

CCAMLR-XXIX

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

**REPORT OF THE TWENTY-NINTH MEETING
OF THE COMMISSION**

HOBART, AUSTRALIA
25 OCTOBER – 5 NOVEMBER 2010

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Chair of the Commission
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Abstract

This document is the adopted record of the Twenty-ninth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 25 October to 5 November 2010. Major topics discussed at this meeting include: review of the Report of the Scientific Committee; illegal, unreported and unregulated fishing in the Convention Area; vulnerable marine ecosystems and bottom fishing; the establishment of a representative system of marine protected areas in the Convention Area; assessment and avoidance of incidental mortality of Antarctic marine living resources; new and exploratory fisheries; current operation of the System of Inspection and the Scheme of International Scientific Observation and the development of a procedure for certification of observers; compliance with conservation measures in force; review of existing conservation measures and adoption of new conservation measures; management under conditions of uncertainty; ongoing review of the Commission's responses to the recommendations of the 2008 Performance Review Report and cooperation with other international organisations including the Antarctic Treaty System. The Reports of the Standing Committee on Administration and Finance and the Standing Committee on Implementation and Compliance are appended.

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REPORT OF THE TWENTY-NINTH MEETING OF THE COMMISSION
(Hobart, Australia, 25 October to 5 November 2010)

OPENING OF THE MEETING

1.1 The Twenty-ninth Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources was held in Hobart, Tasmania, Australia, from 25 October to 5 November 2010. It was chaired by Ambassador D. MacKay (New Zealand).

1.2 All 25 Members of the Commission were represented: Argentina, Australia, Belgium, Brazil, People's Republic of China (hereafter referred to as China), Chile, European Union, France, Germany, India, Italy, Japan, Republic of Korea, Namibia, New Zealand, Norway, Poland, Russian Federation, South Africa, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.

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

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

1.5 In accordance with the Commission's decision last year (CCAMLR-XXVIII, paragraph 19.1) and COMM CIRC 10/48, the following non-Contracting Parties were invited to attend CCAMLR-XXIX as observers: Bahamas, Belarus, Cambodia, Colombia, Equatorial Guinea, Kenya, Malaysia, Mexico, Morocco, Mozambique, Nigeria, Panamá, Philippines, St Kitts and Nevis, Thailand, Togo, Trinidad and Tobago, United Arab Emirates and Vietnam. Nigeria was represented at the meeting.

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

1.7 The Chair welcomed all participants to the meeting. He said that it was an honour for New Zealand to chair the Commission's annual meeting for the second time and thanked

Members for their support and encouragement. The Chair also thanked the Government of Australia, the Depository of the Convention, and the State of Tasmania for their support and hospitality.

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

ORGANISATION OF THE MEETING

Adoption of the Agenda

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

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

Report of the Chair

2.3 The Chair's report to the Commission is appended at Annex 7.

2.4 With sadness, the Chair informed the Commission of the recent tragic French helicopter accident in the Antarctic in which four people died. A minute's silence was observed in remembrance of the victims and the Commission's sympathy was conveyed to their families and the French Delegation.

FINANCE AND ADMINISTRATION

3.1 The Vice-Chair of SCAF, Dr M. Mayekiso (South Africa), presented the report of SCAF (Annex 5).

Examination of audited Financial Statements for 2009

3.2 Noting that a full audit had been carried out on the 2009 Financial Statements and that the auditor had identified no incidents of non-compliance with the Financial Regulations or International Accounting standards, the Commission accepted the audited Financial Statements for 2009 (Annex 5, paragraph 4).

Audit requirements for the 2010 Financial Statements

3.3 The Commission, having approved a full audit for the 2010 Financial Statements (Annex 5, paragraph 5), accepted the recommendation of SCAF that a full audit be performed on the 2010 Financial Statements.

Appointment of Auditor

3.4 The Commission noted the appointment of the Australian National Audit Office for 2010, consistent with the decision made in 2009 (CCAMLR-XXVIII, paragraph 3.4).

Secretariat Strategic Plan

3.5 The Commission received SCAF's advice with respect to the Executive Secretary's report (CCAMLR-XXIX/7), including his proposal to undertake a review of the 2002 Strategic Plan and report the results of that review to CCAMLR-XXX (Annex 5, paragraph 7).

3.6 The Commission welcomed the adoption and implementation of a 'green' policy in an effort to reduce the carbon footprint of the Secretariat.

3.7 The Commission endorsed SCAF's recommendation that an independent review of the Secretariat's data management systems be undertaken in 2011 for a cost of approximately A\$40 000 to be funded from the General Fund.

3.8 The Commission endorsed SCAF's recommendation that:

- in light of the current Communication Officer's exceptional performance grading under the CCAMLR Performance Management Appraisal System (CPMAS) for 2009/10 and the Officer's standing at the top of the General Services Pay Scale since 2007/08, the Commission grant approval for the Executive Secretary to offer a salary advancement of 3% for 2010/11.

3.9 It also approved SCAF's recommendation that:

- the Executive Secretary offer the incumbent Data Manager a salary advancement of 3%, to apply from the next anniversary of his employment contract subject to a satisfactory CPMAS in January 2011. The issue of regrading would be considered pending review of the Strategic Plan.

3.10 The Commission approved the SCAF recommendation that, to improve transparency and avoid ad hoc decision-making, a staffing and salary strategy (including job sizing and grades) be included in the review of the Strategic Plan and that SCAF consider the outcomes of that review at its meeting in 2011.

Review of investment portfolio

3.11 The Commission expressed deep disappointment and concern in relation to the loss of A\$1 million in one collateralised debt obligation (CDO) investment (PURE Fund) and the considerable write-down of a remaining CDO investment (OASIS Fund) which had an initial investment value of A\$600 000. The Commission sought advice in relation to the responsibility for approving these investments and the role of the Commission's auditor in reviewing the investment. Additional clarification was sought in relation to full disclosure of the Commission's current financial situation and the likely implication for future assessed contributions from Members. Russia requested information about the possibility of holding liable, persons carrying out the said investments in the absence of the Commission's approval.

3.12 The Commission noted with grave concern the apparent lack of records authorising these investments by the Commission. The Executive Secretary advised that, in the absence of authorisation from the Commission, responsibility for all investment decisions would have been assumed by the Executive Secretary. He further noted that auditors do not have a financial advisory role in Australia. This was confirmed by Australia.

3.13 The Commission also noted that a full disclosure of the impact of the losses arising from these investments is reflected in Appendix IV of the SCAF Report (Annex 5) and that future Members' contributions are influenced by income generated by notifications associated with new and exploratory fisheries which may fluctuate between years. The Executive Secretary noted that, for the last five years, interest income had contributed between 5% and 8% of the total income to the Commission and that between 50% and 80% of that income had been contributed by CDO investments. Confining investments to those of a conservative low-risk nature may result in reduced interest income. If current budgetary levels were to be maintained to support current Secretariat services and functions, then few options presented themselves other than to review the policy that has been in place since 1998, of zero real growth for Members' contributions. The alternative was to prioritise Secretariat services within an agreed budget and discontinue budgetary support for functions and services that are not considered essential.

3.14 The Commission endorsed SCAF's advice that, in future, a conservative investment policy should be adopted, that the remaining OASIS CDO investment be liquidated immediately (current value approximately 24.26 cents in the dollar), and that the Commission not join any litigation at this time. The Secretariat was requested to keep the Commission informed of any further developments in relation to this matter. The Commission endorsed SCAF's recommendations that:

- (i) an open-ended informal group, appointed by SCAF, acting via correspondence in the 2010/11 intersessional period (SCAF-CG), will consider, in consultation with the Executive Secretary, the matters before it. These matters include, inter alia:
 - (a) undertaking a comprehensive review of the CCAMLR Financial Regulations and, where appropriate, developing draft amendments to the Financial Regulations;
 - (b) drafting investment principles that are consistent with the Financial Regulations to guide the Secretariat in the management of the existing

CCAMLR investment portfolio and the management of future investments giving consideration to the relationship between these principles and the Financial Regulations;

- (c) considering the frequency and content of Secretariat communications to Members regarding investments;
- (ii) SCAF review a report of these considerations and proposed amendments to the Financial Regulations at CCAMLR-XXX;
- (iii) the group be convened by Australia.

3.15 The Commission endorsed SCAF's recommendation that, prior to any advice forthcoming from the informal group, taking into account recent events and the need to adopt a conservative approach with regard to its investments, the Executive Secretary restricts future investments to Government bonds and cash equivalents, and that the current Financial Regulation 8.2(b), relating to long-term investments, be temporarily suspended until the Commission determines otherwise.

3.16 The Commission accepted SCAF's recommendation that the Executive Secretary continues to report quarterly on the status of the investments of the Commission and that greater transparency in relation to all Secretariat activities be provided to Members.

Review of budget for 2010

3.17 The Commission approved the budget for 2010, which included a predicted surplus of A\$436 000 to be carried forward to 2011, as presented in Annex 5, Appendix II.

Further review of translation requirements

3.18 The Commission endorsed SCAF's recommendation that:

- (i) working groups exercise self-restraint to reduce the size of their reports;
- (ii) working papers be limited to 1 500 words, with no limit on annexed conservation measures, decisions or resolutions;
- (iii) the Executive Secretary be authorised to return working papers exceeding 1 500 words to the author(s) for review and re-submission within the agreed deadlines for paper submission adopted by the Commission;
- (iv) all documents submitted as revisions be done so in track-change mode;
- (v) all papers be submitted in both MS Word and pdf formats.

3.19 The Commission noted that the Secretariat will provide a consolidated reference outlining the guidelines relating to the submission and translation of all documents.

Contingency Fund

3.20 The Commission noted that no expenditure had been incurred from the Contingency Fund in 2010 (Annex 5, paragraph 34).

3.21 It also noted that the balance of the Contingency Fund in excess of A\$110 000 following transfer of forfeited funds from new and exploratory fisheries applications, will continue to be transferred to the General Fund at the end of the 2010 financial year (Annex 5, paragraph 34).

CDS Fund

3.22 The Commission noted CDS expenditure of A\$5 716 for CDS Training Material and A\$67 154 for 'IUU Fishing in the CAMLR Convention Area – African Capacity Building Training' approved in 2009 (Annex 5, paragraph 35).

Budget for 2011

3.23 The Commission endorsed the recommendation from SCAF that an amount of A\$63 000 be provided from the MPA Special Fund for an MPA workshop scheduled for 2011.

3.24 The Commission welcomed the establishment of a scholarship scheme and endorsed the SCAF recommendation that Members be invited to provide voluntary contributions to the General Science Capacity Special Fund to support its longer-term sustainability.

3.25 The Commission approved the proposed 2011 Scientific Committee budget of A\$252 500.

3.26 The Commission approved the proposed budget for 2011 as presented in Annex 5, Appendix II, on the understanding that the Commission had previously agreed to continue support for FIRMS for 2011.

Members' contributions

3.27 In accordance with Financial Regulation 5.6, the Commission granted Argentina, Belgium, Brazil, China, India, Republic of Korea, Russia, South Africa, USA and Uruguay an extension of the due date for payment of their 2011 Members' contributions.

3.28 The Commission noted that Ukraine was in arrears in respect of its 2008 (part), 2009 and 2010 Member contributions and that, as a result, Ukraine was therefore in default and Article XIX.6 of the Convention applied. It noted receipt of a letter from Ukraine to the Chair of the Commission indicating its intention to pay all amounts outstanding in December 2010.

Forecast budget for 2012

3.29 The Commission noted the forecast budget for 2012 (Annex 5, Appendix II).

3.30 The Commission also noted that forecast budget figures are indicative only, and that care should be taken when they are used as a basis for financial budgeting by individual Members. It noted SCAF's concern that the budget should be maintained within its customary target of zero real growth (Annex 5, paragraph 51). The UK encouraged continued restraint in the growth of Secretariat costs, noting the budgetary pressures experienced by many Members.

Other

3.31 The Commission noted that SCAF considered the status of recommendations relevant to the Committee arising from the 2008 CCAMLR Performance Review Panel (PRP) Report (CCAMLR-XXIX/BG/48) and that SCAF's advice will be considered under Item 15.

Vice-Chair of SCAF

3.32 The Commission noted South Africa's reappointment as Vice-Chair of SCAF for the 2011 and 2012 meetings (Annex 5, paragraph 54).

3.33 The Commission expressed its deep appreciation to Ms S. Sangwan (India) for her support as Chair of SCAF and to Dr Mayekiso for presenting the report.

SCIENTIFIC COMMITTEE

4.1 The Chair of the Scientific Committee, Dr D. Agnew (UK) presented the report of the Scientific Committee (SC-CAMLR-XXIX). The Commission thanked Dr Agnew for the comprehensive presentation of his report (CCAMLR-XXIX/BG/50) noting that this had greatly assisted consideration of the many items in the report. Dr Agnew thanked the many delegations that had contributed to rapporteuring of the meeting.

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

Intersessional activities

4.3 The Commission noted the five intersessional meetings of the Scientific Committee during 2010 (SC-CAMLR-XXIX, paragraph 1.8) and joined the Scientific Committee in

thanking the conveners and participants in these meetings for their contributions to the work of CCAMLR. Members which had hosted meetings were also thanked for their logistical and administrative support.

Advances in statistics, assessments,
modelling and acoustic surveys

4.4 The Commission endorsed the reports of the Working Group on Statistics, Assessments and Modelling (WG-SAM) and the Subgroup on Acoustic Survey and Analysis Methods (SG-ASAM) and noted that Australia, UK and the USA intended to apply the methods agreed at SG-ASAM to the reanalysis of surveys in Area 58 and Subareas 48.3 and 48.1 respectively to provide advice on krill biomass and sustainable yield (SC-CAMLR-XXIX, paragraphs 2.1 to 2.6).

Harvested species

Krill resources

4.5 In 2008/09, five Members harvested 125 826 tonnes of krill from Subareas 48.1, 48.2 and 48.3 (SC-CAMLR-XXIX, Table 1).

4.6 In 2009/10, six Members fished for krill in Subareas 48.1, 48.2 and 48.3 and most of the catch was taken in Subarea 48.1 (SC-CAMLR-XXIX, Table 2). The reported total catch to 24 October was 211 180 tonnes (China 1 956 tonnes; Japan 29 919 tonnes; Republic of Korea 43 805 tonnes; Norway 120 429 tonnes; Poland 7 007 tonnes; and Russia 8 065 tonnes).

4.7 The krill fishery in Subarea 48.1 was closed when the catch reached 99.8% of the trigger level for the subarea (155 000 tonnes). The catch in Subarea 48.1 was the highest ever recorded in that subarea, and this was the first time that a subarea had been closed because catches had reached one of the apportioned trigger levels introduced in 2009 (Conservation Measure (CM) 51-07).

4.8 The Commission noted that the current requirement for vessels to begin reporting catches at 10-day intervals once the catch reaches 80% of the trigger level for Area 48 (CM 23-06) was not consistent with the spatial allocation of the trigger level among subareas. However, the closure of the krill fishery in Subarea 48.1 had occurred efficiently, principally because of the voluntary reporting of catches at five-day intervals by the vessels fishing in that subarea at the time of the closure.

4.9 The Commission agreed that CM 23-06 be modified to reflect that the 80% level (and subsequently the 50% level) in CM 23-06 should apply to the subarea-specific trigger levels, and that once this level had been reached, a five-day reporting interval should be adopted (SC-CAMLR-XXIX, paragraph 3.6).

4.10 The Commission also noted that, in accordance with CM 23-06 (paragraph 5), the requirement for reporting catch and effort at five-day intervals in Subarea 48.1 would now be triggered when the catch reached 50% of the trigger level in that subarea.

4.11 The Commission also noted the urgency of completing its work on the spatial allocation of catch limits for SSMUs in Area 48, and implementing a feedback management strategy for the krill fishery. The Scientific Committee has identified this task in its program of work for 2011 to 2013 (SC-CAMLR-XXIX, Table 7).

4.12 Notifications for krill fishing in 2010/11 were received from seven Members covering 15 vessels with a notified total predicted catch of 410 000 tonnes (SC-CAMLR-XXIX, Table 3); there was no notification for exploratory krill fisheries. The Commission noted the utility of the notification scheme to its work. It also noted that notifications submitted in languages other than English in 2010 were translated into English by the Secretariat prior to the meeting of WG-EMM so that these could be appropriately assessed by the Working Group (SC-CAMLR-XXIX, paragraph 3.7).

4.13 The Commission endorsed the Scientific Committee's recommendation that standardisation of methods for estimating the green weight of krill caught is urgently required to achieve more accurate estimates of actual catches and adopted an amendment to CM 21-03 to require submission of information concerning the estimate of green weight (SC-CAMLR-XXIX, paragraph 3.9).

4.14 In response to a question from the EU regarding the reporting of krill green weight, the Commission reviewed the methods used by Members as reported in their notifications for 2010/11. The methods included direct estimation, measurement by volume, codend measurement, use of conversion factors, flow scale measurement and motion-compensated scales.

4.15 The Commission agreed that further information and data were needed in order for the Scientific Committee to consider this matter, and it was agreed that fishing vessels be required to measure their krill catch as green weight.

4.16 The Commission noted the recent change in the pattern of krill fishing operations with the catches coming mostly from Subarea 48.2 in 2008/09 and from Subarea 48.1 in 2009/10. The fishery had concentrated around Bransfield Strait in Subarea 48.1 in 2009/10 and the catch from this region was an order of magnitude higher than catches reported from this region in the past. Additionally, the krill fishery now appears to be largely a winter operation (SC-CAMLR-XXIX, paragraphs 3.10 and 3.11).

4.17 The Commission noted the continued work on methods for estimating the mortality of krill escaping from trawl nets (SC-CAMLR-XXIX, paragraph 3.13).

4.18 The Commission thanked Ukraine for offering to deploy scientific observers on krill fishing vessels in 2010/11 in order to trial the proposed method for estimating krill escape mortality and further advance this matter (see also CCAMLR-XXIX/45).

4.19 The Commission noted that, although the Scientific Committee's advice remains that 100% observer coverage of vessels is the fastest way to develop a scientific understanding of

the fishery, data collected during an initial two-year program with 50% systematic observer coverage could characterise underlying variability and assist with the design of an observer program in the long term (SC-CAMLR-XXIX, paragraphs 3.15 to 3.22).

4.20 The Commission endorsed the Scientific Committee's advice for observer coverage in 2010/11 and 2011/12, and agreed to divide vessels into two groups and divide seasons into two periods (Option 1, SC-CAMLR-XXIX, paragraphs 3.16 to 3.18 and Table 4), whereby:

- (i) 100% of vessels in the first vessel group is observed in the first period of 2010/11 and the second period of 2011/12;
- (ii) 100% of vessels in the second group is observed in the second period of 2010/11 and the first period of 2011/12;
- (iii) 20% of hauls are observed on each observed vessel in accordance with the priorities and methodologies as set out in the CCAMLR *Scientific Observers Manual*.

4.21 As notifications for 2011/12 are not currently available, the Commission agreed that observations in 2011/12 should correspond with the coverage outlined in paragraph 4.20, including:

- (i) at least 50% of all vessels (and at least 50% of vessels of each Member participating in the fishery where that Member has two or more vessels participating in the fishery simultaneously) should be observed in each period during which they fish;
- (ii) any vessel that fished in 2010/11 and did not carry an observer should carry an observer in 2011/12 irrespective of the period in which it fishes.

4.22 The Commission noted the observer coverage outlined above may deliver, over a two-year period, at least 50% coverage, and sufficient scientific data to allow the Scientific Committee to do its work (SC-CAMLR-XXIX, paragraph 3.20). Further, some Members had agreed to deploy scientific observers on all fishing trips. Accordingly, the Commission agreed to extend the requirements of CM 51-06 until 2011/12 to complete the deployment scheme; these requirements will be reviewed by the Commission at its meeting in 2012.

4.23 The Commission thanked Members for the progress made with scientific observations on krill fishing vessels. The incremental approach to the deployment of scientific observers will provide essential information for use in the development of the feedback management strategy for the krill fishery.

4.24 The Commission noted Argentina, Germany and Norway's intention to develop new surveys on krill, particularly in Subareas 48.1 and 48.2 (SC-CAMLR-XXIX, paragraphs 3.23 to 3.27). In addition, the Scientific Committee and its working groups will develop technical protocols for the calibration, collection, storage and analysis of data from acoustic surveys of krill from fishing vessels as a matter of priority (SC-CAMLR-XXIX, paragraph 3.27).

4.25 The Commission thanked Argentina, Germany and Norway for their commitment to conduct scientific research in support of the work of the Scientific Committee, and the Commission encouraged other Members to follow these initiatives.

4.26 ASOC congratulated Argentina, Germany and Norway on their initiatives for conducting research on krill, and joined the Commission in urging other Members to engage in this work, including consideration of a repeat synoptic survey of krill in Area 48.

4.27 The Commission noted the Scientific Committee's proposal that the General Science Capacity Special Fund be used to facilitate analysis by SG-ASAM of acoustic data arising from research conducted by fishing vessels (SC-CAMLR-XXIX, paragraph 3.57; see section 15).

4.28 The Commission endorsed the Scientific Committee's advice on the use of the full SDWBA model for calculating B_0 estimates for krill. The revised B_0 estimate for Subareas 48.1, 48.2, 48.3 and 48.4 was 60.3 million tonnes with a sampling CV of 12.8%, and this represented the best estimate of krill biomass derived from the CCAMLR-2000 Survey (SC-CAMLR-XXIX, paragraphs 3.28 and 3.29).

4.29 The Commission endorsed the Scientific Committee's revised precautionary catch limit for krill of 5.61 million tonnes for Subareas 48.1 to 48.4 and agreed that this value would be appropriate for a revision of CM 51-01. The Commission noted that the current trigger level is not linked to the assessment of B_0 and would remain at 620 000 tonnes for Subareas 48.1 to 48.4 (SC-CAMLR-XXIX, paragraph 3.30).

4.30 The Commission noted that the revised implementation of the SDWBA model should also be applied to krill biomass estimates for Divisions 58.4.1 and 58.4.2 to generate new estimates of B_0 and precautionary catch limits. It was agreed that present catch limits for krill in these divisions would remain in force until such reanalysis (SC-CAMLR-XXIX, paragraph 3.31).

4.31 The Commission also noted the need to investigate the potential impact of climate change on recruitment variability, and agreed that a full review of the influence of recruitment variability on the calculation of sustainable yield be undertaken (SC-CAMLR-XXIX, paragraph 3.32).

4.32 The Commission noted the increasing interest in krill research originating from outside the Scientific Committee and its working groups, as evidenced by the recent Ukrainian–Russian seminar (CCAMLR-XXIX/BG/35) and the EU's forthcoming workshop on the impact of environmental change and increasing human exploitation on Antarctic krill and to discuss potential implications for CCAMLR's ecosystem-based management approach (11 to 15 April 2011, Texel, The Netherlands).

Toothfish resources

4.33 In 2008/09, 10 Members fished for toothfish in Subareas 48.3, 48.4, 48.6, 58.6, 58.7, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a, 58.4.3b, 58.5.1 and 58.5.2 and reported a total harvest of 15 783 tonnes (SC-CAMLR-XXIX, Table 1).

4.34 In 2009/10, 11 Members fished for toothfish in Subareas 48.3, 48.4, 48.6, 58.6, 58.7, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3b, 58.5.1 and 58.5.2; Japan also conducted research fishing in Divisions 58.4.4a and 58.4.4b. The reported total catch to 24 September was 11 860 tonnes (SC-CAMLR-XXIX, Table 2).

4.35 In addition, catches reported under the CDS indicated that 9 952 tonnes of *Dissostichus* spp. were taken outside the Convention Area in 2009/10 (to October 2010) compared with 12 806 tonnes in 2008/09 (SC-CAMLR-XXIX, Annex 5, Table 7). Catches in both seasons were taken mostly in Areas 41 and 87.

4.36 The Commission supported Ukraine's proposal that Members fishing for *D. eleginoides* outside the Convention Area be encouraged to provide information on these activities and associated research for review by WG-FSA and the Scientific Committee. The reporting format could follow the format used in WG-FSA's fishery reports.

4.37 Estimates of catches from IUU fishing for *Dissostichus* spp. inside the Convention Area were discussed under Item 9.

4.38 The Commission noted the Scientific Committee's advice on the tagging of *Dissostichus* spp., particularly in exploratory fisheries (SC-CAMLR-XXIX, paragraphs 3.43 to 3.49), and endorsed the recommendations that:

- (i) otoliths from tagged fish be returned with the tags to the Secretariat for storage in order to assist in future confirmation of species identity (SC-CAMLR-XXIX, paragraphs 3.55 to 3.57);
- (ii) the Secretariat translate existing signs and information about the tagging program into the languages commonly spoken by crews on board vessels active in exploratory fisheries, in addition to the CCAMLR official languages.

4.39 In agreeing paragraph 4.38(ii) above, the Commission reiterated that the obligations and responsibilities for compliance lie with the Members and their flagged vessels. As such, Members may be able to assist with these translation requirements. The Commission agreed that the translation of information about tagging programs be reviewed at its meeting in 2011.

4.40 The Commission encouraged the continued work on the biology and ecology of target and by-catch species, including the further development of Members' capacity to age individuals using otoliths (SC-CAMLR-XXIX, paragraphs 3.50 to 3.56). The Scientific Committee had proposed that the coordination of age determination using otoliths from exploratory fisheries may be a suitable project for consideration under the General Science Capacity Special Fund (see section 15).

4.41 The Commission noted that the primary aim of this proposal was to clear the backlog of otoliths and provide WG-FSA and the Scientific Committee with information required for assessing *Dissostichus* spp. The Commission recognised that some aspects of this work may provide opportunities for capacity building among some Members.

4.42 The Commission recalled that the Scientific Committee has implemented biennial assessments for *D. eleginoides* in Subarea 48.3 and Division 58.5.2, subject to the conditions of the biennial assessment procedure (SC-CAMLR-XXVIII, paragraphs 4.81, 4.82, 4.108 and 4.109). The latest assessments were conducted in 2009, and WG-FSA did not carry out assessments for these stocks in 2010.

4.43 The Commission endorsed the Scientific Committee's management advice on toothfish fisheries (SC-CAMLR-XXIX, paragraphs 3.65, 3.66, 3.74, 3.79 to 3.81, 3.84, 3.88 to 3.90), including:

- (i) the limits for the fishery for *D. eleginoides* in Subarea 48.3 be carried forward for 2010/11, and a revised starting date of 21 April 2011 for the season extension;
- (ii) the continuation of the tagging experiment in Subarea 48.4 with a reduced catch limit for *Dissostichus* spp. of 30 tonnes in Subarea 48.4 South, and a revised catch limit of *D. eleginoides* of 40 tonnes in Subarea 48.4 North;
- (iii) the limits for the fishery for *D. eleginoides* in Division 58.5.2 be carried forward for 2010/11.

4.44 The Commission encouraged the estimation of biological parameters for *D. eleginoides* in the French EEZs in Division 58.5.1 and Subarea 58.6, the development of a stock assessment for these fisheries, the continuation of the tagging program, and consideration of by-catch mitigation measures, including the application of by-catch move-on rules similar to those in use in other CCAMLR fisheries (SC-CAMLR-XXIX, paragraphs 3.79, 3.80, 3.88 and 3.89).

4.45 The fishery in Division 58.5.1 was the largest fishery for *D. eleginoides* in the Convention Area, and the Commission looked forward to receiving management advice for this fishery in accordance with Article II.

4.46 The Commission also encouraged the use of CCAMLR decision rules in the assessment of the fishery for *D. eleginoides* in the South African EEZ in Subareas 58.6 and 58.7 (SC-CAMLR-XXIX, paragraph 3.94), and noted that South Africa is considering the adoption of an operational management procedure approach (SC-CAMLR-XXVII, Annex 7, paragraphs 6.1 to 6.3).

Icefish resources

4.47 In 2008/09, three Members fished for icefish in Subarea 48.3 and Division 58.5.2 and reported a total catch of 1 916 tonnes (SC-CAMLR-XXIX, Table 1).

4.48 In 2009/10, three Members fished for icefish in Subarea 48.3 and Division 58.5.2 and the catch reported to 24 September was 378 tonnes (SC-CAMLR-XXIX, Table 2).

4.49 The Commission endorsed the Scientific Committee's management advice on icefish fisheries (SC-CAMLR-XXIX, paragraphs 3.99, 3.103 to 3.105):

- (i) the catch limit for *Champscephalus gunnari* in Subarea 48.3 should be set at 2 305 tonnes in 2010/11 and 1 535 tonnes in 2011/12;
- (ii) the catch limit for *C. gunnari* in Division 58.5.2 should be set at 78 tonnes in 2010/11.

4.50 The Commission urged Members to complete the work outstanding from the Workshop on Assessment Methods for Icefish (SC-CAMLR-XX, Annex 5, Appendix D) to evaluate whether the short-term projection method could be problematic for stocks at very low, or of highly variable, abundance because the method will always project a precautionary

yield. The Commission also noted that this work will contribute to addressing the PRP recommendation whether a rebuilding strategy needs to be employed for such stocks when they have low levels of biomass. Members were encouraged to work on this issue for Division 58.5.2 and Subarea 48.3 as a matter of priority.

Other fishery resources

4.51 The Commission endorsed the Scientific Committee's management advice on other fisheries (SC-CAMLR-XXIX, paragraphs 3.107, 3.110, 3.113 and 3.115):

- (i) the prohibitions of finfishing in Subareas 48.1 and 48.2 remain in force;
- (ii) there was no new information available on stock status of crabs in Subarea 48.3. One vessel (Russia) fished for crabs in 2009/10 from August to 15 October 2010 (SC-CAMLR-XXIX, paragraph 3.111);
- (iii) the conservation measures for the exploratory crab fisheries in Subareas 48.2 and 48.4 not be renewed for 2010/11.

4.52 The Commission noted that Russia has indicated its intention to notify to fish for crab in Subarea 48.3 in 2010/11 (SC-CAMLR-XXIX, paragraph 3.112). Russia confirmed that it has submitted its notification for such a fishery to the Secretariat.

Fish and invertebrate by-catch

4.53 The Commission noted that there had been some difficulty in interpretation of reporting requirements for by-catch that is retained when caught south of 60°S, as required under CMs 26-01, 41-04 and 41-11, and subsequently discarded as offal when the vessel is north of 60°S. The Commission agreed that further guidance on reporting requirements be provided to both vessels and observers by way of additional detail in the instructions on the relevant data reporting forms (SC-CAMLR-XXIX, paragraphs 3.116 and 3.117).

4.54 The Commission noted the general success of the initiatives undertaken during the Year-of-the-Skate and the need to continue to collect data on tagged skates. It endorsed the Scientific Committee's advice to (SC-CAMLR-XXIX, paragraph 3.118):

- (i) remove the mandatory requirement to tag skates in new and exploratory fisheries;
- (ii) encourage Members wishing to continue tagging skates to use the tagging protocols developed during the Year-of-the-Skate, including tagging with T-bar tags;
- (iii) replace the existing text in CM 33-03, paragraph 4, with a requirement that on all vessels, all skates must be brought on board or alongside the hauler to be checked for tags and for their condition to be assessed.

4.55 The Committee also endorsed the advice to revise the text in paragraph 2(vi) of CM 41-01, Annex C, to include recovered otoliths in the tag photographs and additional requirements for skates (SC-CAMLR-XXIX, paragraph 3.119).

4.56 The Commission noted that the Scientific Committee was considering a system of incentives to encourage crew to continue to check skates for tags (SC-CAMLR-XXIX, paragraph 3.120). Such incentives may also assist with the recovery of tagged toothfish where they are captured by vessels outside the Convention Area. The Commission agreed that the findings from WG-FSA and the Scientific Committee should be referred to SCIC for further consideration.

4.57 The Commission noted that the potential for poor reporting of tagged toothfish and skates was an issue that should be brought to the attention of SCIC. It also noted that the Scientific Committee had requested that the Commission consider methods for improving the reporting of tagged skates and tagged toothfish recaptured outside the Convention Area (SC-CAMLR-XXIX, paragraph 3.121).

4.58 The Commission endorsed the Scientific Committee's advice that the move-on rules for macrourids and rajids in Subarea 48.4 should remain unchanged in 2010/11 (SC-CAMLR-XXIX, paragraph 3.123).

Climate change

4.59 The Commission noted the findings of the SCAR Antarctic Climate Change and Environment (ACCE) report and the recommendations of the Scientific Committee on potential responses of CCAMLR to the protection of sites and species that might be particularly vulnerable to climate change (SC-CAMLR-XXIX, paragraphs 8.2 to 8.8).

4.60 Norway and the UK recalled that the ACCE report was extremely important for CCAMLR as it highlighted the uncertainties in prediction of future scenarios and underpinned the need for ongoing monitoring and the precautionary approach.

4.61 The Chair of the Scientific Committee noted that, while there was no substantive advice on the issue of climate change at this meeting, it remains an important part of the agenda of the Committee (paragraph 13.8).

Scientific research exemptions

Ob and Lena Banks Division 58.4.4

4.62 The Commission agreed that a catch limit of 53 tonnes was appropriate for the survey by Japan in SSRUs 5844B and C (Ob and Lena Banks) in 2010/11 as a research exemption under CM 24-01¹.

¹ The Secretariat circulated the revised research plan to Members following the meeting.

Subareas 88.2 and 88.3

4.63 The Commission noted the discussion of notifications submitted by the Republic of Korea and Russia to conduct research in Subareas 88.2 and 88.3. It endorsed the recommendation that clearer advice be developed with respect to the submission of proposals for research fishing, taking account of the general principles and requirements for CCAMLR-sponsored research (SC-CAMLR-XXIX, paragraphs 9.22 and 9.23).

4.64 Some Members recalled the advice from the Scientific Committee that the research fishing proposed in the closed areas in Subareas 88.2 and 88.3 was unlikely to lead to an assessment noting that, amongst other considerations, tagging studies over the spatial scale proposed would not provide sufficient information for an assessment.

4.65 The Republic of Korea informed the Commission that it had learned and benefited from the discussion of its research proposal during the Scientific Committee and Commission meetings and acknowledged the helpful advice that it had been given. Accordingly, Korea proposed to work with other Members to develop a research proposal for submission to WG-SAM in 2011 or some time in the future and would not engage in research fishing in 2010/11.

4.66 Russia made the following statement:

‘In accordance with Conservation Measure 24-01, the Russian Federation submitted to the CCAMLR Secretariat a notification which had been properly prepared and included a marine research plan for Subarea 88.3.

Following the abovementioned CCAMLR conservation measure, the plan has been considered by WG-FSA, the Scientific Committee and the Commission of CCAMLR.

The plan for conducting the above research is fully consistent with the provisions of the CCAMLR conservation measures, the CAMLR Convention, and it also takes into account the principles of the United Nations Convention on the Law of the Sea, specifically Articles 238 and 240 of that Convention.

However, some countries have expressed their concerns about the intent of the Russian Federation to conduct the scientific marine research in Subarea 88.3.

Despite the fact that CCAMLR Conservation Measure 24-01 does not require the scientific research plans to pass through the procedure of being approved by the Commission, the Russian Federation took into consideration the proposals put forward during the meeting by the countries concerned, in order to incorporate them when implementing the marine research program in the 2010/11 season.

In addition, the Russian Federation would presume that in this case, and in future when considering the issues of scientific research in the CAMLR Convention Area, the countries will strictly follow the provisions of the CCAMLR conservation measures, the CAMLR Convention, and the principles of the United Nations Convention on the Law of the Sea, including the ones established in Article 239 of that Convention, and will refrain from assessments that cast doubt on the ability of a country to conduct scientific marine research in an effective manner.’

4.67 Russia noted that the research proposed on the Russian vessel is designed to be a multi-year program and to provide data for an assessment, and is not proposing a large catch. Russia stressed that its proposal was for research and that it would be pleased to work with Members to improve the implementation of the research in the coming season.

4.68 Russia presented a research proposal for Subareas 88.2 and 88.3 which was considered by WG-FSA and the Scientific Committee. Following this consideration, and comments made by the Scientific Committee (SC-CAMLR-XXIX, paragraphs 9.15 to 9.22), Russia incorporated these recommendations into its research plan for the 2010/11 fishing season and submitted an explanatory note clarifying the research plan objectives to the Secretariat.

4.69 Russia also noted that it was undertaking research in SSRU 882A in 2010/11 as an exemption under CM 24-01, paragraph 2, with catches of up to 10 tonnes.

4.70 The Commission noted the modified research plan provided by Russia², and agreed that this satisfactorily concluded the review required under CM 24-01, paragraph 3(a). The Commission agreed that a catch limit of 65 tonnes was appropriate for the survey by Russia in SSRUs 883A–C as a research exemption under CM 24-01.

Small catches in research

4.71 The Commission endorsed the proposed changes to CM 24-01 to exempt small catches taken during scientific research from the within-season reporting requirements and to allow the routine use of small gillnets in multi-year scientific research programs without the need to seek annual approval by the Commission (SC-CAMLR-XXIX, paragraphs 9.26 and 9.28).

Secretariat supported activities

4.72 The Commission endorsed the proposal for an independent review of the Secretariat's data management systems (CCAMLR-XXIX/13), noting that such a review was expected to assist in the further development of the Secretariat's data services, including the dissemination of web-based metadata and related information (SC-CAMLR-XXIX, paragraph 14.2, Annex 4, paragraphs 6.1 and 6.2 and Annex 8, paragraph 12.2).

4.73 The Commission endorsed the decisions of the Scientific Committee in relation to publish future volumes of *CCAMLR Science* in English only and to delegate the granting of permissions to cite working group papers to the Scientific Committee representative of the lead author responsible for the original submission (SC-CAMLR-XXIX, paragraphs 14.8 to 14.10).

² The Secretariat circulated the revised research plan to Members following the meeting.

Scientific Committee activities

4.74 The Commission noted the important discussions undertaken in the Scientific Committee on its work over the next 2 to 3 years and endorsed the three priority areas of (i) feedback management of the krill fishery, (ii) assessment of toothfish fisheries (especially in exploratory fisheries), and (iii) MPAs and the allocation of tasks to its working groups (SC-CAMLR-XXIX, paragraph 15.1 and Table 7).

4.75 The Commission appreciated the progress made by the ad hoc Technical Group for At-Sea Operations (TASO) in respect of developing an accreditation scheme for participation in the CCAMLR Scheme of International Scientific Observation. It noted that, while there would no longer be a requirement for regular meetings of TASO, there was still work to be completed on developing the terms of reference for a review panel to accredit participating programs in consultation with the Chairs of the Scientific Committee and SCIC (see paragraph 10.3 and SC-CAMLR-XXIX, paragraph 15.2).

4.76 The Commission endorsed the work plans for the Scientific Committee and its subsidiary working groups (SC-CAMLR-XXIX, paragraph 15.14), including the following meetings in the 2010/11 intersessional period:

- WG-SAM (Busan, Republic of Korea, 11 to 15 July 2011) (Co-conveners, Drs A. Constable (Australia) and C. Jones (USA));
- WG-EMM (Busan, Republic of Korea, 11 to 22 July 2011) (Convener, Dr G. Watters (USA));
- Workshop on Marine Protected Areas (Brest, France, 29 August to 2 September 2011) (Co-conveners, Dr P. Penhale (USA) and Prof. P. Koubbi (France));
- WG-IMAF at CCAMLR Headquarters, Hobart, Australia, from 10 to 14 October 2011 (Convener, Ms K. Rivera (USA));
- WG-FSA at CCAMLR Headquarters, Hobart, Australia, from 10 to 21 October 2011 (Convener, Dr Jones).

4.77 The Commission endorsed the terms of the CCAMLR Scientific Scholarship Scheme in SC-CAMLR-XXIX, Annex 9, and noted that a review after five years would be appropriate to assess the performance of the scheme. While the scheme should be funded from the General Science Capacity Special Fund, the long-term nature of the scheme was dependent on additional funding from the Commission and Members (SC-CAMLR-XXIX, paragraphs 15.11 and 15.12).

4.78 In highlighting the importance of capacity building, the Commission recalled that the General Science Capacity Special Fund was established at CCAMLR-XXVIII following donations from Norway and COLTO (CCAMLR-XXVIII, paragraphs 16.7 and 16.12), with a further contribution of A\$10 000 from Australia during the intersessional period (COMM CIRC 10/69 refers), and encouraged other Members, especially fishing nations, to make contributions to this fund.

4.79 The EU noted that there was a need for the Commission to ensure that the General Science Capacity Special Fund had sufficient funds to secure the future of the CCAMLR Scientific Scholarship Scheme and informed the Commission that it intended to make a contribution of €50 000 this year.

4.80 The Commission thanked the EU for this generous contribution.

4.81 The Commission noted that under the terms of the CCAMLR Scientific Scholarship Scheme, candidates are sought from all Members and that particular preference will be given to early career scientists from developing countries.

4.82 The Commission also noted that South Africa is leading a multi-national proposal to the Global Environment Facility (GEF), under its International Waters portfolio to support science and research in the Southern Ocean, particularly in relation to capacity building and engagement in CCAMLR initiatives, for Members that are eligible for GEF funding (SC-CAMLR-XXIX, paragraphs 17.1 and 17.2). Such a project would build capacity in Antarctic and Southern Ocean science and contribute to research on a range of issues in areas beyond national jurisdiction. The Commission thanked South Africa for informing it of this initiative and looked forward to reviewing the full proposal in 2011.

4.83 Following the consideration by the Scientific Committee of a potential mechanism to facilitate observer involvement in the working groups, the Commission noted that the participation of observers may increase transparency and scientific contribution. The Commission agreed that the review by the Scientific Committee, identified in SC-CAMLR-XXIX, paragraph 15.19, should also include consideration of the procedures for the participation of observers in technical groups of other organisations, as well as a criteria for assessing scientific contributions.

4.84 The Commission noted the Scientific Committee's decision that all observers invited to SC-CAMLR-XXIX would be invited to participate in SC-CAMLR-XXX (SC-CAMLR-XXIX, paragraph 15.16).

4.85 The Commission noted that the Scientific Committee had agreed to amend Rule 21 of its Rules of Procedure in order to clarify the period of time Members have to respond to a recommendation from the Chair of the Scientific Committee regarding the participation of an observer not considered at the last meeting of the Scientific Committee (SC-CAMLR-XXIX, paragraph 15.17).

4.86 The Commission noted that Prof. Koubbi was elected as the new Vice-Chair of the Scientific Committee and thanked Dr V. Bizikov (Russia) for his contributions as the outgoing Vice-Chair (SC-CAMLR-XXIX, paragraphs 16.1 and 16.2).

BOTTOM FISHING

5.1 The Commission noted the discussions and advice regarding bottom fishing and VMEs which had been provided by the Scientific Committee, WG-SAM, WG-EMM and WG-FSA (SC-CAMLR-XXIX, paragraphs 5.1 to 5.13). This included:

- (i) development of a glossary of terms and conceptual diagram;

- (ii) consideration of two alternative approaches to defining the term ‘Vulnerable Marine Ecosystem’;
- (iii) estimation of the cumulative impact of bottom longline fishing on benthic communities and VME taxa;
- (iv) review of preliminary impact assessments provided by Members who had notified their intention to participate in exploratory fisheries in 2010/11;
- (v) consideration of VMEs notified in accordance with CM 22-06 and potential encounters with VMEs notified in accordance with CM 22-07;
- (vi) development by WG-FSA of a Report on Bottom Fisheries and Vulnerable Marine Ecosystems.

5.2 The Commission noted that the preliminary impact assessments submitted in 2010 were more complete compared to those submitted in 2009. Most of these preliminary assessments provided detailed information and diagrams of gear configuration, proposed effort and anticipated impacts. Further review of the information requested in CM 22-06, Annex A, indicated that the pro forma used to facilitate Members’ preliminary impact assessments could facilitate comparisons if it was made more succinct and streamlined (SC-CAMLR-XXIX, paragraph 5.5).

5.3 The Commission endorsed the following aspects of the Scientific Committee’s work:

- (i) a glossary of terms and conceptual diagram relevant to the consideration and management of VMEs in the Convention Area (SC-CAMLR-XXIX, paragraph 5.2, Annex 8, Figure 3 and Appendix E, Attachment A);
- (ii) development of advice on precautionary management actions that can be taken to mitigate immediate risks to VMEs without the definition of a VME (SC-CAMLR-XXIX, paragraph 5.4);
- (iii) revision of CM 22-06, Annex A, in order to facilitate the work on the estimation of the spatial footprint and potential impact of notified fishing activities in forthcoming fishing seasons (SC-CAMLR-XXIX, paragraph 5.6);
- (iv) inclusion into the VME Register of two new sites which were identified during a fishery-independent trawl survey in Subarea 48.2 (SC-CAMLR-XXIX, paragraph 5.9).

5.4 The Commission noted the results from work by WG-FSA and the Scientific Committee to provide combined, cumulative fine-scale bottom fishing impact assessments for all bottom fishing methods in all subareas and divisions included under CMs 22-06 and 22-07 (SC-CAMLR-XXIX, paragraph 5.7). To develop combined cumulative impact assessments for all bottom fishing methods that can be updated annually, the Scientific Committee had requested Members to complete method assessments for Spanish longlines, trotlines, pots and trawls comparable to the method assessment that has been done for autolines (SC-CAMLR-XXIX, paragraph 5.8).

5.5 The Commission endorsed the Scientific Committee's advice that notifications of encounters with VMEs during fishery-independent research activities should not be constrained by the format of CM 22-06, Annex B. Members were encouraged to provide additional supplemental information to support notifications under CM 22-06, and it was noted that each notification should be considered on its own merits. Members were also encouraged to use autonomous camera systems to map the distribution of vulnerable habitats and establish links between catch rates of bottom fisheries and organism density on the seafloor (SC-CAMLR-XXIX, paragraphs 5.10 and 5.11).

5.6 The Commission agreed that the review of Risk Areas, as required by CM 22-07, should reference all available information on the nature, abundance and ecological importance of VME taxa and benthic organisms in each Risk Area under review (SC-CAMLR-XXIX, paragraph 5.12).

5.7 The Commission noted the Scientific Committee's work plan on VMEs and related matters, most of which was scheduled for 2012 and 2013 (SC-CAMLR-XXIX, paragraph 5.13, Table 7) and agreed to review CM 22-07 in 2012.

ASSESSMENT OF INCIDENTAL MORTALITY OF ANTARCTIC MARINE LIVING RESOURCES

6.1 The Commission noted that there had been no meeting of WG-IMAF this year and thanked the Scientific Committee for reviewing information on marine debris and incidental mortality arising from fisheries in the Convention Area in the years when WG-IMAF does not meet, in order to identify any possible anomalous situations and, if appropriate, take the necessary measures (SC-CAMLR-XXIX, paragraphs 4.1 to 4.8).

Marine debris

6.2 The Commission noted the Scientific Committee's advice on marine debris in the Convention Area, in particular the results of surveys conducted by the UK at South Georgia and the South Orkney Islands and Uruguay's survey at King George Island (SC-CAMLR-XXIX, paragraphs 4.2 to 4.4).

Incidental mortality of seabirds and marine mammals during fishing operations

6.3 The Commission noted the Scientific Committee's general advice on incidental mortality of seabirds and marine mammals (SC-CAMLR-XXIX, paragraphs 4.5 and 4.7). The Commission thanked the Scientific Committee for its work, and noted that even though WG-IMAF had not met this year, it was important to continue to review IMAF-related information (see also paragraph 8.4 on compliance with CMs 25-03 and 26-01 during the 2009/10 season).

6.4 France informed the Commission of the success it has had in implementing its plan of action to reduce seabird incidental mortality within its EEZs, which has been ongoing for three consecutive years. This has resulted in significant reductions in the level of seabird mortalities by 84% from 2006/07 to 2009/10.

6.5 France invited all CCAMLR Members to consider taking action on this matter in RFMOs adjacent to the CAMLR Convention Area.

6.6 ACAP expressed its appreciation to all ACAP Parties for their continued commitment to reducing seabird mortalities, and was encouraged to see the reduction in seabird mortality in the French EEZ due to its successful implementation of a national plan of action.

6.7 The EU informed the Commission that at IATTC's last meeting it had adopted a measure to reduce incidental mortality of seabirds, making it one of the last RFMOs to do so. The EU noted that it had worked closely with ACAP and BirdLife International to make this happen.

MARINE PROTECTED AREAS

7.1 The Commission noted the extensive discussion undertaken in the Scientific Committee and its working groups on bioregionalisation and systematic conservation planning and endorsed the guidance of the Scientific Committee for Members undertaking bioregionalisation and systematic conservation planning in the CAMLR Convention Area, particularly in respect of the use of systematic conservation planning principles (SC-CAMLR-XXIX, paragraphs 5.14 to 5.16).

7.2 The Commission noted that 'a discussion of how rational use can best be incorporated into MPA planning has relevance to the Scientific Committee, but that discussions of what types of activities constitute rational use and how to measure success in balancing rational use and conservation was primarily a Commission issue' (SC-CAMLR-XXIX, paragraph 5.18).

7.3 With respect to how rational use can best be incorporated into MPA planning, some Members noted the utility of approaches such as those described in SC-CAMLR-XXIX, paragraph 5.34. With respect to what types of activities constitute rational use, some Members considered that the concept of rational use was adequately accommodated in Article II of the Convention and that this had served the Commission well for 30 years.

7.4 Argentina said that Article II of the Convention, apart from including the 'rational use' in the concept of conservation, requires potential recovery in a term of 20 or 30 years. This period should not be taken as from the present status of the ecosystem but from a previous one, at least at the time of the adoption of the Convention. One of the main premises of the establishment of MPAs is to provide such a point of reference.

7.5 The Commission endorsed the terms of reference and potential workshop outputs from an MPA Workshop to be hosted in France in 2011. It is proposed the workshop will review progress, share experience on different approaches to the selection of candidate sites for protection, review draft proposals for MPAs in the CAMLR Convention Area and determine a work program for the identification of MPAs in as many of the priority regions as possible (SC-CAMLR-XXIX, paragraphs 5.21 to 5.25).

7.6 The Commission endorsed the revised management plan for ASPA No. 149, Cape Shirreff and San Telmo Islands (SC-CAMLR-XXIX, paragraph 5.26). The USA acknowledged the endorsement of the Commission of this plan and undertook to work with Chilean colleagues to take this management plan forward for consideration by the CEP.

7.7 The Commission noted the discussions of the Scientific Committee on a process to elaborate a representative system of MPAs (RSMMPA) that could be applied to data-poor areas, while different approaches may be more appropriate in regions where sufficient datasets exist, such as the Ross Sea and the South Orkney Islands (SC-CAMLR-XXIX, paragraphs 5.27 to 5.33).

7.8 The Commission endorsed the recommendation that the process for designation of an MPA include the development of a research and monitoring program to be conducted within a specified timetable (e.g. 3 to 5 years), and that the development of a designation process and a monitoring plan may proceed in a stepwise fashion or both processes may occur simultaneously (SC-CAMLR-XXIX, paragraphs 5.36 and 5.37).

7.9 Many Members noted developments related to MPAs outside the Convention Area, including the work of the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) and the Convention on Biodiversity (CBD). The EU stated that work on establishment of MPAs is being undertaken under relevant EU legislation, including the Habitats Directive (92/43/EEC) and the Integrated Maritime Policy of the EU, and that scientific knowledge underpins that work.

7.10 Japan said that it does not categorically object to the establishment of MPAs in the CAMLR Convention Area and is able to accept MPAs which may, on the basis of sufficient scientific evidence, prohibit fishing activities. However, Japan is unable to accept the establishment of an MPA which prohibits rational use of fish resources without clear objectives and scientific justification. Other important elements with respect to the establishment of MPAs are monitoring mechanism and periodical mandatory review processes to assess whether the established MPA is achieving its objectives. Japan also noted that MPAs will attract IUU fishing which undermines the objectives of the Convention.

7.11 The Commission welcomed those comments of Japan which underlined the importance of scientific knowledge and noted that there may be a requirement for different approaches for designating MPAs depending on different levels of information available.

7.12 Australia introduced CCAMLR-XXIX/38 Rev. 1 and expressed appreciation to Members for the work undertaken during the meeting to progress an overarching measure that it had proposed to support the establishment of an RSMMPA (see also paragraphs 12.73 to 12.75). Australia recalled that consideration of principles for the establishment of an RSMMPA had commenced in 2005 and that, since then, significant progress had been made. This included the establishment of the South Orkney Islands MPA last year. Australia was of the view that a general conservation measure is necessary to provide:

- (i) a transparent process for adopting individual MPAs, including a provision for review;
- (ii) a statement of general outcomes to which an MPA will contribute;

- (iii) a process for updating the MPAs as new scientific research is undertaken and new knowledge is acquired;
- (iv) a process for collaboration and exchange of information with related international organisations;
- (v) a mechanism to provide for multiple use.

7.13 This approach has been directly modelled on CM 21-02, the exploratory fisheries conservation measure, which is an overarching conservation measure that establishes broad principles for exploratory fisheries and is then followed by a series of conservation measures for individual exploratory fisheries.

7.14 Such a measure will provide a road map for the consideration of all proposals for MPAs as the Commission moves towards meeting the 2012 deadline of the World Summit on Sustainable Development while, at the same time, providing a means to ensure MPAs meet individual objectives. Australia advised that it will be submitting proposals for seven MPAs in East Antarctica to the MPA Workshop in 2011 that are intended to be included within the framework of the general conservation measure if it is implemented.

7.15 Members considered that an overarching measure to implement MPAs should be linked to the objectives of the Convention and be based on sound science, and could provide guidance on 'sufficient' size, and include provisions for scientific research, monitoring and review. Consideration of the impacts of IUU fishing on MPAs, established as part of the system, would also require consideration. In addition, some Members considered that MPAs should be established on a case-by-case basis, each with its own objectives for protecting particular components of the ecosystem.

7.16 In subsequent discussion, some Members proposed that any measure concerning the designation and review of MPAs needed to be consistent with the international legal framework provided by UNCLOS, the Antarctic Treaty and the CAMLR Convention, and be guided by three principles:

- (i) protection of the environment
- (ii) freedom of scientific research
- (iii) rational use.

7.17 The Commission noted that, in 2005, the Scientific Committee had identified a number of conservation objectives that could be achieved through the establishment of MPAs. While representativeness was one such objective, other objectives include those identified in SC-CAMLR-XXIV, paragraphs 3.54(i), (iii), (iv-b) and (iv-c). The value of MPAs as a means to monitor change in the Antarctic ecosystem was also noted.

7.18 The Commission acknowledged that an overarching measure may help facilitate the designation of MPAs in the future and, therefore, it was important that such a measure reflected appropriate conservation and policy objectives, including consideration of the types of vessels/activities to be covered by the measure, including vessels not flagged to CCAMLR Members. The Commission recognised that this underscored the need to consider CCAMLR's relationship to other organisations in further development of such a measure.

7.19 In relation to Australia's proposal regarding an RSMMPA, Argentina referred to the possible implications of the term 'representative system'. It pointed out that the establishment of precise general definitions, terms and objectives was appropriate and may assist in deliberations on this matter, but stated that a clear definition of future MPAs administrative procedures should be included and needs to be fully consistent with international law and the Antarctic Treaty System.

7.20 ASOC welcomed the initiative to develop a conservation measure that would provide the framework for developing an RSMMPA within the Southern Ocean. This would provide clarity on the purposes and processes of MPA designation, and facilitate the development of an RSMMPA that will deliver on multiple objectives and be more than the sum of its parts. ASOC appreciated the substantive discussion on MPAs at this meeting and looked forward to the outcomes of next year's MPA Workshop. It encouraged all Members to work on identifying candidate MPAs of sufficient scale to protect biodiversity and ecological function in time for the workshop. ASOC submitted that designating the Ross Sea continental shelf and slope as an MPA is a high priority and noted that support for protecting the Ross Sea shelf and slope was growing amongst the wider scientific community, with 462 scientists from 37 countries having already signed a statement calling for their protection.

IMPLEMENTATION AND COMPLIANCE

8.1 The Chair of SCIC, Ms K. Dawson-Guynn (USA), reported to the Commission on the work of SCIC in relation to compliance with conservation measures, IUU fishing in the Convention Area and consideration of progress made in respect of recommendations contained in the PRP Report (Annex 6).

Compliance with conservation measures in force

System of Inspection

8.2 The Commission noted advice from SCIC that no incidents of non-compliance had been identified as a result of inspections of Members' vessels conducted under the System of Inspection during 2009/10. The Commission also noted that Members had been encouraged to participate in the System of Inspection and report the results of all inspections to CCAMLR.

Tagging program (CM 41-01, Annex C)

8.3 The Commission's deliberations on the implementation of the tagging program in accordance with CM 41-01, Annex C, are contained in paragraphs 11.14 to 11.25.

Environmental and mitigation measures

8.4 The Commission noted advice from SCIC that a number of vessels had not complied with all the requirements of CMs 25-03 and 26-01 during the 2009/10 season.

8.5 The Commission also noted advice from SCIC that no reports of non-compliance with CM 25-02 had been received during the 2009/10 season. Therefore, all longline vessels might be eligible to receive an extension of the licensing period in Subarea 48.3 in the 2010/11 season.

Port inspections (CM 10-03)

8.6 The Commission noted that three Members and one Contracting Party had submitted port inspection reports during 2009/10. The Members concerned were thanked for submitting these reports.

C-VMS reporting (CM 10-04)

8.7 The Commission noted advice from SCIC that the Secretariat had experienced a number of technical problems and delays in the receipt of C-VMS data for vessels operating outside the Convention Area in 2009/10.

8.8 The Commission agreed that the Secretariat had confirmed that it would assist Chile when it voluntarily requested the Secretariat to receive, process, manage and transmit in a timely manner, VMS data in respect of catches of *D. eleginoides* from outside the Convention Area.

Compliance evaluation procedure

8.9 The Commission noted intersessional work conducted by the ad hoc Development of a Compliance Evaluation Procedure group (DOCEP) during 2009/10.

8.10 Noting advice from SCIC that the work of DOCEP should continue, the Commission agreed that in 2011 DOCEP would continue to work intersessionally via electronic means. The Commission thanked Australia for offering to provide a convener for the future work of DOCEP.

Catch Documentation Scheme (CM 10-05)

8.11 The Commission noted that the ports of Singapore and Malaysia had been used by a number of vessels included on the CP-IUU Vessel List during 2009/10. The Commission also noted that Singapore was reported to be implementing the CDS only partially by issuing re-export documents but not taking steps to control landings or imports of toothfish.

8.12 The EU expressed the view that lack of control over trade undermined the CDS and that non-cooperating parties should be identified and brought to the attention of the international community. The EU was also of the view that failure to respond to correspondence from CCAMLR was a further act of non-cooperation.

8.13 The EU noted the long list of NCPs which had not responded to the letter from the Secretariat requesting cooperation, which shows a lack of political will on their side. The EU expressed appreciation to Nigeria for its participation in the CDS and its presence at the meeting as the only State that has undertaken effective cooperation with CCAMLR in recent years. The EU also expressed appreciation for initiatives such as the capacity building workshop relating to IUU held in Cape Town, South Africa, in August 2010 and support for such endeavours in the future.

8.14 The Commission agreed that the Chair of the Commission would write to Singapore and Malaysia and request them to deny the use of their ports by vessels on the NCP-IUU Vessel List. The Commission also agreed that Singapore be urged to take immediate action to fully implement the CDS in order to ensure continuation of its status as a non-Contracting Party cooperating with CCAMLR in the implementation of the CDS.

8.15 The Commission also noted advice from SCIC that the Hong Kong Special Administrative Region (SAR) was reported to have imported significant quantities of toothfish in 2009 and 2010 as documented under the CDS. Several Members noted with concern that the Hong Kong SAR did not implement the CDS.

8.16 China reminded Members that the CAMLR Convention does not apply to the Hong Kong SAR and that it had declared this when depositing its instrument of accession to CCAMLR. There is no legal obligation for the Hong Kong SAR to implement the CDS. China nevertheless advised that it attached importance to some Members' concerns and would therefore continue to consult with the Hong Kong SAR with regard to the issue of CDS. China requested that the Secretariat provide it with more detailed information on imports of toothfish to the Hong Kong SAR.

8.17 Several Members stated that the CDS should be implemented wherever possible in order to close loopholes and welcomed the assurance of China.

8.18 On behalf of the co-sponsors, the UK reported on a training and capacity building workshop relating to IUU which had been conducted by Australia, South Africa, UK and the Secretariat for African States in Cape Town, South Africa, in August 2010 (CCAMLR-XXIX/9). The workshop had been funded by the CDS Fund following a proposal made by the conveners at CCAMLR-XXVIII. The UK advised the Commission that the budget for the workshop had not been exceeded and thanked the New Partnership for Africa's Development's (NEPAD) Partnership for African Fisheries (PAF), Stop Illegal Fishing (SIF) program for funding the participation of several delegates.

8.19 The UK advised that the workshop had examined IUU-related problems of particular relevance to African coastal States, including content on Flag State and Port State measures. The workshop included presentations by the conveners, as well as SIF, COLTO and TRAFFIC. Training included a practical exercise inspecting a fishing vessel unloading and

time on board a patrol vessel. Participants had agreed to take specific actions following the workshop, including examination of Port State measures, regional training programs, joint patrols and sharing of information.

8.20 The UK reported that the participants had demonstrated a high level of engagement and had conveyed positive feedback. In light of this, the co-sponsors of the workshop were considering proposing a follow-up workshop for African States in 2012 and a similar workshop in regional Asia.

8.21 The Commission thanked all involved in planning and conducting the workshop, particularly South Africa for hosting it, and noted that this was a useful exercise to strengthen cooperation with other Parties and help achieve the objectives of the Convention. The Commission expressed its support for, and endorsed, the preparation of proposals for future workshops for consideration in 2011.

8.22 In addition, Argentina pointed out that activities like this one constitute a clear and effective way of engaging Third Party States in cooperative procedures with CCAMLR and are a step forward in the better achievement of the objectives of the Convention.

IUU FISHING IN THE CONVENTION AREA

Current level of IUU fishing

9.1 The Commission reviewed advice from SCIC and the Scientific Committee on the current level of IUU fishing. Seven vessels had been reported to have engaged in IUU fishing in the Convention Area during 2009/10 and all were believed to be using gillnets.

9.2 The Commission noted advice from the Scientific Committee on the changing nature of IUU fishing in the Convention Area, including the increasing level of IUU activities close to the continent and the increasing uncertainty surrounding estimates of IUU catches by gillnets. The Scientific Committee reiterated its previous advice that CCAMLR was still not aware of the full impact of gillnet fishing (SC-CAMLR-XXIX, paragraph 6.5 and 6.6).

9.3 The Commission expressed its concern that the estimates of IUU catches had risen since 2009 and concluded that, despite progress in the control of nationals and the implementation of the CDS, IUU fishing did not appear to be significantly declining. Several Members expressed the view that CCAMLR appeared to be unable to further control IUU fishing and was therefore not fulfilling the objectives of Article II of the Convention and, in turn, the Antarctic Treaty.

9.4 The Commission agreed with the Scientific Committee that, given the uncertainty surrounding gillnet catch rates, future estimates of IUU should focus on the level of effort, rather than the level of catches. The Secretariat will also clarify, in future, whether zero IUU estimates in a specific area arise from a lack of information or confirmed zero IUU activity (SC-CAMLR-XXIX, paragraph 6.7).

9.5 Ukraine expressed the belief that there were many more IUU vessels operating in areas where there is no legal fishing. Ukraine urged all Members to task their vessels and aeroplanes with recording all sightings of fishing vessels and report all sightings to the

Secretariat. Ukraine also urged the Secretariat to remove all Commission reports and conservation measures from the public access pages of the CCAMLR website, as these might be used by IUU operators.

9.6 New Zealand informed the Commission that it had recently taken delivery of two new ice-class patrol vessels which will be committed in future to implementing the System of Inspection in the Convention Area to supplement aerial surveillance already conducted by New Zealand.

9.7 The Commission expressed its appreciation for the efforts of Australia, France and New Zealand in respect of patrols in the Convention Area, and to the UK for its role in convening an IUU training workshop. Most Members believed, however, that further actions in respect of port measures, market measures and the control of nationals were required.

9.8 The Commission agreed that the Chair of the Commission would write to those non-Contracting Parties reported to be Flag States of IUU vessels fishing in the Convention Area to request their written permission to board and inspect these vessels within the framework of the System of Inspection.

9.9 The Commission also agreed to pursue all action in respect of IUU vessels flagged to non-Contracting Parties in accordance with CM 10-07.

Control of nationals (CM 10-08)

9.10 The Commission noted with satisfaction reports submitted by Spain with respect to actions it had taken against the fishing company Vidal Armadores following New Zealand's investigation of the *Paloma V* (now *Trosky*) in Auckland, New Zealand, in 2008. The Commission noted that Spain had imposed a fine and suspended all licences, loans and subsidies for a period of two years.

9.11 Several Members urged Spain to continue to take all possible action against its national involved in IUU activities and to proactively investigate possible links between Vidal Armadores and other vessels reported to be actively IUU fishing in the Convention Area, particularly the *Corvus*, *Draco-I* and *Trosky*.

9.12 Spain assured the Commission that it was prepared to act against IUU fishing and that it would continue to investigate all reports which implicated Spanish nationals in IUU activities. Spain requested the assistance of any Member which had any evidence of the involvement of Spanish nationals in IUU activities.

9.13 Many Members noted that, whilst information provided by Members might not be sufficient to conclude a full prosecution, the information should still provide a basis for Spain to undertake an investigation.

Diplomatic demarches

9.14 The EU advised the Commission of progress as a result of diplomatic actions with Togo and Equatorial Guinea during 2009/10. Equatorial Guinea had advised in a letter to the Commission Chair that it had deflagged a number of vessels including *Tropic* (now *Constant*), *Gold Dragon* (now *Carmela*), *Perseverance* (now *Challenge*) and *Red Lion 22* (since renamed *Sibley* and sunk). Equatorial Guinea had also informed CCAMLR that it granted permission for CCAMLR Members to board and inspect vessels claiming its flag.

9.15 The EU drew the Commission's attention to SCIC-10/4 which contained information on Togolese-flagged vessels which had been reported to have been deregistered by Togo but appeared to continue to claim Togolese flag. The EU advised that Togolese authorities were currently investigating these reports and that CCAMLR would be informed of any outcomes. The EU also noted that Togo had advised that it had deregistered the vessels *Aldabra* and *Amorinn*, which are included on the NCP-IUU Vessel List.

IUU Vessel Lists

9.16 The Commission noted advice from SCIC that no information had been received in respect of vessels which might be included on a Provisional CP or NCP-IUU Vessel List in 2010.

9.17 China advised the Commission that since 2006 it had applied severe sanctions to the *North Ocean* and *West Ocean*, which include, in particular, withdrawing their licences and preventing subsequent fishing. China stated that the vessels had remained under constant surveillance by port authorities for nearly four years. China had also urged the owner to sell the vessels so as to ensure that the ownership is changed which is an effective solution against IUU fishing. The owner had subsequently signed a sale contract with the Insung Corporation of Korea and a 25% deposit had been paid. China provided copies of the sale contract and deposit payment documents.

9.18 China therefore proposed an arrangement under which the *North Ocean* and *West Ocean* should be removed from the CP-IUU Vessel List within 10 working days once China informed the Commission via a Commission Circular that the vessels had been sold to the Insung Corporation of Korea and provided copies of the Bill of Sale, Commercial Invoice and the Protocol of Delivery and Acceptance.

9.19 China emphasised that its proposal fully followed the decision taken by the Commission last year in respect of delisting the *East Ocean* and *South Ocean* (CCAMLR-XXVIII, paragraph 9.18).

9.20 The USA made the following statement:

‘China has asked the Commission to agree to remove the *West Ocean* and *North Ocean* from the CP-IUU Vessel List intersessionally once they are sold to Insung Corporation of Korea. After careful consideration, the US Delegation continues to have some difficulties with reaching a conclusion that the Commission's rules with respect to delisting have been met.

As noted in our intervention earlier this week, CM 10-06 provides for deleting a vessel from the CP-IUU Vessel List if the Contracting Party proves that one of the criteria for delisting has been met. Information relevant to a proposed listing or delisting is required to be submitted to the Secretariat no later than 30 days before the start of the annual meeting in order for all Members to have adequate time to consider the proposal and supporting documentation.

It has been difficult to adequately consider the proposed delisting of the *West Ocean* and *North Ocean* because the procedures set forth in CM 10-06 were not followed. No delisting proposal or supporting information was provided to Members prior to this meeting. Rather, limited information was provided halfway through SCIC in support of a request to delist the vessels intersessionally on the basis of their future sale. This information only related to the first element of paragraph 14(iii). Under this subparagraph, the Contracting Party must prove, not only that the vessel *has* changed ownership, but also that the *new owner* can establish that the previous owner no longer has any interest in, nor exercise any control over, the vessel and that the *new owner* has not participated in IUU fishing. These elements have not been proven.

Some Members will recall the information provided by the Marshall Islands (SCIC-08/10) when they came before this Commission in 2008 seeking delisting of the *Seed Leaf* based on its sale to Eastern Reefer. The Marshall Islands provided complete documentation establishing that all of the elements of CM 10-07, paragraph 18(iii), had been met and its effort can serve as a useful guide for Contracting Parties and non-Contracting Parties seeking delisting on this basis in the future.

Some Members have noted this week that the Commission agreed in 2008 and 2009 to the delisting of these vessels during the intersessional period on the basis of their future sale. However, as was noted in the 2008 report of the Commission, these agreements were not intended to establish an intersessional delisting process under CM 10-06. As was noted in paragraph 10.11 of the report from CCAMLR-XXVII, “a few Members acknowledged the exceptional circumstances leading to the decision to delist the ... vessels and ... requested the deletion of vessels from the IUU Vessel Lists should be done strictly in accordance with the criteria set forth in Conservation Measure 10-06, paragraph 14, in future.”

The flexibility demonstrated by this Commission in 2008 was intended to provide assistance to a new Member on an exceptional basis and in response to a unique set of circumstances. The USA does not think it is reasonable to treat these circumstances as unique when they have been repeated in each of the last two years. The compromise agreed to in 2008 was not intended to become a routine manner of seeking delisting and the USA does not support continuing with ad hoc procedures for intersessional delisting.

Thus, the USA believes that the Commission should apply its procedures as they exist, which may mean that Insung should be allowed to complete the sale, and then Korea can make the case next year for delisting pursuant to CM 10-06.

If the Commission wants to allow for intersessional delisting, we should agree a process that would be fair, transparent and applicable to all Contracting and

non-Contracting Parties with vessels on the IUU Lists. In fact, the EU has put forward a proposal to establish intersessional delisting procedures. If such a procedure is agreed at this meeting, China would need to meet the requirements of that process.’

9.21 China noted the position of the USA and expressed its regret to that. China emphasised that the Commission’s decision with regard to delisting the *East Ocean* and *South Ocean* was made by consensus and that it was not an exception to, but an application of, CM 10-06.

9.22 China further indicated that the Commission had made decisions by consensus on the procedure to delist the *North Ocean* and *West Ocean* at its previous meeting (CCAMLR-XXVII, paragraph 10.10; CCAMLR-XXVIII, paragraph 9.19), according to which the vessels should be deemed removed from the CP-IUU Vessel List once China informed the Commission that the vessels had been sold to the Insung Corporation of Korea and that the sales were final. China emphasised that the proposal made by China was consistent with the said decisions.

9.23 China is of the view that the US Delegation was not in the position to reverse the decision agreed by the Commission by consensus on delisting the two vessels from the CP-IUU Vessel List. What China asked the Commission to do this year in its proposal was just a technical arrangement to clarify the meaning of the term ‘sales are final’ in the view to make the application of CM 10-06 in a non-controversial manner.

9.24 China is of the view that the objection of the US Delegation may block China’s proposal at this meeting, but it cannot reverse the decision agreed by the Commission by consensus. China stated that the previous decision remains in force until a new decision to replace it is agreed by the Commission by consensus.

9.25 The Republic of Korea advised that the purchase procedure was under way according to the relevant clauses of CCAMLR-XXVIII that were agreed by Members. It noted that when the ownership changes of the vessels were completed and the vessels are deleted from the CP-IUU Vessel List, Korea could grant its national registration and fishing licences to the vessels. Before delisting it is not possible for Korea to register the vessels to the Korean vessel registry. Korea requested clarification on the continuation of the validity of the clauses of CCAMLR-XXVIII, paragraphs 9.18 and 9.19, because if those clauses cannot be applied to the current purchase arrangement, the impact and damage would be significant to the arrangement engaged by the companies. Korea stated that, when the ownership change is completed, it will notify the Commission and request delisting of those vessels.

9.26 Australia made the following statement:

‘With regard to the two Chinese-flagged vessels, *North Ocean* and *West Ocean* which the Chinese Delegation is seeking to have removed from the CP-IUU Vessel List during the intersessional period between this meeting and the 2011 meeting, we have been informed that the basis for the removal of the vessels from the list is their pending sale to Insung Corporation of Korea. Australia would like to thank our colleagues from the Chinese Delegation for the copy of the Memorandum of Agreement for this sale which was provided to SCIC on Wednesday 27 October.

However, Australia is disappointed that China and Korea have not managed to comply with CM 10-06 in time for this meeting. The exceptional circumstances in 2008 and 2009 were the result of Members being flexible and demonstrating understanding for the position of a new Member. However, ongoing exceptions to the rule weaken our efforts to sustainably manage the harvesting of Antarctic marine living resources and threaten the integrity of our conservation measures and potentially, the Convention.

To this end, Australia looks forward to full compliance by China and Korea with CM 10-06, noting that Korea also has obligations under paragraph 14(iii) of CM 10-06.

As the USA has spoken about, the Marshall Islands provided a comprehensive information package at the 2008 meeting which satisfied all of the aspects of paragraph 14(iii) and resulted in the delisting of the *Seed Leaf*. In that case, SCIC noted that the Marshall Islands had provided a comprehensive and thorough analysis that clearly demonstrated the requirements of the conservation measure. Australia strongly encourages all Members to follow the example set by the Marshall Islands.

CMs 10-06 and 10-07 provide a level playing field for all Contracting Parties and non-Contracting Parties seeking the removal of a vessel from an IUU Vessel List. To not apply these conservation measures consistently in all cases leads to perverse environmental outcomes and is unfair to other countries that fully comply with them.’

9.27 Uruguay made the following statement:

‘With respect to the issue of the IUU Vessel Lists under discussion, the Uruguayan Delegation must state that just as it was never in agreement with treating the addition of vessels to IUU Vessel Lists lightly, without sound evidence of contraventions, now, by the same token, it does not agree either with the simple elimination of vessels from the lists without observance of the main points established by existing rules.

Uruguay has considered the views expressed by other delegations during the discussions on this subject, and understands that if on another occasion exceptions were accepted, it does not allow for continuance of this action when rules have not yet been modified.

Therefore, Uruguay understands that the procedure requested must follow existing rules.’

9.28 Argentina was of the view that China was in the process of adequately completing all required steps to be able to delist the two vessels from the IUU Vessel List, and was in favour of doing so as soon as the announced documentation is circulated among Members. Argentina also stated that consistency with previous decisions adopted by the Commission was essential, and that a proactive and cooperative approach was required regarding this matter so as not to undermine the timely operation of the scheme of conservation measures and the mutual trust expected from all Members.

9.29 Some Members supported the position of Argentina.

9.30 ASOC said that it shared the position to not delist the vessels as in its view the criteria for delisting had not been met. CCAMLR Members needed to comply with their own conservation measures and any exception set an unfortunate precedent as the strength of CCAMLR relies on Member countries abiding by the conservation measures.

9.31 Based on Rule of Procedure 34, China objected to an Observer's intervention on an issue reserved for CCAMLR Members being reflected in the meeting report.

9.32 Members expressed a range of views on the procedural issue. Some Members expressed the view that this situation should not be considered as a precedent.

9.33 China requested the Chair of the Commission to make a clarification on how the rules of consensus worked and what are its implications on decision-making in reference to the issues of delisting the *North Ocean* and *West Ocean* from the CP-IUU Vessel List included in the CCAMLR-XXVIII report. Also, in the case that Members failed to agree on a new decision by consensus at this Commission, what is the status of the previous decision.

9.34 The Chair explained that it was correct that decisions were taken by consensus, and consensus decisions could only be changed by consensus, but noted from the debate that the issue here appeared to be whether the decision continued to apply in temporal and other terms, and delegations had expressed differing views on that point.

9.35 China reiterated that it would continue to combat IUU fishing in the Convention Area and fully implement all of CCAMLR's conservation measures and decisions made by the Commission by consensus.

SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

10.1 In accordance with the CCAMLR Scheme of International Scientific Observation, scientific observers were deployed on all vessels in all finfish fisheries in the Convention Area in 2009/10. Information collected by scientific observers on board longline, finfish trawl, pot and krill trawl cruises were summarised in SC-CAMLR-XXIX/BG/2. In addition, the Republic of Korea reported that its observers on krill vessels were still at sea and had not yet been able to submit reports.

10.2 The Commission endorsed the Scientific Committee recommendations on data entry procedures, within-trip checking/validation and subsequent review, all of which are designed to improve the quality of observer data (SC-CAMLR-XXIX, paragraph 7.4).

10.3 The Commission endorsed the development of standards for an accreditation scheme for participation in the CCAMLR Scheme of International Scientific Observation, noting that this will require the establishment of a review panel. The Commission noted that ad hoc TASO could constitute an appropriate review panel and should consult with the Secretariat and SCIC over the coming year to establish the mechanism for undertaking the accreditation assessment, including a dispute-resolution procedure should there be a dispute over the assessment of criteria provided by a Member (SC-CAMLR-XXIX, paragraphs 7.9 to 7.12; Annex 6, paragraphs 6.8 to 6.10).

10.4 The Commission noted the request to consider how to set standards amongst Members to ensure that observers are able to do their work in optimum conditions and in a safe environment. The Secretariat was requested to prepare a review of how such standards are implemented in other organisations (SC-CAMLR-XXIX, paragraphs 7.9 to 7.15).

10.5 The Commission noted the recommendation that registration for an International Maritime Organization (IMO) number be made mandatory for all vessels operating in the Convention Area where observers are deployed to assist in ensuring that the safety standards are met (SC-CAMLR-XXIX, paragraph 7.16).

10.6 China noted that safety at sea is a very important issue and advised the Commission that it needed more time before giving further response to the recommendations made by the Scientific Committee.

NEW AND EXPLORATORY FISHERIES

11.1 The Commission noted that WG-FSA and the Scientific Committee had reviewed progress in assessing the exploratory fisheries for *Dissostichus* spp. (SC-CAMLR-XXIX, paragraphs 3.125 to 3.128). Many of these fisheries were considered to be ‘data-poor exploratory fisheries’ in, for example, Subareas 48.6 and 58.4, because data are currently insufficient to undertake a stock assessment and in some instances this is despite many years of a structured research and tagging program (SC-CAMLR-XXIX, Table 5).

11.2 In contrast, the Commission noted that WG-FSA and the Scientific Committee have undertaken stock assessments for the exploratory fisheries for *Dissostichus* spp. in the Ross Sea (Subarea 88.1 and Subarea 88.2 SSRUs A and B) and in SSRU 882E using robust information on abundance and yield. Those fisheries are meeting the data and information requirements referred to in CM 21-02, paragraph 1(ii), and research and assessment work has allowed the Scientific Committee to formulate and provide advice to the Commission on appropriate harvest levels and other aspects of conservation over the last eight years (SC-CAMLR-XXIX, paragraph 3.129).

11.3 The Scientific Committee had recalled that the characteristics of successful assessments included the use of well-designed experiments to develop an integrated tag-based assessment of *Dissostichus* spp. in Subarea 48.4 (SC-CAMLR-XXVIII, paragraph 4.87), and the use of a multi-national multi-year tag-based assessment for Subareas 88.1 and 88.2. The spatial concentration of tagging effort and the high standard of research applied by fishing vessels were key factors that led to the success of the tag-based assessments. Further, successful assessments in Subarea 48.3 and Division 58.5.2 have also included data collected from trawl surveys of juveniles and young adults (SC-CAMLR-XXIX, paragraphs 3.130 and 3.131).

11.4 The Commission endorsed the general work plan developed by WG-FSA and the Scientific Committee for implementing research in data-poor exploratory fisheries. Some specific elements of the work plan were identified as a high priority focus topic for WG-SAM in 2011 (SC-CAMLR-XXIX, paragraphs 3.132 and 3.133).

11.5 Russia and Ukraine made a proposal to review the existing system of alternate open and closed SSRUs in exploratory fisheries. This system was implemented in 2005

(CCAMLR-XXIII, paragraphs 10.57 and 10.59) and Russia and Ukraine were of the view that the paucity of information available in the exploratory fisheries in Subarea 58.4, and the increased IUU fishing activities in that subarea, may be attributed to the limited activities permitted in these exploratory fisheries. In addition, these Members stated that the closure of SSRUs in some areas has prevented the acquisition of information on the biology and distribution of *Dissostichus* spp.

11.6 Ukraine made the following statement:

‘Paragraph 3.144 of SC-CAMLR-XXIX mentions the Scientific Committee’s concern regarding the very low recovery of tags from the exploratory fisheries in Subareas 48.6 and 58.4, and the lack of information coming from these subareas makes it difficult to provide recommendations to the Commission. The Ukraine Delegation agrees with these conclusions. Every year since 2005, reports of the Commission and the Scientific Committee contain statements by Ukraine advising that, in recent years, the Commission has been able to receive scientific information mainly from the vessels engaged in exploratory fisheries and that it is necessary to maintain the level of information provided and to strive to increase this level (SC-CAMLR-XXIV, paragraph 4.177; SC-CAMLR-XXVII, paragraphs 4.116, 4.127, 4.134, 4.157 and 4.158; SC-CAMLR-XXVIII, paragraphs 4.157, 7.8, 7.9 and 7.10; CCAMLR-XXV, paragraph 11.14; CCAMLR-XXVI, paragraph 10.144; CCAMLR-XXVII, paragraph 12.8). This year’s WG-FSA and Scientific Committee reports contain multiple references to the issue of insufficient scientific information. The closure of SSRUs in Subarea 58.4 and Area 88 has resulted in a decrease in available scientific information. For example, in Subarea 58.4, due to the closure of some areas there, tagging in SSRUs that are open for fishing produces negligible results because, in Ukraine’s opinion, the tagged fish move into the adjacent SSRUs that are closed to fishing, as tagging often takes place near the boundaries of small-scale units. Furthermore, some tagged fish are undoubtedly being caught during IUU fishing which is at a very high (and, most likely, is increasing annually) level in the subarea (e.g. SC-CAMLR-XXIX, paragraphs 3.154 and 3.155 note that the registered IUU catch in Division 58.4.1 in 2009/10 was 910 tonnes (4.5 times more than the allowable catch), 615 individual fish were tagged in legal fisheries and only three were recovered; paragraphs 3.158 and 3.159 note that the level of registered IUU fishing in Division 58.4.2 this year was 432 tonnes (six times more than the allowable catch), 291 individual fish were tagged and not a single fish was recovered). As Ukraine stated earlier, it is necessary to open all SSRUs for fishing and to increase the catch limit in this subarea (possibly, in each SSRU separately) in order to boost the volume of information and reduce the pressure from IUU fishing. Ukraine had warned the Commission of this scenario a few years ago. The situation with the provision of scientific information for stock assessments in Subarea 58.4 is getting progressively worse every year. Ukraine believes that this situation was created artificially when some SSRUs were closed for fishing and the catch limits were reduced to the levels that make it unprofitable for vessels to go there, although there were no scientific grounds for the reduction of catch limits in the area. Ukraine urges Members to act responsibly when making the decision at the Commission meeting to increase the level of scientific information provided and to reduce the level of IUU fishing in Subarea 58.4. Ukraine’s specific proposals for these areas were submitted to the Conservation Measures Drafting Group.’

11.7 The Commission noted that the spatial concentration of tagging effort was a key factor that led to the success of the tag-based assessment of the exploratory fishery in Subarea 88.1 (SC-CAMLR-XXIX, paragraph 3.130). The Commission also noted that for those fisheries for which the Scientific Committee currently provides, or plans to develop, advice based on stock assessments that utilise tag-recapture experiments, a system of open and closed SSRUs is an integral part of the assessment methods used to provide this advice, and that any proposed revision of this system would require detailed consideration by the Scientific Committee.

11.8 Taking into account completion of the scientific experiment in Subareas 88.1 and 88.2, some Members suggested that the Scientific Committee develop recommendations regarding the future status of closed SSRUs in Subareas 88.1 and 88.2.

11.9 Australia advised that it retained a strong interest in participating in exploratory fishing and developing robust assessments for exploratory fisheries. The implementation of research that leads to assessments is an important responsibility for Members notifying for exploratory fisheries, and Australia has conducted such research which was endorsed by the Scientific Committee and the Commission, and which lead to management advice.

11.10 The Commission noted that the Scientific Committee had agreed that the data currently being collected in exploratory fisheries in areas other than the Ross Sea was unlikely to contribute to assessments of exploratory fisheries in the near future (SC-CAMLR-XXVIII, paragraph 4.164). The Scientific Committee had agreed that a well-designed experiment was needed to clarify the issues on stock status in Subarea 58.4 (SC-CAMLR-XXVIII, paragraph 4.159).

11.11 Some Members were deeply concerned that the current high numbers of vessels notified for the exploratory fisheries in Subareas 48.6 and 58.4 is unsustainable, with little prospect of assessments in the near future or the formulation of management advice consistent with Article II.

11.12 Australia urged the Commission to take steps to set these exploratory fisheries on a sustainable path with a suitably precautionary approach. Australia considered that SSRUs with catch limits for *Dissostichus* spp. of less than 100 tonnes should be closed until such time when the Commission is confident that the catch limits in these areas are precautionary, the levels of effort are manageable, and the data collected will lead to advice on sustainable harvest levels in the near future.

11.13 The Commission noted that the development of a research framework for data-poor exploratory fisheries will be a high priority focus topic for WG-SAM in 2011 (paragraph 11.4).

Tagging of *Dissostichus* spp.

11.14 The Commission noted that all longline vessels fishing in exploratory fisheries for *Dissostichus* spp. in 2009/10 had achieved the required tagging rate, and had released tags continuously, at or above the required rates, throughout their fishing trips. However,

significant concerns were raised by some Members in respect of some vessels that had failed to meet the requirement in CM 41-01, Annex C, paragraph 2(ii), for the lengths of tagged toothfish to reflect the length frequency of the catch.

11.15 The Scientific Committee reported that the analysis of the tag overlap statistic by WG-FSA showed that in most exploratory fisheries, at least one vessel had achieved a high ($\geq 60\%$) overlap between tag-release length frequency and catch-weighted length frequency (SC-CAMLR-XXIX, Annex 5, Table 12). This indicated that a high overlap statistic was achievable by all vessels fishing in exploratory fisheries. In addition, many vessels had improved their tagging performance over the last three years. However, some vessels still achieve a low overlap statistic with a bias towards the tagging of small fish, and one vessel in 2010/11 had not tagged *D. eleginoides* and *D. mawsoni* in proportion to the presence of these species in the catch (SC-CAMLR-XXIX, paragraphs 3.137, 3.138 and 3.141).

11.16 The Commission noted that tagging large numbers of small fish is of very limited use for the estimation of abundance (SC-CAMLR-XXVIII, paragraph 4.150). The Commission joined the Scientific Committee in reiterating the concern that the failure to tag a representative part of the fished population was seriously undermining WG-FSA's ability to carry out robust stock assessments in the exploratory fisheries (SC-CAMLR-XXIX, paragraph 3.139).

11.17 The Commission also noted the very low recovery of tagged fish from the exploratory fisheries in Subareas 48.6 and 58.4, and that the continued paucity of information coming from these fisheries makes it difficult to provide advice on precautionary catch limits for these fisheries. Further, the continuation of fishing, when combined with the continuing paucity of information, may increase the uncertainty over the stock status (SC-CAMLR-XXIX, paragraphs 3.144 and 3.145).

11.18 The Commission expressed its disappointment at this outcome and agreed that non-compliance with the tagging program undermined CCAMLR's ability to manage exploratory fisheries and, therefore, the objectives of the Convention and the Antarctic Treaty. The Commission reiterated the importance of full compliance with all requirements of the tagging program. The Commission also noted that tagging was the responsibility of the Flag State, as well as the vessel.

11.19 The Commission agreed with the Scientific Committee that it is feasible for all vessels to achieve a high level of tagging overlap.

11.20 The Commission agreed that the tag overlap statistic (SC-CAMLR-XXIX, paragraph 3.141) was informative. The Commission referred the issue of achieving compliance with the tagging requirements of CM 41-01, Annex C, to SCIC for further consideration (SC-CAMLR-XXIX, paragraphs 3.139 to 3.143; paragraph 12.23).

11.21 Some Members recommended that past tagging performance by vessels should be taken into consideration when reviewing future proposals to undertake research.

11.22 The UK expressed the further view that, in addition to possible incentives to comply with the requirements of the tagging program, vessels which had demonstrated systematic non-compliance with the requirements of the tagging program should be subject to sanction.

11.23 Some Members noted in particular that two vessels, *Insung No. 1* and *Jung Woo No. 2*, were reported to have been non-compliant with respect to their tagging requirements over a period of four years. These Members also drew the Commission's attention to a report that the *Insung No. 1* failed to tag any of the 2 404 *D. mawsoni* it was reported to have caught in Subarea 48.6 and had, therefore, undermined scientific research and the ability to manage the fishery.

11.24 The Republic of Korea expressed its deep regret that its flag vessels had not fully achieved all the objectives of CM 41-01, specifically in relation to tagging overlap rates. Regarding Members' comments on the failure to tag *D. mawsoni* in Subarea 48.6, the vessel had fully implemented tagging of *D. eleginoides*. Korea asserted, however, that all the vessels had made significant improvements with respect to tagging rates in previous years and therefore regarded the low level of overlap as an error on the part of its fishers rather than non-compliance. Korea reminded the Commission of its intent to conduct a training program for fishing masters and crew (Annex 6, paragraph 2.12). Korea assured CCAMLR that its flag vessels' performance would improve in future and that it would achieve full compliance with all requirements of the tagging program in 2010/11. To assist in this endeavour, Korea had extended an invitation to the Secretariat to travel to Korea to provide detailed information on CCAMLR's approach to the management of fisheries, associated scientific research and data requirements to Korean government officials, scientists and representatives of the fishing industry. Korea explained that this outreach activity would in no way detract from Korea's responsibility for the implementation of CCAMLR conservation measures.

11.25 New Zealand noted that failure to achieve a high tag overlap statistic was not a matter of education but of will. Several Korean vessels had clearly chosen to tag and release small fish while retaining larger fish for commercial reasons. New Zealand noted furthermore that it had received a report that Korean vessels were already departing from a southern hemisphere port for the Convention Area.

Research hauls and data collection

11.26 The Commission endorsed the Scientific Committee's advice that current single allocation of starting positions for research hauls in Subareas 48.6 and 58.4 could be augmented, in areas of sea-ice, by providing each vessel with up to three random lots of start positions for the required research hauls in each SSRU. These options would be provided by the Secretariat, on request from the notifying Member or its vessel, and prior to the vessel's arrival at the SSRU. The vessel could then choose the allocated start positions which best suited the local sea-ice conditions, and subsequent research hauls would be conducted using the agreed procedure (SC-CAMLR-XXIX, paragraph 3.146 and Annex 4, paragraph 3.6).

11.27 The Commission also endorsed the Scientific Committee's request that the Secretariat prepare a table summarising the data collection requirements in each exploratory fishery, for use by WG-FSA in 2011 to review the data collection requirements in these fisheries, and for inclusion in the Fishery Reports as a description of the data collection required (SC-CAMLR-XXIX, paragraph 3.148).

Fisheries notified in 2009/10 and 2010/11

11.28 In 2009, the Commission agreed to the following exploratory fisheries in 2009/10:

- (i) exploratory longline fisheries for *Dissostichus* spp. in Subareas 48.6, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b;
- (ii) an exploratory trawl fishery for *Euphausia superba* in Subarea 48.6;
- (iii) exploratory fisheries for crab in Subareas 48.2 and 48.4.

11.29 No new fishery had been notified for 2009/10.

11.30 The notified exploratory fisheries for *Dissostichus* spp. in Division 58.4.3a, krill in Subarea 48.6 and crab in Subarea 48.4 were not carried out in 2009/10, and catches in the other exploratory fisheries in 2009/10 are summarised in SC-CAMLR-XXIX, Table 2. The operation of the exploratory fisheries for *Dissostichus* spp. in Subareas 48.6, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2 and 58.4.3b, and the exploratory fishery for crab in Subarea 48.2 was reviewed by WG-FSA and the Scientific Committee (SC-CAMLR-XXIX, paragraphs 3.149 to 3.188).

11.31 In 2010, nine Members notified their intention to fish in exploratory longline fisheries for *Dissostichus* spp. in Subareas 48.6, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b in 2010/11. These notifications were reviewed by WG-FSA and the Scientific Committee (see also SC-CAMLR-XXIX, paragraphs 3.149 to 3.188).

11.32 During the meeting, Argentina withdrew its notifications for exploratory fisheries for *Dissostichus* spp. in Subareas 88.1 and 88.2 in 2010/11.

11.33 The Commission thanked Members for their notifications, and agreed to Members' participation in exploratory fisheries in 2010/11 as indicated in Table 1.

11.34 The Commission endorsed the Scientific Committee's management advice on the exploratory fisheries for *Dissostichus* spp. in Subarea 48.6 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b, noting that the Scientific Committee could not provide any new advice on catch limits, except for the limits in Division 58.4.3b (SC-CAMLR-XXIX, paragraphs 3.173 to 3.178).

11.35 The Commission recalled that the Scientific Committee has implemented biennial assessments for *Dissostichus* spp. in the Ross Sea (Subarea 88.1 and Subarea 88.2 SSRUs A and B) and in SSRU 882E, subject to the conditions of the biennial assessment procedure (SC-CAMLR-XXVIII, paragraph 4.213). The latest assessments were conducted in 2009, and WG-FSA did not carry out assessments for these stocks in 2010.

11.36 The Commission endorsed the Scientific Committee's management advice on the exploratory fisheries for *Dissostichus* spp. in Subareas 88.1 and 88.2 (SC-CAMLR-XXIX, paragraphs 3.185, 3.187 and 3.188).

11.37 The Commission noted that no notification had been received in relation to exploratory fishery for krill in Subarea 48.6 and exploratory fisheries for crab in Subareas 48.2 and 48.4 in 2010/11. The Commission agreed to close these fisheries for 2010/11.

CONSERVATION MEASURES

12.1 The Commission's consideration of revised conservation measures, new conservation measures, new resolutions and related matters is reported in this section. Conservation measures and resolutions adopted at CCAMLR-XXIX will be published in the *Schedule of Conservation Measures in Force 2010/11*.

Review of existing conservation measures and resolutions

12.2 The Commission noted that the following conservation measures will lapse on 30 November 2010: 32-09 (2009), 33-02 (2009), 33-03 (2009), 41-01 (2009), 41-03 (2009), 41-04 (2009), 41-05 (2009), 41-06 (2009), 41-07 (2009), 41-09 (2009), 41-10 (2009), 41-11 (2009), 42-01 (2009), 42-02 (2009), 51-04 (2009), 51-05 (2009), 52-01 (2009), 52-02 (2009) and 52-03 (2009). All of these measures dealt with fishery-related matters in 2009/10.

12.3 The Commission agreed that the following conservation measures³ will remain in force in 2010/11:

Compliance

10-01 (1998), 10-03 (2009), 10-05 (2009), 10-06 (2008) 10-07 (2009), 10-08 (2009) and 10-09 (2009).

General fishery matters

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

Fishery regulations

31-01 (1986), 31-02 (2007), 32-01 (2001), 32-02 (1998), 32-03 (1998), 32-04 (1986), 32-05 (1986), 32-06 (1985), 32-07 (1999), 32-08 (1997), 32-10 (2002), 32-11 (2002), 32-12 (1998), 32-13 (2003), 32-14 (2003), 32-15 (2003), 32-16 (2003), 32-17 (2003), 32-18 (2006), 33-01 (1995), 41-02 (2009), 41-08 (2009), 51-02 (2008), 51-03 (2008) and 51-07 (2009).

Protected areas

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

12.4 The Commission agreed that the following resolutions will remain in force in 2010/11: 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 and 31/XXVIII.

Revised conservation measures

12.5 The Commission revised the following conservation measures³:

³ Reservations to these measures are given in the *Schedule of Conservation Measures in Force in 2010/11*.

Compliance

10-02 (2008) and 10-04 (2007).

General fishery matters

21-01 (2009), 21-02 (2009), 21-03 (2009), 22-04 (2006), 22-06 (2009), 22-07 (2009), 23-06 (2009), 23-07 (2009), 24-01 (2008), 51-01 (2008) and 51-06 (2009).

12.6 The revisions are detailed below.

Compliance

Licensing and inspection

12.7 The Commission revised the information about licences which each Contracting Party provides to the Secretariat. Paragraph 3 of CM 10-02 was deleted and minor amendments were made to paragraph 4. The revised CM 10-02 (2010) was adopted.

12.8 Consequential changes to paragraph references were made in CMs 21-01, 21-02 and 21-03. The revised CMs 21-01 (2010) and 21-02 (2010) were adopted. Further revision was made to CM 21-03 (see paragraph 12.10).

Automated satellite-linked VMS

12.9 The Commission agreed to extend all VMS reporting requirements in CM 10-04 to vessels fishing in krill fisheries (Annex 6, paragraph 2.48). Footnote 4 was deleted from that measure and the revised CM 10-04 (2010) was adopted.

General fishery matters

Notifications

12.10 The Commission requested that notifying Members include a detailed description of the method of estimating the green weight of krill caught and, if conversion factors are used, a detailed description of the method of determining each conversion factor. The revised CM 21-03 (2010) was adopted.

Gear regulations

12.11 The Commission agreed that the routine use of small gillnets in multi-year scientific research programs should not require annual notification, irrespective of the depth of deployment of the gillnets. In addition, the requirements for vessels seeking to transit the Convention Area carrying gillnets was amended, such that this requirement now applies to

any vessel carrying gillnets with a total cumulative area measuring greater than 100 m². Such vessels must give advance notice of their intent, including the expected dates and route of their passage through the Convention Area. The revised CM 22-04 (2010) was adopted.

Bottom fishing in the Convention Area

12.12 The Commission revised the pro forma for use in the submission of preliminary assessments of the potential for proposed bottom fishing activities to have significant adverse impacts on VMEs (CM 22-06, Annex A). The revision will facilitate the work of WG-FSA to estimate the spatial footprint and potential impact of notified fishing activities (paragraph 5.3). The revised CM 22-06 (2010) was adopted.

12.13 The Commission agreed that the interim measure for bottom fishing activities subject to CM 22-06 would be reviewed in 2012 (CM 22-07, paragraph 10). The revised CM 22-07 (2010) was adopted.

Data reporting

12.14 The Commission revised the data reporting system for krill fisheries so that the 80% level (and subsequently the 50% level) would apply to the subarea-specific trigger levels, and that the five-day catch and effort reporting system would be implemented once this level had been reached (paragraph 4.9). The revised CM 23-06 (2010) was adopted.

12.15 The Commission revised the reporting deadline for daily catch and effort reports and the time for submission of daily reporting was brought forward to 12 midday UTC in order to improve the timeliness with which the Secretariat was able to receive and process daily reports (Annex 6, paragraph 2.48). The revised CM 23-07 (2010) was adopted.

Research and experiments

12.16 The Commission agreed to exempt catches of krill and finfish of less than 1 tonne taken during scientific research from the notification and reporting requirements in paragraph 2 of CM 24-01 (paragraph 4.71). The revised CM 24-01 (2010) was adopted.

Krill fisheries

12.17 The Commission revised the precautionary catch limit for krill to 5.61 million tonnes for Subareas 48.1 to 48.4, and recalled that the trigger level of 620 000 tonnes is not linked to the assessment of B_0 and the precautionary catch limit (paragraph 4.29). The revised CM 51-01 (2010) was adopted.

Scientific observations in krill fisheries

12.18 The Commission revised the general measure for scientific observation in krill fisheries (CM 51-06) in order to extend the target observer coverage rate to no less than 50% of vessels in 2010/11 and 2011/12 (paragraph 4.20). The systematic observer coverage would comprise:

- (i) a target coverage rate of no less than 50% of vessels in 2010/11 and 2011/12;
- (ii) a target coverage rate of more than 20% of observed hauls set by a vessel per fishing season being sampled;
- (iii) all vessels being observed at least once every two fishing seasons;
- (iv) coverage of areas and seasons within each subarea or division in accordance with the Scientific Committee's advice on distribution of observer coverage (SC-CAMLR-XXIX, Table 4).

12.19 In addition, the Commission agreed that the method used to estimate the green weight of krill caught should be reported in accordance with CM 21-03. The revised CM 51-06 (2010) was adopted.

New conservation measures

General fishery matters

Fishing seasons, closed areas and prohibition of fishing

12.20 The Commission reaffirmed the prohibition of directed fishing for *Dissostichus* spp. except in accordance with specific conservation measures. Accordingly, directed fishing for *Dissostichus* spp. in Subarea 48.5 was prohibited in 2010/11 and CM 32-09 (2010) was adopted.

By-catch limits

12.21 The Commission carried forward the existing by-catch limits in Division 58.5.2 in 2010/11, and CM 33-02 (2010) was adopted.

12.22 The Commission carried forward the by-catch limits for exploratory fisheries in 2010/11, taking account of the revised catch limits for *Dissostichus* spp. in Division 58.4.3b and the consequential changes to by-catch limits. CM 33-03 (2010) was adopted.

Year-of-the-Skate

12.23 The Commission recalled the general success of the initiatives undertaken during the Year-of-the-Skate and the need to continue to collect data on tagged skates (paragraph 4.54).

The Commission agreed to remove the mandatory requirement to tag skates in exploratory fisheries, and to revise the by-catch requirements (CM 33-03) and the sampling procedure for recaptured tagged skates (CM 41-01) in order to facilitate the continued collection of data on tagged skates.

Toothfish

12.24 The Commission carried forward the limits on the fishery for *D. eleginoides* in Subarea 48.3 (paragraph 4.43), and agreed that longline fishing in 2010/11 may begin on 21 April 2011 subject to the conditions described in paragraphs 5 and 7 of CM 41-02. CM 41-02 (2009) remained in force.

12.25 The Commission carried forward the limits on the fishery for *D. eleginoides* in Division 58.5.2 (paragraph 4.43) and CM 41-08 (2009) remained in force.

12.26 The Commission revised the catch limits for *D. eleginoides* and *D. mawsoni* in the fishery for *Dissostichus* spp. in Subarea 48.4. The revised catch limit for *D. eleginoides* was 40 tonnes in Subarea 48.4 North, and the revised catch limit for *Dissostichus* spp. was 30 tonnes in Subarea 48.4 South in 2010/11 (paragraph 4.43). Other elements regulating this fishery were carried forward and CM 41-03 (2010) was adopted.

12.27 The Commission discussed access to the exploratory fisheries for *Dissostichus* spp. in Subareas 48.6, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b in 2010/11. During the course of this discussion:

- (i) Argentina withdrew from the exploratory fisheries for *Dissostichus* spp. in Subareas 88.1 and 88.2 (see also paragraph 11.32);
- (ii) Korea withdrew one vessel (*Insung No. 1*) from the exploratory fishery for *Dissostichus* spp. in Subarea 48.6 and three vessels (including the *Insung No. 1*) from the exploratory fishery for *Dissostichus* spp. in Division 58.4.2;
- (iii) New Zealand withdrew one of its vessels from the exploratory fishery for *Dissostichus* spp. in Division 58.4.1.

12.28 The Commission agreed that access to exploratory fisheries for *Dissostichus* spp. in Subareas 48.6, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b in 2010/11 would be open to those Members and vessels listed in Table 1, and that the catch limits for target and by-catch species listed in Table 2 would apply to these fisheries in 2010/11 (paragraphs 11.31 to 11.36).

12.29 The Commission agreed to carry forward the research requirements in these exploratory fisheries for *Dissostichus* spp. in 2010/11, including the following elements:

- (i) in Subarea 48.6 and Divisions 58.4.1, 58.4.2 and 58.4.3a, each vessel will be required to conduct 10 research hauls in each SSRU fished. The specifications for research hauls are described in CM 41-01, paragraph 4, and the position of each haul (start of set) will be on, or close to, the position provided by the Secretariat, based on a stratified random design (see also paragraph 12.30);

- (ii) in Division 58.4.3b, the fishery was closed pending further advice from the Scientific Committee (paragraph 11.4), and the notified vessel was required to conduct the research plan described in paragraph 12.31, including tagging *Dissostichus* spp. at a rate of at least five fish per tonne of green weight caught;
- (iii) in Subarea 48.6 and Divisions 58.4.1, 58.4.2 and 58.4.3a, each vessel will tag *Dissostichus* spp. at a rate of at least three fish per tonne of green weight caught;
- (iv) in Subareas 88.1 and 88.2 each vessel will tag *Dissostichus* spp. at a rate of at least one fish per tonne of green weight caught;
- (v) the lengths of tagged *Dissostichus* spp. must reflect the length frequency of caught *Dissostichus* spp., and in regions where both species occur, the tagging rate will be in proportion to the catches of each species. Each vessel catching more than 2 tonnes of *Dissostichus* spp. in a fishery is required to achieve a minimum tag overlap statistic (paragraph 11.15) of 50% in 2010/11 and 60% from 2011/12 onwards, calculated using lengths aggregated by 10 cm length intervals.

12.30 The Commission agreed that the Secretariat would allocate starting positions for research hauls in Subareas 48.6 and Divisions 58.4.1, 58.4.2 and 58.4.3a. Three random lots of starting positions will be provided by the Secretariat, on request from the notifying Member or its vessel, and prior to the vessel's arrival at the SSRU (paragraph 11.26).

12.31 The Commission agreed to research fishing by one Japanese-flagged vessel in Division 58.4.3b in 2010/11. The research would be conducted in accordance with the relevant elements of CM 41-07, and would take no more than 15 tonnes of *Dissostichus* spp. from the southeast sector of the sampling grid agreed by the Commission in 2009 (CCAMLR-XXVIII, paragraph 12.47). The research plan would sample 24 stations, each separated by 7.5 n miles, and would include:

- (i) a comparison of the fishing characteristic of trotline and Spanish longline gear;
- (ii) observations on the physical condition of *Dissostichus* spp. caught using both gear types;
- (iii) observations on depredation;
- (iv) biological observations including ageing of fish;
- (v) reporting of data on VMEs.

12.32 The Commission revised the tagging protocol in the general measures for exploratory fisheries for *Dissostichus* spp. in 2010/11. Other elements regulating this measure were carried forward, and CM 41-01 (2010) was adopted.

12.33 The Commission agreed to the limits for exploratory fisheries for *Dissostichus* spp. in 2010/11, with access, catch limits and research requirements as described in paragraphs 12.28 to 12.32 and Tables 1 and 2. The following conservation measures were adopted:

- CM 41-04 (2010) – exploratory fishery for *Dissostichus* spp. in Subarea 48.6
- CM 41-05 (2010) – exploratory fishery for *Dissostichus* spp. in Division 58.4.2
- CM 41-06 (2010) – exploratory fishery for *Dissostichus* spp. in Division 58.4.3a
- CM 41-07 (2010) – exploratory fishery for *Dissostichus* spp. in Division 58.4.3b
- CM 41-09 (2010) – exploratory fishery for *Dissostichus* spp. in Subarea 88.1
- CM 41-10 (2010) – exploratory fishery for *Dissostichus* spp. in Subarea 88.2
- CM 41-11 (2010) – exploratory fishery for *Dissostichus* spp. in Division 58.4.1.

12.34 These conservation measures included the following limits and requirements:

- (i) all exploratory fisheries for *Dissostichus* spp. in 2010/11 were limited to vessels using longlines only;
- (ii) no more than one vessel per country shall fish at any one time in the exploratory fishery for *Dissostichus* spp. in Subarea 48.6;
- (iii) the general limits and measures for by-catch, including move-on rules provided in CM 33-03;
- (iv) the data collection and research plans and tagging protocols provided in CM 41-01;
- (v) the removal of the tagging requirements for skates (see also paragraph 12.23);
- (vi) the requirements for environmental protection provided in CMs 22-06, 22-07, 22-08 and 26-01.

12.35 New Zealand made the following statement:

‘New Zealand will join consensus today in the adoption of the conservation measures regarding the new and exploratory toothfish fisheries, but not without serious reservations about the provision of access to several vessels notified by the Republic of Korea.

New Zealand and other Members, during the course of this annual meeting of the Commission, have expressed their strong concern over the systematic and deliberate lack of compliance with the required tagging procedures set out in CM 41-01, in particular the requirement to tag a representative length frequency of the catch to achieve a high “tag overlap statistic”. New Zealand recalls the advice of the Scientific Committee (SC-CAMLR-XXIX, paragraph 3.138) that the *Insung No. 1*, the *Jung Woo No. 2*, and the *Jung Woo No. 3* have not complied with this conservation measure for the past four seasons despite strong advice from the Scientific Committee on the need to improve the performance of these same vessels (SC-CAMLR-XXVIII, paragraphs 4.148 to 4.151) and the Scientific Committee’s emphasis in 2009 and 2010 on the importance of achieving a high tag overlap statistic (SC-CAMLR-XXVIII, paragraph 4.151; SC-CAMLR-XXIX, paragraph 3.141).

The Scientific Committee has explicitly recognised (SC-CAMLR-XXIX, paragraph 3.139) that failure by vessels to comply fully with CM 41-01 is seriously undermining its ability to carry out robust stock assessments in the exploratory fisheries. Indeed, such failure threatens the integrity of the entire science-based

assessment process upon which the sustainable management of CCAMLR fisheries depends. This threat is magnified in New Zealand's view by the Republic of Korea's intended substantial increase in fishing effort, especially in Subareas 88.1 and 88.2 and in the 2010/11 season for which it has notified six vessels, 50% more than any other Member, including the *Insung No. 1*, the *Jung Woo No. 2* and the *Jung Woo No. 3*.

New Zealand also recalls the Scientific Committee's advice (SC-CAMLR-XXIX, paragraph 3.137) that there is no reason why a high tag overlap statistic is not achievable by all vessels in all exploratory fisheries and is very concerned that the Commission has proved unable to effectively address this issue despite the clear advice provided by the Scientific Committee. New Zealand would also recall that this is not an issue about education but about will. Finally, while New Zealand is pleased the Commission has now set a mandatory tag overlap benchmark in CM 41-01, Annex C, this will be to no avail if the Commission continues to fail to address such blatant and persistent non-compliance with its conservation measures.'

12.36 Australia made the following statement:

'Australia shares the concerns over the performance of vessels in exploratory fisheries, particularly in the difficulties achieving the research requirements that underpin the assessment and development of exploratory fisheries. Australia is very concerned about the expansion of effort in these fisheries and the lack of accompanying commitment to delivering useful research outcomes. Australia notes that exploratory fisheries are just that, exploratory, and should not be assumed to be precautionary or sustainable if they continue for many years without satisfactory research. As indicated in paragraph 11.12, Australia considers it important to have advice from the Scientific Committee on the requirements to be met for data-poor fisheries, including vessel requirements. Australia encourages all Members to be involved in these discussions because next year it is expected that the Commission will take full account of the advice of the Scientific Committee and take appropriate steps to manage effort in these fisheries.

Australia would like to ask the Commission to agree to request the Scientific Committee, through its work on data-poor exploratory fisheries, to consider options for determining effort levels in exploratory fisheries in order that such fisheries can remain precautionary and sustainable in the long term. Also, Australia would like to ask that the Commission agrees that notifications next year for exploratory fisheries under CM 21-02 be considered with respect to the advice from the Scientific Committee next year, and that such notifications will not be automatically considered according to the conditions for exploratory fisheries agreed for this coming season.'

12.37 The USA stated that it shares the view that failure to tag fish in accordance with recommendations from the Scientific Committee undermines the advice that the Commission must have in order to achieve the objectives in Article II of the Convention. It noted that the Scientific Committee has provided clear advice that 'a high overlap statistic was achievable by all vessels' (SC-CAMLR-XXIX, paragraph 3.137) accompanied by a table of indicative tagging rates that would enable vessels to achieve high overlap (SC-CAMLR-XXIX, Table 6). The USA thought that the failure of some vessels to achieve this high overlap is a serious problem for this organisation and needs to be addressed head on. In the USA's view it

is absolutely essential that Members and their vessels achieve necessary tagging rates and overlap, and if vessels do not, this should form the basis for denying specific vessels future access to new and exploratory fisheries.

12.38 The UK made the following statement:

‘The UK shares many of the concerns set out by New Zealand, Australia and the USA, and expresses its disappointment that despite the clear over-notification of fishing effort in subareas and divisions with limited catch limits, we have been unable to reach agreement either on the principle, or the process as to how we might reduce that effort.

The UK agrees that this is an extremely serious issue for the Commission. Not just this year, but into the future. It demonstrates an unfairness among Members, between those that invest in the scientific effort needed to underpin our decision-making and those who appear to be motivated solely by economic gain.

In this regard, the UK expresses extreme disappointment that Korea has not been able to demonstrate to this Commission either that it has prioritised scientific requirements in authorising its vessels, or that it takes seriously the concerns of the over-capacity in fishing effort notified for the next season. We now appear to be held hostage by economic imperatives – and, in the UK’s view, the strong CCAMLR principle of science underpinning each and every conservation measure is under question.

The UK agrees to the exploratory fisheries notifications reluctantly. As highlighted in the Performance Review, the UK thinks it is now of paramount urgency that the Commission addresses the issue of over-capacity of effort and seriously considers limiting exploratory fishing in each and every subarea and division by Member. We already agree to no more than one vessel per country at any one time in Subarea 48.6. We should urgently look at similar provisions for all other exploratory fishing conservation measures, with the number of vessels from each country commensurate with the precautionary catch limits, and with priority given to scientific contribution, not to economic gain.’

12.39 The Republic of Korea made the following statement:

‘Korea acknowledges the criticisms of the low achievement in the tag overlap statistics, even though it is not related to a non-compliance. With this acknowledgement, Korea has withdrawn one vessel from Subarea 48.6 and three vessels from Division 58.4.2. The withdrawals include the *Insung No. 1* which was the centre of criticism from Members. The withdrawal decision was made to warn the owner of the *Insung No. 1*. Korea asks Members to understand its intention and advises that it was not appropriate to block the vessel from exploratory fishing. During this week, Korea has repeatedly expressed its willingness to improve on scientific data collection to contribute to the robust stock assessment for the better achievement of the objectives of CCAMLR. In closing, Korea extends its sincere appreciation to all Members for understanding its position, especially to New Zealand.’

Icefish

12.40 The Commission revised the limits on the fishery for *C. gunnari* in Subarea 48.3 (paragraph 4.49). The revised catch limit for *C. gunnari* was 2 305 tonnes in 2010/11. In addition, the type of alternative string material for use in net binding (CM 42-01, footnote 3(i)) was amended to 'organic/biodegradable'. Other elements regulating this fishery were carried forward and CM 42-01 (2010) was adopted.

12.41 The Commission revised the limits on the fishery for *C. gunnari* in Division 58.5.2 (paragraph 4.49). The revised catch limit for *C. gunnari* was 78 tonnes in 2010/11. Other elements regulating this fishery were carried forward and CM 42-02 (2010) was adopted.

Krill

12.42 The Commission recalled that no notification had been made for the exploratory fishery for krill in Subarea 48.6 in the forthcoming season (paragraph 11.37), and the limits in CM 51-05 (2009) were not renewed for 2010/11. However, the requirements of the general measure for exploratory fisheries for krill were carried forward to 2010/11 in order to provide guidance to Members who may wish to notify for exploratory fisheries for krill in 2011/12. CM 51-04 (2010) was adopted.

Crab

12.43 The Commission carried forward the limits for the fishery for crab in Subarea 48.3 in 2010/11 and CM 52-01 (2010) was adopted. The Commission noted that any Member wishing to participate in this fishery is required to notify their intention at least three months in advance of starting fishing (CM 52-01, paragraph 3).

12.44 The Commission recalled that no notification had been made for the exploratory fishery for crab in Subarea 48.2 or the exploratory fishery for crab in Subarea 48.4 in the forthcoming season (paragraph 11.37). The limits in CMs 52-02 (2009) and 52-03 (2009) were not renewed for 2010/11.

New resolutions

12.45 The Commission adopted a resolution which seeks a reaffirmation by Members of their commitment to prevent, deter and eliminate IUU fishing in the Convention Area in accordance with the conservation measures in force (Annex 6, paragraph 2.48). Resolution 32/XXIX (Prevention, deterrence and elimination of IUU fishing) was adopted.

Other measures considered

Port Inspection Scheme

12.46 The Commission considered a proposal to amend CM 10-03.

12.47 In introducing the proposal, the EU and the USA highlighted its importance in relation to IUU fishing. They also noted that it would strengthen CM 10-03 and make CCAMLR's Port Inspection Scheme consistent with those that will be required under the FAO Port State Measures Agreement (PSMA) adopted by consensus in November 2009.

12.48 The USA noted the observation made by the PRP that 'until all Port States implement similar and consistent arrangements with respect to foreign fishing vessels entering their ports, loopholes will continue to exist'. The USA expressed the view that, in addition to addressing the loopholes identified by the PRP, the amendments that it had proposed would facilitate compliance with the existing requirements of CM 10-03, as well as the provisions of CMs 10-06 and 10-07 that call on Members to restrict port entry and access to port services to vessels on CCAMLR's IUU Vessel Lists. The proposal set forth minimum requirements regarding entry into port and access to port services, conduct of inspections and training of inspectors, and follow-up actions that are consistent with those set forth in the FAO PSMA.

12.49 The USA and the EU noted that, although several Members have already signed the FAO Agreement, one Member had expressed concern that the amendments being proposed would prematurely and inappropriately implement that agreement through the mechanism of a CCAMLR conservation measure. Other Members disagreed and noted that, although the amendments proposed would bring the obligations on Port States under CM 10-03 into greater consistency with those that will follow from the FAO Agreement, the scope of the proposal remains confined to those resources and activities under the competence of CCAMLR.

12.50 The EU noted that the PSMA had been negotiated over the past three years and that, given the time it will take to ratify the PSMA, there was an urgent need to close the loopholes in the CCAMLR system now to ensure that it is effective in combating IUU fishing. The EU noted that other organisations had adopted similar measures and reminded Members that it was proposing that implementation in CCAMLR be deferred until June 2012. In addition to being a recommendation of the PRP, the proposal would include vessels carrying krill.

12.51 The EU once again stated that without robust control of ports and markets, CCAMLR would never be able to fully address the issue of IUU fishing, as the IUU catches would continue to be landed and traded. The EU urged Members to fully discharge their responsibilities in ensuring the effectiveness of CCAMLR in the conservation of marine living resources and to adopt the proposal.

12.52 Most Members expressed their full support for the proposal. These Members believed that strengthening port control would close existing loopholes and assist with prevention and deterrence of IUU fishing. Some Members also expressed the further view that adoption of a stronger port inspection measure was important for the credibility of CCAMLR and relevant to its work.

12.53 A number of Members urged all CCAMLR Members to ratify the PSMA and to exert political will by engaging constructively in 2011 to adopt amendments to CM 10-03 at CCAMLR-XXX. Some Members also expressed the view that non-ratification of the PSMA did not prevent its provisions from being adopted by CCAMLR.

12.54 Germany noted that the EU IUU Regulation No. 1005/2008 had imposed a significant administrative burden on EU Member States. Germany believed that CCAMLR should not squander these efforts by leaving other loopholes open.

12.55 While thanking the USA and the EU for their proposal, Argentina noted that the text mirrors concepts and criteria deriving from the FAO PSMA of 2009, which is not yet in force. It recalled that some Members had already underscored that the PSMA remains under consideration by their competent authorities and that more time to reflect on the proposal is needed. It further noted that States are entitled to decide whether and when they provide their consent to be bound by an agreement. The acceptance of such concepts and criteria in the framework of CCAMLR would imply the circumvention of the necessary steps leading to domestic approval.

12.56 Namibia and South Africa expressed their thanks to the EU and the USA for their proposal, particularly its intention to include species other than toothfish, and were pleased to see that the proposal included the principles of the PSMA. Namibia believed that the proposal would strengthen the ability of the Port State to exert more control over vessels. South Africa noted that it was fully aware of the problem of IUU fishing and therefore supported the PSMA in principle but had not yet ratified it and would therefore need more time to fulfil its requirements.

12.57 ASOC expressed its full support for the proposal and thanked the co-sponsors for introducing it. ASOC reminded Members of a gap analysis that it had conducted which explained the rationale for strengthened Port State measures. ASOC expressed disappointment that no progress had been able to be made on the proposal this year and strongly encouraged the co-sponsors to revisit it in future.

12.58 The USA and the EU thanked those Members which had supported the proposal and expressed disappointment that the Commission was not able to make more progress on this issue at this meeting. The USA and the EU indicated that they were committed to continue work on this issue.

12.59 The Commission encouraged Members to continue work on this matter during the intersessional period.

Scheme to promote compliance

12.60 The Commission considered an intersessional process for the delisting of vessels from the IUU Vessel Lists in order for the lists to be updated more frequently, as recommended by the PRP (Annex 6, paragraph 2.49). Such a procedure would apply to the IUU Vessel Lists in CMs 10-06 (Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures) and 10-07 (Scheme to promote compliance by non-Contracting Party

vessels with CCAMLR conservation measures). The Commission was unable to finalise the process, and encouraged Members to continue work on this matter during the intersessional period.

12.61 In presenting these proposals, the EU stated that they addressed a recommendation of the PRP, which stated that ‘CCAMLR should review the process (including the need for consensus), timing and frequency with which vessels are added or removed from the IUU vessel list’, so that the lists are updated more frequently, and that the discussions under Item 9 concerning the delisting of two Chinese-flagged IUU vessels rendered them even more relevant and timely. The EU also noted that such a procedure already features in many organisations, including ICCAT, IOTC and WCPFC, to which many CCAMLR Members are Contracting Parties.

Market-related measure

12.62 The Commission considered a proposal for the adoption of a market-related measure (CCAMLR-XXIX/39).

12.63 In reintroducing its proposal to the Commission, the EU recalled that it had been proposing the measure over a period of five years. The EU noted that, despite considerable progress in respect of the control of nationals, IUU fishing in the Convention Area did not appear to be declining, as evidenced by the considerable increase in IUU catches in 2009/10 compared with last season. The EU expressed the view that CCAMLR appeared to be unable to further control IUU fishing and was therefore not fulfilling the objectives of Article II of the Convention and, in turn, the Antarctic Treaty, and the responsibility for this rested with those Members which were blocking the adoption of a market-related measure. The EU believed that control of ports and markets was an essential element in combating IUU fishing. The EU also noted that delegations which had objected to the proposal in SCIC had adopted similar proposals in other organisations and that these organisations had examined and successfully implemented market-related measures.

12.64 Noting that market measures had been adopted by other organisations, several Members strongly supported the adoption of such measures by CCAMLR. These Members were of the view that there were no substantive legal barriers to its adoption. These Members believed that three essential steps in combating IUU fishing were the control of ports, the control of markets and the control of nationals. These Members urged CCAMLR to redouble its efforts to control the trade of IUU-caught toothfish as it was fast exhausting other solutions.

12.65 Noting also that a proposal for a Port State measure and a previous proposal for improving the System of Inspection had not been agreed by consensus, some Members expressed regret that CCAMLR was again failing to take critical measures against IUU fishing. The USA reiterated its support for the proposal and regretted that it, like the proposals on Port State measures and the System of Inspection, all of which were designed to combat IUU fishing, had been blocked.

12.66 Argentina expressed its disappointment on noting that no response to the legal considerations it provided in 2008 and 2009 was received from those Members who offered to

do so. Argentina stated that it felt it was very difficult to support the adoption of procedures it considered not to be consistent with international law. The reasons for that position have already been thoroughly explained.

12.67 Argentina stated that one need only read the Performance Review of certain RFMOs to verify that IUU fishing is, in some cases, mainly carried out by the very Members of the RFMO. In some cases, up to 50% of the species in the purview of the RFMO are overexploited legally. The practical consequences were that the resources entrusted to the RFMO are exploited by their Members as if they were their legitimate owners. Hence, this was clearly an example not to be followed by CCAMLR. On the other hand, Members should carefully analyse, on a case-by-case basis, what best serves the objectives of the Convention.

12.68 Argentina stated that, from a practical point of view, the elaboration of an IUU States list, in addition to not being compatible with the spirit of CCAMLR and with international law, simply leads to confusion as to the actual flag of each vessel. The valuable information provided by Spain regarding the vessel *Tchaw* and the diplomatic demarches informed by the EU, are proof of the speed at which reflagging can take place, as well as of the use of unauthorised flags by IUU vessels. This creates uncertainty in respect of the offending vessel's nationality, in the same way that sighting reports cannot conclude the nationality of the crew from the language used in radio communications.

12.69 Moreover, Argentina noted that CM 10-08 has begun to bear some fruit even though it was not used to its fullest extent to 'effectively deprive participants of the benefits' and 'dissuade further illegal activities'. For example, the surplus weight retained by the vessel by not tagging large specimens is indeed an illegal commercial benefit. It would be appropriate to calculate the weight illegally retained in order to act accordingly. Furthermore, while it is satisfactory to note that sanctions have been applied to an IUU vessel owner, Argentina could not help noticing that a single landing from an IUU vessel is valued at approximately €1.5 million. Argentina understood that the fine had not deprived the responsible party of its benefits and that the sanctioned vessel continues operating under a different name. The application of CM 10-08 to individuals is much simpler than applying it to beneficial owners, which usually are legal persons. This is precisely the point where CCAMLR's best efforts should be directed.

12.70 Argentina also stated that, by means of a somewhat perverse mechanism, the very capitals that finance and benefit from the IUU fishing activity that might lead Members to include a State in a list for presumably being unable to control its fleet, are the same capitals that would finance and benefit from the exploitation of the resources whilst resorting to other flags. In summary, Argentina understood that the mechanism currently provided for in CM 10-08, if applied with the necessary determination, would provide a solution to the problem before CCAMLR. Argentina was of the view that the EU proposal would require unproductive efforts in addition to being, in parallel, incompatible with international law.

12.71 Namibia and South Africa advised the Commission that trade-related consultations within their respective countries were still ongoing and the matter was also on the agenda of the Southern African Development Community (SADC) for deliberation by ministers responsible for fisheries. They therefore advised the Commission that they were not currently in a position to make a final decision on the proposal.

12.72 In thanking all Members which had supported its proposal, the EU reiterated its willingness to consult with any Member in any future consideration of market-related measures.

12.73 Many Members indicated that they would continue work on this matter during the intersessional period.

Marine Protected Areas

12.74 Australia made the following statement:

‘Australia would like to thank many Members for substantially progressing the conservation measure to establish CCAMLR MPAs individually and in a representative system of Antarctic MPAs.

Australia considers MPAs would contribute to the objectives of Article II according to the mechanisms available in Article IX where conservation measures, formulated on the basis of the best scientific evidence available pursuant to Article IX.1(f), may designate the opening and closing of areas, regions or sub-regions for the purposes of scientific study or conservation, including special areas for protection and scientific study pursuant to Article IX.2(g).

Australia is very disappointed that this draft conservation measure has not been agreed at this meeting given

- (i) that in 2005 the Commission endorsed the Scientific Committee’s advice arising from the 2005 Workshop on Marine Protected Areas (CCAMLR-XXIV, in paragraph 4.12; SC-CAMLR-XXIV, paragraphs 3.51 to 3.65);
- (ii) the high priority given to the establishment of a system of MPAs by the CCAMLR Performance Review Panel where the Review Panel recommended that CCAMLR take steps towards the designation of MPAs, including high-seas areas within CCAMLR waters, as a matter of urgency noted by the Commission (CCAMLR-XXVII, paragraph 17.9);
- (iii) the agreement by the Commission to develop a system of MPAs according to the WSSD objective of developing a representative system of MPAs by 2012 (CCAMLR-XXVIII, paragraph 7.19).

Australia believes that the Commission is in agreement on

- (i) the variety of objectives to which CCAMLR MPAs could contribute, including a representative system, having endorsed these objectives in 2005, and noting that the development of MPAs should be consistent with the CAMLR Convention and international law generally;

- (ii) the requirements for individual CCAMLR MPAs that should be considered when adopting an MPA, noting that specific requirements for each MPA can only be determined once the specific objectives have been determined, which may be for conservation and/or scientific reasons;
- (iii) the need to adopt mechanisms that ensure that fishing, research and other activities do not impact on the specific values of CCAMLR MPAs;
- (iv) the requirements for review;
- (v) the need for developing relationships with other bodies that might assist in conserving Antarctic marine living resources.

Notwithstanding the discussions over the last two weeks, Australia does not consider that there are any fundamental disagreements on what is needed in this conservation measure. That said, Australia does not agree that the proponent of an MPA should be solely responsible for the delivery of its science or facilitating its objectives. Australia believes in the CCAMLR community sharing in the aspirations for delivering the conservation of Antarctic marine living resources. With this belief, Australia has circulated a revised draft, restoring some text for further discussions, and hopes that it can work with Members to develop words to achieve these agreed aspirations and agreed intentions in the coming year. Australia believes that the adoption of this measure next year will provide a solid and transparent foundation for establishing a system of CCAMLR MPAs by 2012.’

12.75 New Zealand made the following statement:

‘New Zealand wishes to congratulate Australia on its heroic efforts on its conservation measure to establish a representative system of MPAs. While it is unfortunate that we have not been able to reach consensus on the measure, the debate has been very rich and we are now much better informed on where we need to go with respect to establishing such a network. New Zealand thanks Australia for their final draft of the measure, and looks forward to working on this intersessionally with Australia. New Zealand considers it would be fitting to be able to adopt such a measure at CCAMLR’s 30th anniversary in 2011.’

12.76 The UK joined New Zealand in congratulating Australia in its efforts, and looked forward to continuing to work on this matter during the intersessional period.

General

12.77 Australia advised the Commission that any fishing or fisheries research activities in that part of Divisions 58.4.3a, 58.4.3b and 58.5.2 that constitutes the Australian EEZ around the Australian Territory of Heard Island and McDonald Islands, must have the prior approval of Australian authorities. The Australian EEZ extends up to 200 n miles from the Territory. Unauthorised or illegal fishing in these waters is a serious offence under Australian law. Australia seeks the assistance of other CCAMLR Members in ensuring their nationals and vessels are aware of the limits of the Australian EEZ and the need for prior permission to fish there. Australia has implemented strict controls to ensure that fishing in its EEZ occurs only

on a sustainable basis. Presently, fishing concessions are fully subscribed and no further concessions for legal fishing in the EEZ are available. Australian legislation provides for large penalties for illegal fishing in Australia's EEZ, including the immediate forfeiture of foreign vessels found engaged in such activities. Any enquiries about fishing in the Australian EEZ should be made initially to the Australian Fisheries Management Authority.

12.78 The Commission expressed its appreciation to Ms G. Slocum (Australia) for chairing the Conservation Measures Drafting Groups of both SCIC and the Commission.

COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM

Cooperation with Antarctic Treaty Consultative Parties

13.1 The Executive Secretary represented the Commission at the 33rd Antarctic Treaty Consultative Meeting (ATCM XXXIII) in Punta del Este, Uruguay. The outcomes from ATCM XXXIII relevant to CCAMLR were presented by the Executive Secretary in CCAMLR-XXIX/BG/12.

13.2 The ATCM Parties expressed a range of views in relation to development of mechanisms for the ATCM and CCAMLR to harmonise their approach to the protection of the marine environment following the adoption of the MPA for the South Orkney Islands by CCAMLR in 2009. These included:

- (i) extending the provisions of CCAMLR MPAs to all non-fishing vessels within designated areas would require review by the IMO;
- (ii) that the proposed measure be submitted to the CEP for its review;
- (iii) the relationship with the provisions of the Environment Protocol in respect of ASPAs and ASMAs, as the statutory basis of the designation of any area for environmental protection by the ATCM, noting that there was no definition of a 'marine protected area' in the Antarctic Treaty or the Environment Protocol;
- (iv) the need to capitalise on the momentum achieved by CCAMLR in designating a first MPA.

13.3 The Commission also noted the discussion in the ATCM with respect to the development of the IMO's Guidelines for Ships Operating in Polar Waters and encouraged Members to fully engage in this process (CCAMLR-XXVIII, paragraph 14.8), as well as in the work of the Hydrographic Commission on Antarctica (HCA) of the International Hydrographic Organization (IHO), noting that many areas within the CAMLR Convention Area have not been surveyed to modern standards.

13.4 There were no resolutions or decisions arising from ATCM XXXIII and CEP XIII requiring decisions to be made at CCAMLR-XXIX, although the Commission noted the adopted Resolution 5 (2010) 'Coordination Among Antarctic Treaty Parties on Antarctic Proposals under Consideration in the IMO' and Decision 1 'Compilation of Key Documents of the Antarctic Treaty System'.

13.5 The UK emphasised that coordination across the entire Antarctic Treaty System was essential, especially on cross-cutting issues.

13.6 The Commission agreed that CCAMLR should be represented at ATCM XXXIV by the Executive Secretary and by the Chair of the Scientific Committee and the Science Officer at CEP XIV to be held in Buenos Aires, Argentina, from 20 June to 1 July 2011.

Cooperation with SCAR

13.7 The Commission noted the presentation from SCAR to the Scientific Committee (SC-CAMLR-XXIX, paragraphs 10.5 to 10.8). In particular, the Commission endorsed the terms of reference of a Joint CCAMLR–SCAR Action Group to improve the strategic alliance between the two organisations, noting that this would address objectives of the Commission as well as the Scientific Committee.

13.8 The Commission noted the potential importance of ocean acidification and the recognition that, although the focus has been on ice dynamics in the Southern Ocean, acidification is an important component for CCAMLR in the consideration of the impact of climate change. The Commission requested that the issue of ocean acidification be included in the developments of the Joint CCAMLR–SCAR Action Group.

COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

Reports of observers from international organisations
and intergovernmental organisations

ACAP

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

‘On behalf of the Parties to ACAP, I would like to thank you for the opportunity to participate in this meeting and to contribute to the important discussions being undertaken here. Firstly, I am pleased to advise that the MOU between CCAMLR and ACAP, which was agreed to at this meeting last year, has been endorsed by ACAP Parties and this document has now been signed by the respective Executive Secretaries, establishing a formal basis for collaboration between our two organisations.

Since the last meeting of the Commission, the Fifth Meeting of the Agreement’s Advisory Committee (AC5) was held in Mar del Plata, Argentina, and a report on this meeting has been provided by the CCAMLR Observer (SC-CAMLR-XXIX/BG/28).

Significant progress was achieved at AC5 with the identification of effective seabird by-catch mitigation measures for pelagic longline fishing operations. It is expected that next year’s meeting of the Advisory Committee will conclude this work, at which time ACAP will have available well researched, proven, by-catch mitigation measures

for all types of fishing operations known to catch seabirds. This is a significant milestone, and builds on the ground-breaking work that was first initiated in this Commission on mitigation measures for demersal longline fishing operations.

ACAP has recently given a high priority to improving its ability to store and analyse data related to seabird conservation and to providing data and expert advice to a number of RFMOs that have a by-catch of albatrosses and petrels.

ACAP holds data on all 29 species listed under Annex 1 of the Agreement, including data relating to within and outside the CAMLR Convention Area and greatly appreciates the submission of data by some CCAMLR Parties, including data relating to areas outside CCAMLR waters. ACAP encourages those CCAMLR Parties which have relevant data and are yet to submit it to ACAP, to do so as soon as possible. In the coming year ACAP hopes to strengthen its practical cooperation with CCAMLR, including by providing an analysis of relevant data to assist the 2011 meeting of WG-IMAF.

In closing, I would like to highlight that ACAP is open to accession by any State with jurisdiction over breeding areas of ACAP species, or whose vessels fish in areas where ACAP-listed species forage. ACAP would warmly welcome the additional participation and accession of those CCAMLR Parties which are not yet a Party to ACAP. It is only through the collaborative efforts of all relevant States and international organisations that we can achieve our aim of achieving and maintaining a favourable conservation status for these iconic seabirds. Failure to do so will lead to the inevitable extinction of many populations of these seabirds.'

ASOC

14.2 ASOC made the following statement to the Commission:

'ASOC conveys its warm welcome to CCAMLR's new Executive Secretary and appreciation to the Chair and all CCAMLR countries for the opportunity to attend CCAMLR-XXIX as an observer. ASOC also appreciates the opportunity to engage in the critical issues that will be discussed this week, for many of which ASOC has submitted papers for discussion. First, ASOC wants to briefly reinforce the concerns that many countries expressed during the Scientific Committee meeting about the sharp and continuing increases in krill catches near the coasts in Area 48. This year, the catches reached a record 211 000 tonnes, which included a closure in Subarea 48.1 where 150 000 tonnes were caught in the coastal area where only 25% of the krill biomass is located, compounding the potential for localised depletion of krill.

ASOC has submitted to the meeting seven papers that are relevant to the work of the Commission (CCAMLR-XXIX/BG/19 to BG/21 and BG/23 to BG/26).

Many of the recommendations from those papers will be introduced under the appropriate agenda items.

The need to reduce uncertainties in krill fisheries –

ASOC would like to briefly bring to the attention of the Commission, recommendations from CCAMLR-XXIX/BG/21, in particular the need to:

- Abide by scientific advice provided by WG-SAM and WG-EMM and review CM 51-06 to ensure systematic coverage of scientific observers for the krill fishery in accordance with the CCAMLR Scheme of International Scientific Observation.
- Commit to work towards conducting a new krill synoptic survey to obtain an updated biomass estimate for Area 48. Small-scale acoustic surveys should be undertaken regularly in all areas where krill fishing takes place to provide up-to-date information on interannual krill variability. Subarea 48.2 is of particular importance, since no research program is active in this subarea.
- Strengthen the current CEMP to adapt to the needs of a feedback management system. Concurrently, CCAMLR should authorise and implement a dedicated CEMP Fund.
- Engage national scientists to gather the necessary predator data for revision of CM 51-07 in 2011 and provide them to the relevant working groups.

On MPAs –

ASOC is pleased to see that steady progress continues to be made within CCAMLR towards establishing an Antarctic System of Representative Marine Protected Areas by 2012. The MPA Workshop to be held in France next year is a particularly important step in the process and ASOC encourages all Members to work on identifying candidate MPAs and developing proposals within all eleven of the priority areas and other areas as appropriate, in time for the workshop. Members should ensure that the MPA proposals that they develop are of sufficient scale to ensure that they will be able to deliver on their objectives.

ASOC commends the Commission for the establishment of this first MPA in the vicinity of the South Orkneys as it constitutes an important step towards establishing a network across the Southern Ocean. The methodology employed by the UK to identify the boundaries of the South Orkneys MPA in its original proposal was based on the best available science and is applicable across the Southern Ocean. By reducing the MPA borders and making allowances for fisheries, the principles behind the original proposal have been undermined and the ecological values of the new MPA compromised.

ASOC trusts that Member States will take the lessons from this year and will return next year with proposals for MPAs that are of sufficient scale to actually meet agreed conservation objectives and confer real protection to the Southern Ocean.

On IUU fishing –

ASOC would like to express its appreciation to the EU for submitting its paper on this issue and the USA for its strong support.

ASOC submitted to CCAMLR a paper from The Pew Environment Group, which is a gap analysis comparing the new obligations under the PSMA agreement with the current regimes at the major RFMOs and CCAMLR. The preliminary findings, as of 31 July, served as a basis for this paper which acknowledges progress made by CCAMLR but also identifies the need for further work. The final report will be published in early 2011. Additional information and questions are still welcome before the report is finalised.

Finally,

- CCAMLR also should make mandatory the current voluntary requirement to obtain a unique IMO fishing identification number which is registered through Lloyds of London.
- CCAMLR should adopt a conservation measure which eliminates the carriage and use of heavy fuel oil on all fishing vessels operating in the Convention Area, thus harmonising the current heavy fuel ban that will take effect as of 1 August 2011, with requirements for the ban applicable throughout the Convention Area.

Finally, ASOC would like to thank the USA for its intervention asking for extension of observer status for working groups.’

COLTO

14.3 COLTO made the following statement:

‘COLTO appreciates the opportunity provided by CCAMLR to participate as an observer.

During the year, COLTO contributed A\$10 000 to the CCAMLR General Science Capacity Special Fund, supporting the initiative from Norway at last year’s meeting. COLTO notes the proposals from the Scientific Committee for effective use of these funds, and can see there will be positive benefits for CCAMLR as a result.

COLTO has been listening with interest to the Scientific Committee’s discussions on VMEs and the work being undertaken on an RSMPA. COLTO members can provide valuable practical input and expertise to CCAMLR discussions, and would like to offer its expert participation in the proposed workshop on MPAs in France next September, should the Commission consider its attendance worthwhile.

COLTO shares Members’ dismay at the unregulated high-seas catches of toothfish continuing using gillnet methods of fishing. That said, the continued low levels of IUU catches are a positive demonstration that CCAMLR’s rules are having the desired effect to eliminate IUU fishing for toothfish.

COLTO will continue to promote legal and sustainable fishing for toothfish, and to work with CCAMLR Members to eliminate IUU fishing.’

IWC

14.4 The IWC Observer to CCAMLR described work of relevance to CCAMLR (CCAMLR-XXIX/BG/39 Rev. 1). The Commission noted the reported increase in Southern Ocean whale populations of between 7 and 8% per annum (SC-CAMLR-XXIX, paragraph 10.15). The IWC Observer also noted that the newly appointed Executive Secretary of IWC had extensive experience in Antarctic research.

14.5 The Commission commended the reports from observers and acknowledged the important role that their participation plays in CCAMLR's work.

Reports of CCAMLR representatives at meetings of international organisations in 2009/10

14.6 The following reports from CCAMLR representatives were noted by the Commission:

- Report of the CCAMLR Observer to the 62nd Annual Meeting of IWC, 21 to 25 June 2010, Agadir, Morocco (CCAMLR-XXIX/BG/3 Rev. 1, Belgium)
- Report of the EU-CCAMLR Observer to the IOTC 14th Annual Meeting, 1 to 5 March 2010, Busan, Republic of Korea (CCAMLR-XXIX/BG/32, European Union)
- Report of the EU-CCAMLR Observer to the 32nd NAFO Annual Meeting, 20 to 24 September 2010, Halifax, Canada (CCAMLR-XXIX/BG/33, European Union)
- Report from the CCAMLR Observer to the 16th Annual Meeting of CCSBT, 20 to 23 October 2009, Jeju Island, Republic of Korea (CCAMLR-XXIX/BG/34, Australia)
- Report from the CCAMLR Observer to the Extended Commission Meeting for the 17th Annual Meeting of CCSBT, 11 to 14 October 2010, Taipei (CCAMLR-XXIX/BG/36 Rev. 1, Australia)
- Report from the CCAMLR Observer to the 7th Annual Meeting of SEAFO (CCAMLR-XXIX/BG/40, Namibia)
- Report from the CCAMLR Observer (Brazil) to the XXI Regular Meeting of ICCAT (CCAMLR-XXIX/BG/41, Brazil)
- Observer's Report from the Eighth International Consultations on the Establishment of the Proposed South Pacific RFMO (CCAMLR-XXIX/BG/42, New Zealand).

Cooperation with CCSBT

14.7 The Commission recalled that the issue of an MOU with CCSBT had been under discussion in that Commission for some time (CCAMLR-XXVIII, paragraph 15.24) but that

further progress was not made in the intersessional period (CCAMLR-XXIX/BG/36 Rev. 1). Given the number of areas of common interest between CCAMLR and CCSBT, the Commission looked forward to receiving an update at CCAMLR-XXX.

Cooperation with WCPFC

14.8 The Commission noted that the interaction between CCAMLR and WCPFC during the intersessional period included issues of sharing information and experience in relation to seabird by-catch mitigation.

Partnership in FIRMS

14.9 In response to the request of the Commission (CCAMLR-XXVIII, paragraph 15.27), CCAMLR-XXIX/18 provided background information for the Commission's review of its partnership in FIRMS.

14.10 The Commission recalled that it had entered a formal arrangement with FIRMS in 2006 and that, while FIRMS clearly has the potential to provide global information on the status and trends of fisheries, the Commission was concerned about the slow progress made by FIRMS. The Commission agreed to continued participation in FIRMS for a further year and to review this position in 2012.

Participation in CCAMLR meetings

14.11 The Secretariat reported that the attendance at the meeting by Nigeria as a non-Contracting Party had been financially supported from the Assistance Fund under Part VII of the UN Fish Stocks Agreement. The Observer from Nigeria made the following statement:

‘On behalf of the Federal Government of Nigeria, I would like to register the country’s sincere appreciation to CCAMLR for the highest honour granted to the country to invite it as one of the observers to its 29th annual meeting in Hobart.

Last week at SCIC I made a presentation “Nigeria Statement”, outlining my country’s commitment to the CCAMLR fight against IUU fishing, which was adopted. I want to reassure the Commission of Nigeria’s commitment to all conservation measures as regards to international laws and jurisdiction, e.g. EU, UN, FAO, CCAMLR and others.

Nigeria is a non-Contracting Party to CCAMLR, although it is ready to cooperate most especially on the issue of IUU fishing. Nigeria equally promises that it shall not allow its port to be used as an IUU fishing port. It also promises to give a good fight to those vessel owners involved with IUU fishing if it dares find any, or receives information on any.

Concerning the vessel *Good Hope*, I made it clear in my statement that Nigeria has not granted fishing licences to any vessel to fish in the CAMLR Convention Area. However, I want to assure the Commission that investigation is currently going on and Nigeria shall inform the CCAMLR Secretariat appropriately, as soon as possible.

Finally, I want to plead with the Commission to initiate or come up with an accelerated information-sharing system with non-Contracting Parties; such information should be detailed and timely.’

14.12 The Commission welcomed this statement and thanked Nigeria for attending the meeting.

Nomination of representatives to meetings of international organisation in 2010/11

14.13 In response to the relatively limited number of reports received from observers nominated to meetings of relevance to CCAMLR, the Secretariat presented CCAMLR-XXIX/BG/33 that outlined an alternative approach to promoting CCAMLR and receiving information and developments in other relevant organisations.

14.14 The Commission agreed to maintain the current system for a further year and to review the information received at CCAMLR-XXX. Accordingly, the following observers were nominated to represent CCAMLR at meetings of international organisations in 2010/11:

- 17th Special Meeting of the Commission of ICCAT, 17 to 27 November 2010, Paris, France – EU
- Seventh Regular Session of WCPFC, 6 to 10 December 2010, Honolulu, Hawaii, USA – New Zealand
- Preparatory Conference II South Pacific RFMO Organisation, 24 to 28 January 2011, Cali, Colombia – New Zealand
- 29th Session of COFI, 29 January to 4 February 2011, Rome, Italy – Executive Secretary
- Third Meeting of Regional Fishery Body Secretariats Network (RSN 3), 7 to 9 February 2011, Rome, Italy – Executive Secretary
- Ninth Round of Informal Consultations for States Parties to the UN Fish Stocks Agreement, 15 to 29 March 2011, UN Headquarters, New York, USA – USA
- FAO Technical Consultation on Flag State Performance, 2 to 6 May 2011, Rome, Italy – EU
- IATTC:
 - 2nd Meeting of the Scientific Advisory Committee, 10 to 13 May 2011, La Jolla, CA, USA – EU

- 82nd Meeting of IATTC (dates and venues not yet known) – EU
- ATCM XXXIV, 20 June to 1 July 2011, Buenos Aires, Argentina – Executive Secretary
- CEP:
 - CEP XIV, 20 to 24 June 2011, Buenos Aires, Argentina – Scientific Committee Chair and CCAMLR Science Officer
 - CEP ASMA Workshop, June 2011 (date and venue to be confirmed) – Scientific Committee Chair and CCAMLR Science Officer
- UNICPOLOS 12, June 2011, UN Headquarters, New York, USA – no nomination
- 63rd Annual Meeting of the IWC, 3 to 14 July 2011, St Helier, Jersey, UK – Belgium
- Third Joint Meeting of Tuna RFMOs, 11 to 15 July 2011, La Jolla, CA, USA – USA
- 7th Meeting of the FIRMS Steering Committee (in conjunction with the intersessional meeting of the CWP Capture Fishery Group, scheduled in July 2011, La Jolla, CA, USA) – CCAMLR Data Manager
- 61st meeting of the CITES Standing Committee, 15 to 19 August 2011, Geneva, Switzerland – no nomination
- 33rd Annual Meeting of NAFO, 19 to 23 September 2011, Halifax, Nova Scotia, Canada – EU
- CCSBT:
 - Extended Commission Meeting, October 2011 – Australia
 - 18th Annual Meeting (dates and venue not yet known) – Australia
- 11th Meeting of the Conference of the Parties to the CBD (COP 11), (dates and venue to be announced) – no nomination
- Sixth Meeting of the Conference of the Parties serving as the meeting of the Parties (COP-MOP 6) (dates and venue to be announced) – no nomination
- 8th Annual Meeting of SEAFO (dates and venue not yet known) – Namibia
- 5th Session of SWIOFC (dates and venue not yet known) – no nomination
- 15th Session of the IOTC, March 2011, Sri Lanka – EU.

14.15 Regarding future participation at CCAMLR meetings by new observers in general, Argentina stated that Members should receive thorough information about the proposed organisation.

14.16 Argentina emphasised once again that it is not a Party to the New York Agreement of 1995 on Straddling Fish Stocks and Highly Migratory Fish Stocks and that none of its provisions nor its decisions, resolutions or recommendations adopted in its framework, or derived from the said Agreement, are binding or have an exhortatory effect for Argentina, nor for any other State that is not a Party to the said instrument. In addition, Argentina stated that the Agreement must not be considered customary law.

IMPLEMENTATION OF CONVENTION OBJECTIVES

Performance Review

15.1 The Commission considered CCAMLR-XXIX/BG/51 that contained the combined responses of the Commission's informal working group established during CCAMLR-XXIX, Scientific Committee, SCIC and SCAF, in their respective consideration of recommendations arising from the Performance Review in 2008.

15.2 The Commission thanked Chile for convening the informal working group and the UK for presenting the report. The informal group raised four points that arose from its consideration of the recommendations not addressed by the other groups, viz.:

- (i) 'Completed' did not necessarily mean the recommendation would not be further considered in future;
- (ii) it noted the priorities of the Scientific Committee, SCIC and SCAF and did not wish to include any further priorities;
- (iii) 'Not yet considered' may include recommendations that, after initial discussion, may be deemed as recommendations where no further action is necessary;
- (iv) the paper be updated intersessionally to include the outcomes of discussions held at the current meeting.

15.3 The Commission noted that the Scientific Committee had developed a road map that addressed recommendations from the PRP Report. Significant progress had been made in relation to addressing many of those recommendations including in relation to capacity building and burden sharing and that the recently endorsed three-year work plan for the Scientific Committee would take up additional matters raised by the Panel.

15.4 The Commission noted SCIC's recommendations contained in its report to the Commission and endorsed SCIC's priorities as listed in Annex 6, paragraph 7.3:

- (i) Recommendation 3.1.2.1 – Mechanisms for ensuring compliance by Contracting and non-Contracting Parties and enhanced surveillance and enforcement;
- (ii) Criteria 4.1 – Flag State duties;
- (iii) Criteria 4.2 – Port State measures;
- (iv) Criteria 4.3 – Monitoring, control and surveillance;
- (v) Criteria 4.6 – Market-related measures.

It noted that good progress has been made in respect of the recommendations relating to Flag State duties, Port State measures and monitoring, control and surveillance (Annex 6, paragraph 7.4), and that those areas remain priorities for SCIC.

15.5 The Commission endorsed SCIC's recommendation that the Secretariat continues to update CCAMLR-XXIX/BG/51 to contain an annual progress report of the recommendations.

15.6 The Commission noted SCAF's summary of the outcomes of its consideration of the PRP Report recommendations (Annex 5, paragraph 53), in particular, that:

- (i) Recommendation 7.2.1.4, succession planning, will be taken up during 2011 as part of the Secretariat's planned review of the Strategic Plan;
- (ii) Recommendations 6.5.2.1, 6.5.2.1(b) and 7.1.1.3, promoting and engaging with Developing States, will result in a report by the Secretariat concerning practices in other multilateral organisations, to be considered at CCAMLR-XXX;
- (iii) Recommendations 7.1.1.1 and 7.1.1.2, cost recovery and charging the full cost of services will be considered at the 2011 meeting of SCAF, with Members invited to provide discussion documents to support the consideration.

15.7 The Commission concluded by thanking all groups which considered the recommendations and noted that it was the wish of Members that CCAMLR-XXIX/BG/51 remain a dynamic living document and a reference point for ongoing work. The Secretariat was requested to develop the document, including the incorporation of decisions relating to the recommendations of the PRP Report taken at CCAMLR-XXIX, for posting in the public domain section of its website.

15.8 Australia will work with interested Members to further review CCAMLR-XXIX/BG/13 Rev. 2 and provide it to the Secretariat to be circulated intersessionally for any additional comment and review prior to its release, including posting on the Commission's website.

15.9 The Commission determined that the Performance Review should remain a matter for priority attention at future Commission meetings.

ELECTION OF CHAIR

16.1 The Commission elected Norway as Chair of the Commission from the end of this meeting until the conclusion of the 2012 meeting.

16.2 In accepting the position of Chair, Norway thanked the Members for their confidence and indicated that Mr T. Løbach would assume the role.

16.3 The Commission extended its thanks to Norway and recorded its pleasure that Mr Løbach will be the Commission's next Chair.

NEXT MEETING

Invitation of observers

17.1 The Commission will invite the following to attend the Thirtieth Meeting of the Commission as observers:

- non-Member Contracting Parties – Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, Netherlands, Peru and Vanuatu;
- non-Contracting Parties participating in the CDS who are involved in harvesting or landing and/or trade of toothfish – Seychelles and Singapore;
- non-Contracting Parties not participating in the CDS but possibly involved in harvesting or landing and/or trade of toothfish – Bahamas, Cambodia, Colombia, Dominican Republic (new since 2008/09), Equatorial Guinea, Kenya, Malaysia, Mexico, Nigeria, Panama, Philippines, Thailand, Togo, Trinidad and Tobago, Turkey (new since 2008/09), United Arab Emirates, Vietnam. Belarus, Morocco, St Kitts and Nevis are not reported to have traded any toothfish during the 2009/10 intersessional period, although it is possible that they will next year.

17.2 The Executive Secretary advised the Commission that a list of non-Contracting Parties to be invited to CCAMLR-XXX will be circulated to Members for comment prior to meeting invitations being issued in July 2011.

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

17.4 The following non-government organisations will be invited: ASOC and COLTO.

Date and location of the next meeting

17.5 The Commission noted that its next meeting will be held at the CCAMLR Headquarters in Hobart, Australia.

17.6 The Commission agreed that its Thirtieth Meeting will be held from 24 October to 4 November 2011. Heads of Delegations were requested to be in Hobart for a meeting on 23 October 2011.

17.7 The Commission noted that the Thirtieth Meeting of the Scientific Committee will be held in the same location, from 24 to 28 October 2011.

OTHER BUSINESS

Statements by Argentina and the UK

18.1 Argentina made the following statement:

‘With regard to incorrect references to the legal territorial status of the Malvinas Islands, South Georgias and South Sandwich Islands, for example those contained in document WG-EMM-10/P7, Argentina recalls that the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas, are an integral part of the Argentine national territory and are being illegally occupied by the United Kingdom of Great Britain and Northern Ireland. Those territories are the object of a sovereignty dispute between both countries, acknowledged by the United Nations, which has requested both Governments to resume negotiations with the view to achieving, as soon as possible, a just, peaceful and permanent solution to the controversy.

Argentina therefore rejects any reference to these archipelagos as separate entities from the Argentine national territory and/or which may attribute them an international status they do not have.

In light of the above, Argentina reiterates that in Statistical Subareas 48.2, 48.3 and 48.4 only the multilateral scheme of the Convention is legally applicable.

Moreover, Argentina recalls that the following actions are illegal and consequently, invalid:

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

18.2 The UK made the following statement:

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

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

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

The UK would reiterate its views expressed previously that it remains wholly committed to the principles and objectives of CCAMLR. It intends to ensure that the highest standards of fisheries management will be implemented in its jurisdictional waters – through licensing and inspections, and also through the imposition of tough management measures that are in line with, and back up, the provisions of CCAMLR.’

18.3 Argentina rejected the UK’s intervention and reiterated its legal position which is well known to all Members.

30th Anniversary of the CAMLR Convention

18.4 With respect to the 30th anniversary on 7 April 2011 of the signing of the CAMLR Convention, Australia informed the Commission that it is considering ways of commemorating the occasion and would advise Members of the outcome.

ADOPTION OF THE REPORT

19.1 The Report of the Twenty-ninth Meeting of the Commission was adopted.

CLOSE OF THE MEETING

20.1 In closing the meeting, the Chair thanked delegates for what had been an extremely good meeting. He had enjoyed engaging with friends and colleagues, and working with the Secretariat staff who have been extremely supportive in ensuring that the meeting had gone as smoothly as possible. He expressed particular appreciation to the interpreters and translators for ensuring that the linguistic requirements were fully met under great pressure.

20.2 The Chair wished the Commission, all colleagues and the incoming chair the very best in the future.

20.3 The Executive Secretary, Mr A. Wright, informed Members that, Mr T. Hughes, New Zealand’s Commission representative, was retiring. Mr Hughes has had a very distinguished career with the New Zealand foreign service and, since 2002, has applied himself with an enormous amount of endeavour and commitment to the work of CCAMLR from which the Commission had benefited enormously. Mr Wright thanked Mr Hughes for his contribution to the organisation and wished him well in the future.

20.4 Mr Hughes said he had attended nine meetings, each one having been special and memorable. Despite differences of view from time to time, he had enjoyed the CCAMLR meetings and wished the Commission all the best for the future.

20.5 Mr Wright expressed his appreciation to the outgoing Chair. He said that Ambassador MacKay's work for the Commission had been exceptional and that he had provided enormous support to him in his new role as Executive Secretary, as well as to the Secretariat and Members. As has become tradition, Ambassador MacKay was presented with an engraved gavel.

20.6 In reply, Ambassador MacKay said that he had enjoyed the last two years and it had been a huge honour for him and New Zealand to chair the Commission. He thanked everyone for enriching his time as Chair.

20.7 On behalf of Members, Mr A. Mansi (Argentina) expressed his deep appreciation for the Chair's efficient work which reflected the wisdom and patience gained through a vast experience of work with the Antarctic Treaty system. Mr Mansi also acknowledged Mr Hughes' invaluable contribution to the organisation and underscored that he is sure to be missed at both CCAMLR and ATCM Meetings.

20.8 Mr Wright expressed his appreciation to the Secretariat staff for their dedication and hard work in making this meeting as efficient and effective as it had been. He also thanked the interpreters and translators who contributed in a very significant way to the success of the meetings.

20.9 Mr Wright acknowledged the work behind the scenes of one staff member, Mr E. Appleyard, to make the final evening enjoyable for all. Mr Appleyard is the social conscience of the Secretariat and his preparation for the farewell BBQ is legendary. He was presented with a toothfish apron to be put to use immediately.

20.10 The Chair then closed the Twenty-ninth Meeting of CCAMLR.

Table 1: Access (Members and number of vessels) in exploratory longline fisheries for *Dissostichus* spp. in 2010/11.

Member	Number of vessels in each subarea or division						
	48.6*	58.4.1	58.4.2	58.4.3a	58.4.3b	88.1	88.2
Japan	1	1	1	1	1	1	
Korea, Republic of	3	5	1			6	6
New Zealand		2	1			4	4
Russia						4	3
South Africa	1	1	1				
Spain		1	1			1	1
UK						2	2
Uruguay						1	1
Number of vessels	5	10	5	1	1	19	17

* No more than one vessel per Member shall fish at any one time.

Table 2: Catch limits (tonne) for target and by-catch species in exploratory fisheries for *Dissostichus* spp. in 2010/11. SSRU: small-scale research unit; ✓: applicable; shaded areas: closed.

Fishery Area	Target species	By-catch species			
	<i>Dissostichus</i> spp.	Macrourids	Rajids	Other species	Move-on rule
Exploratory fishery for <i>Dissostichus</i> spp. in Subarea 48.6					
North of 60°S (SSRUs A, G)	200	32	50	40	✓
South of 60°S (SSRUs B, C, D, E, F)	200	32	50	100	✓
Whole fishery	400	64	100	140	✓
Exploratory fishery for <i>Dissostichus</i> spp. in Division 58.4.1					
SSRUs A, B, D, F, H	0 (closed)				
SSRU C	100	-	-	20	✓
SSRU E	50	-	-	20	✓
SSRU G	60	-	-	20	✓
Whole fishery	210	33	50	60	✓
Exploratory fishery for <i>Dissostichus</i> spp. in Division 58.4.2					
SSRU A	30	-	-	20	✓
SSRUs B, C, D	0 (closed)				
SSRU E	40	-	-	20	✓
Whole fishery	70	20	50	40	✓
Exploratory fishery for <i>Dissostichus</i> spp. in Division 58.4.3a					
Whole fishery	86	26	50	20	✓
Exploratory fishery for <i>Dissostichus</i> spp. in Division 58.4.3b					
Whole fishery	0 (closed)				
Exploratory fishery for <i>Dissostichus</i> spp. in Subarea 88.1					
SSRUs A, D, E, F, M	0 (closed)				
SSRUs B, C, G	372	40	50	60	✓
SSRUs H, I, K	2 104	320	105	60	✓
SSRUs J, L	374	70	50	40	✓
Whole fishery	2 850	430	142	160	✓
Exploratory fishery for <i>Dissostichus</i> spp. in Subarea 88.2					
North of 65°S SSRUs A, B	0 (closed)				
SSRUs C, D, F, G	214	34	50	80	✓
SSRU E	361	58	50	20	✓
Whole fishery	575	92	50	100	✓

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CCAMLR-XXIX/42	EU proposal for amendment to CCAMLR Conservation Measure 10-06 to allow for intersessional de-listing of IUU vessels Delegation of the European Union
CCAMLR-XXIX/43	EU proposal for amendment to CCAMLR Conservation Measure 10-07 to allow for intersessional de-listing of IUU vessels Delegation of the European Union
CCAMLR-XXIX/44	Information on illegal fishing in Statistical Area 58 assessment of illegal fishing in French waters around Kerguelen and Crozet Islands: report of observations and inspections in the CCAMLR area 2002/2010 season (1 July 2009 to 15 August 2010) Delegation of France

CCAMLR-XXIX/45	On the scientific observation and krill escape mortality in the krill fishery Delegation of Ukraine
CCAMLR-XXIX/46	Management of VMS information by the Secretariat concerning catches of Patagonian toothfish beyond the Convention Area Delegation of Chile
CCAMLR-XXIX/47	On the future revision of the Conservation Measure 51-07 (2009) Interim distribution of the trigger level in the krill fishery in Statistical Subareas 48.1, 48.2, 48.3 and 48.4 Delegation of Ukraine
CCAMLR-XXIX/48	Report of the Standing Committee on Implementation and Compliance (SCIC)
CCAMLR-XXIX/49 Rev. 1	Report of the Standing Committee on Administration and Finance (SCAF)

CCAMLR-XXIX/BG/1	List of documents
CCAMLR-XXIX/BG/2	List of participants
CCAMLR-XXIX/BG/3 Rev. 1	Report of the CCAMLR Observer (Belgium) to the 62nd Annual Meeting of the International Whaling Commission (IWC) (21 to 25 June 2010, Agadir, Morocco) CCAMLR Observer (Belgium)
CCAMLR-XXIX/BG/4	General description of the budget Secretariat
CCAMLR-XXIX/BG/5	Report on transshipment of krill in 2009 Delegation of Japan
CCAMLR-XXIX/BG/6	Review of CCAMLR translation requirements – accompanying document to CCAMLR-XXIX/8 (Previously CCAMLR-XXVIII/10 Rev. 1) Secretariat
CCAMLR-XXIX/BG/7	Implementation of the System of Inspection and other CCAMLR compliance-related measures in 2009/10 Secretariat

CCAMLR-XXIX/BG/8	Implementation and operation of the Catch Documentation Scheme in 2009/10 Secretariat
CCAMLR-XXIX/BG/9	Summary of conservation measures and resolutions in force 2009/10 Secretariat
CCAMLR-XXIX/BG/10 Rev. 1	Implementation of fishery conservation measures in 2009/10 Secretariat
CCAMLR-XXIX/BG/11	Relations with other organisations Secretariat
CCAMLR-XXIX/BG/12	Summary Report of the Thirty Third Antarctic Treaty Consultative Meeting (Punta del Este, Uruguay, 3 to 14 May 2010) Secretariat
CCAMLR-XXIX/BG/13 Rev. 2	Background information on CCAMLR and the Antarctic Treaty Delegation of Australia and CCAMLR Secretariat
CCAMLR-XXIX/BG/14	C-VMS system Secretariat
CCAMLR-XXIX/BG/15	Annual report from SCAR to CCAMLR Submitted by SCAR
CCAMLR-XXIX/BG/16	Report on progress with the Southern Ocean Observing System (SOOS) A joint submission by SCAR and SCOR
CCAMLR-XXIX/BG/17	An update on the Antarctic Climate Change and the Environment (ACCE) report Submitted by SCAR
CCAMLR-XXIX/BG/18	Report to CCAMLR-XXIX on the implementation of the Agreement on the Conservation of Albatrosses and Petrels Submitted by ACAP
CCAMLR-XXIX/BG/19	Climate change and the role of CCAMLR Submitted by ASOC
CCAMLR-XXIX/BG/20	CCAMLR's role in combating IUU fishing in the Southern Ocean and globally Submitted by ASOC

CCAMLR-XXIX/BG/21	The need to reduce uncertainties in the Antarctic krill fishery Submitted by ASOC
CCAMLR-XXIX/BG/22	Managing fishing vessels Submitted by ASOC
CCAMLR-XXIX/BG/23	Towards tangible and substantive progress on Southern Ocean MPAs: the need for all CCAMLR Members to engage in the process Submitted by ASOC
CCAMLR-XXIX/BG/24	Ocean acidification and the Southern Ocean Submitted by ASOC
CCAMLR-XXIX/BG/25	Gap analysis: comparing CCAMLR's port state measures with those in the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing Submitted by ASOC
CCAMLR-XXIX/BG/26	The case for including the Ross Sea continental shelf and slope in a Southern Ocean network of marine protected areas Submitted by ASOC
CCAMLR-XXIX/BG/27	Vacant
CCAMLR-XXIX/BG/28	Report of the CCAMLR Observer to the 5th Meeting of the Advisory Committee for the Agreement on the Conservation of Albatrosses and Petrels (ACAP) (Mar del Plata, Argentina, 13 to 17 April 2010) CCAMLR Observer (Australia)
CCAMLR-XXIX/BG/29	Heard Island and McDonald Islands Exclusive Economic Zone 2009/10 IUU catch estimate for Patagonian toothfish Delegation of Australia
CCAMLR-XXIX/BG/30 Rev. 1	Calendar of meetings of relevance to the Commission in 2010/11 Secretariat
CCAMLR-XXIX/BG/31	Informe del Observador de la CCRVMA a la 12ava sesión del Subcomité de Comercio Pesquero del Comité de Pesquerías de la FAO Observador de la CCRVMA (Argentina)

CCAMLR-XXIX/BG/32	Report of the EU–CCAMLR Observer to the IOTC 14th Annual Meeting (1 to 5 March 2010, Busan, Republic of Korea) CCAMLR Observer (European Union)
CCAMLR-XXIX/BG/33	Report of the EU–CCAMLR Observer to the 32nd NAFO Annual Meeting (20 to 24 September 2010, Halifax, Canada) CCAMLR Observer (European Union)
CCAMLR-XXIX/BG/34	Report from the CCAMLR Observer (Australia) to the 16th Annual Session of the Commission for the Conservation of Southern Bluefin Tuna (20 to 23 October 2009, Jeju Island, Republic of Korea) CCAMLR Observer (Australia)
CCAMLR-XXIX/BG/35	Resolution of the Ukraine–Russian seminar ‘Climate, South Ocean Resources, CCAMLR and Antarctic krill’ Delegation of Ukraine
CCAMLR-XXIX/BG/36 Rev. 1	Report from the CCAMLR Observer to the Meeting of the Extended Commission for the 17th Annual Session of the Commission for the Conservation of Southern Bluefin Tuna (11 to 14 October 2010, Taipei) CCAMLR Observer (Australia)
CCAMLR-XXIX/BG/37	Report of sanctions applied by Spain Delegation of Spain
CCAMLR-XXIX/BG/38	Presence of IUU vessel in Spanish port Delegation of Spain
CCAMLR-XXIX/BG/39 Rev. 1	Report of IWC Observer from the 62nd Meeting of the International Whaling Commission IWC Observer (Sweden)
CCAMLR-XXIX/BG/40	Report from the CCAMLR Observer (Namibia) to the 7th Annual Meeting of the South East Atlantic Fisheries Organisation (SEAFO) CCAMLR Observer (Namibia)
CCAMLR-XXIX/BG/41	Report from the CCAMLR Observer (Brazil) to the XXI Regular Meeting of the International Commission for the Conservation of the Atlantic Tuna (ICCAT) CCAMLR Observer (Brazil)

CCAMLR-XXIX/BG/42	Observer's Report from the Eighth International Consultations on the Establishment of the Proposed South Pacific Regional Fisheries Management Organisation CCAMLR Observer (New Zealand)
CCAMLR-XXIX/BG/43 Rev. 1	Status of Scientific Committee progress against recommendations of the Performance Review Panel
CCAMLR-XXIX/BG/44	New and revised conservation measures recommended by SCIC for adoption by the Commission
CCAMLR-XXIX/BG/45 Rev. 1	Proposals for new and revised conservation measures forwarded by SCIC to the Commission for further consideration
CCAMLR-XXIX/BG/46	Summary of progress made in respect of Performance Review recommendations which relate to the work of SCIC
CCAMLR-XXIX/BG/47	Report of the SCIC Chair to the Commission
CCAMLR-XXIX/BG/48	Summary of progress made in respect of Performance Review recommendations which relate to the work of SCAF
CCAMLR-XXIX/BG/49	Conservation measures revised in accordance with the advice from the Scientific Committee
CCAMLR-XXIX/BG/50	Report of Scientific Committee Chair to the Commission
CCAMLR-XXIX/BG/51	Combined Commission, Scientific Committee, SCIC and SCAF responses to Performance Review recommendations

SC-CAMLR-XXIX/1	Provisional Agenda for the Twenty-ninth Meeting of the Scientific Committee for the Conservation of Antarctic Marine Living Resources
SC-CAMLR-XXIX/2	Provisional Annotated Agenda for the Twenty-ninth Meeting of the Scientific Committee for the Conservation of Antarctic Marine Living Resources
SC-CAMLR-XXIX/3	Report of the Working Group on Ecosystem Monitoring and Management (Cape Town, South Africa, 26 July to 3 August 2010)
SC-CAMLR-XXIX/4	Report of the Working Group on Fish Stock Assessment (Hobart, Australia, 11 to 22 October 2010)

SC-CAMLR-XXIX/5	Report of the Working Group on Statistics, Assessments and Modelling (Cape Town, South Africa, 19 to 23 July 2010)
SC-CAMLR-XXIX/6	Report of the Fifth Meeting of the Subgroup on Acoustic Survey and Analysis Methods (Cambridge, UK, 1 to 4 June 2010)
SC-CAMLR-XXIX/7	Report of the ad hoc Technical Group for At-Sea Operations (Hobart, Australia, 11 to 15 October 2010)
SC-CAMLR-XXIX/8	An update on <i>CCAMLR Science</i> and suggested changes to submission/handling of working group documents Secretariat
SC-CAMLR-XXIX/9	CCAMLR Scientific Scholarship Scheme Chair of the Scientific Committee (Chair of the <i>ad hoc correspondence group to develop options to build SC-CAMLR capacity in science to support CCAMLR</i>)
SC-CAMLR-XXIX/10	Rules of Procedure of the Scientific Committee: Participation by Observers Secretariat
SC-CAMLR-XXIX/11	Elaborating a representative system of marine protected areas in data-poor regions Delegation of Australia
SC-CAMLR-XXIX/12	The implications of climate change for the Antarctic protected areas system Delegation of the United Kingdom
SC-CAMLR-XXIX/13	Contribution by France to work on bioregionalisation aimed at establishing Marine Protected Areas in the CCAMLR Area Delegation of France
SC-CAMLR-XXIX/14	Progress report (2009–2010) on the action plan aimed at reducing seabird by-catch in the French EEZs in Statistical Division 58.5.1 and Subarea 58.6 Delegation of France

SC-CAMLR-XXIX/BG/1	Catches in the Convention Area 2008/09 and 2009/10 Secretariat

SC-CAMLR-XXIX/BG/2	Summary of scientific observation programs undertaken during the 2009/10 season Secretariat
SC-CAMLR-XXIX/BG/3	Data Management: report on activities in 2009/10 Secretariat
SC-CAMLR-XXIX/BG/4	Southern Ocean small-scale bio-regionalisation between 30°W and 30°E (Statistical Subarea 48.6) Delegation of South Africa
SC-CAMLR-XXIX/BG/5	Chair's report of the intersessional work of the SC-CAMLR <i>Ad hoc correspondence group to develop options to build SC-CAMLR capacity in science to support CCAMLR</i> Chairman of the Scientific Committee (Chair of the <i>Ad hoc correspondence group to develop options to build SC-CAMLR capacity in science to support CCAMLR</i>)
SC-CAMLR-XXIX/BG/6	Report on the 23rd Session of the Coordinating Working Party on Fisheries Statistics (CWP) Secretariat
SC-CAMLR-XXIX/BG/7	Committee for Environmental Protection: Annual Report to the Scientific Committee of CCAMLR CEP Observer to SC-CAMLR
SC-CAMLR-XXIX/BG/8	Report of the Science Officer's attendance at the Antarctic Treaty Meeting of Experts on Implications of Climate Change for Antarctic Management and Governance (Svolvær, Norway, 7 to 9 April 2010) Science Officer
SC-CAMLR-XXIX/BG/9	Compilation of materials for considering rational use in the context of designing CCAMLR's representative system of Marine Protected Areas Contributors from the Ad hoc Correspondence Group on Rational Use
SC-CAMLR-XXIX/BG/10	Beached marine debris surveys and incidences of seabird/marine mammal entanglements and hydrocarbon soiling at Bird Island and King Edward Point, South Georgia, and Signy Island, South Orkneys, 2009/10 Delegation of the United Kingdom
SC-CAMLR-XXIX/BG/11 Rev. 2	Calendar of meetings of relevance to the Scientific Committee in 2010/11 Secretariat

- SC-CAMLR-XXIX/BG/12 Report from CCAMLR's Observer in SCAR-XXXI
CCAMLR Observer (E.R. Marschoff, Argentina)
- SC-CAMLR-XXIX/BG/13 Fine-scale bottom fishing impact assessments
Working Group on Fish Stock Assessment (WG-FSA)
- SC-CAMLR-XXIX/BG/14 Observer's Report from the 62nd Meeting of the Scientific
Rev. 1 Committee of the International Whaling Commission
IWC Observer (B. Fernholm, Sweden)
- *****
- WG-FSA-10/7 Development of the VME registry
Secretariat
- WG-FSA-10/P1 At-sea distribution and diet of an endangered top predator:
links of white-chinned petrels with commercial longline
fisheries
K. Delord, C. Cotté, C. Péron, C. Marteau, P. Pruvost,
N. Gasco, G. Duhamel, Y. Cherel and H. Weimerskirch
(France)

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

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

‘Mr Chair, Distinguished Delegates, Ladies and Gentlemen,

I am honored to join in welcoming you to Hobart and Tasmania for this, the Twenty-ninth Meeting of the Commission. This is the third year that I have had the pleasure of opening your meeting. Given CCAMLR’s important role among the Antarctic community here in Hobart, its stewardship of the Southern Ocean and my passionate interest in Antarctic affairs, it is an opportunity that I look forward to with much enthusiasm.

Many of you have a long history of association with CCAMLR and will have visited Hobart on the occasion of the annual meeting several times in the past. You will be aware that Hobart prides itself on its connection to the Antarctic through its historic, logistic and academic links.

These links to the south were never more apparent than during this winter when a southern right whale gave birth to her calf in the River Derwent, a calf that was the product of the richness of the Southern Ocean and will be setting off on its first “trip South” over the next few months. It is believed that it is 190 years since the last birth of a southern right whale was reported for the Derwent, so you can imagine that the birth here this year created much local and international interest. It is also an indication of the dynamic nature of the Southern Ocean and the changing environment in which CCAMLR operates.

The demanding agenda that you have set yourselves for the next two weeks is a reflection of this dynamism and of the ongoing challenges that we collectively face in monitoring, and responsibly responding to, human activities and natural changes that are taking place in the Antarctic marine environment. The fullness of your agenda is also a reflection of the commitment CCAMLR Members have traditionally applied to addressing such challenges as they have presented themselves since the Commission was established 29 years ago. There are three specific issues of relevance today I would particularly like to touch on.

Although there is still much to be learned about Antarctic marine living resources, the last 12 months have been productive in terms of improving our knowledge and understanding of the Antarctic marine ecosystem.

I would particularly like to acknowledge the outcomes of the Antarctic Treaty Meeting of Experts on Climate Change which was held in Svolvær, Norway, in April this year. In particular, the presentation by SCAR (the Scientific Committee for Antarctic Research) of its ‘Antarctic Climate Change and the Environment’ report warrants special mention as does the commitment of SCAR to provide regular updates to its report.

Of course, these matters get widespread attention in other fora, including at the Antarctic Treaty Consultative Meeting and the CEP (Committee for Environmental Protection) which met in Uruguay in May this year. Nevertheless, there is no doubt that CCAMLR has much to contribute to global discussions concerning the impact of climate change on the Antarctic marine environment. This may include contributions to the work of the Intergovernmental Panel on Climate Change which is currently preparing its Fifth Assessment Report that is scheduled to be finalised by September 2014, for example.

There are two other matters concerning CCAMLR's work which have attracted my interest over the last few months.

The first concerns the krill fishery. I understand that, during 2010, one of the Scientific Committee's working groups completed some intensive analytical work associated with a re-assessment of the CCAMLR-2000 krill survey data to revise the estimate for the biomass of krill in Area 48. This re-assessment is timely, as it has been reported to me that the krill harvest for the current season is in the vicinity of 200 000 tonnes. This represents a marked increase over recent annual catches, and is the highest annual catch of krill reported since 1992.

The other matter that has concerned me for a long time is illegal fishing in the Southern Ocean. For many years CCAMLR has been at the forefront of efforts to minimise illegal, unreported and unregulated (IUU) fishing which principally impacts stocks of toothfish under CCAMLR management. These efforts, through the 1990s and earlier this decade, led to an apparent downturn in IUU fishing in the Southern Ocean. However, I understand that, not only do IUU fishing fleets continue to operate in the Southern Ocean, but it appears that they are increasingly turning to less discriminate fishing methods such as gillnets. While this might be a cause for despair, I am encouraged to learn of the efforts by CCAMLR to deny these vessels the support necessary for them to maintain their operations. The recent workshop in Cape Town aimed at building capacity to combat IUU fishing in Africa is to be particularly complimented.

Before closing I would like to emphasise the interest that I, and many in the Hobart community, have in the work that you undertake in CCAMLR and I very much look forward to learning the outcomes of your deliberations. I look forward to being able to discuss progress with some of you on Thursday evening.

Distinguished delegates, ladies and gentlemen, I wish you success in your work ahead and hope that your meetings are productive, and of course I hope that you have a little time to enjoy the scenery and hospitality that Tasmania has to offer.

Thank you.'

**AGENDA FOR THE TWENTY-NINTH MEETING
OF THE COMMISSION**

**AGENDA FOR THE TWENTY-NINTH MEETING
OF THE COMMISSION FOR THE CONSERVATION
OF ANTARCTIC MARINE LIVING RESOURCES**

1. Opening of meeting
2. Organisation of meeting
 - (i) Adoption of agenda
 - (ii) Chair's Report
3. Finance and administration
 - (i) SCAF Report
 - (ii) Audited Financial Statements for 2009
 - (iii) Audit requirement for 2010 Financial Statements
 - (iv) Secretariat matters
 - (v) Contingency Fund
 - (vi) Special funds
 - (vii) Budgets for 2010, 2011 and 2012
 - (viii) Members' contributions
 - (ix) SCIC meeting space
 - (x) SCAF Vice-Chair
4. Scientific Committee
 - (i) Advice from the Scientific Committee
 - (ii) Climate change
 - (iii) Performance Review
5. Bottom fishing
6. Assessment and avoidance of incidental mortality
 - (i) Marine debris
 - (ii) Incidental mortality of seabirds and marine mammals during fishing operations
 - (iii) Compliance with environmental and mitigation measures
7. Marine Protected Areas
8. Implementation and compliance
 - (i) SCIC Report
 - (ii) Compliance with conservation measures
 - (iii) Compliance evaluation procedure
 - (iv) Catch Documentation Scheme for *Dissostichus* spp. (CDS)
 - (v) SCIC Chair and Vice-Chair
9. Illegal, unregulated and unreported (IUU) fishing in the Convention Area
 - (i) SCIC Report
 - (ii) Current level of IUU fishing
 - (iii) Review of current measures aimed at eliminating IUU fishing

10. Scheme of International Scientific Observation
11. New and exploratory fisheries
12. Conservation measures
 - (i) Review of existing measures
 - (ii) Consideration of new measures and other conservation requirements
13. Cooperation with Antarctic Treaty System
 - (i) Cooperation with Antarctic Treaty Consultative Parties
 - (ii) Cooperation with SCAR
 - (iii) Proposals for Antarctic Specially Protected Areas and Specially Managed Areas that include marine areas
14. Cooperation with international organisations
 - (i) Reports of observers from international organisations
 - (ii) Reports from CCAMLR representatives at meetings of international organisations in 2009/10
 - (iii) Cooperation with ACAP
 - (iv) Cooperation with CCSBT
 - (v) Partnership in WCPFC
 - (vi) Potential future cooperation with the SPRFMO
 - (vii) Partnership in FIRMS
 - (viii) Participation in CCAMLR meetings
 - (ix) Nomination of representatives to meetings of international organisations in 2010/11
15. Implementation of Convention objectives
 - (i) Performance Review
16. Election of Commission Chair
17. Next meeting
 - (i) Invitation of observers
 - (ii) Date and location
18. Other business
19. Report of Twenty-ninth Meeting of Commission
20. Close of meeting.

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

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

The Commission had deferred Item 3 (Finance and Administration) of its Agenda (CCAMLR-XXIX/1, Appendix A) to the Standing Committee on Administration and Finance (SCAF).

2. The Chair of SCAF, Ms S. Sangwan (India) opened the meeting.
3. SCAF adopted the agenda attached at Appendix I.

EXAMINATION OF AUDITED FINANCIAL STATEMENTS FOR 2009

4. SCAF noted that a full audit had been carried out on the 2009 Financial Statements. The report had identified no incidents of non-compliance with Financial Regulations or International Accounting Standards. The Committee **recommended that the Commission accept the Financial Statements as presented in CCAMLR-XXIX/3.**

REQUIREMENT FOR 2010 FINANCIAL STATEMENTS

5. SCAF recalled the Commission decision of 2009 approving a full audit of the 2010 Financial Statements (CCAMLR-XXVIII, paragraph 3.3) and further **recommended that the Commission require a full audit to be performed on the 2010 Financial Statements.**

APPOINTMENT OF AUDITOR

6. The Australian National Audit Office (ANAO) has been the Commission's Auditor since the Commission was established. SCAF noted the Commission's decision to appoint the ANAO as the Commission's auditor of the 2010 Financial Statements at CCAMLR-XXVIII (paragraph 3.4).

SECRETARIAT STRATEGIC PLAN

7. The Executive Secretary presented his report (CCAMLR-XXIX/7). The Committee noted that this report forms a key element in annually assessing the performance of the Executive Secretary, and of the Secretariat generally. The Executive Secretary proposed that he undertake an in-house review of the Strategic Plan in 2011 and invited Members to provide advice and guidance in relation to key elements to be considered in the review. The review would offer opportunistic consultation with a range of CCAMLR stakeholders regarding Secretariat functions and delivery of services. It was noted that the Secretariat currently functions on the basis of the Strategic Plan that was approved by the Commission in 2002. In endorsing the proposal, SCAF considered that the review offered an opportunity to consider

additional Secretariat operational matters, including succession planning and an overall salary strategy for the Secretariat. This should provide the Commission with improved information to guide budgetary planning and allocation of financial resources to support Secretariat services.

8. The Executive Secretary also reported that the Secretariat is reviewing the current domain extension for CCAMLR on the basis that, as a multilateral organisation established by treaty, there are options to the current .org extension that may more appropriately reflect the international status of the organisation. Such options include .aq and .int. The outcomes of the Secretariat's investigations in relation to this matter, including any cost or logistical considerations at both the Secretariat and Member level, will be reported to the Commission in 2011. He also advised that the Secretariat had commenced redevelopment of its website (www.ccamlr.org) and sought constructive feedback from Members to assist with that task.

9. The Executive Secretary advised of the adoption and implementation of a 'green' policy in an effort to reduce the carbon footprint of the Secretariat. This was welcomed by SCAF.

10. SCAF received advice from the Executive Secretary that there has been no formal, in-depth audit of the Secretariat's data management systems since CCAMLR's establishment and requested that funds be made available in the 2011 budget for a review to be carried out by independent external experts.

11. Noting advice concerning this proposal received from the Scientific Committee and SCIC, SCAF **recommended that an independent review of the Secretariat's data management systems be undertaken in 2011 for a cost of approximately A\$40 000 to be funded from the General Fund.**

12. Addressing the outcomes of the Executive Secretary's review of the Communications Officer's post endorsed by the Commission in 2009 (CCAMLR-XXVIII, paragraph 3.9), SCAF **recommended that:**

- **in light of the current Communication Officer's exceptional performance grading under the CPMAS for 2009/10 and the Officer's standing at the top of the General Services Pay Scale since 2007/08, the Commission grant approval for the Executive Secretary to offer a salary advancement of 3% for 2010/11.**

13. It also addressed the review of the Data Manager post salary grading following the Commission's decision of 2009 (CCAMLR-XXVIII, paragraph 3.7) and **recommended that:**

- **the Commission grant approval for the Executive Secretary to offer the incumbent Data Manager a salary advancement of 3%, to apply from the next anniversary of his employment contract subject to a satisfactory Commission Performance Management Appraisal System in January 2011. The issue of regrading would be considered pending review of the Strategic Plan.**

14. SCAF **recommended that, to improve transparency and avoid ad hoc decision-making, a staffing and salary strategy (including job sizing and grades) be included in the review of the Strategic Plan and that SCAF consider the outcomes of that review at its meeting in 2011.**

REVIEW OF INVESTMENT PORTFOLIO

15. SCAF considered the report prepared by the Secretariat in relation to CCAMLR's investments (CCAMLR-XXIX/14) and the proposal to revise Financial Regulation 8.2 submitted by Norway, UK and the USA (CCAMLR-XXIX/32 Rev. 1).

16. SCAF expressed appreciation to the Secretariat for the increased transparency that is now associated with regular reporting on the status of the Commission's investments. However, SCAF expressed grave concern that a loss of A\$1 million over the 2009 (CCAMLR-XXVIII, paragraph 3.32) and 2010 financial years had been incurred as a result of a failed Collateralised Debt Obligations (CDO) (PURE) and that the Commission still had exposure to another such investment (OASIS – A\$600 000). It appears there is no available record of the Commission ever approving the investment of these funds as required under Financial Regulation 8.2.

17. SCAF requested the Secretariat to provide details on the implications of the loss of the A\$1 million investment (and also the potential future loss of A\$444 000 as a result of the liquidation of OASIS, see paragraph 19 below) on the Commission and the impact this would have in respect of Members' future contributions.

18. With regard to the OASIS CDO, SCAF recommended that this investment be sold immediately in order to reduce risk associated with investments of the Commission. This recommendation responds to concerns over the ongoing volatility in global financial markets and a current CCC- rating of this CDO. The current value (as of 27 October 2010) of the OASIS CDO is 26.5 cents in the dollar (up from 0 value in August 2008), which will result in approximately A\$156 000 liquidation return.

19. The sale will result in a material loss of approximately A\$444 000. SCAF noted that this will be written off against Reserves that the Commission currently carries in the New and Exploratory Fisheries Fund, the Asset Replacement Reserve and the Staff Replacement Fund. SCAF further noted that, subject to income generated from the New and Exploratory Fisheries Fund being maintained at close to the levels experienced in recent years, this can currently be absorbed without requiring an additional contribution from Members. Future interest income streams to the General Fund will be impacted to the extent of approximately A\$25 000 annually depending on prevailing interest rates in future years.

20. On the basis of the decision to liquidate the OASIS investment, SCAF revised Appendix 2 of CCAMLR-XIX/4 (Equity and Special Funds), presented as Appendix IV to this report.

21. SCAF noted the information provided by the Secretariat that, based on contact with a Sydney law firm, Piper Alderman, the cost of joining a class action against either the Commission's bank or the ratings agency that had been responsible for assessing the quality of the PURE CDO investments had been estimated at A\$3 000. Based on preliminary information provided to the Secretariat by Piper Alderman, SCAF recommended that at this stage CCAMLR not join class action. SCAF requested that the timeframe for action be made available. A final view would be taken depending on the results of the class action and the timelines available. Once the results of the class action are available, a negotiated settlement may be a potential course of action. The Secretariat was requested to keep the Commission informed of any further developments in relation to this matter.

22. Australia expressed concern about participating in litigation of this nature, noting the nature of CDO investments and CCAMLR being an international organisation with multi-State participation. Australia noted it would consider any further information provided by the Secretariat.

23. In considering the proposal from Norway, UK and the USA to revise Financial Regulation 8.2, and in light of recent financial events, SCAF saw merit in undertaking a general review of the existing Financial Regulations. To this effect SCAF **recommended that:**

- (i) **an open-ended informal group, appointed by SCAF, acting via correspondence in the 2010/11 intersessional period (SCAF-CG), will consider, in consultation with the Executive Secretary, the matters before it. These matters include, inter alia:**
 - (a) **undertaking a comprehensive review of the CCAMLR Financial Regulations and, where appropriate, developing draft amendments to the Financial Regulations;**
 - (b) **drafting investment principles that are consistent with the Financial Regulations to guide the Secretariat in the management of the existing CCAMLR investment portfolio and the management of future investments giving consideration to the relationship between these principles and the Financial Regulations;**
 - (c) **considering the frequency and content of Secretariat communications to Members regarding investments;**
- (ii) **SCAF review a report of these considerations and proposed amendments to the Financial Regulations at CCAMLR-XXX;**
- (iii) **the group be convened by Australia.**

24. **SCAF recommended to the Commission that prior to any advice forthcoming from the informal group, taking into account recent events and the need to adopt a conservative approach with regard to its investments, the Executive Secretary restricts future investments to Government bonds and cash equivalents, and that the current Financial Regulation 8.2(b), relating to long-term investments, be temporarily suspended.**

25. The USA expressed the view that early consultation with an investment adviser, fully vetted and approved by the Commission, should be an integral element of a responsible reaction to current events that affected CCAMLR's investment portfolio. This element had been originally included in the proposed amendment to Financial Regulation 8.2 proposed by Norway, UK and the USA.

26. SCAF recommended that the Executive Secretary continues to report quarterly on the status of the investments of the Commission.

DIVERSION OF FUNDS TO THE GENERAL SCIENCE CAPACITY SPECIAL FUND

27. SCAF received the report prepared by the Secretariat (CCAMLR-XXIX/11) and agreed that the forfeited new and exploratory fishery application fees should continue to be paid into the General Fund.

REVIEW OF 2010 BUDGET

28. SCAF recommended **that the revised Budget for 2010, as set out in Appendix II of this report, be adopted by the Commission. This included a surplus of A\$436 000 to be carried forward to 2011.**

FURTHER REVIEW OF TRANSLATION REQUIREMENTS

29. SCAF noted the Secretariat paper CCAMLR-XXIX/8 which comprehensively reported on the results of intersessional consultations with Members to determine their specific translation needs and costs of translation. SCAF reviewed the outcomes of the consultations and **recommended that:**

- **working groups exercise self-restraint to reduce the size of their reports;**
- **working papers be limited to 1 500 words, with no limit on annexed conservation measures, decisions or resolutions;**
- **the Executive Secretary be authorised to return working papers exceeding 1 500 words to the author(s) for review and re-submission within the agreed deadlines for paper submission adopted by the Commission;**
- **all documents submitted as revisions be done so in track-change mode;**
- **all papers be submitted in both MS Word and pdf formats.**

30. SCAF will evaluate the effects of the measures implemented and if necessary examine further steps to be taken.

ADDITIONAL MEETING SPACE FOR SCIC

31. SCAF noted the additional meeting space for SCIC had been completed on time and within budget.

DEVELOPMENT OF COST RECOVERY

32. SCAF noted CCAMLR-XXIX/34 Rev. 1, submitted by the USA on the question of cost recovery for processing krill fishery notifications. It was noted that this paper was also being considered by SCIC and that SCAF would await the advice from SCIC before considering the matter further.

33. Noting that the existing administrative component of the Notification Fee has been unchanged since its adoption in 2005 (A\$3 000), SCAF requested that the Secretariat review the administration component in relation to actual costs associated with processing notifications and report its findings to SCAF at CCAMLR-XXX.

CONTINGENCY FUND

34. SCAF noted that no expenditure had been incurred from the Contingency Fund in 2010. In keeping with past practice, SCAF **recommended that the balance of the Fund in excess of A\$110 000, following the transfer of forfeited funds from new and exploratory fishery applications, should be transferred to the General Fund.**

CDS FUND

35. SCAF noted that expenditure of A\$67 154 for an African IUU Capacity Building Workshop and A\$5 716 for the production of CDS training material, both approved in 2009 (CCAMLR-XXVIII, paragraph 3.18), had been incurred from the CDS Fund in 2010.

MULTI-YEAR FUNDING OF SCIENTIFIC COMMITTEE TASKS

36. No requests were received from the Scientific Committee to carry forward 2010 funds to 2011. A total of A\$90 000 is currently held in the Fund to cover any further costs arising from the Joint CCAMLR-IWC Workshop, held in 2008, and a Review of the *Scientific Observers Manual*.

BUDGET FOR 2011

Advice from SCIC and the Scientific Committee

37. The Chair of SCIC advised that there will be no DOCEP Workshop in 2011 resulting in a saving of A\$12 000. On the basis of advice from SCIC and the Scientific Committee, SCAF supported the Secretariat's proposed review of data management systems. SCAF noted SCIC's advice that the current VMS tracking system would not undergo any further development beyond 2011 and that the Secretariat is investigating options for the Commission's consideration in 2011.

38. SCAF received advice from the Chair of the Scientific Committee on the Scientific Committee's budget for 2011, noting the proposed intersessional meetings scheduled for 2011 and 2012.

39. SCAF noted that an MPA workshop has been scheduled for 2011 at a cost of approximately A\$63 000. **SCAF recommended that an amount of A\$63 000 be provided from the MPA Special Fund.**

40. SCAF received advice that the Scientific Committee was considering mechanisms to share the burden of aspects of its work including to facilitate the ageing of toothfish otoliths from exploratory fisheries and the potential requirements to allow routine processing and analysis of acoustic data from krill fishing vessel surveys and that there may be a future requirement for additional resources to undertake this work.

41. The Scientific Committee proposed a new initiative to establish a scholarship scheme and that initial funding to support the scholarship be provided from the General Science Capacity Special Fund and, if agreed, replenished from other funds following the review of the scheme after five years. SCAF endorsed this initiative and **recommended to the Commission that Members be invited to provide voluntary contributions to the General Science Capacity Special Fund as a means to support its longer-term sustainability.**

42. **SCAF recommended that the Commission approve the proposed 2011 Scientific Committee budget of A\$252 500.** SCAF noted that the overall funding requested by the Scientific Committee had been provided for in the 2011 draft budget (CCAMLR-XXIX/4).

Overall budget advice

43. In considering the draft budget for 2011, SCAF expressed concern that there were some items of income and expenditure outside the proposed budget. It indicated that, at its next meeting, it will consider the status of Special Funds, particularly those that apparently had been dormant for a number of years. In requiring improved transparency in relation to the reporting on the Commission's finances, SCAF requested that, in future years, the Secretariat provide additional information in relation to items not included in the General Budget.

44. SCAF noted with concern that the A\$1 million loss was not reflected in the current budget figures and was advised that this would be shown as a loss against General Funds in the 2010 Financial Statements (see Appendix IV) which will be considered at the 2011 meeting. It noted that the loss resulted in reduced interest income to the budget and that there are no future expected implications on the Reserves of the Commission. However, SCAF also noted that any further losses arising from the investments would impact the funds currently held in Reserves, which may impact negatively on future budgets.

45. SCAF noted that the loss is not expected to impact on the Staff Termination Fund.

46. The Committee agreed to include provision of A\$10 000 for translation of the revamped website into the three other Commission languages and up to A\$40 000 to carry out the Data Management Systems review.

47. SCAF noted that budgeted expenditure proposed for 2011 is A\$4 488 000. Individual Member's contributions for 2011 are presented in Appendix III. This constitutes a 0.07% decrease over the 2010 budget contributions. Compared to an inflation increase of 3.1%, this is well below the zero real growth budgetary target of the Commission. **SCAF recommended that the Commission approve the proposed 2011 budget, subject to confirmation that the Commission agrees to continue to support its association with FIRMS.**

MEMBERS' CONTRIBUTIONS

Timing of contributions

48. The Committee **recommended that, in accordance with Financial Regulation 5.6 and in accordance with past practice, the Commission grant extensions to 31 May 2011 for Argentina, Belgium, Brazil, China, India, Republic of Korea, South Africa, USA and Uruguay in respect of the due date for payment of their 2011 Members' contributions.**

49. SCAF requested the SCAF-CG to consider the timing of Member's contribution as part of its work to revise the Financial Regulations in 2011.

Ukraine's Member contribution

50. SCAF was informed that Ukraine was in arrears in respect of its 2008 (part), 2009 and 2010 Member contributions. SCAF noted that Ukraine is in default and that therefore Article XIX.6 of the Convention applies. SCAF also noted a letter from Ukraine to the Chair of the Commission indicating its intention to pay all amounts outstanding in December 2010.

FORECAST BUDGET FOR 2012

51. SCAF recommended a forecast budget for 2012 to the Commission based on past practice. It noted a zero real growth increase in Members' contributions for 2011/12. SCAF recognised the uncertainty associated with the fees from new and exploratory fisheries in both 2011 and 2012 and the impact of those fees on the 2012 forecast. Noting constraints on domestic budgets, some Members expressed concern about the level of budgetary provision for salaries and allowances, noting that this was due to existing arrangements which will be included in the review of the Strategic Plan and considered in 2011. SCAF also noted that interest income was dependent on rates available for investment in Government bonds and cash equivalents prevailing at that time.

OTHER BUSINESS

Performance Review Report

52. SCAF considered the status of recommendations relevant to SCAF arising from the 2008 CCAMLR Performance Review Panel Report (CCAMLR-XXIX/BG/48).

53. In relation to future work, SCAF noted that succession planning (Rec. 7.2.1.4) will be taken up during 2011 as part of the Secretariat's planned review of the Strategic Plan. In relation to promoting the engagement of Developing States in the work of the Commission (Recs 6.5.2.1 and 7.1.1.3), SCAF recommended that the Secretariat be tasked with preparing a report concerning the practice in other multilateral similar organisations (Rec. 6.5.2.1(b)) and for that report to be considered at CCAMLR-XXX. Further, SCAF advised that it intended to take up the matter of cost recovery and charging for the full cost of services (Recs 7.1.1.1 and 7.1.1.2) at its 2011 meeting. Members were invited to provide a discussion document to support the considerations of SCAF in 2011 on this matter.

ELECTION OF SCAF VICE-CHAIR FOR 2011 AND 2012

54. SCAF unanimously agreed that South Africa serve as SCAF Vice-Chair from the end of the 2010 meeting until the end of the 2012 meeting.

ADOPTION OF THE REPORT

55. The report of the meeting was adopted.

CLOSE OF MEETING

56. The Chair, Ms Sangwan advised SCAF of her unavailability to attend the Commission meeting and requested the Vice-Chair (South Africa) to present the SCAF Report. The Committee thanked Ms Sangwan for her excellent chairing of the meeting. The Chair closed the meeting.

AGENDA

Standing Committee on Administration and Finance (SCAF)
(Hobart, Australia, 25 to 29 October 2010)

1. Organisation of meeting
 - (i) Adoption of Agenda
2. Examination audited Financial Statements for 2009
3. Audit requirement for 2010 Financial Statements
4. Secretariat Strategic Plan
 - (i) Review of Communication Officer's post
 - (ii) Secretariat Succession Plan
 - (iii) Data Manager post: salary grading
 - (iv) Review of Data Management Systems
5. Review of investment portfolio
6. Diversion of funds to General Science Capacity Special Fund
7. Review of 2010 budget
8. Review of translation requirements
9. Additional meeting space for SCIC
10. Development of cost recovery
11. Contingency Fund
12. CDS Fund
13. Multi-year funding of Scientific Committee tasks
14. Budget for 2011
 - (i) Scientific Committee budget
 - (ii) Advice from SCIC
15. Members' contributions
 - (i) Timing of Members' contributions
 - (ii) Ukraine contribution arrears
16. Forecast budget for 2012

17. Other business
 - (i) Performance Review Panel Report
18. Election of SCAF Vice-Chair
19. Adoption of report
20. Close of meeting.

APPENDIX II

REVIEW OF 2010 BUDGET, BUDGET FOR 2011 AND FORECAST FOR 2012

(all amounts in Australian dollars)

Budget for 2010				2011	2012
Adopted in 2009	Revised	Variance		Budget	Forecast
INCOME					
3 159 000	3 159 000	0	Members' Annual Contributions	3 157 000	3 250 000
0	0	0	New Members' Contributions	0	0
165 000	195 000	(30 000)	From (to) Special Funds	185 000	* 563 000
190 000	160 000	30 000	Interest	180 000	200 000
530 000	520 000	10 000	Staff Assessment Levy	530 000	550 000
440 000	528 000	(88 000)	Surplus from Prior Year	436 000	0
<u>4 484 000</u>	<u>4 562 000</u>	<u>(78 000)</u>		<u>4 488 000</u>	<u>4 563 000</u>
EXPENDITURE					
3 237 000	3 097 000	140 000	Salaries and Allowances	3 280 000	3 420 000
210 000	160 000	50 000	Equipment	200 000	205 000
120 000	115 000	5 000	Insurance and Maintenance	200 000	206 000
10 000	16 000	(6 000)	Training	15 000	15 000
320 000	310 000	10 000	Meeting Facilities	320 000	320 000
294 000	150 000	144 000	Travel	230 000	180 000
70 000	67 000	3 000	Printing and Copying	70 000	72 000
83 000	81 000	2 000	Communication	83 000	85 000
140 000	130 000	10 000	Sundry	90 000	60 000
<u>4 484 000</u>	<u>4 126 000</u>	<u>358 000</u>		<u>4 488 000</u>	<u>4 563 000</u>
Surplus for the year		(436 000)			

* Includes an estimate of additional new and exploratory fishery fees forfeited during 2011 and new fees which may be received in 2012, recognising the uncertainty of the amounts received from year to year, but based on previous years' receipts.

Amounts included under the Salaries and Allowances Expenditure items represent contractual obligations to Secretariat staff, payment to external translators, and contributions to the Staff Termination Fund.

MEMBERS' CONTRIBUTIONS 2011
 General Fund Contributions – Payable by 1 March 2011
 (all amounts in Australian dollars)

Member	Basic	Fishing	Total
Argentina*	121 341	1 000	122 341
Australia	121 341	9 953	131 294
Belgium*	121 341	-	121 341
Brazil*	121 341	-	121 341
Chile	121 341	2 213	123 554
China, People's Republic of *	121 341	-	121 341
European Community	121 341	-	121 341
France	121 341	24 976	146 317
Germany	121 341	-	121 341
India*	121 341	-	121 341
Italy	121 341	-	121 341
Japan	121 341	12 241	133 582
Korea, Republic of *	121 341	20 351	141 692
Namibia	121 341	1 000	122 341
New Zealand	121 341	6 206	127 547
Norway	121 341	20 529	141 870
Poland	121 341	3 228	124 569
Russia	121 341	2 539	123 880
South Africa*	121 341	1 993	123 334
Spain	121 341	3 861	125 202
Sweden	121 341	-	121 341
Ukraine	121 341	1 113	122 454
UK	121 341	10 400	131 741
USA*	121 341	-	121 341
Uruguay*	121 341	1 872	123 213
	<u>3 033 525</u>	<u>123 475</u>	<u>3 157 000</u>

* Extension of deadline requested by Members

MOVEMENTS IN EQUITY AND SPECIAL FUNDS IN 2010
(all amounts in Australian dollars)

Fund	Balance 1-Jan-10	Income	Interest Income	Expenses	Balance 31-Dec-10
Equity					
General Fund	991 394			991 394	0
Contingency	305 000	185 000		195 000	295 000
Asset Replacement Reserve	101 675	17 000		1 666	117 009
New and Exploratory Fisheries	459 920	213 000		588 332	84 588
Staff Replacement Fund	147 475			11 630	135 845
Special					
Observation Scheme – USA	107 301		4 200		111 501
Vessel Monitoring System – USA	13 459		500		13 959
CDS	281 503		11 200	90 877	201 826
Compliance and Enforcement	24 987		1 000		25 987
Marine Protected Areas	94 904		3 800		98 704
Scientific Multi Year	94 581		3 800	3 375	95 006
Enforcement Trust	12 294		500		12 794
General Science Capacity	0	120 000	1 800	32 000	89 800

In 2009 an amount of A\$76 384 (PURE) was written off against the General Fund. In 2010 the balance of A\$923 616 was written off against the General Fund. The OASIS investment of A\$600 000 will be written down to approximately A\$156 000. A\$67 778 will be written off against the balance available in the General Fund, with the balance written off against the New and Exploratory Fisheries Reserve.

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

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

OPENING OF THE MEETING

1.1 The meeting of the Standing Committee on Implementation and Compliance (SCIC) was held in Hobart, Australia, from 25 to 29 October 2010.

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

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

REVIEW OF COMPLIANCE-RELATED MEASURES AND POLICIES

Compliance with conservation measures in force

System of Inspection

2.1 The Committee reviewed the implementation of the System of Inspection during the 2009/10 intersessional period. SCIC noted that no infractions had been reported as a result of any at-sea inspections.

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

Exploratory and krill notifications and preliminary assessments of bottom fishing

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

2.4 SCIC noted the Scientific Committee's advice that preliminary assessments of the impacts of bottom fishing submitted in accordance with CM 22-06 were more detailed and comprehensive than those submitted in 2009.

2.5 SCIC also noted the Scientific Committee's advice that WG-EMM had reviewed krill notifications submitted for 2010/11 and had advised the Scientific Committee that sufficient information had been provided by Members and that the notifications met the requirements of CM 21-03.

Tagging program

2.6 SCIC considered reports of tagging rates during 2009/10 (SC-CAMLR-XXIX, Annex 8, Table 12). Whilst all vessels were reported to have achieved the required tagging rates, a number of vessels had not tagged *Dissostichus* spp. in proportion to the size distribution of the catch in accordance with CM 41-01, Annex C, paragraph 2(ii).

2.7 Several Members expressed their strong concern at this outcome. These Members believed that the vessels concerned had displayed a very low level of commitment to the tagging program by tagging smaller toothfish but retaining larger toothfish for commercial purposes. These Members also noted that some of the vessels concerned were reported to have demonstrated repeated non-compliance, including a persistently low tagging overlap rate in previous years. In addition, New Zealand noted that the *Insung No. 1* in Subarea 48.6 had caught 2 404 *D. mawsoni* of which it had tagged and released none (SC-CAMLR-XXIX, Annex 8, Table 11). These Members expressed the view that failure with the tagging program was a particularly serious issue which undermined CCAMLR's ability to manage exploratory fisheries.

2.8 SCIC noted advice from the Chair of the Scientific Committee, Dr D. Agnew (UK), that it should be feasible for all vessels to score at a high level of tagging overlap in these fisheries and reminded all Members that they should be aware that there is a requirement to tag toothfish of sizes which reflected the overall catch-weighted length-frequency distribution of the catch. SCIC noted further that the Scientific Committee had developed a table to provide guidance in complying with the tagging requirement.

2.9 Two vessels which were reported to have an especially low tagging overlap were the *Insung No. 1* and *Jung Woo No. 2* (Republic of Korea). New Zealand stated that it would be inappropriate for these vessels to participate in CCAMLR exploratory fisheries.

2.10 The Republic of Korea assured Members that it fully recognised the importance of the tagging program. The Republic of Korea noted that it had achieved considerable progress in the tagging program in 2009/10. It advised that it had examined the reports in respect of the *Insung No. 1* and *Jung Woo No. 2* and found that language barriers between the fishing master, the observer and the crew had resulted in a communication breakdown which had been compounded by a vessel calling at a foreign port far from Korea. Whilst the vessel had successfully achieved the overall tagging rate requirement, which was an improvement from last year, tagging errors had occurred because the fishing masters were unaware of the correct method of tagging. The Republic of Korea clarified its understanding that tagging was the responsibility of the vessel and affirmed that it was committed to continue to educate fishing masters on board its flag vessels and that the tagging overlap would improve in future.

2.11 Some Members noted that tagging was the responsibility of the vessels and the Flag State, and not the observer, in accordance with CM 41-01, Annex C. The Republic of Korea noted that the fishing vessel shall cooperate with the CCAMLR scientific observer in undertaking the tagging program.

2.12 The Republic of Korea advised SCIC of an internal proposal to improve the education of masters and crew on correct tagging procedures. The Republic of Korea advised that it would take the following actions:

- (i) a government or company representative will be sent to a relevant working group meeting to obtain full information on the requirements of the tagging program and other measures;
- (ii) an easily understandable manual for crew training purposes will be developed;
- (iii) vessels which participate in CCAMLR exploratory fisheries will be required to enter designated ports prior to fishing in order for the crew to be trained in port prior to fishing;
- (iv) the fishing company will maintain contact with the master throughout the fishing season to remind him of the requirements of CM 41-01;
- (v) fishing masters will be encouraged to focus on collecting scientific data and the company will try to provide incentives for masters which achieve full compliance with CM 41-01.

2.13 The Republic of Korea advised that the company owners were the same as those of the vessels mentioned in the CCAMLR-XXVIII report. It also advised that the training program could be implemented in time for the opening of the 2010/11 fishing season.

Closure of fisheries

2.14 SCIC noted that on 10 January 2010, SSRU 5841G was closed and the Republic of Korea flagged *Insung No. 2* was present in the area at the time of closure. The *Insung No. 2* advised that, due to bad weather and ice, it had been unable to depart the area until GMT 1800 on 11 January 2010.

2.15 The Republic of Korea advised that it had investigated the incident and had found that, when the weather improved on 11 January 2010, the *Insung No. 2* departed the area and proceeded to Montevideo, Uruguay. In Montevideo, a fire had occurred on board the vessel and all records were lost.

2.16 Australia sought information from Uruguay whether it undertook a port inspection of the *Insung No. 2* prior to the fire.

Environmental protection and mitigation measures

2.17 SCIC considered reports compiled by international scientific observers in respect of vessels' conformity with CMs 24-02, 25-02, 25-03 and 26-01 (WG-FSA-10/8). Vessels which had been reported by observers not to have conformed with all the requirements of these measures during the 2009/10 season were:

- (i) the *Thorshovdi* (Norway) which was reported to have used net sonde cables during two cruises in Area 48 (CM 25-03, paragraph 1). The observer was South African;

- (ii) the *Jung Woo No. 2* and *Jung Woo No. 3* (Republic of Korea) which were reported to have bait box packaging bands on board (CM 26-01, paragraph 1). However, all bands were reported to have been cut and retained or incinerated. The observers were Russian;
- (iii) the *Juvel* (Norway), which was mostly fishing south of 60°S, but was reported to have discarded offal during net shooting and hauling for 55% of the time during fishing in Subarea 48.3 (CM 26-01, paragraph 6(i)). The observer was from the UK.

2.18 Norway reported that it had investigated the report in respect of the *Juvel* and found that the discharge of offal related to a procedure that the vessel was working to refine and that future improvements were anticipated. The offal discharged contained no protein as evidenced by the fact that seabirds and seals had followed the *Juvel* to a lesser extent than other vessels. Norway also pointed out that there had been no reports of incidental mortality connected with the *Juvel*. Nevertheless, Norway had informed the vessel that it should seek to comply fully with CM 26-01 in future.

2.19 Norway had also investigated the report in respect of the *Thorshovdi* and found that the report must be erroneous as the vessel did not have net monitoring cables on board. Norway believed that the observer had mistaken the krill pump cable for a net monitor cable. A krill pump cable is thicker and marked bright yellow and therefore considered safe for purposes of avoiding incidental mortality. No incidental mortality had been recorded in relation to the *Thorshovdi*. Norway had consulted with the observer who had concurred that the presence of the krill pump cable did not constitute an infringement of CM 25-03.

2.20 South Africa confirmed that it had discussed the matter with the observer concerned and was satisfied that Norway's findings were correct.

2.21 The Republic of Korea had also investigated reports of packaging bands on board the *Jung Woo No. 2* and *Jung Woo No. 3*. It had found that both vessels had fished on the high seas outside the Convention Area prior to entering the Convention Area with the bands on board. As reported in WG-FSA-10/8, the bait box packaging bands were cut, retained on board and incinerated. The Republic of Korea commented that, in accordance with its interpretation of paragraph 3 of CM 26-01, the vessel had not undermined the objectives of the measure. The Republic of Korea nevertheless conceded that this was also a repeated failure by the vessels concerned and would therefore add the issue to its training program.

2.22 New Zealand noted the fact that the bands were cut was irrelevant as CM 26-01, paragraph 1, expressly prohibits the use of bait box packaging bands.

2.23 SCIC noted that no reports of non-compliance with CM 25-02 had been recorded during 2009/10. Therefore, all vessels which had fished during 2009/10 could potentially be eligible to be granted an extended licensing period in the toothfish fishery in Subarea 48.3 during 2010/11.

2.24 The Committee also considered general information on the implementation of CMs 10-02, 10-03, 10-04, 10-08 and 10-09.

2.25 SCIC noted that three CCAMLR Members, New Zealand, the UK and Uruguay had submitted port inspection reports during the 2009/10 season. A port inspection report was also received from the Contracting Party Mauritius.

2.26 Uruguay advised SCIC that it had inspected *Insung No. 7* and *Hong Jin 707* (Republic of Korea), *Tronio* (Spain), *Simeiz* (Ukraine) and *CFL Gambler* (UK). Uruguay made the following statement:

‘Uruguay, having signed last year the FAO Port States Measures Agreement, fully shares the spirit of compliance of CM 10-03 aimed at monitoring fishing operations targeting toothfish, especially on vessels flagged to third parties using Uruguayan ports, as well as all landings of other species caught outside the CAMLR Convention Area.

Until now, Uruguay has conducted port inspections of vessels carrying toothfish in accordance with national regulations, but is now ensuring that procedures to notify and report information to the CCAMLR Secretariat are in conformity with CM 10-03.

The inspections conducted thus far have not detected any irregularity which might indicate non-compliance with conservation measures adopted by CCAMLR.’

Control of nationals

2.27 SCIC considered a report submitted by Spain on the implementation of CM 10-08 during the 2009/10 intersessional period (CCAMLR-XXIX/BG/37) which reported on a number of sanctions imposed on Spanish nationals.

2.28 Spain reported that, due to a lack of evidence, it had not been able to proceed against the company Vidal Armadores in respect of the vessel *Chilbo San 33*. Spain had, however, been able to proceed against Vidal Armadores as a result of evidence collected by New Zealand in respect of its inspection of *Paloma V* in Auckland in May 2008. Consequently, Spain had fined Vidal Armadores €150 000 and suspended all licences, loans and subsidies for a period of two years. Spain advised that it believed that the fine was set in accordance with Spanish legislation, rather than as a proportion of the overall financial benefit that the owner had gained from IUU fishing. SCIC expressed its appreciation to Spain for its actions in respect of the *Paloma V*.

2.29 Spain had not been able to proceed against the master of *Bigaro* as the only evidence was a transcript of a radio interrogation in which the master claimed to be a Spanish national. However, Spain stated that this did not constitute sufficient proof to lead to a prosecution.

2.30 Several Members encouraged Spain to proactively continue to investigate subsequent reports of the activities of these and other vessels, as well as all reports forwarded by Members which indicated that Spanish nationals may be involved in IUU activities. Members noted the fact that information which might not be comprehensive should not preclude Spain from undertaking investigations.

2.31 A few Members pointed out that the *Paloma V* was currently named *Trosky* and that it had been sighted in the Convention Area subsequent to Spain’s prosecution. Reports had

indicated that the captain of the *Trosky* was the same individual that had been on board the vessel when it had been named *Paloma V*. These Members encouraged Spain to investigate these reports and take action.

2.32 Spain reiterated that it continues to take all possible action against IUU fishing in accordance with Spanish and European Union legislation, including holding those individuals responsible to account and will request further information to be provided by CCAMLR Contracting Parties to assist investigations.

C-VMS reporting

2.33 The Secretariat noted CCAMLR-XXIX/BG/7, paragraph 7, advising of problems it had experienced in receiving VMS data in respect of vessels fishing outside the Convention Area.

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

2.35 SCIC noted the problems the Secretariat described that had occurred during 2009/10 in respect of vessels fishing outside the Convention Area which wished to voluntarily report C-VMS data to CCAMLR.

2.36 Chile introduced a proposal on the management by the Secretariat of VMS data reported voluntarily by vessels fishing outside the Convention Area (CCAMLR-XXIX/46). Chile expressed concern that delays in the processing of such VMS data had hampered the trade of toothfish taken outside the Convention Area.

2.37 SCIC took note of the situation described and that the Secretariat had confirmed that it would assist Chile when it voluntarily requested the Secretariat to receive, process, manage and transmit in a timely manner VMS data in respect of catches of *D. eleginoides* from outside the Convention Area.

2.38 Chile subsequently withdrew its proposal.

Compliance Evaluation Procedure

2.39 SCIC considered intersessional work conducted by the ad hoc group for the Development of a Compliance Evaluation Procedure (DOCEP) (CCAMLR-XXIX/17). The Convener of DOCEP, Ms Dawson-Guynn, reported that all Members had been requested intersessionally to complete a questionnaire to record their perception of the impact of non-compliance on the Antarctic marine ecosystem (CCAMLR-XXVIII, paragraph 8.39).

2.40 The questionnaire had been circulated to all Members and comprised elements of conservation measures which relate to vessel compliance. Completed questionnaires had

been submitted by Australia, Chile, France, Spain, EU, Japan, Norway, New Zealand, Sweden, UK, USA and Uruguay. Members noted that the low number of responses limited the ability of DOCEP to assess the views of all Members and encouraged all Members to respond to such questionnaires in future.

2.41 Those Members had assigned a 1–5 ranking of each element based on their perception of whether the impact of an incident of non-compliance with that element was considered negligible, minor, major, serious or critical. In assigning impact scores, some Members had observed that there was general agreement that conservation measures are adopted for good reasons and, therefore, any breach could be assigned a score of 5 (critical).

2.42 SCIC noted that some Members assigned scores based strictly on how non-compliance would impact the ecosystem directly. Other Members had also assigned scores with broader view of how non-compliance with a conservation measure might have an indirect effect on the ecosystem by undermining the effectiveness of CCAMLR conservation measures. The System of Inspection was used as an example. Failure by a vessel to submit to an inspection may have no direct impact on the environment but would mean that compliance with conservation measures would not be able to be measured.

2.43 Some issues raised in relation to future work of DOCEP were:

- (i) the problem of measuring frequency would require further consideration. Scope existed for frequency to be considered in different ways, for example, one incident of non-compliance by a vessel during a fishing trip could be considered a frequency of 1, whereas one trip during which non-compliance occurs could also be considered a frequency of 1;
- (ii) the degree of non-compliance within a measure should be taken into consideration within the DOCEP matrix;
- (iii) consideration may also need to be given as to whether the incident of non-compliance was accidental or intentional;
- (iv) clarifying responsibility for the incident of non-compliance can be difficult as it may not be clear whether the incident of non-compliance is the fault of a vessel or its Flag State.

2.44 SCIC generally agreed that there was value in continuing the work of DOCEP. All Members were encouraged to participate in its future work.

2.45 SCIC agreed that the DOCEP group would continue work intersessionally and requested the Secretariat to establish a ‘bulletin board’ on the CCAMLR website to facilitate the work. Based on the work done intersessionally, a meeting could be convened in Hobart prior to the start of CCAMLR-XXX.

2.46 ASOC acknowledged the important work CCAMLR has done to adopt binding conservation measures. ASOC believed that it was important to have a transparent evaluation process in place in order to provide confidence to the global community that CCAMLR conservation measures in force were being implemented in full. ASOC therefore encouraged the future work of DOCEP.

2.47 SCIC thanked Ms K. Smith (Australia) for volunteering Australia to return as DOCEP convener to progress the future work of DOCEP.

Proposals for new and revised measures

Draft proposals agreed by SCIC

2.48 SCIC agreed to forward the following measures to the Commission with a recommendation that they be adopted (CCAMLR-XXIX/BG/44):

- (i) a proposal to amend CM 23-07 to bring forward the reporting deadline for daily reports from 10 pm UTC to 12 pm UTC in order to improve the timeliness with which the Secretariat was able to receive and process daily reports;
- (ii) a proposal submitted by the EU to require VMS reporting in accordance with CM 10-04 by krill vessels (CCAMLR-XXIX/41);
- (iii) a proposal submitted by New Zealand for the adoption of a new resolution aimed at addressing IUU fishing in the Convention Area (CCAMLR-XXIX/36 Rev. 2);
- (iv) a proposal by New Zealand to adopt a procedure to seek non-Contracting Parties' cooperation via correspondence from the Chair of the Commission (CCAMLR-XXIX/37 Rev. 1); (see paragraphs 4.7 to 4.12);
- (v) a proposal to delete paragraph 3 and make minor amendments to paragraph 4 of CM 10-02 for editorial purposes.

Draft proposals forwarded to the Commission for further consideration

2.49 SCIC agreed to forward the following measures to the Commission for further consideration (CCAMLR-XXIX/BG/45 Rev. 1):

- (i) a proposal submitted by the USA to require a fee to accompany krill notifications (CCAMLR-XXIX/34 Rev. 1);
- (ii) proposals submitted by the EU to amend CMs 10-06 and 10-07 to adopt procedures for the intersessional delisting of IUU vessels (CCAMLR-XXIX/42 and 43);
- (iii) a proposal submitted by the USA and the EU to strengthen CM 10-03 to implement minimum standards in respect of port inspections and training of inspectors and bring the measure in line with the provisions of the Port State Measures Agreement (CCAMLR-XXIX/35 Rev. 1);
- (iv) a proposal that it would be useful for the safety of observers, as well as for the purposes of combating IUU, for CM 10-02 to be amended to make it mandatory

for all vessels operating in the Convention Area to have an IMO number and for these to be reported to CCAMLR. SCIC noted that if changes to CM 10-02 are agreed, then changes to CM 10-03, Annex A, would also be required.

2.50 In introducing the port inspection proposal, the USA and the EU reminded Members of progress that had been made with respect to the recommendations of the Performance Review Panel (PRP) to improve CM 10-03, by adopting a broader definition of 'fishing vessel' in 2008 to include reefer and support vessels and, in 2009, adopting inspection procedures.

2.51 The USA and the EU drew SCIC's attention to the fact that, since CCAMLR-XXVIII, the FAO Conference adopted the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing (FAO Agreement). The FAO Agreement sets minimum standards for Port State measures, including the conduct of fishing vessel inspections and the training of inspectors, and has already been signed by some Members.

2.52 The USA and the EU explained that the objective of the proposal was to address the continuing problem of IUU fishing and to make further progress against Recommendation 4.2.2.2 of the PRP, which was recognised as a priority at CCAMLR-XXVIII, by strengthening CCAMLR's existing scheme on port inspections through the expansion of its scope to vessels carrying Antarctic marine living resources other than *Dissostichus* spp. and incorporating a set of minimum standards, consistent with the FAO Agreement, for granting entry into port and access to port services, the conduct of inspections and training of inspectors, follow-up actions and Flag State responsibilities. In this context, the USA and the EU drew the Committee's attention to the fact that the level of IUU fishing in the Convention Area has almost doubled compared to last year, rendering the fight against IUU fishing in the area even more urgent and important. The USA and the EU expressed the view that moving towards a harmonised set of minimum standards should ultimately facilitate Members' compliance with CM 10-03 as well as the provisions of CMs 10-06 and 10-07 that oblige Members to restrict port access to vessels on CCAMLR's CP-IUU and NCP-IUU Vessel Lists.

2.53 In considering the proposal to amend CM 10-03, Argentina noted that it contained elements relating to CM 10-02, as well as to the FAO Port State Measures Agreement 2009. Some Members noted that the Port State Agreement, which is not in force, was still under examination by their authorities and that, therefore, consideration could be given to such a proposal at a later stage.

2.54 The EU expressed its surprise and disappointment at the fact that some Members, which had participated in Port State Agreement negotiations, agreed on the text by consensus and subsequently signed the Agreement, were unable to agree to the provisions of the Agreement being incorporated into CM 10-03. The EU believed that ratification of the Agreement might be a lengthy process and that CCAMLR should move to close any potential loopholes in the interim.

2.55 The USA pointed out that its proposal applied only to CCAMLR species and vessels which had fished in the Convention Area, and that adoption of the proposal did not implement the Port State Measures Agreement by default.

2.56 The USA introduced a proposal for krill notification fees explaining that the fees were intended to serve two purposes, first to cover the Secretariat's administrative costs associated with processing krill notifications, and second to provide an incentive for fishers to notify their intended krill harvests more accurately, which would assist the Scientific Committee in providing advice for the krill fishery. The USA noted that the need to address this issue had been discussed on several occasions in the past, and that the PRP had recommended such a cost-recovery scheme. The USA noted that the Executive Secretary had advised that the cost to process a notification was the same for all fisheries.

2.57 Several Members indicated that they would like to see this fishery treated equally with other CCAMLR fisheries and that the Scientific Committee would benefit from the better accuracy of krill notifications, and expressed their full support for the proposal.

2.58 Some Members expressed concern over the proposed introduction of a krill notification fee. One Member suggested that, at present, the krill fishery should not be administered in the same way as new and exploratory fisheries. Another Member indicated that more information needed to be provided for further consideration on proposals for krill notification fees.

IUU FISHING IN THE CONVENTION AREA

Current level of IUU fishing

3.1 The Committee considered information submitted by Australia (CCAMLR-XXIX/BG/29), France (CCAMLR-XXIX/44) and the Secretariat (CCAMLR-XXIX/16 Rev. 1) in respect of the current level of IUU fishing in the Convention Area during the 2009/10 season.

3.2 Seven vessels had been reported to have engaged in IUU fishing in the Convention Area during 2009/10, and the Secretariat had estimated that they had caught 1 615 tonnes of *Dissostichus* spp. during the 2009/10 season to date, of which 133 tonnes were estimated to be *D. eleginoides* and 1 482 tonnes were estimated to be *D. mawsoni*. All IUU vessels were believed to be using gillnets and all vessels were reported to have fished in Subarea 58.4, particularly in Divisions 58.4.1 and 58.4.2.

3.3 SCIC noted advice from the Chair of the Scientific Committee that the Committee had expressed its concern about IUU fishing, particularly in relation to the widespread use of gillnets in the Convention Area.

3.4 The Chair of the Scientific Committee conveyed the support of the Committee for the IUU estimates prepared by the Secretariat, particularly in relation to the evaluation of effort, but advised that it was difficult to estimate catch rates by gillnets.

3.5 SCIC noted advice from the Chair of the Scientific Committee that the lack of surveillance data from some areas may have resulted in IUU estimates that are too low.

3.6 Spain reported on the presence of an IUU vessel, *Tchaw*, in the port of Vigo, Spain (CCAMLR-XXIX/BG/38). The vessel had arrived in Vigo from Portugal where it had been tied up for a period of two years and had no fish on board. Spain advised that it had

commenced an investigation which was still under way, and that the vessel would be detained in port until the investigation had concluded. Spain advised that it would provide a full report to CCAMLR as soon as the investigation was complete. Spain reported that the vessel was claiming Togolese flag. Spain also clarified that the vessel had not, in fact, been previously flagged to Chile as reported in CCAMLR-XXIX/BG/38.

3.7 Members agreed that Spain's actions were a positive step and thanked Spain for its report. In addition, Argentina observed that the incident demonstrated that it would be useful to have a mechanism to facilitate the timely exchange of information and cooperation amongst Parties.

3.8 ASOC introduced its paper CCAMLR-XXIX/BG/20 that summarised ASOC's priorities for this meeting in relation to IUU fishing, and made the following statement:

'The Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing, adopted by FAO in November 2009, provides a set of highly efficient and cost-effective tools to be used by Port States to help combat IUU fishing. We encourage Members to look at the recent Pew Environment Group study on Port State performance across the globe which highlights the significant loopholes which currently exist in Port State measures. It also reveals that port States do not adequately implement their Port State obligations and that RFMOs should improve their assessment of compliance by Contracting Parties with Port State measures.

ASOC strongly supports the earliest possible entry into force of the Port State Measures Agreement (PSMA) and would like to congratulate those Members who have already signed it. We encourage all CCAMLR Members to sign and ratify the Agreement as soon as possible.

ASOC also encourages CCAMLR to mandate that all fishing and fishing-support vessels operating in the Convention Area be required to have an IMO number before they are authorised to operate or fish. We also believe that more information needs to be publicly available on port visits by vessels, which will require enhanced recording, information-sharing and coordination amongst national port authorities.

Referring to CCAMLR-XXIX/BG/25, ASOC highlighted that, while CCAMLR has a range of Port State measures in place, these are neither as comprehensive nor as effective as the measures set out in the PSMA. We also note in this regard that there is a proposal before the Commission to adapt CCAMLR's Port State measures to the PSMA standard and we hope that Members will be able to make substantial progress at this meeting.'

IUU Vessel Lists

3.9 SCIC noted no information had been received in respect of vessels which could be considered for inclusion on a Provisional CP or NCP-IUU Vessel List in 2010.

3.10 China noted that two Chinese-flagged vessels, *North Ocean* and *West Ocean*, were included on the CP-IUU Vessel List. China reiterated that severe sanctions have been

imposed on the vessels during the last four years. China believed that it is appropriate, and in the interest of both China and CCAMLR, to remove the two vessels from the CP-IUU Vessel List.

3.11 China advised SCIC that on 29 September 2010, the owner of the vessels *North Ocean* and *West Ocean* had signed a memorandum of sales agreement with the Insung Corporation of Korea and the deposit had been paid. China provided SCIC with copies of the sale agreement and deposit payment document.

3.12 The Republic of Korea advised SCIC that a 25% deposit for the sale of the vessels had been paid and that vessels remained in port in China under Chinese flag. The vessels would not be delivered until the final sum of money had been paid.

3.13 China recalled that in CCAMLR-XXVIII, paragraph 9.19, the Commission had agreed that the two vessels, *North Ocean* and *West Ocean*, should be removed from the CP-IUU Vessels List in accordance with CCAMLR XXVII, paragraph 10.10, or in accordance with CM 10-06.

3.14 China believed that SCIC should consider the matter in the same way as last year. China proposed that SCIC recommend to the Commission that the two vessels, *North Ocean* and *West Ocean*, shall be removed from the CP-IUU Vessel List within 10 working days once China informs the Commission via a Commission Circular that the vessels have been sold to the Insung Corporation. The Commission Circular shall have attached copies of the Bill of Sale, commercial invoice and the protocol of delivery and acceptance of these vessels described in clauses 3(a) and 3(b) of the memorandum of agreement (contract number: SFV-2010-07).

3.15 Some Members thanked China for providing the information about the two vessels and proposed to discuss this issue in the Commission.

3.16 Some Members referred to the Commission's arrangements made last year regarding the removal of two Chinese flagged vessels, the *South Ocean* and *East Ocean*, from the CP-IUU Vessel List, and believed that the Commission could also find an intersessional arrangement to remove *North Ocean* and *West Ocean* from the CP-IUU Vessel List.

3.17 Some Members noted the importance of applying the provisions of CM 10-06 to any request by a Member for delisting vessels and that adequate documentation was essential.

3.18 Some Members requested more time to consider the documentation provided by China. SCIC decided to forward the matter to the Commission for further consideration.

3.19 SCIC also considered information that, during 2010, Togo had reportedly de-flagged the vessels *Bigaro*, *Carmela*, *Typhoon-1*, *Chu Lim*, *Rex* and *Zeus*, all of which were included on the NCP-IUU Vessel List. However, several subsequent reports indicated that a number of the vessels concerned were still claiming Togolese flag (SCIC-10/4). SCIC noted that further information might be pending.

3.20 Nigeria made the following statement:

'I would like to advise CCAMLR of the fishing vessel *Good Hope* which was reported to have been engaged in IUU activities in the Convention Area and subsequently

placed on CCAMLR's NCP-IUU Vessel List. Nigeria's Federal Department of Fisheries has checked its list of registered inshore and offshore fishing vessels, as well as those of countries with which Nigeria has a bilateral relationship. The name *Good Hope* does not appear on these lists. Presently, the Federal Department of Fisheries has no industrial fishing vessels in its registry and does not flag or licence any vessel to fish or engage in fishing activities outside its territorial waters. Nigeria, therefore, as part of its commitments, obligations and respect for international laws, promises to forward to CCAMLR a quarterly update of its registered inshore, offshore, EEZ and industrial vessels.

Consequently, Nigeria would like to advise CCAMLR to regard any vessel that is sighted or caught flying the flag of Nigeria that fish in the Convention Area as having no genuine link with the Government of Nigeria and may be treated as stateless in accordance with international law. Nigeria would therefore be pleased if, in future, such vessels are apprehended and delivered to the Government of Nigeria to face the law of its land.

Nigeria pledges its full support and commitment to the FAO Code of Conduct for Responsible Fishing and EU fisheries regulations, for example, IUU fishing in the CAMLR Convention Area.'

CATCH DOCUMENTATION SCHEME (CDS)

Implementation and operation of the CDS

4.1 The Secretariat reported on the implementation and operation of the CDS during the 2009/10 intersessional period (CCAMLR-XXIX/BG/8).

4.2 It was noted that relatively large volumes of toothfish had been reported imported by the Hong Kong Special Administrative Region (SAR): 2 399 tonnes for the 2009 calendar year and 1 172 tonnes for the 2010 calendar year to date.

4.3 China informed SCIC that Hong Kong SAR was exempt from the provisions of the CAMLR Convention but that it had nevertheless consulted with Hong Kong SAR regarding the voluntary implementation of the CDS.

4.4 China reiterated that it would continue to consult with Hong Kong SAR on the issue of CDS implementation. In response to some Members' concerns, China is of the view that it would be inappropriate for the Secretariat to contact Hong Kong SAR authorities directly. China informed SCIC that it would attempt to facilitate the exchange of information with Hong Kong SAR if the Secretariat presented any requests to China.

4.5 SCIC also noted that the ports of Singapore and Malaysia had been used by IUU-listed vessels over the previous year. Singapore had advised that it did not have a system in place to inspect fishing vessels on a regular basis.

4.6 The EU recalled that Singapore had been granted the status of a non-Contracting Party cooperating with CCAMLR by participating in the CDS and that, as Singapore did not appear

to be fulfilling all the requirements of the CDS, it might be timely for the Commission to consider revoking this status if Singapore did not commit to fulfilling the CDS in full during the course of the next year.

4.7 SCIC recommended that the Commission request the Chair of the Commission to write, on behalf of the Commission, to non-Contracting Parties whose fishing vessels have previously been detected engaged in IUU fishing activities in the CAMLR Convention Area (and therefore may be expected to in the future), e.g. Togo, Equatorial Guinea and Cambodia, to obtain their prior written consent to allow any CCAMLR Member to board and inspect on the high seas, by designated CCAMLR inspectors, their vessels suspected of, or found to be, IUU fishing in the Convention Area, in accordance with the CCAMLR System of Inspection and the procedures set out therein.

4.8 SCIC recommended that the Commission also request the Chair of the Commission to write, on behalf of the Commission, to Singapore and Malaysia, whose ports were reported to have been called at by vessels on CCAMLR's NCP-IUU Vessel List, to request that these countries refuse port entry to, and services to and by vessels on CCAMLR's NCP-IUU Vessel List, in conformity with international law. SCIC provided draft text to the Chair of the Commission. Further, the SCIC recommended that the Commission urge Singapore to take immediate action to implement fully the CDS in accordance with CM 10-05 in order to ensure continuation of its status as a non-Contracting Party cooperating with CCAMLR by participating in the CDS.

4.9 SCIC noted that these actions will strengthen and enhance current ad hoc efforts by the Commission and CCAMLR Members in approaching non-Contracting Parties to seek the latter's cooperation to address IUU fishing activities by their vessels in the Convention Area.

4.10 By requesting the Chair of the Commission to take these actions, SCIC felt that the Commission will demonstrate its strong resolve to address the issue of IUU fishing and exert greater influence on non-Contracting Parties to provide cooperation.

4.11 These actions will enhance and strengthen the specific actions outlined in CCAMLR Resolution 25/XXV on combating IUU fishing in the Convention Area by flag vessels of non-Contracting Parties, in particular paragraph 1(iv), which urges Contracting Parties to pursue action with non-Contracting Parties to grant permission for boarding and inspection by designated CCAMLR inspectors of their flagged vessels suspected of, or found to be, fishing in an IUU manner in the Convention Area.

4.12 These actions will also enhance and strengthen the measures outlined in CCAMLR CM 10-07.

4.13 SCIC recommended that the Commission should continue to encourage Contracting Parties to pursue action with regard to non-Contracting Parties in accordance with CM 10-07.

Proposals for improving the CDS

4.14 SCIC considered a proposal submitted by the EU for the adoption of a market-related measure (CCAMLR-XXIX/39).

4.15 Most Members thanked the EU for its proposal and reiterated the support that they had expressed for it in previous years.

4.16 Argentina thanked the EU for submitting its proposal. However, it noted with regret that no changes had been introduced to the proposal from previous years which could have enabled it to be consistent with international law. Therefore, Argentina stated that it could not modify its position.

4.17 The EU and others stated that the proposal as it stands is consistent with international law and therefore does not require any amendment.

4.18 Namibia and South Africa advised SCIC that trade-related consultations within their respective countries were still ongoing and the matter is also on the agenda of the Southern African Development Community (SADC) for deliberation by ministers responsible for fisheries. In this regard, they stated that they were not in a position to fully pronounce themselves on the EU proposal.

4.19 SCIC decided to forward the proposal to the Commission for further consideration.

ADVICE FROM THE SCIENTIFIC COMMITTEE

5.1 The Chair of the Scientific Committee presented the Committee's preliminary advice on topics relevant to the work of SCIC. SCIC expressed its appreciation to Dr Agnew for his very informative and comprehensive report. SCIC considered this report and made a number of observations and comments contained in paragraphs 2.4, 2.5, 2.8, 3.3,3.4, 6.8 and 6.9.

SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

6.1 SCIC considered summaries of scientific observation programs undertaken in 2009/10 (WG-FSA-10/5 Rev. 2, WG-FSA-10/8 and SC-CAMLR-XXIX/BG/2). During 2009/10, 16 observer cruises had been recorded on eight vessels fishing for krill. Observers had been deployed on krill vessels flagged to China, Japan, Norway, Poland and Russia.

6.2 The EU asked whether the Republic of Korea would be able to fulfil the requirements of CM 51-06 in 2009/10 given that no observer reports had been submitted.

6.3 The Republic of Korea explained that it had achieved a 30% observer coverage rate required under CM 51-06 and would submit reports to the Secretariat as soon as possible. The EU thanked the Republic of Korea for this information and looked forward to the reports being received.

6.4 SCIC considered proposals from the EU and Ukraine to increase observer coverage on board krill vessels (CCAMLR-XXIX/40 and 45 respectively).

6.5 The EU proposed to amend CM 51-06 to extend observer cover coverage to 50% in 2011/12 in line with recommendations from WG-EMM. The EU underlined the importance of obtaining information about krill and collecting relevant biological data to ensure more knowledge about this important species.

6.6 Ukraine introduced its proposal to increase observer coverage on krill vessels to 75% during the 2011/12 fishing season with an increased target coverage rate of more than 50% of observed hauls. Ukraine also proposed that observer coverage be increased to 100% for the 2012/13 fishing season. Ukraine reminded SCIC that it had been urging Members to address the important issue of observers on krill vessels for a number of years.

6.7 SCIC agreed to defer consideration of both proposals until final advice from the Scientific Committee had been received and referred both proposals to the Commission for further consideration.

6.8 SCIC noted preliminary advice from the Chair of the Scientific Committee that the ad hoc Technical Group for At-Sea Operations (TASO) had considered the development of a process for accrediting observer programs participating in the CCAMLR Scheme of International Scientific Observation.

6.9 The Chair of the Scientific Committee suggested that SCIC could play a role in this process by establishing the procedural framework within which the review panel would be constituted to assess material and evaluate whether observer training programs meet minimum standards set by TASO, as well as participating in a process for handling conflicts of interest.

6.10 SCIC agreed that the TASO review panel should commence a 'dry run' of this process and that any issues identified in the 2010/11 intersessional period should be referred to CCAMLR-XXX.

PERFORMANCE REVIEW

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

7.2 SCIC reviewed all recommendations of the PRP Report relevant to its work, recorded progress against each one and provided an indication of whether work was in early stages, advanced stages, complete, or had yet to be considered. SCIC also referred a number of items to the Scientific Committee. The results of this review are contained in CCAMLR-XXIX/BG/46.

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

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

- (iii) 4.2 – Port State measures;
- (iv) 4.3 – Monitoring, control and surveillance;
- (v) 4.6 – Market-related measures.

7.4 In reviewing CCAMLR-XXIX/BG/46, SCIC noted that significant progress had been achieved in respect of several of the recommendations, particularly in relation to Flag State duties, Port State measures and monitoring, control and surveillance.

7.5 SCIC agreed to recommend that the Secretariat continue to update CCAMLR-XXIX/10 in future. SCIC also agreed to seek advice from the Commission as to whether it intended to continue to review Performance Review recommendations via its committees.

OTHER BUSINESS

8.1 The Committee considered a proposal from the Secretariat to conduct an independent review of the Secretariat's data management systems (CCAMLR-XXIX/13). The estimated overall cost of the review was US\$33 000.

8.2 SCIC had no objection to the proposal proceeding, provided that the Scientific Committee agreed that such a review was desirable and SCAF reviewed any budget implications.

8.3 SCIC also noted information from the Secretariat that the current C-VMS software would become obsolete in the course of the next few years (CCAMLR-XXIX/BG/14). Members were requested to consider this issue prior to CCAMLR-XXX.

ELECTION OF THE CHAIR AND VICE-CHAIR OF THE COMMITTEE

9.1 Both the Chair and the Vice-Chair of the Committee concluded their current terms at the end of CCAMLR-XXIX.

9.2 SCIC was delighted to re-elect Ms Dawson Guynn and Mr J.P. Groenhof (Norway) to the positions of Chair and Vice-Chair of the Committee respectively.

ADVICE TO THE COMMISSION

10.1 SCIC's advice to the Commission is summarised in CCAMLR-XXIX/BG/47. Draft conservation measures forwarded by SCIC to the Commission with a recommendation that they be adopted are contained in CCAMLR-XXIX/BG/44. Draft conservation measures forwarded by SCIC for further consideration by the Commission are contained in CCAMLR-XXIX/BG/45 Rev. 1.

ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

11.1 The Chair thanked all delegates for the progress they had made during the meeting. The Chair also thanked the interpreters for the important role that they play in the work of the Committee. The Chair thanked, in particular, the Secretariat and the convener of the conservation measures drafting group, Ms G. Slocum (Australia) for her efforts in guiding the development of new and draft measures. The Chair also thanked the Vice-Chair of SCIC, Mr Groenhof for his work convening the DOCEP subgroup.

11.2 SCIC extended its sincere appreciation to Ms Dawson-Guynn and Ms Slocum for the exceptionally good guidance they had provided during the 2010 meeting of SCIC.

11.3 The Report of SCIC was adopted and the 2010 meeting of SCIC was closed.

AGENDA

Standing Committee on Implementation and Compliance (SCIC)
(Hobart, Australia 25 to 29 October 2010)

1. Opening of meeting
 - (i) Adoption of agenda
 - (ii) Organisation of meeting
 - (iii) Review of submitted papers, reports and other presentations
2. Review of compliance and implementation-related measures and policies
 - (i) Compliance with conservation measures in force
 - (ii) Compliance evaluation procedure
 - (iii) Proposals for new and revised measures
3. IUU fishing in Convention Area
 - (i) Current level of IUU fishing
 - (ii) IUU Vessel Lists
4. Catch Documentation Scheme (CDS)
5. Advice from the Scientific Committee
6. Scheme of International Scientific Observation
7. Performance Review
8. Other business
9. Election of the Chair and Vice-Chair of the Committee
10. Advice to SCAF
11. Advice to the Commission
12. Adoption of the report and close of the meeting

LIST OF DOCUMENTS

Standing Committee on Implementation and Compliance (SCIC)
(Hobart, Australia 25 to 29 October 2010)

SCIC-10/1	Provisional Agenda for the 2010 Meeting of the CCAMLR Standing Committee on Implementation and Compliance (SCIC)
SCIC-10/2	List of documents
SCIC-10/3	Standing Committee on Implementation and Compliance (SCIC) Terms of Reference and Organisation of Work
SCIC-10/4	Flag status of some vessels on the NCP-IUU vessel list Secretariat
Information documents:	
SC-CAMLR-XXIX/BG/2	Summary of scientific observation programs undertaken during the 2009/10 season Secretariat
WG-FSA-10/5 Rev. 2	Summary of Scientific Observations in the CAMLR Convention Area for 2009/10 season Secretariat
WG-FSA-10/6 Rev. 1	Estimation of IUU catches of toothfish inside the Convention Area during the 2009/10 fishing season Secretariat
WG-FSA-10/8	A summary of scientific observations related to Conservation Measures 25-02 (2009), 25-03 (2009) and 26-01 (2009) Secretariat
Other Documents:	
CCAMLR-XXIX/9	African IUU Capacity Building Workshop and CDS Fund Expenditure – Report to CCAMLR-XXIX Delegations of Australia, South Africa, the United Kingdom and the CCAMLR Secretariat

CCAMLR-XXIX/10	Progress report on consideration of the recommendations of the Performance Review Secretariat
CCAMLR-XXIX/12	CDS training materials and CDS fund expenditure – report to CCAMLR-XXIX Secretariat
CCAMLR-XXIX/13	Proposal to commission an independent review of the Secretariat’s data management systems Secretariat
CCAMLR-XXIX/16	Reports under articles X, XXI and XXII of the Convention and Conservation Measures 10-06 and 10-07 – IUU fishing and IUU vessel lists 2009/10 Secretariat
CCAMLR-XXIX/17	Development of a Compliance Evaluation Procedure (DOCEP): results of intersessional work Convener, DOCEP
CCAMLR-XXIX/19	Summary of notifications for krill fisheries 2010/11 Secretariat
CCAMLR-XXIX/20	Summary of notifications for new and exploratory fisheries 2010/11 Secretariat
CCAMLR-XXIX/34 Rev. 1	Improvement of krill fishing notification accuracy through notification fees Delegation of the USA
CCAMLR-XXIX/35 Rev. 1	Proposal to strengthen CCAMLR’s port inspection scheme to prevent, deter and eliminate illegal, unreported and unregulated fishing Delegations of the USA and the European Union
CCAMLR-XXIX/36 Rev. 1	Proposed resolution on illegal, unreported and unregulated (IUU) fishing in the CCAMLR Convention Area Delegation of New Zealand
CCAMLR-XXIX/37	Combating illegal, unregulated and unreported (IUU) fishing in the CCAMLR Convention Area Proposal for additional action with respect to seeking non-Contracting Parties cooperation Delegation of New Zealand

CCAMLR-XXIX/39	EU proposal for a conservation measure concerning the adoption of market-related measures to promote compliance Delegation of the European Union
CCAMLR-XXIX/40	EU proposal for amendment to CCAMLR Conservation Measure 51-06 on scientific observation in krill fisheries Delegation of the European Union
CCAMLR-XXIX/41	EU proposal for amendment to CCAMLR Conservation Measure 10-04 to include krill vessels in VMS reporting Delegation of the European Union
CCAMLR-XXIX/42	EU proposal for amendment to CCAMLR Conservation Measure 10-06 to allow for intersessional de-listing of IUU vessels Delegation of the European Union
CCAMLR-XXIX/43	EU proposal for amendment to CCAMLR Conservation Measure 10-07 to allow for intersessional de-listing of IUU vessels Delegation of the European Union
CCAMLR-XXIX/44	Information on illegal fishing in Statistical Area 58 Assessment of illegal fishing in French waters around Kerguelen and Crozet Islands: report of observations and inspections in the CCAMLR area 2002/2010 season (1 July 2009 to 15 August 2010) Delegation of France
CCAMLR-XXIX/45	On the scientific observation and krill escape mortality in the krill fishery Delegation of Ukraine
CCAMLR-XXIX/46	Management of VMS information by the Secretariat concerning catches of Patagonian toothfish beyond the Convention Area Delegation of Chile
CCAMLR-XXIX/BG/5	Report on transshipment of krill in 2009 Delegation of Japan
CCAMLR-XXIX/BG/7	Implementation of the System of Inspection and other CCAMLR compliance-related measures in 2009/10 Secretariat
CCAMLR-XXIX/BG/8	Implementation and operation of the Catch Documentation Scheme in 2009/10 Secretariat

CCAMLR-XXIX/BG/10 Rev. 1	Implementation of fishery conservation measures in 2009/10 Secretariat
CCAMLR-XXIX/BG/14	C-VMS system Secretariat
CCAMLR-XXIX/BG/29	Heard Island and McDonald Islands Exclusive Economic Zone 2009/10 IUU catch estimate for Patagonian toothfish Delegation of Australia
CCAMLR-XXIX/BG/37	Report of sanctions applied by Spain Delegation of Spain
CCAMLR-XXIX/BG/38	Presence of an IUU vessel in a Spanish port Delegation of Spain

CHAIR'S REPORT TO THE COMMISSION

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Three Scientific Committee working group meetings, along with associated subgroup meetings and workshops, had been held during the intersessional period; details of these meetings are elaborated in SC-CAMLR-XXIX, paragraph 1.8.

2. The UK's Foreign and Commonwealth Office, the Australian Fisheries Management Authority, the South African Department of Environmental Affairs, together with the Partnership for African Fisheries, Stop Illegal Fishing, and the CCAMLR Secretariat, collaborated to deliver a workshop to build capacity to combat IUU fishing for African nations in Cape Town, South Africa, in August.

3. During the 2009/10 fishing season, 77 inspectors had been designated, in accordance with the CCAMLR System of Inspection, by Australia, Chile, France, New Zealand and the UK. A total of 10 at-sea inspections were reported, all of which were conducted by UK-designated CCAMLR inspectors.

4. CCAMLR-designated scientific observers were deployed on all vessels fishing for finfish and some vessels fishing for krill in the Convention Area in 2009/10 (see paragraph 10.1 of the main report for further details).

5. During the 2009/10 season, CCAMLR Members had actively participated in 14 fisheries in the Convention Area. Vessels fishing in fisheries managed under conservation measures in force in 2009/10 had reported, by 24 September 2010, a total catch of 196 390 tonnes of krill, 11 860 tonnes of toothfish, 378 tonnes of icefish and 22 tonnes of crab. A number of other species were taken as by-catch.

6. The Catch Documentation Scheme for *Dissostichus* spp. (CDS) has been in operation since 2000, and now includes the participation of two non-Contracting Parties to CCAMLR: Seychelles and Singapore; along with three Acceding States: Canada, Mauritius and Peru. The total number of catch documents (i.e. landing/transshipment, export and re-export documents) received and processed by the Secretariat to date is approximately 43 000.

7. In accordance with the Commission's request, the Secretariat continues the use of the electronic web-based CDS (E-CDS) documentation. Since January 2008, all Members have used the E-CDS format.

8. The Centralised Vessel Monitoring System (C-VMS) continues to be implemented under Conservation Measure (CM) 10-04. Since its commencement, 150 vessels have been monitored in all subareas and divisions, as well as voluntarily outside the Convention Area.

9. During the year, the Commission and the Scientific Committee had been represented by observers at a number of international meetings (sections 13 and 14 of the main report; SC-CAMLR-XXVIII, section 10).

10. The Chaired informed Members that Ms Rita Mendelson, the General Office Administrator, will soon leave the Secretariat. Ms Mendelson had accumulated a wealth of CCAMLR-related information, and in many respects, had served as the organisation's corporate memory within the Secretariat over the last eight years. The Commission wished her well and welcomed her replacement, Ms Maree Cowen.

11. The Chair reminded Members that Dr Denzil Miller had completed his term as Executive Secretary in April this year. The Chair thanked Dr Miller for the dedication and commitment he had brought to CCAMLIR over many years. He welcomed Mr Andrew Wright to what he hoped would be a productive and rewarding term as Executive Secretary.