

**Report of the Thirty-seventh meeting
of the Commission**
(Hobart, Australia, 22 October to 2 November 2018)

This is a preliminary¹ version of the CCAMLR-XXXVII Report
as adopted on Friday 2 November 2018.

¹ Preliminary in this case means that further proofreading and verification is still to be done by the Secretariat.

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PRELIMINARY

**Report of the Thirty-seventh
Meeting of the Commission**

(Hobart, Australia, 22 October to 2 November 2018)

Opening of the meeting

1.1 The Thirty-seventh Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR-XXXVII) was held in Hobart, Tasmania, Australia, from 22 October to 2 November 2018. It was chaired by Dr M. Mayekiso (South Africa).

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

1.3 Other Contracting Parties, Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, the Netherlands, Islamic Republic of Pakistan, Republic of Panama, Peru and Vanuatu were invited to attend the meeting as Observers. Finland and the Netherlands were represented. Canada sent apologies.

1.4 In accordance with the Commission's decisions (CCAMLR-XXXVI, paragraph 13.6 and COMM CIRC 18/33, 18/42, 18/58 and 18/83) the following non-Contracting Parties (NCPs) were invited to attend CCAMLR-XXXVII as Observers: Republic of Angola (Angola), Antigua and Barbuda, Brunei Darussalam, Colombia, Costa Rica, Dominican Republic, Ecuador, Indonesia, Islamic Republic of Iran, Libya, Luxembourg, Malaysia, Mali, Mexico, Mongolia, Nigeria, Philippines, Singapore, Tanzania, Thailand, Trinidad and Tobago, United Arab Emirates and Viet Nam. Angola, Ecuador, Luxembourg and Singapore attended the meeting.

1.5 The Agreement on the Conservation of Albatrosses and Petrels (ACAP), the Association of Responsible Krill harvesting companies (ARK), the Antarctic and Southern Ocean Coalition (ASOC), the Antarctic Treaty Secretariat, 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 Council of Managers of National Antarctic Programs (COMNAP), the Food and Agriculture Organization of the United Nations (FAO), the International Association of Antarctica Tour Operators (IAATO), the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Intergovernmental Oceanographic Commission (IOC), the International Union for Conservation of Nature (IUCN), the International Whaling Commission (IWC), Oceanites Inc., the Secretariat of the Regional Plan of Action to Promote Responsible Fishing Practices Including Combating IUU Fishing in South East Asia (RPOA-IUU), the Scientific Committee on Antarctic Research (SCAR), the Scientific Committee on Oceanic Research (SCOR), the South East Atlantic Fisheries Organisation (SEAFO), the Southern Indian Ocean Fisheries Agreement (SIOFA), the South Pacific Regional Fisheries Management Organisation (SPRFMO), 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, ARK, ASOC, ATS, CCSBT, CEP, COLTO, IAATO, IUCN, Oceanites Inc., SCAR, SCOR, SEAFO, SIOFA and SPRFMO were represented. COMNAP sent apologies.

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 and introduced Her Excellency, Professor Kate Warner AC, the Governor of Tasmania, who delivered the opening address (Annex 3).

1.8 On behalf of the meeting, Mr W. Dübner (Vice-Chair, Germany) thanked the Governor for her welcome.

1.9 The Commission noted that Brazil was more than two years in arrears in respect of its budgetary contributions to the organisation. While Brazil was welcome to participate in discussions at CCAMLR-XXXVII, the Commission agreed it would not be entitled to block a consensus decision of other Members.

Organisation of the meeting

Adoption of the agenda

2.1 The agenda for the meeting was adopted (Annex 4).

2.2 The Chair confirmed that Ms J. Kim (Republic of Korea) would chair the Standing Committee on Implementation and Compliance (SCIC). Japan generously offered Mr H. Moronuki as Chair of the conservation measures drafting group. The Commission welcomed the nomination of Mr K. Timokhin (Russia) and appointed him to the Chair of the Standing Committee on Administration and Finance (SCAF). Dr M. Belchier (UK) would chair the Scientific Committee. On behalf of the Commission, the Chair expressed appreciation to the Delegations of Korea, Japan, Russia and the UK respectively for releasing these delegation members for these important roles.

Status of the Convention

2.3 Australia, as the Depository State, reported that the status of the Convention had not changed during the last intersessional period.

Report of the Chair

2.4 The Chair provided a brief report on the activities of the Commission during the last 12 months (Annex 5).

Proposals for new conservation measures

2.5 To facilitate the review of proposals for new conservation measures, including in the Scientific Committee or appropriate subsidiary body during the first week of the Commission meeting, the Chair provided delegations that had tabled papers that included proposals for new conservation measures under Agenda Item 9.2 an opportunity to introduce the following papers:

- a draft conservation measure for an East Antarctic marine protected area (MPA) by Australia, the EU and its member States (CCAMLR-XXXVII/24 Rev. 1)
- a draft conservation measure for a Weddell Sea MPA by the EU and its member States (CCAMLR-XXXVII/29)
- a draft conservation measure for a Domain 1 (Western Antarctic Peninsula and South Scotia Arc) MPA by Argentina and Chile (CCAMLR-XXXVII/31).

Implementation and compliance

Advice from SCIC

3.1 The Chair of SCIC, Ms Kim, presented the report of SCIC (Annex 6). The SCIC Chair thanked the Secretariat, interpreters, translators, rapporteurs and support staff for their dedicated service throughout the meeting. The SCIC Chair thanked Members for their constructive and cooperative engagement that made it possible for SCIC to finish all its work within a very condensed schedule. The SCIC Chair noted the significant efforts of the Secretariat to progress and improve the work related to SCIC, including Catch Documentation Scheme for *Dissostichus* spp. (CDS), vessel monitoring system (VMS), illegal, unreported and unregulated (IUU) fishing and NCP engagement.

3.2 The Commission noted the UK report (CCAMLR-XXXVII/BG/15) on industry-led efforts undertaken by UK-flagged fishing vessel operators to address the issue of marine plastic pollution, and that the UK had encouraged other Members to adopt similar measures to reduce the amount of microplastics and microfibers released in the Convention Area (Annex 6, paragraph 4).

3.3 The Commission thanked the UK for its efforts and recognised the importance of addressing the issue of marine plastic pollution. It noted that many Members had expressed their interest in reducing marine plastic pollution by vessels in the Convention Area, and that a future proposal will be put forward to address the issue of marine plastic pollution in the Convention Area. The EU offered to work with the UK in developing a proposal for a conservation measure to reduce marine plastic pollution for consideration at the next annual meeting.

Catch Documentation Scheme for *Dissostichus* spp.

3.4 The Commission noted that SCIC had considered the Secretariat's analysis of toothfish supply chains using CDS data and FAO GLOBEFISH trade data (Annex 6, paragraphs 8 to 10).

3.5 The Commission noted the importance of Viet Nam as a significant importer of toothfish. The Commission endorsed the proposal by SCIC to amend the Trade Data Analyst terms of reference to include specific engagement with Viet Nam and further engagement with customs authorities (Annex 6, paragraph 9).

3.6 The Commission noted that SCIC had discussed the discrepancies identified in the Secretariat's reconciliation of CDS data and fine-scale catch and effort data (Annex 6, paragraph 10). The Commission noted that SCIC referred the difference in reconciliation of CDS and fine-scale catch and effort data for Subarea 48.2 to the Scientific Committee for further consideration (Annex 6, paragraphs 130 and 132).

3.7 The SCIC Chair reported that SCIC had considered a proposal by France to contribute to the monitoring of suspected IUU fishing in the Convention Area by offering its expertise in the assessment of satellite imagery to the Commission (CCAMLR-XXXVII/25).

3.8 The Commission supported the proposal and expressed its appreciation for France's innovative work to provide the Commission with new ways to monitor IUU fishing activity. The SCAF Chair advised that SCAF had considered the proposal and the implications for the Secretariat in implementing the proposal. SCAF had considered the proposed funding model, including significant funding from the EU, and noted that it had a negligible impact on the Secretariat's non-monetary resources. The Commission thanked France and approved the project. The duration of the project by France will be one year and the cost of €100 000 would be funded by the EU. The project might be renewed next year if the Commission agrees, and some Members requested the proponent to provide other estimates for comparison if so decided.

3.9 The Commission noted Ecuador's application to be granted the status of an NCP cooperating with CCAMLR by participating in the CDS (CCAMLR-XXXVII/14). Noting the recommendation from SCIC (Annex 6, paragraph 21) and that many Members had thanked Ecuador for its application and recognised the efforts of Ecuador to cooperate with CCAMLR, the Commission agreed to grant Ecuador the status of NCP cooperating with CCAMLR by participating in the CDS. The Commission congratulated Ecuador, welcoming them to the CCAMLR community.

3.10 The Commission noted that Singapore had made an application to seek the status of an NCP cooperating with CCAMLR by participating in the CDS, but that SCIC did not consider that Singapore's application met the requirements of Conservation Measure (CM) 10-05 and Annex 10-05/C, paragraphs C5 and C6 (Annex 6, paragraph 23). Instead, SCIC had considered the specific circumstances of Singapore as a State trading in *Dissostichus* spp. through imports and re-exports, but not engaged in the harvest landing or export of *Dissostichus* spp.

3.11 The Commission endorsed SCIC's recommendation that limited access to the electronic web-based CDS (e-CDS) would be appropriate as a permanent status in these circumstances, provided that the NCP prohibits landings of *Dissostichus* spp. that have not been previously landed in the port of a Contracting Party or NCP cooperating with CCAMLR by participating in the e-CDS. The Commission acknowledged and thanked Singapore for its long history of cooperation with CCAMLR. The Commission endorsed the amendment of CM 10-05, Annex 10-05/C, paragraph C4, to enable participation in the e-CDS by way of limited access as a permanent cooperation status in specified circumstances.

Provisional CCAMLR Compliance Report

3.12 The Commission noted Members' constructive and cooperative efforts, which enabled SCIC to present the Provisional Compliance Report to the Commission by consensus. The Commission accepted the recommendations of SCIC without comment. The CCAMLR Compliance Report is given in Appendix I of the SCIC Report (Annex 6).

3.13 The Commission endorsed the recommendation of SCIC that the suggestion of a preliminary compliance status by a Member responding to its Draft Compliance Reports should be mandatory under CM 10-10, paragraphs 1(iii) and (iv). The Commission revised CM 10-10, paragraph 1(iii), accordingly.

3.14 The Commission noted the outcomes of intersessional consultations led by the EU in partnership with China to revise CM 10-10. The EU had reported that a consensus view on revision of the conservation measure had not been possible given the diverging positions expressed by the consulting Members. SCIC advised that it considered the EU's proposal to amend CM 10-10, exchanged ideas on the improvements of the conservation measure text and the approach to the CCAMLR Compliance Evaluation Procedure (CCEP), but was unable to reach consensus.

3.15 The Commission noted the Secretariat background document on the evaluation of the CCEP and endorsed intersessional work by the Secretariat to develop and document standard operating procedures to produce draft reports, noting that these should thereafter be annually reviewed by SCIC and modified where necessary.

Proposed NCP-IUU and CP-IUU Vessel Lists

3.16 The Commission endorsed the advice of SCIC to remove the *Southern Ocean* from the Provisional Contracting Party (CP)-IUU Vessel List in accordance with CM 10-06, paragraph 14(iv) (Annex 6, paragraph 118). The Commission endorsed the recommendation of SCIC to retain the NCP-IUU Vessel List without alteration.

3.17 Many Members expressed gratitude to the Republic of Korea for the actions it has undertaken within the confines of its domestic law to address the infringements of the *Southern Ocean* and *Hong Jin No. 701* in continuing to fish after a closure notice was issued, and for withdrawing the notification of *Southern Ocean* from fishing under CM 41-09 (Annex 6, paragraphs 116 to 118).

3.18 Korea expressed its gratitude to Members for recognising its efforts in taking actions against the *Southern Ocean* in a timely and appropriate manner and informed the Commission that it will report back on the progress and outcome of the case and efforts to review and strengthen its domestic law in terms of administrative actions.

3.19 The USA also acknowledged Korea's proactive efforts to prevent future infringements by withdrawing the fishery notifications for the vessels for Subareas 88.1 and 88.2 for the coming season. The USA noted that the case against the *Southern Ocean* is still pending and expressed concerns that, while the criminal sanctions available under Korea's Distant Water Fisheries Development Act are quite strong, there seem to be significant gaps with respect to administrative and other civil tools to address violations that are less serious or, where

insufficient evidence exists to establish intent, including lack of mechanisms to deprive violators of the economic benefit of their infringement. The USA welcomed Korea's commitment to review its domestic law to address these critical gaps and looked forward to its report back to the Commission on the outcome of the case against the *Southern Ocean* as well as progress on its efforts to review and strengthen its legal framework to ensure that in all cases it can assess sanctions of sufficient severity to serve as an effective deterrent to IUU fishing.

3.20 The Commission noted that Angola had provided information in support of its request for the removal of the *Northern Warrior* from the NCP-IUU Vessel List. The Commission noted that there is clear evidence that there are still links between the current and previous owners of the vessel and that the Angolan Observer representative failed to address these concerns in a satisfactory manner (Annex 6, paragraph 119). The Commission endorsed the advice of SCIC to retain the *Northern Warrior* on the NCP-IUU Vessel List.

3.21 The Commission noted that SCIC had extensive discussions on the proposed changes to CMs 10-06 and 10-07 to include provisions for the cross-listing of vessels from regional fishery management organisation (RFMO) IUU Vessel Lists to the relevant CCAMLR CP-IUU or NCP-IUU Vessel Lists. The Commission noted that the proposal in relation to CM 10-07 also included proposed provisions which would enable the intersessional inclusion of vessels without nationality ('stateless vessels') to the NCP-IUU Vessel List (Annex 6, paragraphs 46 to 52).

3.22 The Commission noted that SCIC was unable to reach consensus on the matter of cross-listing CP-IUU and NCP-IUU vessels that have been included in an IUU Vessel List adopted by an RFMO. Some Members expressed concern regarding the legal implications of automatic cross-listing of IUU vessel lists with RFMOs because, in their view and as presented, it implies exceeding the Commission's mandate as it would regulate activities that have taken place outside the Convention Area. Other Members were of the view that such a procedure would improve CCAMLR's ability to combat IUU fishing, noting that IUU vessels are known to move between ocean areas. The Commission was also unable to reach consensus on the proposed procedures for the intersessional mechanism, in addition to the ordinary procedures, for the inclusion of vessels without nationality to the NCP-IUU Vessel List.

3.23 Many Members noted that stateless vessels can currently be listed on the NCP-IUU Vessel List at the annual meeting, and that this has occurred many times. Several Members raised concern that the intersessional listing of vessels to the NCP-IUU Vessel List would not respect CCAMLR's procedure in the conservation measure. The EU noted the importance of international cooperation in the fight against IUU fishing, encouraged Members to work together on the issue and invited Members that objected to the proposed amendments to continue reflecting in the intersessional period on how to move forward with this important matter.

3.24 Many Members expressed their disappointment that the Commission was not able to reach consensus on the proposed amendments regarding the intersessional listing of stateless vessels. These sentiments added to Members' concerns that CCAMLR was lagging behind other organisations in efforts to combat IUU fishing, whereas once it had been leading global practice. Many Members highlighted the threats that IUU operators posed through sophisticated practices to conceal their operations and avoid detection and noted the need for CCAMLR practice to be swift and responsive and to counter IUU operations, particularly in the absence of a responsible Flag State to exercise control over these vessels.

3.25 The Commission noted that SCIC considered the timeframe with which Contracting Parties and NCPs were able to request removal of a vessel from the CP-IUU and NCP-IUU Vessel Lists (Annex 6, paragraph 122). The Commission endorsed the recommendation of SCIC for the submission of information requesting removal of a vessel from either IUU Vessel List to be submitted forty-five (45) days in advance of an annual meeting of the Commission. The Commission agreed to conduct intersessional work on revising CCAMLR's delisting procedure contained within CMs 10-06 and 10-07.

Current level of IUU fishing

3.26 The Commission noted that SCIC considered the ongoing joint effort and actions taken against the vessels *Northern Warrior* (Annex 6, paragraph 107) and *STS-50* (Annex 6, paragraph 108), currently on the NCP-IUU Vessel List.

3.27 The Commission noted the progress update by China of its dealing with the toothfish cargo on board the IUU vessel *Andrey Dolgov*. The seized toothfish cargo was sold at auction. China stated that it would contribute the proceeds from the sale of seized toothfish cargo (after the settlement of relevant costs incurred), which amount to around A\$330 000, to CCAMLR with a view to conserve marine living resources.

3.28 The Commission endorsed the request of SCIC that Members further investigate the identity of vessels which may be associated with unidentified fishing gear found in small-scale research unit (SSRU) 881C (Annex 6, paragraphs 113 and 114).

3.29 The Commission noted that there is no formal procedure for the retrieval and handling of unidentified and suspected IUU fishing gear, and the catch from suspected IUU fishing gear, and that consideration be given to practices and procedures for handling gear in the future to ensure the gear can be fully investigated.

3.30 The Republic of Korea requested the Commission develop a formal procedure for the retrieval of unidentified fishing gear and associated catch. Korea and New Zealand indicated their support for a collaborative and consultative approach to the development of a procedure and indicated they would share their experience in contributing to the development of a procedure. New Zealand noted that the guidelines should address appropriate methodologies on the handling of retrieved fishing gear to ensure the integrity of evidence is upheld and that the any associated catch can be properly captured by the CDS. The Commission noted that the Secretariat will lead intersessional work with Members in 2019 to develop guidelines for the retrieval of unidentified fishing gear and catch.

3.31 The Commission noted SCIC's advice that fishery notifications received for exploratory fisheries for toothfish and established fisheries for krill for 2018/19 had been received in time, with the required information in accordance with the conservation measures and that relevant fees had been paid. The Commission noted that during the meeting the Republic of Korea had withdrawn fishery notifications for the *Southern Ocean* in Subarea 88.1 and the *Hong Jin No. 701* in Subarea 88.2.

Other SCIC business

3.32 The Commission noted the advice from the Scientific Committee arising from an analysis of IUU data from Division 58.4.1 that the catch rates of IUU and authorised vessels are comparable (Annex 6, paragraph 137) and the Commission welcomed the Scientific Committee's proposal to use this new information to develop a work plan to estimate catch from IUU fishing.

3.33 The Commission noted the Scientific Committee's advice to SCIC with respect to the assessment of fishery information from historical data and the need to have clear comprehensive data sources to conduct monitoring and assessment.

3.34 The Commission endorsed the nomination of Ms Kim to continue to serve another two-year term as SCIC Chair and the nomination of Ms M. Engelke-Ros (USA) as a new SCIC Vice-Chair (Appendix 6, paragraph 147). The Commission noted the leadership and dedication demonstrated by the SCIC Chair and the elected Vice-Chair and welcomed their future engagement and guidance of SCIC.

3.35 Several Members recalled SCIC's consideration of the reports of late removal of fishing gear (Annex 6, paragraphs 86 to 89) and highlighted the importance of Members complying with CM 31-02 and reporting such events in a cooperative and constructive fashion.

3.36 Russia expressed concern that incidents with the late removal of fishing gear following fishery closure notification are repeated by the same vessels and are not isolated and potentially undermined fisheries management and that these incidents challenge CCAMLR's precautionary approach and requirement to conserve Antarctic marine living resources.

3.37 The UK and New Zealand recalled that it was confirmed by the Secretariat during SCIC that late lines are taken into consideration in the fishery closure forecasting and that they are also taken into consideration in the scientific stock assessment.

Administration and Finance

4.1 The Chair of the Commission invited the Chair of SCAF, Mr Timokhin, to present the report of SCAF (Annex 7).

4.2 The Commission endorsed the advice of SCAF in respect of the Audited Financial Statements (Annex 7, paragraphs 2 and 3).

4.3 The Commission noted the final implementation report for the Secretariat's Strategic Plan 2015–2018 and companion documents (Annex 7, paragraphs 6 and 7).

4.4 The Commission reviewed the recommendations from SCAF on Secretariat strategy and staffing (Annex 7, paragraphs 8 to 16) and approved the Secretariat 2019–2022 Strategic Plan, 2019–2022 Staffing and Salary Strategy (CCAMLR-XXXVII/06 and XXXVII/21 Rev. 1) and changes to the Staff Regulations (Annex 7, paragraph 19).

4.5 The Commission endorsed the advice of SCAF to establish a Working Capital Fund (Annex 7, paragraphs 21 to 23), closing the Contingency Fund (Annex 7, paragraph 25) and approved the changes to the Financial Regulations recommended by SCAF (Annex 7, paragraphs 24 to 26).

4.6 The Chair of SCAF reported on the considerable amount of work undertaken by the Intersessional Correspondence Group on Sustainable Financing (ICG-SF) during the last intersessional period (Annex 7, paragraphs 28 to 53).

4.7 The Commission noted that with regard to sustainable financing, SCAF was not able to agree to implement the recommendation of the ICG-SF, and the proposal by the Executive Secretary (CCAMLR-XXXVII/08 Rev. 1) that fishery notification fees for 2019 should be increased with inflation. The Commission endorsed the decision that SCAF would prioritise discussion of a revised formula for notification fees at CCAMLR-XXXVIII and that the ICG-SF would consider the formula for notification fees during 2019, amongst other issues, according to the terms of reference defined by SCAF (Annex 7, paragraphs 31 to 37).

4.8 Belgium expressed its disappointment that agreement on increasing notifications fees could not be reached. Belgium noted in particular its agreement in 2017 with the Commission's reconfirmation of the accepted policy on inflationary increases as applied to Member contributions (CCAMLR-XXXVI, Annex 7, paragraph 30) and its expectation that this should apply equally to notification fees.

4.9 China supported the decision to refer the matter of notification fees to the ICG-SF and further supported that the issue of the relative costs of administering and managing krill and toothfish fisheries should be considered during the next SCAF meeting.

4.10 The Commission endorsed SCAF's proposal (Annex 7, paragraphs 54 to 58) to conduct a limited pilot project of funding one convener for two years to attend their respective working group and the Scientific Committee, noting that the terms of reference developed by SCAF (Annex 7, Appendix II) included the objective of encouraging a greater diversity of working group conveners.

4.11 The Commission approved SCAF's recommendation of a mechanism to review the continuing need for special funds that remained unused for a number of years (Annex 7, paragraph 53).

4.12 The Commission endorsed SCAF's decision to provide funding for krill specialist scientists to attend the SCAR Krill Action Group meeting, and to approve a project on satellite monitoring that would be conducted by France and funded by the EU.

4.13 The Commission approved the 2018 budget, the 2019 budget as amended by SCAF (Annex 7, paragraphs 73 to 76) and the forecast budget for 2020. The Commission noted the decision by SCAF to accept a new budget presentation in 2019.

4.14 The Commission noted that Brazil was three years in arrears and agreed that the Executive Secretary should discuss the issue with Brazil on its behalf.

4.15 The Chair of the Commission thanked Mr Timokhin for his efficient and effective chairing of SCAF.

Report of the Scientific Committee

5.1 The Scientific Committee Chair, Dr Belchier, presented the report of the Scientific Committee (SC-CAMLR-XXXVII). He thanked all Members who had participated in the deliberations of the Scientific Committee and its expert working groups.

5.2 The Commission noted the Scientific Committee's advice, recommendations and identification of research and data requirements, and thanked the Chair and the many scientists who had contributed to positive outcomes of the meeting. The Commission also thanked Dr Belchier and congratulated him on his chairing of the Scientific Committee and for his provision of advice on ongoing discussion of issues in the Scientific Committee during the first week of the Commission.

5.3 The Commission agreed that the role of the Scientific Committee was to provide advice to the Commission based on the best available science and that confusion over the respective roles of the Scientific Committee and the Commission risked compromising decisions made by the Commission.

5.4 The Commission recognised the importance of the Scientific Committee discussions remaining focused on science issues in order to provide scientifically objective advice to the Commission, including reporting to the Commission where there may be a range of equally plausible scientific outcomes or differing scientific views.

5.5 The Commission recalled that one of the features of CCAMLR that had allowed it to take such a leading role in the conservation of Antarctic marine living resources was the breadth of scientific expertise that underpinned its decisions. The Commission encouraged all Members to send relevant experts to the meetings of the Commission and the Scientific Committee in order to continue the spirit of open discussion and engagement that has always been a strength of CCAMLR.

Harvested species

Krill resources

5.6 The Commission considered the deliberations of the Scientific Committee on krill resources, noting that in the current fishing season, to 30 September 2018, the total catch of krill reported in catch and effort reports in Area 48 was 306 145 tonnes, of which 151 564 tonnes, 131 406 tonnes and 23 175 tonnes were taken from Subareas 48.1, 48.2 and 48.3 respectively. Subarea 48.1 was closed on 25 June 2018 (SC-CAMLR-XXXVII, paragraph 3.1). As in 2017, fishing for krill had occurred in Subarea 58.4 and China reported a catch of 246 tonnes in Division 58.4.2.

5.7 The Commission noted that the catch in 2017/18 up to 30 September is the highest level of catch since the early 1990s and further noted that fishing had taken place in Subarea 48.2 in the period from July to September for the first time in recent years. The Commission agreed that the increase in catches and change in the seasonal distribution of the fishery underlined the timeliness of progressing the development of management scenarios for the krill fishery.

5.8 The Commission noted that notifications for the krill fisheries in 2018/19 included notifications from five Members and a total of 12 vessels in Subareas 48.1 (12 vessels), 48.2 (12 vessels), 48.3 (11 vessels) and 48.4 (6 vessels) and Divisions 58.4.1 (2 vessels) and 58.4.2 (2 vessels).

5.9 The Commission recalled the requirements of CM 51-07, paragraph 3, and requested that the Scientific Committee make the development of a preferred option for the management of krill in Area 48 a priority in 2019 and provide clear advice for consideration by CCAMLR-XXXVIII.

5.10 The Commission noted the discussion by the Scientific Committee on the review of ecosystem monitoring requirements of CCAMLR and the recommendation to develop a krill management procedure that identifies ecosystem monitoring data requirements prior to conducting a review (SC-CAMLR-XXXVII, paragraphs 3.23 to 3.25).

5.11 The Commission endorsed the recommendations to revise the CCAMLR Ecosystem Monitoring Program (CEMP) e-forms as specified by the Scientific Committee (SC-CAMLR-XXXVII, paragraph 3.22), in order to increase data provision to CEMP and to progress the use of camera data for the collection of multiple CEMP parameters.

5.12 The Commission noted the discussion by the Scientific Committee on the multi-Member synoptic survey proposed for 2019 in Area 48 and thanked Norway and other participants for their contribution in organising the survey. The Commission noted that methodological advances since the CCAMLR 2000 Krill Synoptic Survey of Area 48 allowed for a greater number of vessels participating in the planned 2019 survey, including krill fishing vessels, and that this survey would provide valuable data on the distribution and abundance of krill and krill-dependent species in Area 48 that would contribute to the review of CM 51-07 (SC-CAMLR-XXXVII, paragraphs 2.11 to 2.26).

5.13 Russia welcomed the efforts of CCAMLR and Norway to conduct a krill synoptic survey in 2019 noting that the outcomes and achievement of the stated objectives and goals will largely be determined by the methods used in the survey. Russia recalled that there is still no clarity regarding the scientific rationale for a number of aspects related to survey design, data collection and processing, including: the swarm-based approaches for the identification of Antarctic krill (*Euphausia superba*) and echosounder frequencies for acoustic data collection, conducting surveying during both night and day, biological sampling with research net and commercial midwater trawls with different constructions. These aspects are important sources of uncertainty in the results of the survey in 2019, taking into account the spatial-temporal variability of krill distributions in terms of density, krill that are in aggregated and non-aggregated distributions, length composition and diel vertical migration (SC-CAMLR-XXXVII, Annex 4). Russia noted its concerns that the 2019 survey would actually provide adequate data for the development of a scientifically based strategy for the management of krill resources (feedback management, the review of CM 51-07, etc.).

5.14 Norway remarked that there are uncertainties associated with any scientific survey. In order to enhance utility of the survey and minimise uncertainty, the coordinators and scientists involved in this major undertaking have been attentive to the guidance with regard to design and methodology from SG-ASAM and WG-EMM and individual Members. They have repeatedly responded to concerns raised by providing relevant information. Norway noted that

the Scientific Committee, after considerable deliberations on methodology and design, welcomed the survey as currently planned and looked forward to receiving results from the 2019 survey for informing its future deliberations on krill.

Fish resources

5.15 The Commission noted the discussion by the Scientific Committee on areas/subareas where the proportion of the catch limit taken was low or zero, and welcomed the recommendation that Members notify their intention to fish in the periods between WG-FSA and the end of the season in exploratory fisheries or research plans under CM 24-01 to assist in the provision of advice and the review of ongoing activities (SC-CAMLR-XXXVII, paragraph 3.38). The Secretariat indicated that it will initiate this process by writing to Members to clarify their intention to fish, with results provided in a COMM CIRC.

5.16 The Commission endorsed the renaming of the Data Management Group (DMG) to the Data Services Advisory Group (DSAG) and also endorsed the revised terms of reference (SC-CAMLR-XXXVII, paragraph 3.41 and Annex 10).

5.17 The Commission endorsed the proposals for reporting of catch data (SC-CAMLR-XXXVII, paragraph 3.44). In respect of paragraph 3.44(vii), the Commission confirmed that only completed hauls should be reported on catch and effort reporting forms at the end of a reporting period and uncompleted hauls added to the next reporting period.

5.18 The Commission noted that the Scientific Committee endorsed the vessel tagging procedure survey form and recommended that it be circulated by the Secretariat to Members' observer technical coordinators (SC-CAMLR-XXXVII, paragraph 3.97).

5.19 In 2017/18, 13 Members fished for Patagonian toothfish (*Dissostichus eleginoides*) and/or Antarctic toothfish (*D. mawsoni*) 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, 58.4.3a, 58.5.1 and 58.5.2. Members also conducted research fishing for toothfish in the closed areas of Subarea 48.2, Division 58.4.4b and Subarea 88.3. The reported total catch in the Convention Area of *D. eleginoides* to 30 September 2018 was 12 565 tonnes and that of *D. mawsoni* was 4 353 tonnes (SC-CAMLR-XXXVII/BG/01 Rev. 4).

5.20 In 2017/18, two Members, the UK and Australia, targeted mackerel icefish (*Champscephalus gunnari*) in Subarea 48.3 and Division 58.5.2 respectively (SC-CAMLR-XXXVII/BG/01 Rev. 4).

5.21 The Commission endorsed the advice of the Scientific Committee on catch limits for *C. gunnari* in Subarea 48.3 in 2018/19 and Division 58.5.2 in 2018/19 and 2019/20 (SC-CAMLR-XXXVII, paragraphs 3.58 and 3.62).

5.22 The Commission endorsed the Scientific Committee's advice on catch limits for *D. eleginoides* in Subareas 48.3 and 48.4 and Division 58.5.2 in 2018/19 (SC-CAMLR-XXXVII, paragraphs 3.77, 3.82 and 3.87) and for *D. mawsoni* in Subarea 48.4 in 2018/19 (SC-CAMLR-XXXVII, paragraph 3.80).

5.23 The Commission noted that the scientific issues raised in SC-CAMLR-XXXVII (SC-CAMLR-XXXVII, paragraphs 3.64 to 3.76) had been extensively and adequately reviewed by the Scientific Committee and did not require further consideration.

5.24 The Commission noted the advice of the Scientific Committee in respect of the fishery for *D. eleginoides* in the French exclusive economic zone (EEZ) of Kerguelen Islands in Division 58.5.1, recalling that in 2017/18, the catch limit for *D. eleginoides* was 5 300 tonnes and the total reported catch up to 30 September 2018 was 3 307 tonnes. As there was no new information 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 32-02, will remain in force (SC-CAMLR-XXXVII, paragraphs 3.84 and 3.85).

5.25 The Commission noted the advice from the Scientific Committee that the catch limit set for 2017/18 by France of 1 100 tonnes was consistent with the CCAMLR decision rules in the fishery for *D. eleginoides* at Crozet Islands (Subarea 58.6 inside the French EEZ) (SC-CAMLR-XXXVII, paragraph 3.88). As there was no new information available on the state of fish stocks in Subarea 58.6 outside areas of national jurisdiction, the prohibition of directed fishing for *D. eleginoides*, described in CM 32-02, will remain in force (SC-CAMLR-XXXVI, paragraphs 3.89 and 3.90).

5.26 The Commission noted that no new information was available on the state of fish stocks in Subarea 58.7 and Division 58.4.4 outside areas of national jurisdiction and agreed to carry forward the prohibition of directed fishing for *D. eleginoides* in Subarea 58.7 and Division 58.4.4a outside areas of national jurisdiction and in Division 58.4.4b.

5.27 The Commission considered the discussion by the Scientific Committee on methods to estimate local biomass and welcomed the endorsement of the linear trend method as a suitable precautionary method for providing interim management advice, noting the Scientific Committee's recommendation that further work will be required to fully account for uncertainty in the estimates (SC-CAMLR-XXXVII, paragraph 3.95).

5.28 The Commission agreed that for the purpose of CM 23-07, paragraph 1, any vessel that is licenced and notified to participate in an exploratory fishery, and in the area of that fishery during the period that the fishery is open, should be considered to be a 'operating in an exploratory fishery' regardless of whether it is actively deploying or retrieving fishing gear. This clarification will provide vessels and the Secretariat with a greater degree of certainty on when the reporting of catch and effort data is required, including for days on which fishing does not take place.

5.29 The Commission noted the discussion in the Scientific Committee that CM 21-02, paragraph 6(iii), provided a link to Annex 24-01/A, format 2, that includes the format and structure for research plans submitted under CM 21-02, including the information required in the data collection and fishery operation details (SC-CAMLR-XXXVII, paragraphs 3.101 and 3.102). The Commission agreed to retain the requirement for data collection plans and fishery operation plans for all notifications.

5.30 The Commission endorsed the recommendation that new research proposals under CM 24-01 be limited to a maximum duration of three years (SC-CAMLR-XXXVII, paragraphs 3.107 to 3.109). The Commission further agreed that all new research proposals

shall be reviewed by WG-SAM and WG-FSA, all continuing research in closed areas shall be reviewed annually at WG-FSA and continuing research in exploratory fisheries be reviewed every second year at WG-FSA.

5.31 Many Members expressed concern that research fishing has taken place without results being presented to the Scientific Committee and noted that ongoing research and future plans should be based on the results of existing research and that it was therefore essential that data and analyses are made available for consideration.

5.32 The Commission endorsed the advice of the Scientific Committee on catch limits in exploratory fisheries and in association with fisheries research proposals in closed areas in Subareas 48.1, 48.2, 48.4 and 48.6. The Commission agreed to use the catch limits for these areas contained in Table 1 of SC-CAMLR-XXXVII to set catch limits for 2018/19.

5.33 Ukraine confirmed that the *Calipso* would be conducting the research for Subarea 48.1 and informed the Commission that the vessel had been ice strengthened.

5.34 The Commission noted the discussions in SCIC and the Scientific Committee on the discrepancies between the catch reported in the C2 and landings reported through the CDS (SC-CAMLR-XXXVII, paragraphs 12.2 to 12.4) in Subarea 48.2, noting that 2019 was the final year of the current research program (SC-CAMLR-XXXVII, paragraph 3.125).

5.35 The Commission noted the discussion of the Scientific Committee on exploratory fisheries in Divisions 58.4.1 and 58.4.2 (SC-CAMLR-XXXVII, paragraph 3.134 and 3.145). The Commission was unable to reach consensus on the research plan for the exploratory fishery in Division 58.4.1 for 2018/19. The Commission agreed to use the catch limit for Divisions 58.4.2, contained in Table 1 of SC-CAMLR-XXXVII, to set catch limits for 2018/19.

5.36 Australia made the following statement:

‘Australia would like to thank those Members who have expressed their support for fishery notifications submitted and the proposed multi-Member research plan in Division 58.4.1 submitted pursuant to CM 21-02, paragraph 6(iii), by Australia, France, the Republic of Korea, Japan and Spain.

We note that this year, tables were used by the Scientific Committee (SC-CAMLR-XXXVII, Annex 9, Tables 5 to 7) for assessing research plans under conservation measure requirements.

These tables also include information on vessel tagging performance, the capacity for the Members to complete the proposed research as well as their track record of completing previous research milestones.

Australia believes that when approving future research plans, the Scientific Committee and Commission should use these assessments as their primary basis for making decisions on approving research plans.

With regard to Division 58.4.1, we note the advice in paragraph 3.138 of the Scientific Committee report that the previous research plan had been extensively reviewed over the last three years by every WG-SAM and WG-FSA and had achieved all of its research milestones.

After the successful completion of this research plan, the new plan aims to progress the preliminary assessment presented this year with the aim of lifting these divisions out of their data-limited status, including by incorporating the recently available data on IUU fishing. The new research plan was reviewed at both WG-SAM and WG-FSA where it was concluded to be in line with the requirements of CM 21-02. Indeed, it had been held up by WG-SAM (in SC-CAMLR-XXXVII, Annex 6, paragraph 6.34) as an excellent example of how progress can be made in data-limited fisheries.

This Commission has previously recalled advice from the Scientific Committee on the benefits of multi-Member research. The exploratory toothfish fisheries in East Antarctica are the first to use this model and it has proven to be an effective model.

The precautionary catch limits were recommended by the Scientific Committee (SC-CAMLR-XXXVI, paragraph 3.113) and were based on a method recommended by WG-FSA-18 (SC-CAMLR-XXXVII, Annex 9, paragraph 4.7).

It is with regret that we feel we have no choice but to acknowledge that there has been no consensus on the exploratory fishery in Division 58.4.1.

Australia will continue to work with other Members interested in participating in the East Antarctica exploratory fishery to bring back this proposal next year.’

5.37 Many Members, including the co-proponents Japan, France, Korea and Spain, aligned themselves with the comments of Australia and expressed their extreme disappointment that the positive reviews by the Scientific Committee and its working groups of the significant volume and quality of scientific analysis that supported the multi-Member research in Division 58.4.1 had not been recognised by one Member. Many Members expressed their strong desire that this will not set a precedent for the review of research proposals in future.

5.38 Korea made the following statement:

‘Korea thanks all Members involved in discussions on the issues related to the exploratory fishing in Division 58.4.1 under multi-Member research plan. Korea understands that Members engaged in this form of discussion with the understanding that we could land in a mid-zone as a compromise. It is quite clear that the multinational research in Division 58.4.1 is supported by clear scientific background and there is no reason for this fishing not to go ahead as planned. Throughout the previous research plan, we submitted 16 papers in order to fulfil the agreed milestones and to achieve the research plan’s successful completion. We are committed to this joint research proposal with Australia, Japan, France and Spain and the achievement of its milestones. There is clear advice from WG-FSA and the Scientific Committee on the strength of this research proposal. Therefore, Korea finds it very concerning that the efforts of many Members will end up in vain as a result, leaving a gap in the science of the Commission. This sets a very undesirable precedence and certainly is not the best practice the Commission needs to strive for. Korea would like to highlight once again that the multinational research in Division 58.4.1 is supported by clear scientific background and Korea still finds it difficult to understand why this exploratory fishing should not go ahead. Korea cannot speak for other Members participating in this effort, but it is very discouraging,

especially for Korea to lose the opportunity to increase its contribution to CCAMLR science due to this situation. Korea expresses its strong disappointment and hopes that this kind of practice will not be repeated in the future.’

5.39 Spain made the following statement:

‘The precedent that may be set by one single Member country blocking a research proposal that was favourably reviewed by WG-FSA is very worrying.

All scientific objections put forward by Russia were fully addressed by the working group during the plenary sessions when those questions were raised, and in the enormous number of scientific papers that had been submitted to the different working groups and that addressed all the issues raised.

Also, we would like to express our concern regarding the impact that delaying the proposal for one year may have. The proposal is yielding very good quality scientific results, and it may be changed by this interruption, for which there is no solid scientific justification. It is estimated that there are about 4 000 individual *Dissostichus* which have been tagged and released and that are currently available for recapture in Division 58.4.1. Recaptures are an essential component in the evaluations of stocks of *Dissostichus*, and delaying the proposal for a year will add a lot of uncertainty to future evaluations, being effectively a significant step backward with respect to the progress achieved in the last few years.

Spain thanks the co-proponents for the thorough work carried out towards the delivery of the research plan. Also, we thank the Members that took part in meetings on the margins of the plenary with the aim of achieving a consensus for their cooperation, and the Convener of WG-FSA for the outstanding work done.’

5.40 The EU made the following statement:

‘The EU noted that the exploratory fishery in Divisions 58.4.1 and 58.4.2 is a multinational endeavour providing needed data and information for the sustainable management of toothfish in this region. The research plan associated with this fishery has received a very good review by WG-FSA, by consensus, and the research carried out to date has achieved its milestones with many papers presented to the working groups on this subject. It is not clear what has changed in that regard between the advice and today. The EU is disappointed that it was not possible to reach a solution, and we now have to consider the consequences of disrupting this time series of data for this region. We look forward to this research plan continuing in the future.’

5.41 The Commission noted the discussion of the Scientific Committee on the exploratory fishery in Division 58.4.3a (SC-CAMLR-XXXVII, paragraphs 3.146 to 157) and noted that France and Japan had agreed to a pause in fishing activities in this division while undertaking analysis of previous research for consideration by the Scientific Committee and its working groups.

5.42 The Commission endorsed the advice of the Scientific Committee on catch limits for Division 58.4.4b, with the survey to be conducted by Japan and France in accordance with the plan as set out in SC-CAMLR-XXXVII, Annex 12 (SC-CAMLR-XXXVII, paragraph 3.160).

5.43 The Commission considered CCAMLR-XXXVII/22 that proposed an administrative realignment of the boundary between Subarea 88.1 and Subarea 88.2 in order to harmonise the exploratory fisheries for *D. mawsoni* in those subareas and with other conservation measures in force. The paper proposed moving the boundary of Subareas 88.1 and 88.2 from 170°W to 150°W.

5.44 Some Members expressed concern over the proposal, noting that clearer recommendations on local biomass estimates and stock distribution were needed for SSRUs 882A–B prior to making changes to the subarea boundary.

5.45 The Commission agreed that, as an interim solution to address potential confusion over the reporting requirements of conservation measures, the Secretariat would issue a circular to clarify the administrative aspects of the current situation in respect of:

- (i) The requirement for reporting of vessel licencing and movement (CMs 10-02 and 10-04) –
 - (a) the Secretariat would reiterate the existing requirements and also request Members to notify movements within Subarea 88.2 where such movements involve entry into, or exit from, SSRUs 882A–B.
- (ii) Reporting area caught on *Dissostichus* Catch Documents (DCDs) by CCAMLR areas, subareas and divisions (CM 10-05) –
 - (a) the Secretariat would reiterate the need to report catches by subareas on DCDs, especially in Subareas 88.2 (SSRUs A–B) and 88.1 while fishing in the areas described in CM 41-09.
- (iii) Notifications to participate in an exploratory fishery submitted (CM 21-02) –
 - (a) the Secretariat would clarify that a notification is in respect of a fishery defined in a conservation measure rather than a fishery defined by a subarea/division consistent with the advice provided in COMM CIRC 18/16.

5.46 The Commission considered the discussion by the Scientific Committee on the management and forecasting of fishery closures in the exploratory fishery in the Ross Sea (SC-CAMLR-XXXVII, paragraphs 3.48 to 3.50) and thanked the Secretariat for its work and support. The Commission endorsed the use of the process described in SC-CAMLR-XXXVII, Annex 11, and agreed that this would address the aim of not exceeding the overall catch limit and the required distribution of fishing effort in a way that balances the impact of both under- and over-runs in the area north of 70°S in the Ross Sea region. The Commission agreed to revise CM 41-09 according to the proposal in SC-CAMLR-XXXVII, Annex 11.

5.47 The Commission noted that CM 10-04, Annex 10-04/B, paragraph 3.6, required the Secretariat to de-identify vessels in the VMS data after three years and agreed this requirement be removed in order to alleviate restrictions for scientific analyses.

5.48 The Commission endorsed the advice of the Scientific Committee that catch for the winter survey to be conducted by New Zealand be taken from the 2019/20 Ross Sea region

north of 70°S catch limit with catch limits for that season to be adjusted following actual catch taken during the survey (SC-CAMLR-XXXVII, paragraphs 3.165, 3.166 and 3.170).

5.49 The Commission endorsed the advice of the Scientific Committee on catch limits for the Ross Sea shelf survey, noting that the catch be allocated from the total catch limit applying to CM 41-09 (SC-CAMLR-XXXVII, paragraphs 3.167 to 3.169).

5.50 The Commission endorsed the recommendation of the Scientific Committee that the catch limits in Subarea 88.1 and SSRUs 882A–B for the 2018/19 season be 3 157 tonnes, with 464 tonnes allocated to the special research zone (SRZ), 587 tonnes north of 70°S, 2 041 tonnes south of 70°S and 65 tonnes for the Ross Sea shelf survey (SC-CAMLR-XXXVII, paragraphs 3.169 and 3.171).

5.51 The Commission considered the discussion of the Scientific Committee on research activities in the SRZ in Subarea 88.2 (SC-CAMLR-XXXVII, paragraph 3.172 to 3.176).

5.52 Russia noted that it had provided a research proposal (WG-FSA 18/31 Rev. 1) for structured fishing in the SRZ that was consistent with the Ross Sea region MPA (RSRMPA) research and monitoring plan (RMP) under discussion and it regretted that the Commission was unable to reach consensus on this research proceeding. Russia undertook to work intersessionally and provide a revised plan for 2019/20.

5.53 Russia noted that the research proposal has the objectives of investigating the life cycle, distribution and movement, biological parameters and stock structure of *Dissostichus* spp. in the eastern part of the Ross Sea over the shelf and continental slope within SSRU 882A. The link of outcomes of this research with topics from the RMP for the RSRMPA was noted.

5.54 Russia noted that the systematic design of the survey undertaken by vessels operating with standardised autoline gear will provide detailed data for evaluation of random stratified versus fixed station designs for estimating key population parameters used in developing management advice for the exploratory fishery in Subarea 88.1 and SSRUs 882A–B (including *D. mawsoni* and by-catch species catch rates and *D. mawsoni* tag detection). Russia noted that data from this proposal and Olympic fisheries from the SRZ would provide data for the evaluation and quantification of the effects of gear types, gear configurations and vessels.

5.55 New Zealand encouraged the provision to the Scientific Committee of well-designed proposals for research fishing in the SRZ that addressed the objective of the RSRMPA RMP and the integrated stock assessment for this region. As the research proposal in WG-FSA-18/31 Rev. 1 had not met the standards required for such proposals by the collective peer-review process of the Scientific Committee and its working groups, it would challenge the scientific credibility of CCAMLR if it were to proceed as proposed.

5.56 Russia made the following statement:

‘Russia noted the lack of consensus on the research program in Division 58.4.1 in the Scientific Committee and recalled a number of specific issues raised in that Committee. A full statement to that effect is available in the Scientific Committee report (SC-CAMLR-XXXVII, paragraph 3.137) and these issues remained unresolved. In light of such issues, Russia could not join the consensus on Division 58.4.1. It also noted that the Russian research proposal in the SRZ was aiming at studying the effect of gear types

and could potentially help to bring clarity to some of the issues related to Division 58.4.1 research plan. Unfortunately, there was no consensus on the Russian SRZ research proposal.’

5.57 Many Members noted that the lack of consensus on the Russian proposal for structured fishing in the SRZ was based on the design of the proposal and encouraged the proponents to engage with other interested Members to develop a proposal that would allow the research to proceed in the future.

5.58 The Commission endorsed the advice from the Scientific Committee that the catch limits in Subarea 88.2 be revised based on the trend analysis rules noting the urgency of understanding the potential impact of the use of the effective tag recaptures on catch limit advice (SC-CAMLR-XXXVII, paragraphs 3.186 to 3.188).

5.59 The Commission endorsed the advice from Scientific Committee on the catch limits for research in Subarea 88.3 (SC-CAMLR-XXXVII, paragraph 3.192).

5.60 The Commission noted the discussion of the Scientific Committee (SC-CAMLR-XXXVII, paragraph 3.180) that currently CM 21-02, paragraph 6(iii), notifications for participation in exploratory fisheries for *Dissostichus* spp. in Subarea 48.6 and Divisions 58.4.1, 58.4.2 and 58.4.3a required a research plan and its recommendation to add Subarea 88.2 (as defined in CM 41-10) to this list of areas requiring research plans for future notifications.

5.61 The Commission noted the Scientific Committee’s advice on the benefit of having research plans for vessels participating in the exploratory fishery in Subarea 88.2 but did not agree to including this subarea in CM 21-02, paragraph 6(iii).

5.62 The Commission considered the discussion by the Scientific Committee to update the pro forma ‘Format for submitting finfish proposals in accordance with paragraph 3 of CM 24-01 and paragraph 6(iii) of CM 21-02’ and agreed to amend Annex 24-01/A, format 2, as presented in SC-CAMLR-XXXVII, Annex 13, for future submission of research proposals (SC-CAMLR-XXXVII, paragraphs 3.181 and 3.182).

5.63 ASOC noted its appreciation for the Scientific Committee’s detailed examination of research fishing proposals. In addition to this, it urged the Commission to task the Scientific Committee and its working groups to form regional high-level strategies detailing relevant area-based objectives, priorities, research plans and reporting requirements for research as well as for exploratory fishing. ASOC believed that this should include alignment of all current and future research and new or exploratory fishing activities to these regional priorities. ASOC believed this would further strengthen the value of the data provided by these activities.

Non-target species

Fish and invertebrates

5.64 The Commission considered the discussion by the Scientific Committee in relation to non-target catch, and in particular that unless the inconsistencies in the reporting of by-catch between vessels in exploratory fisheries are addressed, progress on the development of methods for providing management advice on by-catch within exploratory fisheries will be

compromised. The Commission welcomed the work program identified by the Scientific Committee to improve the quality of catch, including by-catch data reporting (SC-CAMLR-XXXVII, paragraphs 5.3, 5.12 and 5.17).

5.65 The Commission welcomed the Scientific Committee's discussion on a range of issues related to by-catch, such as by-catch limits in the krill fishery, the by-catch of sharks, regional risk assessments for non-target species, vulnerable marine ecosystem (VME) protection and management, and incidental mortalities of seabirds and marine mammals.

5.66 The Commission noted the EU working paper on the implementation of CM 32-18 on the conservation of sharks (CCAMLR-XXXVII/30) which identified relevant issues relating to the by-catch of sharks. The EU welcomed the useful and constructive discussion on shark by-catch in the Scientific Committee. The EU indicated that the paper contained recommendations for the consideration of SCIC at its next meeting.

5.67 The Commission requested that the Scientific Committee place additional emphasis on addressing consistent by-catch reporting and reporting requirements by vessels in its work plan in order to make progress on these important issues relating to non-target catch.

5.68 The Commission agreed with the recommendation of the Scientific Committee that a second focused tagging program for skates be conducted in 2019/20 and 2020/21 in the Subarea 88.1 and SSRUs 882A–B region. This program will be carried out for a minimum of a two-year period, during which the benefit of continuing the program as an ongoing measure would be evaluated. The proposed tagging rate will be for all live skates up to a maximum of 15 per line, with the area of the program limited to the exploratory fishery in Subarea 88.1 and SSRUs 882A–B. The Commission noted that specific advice for implementation of this program is contained in SC-CAMLR-XXXVII, Annex 9, paragraph 6.36.

Seabirds and marine mammals

5.69 The Commission noted that the 2017/18 season had the lowest extrapolated seabird mortality figure in CCAMLR's history and reflected on the large amount of work undertaken by many of the Scientific Committee's working groups and Members to achieve this.

5.70 The Commission noted the discussion of the Scientific Committee on the issue of marine mammal by-catch (SC-CAMLR-XXXVII, paragraphs 5.22 to 5.25) and endorsed the recommendation by the Scientific Committee for the inclusion of marine mammal exclusion devices in CM 51-04, to align this with CMs 51-01 to 51-03.

Bottom fishing and vulnerable marine ecosystems

5.71 The Commission endorsed the Scientific Committee's advice to add four sites in the western Antarctic Peninsula and three sites in the South Orkney Islands (as 1 n mile radius circles centred on midpoint locations) to the CCAMLR VME registry (SC-CAMLR-XXXVII, paragraph 5.36).

5.72 The EU welcomed the progress to identify new VMEs and suggested that VMEs be incorporated with other discussions on by-catch and in the workplan of the Scientific Committee (SC-CAMLR-XXXVII, paragraph 5.17).

Scientific research under Conservation Measure 24-01

5.73 The Commission endorsed the recommendation of the Scientific Committee regarding the proposal by Russia to conduct lithodid crab research fishing under CM 24-01 in Subareas 88.2 and 88.3 carried out according to the specific requirements set out in SC-CAMLR-XXXVII, paragraphs 4.1 to 4.4.

5.74 The Commission noted that although a by-catch limit, as mentioned in the Scientific Committee (SC-CAMLR-XXXVII, paragraph 4.5), may affect the execution of the proposed survey, an overall by-catch limit of 5 tonnes of toothfish across Subareas 88.2 and 88.3 will apply for this research.

Spatial management

6.1 The Commission noted the Scientific Committee's discussions on spatial management and MPA planning for the Antarctic Peninsula region in Domain 1 (hereafter denoted DIMPA), the Weddell Sea in Domains 3 and 4 (WSMPA) and progress on research and monitoring in respect of the established South Orkney Islands southern shelf MPA (SOISS MPA) and the RSRMPA (SC-CAMLR-XXX, paragraph 5.63, SC-CAMLR-IM-I, paragraph 2.55).

6.2 The Commission thanked the UK for hosting the Workshop on Spatial Management (WS-SM) in Cambridge, UK, from 2 to 6 July 2018, convened by Dr S. Grant (UK) and considered the outcomes from the Workshop as discussed by the Scientific Committee (SC-CAMLR-XXXVII, paragraphs 6.1 to 6.15). Many Members supported the recommendations arising from WS-SM and noted they would like to see progress made on these in the intersessional period.

6.3 The Commission noted that the Scientific Committee clarified that baseline data, in the context of RMPs, shall be considered as all the data used to justify the designation of an MPA or that describes the state of the Antarctic marine ecosystem at the time an MPA enters into force (SC-CAMLR-XXXVII, paragraph 6.24).

Review of existing marine protected areas (MPAs)

South Orkney Islands southern shelf MPA research and monitoring

6.4 The Commission recalled that the SOISS MPA (CM 91-03) was the first MPA adopted by CCAMLR. It was designated before the general framework for the establishment of CCAMLR MPAs (CM 91-04), and Members indicated a strong desire to harmonise the SOISS MPA with the requirements outlined in CM 91-04 (SC-CAMLR-XXXVII, paragraph 6.18).

6.5 The Commission noted that the Scientific Committee requested that a summary of research and monitoring activities be developed in time for the next review of the SOISS MPA in 2019, which would aim to provide scientific advice on the extent to which the objectives of the SOISS MPA were being met. The Commission further noted that the Scientific Committee encouraged the preparation of a draft RMP for the 2019 review of the SOISS MPA, following the framework as outlined in SC-CAMLR-XXXVII, paragraphs 6.16 to 6.23, including reporting of baseline data and population of a project list. The Commission also noted the recommendation of the Scientific Committee to consider the spatial scope of research and monitoring activities relevant to the SOISS MPA.

Ross Sea region (RSR) MPA research and monitoring plan (RMP)

6.6 The Commission noted discussions by the Scientific Committee on the RSRMPA RMP (SC-CAMLR-XXXVII, paragraphs 6.25 to 6.38) and recalled that the RSRMPA RMP, as endorsed by the Scientific Committee at its meeting in 2017, is intended to be a living document that should be regularly reviewed and updated as appropriate. The Commission noted the intention by the Scientific Committee that, as far as possible, additional baseline data on indicators of the status and structure of the Antarctic marine ecosystem relevant to the objectives of the RSRMPA should be added to the RMP and that additional work should be undertaken to link baseline data and indicators to the specific objectives of the RSRMPA within the geographic locations listed in CM 91-05, Annex 91-05/B. Many Members agreed that the requirements of CM 91-05, Annex C, rather than the RMP itself, provides the assessment tool for the MPA.

6.7 Russia introduced SC-CAMLR-XXXVII/18 and noted that MPA designation requires baseline data established in advance of the MPA coming into force as part of the planning process. It proposed that this baseline data should include the qualitative and quantitative characteristics of marine ecosystems and biodiversity, as well as the oceanographic and climatic history of the region, making it possible to develop scientific-based goals, objectives, boundaries, RMP, metrics and indicators for monitoring the effectiveness of MPAs. Russia further pointed out proposals for:

- (i) developing a uniform approach and criteria for designating MPAs in the CCAMLR area and endorse them as an annex to CM 91-04
- (ii) qualitative and quantitative characteristics of marine ecosystems and biodiversity, associated indicators for monitoring and indicators to assess the effectiveness of the MPA to be included into the RMP and appropriate changes to be included into CM 91-04.

6.8 Russia introduced SC-CAMLR-XXXII/19 that presented comments on the RSRMPA RMP and noted that:

- (i) The proposed seven indicator species in the Ross Sea region are not sufficient for monitoring and assessing the effectiveness of the MPA in terms of marine ecosystems and biodiversity. Additional indicator species are needed and each indicator species should be accompanied by its quantitative characteristics and trends in dynamics at the time of establishment of the MPA.

- (ii) A critical problem related to the operation of the RSRMPA is the fact that in CM 91-05 there are no procedures and sources for setting the toothfish catch limit for implementations of research in the MPA. In the opinion of Russia, catch limits for any research in the RSRMPA should not be deducted from catch limits for toothfish in the exploratory fishing outside the MPA.
- (iii) Russia asked the Commission to request the Scientific Committee to determine the sources for setting toothfish catch limit for the implementation of research in the RSRMPA.

Development of RMPs for CCAMLR MPAs

6.9 In introducing its paper (CCAMLR-XXXVII/32), China indicated that some questions as to RMPs need to be clarified, including but not limited to: what an RMP is, who is responsible for introducing an RMP to the Commission, and how to develop an RMP. China prepared and submitted this working paper to the Commission with a view to facilitating and contributing to the development of RMPs for CCAMLR MPAs. China recommended that the Commission recognise the value of this working paper and endorse the conclusions and recommendations herein as a basis for developing a general guidance for the elaboration of RMPs for CCAMLR MPAs, contributing to the success of CCAMLR MPAs.

6.10 To facilitate the plenary discussion, China highlighted seven key elements of CCAMLR-XXXVII/32. They are:

- (i) the declaration or establishment of an MPA is not an end but a start of conservation and management of marine living resources
- (ii) research, monitoring and management are complementary components. An RMP is expected to better understand the data collected, constitute feedback loops and support adaptive management
- (iii) without a well-developed RMP, there would be no ways to acquire best scientific evidence available to inform the management plan, regular review process and future decision making, let alone achieving the conservation goals of MPAs
- (iv) an RMP is one of the key components of CM 91-04. It is the proponent(s) that are obliged to develop and introduce an RMP to SC-CAMLR and CCAMLR. Introduction of an RMP should be meaningful
- (v) RMP methods and data collected should be standardised which is essential for the data management and regular review process
- (vi) to develop an RMP, we need baseline data, translate conservation goals or general statements into specific, measurable, achievable, relevant or realistic and time-bound (SMART) management objectives, identify indicators, define states of system or decision triggers, develop management actions in relation to decision triggers
- (vii) CEMP might be a precedent to be followed.

6.11 The USA indicated that it has a number of difficulties with CCAMLR XXXVII/32. As applied to the RSRMPA RMP, the paper did not give due regard to the fact that the Scientific Committee has endorsed this RMP. In the view of USA, the RMP is designed to be flexible, transparent, inclusive and enabling. The USA further indicated it had a number of concerns with legal conclusions in CCAMLR-XXXVII/32. For example, it is not correct to say as suggested therein that ‘proponents’ of the MPA have ‘obligations’ to present new information or data. The MPA is now a CCAMLR MPA and is owned and to be implemented by all Members. Moreover, specific research is required under CM 91-04 only ‘to the extent necessary’. The USA was disappointed that, as two Members did not join consensus, the Commission was unable to adopt the RSRMPA RMP at this meeting.

6.12 France agreed with the USA regarding its interpretation of CM 91-04 and its comment on paper CCAMLR-XXXVII/32. France also recalled that CM 91-04 only requires priority elements of an RMP to adopt the MPA and that the RMP should only be submitted after the adoption of the MPA.

6.13 New Zealand agreed with the comments of the USA and said that there were some useful suggestions in CCAMLR-XXXVII/32 but that there were also interpretations in the paper with which it did not agree. It recalled that the Scientific Committee had endorsed the RMP for the RSRMPA and its hope that the Commission could have adopted it at this session. In the view of New Zealand, the role of the RMP was to provide guidance to scientists on the research and monitoring needed. It was not itself an assessment tool. In response to CCAMLR-XXXVII/32, it noted that the assessment of whether the RSRMPA was meeting its objectives would be based on answering the key research questions that have been outlined in CM 91-05, Annex 91-05/C (paragraph 1) in relation to the specific objectives of the MPA. It noted that a lot of research was already taking place under the RMP by several CCAMLR Members and encouraged others to also engage in such research.

6.14 The EU recalled that there is a chronological process to the development of an MPA. In this process, the development of an RMP should be addressed once an MPA is adopted, as CM 91-04 only requires the priority elements of a future RMP to be included in the conservation measure. A final RMP can only be developed and achieved once the boundaries, the conservation objectives, and the management arrangements of the MPA are adopted. Without these prior decisions, the RMP cannot be completed. Moreover, the development of the RMP is the responsibility of not only the MPA proponents but of all Members. CCAMLR’s mechanisms and conservation measures allow the review the RMP once an MPA is adopted, as the RMP will be evaluated every 10 years, which includes intermediate reports.

6.15 Many Members fully agreed with the views of the USA, France, New Zealand and the EU.

6.16 China thanked Members for the comments and inputs expressed. China highlighted that the intention of submitting CCAMLR-XXXVII/32 was to contribute to the discussions on the RMP for MPAs, and emphasised that the RMPs, including the RMP of the RSRMPA, shall be adopted by the Commission pursuant to CM 91-04 and CM 91-05, to have its legal effect. Bearing in mind that this is the first working paper that China has presented to CCAMLR, China expressed its willingness to take all the comments and inputs into serious consideration and would return with a revised paper to be submitted next year.

Review of proposals for new MPAs

East Antarctica

6.17 Australia, the EU and France introduced the proposal to establish an MPA in the East Antarctic Planning Domain (EAMPA) (CCAMLR-XXXVII/24 Rev. 1). The proponents noted that this proposal has been under consideration by the Commission since 2012 and has been refined in collaboration with CCAMLR Members to take account of feedback received from Members. The proponents reiterated their willingness to work with Members to achieve consensus on the proposal.

6.18 The Commission thanked the proponents for their continued commitment to progress and develop this proposal which is an essential component for the establishment of a representative system of MPAs and noted that the Scientific Committee had previously agreed that the proposal contains the best available science (SC-CAMLR-XXX, paragraph 5.63, SC-CAMLR-IM-I, paragraph 2.55).

6.19 Russia expressed concern that the quality of available baseline data was not suitable to address the objectives of the proposal and that conservation measures in place may not relate appropriately to the proposal. Russia stated its willingness to continue discussions intersessionally in order to develop this proposal further.

6.20 China reaffirmed its commitment to achieving the objectives of the Convention and expressed its appreciation to the open and constructive approach taken by the EAMPA proponents to accommodate some of China's concerns.

6.21 China emphasised that some elements should be taken into account to develop MPAs, namely:

- (i) Necessity. According to the preamble of CM 91-04, the Scientific Committee advised that the whole Convention Area is equivalent to an IUCN Category IV MPA. Thus, the special consideration of establishing additional MPAs within the Convention Area shall be further discussed and justified.
- (ii) Certainty. The precautionary approach should be respected, while the availability of adequate scientific information is fundamental to achieving the objectives of the Convention and pivotal to the development and implementation of MPAs in accordance with Resolution 31/XXVIII (best available science).
- (iii) Measurability. Broadly stated objectives shall be translated into specific and measurable objectives or criteria. Indicators and their parameters need to be identified in order to assess the effectiveness of MPAs.
- (iv) Accountability. In collaboration with other CCAMLR Members, the proponents should play a leading role and provide a sound scientific basis while drafting the MPA proposals.
- (v) Rigidity. All CCAMLR Members concerned should uphold rigorous scientific approaches and high standards to develop, manage and review MPAs.

6.22 Most Members considered that outstanding matters could be resolved through discussion of the text in the conservation measures drafting group and that it was opportune to adopt the EAMPA as part of a representative network of MPAs within the Convention Area during this meeting. Those Members recalled that substantive changes have been made in response to issues raised and noted that only three areas remained from the original seven proposed. They expressed concern that any further changes to the proposal would diminish the ability for the EAMPA to achieve its objectives, and noted that fishing activities in Divisions 58.4.1 and 58.4.2 would not be significantly impacted by the establishment of this MPA as proposed.

6.23 Argentina highlighted that Article II of the Convention is the expression of a balance between the need to preserve the Antarctic ecosystem and the rational use of Antarctic marine living resources. In its view, this balance is being biased by going beyond the concept of best available science in requiring increasing amounts of scientific information – even when not available – to support decisions ensuring conservation, while very little is being required to authorise the use of those resources. If similar amounts of information were required prior to any harvesting authorisations, fisheries would have serious difficulties.

6.24 The Commission thanked the proponents of the EAMPA for the extensive work undertaken so far and encouraged all Members to engage in further open and collaborative engagement to resolve remaining concerns so that this proposal may be further advanced by the Commission.

6.25 Australia expressed its appreciation for the continued support received from Members for the adoption of the EAMPA. It noted that this is core business for the Commission, there need not be an impediment to adopting this proposal and that Member support affirmed that its continued efforts have been worthwhile. In expressing its appreciation for the willingness of Members who have engaged on the EAMPA proposal, Australia called on those who continue to reserve their support to work with the co-proponents intersessionally to find a way forward.

6.26 The Commission encouraged positive intersessional engagement noting the issues raised. Furthermore, the Commission recalled CCAMLR's commitment to establish a representative network of MPAs.

6.27 The EU and its member States made the following statement on the EAMPA:

'The EU and its member States note with regret that this is the seventh consecutive year that the EAMPA proposal has been discussed without result. The proposal was first tabled in 2012 and has been changed several times since then to accommodate concerns raised by other Members. No changes were proposed this year compared to the 2017 proposal. Considering that the Scientific Committee considered already in 2013 that the proposal is based on best available science, the EU and its Member States cannot accept that new demands for more scientific work are being made by some delegations year after year. The EU and its Member States are of the view that the EAMPA proposal exhaustively addresses any residual concerns expressed by other Members and is therefore ready for adoption. The EU and its member States are also grateful to those Members who still have concerns about our proposal for having expressed their commitment to engage with us intersessionally.'

While the EU and its member States remain open to constructive dialogue and open discussion on the proposal, they call on those Members who still have residual concerns to provide specific, detailed and concrete feedback in order that their concerns may be understood and addressed. In doing so, the EU and its member States expect those Members to engage in good faith and in keeping with the CCAMLR spirit. The inability of CCAMLR to move forward on this proposal due to the continued opposition of some Members is a worrying development which puts into question the commitment made by all Members in 2009 to develop a representative system of MPAs in CCAMLR by 2012 as well as their international commitments under the UN Sustainable Development Goals and the Convention on Biological Diversity. The EU and its member States remain fully committed to achieving these shared objectives.'

6.28 France recalled that the EAMPA aims to achieve CCAMLR's objective of designating a representative network of MPAs, but also UN Sustainable Development Goal (SDG)14 under the 2030 UN Agenda. The Scientific Committee recognised it encompasses the best available science in 2013 and all CCAMLR Members had adopted these objectives. France further recalled that the EAMPA proposal was revised several times to take into account all Members' concerns. While the proposal was improved, it could certainly be improved again and France was ready to do so in an open and transparent manner noting that such a discussion should not lead to a regime where the protection of Antarctic marine living resources would be lessened. France also made a presentation on the fishery-related measures set out in the EAMPA proposal, including the no-take krill area in the d'Urville Sea/Mertz area and the fisheries closure in the depressions and embayments of the continental shelf. France reiterated that the RMP will be presented after the adoption of the EAMPA, in accordance with CM 91-04.

Weddell Sea MPA (Domains 3 and 4)

6.29 The Commission noted the discussion of the Scientific Committee on the development of the science to support the development of the WSMMPA (SC-CAMLR-XXXVII, paragraphs 6.39 to 6.42), notably the incorporation of reference areas into the proposal and provision of a detailed analysis of parameters relating to the suitability of areas in the Weddell Sea as reference areas, and thanked the EU and its member States, in particular Germany, for the work and revisions made to develop the proposal since it was first submitted to the Commission in 2016.

6.30 Most Members confirmed that in their view that the proposal was based on the best available science and that this proposal would make an important contribution to the development of a representative network of MPAs in the Convention Area.

6.31 Norway expressed its dedication to contributing to the implementation of a representative network of MPAs in the Convention Area and noted that the WSMMPA is a critical component to achieving this. Norway noted that the proposal is based on the best available science. It noted that there still remains a contrast in data availability moving from the western to the eastern parts of the current planning area. This has consequences for the modelling efforts and potentially for the designation of subareas in need of various protective actions. In such a situation, it is advisable to split contrasting subareas in order to obtain a more comprehensive result. It was suggested to split the contrasting subareas at the prime meridian. Norway also raised concerns that the current proposal leaves a gap between 20°E and 30°E, and would prefer

to see an eastward extension to fully cover Domain 4. This would allow the inclusion of the priority areas for protection that were identified by German scientists in the WSMPA proposal, put more emphasis on a north–south ecosystem connectivity and a better connectivity with other areas further east in the context of a representative system of MPAs.

6.32 Norway encouraged agreement during this meeting on protective measures addressing the western subarea WSMPA proposal and undertook to engage with Germany and other Members to further collate and enhance information for the subarea east of the prime meridian over the next years. This process would allow for the designation of targeted measures for the MPA in this part of the Domain 4 within 3–4 years that would then be presented for the consideration of the Commission. In order to proceed along these lines, in particular in the eastern areas of Domain 4, Norway is planning extensive field investigations, including an initial cruise with the *Kronprins Haakon* in the waters off Dronning Maud Land in 2019 (WG-EMM-18/13).

6.33 Many Members supported Norway’s suggestion as a useful way forward to achieve consensus and offered to work collaboratively with Norway, the EU and its member States, in particular Germany, to progress on Norway’s proposed design to protect areas east of the prime meridian for submission to the Commission in 3 to 4 years.

6.34 China expressed its appreciation to the efforts made by the proponents in improving the proposal, the inclusion of a draft RMP in the proposal, and stated its concerns in relation to the proposal, suggesting:

- (i) the need for more scientific data and analysis to support the foundation of the proposal
- (ii) that rational use, as an integral part of conservation in accordance with Article II, shall be fully taken into account
- (iii) the need to consider how research on Antarctic marine living resources could be encouraged, rather than limited, in relation to rational use
- (iv) that the western part of the MPA should not be considered due to the inaccessible heavy sea-ice conditions
- (v) that areas with potential fishing stocks should first be opened to scientific research prior to the establishment of the MPA to provide sound advice.

6.35 Russia noted the improvements in the proposal for an MPA in the Weddell Sea, however, some issues remain. It highlighted that there are populations of dominant fish species *D. mawsoni*; spiny icefish (*Chaenodraco wilsoni*); Antarctic silverfish (*Pleuragramma antarctica*); Antarctic rockcod (*Trematomus eulepidotus*) in the Weddell Sea and information on the commercial potential of dominant fish species and krill for future rational use should be included in the MPA proposal. Russia noted that the revisions of the WSMPA proposal should provide clarifications of the MPA boundary as well as the boundary of reference areas, taking into account the ice cover and accessibility for monitoring by vessels. This revision requires new information on the commercial potential for dominant species in the MPA to designate areas for protection and fishing activity. Russia emphasised that the areas for fishing activity and protection areas in the Weddell Sea should be managed by separate conservation measures.

6.36 The EU and its member States noted the preferred option expressed by Norway as to the management of Domain 4, as well as the statements made by a number of CCAMLR Members in support of Norway's suggestion. The EU and its member States indicated their willingness to work closely and constructively with Norway and other CCAMLR Members to explore options that could facilitate the rapid adoption of the WSMPA proposal at the next annual meeting.

6.37 Norway thanked the EU and its member States for constructive discussions and their willingness to continue to work on the proposal for the WSMPA along the lines presented by Norway to the Commission. Norway reiterated its commitment to work with the EU and its member States, in particular Germany, and other interested parties to further enhance the proposal and eventually establish a targeted and effective MPA in the entire Domain 4 planning area.

6.38 The Commission thanked the proponents of the WSMPA for the extensive work and encouraged all Members to continue engaging in discussions to further progress this proposal for consideration by the Commission.

6.39 The Commission thanked Norway for its constructive proposal to progress spatial planning in Domain 4. Most Members welcomed the undertaking from the EU and its member States, in particular Germany, and interested Members to work intersessionally to further enhance the proposal and eventually establish targeted and effective MPAs in the entire Domain 4 planning area.

6.40 The EU and its member States made the following statement on the WSMPA:

'The EU and its member States wish to express profound disappointment at the failure to make significant progress this year on the proposal regarding a MPA in the Weddell Sea. The proposal was first tabled in 2016 and the 2018 revised proposal incorporates a number of changes to reflect the outcome of comments received from interested Members during the intersessional period and our ongoing dialogue with them. We are grateful for those Members' constructive approach and feedback which have improved our proposal. The EU and its member States are also grateful to those Members who still have concerns about our proposal for having expressed their commitment to engage with us intersessionally.

The EU and its member States would also like to stress that the science underlying the proposal was already considered by the Scientific Committee in 2016 to reflect the best available science. The WSMPA proposal was therefore ready for adoption this year and it is regrettable that this was not possible due to the continued opposition of some Members. The EU and its member States take note of Norway's proposed approach forward regarding the WSMPA. They welcome any initiative that could bring us closer to consensus and are fully committed to working closely and constructively with Norway and other Members towards the swift establishment of an MPA in the Weddell Sea.

The EU and its member States recall the responsibility of all CCAMLR Members to preserve the integrity of the scientific advice provided by the Scientific Committee by ensuring that their representatives in the Scientific Committee possess the necessary

scientific qualifications. This will enable the Commission to continue to take decisions on the basis of best available science.

The EU and its member States recall the commitment made by all CCAMLR Members in 2009 to establish a representative network of MPAs by 2012. Similarly, under UN Sustainable Development Goal 14.5 and Aichi Target 11, we have all committed to conserving at least 10% of coastal and marine areas by 2020. Establishing MPAs in the Southern Ocean would make a crucial contribution to achieving that important and shared objective.

The EU and its member States therefore call on all Members to renew their efforts to establish MPAs in the CAMLR Convention Area. The EU and its member States also urge those Members who still have residual concerns about the WSMMPA proposal to provide specific, detailed and concrete feedback in order that their concerns may be understood and addressed. In doing so, the EU and its member States expect those Members to engage in good faith and in keeping with the CCAMLR spirit.’

6.41 Germany reiterated that the Scientific Committee had already concluded in 2016 that the WSMMPA proposal reflected best available science and that it has acknowledged at its meeting in 2018 the scientific effort undertaken by the proponents in the last two years to respond to the various requests from CCAMLR and its subsidiary bodies. Germany therefore took the view that the scientific work on the WSMMPA proposal is completed. Germany thanked all Members that engaged intersessionally on the proposal and provided valuable comments to further improve it. Germany is looking forward to cooperate with Norway and other Members in order to reach consensus regarding the WSMMPA proposal for the next CCAMLR meeting.

6.42 ASOC welcomed Norway’s support for a WSMMPA and its statement that the EU proposal is supported by best available science. However, ASOC was concerned that Norway also asserted that there was not sufficient information to designate an MPA in the eastern areas of the MPA. Raising the issue in the Commission will frustrate the designation of the WSMMPA, rather than improving the proposal. ASOC instead encouraged CCAMLR Members to adopt a WSMMPA without delay.

Antarctic Peninsula region MPA in Domain 1 (D1MPA)

6.43 Argentina and Chile presented a proposal on the establishment of a protected area in Planning Domain 1 (D1MPA), as set out in CCAMLR-XXXVII/31. The proponents stated that the proposal is consistent with CM 91-04 and has been developed in response to the recommendations and scientific conclusions discussed since 2012 by the Commission, Scientific Committee and its working groups, including those of WS-SM and the D1MPA Expert Group

6.44 The Commission thanked the proponents for their proposal and noted that a great amount of collaborative work had been undertaken transparently and comprehensively taking into account the views of other Members, particularly via the D1MPA Expert Group.

6.45 The Commission considered the discussion by the Scientific Committee on the D1MPA and noted that the model comprising three different management zones addressed a broad range of objectives relating to the protection of representative habitats, ecosystem processes,

important areas for species life cycles, and rare and vulnerable benthic habitats, and the establishment of scientific reference areas (SC-CAMLR-XXXVII, paragraphs 6.51 to 6.55).

6.46 The Commission noted that most Members agreed that the proposal has been developed based on the best available science and that outstanding issues were raised by two Members in relation to the D1MPA proposal (SC-CAMLR-XXXVII, paragraph 6.57).

6.47 The Commission noted the outstanding issues raised by two Members in the Scientific Committee in relation to the D1MPA proposal (SC-CAMLR-XXXVII, paragraph 6.57).

6.48 Argentina highlighted that outstanding issues relating to the development of management provisions were for consideration by the Commission (SC-CAMLR-XXXVII, paragraph 6.59), and addressed the following issues:

- (i) Further work on the design of reference areas and associated research questions, including consideration of a potential experimental approach, current krill catch levels, similar response to natural variation of the reference area with fishing area, and krill flux between areas –
 - (a) Argentina explained that the consideration of the experimental approach harmonised with the proposal has already been included in SC-CAMLR-XXXVII, paragraphs 3.30 and 6.56, and will be dealt with during the joint meeting of SG-ASAM and WG-EMM in 2019. Argentina encouraged all Members, especially those with outstanding issues, to engage intersessionally, and noted three possible mechanisms: the D1MPA Expert Group, the workshop on management of the krill fishery in 2019 and at WG-EMM. Argentina also requested clarification on the point made to develop work on ‘similar response to natural variation of the reference with fishing area’ in order to respond accordingly. It also noted that catch limits, as presented in the conservation measure, are a decision of the Commission and requested advice on how to address them, including through the joint WG-EMM and SG-ASAM meeting in 2019.
- (ii) Analysis of threats to the marine ecosystem in Domain 1, given existing management of human activities in the region.
- (iii) Additional evidence that the proposed MPA could decrease the risks of krill fishing having a negative impact on the ecosystem –
 - (a) Argentina noted that the two above points were considered in SC-CAMLR-XXXVII/BG/08, which included additional analysis of complementary Marxan scenarios and consideration of reference areas, as well as an evaluation of risks and costs for both predators and the krill fishery inherent to the implementation of the D1MPA. Additionally, SC-CAMLR-XXXVII/BG/04 incorporated additional evidence that the MPA proposal would reduce the risk of krill fisheries negatively impacting the ecosystem.
- (iv) Further consideration of how reference areas can be used to study the effects of climate change –

- (a) Argentina explained that studies carried out in reference areas would allow monitoring and projection of long-term changes in the ecosystem, and research priorities would be based on the four pillars of oceanographic, climate change, ecosystem and fisheries studies. These studies would contribute to the development of predictive models in relation to climate change that allow us to project into the future and ensure compliance with Article II.3 of the Convention to minimise and prevent the risk of changes in the ecosystem.
- (vii) Development of indicators to assess the effectiveness of the MPA.
- (vi) Further development of objectives, indicators and baseline data for research and monitoring, including within reference areas –
 - (a) Argentina requested that Members with pending issues clarify in detail what they refer to in relation to the development of the objectives, indicators and baseline data, and that they provide practical and concrete examples.
- (vii) The necessity of the inclusion of a krill research zone given the long existence of the krill fishery and scientific research in this region –
 - (a) Argentina requested that Members with concerns on the above clarify in detail their concerns regarding the inclusion of research areas of the fishery, especially in the context of needing further work on the design of reference areas and associated research questions (as contained in (i) above).

6.49 The Commission thanked the proponents for their hard work conducted in an open and constructive manner and for providing clarifications on issues stemming from the Scientific Committee.

6.50 The UK brought attention to the significant amount of research taking place in the Antarctic Peninsula and suggested that some of the outstanding issues could potentially be addressed by integrating them into the RMP.

6.51 China thanked Argentina for its response to the outstanding issues and indicated that most of them were scientific in nature and therefore would require further discussion by the Scientific Committee. China noted that many of the outstanding issues were substantial and would require modifications to the proposal and expressed its willingness to work with the proponents and interested Members intersessionally to address these.

6.52 Russia noted that the MPA proposal for Domain 1 did not provide any evidence of threats from the fishery and climate change to marine living resources or biodiversity of the Domain 1 region which require the protection and the urgency of providing this protection. Moreover, potential threats from human activities regulated by effective conservation measures on the base of the precautionary and ecosystem approaches are very low, and protection against climate change cannot be achieved by an MPA. Russia expressed that a clarification of MPA goals and objectivities is needed as well as what criteria and indicators should be used to assess the achievement of MPA goals and objective. Russia noted that these criteria and indicators as well as measurable monitoring indicators should be included in the RMP.

6.53 Many Members noted that the objective of CM 91-04 is the establishment of a network of MPAs, and that there is no requirement of demonstration of any particular threats. They also noted that, while an MPA cannot prevent climate change it can provide resilience to the impacts of climate change as well as mechanisms to study synergistic impacts of climate change and fishing.

6.54 Argentina and Chile further noted that general protection zones (GPZs) included in the D1MPA can provide resilience to the ecosystem, and that evidence has been provided in the documents in support of the proposal. In addition, the integration of objectives that contemplate benthic and pelagic features, and not only predators and prey, would contribute to maintain a healthy ecosystem that is properly managed.

6.55 Norway commended the collaborative and transparent approach taken by the proponents and looked forward to working with them and other engaged Members intersessionally on the areas of work requiring additional input. It made particular reference to discussions in the Scientific Committee on how to integrate adaptive management strategies of krill fishing activity such as feedback management. Norway was encouraged that these issues are already being addressed and discussions are taking place.

6.56 Many Members expressed their support for the D1MPA proposal noting that it would be an important contribution towards achieving a representative system of MPAs and suggested that establishing an MPA in the Antarctic Peninsula should be considered a priority, as this is one of the most rapidly warming regions on earth.

6.57 The EU and its member States welcomed the proposal from Argentina and Chile to establish a MPA in Domain 1 and considered that the proposed MPA will make an important contribution towards CCAMLR's objective to establish a representative network of MPAs in the Convention Area. The EU and its member States congratulated the proponents on the work undertaken since last year's meeting and their open and constructive approach. The EU and its member States noted their availability to contribute to ensuring that further progress can be made on the proposal in view of its rapid adoption.

6.58 Argentina and Chile thanked Members for the productive discussion and requested that those Members with remaining concerns contribute to intersessional work through participation in the D1MPA Expert Group and submitting papers documenting any concerns of scientific nature to WG-EMM-19. Argentina and Chile also highlighted their desire to ensure true multinational engagement in the D1MPA Expert Group, as this also characterised the multinational engagement in science and logistics in the Antarctic Peninsula region.

6.59 Chile expressed its disappointment that consensus was not reached during deliberations, even though more than 17 Members expressed their support to the proposal on the establishment of the D1MPA, which has been developed in a strong and transparent scientific way, since 2012. It noted that several opportunities for participation have been available, with the process of D1MPA establishing a unique method of participation through the work of the D1MPA Expert Group. However, some Members that have not engaged in this open and transparent process, are now raising concerns about the proposal, even though they have had several mechanisms to express their views. Chile believed that the lack of consensus on the D1MPA proposal does not reflect the main objectives of CCAMLR, in order to achieve the effective response that scientists and community expect, in order to tackle both challenges and threats, faced within a fragile ecosystem like the Antarctic.

Planning Domains 4, 5 and 6 (sub-Antarctic areas of the Atlantic and Indian Ocean)

6.60 The Commission considered the Scientific Committee discussion on the progression of work in the sub-Antarctic areas of the Atlantic and Indian Ocean Planning Domains 4, 5 and 6 and noted that an e-group would be used to facilitate intersessional work in regard to pelagic spatial planning (SC-CAMLR-XXXVII, paragraphs 6.60 to 6.62). All interested Members were encouraged to participate in the e-group and to attend a workshop to be held in Cape Town, South Africa, in May 2019 (to be confirmed).

Progress on MPAs

6.61 The USA stated that it supports the establishment of the EAMPA, WSMPA and D1MPA and thanked the proponents and others for their efforts these two weeks in working towards establishing these MPAs. The USA noted its disappointment that consensus could not be reached at this meeting but continues to be committed to working intersessionally with all Members to achieve consensus on these important measures at next year's meeting.

6.62 The UK informed the Commission that it was deeply disheartened that there was no progress on the development of a representative system of Antarctic MPAs again this year and noted its concern over the confusion of scientific and political discussions on this topic during the course of the Commission meeting. In the view of the UK, the scientific background to support the three MPA proposals submitted to this meeting – the EAMPA, the WSMPA and the D1MPA – has been well developed through extensive and collaborative work by many Members, including the UK, but this substantial body of sound scientific evidence is being disregarded by a small minority of Members who are not engaging scientifically and who appear to be focused on commercial ambitions above the conservation objective of our Convention. Recognising global pressure to take action on ocean conservation, the UK hoped that the commitments made by those Members who are not yet ready to move forward, will realise active and collaborative engagement during the forthcoming intersessional period to ensure that the commitment from 2009 to develop a representative system of Antarctic MPAs soon becomes reality.

6.63 The EU made the following statement:

‘A large number of researchers are involved in CCAMLR’s work on MPAs, including a new generation of scientists who have put significant effort into working towards CCAMLR’s objectives. They dedicate their energy, time and skills to developing new scientific approaches at great personal cost. They are pursuing multilateral exchanges more effectively than we have in the past and are creating a network that has no frontiers. The scholarships offered by CCAMLR will facilitate the integration of this new generation of scientists. We should listen to them carefully. We hope that one day they will not judge us too harshly for our slowness in advancing conservation science in the Southern Ocean. We therefore thank them for their work and are eager for them share their ideas on how to carry CCAMLR’s work forward.’

6.64 The Commission warmly welcomed the encouragement to early career scientists.

6.65 Australia and the USA expressed their support for the WSMPA and the D1MPA. Together with the EAMPA, Australia and the USA considered the proposals contain the best

available science and supported their adoption. Consistent with the recommendation arising from WS-SM, they considered all three MPA proposals would form key components of a representative system of MPAs in the CCAMLR area.

6.66 ASOC supported the adoption of the proposals for the EAMPA, the WSMPA and the D1MPA. These proposals were all based on the best available science. ASOC congratulated all of the proponents for their proposals that represent the hard work of many Members over numerous years, across several technical workshops and meetings, to develop analyses based on a huge volume of data.

6.67 ASOC noted that the offer by Norway to progress research in the Weddell Sea should take place in the context of an RMP, and should not induce the progressive erosion experienced with other proposals. ASOC noted that a failure to reach consensus challenges CCAMLR's effectiveness as a conservation organisation by the fact that it is unable to approve a system of MPAs in the Southern Ocean, while approving thousands of tonnes of catch limits each year. Agreeing these MPAs is an important step for CCAMLR to meet its commitment to establish a representative network of MPAs in Antarctica and to address the public outcry for this area to be protected.

6.68 In CCAMLR-XXXVII/BG/36, ASOC noted that progress in adopting a network of MPAs had been extremely slow. ASOC considered that this compromised CCAMLR's ability to meet the conservation objectives of Article II.3 and that climate change added further urgency to MPA discussions. ASOC called on CCAMLR to adopt a Southern Ocean representative system of MPAs by 2020, and stated that current MPA proposals should be adopted with their proposed boundaries intact.

6.69 ASOC made the following statement:

'Unfortunately, we are in the same place we were last year. Even though in the intersessional period there were Members who worked hard on the different topics related to the MPA proposals. Even though there was a lot of joint work, culminating in an official workshop of CCAMLR on spatial management that should represent the basis on which this Commission could make informed decisions regarding MPA proposals.

But no, here we are again almost in the same place where we were a year ago. High is the degree of frustration of many Members to see that all the rigorous work done during the year is not reflected in the actions of this Commission. And high is also the level of bewilderment about the future of this Convention.

It is in these moments where we would like to bring back the wise words of the distinguished representative of Argentina that we heard yesterday; a respected delegate who has attended the meetings of this Commission for more than 30 years. He asked what would happen if this Commission demanded from the Scientific Committee and its working groups total certainty before making decisions regarding the fishing activities that are carried out in the Convention Area. We are inclined to say that if we applied the same yardstick that we applied to the discussions to establish MPAs that no type of fishing would be allowed then in the Convention Area.

Perhaps this could be an effective way to implement the conservation objectives of the Convention. There would be no more need to create MPAs. But it is unlikely Members would ever allow CCAMLR to pursue only conservation without rational use, even though at times it seems we are pursuing rational use without conservation. This is despite the fact that CCAMLR was established mainly for conservation, which makes it different from RFMOs.

After these 16 years we have learned how these multilateral organisations work, and the importance of the genuine work of their members, the importance of relations between Member States, the need to respect different visions and cultures and the importance of negotiating in good faith, using science as the basis for discussions. That is why after this time we are deeply worried about the current dynamics of the Scientific Committee and the Commission ... and therefore about the future of this Convention. Since we began to address the issue of MPAs, especially in the last 5 to 6 years, we have entered into a dynamic that is a concern of the majority of the Members of this Commission. In this dynamic, many long interventions are exchanged, but often, substantive matters are not clearly discussed.

Perhaps the question to ask is how many years can we continue with this dynamic where the expertise in the use of words, language, dominate the scene and the scientific foundations are at the mercy of semantics and not scientific discussion per se?

The uncertainty that is characteristic of natural systems and scientific work should not block the establishment of MPAs in the Convention Area ... because as we said at the beginning if we applied the same burden of proof to the requests for fishing, it is clear that none would be allowed. This is an important reflection, and a double standard, that underlies the basis upon which this Convention was established. Conservation is the principal objective of the Convention. The credibility of the Commission is at stake if it consistently fails to realise the conservation objectives of the Convention. Instead of fulfilling this objective, as the Commission deliberates behind closed doors, one of the world's most important and iconic habitats, beloved to millions around the world, does not receive the protections it needs.

From ASOC we hope that the Commission will find its way back to allow it to carry out the work for which it was established and which is what brings us together year after year in the beautiful city of Hobart.'

CCAMLR Scheme of International Scientific Observation

7.1 The Commission noted CCAMLR-XXXVII/20 and endorsed the recommendation by SCIC (Annex 6, paragraph 65) to amend the text of the CCAMLR Scheme of International Scientific Observation (SISO) to require scientific observers to be equipped with an independent two-way satellite communication device and personal lifesaving beacon from 1 December 2019. The responsibility of providing the equipment would be borne by the designating Member. Japan noted that necessary costs associated with this requirement should be met by the designating Members.

7.2 Many Members welcomed the mandatory inclusion of safety and communication devices to enhance observer safety and noted that many observer safety measure improvements rely on the bilateral arrangement between designating and receiving Members. Many Members suggested that introducing a dedicated observer safety conservation measure would ensure clarity for safety requirements and would potentially allow for better evaluation of compliance with safety measures using the CCEP.

7.3 Russia welcomed the recommendation to include safety devices for observers, however, it did not support the potential inclusion of a dedicated safety conservation measure.

7.4 The Commission noted the recommendations from the Scientific Committee on the new krill observer logbook (SC-CAMLR-XXXVII, paragraph 8.3) and the inclusion of invertebrate by-catch species in observer sampling manuals (SC-CAMLR-XXXVII, paragraph 3.6).

Impacts of climate change on the conservation of Antarctic marine living resources

8.1 Australia, on behalf of Norway and the UK, presented CCAMLR-XXXVII/01 to the Commission. The paper proposed a mechanism to communicate the nature and implications of any known or potential climate change impacts in papers submitted to the Scientific Committee and the Commission in the form of scientifically based climate change implications statements.

8.2 The Commission noted the Scientific Committee's deliberations on the paper (SC-CAMLR-XXXVII, paragraphs 9.2 to 9.4), including that highlighting climate-related ecosystem changes to the Commission is vital if the impacts of climate change are to be properly taken into account by CCAMLR's management. The co-proponents expressed their willingness to work with Members on comments received from the Scientific Committee.

8.3 Many Members supported the addition of climate change summary statements in papers submitted to the Scientific Committee and the Commission. Two Members did not support the proposal as they considered that the potential implication of climate change should be based on sound scientific analysis of time-series data and not a limited number of observations, and therefore statements should only be provided on a voluntary basis, and not as a tool for decision-making by the Commission.

8.4 The Commission noted that voluntary summaries of the implications of climate change, based on best available scientific knowledge, could be useful if included in Commission and Scientific Committee working papers and Fishery Reports.

8.5 Many Members expressed their disappointment that agreement could not be reached for implication summaries to be mandatory, but stated that they would voluntarily include such statements in Commission and Scientific Committee working papers.

8.6 ASOC noted that while adding implication statements to CCAMLR papers may be voluntary, experiencing the effects of climate change in Antarctica would in fact be mandatory.

8.7 Australia, on behalf of Norway and the Climate Change ICG presented CCAMLR-XXXVII/23 to the Commission. The paper proposed a Climate Change Response Work Program (CCRWP) to address the remaining terms of reference for the ICG, which was tasked with developing approaches for enhancing consideration of climate change impacts in the work

of the Scientific Committee and the Commission. Taking into account views expressed at CCAMLR-XXXVI (CCAMLR-XXXVI, paragraphs 7.3 to 7.19) and during the intersessional period, the revised CCRWP provides a mechanism for identifying and revising goals and specific actions by the Commission and the Scientific Committee to support efforts within the Antarctic Treaty system to prepare for, and build resilience to, the environmental impacts of a changing climate and the associated implications for the governance and management of the Southern Ocean and the conservation of Antarctic marine living resources.

8.8 Norway thanked the Co-convenor and co-sponsor Australia for the positive collaboration in leading the ICG and for producing the proposal for a CCRWP for CCAMLR, as Norway considered the issue of climate change to be of high importance. Norway additionally noted its active participation in the establishment of a CCRWP in the CEP, and regarded this as a positive way for the CEP and the ATCM to collaboratively work on climate change issues. Norway considered that the establishment of a CCRWP in CCAMLR would be a very useful tool for CCAMLR's work.

8.9 Most Members supported the adoption of the CCRWP by the Commission, noting the plan would streamline the climate change work of CCAMLR by providing a cohesive and structured framework for work currently being undertaken, as well as providing important references to work underway in other international forums.

8.10 Members discussed the role of the Commission in taking account of climate change impacts in its decision-making.

8.11 Two Members expressed concerns over duplication of work taking place in other forums. They considered that many of the elements in the proposed work plan required assessment by the Scientific Committee and its working groups. Thus, they considered it more appropriate to establish the CCRWP in the Scientific Committee, and that the Commission will make decisions on the basis of the scientific advice from the Scientific Committee.

8.12 Most Members confirmed their view that consideration of the impacts of climate change is an integral part of decision-making across the Commission and that actions for the Commission should therefore also be included in the CCRWP.

8.13 The Commission was unable to reach consensus on adopting the proposed CCRWP.

8.14 Noting that the Scientific Committee at its 2017 meeting had endorsed the CCRWP, many Members expressed their disappointment at the failure by the Commission to reach consensus on adopting the CCRWP, thanked Australia and Norway for their efforts and noted that in 2009 CCAMLR recognised that global climate change is one of the greatest challenges facing the Southern Ocean and a key priority to be considered in developing sustainable management of the resources for which it is responsible (Resolution 30/XXVIII). Furthermore, many Members considered that the proposed CCRWP would address both the science and the management implications of climate change across the Commission and would harmonise relevant issues across the Antarctic Treaty System. Drawing on scientific expertise from external organisations such as SCAR was considered to be critical to achieve this and is addressed through the CCRWP.

8.15 Australia thanked Members for engaging constructively in the discussions on the work program and noted that there is little point in scientific research if we do not make management decisions based on its evidence. Australia expressed its disappointment that the Commission could not adopt the CCRWP.

8.16 Australia and Norway welcomed the engagement by Members made to actively participate in the ICG during the intersessional period and reaffirmed their commitment to work together with all interested parties through the ICG to fulfil the task of appropriately integrating the impacts of climate change into the work of the Commission. Australia and Norway undertook to present a revised CCRWP to the Commission in 2019.

8.17 ASOC thanked the proponents of the proposals on the CCRWP and climate change implications statements. ASOC referred to CCAMLR-XXXVII/BG/26, which presents scientific analyses that conclude that projected consequences of climate change can be prevented with the implementation of the right policies. However, as seen in the recent Intergovernmental Panel on Climate Change (IPCC) report, there is a rapidly closing window to take action. ASOC also recommended that CCAMLR plays a more active role in international cooperation on climate change, enhances its collaboration with international organisations and projects working on climate change, and designates a network of MPAs, which can provide climate reference zones and increase ecosystem resilience.

8.18 SCAR welcomed the opportunity to contribute to the CCRWP and its objectives in the future, noting it is a useful mechanism for identifying important areas of research for CCAMLR and would be pleased to contribute to the program and its objectives in the future. SCAR drew the Commission's attention to the recent evidence presented in the IPCC's special report on the impacts of global warming of 1.5°C (IPCC SR1.5C). The panel determined, with high confidence, that sea levels will continue to rise well beyond 2100 even if global warming is limited to 1.5°C in the 21st century. Further, the panel suggested that this warming could result in marine ice sheet instability in Antarctica and/or irreversible loss of the Greenland ice sheet, potentially resulting in multi-metre sea level rise in the future. This report and the evidence recently presented at the SCAR Open Science Conference in Davos, Switzerland, are in agreement, meaning that this is a pressing scientific matter and SCAR stands ready to assist CCAMLR. In that regard, SCAR supported inclusion of climate change implication statements in relevant Scientific Committee papers.

8.19 The IUCN commented that many of the papers that have been submitted this year highlight the wide number of threats facing the Antarctic marine environment, with climate change now threatening to radically alter the Southern Ocean beyond repair. The IUCN noted that although many Members have recognised the seriousness of the matter, CCAMLR has not yet agreed on a comprehensive plan for linking scientific research on climate change to management decisions. The IUCN recommended partnerships with external organisations to increase scientific expertise and capacity on climate change, and the adoption of the CCRWP by the Commission to strengthen efforts to preserve the integrity of the Antarctic marine environment.

8.20 The UK drew Members' attention to the recent major calving event from the Pine Island Glacier, which just two days ago lost over 300 km² of ice. Initial analysis suggested that this is a loss of more than 10% of the previous ice extent, thus meeting the requirements of CM 24-04 for the notification of a proposed Special Area for Scientific Research. Furthermore, the UK considered that the designation of Pine Island Glacier as a special area would be appropriate

and timely given that the glacier has been the subject of major international scientific programs in recent years. The UK signalled its intent to submit a formal notification in due course, following the process outlined in CM 24-04 to facilitate further research.

8.21 Members emphasised the significance of the recent glacial calving event and noted that this was further evidence that the Commission must take action to respond to climate change impacts.

Conservation measures

Review of existing measures

9.1 The conservation measures drafting group had met during the meeting to consider and prepare conservation measures and resolutions for the Commission's consideration. The Commission expressed its appreciation to Mr Moronuki for chairing the conservation measures drafting group.

9.2 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-XXXVII will be published in the *Schedule of Conservation Measures in Force 2018/19*.

9.3 The Commission agreed that the following conservation measures and resolutions will remain in force in 2018/19:

Measures on compliance

10-01 (2014), 10-02 (2016), 10-03 (2015), 10-06 (2016), 10-07 (2016), 10-08 (2017) and 10-09 (2011).

Measures on general fishery matters

21-01 (2016), 21-02 (2017), 21-03 (2016), 22-01 (1986), 22-02 (1984), 22-03 (1990), 22-04 (2010), 22-05 (2008), 22-06 (2017), 22-07 (2013), 22-08 (2009), 22-09 (2012), 23-01 (2016), 23-02 (2016), 23-03 (2016), 23-04 (2016), 23-05 (2000), 23-06 (2012), 23-07 (2016), 24-02 (2014) and 24-04 (2017).

Measures on fishery regulation

31-01 (1986), 31-02 (2007), 32-01 (2001), 32-02 (2017), 32-18 (2006), 33-01 (1995), 33-02 (2017), 41-02 (2017), 41-08 (2017), 42-01 (2017), 51-01 (2010), 51-02 (2008), 51-03 (2008), 51-06 (2016) and 51-07 (2016).

Measures on protected areas

91-01 (2004), 91-02 (2012), 91-03 (2009), 91-04 (2011) and 91-05 (2016).

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, 32/XXIX, 33/XXX, 34/XXXI and 35/XXXIV.

9.4 The Commission adopted the following revised conservation measures:

Revised measures on compliance

10-04 (2018), 10-05 (2018) and 10-10 (2018).

Revised measures on research and experiments

24-01 (2018) and 24-05 (2018).

Revised measures on fishery regulation

25-02 (2018), 25-03 (2018), 26-01 (2018), 32-09 (2018), 33-03 (2018), 41-01 (2018), 41-03 (2018), 41-04 (2018), 41-05 (2018), 41-06 (2018), 41-07 (2018), 41-09 (2018), 41-10 (2018), 41-11 (2018), 42-02 (2018) and 51-04 (2018).

Compliance

CDS

9.5 The Commission endorsed the advice of SCIC to revise CM 10-05 amending Annex 10-05/C to enable NCPs trading in *Dissostichus* spp. through imports and re-exports, but not engaged in the harvest or export of *Dissostichus* spp. to be recognised as cooperating with CCAMLR through limited access to the e-CDS as a permanent status. CM 10-05 (2018) was revised and adopted.

VMS

9.6 The Commission considered a proposed amendment from the Scientific Committee to amend CM 10-04, Annex 10-04/B, to remove the requirement to de-identify VMS data after a three-year period. The proposed removal of this requirement was put forward to enable the Secretariat to compile historical catch data for vessels. The Commission revised CM 10-04, Annex 10-04/B by deleting paragraph 3.6. CM 10-04 (2018) was adopted.

Transshipment

9.7 The Commission considered the extensive dialogue that many Members had engaged in while reviewing the proposal to amend CM 10-09 to strengthen the monitoring and control of transshipments in the Convention Area and noted that whilst much progress had been made in developing the proposal, unfortunately there were some issues that could not be progressed sufficiently to present a revised conservation measure for adoption.

9.8 The USA stressed the importance of advancing CCAMLR's policies related to control and monitoring of transshipments. It noted that the carrier vessels that are engaged in transshipments within the CAMLR Convention Area are already subject to similar measures adopted by some organisations. The USA expressed disappointment that, despite broad agreement on this proposal, it could not move forward during the meeting. It also expressed concerns with one view that the proposal's requirements would be difficult to implement as the

carrier vessels engaged in transshipments in the CAMLR Convention Area operate without Flag State control. The USA understood that such Flag States submitted the necessary vessel information and assurances for the same vessels that operate in the CAMLR Convention Area to other RFMO(s).

9.9 Many Members thanked the USA for bringing forward a proposal for strengthening the monitoring and control transshipment in CCAMLR, noting the importance of this issue. Those Members expressed concern that other organisations had progressed measures for the control of transshipment significantly. With the lack of control over transshipments, CCAMLR has an exploitable gap in its compliance regime which poses significant risks to the conservation of Antarctic marine living resources. Many Members considered that the progression of the proposal throughout the meeting had adequately resolved substantive issues with the proposal. Those Members also noted that the proposal presented a negligible burden with respect to implementation and that the Flag States operating carrier vessels in the CCAMLR area were well experienced in meeting international requirements for the monitoring of transshipment operations.

9.10 Some Members considered that given the complexity of issues involved in refining the measure, there was a need to resolve the gap and committed to progressing the issue intersessionally.

9.11 China thanked the USA for presenting the proposal again and for their intensive bilateral consultation. China stated that it, as a responsible krill fishing Member, it had expressed itself very clearly in the SCIC meeting that it is willing to improve the regulation of transshipment and that for two weeks, China has been trying its best to constructively cooperate with the USA with a view to find a compromise. However, China is also disappointed that no agreement was reached due to the lack of compromise. In response to the statement by the USA, China drew the attention of Members of the Commission to a general rule of international law, that is, 'A treaty does not create either obligations or rights for a third State without its consent.' China reiterated that it is still open to continue the dialogue with the proponent.

9.12 The USA noted that it was also concerned about the lack of compromise and most Members supported this view.

9.13 Some Members also noted that the approach taken in the proposal was not inconsistent with international law.

9.14 Australia stated that it has been a strong supporter of effective and comprehensive regulation of transshipments in CCAMLR. While Australia acknowledged that many companies operating in the Southern Ocean rely on transshipment as a part of their business models, its view is that the risks that ineffectively regulated transshipments can pose to the sustainability of Antarctic marine living resources is significant. Many RFMOs have measures regulating transshipment and in many cases, they are more comprehensive than what CCAMLR has achieved so far. Australia wanted CCAMLR to remain a leader. Australia appreciated the US efforts to address this issue and acknowledged that many Members, including Australia, are willing to make compromises below their level of comfort in an effort to secure these small but worthwhile improvements to CM 10-09. Australia expressed its deep disappointment and regret that CCAMLR could not make progress on this important issue, even with the best will and cooperative efforts of so many Members. In its view there are too many gaps in CCAMLR's

transshipment regime to leave this issue untouched and Australia stands ready to work with all Members in the intersessional period towards better regulation for transshipment in CCAMLR.

9.15 Many Members agreed that CCAMLR should undertake further work to strengthen its current transshipment regime.

9.16 ASOC urged Members to take the opportunity to work intersessionally, including engaging industry and NGO stakeholders to develop a truly best-practice proposal on transshipment for adoption next year. ASOC reiterated that many RFMOs have adopted stricter transshipment regulations than CCAMLR. ASOC therefore encouraged the Commission to be prepared to adopt a strong transshipment conservation measure next year so that CCAMLR did not continue to lag behind even the basic requirements of these other organisations, and so that CCAMLR will not fall behind on fighting IUU fishing.

CCEP

9.17 The Commission agreed to revise CM 10-10 to make it mandatory for a Member to suggest a preliminary compliance status in responding to its Draft Compliance Report. The Commission revised CM 10-10, paragraph 1(iii) accordingly. CM 10-10 (2018) was adopted.

General fishery matters

Revised measures on research and experiments

9.18 The Commission updated Annex 24-01/A, format 2, as presented in SC-CAMLR-XXXVII, Annex 13, for future submission of research proposals (paragraph 5.62) and adopted CM 24-01 (2018).

9.19 The Commission welcomed the information provided in CM 24-05, Table 1, as this had increased the transparency and documentation related to fishing for research purposes authorised by the Commission. The Commission also noted that, in the absence of a specific exemption in CM 24-05, Table 1, all relevant CCAMLR conservation measures apply to those activities described in CM 24-05, Table 1, including requirements related to mesh size, gear type, closed areas, size limits, incidental mortality, environmental protection, by-catch, compliance and data reporting. The Commission adopted CM 24-05 (2018).

9.20 The Commission requested that in future the Scientific Committee prepare a draft table pursuant to CM 24-05, paragraph 1.

9.21 The Commission agreed to include the requirement for a marine mammal exclusion device to be used in exploratory fisheries and adopted CM 51-04 (2018).

Toothfish catch limits

9.22 The Commission endorsed the advice of the Scientific Committee on catch limits in the fisheries for *D. eleginoides* in Subarea 48.3 and Division 58.5.2 and carried forward and CMs 41-02 (2017) and 41-08 (2017).

9.23 The Commission considered the arrangements for research fishing in exploratory fisheries for *D. mawsoni* in Subarea 48.6 and Divisions 58.4.1 and 58.4.2 and for *D. eleginoides* in Division 58.4.3a in 2018/19, and endorsed the Scientific Committee's advice on catch limits (SC-CAMLR-XXXVII, Table 1).

9.24 The Commission agreed that directed fishing shall not take place in 2018/19 in Division 58.4.3a. There was no consensus that directed fishing shall take place in 2018/19 in Division 58.4.1.

9.25 The Commission updated the general measures for exploratory fisheries for *Dissostichus* spp. (CM 41-01 (2018)). The Commission noted that the exploratory fisheries for *D. mawsoni* in Division 58.4.3b (CM 41-07 (2018)) has had a zero tonne catch limit since 2009/10, and agreed to review the status of the fishery within a broader context of streamlining CCAMLR's regulatory framework at CCAMLR-XXXVIII.

9.26 The Commission adopted the following conservation measures for fisheries targeting *D. mawsoni* and/or *D. eleginoides*:

- CM 41-01 (2018) – general measure for exploratory fisheries for *Dissostichus* spp.
- CM 41-03 (2018) – fishery for *Dissostichus* spp. in Subarea 48.4
- CM 41-04 (2018) – exploratory fishery for *D. mawsoni* in Subarea 48.6
- CM 41-05 (2018) – exploratory fishery for *D. mawsoni* in Division 58.4.2
- CM 41-06 (2018) – exploratory fishery for *D. eleginoides* in Division 58.4.3a
- CM 41-07 (2018) – exploratory fishery for *D. mawsoni* in Division 58.4.3b
- CM 41-09 (2018) – exploratory fishery for *D. mawsoni* in Subarea 88.1
- CM 41-10 (2018) – exploratory fishery for *D. mawsoni* in Subarea 88.2
- CM 41-11 (2018) – exploratory fishery for *D. mawsoni* in Division 58.4.1.

Icefish catch limits

9.27 The Commission endorsed the Scientific Committee's advice on the limits for the established fishery for *C. gunnari* in Subarea 48.3 and carried forward CM 42-01 (2017), and adopted CM 42-02 (2018) for Division 58.5.2.

Other fishery matters

9.28 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.

Implementation of Convention objectives

Objectives of the Convention

10.1 Chile reflected on the objectives of the Convention noting that this was a time of growing interest in the Antarctic, and that the Convention had been introduced at a similar time of growing interest in the early 1980s. Chile noted the lessons taught by CCAMLR's history, particularly that the objectives of the Convention, can only be realised through the implementation of effective management measures and that scientific consensus is always eventually achievable, even though scientific analysis often has to deal with uncertainty.

10.2 The Commission agreed that this was a good time to reflect and noted that achieving consensus required productive and frank dialogue, access to the best available science, recognition of the precautionary approach and full consideration of Article II. Many Members reflected on CCAMLR's positive achievements, whilst noting the need to continue work to maintain CCAMLR's reputation as a world-leading organisation.

Second performance review

10.3 The Commission invited the Chairs of SCIC, SCAF and the Scientific Committee to report on progress from the Second Performance Review (PR2) as noted in CCAMLR-XXXVII/11, presented by the Secretariat.

10.4 SCAF endorsed making information relating to the performance review public, with the exclusion of CCAMLR and Members' confidential information (Annex 7, paragraph 59). SCIC (Annex 6, paragraphs 138 to 140) proposed to change the 'Activities to date' column to 'Considerations, discussion and decisions'. The Scientific Committee Chair reported that the Scientific Committee Bureau had agreed to work intersessionally to address recommendations for consideration at next year's meeting (SC-CAMLR-XXXVII, paragraph 3.16).

10.5 The Commission directed the Secretariat to proceed with publishing the PR2 progress report in the same way as PR1, that is, to include references to paragraphs of relevant reports where any outcome is reported.

Capacity building

10.6 The Commission noted CCAMLR-XXXVII/02 Rev. 1 submitted by the Delegations of Australia, New Zealand, Norway, the Republic of Korea and the UK, and noted the consideration of this matter by SCAF (Annex 7, paragraphs 45 to 52).

10.7 South Africa objected to the approach in CCAMLR-XXXVII/02 Rev. 1, which in essence was the establishment of a capacity building fund without having a universally accepted definition of the capacity building concept. Instead, South Africa proposed that an ICG for capacity building be established, and that the Secretariat together with the ICG should facilitate a capacity building workshop before the next Commission meeting. Furthermore, South Africa proposed terms of reference for the ICG, which it drafted with other interested Members.

10.8 The Commission agreed to establish an ICG on Capacity Building (ICG-CB) and to hold a capacity building workshop to advance these discussions and agreed the terms of reference for the ICG and the workshop (Annex 8). The Commission recognised the importance of this work for improving the effectiveness of the Commission as well as the engagement of individual Members in the work of the Commission.

10.9 The Commission welcomed the proposal by South Africa to hold this workshop in South Africa and the offer of Korea to fund the workshop through the Korean Contribution Fund.

Cooperation with the Antarctic Treaty System and international organisations

Cooperation with the Antarctic Treaty System

Cooperation with Antarctic Treaty Consultative Parties

11.1 The Executive Secretary introduced a summary report for the 41st Antarctic Treaty Consultative Meeting (ATCM XLI) (CCAMLR-XXXVII/BG/01).

11.2 The Commission noted ATCM XL items of relevance, including:

- (i) the discussion on biological prospecting
- (ii) reports of inspections under the Antarctic Treaty and Environmental Protocol
- (iii) discussions at ATCM on tourism
- (iv) organisational aspects of the ATCM.

11.3 The Executive Secretary of the ATS confirmed that ATCM XLII will be held in Prague, Czech Republic, from 1 to 11 July 2019.

11.4 The Commission agreed that CCAMLR should be represented at ATCM XLII by the Executive Secretary.

Cooperation with international organisations

11.5 The SCAR Observer presented a report (SC-CAMLR-XXXVII/BG/27) providing an update on a diverse range of recent research outputs, activities and initiatives of relevance to

the work of the Scientific Committee and Commission. The SCAR Observer noted that SCAR's Expert Group on Antarctic Climate Change and the Environment is preparing a substantive update of its report which SCAR will bring in preliminary form to CCAMLR in 2019. The Observer informed the Commission of a SCAR Open Science Conference to be held in Hobart, Australia, in August 2020.

Reports of observers from international organisations

IAATO

11.6 The IAATO Observer thanked the Commission for inviting IAATO to participate as an Observer to CCAMLR and noted CCAMLR-XXXVII/BG/27 as an introduction to the association and its activities, including its history, purpose and relevance to the Antarctic Treaty System.

11.7 The Commission welcomed IAATO as an Observer and noted the long involvement of IAATO at ATCM and its active involvement in the Antarctic Peninsula region.

ASOC

11.8 The ASOC Observer noted a total of eight background papers presented to CCAMLR this year of relevance to the Scientific Committee and Commission. They reported on the following work of its member organisations:

- (i) the Greenpeace Antarctic campaign and expedition, supported by 2.7 million people, facilitated microplastic research and the identification of four new VMEs
- (ii) WWF supported a range of research, including a report highlighting emerging whale conservation issues on the Antarctic Peninsula with solutions for CCAMLR and the development of the Wildcrowd application to record data on species presence
- (iii) the Pew Charitable Trusts funded an analysis of benthic protection in CCAMLR MPAs and supported research into a number of CCAMLR's scientific priorities relating to krill and ecosystem-based management.

Oceanites

11.9 The Oceanites Observer paid tribute to the recent passing of Mark Epstein, former Executive Director of ASOC, and his active involvement both in CCAMLR and the Antarctic Treaty System. The Observer noted Oceanites' progress over the past year, particularly championing science-based conservation and increasing the awareness of climate change, highlights of which are described more completely in SC-CAMLR-XXXVII/BG/11 and SC-CAMLR-XXXVII, paragraph 10.25.

ARK

11.10 The ARK Observer noted points raised in SC-CAMLR-XXXVII/BG/30 and agreed with the Scientific Committee that a priority area of research is the development of an updated CM 51-07. ARK welcomed progress being made at the workshop on krill fishery management for Subareas 48.1 and 48.2 to be held in France in 2019. ARK agreed to co-sponsor this workshop and looked forward to discussions on the harmonisation of krill management measures, including CM 51-07, the D1MPA, feedback management and ARK's voluntary restriction zones.

11.11 The UK welcomed the work ARK undertakes to hold their members to higher industry standards, particularly in relation to vessel safety, and encouraged ARK to continue these endeavours.

11.12 Argentina expressed its appreciation for the interaction the proponents of D1MPA had had with some NGOs and industry representatives in the intersessional period and through the Group of Experts, in particular, ASOC and ARK, with whom they had engaged constructively. In its view this has been useful in integrating specific interests of different stakeholders in the complex process of spatial management development.

ACAP

11.13 The ACAP Observer thanked the Commission for its continued commitment to maintaining the monitoring and effective implementation of conservation measures to mitigate the incidental mortality of seabirds in fisheries. At the Sixth Meeting of the Parties, the ACAP Parties authorised the ACAP Secretariat to renew the current memorandum of understanding (MoU) with CCAMLR (expiring in late November 2018) to continue the cooperation between both organisations. ACAP extended an invitation to CCAMLR Members to increase their participation in ACAP sessions on technical and policy issues of mutual interest.

11.14 The Commission agreed that the Executive Secretary would renew the MoU with ACAP.

COLTO

11.15 The COLTO Observer thanked the Commission for the opportunity to participate again this year and advised that their members had agreed to again sponsor the 2019 CCAMLR tag-return lottery. COLTO noted the success in relation to IUU fishing in the Convention Area and updated the Commission on the status of the whale depredation project that its Members are involved in across various toothfish fisheries. COLTO advised it was looking forward to working with the Secretariat and the Scientific Committee in progressing a tagging and other fishery-related data workshop next year.

11.16 Australia acknowledged COLTO's ongoing commitment to sustainable fishing and welcomed its offer to host their third science workshop in the intersessional period.

IUCN

11.17 The IUCN Observer expressed appreciation for CCAMLR's ongoing efforts to establish a representative network of MPAs in the Southern Ocean and noted the following IUCN initiatives:

- (i) a revision of the Guidelines for Applying the IUCN Protected Area Management Categories to MPAs to be published
- (ii) completion of a fourth workshop to identify 15 candidate Important Marine Mammal Area (cIMMAs) for the Southern Ocean. This workshop identified vital habitats that met key criteria, and areas of interest for further consideration, for a wide variety of species and taxa including, but not limited to, blue, humpback, minke and killer whales, along with crabeater, fur and elephant seals.

Reports from CCAMLR representatives at meetings of international organisations in the previous intersessional period and nominations of representatives to forthcoming meetings of relevant international organisations

11.18 The Commission noted the following background papers tabled by a number of delegations and the Executive Secretary, summarising the main outcomes of meetings of other organisations of interest to CCAMLR:

- CCAMLR-XXXVII/BG/01 – Summary Report – Forty-first Antarctic Treaty Consultative Meeting (Buenos Aires, Argentina, 16 to 18 May 2018).
- CCAMLR-XXXVII/BG/19 – Report from the CCAMLR Observer (Australia) to the Fifth Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA) (Phuket, Thailand, 25 to 29 June 2018).
- CCAMLR-XXXVII/BG/20 – Report from the CCAMLR Observer (Australia) to the 22nd Annual Meeting of the Indian Ocean Tuna Commission (IOTC) (Bangkok, Thailand, 21 to 25 May 2018).
- CCAMLR-XXXVII/BG/25 – Report from the CCAMLR Observer (Argentina) to the Sixth Session of the Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels (MoP6) (Skukuza, Krüger National Park, South Africa, 7 to 11 May 2018).
- CCAMLR-XXXVII/BG/31 – Report from the CCAMLR Observer (EU) to the Annual Meeting of the Inter American Tropical Tuna Commission (IATTC) (San Diego, USA, 24 to 30 August 2018).
- CCAMLR-XXXVII/BG/32 – Report from the CCAMLR Observer (EU) to the Annual Meeting of the South East Atlantic Fisheries Organisation (SEAFO) (Swakopmund, Namibia, 27 to 30 November 2017).

- CCAMLR-XXXVII/BG/41 – Report from the CCAMLR Observer (USA) to the 25th Regular Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) (Marrakech, Morocco, 14 to 21 November 2017).
- CCAMLR-XXXVII/BG/43 – Report from the CCAMLR Observer (Republic of Korea) to the Fourteenth Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC) (Manila, Philippines, 3 to 7 December 2017).
- CCAMLR-XXXVII/BG/44 – Report from the CCAMLR Observer (Japan) to the 67th Meeting of the International Whaling Commission (IWC) (Florianopolis, Brazil, 10 to 14 September 2018).
- CCAMLR-XXXVII/BG/45 – Report from the CCAMLR Observer (Chile) to the Sixth Meeting of the Commission of the South Pacific Regional Fisheries Management Organisation (SPRFMO) (Lima, Peru, 30 January to 3 February 2018).
- CCAMLR-XXXVII/BG/46 – Report from the CCAMLR Observer (USA) to the 40th Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) (Tallinn, Estonia, 17 to 21 September 2018).
- CCAMLR-XXXVII/BG/48 – Report from the CCAMLR observer (Norway) to the 36th annual meeting of the North-East Atlantic Fisheries Commission (NEAFC) (London, United Kingdom, 13 to 17 November 2017).
- CCAMLR-XXXVII/BG/49 – Report from the CCAMLR Observer (New Zealand) to the 25th Annual Meeting of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) (Nouméa, New Caledonia, 15 to 16 October 2018).

11.19 The Chair introduced CCAMLR-XXXVII/BG/11 and invited nominations for CCAMLR Observers to meetings of relevance to the Commission (Table 1).

Cooperation with regional fisheries management organisations

11.20 The Commission noted CCAMLR-XXXVII/10 and supported more active cooperation between CCAMLR and the RFMOs sharing a boundary with the Convention Area, as well as greater engagement between secretariats. In particular, it encouraged the further cooperation with SIOFA, SEAFO, SPRFMO and CCSBT in relation to toothfish research and tagging and operation of the e-CDS, as recommended by CCAMLR-XXXVII/10, and for those which manage toothfish, to promote compatibility in management, scientific and technical exchange on toothfish research and tagging, and cooperation in the CDS. The Commission agreed to renew the MoUs between CCAMLR and CCSBT and SPRFMO for a further three years.

Other business

12.1 The Commission welcomed the proposal by the Secretariat to revise the nomenclature for CCAMLR meetings (CCAMLR-XXXVII/15) and looked forward to a simplified approach for referring to CCAMLR meetings and reports.

12.2 The Commission considered the Secretariat's proposal to produce a new CCAMLR brochure (CCAMLR-XXXVII/16) and supported the initiative to improve publicly accessible information and increase transparency on CCAMLR activities, objectives and achievements to date. The Commission noted that the redevelopment of the CCAMLR website should be given priority as it has been identified in the CCAMLR Secretariat Strategic Plan (CCAMLR-XXXVII/06). The Secretariat would work intersessionally in consultation with Members and the Commission Bureau to develop elements of the website, including information that could form an e-brochure and improve document access by different search mechanisms. The Commission also welcomed the proposal to develop the e-brochure into languages in addition to the four official languages of CCAMLR.

12.3 Argentina made the following statement:

'Argentina has engaged actively with Members, Observers and even with the CCAMLR Secretariat so as to avoid references in this meeting's documents regarding sensitive sovereignty issues, and we have done so too in a constructive manner with the United Kingdom. Nonetheless, there have been erroneous references and implications contained in certain documents that have been presented at this XXXVII CCAMLR and Scientific Committee meetings, as well as those of its subsidiary bodies.

Such references include erroneous representations regarding the legal territorial status of the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas as separate entities of the Argentine National Territory, assigning them an international status which 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 and they are the object of a sovereignty dispute between Argentina and the United Kingdom, which has been so recognized by the United Nations. Therefore, once again Argentina reaffirms its sovereignty over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas.'

12.4 In response to the statement from Argentina, the UK made the following statement:

'The UK also expresses disappointment that this issue had been provoked by a third party, and thanks Argentina for their constructive collaboration on other matters during this Commission meeting. The UK reiterates that it has no doubt 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.'

12.5 Argentina rejected the second part of the statement made by the UK and reiterated its legal position in this respect, which is well known to all Members.

12.6 The Commission noted that this was the first year of operation of the Commission Bureau (established at CCAMLR-XXXVI, paragraphs 9.17 to 9.19), and expressed its gratitude to the Chair and Vice-Chair of the Commission, the Chairs of the Scientific Committee, SCIC, SCAF, the Chair of the conservation measures drafting group and the Executive Secretary for their work to coordinate meetings of the Scientific Committee and Commission in an organised manner. The Commission agreed that the Commission Bureau provides an efficient mechanism for coordination and that it should remain operational.

12.7 The UK thanked the Commission Bureau for its hard work and suggested a focussed effort to increase gender diversity within the bureau as well as across all CCAMLR subsidiary bodies into the future.

12.8 The Commission requested that the Secretariat advise Members via circular when ICGs commence or recommence their work each year.

12.9 The Chair presented Gillian von Bertouch with a ‘pewter wombat’ commemorating 30 years of support to CCAMLR meetings working as a French translator in the Secretariat. On behalf of the Commission, the Chair extended his congratulations and appreciation to Gillian for her significant contributions to CCAMLR’s work.

Administrative matters

13.1 The Commission noted CCAMLR-XXXVII/BG/12 which reported on a comprehensive review of the translations of all conservation measures and *Basic Documents* that was undertaken in 2018. The review identified and outlined translation issues which were made available for consultation between June and August 2018.

Election of officers

13.2 The Commission thanked South Africa for its dedication and excellent execution as Chair of the Commission for the 2017 and 2018 meetings.

13.3 The Commission elected Spain to the position of Chair of the Commission for the 2019 and 2020 meetings. In accepting the appointment, Spain advised that Mr F. Curcio, the current Ambassador of Spain in New Zealand, would assume this role and that he was looking forward to the opportunity to work with Members in this important role.

13.4 The Commission thanked Germany (Mr Dübner) for occupying the role of Commission Vice-Chair.

13.5 The Commission noted the appreciation of the Scientific Committee and thanked Dr Belchier for chairing the 2018 meeting and welcomed Dr Belchier’s continued dedication as Scientific Committee Chair in 2019.

13.6 The Commission expressed its gratitude to Ms Kim for chairing the 2018 meeting and welcomed Ms Kim’s re-election for a second term to chair the meetings in 2019 and 2020.

13.7 The Commission confirmed the recommendation from SCIC that Ms Engelke-Ros be elected as SCIC Vice-Chair for 2019 and 2020.

13.8 The Commission acknowledged Mr Timokhin as the newly elected Chair of SCAF and thanked him for his work with SCAF.

13.9 The Commission elected Ms S. Langerock (Belgium) to the position of Vice-Chair of SCAF for 2019 and 2020.

Invitation of Observers

13.10 The Commission will invite the following to attend the Thirty-eighth meeting of the Commission as Observers:

- Non-Member Contracting Parties – Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, the Netherlands, Islamic Republic of Pakistan, Republic of Panama, Peru and Vanuatu.
- Other State Parties – Luxembourg.
- NCPs cooperating with CCAMLR through participation in the Catch Documentation Scheme (CDS) – Ecuador.
- NCPs trading in re-exported *Dissostichus* spp. that has not been previously landed in the port of a Contracting Party or NCPs cooperating with CCAMLR by participating in the CDS, who are cooperating with CCAMLR through limited access to the e-CDS – Singapore.
- NCPs not participating in the CDS but possibly involved in harvesting, landing and/or trade of toothfish – Antigua and Barbuda, Colombia, Cuba, Brunei Darussalam, Dominican Republic, Malaysia, Mexico, Philippines, Republic of the Maldives, St Kitts and Nevis, St. Vincent and the Grenadines, Thailand, Trinidad and Tobago, United Arab Emirates and Viet Nam.
- NCP Flag States of vessels listed on CCAMLR NCP-IUU vessel – list Angola, Gambia, Islamic Republic of Iran, Nigeria, Tanzania and Togo.

13.11 The Executive Secretary advised the Commission that a list of NCPs to be invited to CCAMLR-XXXVIII will be circulated to Members for comment prior to meeting invitations being issued in July 2019.

13.12 The following intergovernmental organisations will be invited to attend CCAMLR-XXXVIII as Observers: ACAP, CCSBT, CEP, CITES, COMNAP, FAO, IATTC, ICCAT, IOC, INTERPOL, IUCN, IWC, RPOA-IUU, SCAR, SCOR, SEAFO, SIOFA, SOOS, SPRFMO, UNEP and WCPFC.

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

Next meeting

13.14 The Commission agreed that its Thirty-eighth Meeting will be held at the CCAMLR Headquarters building (181 Macquarie Street) in Hobart, Australia, from 21 October to 1 November 2019.

13.15 The Commission agreed that the timing and arrangements for its meetings could be a subject for further discussion at its meeting in 2019.

13.16 The Commission noted that the Thirty-Eighth Meeting of the Scientific Committee will be held in Hobart from 21 to 25 October 2019.

Report of the Thirty-seventh Meeting of the Commission

14.1 The report of the Thirty-seventh Meeting of the Commission was adopted.

Close of the meeting

15.1 The Chair thanked the Chairs of SCIC, SCAF and the conservation measures drafting group for guiding their discussion and outcomes for the Commission. He also thanked the Executive Secretary and the Secretariat, interpreters, catering and support staff for their hard work in the lead up to and during CCAMLR-XXXVII.

15.2 China, on behalf of the Commission, thanked the Chair for his clear leadership and wisdom in chairing this and last year's sessions to successful conclusions.

15.3 The Executive Secretary thanked Dr Mayekiso on behalf of the Secretariat, expressing appreciation for his close working relationship with the Secretariat.

15.6 The Chair declared CCAMLR-XXXVII closed.

CCAMLR-XXXVII Report – Preliminary version

Table 1: List of 2018/19 meetings of organisations or arrangements with nominated observers for the Commission.

Entity	Dates (where available)	Venue (where available)	Observer
The Agreement for the Conservation of Albatrosses and Petrels (ACAP) MoP	2021	Hobart, Australia	Australia
The Antarctic Treaty Consultative Meeting (ATCM)	1 July to 11 July 2019	Prague, Czech Republic	Executive Secretary
The Food and Agriculture Organization of the United Nations (FAO) COFI	Third quarter of 2020	Rome, Italy	Japan
The Commission for the Conservation of Southern Bluefin Tuna (CCSBT)	15 to 18 October 2018	Noumea, New Caledonia	New Zealand
The Inter-American Tropical Tuna Commission (IATTC)	July 2019	Bilbao, Spain	Republic of Korea
The International Commission for the Conservation of Atlantic Tunas (ICCAT)	12 to 19 November 2018	Dubrovnik, Croatia	EU
The Indian Ocean Tuna Commission (IOTC)	2019	Date and venue to be confirmed	Australia
The World Conservation Union (IUCN)	2020	Date and venue to be confirmed	
The International Whaling Commission (IWC)	23 September to 2 October 2020	Slovenia	Japan
The Northwest Atlantic Fisheries Organization (NAFO)	23 to 27 September 2019	Paris, France	EU
The North East Atlantic Fisheries Commission (NEAFC)	13 to 16 November 2018	London, UK	Norway
The South East Atlantic Fisheries Organisation (SEAFO)	26 to 30 November 2018	Swakopmund, Namibia	Norway
The Southern Indian Ocean Fisheries Agreement (SIOFA)	27 to 29 June 2019	Mauritius	EU
The South Pacific Regional Fisheries Management Organisation (SPRFMO)	23 January to 27 January 2019	The Hague, The Netherlands	New Zealand
The United Nations Environment Programme (UNEP)	11 to 15 March 2019	Nairobi, Kenya	Argentina
The Commission for the Conservation and Management of the Highly Migratory Fish Stocks of the Western and Central Pacific Ocean (WCPFC)	9 to 14 December 2018	Honolulu, Hawaii, USA	USA

PRELIMINARY

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- CCAMLR-XXXVII/BG/36 Fulfilling CCAMLR’s commitment to create a representative system of Marine Protected Areas
Submitted by ASOC
- CCAMLR-XXXVII/BG/37 Closing the gaps in CCAMLR’s oversight of at-sea transshipments in the Convention Area
Submitted by ASOC
- CCAMLR-XXXVII/BG/38 Request for removal of the vessel bearing IMO No. 9319856 from the NCP-IUU Vessel List
Delegation of Chile
- CCAMLR-XXXVII/BG/39 Australian views on the key principles of the Compliance Evaluation Procedure
Delegation of Australia
- CCAMLR-XXXVII/BG/40 ASOC Report to CCAMLR
Submitted by ASOC
- CCAMLR-XXXVII/BG/41 Report from the CCAMLR Observer (USA) to the 25th Regular Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) (Marrakech, Morocco, 14 to 21 November 2017)
CCAMLR Observer (USA)
- CCAMLR-XXXVII/BG/42 Rev. 1 Support to CAMLR to identify and deter illegal, unreported and unregulated (IUU) fishing activities that undermine the objective of the CCAMLR Convention – Interim Report
Submitted by INTERPOL
- CCAMLR-XXXVII/BG/43 Report from the CCAMLR Observer (Republic of Korea) to the Fourteenth Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC) (Manila, Philippines, 3 to 7 December 2017)
CCAMLR Observer (Republic of Korea)

- CCAMLR-XXXVII/BG/44 Report from the CCAMLR Observer (Japan) to the 67th Meeting of the International Whaling Commission (IWC) (Florianopolis, Brazil, 10 to 14 September 2018)
CCAMLR Observer (Japan)
- CCAMLR-XXXVII/BG/45 Report from the CCAMLR Observer (Chile) to the Sixth Meeting of the Commission of the South Pacific Regional Fisheries Management Organisation (SPRFMO) (Lima, Peru, 30 January to 3 February 2018)
CCAMLR Observer (Chile)
- CCAMLR-XXXVII/BG/46 Report from the CCAMLR Observer (USA) to the 40th Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) (Tallinn, Estonia, 17 to 21 September 2018)
CCAMLR Observer (USA)
- CCAMLR-XXXVII/BG/47 INTERPOL technical report on fishing gear evidence collection
CCAMLR Secretariat on behalf of INTERPOL
- CCAMLR-XXXVII/BG/48 Report from the CCAMLR Observer (Norway) to the 36th annual meeting of the North-East Atlantic Fisheries Commission (NEAFC) (London, United Kingdom, 13 to 17 November 2017)
CCAMLR Observer (Norway)
- CCAMLR-XXXVII/BG/49 Report from the CCAMLR Observer (New Zealand) to the 25th Annual Meeting of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) (Nouméa, New Caledonia, 15 to 16 October 2018)
CCAMLR Observer (New Zealand)

Other Documents

- SC-CAMLR-XXXVII/16 Methodical Aspects of a Large-scale International Krill Survey in 2019: Comments and Proposals
Delegation of the Russian Federation
- SC-CAMLR-XXXVII/18 Comments and Proposals Regarding the Development of MPAs for Spatial Management in the CCAMLR Convention Area
Delegation of the Russian Federation

- SC-CAMLR-XXXVII/19 Comments and Proposals regarding the Ross Sea region MPA Research and Monitoring Plan
Delegation of the Russian Federation
- SC-CAMLR-XXXVII/BG/05 Features of chronology and breeding success of *Pygoscelis papua* and *Pygoscelis adeliae* penguins in the Wilhelm Archipelago (CCAMLR Subarea 48.1)
I.V. Dykyy, G.P. Milinevsky, O.L. Savitsky, D.G. Lutsenko, P.B. Khoetsky, M.F. Veselsky, V.M. Smagol, A.O. Dzhulay, J.V. Tsaryk, K.M. Nazaruk, A.T. Zatushevsky, A.O. Simon and M.A. Telipska
- SC-CAMLR-XXXVII/BG/06 *Pygoscelis* penguin census in the Vernadsky Antarctic station area
V.M. Smagol, A.O. Dzhulay, I.V. Dykyy, G.P. Milinevsky and E.O. Dykyy
- SC-CAMLR-XXXVII/BG/11 Antarctic Site Inventory / MAPPPD / State of Antarctic Penguins 2018 Report / Buffer Zone Reference Tool / Climate Analyses: 2018 Report to CCAMLR by Oceanites, Inc.
Submitted by Oceanites, Inc.
- SC-CAMLR-XXXVII/BG/17 Precautionary, ecosystem-based management for the Antarctic krill fishery: a work in progress
Submitted by ASOC
- SC-CAMLR-XXXVII/BG/20 CEMP cameras data validation experiment at the Galindez Island gentoo colonies
A. Dzhulay, V. Smagol, G. Milinevsky, I. Dykyy, A. Simon, M. Telipska, E. Dykyy, L. Pshenichnov and A. Grytsai
- SC-CAMLR-XXXVII/BG/29 Is CCAMLR science keeping up?
Submitted by ASOC
- SC-CAMLR-XXXVII/BG/30 ARK Report to SC-CAMLR-XXXVII
Submitted by ARK

**Opening Address by the Governor of Tasmania, Her Excellency
Professor the Honourable Kate Warner AC**

PRELIMINARY

**Opening Address by the Governor of Tasmania, Her Excellency
Professor the Honourable Kate Warner AC**

‘Mr Chairman, Your Excellencies, Distinguished Delegates, Ladies and Gentlemen.

Good morning and welcome to Hobart and to the 37th annual meeting of the Commission and Scientific Committee.

Dr Mayekiso, welcome once again to Hobart in what is the second year of your Chairmanship of the Commission. I am sure that I will be joined by all in being pleased that the Chairmanship is in your capable and experienced hands once again.

Many of you have been here several times previously and we very warmly welcome you back. For those visiting us for the first time, I hope that you enjoy your time with us. I hope that you’ll find time to explore Tasmania and our lovely city of Hobart during your stay so that you can appreciate why so many of your colleagues return each year!

This is the 4th time that I have had the privilege of opening your annual meeting, and each time I am reminded of what a highly respected organisation CCAMLR is, and of the dedication that you all put into the work that underpins the decisions that you take. This is not, of course, limited to these two weeks – we are all aware of the hard work that goes into the intersessional meetings of the Scientific Committee and the practical work that each and every Member engages in throughout the year to implement the Convention effectively.

International leadership of this quality is rare and maintaining that leadership over 37 years is even rarer. I am well aware that CCAMLR is repeatedly cited as one of the most far-sighted and effective of our global treaties and the decisions that you have taken over the years firmly support this. So too do the growing number of organisations that are interested in your work, and I note several state and NGO observers here today which are new to CCAMLR.

Many have told me that CCAMLR has been able to maintain this record by being rigorous in its use of scientific evidence for advice, and in applying the precautionary approach when approaching decisions. Such was the history of developing effective management for the krill and toothfish fisheries, for practically eliminating the by-catch of birds and mammals in fishing, and in more recent years reducing the levels of IUU fishing for toothfish significantly. I am sure that this approach will equip you well as you deal with future unknown problems, as it has in the past – for instance, in the early 1980s the negotiators of CCAMLR never conceived that there would be a fishery for the little known toothfish that would be one of the most important resources managed by the Commission of the future.

I note with interest the advancement of your work on ecosystem-based krill management, an issue which has worldwide interest and attention. As you are all only too aware, concern about expansion of the krill fishery was one of the key drivers behind negotiation of the Convention, and I am sure that CCAMLR’s continued good management of this resource will be critical as global populations and demand for food continue to expand.

I know also that your work on marine protected areas continues to absorb a large amount of time of the Scientific Committee and the Commission. Ever since the decision of the Commission in 2005 to develop a network of MPAs, this has been a very ambitious

undertaking. At 2.09 million km² the Ross Sea region MPA is the largest MPA in the world and covers a wide variety of habitats, ecosystems and oceanographic features. The other MPAs that you are considering, and that you have already designated, cover equally important and ecologically diverse areas.

Clearly, all the issues that are before you are complex, demand strong science to assist your decision-making, and will take time to negotiate. I wish you well in your discussions on these important issues over the next two weeks. Your track record gives me great confidence that CCAMLR will, at this meeting and in the future, continue to hold on to its reputation as a ground-breaking and far-sighted organisation.

I note that CCAMLR has a new Executive Secretary. On behalf of all at Government House I would like to thank Mr Wright for the wonderful working relationship that he had with all of us, and I look forward to working as closely with Dr Agnew in the future.

I would like to close by emphasising how much Hobart values your presence, and feels honoured at having CCAMLR, one of very few international organisations based in Australia, headquartered in our State. I very much look forward to welcoming you to Government House this evening, and I hope that we will have an opportunity to talk about some of the important issues that are on your agenda.

Distinguished Delegates, Ladies and Gentlemen, I wish you well in your endeavours over the next two weeks and to ensure that you are able to make the most of your time here I'll hand the meeting back to your Chair to start your deliberations.

Thank you for your attention.'

**Summary of activities of the Commission during the
2017/18 intersessional period – Report of the Chair**

PRELIMINARY

Summary of activities of the Commission during the 2017/18 intersessional period

Report of the Chair

Intersessional meetings

1. The following intersessional meetings of the Scientific Committee were held in 2018:
 - Subgroup on Acoustic Survey and Analysis Methods, 30 April to 4 May, Punta Arenas, Chile
 - Workshop for the Development of a *D. mawsoni* Population Hypothesis for Area 48, 19 to 21 February, Berlin, Germany
 - Working Group on Statistics, Assessments and Modelling, 25 to 29 June, Norwich, UK
 - Workshop on Spatial Management, 2 to 6 July, Cambridge, UK
 - Working Group on Ecosystem Monitoring and Management, 9 to 13 July, Cambridge, UK
 - Working Group on Fish Stock Assessment, 8 to 19 October, Headquarters, Hobart.
2. The Secretariat supported these meetings with specific requested scientific analyses and access to CCAMLR data in addition to logistical support. On behalf of CCAMLR, I would like to express my gratitude to the hosts of these meetings for their expert support and facilities, and to the conveners.

CCAMLR-regulated fisheries

3. To date in the 2017/18 season, 14 CCAMLR Members have participated in fisheries and research targeting icefish, toothfish and krill (see SC-CAMLR-XXXVII/BG/01). As of 15 September 2018, those Members reported a total catch of 292 666 tonnes of krill, 8 649 tonnes of toothfish and 402 tonnes of icefish from the Convention Area.
4. The Secretariat monitored CCAMLR fisheries using catch and effort reports and notifications of vessel movements. Where necessary, Members and vessels were advised of the closure of areas and fisheries. Of the 38 areas subject to a catch limit, in only one did the catch exceeded the limit (88.2H).
5. During 2017/18, 50 deployed scientific observers were appointed in accordance with the Scheme of International Scientific Observation: 36 on longline vessels, 2 on trawl vessels fishing for icefish and 12 on vessels fishing for krill.

CCAMLR's fishery monitoring and compliance

6. In 2017 there was a 41% increase in the number of *Dissostichus* catch documents and a 35% increase in the number of export documents issued over the same time last year. This increase largely reflects catch documents issued for toothfish landed from fishing outside the Convention Area. The countries with the largest imports of toothfish, as tracked through the CDS, are the USA, Viet Nam, Singapore, the Republic of Korea and China.

7. The revised arrangements for access and use of CCAMLR VMS data to support search and rescue efforts in the CAMLR Convention Area was concluded with the five CCAMLR Marine Rescue Coordination Centres (MRCCs) during the year.

9. No vessels included on the NCP-IUU Vessel List were reported as sighted by Members inside the Convention Area in 2017/18. The Secretariat has continued to cooperate with INTERPOL during 2018, attending a workshop in Indonesia supported by the EU special contract managed by the Secretariat.

Commission representation at meetings of other organisations

10. The Commission was represented at meetings of 17 international organisations and programs in 2017/18 and maintained relationships with 6 organisations it has formal Agreements with. In 2018 the Agreement between CCAMLR and the Southern Indian Ocean Fisheries Agreement was signed by the respective Chairs. Fifty-seven non-Member Contracting Parties, NCPs, intergovernmental organisations and non-governmental organisations were invited to attend CCAMLR-XXXVII as Observers.

Secretariat

12. In April we welcomed Dr Agnew as our new Executive Secretary, and thanked Mr Wright for his service over the last eight years. The Secretariat continued to provide active support to fishery monitoring, intersessional meetings of the Scientific Committee's working groups and SISO, the website and e-Groups.

13. The Secretariat continued to provide quarterly financial and investment reports to Members through the year, and I am delighted to recognise the voluntary contributions made by various Members to CCAMLR Special Funds and to support specific activities outside the General Fund budget.

14. The Executive Secretary's Report to CCAMLR-XXXVI includes a report on the fourth year of implementation for the Strategic Plan (2015–2018) and proposes a revised Strategic Plan and Staffing and Salary Strategy for the years 2019–2022.

Awards

15. The Commission has a tradition of recognising those who have contributed significantly to the work of CCAMLR and marking this on their 30th year of attendance at CCAMLR meetings. This year one member of the Secretariat has reached the 30-year milestone in relation to their contribution to CCAMLR – Ms Gillian von Bertouch. Ms von Bertouch joined the Secretariat as a French translator in 1988.

PRELIMINARY

**Draft terms of reference for the Intersessional Correspondence Group
on Capacity Building for CCAMLR Members**

PRELIMINARY

Draft terms of reference for the Intersessional Correspondence Group on Capacity Building for CCAMLRL Members

Purpose

To establish and develop terms of reference for an Intersessional Correspondence Group (ICG) on Capacity Building (ICG-CB) which will develop key actions through consultation with all Members and the convening of a workshop aimed at creating a better understanding of the capacity building concept.

Composition

The ICG-CB will be comprised of CCAMLRL Members with capacity building needs and Members with the ability to provide capacity and support the development of capacity. All Members are encouraged to participate in the work of the ICG-CB.

Functions of the ICG-CB

The ICG-CB's functions shall be to:

1. Coordinate activities and undertake preliminary work during the 2019 intersessional period to develop a proposal for a capacity building initiative.
2. Consider and organise a 'Capacity Building Workshop', potentially to be held in Cape Town, South Africa.
3. Develop an appropriate theme for the workshop.
4. In consultation with the Secretariat, determine how the Workshop funding is to be managed and administered. In doing so, the ICG-CB should consider how Members can be supported to attend the Workshop to ensure that a broad cross-section of all Members is represented.
5. Consider and advise on possible mechanisms to ensure fair and equitable representation on a geographical basis and gender diversity of capacity building activities.
6. Consider and prioritise specific capacity needs of CCAMLRL Members that, if addressed, will strengthen CCAMLRL by improving their participation in CCAMLRL's work, and their contribution to the achievement of the Convention's objectives.
7. Consider, evaluate and assess possible ways of using CCAMLRL special funds to support institutional capacity building needs.

8. Develop key areas of focus for the Workshop which might include, but are not limited to, the following:
 - (i) development of the plan of action/roadmap with a series of actions between now and the CCAMLR-38 meeting in 2019 and beyond
 - (ii) develop a common understanding of ‘capacity building’ within CCAMLR
 - (iii) development of a questionnaire to support data and/or information collection
 - (iv) consider how to assess individual Contracting Parties’ capacity needs, including by potentially utilising a well-structured needs and/or gap analysis process.
9. Consider and advise on the feasibility of establishing and managing a Capacity Building Fund, including applications for funding, eligibility requirements and selection procedures.
10. Oversee report compilation, present the report and make recommendations to the Standing Committee on Administration and Finance (SCAF) and the Commission.