, C, G	428	40	50	60	✓
SSRUs H, I, K	2 423	320	121	60	✓
SSRUs J, L	351	70	50	40	✓
Whole fishery	*3 282	430	164	160	✓
* A research catch limit of 80 tonnes is set aside for the pre-recruit research survey (paragraph 12.32(v))					
Exploratory fishery for <i>Dissostichus</i> spp. in Subarea 88.2					
SSRUs A, B, I	0 (closed)				
SSRUs C, D, E, F, G	124	20	50	100	✓
SSRU H	406	64	50	20	✓
Whole fishery	530	84	50	120	✓

Table 3: Meetings of international organisations to which Members were nominated to represent CCAMLR in 2012.

Entity	Date	Venue	Member
The Agreement for the Conservation of Albatross and Petrels (ACAP) MoP	April 2012	Lima, Peru	New Zealand
The Antarctic Treaty Consultative Meeting (ATCM)	11 to 20 June 2012	Hobart, Australia	Executive Secretary
The Commission for the Conservation and Management of the Highly Migratory Fish Stocks of the Western and Central Pacific Ocean (WCPFC)	5 to 9 December 2011	Koror, Palau	New Zealand
The Commission for the Conservation of Southern Bluefin Tuna (CCSBT)	No information		Australia*
The Food and Agriculture Organization of the United Nations (FAO) Flag State Performance	5 to 9 March 2012	Rome	EU
The Food and Agriculture Organization of the United Nations (FAO) COFI	9 to 13 July 2012	Rome	Executive Secretary
The Forum Fisheries Agency (FFA)	May 2012		New Zealand
The Indian Ocean Tuna Commission (IOTC)	April 2012	Freemantle, Australia	Australia
The Inter-American Tropical Tuna Commission (IATTC)	No information	San Diego, USA	USA
The International Commission for the Conservation of Atlantic Tunas (ICCAT)	11 to 19 November 2011	Istanbul, Turkey	EU
The International Whaling Commission (IWC)	11 June to 5 July 2012	Panamá	
The North Atlantic Fisheries Organisation (NAFO)	No information	St Petersburg, Russia	Russia
The South East Atlantic Fisheries Organisation (SEAFO)	October 2012	Seoul, Republic of Korea	Korea, Republic of
The World Conservation Union (IUCN)	6 to 15 September 2012	Jeju, Republic of Korea	
Other organisations whose work may be of interest to CCAMLR in future:			
The South Pacific Regional Fisheries Management Organisation (SPRFMO)	30 January to 3 February 2012	Chile	Chile

\* Noting the advice from Australia that CCSBT is currently reviewing the process of designating Observer status.

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**OPENING ADDRESS BY THE GOVERNOR OF TASMANIA,  
HIS EXCELLENCY THE HONOURABLE PETER UNDERWOOD AC**



**OPENING ADDRESS BY THE GOVERNOR OF TASMANIA,  
HIS EXCELLENCY, THE HONOURABLE PETER UNDERWOOD AC**

‘Mr Chairman, Your Excellencies, Distinguished Delegates, Ladies and Gentlemen. This is the fourth occasion that I have had the pleasure of welcoming representatives from CCAMLR Members and other CCAMLR meeting participants to an annual meeting for the Commission here in Hobart. I am particularly honoured to be able to provide the welcome address to this, the 30th Annual Meeting of the Commission.

The Governor of Tasmania has actually had the privilege of addressing the opening of 20 of these meetings. The first such occasion was in 1984 – which coincided with the Commission adopting its first conservation measure.

Reflecting on CCAMLR’s work over the last 30 years, one is struck by the success that CCAMLR has achieved in operationalising the aspirations of the original Contracting Parties that are so eloquently elaborated in the preambular paragraphs of the Convention. Of particular note was the desire by the Contracting Parties to, “establish suitable machinery for recommending, promoting, deciding upon and coordinating the measures and scientific studies needed to ensure the conservation of Antarctic marine living organisms”.

During its 30 years, CCAMLR has firmly established itself as the part of the “machinery” of the Antarctic Treaty System responsible for ensuring the conservation of Antarctic marine living organisms. It has only been able to do this by successfully meeting some quite significant challenges – challenges that have contributed to building the international character and global respect for this organisation.

I know from my own readings that CCAMLR was among the first multilateral resource management and conservation arrangements to develop what is widely known as a precautionary approach that takes into account the ecosystem in which the fisheries being managed operate. In fact, CCAMLR’s work in this respect in the late 1980s and early 1990s laid the basis for the key elements of modern global legal instruments for fisheries conservation and management. Many other achievements during the last 30 years can justifiably be reflected on with satisfaction and pride by CCAMLR Members.

In its initial decade of operations, during the 1980s, the Commission prohibited gillnet fishing, introduced fisheries closures and restrictions on gears, particularly for fish stocks depleted prior to the establishment of CCAMLR, and developed and implemented procedures for at-sea inspections. It is also worth noting that marine debris and incidental mortality associated with CCAMLR fisheries have been standing items on the Commission’s agenda since 1984.

During the early 1990s the krill catch declined – from around 370 000 tonnes to just under 100 000 tonnes annually, following the break-up of the Soviet Union and its fishing fleet, and the toothfish fishery began to expand. The latter part of the 1990s was dominated by CCAMLR’s efforts to combat illegal, unreported and unregulated fishing. At one stage, the annual catch from the IUU fleet was estimated to be in excess of 100 000 tonnes or 5 to 6 times the regulated catch. CCAMLR’s efforts to combat this scourge, described by one CCAMLR Member at the time as representing “the most serious challenge in CCAMLR’s existence”, were certainly precedent setting. It was in the mid to late 1990s also that

CCAMLR began to make progress with its efforts to reduce the incidental mortality of seabirds taken in fishing operations.

The last decade has seen progress on a range of important issues, including efforts to protect vulnerable marine ecosystems from bottom fishing operations, scientific work to support the development of a feedback management system for krill, and efforts to develop a process for the establishment of a representative system of marine protected areas. Efforts to promote compliance have included the establishment of IUU Vessel Lists, the successful introduction of a Catch Documentation Scheme for toothfish and the application of a satellite-based vessel monitoring system for all vessels operating in CCAMLR fisheries.

While these achievements stand CCAMLR in good stead, there undoubtedly remain many challenges ahead. Foremost among these will be integrating consideration of the implications of climate change in decision-making for CCAMLR managed fisheries.

I congratulate CCAMLR on its achievements during the last 30 years and I am fully confident that CCAMLR has the experience and character to successfully address whatever challenges present themselves in the years ahead.

Before closing I would like to touch on a couple of matters that I know impacted the Antarctic community very significantly in the last 12 months.

I would like to extend my personal condolences to the colleagues, family and friends of both Ambassador Jorge Berguño from Chile and Alexandre de Lichtervelde from Belgium. I was fortunate to meet both men during their regular visits to Hobart to participate in the CCAMLR meetings. As with the Antarctic community in general, I had enormous respect for the enthusiasm and commitment they had for the Antarctic.

Their broad knowledge and depth of understanding of the history, politics and the institutional processes supporting governance in the Antarctic will be sadly missed. I would appreciate it if the delegations from Belgium and Chile would please relay my condolences to the colleagues and families of both men in your respective countries on your return home from Hobart. Both men will be very fondly remembered.

Distinguished delegates, ladies and gentlemen, I congratulate CCAMLR on its past 30 years and I wish you success in your work ahead. I hope that your meetings over the next two weeks are productive and of course I hope that you have a little time to enjoy the hospitality that Tasmania has to offer.

Thank you'

**AGENDA FOR THE THIRTIETH MEETING  
OF THE COMMISSION**



**AGENDA FOR THE THIRTIETH MEETING  
OF THE COMMISSION FOR THE CONSERVATION  
OF ANTARCTIC MARINE LIVING RESOURCES**

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2. Organisation of meeting
  - (i) Adoption of agenda
  - (ii) Chair's Report
3. Finance and administration
  - (i) SCAF Report
  - (ii) Audited Financial Statements for 2010
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  - (iv) Secretariat matters
  - (v) Budgets for 2011, 2012 and 2013
  - (vi) Members' contributions
  - (vii) SCAF Chair
4. Scientific Committee
  - (i) Advice from the Scientific Committee
  - (ii) Climate change
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5. Bottom fishing
6. Assessment and avoidance of incidental mortality
  - (i) Marine debris
  - (ii) Incidental mortality of seabirds and marine mammals during fishing operations
  - (iii) Compliance with environmental and mitigation measures
7. Marine Protected Areas
8. Implementation and compliance
  - (i) SCIC Report
  - (ii) Compliance with conservation measures
  - (iii) Catch Documentation Scheme for *Dissostichus* spp. (CDS)
9. Illegal, unregulated and unreported (IUU) fishing in the Convention Area
  - (i) SCIC Report
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  - (iii) Review of current measures aimed at eliminating IUU fishing
10. Scheme of International Scientific Observation
11. New and exploratory fisheries

12. Conservation measures
  - (i) Review of existing measures
  - (ii) Consideration of new measures and other conservation requirements
13. Cooperation with Antarctic Treaty System
  - (i) Cooperation with Antarctic Treaty Consultative Parties
  - (ii) Cooperation with SCAR
  - (iii) Proposals for Antarctic Specially Protected Areas and Specially Managed Areas that include marine areas
14. Cooperation with international organisations
  - (i) Reports of observers from international organisations
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  - (iii) Cooperation with ACAP
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  - (vi) Potential future cooperation with the SPRFMO
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15. Implementation of Convention objectives
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16. Election of Commission Vice-Chair
17. Next meeting
  - (i) Invitation of observers
  - (ii) Date and location
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**REPORT OF THE STANDING COMMITTEE  
ON ADMINISTRATION AND FINANCE (SCAF)**



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## **REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE (SCAF)**

1. The Commission had deferred Item 3 (Finance and Administration) of its Agenda (CCAMLR-XXX/1, Appendix A) to the Standing Committee on Administration and Finance (SCAF).
2. In the absence of the Chair, Mr R. Battarcharya (India), the Vice-Chair of SCAF, Dr M. Mayekiso (South Africa), opened the meeting.
3. SCAF adopted the agenda attached at Appendix I.

### EXAMINATION OF AUDITED FINANCIAL STATEMENTS FOR 2010

4. SCAF noted that a full audit had been carried out on the 2010 Financial Statements. The report had identified no incidents of non-compliance with Financial Regulations or International Accounting Standards. The Committee **recommended that the Commission accept the Financial Statements as presented in CCAMLR-XXX/3.**

### REQUIREMENT FOR 2011 AND 2012 FINANCIAL STATEMENTS

5. SCAF recalled the 2008 proposal from the Australian National Audit Office (ANAO) recommending full annual audits and **recommended that the Commission require a full audit to be performed on the 2011 and 2012 Financial Statements.**

### APPOINTMENT OF AUDITOR

6. SCAF noted that the ANAO has been the Commission's auditor since the Commission was established and **recommended that the ANAO be appointed as the Commission's auditor of the 2011 and 2012 Financial Statements.**

### EXECUTIVE SECRETARY'S ANNUAL REPORT

7. SCAF received the Executive Secretary's annual report (CCAMLR-XXX/6), noting in particular, remarks relating to staff movements, the greener policy for the Secretariat, and engagement and outreach with Members and other stakeholders. SCAF was supportive of the Secretariat's initiative to introduce a short-term 'intern' program in conjunction with ACAP and the University of Tasmania.

8. In relation to a question relating to the possible use of domain extensions other than .org for the Commission's website, the Executive Secretary explained that, following an investigation of two alternatives (.int and .aq), it had been decided that a change of the existing domain extension is not currently warranted.

## SECRETARIAT'S STRATEGIC PLAN

9. The Executive Secretary summarised intersessional work undertaken by the Secretariat in relation to the Independent Review of the Secretariat's Data Management Systems (IR) (CCAMLR-XXX/5), a review of the 2002 Strategic Plan and the preparation of a Staffing and Salary Strategy associated with a revised Strategic Plan proposed for implementation from 2012 (CCAMLR-XXX/8). He noted that all staff had contributed to the work completed. He also noted that the Secretariat had been fortunate to benefit from expertise at the Australian Antarctic Division (AAD) in terms of providing independent oversight to the IR process and outcomes, and in respect of personnel issues associated with the Staffing and Salary Strategy. He thanked AAD for this invaluable assistance.

10. SCAF noted that the purpose of the revised Strategic Plan prepared by the Secretariat is to describe the core services provided to Members and other stakeholders by the CCAMLR Secretariat for the period 2012 to 2014. The Plan presents the structure of the Secretariat and is designed to provide a means for the Secretariat to periodically report to Members on the Secretariat's performance. It includes an associated Staffing and Salary Strategy.

11. The Strategic Plan includes Goals, Objectives and associated Tasks that have been prepared to support the Secretariat's efforts to deliver best-practice services to Members. The Tasks described are intended to form the basis of the preparation of annual work plans for staff and for monitoring and reporting on staff performance internally in the Secretariat, through the CCAMLR Performance Management and Appraisal System (CPMAS). It is also intended to serve as a basis for the Commission to assess the performance of the Secretariat.

12. Proposed Tasks include a range of existing services and new tasks associated with strengthening corporate governance. These include documented internal strategies associated with Secretariat services. While strategies describing financial procedures are mostly in place, additional strategies concerning IT, communications and data policies and procedures, in particular, are deemed necessary. Although the development of some of the strategies requires advice from external experts, the majority will be developed internally. In 2012 these include:

- a Communications Strategy (A\$6 000): to describe the range of activities that may be used to promote the organisation, particularly through its web presence. Commission Members will be invited to contribute to the development of the Communications Strategy. SCAF recommended a draft Communications Strategy be presented to the Commission for its approval
- an Integrated Fisheries Monitoring and Compliance (FMC) Information Management System (A\$30 000): to review the Secretariat's existing FMC-supported activities (licencing, CDS, VMS, fisheries notifications, forecasting, IUU

matters etc.) which are largely administered as stand-alone functions and migrate them to an integrated system that optimises resource sharing (refer paragraph 33 below)

- Virtualisation Strategy (A\$10 000): to take advantage of current information technology to reduce the Secretariat's current number of servers from 15 to three
- New and Exploratory Fisheries Web-based System (A\$7 500): To develop a web-based system for Members to be able to submit new and exploratory fisheries notifications in a web environment.

13. The proposed Strategic Plan will be implemented with a staff establishment that is reduced from 29 to 26. This reduction includes provision for three proposed new positions of Analytical Support Officer, Communications Officer and Data Assistant.

14. On the basis that all other considerations remain relatively unchanged (interest, CPI, income from new and exploratory fisheries, etc.) the Secretariat reported that it is confident that the implementation of the proposed Strategic Plan, including the tasks that require the input of external experts in 2012 and proposed additional staff posts, will be achieved while maintaining zero growth of the General Fund in real terms.

15. The associated Staffing and Salary Strategy describes the policy and guidelines for the management and administration of the Secretariat's staff resources as requested at CCAMLR-XXIX. SCAF recommended that the Strategy formalise the principle of permanent employment for General Services staff following the successful completion of an initial three-year contract.

16. SCAF requested the Secretariat to undertake a review of practices in other multilateral organisations in respect of the administration of professional staff posts. As the current CCAMLR posts are administered on the basis of renewable three-year contracts, the review is to include an appraisal of legal or other issues associated with the duration of contracts for those posts.

**17. SCAF recommended that the Staffing and Salary Strategy be implemented on a provisional basis in 2012, in association with the Strategic Plan, and that a report on its implementation be presented to the Commission in 2012.**

18. SCAF noted the Secretariat's ongoing work on the Strategic Plan and associated Staffing and Salary Strategy as a work-in-progress and requested that the Commission be presented with a full report on its implementation, through a proposed Performance Monitoring Matrix, including budgetary and staffing matters, at CCAMLR-XXXI. Following review of that report, and any subsequent refinements that may be considered necessary, SCAF suggested that the Commission may consider formal adoption of the Strategic Plan and Staffing and Salary Strategy, including the period to which it may apply, annual reporting requirements and associated staffing issues. At each annual meeting the Commission will have the opportunity to review all budgetary matters associated with the operations of the Secretariat.

19. SCAF recommended that the Commission:

- note that the revised Strategic Plan be implemented as a work-in-progress in 2012, noting that it, and any budget associated with its implementation, will be reviewed annually at each meeting of the Commission
- note that the revised Strategic Plan could be extended beyond 2014 if considered appropriate
- request the Secretariat to further develop a Performance Monitoring Matrix to be used to measure and report annually on outcomes throughout implementation of the new Strategic Plan. It is recommended that the Performance Monitoring Matrix be used as the basis of the Secretariat's report to the Commission from 2012
- review the provisional implementation of the proposed Staffing and Salary Strategy in 2012 including:
  - formalising the utilisation of broad-banding (combining two salary grades) as proposed in the Staffing and Salary Strategy
  - confirming the practice of permanent employment arrangements for General Services staff subject to satisfactory performance assessed through the existing practice of an annual staff performance appraisal (CPMAS)
  - endorse the requirement for the Secretariat to review and report back to SCAF, the practice in other multilateral organisations relating to the administration of professional staff contracts and any legal issues associated with the duration of contracts for those posts.

20. SCAF further proposed that these and other corporate documents relating to administrative policies and procedures within the Secretariat approved by the Commission be made available to Members on the new website. The revised Strategic Plan and associated Staffing and Salary Strategy are at Appendix VI.

21. Noting that, according to the Headquarters Agreement (Article 5), the Commission is required to comply with Australian laws, SCAF recommended that a review of CCAMLR employment contract provisions be undertaken.

## REVIEW OF FINANCIAL REGULATIONS

22. SCAF received the Report of the SCAF Correspondence Group (SCAF-CG) reviewing the Financial Regulations as requested by the Commission in 2010 (CCAMLR-XXIX, paragraph 3.14) and convened by Australia (CCAMLR-XXX/29). SCAF recommended that the Commission approve the Financial Regulations, as amended, and associated Investment Principles, at Appendix VII.

23. The primary consideration in determining the investment strategy for the Commission shall be to safeguard the funds of the Commission. Funds shall be invested in such a way as to place primary emphasis on avoiding the erosion of principal funds while ensuring the liquidity necessary to meet the Commission's cash flow requirements.

24. In adopting the Investment Principles, SCAF noted that this would allow the Secretariat to minimise risk through diversification and take advantage of government guarantees within reason. Notwithstanding, SCAF also noted that diversification of investments should not create undue administrative overheads and be balanced in such a way that it does not create an unnecessary burden on the Secretariat.

25. SCAF noted that new provisions of the Australian Government Guarantee for deposits placed in Australian Deposit Institutions (ADIs) limited the guarantee to A\$250 000 per client per ADI from 1 February 2012.

26. SCAF welcomed the Secretariat's provision to Members of quarterly investment reports since CCAMLR-XXIX and requested the Secretariat to report on the deposit amounts covered by the guarantee and a reference to the current Australian inflation rate in future quarterly investment reports to Members.

27. SCAF further **recommended that the SCAF-CG continues its work intersessionally to address issues raised in Attachment B of its report. Attachment B of its report is annexed as Appendix VIII of this report.**

28. Australia agreed to convene the SCAF-CG.

29. SCAF thanked Australia for the excellent work undertaken since CCAMLR-XXIX and for agreeing to continue this work into 2012.

## PERFORMANCE REVIEW REPORT

### Support to Developing States

30. The Executive Secretary presented CCAMLR-XXX/7 which summarised the practices in other multilateral organisations that support the engagement of Developing States, following recommendations 6.5.2.1, 6.5.2.1(b) and 7.1.1.3 of the Performance Review Panel (PRP) and requested at CCAMLR-XXIX (CCAMLR-XXIX, paragraph 15.9). SCAF noted the range of support available to Developing State Members through ongoing or occasional initiatives of the Commission, and other sources, and undertook to keep this matter under review.

### Future Structure of Commission meetings

31. On behalf of the EU, France, and the UK, France presented CCAMLR-XXX/32 addressing recommendation 7.2.2 of the PRP Report relating to the schedule and organisation of the annual meeting. SCAF supported the principle to reduce the length of the meeting to eight days. SCAF reviewed the proposal in CCAMLR-XXX/32 where the SCIC and SCAF

meetings run consecutively for four days in the first week, followed by a four-day plenary session in the second week where the conclusions of discussions in SCIC and SCAF would be endorsed by the Commission. SCAF discussed advantages and disadvantages of this proposal and concluded that the reduction of timing should be tested at the next meeting and assessed at the end of CCAMLR-XXXII.

32. Although an in-depth financial analysis was not conducted, SCAF understood that any additional costs associated with this proposal could be offset by the savings associated with reducing the meeting to eight days.

## REVIEW OF 2011 BUDGET

33. SCAF thanked the Secretariat for the increased detail provided with the budget papers. It noted that a surplus of A\$191 000 is forecast for 2011 to be carried forward to 2012. It **recommended the revised Budget for 2011, as set out in Appendix II, be adopted by the Commission.** SCAF commended the Secretariat for the quarterly financial reports sent to Members since the conclusion of CCAMLR-XXIX.

## BUDGET FOR 2012

### Advice from SCIC and the Scientific Committee

34. The Chair of SCIC advised that it supported the inclusion of A\$30 000 in the General Fund budget to undertake an Integrated FMC Information Management System and A\$5 000 to review the VMS, including new terms of reference.

35. The CDS panel recommended to SCAF to approve A\$91 000 expenditure from the CDS Special Fund on IUU Fishing in the Convention Area, for a capacity-building training event to be held in South Africa in 2012 and a further A\$5 000 to amend the E-CDS to perform Member queries and reports. It was recommended that this funding could be added to the funds allocated for the Integrated FMC project and the work included as part of the project.

36. The representative from the Scientific Committee advised that the Scientific Committee noted that the General Fund had included provision of funding for its activities, including translation into seven languages (English, French, Russian, Spanish, Indonesian, Japanese and Korean) of tagging protocols (A\$2 000 in total), translation into English of research plans in New and Exploratory Fisheries applications (A\$15 000 per annum) and participation costs of external experts on the review panel of the CCAMLR Observer Training Program Accreditation Scheme (COTPAS) (A\$10 000).

37. The Scientific Committee sought the approval of SCAF to expend a total of A\$59 000 from the MPA Special Fund to meet the costs of participating experts to a Circumpolar Workshop to be held in Brussels, Belgium (A\$25 000), a del Cano Rise Workshop (A\$20 000) and a Western Antarctica Workshop (A\$14 000).

38. The Scientific Committee also advised that a two-year scholarship from the General Science Capacity Fund had been awarded at a cost of up to A\$30 000 over two years commencing in 2012.

#### Overall budget advice

39. SCAF noted that the Staffing and Salary Strategy, included in the draft Strategic Plan, was the basis of the allocation required for the Salaries and Allowances Expenditure Item.

40. In considering the budget for 2012, SCAF requested that future budget documentation provides details on proposed travel requirements.

41. Noting that the SCAF-CG will consider, inter alia, how the Special Funds can be better managed in the 2011/12 intersessional period, SCAF **recommended to the Commission that Members be encouraged to develop proposals to take advantage of the funds available in the Special Funds over the coming year and thereafter, noting the purposes for which these funds were designated.**

42. SCAF noted that expenditure for 2012 from the General Fund totalled A\$4 572 000 resulting in a deficit of A\$85 000 for the year, which can be covered from the 2011 surplus brought forward. Total Members' contributions remain at the 2011 level, although there are variations in individual Members' contributions.

43. **SCAF recommended that the Commission approve the proposed 2012 budget.**

#### Timing of contributions

44. **The Committee recommended that, in accordance with Financial Regulation 5.6, and in accordance with past practice, the Commission grant extensions to 31 May 2012 for Argentina, Belgium, Brazil, Chile, Republic of Korea, USA and Uruguay in respect of the due date for payment of their 2012 Members' contributions.**

#### FORECAST BUDGET FOR 2013

45. SCAF was presented with a forecast budget for 2013, noting that an increase to Members' contributions was anticipated to be in line with inflation. Additional New and Exploratory Fisheries application fees and forfeited amounts may reduce Members' contributions for 2013. It was noted that forecasts for 2013 are provided on the basis that average conditions for the past five years will be generally maintained in respect of items such as interest income, CPI and income from New and Exploratory Fisheries.

46. However, SCAF recalled its advice of previous years that the forecast figures are indicative only and care should be taken when they are used as a basis for financial budgeting by individual Members.

47. SCAF welcomed the proposal tabled by Norway and the EU to establish a CEMP Fund and expressed appreciation to Norway for an initial contribution of A\$100 000.

#### OTHER BUSINESS

Access to restricted information on the CCAMLR website

48. SCAF welcomed new security arrangements proposed for accessing the revised CCAMLR website, noting that individual logins based on email addresses will be used.

#### ELECTION OF SCAF CHAIR FOR 2012 AND 2013

49. The Vice-Chair of SCAF was invited to continue his consultations among CCAMLR Members to identify a candidate for Chair of SCAF from the end of the 2011 meeting until the end of the 2013 meeting.

#### ADOPTION OF THE REPORT

50. The report of the meeting was adopted.

#### CLOSE OF MEETING

51. The Committee thanked Dr Mayekiso for his excellent chairing of the meeting. The Chair closed the meeting.

**AGENDA**

Standing Committee on Administration and Finance (SCAF)  
(Hobart, Australia, 25 to 28 October 2011)

1. Organisation of meeting
  - (i) Adoption of agenda
  - (ii) Schedule of work
2. Examination of audited Financial Statements for 2010
3. Audit requirements for 2011 and 2012 Financial Statements
4. Appointment of Auditor for 2011 and 2012
5. Executive Secretary's Annual Report
6. Secretariat's Strategic Plan
  - (i) Independent review of the Secretariat's data management systems
  - (ii) Review of Strategic Plan
  - (iii) Staffing and salary strategy
7. Review of Financial Regulations
8. Performance Review Report
  - (i) Support to Developing States
  - (ii) Future structure of Commission meetings
9. Review of 2011 budget
10. Budget for 2012
  - (i) Scientific Committee budget
  - (ii) Advice from SCIC
  - (iii) Proposals for expenditure from Special Funds
11. Forecast budget for 2013
12. Other business
  - (i) Access to restricted information on the CCAMLR website
13. Election of SCAF Chair for 2012 and 2013
14. Adoption of report
15. Close of meeting.

## REVISED BUDGET FOR THE YEAR ENDED 31 DECEMBER 2011

	General Fund adopted 2010	General Fund Revised	Equity Funds			Special funds								Total	
			Asset Replacement Reserve	New & Expl'y Fisheries Fund	Staff Replacement Fund	Contin-gency	Observer	VMS	CDS	Compli-ance	MPA	Scien-tific	Enforce-ment		General SC Capacity
<b>Income</b>															
Members' General Fund Contributions	3 157 000	3 157 000	0	0	0	0	0	0	0	0	0	0	0	0	3 157 000
Members' Special Contributions	0	0	0	0	0	0	0	0	30 000	0	0	0	0	15 000	45 000
Interest	180 000	210 000	0	0	0	0	3 800	470	8 600	900	3 300	3 300	450	2 300	233 120
Staff Assessment Levy	530 000	492 000	0	0	0	0	0	0	0	0	0	0	0	0	492 000
Fund transfers	185 000	235 000	0	0	0	(235 000)	0	0	0	0	0	0	0	0	0
Sales (Tagging)	0	30 000	0	0	0	0	0	0	0	0	0	0	0	0	30 000
Miscellaneous Income	436 000	370 000	35 000	204 000	0	150 000	0	0	0	0	0	0	0	0	759 000
<b>Total Income</b>	<b>4 488 000</b>	<b>4 494 000</b>	<b>35 000</b>	<b>204 000</b>	<b>0</b>	<b>(85 000)</b>	<b>3 800</b>	<b>470</b>	<b>38 600</b>	<b>900</b>	<b>3 300</b>	<b>3 300</b>	<b>450</b>	<b>17 300</b>	<b>4 716 120</b>
<b>Expenditure</b>															
Salaries and Allowances	3 280 000	2 876 000	0	204 000	0	0	0	0	0	0	15 000	0	0	0	3 095 000
Equipment	200 000	190 000	0	0	0	0	0	0	0	0	0	0	0	0	190 000
Insurance and Maintenance	200 000	200 000	0	0	0	0	0	0	0	0	0	0	0	0	200 000
Training	15 000	9 000	0	0	0	0	0	0	0	0	0	0	0	0	9 000
Meeting Facilities	320 000	310 000	4 444	0	0	0	0	0	0	0	0	0	0	0	314 444
Travel	230 000	130 000	0	0	0	0	0	0	0	0	33 000	0	0	0	163 000
Printing and Copying	70 000	48 000	0	0	0	0	0	0	0	0	0	0	0	0	48 000
Communications	83 000	55 000	0	0	0	0	0	0	0	0	0	0	0	0	55 000
Sundry	90 000	90 000	0	0	0	0	0	0	0	0	0	0	0	0	90 000
Rent/COGS	0	395 000	0	0	0	0	0	0	0	0	0	0	0	0	395 000
<b>Total Expenditure</b>	<b>4 488 000</b>	<b>4 303 000</b>	<b>4 444</b>	<b>204 000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>48 000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4 559 444</b>
<b>Surplus/(Deficit)</b>		<b>191 000</b>	<b>30 556</b>	<b>0</b>	<b>0</b>	<b>(85 000)</b>	<b>3 800</b>	<b>470</b>	<b>38 600</b>	<b>900</b>	<b>(44 700)</b>	<b>3 300</b>	<b>450</b>	<b>17 300</b>	<b>156 676</b>
Balance at 1 January 2011		2 548	137 899	363 920	135 846	345 000	112 451	14 105	216 570	26 187	99 459	95 985	12 884	93 319	1 656 173
Balance at 31 December 2011		193 548	168 455	363 920	135 846	260 000	116 251	14 575	255 170	27 087	54 759	99 285	13 334	110 619	1 812 849

## DRAFT BUDGET FOR THE YEAR ENDED 31 DECEMBER 2012

General fund	Equity Funds				Special Funds								Total	
	Asset Replacement Reserve	New & Expl'y Fisheries Fund	Staff Replacement Fund	Contingency	Observer	VMS	CDS	Compliance	MPA	Scientific	Enforcement	General SC Capacity		
A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	
<b>Income</b>														
Members' General Fund Contributions	3 157 000	0	0	0	0	0	0	0	0	0	0	0	0	3 157 000
Members' Special Contributions	0	0	0	0	0	0	0	0	0	0	0	0	66 000	66 000
Interest	230 000	0	0	0	0	3 800	470	8 600	900	4 300	3 300	450	2 300	254 120
Staff Assessment Levy	540 000	0	0	0	0	0	0	0	0	0	0	0	0	540 000
Fund transfers	150 000	0	0	0	(150 000)	0	0	0	0	0	0	0	0	0
Sales (Tagging)	30 000	0	0	0	0	0	0	0	0	0	0	0	0	30 000
Miscellaneous Income	380 000	25 000	165 000	0	150 000	0	0	0	0	0	0	0	0	720 000
<b>Total Income</b>	<b>4 487 000</b>	<b>25 000</b>	<b>165 000</b>	<b>0</b>	<b>0</b>	<b>3 800</b>	<b>470</b>	<b>8 600</b>	<b>900</b>	<b>4 300</b>	<b>3 300</b>	<b>450</b>	<b>68 300</b>	<b>4 767 120</b>
<b>Expenditure</b>														
Salaries and Allowances	3 020 000	0	165 000	0	0	0	0	0	0	0	0	0	0	3 185 000
Equipment	200 000	0	0	0	0	0	0	0	0	0	0	0	0	200 000
Insurance and Maintenance	210 000	0	0	0	0	0	0	0	0	0	0	0	0	210 000
Training	20 000	0	0	0	0	0	0	0	0	0	0	0	0	20 000
Meeting Facilities	320 000	4 444	0	0	0	0	0	18 500	0	0	0	0	0	342 944
Travel	200 000	0	0	0	0	0	0	72 500	0	59 000	0	0	15 000	346 500
Printing and Copying	50 000	0	0	0	0	0	0	0	0	0	0	0	0	50 000
Communications	57 000	0	0	0	0	0	0	0	0	0	0	0	0	57 000
Sundry	90 000	0	0	0	0	0	0	5 000	0	0	0	0	0	95 000
Rent/COGS	405 000	0	0	0	0	0	0	0	0	0	0	0	0	405 000
<b>Total Expenditure</b>	<b>4 572 000</b>	<b>4 444</b>	<b>165 000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>96 000</b>	<b>0</b>	<b>59 000</b>	<b>0</b>	<b>0</b>	<b>15 000</b>	<b>4 911 444</b>
<b>Surplus/(Deficit)</b>	<b>(85 000)</b>	<b>20 556</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3 800</b>	<b>470</b>	<b>(87 400)</b>	<b>900</b>	<b>(54 700)</b>	<b>3 300</b>	<b>450</b>	<b>53 300</b>	<b>(144 324)</b>
Balance at 1 January 2012	193 548	168 455	363 920	135 846	260 000	116 251	14 575	255 170	27 087	54 759	99 285	13 334	110 619	1 812 849
Balance at 31 December 2012	108 548	189 011	363 920	135 846	260 000	120 051	15 045	167 770	27 987	59	102 585	13 784	163 919	1 668 525

## FORWARD ESTIMATE FOR THE YEAR ENDED 31 DECEMBER 2013

General Fund	Equity Funds				Special Funds								Total	
	Asset Replacement Reserve	New & Expl'y Fisheries Fund	Staff Replacement Fund	Contingency	Observer	VMS	CDS	Compliance	MPA	Scientific	Enforcement	General SC Capacity		
A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	
<b>Income</b>														
Members' General Fund Contributions	3 264 000	0	0	0	0	0	0	0	0	0	0	0	0	3 264 000
Members' Special Contributions	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Interest	230 000	0	0	0	0	3 800	470	8 600	900	3 300	3 300	450	2 300	253 120
Staff Assessment Levy	560 000	0	0	0	0	0	0	0	0	0	0	0	0	560 000
Fund transfers	150 000	0	0	0	(150 000)	0	0	0	0	0	0	0	0	0
Sales (Tagging)	30 000	0	0	0	0	0	0	0	0	0	0	0	0	30 000
Miscellaneous Income	385 000	25 000	199 000	0	150 000	0	0	0	0	0	0	0	0	759 000
<b>Total Income</b>	<b>4 619 000</b>	<b>25 000</b>	<b>199 000</b>	<b>0</b>	<b>0</b>	<b>3 800</b>	<b>470</b>	<b>8 600</b>	<b>900</b>	<b>3 300</b>	<b>3 300</b>	<b>450</b>	<b>2 300</b>	<b>4 866 120</b>
<b>Expenditure</b>														
Salaries and Allowances	3 131 000	0	199 000	0	0	0	0	0	0	0	0	0	0	3 330 000
Equipment	200 000	0	0	0	0	0	0	0	0	0	0	0	0	200 000
Insurance and Maintenance	215 000	0	0	0	0	0	0	0	0	0	0	0	0	215 000
Training	15 000	0	0	0	0	0	0	0	0	0	0	0	0	15 000
Meeting Facilities	325 000	4 444	0	0	0	0	0	0	0	0	0	0	0	329 444
Travel	232 000	0	0	0	0	0	0	0	0	0	0	0	30 000	262 000
Printing and Copying	50 000	0	0	0	0	0	0	0	0	0	0	0	0	50 000
Communications	60 000	0	0	0	0	0	0	0	0	0	0	0	0	60 000
Sundry	90 000	0	0	0	0	0	0	0	0	0	0	0	0	90 000
Rent/COGS	410 000	0	0	0	0	0	0	0	0	0	0	0	0	410 000
<b>Total Expenditure</b>	<b>4 728 000</b>	<b>4 444</b>	<b>199 000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>30 000</b>	<b>4 961 444</b>
<b>Surplus/(Deficit)</b>	<b>(109 000)</b>	<b>20 556</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3 800</b>	<b>470</b>	<b>8 600</b>	<b>900</b>	<b>3 300</b>	<b>3 300</b>	<b>450</b>	<b>(27 700)</b>	<b>(95 324)</b>
Balance at 1 January 2013	108 548	189 011	363 920	135 846	260 000	120 051	15 045	167 770	27 987	59	102 585	13 784	163 919	1 668 525
Balance at 31 December 2013	(452)	209 567	363 920	135 846	260 000	123 851	15 515	176 370	28 887	3 359	105 885	14 234	136 219	1 573 201

**MEMBERS' CONTRIBUTIONS 2012**  
 General Fund Contributions – Payable by 1 March 2012  
 (all amounts in Australian dollars)

Member	Basic	Fishing	Total
Argentina*	120 849	1 000	121 849
Australia	120 849	10 148	130 997
Belgium*	120 849	-	120 849
Brazil*	120 849	-	120 849
Chile*	120 849	1 810	122 659
China, People's Republic of	120 849	1 000	121 849
European Union	120 849	-	120 849
France	120 849	25 104	145 953
Germany	120 849	-	120 849
India	120 849	-	120 849
Italy	120 849	-	120 849
Japan	120 849	13 135	133 984
Korea, Republic of *	120 849	21 992	142 841
Namibia	120 849	1 000	121 849
New Zealand	120 849	6 344	127 193
Norway	120 849	31 036	151 885
Poland	120 849	3 171	124 020
Russia	120 849	2 852	123 701
South Africa	120 849	1 656	122 505
Spain	120 849	4 296	125 145
Sweden	120 849	-	120 849
Ukraine	120 849	1 113	121 962
UK	120 849	8 932	129 781
USA*	120 849	-	120 849
Uruguay*	120 849	1 186	122 035
	3 021 225	135 775	3 157 000

\* Extension of deadline requested by Members.



**CCAMLR SECRETARIAT STRATEGIC PLAN  
(2012–2014)**



## **CCAMLR SECRETARIAT STRATEGIC PLAN (2012–2014)**

### **INTRODUCTION**

The CAMLR Convention entered into force on 7 April 1982. It establishes the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), comprising the original signatories and acceding parties. CCAMLR, which currently has 25 Members, maintains a Secretariat in Hobart, Tasmania, Australia ([www.ccamlr.org](http://www.ccamlr.org)). Arrangements supporting the operations of the CCAMLR Secretariat in Australia are the subject of a Headquarters Agreement signed with the Australian Government on 8 September 1986.

The purpose of this Strategic Plan is to describe the core services provided to Members and other stakeholders by the CCAMLR Secretariat for the period 2012 to 2014 in its endeavour to support the functions of the Commission, as described in the CAMLR Convention. In addition, the Plan describes the structure of the Secretariat and provides a means for Members to periodically assess the Secretariat's performance.

## **CCAMLR SECRETARIAT STRATEGIC PLAN (2012–2014)**

### **VISION**

Globally recognised as a best-practice model for the provision of technical, administrative, scientific and logistical support to an intergovernmental marine conservation and management organisation.

### **MISSION**

To provide support to the Commission in achieving the Convention's objective of conserving Antarctic marine living resources where conservation includes rational use.

### **GOALS, OBJECTIVES and TASKS**

The Secretariat's Strategic Plan describes two overarching Goals which underpin all services provided by the Secretariat to assist the work of the Commission and the Scientific Committee. The two Goals are supported by nine related Objectives.

Each Objective is supported by a suite of specific, mostly measureable, achievable Tasks. Tasks are delivered through seven independent and interdependent core functions: Executive Services, Finance and Administration Services, Fisheries Monitoring and Compliance Services, Scientific Services, Data Services, Information Technology Services and Communications Services (Figure).

Tasks are supported by annual work programs. Annual work programs serve the basis of internal processes to report on the performance of the Secretariat.

Tasks will be periodically revised to take into account the decisions of the Commission and the performance of the Secretariat.

<p style="text-align: center;"><b>GOAL 1:</b></p> <p style="text-align: center;">To deliver best-practice administrative, technical, logistical and scientific support to the Commission and the Scientific Committee</p>	<p style="text-align: center;"><b>GOAL 2:</b></p> <p style="text-align: center;">To facilitate communication and collaboration among stakeholders through effective dissemination of information, education, outreach and capacity building.</p>
<p style="text-align: center;"><b>OBJECTIVES</b></p> <p>To maintain Secretariat services to Members at internationally recognised standards through internal coordination and monitoring of best-practice, administrative and operational policies, and supporting procedures and engagement with relevant external stakeholders.</p> <p>To support an open and inclusive workplace culture and identity consistent with the Commission’s international nature.</p> <p>Quality administration and finance systems, based on accepted host-country standards, supporting efficient and effective delivery of Secretariat services within approved budgets.</p> <p>To provide value-added support for Members, the Commission, the Scientific Committee and their subsidiary bodies through analytical and scientific services consistent with the priorities of the Commission.</p> <p>To provide high-quality technical and logistical support for Members, the Standing Committee on Implementation and Compliance and the Commission through best-practice compliance initiatives consistent with the priorities of the Commission.</p> <p>To support Members, the Commission and the Scientific Committee and their subsidiary bodies, through secure and timely access to comprehensive and high quality Secretariat-administered data.</p> <p>To support Members, the Commission and the Scientific Committee and their subsidiary bodies, utilising cost-effective information systems technologies.</p>	<p style="text-align: center;"><b>OBJECTIVES</b></p> <p>To provide professional communication and outreach services to support the exchange of information among CCAMLR Members and effectively raise awareness of CCAMLR’s initiatives to conserve Antarctic marine living resources.</p> <p>To provide expert translation services in the four official languages of the Convention to support broad participation in the work of the Commission.</p>

**Goal 1: To deliver best-practice administrative, technical, logistical and scientific support to the Commission and the Scientific Committee.**

## **1.1 Executive Services**

The function of Executive Services is to coordinate the implementation of the Secretariat's annual program of work agreed by the Commission and the Scientific Committee. An Executive Secretary, appointed by the Commission, is responsible for overseeing the development, implementation and monitoring of internal policies and procedures for the Secretariat, for management and fiscal accountability, for serving as an ambassador for the Commission's work and promoting mutually beneficial networks and relationships.

**1.1.1 Objective: To maintain Secretariat services to Members at internationally recognised standards through internal coordination and monitoring of best-practice administrative and operational policies, and supporting procedures, and engagement with relevant external stakeholders.**

### *Tasks:*

- Develop and implement internal administrative and operational policies and procedures<sup>1</sup> that aspire to support the delivery of value-for-money Secretariat services in a coordinated and transparent manner.
- Review and periodically revise, as necessary, a Strategic Plan for the Secretariat for endorsement by the Commission.
- Monitor the implementation of intersessional work plans which will be developed and agreed within one month of the conclusion of the annual meeting of the Commission.
- Implement the Commission's stated policies for the Secretariat's cooperation with external stakeholders and periodically report outcomes to the Commission.
- Support cooperation and information exchange mechanisms with international organisations sharing a common interest with CCAMLR for mutual benefit.
- Promote the work of CCAMLR to raise the profile of the organisation internationally.
- Coordinate professional, technical, logistical and administrative Secretariat support to meetings of the Commission, the Scientific Committee and their subsidiary bodies.
- Support consultation processes, including routine staff meetings, to facilitate engagement of all staff in internal consideration of workplace standards, practices and decision-making.

### *Training and capacity building*

- Maintain transparent and non-discriminatory recruitment procedures and policies that seek to secure the best available expertise for the Secretariat within available resources.
- Support periodic performance monitoring and structured training opportunities to maintain Secretariat standards and skills necessary to service the requirements of the Commission.

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<sup>1</sup> The most widely applied international voluntary standards for business and organisation management include ISO 9000, ISO 14000, ISO26000 and ISO31000, for example.

- Promote collaboration and cooperation with other relevant institutions to develop and maintain Secretariat expertise, standards and skills at an internationally acceptable level.

**1.1.2 Objective: To support an open and inclusive workplace culture and identity consistent with the Commission’s international nature.**

*Tasks:*

- Develop and implement agreed values and guiding principles that provide guidelines and standards for cultural acceptance, mutual respect, transparency, non-discriminatory and fair treatment, tolerance and behaviour in the workplace and in relation to the professional engagement of staff with other CCAMLR stakeholders.
- Develop and administer Workplace Behaviour policies, including a staff grievance procedure.
- Include an item supporting discussion of workplace-related issues in agendas for general staff meetings.
- Promote and support a corporate culture and identity based on mutual respect and fair treatment for all, as well as transparency, open communication, consultation and individual/corporate accountability.
- Develop and administer procedures for the annual review of the workplace standards relative to an appropriate benchmark within the public service of the host country.

**1.2 Finance and Administration Services**

Finance and Administration provides critical support to the Secretariat’s executive and other technical and support services by maintaining best-practice standards for the administration of the Secretariat’s financial resources, personnel management, workplace policies and procedures and the maintenance of the Secretariat’s physical assets. Finance and Administration administers the Secretariat’s responsibilities in respect of the Headquarters Agreement and liaises with relevant local bodies on matters such as occupational health and safety, accounting, audit standards and workplace relations. It also provides administrative and professional support to the Commission through the Standing Committee on Administration and Finance (SCAF).

**1.2.1 Objective: Quality administration and finance systems, based on accepted host-country standards, supporting efficient and effective delivery of Secretariat services within approved budgets.**

*Tasks:*

*Personnel*

- Establish, and effectively administer, policies and procedures to support the administration of Secretariat personnel and short-term service providers consistent with ICSC and Australian workplace legislation, practices and taxation requirements, where appropriate.
- Coordinate Secretariat training and capacity-building initiatives within available resources.
- Provide effective front office services.

### *Finance and administration*

- Administer CCAMLR's finances consistent with the Commission's Financial Regulations and Headquarters Agreement, including production and distribution of annual and quarterly financial statements.
- Provide financial, costing and budget advice for CCAMLR-related services and activities to staff as required.
- Document and administer systems and procedures for maintaining finance and administration records.
- Document and implement procedures to support CCAMLR-associated travel.
- Establish and administer procedures supporting the Headquarters Agreement with the host Government.
- Actively support corporate relations with the organisation's business affiliates, such as banks, financial institutions, insurance brokers, landlord and Commonwealth and State Governments through regular communication.
- Effectively administer the Commission's premises and assets.
- Maintain workplace health and safety standards in compliance with Australian workplace practice.
- Establish procedures supporting the periodic review, and effective implementation, of the Secretariat's Greener Office Policy.
- Provide documentation and expert support to the Executive Secretary and to the SCAF Chair at the annual meeting of SCAF and to the Commission Chair on Commission matters.

### **1.3 Science Services**

The primary purpose of Science Services is to provide technical and administrative support to the work of the Scientific Committee and its subsidiary bodies. In this endeavour, close consultative arrangements are maintained with the Chair of the Scientific Committee and the conveners of working groups. Science Services undertakes assimilation and preliminary analysis of scientific and fishery data and information for subsequent consideration by the Scientific Committee and provides administrative and coordinating support to technical programs including CCAMLR's Scheme of International Scientific Observation, CCAMLR's Ecosystem Monitoring Program, tagging initiatives and marine debris monitoring.

**1.3.1 Objective: To provide value-added support for Members, the Commission, the Scientific Committee and their subsidiary bodies through analytical and scientific services consistent with the priorities of the Commission.**

#### *Tasks:*

##### *Science administration and logistical support*

- Provide technical and administrative support to the Chair of the Scientific Committee and Conveners of Scientific Committee working groups.
- Coordinate logistical and technical support to meetings of the Commission, the Scientific Committee and their subsidiary bodies.
- Support the Secretariat's scientific engagement with relevant external stakeholders, including other organisations, networks and associations.

- Provide editorial services for the scientific content of *CCAMLR Science* and coordinate the science input to Secretariat publications and the website.
- In consultation with the Chair of the Scientific Committee, manage or coordinate work experience opportunities, internships or other capacity-building initiatives for early career CCAMLR scientists.
- Efficiently manage and monitor the Secretariat's science-related personnel and budgets.

#### *Synthesis and analysis of scientific data and information*

- Coordinate the Secretariat's technical and logistical advice and support in respect of scientific initiatives and associated programs implemented by Members, including, inter alia:
  - marine conservation
  - the CCAMLR Scheme of International Scientific Observation
  - the CCAMLR Ecosystem Monitoring Program
  - tagging
  - marine debris
  - otolith inventories and processing
  - status and trend assessments for target and by-catch species
  - by-catch monitoring and mitigation
  - bioregionalisation
  - fishery interactions, including with vulnerable marine ecosystems
  - fishery management options
  - climate change.
- Collaborate with Members to facilitate data collection and analyses contributing to CCAMLR's scientific objectives.
- Provide technical tools and analytical services to data users, the Commission and the Scientific Committee and their subsidiary bodies, including the development and validation of stock assessment tools.
- In association with Data Services:
  - provide timely and accurate science-related data extracts for Members upon receipt of requests consistent with the Rules for Access and Use of CCAMLR Data
  - produce routine synthesis reports to the Scientific Committee (and working groups) on data submitted through CCAMLR scientific initiatives and associated programs
  - provide expert analysis and synthesis of CCAMLR data and related information to support identified priority intersessional tasks of the Scientific Committee.
- Provide feedback on science aspects of all Secretariat papers/publications.

#### **1.4 Fishery Monitoring and Compliance Services**

Fishery Monitoring and Compliance Services supports the work of the Commission through expert administrative, logistical and technical support to the Standing Committee on Implementation and Compliance (SCIC). As the focal point for the Secretariat's work associated with fishery monitoring and reporting on compliance with the Commission's conservation measures and other decisions, Fisheries Monitoring and Compliance Services is a key user of CCAMLR data. It is also responsible for administrative and coordinating support to operational programs implemented by the Commission, including maintenance of CCAMLR's IUU Vessel Lists, coordinating reporting relating to IUU fishing and the efficient operation of the Commission's Vessel Monitoring System and Catch Documentation Scheme.

**1.4.1 Objective: To provide high-quality technical and logistical support for Members, the Standing Committee on Implementation and Compliance and the Commission through best-practice compliance initiatives consistent with the priorities of the Commission.**

*Tasks:*

*Compliance administration and logistical support*

- Provide technical and administrative support to the Chair of SCIC.
- Coordinate logistical and technical support to meetings of SCIC.
- Provide technical and administrative support and advice, as required, to the Commission, the Scientific Committee and their subsidiary bodies.
- Support the Secretariat's engagement with relevant external stakeholders including non-Contracting Parties, other organisations, networks and associations on compliance measures.
- Coordinate the compliance input to Secretariat publications.
- Provide advice and content for the management of compliance-related information on the CCAMLR website.
- Manage or coordinate compliance-related work experience opportunities, internships or other capacity-building initiatives for early career CCAMLR professionals.

*Compliance monitoring and technical services*

- Undertake research and acquire and summarise relevant information relating to the initiatives of SCIC and the Commission in combating IUU fishing.
- Analyse and disseminate information to support Members' implementation of systems to achieve optimal levels of compliance with conservation measures and other decisions of the Commission.
- Coordinate the Secretariat's technical and logistical advice and support in respect of compliance initiatives of Members, including, inter alia:
  - Centralised Vessel Monitoring System
  - Catch Documentation Scheme
  - Vessel Register
  - Scheme of International Scientific Observation
  - System of Inspection
  - Monitoring of Transshipments
  - Licensing
  - Schemes to Promote Compliance
  - IUU Fishing.
- Provide information on CCAMLR conservation measures to Members and other interested stakeholders.
- Collaborate with Members to facilitate data collection and analyses contributing to CCAMLR's compliance objectives.
- Produce routine synthesis reports to SCIC, the Scientific Committee and the Commission, as appropriate, on data submitted through CCAMLR's compliance initiatives.

- Provide expert analysis and synthesis of CCAMLR data and related information to support identified priority intersessional tasks of SCIC and the Commission, including monitoring of the implementation of conservation measures and other decisions of the Commission.
- In association with Data Services:
  - prepare fisheries monitoring and compliance-related data summaries and reports for CCAMLR-monitored fisheries for the Secretariat and CCAMLR Members
  - provide timely and accurate fishery monitoring and compliance-related data extracts for Members upon receipt of requests consistent with the Rules for Access and Use of CCAMLR Data
  - administer Secretariat functions in respect of the notification systems for fisheries and research
  - monitor the implementation of, and reporting on, data-related provisions of conservation measures.

## 1.5 Data Services

Data services provides a core business function to Members, the Commission, the Scientific Committee and their subsidiary bodies directly, or in collaboration with other Secretariat services. Data Services maintains the Secretariat's Data Centre and is responsible for liaison with data owners, providers and stakeholders, for data administration standards and procedures, processing and validation, technical tools and analytical services, risk management, security and presentation to business users of comprehensive, high-quality CCAMLR data. These data provide an essential platform for robust decision-making by the Commission, the Scientific Committee and their subsidiary bodies, and to support other Secretariat services.

**1.5.1 Objective: To support Members, the Commission, the Scientific Committee and their subsidiary bodies through secure and timely access to comprehensive and high-quality Secretariat-administered data.**

### *Tasks:*

#### *Logistical and administrative support to data processes*

- Coordinate the Secretariat's technical, administrative and logistical support to the Commission, the Scientific Committee and their subsidiary bodies in relation to the processing of, and access to, CCAMLR data, including, inter alia:
  - fishery data
  - scientific observer data
  - research data
  - compliance data
  - reference data.
- Provide timely and accurate data extracts for Members consistent with the Rules for Access and Use of CCAMLR Data.
- Promote the integration of data across all technical services of the Secretariat.
- Develop and implement a Data Management Strategy.
- Support the Secretariat's engagement with relevant stakeholders, including other organisations, networks and associations, in relation to data-related matters, including data administration and standards, technical tools and products.

- Manage the technical content of the *CCAMLR Statistical Bulletin* and coordinate the data-related input to Secretariat publications and the website.
- Contribute to work experience opportunities, internships or other capacity-building initiatives for early career CCAMLR professionals.
- Manage personnel and budget resources to support the CCAMLR Secretariat's data services.
- Coordinate data services through the CCAMLR Data Centre.

#### *Data systems*

- Develop, implement and maintain systems for receipt, processing, integrity checking, validation, quality assurance, access, use and reporting of CCAMLR data to relevant international standards and the Rules for Access and Use of CCAMLR Data.
- Administer CCAMLR's metadata.
- Provide efficient systems and associated documentation for the submission and processing of data from CCAMLR fishery, scientific observer, research and compliance programs such as SISO, CEMP, E-CDS and VMS.
- Implement fully documented data integrity and logical checking procedures.
- Provide expert feedback to data providers and other Secretariat Services to resolve missing, erroneous and/or anomalous data and to ensure a high level of data quality.
- In consultation with Science Services and Fishery Monitoring and Compliance Services, provide data extracts, technical tools and analytical services to data users, the Commission, the Scientific Committee and their subsidiary bodies, including the development of programs and the validation of stock assessment tools.

#### *Data access and use*

- In association with Fishery Monitoring and Compliance Services:
  - prepare data summaries and reports for CCAMLR-monitored fisheries for the Secretariat and CCAMLR Members
  - provide timely and accurate monitoring and compliance-related data extracts for Members upon receipt of requests consistent with the Rules for Access and Use of CCAMLR Data
  - administer Secretariat functions in respect of the notification systems for fisheries and research
  - monitor the implementation of, and reporting on, data-related provisions of conservation measures.
- In association with Science Services:
  - provide timely and accurate science-related data extracts for Members upon receipt of requests consistent with the Rules for Access and Use of CCAMLR Data
  - produce routine synthesis reports to the Scientific Committee (and working groups) on data submitted through CCAMLR scientific initiatives and associated programs
  - provide expert analysis and synthesis of CCAMLR data and related information to support identified priority intersessional tasks of the Scientific Committee.

## **1.6 IT Services**

Information Technology Services is responsible for the acquisition and maintenance of reliable, cost-effective and secure information and communications technology infrastructure

supporting the business requirements of the Secretariat. IT Services include the management of computing and communications infrastructure, administration and technical support for applications and helpdesk services, including computing-related training needs within the Secretariat.

**1.6.1 Objective: To support Members, the Commission, the Scientific Committee and their subsidiary bodies utilising cost-effective information systems technologies.**

***Tasks:***

*IT administration*

- Develop, implement and periodically review an IT Strategic Plan.
- Document and periodically revise IT specific policies, standards and procedures, including, but not limited to, asset cycles, information security, acceptable use, remote access, email, out-sourcing, archiving, physical security.
- Consider the development of an Information Management Strategy for the Secretariat based on a cost-benefit approach.
- Manage and monitor the Secretariat's IT personnel, budget, assets and associated resources.

*IT infrastructure*

- Ensure the Secretariat's internal (local area) network is secure and available to CCAMLR staff according to the business need.
- Ensure the Secretariat's external (wide area) network is secure and available to authorised users according to the business need.
- Provide an efficient and effective telecommunication infrastructure, both fixed line and mobile, for Secretariat staff as required.
- Implement a cost-effective, reliable and secure information management infrastructure to support the storage and retrieval of documents (files), email and data.
- Develop a Virtualisation Strategy to migrate the Secretariat's IT infrastructure to a virtualised environment.

*IT Technical Services*

- Provide efficient Secretariat-wide helpdesk support for standard and custom software applications, document management, operating systems, hardware, communications, printing, scanning and related meeting requirements.
- Provide helpdesk services to annual CCAMLR meetings and other CCAMLR-hosted meetings when required.
- Provide technical support to Secretariat staff relating to custom application development.
- Provide implementation, ongoing development and operational support for the Commission's website.
- Identify and assess staff training needs periodically and consider opportunities for training delivery.

**Goal 2: To facilitate communication and collaboration among Members and other stakeholders through effective dissemination of information, education, outreach and capacity building.**

## **2.1 Communications Services**

The key role of the Communications Services is to provide logistical and technical support for the operation of the Commission in its four official languages. In this role, Communications Services provides professional translation and interpretation support to the annual meetings of the Commission, including the translation of relevant reports and supporting documents of the Commission, the Scientific Committee and their subsidiary bodies. Communications Services is responsible for developing and implementing the Secretariat's Communication Strategy to raise the profile of CCAMLR locally and internationally, coordinating the management of information internally in the Secretariat and managing publications and other related information resources.

**2.1.1 Objective: To provide professional communication and outreach services to support the exchange of information among CCAMLR Members and with other stakeholders to effectively raise awareness of CCAMLR's initiatives to conserve Antarctic marine living resources.**

### *Tasks:*

#### *Communications administration and logistical support*

- Manage and monitor the Secretariat's communication-related personnel, budget, equipment and other resourcing needs.
- Provide effective logistical and administrative support to the Commission, the Scientific Committee and their subsidiary bodies, including in relation to meeting preparation and arrangements.
- Develop and implement an Enterprise Content Management Strategy.
- In association with IT Services, provide in-house training to build capacity among staff to contribute content to the CCAMLR website.

#### *Public relations, outreach and capacity building*

- Draft, implement and monitor the implementation of a Communication Strategy for communicating with external stakeholders, including Parties to the Antarctic Treaty and CCAMLR non-Contracting Parties, which includes public relations, awareness-raising and outreach components.
- Maintain the CCAMLR website content as a best-practice information portal for Members and the public.
- Maintain and administer a media contact list.
- Prepare periodic media releases to promote the achievements of CCAMLR.
- Prepare and publish information releases profiling CCAMLR activities and related Antarctic and Southern Ocean issues.
- Assist in researching and disseminating information relating to opportunities for early career professionals from CCAMLR Members to undertake additional studies or gain work experience in CCAMLR-related fields.

### *Library services*

- Maintain and catalogue information in the CCAMLR Secretariat library and provide access to all CCAMLR Members and staff electronically.
- Participate in library networks and associations to strengthen CCAMLR access to literature that may support the work of the Commission and the Secretariat.

### *Publications*

- Maintain CCAMLR editorial services to support timely and professional production of CCAMLR publications.
- Maintain and update as necessary publications-related styles, formats and guidelines.
- In December each year, prepare an annual publication schedule.
- Provide technical support for web-based document indexing and searching for CCAMLR publications.
- Edit, professionally format and make CCAMLR publications available electronically or in hard copy, in a timely manner.
- Monitor demand for CCAMLR publications using citation data.
- Process, distribute and archive, in accordance with adopted procedures, Secretariat Circulars, Commission, Scientific Committee and subsidiary body meeting documents and reports.

### **2.1.2 Objective: To provide expert translation services in the four official languages of the Convention to support broad participation in the work of the Commission.**

#### *Tasks:*

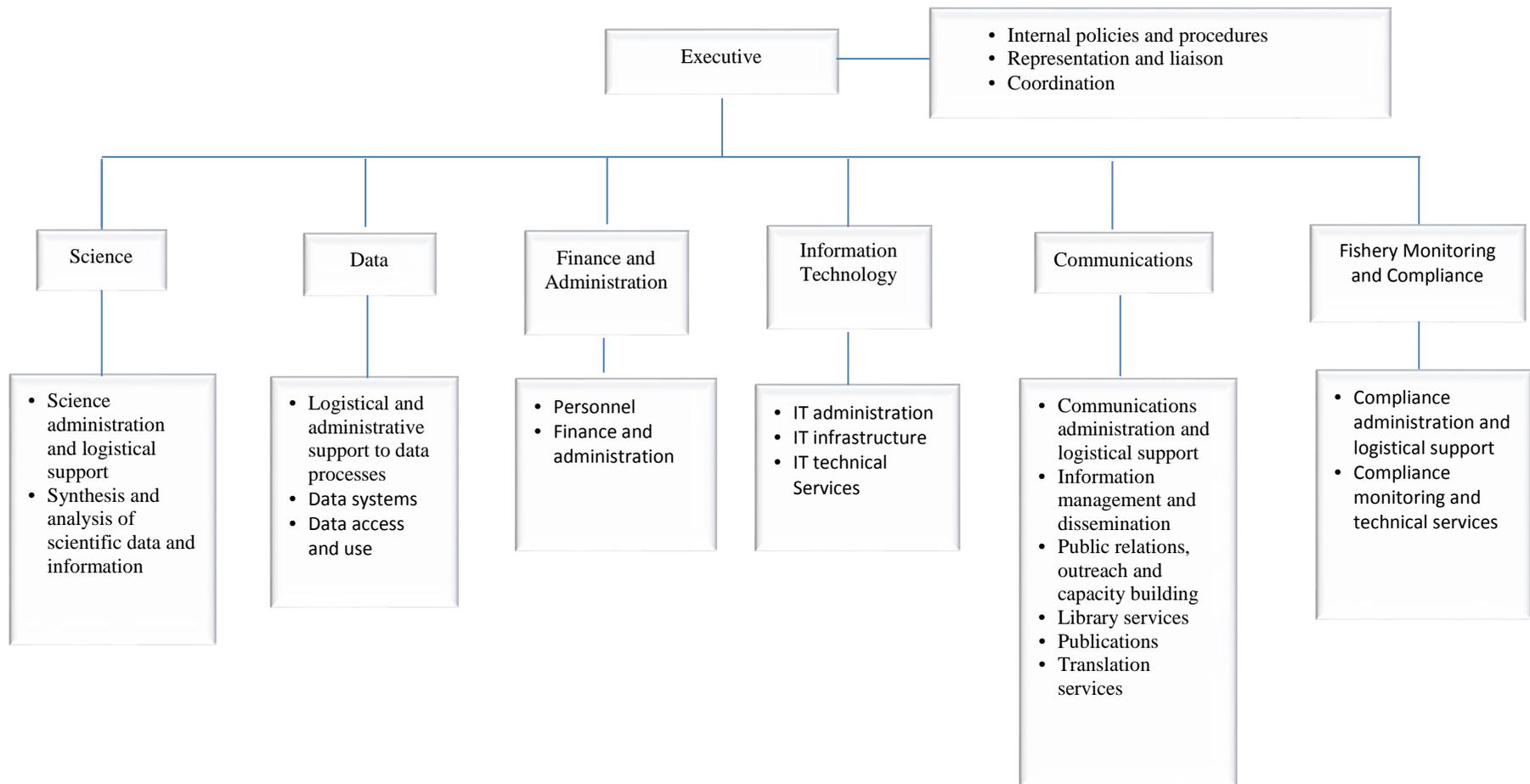
- Provide expert translation services in the four official languages of the Commission for designated Commission and Scientific Committee communications, documents and publications in an accurate, cost-effective and timely manner.
- Support inclusive discussions and informed decision-making by the Commission and the Scientific Committee by promoting multi-lingual information exchange and communication.
- Maintain best-practice translation standards in line with those of UN agencies, other international organisations and national accreditation bodies.
- Support transparency of CCAMLR and promote its work in a global context.
- Support the language requirements of all other functions of the Secretariat, as appropriate.
- Provide high-quality interpretation services to the annual meetings of the Commission.
- Develop, implement and periodically review Translation Guidelines as an integral component of the Secretariat's Communication Strategy.

## **MONITORING AND EVALUATION**

Monitoring the delivery of intersessional tasks assigned to the Secretariat throughout the year offers one opportunity to regularly assess the Secretariat's performance. The main opportunity for Members to assess the performance of the Secretariat is at its regular annual session. To facilitate this, the Secretariat will present a summary matrix of outcomes and achievements associated with the Tasks described in this Strategic Plan to each meeting of the

Commission, the Scientific Committee and their relevant subsidiary bodies. On the basis of responses received, and agreement regarding new issues for the Secretariat to address, the Strategic Plan may be periodically revised.

A revised Strategic Plan, for the period 2015 to 2017, will be prepared for consideration by Members at the 2014 annual meeting of the Commission. The revision may simply be a refinement of this Strategic Plan.





**AMENDED FINANCIAL REGULATIONS**

(for inclusion in the Basic Documents as Part 6)



## AMENDED FINANCIAL REGULATIONS\*

### REGULATION 1 APPLICABILITY

1.1 These Regulations shall govern the financial administration of the Commission for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as ‘the Commission’) and the Scientific Committee for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as ‘the Scientific Committee’) established under Articles VII(1) and XIV(1) of the Convention on the Conservation of Antarctic Marine Living Resources (hereinafter referred to as ‘the Convention’).

### REGULATION 2 FINANCIAL YEAR

2.1 The financial year shall be for 12 months commencing 1 January and ending 31 December, both dates inclusive.

### REGULATION 3 THE BUDGET

3.1 A draft budget comprising estimates of receipts by the Commission and of expenditures by the Commission and the Scientific Committee and any subsidiary bodies established pursuant to Articles XIII(6) and XVI(3) of the Convention shall be prepared by the Executive Secretary for the ensuing financial year.

3.2 The draft budget shall include a statement of the significant financial implications for subsequent financial years in respect of any proposed work programs presented in terms of administrative, recurrent and capital expenditure.

3.3 The draft budget shall be divided by functions into items and, where necessary or appropriate, into sub-items.

3.4 The draft budget shall be accompanied by details both of the appropriations made for the previous year and estimated expenditure against those appropriations, together with such information annexures as may be required by Members of the Commission or deemed necessary or desirable by the Executive Secretary. The precise form in which the draft budget is to be presented shall be prescribed by the Commission.

3.5 The Executive Secretary shall submit the draft budget to all Members of the Commission at least 60 days prior to the annual meeting of the Commission, as provided for

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\* As adopted at CCAMLR-I (paragraph 23) and amended at CCAMLR-XIII (Annex 4, Appendix 1), CCAMLR-XVII (Annex 4, Appendix III), CCAMLR-XVIII (paragraph 3.5; Annex 4, paragraph 38) and CCAMLR-XXI (Annex 4, paragraph 23).

## **Financial Regulations**

in Article XIX(2) of the Convention. At the same time, and in the same form as the draft budget, he shall prepare and submit to all Members of the Commission a forecast budget for the subsequent financial year.

3.6 The draft budget and the forecast budget shall be presented in Australian dollars.

3.7<sup>1</sup> At each annual meeting, the Commission shall adopt by consensus its budget and the budget of the Scientific Committee.

### **REGULATION 4 APPROPRIATIONS**

4.1 The appropriations adopted by the Commission shall constitute an authorisation for the Executive Secretary to incur obligations and make payments for the purposes for which the appropriations were adopted.

4.2 Unless the Commission decides otherwise, the Executive Secretary may also incur obligations against future years before appropriations are adopted when such obligations are necessary for the continued effective functioning of the Commission, provided such obligations are restricted to administrative requirements of a continuing nature not exceeding the scale of such requirements as authorised in the budget of the current financial year. In other circumstances the Executive Secretary may incur obligations against future years only as authorised by the Commission.

4.3 Appropriations shall be available for the financial year to which they relate. At the end of the financial year all appropriations shall lapse. Commitments remaining undischarged against previous appropriations at the end of a financial year shall be carried over and be included in the budget for the next financial year, unless the Commission otherwise decides.

4.4 The Chairman may authorise the Executive Secretary to make transfers of up to 10 per cent of appropriations between items. The Chairman of the Standing Committee on Administration and Finance may authorise the Executive Secretary to make transfers of up to 10 per cent of appropriations between categories within expenditure items. The Executive Secretary may authorise the transfer of up to 10 per cent of appropriations between expenditure items. All transfers must be reported by the Executive Secretary to the next annual meeting of the Commission.

4.5 The conditions under which unforeseen and extraordinary expenses may be incurred, as agreed by the Commission, are provided in Annex 1 to the Financial Regulations.

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<sup>1</sup> *Article XIX(1) of the Convention on the Conservation of Antarctic Marine Living Resources*

**REGULATION 5**  
**PROVISION OF FUNDS**

5.1 Each Member of the Commission shall contribute to the budget in accordance with Article XIX(3) of the Convention.

5.2 Staff Assessment Levy paid by an employee of the Commission shall be regarded by the Commission as payment towards the annual budget contribution for the year.

5.3 On approval of the budget for a financial year, the Executive Secretary shall send a copy thereof to all Members of the Commission notifying them of their contributions and requesting them to remit their contributions due. A Member of the Commission that fails to pay its contributions for two consecutive years shall not, during the period of its default, have the right to participate in the taking of decisions in the Commission.

5.4 All contributions shall be made in Australian dollars or the equivalent amount in United States dollars.

5.5 (a) Except in the first financial year, a new Member of the Commission whose membership becomes effective during the first six months of the financial year shall be liable to pay the full amount of the annual contribution which would have been payable had it been a Member of the Commission when assessments were made under Article XIX(3) of the Convention. A new Member whose membership becomes effective during the last six months of the financial year, shall be liable to pay half of the amount of the annual contribution referred to above. In the first financial year all Members whose membership becomes effective during the first nine months of the year shall be liable to pay the full amount of the annual contributions. A Member whose membership becomes effective during the last three months of the first financial year shall be liable to pay half the amount of the first annual contribution;

(b) Where contributions are received from new Members the contributions of existing Members shall be adjusted in accordance with Regulation 6.1(d).

5.6 Except in the first financial year when contributions shall be paid within 90 days of the end of the first Commission meeting, contributions shall be due for payment on the first day of the financial year (i.e. the due date) and shall be paid not later than 60 days after that date. The Commission has the authority to permit extensions to the due date of up to 90 days for individual Members who are unable to comply with this regulation due to the timing of the financial years of their governments. However, in the case referred to in Regulation 5.5(a), contributions by a new Member shall be made within 90 days following the date on which its membership becomes effective. If payment is made after the due date in United States dollars, the net payment received by the Commission shall be equivalent to the amount of Australian dollars payable on the due date.

5.7 The Executive Secretary shall report to each meeting of the Commission on the receipt of the contributions and the position of arrears.

**REGULATION 6  
FUNDS**

- 6.1 (a) There shall be established a General Fund for the purpose of accounting for the income and expenditure of the Commission and Scientific Committee and any subsidiary bodies established pursuant to the Convention;
- (b) Contributions paid by Members under Regulation 5.1 and miscellaneous income to finance general expenditure shall be credited to the General Fund;
- (c) Any cash surplus in the General Fund at the close of a financial year that is not required to meet undischarged commitments in terms of Regulation 4.3 shall be divided in proportion to the contributions made by existing Members under Regulation 5.1 in the current financial year and used to offset such Members' contributions for the ensuing financial year. This provision shall not apply at the end of the first financial year when surplus funds other than those resulting from contributions by new Members may be carried over into the following financial year;
- (d) Where contributions are received from new Members after the commencement of the financial year and such funds have not been taken into account in formulating the budget, appropriate adjustment shall be made to the level of the assessed contributions of existing Members and such adjustments recorded as advances made by such Members;
- (e) Advances made by Members shall be carried to the credit of the Members which have made such advances.

6.2 Trust and Special Funds may be established by the Commission for the purpose of receiving funds and making payments for purposes not covered by the regular budget of the Commission.

**REGULATION 7  
OTHER INCOME**

7.1 All income other than contributions to the budget under Regulation 5 and that referred to in Regulation 7.3 below, shall be classified as Miscellaneous Income and credited to the General Fund. The use of Miscellaneous Income shall be subject to the same financial controls as activities financed from regular budget appropriations.

7.2 Voluntary contributions above and beyond Members' budget contributions may be accepted by the Executive Secretary provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Commission. Voluntary contributions offered by non-Members may be accepted, subject to agreement by the Commission that the purposes of the contribution are consistent with the policies, aims and activities of the Commission.

7.3 Voluntary contributions shall be treated as Trust or Special Funds under Regulation 6.2.

## **REGULATION 8 CUSTODY OF FUNDS**

8.1 The Executive Secretary shall designate institutions in Australia in which the funds of the Commission shall be kept and shall report the identity of the institutions so designated to the Commission.

8.2 The Executive Secretary may make investments of moneys not needed for the immediate requirements of the Commission. Such investments shall be in accordance with the Investment principles at Annex 2. Income derived from investments shall be reported in the documents supporting the budget.

8.3 Income derived from investments shall be credited to the Fund from which the investment was made.

## **REGULATION 9 INTERNAL CONTROL**

9.1 The Executive Secretary shall:

- (a) establish detailed financial rules and procedures in accordance with the Investment Principles at Annex 2 to ensure effective financial administration and the exercise of economy in the use of funds;
- (b) cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the goods or services have been received and that payment has not previously been made;
- (c) designate officers who may receive moneys, incur obligations and make payments on behalf of the Commission; and
- (d) maintain and be responsible for internal financial control to ensure:
  - (i) the regularity of the receipt, custody and disposal of all funds and other financial resources of the Commission;
  - (ii) the conformity of obligations and expenditures with the appropriations adopted by the annual meeting; and
  - (iii) the economic use of the resources of the Commission.

## **Financial Regulations**

9.2 No obligations shall be incurred until allotments or other appropriate authorisations have been made in writing under the authority of the Executive Secretary.

9.3 The Executive Secretary may propose to the Commission, after full investigation by him, the writing off of losses of assets, provided that a statement of all such amounts written off is submitted to the auditor with the accounts together with the justification for the write-off. Such losses shall be included in the annual accounts.

9.4 Tenders in writing for equipment, supplies and other requirements shall be invited by advertisement, or by direct requests for quotation from at least three persons or firms able to supply the equipment, supplies, or other requirements, if such exist, in connection with all purchases or contracts, the amounts of which exceed \$2 000 (Australian dollars). For amounts exceeding \$100, but less than \$2 000, competition shall be obtained either by the above means or by telephone or personal enquiry. The foregoing rules, shall, however, not apply in the following cases:

- (a) where it has been ascertained that only a single supplier exists and that fact is so certified by the Executive Secretary;
- (b) in case of emergency, or where, for any other reason, these rules would not be in the best financial interests of the Commission, and that fact is so certified by the Executive Secretary.

## **REGULATION 10 THE ACCOUNTS**

10.1 The Executive Secretary shall ensure that appropriate records and accounts are kept of the transactions and affairs of the Commission and shall do all things necessary to ensure that all payments out of the Commission's moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Commission and over the incurring of liabilities by the Commission.

10.2 The Executive Secretary shall submit to the Members of the Commission, not later than 31 March immediately following the end of the financial year, annual financial statements showing, for the financial year to which they relate:

- (a) the income and expenditure relating to all funds and accounts;
- (b) the situation with regard to budget provisions, including:
  - (i) the original budget provisions;
  - (ii) the approved expenditure in excess of the original budget provisions;
  - (iii) any other income;
  - (iv) the amounts charged against these provisions and other income;
- (c) the financial assets and liabilities of the Commission;
- (d) details of investments;
- (e) losses of assets proposed in accordance with Regulation 9.3.

The Executive Secretary shall also give such other information as may be appropriate to indicate the financial position of the Commission. These financial statements shall be prepared in a form approved by the Commission after consultation with the external auditor.

10.3 The accounting transactions of the Commission shall be recorded in the currency in which they took place but the annual financial statements shall record all transactions in Australian dollars.

10.4 Appropriate separate accounts shall be kept for all Special and Trust Funds.

10.5 The annual financial statements shall be submitted by the Executive Secretary to the external auditor in accordance with Article XIX (4) of the Convention at the same time as they are submitted to Members of the Commission under paragraph 2 of this Regulation.

## **REGULATION 11 EXTERNAL AUDIT**

11.1 The Commission shall appoint an external auditor who shall be the Auditor-General or equivalent statutory authority from a Member of the Commission and shall serve for a term of two years with the possibility of re-appointment. The Commission will ensure respect for the external auditor's independence of the Commission, the Scientific Committee, their subsidiary bodies and the Commission's staff, fix the terms of office, and appropriate funds to the external auditor to meet the costs of the audit.

11.2 The external auditor or a person or persons authorised by him shall be entitled at all reasonable times to full and free access to all accounts and records of the Commission relating directly or indirectly to the receipt or payment of moneys by the Commission or to the acquisition, receipt, custody or disposal of assets by the Commission. The external auditor or a person or persons authorised by him may make copies of or take extracts from any such accounts or records.

11.3 Full audits of the Commission's Financial Statement shall be conducted annually. In performing a full audit, the external auditor shall conduct his examination of the statements in conformity with generally accepted auditing standards and shall report to the Commission on all relevant matters, including:

- (a) whether, in his opinion, the statements are based on proper accounts and records;  
and
- (b) whether the statements are in agreement with the accounts and records.

11.4 The Commission may also seek of the auditor a separate report on other relevant matters, including:

## **Financial Regulations**

- (a) whether, in his opinion, the income, expenditure and investment of moneys and the acquisition and disposal of assets by the Commission during the year have been in accordance with these Regulations; and
- (b) observations with respect to the efficiency and economy of the financial procedures and the conduct of business, the accounting system, internal financial controls and the administration and management of the Commission.

11.5 The Executive Secretary shall provide the external auditor with the facilities he may require in the performance of the audit.

11.6 The Executive Secretary shall provide to the Members of the Commission a copy of the audit report and the audited financial statements within 30 days of their receipt.

11.7 The Commission shall, if necessary, invite the external auditor to attend discussions on any item under scrutiny and consider recommendations arising out of his findings.

### **REGULATION 12 ACCEPTANCE OF ANNUAL FINANCIAL STATEMENTS**

12.1 The Commission shall, following consideration of the audited annual financial statements and audit report submitted to its Members under Regulation 11.5 of these Regulations, signify its acceptance of the audited annual financial statements or take such other action as it may consider appropriate.

### **REGULATION 13 INSURANCE**

13.1 The Commission may take out suitable insurances with a reputable financial institution against normal risks to its assets.

### **REGULATION 14 GENERAL PROVISION**

14.1 Subject to the provisions of the Convention, these Regulations may be amended by the Commission in accordance with its Rules of Procedure.

14.2 Where the Commission or the Scientific Committee is considering matters which may lead to a decision which has financial or administrative implications, it shall have before it an evaluation of those implications from the Executive Secretary.

**EXTRACT FROM CCAMLR-XXI, ANNEX 4, PARAGRAPHS 20 AND 21**

## CONTINGENCY FUND

20. At its 2001 meeting, the Commission established a Contingency Fund. Noting that this is intended to be used for necessary expenditure which has not yet been specifically authorised by the Commission, SCAF **recommended that the following definitions be agreed by the Commission for unforeseen and extraordinary expenditure as envisaged in Financial Regulation 4.5:**

**‘Unforeseen expenditure’ is expenditure of which the Commission had been unaware at the time of its previous meeting, but which is necessary for the fulfilment of tasks required by the Commission to be performed, with the amount not being possible to subsume into the annual budget without inordinate disruption of the Commission’s work.**

**‘Extraordinary expenditure’ is expenditure the nature of which was known by the Commission at its previous meeting, but the extent of which is far greater than had been anticipated at that time, with the extra amount not being possible to subsume into the annual budget without inordinate disruption of the Commission’s work.**

21. The Committee further **recommended that the following procedures should be applied for any use of the Fund:**

- (i) As soon as the Executive Secretary believes that there is a reasonable expectation of unforeseen or extraordinary expenditure, he/she will consult with the SCAF Chair and Vice-Chair to confirm that:
  - the nature of the expenditure complies with the above definitions;
  - the Contingency Fund has sufficient capacity to cover the expenditure; and
  - it is not possible to defer the decision on the use of the Fund until the next meeting of the Commission.
- (ii) The Executive Secretary will advise all Members of any intended use of the Fund.
- (iii) Any Member that considers such expenditure from the Fund to be inappropriate shall advise the Chair accordingly, including any proposal for alternative action.

- (iv) The Commission Chair shall consult with the SCAF Chair and the Executive Secretary. If the three parties agree with the Member's advice, then this shall be acted upon and Members will be advised accordingly. If the parties fail to come to agreement on the Member's advice, and if time permits, then Members will be asked to decide on the issue in accordance with Rule 7. If there is insufficient time for such a decision, or if Members are unable to reach consensus, then the Executive Secretary, in consultation with the Commission Chair and the SCAF Chair and Vice-Chair, shall determine to what extent to use the Fund.**
- (v) Any actual expenditure from the Fund will be advised to Members immediately.**
- (vi) The Executive Secretary will report to the subsequent meeting of the Commission any expenditure from the Fund, including related expenditure from the current and future budgets of the General Fund, and proposals to re-establish the Contingency Fund at its former level.**

**INVESTMENT PRINCIPLES**

- (i) The primary consideration in determining the investment strategy for the Commission shall be to safeguard the funds of the Commission. Funds shall be invested in such a way as to place primary emphasis on avoiding the erosion of principal funds while ensuring the liquidity necessary to meet the Commission's cash flow requirements.
- (ii) Investment of moneys not needed for the immediate requirements of the Commission shall be conservative and low risk in nature. Investments shall be restricted to cash equivalents, term deposits and government bonds. Investments that attract a government guarantee shall be limited to terms of not more than 24 months unless otherwise agreed by the Commission. Investments that do not attract a government guarantee shall be restricted to those institutions assessed by the Australian Prudential Regulation Authority (APRA) as an Authorised Deposit-taking Institution (ADI) and shall be limited to terms of not more than 12 months unless otherwise agreed by the Commission.
- (iii) To minimise risk, the investment portfolio of the Commission shall offer diversity across institutions, instruments and maturity dates. Where a government guarantee is available, investments in ADIs other than Australian-owned banks shall be limited to the amount guaranteed.
- (iv) The Executive Secretary will provide quarterly interim financial reports of income (including interest income) and expenditure to Members. The quarterly reports will include a report on the status and performance of investments as well as providing Members with any other relevant advice or information pertaining to the financial management of the Commission.
- (v) The Executive Secretary will inform Members of significant or unforeseen financial events, particularly where such events may have a substantial impact on the current or future financial position of the Commission, as soon as possible from when the Executive Secretary becomes aware of such events.
- (vi) Investments shall be recorded in an investment ledger held by the Secretariat, which shall show all relevant details for each investment, including face value, cost, date of maturity, interest rate, place of deposit, proceeds of sale, income earned and whether the investment attracts a government guarantee.

## OTHER ISSUES RAISED DURING SCAF-CG DISCUSSIONS IN 2011

A working list of issues to be considered by the SCAF-CG  
in the 2011/12 intersessional period

### 1. Members' Contributions, Financial Regulation 5

1.1 At CCAMLR-XXIX, SCAF requested that, in addition to the agreed terms of reference of the SCAF-CG, the SCAF-CG consider the timing of Members' contributions (Financial Regulation 5.6). Some consideration of this issue was undertaken by the SCAF-CG in the 2010/11 intersessional period and can be found in paragraphs 46 to 51 of the SCAF-CG discussion in CCAMLR-XXX/29, Attachment C. The SCAF-CG considered that changing the due date of Members' contributions to 31 May of the financial year was acceptable and that Financial Regulation 5.6 could be updated accordingly; however, this was subject to agreement on whether a provision for an extension should still be retained. The SCAF-CG will give further consideration to whether a provision is necessary to allow an extension during the 2011/12 intersessional period.

1.2 During SCAF-CG discussions in the 2010/11 intersessional period, Members also identified a need to clarify:

- (a) when a Member is in default
- (b) how a Member's default status changes
- (c) the implications of being in default in terms of participation.

1.3 These issues are dealt with by Financial Regulation 5.3 and the SCAF-CG may wish to discuss and consider a review of Financial Regulation 5.3.

### 2. Advances made by Members, Financial Regulation 6.1(e)

2.1 Clarification is sought by SCAF-CG members regarding:

- (a) the definition of an 'advance'
- (b) how those funds are managed by the Secretariat.

2.2 The SCAF-CG may wish to consider Financial Regulation 6.2 when considering this issue.

### 3. Voluntary contributions, Financial Regulation 7.3

3.1 Clarification is sought by SCAF-CG members regarding:

- (a) how voluntary contributions are managed
- (b) when and how the purpose of those funds is determined.

3.2 The SCAF-CG may wish to consider Financial Regulation 7.2 when considering this issue.

#### **4. Management of funds**

4.1 The financial resources of the Commission are managed through an arrangement of dedicated funds including the General Fund, Equity Funds (Contingency Fund, Asset Replacement Reserve, New and Exploratory Fisheries Fund and Staff Replacement Fund) and Special Funds (Observation Scheme Fund, Vessel Monitoring System Fund, CDS Fund, Compliance and Enforcement Fund, Marine Protected Areas Fund, Enforcement Trust, Scientific Multi-Year Fund, and General Science Capacity Fund).

4.2 Clarification is sought by SCAF-CG members regarding:

**(a) whether the management of the different special funds can be improved –**

In considering this issue and the suggestion above, the SCAF-CG may wish to refer to the information on Special Funds provided in the annual financial statements (for example, see COMM CIRC 11/34 for the 2010 Financial Statements) and in the relevant papers submitted to CCAMLR-XXX.

**(b) the management of surplus funds –**

The SCAF-CG suggested that it may wish to consider whether any improvements to the management of surplus funds can be made. SCAF may wish to consider a number of relevant financial regulations including Financial Regulation 6.1(c) when considering this issue.

**(c) the management of Staff Termination Fund –**

Members are directed to CCAMLR-XXX/BG/7 'Management of CCAMLR Staff Termination Fund' provided by the Secretariat. In considering this issue, the SCAF-CG may wish to consider the Staff Regulations, and in particular Staff Regulations 8 'Social Security' and 10 'Separation from Service'. The Staff Termination Fund is used to fund the Secretariat's obligations under Staff Regulation 10.4.

#### **5. Quarterly reporting of general financial status of CCAMLR**

5.1 The SCAF-CG may wish to consider amending Financial Regulation 10 in light of the proposed Investment Principle (iv) (Appendix VII, Annex 2) which requires quarterly financial reporting.

5.2 The SCAF-CG noted that the Secretariat has been undertaking quarterly financial reporting since CCAMLR-XXIX.



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

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

### OPENING OF THE MEETING

1.1 The meeting of the Standing Committee on Implementation and Compliance (SCIC) was held in Hobart, Australia, from 24 to 28 October 2011.

1.2 The Chair of SCIC, Ms K. Dawson-Guynn (USA) opened the meeting and all Members of the Commission, except India, participated. Observers invited by the Commission to participate at CCAMLR-XXX were welcomed and invited to participate in the meeting of SCIC as appropriate.

1.3 The Committee considered and adopted the Provisional Agenda. The adopted Agenda and the List of Documents are provided in Appendices I and II respectively.

1.4 SCIC elected Mr J. Jansen (UK) to the position of Vice-Chair of the Committee.

### REVIEW OF COMPLIANCE-RELATED MEASURES AND POLICIES

#### Compliance with conservation measures in force

##### System of Inspection

2.1 The Committee reviewed the implementation of the System of Inspection during 2010/11. SCIC noted that no infractions had been reported as a result of any at-sea inspections.

2.2 The UK reminded Members of the importance of the System of Inspection and urged Members to undertake inspections where possible and report the results back to the Commission.

##### Exploratory and krill notifications and preliminary assessments of bottom fishing

2.3 All Members notifying for exploratory bottom fisheries had submitted preliminary assessments of known and anticipated impacts of bottom fishing activities on vulnerable marine ecosystems (VMEs) in accordance with Conservation Measure (CM) 22-06. SCIC noted all preliminary assessments of proposed bottom fishing had been received by the required deadlines.

2.4 Some Members noted with concern that several notifications were missing required information (CCAMLR-XXX/BG/27, Appendix I).

2.5 The Republic of Korea (hereafter referred to as Korea), the Russian Federation (hereafter referred to as Russia) and South Africa provided the missing information during the course of the meeting.

2.6 Some Members expressed concern at the late submission of the Ukraine's notification for the krill fishery (SC-CAMLR-XXX/BG/13).

2.7 SCIC noted that Ukraine's notification was not in compliance with CM 21-03 due to its late submission and that because of this, it could not be considered at WG-EMM.

2.8 SCIC noted that this issue required the consideration of the Commission to determine if the notification should be accepted or not.

2.9 SCIC also noted the Scientific Committee's advice that WG-EMM had reviewed all other krill notifications submitted for 2011/12 and had advised the Scientific Committee that sufficient information had been provided by Members and that the notifications met the requirements of CM 21-03.

#### Tagging program

2.10 SCIC considered reports for tagging rates during 2010/11 (CCAMLR-XXX/BG/27, Table 3). All vessels, except the Korean-flagged *Hong Jin No. 707*, achieved the required minimum tagging rate. All vessels achieved the required tag overlap statistic.

2.11 Some Members were pleased to note that this was a vast improvement on previous years but noted with disappointment that the *Hong Jin No. 707* failed to meet the required tagging rate.

2.12 Members expressed concern that the *Hong Jin No. 707* had not achieved the required tagging rate and requested an explanation regarding this.

2.13 Korea advised SCIC that due to operational difficulties associated with the closure of the fishery, the vessel was unable to complete its tagging requirement as it was attempting to haul all lines.

2.14 New Zealand stated that the closure of the fishery should not have affected the tagging rate as fish are required to be tagged continuously while fishing.

#### Closure of fisheries

2.15 SCIC noted that on 14 January 2011, Subarea 88.1 was closed and the Korean-flagged *Hong Jin No. 707* was present at the time of the closure. SCIC also noted that the New Zealand-flagged *Antarctic Chieftain* and *San Aotea II* were present at the time of the closure.

2.16 New Zealand advised SCIC that the *Antarctic Chieftain* and *San Aotea II* had made all reasonable efforts to remove lines from the water by the closure date and as a result of investigations conducted, both vessels were deemed to be in full compliance with CM 31-02.

2.17 Korea advised SCIC that the *Hong Jin No. 707* vessel made all reasonable efforts to haul its lines and this was hindered by the presence of sea-ice. Investigations regarding this matter found the vessel complied with CM 31-02 and no further action was required.

2.18 SCIC noted that on 8 February 2011, Subarea 88.2 was closed and the Uruguayan-flagged vessel *Ross Star* was present at the time of the closure.

2.19 Uruguay advised SCIC that the *Ross Star* did not set any lines after it had received notification of the closure and had made all reasonable efforts to haul lines, but this was hindered by the presence of sea-ice.

2.20 SCIC noted that on 25 February 2011, SSRU 5842E was closed and the Korean-flagged vessel *Insung No. 7* was present at the time of the closure. It was also noted that the *Insung No. 7* was the only vessel that operated in SSRU 5842E, and would have been aware that the catch limit had been exceeded before being notified of the closure.

2.21 Korea advised the Secretariat on 25 February 2011 that the vessel had been unable to retrieve seven lines by the closure date.

2.22 The *Insung No. 7* caught 135.7 tonnes in SSRU 5842E where the catch limit is set at 40 tonnes. Subsequent information provided by Korea stated that among those 136 tonnes, 35 tonnes were caught by setting and hauling two additional lines after the Master knew that the limit had already been exceeded. This 35 tonnes of illegal catch was in addition to 61 tonnes of over-catch from the five lines still in the water.

2.23 Korea advised SCIC that sanctions had been imposed following its investigations consisting of a 30-day suspension of the Master's licence, a 30-day suspension of the vessel's licence and a monetary penalty of KRW1.5 million which Members calculated to be approximately US\$1 300.

2.24 Members thanked Korea for the report but expressed great concern regarding the 339% over-catch in SSRU 5842E (194% over-catch of the fishery-wide catch limit in Division 58.4.2), and the intentional nature of the actions by the *Insung No. 7* and the inadequacy of the penalties imposed.

2.25 Members expressed concern that the monetary penalty imposed was insignificant in comparison to the value of the 35 tonnes of toothfish which Korea concluded had been taken illegally and was estimated by Members to be worth US\$500 000. Members noted that for penalties to be effective and serve as a deterrent they should be far greater than the economic benefit derived from the illegal activity.

2.26 The USA and many other Members insisted that the evidence of IUU activity was clear and convincing, and it was also clear that sanctions against the vessel were completely inadequate. Thus, the actions of the *Insung No. 7* qualify the vessel for inclusion on the CP-IUU Vessel List under several subparagraphs in CM 10-06. They stated that, with a view to treating all vessels equally, to holding Members to the same standards to which CCAMLR would hold non-Members, and to maintain the integrity of CCAMLR conservation measures, the Commission must include the *Insung No. 7* on the CP-IUU Vessel List.

2.27 Some Members also expressed concern that the *Insung No. 7* had a variable and anomalously high CPUE.

2.28 The Scientific Committee Chair, Dr D. Agnew (UK), advised SCIC that the CPUE achieved by some vessels over a number of years in fisheries in Subarea 58.4 was much higher than in other areas and those differences were greater than expected.

2.29 The USA noted the advice of the Scientific Committee Chair that in 2010/11 a CPUE of 1.07 kg/hook had been reported in SSRU 5842E, an area where the average CPUE was 0.2 kg/hook in the previous two seasons.

2.30 Korea informed SCIC that the *Insung No. 7* in 2010/11 and the *Insung No. 2* in 2009/10 had very high CPUEs in Subarea 58.4. Korea provided the Scientific Committee Chair and SCIC with an explanation regarding the high CPUE of the *Insung No. 7* that included sea-ice conditions and the use of illuminated tape on the trotline, and asked the Scientific Committee Chair to investigate this issue.

2.31 The Scientific Committee Chair advised SCIC that the Scientific Committee had discussed the issue of high CPUE and over-runs in exploratory fisheries and had recommended further investigation of this matter by its subsidiary bodies.

2.32 The Scientific Committee Chair recommended that SCIC consider amending conservation measures to prohibit vessels from changing gear type once it had been described in a fishery notification. The Scientific Committee Chair noted that the use of different gears made it difficult to investigate trends in CPUE.

#### Environmental protection and mitigation measures

2.33 SCIC considered reports compiled by international scientific observers in respect of vessels' conformity with CMs 24-02, 25-02, 25-03 and 26-01 (WG-FSA-11/6). Vessels which had been reported by observers not to have conformed to all the requirements of these measures during the 2010/11 season were:

##### CM 26-01 –

- (i) *El Shaddai* (South Africa) which discarded fishing gear (snoods) at sea (WG-IMAF-11/6, Table 1).

##### CM 25-02 –

- (ii) *Hong Jin No. 701* (Korea) which exceeded the maximum spacing between weights on longlines (WG-IMAF-11/6, Table 5); however, this vessel used an integrated weighted line (IWL) system.
- (iii) *El Shaddai* (South Africa) due to the discharge of hooks in offal (WG-IMAF-11/6, Table 1).
- (iv) *Insung No. 7* (Korea), *El Shaddai* (South Africa) and *Ostrovka* and *Gold Gate* (Russia) which used streamers that did not meet the minimum length specified (WG-IMAF-11/6, Table 2).

- (v) *Chio Maru No. 3* and *Sparta* (Russia) which failed to have a streamer line with a minimum total length of 150 m (WG-IMAF-11/6, Table 2).
- (vi) *El Shaddai* and *Koryo Maru No. 11* (South Africa) did not use a bird exclusion device during 100% of hauls (WG-IMAF-11/6, Table 2).

2.34 Russia expressed concerns over the reported non-compliance of four of its vessels with CM 25-02 relating to total streamer line length and attached streamer lengths. Russia informed SCIC that it had addressed an official request on this issue to the Head of the Ukrainian Delegation. Ukraine informed Russia that an investigation regarding this matter was carried out with the participation of the coordinator of the Ukrainian National Scientific Observer Program. The investigation revealed that both the vessels had streamer lines of 150 m total length which complies with CM 25-02. The wrong length of streamer line length reported to the Secretariat appeared as a result of a technical error in sending this information.

2.35 Ukraine informed SCIC that it had resubmitted the corrected scientific observer reports to the Secretariat with regard to the *Chio Maru No. 3* and the *Sparta*.

2.36 Russia also informed SCIC that in relation to the use of short streamers attached to the streamer line on the *Ostrovka* and *Gold Gate*, this was done as part of an experiment looking at different streamer line configurations and that experiments of this kind would not be conducted in the future.

2.37 South Africa advised that it will investigate the reported non-compliance of the vessels *El Shaddai* and *Koryo Maru No. 11* in respect of CMs 25-02 and 26-01. South Africa informed SCIC that it will provide a report on its findings and any actions taken to the Secretariat as soon as possible.

2.38 Korea also expressed its concerns over the report that two of its vessels were not compliant with CM 25-05. Korea explained that the *Hong Jin No. 701* used many different line weights and that a mistake was made with the distance between weights. It reported that this vessel also used an IWL of 200 g m<sup>-1</sup> which allowed the line to achieve a higher sink rate than that listed in CM 24-02. Korea suggested as a result of this information, it may be necessary to consider amending paragraph 3 of CM 25-02 to reflect the use of IWLs with Spanish longline systems. The Scientific Committee Chair invited Korea to submit the relevant information, including thorough documentation of the experiment concerning amendment of CM 25-02, to the Scientific Committee for consideration. SCIC reiterated that current conservation measures had to be complied with.

2.39 SCIC noted that there were no reported instances of non-compliance with CM 25-02 for those vessels operating in 2010/11 in Subarea 48.3. Therefore, all vessels which operated in this area in 2010/11 could be potentially eligible to be granted a licence extension to the fishing season.

2.40 The Scientific Committee Chair advised SCIC that the overall implementation of conservation measures appeared to have improved in 2010/11 in respect of tagging rates, tag overlap statistics, seabird by-catch mitigation and the preliminary assessment of bottom fishing impacts, and that there was evidence in the data to support this.

## Control of nationals

2.41 SCIC considered a report submitted by Chile on the implementation of CM 10-08 during 2010/11 (CCAMLR-XXX/BG/17) that outlined new domestic legislation for the control of nationals who engage in IUU fishing.

2.42 Members commended Chile for its efforts in this and the timely manner in which this work occurred.

2.43 SCIC considered a report submitted by the EU in relation to Spain's implementation of CM 10-08 as transposed in EU Regulation 1099/2007 during 2010/11 (CCAMLR-XXX/BG/35) which reported a number of sanctions imposed on Spanish nationals.

2.44 The EU reported that, due to insufficient evidence, Spain had not been able to proceed against individuals reported by Australia to be Spanish nationals on the vessel *Kuko* as the only evidence was a transcript of radio communication and this was not sufficient to pursue prosecution.

2.45 Australia advised SCIC that it did not have the authority to board the vessel *Kuko* because it was a flag-of-convenience IUU vessel, and noted that Australia has provided all the information it has obtained legally to the Secretariat. Australia further requested that Spain continue its efforts in making enquiries regarding its nationals through Port States and Flag States. Australia advised that information exchange between Australia, Spain and the EU is continuing.

2.46 The EU reported that Spain investigated the case of the vessel *Tchaw* which has remained in the port of Vigo since October 2010 and that this investigation is likely to lead to sanctions. The EU reiterated the actions taken by Spain against Vidal Armadores and against the *Corvus* and *Chilbo San 33*. This included financial sanctions as well as the suspension of all permits and licences for two years.

## VMS reporting

2.47 The Secretariat urged those Members wishing to voluntarily report VMS data for toothfish fishing outside the Convention Area to regularly liaise with the Secretariat, particularly when vessels departed port or had new units installed. The Secretariat further encouraged Members to urge vessels flying their flag to regularly check their contracts with CLS Argos in respect of the authorisation periods relating to the CLS Automatic Distribution Service (ADS).

## Compliance Evaluation Procedure

2.48 SCIC considered intersessional work conducted by Australia as the Convener for the Development of a Compliance Evaluation Procedure (DOCEP) (CCAMLR-XXX/31). The Convener reported on further work associated with DOCEP and thanked the EU, Korea, New Zealand, Norway, Russia, Spain, Sweden, UK and the USA for contributions both intersessionally and at this meeting.

2.49 SCIC acknowledged the significant work undertaken by Australia in the intersessional period and noted that the procedure could benefit from further refinement and simplification. SCIC noted the need for an incremental approach.

2.50 SCIC expressed support for DOCEP and drew attention to the importance of monitoring and reporting on compliance in a standardised way.

2.51 A number of issues were raised in respect of the procedure, including:

- (i) the complexity of the process and the potential for administrative burden it poses
- (ii) the lack of consequences associated with the procedure
- (iii) the reliance on self-assessment reports
- (iv) the timeframes proposed and the possible conflict with the timeframes specified in relevant conservation measures.

2.52 Through SCIC and the Drafting Group, significant progress was made in refining the compliance evaluation procedure. Australia was of the view that CCAMLR is now in a position to develop a compliance evaluation procedure that could be put forward as a draft conservation measure for adoption although it is possible that for now, the work of DOCEP itself may have been exhausted. Consequently, Australia invited interested Members to work informally with Australia to contribute to the development of a draft conservation measure for submission and possible adoption at CCAMLR-XXXI.

2.53 Russia encouraged the DOCEP group to continue to work actively to provide substantive advice to SCIC. The situation in respect of the *Insung No. 7* demonstrated the urgency for a compliance evaluation procedure, particularly in terms of evaluating the severity of such incidents. Russia was of the view that an unprejudiced decision could be made by using an appropriate procedure for categorising the seriousness of conservation measure violations, similar to the compliance evaluation procedure proposed by the DOCEP group. The incident with *Insung No. 7* demonstrated the necessity for the DOCEP group to adopt specific recommendations on a conservation measure's violation severity as soon as possible. Russia suggested that the incident with *Insung No. 7* should not be considered in future as a precedent for categorising the seriousness of conservation measure violations and bypassing DOCEP. So far as DOCEP was not applied in that case, Russia was in doubt about the ultimate validity of the inclusion of the *Insung No. 7* in the Final CP-IUU Vessel List and reserved its position for discussion at the Commission.

2.54 SCIC congratulated Australia for the work undertaken on this matter to date and welcomed its suggestion to undertake further intersessional consultation to develop a new conservation measure proposal for next year. All Members were encouraged to engage constructively.

#### Proposals for new and revised measures

2.55 In introducing their proposal to report very serious marine casualties (CCAMLR-XXX/24), the USA and New Zealand noted the importance of promoting the safety of vessels operating in the difficult conditions of the Southern Ocean. The USA noted that the proposal seeks to improve safety conditions at sea through an amendment to CM 10-02 requesting investigation reports following very serious marine casualties. The USA also noted that the

proposal is consistent with Article 94(7) of the UN Convention on the Law of the Sea (UNCLOS) as it applies to fishing vessels operating under CCAMLR's jurisdiction in the Southern Ocean.

2.56 Members expressed general support for this proposal, however, some Members questioned whether maritime safety was solely within the competence of CCAMLR and others questioned whether it was part of CCAMLR's mandate. The USA and New Zealand accommodated these concerns through the text agreed by SCIC.

2.57 In introducing its proposal to prohibit shark finning (CCAMLR-XXX/25), the USA reminded SCIC of the United Nations General Assembly Resolutions on the practice of shark finning. While CCAMLR CM 32-18 bans the directed fishing of sharks, except for scientific research, and requires as far as possible the live release of incidentally caught sharks, there are no provisions in place to prohibit shark finning.

2.58 While several Members expressed support for the proposal, others expressed concerns that precluded them from supporting it.

2.59 The EU advised SCIC that continuing internal deliberations regarding the revision of EU Regulation 1185/2003 on shark finning prevented it taking a definitive position.

2.60 In relation to this proposal, the IUCN made the following statement:

'The IUCN appreciates this opportunity to express strong support for the proposal from the United States to manage shark finning through a prohibition on the removal of shark fins at sea.

The IUCN Shark Specialist Group has long advised that the "fins naturally attached" method is the most reliable means to facilitate the collection of the species-specific catch data needed for sound population assessment and fisheries management. At the 2008 World Conservation Congress, the IUCN adopted a global policy against finning which calls on States to end all at-sea removal of shark fins.

Links to this and other finning policy statements can be found on the IUCN Shark Specialist Group website. Also available is a 2010 expert report on this subject, prepared in conjunction with the European Elasmobranch Association, which recommends "fins naturally attached" strategies based on a thorough evaluation of the various methods used to enforce finning bans around the world.

Lastly, it is important to note that finning bans alone, even when well-enforced, will not prevent overfishing of sharks. Catch limits based on scientific advice and the precautionary approach are essential to ensure that shark mortality and fisheries are sustainable. The IUCN remains eager to advise and assist in the development of such measures, and effective finning bans, on both national and international levels.'

2.61 Recognising that some Members were not prepared to act on its shark finning proposal at this meeting, the USA withdrew the proposal to prohibit shark finning in the CAMLR Convention Area (CCAMLR-XXX/25).

2.62 In presenting the proposal to amend CM 10-03 (CCAMLR-XXX/28), the USA and EU reminded SCIC that this is the second time this proposal has been tabled and highlighted the intersessional work undertaken by Members on this proposal.

2.63 Some Members expressed concern regarding a possible issue between domestic consideration of the FAO Port State Measures Agreement and the proposal before CCAMLR. Some Members supported the proposal and advised SCIC that there was value in improving CM 10-03.

2.64 In introducing its proposal to amend CM 10-02 (CCAMLR-XXX/36), the EU reminded SCIC that the issue of mandatory IMO numbering had been discussed in 2010 and that this amendment would demonstrate CCAMLR's commitment to combatting IUU.

2.65 The People's Republic of China (hereafter referred to as China) indicated that the IMO numbering scheme in relation to fishing vessels is being considered in some competent international organisations, and that there is no domestic legislation requiring IMO numbering for fishing vessels. China had reservations about the EU's proposal at this stage.

2.66 Many Members expressed their support for this proposal and noted that a high percentage of vessels operating in the CAMLR Convention Area already had IMO numbers.

2.67 In introducing its proposal to amend CM 10-09 (CCAMLR-XXX/37), for the introduction of a notification system for transshipments of krill, the EU noted that this would increase the Commission's understanding of operations in the Convention Area, and improve the regulation of the krill fishery. The EU reminded Members of the importance of krill in the Southern Ocean ecosystem.

2.68 Japan expressed concerns that it was not fully convinced about the necessity of this proposal, nevertheless agreed with SCIC to recommend the proposal for adoption by the Commission.

2.69 In introducing its proposal (CCAMLR-XXX/42), for a resolution on the transshipment of persons, Chile reminded Members of the importance in improving safety at-sea.

2.70 Members expressed support for the intent of this proposal, which was amended to address practicality questions raised by a few Members.

2.71 In introducing its proposal for a general conservation measure to establish Marine Protected Areas (MPAs) (CCAMLR-XXX/31), Australia highlighted the work undertaken in 2010 and the extensive consultations that had taken place in the intersessional period.

2.72 Some Members expressed views, including the need to ensure the freedom of navigation and sovereign control of vessels in MPAs, the need for clear objectives for MPAs taking note of Article II, the requirements of individual conservation measures establishing MPAs and the need for monitoring.

2.73 Australia thanked Members for their valuable contributions and looked forward to progressing the proposal for a general conservation measure on MPAs in the Commission.

## Draft proposals agreed by SCIC

2.74 SCIC agreed to forward the following measures to the Commission with a recommendation that they be adopted:

- (i) a proposal submitted by the USA and New Zealand to amend CM 10-02 to report marine casualties to CCAMLR (CCAMLR-XXX/24)
- (ii) a proposal submitted by Chile for a draft of a resolution on the provision of flag vessel information to Maritime Rescue Coordination Centres (CCAMLR-XXX/42)
- (iii) a proposal submitted by the EU to amend CM 10-09 for the introduction of a notification system for transshipments of krill (CCAMLR-XXX/37).

## Draft proposals forwarded to the Commission for further consideration

2.75 SCIC agreed to forward the following measures to the Commission for further consideration:

- (i) a proposal submitted by the USA to amend CM 10-04 to enhance planning for inspection and enforcement missions in the CCAMLR area (CCAMLR-XXX/26)
- (ii) a proposal submitted by the USA and the EU to amend CM 10-03 to strengthen CCAMLR's port inspection scheme to prevent, deter and eliminate IUU fishing (CCAMLR-XXX/28)
- (iii) a proposal submitted by the EU to amend CM 10-02 to render IMO numbers mandatory (CCAMLR-XXX/36)
- (iv) a proposal submitted by Australia for a general conservation measure to establish MPAs in the CCAMLR area (CCAMLR-XXX/30).

## IUU FISHING IN THE CONVENTION AREA

### Current level of IUU fishing

3.1 The Committee considered information submitted by Australia (CCAMLR-XXX/BG/18), France (CCAMLR-XXX/34), Australia and France (CCAMLR-XXX/BG/9) and the Secretariat (CCAMLR-XXX/43, BG/40 and WG-FSA-11/10) in respect of the current level of IUU fishing in the Convention Area during 2010/11.

3.2 Five vessels were reported to have engaged in IUU fishing activity in the Convention Area during 2010/11. Three IUU-listed vessels were sighted outside the Convention Area in 2010/11. SCIC noted that the IUU vessel *Yangzi Hua 44* was active in the Convention Area in Divisions 58.4.1 and 58.4.4 based on VMS data summarised in CCAMLR-XXX/BG/40.

3.3 Six of the identified vessels are reported to be using gillnets, one, *Sima Qian Baru 22*, is reported to be using longlines and one, *Koosha 4*, is a refrigerated cargo vessel.

3.4 France and Australia observed that cooperative surveillance contributed to improving information obtained on IUU fishing and thus has a deterrent effect on IUU fishing. Following its observations, France proposed that the protected section of the CCAMLR website should be updated in order that relevant observations related to IUU activities reported to the Secretariat are readily accessible in real time to Members during the intersessional period and include flag changes, vessel name changes, owner changes and other information provided by Flag States.

3.5 ASOC introduced CCAMLR-XXX/BG/22 and called on CCAMLR Members to take the following actions to more effectively combat IUU fishing:

- (i) review CCAMLR's conservation measures to streamline existing Port State measures to systematise current overlaps between measures and increase clarity in the regime
- (ii) adopt a set of Port State measures aligned with those in the FAO Port State Measures Agreement that are applicable to all vessels entering, or in ports of, CCAMLR's Contracting Parties, while not weakening any of its measures currently applicable to toothfish vessels
- (iii) allocate special funds for the effective implementation of CCAMLR Port State measures by Developing States
- (iv) require that the owner of any fishing and support vessel authorised to operate in the CCAMLR area register with IHS Fairplay and obtain an IMO number, and maintain all required information up to date. This number should be on record, used in all relevant communications and be made publicly available.

3.6 The Scientific Committee Chair advised SCIC that there is no evidence to suggest that IUU fishing has declined and that it continued at a low level, although it was possible it was increasing and the spatial distribution of IUU fishing may be changing.

3.7 The Scientific Committee Chair reported that the Scientific Committee had recommended revisiting the recommendations of the Joint Assessment Group on alternate methods to estimate IUU fishing extractions.

3.8 The EU noted that this work would be very useful in order to obtain estimates of the level of IUU fishing in the Convention Area.

#### IUU Vessel Lists

3.9 SCIC considered the Provisional NCP-IUU Vessel List and recommended the Iranian-flagged vessel *Koosha 4* for inclusion on the Proposed NCP-IUU Vessel List in 2011 for consideration by the Commission.

3.10 The UK noted that this vessel was a refrigerated cargo vessel which should be of particular concern to the Commission.

3.11 SCIC directed the Secretariat to include the *Insung No. 7* on the Provisional CP-IUU Vessel List, noting this action should have already been taken by the Secretariat.

3.12 Some Members expressed the view that the Secretariat should have consulted with Members on the inclusion of this vessel on the Draft CP-IUU Vessel List and requested this be undertaken in the future.

3.13 Members agreed to include the *Insung No. 7* on the Proposed CP-IUU Vessel List and expressed the importance of this action in demonstrating the Commission's commitment to the objectives of the CAMLR Convention. SCIC recommended that the Proposed CP-IUU Vessel List be adopted by the Commission. Members expressed appreciation to Korea for joining consensus on the listing of the *Insung No. 7*.

3.14 Members reiterated the seriousness of the *Insung No. 7*'s actions and that it had engaged in intentional illegal fishing activity as documented by Korea and that inclusion on the CP-IUU Vessel List was necessary.

3.15 Members noted that this was one of many incidences of non-compliance by the Korean-flagged vessels in addition to the loss of life caused by the sinking of the *Insung No. 1* and suggested Korea consider reviewing its domestic arrangements to provide for the imposition of more appropriate sanctions on those responsible for vessels flying the Korean flag.

3.16 SCIC considered CCAMLR-XXX/23 that outlined China's request to remove the *West Ocean* and *North Ocean* from the CP-IUU Vessel List. China believed that the information in this report satisfied CM 10-06, paragraph 14, that provided for the removal of the vessels from the CP-IUU Vessel List.

3.17 Most Members agreed that China had satisfied CM 10-06, paragraph 14, and supported the proposal that the *West Ocean* and *North Ocean* be removed from the CP-IUU Vessel List.

3.18 The EU requested additional time to consider the information provided by China in relation to the *West Ocean* and *North Ocean* and asked to refer this issue to the Commission.

## CATCH DOCUMENTATION SCHEME (CDS)

### Implementation and operation of the CDS

4.1 The Secretariat reported on the implementation and operation of the CDS during 2010/11 (CCAMLR-XXX/BG/24 Rev. 3).

4.2 Members noted that Singapore continues to only partially implement the CDS and recalled that SCIC had recommended that the Commission urge Singapore to take immediate action to fully implement the CDS in accordance with CM 10-05 in order to maintain its

status as a non-Contracting Party (NCP) cooperating with CCAMLR by participating in the CDS (CCAMLR-XXIX, Annex 6, paragraph 4.8).

4.3 Members considered correspondence sent to Singapore by the Commission Chair in 2010, and the Secretariat at the behest of Members during the last 10 years, and agreed that Singapore had been non-responsive and had not taken appropriate action to fully implement the CDS. In addition, a few Members noted that they had made direct representations to Singapore over an extended period. SCIC therefore recommended that the Commission revoke Singapore's recognition as an NCP cooperating with CCAMLR by participating in the CDS.

4.4 SCIC also noted that the ports of Singapore and Malaysia had been visited by IUU-listed vessels over the previous year.

4.5 SCIC also considered the list of NCPs not cooperating with CCAMLR's CDS despite numerous communications from the Secretariat. The EU noted that the list of NCPs not cooperating with CCAMLR's CDS should be made public in order to provide additional incentive to provide cooperation.

4.6 It was noted that toothfish imports had been reported to the Hong Kong Special Administrative Region (SAR): 1 355 tonnes for the 2011 calendar year to date. Members requested an update from China regarding the participation of Hong Kong SAR in the CDS.

4.7 China reminded SCIC that the CAMLR Convention does not apply to Hong Kong SAR and therefore there was no legal obligation for the implementation of the CDS. However, China had consulted with Hong Kong SAR on the voluntary implementation of the CDS.

4.8 China reported to SCIC that Hong Kong SAR was reviewing internal policies and procedures in preparation for the possible implementation of the CDS and this would take about two years to complete. Additionally, Hong Kong SAR was considering the application of the CAMLR Convention to the Hong Kong SAR and was currently assessing relevant information to support this.

4.9 SCIC welcomed the information provided by China and encouraged China to facilitate and accelerate the implementation of the CDS in Hong Kong SAR.

#### Proposals for improving the CDS

4.10 SCIC considered a proposal submitted by the USA (CCAMLR-XXX/27) to improve the CDS by developing a Member query and report facility. The USA noted that these capabilities would improve importing and exporting States' ability to track shipments and verify catch documents.

4.11 Members noted their support for this proposal and the development of Member queries and reports would be very useful. There was also a need for real-time information and verification of CDS information.

4.12 The UK welcomed the US proposal and noted the value in undertaking a wider review of the E-CDS system to allow for the incorporation of additional information, including that which would enhance the ability to distinguish between transits and imports. The UK noted that the Secretariat had provisionally allocated funding for a wider E-CDS review in 2012 which it hopes will capture these issues.

4.13 The USA confirmed that the proposal that sought to develop queries and reports would be limited to information in relation to Members' own imports, exports and re-exports.

4.14 In relation to the CDS, Ukraine made the following statement:

'Ukraine would like to draw attention to the lack of compliance with the provisions of CM 10-05 by the relevant authorities of the Members and pointed out the difficulties with verification of a CDS document that it encountered in September 2011 when the Ukrainian Customs were border-processing a shipment originating from one of the Members. Considering these difficulties, Ukraine believed that there is a need to revise some of the provisions of CM 10-05, and in particular to introduce a system making some actions obligatory rather than desirable. Furthermore, Ukraine called upon the Members in their evaluation of the operation of the CDS system to consider, in the first instance, the Members' compliance with the provisions of the conservation measures and then, based on the degree of compliance achieved at the Members' level, to evaluate the degree of compliance by other States, taking further note of the consequences of such analyses and findings. Proposals relating to the revision of this, and possibly other, conservation measures in order to ensure their uniformity will be prepared by Ukraine for the next meeting of the Commission.'

4.15 SCIC considered a proposal (CCAMLR-XXX/33) submitted by the UK, South Africa, Australia and the Secretariat which outlined a proposal for an African Capacity Building Training Event in 2012.

4.16 SCIC expressed its support for this proposal and recalled the success of the Workshop held in 2010.

4.17 SCIC noted that this proposal was important to build capacity and contribute to the prevention, deterrence and elimination of IUU fishing in the Convention Area.

4.18 The CDS Fund Review Panel consisting of Australia, South Africa, Sweden, UK and the USA, met during SCIC to consider the two proposals to access the CDS Fund and approved both. SCIC agreed to recommend the use of the CDS Fund for the proposed capacity building training event and SCIC also agreed that the US proposal should be funded, but asked SCAF to consider how best to finance this work.

4.19 The Scientific Committee Chair advised SCIC that scientific samples of *Dissostichus* spp., such as otoliths and tissue samples, are currently required to be reported to the CDS and asked SCIC to consider excluding small scientific samples (e.g. up to 10 kg in 'product' weight) from the requirements of the CDS.

4.20 SCIC noted more information from the Scientific Committee was required to consider this proposal and that individual Members may have different domestic arrangements that could be impacted by such changes.

## ADVICE FROM THE SCIENTIFIC COMMITTEE

5.1 The Scientific Committee Chair presented the Committee's preliminary advice on topics relevant to the work of SCIC. SCIC expressed its appreciation to Dr Agnew for his very informative and comprehensive report. SCIC considered this report and made a number of observations and comments contained in paragraphs 2.9, 2.28, 2.29, 2.31, 2.32, 2.38, 2.40, 3.6, 3.7, 4.19, 4.20, 6.2 and 6.3.

## SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

6.1 SCIC considered summaries of scientific observation programs undertaken in 2010/11 (WG-IMAF-11/5 and 11/6). During 2010/11, 58 observer cruises had been recorded on 26 vessels fishing for finfish and 20 observer cruises had been recorded on 11 vessels fishing for krill. Observers had been deployed on krill vessels flagged to China, Japan, Korea, Norway, Poland and Russia.

6.2 The Scientific Committee Chair advised SCIC that the proposal for the CCAMLR Observer Training Program Accreditation Scheme (COTPAS) had been tabled by the Conveners of the ad hoc Technical Group for At-Sea Operations (TASO) and noted that the procedure outlined in SC-CAMLR-XXX/8 is designed to avoid the requirement for conflict resolution as any disagreements would be of a technical nature and dealt with at the relevant stage of the review process.

6.3 The Scientific Committee Chair advised SCIC that the Scientific Committee will make some recommendations to the Commission for changed definitions in CM 51-06.

## PERFORMANCE REVIEW

7.1 The Committee recalled that it had agreed in 2008 that the Performance Review should remain on the agenda of SCIC until such time as SCIC believed that outstanding matters had been fully addressed.

7.2 SCIC considered CCAMLR-XXX/BG/12 and reviewed all recommendations of the Performance Review Panel (PRP) Report relevant to its work. SCIC recorded progress against each one and articulated possible intersessional work that could be undertaken to progress a number of the recommendations.

7.3 SCIC reviewed its list of priority items relating to the PRP Report and reported on the following items:

- (i) 3.1.2.1 – Mechanisms for ensuring compliance by Contracting and non-Contracting Parties and enhanced surveillance and enforcement
- (ii) 4.1 – Flag State duties
- (iii) 4.3 – Monitoring, control and surveillance

(iv) 4.6 – Market-related measures.

7.4 Argentina was of the view that CCAMLR should be cautious when reviewing the approach to inspections adopted in RFMOs. Argentina was also of the view that CCAMLR should not legislate for areas outside the Convention Area.

7.5 In response, many Members disagreed with the view proposed by Argentina in respect of the application of provisions of the Convention beyond the Convention Area.

7.6 SCIC considered the proposal regarding the future structure of Commission meetings (CCAMLR-XXX/32) presented by the EU, France and the UK.

7.7 Members expressed support for improving the efficiency and avoiding the duplication and repetition of issues raised at CCAMLR meetings.

7.8 Most Members expressed general support for this proposal, however, there were some concerns raised over the reduced time for decision-making and the possibility of undermining the work of the Commission. Some Members suggested that more work was needed on the proposed agenda and that a trial of the proposed changes was needed. SCIC agreed to forward this proposal for consideration by the Commission.

## OTHER BUSINESS

8.1 The Committee considered CCAMLR-XXX/5 and XXX/8 presented by the Executive Secretary.

8.2 Members noted their strong support for the Secretariat to undertake work for the development of an integrated monitoring, control and surveillance information management system.

8.3 The Committee considered CCAMLR-XXX/41 regarding access to restricted information on the redeveloped CCAMLR website.

8.4 The Secretariat confirmed that top-level access would be retained and that access control would remain the responsibility of designated officials in each CCAMLR Member.

8.5 SCIC considered CCAMLR-XXX/BG/10 outlining the need for a review of CCAMLR's VMS and draft terms of reference for this work.

8.6 Members endorsed this proposal for a review of the VMS and requested that the terms of reference be revised to reflect the perspective of the Commission.

8.7 Korea voluntarily provided a report regarding the sinking of the *Insung No. 1* (CCAMLR-XXX/BG/34) and presented the investigation results in detail that outlined three main contributing factors that led to the incident. Korea also highlighted the recommendations from the Korean Maritime Safety Tribunal in relation to the incident.

8.8 Members expressed their condolences to the families and colleagues of those lost at sea in the incident.

8.9 Members expressed their serious concern about the incident and that it highlighted the need for vessels that operate in the Southern Ocean to be suitably and adequately prepared. In this regard, the UK recalled CCAMLR Resolutions 20/XXII and 23/XXIII.

8.10 SCIC noted that there were serious issues raised about the operator in relation to the sinking of the *Insung No. 1* and asked Korea if any legal action had been taken in respect of the incident. Members enquired about the recommendations made by the Korean Maritime Safety Tribunal and if these were in any way legally binding. Members reminded Korea of the obligations of Flag States enshrined, inter alia, in Article 94 of UNCLOS.

8.11 Korea advised that in respect of any legal action taken in relation to the sinking of the *Insung No. 1* that this was not a matter for the Ministry represented at SCIC and that the investigation did not result in the imposition of sanctions. Korea also advised that the recommendations made by the Korean Maritime Safety Tribunal were required to be implemented in the future and failure by the operator to do so would result in penalties.

#### ADVICE TO THE COMMISSION

9.1 The SCIC Chair will present the Report of SCIC and provide advice to the Commission. Draft conservation measures forwarded by SCIC to the Commission with a recommendation that they be adopted are contained in CCAMLR-XXX/BG/43. Draft conservation measures forwarded by SCIC for further consideration by the Commission are contained in CCAMLR-XXX/BG/44.

#### ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

10.1 The Chair thanked all delegates for the progress they had made during the meeting. The Chair also thanked the interpreters for the important role that they play in the work of the Committee. The Chair thanked, in particular, the Secretariat and the Chair of the conservation measures drafting group, Ms G. Slocum (Australia), for her efforts in guiding the development of new and draft measures.

10.2 SCIC extended its sincere appreciation to Ms Dawson-Guynn and Mr Jansen for the guidance and support they had provided during the 2011 meeting of SCIC.

10.3 The report of SCIC was adopted and the 2011 meeting of SCIC was closed.

**AGENDA**

Standing Committee on Implementation and Compliance (SCIC)  
(Hobart, Australia, 24 to 28 October 2011)

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

### LIST OF DOCUMENTS

Standing Committee on Implementation and Compliance (SCIC)  
(Hobart, Australia, 24 to 28 October 2011)

CCAMLR-XXX/1	Provisional Agenda for the Thirtieth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XXX/2	Provisional Annotated Agenda for the Thirtieth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XXX/5	Report on the independent review of CCAMLR's data management systems Secretariat
CCAMLR-XXX/8	The CCAMLR Secretariat Strategic Plan and associated Staffing Strategy Executive Secretary
CCAMLR-XXX/9	Proposal to consolidate closely related conservation measures Secretariat
CCAMLR-XXX/10	Summary of notifications for krill fisheries 2011/12 Secretariat
CCAMLR-XXX/11 Rev. 1	Summary of notifications for new and exploratory fisheries 2011/12 Secretariat
CCAMLR-XXX/23	China's request of removal <i>West Ocean</i> and <i>North Ocean</i> from CP-IUU List Delegation of the People's Republic of China
CCAMLR-XXX/24	A proposal to report marine casualties to CCAMLR Delegations of the USA and New Zealand
CCAMLR-XXX/25	Prohibition of shark finning in the CAMLR Convention Area Delegation of the USA
CCAMLR-XXX/26	Proposal to enhance planning for inspection and enforcement missions in the CCAMLR Area Delegation of the USA

CCAMLR-XXX/27	Catch Documentation Scheme (CDS) fund proposal – amending the E-CDS to perform Member queries and reports Delegation of the USA
CCAMLR-XXX/28	Proposal to strengthen CCAMLR’s port inspection scheme to prevent, deter and eliminate illegal, unreported and unregulated fishing Delegations of the USA and the European Union
CCAMLR-XXX/31	Development of a compliance evaluation procedure (DOCEP) Report of 2010/11 intersessional work and proposal for a CCAMLR compliance evaluation procedure Convener, DOCEP
CCAMLR-XXX/32	Future structure of Commission meetings Delegations of France, the United Kingdom and the European Union
CCAMLR-XXX/33	Catch Documentation Scheme (CDS) Fund Proposal: Illegal, unreported and unregulated (IUU) fishing in the Convention Area – African Capacity Building Training Event 2012 Delegations of Australia, South Africa, the United Kingdom and the Secretariat
CCAMLR-XXX/34	Information on illegal fishing in Statistical Area 58 Assessment of illegal fishing in French waters around Kerguelen and Crozet Islands Report of observations and inspections in the CCAMLR Area 2010/11 season (1 July 2010–15 August 2011) Delegation of France
CCAMLR-XXX/36	EU proposal for amendment to the CCAMLR Conservation Measure 10-02 on rendering IMO numbers mandatory Delegation of the European Union
CCAMLR-XXX/37	EU proposal for amendment to the CCAMLR Conservation Measure 10-09 to introduce a notification system for transshipments of krill Delegation of the European Union
CCAMLR-XXX/41	Access to restricted information on the CCAMLR website Secretariat
CCAMLR-XXX/42	Draft of a resolution on the transshipment of persons or crew members involving ships flagged by Member States of CCAMLR Delegation of Chile

CCAMLR-XXX/43 Reports under Articles X, XXI and XXII of the Convention and Conservation Measures 10-06 and 10-07 – IUU fishing and IUU vessel lists 2010/11  
Secretariat

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CCAMLR-XXX/BG/9 The bilateral cooperation between France and Australia in the Southern Ocean  
Delegations of France and Australia

CCAMLR-XXX/BG/10 CCAMLR Vessel Monitoring System  
Secretariat

CCAMLR-XXX/BG/12 Summary of progress made in respect of Performance Review recommendations which relate to the work of SCIC  
Secretariat

CCAMLR-XXX/BG/17 Implementation of Conservation Measure 10-08 (2006) in Chile  
Delegation of Chile  
(available in English and Spanish)

CCAMLR-XXX/BG/18 Heard Island and McDonald Islands Exclusive Economic Zone 2010/11 IUU catch estimate for Patagonian toothfish  
Delegation of Australia

CCAMLR-XXX/BG/22 CCAMLR's next steps to stop IUU fishing  
Submitted by ASOC

CCAMLR-XXX/BG/24 Implementation and operation of the Catch Documentation Scheme in 2010/11  
Rev. 3  
Secretariat

CCAMLR-XXX/BG/26 Reports submitted under Conservation Measure 31-02 – closure of fisheries  
Rev. 1  
Secretariat

CCAMLR-XXX/BG/27 Implementation of the System of Inspection and other CCAMLR compliance-related measures in 2010/11  
Secretariat

CCAMLR-XXX/BG/34 Follow-up information regarding the capsized incident of the *Insung No. 1*  
Delegation of the Republic of Korea

CCAMLR-XXX/BG/35 Report of actions taken by Spain regarding IUU fishing in the CAMLR Convention Area  
Delegation of the European Union

- CCAMLR-XXX/BG/36 Report on transshipment of krill in 2010  
Delegation of Japan
- CCAMLR-XXX/BG/37 Summary of progress made in respect of Performance Review  
recommendations  
Secretariat
- CCAMLR-XXX/BG/38 Korea's report on sanctions imposed on the *Insung No.7*  
Delegation of the Republic of Korea
- CCAMLR-XXX/BG/40 Report on VMS data for the *Yangzi Hua 44 (Ex Paloma V,*  
*Trosky)*  
Secretariat

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- SC-CAMLR-XXX/8 Implementation considerations for the CCAMLR Observer  
Training Program Accreditation Scheme (COTPAS)  
Chair of the Scientific Committee, Chair of SCIC and former  
Co-conveners of ad hoc TASO

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Working Group papers considered by SCIC:

- WG-FSA-11/10 IUU fishing activity during the 2010/11 fishing season  
Secretariat
- WG-IMAF-11/5 Rev. 2 Summary of scientific observations in the CAMLR Convention  
Area for 2010/11  
Secretariat
- WG-IMAF-11/6 Summary of scientific observation related to Conservation  
Measures 24-02 (2008), 25-02 (2009) and 26-01 (2009)  
Secretariat