

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

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

The Standing Committee chaired by Spain (Sr Antonio Fernandez Aguirre), met on 23, 24 and 25 October 1991 and considered Agenda Items 7 (Observation and Inspection) and 8 (Compliance with Conservation Measures in Force).

REPORTS OF INSPECTIONS CARRIED OUT IN 1990/91

2. The Committee noted that there were no inspections of harvesting or research vessels reported in accordance with the provisions of the CCAMLR System of Inspection during 1990/91. However, in a paper tabled at the meeting, the Soviet Union reported that its inspectors had carried out 150 inspections of its own vessels over a period of 616 vessel days.

3. The Paper tabled by the Soviet Union was a summary of the reports of inspection required under the USSR national inspection scheme. The USSR representative informed the Committee that every effort would be made to ensure that future inspections by Soviet inspectors under the CCAMLR System would be reported on the CCAMLR reporting forms.

4. The Committee noted a paper submitted by the Delegation of Argentina (CCAMLR-X/12) which reported that an Argentine Inspector on board the icebreaker *Almirante Irizar* had attempted to carry out an inspection in 1990/91 of a Soviet fishing vessel, but was unable to transfer to the vessel because of the weather conditions.

DEVELOPMENT OF A SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

5. The Committee recalled that at the Ninth Meeting, the Commission had requested the Executive Secretary to produce a draft paper on scientific observation for circulation to Members for comment in the intersessional period. The Committee also recalled the view of the Commission (CCAMLR-IX, paragraph 11.9), that:

- (i) the essential purpose of the observation system would be the gathering and validation of scientific data, and

- (ii) the elaboration of a multilateral system should take account of the fact that extensive bilateral cooperation would be required in arranging placements of observers.

6. The Committee discussed the paper by the Executive Secretary on a 'CCAMLR Scheme of International Scientific Observation' (CCAMLR-X/7) and recommends the adoption of the following provisions:

A. Each Member of the Commission may designate observers referred to in Article XXIV of the Convention.

- (a) The observation activities of scientific observers on board vessels will be specified by the Commission, taking into account advice from the Scientific Committee.
- (b) Observers shall be nationals [of the Member who designates them] and shall conduct themselves in accordance with the customs and order existing on the vessel on which they are operating.
- (c) Members shall designate observers who shall be familiar with the harvesting and scientific research activities to be observed, the provisions of the Convention and the measures adopted under it and who are adequately trained to carry out competently the duties of scientific observers as required by the Commission.
- (d) Observers shall be able to communicate in the language of the Flag State of the vessels on which they carry out their activities.
- (e) Designated observers shall each carry a document issued by the designating Member in a form approved by the Commission identifying them as CCAMLR observers.
- (f) Observers shall submit to the Commission through the designating Member a written report of each observation assignment undertaken. A copy shall be sent to the Flag State of the vessel involved.

B. In order to promote the objectives of the Convention, Members agree to take on board their vessels engaged in scientific research or harvesting of marine living resources designated observers, in accordance with a bilateral arrangement between an initiating member and the Flag State of the vessel concerned. Such a bilateral arrangement shall incorporate, inter alia the following principles:

- (a) Observers shall be given the status of ship's officers. Accommodation and meals for observers on board shall be of a standard commensurate with this status.
 - (b) Members shall ensure that their vessel operators cooperate fully with observers to enable them to carry out the tasks assigned to them by the Commission. This will include access to data and to those operations of the vessel necessary to fulfil the duties of an observer as required by the Commission.
 - (c) Members shall take appropriate action on board their vessels to ensure the security and welfare of observers in the performance of their duties, provide them with medical care and safeguard their freedom and dignity.
 - (d) Arrangements shall be made for messages to be sent and received on behalf of the observer using the vessel's communications equipment and operator. Reasonable costs of such communications shall normally be borne by the designating Member.
 - (e) Arrangements involving the transportation and boarding of observers shall be organised so as not to interfere with harvesting and research operations.
 - (f) Observers shall provide to the relevant masters copies of such records, prepared by the observers, as the masters may wish to retain.
 - (g) Members shall ensure that observers carry insurance satisfactory to the parties concerned.
 - (h) Transportation of observers to and from boarding points shall be the responsibility of the designating Member.
 - (i) Unless otherwise agreed the equipment, clothing and salary and any related allowances of an observer shall normally be borne by the designating Member and the Flag State of the vessel shall normally bear the cost of on board accommodation and meals of the observer.
- C. Members shall provide a copy of each bilateral arrangement to the Commission as soon as it is concluded.

D. Members who have designated observers will take the initiative in arranging assignments for their observers and will take into account the priorities for observer assignments identified by the Commission.

7. The Committee noted that the Scientific Committee was considering data and information which should be collected by scientific observers and would be reporting to the Commission on priority requirements for data to be collected by such observers.

8. The Committee emphasised that while its task was to develop a scheme of international scientific observation, there was no intention to replace or preclude national observer schemes. Data collected by observers operating under national schemes would be valuable to the Commission particularly if they were collected using standards adopted by the Scientific Committee so as to ensure comparability.

COMPLIANCE WITH CONSERVATION MEASURES IN FORCE

9. The Committee considered the Secretariat's paper, CCAMLR-X/9 - 'Implementation of Conservation Measures in Force'. It noted that, with respect to the implementation of Conservation Measure 18/IX, two Members had informed the Secretariat of their actions. South Africa had advised that it had ratified the Measure. Australia had advised that legislative procedures required to give effect to the Measure were not expected to be completed until mid-1992 and that in the meantime it would comply with the Measure on an administrative basis. The United States reported that domestic regulations giving effect to the conservation and management measures adopted by CCAMLR contained within them a section for providing in the future for a system permitting activities within CEMP designated sites.

10. The UK Delegate drew the Committee's attention to work being carried out by the Antarctic Treaty Consultative Parties on protected areas in connection with the Protocol on Environmental Protection. This work had implications for the implementation of Conservation Measure 18/IX. The UK was waiting until this work was completed before enacting the legislation necessary to give effect to Conservation Measure 18/IX and in the meantime would apply the Measure through administrative action.

11. The EEC informed the Committee that the European Community had enacted into its legislation, according to its obligations under CCAMLR, the conservation measure adopted at the Ninth Meeting of the Commission other than Conservation Measure 18/IX. It confirmed that, in view of the transfer of competence of Member States to the Community in regard to fisheries, these

legislative dispositions fulfilled the obligations of those Member States which are members of CCAMLR in regard to compliance with conservation measures.

12. The Committee noted that in the inspections carried out by Soviet Inspectors during 1990/91 three vessels were found to be operating in breach of Conservation Measures. All three cases involved 'improper maintenance of documentation'. Fines were imposed under administrative procedures by the USSR Ministry of Fisheries.

13. The Committee agreed that in order adequately to report to the Commission on this agenda item, in the future reports of action taken by Flag States as a result of an infraction should contain reasonable detail of the nature of the infraction and the sanctions imposed.