

ANNEX 8

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

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The Standing Committee met on 24 October 1990 and considered Agenda Items 11 (Observation and Inspection) and 12 (Compliance with Conservation Measures in Force). In the absence of the Spanish Chairman, the meeting was conducted under the chairmanship of the Vice Chair, Australia (Mr J. Burgess).

2. Japan drew attention to the presence of the ASOC observer and expressed its understanding that ASOC's participation in CCAMLR-IX would be restricted to plenary sessions only. The Chairman referred the Committee to the decision of the Commission contained in paragraph 155 of CCAMLR-VIII that ASOC's attendance would be governed by the Commission's Rules of Procedure. Japan expressed the view that the Rules of Procedure provided for restricted sessions for discussion of certain issues. They believed the question of observation and inspection, especially with regard to an individual case of inspection, was one such issue, and requested that Agenda Items 11 and 12 be considered under Commission Rule 32 (b). As a consequence of Japan's request, the Chairman requested that any observers, if present, from the following delegations withdraw from the meeting: Finland, the Netherlands and Uruguay; as well as the following observer organisations: ASOC, FAO, IUCN, IWC, SCAR and SCOR. Observers from ASOC and SCAR accordingly withdrew.
3. Before withdrawing, the representative of SCAR made a statement noting that SCAR had made a recommendation to CCAMLR relating to scientific observation and expressing regret that he would not be available to assist the Committee by elaborating on any of the points raised by SCAR, nor would he have the benefit of hearing the Standing Committee's discussion. A number of delegations expressed deep regret that Japan had invoked Rule 32 (b) because it denied the Committee the opportunity of SCAR's expertise in the matter of observation.
4. Japan reiterated its view that the session regarding the individual case of inspection should be restricted to the Commission Members.

REPORTS OF INSPECTIONS CARRIED OUT IN 1989/90

5. The Committee considered reports of an inspection conducted by the United States on a Japanese vessel on 1 March 1990 in the Convention Area. The United States described for the Committee the procedures used during the inspection, noting the marginal weather at the time and

the difficulties experienced by the inspection team during boarding and disembarkation from the fishing vessel. The United States expressed appreciation for the cooperation received from the captain of the Japanese vessel.

6. In its explanation of the report by the captain of the Japanese vessel inspected by the US, Japan noted the need for inspectors to be able to communicate in the language of the Flag Nation. It was noted that the Inspectors' Dictionary of Questions and Terms, translated into relevant languages, was designed to assist the inspectors in this regard. Japan further noted that translation of the Inspectors Manual into Japanese had not been completed at the time of the inspection, and therefore the vessel had not been fully prepared. At the beginning of April 1990 all relevant documents had been translated and distributed to vessels and the system had now been fully implemented. A copy of the Japanese language version of the Inspectors Manual was tabled.

7. The USSR noted that it had provided information to CCAMLR detailing 118 USSR inspections of its own fishing vessels, using a format required under national regulations. USSR inspectors had been designated and trained to undertake CCAMLR inspections in the 1989/90 season, but had not had the opportunity to inspect vessels of other Members of CCAMLR during the 1989/90 season. USSR intended that the standard CCAMLR reporting format would be used in future Reports of Inspection to CCAMLR. USSR inspections of its own vessels' operations in the Convention Area, undertaken in accordance with the CCAMLR Inspection System, would also be submitted in the CCAMLR format.

ACCESS TO INSPECTION REPORTS

8. The Committee discussed the question of access to Reports of Inspection. It recalled the agreed procedures for processing Reports of Inspection in paragraph 10 of the Committee's Report to CCAMLR-VIII, noting that it had been intended that inspection reports should be passed to the CCAMLR Secretariat for circulation to all Members.

9. The Committee agreed that Reports of Inspection should be made available only to the nominated contact of contracting parties, in accordance with the provisions of principles VIII and IX of the System of Observation and Inspection. The Committee agreed that its reports to the Commission should provide only a summary report in general terms of the past year's inspection activities.

10. Some delegations noted that there may be a need in future, in cases where infringements were alleged, to restrict access to information that might be prejudicial.

REVIEW OF OPERATION OF THE SYSTEM OF INSPECTION

11. The Committee received an oral report from the Executive Secretary concerning arrangements made by the Secretariat since the last meeting and expressed satisfaction with these. The Executive Secretary was asked to investigate the cost savings involved in a centralised supply of the Inspection pennant.

12. Delegations reported on the actions they had taken to implement the system.

13. The Committee recommended that the Dictionary of Questions and Terms, Inspectors Manual, pages 182 to 184, be enlarged by including all four Commission languages, Japanese language translations made available at the meeting, and other translations by fishing nations as they became available to the CCAMLR Secretariat. The meeting agreed that it would be useful if potential inspectors had dictionaries which would enable them to communicate with the fishing vessels of all Members in the Convention Area.

14. The Delegation of Japan circulated an informal paper suggesting draft guidelines for inspections. This was noted but it was agreed that further experience of inspections should be obtained before the Committee embarked on a further evaluation of the system and that in the short term the Committee should give priority to development of a system of scientific observation.

EVALUATION OF THE INSPECTORS MANUAL

15. The meeting agreed that as well as assisting inspectors during inspections, the Inspectors Manual is useful in training potential inspectors and as a means of educating vessel captains about obligations in respect of the Convention. Its form and content were discussed in the light of these uses. It was agreed that there were advantages in keeping the material together in a single volume. The Committee agreed to a revision of the order in which information is presented in the Manual.

OBSERVATION AND OBSERVERS

16. As agreed in its report to CCAMLR-VIII, the Standing Committee discussed elements of a system governing observers and observation. The discussion took account of the reports of the specialised working groups of the Scientific Committee (WG-FSA, paragraphs 86 and 121, and WG-Krill, paragraphs 27 and 73) and of the CCAMLR observer to SCAR XXI, which stressed the value to be derived from the placement of scientific observers on board commercial fishing vessels to facilitate the acquisition of information needed better to understand and more effectively to

manage harvesting in the Convention Area. Members expressed general willingness to cooperate in the development of a CCAMLR system of scientific observations. The Committee agreed that:

- (i) the essential purpose of the observation system would be the gathering and validation of scientific data; and
- (ii) the elaboration of a multilateral system should take account of the fact that extensive bilateral cooperation would be required in arranging placements of observers.

There was discussion of the role of the observer in the event of an apparent infringement by the vessel concerned. There was agreement that the success of an observation system would depend on cooperation between the observer and the vessel crew and that this would depend on separation of the roles of inspector and observer.

17. The Committee requested the CCAMLR Secretariat to produce a draft paper on scientific observation for circulation to Members for comment in the intersessional period. The paper should review information relating to observation gathered during the development of the paper it had prepared for CCAMLR-VI, and should take account of relevant aspects of other systems of scientific observation. It was noted that these systems were for placement of scientific observers on board commercial vessels.

COMPLIANCE WITH CONSERVATION MEASURES IN FORCE

18. USSR reported a violation by a USSR vessel of CCAMLR Conservation Measure 2/III and that appropriate disciplinary action had been taken.

19. It was noted that Members were required under Article XXI (2) of the Convention to submit information on measures taken to ensure compliance with the provisions of the Convention. The EEC informed the Committee that the Community had enacted into its legislation, in accordance with its obligations under CCAMLR, the Conservation Measures adopted by the latter at its 8th Annual Meeting. It confirmed that, in view of the transfer of competence of Member States to the Community in regard to fisheries, these legislative dispositions fulfilled the obligations of those Member States of the Community which are Members of CCAMLR in regard to compliance with Conservation Measures.