

CCAMLR-XXXI

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

**REPORT OF THE THIRTY-FIRST MEETING  
OF THE COMMISSION**

HOBART, AUSTRALIA  
23 OCTOBER – 1 NOVEMBER 2012

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Chair of the Commission  
November 2012

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## **Abstract**

This document is the adopted record of the Thirty-first Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 23 October to 1 November 2012. Major topics discussed at this meeting include: the status of CCAMLR-managed fisheries; the Report of the Thirty-first meeting of CCAMLR's 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, including the development of a procedure for certification of observer training; compliance with conservation measures in force; review of existing conservation measures and adoption of new conservation measures, including the adoption of a Compliance Evaluation Procedure; management under conditions of uncertainty; ongoing review of the Commission's responses to the recommendations of the 2008 Performance Review Report and cooperation with other international organisations, including within the Antarctic Treaty System. The Reports of the Standing Committee on Administration and Finance and the Standing Committee on Implementation and Compliance are appended.

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**REPORT OF THE THIRTY-FIRST  
MEETING OF THE COMMISSION**  
(Hobart, Australia, 23 October to 1 November 2012)

**OPENING OF THE MEETING**

1.1 The Thirty-first Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR-XXXI) was held in Hobart, Tasmania, Australia, from 23 October to 1 November 2012. It was chaired by Mr T. Løbach (Norway).

1.2 The following Members of the Commission were represented: Argentina, Australia, Belgium, Brazil, Chile, People's Republic of China (hereafter referred to as China), 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, Islamic Republic of Pakistan, Peru and Vanuatu were invited to attend the meeting as observers. The Netherlands was represented.

1.4 The Agreement on the Conservation of Albatrosses and Petrels (ACAP), the Antarctic and Southern Ocean Coalition (ASOC), the Association of Responsible Krill Operators (ARK), 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 International Union for Conservation of Nature (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, ARK, ASOC, CEP, CCSBT, COLTO, FAO, IOC, IUCN, SCAR and SCOR attended. Apologies were received from CITES, UNEP and WCPFC.

1.5 In accordance with the Commission's decision last year (CCAMLR-XXX, paragraph 17.1) and COMM CIRC 12/71, the following non-Contracting Parties were invited to attend CCAMLR-XXXI as observers: Antigua and Barbuda, Bahamas, Cambodia, Colombia, Democratic People's Republic of Korea, Dominican Republic, Equatorial Guinea, Islamic Republic of Iran, Kenya, Malaysia, Mexico, Mongolia, Nigeria, Panamá, Philippines, Singapore, Seychelles, St Kitts and Nevis, Thailand, Togo, Trinidad and Tobago, Turkey, United Arab Emirates and Viet Nam. Singapore and Viet Nam were represented.

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

1.7 The Chair welcomed all participants to the meeting, and looked forward to a productive meeting which would trial an eight-day meeting format (CCAMLR-XXX, paragraph 15.13).

1.8 The Chair introduced His Excellency the Honourable Peter Underwood AC, Governor of Tasmania, who delivered an opening address (Annex 3).

1.9 The Commission noted that Mr Ariel Mansi, who had participated in 15 CCAMLR meetings, many of them as the Argentinian Head of Delegation, had retired from the diplomatic service this year. Several Members acknowledged his vast experience and commitment to Antarctic matters and recognised the guidance he had provided both in CCAMLR and the ATCM.

## ORGANISATION OF THE MEETING

### Adoption of the Agenda

2.1 The Agenda (CCAMLR-XXXI/01) for the meeting was adopted (Annex 4).

### Report of the Chair

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

## IMPLEMENTATION AND COMPLIANCE

3.1 The meeting of the Standing Committee on Implementation and Compliance (SCIC) was tasked with addressing issues identified in Item 3 of the Commission's Agenda. The meeting was chaired by Ms K. Dawson-Guynn (USA).

3.2 The Commission noted that SCIC had included one vessel, the *Baiyangdian*, on the Proposed NCP-IUU Vessel List and that no new vessels were included on the Proposed CP-IUU Vessel List. The Commission also noted that insufficient information was received for the removal of the vessel *Tchaw* from the NCP-IUU Vessel List and therefore the vessel would remain on the list. The Commission noted that no other vessels were considered for removal. The Commission approved the Proposed CP- and NCP-IUU Vessel Lists provided by SCIC.

3.3 The Commission noted the advice of the Scientific Committee that at least seven vessels had been persistently engaged in IUU fishing activities in the Convention Area and that the information currently provided to the Secretariat is insufficient to provide sightings-based estimates of IUU catches, or to apportion it to SSRUs. The Commission endorsed the advice of the Scientific Committee for the Secretariat to develop an



intersessional work plan to include SCIC, the ad hoc Technical Group for At-Sea Operations (ad hoc TASO) and COLTO to progress approaches to estimating IUU fishing activity in the Convention Area (SC-CAMLR-XXXI, paragraphs 6.1 to 6.7).

3.4 The Commission endorsed the considerations, findings and recommendations of SCIC, as provided in Annex 6, and adopted CM 10-10 (2012) on a CCAMLR compliance evaluation procedure (paragraph 7.26), and Resolution 34/XXXI on enhancing the safety of fishing vessels in the Convention Area (paragraph 7.55). The Commission thanked Ms Dawson-Guynn for successfully chairing SCIC for the last four years and welcomed Mr O. Urrutia (Chile) as the new SCIC Chair.

## FINANCE AND ADMINISTRATION

4.1 The meeting of the Standing Committee on Administration and Finance (SCAF) was tasked with addressing issues identified in Item 4 of the Commission's Agenda. The meeting was chaired by Mr M. Mayekiso (South Africa).

4.2 The Commission endorsed the considerations, findings and recommendations of SCAF as provided in Annex 7 and thanked Mr Mayekiso for the efficient chairing of SCAF.

## SCIENTIFIC COMMITTEE

### Harvested species

#### Krill resources

5.1 The Scientific Committee Chair, Dr C. Jones (USA) presented the report of the Committee (SC-CAMLR-XXXI). The Commission noted the Scientific Committee's general recommendations, advice, research and data requirements and thanked the Chair and the many scientists that had contributed to positive outcomes of the meeting.

5.2 In 2011/12 (to 24 September 2012), five Members harvested 156 289 tonnes of krill from Subareas 48.1 (74 432 tonnes), 48.2 (29 238 tonnes) and 48.3 (52 619 tonnes) (SC-CAMLR-XXXI, Table 1). The Commission noted that fishing was continuing at the time of its meeting. In comparison, the total reported catch of krill in 2010/11 was 180 992 tonnes taken from Subareas 48.1 (9 215 tonnes), 48.2 (115 995 tonnes) and 48.3 (55 782 tonnes) (SC-CAMLR-XXXI, Table 2).

5.3 Notifications for krill fishing in 2012/13 were received from eight Members and 19 vessels with a notified total predicted catch of 672 700 tonnes (SC-CAMLR-XXXI, Table 3) which exceeded the trigger level for the krill fishery in Subareas 48.1 to 48.4; there was no notification for exploratory krill fisheries.

5.4 Germany advised that it would withdraw one of its vessels notified for fishing in 2012/13 (*Jan Maria*, see SC-CAMLR-XXXI, Table 3). This withdrawal brought the total predicted catch of krill in 2012/13 to 597 700 tonnes.

5.5 The Commission noted that the Japanese-flagged vessel *Fukuei Maru* had been reflagged to China after the notification deadline (SC-CAMLR-XXXI, Table 3) and this matter was considered by SCIC (Annex 6, paragraphs 2.4 to 2.7). Australia noted that this reflagging may lead to a change in the way green weight is estimated on board the vessel as originally notified by Japan before the vessel was reflagged, and it requested that the Scientific Committee (and WG-EMM) clarify any implications of this to green weight estimation in 2013.

5.6 The Commission noted the progress made by the Scientific Committee towards the estimation of green weights in the krill fishery (SC-CAMLR-XXXI, paragraphs 3.9 to 3.15), and it endorsed the Scientific Committee's advice to strengthen the requirements for reporting data used in estimations (SC-CAMLR-XXXI, paragraph 3.16). The Commission noted the EU proposals (CCAMLR-XXXI/33 and XXXI/34) on this matter and agreed to include these requirements in the relevant conservation measures, and tasked the Secretariat with amending the C1 data form to include these requirements.

5.7 The Commission noted the Scientific Committee's revision of the estimate of krill biomass in Division 58.4.2 based on research conducted by Australia. The revised estimate of krill biomass in this division was 14.87 million tonnes (CV 0.22) to the west of 55°E, and 8.05 million tonnes (CV 0.33) to the east of 55°E (SC-CAMLR-XXXI, paragraph 3.20).

5.8 The Commission endorsed the Scientific Committee's work plan to improve yield calculations taking account of variability in krill recruitment and possible impact from climate change (SC-CAMLR-XXXI, paragraph 3.22). The Commission agreed to retain the current catch limits in all krill fisheries until this work was completed.

5.9 The Commission also endorsed the Scientific Committee's work plan for the continued development of the feedback management strategy for the krill fishery in Area 48 (SC-CAMLR-XXXI, paragraphs 3.25 to 3.38), and associated development in CEMP (SC-CAMLR-XXXI, paragraphs 3.39 to 3.42). The Commission noted, inter alia:

- (i) where multiple causal mechanisms, especially when the effect of these mechanisms may be additive or multiplicative, may drive ecosystem processes in an unfavourable direction, the Commission may be required to place a high level of emphasis on the precautionary approach
- (ii) the high value of Members' contributions to the time series of monitoring data and their potential utility in feedback management
- (iii) the reduction in monitoring effort of krill in the northern Antarctic Peninsula by the US AMLR Program due to budgetary cuts
- (iv) the increased research effort by Norway, including a commitment to annual acoustic surveys for krill in Subarea 48.2, a proposal to build a new research vessel with ice-breaking capability, and a possible research cruise in Subareas 48.2 and 48.6 in 2014/15.

## Finfish resources

5.10 In 2011/12, 11 Members fished for toothfish (*Dissostichus eleginoides* and/or *D. mawsoni*) in Subareas 48.3, 48.4, 48.6, 58.6, 58.7, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a, 58.5.1 and 58.5.2; Members also conducted research fishing for *Dissostichus* spp. in Subarea 88.3 and Divisions 58.4.3b and 58.4.4b. The reported total catch of *Dissostichus* spp. to 24 September 2012 was 11 329 tonnes (SC-CAMLR-XXXI, Table 1) and the Commission noted that fishing was continuing in some fisheries for toothfish at the time of its meeting. In comparison, the total reported catch of toothfish in 2010/11 was 14 669 tonnes (SC-CAMLR-XXXI, Table 2).

5.11 In addition in 2011/12, two Members (Chile and UK) targeted icefish (*Champscephalus gunnari*) in Subarea 48.3 and this species was also taken during research in Division 58.5.2. The reported total catch of *C. gunnari* to 24 September 2012 was 550 tonnes (SC-CAMLR-XXXI, Table 1).

5.12 The Commission endorsed the advice of the Scientific Committee regarding recommendations for information provided within stock assessments (SC-CAMLR-XXXI, paragraph 3.50).

5.13 Argentina expressed concern at the high catch limit set for *C. gunnari* in Subarea 48.3 in light of highly variable abundance and negligible catches taken in 2009/10 and 2010/11 and low catches taken in 2011/12 (SC-CAMLR-XXXI, paragraphs 3.52 to 3.56). Argentina indicated that in order to apply a precautionary approach, the catch limit for this fishery in Subarea 48.3 in the 2012/13 season should be in the order of 1 000 tonnes.

5.14 However, the Commission noted that fishing was continuing in Subarea 48.3 at the time of its meeting. The Commission also endorsed the Scientific Committee's advice on catch limits for the fisheries for *C. gunnari* in Subarea 48.3 and Division 58.5.2 (SC-CAMLR-XXXI, paragraphs 3.56 and 3.61; see also Item 7 and Table 1).

5.15 The Commission endorsed the Scientific Committee's advice on catch limits in 2012/13 for the fisheries for *D. eleginoides* in Subarea 48.3 and Division 58.5.2, and the fishery for *Dissostichus* spp. in Subarea 48.4 (SC-CAMLR-XXXI, paragraphs 3.63, 3.68 and 3.79).

5.16 The Commission noted that the current catch limit of 5 100 tonnes for *D. eleginoides* in the French EEZ in Division 58.5.1 could be used as management advice for 2012/13. The Scientific Committee had agreed that a more robust stock assessment was required to provide advice on catch limits beyond 2012/13 (SC-CAMLR-XXXI, paragraph 3.74).

5.17 The Commission also noted that the Scientific Committee was unable to provide management advice for the fishery in the South African EEZ at the Prince Edward Islands, including in Subareas 58.6 and 58.7 (SC-CAMLR-XXXI, paragraph 3.87).

5.18 The Commission agreed to carry forward the prohibition of directed fishing for *D. eleginoides* in Subareas 58.6 and 58.7 and Division 58.4.4a outside areas of national jurisdiction, and in Division 58.4.4b.

5.19 The Commission noted possible signals of recovery for populations of *C. gunnari* and *Notothenia rossii* in Subarea 48.1 near the South Shetland Islands. The fishery targeting these

species had been closed in 1990 to allow the stocks to recover. The Scientific Committee recommended that this fishery continue to remain closed until such time that research is undertaken to confirm the recovery of these populations and an assessment is provided. The Commission agreed to retain the prohibition of directed fishing for finfish in Subareas 48.1 and 48.2 (SC-CAMLR-XXXI, paragraph 3.94).

#### Exploratory fisheries

5.20 The Commission recalled that seven exploratory longline fisheries had been agreed for 2011/12 (CMs 41-04 to 41-07 and 41-09 to 41-11). The Commission endorsed the Scientific Committee's advice on these fisheries (SC-CAMLR-XXXI, paragraphs 3.117 to 3.171), including:

- (i) advice regarding the removal of the requirement for five-day catch and effort reporting (CM 23-01) in the exploratory finfish fisheries (SC-CAMLR-XXXI, paragraph 3.47)
- (ii) development of a framework for the analysis of research implementation and vessel performance and associated quantitative metrics (SC-CAMLR-XXXI, paragraph 3.124).

5.21 The Commission noted that the Scientific Committee had requested advice on:

- (i) mechanisms to manage capacity in exploratory fisheries and prevent overruns of catch limits (SC-CAMLR-XXXI, paragraph 3.122)
- (ii) how information on factors that may influence vessel performance, such as crew experience with implementing CCAMLR conservation measures, could be obtained for analysis (SC-CAMLR-XXXI, paragraph 3.124).

5.22 The Commission also noted that the Scientific Committee's analysis of hook loss in longline fisheries was hampered by poor compliance by some Members with this data reporting requirement (SC-CAMLR-XXXI, paragraphs 3.125 and 3.126). The Commission confirmed that the reporting of the loss of hooks attached to sections of longline is a mandatory requirement for vessels operating in longline fisheries.

5.23 The Commission endorsed the Scientific Committee's advice to develop a tag-recovery lottery system, and invited COLTO to be involved in the development of such a scheme (SC-CAMLR-XXXI, paragraph 7.13). The Commission endorsed the advice of the Scientific Committee to improve and evaluate vessel tagging performance (SC-CAMLR-XXXI, paragraphs 3.166 and 3.167) and to no longer require that released fish be weighed (SC-CAMLR-XXXI, paragraph 3.168).

5.24 The Commission noted that ten Members notified 26 vessels for exploratory longline fisheries for *Dissostichus* spp. in Subareas 48.6, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b for 2012/13 (SC-CAMLR-XXXI, Annex 7, Tables 1 and 8). No new fisheries were notified for 2012/13.

5.25 The Commission noted the increasing number of vessels notified for fishing in Subareas 88.1 and 88.2 in 2012/13, and requested that further consideration be given to the issue of limiting overcapacity in exploratory fisheries (paragraph 7.57).

5.26 The Commission endorsed the Scientific Committee's advice on catch limits for the exploratory fisheries for *Dissostichus* spp. in Subareas 88.1 and 88.2 in 2012/13 (SC-CAMLR-XXXI, paragraph 3.128). The Commission also endorsed a second pre-recruit survey to be carried out in the southern Ross Sea in 2012/13 with an allocated catch limit for *Dissostichus* spp. of 49 tonnes (SC-CAMLR-XXXI, paragraph 3.129).

5.27 The Scientific Committee, WG-SAM and WG-FSA had reviewed the research plans proposed for the data-poor exploratory fisheries in Subareas 48.6 and 58.4, and the Commission noted the Scientific Committee's progress and advice on these plans (SC-CAMLR-XXXI, paragraphs 3.130 to 3.153). Members had proposed two general approaches:

- (i) research fishing in designated research blocks in
  - Subarea 48.6 by Japan and South Africa (SC-CAMLR-XXXI, paragraphs 3.135 to 3.137)
  - Divisions 58.4.1 and 58.4.2 by Japan and the Republic of Korea (SC-CAMLR-XXXI, paragraphs 3.138 to 3.145)
  - Division 58.4.3a by France and Japan (SC-CAMLR-XXXI, paragraphs 3.146 and 3.147)
  - Division 58.4.3b by Japan (SC-CAMLR-XXXI, paragraphs 3.148 to 3.153)
- (ii) depletion experiments in selected SSRUs
  - Divisions 58.4.1 and 58.4.2 by Spain (SC-CAMLR-XXXI, paragraphs 3.141 to 3.145).

5.28 The Commission noted the progress made by the Scientific Committee in developing research plans for CCAMLR-sponsored research and exploratory fisheries (SC-CAMLR-XXXI, paragraphs 3.154 to 3.158). The Commission agreed that there were significant scientific benefits in collaboration, for example, between Members proposing research in data-poor fisheries. It further agreed that Member-independent, multi-vessel, multi-national research plans are likely to provide a more efficient and robust method of developing advice for the Commission. The Commission noted that:

- (i) this type of research could substantially decrease the time necessary to collect information needed for robust stock assessments
- (ii) it could reduce the race to fish which has the potential to compromise effective research implementation
- (iii) the scientific merit of research will be substantially improved if there was a balance of catch and effort between vessels and they fished in the same spatially constrained area.

5.29 The Commission also endorsed the Scientific Committee's advice regarding the approach to be used in the depletion experiment to be conducted by Spain in SSRU 5841H where there are two VMEs registered (SC-CAMLR-XXXI, paragraph 3.145). The Commission agreed that no part of research hauls during the searching phase of the depletion experiment should occur closer than 10 n miles from the centre point of the two VMEs in that division.

5.30 The Commission noted that the Scientific Committee was unable to provide consensus advice on the catch limits in data-poor exploratory fisheries for *Dissostichus* spp. in Subarea 48.6 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b (SC-CAMLR-XXXI, paragraph 3.170). WG-FSA had agreed that a catch limit of 32 tonnes was appropriate for the research proposed in Division 58.4.3a in 2012/13 (SC-CAMLR-XXXI, paragraph 3.147).

5.31 In addition in Division 58.4.3b, the Scientific Committee was unable to provide advice on further research plans or revised management advice until the analyses noted in SC-CAMLR-XXX, paragraphs 9.34 and 9.36, had been provided (SC-CAMLR-XXXI, paragraph 3.150). The Commission noted the operational difficulties encountered by the Japanese-flagged vessel in that division in 2011/12 which had resulted in the early termination of research activities.

5.32 Japan reported to the Commission that it had been unable to reach a consensus agreement with other concerned Members in respect of its future research in Division 54.4.3b. Nevertheless, it remained committed to undertaking research in this division as a contribution to CCAMLR's efforts to assess the status and trends of the stock. Japan made the following statement:

'With respect to the research fishing in BANZARE Bank, Japan has submitted all the results of the analysis on catch and effort and biological data deriving from our research conducted for six consecutive seasons from 2006/07 to 2011/12, in line with the advice stipulated in paragraph 4.7 of WG-SAM-12 report. However, WG-FSA-11 noted that the design and implementation of the research from 2006/07 to 2010/11 did not provide the basis for a robust assessment and, therefore, Japan modified its 2011/12 research plan, in particular, the spatial designs in order to increase the probability of tag recapture given the expected levels of toothfish movement in two to three years (SC-CAMLR-XXX, Annex 7, paragraph 5.26) and this was agreed by WG-FSA-12. Unfortunately, the 2011/12 research plan could not be undertaken in full for operational and safety reasons and, therefore, Japan strongly believes that it is extremely important to continue its research for at least next two years to accomplish the stock assessment of toothfish in BANZARE Bank. Japan also emphasises that, in order to resolve the difficulty pointed out in SC-CAMLR-XXX, paragraph 9.36, and to establish a plan of research in accordance with the said paragraph, it is essential to continue the research.

Japan has committed in submitting the result of the analysis by 2017 or earlier if possible, as indicated in WG-FSA-12/56.

Finally, Japan would like to request Members to understand the importance of continuing research fishing in BANZARE Bank to assess the status and trends of the stock. By suspending research fishing in the area, we are losing the opportunity to recapture tagged fish, which in turn means that all our previous efforts will be wasted.'

5.33 The Commission endorsed the Scientific Committee's advice on the requirements for all research activities contributing to the development of assessments in data-poor fisheries to be conducted in 2012/13 (SC-CAMLR-XXXI, paragraph 3.172):

- (i) combined catches for all vessels conducting research set out in SC-CAMLR-XXXI, Table 4, should not substantially exceed the catch limits set for data-poor fisheries subareas and divisions in 2011/12
- (ii) Members provide a commitment to complete the research plans they propose in 2012/13, including data collection, analysis of data and otoliths and development of preliminary assessments where possible
- (iii) all hauls to be conducted would be research hauls as designated under CM 41-01, Annex B, paragraphs 4(ii) and (iii)
- (iv) tagging of *Dissostichus* spp. should be at a rate of at least five tagged fish per tonne of green weight caught, and fish should be tagged and released according to the tagging protocol (CM 41-01, Annex C).

5.34 The Commission noted that the Scientific Committee was unable to agree on the minimum separation between research hauls as described in CM 41-01/B, paragraph 4(i) (SC-CAMLR-XXXI, paragraph 3.173).

5.35 The Commission considered Japan's request for additional flexibility to conduct research outside the designated research blocks if sea-ice conditions are unfavourable and agreed that additional flexibility be provided for in CM 41-01.

5.36 The Commission also considered the general issue of the need for flexibility in the research activities, including the possibility of conducting research fishing outside designated research blocks, should the necessity arise. The Commission requested that the Scientific Committee develop an analysis of priority areas and research objectives to address this issue.

#### Research fishing in closed areas

5.37 The Commission considered the outcome of the discussion held by the Scientific Committee regarding the proposal to conduct research fishing on *Dissostichus* spp. in Subarea 48.5 submitted by Russia under CM 24-01 (SC-CAMLR-XXXI, paragraphs 9.1 to 9.16), and noted the following:

- (i) research would be carried out during a period of 3 to 5 years
- (ii) the proposal to conduct research fishing in Subarea 48.5 is consistent with the provisions of CMs 21-02 and 24-01 relating to research fisheries in the CCAMLR area
- (iii) taking into consideration the uncertainty which is caused by the heavy ice condition in Subarea 48.5, the research program includes three possible options (Option 1 with a catch limit of 60.6 tonnes; Option 2 with a catch limit of 50 tonnes and Option 3 with a catch limit of 111.8 tonnes)

- (iv) the probability of conducting repeated research in the same areas during several consecutive years is the highest in Option 2, while in Options 1 and 3 ice conditions may hinder the conduct of research in some seasons.

5.38 Several Members expressed their concern that heavy ice sea-ice in research areas submitted by Russia could impede the research effort.

5.39 The UK asked Russia whether the vessel to be used was ice-strengthened in accordance with Resolution 20/XXII.

5.40 Russia advised the Commission that the research would be conducted by a vessel which was ice-strengthened. In addition, Russia requested flexibility regarding the implementation of the research scheme to accommodate the expected variability in sea-ice conditions because that flexibility was necessary to achieve the objectives of that research.

5.41 The Commission adopted recommendations of the Scientific Committee that the survey design should be modified so that it should be based on a grid-like or cluster-based survey design so that adjacent sets in a cluster would span a range of depths, and this would provide considerably more information about relative fish abundance as a function of depth and would increase the likelihood of tag recaptures in the survey areas (SC-CAMLR-XXXI, paragraph 9.15).

5.42 The Commission agreed that apart from Option 2 with a catch limit of 50 tonnes in the eastern research block, Russia may carry out research in two other notified areas (Option 1 with a catch limit of 60.6 tonnes based on 50 longline station  $\times$  6.0 km  $\times$  0.202 tonnes; and Option 3 with a combined catch limit of 111.8 tonnes for 'Eastern Zone' + 'Western Zone').

5.43 The Commission will consider the Scientific Committee's review of the research in Subarea 48.5 at CCAMLR-XXXII.

5.44 The Commission also noted the Scientific Committee's consideration of a Japanese proposal notified under CM 24-01 for continued research fishing in Divisions 58.4.4a and 58.4.4b (SC-CAMLR-XXXI, paragraphs 9.17 to 9.24), including:

- (i) that research fishing had been discontinued in SSRU B due to the detrimental impact of depredation on the achievement of the research objectives
- (ii) development of a CASAL-based integrated assessment in SSRU C
- (iii) that the research fishing had been completed in 2011/12 with a catch of 28 tonnes of *Dissostichus* spp.
- (iv) consideration of a catch limit in the range of 50–70 tonnes for this research in 2012/13.

5.45 Japan requested that the research design be extended to include SSRU D in order to allow the vessel to move between areas for a short time if depredation is encountered.

5.46 The Commission agreed to a research fishing catch limit of a total of 50 tonnes of *Dissostichus* spp. in SSRUs C and D in 2012/13, and that research would be conducted



mainly in SSRU C. The Commission encouraged Japan to complete the research in SSRU C, and agreed that limited research may be conducted in SSRU D if necessary due to depredation.

5.47 The Commission also noted the Scientific Committee's consideration of the results of research fishing in Subarea 88.3 and in SSRU 882A (SC-CAMLR-XXXI, paragraphs 9.25 to 9.33), including:

- (i) limitation of the comparative CPUE method used to estimate stock abundance in Subarea 88.3
- (ii) no recaptures of tagged *Dissostichus* spp. had been observed in Subarea 88.3
- (iii) requirement for further research in Subarea 88.3
- (iv) SSRU 882A could potentially be opened and managed as part of the Ross Sea fishery for *Dissostichus* spp.

5.48 The Commission noted that these matters will be given further consideration by the Scientific Committee, and looked forward to further recommendations on these matters in 2013.

#### Fish and invertebrate by-catch

5.49 The Commission noted the Scientific Committee's consideration of by-catch issues (SC-CAMLR-XXXI, paragraphs 3.102 to 3.116), including:

- (i) the requirement to examine the impact of finfish by-catch across the krill fishing fleet for vessels using all trawl gears in order to determine the overall impact on finfish populations
- (ii) a request that the Secretariat develop an identification guide, with the help of scientists from Members, that can be added to the CCAMLR website and that would allow identification of the finfish by-catch species at least to family level
- (iii) the development of a risk-based sustainable management approach for the impact of toothfish fisheries on skates in the CCAMLR management units.

5.50 The Commission noted the high skate by-catch and mortality rates encountered by the French-flagged vessel fishing in Division 58.4.3a in 2011/12, and agreed that the following conditions would apply to this vessel during fishing and research activities in this division in 2012/13:

- (i) a move-on rule when catches of skates exceeded 0.5 tonnes per set to ensure that the vessel is likely to be moved on from any high skate density locations within the survey area
- (ii) soak times restricted to a maximum of 30 hours with a target range of 12–24 hours
- (iii) restricting fishing to the shelf area between 66.5°E and 68.5°E.

5.51 The Commission also requested that France provide information on the species composition of skate by-catch, areal distribution and condition of those brought on board for future evaluation of the potential impact of longline fishing in Division 58.4.3a.

5.52 France advised the Commission that it would ensure that its vessel meets these by-catch requirements in 2012/13. The Commission also noted that, following France's proposal, the by-catch provisions in CM 33-03 regarding skates and rays have been strengthened and clarified during the meeting (paragraphs 7.28 to 7.30). This amendment should also contribute to a better knowledge of the skate and ray populations in Division 58.4.3a.

#### Assessment and avoidance of incidental mortality

5.53 The Commission noted the Scientific Committee's general advice on incidental mortality of seabirds and marine mammals (SC-CAMLR-XXXI, paragraphs 4.2 and 4.3), in particular that the total extrapolated mortalities of seabirds within the French EEZs in Subarea 58.6 and Division 58.5.1 in 2011/12 were estimated to be 222 birds. A total of three seabird mortalities were recorded elsewhere in the Convention Area. The Commission welcomed the efforts made by France to tackle this issue and encouraged France to continue to take additional steps to mitigate seabird by-catch in its EEZs in Subarea 58.6 and Division 58.5.1.

5.54 France welcomed the conclusions of the Scientific Committee acknowledging the continued low levels of incidental mortality of seabirds in the French EEZs. France stressed that some of the most important albatross and petrel breeding sites were located within its EEZs and that despite France's efforts to protect them, it was regrettable that these populations remain at risk as a result of incidental mortality occurring outside the Convention Area. France recalled the engagement with ACAP to receive information provided by regional fisheries management organisations (RFMOs) operating adjacent to the Convention Area on measures taken to address the incidental mortality, and encouraged the Scientific Committee to report these issues to the Commission in future. The EU also noted the utility of cooperation and information exchange with RFMOs whose areas of competence are adjacent to that of CCAMLR, and the sharing of CCAMLR experience in the successful reduction of seabird mortality.

#### Bottom fishing and vulnerable marine ecosystems

5.55 The Commission endorsed the advice of the Scientific Committee on the implementation of CMs 22-06 and 22-07 to avoid and mitigate significant adverse impacts on vulnerable marine ecosystems (VMEs) during bottom fishing (SC-CAMLR-XXXI, paragraphs 5.1 to 5.14), in particular noting that:

- (i) under CM 22-06, 12 VMEs were added to the VME registry during 2012 (five from Subarea 48.1 and seven from Subarea 88.1). All VMEs that have been notified under CM 22-06 are currently afforded protection through specific area

closures in Subarea 88.1 and Division 58.4.1 (CM 22-09; paragraph 7.14), and general closures to bottom fishing activities in Subareas 48.1 and 48.2 (CMs 32-02 and 32-03).

- (ii) under the provisions of CM 22-07 there has been a total of 63 VME risk-areas closed to bottom fishing since the introduction of this conservation measure in 2008/09.

5.56 The Commission endorsed the advice of the Scientific Committee that the potential for bottom fisheries to cause significant adverse impacts to VMEs could be evaluated with available fishing data (SC-CAMLR-XXXI, paragraph 5.13). However, the Commission determined that it will consider next year whether the removal of CM 22-06, Annex A, will still allow the Commission to fulfil obligations under UNGA Resolution 61/105.

#### Marine protected areas

5.57 The Commission welcomed the continued progress made by the Scientific Committee towards establishing a representative system of marine protected areas (MPAs) within the Convention Area arising from three MPA technical workshops held during the intersessional period for MPA Planning Domain 1 (Antarctic Peninsula) (SC-CAMLR-XXXI, paragraphs 5.16 to 5.20), Domain 5 (Del Cano–Crozet) (SC-CAMLR-XXXI, paragraphs 5.21 to 5.25) and Domains 3 (Weddell Sea), 4 (Bouvet and Maud Rise) and 9 (Amundsen and Bellingshausen Sea) (SC-CAMLR-XXXI, paragraphs 5.26 and 5.27).

5.58 The Commission welcomed the offer from Germany to take the lead in developing an MPA proposal in Planning Domain 3 (Weddell Sea) for consideration in 2014. Germany informed the Commission that the development of such a proposal for the Weddell Sea would involve a series of national and international workshops and would take into account all of the discussions relating to proposals for MPAs considered by the Commission (SC-CAMLR-XXXI, paragraph 5.28).

5.59 The Commission also welcomed the proposed collaboration between Sweden, the Republic of Korea and the USA to progress work on Domain 9 (SC-CAMLR-XXXI, paragraph 5.29).

5.60 The Commission endorsed the advice from the Scientific Committee on the development of MPA Reports, to be organised according to MPA planning domains, as these would provide a standardised format to consolidate and maintain detailed scientific information, including analysis of the extent to which current or future activities may threaten the objectives of the MPA (SC-CAMLR-XXXI, paragraphs 5.33 to 5.37).

5.61 In considering the proposal by Ukraine for an MPA network in the Akademik Vernadsky Station region on a research value basis, the Commission noted that, given the rationale for protection, a review of provisions for the establishment of protected and managed areas in the ATCM and CCAMLR may be appropriate for this proposal (SC-CAMLR-XXXI, paragraphs 5.39 to 5.41).

5.62 The Commission endorsed the proposal for research and monitoring plans to identify research activities consistent with the specific objectives of the MPA (according to

CM 91-04). Such plans should be organised geographically, identify research that relates to the achievement of multiple objectives simultaneously and contain research that is achievable in practice. The final research and monitoring plan would identify research and monitoring activities, and mechanisms and timescales for review (SC-CAMLR-XXXI, paragraphs 5.57 to 5.59).

5.63 The Commission noted the discussion of the Scientific Committee on the establishment of precautionary spatial protection to facilitate the scientific study of habitats and communities in case of the future collapse of ice shelves (SC-CAMLR-XXXI, paragraphs 5.42 to 5.56), in particular:

- (i) the proposal to protect areas and habitats under ice shelves following ice-shelf collapse was inherently different in nature from those MPA proposals being developed for the various MPA planning domains
- (ii) areas revealed by retreating glacial ice were unique and of considerable scientific interest
- (iii) the ability to acquire the necessary science from under ice shelves was limited because the areas to be protected were currently inaccessible
- (iv) the outstanding request for advice from the Commission on the desirability of a precautionary or a reactive approach concerning the collapse of ice shelves.

5.64 In accordance with ATCM Decision 9 (2005), the Commission endorsed the advice of the Scientific Committee (SC-CAMLR-XXXI, paragraphs 5.60 to 5.73) in respect of:

- (i) the revised management plans for Antarctic specially protected area (ASPAs) No. 144, ASPA No. 145 and ASPA No. 146 noting the importance of these areas for scientific research that were unlikely to be subject to harvesting
- (ii) the draft management plan for a new ASPA at Cape Washington and Silverfish Bay, Terra Nova Bay, Ross Sea
- (iii) progress on a revised management plan for Antarctic specially managed area (ASMA) No. 1, Admiralty Bay, King George Island, South Shetland Archipelago, noting the proposal for a draft management plan to be submitted to CCAMLR in 2013.

5.65 The Commission agreed that no issues with respect to CCAMLR had been identified in these proposals and that this advice should be communicated to the ATCM as these plans remain to be endorsed by that body.

5.66 The Commission noted that krill fishing had occurred in 2010 (two vessels conducted 31 hauls) and in 2012 (three vessels conducted 121 hauls) in ASPA No. 153, Eastern Dallmann Bay, and that the management plan for this ASPA does not allow for harvesting as a permitted activity (SC-CAMLR-XXXI, paragraphs 5.65 to 5.73).

5.67 Japan provided its apologies to the Commission that one of the vessels that fished in ASPA No. 153 was a Japanese-flagged vessel. This regrettable situation had arisen from the vessel captain's ignorance of the ASPA management plan. Japan had provided strict

instructions to the vessel regarding this issue, noting that this vessel had now been reflagged. Should Japan re-enter the krill fishery, clear guidance would be provided to ensure that such incidents do not happen again.

5.68 The Republic of Korea also informed the Commission that regrettably its vessels had also fished in ASPA No. 153 and that it was committed to observe the specific requirements of ASPA and ASMA management plans.

5.69 The Commission agreed that fishing in ASPA No. 153 had occurred as a result of a lack of awareness of the requirements of the management plan and that there was a need for a clear mechanism to provide a direct link between CCAMLR conservation measures and the management plans for ASPAs and ASMAs as endorsed by the ATCM with the approval of CCAMLR as described in ATCM Decision 9 (2005). The Commission approved CM 91-02 (2012) (Protection of the values of Antarctic Specially Managed and Protected Areas) (paragraph 7.54).

#### Climate change

5.70 The Commission noted the advice of the Scientific Committee with respect to climate change, including the discussion of the potential effects of climate change on krill, and other initiatives of direct relevance to climate change in the Antarctic ecosystem (SC-CAMLR-XXXI, paragraphs 8.1 to 8.5). While there was no specific advice relating to climate change arising from the consideration of the Scientific Committee, the Commission requested that this item remain under consideration as it has implications for many aspects of relevance to CCAMLR.

#### Administrative matters

5.71 The Commission noted the discussion of the Scientific Committee on administrative issues in respect of the recommendations of the Performance Review Panel (PRP), the CCAMLR Scholarship Scheme, outreach and education, and the management of the CEMP Fund (SC-CAMLR-XXXI, paragraphs 11.1 to 11.19), in particular:

- (i) that good progress had been made in addressing a number of the recommendations of the PRP report, particularly in respect of capacity building. Less progress had been made in addressing other recommendations, primarily owing to the increasing amount of work undertaken by the Scientific Committee. Members were invited to make proposals for a process of long-term prioritisation of the work of the Scientific Committee, given the increasing number of issues that it has to address each year (SC-CAMLR-XXXI, paragraphs 11.1 to 11.3)
- (ii) that this year there were five applications from five Members for the Scholarship Scheme and two candidates, Lic. M. Santos (Argentina) and Mr X. Wang (China), were selected. The fruitful contribution to the work of the Scientific Committee of the recipient of the 2011 scholarship, Dr R. Wiff (Chile), was warmly welcomed (SC-CAMLR-XXXI, paragraphs 11.4 to 11.13)

- (iii) the summary of CCAMLR activities undertaken in respect of outreach and education activities (SC-CAMLR-XXXI, paragraphs 11.14 and 11.15).

5.72 The Commission endorsed the proposed terms of reference for use of the CEMP Special Fund to provide details of the administrative process that would be used for the Fund, and some examples of possible projects/concepts that could be developed to draw on the Fund (SC-CAMLR-XXXI, paragraphs 11.16 to 11.19).

## SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

6.1 The Commission endorsed the recommendation by the Scientific Committee for a peer review of the CCAMLR Scheme of International Scientific Observation (SC-CAMLR-XXXI, paragraph 7.3). The Commission also noted that the budget of A\$30 000 had been agreed by SCAF (Annex 7, paragraph 10).

6.2 The Commission noted that the Scientific Committee had formally requested that Russia provide an electronic version of the decapod Crustacea guide to be placed on the CCAMLR website (SC-CAMLR-XXXI, paragraph 7.10).

6.3 The Commission endorsed the recommendations from the Scientific Committee relating to the:

- (i) CCAMLR tagging program (SC-CAMLR-XXXI, paragraphs 7.12 and 7.13)
- (ii) sampling flexibility and observer coverage in the krill fishery (SC-CAMLR-XXXI, paragraphs 7.16, 7.17 and 7.20).

## CONSERVATION MEASURES

7.1 The Commission expressed its appreciation to Mr G. Bryden (New Zealand) for chairing the conservation measures drafting group.

7.2 The Commission's consideration of revised and new conservation measures and resolutions, and related matters, is reported in this section. Conservation measures and resolutions adopted at CCAMLR-XXXI will be published in the *Schedule of Conservation Measures in Force 2012/13*.

7.3 The Commission noted that the following conservation measures will lapse on 30 November 2012: 32-09 (2011), 33-02 (2011), 33-03 (2011), 41-01 (2011), 41-03 (2011), 41-04 (2011), 41-05 (2011), 41-06 (2011), 41-07 (2011), 41-09 (2011), 41-10 (2011), 41-11 (2011), 42-01 (2011), 42-02 (2011) and 51-04 (2011).

7.4 The Commission agreed that the following conservation measures<sup>1</sup> and resolutions will remain in force in 2012/13:

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<sup>1</sup> Reservation to these measures are given in the *Schedule of Conservation Measures in Force 2012/13*.

#### Measures on compliance

10-01 (1998), 10-02 (2011), 10-04 (2011), 10-06 (2008), 10-07 (2009), 10-08 (2009) and 10-09 (2011).

#### Measures on general fishery matters

21-01 (2010), 22-01 (1986), 22-02 (1984), 22-03 (1990), 22-04 (2010), 22-05 (2008), 22-07 (2010), 22-08 (2009), 23-01 (2005), 23-02 (1993), 23-03 (1991), 23-04 (2000), 23-05 (2000), 24-02 (2008), 25-03 (2011) and 26-01 (2009).

#### Measures on fishery regulations

31-01 (1986), 31-02 (2007), 32-01 (2001), 32-18 (2006), 33-01 (1995), 41-02 (2011), 41-08 (2011), 51-01 (2010), 51-02 (2008), 51-03 (2008) and 51-07 (2011).

#### Measures on protected areas

91-01 (2004), 91-03 (2009) and 91-04 (2011).

#### Resolutions

7/IX, 10/XII, 14/XIX, 15/XXII, 16/XIX, 17/XX, 18/XXI, 19/XXI, 20/XXII, 22/XXV, 23/XXIII, 25/XXV, 27/XXVII, 28/XXVII, 29/XXVIII, 30/XXVIII, 31/XXVIII, 32/XXIX and 33/XXX.

7.5 The Commission agreed that the following conservation measures<sup>1</sup> be rescinded:

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) and 32-17 (2003) (see paragraph 7.22).

7.6 The Commission adopted the following revised and new conservation measures and resolutions:

#### Revised measures on compliance (see paragraphs 7.7 and 7.8)

10-03 (2012) and 10-05 (2012).

#### Revised measures on general fishery matters (see paragraphs 7.9 to 7.19)

21-02 (2012), 21-03 (2012), 22-06 (2012), 22-09 (2012), 23-06 (2012), 23-07 (2012), 24-01 (2012) and 25-02 (2012).

#### Revised measures on fishery regulations (see paragraphs 7.20 to 7.22)

32-02 (2012) and 51-06 (2012).

#### Revised resolution (see paragraph 7.55)

34/XXXI.

#### New measure on compliance (see paragraph 7.26)

10-10 (2012).

#### New measures on fishery regulations (see paragraphs 7.27 to 7.53)

32-09 (2012), 33-02 (2012), 33-03 (2012), 41-01 (2012), 41-03 (2012), 41-04 (2012), 41-05 (2012), 41-06 (2012), 41-07 (2012), 41-09 (2012), 41-10 (2012), 41-11 (2012), 42-01 (2012), 42-02 (2012) and 51-04 (2012).

New measure on ASPAs and ASMAs (see paragraph 7.54)  
91-02 (2012).

## Revised conservation measures

### Compliance

#### Port inspection of fishing vessels

7.7 The Commission agreed to strengthen the port inspection scheme (CM 10-03) by extending the scheme to include fishing vessels carrying species other than *Dissostichus* spp. taken in the Convention Area, and harmonising the scheme's obligations with those in CMs 10-06 and 10-07 (Annex 6, paragraph 3.8; see also CCAMLR-XXXI/39). CM 10-03 (2012) was revised accordingly and adopted.

#### Catch Documentation Scheme

7.8 The Commission agreed to revise the Catch Documentation Scheme (CDS) for *Dissostichus* spp. (CM 10-05) in order to remove ambiguities, conform the language to the current electronic system, reflect the practical operation of the CDS and amend the web-based application to reflect these changes (Annex 6, paragraphs 3.6 and 3.7; see also CCAMLR-XXXI/38). CM 10-05 (2012) was revised accordingly and adopted. The revised standard catch and export/re-export documents (CM 10-05, Annex A, Attachment 1) shall be used from 1 January 2013.

### General fishery matters

#### Notifications

7.9 The Commission revised the requirements for notification of exploratory fisheries (CM 21-02). The Commission agreed that notified vessels would be prohibited from using fishing gear types other than those specified in the notification during a fishing season unless the gear change was required under research approved by the Scientific Committee.

7.10 The Commission also revised the requirements for notification of krill fisheries (CM 21-03) in order to strengthen the reporting of the green weight of krill caught. The Commission agreed that notifying Members should include information and, where possible, data to estimate the uncertainty associated with green weight reported by vessels or for understanding the underlying variability in the constants used for making these estimations. Footnote 1 in CM 21-03, Annex A, was revised to reflect these requirements, and guidelines will be added to the C1 data form.

7.11 CMs 21-02 (2012) and 21-03 (2012) were revised accordingly and adopted.



## Bottom fishing

7.12 The Commission considered the Scientific Committee's advice that the potential for bottom fisheries to cause significant adverse impacts to VMEs could be evaluated with available fishing notification data, and does not need information in CM 22-06, Annex A (SC-CAMLR-XXXI, paragraph 5.13). The Scientific Committee had proposed removing the requirements for annual preliminary assessments of the potential for proposed bottom fishing activities to have significant adverse impacts on VMEs (CM 22-06, Annex A). The Commission agreed to consider this matter further in 2013.

7.13 The Commission revised paragraph 9 of CM 22-06 to include reference to the daily catch and effort reporting system (consequential change). CM 22-06 (2012) was revised accordingly and adopted.

7.14 Noting that SSRU 5841H will be opened to research fishing in 2012/13 (paragraph 7.34), the Commission agreed to include the two registered VMEs in SSRU H in Annex A of CM 22-09 (Protection of registered vulnerable marine ecosystems in subareas, divisions, small-scale research units, or management areas open to bottom fishing). The defined areas for these VMEs was a circle with the radius of 10 n miles centred on each VME. CM 22-09 (2012) was revised accordingly and adopted.

## Data reporting

7.15 The Commission revised the data reporting requirement in the krill fisheries (CM 23-06) in order to strengthen the reporting of the green weight of krill caught. The Commission agreed that the multipliers used to convert the measured component of the catch to an estimate of green weight should be estimated at least once every month, and reported in the revised C1 data form. CM 23-06 (2012) was revised accordingly and adopted.

7.16 The Commission agreed to remove the requirement for five-day catch and effort reporting in exploratory finfish fisheries (SC-CAMLR-XXXI, paragraph 3.47), and to strengthen the daily reporting requirements to include actions to be taken in the event of missing or overdue reports, and regular distribution of a summary report prepared by the Secretariat at approximately five-day intervals. The Commission also revised the daily reporting deadline in order to facilitate timely monitoring and reporting in these fisheries. The Commission agreed to incorporate the data requirements for daily, five-day, 10-day and monthly catch and effort reporting into a single data form. CM 23-07 (2012) was revised accordingly and adopted. Consequential updates were made to the references to catch and effort reporting systems in related conservation measures.

7.17 The Commission also endorsed the Scientific Committee's advice on data reporting by fishing vessels undertaking research fishing under CMs 21-02 or 24-01 (SC-CAMLR-XXXI, paragraph 3.48). The Commission agreed that fishing vessels conducting fishing for research purposes in accordance with these conservation measures should report catch and effort data according to CM 23-04 (trawl fisheries form C1, longline fisheries form C2, or pot fisheries form C5) and biological data as required in CM 23-05. Vessels undertaking trawl surveys in

accordance with CM 24-01 would continue to report catch, effort and biological data according to the reporting format for research vessels (C4) and would not be required to complete C1 data. CM 24-01 (2012) was revised accordingly and adopted.

7.18 The Commission recalled that biological data as required in CM 23-05 may be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

#### Minimisation of incidental mortality

7.19 The Commission revised CM 25-02 to clarify that vessels should implement systems to ensure the removal of all fish hooks from offal prior to discharge (Annex 6, paragraph 3.28). CM 25-02 (2012) was revised accordingly and adopted.

#### Fishery regulation

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

7.20 The Commission noted the incidences of catch overruns in *Dissostichus* spp. fisheries and, consequently, in relation to CM 31-02 (General measure for the closure of all fisheries), the Commission agreed that the issue of catch limit overruns was an important consideration in the management of CCAMLR fisheries. It requested that in 2013 WG-SAM, WG-FSA and the Scientific Committee evaluate the Secretariat's procedure for determining the closure date of fisheries in order to advise on:

- (i) the uncertainties in the application of the current procedure for estimating and implementing the closure of fisheries
- (ii) potential modifications to this procedure or alternatives that could reduce uncertainty and also the level and impact of catch limit overruns
- (iii) management options to prevent overruns such as catch limit adjustments and tagging fish caught after closure.

7.21 The Commission also requested that SCIC consider, and make recommendations on, the various approaches to addressing the issue of catch limit overruns, including capacity management options.

7.22 The Commission endorsed SCIC's advice to consolidate 15 conservation measures dealing with prohibitions of directed fishing (CMs 32-02 to 32-08 and 32-10 to 32-17) into a single measure (Annex 6, paragraphs 3.25 and 3.26; see also CCAMLR-XXXI/15). The consolidation retained the intention of the original measures and brought the prohibitions of directed fishing into a common text and format. The Commission agreed that the reservation for waters adjacent to the Prince Edward Islands would also apply to the prohibition of directed fishing on *Lepidonotothen squamifrons* in Division 58.4.4a which includes part of the South African EEZ. CM 32-02 (2012) (Prohibition of directed fishing) was revised to include the consolidation and was adopted. CMs 32-03 to 32-08 and 32-10 to 32-17 were rescinded.

## Krill fisheries

7.23 The Commission reviewed the requirements for the systematic observer coverage in the general measure for scientific observation in fisheries for *Euphausia superba* (CM 51-06). The Commission agreed that the systematic observer coverage in 2012/13 and 2013/14 would include a target coverage rate of no less than 50% of vessels with all vessels being observed at least once, with comparable scientific observer coverage during the summers and winters, if applicable.

7.24 The Commission agreed that the scientific observer sampling and data collection would include three-day sampling intervals in summer and five-day sampling intervals in winter for krill length measurements, and sampling according to the instructions in the observer logbook for finfish by-catch. The Commission requested that vessels ensure that scientific observers have access to sufficient samples to fulfil all sampling and data requirements.

7.25 The revised CM 51-06 (2012) was adopted.

## New conservation measures on compliance and fishery matters

### CCAMLR Compliance Evaluation Procedure

7.26 The Commission endorsed the CCAMLR Compliance Evaluation Procedure which had been considered extensively by SCIC (Annex 6, paragraphs 3.1 to 3.3; see also CCAMLR-XXXI/29). The procedure will use information already provided to the Secretariat, as required under the Convention, conservation measures and other rules and procedures such as the System of Inspection as well as provide an opportunity for Members to comment on the compliance with CCAMLR measures. The procedure also gives the Secretariat a formal mechanism to capture and record information on the implementation of conservation measures by Members. Accordingly, CM 10-10 (2012) (CCAMLR Compliance Evaluation Procedure) was adopted.

### General fishery matters

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

7.27 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 2012/13 and CM 32-09 (2012) was adopted.

#### By-catch limits

7.28 The Commission agreed to carry forward the existing by-catch limits in Division 58.5.2 in 2012/13. CM 33-02 (2012) was adopted.

7.29 The Commission agreed to carry forward the by-catch limits for exploratory fisheries in 2012/13, noting that the revision of the catch limit for *Dissostichus* spp. in Division 58.4.3a did not require any consequential change to by-catch limits (CM 33-03, Annex A and associated footnotes). In addition, paragraph 4 of this conservation measure was strengthened and clarified in regard to the circumstances under which skates can be returned to the water to improve knowledge of skate abundance (Annex 6, paragraph 3.27). CM 33-03 (2012) was adopted.

7.30 France advised the Commission that it would ensure that its vessels meet these by-catch requirements in 2013.

### Toothfish

7.31 The Commission endorsed the Scientific Committee's advice to carry forward the limits for the established fisheries for *Dissostichus* spp. in Subarea 48.3 and Division 58.5.2 in 2012/13 (SC-CAMLR-XXXI, paragraphs 3.63 and 3.79). These fisheries are assessed biennially, and the limits are summarised in Table 1. CMs 41-02 (2011) and 41-08 (2011) were carried forward.

7.32 The Commission revised the catch limits for *D. eleginoides* and *D. mawsoni* in the fishery for *Dissostichus* spp. in Subarea 48.4 (SC-CAMLR-XXXI, paragraph 3.68), and agreed to consequential changes to the by-catch limits for rajids and macrourids in the northern area of that subarea. Other elements regulating this fishery were carried forward and CM 41-03 (2012) was adopted.

7.33 At the time of the meeting South Africa withdrew its notifications for the exploratory fisheries for *Dissostichus* spp. in Divisions 58.4.2 and 58.4.3a.

7.34 The Commission endorsed the Scientific Committee's advice on research requirements in the data-poor exploratory fisheries for *Dissostichus* spp. and agreed to the following conditions and limits in 2012/13:

- (i) fishing shall be limited to research fishing only in designated research blocks or SSRUs (SC-CAMLR-XXXI, Figure 1), with catch limits and vessel access as given in Tables 2 and 3 respectively
- (ii) if research blocks designated for research fishing are blocked by sea-ice, then the vessel may move to the nearest available fine-scale rectangle(s) with fishing depth between 550 and 2 200 m and conduct the research hauls in this (these) rectangle(s)
- (iii) research hauls shall be deployed in accordance with CM 41-01, Annex B
- (iv) each vessel will tag *Dissostichus* spp. at a rate of at least five fish per tonne of green weight caught (paragraph 5.33) and in accordance with the tagging protocol (CM 41-01, Annex C)

- (v) in Subarea 48.6, research fishing will be conducted by Japan and South Africa in designated research blocks (SC-CAMLR-XXXI, paragraphs 3.135 to 3.137, Table 4, Figure 1)
- (vi) in Divisions 58.4.1 and 58.4.2, research fishing will be conducted by Japan and the Republic of Korea in designated research blocks, and by Spain by depletion experiment (SC-CAMLR-XXXI, paragraphs 3.138 to 3.145)
- (vii) in Division 58.4.3a, research fishing will be conducted by France and Japan in designated research blocks (SC-CAMLR-XXXI, paragraphs 3.146 and 3.147)
- (viii) in Division 58.4.3b, the fishery will remain closed.

7.35 The Commission agreed that the overall catch limit for *Dissostichus* spp. in Division 58.4.2 would be 70 tonnes. In considering the distribution of catch amongst open SSRUs in Division 58.4.2 and based on the advice of the Scientific Committee (SC-CAMLR-XXXI, paragraph 3.172), it agreed that SSRUs A and E would remain open but that, in order to facilitate the proposed research, the catch limit for SSRU E would be set at 70 tonnes. Whilst the notional catch limit for SSRU A would remain at 30 tonnes for 2012/13, the Commission agreed that no fishing would take place in this SSRU.

7.36 The Commission noted that in data-poor exploratory fisheries in Subarea 48.6 and Divisions 58.4.1, 58.4.2 and 58.4.3a in 2012/13, to be consistent with the advice of the Scientific Committee, notifying Members will ensure:

- (i) combined catches from all vessels conducting research should not substantially exceed catch limits set for data-poor fisheries in 2011/12 (SC-CAMLR-XXXI, paragraph 3.172i)
- (ii) there is a balance of catch and effort between vessels when they fish in the same spatially constrained area (SC-CAMLR-XXXI, paragraph 3.154iii).

The Commission further encouraged all Members to participate in research to progress developing assessments in data-poor exploratory fisheries.

7.37 The Commission also agreed to the catch limits and vessel access in the exploratory fisheries for *Dissostichus* spp. in Subareas 88.1 and 88.2 in 2012/13 (Tables 2 and 3).

7.38 Several delegations requested information from the Republic of Korea relating to steps that it had taken to address the Commission's concerns at CCAMLR-XXX relating to the non-compliance of Korean-flagged vessels in CCAMLR fisheries (CCAMLR-XXX, paragraphs 9.12 to 9.28).

7.39 New Zealand expressed appreciation for the advice and assurance provided by the Republic of Korea but shared concerns that past incidents of non-compliance not be repeated. New Zealand recalled a number of issues involving Korean vessels last season, specifically absence of buoy markings, port inspection in Uruguay, failure to report transshipments, and changing gear mid-season. New Zealand also expressed concern about a pattern of vessel safety issues, including the sinking of the *Jung Woo No. 2*. New Zealand raised the question of whether notifying six vessels was in the spirit of the call for restraint by CCAMLR-XXX in

the context of discussions about capacity. New Zealand considered that the Commission should support coordinated efforts to achieve a high level of compliance by all Members.

7.40 The USA noted that non-compliance with CCAMLR conservation measures by Korean-flagged vessels had again been considered at this meeting. The USA recalled that, during discussion of the proposed inclusion of the *Insung No. 7* on the CP-IUU Vessel List at CCAMLR-XXX, the Republic of Korea told the Commission that inadequate sanctions against the *Insung No. 7* were attributable to its domestic legislation that was in the process of being amended (CCAMLR-XXX, paragraph 9.17). The USA noted with regret that instances of non-compliance by Korean-flagged vessels considered at this meeting were again met with promises of improvement by Korea and small fines. In addition to the documented instances of non-compliance, the USA also raised concerns about whether the anomalous CPUEs achieved by the Korean fleet could be attributed to undocumented non-compliance. The USA asked Korea to provide information to the Commission regarding any steps that it has taken, or will be taking, to exert greater control over its vessels. The USA was of the view that only actions by Korea will provide real assurance that the serious issues related to non-compliance are being dealt with effectively.

7.41 Australia also expressed concern regarding the compliance of Korean vessels. Australia was also concerned at the increase in notifications, particularly for the Ross Sea, and the variable performance of vessels participating in the tagging program and the implications for robust management advice. Australia encouraged Members to exercise restraint in nominating vessels and requested that Members ensure compliance with all relevant conservation measures. Australia was encouraged by the adoption of a Compliance Evaluation Procedure (CM 10-10) at this meeting as a means to assist with achieving high levels of compliance for all Members (paragraph 7.26).

7.42 The Republic of Korea advised that after an extensive investigation by its government, penalties were imposed to the Insung company, the owner of the *Insung No. 7*, which was involved in a non-compliance in 2010/11. The penalties included the removal of all three vessels of the Insung company from CCAMLR fisheries in 2011/12. The removal resulted in financial loss of the company. Korea reaffirmed to CCAMLR that no serious issues of non-compliance occurred during 2011/12. Korea explained that new laws governing the operation of Korean vessels in distant water were being legislated. It also stated that future non-compliance will be met with proper sanctions, including withdrawal of vessels from the fisheries even before the coming into effect of the new legislation. Korea also advised that the government will conduct investigations on the anomalous CPUE made by the Insung vessels in the past and the result of the investigation will be reported at an appropriate time and occasion in the future. Regarding the bottle test that was indicated by port inspectors from Uruguay, Korea explained that the test began in October 2012 and will be continued in the future.

7.43 The EU echoed concerns expressed relating to non-compliance. The EU also reiterated its concern relating to changes to notifications after the deadline for the receipt of notifications by the Secretariat.

7.44 Russia advised that, in respect of non-compliance reported for the *Chio Maru No. 3*, the vessel had been technically re-equipped to avoid a repeat of the non-compliance matter.

7.45 In this respect, several Members queried Ukraine on the flag of the *Poseydon I* at the time the notification had been submitted in respect of this vessel for the 2012/13 fishing season. It was noted that Lloyds Register indicated that the vessel remained flagged to St Kitts and Nevis. Information Ukraine had shared with some Members appeared to suggest the vessel was added to the Ukrainian register on 26 October 2012. The Commission agreed that the participation of the *Poseydon I* in CCAMLR fisheries in the 2012/13 season will be subject to Ukraine providing verifiable confirmation by 1 December 2012 that the vessel was flagged to Ukraine at the time the notification was received pursuant to CM 21-02, paragraph 5.

7.46 The Commission adopted the following conservation measures:

- CM 41-01 (2012) – general measure for exploratory fisheries for *Dissostichus* spp.
- CM 41-04 (2012) – exploratory fishery for *Dissostichus* spp. in Subarea 48.6
- CM 41-05 (2012) – exploratory fishery for *Dissostichus* spp. in Division 58.4.2
- CM 41-06 (2012) – exploratory fishery for *Dissostichus* spp. in Division 58.4.3a
- CM 41-07 (2012) – exploratory fishery for *Dissostichus* spp. in Division 58.4.3b
- CM 41-09 (2012) – exploratory fishery for *Dissostichus* spp. in Subarea 88.1
- CM 41-10 (2012) – exploratory fishery for *Dissostichus* spp. in Subarea 88.2
- CM 41-11 (2012) – exploratory fishery for *Dissostichus* spp. in Division 58.4.1.

7.47 These conservation measures included the following limits and requirements:

- (i) all exploratory fisheries for *Dissostichus* spp. in 2012/13 were limited to vessels using longlines only
- (ii) the general limits and measures for by-catch and move-on rules provided in CM 33-03 apply
- (iii) the data collection and research plans and tagging protocols provided in CMs 21-02, 24-01 and 41-01 apply
- (iv) a research catch limit of 49 tonnes of *Dissostichus* spp. was set aside to facilitate a pre-recruit survey in Subarea 88.1 (paragraph 5.26), and this amount was deducted from the catch limit in the combined SSRUs J and L in 2012/13
- (v) a prohibition of fishing in the defined areas for the registered VMEs (CM 22-09)
- (vi) the requirements for environmental protection provided in CMs 22-06, 22-07, 22-08 and 26-01 apply.

7.48 In adopting CM 41-07, the Commission noted that

- (i) Japan proposed continuing research in Division 58.4.3b under CM 21-02 (SC-CAMLR-XXXI, paragraph 3.148), however
- (ii) the Scientific Committee was unable to provide advice on a research plan for Division 58.4.3b in 2012/13 (SC-CAMLR-XXXI, paragraph 3.150), and
- (iii) CM 41-07 only applies to the 2012/13 fishing season.

7.49 In Japan's view with respect to the research fishing in Division 58.4.3b (BANZARE Bank), it has submitted all the results of the analyses on catch and effort and biological data derived from research conducted by the Japanese-flagged fishing vessel during six consecutive seasons between 2006/07 and 2011/12, and as requested by WG-SAM (SC-CAMLR-XXXI, Annex 5, paragraph 4.7). However, WG-FSA noted that the design and implementation of this research did not provide the basis for a robust assessment. Therefore, Japan modified its 2011/12 research plan, in particular, the spatial designs in order to increase the probability of tag recapture given the expected levels of toothfish movement in 2–3 years (SC-CAMLR-XXX, Annex 7, paragraph 5.26) and this was agreed by WG-FSA-12. Unfortunately, however, the 2011/12 research plan could not be undertaken in full for operational and safety reasons and therefore Japan strongly believed that it was extremely important to conduct research for at least the next two years to accomplish the stock assessment of toothfish on BANZARE Bank. Japan also emphasised that, in order to resolve the difficulty indicated in SC-CAMLR-XXX, paragraph 9.36, and to establish a plan of research in accordance with that paragraph, it is essential to continue the research. Japan has committed to submit the result of the analysis by 2017 as indicated in WG-FSA-12/56 and is further committed to deliver this analysis as quickly as possible. Japan would like to request Members to understand the importance of continuing research fishing on BANZARE Bank to assess the status and trends of the stock. By suspending research fishing in the area, CCAMLR is losing the opportunity to recapture tagged fish, which in turn means that all previous efforts may be wasted.

7.50 The Commission requested that the Scientific Committee and its working groups advise on how:

- (i) providing flexibility for vessels to change fishing locations in response to variable sea-ice conditions affects the efficacy of research plans in exploratory fisheries
- (ii) the spacing of research hauls impacts efforts to advance the development of stock assessments for data-poor fisheries.

7.51 Spain advised that it will confirm its participation in the depletion experiments in Divisions 58.4.1 and 58.4.2 on 15 January 2013, following analysis of relevant sea-ice conditions in these areas and the operation of the vessel.

#### Icefish

7.52 The Commission endorsed the Scientific Committee's advice on the limits for the established fisheries for *C. gunnari* in Subarea 48.3 and Division 58.5.2 in 2012/13 (paragraph 5.14; Table 1). Other elements regulating these fisheries were carried forward and CMs 42-01 (2012) and 42-02 (2012) were adopted.

#### Krill

7.53 The Commission noted that no notification had been made for exploratory fisheries for *E. superba* in 2012/13. However, the requirements of the general measure for exploratory



fisheries for *E. superba* were carried forward to 2012/13 in order to provide guidance to Members who may wish to notify for these exploratory fisheries. CM 51-04 (2012) was adopted.

#### ASPAs and ASMAs

7.54 The Commission agreed to a new conservation measure on the protection of the values of Antarctic specially managed and protected areas. This measure seeks to ensure that fishing vessels licensed in accordance with CM 10-02 are aware of the location and relevant management plans of all ASPAs and ASMAs which include marine areas. The management plans for these areas can be found on the Antarctic Protected Areas database which is available from the [Antarctic Treaty Secretariat \(ATS\) website](#). CM 91-02 (2012) was adopted.

#### Revised resolution

7.55 The Commission urged Members to consider ratifying the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 ('Cape Town Agreement') as soon as practicable in order to enhance the safety of fishing vessels in the Convention Area. Accordingly, the Commission revised Resolution 34/XXXI (Enhancing the safety of fishing vessels in the Convention Area).

#### Other measures considered

##### Market-related measures

7.56 The Commission noted SCIC's consideration of a proposal by the EU for trade-related action against CCAMLR Contracting Parties and non-Contracting Parties failing to comply with CCAMLR conservation measures (Annex 6, paragraphs 3.10 to 3.24; see also CCAMLR-XXXI/31).

##### Fishing capacity and effort in CCAMLR exploratory fisheries

7.57 The Commission expressed concern about the increase in notifications to fish in Subareas 88.1 and 88.2 and supported the need to manage capacity in exploratory finfish fisheries. To this end, many Members recalled CCAMLR-XXX, paragraph 12.53, calling on Members to exercise restraint in exploratory fisheries in order to avoid further exacerbating the problem of overcapacity, and that this be taken into account while this issue was under consideration. The Commission discussed a number of management and capacity-reduction objectives as outlined in the EU paper CCAMLR-XXXI/10 underlining the importance of scientific research, safety issues, reduction of race to fish and ensuring economic viability of fisheries. In this context, Germany and Sweden requested the Commission to look into the issue of discards.

7.58 In respect of the EU proposal on ‘Fishing capacity and effort in CCAMLR exploratory fisheries’ (CCAMLR-XXXI/10), Argentina made the following statement:

‘Argentina expressed that the issue of fishing capacity and effort control has been a constant concern for CCAMLR over many years and indicated its willingness to participate in developing solutions to this problem taking into account the constraints imposed by the singularities of CCAMLR. Argentina noted that, in the context of the Antarctic Treaty System, quota allocations would be inappropriate since they imply an appropriation of the resources. In its view, such allocations will undermine the standing not only of CCAMLR but of the whole ATS vis a vis the international community.

Argentina recalled that, in 1977, when the ATCM decided to call a diplomatic conference to deal with Antarctic marine living resources, it clearly stated that management should not be based on catch allocations.’

## General

7.59 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.

## Proposals for marine protected areas and special areas

7.60 On the first day of its meeting, the Commission agreed to consider proposals for MPAs in East Antarctica (one proposal), the Ross Sea region (two proposals) and under ice shelves, glaciers and ice tongues (one proposal).

7.61 In introducing its proposal to establish an MPA in the Ross Sea Region (‘Ross Sea region marine protected area’; CCAMLR-XXXI/16), New Zealand made a presentation which included the following points: In recognition of the globally significant ecological, environmental, scientific and historic values of this region, and in line with the work plan of the Commission and Scientific Committee to develop a representative system of Antarctic MPAs, the proposal would establish this MPA in order to achieve the conservation of Antarctic marine living resources. The proposal is consistent with the general framework for establishing CCAMLR MPAs (CM 91-04) and with the process which was reviewed

favourably by the Scientific Committee in 2011 (SC-CAMLR-XXX, paragraph 5.63), and provides a significant opportunity for the Commission to reaffirm its position as a flagship marine biodiversity conservation and management organisation.

7.62 In introducing its proposal to designate MPAs for the protection of habitats and communities under ice shelves, glaciers and ice tongues in Subareas 48.1, 48.5 and 88.3 (CCAMLR-XXXI/30), the EU made the following points: The designation of areas under ice shelves as MPAs is consistent with the Commission's objective of establishing a representative system of MPAs by 2012 as well as the recommendation of the Antarctic Treaty Meeting of Experts on Climate Change in 2010. This proposal, which was considered by the Scientific Committee and Commission in 2011 (SC-CAMLR-XXX, paragraphs 5.67 to 5.77; CCAMLR-XXX, paragraphs 7.31 to 7.36), would afford precautionary protection of newly exposed habitats after ice shelves collapse, and protect the establishment of new biodiversity during colonisation of these areas. The proposal has been redrafted to take into account the framework set out in CM 91-04.

7.63 In introducing a proposal to establish a representative system of MPAs in the East Antarctica Planning Domain, France, Australia and the EU made a presentation which included the following points: The proposal is based on the best scientific evidence available (CCAMLR-XXXI/36). The proposal would establish seven MPAs and represents an important contribution to the Commission's commitment to delivering MPAs by 2012 and in accordance with CM 91-04. Each MPA contains representative areas of biodiversity of the region, and the proposed representative system of MPAs would be a multiple-use system in which activities, such as fisheries, can be undertaken when those activities do not undermine the objectives of individual MPAs or the representative system of MPAs as a whole. The proposal embraces the view for a system of MPAs by 2012 while balancing conservation and sustainable utilisation of Antarctic marine living resources.

7.64 The USA presented its proposal for the establishment of the Ross Sea region MPA in CCAMLR-XXXI/40. In the view of the USA, the Ross Sea region's high biological diversity and as yet largely intact ecosystems make it an exceptional candidate for the establishment of the proposed CCAMLR MPA. The USA stated that its proposal also offers valuable opportunities for scientific research. It noted that last year the Scientific Committee reviewed and endorsed the scientific conclusions and processes on which the US proposal had been developed. The proposal includes three specific conservation and scientific objectives. The proposed MPA, which consists of three zones, encompasses roughly 1.8 million km<sup>2</sup>. The USA highlighted that a major element of its proposal is the establishment of a fully protected no-fishing zone to preserve the ecosystem and serve as a scientific reference area for studying the ecosystem effects of fishing and climate change.

7.65 During discussion of these proposals, Members raised various general issues, including:

- (i) the role of the Scientific Committee in reviewing these proposal in 2012, given that CM 91-04 was adopted at CCAMLR-XXX and this measure includes the requirement for advice from the Scientific Committee (CM 91-04, paragraph 3)
- (ii) sufficiency of scientific evidence for conservation objectives and potential and identified threats

- (iii) criteria for levels of protection and conservation
- (iv) options for alternative conservation arrangements
- (v) details on the management plans, including implementation
- (vi) details on the research and monitoring plans, including implementation
- (vii) criteria for measuring the effectiveness of the MPA approach to achieve its objectives
- (viii) information on the size of each proposed area
- (ix) the issue of a fixed period of designation (i.e. a 'sunset' clause)
- (x) implication for current activities and vessel movements
- (xi) implication for conservation, including rational use
- (xii) the issues of representativeness of MPAs to the Antarctic ecosystems.

7.66 With respect to these MPA proposals, the Commission recalled the Scientific Committee's recommendations from SC-CAMLR-XXX in 2011 and its further considerations at SC-CAMLR-XXXI in 2012.

7.67 ASOC submitted three MPA papers for CCAMLR's consideration:

- (i) CCAMLR-XXXI/BG/09 proposed the creation of a network of MPAs and no-take marine reserves in 19 areas in the Southern Ocean and described the geography, oceanography and ecology of these areas and the rationale for protecting large-scale Southern Ocean ecosystem processes and structure.
- (ii) CCAMLR-XXXI/BG/10 made the case for designation of a network of large-scale MPAs and marine reserves to protect key habitats in East Antarctica. ASOC supported the proposal by Australia, France and the EU for a representative system of MPAs in East Antarctica.
- (iii) CCAMLR-XXXI/BG/11 put forth a vision of a Ross Sea marine reserve covering 3.6 million km<sup>2</sup>, including the entire slope and shelf of the Ross Sea, which is a keystone in any future Southern Ocean conservation network; its designation as a large-scale marine reserve would be an important step for marine protection both in the Southern Ocean and beyond.

7.68 Extensive discussion and consultation was undertaken by Members during the course of the Commission meeting and resulted in further revision and development of each proposal. These developments are summarised under three general headings:

- (i) Revised proposals
- (ii) Further Commission consideration of MPA proposals
- (iii) Special Meeting of the Commission.

## Revised proposals

### Ross Sea region marine protected area

7.69 New Zealand and the USA submitted a revised joint proposal for the establishment of a Ross Sea region MPA (CCAMLR-XXXI/16 Rev. 1). The joint proposal made significant steps toward accommodating many of the issues raised by Members during the first week of the meeting, and brought together respective conservation and research aspirations. The proposed MPA is designated to contribute to the following objectives:

- (i) to conserve ecological structure and function throughout the Ross Sea region at all levels of biological organisation, by prohibiting fishing in habitats that are important to native mammals, birds, fishes and invertebrates
- (ii) to provide a reference area in which fishing is limited, to better gauge the ecosystem effects of climate change and fishing, and to provide other opportunities for better understanding the Antarctic marine ecosystem
- (iii) to promote research and other scientific activities (including monitoring) focused on marine living resources
- (iv) to protect a representative portion of benthic and pelagic marine environments
- (v) to protect large-scale ecosystem processes responsible for the productivity and functional integrity of the ecosystem
- (vi) to protect core distributions of trophically dominant pelagic prey species
- (vii) to protect core foraging areas for land-based top predators or those that may experience direct trophic competition from fisheries
- (viii) to protect coastal locations of particular ecological importance
- (ix) to protect areas of importance in the life cycle of Antarctic toothfish
- (x) to protect known rare or vulnerable benthic habitats.

7.70 The proposed MPA covers an area of about 2.27 million km<sup>2</sup> and includes three zones:

- (a) a General Protection Zone (A)
- (b) a Special Research Zone (B)
- (c) a Spawning Protection Zone (C).

7.71 The General Protection Zone formed the largest component of the MPA (approx. 1.6 million km<sup>2</sup>) and would be designated a 'no-take' area where fishing would not be permitted, except for research fishing that is approved in advance by the Commission.

7.72 The Special Research Area (which approximates the 'red box' where the original proposals most differed) conforms in most respects with SSRU 881K. A reduced level of fishing would be allowed in this area to accommodate both fisheries management issues, such as maintaining the continuity and integrity of the tagging program, and broader research

interests in having a reference area to evaluate the impacts on marine ecosystem of climate change separately from the effects of fishing. Broadening the configuration of this area should also alleviate concerns about vessel crowding and safety issues. Specific controls that will apply in this zone are:

- (i) the catch will not exceed 1 450 tonnes of *Dissostichus* spp. in each fixed five-year period beginning with the 2013/14 season, with a limit of 500 tonnes in any one year
- (ii) tagging will increase to three fish per tonne.

7.73 The Spawning Protection Zone would include a winter seasonal closure for toothfish fishing and prohibit other types of fishing year-round, while also accommodating some of the displacement effects of limiting toothfish fishing in the Special Research Zone.

7.74 The combined zones of the MPA would displace 20% of historic fishing catch (total catch 1998–2011).

7.75 The proposal also included the priority elements of a research and monitoring plan, and a management plan pursuant to CM 91-04.

7.76 Members welcomed the revised joint proposal. Some Members expressed the opinion that this proposal had merged the two original proposals and thus did not constitute a new proposal.

7.77 The Commission further considered the:

- (i) scientific basis for setting protection targets and identifying conservation threats
- (ii) scientific basis for catch limits in the Special Research Area
- (iii) extent of spatial boundaries
- (iv) period of designation and a sunset clause
- (v) desirability for receiving further advice from the Scientific Committee
- (vi) importance of conservation, including rational use
- (vii) implication of climate change on conservation objectives
- (viii) desirability of limiting transshipments.

#### East Antarctica representative system of MPAs

7.78 The proponents reported on extensive discussions and consultations during the meeting. They submitted a revised draft conservation measure for the establishment of the East Antarctic representative system of MPAs. The revisions made significant steps toward accommodating many of the issues raised by Members during the first week of the meeting, which included:

- (i) clarification of the general objectives for the representative system of MPAs, which were contained in the preambular paragraphs
- (ii) clarification of the specific objectives for each MPA based on the proposal documented in SC-CAMLR-XXX/11

- (iii) clarifying that the elements of a management plan are contained within the body of the draft conservation measure
- (iv) further elaboration of the priority elements of the research and monitoring plan following the advice of WG-EMM-12
- (v) addition of inspection and compliance requirements
- (vi) clarifying the boundaries of the MPA, including the northern extent
- (vii) clarifying the period of designation and a sunset clause.

7.79 The general objectives of the proposed representative system of MPAs for East Antarctica are:

- (i) to ensure the complex biogeographic provinces and sub-provinces in this region are represented, including the west, central and east Indian provinces with the central Indian province consisting of the sub-provinces of west Kerguelen, Prydz, east Kerguelen and Wilkes
- (ii) to conserve representative areas of biodiversity of the region to ensure that the biodiversity in all those areas combined should be representative of the biodiversity in the region, and that the total combined area should be adequate to sustain that represented biodiversity
- (iii) to protect key ecosystem processes, habitats and species, such as nursery grounds of *E. superba*, *D. mawsoni* and *Pleuragramma antarcticum*
- (iv) to allow for MPAs to be used, in whole or in part, as areas within which ecosystem change without the impacts of fishing can be assessed, as well as providing the basis for assessing the effects of fishing in adjacent areas.

7.80 The proposed representative system of MPAs contains seven MPAs (Gunnerus, Enderby, MacRobertson, Prydz, Drygalski, Wilkes, D'Urville Sea–Mertz) each forming a representative area with specific conservation objectives, as well as:

- (i) the proposed representative system of MPAs took the smallest size of MPAs to satisfactorily represent biodiversity in the planning domain while ensuring it remains adequate to sustain the biodiversity within the system
- (ii) the proposed representative system of MPAs was designed to meet the requirements of the CCAMLR Ecosystem Monitoring Program, where the placement and size of the MPAs provides a practical approach to measuring climate change impacts on ecosystem productivity and dynamics, and for monitoring to measure the effects of fishing in adjacent areas
- (iii) the draft conservation measure provided for multiple use of the MPAs, where Annex A provides for allowing fisheries activities that will not impact on biodiversity and scientific values of those MPAs

- (iv) the placement and size of the MPAs was developed in a way that maintains rational use of fishable stocks. As shown in the analyses presented to the Scientific Committee in 2011, rational use will not be impacted by the proposal.

7.81 Other key elements of the proposed representative system of MPAs included:

- (i) a draft conservation measure consistent with CM 91-04, with Annex A detailing the mechanisms for approving activities, notably fishing, within MPAs, and Annex B indicating some areas where fisheries activities may take place that would not impact on the biodiversity or scientific values of the MPAs
- (ii) the longitudinal breadth of the MPAs is based primarily on the size of foraging areas of land-based predators. This recognises the greater spatial scales of ecological processes in East Antarctica compared to other parts of the world. The scale of the proposed areas provides for reference areas and for resilience and adaptation of these systems to the impacts of climate change
- (iii) priority elements for inclusion in management plans and research and monitoring plans
- (iv) reviews, at least every ten years, with the opportunity for more regular reviews to facilitate a dynamic approach and inclusion of new information as it becomes available to the Commission.

7.82 Following further discussion and consultation, the Commission was unable to agree to the Ross Sea region proposal and the East Antarctica proposal during its meeting.

7.83 The USA made a statement which included the following points:

‘The USA expressed its thanks for the significant time the Commission has dedicated at this meeting to the important issue of designating MPAs in support of the collective commitment to implement a representative system of MPAs in the Convention Area by 2012. It hoped that the Commission has not lost sight of this commitment, and expressed disappointment with the Commission’s lack of success in establishing MPAs, and the Ross Sea MPA in particular. The USA noted that it is especially distressing that procedural arguments were used to prevent progress and that suggestions that the science is lacking were asserted without any explanation. The USA strongly disagrees with these suggestions. The USA recognised that the process of designating MPAs is challenging, and requires those involved to take the best available science and bring it into the policy domain where difficult policy choices must be made about the relative values of scientific inquiry, protection, sustainable use, and other interests. The USA asserted that the Commission must maintain confidence in the science and in the ability as a Commission to take decisions.

The USA noted the achievement of having found common ground with its colleagues from New Zealand, and subsequent ability to present to the Commission a proposal to bring meaningful protection to the unique marine ecosystem of the Ross Sea region. Its proposal also continues to meet interests in a robust toothfish tagging program, and would allow fishing to continue in the vast majority of main toothfish fishing grounds. The Ross Sea region MPA proposal put forward is based on an exceptionally strong



foundation of Antarctic science built by CCAMLR Member scientists over the past half century – the same sound science on which we as a Commission base the universe of our conservation decisions. Per the Commission’s agreement last year of the general framework for MPAs, the USA noted the significant efforts to ensure that its proposal was consistent with the broad principles and requirements for MPAs that we all agreed to. The USA acknowledged that MPAs put forward in CCAMLR are initiatives of the Commission, and that as such MPAs established should address and represent the views of all Members. To this end, over the course of several years, the USA consulted all CCAMLR Members through the Commission, the Scientific Committee, the various subgroups, and bilateral and multilateral discussions, and further maintained robust dialogue with the community of non-governmental organisations that take an interest in CCAMLR’s efforts and responsibilities.

While the Commission was unable to make the kind of progress at this meeting that the USA and others had hoped – that perhaps the many, many groups on the outside looking in on CCAMLR had hoped – the USA is determined as a country and Member of this body that has committed to the establishment of MPAs, to continue to work with its colleagues around this table to move forward efforts that will achieve the goals we have laid out before us. The USA welcomed the Commission’s agreement to hold an intersessional meeting to progress efforts to establish MPAs, and urged the Commission to redouble its efforts and determination in the future to be accountable, to meet its commitments and work together constructively.’

7.84 New Zealand made a statement which included the following points:

‘New Zealand understands and shares the disappointment expressed by other Members about the progress made at this year’s Commission meeting on the important issue of marine protected areas. The flexibility shown by Members over the last day has enabled us to establish a way forward that demonstrates a collective commitment to progressing the MPA discussion in CCAMLR. New Zealand will approach the Special Meeting of the Commission and Scientific Committee in July in Germany positively, hearing and sharing with Members’ views, motivated by a desire to make positive progress on these important initiatives, particularly the joint New Zealand–US proposal for a marine protected area in the Ross Sea region.’

7.85 Australia made the following statement:

‘Australia joins with the USA in thanking Members for giving a considerable amount of time in this meeting for discussion of marine protected areas. Australia is very disappointed that the proposed conservation measures for an East Antarctic representative system of marine protected areas and for a Ross Sea MPA were not adopted at CCAMLR-XXXI. But we welcome the commitment of Members to hold a Special Meeting in the middle of next year to focus on these proposals.

We believe CCAMLR has missed an opportunity to implement its commitment to create a system of marine protected areas.

Australia introduced the general measure for MPAs last year and it was adopted with acclamation. Through adopting that measure, CCAMLR reaffirmed its commitment to marine protected areas. There was a mood of optimism and a will to go forward.

CCAMLR recognised that a system of marine protected areas can help advance its objectives, balancing conservation with sustainable utilisation. I hope that still lives on.

In 2002, the World Summit on Sustainable Development agreed that marine protected areas should be established by 2012.

Since that date, the Scientific Committee has been working to determine where MPAs should be, what should be protected and how they should be managed. In 2009, the Scientific Committee agreed to a work plan to achieve the 2012 deadline. This followed substantial work by the Scientific Committee since 2005. Since then, the Scientific Committee has convened technical MPA workshops and consideration of a representative system of MPAs. The advice of the Scientific Committee from 2011 is still applicable because the basis of the East Antarctica proposal remains unchanged.

There is no doubt that the East Antarctica MPA has a very strong scientific foundation, as does the Ross Sea proposal. And both these proposals are consistent with Conservation Measure 91-04.

Many Members and their scientists have worked hard on bringing proposals to the table based on science developed since 2005 and advice given last year.

It is highly unusual that CCAMLR Members were prevented from having substantial discussion on the content of these proposals. Even the draft conservation measure on market measures, which has been strongly opposed in the past by a few Members, was given time in drafting when it has been presented in the past.

The Antarctic Treaty System is a collegial system in which Parties work cooperatively and collectively to pursue agreed aims. Conservation Measure 91-04 is an agreement of the Commission to develop a system of MPAs for the objectives listed in its paragraph 2. It is compatible with the intentions of the Antarctic Treaty System and the Protocol on Environmental Protection to the Antarctic Treaty.

CCAMLR has a long history and practice of upholding its conservation objective. Despite the Commission failing to adopt a binding conservation measure at this meeting, we believe that some progress was made at this meeting. We have had a long discussion about process and I hope that we have substantially completed that discussion. We hope and expect that in the Special Meeting of the Commission there is a positive intent to get these marine protected areas established.

Once again, I thank the Members for giving substantial time for discussion of MPA proposals at this year's meeting.'

#### Special areas for scientific research

7.86 Following extensive discussions and consultations during the meeting, the EU submitted a revised proposal related to the protection of habitats and communities under ice shelves, glaciers and ice tongues in Subareas 48.1, 48.5 and 88.3. The revised proposal sought to establish special areas for scientific research (SASRs) in marine habitats and communities

exposed following ice-shelf collapse. The revised proposal made significant steps toward accommodating many of the issues raised by Members during the first week of the meeting.

7.87 The proposal recognised that ice-shelf collapse is one of the most evident signs of climate change, and 87% of the Antarctic Peninsula's ice shelves have retreated in recent decades. The habitats revealed by collapsed ice shelves offer unique opportunities for scientific study, and given the interactions and the need to study these in absence of any effects caused by other human activities, the proposal provides a mechanism to establish SASRs in the event of ice-shelf collapse. These SASRs would be established in order to contribute towards the achievement of the following objectives:

- (i) the establishment of scientific reference areas for monitoring natural spatial variability and long-term change in Antarctic marine living resources and of the ecosystems of which they form part
- (ii) maintaining the integrity of new ecosystems, biodiversity and habitats as they emerge and develop naturally following any collapse, as well as allowing these areas to adapt to new environmental regimes
- (iii) facilitating the scientific study of ecological interactions in these marine areas in the absence of any direct effects caused by harvesting activities.

7.88 Following further discussion and consultation, the Commission was unable to agree to the proposal during its meeting.

7.89 The EU made the following statement:

'The EU deeply regrets the lack of progress regarding the adoption of the EU proposal on the interim protection of areas following the collapse of ice shelves in order to enable scientific research of the marine habitats and communities which are unique and of considerable scientific interest.

The EU recalls the conclusions of WG-EMM held in July 2012 which agreed that the scientific basis for protection of these areas was adequate and that no further scientific justification was required (SC-CAMLR-XXXI, Annex 6, paragraph 3.33). In addition to this, the 2011 Scientific Committee meeting acknowledged the scientific and conservation value of habitats exposed after an ice-shelf collapse, and their value to scientific research. It also noted that spatial protection could be implemented as a precautionary measure, so that protection was automatically afforded to those areas when ice shelves collapsed (SC-CAMLR-XXX, paragraphs 5.76 and 5.77).

The EU has worked together with many delegations to accommodate their concerns on this proposal, including transforming it from a marine protected area (MPA) to a special area for scientific research (SASR), due to concerns being expressed as to whether the necessity to carry out research on exposed shelf ecosystems warrants an establishment of an MPA. It is therefore regretful that a number of unresolved issues, in particular the suggestion that the conservation measure should lapse in time and a demand for inclusion of very stringent timeframes for the conduct of the scientific research, made consensus impossible.

The EU is of the view that the suggestion for a time limitation of this conservation measure is incompatible with the research and protection objectives of the proposal and it is not coherent with CCAMLR's conservation objectives, where conservation measures, apart from those relating to catch limitations, which are reviewed every year, are by default indefinite. This is especially in light of the fact that the CAMLR Commission can revoke or review any conservation measure at any time. Still this was not sufficient for some delegations.

The EU thanks all the delegations which have engaged in a discussion on this measure, however, is disappointed by the fact that the Commission was unable agree on a measure which would involve closures supported by the scientific advice and in areas where fishing is not conducted.'

7.90 The UK made the following statement:

'The United Kingdom is concerned that the Commission has been unable to agree to even interim time-bound protection for marine areas exposed by the collapse of an ice shelf. Such areas will be of extremely high scientific importance and many Antarctic national science programs will be keen to undertake research in such areas. That some Members are not even able to agree to hold off allowing fishing-related activities to encroach in these areas while such important scientific work is undertaken, rather suggests that the consideration of economic gain is starting to outweigh the importance of scientific research.'

#### Further Commission consideration of MPA proposals

7.91 The EU made the following statement:

'The European Union is very disappointed with the lack of progress at this meeting on the establishment of a representative network of marine protected areas (MPAs).

CCAMLR has been a leader in conservation for the last 30 years and has undertaken a pledge to establish a representative network of MPAs by 2012 in line with the commitment of the 2002 World Summit on Sustainable Development. This commitment has been reaffirmed at the recent meeting of the UN Conference on Sustainable Development Rio+20 which underlined the importance of area-based conservation measures, including MPAs, consistent with international law and based on best available scientific information.

The MPA proposals on Ross Sea and East Antarctica were extensively discussed in last year's Scientific Committee meeting, the Plenary session of the Commission as well as at the WG-EMM in 2012. The EU is of the view that these proposals are based on the best available science and require no further scientific discussion.

Over the past two weeks CCAMLR has had the opportunity to exchange views and engage in discussions, including large and ample scientific debates, in order to progress on the adoption of marine protected areas.

However, despite efforts by many delegations, it is regretful that CCAMLR could not agree and establish any MPAs.

The EU is very disappointed and fears that CCAMLR has lost its proactive attitude in conservation it is renowned for and which was demonstrated in the past, not least through the establishment of a first MPA in the high seas in 2009 and the credibility of this Organisation is at stake. This is a failure not only to the high expectations raised outside this room by our citizens, civil society, NGOs and the media, but to our own commitment versus an establishment of a representative network of MPAs by 2012. This failure is sending the wrong signal that individual economic interests are overriding the common good which we believe is not in the spirit of the Antarctic Treaty System.

The EU hopes that CCAMLR will be able to make progress on this issue in the coming year and is looking forward to constructively engage with other delegations to pave way for establishment of a representative network of MPAs in 2013.

The EU would also like to inform Members that for the time being it will suspend the preparation of the envisaged MPA in the Weddell Sea, on which Germany is ready to take the lead, until the CCAMLR Commission demonstrates the clear political will to promote MPAs.'

7.92 France made the following statement:

'Mr Chairman, esteemed colleagues,

France regrets that the Thirty-First CCAMLR Meeting has been unable to reach consensus to abide by the Commission's undertaking to establish a representative network of Marine Protected Areas in the Southern Ocean in 2012. The only conclusion we can come to is that we have failed to reach this target which we had set for ourselves.

Proposals were put forward by almost half the Members of this organisation. These proposals were based on the best scientific data available, as the Scientific Committee pointed out. They involved areas of critical scientific and environmental importance, whose protection not only satisfied all scientific requirements but also made provision for rational use as prescribed in Article II of the Convention.

It is regrettable that these proposals, especially those regarding East Antarctica (proposed by Australia and France and supported by the EU) and the Ross Sea (proposed by New Zealand and the USA), could not be considered on their merits.

Of course France would like to see these discussions continue and supports the proposal to convene an extraordinary meeting of the Commission focussing on Marine Protected Areas. However, France reminds all CCAMLR Members of their responsibilities. France wishes to be assured that, at that meeting, the proposals for Marine Protected Areas will be considered on their merits, in a constructive and cooperative spirit, and that a decision will be taken regarding the establishment of a representative system of Marine Protected Areas.'

7.93 The UK made the following statement:

‘The United Kingdom is extremely disappointed by the Commission’s failure to reach agreement on any of the MPA proposals before it in this critical year, particularly when the eyes of the world are upon us. This organisation has been a leader in conservation for over 30 years, but its credibility as such is now being called into question, and as a result of the outcome of this meeting this will be reflected internationally to its detriment.

We believe that the Commission is in danger of failing to meet the objective of conservation of Antarctic marine living resources as stated in the Convention, and that the spirit of cooperation on protecting the Antarctic environment is under threat.

In line with the international commitment made by nations at the 2002 World Summit on Sustainable Development, the Commission committed itself to work towards developing MPAs by 2012. To that end, significant effort and resources have been applied by many Members to build a strong scientific case for the protection of areas in both the Ross Sea and in East Antarctica. It is a worrying precedent that clear agreements previously made by the Scientific Committee and its working groups have been ignored or overlooked by some Members of the Commission, and that recognised procedures have been blocked during this meeting with the result that discussions on these important issues have been curtailed.

However, we remain hopeful that the Commission has the ability to make progress on the topic of MPAs, and that the many positive elements of this year’s discussions can be taken forward at the additional meeting of the Commission in 2013. The United Kingdom is fully committed to the establishment of a representative system of MPAs in the Convention Area, based on the best available scientific advice. We intend to continue working with all Members towards further agreement on MPAs, and we look forward with optimism to achieving all of the conservation and protection commitments previously made by the Commission and to which we all committed under the Antarctic Treaty.’

7.94 Echoing the previous statements, Germany also expressed its deep disappointment about the failure to achieve consensus on the MPA proposals. Germany appealed to the Commission to demonstrate its clear political will to promote MPAs in the very near future.

7.95 Japan made the following statement:

‘Japan noted that it shares the feeling with the MPA proposed Members and has special sympathy to the EU who has made tremendous efforts to accommodate every comments stated by many Members, including Japan’s productive ideas. It further noted that in the past two weeks, Japan proactively and constructively participated in every discussions convened by the proposed Members, and it requested proposed Members not to forget the fact that all the Members and their participants contributed these fruitful discussions and served huge time and efforts to fill in the gap for mutual understandings. Japan further requested the proposed Members not to forget the constructive comments provided during these meetings and take such relevant comments into account in accomplishing their goals of establishing MPAs. Lastly,

Japan stated that it will continue to productively contribute the discussions in establishing CCAMLR marine protected areas based on the Japan's policy along with the Conservation Measure 91-04.'

7.96 Russia made a statement which included the following points:

'Russia advised that it places significant value on the consensus agreement to undertake further work in relation to MPAs and the shared understanding of the general principles that will apply to that work. Russia notes the problem of creating MPAs is not limited to the number of proposals but is a complex process. The Special Meeting will discuss a spectrum of issues concerning the creation of MPAs. It will not only make decisions in relation to the Ross Sea and East Antarctica MPAs but also consider any other proposals that may come forward. Russia noted that the session of the Scientific Committee will be an extraordinary event as such a precedent has not been established before. Russia understands that the discussions at this meeting have touched many issues and that, as a result, the Scientific Committee should be able to consider all available information not that just that provided in the intersessional period. Russia was of the view that previous Scientific Committee advice was related to only some aspects of MPAs and that all available information needed to be considered. Russia advised that, considering all these issues, the decision to hold such an extraordinary meeting will result in the right outcomes.'

7.97 The Delegation from Ukraine presented the following statement for the report:

'Marine protected areas are one of the approaches available to manage an ecosystem or part thereof. We should probably then ask why we are implementing this type of management and what are we aiming to achieve as a result of implementing this approach.

If we are to assume that an ecosystem will remain pristine as a result of implementing this approach, then this is probably not quite true. In the Ross Sea, only the sea bottom and biotic communities will remain untouched by human activities. In terms of pelagic biological communities, considering that the majority of marine life in the Southern Ocean goes through a pelagic stage of development, one should probably not count on them remaining unaffected by fishing and other types of commercial activities in the vicinity. In this case one may speak only of the relative integrity of bottom biotic communities. We say "relative" because of the known destructive effects of icebergs on the sea bottom, primarily affecting parts of the inner shelf. Bottom biotic communities have mainly been studied on the inner shelf. If we exclude the large number of exploratory cruises by USSR-flagged vessels in the 1970s and 1980s, practically no comprehensive research has been conducted on the outer shelf.

In reality, we can only consider the cessation of all types of commercial activity, preferably in a specific area that is as discrete as possible, and then monitoring a particular habitat in comparison with another area where such activity does not cease. Otherwise, why establish MPAs? In theory, to protect something and then observe how the ecosystem of a certain area functions in comparison with a fished area and have a look at methods for improved management. Otherwise, all of our actions are directed merely towards conservation.

In general terms, we ought first to determine what typical systems exist in an area by conducting a program of targeted research (not just ad hoc research) and actually making an assessment of seabed areas; then we should select interesting areas (those that would fit well into a concept of an MPA, with a series of monitoring studies designed in advance), and then designate such an area as an MPA (this is what a management approach is). All of the above is already assumed by the special Conservation Measure 91-04 that was adopted last year. We are of the belief that all actions under our Convention must be carried out in accordance with conservation measures adopted by the Commission.

If we really want to introduce this conservation measure, then well-grounded scientific arguments need to be put forward to the Scientific Committee for discussion. Unfortunately, they are lacking here. Moreover, it is absolutely clear that it will be impossible to conduct monitoring over the huge area that is proposed to be closed off to any research (and in Antarctica only fishing, at least at some level, can guarantee that research is conducted). It will be same situation at the South Orkney Islands MPA. After three years we have not received a report of MPA activities in accordance with Conservation Measure 91-03.

At present, the entire area for which CCAMLR has responsibility, as delimited by the Convention, is essentially one big MPA. The main goals and objectives set forth in the draft proposals of the USA, New Zealand and Australia are practically in total alignment with the goals and objectives of the Commission, i.e. the conservation of Antarctic marine living resources (based on scientific data that is continually being acquired), and their rational use (Article II of the Convention, paragraphs 1 and 2). Some of the draft MPA proposals put to the Scientific Committee limit the harvesting of marine living resources. But harvesting is currently already limited (or prohibited) across the greater part of the Convention Area. In our opinion, it makes no sense to create closed MPAs in order to – as stated in some draft proposals – “conduct research there”. All Members, as well as non-Members, of the Commission may freely carry out research as long as they inform the Commission of such research and of its results (which is also put forth in the draft MPA proposals). All matters concerning fishing, research and other activities are strictly and clearly regulated by conservation measures that the Commission provides each year. In practice, the same is being proposed in the draft MPA proposals. Clearly, the Commission and its bodies are still handling the task of management quite well, as indicated by the reports of international organisations in which CCAMLR is cited as an exemplary international marine organisation. One issue that is not being adequately addressed within the Commission is IUU fishing. Ukraine has repeatedly pointed out at meetings of the Commission that the closure of fishing areas in near-coastal waters does not prevent illegal fishing, but on the contrary contributes to it; closing even more areas using the MPA mechanism will facilitate an increase in IUU fishing.

By introducing permanent restrictions on the exploratory fishery in certain areas, we have arrived at a point where it is only possible to fish in very localised areas. From an organisation that should be developing methods for ensuring the rational use of marine living resources, CCAMLR has gradually turned into an organisation focused just on their conservation. As we see it, if things continue in this way, the existing Convention will lose all reasonable meaning. It will then become necessary to talk about the termination of the Convention and the creation of a new one, or of a revision of the



Madrid Protocol with the introduction into its terms of reference of marine areas in addition to terrestrial areas. This would not be the end of the world. We would just have to admit the fact and accept it. Of course we need to think about the consequences, in particular that we will have to forget about gaining any scientific knowledge about the area for many years to come, given the current state of the world economy.’

7.98 In response to the statement by Ukraine, the UK stated that it did not accord with the views expressed by Ukraine. Article IX, paragraph 1(f) of the Antarctic Treaty committed Parties to the preservation and conservation of living resources in Antarctica. Moreover, the UK also referred Ukraine to the report of the SC-CAMLR-XXXI, paragraph 5.38, which set out the range of scientific activities the United Kingdom was planning to bring forward relating to the South Orkney Islands southern shelf MPA.

7.99 The Republic of Korea made the following statement:

‘The Government of the Republic of Korea noted with satisfaction the common desire of the Contracting Parties to support the proposals for CCAMLR marine protected areas (MPAs) on the Ross Sea region and on East Antarctica. The Korean delegation expressed its strong support for the establishment of the MPAs and actively participated in the discussion during the Commission meeting as well as informal sessions with concerned Members with the view to move forward the process of establishing the MPAs as expeditiously and as scientifically sound as possible. Korea made a suggestion to address the procedural and scientific issues raised by some Members in line with the spirit of consensus within CCAMLR. The Korean Government, therefore, welcomes the decision by the Commission Members to convene a Special Meeting of the Commission in Germany, preceded by the Scientific Committee in 2013. Korea hopes that the procedure for reaching a consensus on CCAMLR MPAs will be facilitated through this Special Meeting and other consultative mechanisms and bring about fruitful results.’

7.100 Chile made the following statement:

‘Chile favours and promotes the multilaterally agreed establishment of MPAs supported by clear scientific evidence. This is demonstrated by our participation in CCAMLR meetings and in scientific meetings where initiatives of this kind have been examined, such as the recent workshop that took place in May 2012 in Valparaíso, Chile, within CCAMLR’s framework, to identify the elements that would contribute to the establishment of MPAs in the Antarctic Peninsula and the Scotia Arc. With respect to this, we thank Australia, France and the European Union for their proposal to establish an MPA in Eastern Antarctica, as well as New Zealand and the United States for their proposal to establish an MPA in the Ross Sea. We believe that these proposals encompass scientific and political complexities that deserve serious reflection. The Chilean Delegation is, and will continue to be, prepared to discuss the essence of these proposals, and appreciates the breadth of the discussions that the proposals have generated in CCAMLR-XXXI. We think that these discussions have led to a better understanding of the positions and concerns of Members. We are pleased to see the interest that these initiatives have elicited amongst CCAMLR

Members, an interest that is demonstrated by the agreement to hold a Special Meeting of CCAMLR in order to examine this matter, preceded by a meeting of the Scientific Committee in July 2013.'

7.101 Brazil made the following statement:

'As I have already said, Brazil sees important merits in both MPAs proposals. The Commission, during this meeting, has been able to have important and fruitful discussions on this matter. The fact that we have now a joint proposal with regard to the Ross Sea is an important proof of the progress that have been made and how all delegations have been fully engaged, in good faith, in good spirit, in this very important discussions.

Those are the very first MPA proposals that have been under consideration by the Commission as result of the Conservation Measure 91-04. It is natural, since we are engaged in an exercise that is pretty new to all of us, that we can have doubts in the right way to move forward.

So many concerns have been raised. Then, at this meeting, the Commission has not been able to reach a common agreement. I do think so that the idea of having a Special Meeting of the Commission, preceded by a special meeting of the Scientific Committee, may help us to fully concentrate on the two proposals with an open spirit.

I am fully aware that concerns will be raised, substantive points will be questioned, new doubts will appear. But I am pretty sure that this exercise will be very important to all of us and will help the Commission to find a way to have a consistent and, I hope, positive decision on the two MPA proposals that we do have in front of us.'

7.102 Argentina made the following statement

'Argentina reiterates its strong commitment to reach a positive outcome of the deliberations with regard to MPAs which will reaffirm CCAMLR's conservation objectives. As Brazil pointed out, the fact that USA and New Zealand developed a joint proposal, is a substantive step achieved at this meeting. Therefore, Argentina understands that the result of this two weeks' work should not be seen as a lack of success, but as a step forward in the path to reach a solid consensus on the establishment of the CCAMLR system of marine protected areas.'

7.103 India made the following statement:

'Thank you Chairman.

India wants to put on record that it shares the view expressed earlier regarding the progress in this meeting as well as the shortcomings in reaching consensus in regards to MPAs. It is very natural and expected that the path of consensus is little frustrating but the effort is worth the targets CCAMLR has set up for itself. Congratulations to USA and New Zealand in combining their proposals together and thanks Australia for incorporating amendments in response to the concerns raised by India. India is also heartened to acknowledge that there has been total agreement on conducting a special session of Scientific Committee in Bremerhaven, Germany. Considering the importance of MPA proposals, India looks forward for renewed effort from all

Members to ensure consensus on this issue during the proposed session. Although the creation of MPAs may appear delayed, the fact that every Member country agrees to the basic principle of creation of MPAs will ensure that these proposals will be acceptable to all, sooner than later.'

7.104 ASOC made the following intervention:

'Delegates, my first CCAMLR meeting was during the negotiation of the Convention in 1980. I have followed closely the evolution of the Convention since then. Today I am feeling sad and angry.

ASOC, which includes WWF, Greenpeace, Friends of the Earth, the Pew Charitable Trusts and many other organisations, has participated in CCAMLR over the years, adhering to CCAMLR rules and procedures and working with Members to constructively advance the science and management that supports the conservation of Antarctic marine life and ecosystems.

CCAMLR has prided itself on being in the forefront of marine conservation and fisheries management, and ASOC has welcomed and endorsed this. In 2005, CCAMLR committed to achieve a representative system of MPAs within the Convention Area by 2012, which we welcomed and supported. As I noted yesterday, WWF gave CCAMLR its highest award in response to that commitment. But today ASOC and the millions of people represented by our member groups are extremely disappointed that CCAMLR has been unable to honour these important commitments. This responsibility, and this failure, rests with all Members of this Commission.

Some of you have introduced good science-based proposals to meet both those commitments and the objectives of the CCAMLR Convention, which we greatly appreciate. But some of you seem to be denying or forgetting all the work that you have done. For seven years, you have had countless formal and informal meetings related to MPAs, including very detailed scientific workshops. In the discussions the past two weeks, some of you have demanded a level of scientific certainty to support MPA designations, which, if applied equally to fishing activities, would result in little, if any, fishing.

You all have made commitments to yourselves, and to the global community. We came to this meeting expecting you to honour those commitments. This has not happened and we are gravely disappointed. So, what is CCAMLR going to do about it?

ASOC expects that serious intersessional work will be done to ensure that this Commission is able to make good on its commitment to designate MPAs, which will contribute to a representative system of CCAMLR MPAs being agreed at next year's meeting. Rest assured that the world will still be watching you. Because ASOC think this is so important, we are prepared to offer a contribution of US\$10 000 to CCAMLR to help support the intersessional Scientific Committee and Commission meetings, which we expect will make real progress toward achieving your commitments.'

## Special Meeting of the Commission

7.105 The Commission agreed to the following proposal, introduced by New Zealand, relating to a Special Meeting of the Commission and an intersessional meeting of the Scientific Committee in July 2013 to continue the Commission's work in relation to MPAs:

Noting the common desire of Members to achieve progress on proposals for CCAMLR MPAs, the Commission agreed to convene a Special Meeting of the Commission to be tentatively held at Bremerhaven with the provisional dates of 15 and 16 July 2013, which will be preceded by a meeting of the Scientific Committee with the provisional dates of 11 to 13 July 2013 for the following purposes:

- (i) the Special Meeting of the Commission will consider MPA issues and make decisions, if possible, on the joint New Zealand and USA MPA proposal on the Ross Sea region and the joint Australia, France and EU MPA proposal on East Antarctica
- (ii) the meeting of the Scientific Committee will review and advise the Commission on the science already considered by the Scientific Committee and any additional available science relevant to assist the Commission's deliberations on the proposals, in accordance with CM 91-04.

7.106 The Commission further agreed that Mr Løbach will chair the Commission for the purpose of this Special Meeting, given his experience of the issues from CCAMLR-XXXI.

7.107 The Commission agreed to establish a voluntary trust fund for the purpose of contributing to the Secretariat's costs associated with the Special Meeting, and invited Members to contribute to this fund. Members undertook to explore their ability to contribute to the fund.

7.108 The Chair of the Scientific Committee informed the Commission that the decision to convene a session of the Scientific Committee in advance of the Special Meeting was consistent with Rule 4 of the Rules of Procedure of the Scientific Committee. He invited scientists to actively engage in that meeting by providing data and analyses that may be integrated to the existing data and information that underpin the data layers for the Ross Sea and East Antarctica proposals. He considered that, unless such additional information is forthcoming, the Scientific Committee will conclude that the MPA proposals are based on the best available science. He also advised that, following the special meeting in July of the Scientific Committee, the regular session of the Scientific Committee in October 2013 will have no additional work in relation to the East Antarctica and Ross Sea MPA proposals.

7.109 Many Members advised that, although it had not been possible to reach a consensus agreement at this meeting, much had been achieved. The merged proposal by the USA and New Zealand for the Ross Sea was a very positive outcome of this meeting, all Members had gained an improved understanding of the proposals for both the Ross Sea and East Antarctica, views had been presented in a constructive manner that has allowed scientific and political views to be shared, and this initial experience with the application of CM 91-04 was invaluable in terms of the work that all Members will engage in in the lead up to, and during,

the next meeting of the Scientific Committee and the Special Meeting in July 2013 (paragraphs 7.105 to 7.108). All Members affirmed their commitment to working towards positive outcomes from the Special Meeting.

## IMPLEMENTATION OF CONVENTION OBJECTIVES

### Performance Review

8.1 The Commission noted the discussion of the Scientific Committee in respect of progress in addressing the recommendations of the PRP (paragraph 5.71) and that this information could be used to update the PRP matrix on the CCAMLR website (CCAMLR-XXX, paragraph 15.9). Furthermore, the Commission recognised that one of the recommendations of the 2008 PRP report was that CCAMLR should undertake a further review after five years and therefore it may be appropriate to consider this issue next year.

8.2 The Commission agreed that there had simply been insufficient time at this meeting to discuss many of the issues that were formerly considered in this agenda item. The need to consider the range of emerging issues faced by the Commission meant that there was little time to address fundamental and substantive issues. In order to address this, the Chair invited discussion papers to be submitted to the Commission in 2013 recalling that many fundamental issues had not been considered by the Commission since the 2005 symposium in Chile (CCAMLR-XXIV, paragraphs 16.1 to 16.18).

## COOPERATION WITH THE ANTARCTIC TREATY SYSTEM AND INTERNATIONAL ORGANISATIONS

### Cooperation with Antarctic Treaty Consultative Parties

9.1 The Commission noted the Executive Secretary's summary report of the 35th Antarctic Treaty Consultative Meeting (CCAMLR-XXXI/BG/03) held in Hobart, Australia, from 11 to 20 June 2012. Key points included:

- (i) the efforts to increase the number of Parties to the Protocol on Environmental Protection and the establishment of an intersessional contact group to examine questions of jurisdiction in the Antarctic Treaty area and an intersessional contact group to improve cooperation
- (ii) matters relating to search and rescue involving fishing vessels for which CCAMLR Members are responsible, vessel safety in the Antarctic, coordination of search and rescue and matters relating to hydrographic surveys and charting
- (iii) consideration of climate change.

9.2 The Commission noted that the ATCM had been successfully concluded in a reduced timeframe of eight days and that a draft copy of the report of the 35th Antarctic Treaty Consultative Meeting is available to Antarctic Treaty Consultative Parties and observers to the meeting at the ATS website.

9.3 The Commission agreed that CCAMLR should be represented at ATCM XXXVI and CEP XVI to be held in Brussels, Belgium, from 20 to 29 May 2013 by the Executive Secretary, the Science Manager and the Chair of Scientific Committee.

9.4 The discussion of the Commission in respect of proposals for ASPAs and ASMAs is contained in paragraphs 5.64 and 5.65, and the Commission requested that these be communicated to ATCM XXXVI and CEP XVI.

#### Cooperation with SCAR

9.5 The Commission noted the advice of the Scientific Committee on the benefits of a more strategic approach to the relationship between SCAR and CCAMLR and the proposal to hold a one- or two-day Action Group meeting in Brussels, Belgium, immediately prior to ATCM XXXVI (SC-CAMLR-XXXI, paragraph 10.6).

9.6 The Commission noted that several data products arising from the work of SCAR are available to assist the work of CCAMLR and include:

- (i) the Continuous Plankton Recorder Database (CPR)
- (ii) the Antarctic Biodiversity Information Facility (ANTABIF) and the SCAR Marine Biodiversity Information Network (SCAR-MarBIN)
- (iii) the International Bathymetric Chart of the Southern Ocean (IBCSO) (to be finalised in late 2012).

#### Cooperation with international organisations

##### COLTO

9.7 The COLTO Observer made the following statement:

‘COLTO would like to thank CCAMLR for the opportunity to again participate as Observers. Our 39 members represent over 80% of all legal toothfish catches, and are from 11 countries.

This past year has seen some significant progress and successes in toothfish fisheries and includes:

- (i) continued very low by-catch of seabirds in CCAMLR fisheries
- (ii) production of a DVD titled “Seabird Safe Fishing – A Collaborative Effort” by Southern Seabird Solutions Trust
- (iii) continued very low IUU activities focused on Patagonian toothfish

- (iv) independent recognition of four toothfish fisheries as sustainable and well managed by the Marine Stewardship Council, and a further two fisheries undergoing full assessment. This is very positive recognition of CCAMLR's successes in managing toothfish.

COLTO remains concerned at the last vestiges of IUU fishing for Antarctic toothfish, with several IUU boats sighted inside CCAMLR waters off the Antarctic continent in Area 58. COLTO will continue to work with CCAMLR to restrict these IUU activities yet further, and provide a deterrent to IUU activities in regions where our boats are operating.

COLTO supports the establishment of Marine Protected Areas, provided they serve a clear and scientifically justified purpose, without unduly prejudicing sustainable fishing. COLTO would like to ensure that CCAMLR makes every attempt to minimise negative impacts on existing fisheries, while maximising biodiversity benefits through MPAs.

I would draw attention to our paper CCAMLR-XXXI/BG/35, and encourage CCAMLR to consider carefully the need for balance between rational use and biodiversity conservation.

In particular, there is a need to consider unintended consequences if MPA proposals result in overly large impacts on existing legal fishing operations. For example, fishing effort may be forced into smaller areas which could have impacts on stocks, economics and safety of fishing as boats race to get to the limited known fishing grounds; localised depletion; and the need to have new surveillance and compliance measures to prevent IUU vessels moving into known fishing grounds that may be closed under proposed new MPAs.

We encourage all parties to work together to achieve a positive outcome on MPAs, and remain willing to participate and provide expert inputs from a legal fishing perspective.

COLTO members provide access to our vessels for research that is integral to CCAMLR science, and we are deeply involved in scientific work to assist the Commission. Research in these remote areas is expensive, and COLTO members have been willing to provide cost-effective platforms for research and scientific programs, and will continue to do so, to improve our understanding of fisheries and the ecosystems they form a part of.

The Scientific Committee asked for our inputs on how to encourage the return of tags. I am pleased to announce that COLTO will provide a cash prize of A\$1 000 next year for a CCAMLR-wide tag lottery, to encourage increased tag returns in 2013. We will refine this approach with the support of the Secretariat and Scientific Committee, in time for the 2013 season.'

## ARK

9.8 The ARK Observer made the following statement:

‘Firstly, ARK (the Association of Responsible Krill Fishing Companies) would like to thank CCAMLR for inviting us to participate in this Commission meeting.

We hope that this will be the beginning of a new era in communication between the krill fishing industry, CCAMLR and its scientists.

Since its formation in 2010 ARK has been formalising its structure and consolidating its membership. We will be formally incorporated as an association in Tasmania. We have three active members. We expect to grow. These three members harvested around 70% of the total catch last year.

The aim of ARK is to assist the krill fishing industry to work with CCAMLR to ensure the sustainable management of the fishery.

We submitted a background paper to the Scientific Committee informing about ARK’s scientific plans and activities.

We now have a website at [www.ARK-KRILL.org](http://www.ARK-KRILL.org).

We have noted the discussion on the issue of accidental fishing in ASMAs and ASPAs and have placed on our website maps indicating the location of all protected areas in the South Atlantic to assist CCAMLR Members.

Again – thanks for inviting us and thanks for all the help, support and advice we receive from various delegations and scientists.’

9.9 The Commission expressed appreciation to COLTO for the offer to support the tag lottery and to COLTO and ARK for the contribution of industry to the scientific work of the Commission.

## ASOC

9.10 The ASOC Observer made the following statement:

‘ASOC thanks the Commission for the opportunity to observe its 31st annual meeting. We note that ASOC has submitted nine papers (CCAMLR-XXXI/BG/09, BG/10, BG/11, BG/12, BG/13, BG/14, BG/15, BG/16 and BG/17) which are relevant to the work of the Commission.

ASOC welcomes the discussion before the Commission to designate marine protected areas in the Ross Sea and East Antarctica, and looks forward to concrete agreed outcomes at this meeting. That will help meet the World Summit on Sustainable Development goal of achieving a representative system of marine protected areas and marine reserves, based on the best available science, by 2012. Designation of ecologically meaningful MPAs in the Ross Sea and East Antarctica, and taking action



to ensure that scientific research and monitoring under ice shelves that are breaking off along the Antarctic Peninsula, will demonstrate to the world CCAMLR's position as a conservation-based organisation, with a remit in Article II to protect ecosystems as well as managing fishing on a scientific, sustainable basis.

Additionally, ASOC looks forward to the Commission making progress on measures, among others, to improve the estimation of green weight in krill fisheries, to implement port state measures and take other steps to reduce, and hopefully exterminate, IUU fishing, and to improve the safety of fishing vessels.

There is a lot of important work on the agenda for the next year, and ASOC looks forward to working with the Commission and Scientific Committee to make progress on these issues.'

#### Reports of CCAMLR representatives at meetings of international organisations in 2011/12

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

- CCAMLR-XXXI/09 – Executive Secretary's summary report of the Committee on Fisheries, Thirtieth Session held in Rome, Italy, from 9 to 13 July 2012 (Executive Secretary)
- CCAMLR-XXXI/BG/05 – Report from the CCAMLR Observer to the 8th Annual Meeting of the SEAFO Commission held in Windhoek, Namibia, from 10 to 14 October 2011 (Republic of Korea)
- CCAMLR-XXXI/BG/08 – Report from the CCAMLR Observer to the Sixteenth Session of the Indian Ocean Tuna Commission held in Fremantle, Australia, from 22 to 26 April 2012 (Australia)
- CCAMLR-XXXI/BG/24 – Report from the CCAMLR Observer to the Eighty-first Meeting of the Official Forum Fisheries Committee held in Nuku'alofa, Tonga, from 14 to 17 May 2012 (New Zealand)
- CCAMLR-XXXI/BG/25 – Report from the CCAMLR Observer to the Fourth Session of the Meeting of the Parties to the Agreement for the Conservation of Albatrosses and Petrels held in Lima, Peru, from 23 to 27 April 2012 (New Zealand)
- CCAMLR-XXXI/BG/26 – Report from the CCAMLR Observer to the Eighth Session of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean held in Guam from 26 to 30 March 2012 (New Zealand)

- CCAMLR-XXXI/BG/27 – Report from the CCAMLR Observer to the Meeting of the Extended Commission for the 19th Annual Session of the Commission for the Conservation of Southern Bluefin Tuna held in Takamatsu City, Japan, from 1 to 4 October 2012 (Australia)
- CCAMLR-XXXI/BG/29 – Report from the CCAMLR Observer to the Third Session of the Preparatory Conference for the Commission of the South Pacific Regional Fisheries Management Organisation held in Santiago, Chile, from 30 January to 3 February 2012 (Chile)
- CCAMLR-XXXI/BG/31 – Report from the CCAMLR Observer to the 34th NAFO Annual Meeting held in St Petersburg, Russia, from 17 to 21 September 2012 (Russia)
- CCAMLR-XXXI/BG/33 – Report from the CCAMLR Observer to the 22nd Regular Meeting of ICCAT held in Istanbul, Turkey, from 11 to 19 November 2011 (European Union)
- CCAMLR-XXXI/BG/34 – Report from the CCAMLR Observer to the 30th Session of COFI held in Rome, Italy, from 9 to 13 July 2012 (European Union).

#### Cooperation with ACAP

##### 9.12 The ACAP Observer made the following statement:

‘It is pleasing to note from the Scientific Committee’s report, the continued success of CCAMLR’s conservation measures in minimising the level of seabird by-catch in the CAMLR Convention Area. Unfortunately I have to report that the by-catch of seabirds in adjacent high-seas fisheries remains at unsustainable levels. To address this issue, ACAP has been focusing its work over the past year on the implementation of its Regional Fisheries Management Organisations (RFMO) engagement strategy in the tuna RFMOs. I am pleased to report that significant progress has been achieved, with the Scientific Committees of all five tuna RFMOs endorsing ACAP’s best practice guidelines. As well, both the ICCAT and IOTC Commissions adopted revised seabird conservation measures over the last year, based on ACAP’s best-practice guidelines. It is hoped that the WCPFC Commission meeting later this year will revise its seabird conservation measure along similar lines.

Although this progress is pleasing, there is much work to be done to facilitate the successful implementation of these conservation measures within the tuna RFMOs. Many of these fisheries have only recently established observer programs for longline operations, and where they are established, the level of coverage is significantly below the level required for statistically rare events such as seabird by-catch. Realistically, it is going to take many years before the risks to CCAMLR seabirds in adjacent fisheries will be adequately addressed.

In CCAMLR-XXXI/BG/21 Rev. 2, it was reported that port inspections had found that a number of CCAMLR Members’ vessels had not fully complied with relevant

CCAMLR conservation measures. SCIC noted, however, that all of the incidents of non-compliance related to fishing activities outside the Convention Area.

This report raises, for me, a very pertinent question. Why is it that CCAMLR Members' vessels, fishing in waters adjacent to the Convention Area, aren't voluntarily adopting appropriate seabird by-catch mitigation measures? CCAMLR Members sitting around this room, already have the capacity to address the by-catch of CCAMLR seabirds in adjacent fisheries. All that is required is a commitment from Members operating in these fisheries, to take action to voluntarily implement by-catch mitigation measures that are effective in eliminating seabird by-catch. Without this action, it will be many years before the by-catch of CCAMLR species in adjacent waters will be brought down to levels that are sustainable and many of these populations will continue to be threatened with extinction. I urge CCAMLR Members to take effective action now, and not wait unnecessarily, for action to be taken by the managers of adjacent fisheries.

Noting that the MoU between CCAMLR and ACAP reflects the strength of collaboration between the two Secretariats and expires during the current intersessional period, ACAP hoped that this arrangement can be renewed and that a representative of CCAMLR is able to attend the meetings of the ACAP Advisory Committee in 2013.'

9.13 The Commission commended ACAP's work in reducing incidental mortality of seabirds in fishing and recommended strengthening the links between CCAMLR and ACAP, including renewing the existing MoU. France expressed its strong support for the cooperation between CCAMLR and ACAP, with the view to address its concern about the level of seabird mortalities in the fishing areas adjacent to the Convention Area.

#### Cooperation with RFMOs

9.14 The Commission noted that the three-year term of the arrangement concerning cooperation between WCPFC and CCAMLR was concluded on 12 January 2012 (CCAMLR-XXXI/41). The Commission approved the renewal of the Arrangement between CCAMLR and WCPFC, subject to WCPFC concurrence.

9.15 The Commission endorsed the cooperative arrangement between CCSBT and CCAMLR (CCAMLR-XXXI/42). The Commission maintained that no fishing for southern bluefin tuna should occur in the CAMLR Convention Area without the vessel fully complying with CCAMLR conservation measures. It also noted the usefulness of CCAMLR sharing its experience in the reduction of seabird mortality with both CCSBT and WCPFC.

9.16 Noting the entry into force of SPRFMO and SIOFA, the Commission requested the Executive Secretary initiate discussions with these organisations relating to future collaboration with CCAMLR.

9.17 The Commission welcomed this cooperation between organisations that have competency in areas adjacent to the Convention Area. It recalled comments in the PRP that

CCAMLR is a conservation organisation and it is quite distinct from an RFMO and this important distinction in its mandate should be made clear in any representation to other organisations.

9.18 The Chair introduced CCAMLR-XXXI/BG/19 (Calendar of meetings of relevance to the Commission in 2012/13) and invited nominations for the CCAMLR observers to these meetings (Table 4).

9.19 The Commission noted the advice of the Executive Secretary that pursuant to CITES Resolution Conf. 12.4 on 'Cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources regarding trade in toothfish' the Secretariat had provided a report to CITES (COMM CIRC 12/118) for consideration at the Sixteenth Meeting of the Conference of the Parties to be held in Bangkok, Thailand, from 3 to 14 March 2013.

## BUDGET

10.1 The revised budget for 2012, draft budget for 2013 and forward estimates for 2014 were approved under Agenda Item 4.

## APPOINTMENT OF EXECUTIVE SECRETARY

11.1 The Commission recognised that the initial contract of the Executive Secretary was due to expire on 18 April 2014. Expressing its satisfaction with the work of Mr Wright, the Commission, in accordance with Rule 14(a) of the Rules of Procedure, agreed that his office shall be extended for a second four-year term (to April 2018).

## OTHER BUSINESS

### Statements by Argentina and the UK

12.1 Argentina made the following statement:

'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 that, being under illegal British occupation, are subject to a sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland that is recognised by the United Nations.

Therefore, Argentina rejects any reference to those islands as being a separate entity from its national territory, thus giving them an international status that they do not have.

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 activities carried out in the CCAMLR area by vessels registered in, or operating having its base in, 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 carried out by such alleged authorities
- the issuance of, as well the clearing of, catch documents by such alleged authorities
- the imposition by them of fishing licences
- the imposition of either a British scientific observer or of an observer designated with British conformity on other Member vessels operating in the CCAMLR area
- as well as any other unilateral action taken by the abovementioned colonial authorities in those territories.’

#### 12.2 The UK made the following statement:

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

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

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

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

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

## NEXT MEETING

### Election of Chair

13.1 The Commission elected Poland as the Chair of the Commission from the end of this meeting until the conclusion of the 2014 meeting.

13.2 In accepting the position of Chair, Poland indicated that Mr Leszek Dybiec would assume the role.

### Invitation of Observers

13.3 The Commission will invite the following to attend the Thirty-second Meeting of the Commission as Observers:

- non-Member Contracting Parties – Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, Netherlands, Islamic Republic of Pakistan, Peru and Vanuatu
- NCPs participating in the CDS who are involved in harvesting or landing and/or trade of toothfish – Seychelles
- NCPs not participating in the CDS but possibly involved in harvesting or landing and/or trade of toothfish – Antigua and Barbuda, Belize, Colombia, Democratic People's Republic of Korea, Dominican Republic, Ecuador, Honduras, Indonesia, Islamic Republic of Iran, Malaysia, Mexico, Mongolia, Nigeria, Panamá, Philippines, Singapore, St Kitts and Nevis, Tanzania, Thailand, Trinidad and Tobago, United Arab Emirates and Viet Nam.

13.4 The Executive Secretary advised the Commission that a list of NCPs to be invited to CCAMLR-XXXII will be circulated to Members for comment prior to meeting invitations being issued in July 2013.

13.5 The following intergovernmental organisations will be invited: ACAP, CCSBT, CEP, CITES, FAO, IATTC, ICCAT, IOC, IUCN, IWC, SCAR, SCOR, SEAFO, UNEP, WCPFC and Members of the Regional Plan of Action to Promote Responsible Fishing Practices Including Combatting IUU Fishing in South East Asia (RPOA).

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

### Date and location of the next meeting

13.7 The Commission agreed that its Thirty-second Meeting will be held from 23 October to 1 November 2013. Heads of Delegations were requested to be in Hobart for a meeting on 22 October 2013.

13.8 The Commission noted that the Thirty-second Meeting of the Scientific Committee will be held in Hobart from 21 to 25 October 2013.

13.9 The Commission noted that the eight-day meeting format trial, agreed at CCAMLR-XXX, would be continued at CCAMLR-XXXII.

## REPORT OF THE THIRTY-FIRST MEETING OF THE COMMISSION

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

## CLOSE OF THE MEETING

15.1 In closing the meeting, the Chair thanked delegates for what had been a challenging meeting. He also thanked Ms M. Engelke-Ros (acting Vice-Chair, USA) for chairing a session during the first week of the meeting. Mr Løbach said that he had enjoyed the last two years and it had been a huge honour for him and Norway to chair the Commission. He had enjoyed working with the Secretariat staff who have been extremely supportive in ensuring that the meeting had gone as smoothly as possible. He indicated he was due to withdraw from Antarctic matters but was honoured to be asked to chair the Special Meeting of the Commission to be held in Germany in 2013.

15.2 The Chair wished the Commission and all colleagues the very best in the future.

15.3 Australia commented on the long discussions on the MPA proposals and thanked the Chair for his forbearance and leadership during those discussions.

15.4 New Zealand paid tribute to Ambassador K. Klepšvik (Norway) who was attending his last CCAMLR meeting and thanked him for his wise counsel over many years.

15.5 France noted Ms A. Kordecka from the EU was attending her last meeting and wished her well in her new role.

15.6 The Executive Secretary expressed his appreciation to the outgoing Chair. He said that Mr Løbach's work for the Commission had been exceptional and that he had been a guiding influence on the meeting, as well as support to the Secretariat and Members. As has become tradition, Mr Løbach was presented with an engraved gavel.

15.7 The Executive Secretary also expressed his appreciation to all Secretariat staff and service providers, including external translators and interpreters, for their professional support, dedication and hard work in the lead up to, and during, the meeting. Members echoed the Executive Secretary's expression of appreciation with applause.

15.8 The Chair then closed the Thirty-first Meeting of CCAMLR.

Table 1: Catch limits (tonnes) for target and by-catch species in established finfish fisheries in 2012/13. MA – management area; ✓ – applicable; shaded area – closed.

Fishery for *Dissostichus eleginoides* in Subarea 48.3 (biennial assessment, advice carried forward from 2011)

Fishery area	Target species	By-catch species		
	<i>D. eleginoides</i>	Macrourids	Rajids	Move-on rule
MA A	0			
MA B	780	-	-	✓
MA C	1820	-	-	✓
Whole fishery	2600	130	130	✓

Fishery for *Dissostichus eleginoides* in Division 58.5.2 (biennial assessment, advice carried forward from 2011)

Fishery area	Target species	By-catch species	Move-on rule
	<i>D. eleginoides</i>		
Whole fishery	2730	Refer CM 33-02	✓

Fishery for *Champscephalus gunnari* in Subarea 48.3

Fishery area	Target species	By-catch species	Move-on rule
	<i>C. gunnari</i>		
Whole fishery	2933	Refer CM 33-01	✓

Fishery for *Champscephalus gunnari* in Division 58.5.2

Fishery area	Target species	By-catch species	Move-on rule
	<i>C. gunnari</i>		
Whole fishery	679	Refer CM 33-02	✓

Table 2: Catch limits (tonnes) for target and by-catch species in exploratory and other fisheries for *Dissostichus* spp. in 2012/13. SSRU – small-scale research unit; ✓ – applicable; shaded area – closed.

Fishery area	Target species	By-catch species			Move-on rule
	<i>Dissostichus</i> spp.	Macrourids	Rajids	Other species	
Fishery for <i>Dissostichus</i> spp. in Subarea 48.4					
Northern Area	63*	10	3	-	-
Southern Area	52	-	-	-	✓
Whole fishery	115*	-	-	-	-

\* The catch limit in the Northern Area applies only to *D. eleginoides*.

(continued)



Table 2 (continued)

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	0				
SSRU C	84	-	-	20	✓
SSRU E	42	-	-	20	✓
SSRU G	42	-	-	20	✓
SSRU H	42	-	-	20	✓
Whole fishery	210	33	50	80	✓
Exploratory fishery for <i>Dissostichus</i> spp. in Division 58.4.2					
SSRU A	30	-	-	20	✓
SSRUs B, C, D	0				
SSRU E	70	-	-	20	✓
Whole fishery	70	20	50	40	✓
Exploratory fishery for <i>Dissostichus</i> spp. in Division 58.4.3a					
Whole fishery	32	26	50	20	✓
Exploratory fishery for <i>Dissostichus</i> spp. in Division 58.4.3b					
Whole fishery	0				
Exploratory fishery for <i>Dissostichus</i> spp. in Subarea 88.1					
SSRUs A, D, E, F, M	0				
SSRUs B, C, G	428	40	50	60	✓
SSRUs H, I, K	2423	320	121	60	✓
SSRUs J, L	382	70	50	40	✓
Whole fishery	3282*	430	164	160	✓
* A research catch limit of 49 tonnes is set aside for the pre-recruit research survey (SC-CAMLR-XXXI, paragraph 9.34).					
Exploratory fishery for <i>Dissostichus</i> spp. in Subarea 88.2					
SSRUs A, B, I	0				
SSRUs C, D, E, F, G	124	20	50	100	✓
SSRU H	406	64	50	20	✓
Whole fishery	530	84	50	120	✓

Table 3: Access (Members and vessels) in exploratory fisheries for *Dissostichus* spp. in 2012/13.

Member and vessel	Subarea/division where fishing has been notified						
	48.6	58.4.1	58.4.2	58.4.3a	58.4.3b	88.1	88.2
France							
<i>Saint André</i>				✓			
Japan							
<i>Shinsei Maru No. 3</i>	✓	✓	✓	✓	✓	✓	
Korea							
<i>Hong Jin No. 701</i>						✓	✓
<i>Hong Jin No. 707</i>						✓	✓
<i>Insung No. 3</i>		✓				✓	✓
<i>Insung No. 5</i>						✓	✓
<i>Kostar</i>						✓	✓
<i>Sunstar</i>						✓	✓
New Zealand							
<i>Antarctic Chieftain</i>						✓	✓
<i>Janas</i>						✓	✓
<i>San Aotea II</i>						✓	✓
<i>San Aspiring</i>						✓	✓
Norway							
<i>Seljevaer</i>						✓	✓
Russia							
<i>Ugulan</i>						✓	✓
<i>Palmer</i>						✓	✓
<i>Sarbay</i>						✓	✓
<i>Sparta</i>						✓	✓
<i>Yantar-31</i>						✓	✓
<i>Yantar-35</i>						✓	✓
South Africa							
<i>Koryo Maru No. 11</i>	✓						
Spain							
<i>Tronio</i>		✓	✓			✓	✓
Ukraine							
<i>Koreiz</i>						✓	✓
<i>Poseydon I</i>						✓	✓
<i>Simeiz</i>						✓	✓
UK							
<i>Argos Froyanes</i>						✓	✓
<i>Argos Georgia</i>						✓	✓
Total Members	2	3	2	2	1	8	7
Total vessels	2	3	2	2	1	24	23

Table 4: List of 2013 meetings of organisations or arrangements with nominated observers for the Commission.

Entity	Dates (where available)	Venue	Member
The Agreement for the Conservation of Albatross and Petrels (ACAP) Advisory Committee (AC7)	6 to 10 May 2013	La Rochelle, France	New Zealand
The Antarctic Treaty Consultative Meeting (ATCM)	20 to 29 May 2013	Brussels, Belgium	Executive Secretary
The Commission for the Conservation and Management of the Highly Migratory Fish Stocks of the Western and Central Pacific Ocean (WCPFC)	3 to 7 December 2012	Manila, Philippines	Korea, Republic of
The Commission for the Conservation of Southern Bluefin Tuna (CCSBT)	14 to 17 October 2013	Adelaide, Australia	Australia
The Indian Ocean Tuna Commission (IOTC)	6 to 10 May 2013	Maputo, Mozambique	European Union
The Inter-American Tropical Tuna Commission (IATTC)	No information for 2013		European Union
The International Commission for the Conservation of Atlantic Tunas (ICCAT)	12 to 19 November 2012	Agadir, Morocco	USA
The North Atlantic Fisheries Organisation (NAFO)		St Petersburg, Russia	Norway
The South East Atlantic Fisheries Organisation (SEAFO)	3 to 7 December 2012	Busan, Republic of Korea	Korea, Republic of
South Indian Ocean Fisheries Agreement (SIOFA)			Australia
The South Pacific Regional Fisheries Management Organisation (SPRFMO)	28 January 2013	Auckland, New Zealand	Chile



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Mr Philippe Tanguy  
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- SC-CAMLR-XXXI/BG/17 Report to the Scientific Committee of CCAMLR by the Association of Responsible Krill Fishing Companies (ARK) Submitted by ARK
- SC-CAMLR-XXXI/BG/18 Observer's Report from the 64th Annual Meeting of the Scientific Committee of the International Whaling Commission (IWC) (Panama City, Panama, 11 to 23 June 2012) CCAMLR Observer (K.-H. Kock, Germany)

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- WG-FSA-12/66 Rev. 2 Summary of scientific observations in the CAMLR Convention Area for 2011/12 Secretariat
- WG-FSA-12/70 Rev. 2 Summary of scientific observations related to Conservation Measures 24-02 (2008), 25-02 (2009) and 26-01 (2009) Secretariat



**Opening Address by the Governor of Tasmania  
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HIS EXCELLENCY THE HONOURABLE PETER UNDERWOOD**

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

As your Chairman, Mr Løbach, has indicated this is the fifth occasion that I have had the pleasure of welcoming representatives from CCAMLR Members and other CCAMLR meeting participants to the annual meeting of the Commission here in Hobart. It is an important honour for me; one that I look forward to every year.

This has been a very significant 12 months for the Antarctic community in Hobart – a year of celebrations commemorating a century of exploration and endeavour in the Antarctic.

When we met this time last year we were commemorating Amundsen’s and Scott’s journeys to the South Pole 100 years ago.

We extended our celebrations through the year to give special recognition to Mawson’s pioneering work in the Antarctic with public lectures, photographic and art exhibitions, orchestral performances and theme days, such as a Huskies Picnic in the park and a longest-night dinner in June.

During this time, Hobart also hosted several important international meetings including a sub-Antarctic Forum, the 30th anniversary of CCAMLR and this year’s ATCM and CEP meetings.

It has been a wonderful time enjoyed by the Hobart community in general and a large number of international and interstate visitors. Tasmanians are very proud to be the hosts of the CCAMLR Secretariat and are always ready to welcome visitors.

The last 12 months here in Hobart has been a time of reflection, recognition and remembrance. Your work this week, in further developing CCAMLR’s important work on conservation and management of the Southern Ocean ecosystem, is real-time and forward looking.

As I said last year, CCAMLR’s relatively brief 30-year history has many achievements that few other organisations with similar mandates for ecosystem conservation and management can emulate. CCAMLR has set benchmarks, to which others aspire, in relation to precautionary management, an ecosystem approach to managing fisheries, combating illegal, unreported and unregulated fishing, managing bottom fishing in the vicinity of vulnerable marine ecosystems and mitigating the effects of fishing on species, such as seabirds, taken incidentally during fishing operations.

The way that you have approached those challenges, collectively as members of CCAMLR’s extended community, and successfully addressed them, has laid a very solid foundation for addressing the challenges ahead. And, in all likelihood, the challenges ahead will place significant demands on this organisation.

Almost every day we now read about the impacts of climate change and the changing global environment. Not surprisingly, the crucial role of the Southern Ocean in regulating the global

climate is becoming better understood and, although there is still a great amount to learn, there is little doubt that the Ocean ecosystem under CCAMLR's care is among the most significant of ecosystems on our planet – marine or terrestrial.

The challenge for CCAMLR is to understand the drivers and processes associated with climate change and make adequate provision for that change within the processes managed by CCAMLR – further operationalising the precautionary approach for which CCAMLR is so highly regarded.

This is fundamental to supporting CCAMLR endeavours to manage Southern Ocean fisheries in a sustainable manner – in a manner that accommodates the needs of other components of the same ecosystem in which CCAMLR-managed fisheries operate.

And CCAMLR has some immediate challenges to address this year. I am well aware that the normal CCAMLR agenda is very full and that, in the past, your discussions have often extended well into the night.

As a result, I was impressed when I learnt that, at last year's meeting, the Commission decided to reduce the length of its meeting this year by two days. That is commendable, particularly when I know that, this year, among other matters, you will be involved in hopefully productive discussions relating to marine protected areas.

Of course, the Commission commenced its consideration of marine protected areas some seven years ago and I am aware that there is a large amount of work available to support your further deliberations this year. The preparatory work that you have collectively dedicated to this matter is another signature of CCAMLR which is also renowned for the application of the best available science to support decision-making.

The international community is watching for the outcomes of your discussions here over the next two weeks. I wish you the very best in your deliberations and I to look forward to learning the results of your discussions.

Distinguished delegates, ladies and gentlemen, I hope that your meetings over the next two weeks are productive. I look forward to discussing progress with you all next Tuesday night when I have the pleasure of hosting you at Government House. I'll now leave you to commence the Commission's agenda or return to the Scientific Committee's meeting.

Thank you.'

**Agenda for the Thirty-first Meeting of the Commission**



**AGENDA FOR THE THIRTY-FIRST MEETING  
OF THE COMMISSION FOR THE CONSERVATION  
OF ANTARCTIC MARINE LIVING RESOURCES**

1. Opening of meeting
2. Organisation of meeting
  - 2.1 Adoption of agenda
  - 2.2 Chair's report
3. Implementation and compliance
  - 3.1 Review of compliance and implementation-related measures and policies
    - 3.1.1 Compliance with conservation measures in force
    - 3.1.2 Compliance evaluation procedure
    - 3.1.3 Proposals for new and revised measures
  - 3.2 IUU fishing in Convention Area
    - 3.2.1 Current level of IUU fishing
    - 3.2.2 IUU Vessel Lists
    - 3.2.3 Catch Documentation Scheme (CDS)
4. Finance and administration
  - 4.1 Audited Financial Statements for 2011
  - 4.2 Secretariat matters
  - 4.3 Budgets for 2012, 2013 and 2014
  - 4.4 Members' contributions
  - 4.5 Review of Financial Regulations
5. Report of the Scientific Committee
  - 5.1 Advice from the Scientific Committee
  - 5.2 Harvested species
    - 5.2.1 Krill resources
    - 5.2.2 Fish resources
    - 5.2.3 Exploratory finfish fisheries
    - 5.2.4 New fisheries
    - 5.2.5 Research fishing
  - 5.3 Assessment and avoidance of incidental mortality
  - 5.4 Bottom fishing and vulnerable marine ecosystems
  - 5.5 Marine Protected Areas
  - 5.6 Climate change
  - 5.7 Administrative matters
    - 5.7.1 Capacity Building
6. CCAMLR Scheme of International Scientific Observation
7. Conservation measures
  - 7.1 Review of existing measures
  - 7.2 Consideration of new measures and other conservation requirements

8. Implementation of Convention objectives
  - 8.1 Performance Review
9. Cooperation with Antarctic Treaty System and international organisations
  - 9.1 Cooperation with Antarctic Treaty System
    - 9.1.1 Cooperation with Antarctic Treaty Consultative Parties
    - 9.1.2 Cooperation with SCAR
    - 9.1.3 Proposals for Antarctic Specially Protected Areas and Specially Managed Areas that include marine areas
  - 9.2 Cooperation with international organisations
    - 9.2.1 Reports of observers from international organisations
    - 9.2.2 Reports from CCAMLR representatives at meetings of international organisations in the previous intersessional period and nominations of representatives to forthcoming meetings of relevant international organisations
    - 9.2.3 Cooperation with ACAP
    - 9.2.4 Cooperation with RFMOs
10. 2013 budget and forecast budget for 2014
11. Appointment of the Executive Secretary
12. Other business
13. Next meeting
  - 13.1 Election of officers
  - 13.2 Invitation of observers
  - 13.3 Date and location
14. Report of Thirty-first Meeting of Commission
15. Close of meeting.



**Report of the Chair: Summary of activities of the Commission  
during the 2011/12 intersessional period**



## **REPORT OF THE CHAIR: SUMMARY OF ACTIVITIES OF THE COMMISSION DURING THE 2011/12 INTERSESSIONAL PERIOD**

### **MEMBERSHIP**

1. There was no change in the Commission's membership since last year's meeting. The Islamic Republic of Pakistan acceded to the Convention on 24 January 2012 (COMM CIRC 12/14 and CCAMLR-XXXI/BG/23). The Commission has 25 Members and 10 other States are now Party to the Convention.

### **SECRETARIAT**

2. The Secretariat continued to provide quarterly financial reports to Members throughout the year. Following losses and write-down on investments in 2010, SCAF will continue a review of the Commission's Financial Regulations resulting from intersessional work led by Australia. SCAF will also consider intersessional work undertaken by the Secretariat to report on the implementation of the Strategic Plan (2012–2014) and associated Staffing Salary Strategy. During the year, considerable work was undertaken to align the Staff Regulations for the Secretariat with work place practices in Australia. In addition to supporting the activities of the Scientific Committee, particularly in relation to its working group meetings, the Secretariat has obviously undertaken considerable work on the Commission's website during the year. The Secretariat is to be congratulated on the work completed to date which reflects the significant potential of the website as both a vehicle for promoting information exchange and communication among Members and as the Commission's main portal to the rest of the world.

### **INTERSESSIONAL MEETINGS**

3. The meeting of SG-ASAM was held in Bergen, Norway, in April 2012. WG-SAM and WG-EMM met at Tenerife in Spain in June/July 2012. Three MPA technical workshops were held during the year: at La Réunion (France), Valparaiso (Chile) and Brussels (Belgium). WG-FSA was hosted at the CCAMLR Headquarters over two weeks immediately prior to the Commission meeting. The Chair thanked all those involved in local arrangements for these meetings for the logistical and administrative support that they provided and for the positive contributions of participants which resulted in valuable meeting outcomes.

### **CCAMLR SYSTEM OF INSPECTION AND SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION**

4. During the 2011/12 fishing season a total of 59 inspectors were designated by Australia, Chile, New Zealand and the UK. Seven at-sea inspections were reported to have

been conducted by Australian, Chilean, New Zealand and UK-designated inspectors in Subareas 48.3 and 88.1 and Division 58.4.1. The outcomes of these inspections were considered at CCAMLR-XXXI.

5. Forty-five port inspections were reported to have been conducted by the Republic of Korea, Mauritius, New Zealand, UK and Uruguay.

6. Scientific observers appointed under the CCAMLR Scheme of International Scientific Observation were deployed on all vessels in all finfish fisheries in the Convention Area; 41 on vessels fishing for toothfish and two fishing for icefish. All vessels fishing for krill carried observers during the year with a total of 15 observation deployments.

7. All programs were undertaken in accordance with the CCAMLR Scheme of International Scientific Observation.

## FISHERIES

8. CCAMLR Members participated in fisheries targeting icefish, toothfish and krill during the 2011/12 season (1 December 2011 to 30 November 2012), and activities are summarised in CCAMLR-XXXI/BG/06. Twelve Members fished: Australia, Chile, People's Republic of China, France, Japan, Republic of Korea, New Zealand, Norway, Russian Federation, South Africa, Spain and UK.

9. As of 24 September 2012, Members reported a total of 156 289 tonnes of krill, 11 329 tonnes of toothfish and 546 tonnes of icefish from the Convention Area. A number of other species have been taken as by-catch, and catches are summarised in SC-CAMLR-XXXI/BG/01.

10. The Secretariat monitored all CCAMLR fisheries using catch and effort reports and notifications of vessel movements and advises Members and vessels of the closure of areas and fisheries. In 2011/12, 10 fishing areas were closed by the Secretariat and these closures were triggered by catches of *Dissostichus* spp. approaching their relevant catch limits. As of early October 2012, fishing was still in progress in some fisheries and some forecasted closures remain under review.

## CATCH DOCUMENTATION SCHEME FOR *DISSOSTICHUS* SPP.

11. The CDS has been in operation since 2000. In June 2009, all Members were required to implement the electronic web-based e-CDS. In 2012, two non-Contracting Parties participated in the voluntary implementation of the CDS: Seychelles and Thailand along with three Acceding States: Canada, Mauritius and Peru.

12. As of 25 September 2012, the CDS databases contained 49 546 catch, export and re-export documents.

13. Non-Contracting Parties not cooperating with CCAMLR by participating in the CDS that may be involved in the harvest and/or trade of toothfish in 2012 include: Antigua and

Barbuda, Bahamas, Cambodia, Colombia, Dominican Republic, Indonesia, Kenya, Malaysia, Mexico, Morocco, Nigeria, Philippines, Singapore, St Kitts and Nevis, Thailand, Trinidad and Tobago, Turkey, United Arab Emirates and Vietnam.

14. During the year CCAMLR formally approached non-Contracting Parties that may be involved in the harvest and/or trade of toothfish not cooperating with CCAMLR to seek their cooperation and to provide data regarding the trade of toothfish. In 2011/12, Ecuador, Philippines, Singapore and Thailand formally replied to CCAMLR's correspondence. Additionally, Thailand has appointed a CDS Contact Officer and has received access to the CDS to monitor the importation of toothfish.

15. At the Commission meeting last year, Members requested that a list be provided on the CCAMLR website detailing those non-Contracting Parties that have failed to respond to CCAMLR's letters.

16. Singapore has formally requested the Commission to consider granting it the status of a non-Contracting Party cooperating with CCAMLR by participating in the CDS. This matter will be considered at CCAMLR-XXXI.

#### C-VMS

17. The VMS continues to be implemented under Conservation Measure 10-04. All vessels licensed to fish in the CAMLR Convention Area are required to regularly report positions to their Flag State Fisheries Monitoring Centre. Most vessels also voluntarily report directly to the Secretariat in real time. In addition, a number of vessels that catch toothfish outside the Convention Area also voluntarily report to CCAMLR. Approximately 224 vessels have reported VMS data since its implementation in 2004 and a total of 173 vessel reported in 2011/12 (41 inside the Convention Area and 132 outside the Convention Area).

18. In 2011/12, the Secretariat reviewed CCAMLR's VMS (CCAMLR-XXXI/13 Rev. 1). The paper provided by the Secretariat reports on the outcomes of the review and invites Members to consider a course of action for strengthening CCAMLR's VMS.

#### COMMISSION REPRESENTATION AT MEETINGS OF OTHER ORGANISATIONS

19. The Commission was represented at meetings of various international organisations and programs (ACAP, ATCM, CEP, CCSBT, FAO-COFI, CWP, IATTC, ICCAT, IOTC, IWC, FIRMS, NAFO, RSN, SEAFO, SPRFMO and WCPFC) and the FAO Technical Consultation on Flag State Performance, during the 2011/12 intersessional period. CCAMLR-XXXI will consider reports from the CCAMLR Observers at these meetings under Agenda Item 9.2.2.

20. The Secretariat, on behalf of the Commission provided an information paper under CITES Resolution Conf. 12.4 for consideration at the CITES Sixteenth Meeting to the Conference of the Parties to be held in March 2013.

## OTHER

21. There was an additional vessel safety incident in the Southern Ocean this year. In early January 2012, a Korean-flagged longliner, the *Jung Woo No. 2*, sunk with the loss of three lives and seven injured.

**Report of the Standing Committee on  
Implementation and Compliance (SCIC)**

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

### OPENING OF THE MEETING

1.1 The meeting of the Standing Committee on Implementation and Compliance (SCIC) was held in Hobart, Australia, from 24 to 26 October 2012. SCIC was tasked with addressing issues identified in Item 3 of the Commission's Agenda. The meeting was chaired by Ms K. Dawson-Guynn (USA).

1.2 All Members of the Commission participated, except Belgium and Sweden. Observers invited by the Commission to participate at CCAMLR-XXXI were welcomed and invited to participate in the meeting of SCIC as appropriate.

### COMPLIANCE WITH CONSERVATION MEASURES IN FORCE

#### System of Inspection

2.1 SCIC considered the Secretariat's report on implementation of the System of Inspection and other compliance-related measures during 2011/12 (CCAMLR-XXXI/BG/21 Rev. 2).

2.2 It was noted that 59 inspectors had been designated by four Members. Seven reports had been submitted with respect to at-sea inspections. SCIC congratulated those who undertook at-sea inspections and encouraged them to pursue their efforts. All Members capable of undertaking at-sea inspections were encouraged to do so and to report their findings to the Commission. New Zealand thanked those Members whose vessels had been inspected for their cooperation with the inspections and for ensuring their safe conduct.

2.3 SCIC noted that the at-sea inspection reports highlighted three instances of non-compliance. These involved the Chilean-flagged *Antarctic Bay*, the Russian-flagged *Chio Maru No. 3* and the Korean-flagged *Hong Jin No. 701*. With respect to the *Antarctic Bay*, Chile advised that it was preparing a technical report on the infringement and was awaiting the outcomes of possible other actions before deciding whether to take the matter further.

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

2.4 SCIC noted that following the krill fishery notification provided by Japan for the *Fukuei Maru*, the vessel had been sold to a Chinese company and renamed *Fu Rong Hai*. Japan advised that the vessel would not be replaced and the notification would not be used by Japan. Japan advised that the notification had been provided to the Secretariat on or before 1 June 2012 and the *Fukuei Maru* had been exported after that.

2.5 China advised that the notification details in respect of catch and gear would not change. China and Japan stated that there was no clear provision in Conservation Measure (CM) 21-03 that prescribes the transfer of notification to a different flag.

2.6 Concern was expressed that a change of vessel flag was not in accordance with paragraphs 1 and 3 of CM 21-03. It was noted that this was the first time that a krill notification had been transferred to a different flag than that of the Member that provided the notification.

2.7 Several Members welcomed China's reassurances but remained concerned that a krill vessel might be allowed to fish without meeting the agreed notification requirements. There was concern about the precedent this could set and that it could encourage Members to possibly 'sell' a fishery notification. Members were satisfied that on this occasion the vessel could proceed to the fishery only due to the advice of the Scientific Committee that their work was not impacted by the late notification. The USA noted that it was, in part, due to the poor quality of information contained in fishery notifications in general. It was stressed by Members that these circumstances must not be regarded as a precedent for the future transfers of fishery notifications due to changes in vessel ownership and flag.

2.8 New Zealand requested that Ukraine confirm the current flag of the *Poseydon I*. Some Members also noted that important information had not been provided with respect to a number of fishery notifications. Ukraine explained that the photos provided with the notification of the *Poseydon I*, which is now under Ukrainian flag, were made when the ship was under a previous flag with the markings of a previous flag. The vessel is currently under repair and being painted. Upon the completion of the repairs in a few days, new photos of the ship with Ukrainian markings shall be provided to the Secretariat.

2.9 Chile advised that the reason for the absence of some information for one of its vessels was that the fishing company had made the commercial decision to fish but, at the time of notification, had not identified the specific vessel that would be fishing. The vessel information had subsequently been provided.

2.10 The USA considered that provision of full information is a requirement of CMs 21-02 and 21-03 and expressed its concern that vessels of a few Members were missing essential information from their fishery notifications. The Members confirmed they would provide this information to the Secretariat and would not license these vessels to fish until they had done so.

2.11 New Zealand noted that some photographs provided for vessels in accordance with CM 10-02, paragraph 3(x) were of poor quality and that this could have implications for search and rescue in the event of an accident at sea. SCIC appealed to Members to ensure high-quality photographs were provided for their vessels.

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

## Tagging program

2.13 SCIC noted advice with respect to compliance with minimum tagging rates during 2011/12 (CCAMLR-XXXI/BG/21 Rev. 2, Table 3). All vessels achieved the required minimum tagging rate. It was noted that all vessels except the South African-flagged *Koryo Maru No. 11* achieved the required tag-overlap statistic. South Africa advised that all available data had been submitted and that it had received a commitment from the *Koryo Maru No. 11* that, despite the 2011/12 problems with the large size of the fish caught, it would in future fully comply with tag-overlap requirements. In addition, the vessel achieved an overall tag overlap of about 70% for the year. South Africa undertook to monitor this and report as necessary.

## Environmental protection and mitigation measures

2.14 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-12/66 Rev. 2 and 12/70 Rev. 2). Observations during the 2011/12 season included:

- (i) There were no reports this year of the use of bait box packaging bands.
- (ii) Occasional incidents of the disposal at sea of inorganic waste were reported from observers on the *El Shaddai* and the *Koryo Maru No. 11*. Hooks were also observed in offal discarded from the *El Shaddai*, as well as the disposal of fishing gear at sea.
- (iii) Three vessels were reported to have failed to comply with all the requirements relating to the design of streamer lines. The *Sparta* and the *Koryo Maru No. 11* were reported as having streamers of less than 1 m length. The *Antarctic Chieftain's* tori pole did not meet the minimum height of 7 m. New Zealand stated that it took this matter seriously and it had issued a formal warning to the vessel operator. New Zealand added that the operator has carried out remedial work on the vessel to rectify the situation.
- (iv) It was reported that in Subarea 48.3 and Division 58.5.2, bird exclusion devices had been used on 100% of longline hauls. However, in Subareas 58.6 and 58.7 it was reported that the *El Shaddai* had not used a device during all hauls.
- (v) Members were also pleased to hear that compliance with night setting requirements remained high in 2011/12, with 100% compliance in Subareas 48.3, 58.6 and 58.7. In other subareas, vessels demonstrated full compliance with the measure for line weighting which exempted them from the night setting requirement.

2.15 South Africa reported that it had a meeting with the holders of the vessels *El Shaddai* and *Koryo Maru No. 11* regarding the issues on the reported non-compliance of their vessels in respect of CMs 25-02 and 26-01. The vessels were given stern warnings, and if similar offences be reported in future, the Department of Agriculture, Forestry and Fisheries will revoke or suspend the vessels' licences. Members welcomed this advice.

2.16 SCIC noted that there were no reported instances of non-compliance with CM 25-02 for those vessels operating in 2011/12 in Subarea 48.3. Therefore, all vessels which operated in this area in 2011/12 could be potentially eligible to be granted a licence extension to the fishing season.

#### Closure of fisheries

2.17 SCIC noted that in 2011/12 catch limits were exceeded on three occasions and the amount caught in excess of the limit (overrun) was <1 tonne (SSRU 5842E), 1 tonne (SSRU 5841E) and 123 tonnes (SSRUs 881B, C and G).

2.18 Members raised the question on whether the 123 tonne overrun in Subarea 88.1 indicated possible illegal activity or resulted from other factors. Some Members noted this was an over-capacity issue and could also represent a compliance issue. SCIC noted that no lines were set after the closure notice was issued.

2.19 The Secretariat advised SCIC that the fishery opened on 1 December 2011. By 11 December, 360 tonnes had been taken, representing 84% of the catch limit. In the last two days of the fishery, 200 tonnes were reported to have been caught.

2.20 The Secretariat advised SCIC that a contributing element could be the 12-hour time lag in the submission of catch data and the daily assessment of catch and effort. This is complicated by the offset between UTC and local time in the fishery, and compounded by the fact that the International Date Line passes through some SSRUs. The Secretariat noted that reports with a two-hour lag time would facilitate a more timely closure of fisheries.

2.21 SCIC agreed that the Secretariat could be tasked with analysing any future overruns and providing advice to Members in advance of future meetings of the Scientific Committee and SCIC so that the circumstances can be adequately understood.

2.22 New Zealand (CCAMLR-XXXI/BG/28 Rev. 1) and the UK (CCAMLR-XXXI/BG/30) submitted reports relating to the delayed departure of their vessels from SSRU 881C. In both instances, delayed vessel departures from the closed fishery were attributed to ice and weather conditions. In the case of these vessels, adverse weather and sea-ice conditions led to the loss of gear which the vessels were, by definition, unable to remove before closure. Subsequent investigation confirmed the vessels to be in full compliance and not responsible for any catch overrun. Vessels involved reported all gear lost.

#### Port inspections

2.23 SCIC noted that five Members submitted port inspection reports for 2011/12. These represented 44 inspections, of which 26 were reported to comply with the relevant conservation measures. The non-compliance reported related to unmarked inflatable buoys, absence of bottles or time–depth recorders, absence of tamper-proof seals on automatic location communicators (ALCs), and non-compliant streamer lines. It was noted that all of the incidents of non-compliance related to fishing activities outside the Convention Area.

2.24 Some Members noted with concern that port inspections were only conducted by five Contracting Parties and there appeared to be a number of Contracting Parties not fulfilling their obligations in respect of CM 10-03. SCIC requested that the Secretariat prepare an analysis for the past two years of landings by toothfish vessels and port inspection frequency and encouraged all Members to ensure full compliance with CM 10-03. SCIC requested that this information be provided annually.

#### VMS reporting

2.25 The Secretariat reported on the implementation of the vessel monitoring system (VMS) during the 2011/12 period. SCIC noted difficulties arising in respect of vessels' voluntary submission of VMS data to the Secretariat from outside the Convention Area. SCIC agreed that the provision of vessel details and reporting periods for vessels that voluntarily report VMS data to the Secretariat, at least 14 days prior to the commencement of VMS reporting, would assist the Secretariat in monitoring these vessels and would assist in the application of non-reporting alerts.

2.26 Chile introduced CCAMLR-XXXI/BG/32, relating to its domestic VMS and Catch Documentation Scheme for *Dissostichus* spp. (CDS) arrangements, noting the pending increase in the number of vessels involved and potential impact on the CDS. SCIC noted that this highlighted the need for developing and providing links between the VMS and CDS. France noted that the potential discrepancy between VMS and CDS data may need attention to avoid unnecessary suspicion of fraud and delays in trade.

#### Control of nationals

2.27 SCIC considered information submitted by Spain on the implementation of CM 10-08 during 2011/12 regarding domestic legal proceedings against the master and the ship owner of the IUU-listed vessel *Tchaw*. Spain also reported on action it is pursuing against Spanish nationals implicated in the activities of the IUU-listed vessels *Pion*, *Kuko* and the provisionally IUU-listed refrigerated cargo vessel *Baiyangdian*. Spain emphasised that it continues to take firm action against any of its nationals where there is evidence of involvement with IUU fishing.

#### Transshipments

2.28 SCIC considered information relating to transshipment reports during 2011/12. SCIC noted that a Korean vessel had failed to provide 14 transshipment reports in accordance with CM 10-09, paragraph 2. The Republic of Korea advised SCIC that this had been a genuine oversight, that there had been no intention of not complying with reporting requirement and undertook to ensure that this would not happen again. SCIC encouraged Korea to comply with the reporting requirements.

## COMPLIANCE EVALUATION PROCEDURE

3.1 SCIC considered the development of a conservation measure provided by Australia as the Convener for the Development of a Compliance Evaluation Procedure (CCAMLR-XXXI/29). Australia noted that the draft conservation measure incorporated the comments received from a number of Members at CCAMLR-XXX and in the intersessional period.

3.2 Several Members thanked Australia for its work on this initiative over several meetings and welcomed the draft conservation measure that had been submitted. The conservation measure was regarded by many Members as a useful tool to assess the effectiveness of conservation measures. Some Members thought highly of the proposed conservation measure, stressing that compliance with conservation measures is essential to achieving the objective of CCAMLR. Some concerns were expressed with respect to the number of conservation measures that would be used as assessment criteria, the potential workload for the Secretariat, and the time lag between the assessment and consideration by the Commission. Members agreed that these issues could be satisfactorily accommodated in the drafting of the measure which was referred for adoption by the Commission.

3.3 It was noted that conservation measures included in the CCAMLR Compliance Evaluation Procedure report template were selected on the basis of their suitability for the procedure, not preventing other CCAMLR bodies to propose the inclusion of other conservation measures.

### Proposals for new and revised measures

3.4 The EU proposed amendments to CM 51-06 (CCAMLR-XXXI/32). The proposal, based on the recommendations of WG-EMM, would extend the scheme of scientific observation in krill fisheries by two years, increase the scheme's coverage to 80% of vessels and change the sampling frequency. Members welcomed the proposal and requested the advice of the Scientific Committee to assist in the further consideration of this revised measure.

3.5 The EU proposed amendments to CM 21-03 (CCAMLR-XXXI/33) and CM 23-06 (CCAMLR-XXXI/34). These amendments would introduce the assessment of uncertainty and variability in the estimation of green weight in the notifications of intent to participate in krill fisheries (CM 21-03) or catches in krill fisheries (CM 23-06). Members welcomed the proposal and requested the advice of the Scientific Committee to assist in the further consideration of these revised measures.

3.6 The USA proposed revisions to CM 10-05 (CCAMLR-XXXI/38). These revisions would remove ambiguities, conform the language in the conservation measure to the current electronic system, and reflect the practical operation of the CDS.

3.7 Many Members welcomed the proposal. A number of suggestions were made about the proposed amendments, including the use of the container number, bills of lading, retention of the role of the vessel masters, more accurate and efficient use of time-stamping of transactions, and clarity with respect to shipments that are in transit. Some Members were concerned that the proposed amendments could be interpreted as creating additional obligations with respect to vessels operating solely within a Member's EEZ.

3.8 The USA and the EU proposed revisions to CM 10-03 (CCAMLR-XXXI/39). These revisions would strengthen the port inspection scheme by extending the scheme beyond vessels carrying *Dissostichus* spp., and harmonising its obligations with those in CMs 10-06 and 10-07.

3.9 Many Members supported this proposal which would strengthen port inspections and prevent IUU operators from landing their product in Members' ports. Some Members expressed concern about extending the species covered.

3.10 The EU proposed the adoption of a new conservation measure (CCAMLR-XXXI/31) that would add to the suite of measures used to combat IUU fishing in the Convention Area by introducing the capacity to take trade-related action against CCAMLR Contracting Parties and non-Contracting Parties (NCPs) failing to comply with CCAMLR conservation measures.

3.11 The EU made the following statement:

'The EU recalls that this proposal has already been tabled at CCAMLR-XXV, XXVI, XXVII, XXVIII, XXIX and XXX.

The EU stated that the market-related measure will be an essential tool in the fight against IUU. Once again this year we witness a situation in which some vessels already included in the CCAMLR IUU list, have been continuously sighted in the CAMLR Convention Area, proving that these vessels and their operators enjoy landing facilities and open markets for imports.

The EU indicated that it was evident that there is a need to keep on improving and strengthening the CCAMLR rules destined to combat IUU fisheries, in particular vis-à-vis the Flag States which may be hosting these vessels, and therefore do not cooperate with CCAMLR in order to ensure the rational use and conservation of the Antarctic living marine resources. The market-related measure proposed by the EU will establish the criteria and procedures for market-related measures in a transparent and non-discriminatory way, in conformity with the WTO, and, more importantly, as a measure of last resort.

The EU expressed concerns about the fact that some of the delegations opposing the EU proposal this year did not raise any disagreement when the same proposal was also tabled for adoption at previous meetings of CCAMLR and enquired about the reasons for the change of their position.

The EU also noted that some of the CCAMLR Members which expressed concerns as to this proposal are currently bound by this measure in other fora like the International Commission for the Conservation of the Atlantic Tuna (ICCAT) where market-related measures have been successfully applied in the fight against IUU fishing.

The EU added that, in this regard, the adoption of market-related measures is even more justified in CCAMLR, which is more than an RFMO and an organisation with the main objective of conservation of marine living resources. IUU fishery is a great threat to the Antarctic marine living resources and CCAMLR should take every effort to combat it.

The EU underlined that it has been working with a number of delegations over the past year to convince them of the merits of this proposal and its legality and regrets that these contacts have borne no fruit.’

3.12 A number of Members expressed support for this initiative as an important addition to the tools used to combat IUU fishing. These Members noted that the proposal was identified in the Performance Review and considered that it was within the competence of CCAMLR to implement such a measure. These Members supported the proposed measure and considered that the measure is designed to provide the Commission and its Members with the flexibility to tailor implementation of the measure on a case-by-case basis in order to take into account relevant international trade obligations.

3.13 While agreeing with the objective of combating IUU fishing, a number of other Members disagreed with this method for achieving it. These Members noted that the proposal has been considered by the Commission on a number of occasions previously and that there had been no substantive change to the proposal despite the concerns raised. It was the opinion of these Members that such a measure could be discriminatory and not compatible with international trade law, including under the World Trade Organization (WTO). Some Members sought clarification of the method to be adopted and received no response on this.

3.14 The EU noted that it appeared that the positions of some Members were inconsistent as trade-related action had been supported within other fisheries regimes. Members with specific concerns were urged to make constructive suggestions to the EU on improving the proposal.

3.15 Argentina made the following statement:

‘Argentina agrees with the EU on the importance given to fight IUU fishing within the Convention Area. However, it understands that this proposal is not the right way to do it.

Argentina indicated that, while this proposal had been under consideration along a number of meetings, this does not mean that new arguments have been presented.

Argentina reiterated its position that the proposed measures represent an unfair restriction on trade and an arbitrary and unjustifiable discrimination under the rules of the WTO. It also recalled its exhaustive presentations supported by the presence of relevant experts (CCAMLR-XXVII and CCAMLR-XXVIII) detailing the reasons why it cannot support this proposal.

Argentina noted the fact that these arguments have not been challenged to date and recalled that other measures, such as CM 10-08, are an appropriate tool to act against IUU fishing.

Argentina noted that it is enough to read the Performance Review of some RFMOs to realise that they should not be an example to be followed by CCAMLR.

Argentina indicated that actions taken in the context of an RFMO whose objectives are the optimisation of economic benefits should not be transferred to the context of the Antarctic Treaty System.



Moreover, Argentina indicated that trade-related measures entail an appropriation of the resources, a fact that will undermine the ATS and CCAMLR legitimacy. The Performance Review Panel of CCAMLR in 2008 recognised the differences between this organisation and the RFMOs and recommended to maintain these differences. Adopting the proposed trade-related measures would be a large step against this recommendation.'

3.16 Brazil expressed its full support to the concerns raised by Argentina.

3.17 South Africa made the following statement:

'South Africa has suffered tremendously from IUU fishing. A case in point is the decimation of the Patagonian toothfish fishery around the Prince Edward Island in the 1990s which is well described in the CCAMLR documents. It is precisely because of that fact that South Africa would welcome measures that are meant to combat IUU fishing. South Africa supports all CCAMLR efforts that are in line with international law which are aimed at combating IUU fishing. A recent example is CM 10-08. We are encouraged by reports in CCAMLR-XXXI that some Members are investigating and discouraging nationals that are suspected of being involved in IUU fishing. However, market-related measures as proposed by the EU Delegation are not acceptable. We fully support the position outlined by the Delegation of Argentina, both in CCAMLR-XXXI and other previous CCAMLR meetings with regards to market-related measures. We also wish to reject the notion that South Africa is inconsistent by supporting market-related measures in other organisations and rejecting them at CCAMLR.'

3.18 Uruguay made the following statement:

'Uruguay reiterates its position of deep commitment with the objective of conservation of living resources and the fight against illegal fishing. We appreciate the work done over the years by the EU but share the statement of Argentina, Brazil and South Africa.'

3.19 Namibia made the following statement:

'Namibia fully supports the position of both Argentina and South Africa with regard to the proposed EU trade-related measures. Namibia is of the view that these measures could result in destabilising the economies of the developing world. Namibia also sees no need for the EU to base its argument on the measures adopted by ICCAT, as the two organisations have different mandates and membership. If the EU is willing to have the same ICCAT measures adopted by CCAMLR, then Namibia suggests that the EU table those ICCAT measures at the CCAMLR meeting, so that the CCAMLR Contracting Parties could apply their mind and make their own informed decision.'

3.20 Some Members noted that future consideration of the proposed measure would be aided by specific examples of the trade-related action that could be considered.

3.21 The USA welcomed the EU's market measures proposal once again and noted that market-related measures would be a useful tool for CCAMLR in addressing IUU fishing and promoting compliance with CCAMLR conservation measures.

3.22 The USA welcomed the fact that the proposed resolution insists that action by CCAMLR must be consistent with international obligations, and expressed the view that it is designed so that subsequent trade-related measures will be applied consistent with international trade obligations. The USA expressed its strong support for the approach of the proposal, in particular that it ensures due process prior to a determination that a Party is not fulfilling its obligations or a non-Contracting Party is undermining CCAMLR measures, that there are opportunities for identified Parties and non-Contracting Parties to respond to identifications and to rectify their actions, and that this measure is designed to provide the Commission and its Members with the necessary flexibility to tailor implementation of the measure on a case-by-case basis in order to take into account relevant international trade obligations.

3.23 The USA also expressed the view that it would be very disappointing if CCAMLR was unable to adopt the proposal at CCAMLR-XXXI.

3.24 The EU expressed its profound disappointment about the lack of progress during CCAMLR-XXXI on this measure.

3.25 Recalling the discussion in the previous meeting of the Commission (CCAMLR-XXX, paragraph 12.55), the Secretariat presented a new conservation measure (CCAMLR-XXXI/15) that would consolidate closely related measures. In developing the proposed measure, the Secretariat took account of comments received from Members intersessionally. The new measure would consolidate CMs 32-02 to 32-08 and 32-10 to 32-17 (it was proposed to omit CM 32-09 which relates to Patagonian toothfish and is subject to annual revision). The consolidated measure would address fishing directed at specific taxa, include by-catch issues, update the relevant statistical areas, and include existing reservations with respect to adjacent islands and areas subject to national jurisdiction.

3.26 Members supported the consolidation of these measures and noted that simplifying the requirements would minimise potential confusion.

3.27 In response to concerns raised by the Scientific Committee, France and the EU proposed amendments to CM 33-03 to address the issue of skate by-catch experienced in the exploratory fishery in Division 58.4.3a. The proposal was intended to clarify the circumstances under which skates can be returned to the water and improve knowledge of skate abundance in this division. It was proposed that fish returned to the water must be in good condition, the numbers recorded and the Secretariat advised.

3.28 The UK proposed amendments to CM 25-02 to clarify that vessels should implement systems to ensure the removal of all fish hooks from offal prior to discharge.

## VESSEL MONITORING SYSTEM

4.1 The Secretariat presented the results of its review into the performance of the VMS (CCAMLR-XXXI/13 Rev. 1). The review had been endorsed at CCAMLR-XXX with a view to examining the system's cost-effectiveness and its ability to assist fisheries management.

4.2 Two key issues drove the Secretariat's evaluation of CCAMLR's VMS: support for the VMS software beyond 2014; and the broader issue of modernising the IT environment, including the Commission's future functional requirements of the system.

4.3 Members considered that both aspects should be taken together and some Members identified a number of additional desirable features that should be provided by CCAMLR's VMS, including integration with the CDS and catch and effort reporting and greater alert functionality.

4.4 It was noted that a detailed functional specification should be developed and a sound procurement process put in place. The USA proposed that work be carried forward intersessionally by an informal technical and operational advisory working group. The group should also provide recommendations for additional enhancements beyond upgrading the software utilised by the Secretariat. A number of Members expressed interest in being involved.

4.5 Some Members supported the process that the Secretariat proposed for replacing the CCAMLR VMS. This is based on utilising the 'minimum criteria matrix' which allows for the transparent assessment of potential vendors.

4.6 SCIC recommended that the Secretariat be tasked with leading intersessional work and that this be initiated by a COMM CIRC inviting Members to be involved and to nominate relevant experts. It was noted that at this stage the costs of an enhanced VMS are not known. The UK suggested that the new system should not be funded through special funds, which had been established for specific purposes not covered by the regular budget. It was therefore agreed that the Standing Committee on Administration and Finance (SCAF) should be advised that this process will be under way and may result in a request at CCAMLR-XXXII for the identification of a suitable funding mechanism.

## SAFETY OF FISHING VESSELS

5.1 ASOC introduced CCAMLR-XXXI/BG/13 which presented a range of measures that could be taken relating to vessel safety.

5.2 Members expressed general support for these sentiments. Argentina noted that action must be taken to improve safety as, in terms of biomass, human casualties currently are larger than seabird mortality. The UK emphasised the importance of adequate ice-strengthening of vessels, especially in areas subject to increasing sea-ice cover. Australia noted that improved safety provisions for fishing vessels are also important for the safety of Members conducting at-sea inspections. Australia also noted that ASOC's reference to the *Antarctic Chieftain* suffering a cracked hull was incorrect.

5.3 The Republic of Korea and Russia provided information to SCIC on the handling of the incidents involving the *Jung Woo No. 2* and the *Sparta*. They also responded to questions relating to the subsequent investigations into the incidents. Some Members enquired whether the master and crew of the *Jung Woo No. 2* will be on vessels in 2012/13. Korea advised that the ex-master of the *Jung Woo No. 2* is on board the *Sun Star*, which replaced the *Jung Woo No. 2*, as a deckhand and two crew members are on board the *Sun Star*. The other four Korean

crew members were not on any vessel owned by the owner of the *Sun Star*. All foreign crew members returned to their home countries. Members welcomed the additional information that was provided.

5.4 The EU proposed that the reference in the Resolution 34/XXX, paragraph 1, encouraging Members to consider ratifying the 1993 Torremolinos Protocol be updated to reflect the 2012 Cape Town Agreement on the implementation of the protocol.

## IUU FISHING IN THE CONVENTION AREA

### Current level of IUU fishing

6.1 France advised SCIC on IUU fishing in Area 58 (CCAMLR-XXXI/BG/35). France continued to use satellite data and at-sea surveillance, including in close cooperation with Australia. No IUU fishing was observed in the French EEZs around Iles Crozet and Kerguelen in 2011/12 although suspected IUU fishing gear was reported by licensed vessels. France reported sightings of the *Pion* in international waters. The refrigerated cargo vessel *Baiyangdian* and the fishing vessel *Wutaishan Ahui 44* were observed in Division 58.4.1. The *Huang He 22* and the *Huiquan* were sighted in Subarea 58.6 and both vessels appeared to have been fishing.

6.2 Australia reported to SCIC on patrol activities in the Heard Island and McDonald Islands (HIMI) EEZ and confirmed the presence of the *Baiyangdian* and the *Wutaishan Ahui 44* in Division 58.4.1. Australia advised that it estimated the IUU catch within the HIMI EEZ was between 0 and 50 tonnes.

6.3 Some Members welcomed the joint efforts by France and Australia, as well as other Members, to undertake patrols in the Southern Ocean. They noted this work is important because it contributes to addressing CCAMLR's priority of dealing with IUU fishing.

6.4 The Secretariat provided a report on the current status of IUU fishing in the Convention Area (CCAMLR-XXXI/17 Rev. 4).

6.5 Three vessels were reported to have engaged in IUU fishing activity in the Convention Area during 2011/12. Two of these vessels are on the NCP-IUU Vessel List. These are the *Huiquan* and the *Huang He 22* which had been sighted by France and Australia. A third vessel, the *Baiyangdian*, was also sighted and was proposed for the NCP-IUU Vessel List.

6.6 Six vessels, reported to be associated with IUU fishing, were sighted outside the Convention Area in 2011/12 (CCAMLR-XXXI/17 Rev. 4, Table 1). Four of the identified vessels were reported to be using gillnets and one, the *Huang He 22*, was reported to be using longlines. The *Baiyangdian*, a refrigerated cargo vessel, was sighted being towed by the *Huang He 22*.

6.7 Six port visits were reported for three IUU vessels, although SCIC recognised that these figures may understate the port visits because the automatic identification system (AIS) might not present the full picture.

6.8 Some of the vessels sighted have a history of involvement with transshipment, and strong circumstantial evidence was provided that the *Baiyangdian* had been engaged in supporting IUU fishing-related activities in the Convention Area.

6.9 SCIC noted that the sightings in Division 58.4.1 suggest that *Dissostichus mawsoni* was being targeted. Given that there has previously been only one sighting in Subarea 58.6, it may be indicative of a new pattern emerging.

6.10 A Member asked the Secretariat if contact was made with the Flag States of vessels suspected of IUU fishing activity. The Secretariat advised SCIC that in accordance with CMs 10-05 and 10-07 and the Policy to Enhance Cooperation with NCPs, the Secretariat writes to NCPs regularly but rarely receives a response. Spain advised SCIC that it had sought to obtain from Tanzania and Honduras the names of any Spanish nationals on board vessels flagged in those countries so that it might pursue action against them. The EU advised that on the basis of its contacts with Tanzanian authorities, Tanzania advised of the deregistration of the *Baiyangdian* from its vessel register. This information was circulated in COMM CIRC 12/105.

6.11 ASOC introduced CCAMLR-XXXI/BG/16 which identified further action with regard to measures that Members could take. These include further efforts in cooperation with NCPs; compliance with CM 10-08; develop mechanisms to ensure that Contracting Party vessels which have committed serious infringements are listed on the CCAMLR CP-IUU Vessel List; strengthen CCAMLR's Port State measures and apply them to all vessels operating in the Convention Area; provide financial and technical support to developing Contracting Parties which commit themselves to implementing new Port State controls; ratification of the FAO Port State Measures Agreement. Russia supported further Port State measures and the EU noted that ASOC might like to include trade-related measures in its recommendations.

6.12 New Zealand thanked ASOC for the paper and noted with appreciation that significant work had already been undertaken by Australia in strengthening port inspections amongst the Parties to the Regional Plan of Action to Promote Responsible Fishing Practices Including Combatting IUU Fishing in the Region (RPOA), including, with respect to Singapore and Malaysia. New Zealand encouraged Australia to continue the good work in this regard.

## IUU VESSEL LISTS

7.1 SCIC considered the Provisional CP-IUU Vessel List (CCAMLR-XXXI/17 Rev. 4, Appendix I). The Provisional List included the *Chio Maru No. 3* and the *Hong Jin No. 701*.

7.2 New Zealand reported on the boarding and inspection of the *Chio Maru No. 3*. It welcomed the cooperation of the master in allowing inspection of the entire vessel and its records. As a result of the inspection, including noting the presence and operation of machinery for the disposal of offal at sea, New Zealand reported the possible failure to comply with CMs 10-01 and 26-01.

7.3 New Zealand also reported on the boarding and inspection of the *Hong Jin No. 701*. Again, full cooperation with the inspection was received. As a result of the inspection, New Zealand reported possible failure to comply with CMs 10-01 and 10-02.

7.4 Russia advised that as a result of its investigation of the incident involving the *Chio Maru No. 3* it had taken a number of actions to prevent a recurrence, including decommissioning of the offal grinding machinery. It further advised that the vessel would not be permitted to fish in the Convention Area in 2012/13. Russia noted that this incident of non-compliance did not constitute IUU fishing and requested that the vessel not be included on the Proposed CP-IUU Vessel List.

7.5 Some Members noted with concern the seriousness of non-compliance with respect to measures designed to avoid seabird mortality. Australia also noted that the non-marking of buoys was a common practice among IUU operators.

7.6 SCIC welcomed the investigation by Russia, the sanctions imposed, the assurance that the vessel would not enter the fishery in 2012/13, and the assurance that the vessel would fully comply in future. The *Chio Maru No. 3* was subsequently not included in the Proposed CP-IUU Vessel List to be forwarded to the Commission.

7.7 The Republic of Korea advised that with respect to the *Hong Jin No. 701* it had undertaken a thorough investigation. It concluded that all the required documentation was in place and that the correct marking of fishing gear was subsequently completed. It reported that the failure to provide the licence documentation had been as a result of miscommunication between the inspectors and the vessel's master as to what was being requested. The necessary documentation had been in place at the time and was subsequently forwarded to the Secretariat. Korea was of the view that this issue was not intentional and did not undermine the conservation objectives of CCAMLR and therefore the vessel should not be included on the Proposed CP-IUU Vessel List. The *Hong Jin No. 701* was subsequently not included in the Proposed CP-IUU Vessel List to be forwarded to the Commission.

7.8 Some Members welcomed Korea's advice but considered that non-compliance still represented another incident involving a vessel previously implicated in non-compliance. Korea requested the Secretariat to clarify if the *Hong Jin No. 701* lines in 2010/11 were non-compliant. The Secretariat advised that the *Hong Jin No. 701* line weighting was compliant.

7.9 Several Members expressed concern about the repeated evidence of non-compliance with conservation measures, as this represents undermining of the objectives of CCAMLR and the conservation measures for which considerable effort had been invested. While welcoming action taken by Members to respond to the issues raised by specific inspections, serious concerns were expressed about the apparent persistent non-compliance with conservation measures by some vessels. The Republic of Korea, in particular, was urged to take steps to ensure that its vessels not be identified as non-compliant again.

7.10 Some Members expressed gratitude to New Zealand and other Members that undertake at-sea and port inspections, which are crucially important to ensure compliance with CCAMLR conservation measures. Member non-compliance with conservation measures undermines the objectives of the Convention and is of great concern. In particular, the USA expressed concern that the compliance with seabird by-catch mitigation requirements in CMs 25-02 and 26-01 was very poor on vessels of several Members, and that it viewed all of these violations as serious non-compliance. The USA further noted that the work of CCAMLR over many years has achieved near-zero seabird by-catch and is under threat due to non-compliance. It inquired as to what action South Africa had taken to sanction the *El Shaddai*, which had many instances of non-compliance, and the *Koryo Maru No. 11*. With

regard to the *Chio Maru No. 3*, the USA noted that it considered this non-compliance to be very serious, and welcomed Russia's actions taken in response to the violation, including its removal of the vessel from the fishery for the coming season.

7.11 SCIC considered the Provisional NCP-IUU Vessel List (CCAMLR-XXXI/17 Rev. 4, Appendix I). One vessel, the refrigerated cargo vessel *Baiyangdian*, was included on the Provisional NCP-IUU Vessel List.

7.12 Some Members noted concern about whether the evidence that would be used to justify including the *Baiyangdian* on the NCP-IUU Vessel List was sufficient under CM 10-07, paragraph 9. It was noted that the evidence relating to the *Baiyangdian*, while circumstantial, was very strong and that CCAMLR should be concerned about these types of vessels operating in the Convention Area. The Secretariat informed SCIC upon request that a similar level of information was considered for the inclusion of the *Koosha 4* in the NCP-IUU Vessel List in 2011.

7.13 Some Members indicated that they required more time to consider what the appropriate level of evidence would be in order to list the vessel. However, it was decided to include the vessel *Baiyangdian* on the Proposed NCP-IUU Vessel List to be forwarded to the Commission for approval.

7.14 SCIC considered COMM CIRCs 11/123 and 12/133 that outlined Togo's request to remove the *Tchaw* from the NCP-IUU Vessel List. SCIC considered the information provided and was not satisfied that it met the requirements of CM 10-07, paragraph 18. The Secretariat undertook to circulate to Members a draft letter to be sent to Togo.

## CATCH DOCUMENTATION SCHEME (CDS)

### Implementation and operation of the CDS

8.1 The Secretariat reported on the implementation and operation of the CDS during 2011/12 (CCAMLR-XXXI/BG/22 Rev. 1). It was noted that 21 countries may be involved in the toothfish trade but are not cooperating with CCAMLR by participating in the CDS – these are Antigua and Barbuda, Belize, Colombia, Democratic People's Republic of Korea, Dominican Republic, Ecuador, Honduras, Islamic Republic of Iran, Malaysia, Mexico, Mongolia, Nigeria, Panama, Philippines, Singapore, St Kitts and Nevis, Tanzania, Thailand, Trinidad and Tobago, United Arab Emirates and Viet Nam.

8.2 With respect to Malaysia, it was recalled that at CCAMLR-XXX Members had expressed concern about the use of Malaysia's ports by IUU vessels. It was noted that the Commission Chair had written to the ATCM Secretariat regarding Malaysia and no response had been received. The Secretariat reported that its correspondence with Malaysia had also received no response.

## Singapore's status as a cooperating NCP

8.3 The Secretariat reported on the request from Singapore for the reinstatement of its status as an NCP cooperating with CCAMLR by participating in the CDS (CCAMLR-XXXI/05). The representative of Singapore presented a submission in support of this request (CCAMLR-XXXI/BG/07). Singapore outlined its commitment to fighting IUU fishing and to the RPOA and the port inspections that had been undertaken in 2011/12. SCIC was advised that Singapore is reviewing all of its relevant legislation and that by 2014 it would have in place legislation and resources to fully participate in the CDS. In the meantime, a number of interim measures have been put in place to deny port entry to IUU-listed vessels. In response to a question regarding whether Singapore would be able to fully implement the CDS pending completion of its legislative review, Singapore responded that it could implement the CDS as it had done before its status was revoked.

8.4 Members thanked Singapore for its advice, welcoming the review of its legislation and its determination to fully participate in the CDS. Singapore was asked to keep the Commission informed of progress with its review of legislation.

8.5 The EU noted that the IUU-listed vessel *Ray* had visited a port in Singapore in March 2012 (CCAMLR-XXXI/17 Rev. 4) and asked Singapore to explain this. Singapore advised SCIC that Singaporean authorities had no record of this vessel requesting entry to port and that Singapore would follow up the matter and report back to the Commission.

8.6 Many Members acknowledged the efforts of Singapore to enhance its ability to deter IUU fishing. The USA expressed its appreciation for the efforts made by Singapore but was of the view that it would be premature to reinstate Singapore's status before the new legislation was in place. Accordingly, there was no consensus and Singapore's status will remain unchanged.

8.7 In accordance with CM 10-05, Annex C, the Secretariat wrote to non-Contracting Parties possibly involved in the harvest or trade of toothfish and invited their cooperation with CCAMLR by voluntarily participating in the CDS and to consider acceding to CCAMLR. Only the Philippines, Singapore and Thailand replied. Thailand appointed a CDS contact officer and was given limited access to the CDS data to monitor importation of toothfish into that country. The CCAMLR website lists those countries that have failed to respond to the Secretariat's correspondence.

8.8 The Secretariat reported that NCP correspondence sent on behalf of the Commission could be better targeted and requested the assistance of Members to provide the details of appropriate NCP authorities.

8.9 Australia noted that four of the 21 non-Cooperating States are part of the RPOA and recommended that the members of RPOA be invited to observe the next Commission meeting.

8.10 China advised that it has communicated with the Hong Kong Special Administrative Region (HKSAR) with a view to participating in the CDS. The HKSAR Government is now assessing the requirements and will respond to the Central Government of China before



CCAMLR-XXXII. Meanwhile, the HKSAR Government will continue to monitor the toothfish trade going through the HKSAR. Members thanked China for the information and asked for regular updates on the participation of HKSAR in the CDS.

8.11 The Secretariat reported that under the CDS in 2012 it had received 611 landing documents, 2002 export documents and 205 re-export documents. The Secretariat also reported on undocumented landings.

8.12 The Secretariat reported that during 2012 it detected no fraudulent documents.

8.13 The Secretariat reported on the implications of modernisation of the IT environment and the migration of the e-CDS database to a new SQL Server 2008 platform that allows the data to be integrated with the CCAMLR website.

8.14 SCIC noted that changes in web technologies over the last 10 years have meant that the e-CDS environment is significantly out-of-date and is no longer readily supported. SCIC noted that work proposed for 2013 will integrate the e-CDS with the Secretariat's IT and data management. The Secretariat advised SCIC that work had been completed and trials were in place for the CDS reporting and query function requested by the USA in 2011 (CCAMLR-XXX/27).

8.15 SCIC considered a report submitted by the UK, South Africa, Australia and the Secretariat (CCAMLR-XXXI/BG/37) which outlined the African Capacity Building Workshop in 2012. The workshop had 56 participants from 15 African countries. South Africa was thanked for hosting the workshop which had made an important contribution to improving understanding and acceptance of CCAMLR and had forged strong links between other organisations and CCAMLR. Members noted that the workshop, which had been supported by the CDS Fund, had achieved its objectives, and agreed the recommendations of the report.

## ADVICE FROM THE SCIENTIFIC COMMITTEE

9.1 The Chair of the Scientific Committee (Dr C. Jones, USA) presented the Committee's preliminary advice on topics relevant to the work of SCIC. SCIC expressed its appreciation to Dr Jones for his very informative and comprehensive report. SCIC considered this report and made particular note of the advice relating to:

(i) Green weight of krill

The Scientific Committee noted that there is still considerable uncertainty in the estimation of krill catches that can be improved by changes to the C1 form to require information to identify the particular methodology used for the estimation of catches. The Scientific Committee considered that an additional table is not required in CM 21-03.

(ii) Amendments to CM 51-06

The Scientific Committee recommended that the current level of scientific observer coverage in the krill fishery should be extended to 2014 and that the

requirement to observe 20% of hauls each day be removed from CM 51-06. The Scientific Committee noted that the level of observer coverage in 2011/12 exceeded the requirements of the conservation measure, that this level of observation had provided extensive scientific data and recommended that it be maintained, although not be made mandatory.

(iii) Reporting on toothfish catches

The Scientific Committee recommended that five-day catch reporting is no longer necessary in those exploratory fisheries where daily reporting is required.

(iv) Tag-overlap statistic

The Scientific Committee noted that the tag-overlap statistic had not been met by the *Koryo Maru No. 11* in Division 58.4.3.

(v) Change of fishing gear after notification

The Scientific Committee recommended that changes to fishing gear should only be permitted where it was part of a controlled experiment endorsed by the Scientific Committee, otherwise it would compromise the value of the data collected during research.

(vi) Evaluation of vessel performance in exploratory fisheries

The Scientific Committee noted that this matter had been referred to SCIC by the Working Group on Fish Stock Assessment (WG-FSA) as it may be linked with a range of compliance with measures. The Scientific Committee recommended that an assessment framework be developed in intersessional collaboration between SCIC and the Scientific Committee to develop metrics of vessel suitability to conduct research.

(vii) IUU in the Convention Area

The Scientific Committee considered that the information currently provided to the Secretariat is insufficient to provide effort-corrected sightings-based estimates of IUU catches such that it is not possible to distinguish between changes in trends in fishing activity or changes in surveillance effort. The Scientific Committee recommended that the Secretariat be tasked with utilising available data to estimate IUU catches, including preparing a map of historical IUU activities.

(viii) By-catch issues

The Scientific Committee noted that the level of by-catch of skates in Division 58.4.3a was almost equal to the toothfish catch. It also noted that all of the skates caught were considered to be dead and that the catch rate and level of mortality was higher than expected. It recommended the development of region-specific skate by-catch mitigation measures including 'move-on' rules and identification of specific zones where high level by-catch is a particular problem.

(ix) Overcapacity issues

The Scientific Committee noted that overcapacity is a particular problem in areas with small catch limits. The Scientific Committee recommended consideration of measures, such as tagging all fish in situations during periods of overruns, and the possibility of overruns being counted against future catch limits.

(x) Anomalous CPUE data

The Scientific Committee advised that it could find no scientific explanation for the anomalous CPUE data reported by three Korean vessels. The Scientific Committee considered that all data from these vessels in the years in which anomalous CPUE data were reported would be marked as not suitable for analysis. In addition, all data from these vessels will be reviewed by the Republic of Korea and the Secretariat and the results will be presented to WG-SAM in 2013. The Scientific Committee considered that it is up to SCIC to consider whether there is a compliance issue.

(xi) Reflagging of notified krill vessels

The Scientific Committee noted that the transfer of a vessel and its intended catch to another Member after notification could impinge on the ability of the Scientific Committee to interpret the data. However, there would be no scientific concerns where the proposed area to be fished, fishing methods used and notified catch were not changed.

9.2 The advice from the Chair of the Scientific Committee was taken into account in SCIC's consideration of the relevant agenda items.

## ELECTION OF THE CHAIR

10.1 The USA proposed Mr O. Urrutia (Chile) as the next Chair of SCIC. The nomination was accepted and Members congratulated Mr Urrutia on his election.

10.2 Members thanked Ms K. Dawson-Guynn (USA) for her valuable contribution to CCAMLR through highly skilled chairing of the complex discussions within SCIC over many years. Members also thanked Mr J. Jansen (UK) for his excellent work in the role as Vice-Chair over the last two years.

10.3 There were no nominations for Vice-Chair of SCIC and Members resolved to revisit the issue at the start of the SCIC meeting in 2013.



**Report of the Standing Committee on  
Administration and Finance (SCAF)**

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

1. The Chair of the Standing Committee on Administration and Finance (SCAF), Dr M. Mayekiso (South Africa), opened discussions on Item 4 of the Commission's Agenda.

### **EXAMINATION OF AUDITED FINANCIAL STATEMENTS FOR 2011**

2. Noting that a full audit had been carried out on the 2011 Financial Statements, and that the Auditor's report had identified no incidents of non-compliance with Financial Regulations or International Accounting Standards, the Commission accepted the Financial Statements as presented in CCAMLR-XXXI/03.

### **SECRETARIAT MATTERS**

3. The Commission noted the Executive Secretary's Report for 2012 which was supported by a progress report on the implementation of the Secretariat's Strategic Plan (2012–2014) (CCAMLR-XXXI/06). The Secretariat was complimented on the strategic approach and detail provided in the report. The Commission looked forward to receiving a similar report on implementation of the Strategic Plan in 2013 and suggested that, subject to review in future years, consideration be given to extending the Strategic Plan beyond 2014.

4. The Commission endorsed the implementation report for the Secretariat's Staffing and Salary Strategy as presented in CCAMLR-XXXI/07.

5. The Commission determined that the term of appointment for future International Professional Staff will be on the basis of an initial four-year appointment. Subject to satisfactory performance, staff will be eligible for a second four-year term. At the completion of a second four-year term, the post will be advertised. The incumbent will be able to reapply for the position.

6. Members considered the practice in other multilateral organisations relating to the term of appointment for International Professional Staff. Some Members preferred transitioning existing staff to the new arrangements on the expiry of existing contracts to bring CCAMLR into line with contemporary international practice. Noting the particular circumstances of the engagement of the current three International Professional Staff, it was agreed that the new provisions would apply to new appointments to these positions and that existing arrangements would be maintained for staff currently occupying International Professional posts.

7. The Commission adopted the revised Staff Regulations and Deeds of Employment presented in CCAMLR-XXXI/08, noting that the revised Staff Regulations are now compliant with Australian workplace legislation. The Secretariat was tasked with reporting back to the Commission on any changes in Australian workplace law that may have implications for the CCAMLR Secretariat as they are introduced.

## BUDGETS FOR 2012, 2013 AND 2014

8. The Commission approved the budget for 2012 which included a surplus of A\$24 000 to be carried forward in the General Fund, as presented in Appendix I, Table 1.

9. The Scientific Committee advised SCAF of two requests. The first concerned a proposed review of the CCAMLR Scheme of International Scientific Observation with an estimated budget of A\$30 000. The second request related to digitising historic krill data currently held by Ukraine. The estimate for this work was A\$17 800.

10. Noting that, with the exception of the Salaries and Allowances item (which has provided for increases due to progression through salary scales and to meet CPI increases) and the Travel expenditure item (which provides for known commitments), expenditure for 2013 is budgeted at 2012 levels, the Commission approved total expenditure of A\$4 632 000 for 2013. This included provision for expenditure requested by the Scientific Committee for a review of the CCAMLR Scheme of International Scientific Observation to be undertaken in 2013. SCAF was advised that alternate funding arrangements would be made to support the processing of Ukraine's historic krill data.

11. The Commission approved the 2013 proposed budget as presented in Appendix I, Table 2, noting that Members' contributions will increase by 1.2% in 2013 which is consistent with its policy of no real growth. The remainder of the expenditure will be funded from the balance held in the General Fund.

12. The Commission noted the forecast budget for 2014 as presented in Appendix I, Table 3. The Commission noted that the forecast figures are indicative only, and that care should be taken when they are used as a basis for budgeting by individual Members.

## FUTURE FUNDING MODEL FOR CCAMLR

13. The Commission noted that, if current income and expenditure trends continue, the General Fund balance could be fully expended by the end of 2014. Consequently, it established an Intersessional Correspondence Group (ICG), coordinated by the Secretariat, to review future funding options and efficiencies for the Commission. This was consistent with recommendation 7.1.1 of the Performance Review Report (2009). The ICG was tasked with analysing income and expenditure options for establishing a sustainable budget to support the Commission's operations in the medium term. The Secretariat agreed to circulate draft terms of reference and invite Members' participation in the ICG via a COMM CIRC.

## MEMBERS' CONTRIBUTIONS

14. The Commission granted extensions to 31 May 2013 for Argentina, Brazil, People's Republic of China, Republic of Korea, South Africa and Uruguay in respect of the due date for the payment of their 2013 contributions (Appendix II).



## REVIEW OF FINANCIAL REGULATIONS

15. Australia, the Convener of the SCAF Correspondence Group tasked with reviewing the Commission's Financial Regulations (CCAMLR-XXX, paragraph 3.2), summarised the intersessional work of the Correspondence Group (CCAMLR-XXXI/28). The Commission approved revisions to Financial Regulations 5.3, 5.4, 5.5(a), 5.6 and 6.1(c) and new Financial Regulations 10.3 and 10.4 (Appendix III) to take effect from 2014. Members considered the application of default provisions and the recommendations of the SCAF Correspondence Group for new text to clarify these provisions. SCAF discussed Article XIX.6 in relation to the right of Members to participate in the taking of decisions of the Commission when a Member is in default of payment of its contributions. These issues may be further considered at the 2013 meeting.

## ELECTION OF VICE-CHAIR

16. The Republic of Korea was elected as Vice-Chair for a period of two years commencing at the conclusion of CCAMLR-XXXI and ending at the conclusion of CCAMLR-XXXIII. Korea advised that the delegate for this important role would be advised at a later date.

**TABLE 1: REVISED BUDGET FOR THE YEAR ENDED 31 DECEMBER 2012**

	General Fund adopted 2011	General Fund Revised	Equity Funds					Special funds								Total
			Asset Replace-ment Reserve	New & Expl'y Fisheries Fund	Staff Replace-ment Fund	Contin-gency	Observer	VMS	CDS	Compliance	MPA	Scientific	Enforce-ment	General SC Capacity	CEMP	
<b>Income</b>																
Members' General Fund Contributions	3 157 000	3 157 000	0	0	0	0	0	0	0	0	0	0	0	0	0	3 157 000
Members' Special Contributions	0	0	0	0	0	0	0	0	0	0	33 280	0	0	0	0	33 280
Interest	230 000	200 000	0	0	0	0	3 200	420	5 000	800	1 300	3 000	400	2 300	4 000	220 420
Staff Assessment Levy	540 000	450 000	0	0	0	0	0	0	0	0	0	0	0	0	0	450 000
Fund transfers – incl. SC Fund	150 000	215 000	0	0	0	(150 000)	0	0	0	0	0	0	0	0	0	65 000
Sales (Tagging)	30 000	30 000	0	0	0	0	0	0	0	0	0	0	0	0	0	30 000
Miscellaneous Income	380 000	380 000	25 000	174 000	0	150 000	0	0	0	0	0	(65 000)	0	0	0	664 000
<b>Total Income</b>	<b>4 487 000</b>	<b>4 432 000</b>	<b>25 000</b>	<b>174 000</b>	<b>0</b>	<b>0</b>	<b>3 200</b>	<b>420</b>	<b>5 000</b>	<b>800</b>	<b>34 580</b>	<b>(62 000)</b>	<b>400</b>	<b>2 300</b>	<b>4 000</b>	<b>4 619 700</b>
<b>Expenditure</b>																
Salaries and Allowances	3 020 000	3 020 000	0	174 000	0	0	0	0	0	0	0	0	0	0	0	3 194 000
Equipment	200 000	180 000	0	0	0	0	0	0	0	0	0	0	0	0	0	180 000
Insurance and Maintenance	210 000	190 000	0	0	0	0	0	0	0	0	0	0	0	0	0	190 000
Training	20 000	20 000	0	0	0	0	0	0	0	0	0	0	0	0	0	20 000
Meeting Facilities	320 000	320 000	4 444	0	0	0	0	0	18 500	0	0	0	0	0	0	342 944
Travel	200 000	115 000	0	0	0	0	0	0	72 500	0	37 000	0	0	15 000	0	239 500
Printing and Copying	50 000	28 000	0	0	0	0	0	0	0	0	0	0	0	0	0	28 000
Communications	57 000	40 000	0	0	0	0	0	0	0	0	0	0	0	0	0	40 000
Sundry	90 000	90 000	0	0	0	0	0	0	5 000	0	0	37 873	1 000	0	0	133 873
Rent/COGS	405 000	405 000	0	0	0	0	0	0	0	0	0	0	0	0	0	405 000
<b>Total Expenditure</b>	<b>4 572 000</b>	<b>4 408 000</b>	<b>4 444</b>	<b>174 000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>96 000</b>	<b>0</b>	<b>37 000</b>	<b>37 873</b>	<b>(1 000)</b>	<b>15 000</b>	<b>0</b>	<b>4 773 317</b>
<b>Surplus/(Deficit)</b>	<b>(85 000)</b>	<b>24 000</b>	<b>20 556</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3 200</b>	<b>420</b>	<b>(91 000)</b>	<b>800</b>	<b>(2 420)</b>	<b>(99 873)</b>	<b>1 400</b>	<b>(12 700)</b>	<b>4 000</b>	<b>(153 617)</b>
Balance at 1 January 2012	0	414 051	182 827	363 920	135 846	260 000	117 006	14 677	256 929	27 247	59 375	99 873	13 406	264 675	100 338	2 310 170
Balance at 31 December 2012	(85 000)	438 051	203 383	363 920	135 846	260 000	120 206	15 097	165 929	28 047	56 955	0	14 806	251 975	104 338	2 158 553

**TABLE 2: DRAFT BUDGET FOR THE YEAR ENDED 31 DECEMBER 2013**

General fund	Equity Funds				Special Funds									Total	
	Asset Replacement Reserve	New & Expl'y Fisheries Fund	Staff Replacement Fund	Contingency	Observer	VMS	CDS	Compliance	MPA	Scientific	Enforcement	General SC Capacity	CEMP		
A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	
<b>Income</b>															
Members' General Fund Contributions	3 195 000	0	0	0	0	0	0	0	0	0	0	0	0	3 195 000	
Members' Special Contributions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Interest	200 000	0	0	0	0	3 300	400	4 200	800	400	0	400	2 000	0	211 500
Staff Assessment Levy	450 000	0	0	0	0	0	0	0	0	0	0	0	0	0	450 000
Fund transfers	150 000	0	0	0	(150 000)	0	0	0	0	0	0	0	0	0	0
Sales (Tagging)	30 000	0	0	0	0	0	0	0	0	0	0	0	0	0	30 000
Miscellaneous Income	392 000	30 000	195 000	0	150 000	0	0	0	0	0	0	0	0	0	767 000
<b>Total Income</b>	<b>4 417 000</b>	<b>30 000</b>	<b>195 000</b>	<b>0</b>	<b>0</b>	<b>3 300</b>	<b>400</b>	<b>4 200</b>	<b>800</b>	<b>400</b>	<b>0</b>	<b>400</b>	<b>2 000</b>	<b>0</b>	<b>4 653 500</b>
<b>Expenditure</b>															
Salaries and Allowances – Revised	3 110 000	0	195 000	0	0	0	0	0	0	0	0	0	0	0	3 305 000
Equipment	200 000	0	0	0	0	0	0	0	0	0	0	0	0	0	200 000
Insurance and Maintenance	210 000	0	0	0	0	0	0	0	0	0	0	0	0	0	210 000
Training	15 000	0	0	0	0	0	0	0	0	0	0	0	0	0	15 000
Meeting Facilities	320 000	4 444	0	0	0	0	0	0	0	0	0	0	0	0	324 444
Travel	180 000	0	0	0	0	0	0	0	0	0	0	0	30 000	0	210 000
Printing and Copying	50 000	0	0	0	0	0	0	0	0	0	0	0	0	0	50 000
Communications	40 000	0	0	0	0	0	0	0	0	0	0	0	0	0	40 000
Sundry	90 000	0	0	0	0	0	0	0	0	0	0	0	0	0	90 000
Rent/COGS	417 000	0	0	0	0	0	0	0	0	0	0	0	0	0	417 000
<b>Total Expenditure</b>	<b>4 632 000</b>	<b>4 444</b>	<b>195 000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>30 000</b>	<b>0</b>	<b>4 861 444</b>
<b>Surplus/(Deficit)</b>	<b>(215 000)</b>	<b>25 556</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3 300</b>	<b>400</b>	<b>4 200</b>	<b>800</b>	<b>400</b>	<b>0</b>	<b>400</b>	<b>(28 000)</b>	<b>0</b>	<b>(207 944)</b>
Balance at 1 January 2013	438 051	203 383	363 920	135 846	260 000	120 206	15 097	165 929	28 047	56 955	0	14 806	251 975	104 338	2 158 553
Balance at 31 December 2013	223 051	228 939	363 920	135 846	260 000	123 506	15 497	170 129	28 847	57 355	0	15 206	223 975	104 338	1 950 609

**TABLE 3: FORWARD ESTIMATE FOR THE YEAR ENDED 31 DECEMBER 2014**

General Fund	Equity Funds				Special Funds									Total	
	Asset Replacement Reserve	New & Expl'y Fisheries Fund	Staff Replacement Fund	Contingency	Observer	VMS	CDS	Compliance	MPA	Scientific	Enforcement	General SC Capacity	CEMP		
A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	A\$	
<b>Income</b>															
Members' General Fund Contributions	3 259 000	0	0	0	0	0	0	0	0	0	0	0	0	3 259 000	
Members' Special Contributions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Interest	200 000	0	0	0	0	3 300	400	4 200	800	400	0	400	2 000	4 000	215 500
Staff Assessment Levy	465 000	0	0	0	0	0	0	0	0	0	0	0	0	0	465 000
Fund transfers	150 000	0	0	0	(150 000)	0	0	0	0	0	0	0	0	0	
Sales (Tagging)	30 000	0	0	0	0	0	0	0	0	0	0	0	0	30 000	
Miscellaneous Income	398 000	30 000	195 000	0	150 000	0	0	0	0	0	0	0	0	773 000	
<b>Total Income</b>	<b>4 502 000</b>	<b>30 000</b>	<b>195 000</b>	<b>0</b>	<b>0</b>	<b>3 300</b>	<b>400</b>	<b>4 200</b>	<b>800</b>	<b>400</b>	<b>0</b>	<b>400</b>	<b>2 000</b>	<b>4 000</b>	<b>4 742 500</b>
<b>Expenditure</b>															
Salaries and Allowances	3 215 000	0	195 000	0	0	0	0	0	0	0	0	0	0	0	3 410 000
Equipment	200 000	0	0	0	0	0	0	0	0	0	0	0	0	0	200 000
Insurance and Maintenance	215 000	0	0	0	0	0	0	0	0	0	0	0	0	0	215 000
Training	15 000	0	0	0	0	0	0	0	0	0	0	0	0	0	15 000
Meeting Facilities	325 000	4 444	0	0	0	0	0	0	0	0	0	0	0	0	329 444
Travel	150 000	0	0	0	0	0	0	0	0	0	0	0	30 000	0	180 000
Printing and Copying	50 000	0	0	0	0	0	0	0	0	0	0	0	0	0	50 000
Communications	41 000	0	0	0	0	0	0	0	0	0	0	0	0	0	41 000
Sundry	90 000	0	0	0	0	0	0	0	0	0	0	0	0	0	90 000
Rent/COGS	423 000	0	0	0	0	0	0	0	0	0	0	0	0	0	423 000
<b>Total Expenditure</b>	<b>4 724 000</b>	<b>4 444</b>	<b>195 000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>30 000</b>	<b>0</b>	<b>4 953 444</b>
<b>Surplus/(Deficit)</b>	<b>(222 000)</b>	<b>25 556</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3 300</b>	<b>400</b>	<b>4 200</b>	<b>800</b>	<b>400</b>	<b>0</b>	<b>400</b>	<b>(28 000)</b>	<b>4 000</b>	<b>(210 944)</b>
Balance at 1 January 2014	223 051	228 939	363 920	135 846	260 000	123 506	15 497	170 129	28 847	57 355	0	15 206	223 975	104 338	1 950 609
Balance at 31 December 2014	1 051	254 495	363 920	135 846	260 000	126 806	15 897	174 329	29 647	57 755	0	15 606	195 975	108 338	1 739 665

**MEMBERS' CONTRIBUTIONS 2013**  
 General Fund Contributions – Payable by 1 March 2013  
 (all amounts in Australian dollars)

Member	Basic	Fishing	Total
Argentina*	122 271	1 000	123 271
Australia	122 271	10 614	132 885
Belgium	122 271	-	122 271
Brazil*	122 271	-	122 271
Chile	122 271	1 871	124 142
China, People's Republic of *	122 271	2 487	124 758
European Union	122 271	-	122 271
France	122 271	26 103	148 374
Germany	122 271	-	122 271
India	122 271	-	122 271
Italy	122 271	-	122 271
Japan	122 271	11 669	133 940
Korea, Republic of *	122 271	21 990	144 261
Namibia	122 271	-	122 271
New Zealand	122 271	6 391	128 662
Norway	122 271	36 833	159 104
Poland	122 271	2 518	124 789
Russia	122 271	3 084	125 355
South Africa*	122 271	1 104	123 375
Spain	122 271	3 753	126 024
Sweden	122 271	-	122 271
Ukraine	122 271	-	122 271
UK	122 271	7 808	130 079
USA	122 271	-	122 271
Uruguay*	122 271	1 000	123 271
	<u>3 056 775</u>	<u>138 225</u>	<u>3 195 000</u>

\* Extension of deadline requested by Members.

## AMENDMENTS TO FINANCIAL REGULATIONS (2012)

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

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

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

5.6 ~~Except in the first financial year when contributions shall be paid within 90 days of the end of the first Commission meeting, e~~ Contributions shall be due for payment on the first day of the financial year, **1 January** (i.e. the due date). ~~and Contributions shall be paid not later than 31 May (extended period of payment), recognising that submission of payments later in the extended period of payment may impact the Secretariat's ability to meet its financial obligations. 60 days after that date. The Commission has the authority to permit extensions to the due date of up to 90 days for individual Members who are unable to comply with this regulation due to the timing of the financial years of their governments. However, in the case referred to in Regulation 5.5(a), contributions by a new Member shall be made within 90 days following the date on which its membership becomes effective. If payment is made after the due date in United States dollars, the net payment received by the Commission shall be equivalent to the amount of Australian dollars payable on the due date.~~

6.1 (c) Any cash surplus in the General Fund at the close of a financial year that is not required to meet undischarged commitments in terms of Regulation 4.3 shall be divided in proportion to the contributions made by existing Members under Regulation 5.1 in the current financial year and used to offset such Members' contributions for the ensuing financial year. ~~This provision shall not apply at the end of the first financial year when surplus funds other than those resulting from contributions by new Members may be carried over into the following financial year;~~

Proposed insertion after Financial Regulation 10.2

**10.3 The Executive Secretary shall submit to all Members of the Commission, not later than 10 working days following the end of each financial quarter (being 31 March, 30 June, 30 September, 31 December), interim financial reports showing:**

- (a) income (including interest income) and expenditures relating to all funds and accounts;**
- (b) the status and performance of investments; and**
- (c) other advice or information the Executive Secretary considers relevant pertaining to the financial management of the Commission.**

**10.4 The Executive Secretary will inform Members of significant or unforeseen financial events, particularly where such events may have substantial impact on the current or future financial position of the Commission, as soon as possible from when the Executive Secretary becomes aware of such events.**

[renumber the existing Regulations 10.3 to 10.6]