

CCAMLR-XXXVII

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

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

HOBART, AUSTRALIA  
22 OCTOBER – 2 NOVEMBER 2018

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Chair of the Commission  
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## **Abstract**

This document is the adopted record of the Thirty-seventh Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia, from 22 October to 2 November 2018. Major topics discussed at this meeting included: a revised strategic plan for the Secretariat to apply in 2019–2022; the creation of a Working Capital Fund to support the organisation; the status of CCAMLR-managed fisheries; the Report of the Thirty-seventh meeting of CCAMLR's Scientific Committee; illegal, unreported and unregulated fishing in the Convention Area; new proposals on marine protected areas in the Convention Area; assessment and avoidance of incidental mortality of Antarctic marine living resources; the management of exploratory fisheries; fisheries research proposals; the System of Inspection and the Scheme of International Scientific Observation; compliance with conservation measures in force; and cooperation with other international organisations, including within the Antarctic Treaty System. The Reports of the Standing Committee on Implementation and Compliance and the Standing Committee on Administration and Finance are appended.

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

### **Opening of the meeting**

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

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

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

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

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

(SPRFMO), the United Nations Environment Programme (UNEP) and the Commission for the Conservation and Management of the Highly Migratory Fish Stocks of the Western and Central Pacific Ocean (WCPFC) were also invited to attend the meeting as Observers. ACAP, ARK, ASOC, ATS, CCSBT, CEP, COLTO, IAATO, IUCN, Oceanites Inc., SCAR, SCOR, SEAFO, SIOFA and SPRFMO were represented. COMNAP sent apologies.

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

1.7 The Chair welcomed all participants to the meeting and introduced Her Excellency, Professor Kate Warner AC, the Governor of Tasmania, who delivered the opening address (Annex 3).

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

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

## **Organisation of the meeting**

### Adoption of the agenda

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

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

### Status of the Convention

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

### Report of the Chair

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

## Proposals for new conservation measures

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

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

## Implementation and compliance

### Advice from SCIC

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

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

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

### Catch Documentation Scheme for *Dissostichus* spp.

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

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

3.6 The Commission noted that SCIC had discussed the discrepancies identified in the Secretariat's reconciliation of CDS data and fine-scale catch and effort data (Annex 6, paragraph 10). The Commission noted that SCIC referred the difference in reconciliation of CDS and fine-scale catch and effort data for Subarea 48.2 to the Scientific Committee for further consideration (Annex 6, paragraphs 131 and 133).

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

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

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

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

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

## Provisional CCAMLR Compliance Report

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

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

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

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

## Proposed NCP-IUU and CP-IUU Vessel Lists

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

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

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

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

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

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

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

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

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

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

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

#### Current level of IUU fishing

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

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

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

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

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

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

## Other SCIC business

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

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

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

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

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

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

## **Administration and Finance**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Report of the Scientific Committee**

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

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

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

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

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

### Harvested species

#### Krill resources

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

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

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

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

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

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

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

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

5.14 Norway remarked that there are uncertainties associated with any scientific survey. In order to enhance utility of the survey and minimise uncertainty, the coordinators and scientists involved in this major undertaking have been attentive to the guidance with regard to design and methodology from SG-ASAM and WG-EMM and individual Members. They have repeatedly responded to concerns raised by providing relevant information. Norway noted that the Scientific Committee, after considerable deliberations on methodology and design, welcomed the survey as currently planned and looked forward to receiving results from the 2019 survey for informing its future deliberations on krill.

## Fish resources

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

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

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

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

5.19 In 2017/18, 13 Members fished for Patagonian toothfish (*Dissostichus eleginoides*) and/or Antarctic toothfish (*D. mawsoni*) in Subareas 48.3, 48.4, 48.6, 58.6, 58.7, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a, 58.5.1 and 58.5.2. Members also conducted research fishing for toothfish in the closed areas of Subarea 48.2, Division 58.4.4b and Subarea 88.3. The reported total catch in the Convention Area of *D. eleginoides* to 30 September 2018 was 12 565 tonnes and that of *D. mawsoni* was 4 353 tonnes (SC-CAMLR-XXXVII/BG/01 Rev. 4).

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

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

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

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

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

information available on the state of fish stocks in Division 58.5.1 outside areas of national jurisdiction, the prohibition of directed fishing for *D. eleginoides*, described in CM 32-02, will remain in force (SC-CAMLR-XXXVII, paragraphs 3.84 and 3.85).

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

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

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

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

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

5.30 The Commission endorsed the recommendation that new research proposals under CM 24-01 be limited to a maximum duration of three years (SC-CAMLR-XXXVII, paragraphs 3.107 to 3.109). The Commission further agreed that all new research proposals shall be reviewed by WG-SAM and WG-FSA, all continuing research in closed areas shall be reviewed annually at WG-FSA and continuing research in exploratory fisheries be reviewed every second year at WG-FSA.

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

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

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

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

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

5.36 Australia made the following statement:

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

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

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

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

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

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

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

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

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

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

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

5.38 Korea made the following statement:

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

5.39 Spain made the following statement:

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

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

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

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

5.40 The EU made the following statement:

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

5.41 The Commission noted the discussion of the Scientific Committee on the exploratory fishery in Division 58.4.3a (SC-CAMLR-XXXVII, paragraphs 3.146 to 3.157) and noted that France and Japan had agreed to a pause in fishing activities in this division while undertaking analysis of previous research for consideration by the Scientific Committee and its working groups.

5.42 The Commission endorsed the advice of the Scientific Committee on catch limits for Division 58.4.4b, with the survey to be conducted by Japan and France in accordance with the plan as set out in SC-CAMLR-XXXVII, Annex 12 (SC-CAMLR-XXXVII, paragraph 3.161).

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

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

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

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

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

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

5.48 The Commission endorsed the advice of the Scientific Committee that catch for the winter survey to be conducted by New Zealand be taken from the 2019/20 Ross Sea region north of 70°S catch limit with catch limits for that season to be adjusted following actual catch taken during the survey (SC-CAMLR-XXXVII, paragraphs 3.165, 3.166 and 3.170).

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

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

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

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

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

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

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

5.56 Russia made the following statement:

‘Russia noted the lack of consensus on the research program in Division 58.4.1 in the Scientific Committee and recalled a number of specific issues raised in that Committee. A full statement to that effect is available in the Scientific Committee report (SC-CAMLR-XXXVII, paragraph 3.137) and these issues remained unresolved. In light of such issues, Russia could not join the consensus on Division 58.4.1. It also noted that the Russian research proposal in the SRZ was aiming at studying the effect of gear types and could potentially help to bring clarity to some of the issues related to Division 58.4.1 research plan. Unfortunately, there was no consensus on the Russian SRZ research proposal.’

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

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

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

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

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

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

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

## Non-target species

### Fish and invertebrates

5.64 The Commission considered the discussion by the Scientific Committee in relation to non-target catch, and in particular that unless the inconsistencies in the reporting of by-catch between vessels in exploratory fisheries are addressed, progress on the development of methods for providing management advice on by-catch within exploratory fisheries will be compromised. The Commission welcomed the work program identified by the Scientific Committee to improve the quality of catch, including by-catch data reporting (SC-CAMLR-XXXVII, paragraphs 5.3, 5.12 and 5.17).

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

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

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

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

#### Seabirds and marine mammals

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

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

#### Bottom fishing and vulnerable marine ecosystems

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

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

#### Scientific research under Conservation Measure 24-01

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

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

## **Spatial management**

6.1 The Commission noted the Scientific Committee's discussions on spatial management and MPA planning for the Antarctic Peninsula region in Domain 1 (hereafter denoted D1MPA), the Weddell Sea in Domains 3 and 4 (WSMPA) and progress on research and monitoring in respect of the established South Orkney Islands southern shelf MPA (SOISS MPA) and the RSRMPA (SC-CAMLR-XXX, paragraph 5.63, SC-CAMLR-IM-I, paragraph 2.55).

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

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

### **Review of existing marine protected areas (MPAs)**

#### **South Orkney Islands southern shelf MPA research and monitoring**

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

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

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

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

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

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

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

- (i) The proposed seven indicator species in the Ross Sea region are not sufficient for monitoring and assessing the effectiveness of the MPA in terms of marine ecosystems and biodiversity. Additional indicator species are needed and each indicator species should be accompanied by its quantitative characteristics and trends in dynamics at the time of establishment of the MPA.
- (ii) A critical problem related to the operation of the RSRMPA is the fact that in CM 91-05 there are no procedures and sources for setting the toothfish catch limit for implementations of research in the MPA. In the opinion of Russia, catch limits for any research in the RSRMPA should not be deducted from catch limits for toothfish in the exploratory fishing outside the MPA.
- (iii) Russia asked the Commission to request the Scientific Committee to determine the sources for setting toothfish catch limit for the implementation of research in the RSRMPA.

## Development of RMPs for CCAMLR MPAs

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

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

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

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

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

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

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

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

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

## Review of proposals for new MPAs

### East Antarctica

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

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

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

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

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

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

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

6.23 Argentina highlighted that Article II of the Convention is the expression of a balance between the need to preserve the Antarctic ecosystem and the rational use of Antarctic marine

living resources. In its view, this balance is being biased by going beyond the concept of best available science in requiring increasing amounts of scientific information – even when not available – to support decisions ensuring conservation, while very little is being required to authorise the use of those resources. If similar amounts of information were required prior to any harvesting authorisations, fisheries would have serious difficulties.

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

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

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

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

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

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

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

#### Weddell Sea MPA (Domains 3 and 4)

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

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

6.31 Norway expressed its dedication to contributing to the implementation of a representative network of MPAs in the Convention Area and noted that the WSMMPA is a critical component to achieving this. Norway noted that the proposal is based on the best available science. It noted that there still remains a contrast in data availability moving from the western to the eastern parts of the current planning area. This has consequences for the modelling efforts and potentially for the designation of subareas in need of various protective actions. In such a situation, it is advisable to split contrasting subareas in order to obtain a more comprehensive result. It was suggested to split the contrasting subareas at the prime meridian. Norway also raised concerns that the current proposal leaves a gap between 20°E and 30°E, and would prefer to see an eastward extension to fully cover Domain 4. This would allow the inclusion of the priority areas for protection that were identified by German scientists in the WSMMPA proposal, put more emphasis on a north-south ecosystem connectivity and a better connectivity with other areas further east in the context of a representative system of MPAs.

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

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

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

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

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

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

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

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

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

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

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

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

The EU and its member States recall the responsibility of all CCAMLR Members to preserve the integrity of the scientific advice provided by the Scientific Committee by ensuring that their representatives in the Scientific Committee possess the necessary scientific qualifications. This will enable the Commission to continue to take decisions on the basis of best available science.

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

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

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

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

#### Antarctic Peninsula region MPA in Domain 1 (D1MPA)

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

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

6.45 The Commission considered the discussion by the Scientific Committee on the D1MPA and noted that the model comprising three different management zones addressed a broad range of objectives relating to the protection of representative habitats, ecosystem processes, important areas for species life cycles, and rare and vulnerable benthic habitats, and the establishment of scientific reference areas (SC-CAMLR-XXXVII, paragraphs 6.51 to 6.55).

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

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

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

- (i) Further work on the design of reference areas and associated research questions, including consideration of a potential experimental approach, current krill catch levels, similar response to natural variation of the reference area with fishing area, and krill flux between areas –

- (a) Argentina explained that the consideration of the experimental approach harmonised with the proposal has already been included in SC-CAMLR-XXXVII, paragraphs 3.30 and 6.56, and will be dealt with during the joint meeting of SG-ASAM and WG-EMM in 2019. Argentina encouraged all Members, especially those with outstanding issues, to engage intersessionally, and noted three possible mechanisms: the D1MPA Expert Group, the workshop on management of the krill fishery in 2019 and at WG-EMM. Argentina also requested clarification on the point made to develop work on ‘similar response to natural variation of the reference with fishing area’ in order to respond accordingly. It also noted that catch limits, as presented in the conservation measure, are a decision of the Commission and requested advice on how to address them, including through the joint WG-EMM and SG-ASAM meeting in 2019.
- (ii) Analysis of threats to the marine ecosystem in Domain 1, given existing management of human activities in the region.
- (iii) Additional evidence that the proposed MPA could decrease the risks of krill fishing having a negative impact on the ecosystem –
  - (a) Argentina noted that the two above points were considered in SC-CAMLR-XXXVII/BG/08, which included additional analysis of complementary Marxan scenarios and consideration of reference areas, as well as an evaluation of risks and costs for both predators and the krill fishery inherent to the implementation of the D1MPA. Additionally, SC-CAMLR-XXXVII/BG/04 incorporated additional evidence that the MPA proposal would reduce the risk of krill fisheries negatively impacting the ecosystem.
- (iv) Further consideration of how reference areas can be used to study the effects of climate change –
  - (a) Argentina explained that studies carried out in reference areas would allow monitoring and projection of long-term changes in the ecosystem, and research priorities would be based on the four pillars of oceanographic, climate change, ecosystem and fisheries studies. These studies would contribute to the development of predictive models in relation to climate change that allow us to project into the future and ensure compliance with Article II.3 of the Convention to minimise and prevent the risk of changes in the ecosystem.
- (v) Development of indicators to assess the effectiveness of the MPA.
- (vi) Further development of objectives, indicators and baseline data for research and monitoring, including within reference areas –
  - (a) Argentina requested that Members with pending issues clarify in detail what they refer to in relation to the development of the objectives, indicators and baseline data, and that they provide practical and concrete examples.

- (vii) The necessity of the inclusion of a krill research zone given the long existence of the krill fishery and scientific research in this region –
  - (a) Argentina requested that Members with concerns on the above clarify in detail their concerns regarding the inclusion of research areas of the fishery, especially in the context of needing further work on the design of reference areas and associated research questions (as contained in (i) above).

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Progress on MPAs

6.61 The USA stated that it supports the establishment of the EAMPA, WSMPA and D1MPA and thanked the proponents and others for their efforts these two weeks in working towards

establishing these MPAs. The USA noted its disappointment that consensus could not be reached at this meeting but continues to be committed to working intersessionally with all Members to achieve consensus on these important measures at next year's meeting.

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

6.63 The EU made the following statement:

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

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

6.65 Australia and the USA expressed their support for the WSMPA and the DIMPA. Together with the EAMPA, Australia and the USA considered the proposals contain the best available science and supported their adoption. Consistent with the recommendation arising from WS-SM, they considered all three MPA proposals would form key components of a representative system of MPAs in the CCAMLR area.

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

6.67 ASOC noted that the offer by Norway to progress research in the Weddell Sea should take place in the context of an RMP, and should not induce the progressive erosion experienced with other proposals. ASOC noted that a failure to reach consensus challenges CCAMLR’s effectiveness as a conservation organisation by the fact that it is unable to approve a system of MPAs in the Southern Ocean, while approving thousands of tonnes of catch limits each year.

Agreeing these MPAs is an important step for CCAMLR to meet its commitment to establish a representative network of MPAs in Antarctica and to address the public outcry for this area to be protected.

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

6.69 ASOC made the following statement:

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

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

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

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

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

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

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

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

### **CCAMLR Scheme of International Scientific Observation**

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

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

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

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

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

8.1 Australia, on behalf of Norway and the UK, presented CCAMLR-XXXVII/01 to the Commission. The paper proposed a mechanism to communicate the nature and implications of

any known or potential climate change impacts in papers submitted to the Scientific Committee and the Commission in the form of scientifically based climate change implications statements.

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

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

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

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

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

8.7 Australia, on behalf of Norway and the Climate Change ICG presented CCAMLR-XXXVII/23 to the Commission. The paper proposed a Climate Change Response Work Program (CCRWP) to address the remaining terms of reference for the ICG, which was tasked with developing approaches for enhancing consideration of climate change impacts in the work of the Scientific Committee and the Commission. Taking into account views expressed at CCAMLR-XXXVI (CCAMLR-XXXVI, paragraphs 7.3 to 7.19) and during the intersessional period, the revised CCRWP provides a mechanism for identifying and revising goals and specific actions by the Commission and the Scientific Committee to support efforts within the Antarctic Treaty system to prepare for, and build resilience to, the environmental impacts of a changing climate and the associated implications for the governance and management of the Southern Ocean and the conservation of Antarctic marine living resources.

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

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

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

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

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

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

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

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

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

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

8.18 SCAR welcomed the opportunity to contribute to the CCRWP and its objectives in the future, noting it is a useful mechanism for identifying important areas of research for CCAMLR

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

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

8.20 The UK drew Members' attention to the recent major calving event from the Pine Island Glacier, which just two days ago lost over 300 km<sup>2</sup> of ice. Initial analysis suggested that this is a loss of more than 10% of the previous ice extent, thus meeting the requirements of CM 24-04 for the notification of a proposed Special Area for Scientific Research. Furthermore, the UK considered that the designation of Pine Island Glacier as a special area would be appropriate and timely given that the glacier has been the subject of major international scientific programs in recent years. The UK signalled its intent to submit a formal notification in due course, following the process outlined in CM 24-04 to facilitate further research.

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

## **Conservation measures**

### Review of existing measures

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

9.2 The Commission's consideration of revised and new conservation measures and resolutions, and related matters, is reported in this section. Conservation measures and resolutions adopted at CCAMLR-XXXVII will be published in the *Schedule of Conservation Measures in Force 2018/19*.

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

Measures on compliance

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

Measures on general fishery matters

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

Measures on fishery regulation

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

Measures on protected areas

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

Resolutions

7/IX, 10/XII, 14/XIX, 15/XXII, 16/XIX, 17/XX, 18/XXI, 19/XXI, 20/XXII, 22/XXV, 23/XXIII, 25/XXV, 27/XXVII, 28/XXVII, 29/XXVIII, 30/XXVIII, 31/XXVIII, 32/XXIX, 33/XXX, 34/XXXI and 35/XXXIV.

9.4 The Commission adopted the following revised conservation measures:

Revised measures on compliance

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

Revised measures on research and experiments

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

Revised measures on fishery regulation

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

## Compliance

### CDS

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

## VMS

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

## Transshipment

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

9.8 The USA stressed the importance of advancing CCAMLR's policies related to control and monitoring of transshipments. It noted that the carrier vessels that are engaged in transshipments within the CAMLR Convention Area are already subject to similar measures adopted by some organisations. The USA expressed disappointment that, despite broad agreement on this proposal, it could not move forward during the meeting. It also expressed concerns with one view that the proposal's requirements would be difficult to implement as the carrier vessels engaged in transshipments in the CAMLR Convention Area operate without Flag State control. The USA understood that such Flag States submitted the necessary vessel information and assurances for the same vessels that operate in the CAMLR Convention Area to other RFMO(s).

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

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

9.11 China thanked the USA for presenting the proposal again and for their intensive bilateral consultation. China stated that it, as a responsible krill fishing Member, it had expressed itself very clearly in the SCIC meeting that it is willing to improve the regulation of transshipment and that for two weeks, China has been trying its best to constructively cooperate with the USA with a view to find a compromise. However, China is also disappointed that no agreement was

reached due to the lack of compromise. In response to the statement by the USA, China drew the attention of Members of the Commission to a general rule of international law, that is, ‘A treaty does not create either obligations or rights for a third State without its consent.’ China reiterated that it is still open to continue the dialogue with the proponent.

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

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

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

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

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

## CCEP

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

## General fishery matters

### Revised measures on research and experiments

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

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

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

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

### Toothfish catch limits

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

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

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

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

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

CM 41-01 (2018) – general measure for exploratory fisheries for *Dissostichus* spp.

CM 41-03 (2018) – fishery for *Dissostichus* spp. in Subarea 48.4

CM 41-04 (2018) – exploratory fishery for *D. mawsoni* in Subarea 48.6

CM 41-05 (2018) – exploratory fishery for *D. mawsoni* in Division 58.4.2  
CM 41-06 (2018) – exploratory fishery for *D. eleginoides* in Division 58.4.3a  
CM 41-07 (2018) – exploratory fishery for *D. mawsoni* in Division 58.4.3b  
CM 41-09 (2018) – exploratory fishery for *D. mawsoni* in Subarea 88.1  
CM 41-10 (2018) – exploratory fishery for *D. mawsoni* in Subarea 88.2  
CM 41-11 (2018) – exploratory fishery for *D. mawsoni* in Division 58.4.1.

### Icefish catch limits

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

### Other fishery matters

9.28 Australia advised the Commission that any fishing or fisheries research activities in that part of Divisions 58.4.3a, 58.4.3b and 58.5.2 that constitutes the Australian EEZ around the Australian Territory of Heard Island and McDonald Islands must have the prior approval of Australian authorities. The Australian EEZ extends up to 200 n miles from the Territory. Unauthorised or illegal fishing in these waters is a serious offence under Australian law. Australia seeks the assistance of other CCAMLR Members in ensuring their nationals and vessels are aware of the limits of the Australian EEZ and the need for prior permission to fish there. Australia has implemented strict controls to ensure that fishing in its EEZ occurs only on a sustainable basis. Presently, fishing concessions are fully subscribed and no further concessions for legal fishing in the EEZ are available. Australian legislation provides for large penalties for illegal fishing in Australia’s EEZ, including the immediate forfeiture of foreign vessels found engaged in such activities. Any enquiries about fishing in the Australian EEZ should be made initially to the Australian Fisheries Management Authority.

## **Implementation of Convention objectives**

### Objectives of the Convention

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

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

## Second performance review

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

10.4 SCAF endorsed making information relating to the performance review public, with the exclusion of CCAMLR and Members' confidential information (Annex 7, paragraph 59). SCIC (Annex 6, paragraphs 139 to 141) proposed to change the 'Activities to date' column to 'Considerations, discussion and decisions'. The Scientific Committee Chair reported that the Scientific Committee Bureau had agreed to work intersessionally to address recommendations for consideration at next year's meeting (SC-CAMLR-XXXVII, paragraph 13.16).

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

## Capacity building

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

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

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

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

## **Cooperation with the Antarctic Treaty System and international organisations**

### Cooperation with the Antarctic Treaty System

#### Cooperation with Antarctic Treaty Consultative Parties

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

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

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

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

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

#### Cooperation with international organisations

11.5 The SCAR Observer presented a report (SC-CAMLR-XXXVII/BG/27) providing an update on a diverse range of recent research outputs, activities and initiatives of relevance to the work of the Scientific Committee and Commission. The SCAR Observer noted that SCAR's Expert Group on Antarctic Climate Change and the Environment is preparing a substantive update of its report which SCAR will bring in preliminary form to CCAMLR in 2019. The Observer informed the Commission of a SCAR Open Science Conference to be held in Hobart, Australia, in August 2020.

#### Reports of observers from international organisations

##### IAATO

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

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

##### ASOC

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

- (i) the Greenpeace Antarctic campaign and expedition, supported by 2.7 million people, facilitated microplastic research and the identification of four new VMEs
- (ii) WWF supported a range of research, including a report highlighting emerging whale conservation issues on the Antarctic Peninsula with solutions for CCAMLR and the development of the Wildcrowd application to record data on species presence

- (iii) the Pew Charitable Trusts funded an analysis of benthic protection in CCAMLR MPAs and supported research into a number of CCAMLR's scientific priorities relating to krill and ecosystem-based management.

#### Oceanites

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

#### ARK

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

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

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

#### ACAP

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

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

## COLTO

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

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

## IUCN

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

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

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

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

- CCAMLR-XXXVII/BG/01 – Summary Report – Forty-first Antarctic Treaty Consultative Meeting (Buenos Aires, Argentina, 16 to 18 May 2018).
- CCAMLR-XXXVII/BG/19 – Report from the CCAMLR Observer (Australia) to the Fifth Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA) (Phuket, Thailand, 25 to 29 June 2018).
- CCAMLR-XXXVII/BG/20 – Report from the CCAMLR Observer (Australia) to the 22nd Annual Meeting of the Indian Ocean Tuna Commission (IOTC) (Bangkok, Thailand, 21 to 25 May 2018).

- CCAMLR-XXXVII/BG/25 – Report from the CCAMLR Observer (Argentina) to the Sixth Session of the Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels (MoP6) (Skukuza, Krüger National Park, South Africa, 7 to 11 May 2018).
- CCAMLR-XXXVII/BG/31 – Report from the CCAMLR Observer (EU) to the Annual Meeting of the Inter American Tropical Tuna Commission (IATTC) (San Diego, USA, 24 to 30 August 2018).
- CCAMLR-XXXVII/BG/32 – Report from the CCAMLR Observer (EU) to the Annual Meeting of the South East Atlantic Fisheries Organisation (SEAFO) (Swakopmund, Namibia, 27 to 30 November 2017).
- CCAMLR-XXXVII/BG/41 – Report from the CCAMLR Observer (USA) to the 25<sup>th</sup> Regular Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) (Marrakech, Morocco, 14 to 21 November 2017).
- CCAMLR-XXXVII/BG/43 – Report from the CCAMLR Observer (Republic of Korea) to the Fourteenth Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC) (Manila, Philippines, 3 to 7 December 2017).
- CCAMLR-XXXVII/BG/44 – Report from the CCAMLR Observer (Japan) to the 67<sup>th</sup> Meeting of the International Whaling Commission (IWC) (Florianopolis, Brazil, 10 to 14 September 2018).
- CCAMLR-XXXVII/BG/45 – Report from the CCAMLR Observer (Chile) to the Sixth Meeting of the Commission of the South Pacific Regional Fisheries Management Organisation (SPRFMO) (Lima, Peru, 30 January to 3 February 2018).
- CCAMLR-XXXVII/BG/46 – Report from the CCAMLR Observer (USA) to the 40<sup>th</sup> Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) (Tallinn, Estonia, 17 to 21 September 2018).
- CCAMLR-XXXVII/BG/48 – Report from the CCAMLR observer (Norway) to the 36<sup>th</sup> annual meeting of the North-East Atlantic Fisheries Commission (NEAFC) (London, United Kingdom, 13 to 17 November 2017).
- CCAMLR-XXXVII/BG/49 – Report from the CCAMLR Observer (New Zealand) to the 25<sup>th</sup> Annual Meeting of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) (Nouméa, New Caledonia, 15 to 16 October 2018).

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

#### Cooperation with regional fisheries management organisations

11.20 The Commission noted CCAMLR-XXXVII/10 and supported more active cooperation between CCAMLR and the RFMOs sharing a boundary with the Convention Area, as well as greater engagement between secretariats. In particular, it encouraged the further cooperation with SIOFA, SEAFO, SPRFMO and CCSBT in relation to toothfish research and tagging and

operation of the e-CDS, as recommended by CCAMLR-XXXVII/10, and for those which manage toothfish, to promote compatibility in management, scientific and technical exchange on toothfish research and tagging, and cooperation in the CDS. The Commission agreed to renew the MoUs between CCAMLR and CCSBT and SPRFMO for a further three years.

## **Other business**

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

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

12.3 Argentina made the following statement:

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

Such references include erroneous representations regarding the legal territorial status of the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas as separate entities of the Argentine National Territory, assigning them an international status which they do not have.

The Malvinas, South Georgias and South Sandwich Islands, and the surrounding maritime areas, are an integral part of the Argentine National Territory and they are the object of a sovereignty dispute between Argentina and the United Kingdom, which has been so recognized by the United Nations. Therefore, once again Argentina reaffirms its sovereignty over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas.’

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

‘The UK also expresses disappointment that this issue had been provoked by a third party, and thanks Argentina for their constructive collaboration on other matters during this Commission meeting. The UK reiterates that it has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas, as is well known to all delegates.’

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

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

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

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

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

### **Administrative matters**

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

#### Election of officers

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

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

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

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

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

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

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

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

#### Invitation of Observers

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

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

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

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

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

#### Next meeting

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

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

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

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

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

#### **Close of the meeting**

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

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

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

15.6 The Chair declared CCAMLR-XXXVII closed.

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

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

**List of Participants**



## List of Participants

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| CCAMLR-XXXVII/BG/30 | Informations sur la pêche INN dans les zones économiques exclusives (ZEE) françaises de Kerguelen et Crozet et dans la zone statistique 58 de la CCAMLR<br>Délégation française   |
| CCAMLR-XXXVII/BG/31 | Report from the CCAMLR Observer (EU) to the Annual Meeting of the Inter American Tropical Tuna Commission (IATTC)<br>(San Diego, USA, 24 to 30 August 2018)<br>CCAMLR Observer (EU)   |
| CCAMLR-XXXVII/BG/32 | Report from the CCAMLR Observer (EU) to the Annual Meeting of the South East Atlantic Fisheries Organisation (SEAFO)<br>(Swakopmund, Namibia, 27 to 30 November 2017)<br>CCAMLR Observer (EU)   |

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| CCAMLR-XXXVII/BG/33           | New Zealand investigation reports into late removal of fishing gear following the fishery closure notifications<br>Delegation of New Zealand   |
| CCAMLR-XXXVII/BG/34           | CCAMLR inspections undertaken by New Zealand from HMNZS <i>Otago</i> during 2017/18<br>Delegation of New Zealand   |
| CCAMLR-XXXVII/BG/35           | Full steam ahead for the Polar Code – developing safety measures for fishing vessels and implementation of marine mammal avoidance measures<br>Submitted by ASOC   |
| CCAMLR-XXXVII/BG/36           | Fulfilling CCAMLR’s commitment to create a representative system of Marine Protected Areas<br>Submitted by ASOC  |
| CCAMLR-XXXVII/BG/37           | Closing the gaps in CCAMLR’s oversight of at-sea transshipments in the Convention Area<br>Submitted by ASOC  |
| CCAMLR-XXXVII/BG/38           | Request for removal of the vessel bearing IMO No. 9319856 from the NCP-IUU Vessel List<br>Delegation of Chile  |
| CCAMLR-XXXVII/BG/39           | Australian views on the key principles of the Compliance Evaluation Procedure<br>Delegation of Australia   |
| CCAMLR-XXXVII/BG/40           | ASOC Report to CCAMLR<br>Submitted by ASOC   |
| CCAMLR-XXXVII/BG/41           | Report from the CCAMLR Observer (USA) to the 25 <sup>th</sup> Regular Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) (Marrakech, Morocco, 14 to 21 November 2017)<br>CCAMLR Observer (USA)       |
| CCAMLR-XXXVII/BG/42<br>Rev. 1 | Support to CAMLR to identify and deter illegal, unreported and unregulated (IUU) fishing activities that undermine the objective of the CCAMLR Convention – Interim Report<br>Submitted by INTERPOL                                      |
| CCAMLR-XXXVII/BG/43           | Report from the CCAMLR Observer (Republic of Korea) to the Fourteenth Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC) (Manila, Philippines, 3 to 7 December 2017)<br>CCAMLR Observer (Republic of Korea) |

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

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#### Other Documents

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

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



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



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

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

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

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

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

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

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

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

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

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

undertaking. At 2.09 million km<sup>2</sup> the Ross Sea region MPA is the largest MPA in the world and covers a wide variety of habitats, ecosystems and oceanographic features. The other MPAs that you are considering, and that you have already designated, cover equally important and ecologically diverse areas.

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

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

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

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

Thank you for your attention.'

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



**Agenda for the Thirty-seventh 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 Status of the Convention
  - 2.3 Chair's Report
3. Implementation and compliance
  - 3.1 Advice from SCIC
  - 3.2 Provisional CCAMLR Compliance Report
  - 3.3 Proposed NCP-IUU and CP-IUU Vessel Lists
  - 3.4 Current level of IUU fishing
  - 3.5 Fishery notifications
4. Administration and Finance
  - 4.1 Advice from SCAF
  - 4.2 CCAMLR Intersessional Correspondence Group on Sustainable Financing
  - 4.3 Review of the 2018 budget, 2019 budget and forecast budget for 2020
5. Management of marine resources
  - 5.1 Advice from the Scientific Committee
  - 5.2 Harvested species
    - 5.2.1 Krill resources
    - 5.2.2 Fish resources
    - 5.2.3 New fisheries
  - 5.3 Non-target species
    - 5.3.1 Fish and invertebrates
    - 5.3.2 Seabirds and mammals
    - 5.3.3 Bottom fishing and vulnerable marine ecosystems
    - 5.3.4 Scientific research under Conservation Measure 24-01
6. Spatial management
  - 6.1 Review of existing marine protected areas (MPAs)
  - 6.2 Review of proposals for new MPAs
7. CCAMLR Scheme of International Scientific Observation
8. Impacts of climate change on the conservation of Antarctic marine living resources

9. Conservation measures
  - 9.1 Review of existing measures
  - 9.2 Consideration of new measures and other conservation requirements
10. Implementation of Convention objectives
  - 10.1 Objectives of the Convention
  - 10.2 Second performance review
  - 10.2 Capacity building
11. Cooperation with the Antarctic Treaty System and international organisations
  - 11.1 Cooperation with the Antarctic Treaty System
  - 11.2 Cooperation with international organisations
    - 11.2.1 Reports of observers from international organisations
    - 11.2.2 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
    - 11.2.3 Cooperation with RFMOs
12. Other business
13. Administrative matters
  - 13.1 Election of officers
  - 13.2 Invitation of observers
  - 13.3 Next meeting
14. Report of the Thirty-seventh Meeting of the Commission
15. Close of the meeting.

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



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

### Report of the Chair

#### Intersessional meetings

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

#### CCAMLR-regulated fisheries

3. To date in the 2017/18 season, 14 CCAMLR Members have participated in fisheries and research targeting icefish, toothfish and krill (see SC-CAMLR-XXXVII/BG/01). As of 15 September 2018, those Members reported a total catch of 292 666 tonnes of krill, 8 649 tonnes of toothfish and 402 tonnes of icefish from the Convention Area.
4. The Secretariat monitored CCAMLR fisheries using catch and effort reports and notifications of vessel movements. Where necessary, Members and vessels were advised of the closure of areas and fisheries. Of the 38 areas subject to a catch limit, in only one did the catch exceeded the limit (SSRU 882H).
5. During 2017/18, 50 deployed scientific observers were appointed in accordance with the Scheme of International Scientific Observation: 36 on longline vessels, 2 on trawl vessels fishing for icefish and 12 on vessels fishing for krill.

## **CCAMLR's fishery monitoring and compliance**

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

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

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

## **Commission representation at meetings of other organisations**

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

## **Secretariat**

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

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

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

## **Awards**

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



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



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

### **Opening of the meeting**

1. The Meeting of the Standing Committee on Implementation and Compliance (SCIC) was held in Hobart, Australia, from 22 to 26 October 2018.
2. The Chair of SCIC, Ms J. Kim (Republic of Korea) opened the meeting, welcomed Members and Observers, and thanked the Secretariat for its support. The Chair welcomed Ms B. Webb in her new role as Fishery Monitoring and Compliance (FMC) Manager and thanked her for her work in preparation for SCIC. The Chair also thanked Dr K. Reid for acting as interim FMC Manager. The Chair further expressed thanks to Members for their intersessional work to prepare for SCIC.

### **Organisation of the meeting**

3. SCIC considered the SCIC Agenda as adopted by the Commission.

### **Implementation and compliance**

#### Review of compliance and implementation-related measures and policies

##### Plastic pollution in the Southern Ocean

4. SCIC considered the paper from the UK regarding the reduction of plastic pollution in the Southern Ocean (CCAMLR-XXXVII/BG/15). The UK reported on industry-led efforts undertaken by UK-flagged fishing vessel operators to address the issue of marine plastic pollution and encouraged other Members to adopt similar measures to reduce the amount of microplastics and microfibrils released in the Convention Area. The UK reported that personal grooming and cleaning products containing microplastics had been prohibited on board vessels and external filters fitted to the waste water outlet of washing machines to reduce the number of microfibrils released during laundry cycles.
5. SCIC thanked the UK for its efforts and recognised the importance of addressing the issue of marine plastic pollution. Some Members, including the USA, EU and Australia, reported on similar initiatives they and/or their industries have undertaken to reduce marine plastic pollution in the Convention Area and more generally. The EU offered to work with the UK in developing a proposal for a conservation measure to reduce marine plastic pollution for consideration at the next annual meeting.
6. Many Members expressed their interest in reducing marine plastic pollution by vessels in the Convention Area. SCIC inquired as to the costs and operational processes required for the external laundry filters described. The UK reported that the cost of the external filter unit was under US\$150, with small ongoing costs of replacement filters. Noting there are a number

of different products on the market to deliver reductions in the release of microplastics and microfibres, the UK stated its interest in analysing results from different products.

7. SCIC noted a future proposal being put forward to address the issue of marine plastic pollution in the Convention Area.

#### Catch Documentation Scheme for *Dissostichus* spp. (CDS)

##### Trade data analysis

8. SCIC considered CCAMLR-XXXVII/BG/03, BG/08 Rev. 1 and BG/14 Rev. 1 reporting on trends and supply chains in Catch Documentation Scheme for *Dissostichus* spp. (CDS) data, global toothfish trade from the analysis of the FAO GLOBEFISH trade data, the analysis of the CDS data and reconciliation of CDS data with fine-scale catch and effort data. SCIC thanked the Secretariat for its work on the trade data analysis provided.

9. SCIC noted that 15% of imports are to Viet Nam and requested that the Trade Data Analyst terms of reference be amended to incorporate specific engagement with Viet Nam as part of non-Contracting Party (NCP) engagement. SCIC noted that customs authorities play an important role in the tracing of global fish trade and requested the Trade Data Analyst terms of reference include further engagement with customs authorities (Appendix I).

10. SCIC noted the overall close correlation between CDS and fine-scale catch and effort data and cautioned that the process of reconciling data did not inadvertently result in IUU fishing activity being missed. SCIC noted the difference in reconciliation of CDS and fine-scale catch and effort data for Subarea 48.2 and referred it to the Scientific Committee for further consideration.

##### Implementation of the CDS

11. SCIC reviewed the implementation of the CDS in 2017/18 (CCAMLR-XXXVII/BG/09) and noted that 21 Member States and three Acceding States implemented the CDS, and two NCPs currently participate in the CDS with CCAMLR by monitoring the toothfish trade through limited access to the electronic web-based CDS (e-CDS).

12. SCIC noted the efforts to engage NCPs, including letters sent by the Secretariat in accordance with Conservation Measure (CM) 10-05, Annex 10-05/C and the NCP Engagement Strategy.

13. SCIC noted that no Specially Validated *Dissostichus* Catch Documents (SVDCDs) had been issued in 2018.

14. SCIC recalled that at CCAMLR-XXXVI, China advised that Hong Kong Special Administrative Region (Hong Kong SAR) was continuing work to support the implementation of the CDS and that Hong Kong SAR would continue to monitor the trade statistics of toothfish imported into, and re-exported through, Hong Kong SAR. China provided an update of this work, including the introduction and drafting of legislation on implementation of the CCAMLR CDS for establishment of a licensing system for trade in toothfish and continued monitoring of

the volume of toothfish imported into, and re-exported through, Hong Kong SAR. China also welcomed other Members to provide information associated with suspected illegal, unreported and unregulated (IUU) toothfish catch.

#### Non-Contracting Party (NCP) Engagement Strategy

15. SCIC considered CCAMLR-XXXVII/BG/07, which outlined the Secretariat's efforts over 2018 and agreed to review the NCP Engagement Strategy in 2019 in conjunction with a review of the Policy to Enhance Cooperation between CCAMLR and NCPs. It was agreed that the Trade Data Analyst will focus on the NCPs that are critical to the toothfish trade and to work in cooperation with Members to approach these NCPs and establish closer cooperation with customs authorities.

16. SCIC supported the continuation of the Secretariat's NCP Engagement in 2019 and the ongoing review of the NCP Engagement Strategy.

17. SCIC noted that the Secretariat had proposed workshops in Central and South America and Indian Ocean Rim. Some Members reiterated the need to focus on the participation of priority NCPs from the region of Southeast Asia in the CDS and requested SCIC to consider the participation of Viet Nam specifically. SCIC noted the proven value of regional workshops conducted by the Secretariat in recent years.

18. SCIC encouraged Members to enhance their engagement with NCPs and report back their communications to the Secretariat. The EU highlighted the need for additional cooperation with regional fisheries management organisations (RFMOs) to promote the use of CCAMLR's CDS in other forums.

19. SCIC agreed to recommend to the Commission the 2019 workplan for the Trade Data Analyst.

#### Application for cooperative status as an NCP cooperating with CCAMLR

20. SCIC considered Ecuador's submission of an application for the Commission to consider granting it the status of an NCP cooperating with CCAMLR by participating in the CDS (CCAMLR-XXXVII/14).

21. SCIC recommended granting Ecuador the status of NCP cooperating with CCAMLR by participating in the CDS.

22. SCIC considered Singapore's submission of an application for the Commission to discuss granting it the status of an NCP cooperating with CCAMLR by participating in the CDS (CCAMLR-XXXVII/35). Singapore currently has limited access to the CDS under CM 10-05, Annex 10-05/C, paragraph C4.

23. SCIC expressed its gratitude for the contributions that Singapore has made to the work of CCAMLR, including through the monitoring of trade in *Dissostichus* spp. However, some Members noted that the requirements of CM 10-05, Annex 10-05/C, paragraphs C5 and C6 had

not been met. Following consultations with Singapore, these Members proposed to amend paragraph C4 of Annex 10-05/C to reflect that, for a market State like Singapore which prohibits the landing of *Dissostichus* spp. that have not been previously landed in the port of a Contracting Party or NCP cooperating with CCAMLR by participating in the CDS, limited access to the CDS would be appropriate as a permanent status.

24. SCIC agreed to amend CM 10-05 and Singapore withdrew its application for full unlimited access to the e-CDS on the basis that recognition as cooperating through limited access on an ongoing basis was supported under CM 10-05, Annex 10-05/C as amended and adopted.

25. SCIC welcomed Singapore's ongoing engagement with CCAMLR and recognised its positive contribution within the Regional Plan of Action to Promote Responsible Fishing Practices Including Combating IUU Fishing in South East Asia (RPOA-IUU). SCIC noted that recognising NCPs which engage in the trade of *Dissostichus* spp. but which do not have landings is a key step forward.

#### Cooperation with other organisations

26. SCIC considered a proposal (CCAMLR-XXXVII/10) to extend CCAMLR's cooperation with three organisations bordering the Convention Area, including the South Pacific Regional Fisheries Organisation (SPRFMO), South East Atlantic Fisheries Organisation (SEAFO) and Southern Indian Ocean Fisheries Agreement (SIOFA). It was proposed that CCAMLR exchange summary information with these organisations regarding its toothfish tagging program and CDS and website links to IUU vessel lists. It was further proposed that CCAMLR renew Arrangements set to expire after CCAMLR-XXXVII with the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) and SPRFMO for a further three years.

27. SCIC supported the proposal to exchange CDS-related information with these organisations (SPRFMO, SIOFA and SEAFO), to include the links to IUU vessels lists of these organisations on the CCAMLR website and to renew Arrangements with CCSBT and SPRFMO for a further three years. Many Members reiterated the importance of CCAMLR's continued cooperation with other organisations.

#### System of Inspection

28. SCIC welcomed Chile's submission (CCAMLR-XXXVII/BG/18) on inspections undertaken by Chile's vessel OPV-83 *Marinero Fuentealba* in the 2017/18 season. Chile informed SCIC that it carried out boarding and inspection activities in Subarea 48.1. During the patrol, two inspections and four sightings were recorded.

29. SCIC thanked Chile for its efforts in conducting the inspections, noting the importance of these patrols and the challenges involved in undertaking at-sea inspections.

30. SCIC welcomed New Zealand's submission (CCAMLR-XXXVII/BG/34) on inspections undertaken by New Zealand's vessel HMNZS *Otago* in the 2017/18 season in the Ross Sea region. New Zealand informed SCIC that they undertake these activities to support

the Commission's objectives and that during the patrol six boarding and inspection activities were carried out. Two potential compliance breaches were identified by CCAMLR inspectors and were reported to the Flag States of Australia and Russia and to the Secretariat.

31. SCIC thanked New Zealand for its efforts in conducting these inspections, highlighting again the importance of patrols and at-sea inspections as key elements of the monitoring, control and surveillance efforts of CCAMLR in combating IUU fishing activities.

#### Vessel monitoring system (VMS)

##### Use of satellite surveillance in the Convention Area to detect IUU fishing

32. SCIC considered the proposal by France to contribute to the monitoring of fisheries in the Convention Area by offering its expertise in the assessment of satellite imagery to the Commission (CCAMLR-XXXVII/25). SCIC noted that the French proposal could provide an economically efficient and long-term assessment of IUU fishing in the Convention Area through the use of satellite images from the European Space Agency's Sentinel Satellites and the expertise of the French Monitoring and Control Centre (FMCC) monitoring centre. The duration of the project will be one year and the cost would be of €100 000. The EU supported the proposal and confirmed its substantial financial commitment to the project, which SCIC welcomed. SCIC noted that the implementation of this project does not entail additional financial obligations for the individual contribution of Members to the CCAMLR budget.

33. SCIC expressed its gratitude to France for its work in preparing the paper and its ongoing efforts to present innovative ways of detecting IUU fishing in the Convention Area.

34. Some Members reminded SCIC that in the case of delegating this kind of work to a third party, it is necessary to secure fairness, neutrality and transparency so that the most relevant institute could be nominated for conducting such an important practice with less expenditure.

35. SCIC recalled CCAMLR-XXXVI/08, which highlighted that quotes from private companies were four times higher than the cost of this proposal. France noted that the FMCC was already working with the proposed provider and would therefore be more cost effective.

36. Some Members raised concerns about the legal implications of the project and emphasised that the project should in no way prejudice any obligations of Flag States. SCIC noted that the obligations of Members was to report information on IUU fishing, which does not preclude data from being sourced privately. SCIC noted that the objective of the project was to acquire greater knowledge of IUU fishing activity in the Convention Area and that it was expected to provide deterrence to future IUU fishing activity as an additional benefit.

37. SCIC supported the proposal and expressed its appreciation for France's innovative work to provide the Commission with new ways to monitor IUU fishing activity. The project might be renewed next year if the Commission agrees. Some Members requested the proponent to provide other cost estimates for comparison if it is decided to continue further.

## **Proposals for new and revised conservation measures**

### Conservation Measures 10-02 and 10-09

38. The USA introduced its proposal to strengthen the monitoring and control of transshipments (CCAMLR-XXXVII/18). The USA noted that, because transshipment is an integral part of legal and illegal fishing operations, increased monitoring is necessary to support fishery management and prevent product of IUU fishing from entering the global market undetected.

39. The USA noted that the proposal would establish a record of NCP carrier vessels authorised to engage in transshipment inside the Convention Area. As a condition of inclusion in this record, the Flag State would have to agree to comply with the Convention and relevant conservation measures in force. Contracting Parties would have to license their carrier vessels under CM 10-02. Both Contracting Parties and NCP carrier vessels would be required to report positional data via the centralised VMS (C-VMS) and Contracting Party vessels would be prohibited from transshipping inside the Convention Area with any vessel not licensed under CM 10-02 or included in the Record of Carrier Vessels. The proposal also required any at-sea transshipment of marine living resources harvested in the Convention Area to occur in the Convention Area.

40. The USA noted that its proposal would progress a recommendation from the Second Performance Review (PR2) panel to facilitate product traceability by strengthening monitoring and control of transshipments.

41. Many Members supported the proposal by the USA, however, the USA revised its proposal in response to concerns raised by other Members, including by removing the requirement that Contracting Parties licence their carrier vessels under CM 10-02 and the limitation of at-sea transshipments outside the Convention Area.

42. Many Members expressed their concerns with the revised scope. Australia expressed its strong view that CCAMLR should have a robust transshipment regime which monitors transshipments of Antarctic marine living resources both within and outside the Convention Area; and emphasised that the establishment of a Record of Carrier Vessels is simply the first of many steps. Australia noted its willingness to progress the proposal in these revised terms in the spirit of compromise providing a review was undertaken no later than 2020.

43. Some Members expressed their comments with respect to the US proposal.

44. SCIC thanked the USA for its work on the proposal. SCIC noted that while the current proposal represented a positive step forward, it would be necessary to further review and enhance CCAMLR's approach to monitoring and control of transshipments in future years.

45. Noting the need for further dialogue among Members, SCIC agreed to refer the proposal to the Commission.

#### Conservation Measure 10-06

46. SCIC considered the EU's proposal to amend CM 10-06 (CCAMLR-XXXVII/26) to contain provisions for the cross-listing of Contracting Party (CP) IUU vessels from RFMOs to the CCAMLR IUU Vessel Lists.

47. It was proposed that the Secretariat communicate IUU vessel lists to relevant organisations expressing interest and nominated organisations for communication. The EU reiterated the importance of taking global action to combat IUU fishing by preventing IUU fishing vessels from transiting through the Convention Area after operating within the areas of competency of RFMOs.

48. SCIC concluded that it was unable to reach consensus on the matter of cross-listing CP-IUU Vessel Lists with RFMOs. Some Members expressed concern regarding the legal implications of automatic cross-listing of IUU vessel lists with RFMOs because, in their view and as presented, it implies exceeding the Commission's mandate as it would regulate activities that have taken place outside the Convention Area. Some Members expressed their disappointment that SCIC could not find consensus on this important step towards a global strategy to combat IUU fishing. Members noted the sophistication of IUU fishing vessel operators and the need to ensure these vessels are tracked as they move between ocean basins. Members recalled CCAMLR's reputation as a global leader in the fight against IUU fishing and noted their concern that the Commission was falling behind other organisations in this area.

#### Conservation Measure 10-07

49. SCIC considered the EU's proposal to amend CM 10-07 (CCAMLR-XXXVII/27) to list intersessionally vessels without nationality ('stateless vessels') and to allow the cross-listing of IUU vessels from other organisations on the NCP-IUU Vessel List. Many Members welcomed the proposal and reiterated their support for addressing this gap in CCAMLR's listing procedure. Some Members expressed concern regarding the legal implications of automatic cross-listing of IUU vessel lists with RFMOs because, in their view and as presented, it implies exceeding the Commission's mandate as it would regulate activities that have taken place outside the Convention Area. Russia noted that in previous years CCAMLR had a practise of listing stateless vessels, and introducing an intersessional procedure of the IUU listing denies SCIC the opportunity to carry out a thorough investigation of such cases.

50. A few Members sought clarification on the implications of the proposal for the freedom of navigation of vessels under the United Nations Convention on the Law of the Sea (UNCLOS). These Members expressed concern that the original proposal of the EU automatically implied any vessel without a Flag in the CAMLR Convention Area would be assumed to have engaged in IUU fishing. SCIC agreed to refer the EU's proposal to the conservation measures drafting group without the cross-listing provisions and with a clarification that there would need to be some connection to fishing for a stateless vessel to be IUU vessel listed. Several Members noted that the proposal followed international best practice on stateless vessels. SCIC agreed that the question on an intersessional listing process must be considered at the Commission.

51. Some Members questioned the need for an intersessional listing process of stateless vessels, noting that these vessels fell under the existing procedure for listing vessels in

CM 10-07. Other Members emphasised the volume of IUU fishing activities in CCAMLR's Convention Area over the past five years, highlighting the need for urgent and comprehensive action. These Members highlighted the need to target stateless vessels specifically because in these cases there was no Flag State to take action. These Members also pointed out the need to take urgent action against stateless vessels rather than waiting for the following year's Commission meeting as is prescribed in the current procedure under CM 10-07.

52. SCIC agreed to refer the proposal to amend CM 10-07 to the Commission.

#### Conservation Measure 22-07

53. SCIC considered the paper presented by the USA (CCAMLR-XXXVII/19) on a spatial analysis that was undertaken to examine whether bottom longline fishing activities had taken place within relevant vulnerable marine ecosystems (VMEs) and VME Risk Areas in the Convention Area. SCIC recognised that this exercise was a step toward reviewing the effectiveness of CCAMLR's comprehensive set of conservation measures to prevent significant adverse impacts of fishing on VMEs.

54. The USA reported finding several instances of longline fishing gear set inside VME Risk Areas between 2011 and 2017 and introduced a number of recommendations in response to these findings, including proposals for the Secretariat to routinely monitor fishing activity that may occur in VME Risk Areas so compliance issues can be considered through the CCAMLR Compliance Evaluation Procedure (CCEP) and to examine the feasibility of an automatic alert system through vessel VMS to warn vessel operators of their proximity to such areas. The USA also highlighted the need to review VME-related conservation measures more broadly, as well as reviewing the accuracy of fishing effort data reporting concerning start and end set coordinates.

55. SCIC supported the broad objective of the paper and thanked the USA for its efforts. SCIC noted the importance of protecting VMEs and VME Risk Areas in the Convention Area and ensuring the effective implementation of CCAMLR's related conservation measures.

56. Several Members responded to incidents identified by the paper. Australia, New Zealand and the UK confirmed that upon investigation, none of their fishing vessel activities had actually occurred within VME Risk Areas. SCIC highlighted the need to draw analyses from multiple sources of data and further examine instances of erroneous reporting.

57. Some Members noted the need to improve the procedure for the identification and designation of VME Risk Areas set out in CM 22-07 and considered that the current process for designating a VME Risk Area lacked transparency and feasibility. In future reviews of this conservation measure, Japan noted it would be desirable to include advanced consent from Members who are conducting fishing activities in the candidate VME Risk Areas and to notify fishers of the location of these Areas thus make them conscious of the VME Risk Areas.

58. SCIC thanked the USA for its paper, noting the effort involved in undertaking the analysis. SCIC acknowledged Member responses to the paper and noted SCIC's commitment to look at how CCAMLR might strengthen its monitoring of VME Risk Areas and review its VME-related conservation measures.

## Conservation Measure 31-02

59. SCIC considered Korea's proposal to amend CM 31-02 (CCAMLR-XXXVII/33) concerning fishery closure notifications in the Convention Area. The amendment proposed that vessels acknowledge receipt of fishery closure notifications to the Secretariat and relevant Flag State that the Secretariat notify the Flag State if it does not receive acknowledgement. Korea noted that other Members had made similar suggestions to modify the communication of fishery closure notifications using supplementary approaches including issuing closure notifications via COMM CIRC. Japan noted the fundamental problem associated with the ongoing communication system (i.e. email) and proposed to consider a new communication system in order to ensure every notification is properly and safely delivered to fishing vessels replacing the current system in the future. SCIC thanked Korea for proposing a process to ensure fishing vessels receive fishery closure notifications.

60. New Zealand queried the Secretariat as to what extra workload would be placed on them if the proposal was accepted. The Secretariat responded that due to time differences it would be problematic.

61. Members agreed that the communication of fishery closure notifications should be also sent by COMM CIRC and email as per previous practice.

## CCAMLR Scheme of International Scientific Observation (SISO)

62. SCIC considered the US proposal to improve scientific observer safety (CCAMLR-XXXVII/20) by adding a provision to paragraph B of the text of the CCAMLR System of Scientific Observation (SISO) to require scientific observers to be equipped with independent two-way satellite communication devices and personal lifesaving beacons.

63. Many Members noted that the proposed safety equipment would provide a scientific observer with a means of communication independent from vessel-based communication equipment and pointed out that the use of the proposed safety equipment was mandated in other international organisations and RFMOs, as well as by some Members for their observers deployed in CCAMLR fisheries. Russia suggested modifying the prescriptiveness of the description of safety equipment in the proposal. In addition, some Members noted the competency of the International Maritime Organization (IMO) in vessel safety matters. SCIC noted the importance of creating additional conditions for increasing observer safety.

64. Japan noted that necessary costs associated with this requirement should be met by the designating Members.

65. SCIC thanked the USA for its efforts and agreed to amend the text of SISO to require scientific observers to be equipped with an independent, satellite-based communication device, noting that it would be the responsibility of the designating Member to provide this equipment.

## CCAMLR Compliance Evaluation Procedure (CCEP)

### Provisional Compliance Report

66. Australia presented CCAMLR-XXXVII/BG/39 which outlined Australia's view on the key principles underpinning the CCEP. Australia expressed its commitment to building a positive compliance culture within CCAMLR and emphasised that any compliance discussion should be a positive process. Australia noted the many benefits that the CCEP provides, including its role in maintaining CCAMLR's integrity. Australia expressed its confidence that the CCEP enriches the work of the Commission. Australia emphasised that the CCEP should focus on Flag State and Port State performance, consider all relevant factors that need to be taken into account in determining a compliance rating and, most importantly, focussing on follow up actions where that is needed to resolve a compliance issue.

67. China highlighted that evaluation of compliance status should also take into account the status of fish stocks and the risk under which the fishery is subject to IUU fishing. The UK noted that each compliance incident needed to be assessed on its relevant circumstances.

68. In accordance with CM 10-10, paragraph 3(i), SCIC considered the 10 potential compliance incidents in the CCEP Summary Report (CCAMLR-XXXVII/13 Rev. 1).

### Conservation Measure 10-03

69. SCIC considered the implementation of CM 10-03 by the UK regarding two port inspection reports not provided to the Secretariat within the timeframe required. The UK noted that this had occurred due to the absence of available staff in the relevant port, and that since then the resourcing issue had been addressed. The UK advised that port inspections had been conducted within the CM 10-03 timeframe, had not identified any non-compliance by the vessels inspected and the catch landed by the vessels was documented in accordance with CM 10-05. The suggested compliance status category was accepted, noting the importance of on-time submission of reports.

70. SCIC considered the implementation of CM 10-03 by Chile in respect of the port inspection of the *Puerto Toro* which was not transmitted to the Secretariat. Chile noted the vessel was not inspected due to logistical and meteorological difficulties which precluded access to the vessel. However, Chilean authorities were able to inspect the catch at its storage premises and Chile confirmed that it had taken measures to minimise the occurrence of a similar situation in the future and provided confirmation in writing of the circumstances and actions to SCIC.

### Conservation Measure 24-01

71. SCIC considered the implementation of CM 24-01 by Chile in respect of the *Cabo de Hornos* not embarking a scientific observer in accordance with the SISO. Chile recognised that there was a misinterpretation of CM 24-01 and reported that it had designed protocols to ensure that future research activities are conducted in accordance with all CCAMLR conservation measures and requirements.

72. Some Members noted that the absence of a scientific observer is not a minor issue and the participation of scientific observers is integral to CCAMLR's objective of robust data collection. Chile acknowledged these views and clarified their compliance status with additional text in the CCEP report (Appendix II).

#### Conservation Measure 26-01

73. SCIC considered the implementation of CM 26-01 by the Australian-flagged vessel *Antarctic Discovery*. Australia explained that a single plastic bait band (of more than 2 300 boxes) had been detected on board by a New Zealand patrol. Australia confirmed that these bands are prohibited through its domestic licencing regime and it had undertaken an investigation of the incident and issued an official caution when the vessel was found to be in breach of its licencing conditions. Australia noted that its response was appropriate and proportionate to the incident, given that the vessel operator did not have a history of non-compliance and that no further action was required.

74. Some Members noted that only in this particular case a suggested preliminary compliance status concerning the incident was not provided in accordance with CM 10-10, paragraph 1(iv). Other Members considered that under CM 10-10, paragraph 1(iii), provision of a preliminary compliance status is voluntary. SCIC noted there were different interpretations of the responsibility of Members to include a suggested compliance status in their response to the Draft CCAMLR Compliance Report. CM 10-10 was further discussed in paragraphs 90 to 101.

75. SCIC considered the compliance with CM 26-01 by the Russian-flagged vessel *Mys Velikan*. SCIC agreed that the compliance incident in the Draft Report was the result of a misinterpretation in the inspection process and that the *Mys Velikan* was compliant.

#### Conservation Measure 31-02

76. SCIC considered the implementation of CM 31-02 by the Korean-flagged vessels *Hong Jin No. 701* and *Southern Ocean*, which had both set lines within 24 hours of a notified closure.

77. Korea explained that the breach of CM 31-02 was due to a technical issue with the email system which resulted in both vessels not receiving the closure notice. Both vessels were unaware of this breach until the Flag State brought this to their attention. During this time, both vessels had continued to fish and provide daily catch and effort data.

78. SCIC acknowledged the response taken by Korea in referring the cases to the national Police and Prosecutor's Office and that the *Southern Ocean* matter is presently pending prosecution. If convicted, the *Southern Ocean* will be subject to a monetary penalty far higher than the value of the illegally caught fish, or imprisonment of those responsible.

79. SCIC thanked Korea for its in-depth presentation of the cases and the strong actions it had taken under its domestic law to address the compliance incidents relating to its vessels.

80. SCIC acknowledged some Members' concerns that despite the action taken in response to the vessels' infringements, the case against the *Southern Ocean* is still pending. These

Members also noted that, despite that its domestic law provides for severe criminal penalties, there seemed to be significant gaps with respect to administrative and other civil tools to address violations, including mechanisms to deprive violators of the economic benefit of their infringements.

81. SCIC requested Korea report back on the progress and outcome of the pending prosecution and efforts to review and strengthen its internal legal framework in terms of administrative actions to ensure that it can impose sanctions of sufficient severity to serve as an effective deterrent to IUU fishing in all cases.

#### Conservation Measure 41-09

82. SCIC considered the implementation of CM 41-09 by the New Zealand-flagged vessel *Janas* which was reported to breach the by-catch move-on rules specified in paragraph 6. New Zealand described its investigation which concluded that a reporting error of incorrect start-haul latitudes determined that the vessel had in fact complied with all requirements. SCIC thanked New Zealand for its detailed investigation and agreed that the vessel was compliant on this matter.

#### Conservation Measure 41-10

83. SCIC considered the implementation of CM 41-10 regarding the Uruguayan-flagged vessel *Badaro* which continued to fish after exceeding the by-catch limits. Uruguay explained that this issue would be considered regarding future applications by the vessel to undertake fishing in the Convention Area and advised that the vessel would not be participating in fisheries in the 2018/19 season.

#### CCEP process

84. SCIC noted the Secretariat's review of the history of CCEP implementation and reporting (CCAMLR-XXXVII/BG/05). The Secretariat emphasised that CCAMLR-XXXVII/BG/05 is intended to clarify and document the process the Secretariat uses in developing its reports under CM 10-10.

85. SCIC endorsed the proposal of the Secretariat to develop and document its standard operating procedures with the intention that SCIC should thereafter annually review and, as necessary, modify the approaches taken for the CCEP.

#### Late removal of fishing gear

86. SCIC considered investigations by the UK and New Zealand into the late removal of fishing gear following a fishery closure notification (CCAMLR-XXXVII/BG/16 and BG/33 respectively).

87. SCIC noted Members' responses which explained that several factors led to the delay in retrieving gear, including the need to protect the Antarctic marine environment as the ice cover was such that lines were not able to be retrieved in a timely fashion as well as the unexpected timing of the closure notice. This resulted in lines remaining in the water after the closure of the fishery.

88. The investigations conducted by the relevant Members found that their flagged vessels followed all requirements laid out in CM 31-02, including that no lines were set in the 24 hours leading up to the closure of the fishery and that all notification requirements were fulfilled. In all cases, the findings of the investigations concluded that no breach of CM 31-02 occurred and, therefore, no further action was needed.

89. Several Members expressed concern that notwithstanding paragraphs 4 and 5 of CM 31-02, the obligations of paragraph 1 still stand. These incidents are repeated by the same vessels and are not isolated and potentially undermine fisheries management and that these incidents challenge CCAMLR's precautionary approach and requirement to conserve Antarctic marine living resources. However, when questioned on this point, the Secretariat confirmed that a late extraction of lines is considered when forecasting fisheries closures and is a normal occurrence which is managed effectively.

## Review of CM 10-10

### Proposals to revise CM 10-10

90. SCIC considered the EU's proposal to amend CM 10-10 (CCAMLR-XXXVII/28) to enhance the effectiveness of the Commission's procedure for evaluating and addressing compliance issues. Recalling the challenges Members faced reaching consensus on specific issues during the previous year's CCEP discussions, the EU noted that it had been tasked by the Commission to undertake intersessional consultations in partnership with China to revise the text of CM 10-10. The EU reported it was unable to provide a consensus view on the text proposed due to the diverging positions expressed by the consulting Members.

91. SCIC thanked the EU for its intersessional work on improving the text of CM 10-10. The USA noted that, while the EU's proposed changes would clarify that SCIC can adopt the Provisional CCAMLR Compliance Report by consensus, even in cases where Members had not reached consensus on specific issues, the current measure already allows this. Several Members expressed concern with the EU's proposal, reiterating that consensus was central to CCAMLR's approach to decision-making. SCIC considered that it was in the interest of Members to reach consensus on matters relating to compliance and that the purpose of CM 10-10 was to ensure an effective, fair and transparent CCEP.

92. China referred Members to the revisions it proposed to CM 10-10 in Annex II of COMM CIRC 18/56. China considered that it had proposed an alternative amendment to CM 10-10 to include the CCAMLR System of Inspection and the entirety of the SISO in the CCEP. Recalling Article XXI of the Convention, China noted that the inclusion of these two independent instruments was important to improving the effectiveness of the CCEP.

93. China indicated that CCAMLR-XXXVII/BG/05 makes it clear that when the Secretariat prepares the Draft CCAMLR Compliance Report, reference has always and firstly been made to the System of Inspection. China further indicated, in this sense, inclusion of the System of Inspection would not entail practice challenges, but reflects the practice of CCAMLR.

94. Some Members expressed concern with China's submission since it was presented as a COMM CIRC and was not submitted as a working paper. Those Members also noted that the Commission had devoted a substantial amount of time to determining which components of SISO were appropriate to include in the CCEP (namely Part D). SCIC noted that SISO utilises a single source of data, and some Members argued that it can be inappropriate to rely on single data points for determining compliance issues. The remaining sections of SISO and the System of Inspection are used to inform the CCEP preparation process.

95. Australia urged Members to consider the problem they were solving in efforts to improve CM 10-10. Bearing in mind the need for Members to commit to the application of CM 10-10 in a constructive manner, Australia suggested that it was more important to address issues concerning SCIC's approach to the CCEP than the text of CM 10-10 itself. Australia welcomed future efforts to innovate and improve CM 10-10, but underscored the need to fix SCIC's approach to the CCEP.

96. Chile encouraged Members to think deeply about how they wished to direct the CCEP, noting that it was a fundamental tool for the work of SCIC. Chile invited Members to reflect on how to improve the CCEP process and text of CM 10-10, and noted that SCIC does not always reach consensus on every issue and that this reality would need to be reflected in the CCEP.

97. The EU suggested that SCIC could explore the idea of a semi-automatic classification system for compliance issues that could be linked to the CCEP assessment process. The EU proposed that the classification system would be based on different levels of non-compliance categories for different types of infringements. The EU noted that this system would reverse the CCEP assessment process so that SCIC could discuss why certain infringements should not fall under certain non-compliance categories.

98. SCIC was unable to reach consensus on the proposal by the EU.

99. Some Members noted that they interpreted CM 10-10, paragraph 1(iv), as creating an obligation for the reporting Member to provide a suggested compliance status to SCIC. Other Members confirmed that when read in combination with paragraph 1(iii), they did not interpret paragraph 1(iv) of CM 10-10 as creating an obligation to provide a suggested compliance status in returning its response to the Draft Compliance Report.

100. Some Members recalled issues raised during discussions of the CCEP regarding discrepancies that were found in different translations of Members' reporting obligations under CM 10-10, paragraph 1(iii).

101. SCIC noted that the reporting Member was in the best position to suggest a compliance status given the Member would be in full possession of the facts and mitigating or aggravating circumstances; and that this could provide important context in SCIC's deliberations. SCIC agreed that the meaning of paragraphs 1(iii) and (iv) of CM 10-10 should be that the suggestion of a self-assessed compliance status by a reporting Member is mandatory in the 'Additional Information' provided in Draft Compliance Reports.

## IUU fishing in the Convention Area

102. SCIC considered observations on IUU fishing in the French exclusive economic zone (EEZ) (CCAMLR-XXXVII/BG/30) in 2017/18. SCIC noted that surveillance systems were maintained throughout the period and no IUU fishing activities were reported, however, licensed fishing vessels found non-compliant fishing gear in the area on three occasions. SCIC noted that two of the observations of non-compliant fishing gear indicated a long period of exposure under water, although one incident indicated a short period of exposure under water. SCIC thanked France for its continued efforts to combat IUU fishing in the CAMLR Convention Area.

103. SCIC considered the interim report submitted by INTERPOL (CCAMLR-XXXVII/BG/42 Rev. 1) in accordance with clause 7.1 of the Funding Agreement between CCAMLR and INTERPOL. INTERPOL reported holding an investigative meeting in July 2018 to improve CCAMLR's awareness of IUU fishing. The report provided an update on progress of the ongoing case file on criminal network operations concerning the *STS-50* and information which was received on the Bolivian-flagged fishing vessel *Cape Flower*, which landed approximately 100 tonnes of toothfish in the port of Manta, Ecuador, in mid-April 2016.

104. SCIC welcomed INTERPOL's report and expressed appreciation for INTERPOL's work in coordinating efforts to apprehend the *STS-50* and the multinational efforts in partnership with INTERPOL in combating IUU fishing activities. SCIC supported further cooperation between CCAMLR and INTERPOL.

### Current level of IUU fishing

105. The Secretariat introduced CCAMLR-XXXVII/12 and advised that the paper had also been discussed by WG-FSA. WG-FSA had requested further information clarifying the trends that had occurred within the Convention Area and further information developed by the Secretariat was provided to Members. SCIC noted that whilst the information indicated a reduction in IUU activity over time, the information could not account for changing patterns in surveillance effort.

### IUU vessel lists

106. SCIC considered the IUU fishing activity and trends in 2017/18, including IUU vessel lists (CCAMLR-XXXVII/12).

107. Spain reported on the progress of the investigation of the *Northern Warrior* for undertaking repair work that exceeded the authorised work for emergency reasons. The investigation has been resolved and the offenders received a sanction of €60 001 for having committed a very serious infringement.

108. SCIC noted the ongoing case of the apprehended IUU vessel, *STS-50*, and noted the multinational effort involved. It was reported that the two masters and some members of the crew of the vessel were of Russian nationality. One of the masters and the crew were in Indonesian custody awaiting judicial proceedings. Members encouraged Russia to undertake further investigations to locate and prosecute the other master in accordance with obligations under CM 10-08.

109. SCIC noted the report on the progress of the investigation of the *Andrey Dolgov* by China. The seized toothfish cargo was sold at auction. China advised that the proceeds of the sale from the seized toothfish cargo (after the settlement of relevant costs incurred) which amounts to around A\$330 000, would be contributed to CCAMLR with a view to conserve marine living resources.

110. Korea reported on the progress of the retrieval of unidentified fishing gear in Subarea 88.1. SCIC thanked Korea for the information as well as its efforts in retrieving the fishing gear.

111. SCIC noted there was no formal procedure for the retrieval and handling of suspected IUU fishing gear, and that consideration be given to practices and procedures for handling gear in the future to ensure the gear can be fully investigated. SCIC noted that the unidentified fishing gear likely belonged to a licenced vessel, which raised serious concerns.

112. SCIC proposed that further investigation by Members was required to locate the identity of the vessel of the unidentified fishing gear found in small-scale research unit (SSRU) 881C. Members with longline fishing gear from licenced vessels in SSRU 881C around the date of the gear retrieval were asked to report back to SCIC.

113. SCIC requests that the Members (Australia, Korea, New Zealand, Norway, Russia, Spain, UK and Ukraine) who had longline vessels in the area at the time the *Sunstar* retrieved gear in Subarea 88.1 prior to the start of the 2017/18 fishing season, undertake a review into those vessels to assess whether they could have set that gear (see COMM CIRC 17/100).

114. SCIC requests that the below elements are included in the review and reported back to SCIC as a background document (translated into the official Commission languages by the Secretariat) at least 45 days prior to the annual Commission meeting in 2019. That report shall analyse, at a minimum, the VMS data, on-board plotting systems, the systems that relate to C2 data, engineer logbook, observer logbook, details of fishing gear used and all other related information.

115. It was requested that the Flag States focus on the time period of 18–30 November 2017 and on the location of the gear retrieved in the vicinity of 64°57.041'S / 179°27.730'W (SSRU 881C) as reported in the COMM CIRC.

116. SCIC considered the inclusion of the Korean-flagged vessel, the *Southern Ocean*, on the Provisional CP-IUU Vessel List. SCIC noted that Korea had undertaken an investigation into the situation involving the *Southern Ocean* as discussed in the CCEP and that the case against the vessel had been forwarded for prosecution. Korea stated that it has now withdrawn the fishery notification of the *Southern Ocean* from Subarea 88.1 for the 2018/19 season to demonstrate its determination and commitment to compliance with CCAMLR conservation measures.

117. Korea requested that the *Southern Ocean* be removed from the Provisional CP-IUU Vessel List based on compliance with paragraph 14 of CM 10-06. Korea considered it had taken effective action in response to the activities of the *Southern Ocean*. SCIC noted that judicial proceedings were still underway and had not reached a conclusion. Several Members expressed gratitude to Korea for undertaking actions against the *Southern Ocean* to the full extent under its national legislation.

118. SCIC agreed on the removal of the *Southern Ocean* from the Provisional CP-IUU Vessel List in accordance with paragraph 14(iv) of CM 10-06. Korea thanked SCIC for recognising its efforts.

119. SCIC considered information provided by Angola for the possible removal of the *Northern Warrior* from the NCP-IUU Vessel List. SCIC considered the submission made by the Angolan Observer representative. SCIC noted concerns about the submitted information, which contains clear evidence that there are still links between the current and previous owners of the vessel, including quotes for vessels repairs addressed to the previous owner after the transfer of ownership. SCIC noted that the Angolan Observer representative failed to address these concerns in a satisfactory manner and, therefore, concluded that the vessel should remain on the NCP-IUU Vessel List.

120. SCIC noted that Chile had revoked its request to delist *Pescacsine I* (CCAMLR-XXXVII/BG/38).

121. Therefore, the NCP-IUU Vessel List for 2018/19 is unchanged as agreed by SCIC and is provided in Appendix III for adoption by the Commission.

#### Delisting procedure in Conservation Measures 10-06 and 10-07

122. SCIC considered the time frame within which Members and NCPs were able to request delisting of a vessel from the CP-IUU and NCP-IUU Vessel Lists and noted that the request to delist a vessel was a serious matter, requiring Members to undertake in-depth investigations into all information relevant to the listing. SCIC considered 45 days for the submission of information requesting delisting of a vessel from both IUU vessel lists would be appropriate. SCIC noted that this time frame would ensure there was adequate time for Members to review intelligence information related to the listing and to translate information provided in accordance with CMs 10-06 and 10-07 into the four working languages of the Commission.

123. SCIC noted the 45-day time frame reflected the current practice that CCAMLR applies to working papers. The Secretariat highlighted the cost of translating information provided in accordance with CMs 10-06 and 10-07 and requested that Members take this into account when considering revisions to the Commission's delisting procedure.

124. SCIC agreed to conduct intersessional work on revising CCAMLR's delisting procedure contained within CMs 10-06 and 10-07.

#### Collection of fishing gear evidence

125. SCIC considered a letter from INTERPOL (CCAMLR-XXXVII/BG/47) briefing SCIC on the deployment of an investigative support team which worked with the Mauritius Police Force to collect information from gillnets retrieved by the NGO vessel *Sam Simon*. It was noted that the banned gillnets were strongly suspected to have been deployed by the vessel *Thunder*, which sank in the waters of Sao Tome and Principe on 6 April 2015.

126. SCIC thanked INTERPOL for its efforts, specifically regarding the investigative support it provides to Port States in taking action against IUU vessels.

## **Fishery notifications**

127. SCIC considered fishery notifications received for exploratory fisheries for toothfish and established fisheries for krill for 2018/19 (CCAMLR-XXXVII/BG/06). The Secretariat had received all fishery notifications on time for the upcoming 2018/19 season with no withdrawal of fishery notifications prior to the meeting.

128. SCIC noted that during the meeting, Korea withdrew fishery notifications for the vessel *Southern Ocean* in Subarea 88.1 and the vessel *Hong Jin No. 701* in Subarea 88.2.

## **Advice from the Scientific Committee to SCIC**

129. SCIC considered advice from the Chair of the Scientific Committee, Dr M. Belchier (UK), in respect of discrepancies between CDS and C2 data, scientific observer safety, late gear removal impacts and IUU fishing data.

130. SCIC thanked the Chair of the Scientific Committee for his time.

### Discrepancies between C2 and CDS data

131. SCIC sought further clarification from the Scientific Committee Chair regarding discrepancies presented in CCAMLR-XXXVII/BG/14 Rev. 1 between C2 and CDS data.

132. The Chair of the Scientific Committee explained that the green weight supplied by C2 vessel data should be similar to the estimate of green weight provided by the CDS. It noted that vessels use conversion factors to calculate green weight from product weight.

133. The Chair of the Scientific Committee highlighted the importance of clarifying where discrepancies are occurring and agreed that the Scientific Committee could undertake further analysis of associated data once those vessels with discrepancies had been identified by the Secretariat.

### Scientific observers

134. The Chair of the Scientific Committee highlighted the high value of data recorded by scientific observers. He noted the importance of observer safety but stated that commenting on the observer safety measures proposed in CCAMLR-XXXVII/20 was outside of the remit of the Scientific Committee.

### Late gear removal

135. The Chair of the Scientific Committee noted the importance of accurate data on fisheries catch in relation to gear removed after fishery closure.

## IUU fishing

136. SCIC asked the Chair of the Scientific Committee for any deliberations regarding the WG-FSA analysis of IUU data from Division 58.4.1, as noted in the report of SCIC-17 (CCAMLR-XXXVI, Annex 6). The Chair of the Scientific Committee explained that this analysis was discussed during WG-FSA-18 (SC-CAMLR-XXXVII, Annex 9, paragraphs 4.93 to 4.97).

137. The Chair of the Scientific Committee further noted that WG-FSA-18 had confirmed that catch rates from IUU and authorised vessels are comparable. SCIC welcomed the Scientific Committee's proposal to develop a work plan to estimate catch from IUU fishing.

138. SCIC asked for clarification on what advice was sought from SCIC on paragraph 2.3 of the WG-FSA-18 report, regarding pre-season fishing. The Chair of the Scientific Committee expressed the need for accurate information on fisheries catch and noted that whether catch data from pre-season fishing was retained is unclear.

## Consideration of the 2017 Performance Review

139. SCIC considered the progress report of the PR2 (CCAMLR-XXXVII/11) which provides a summary of actions taken since CCAMLR-XXXVI. SCIC, along with the Commission, Scientific Committee and SCAF, were encouraged to identify additional actions.

140. SCIC thanked the Secretariat for compiling the progress report. SCIC requested that the Secretariat include 'Considerations, discussion and decisions' in the heading of the third column of the tables in the progress report. SCIC agreed that action on Recommendations 9 to 14, 16 and 18 were ongoing.

141. SCIC requested the Secretariat to compile actions taken by SCIC and include them in the relevant tables of the progress report. SCIC agreed to continue its regular review of the progress of the implementation of PR2 recommendations that are relevant to SCIC. The Secretariat was asked to include a disclaimer paragraph with respect to PR2 report on the website and make the progress report available on CCAMLR's website in accordance with the format of the online publication of the First Performance Review Report and Responses.

## Other business

142. ASOC presented its paper on the progress at the IMO of the Polar Code Phase 2 (CCAMLR-XXXVII/BG/35). ASOC provided a summary of the development of safety measures for non-SOLAS vessels (vessels not covered under the International Convention for the Safety of Life at Sea Convention), including fishing vessels, and current discussions on the implementation of marine mammal avoidance measures under the Polar Code. ASOC noted that more than 50% of the vessels operating in the Southern Ocean are not covered under the safety provisions of the Polar Code. ASOC suggested CCAMLR Members support the development of measures by the IMO to ensure the best improvements to safety of fishing vessels operating in the Southern Ocean and to ratify the Cape Town Agreement which would allow for the future development of mandatory measures.

143. SCIC welcomed ASOC's update on the progress of discussions at the IMO and noted CCAMLR's longstanding support of high standards of safety for fishing vessels in the Convention Area.

144. SCIC considered the paper presented by ASOC on upgrading CCAMLR provisions on at-sea transhipments in the Convention Area (CCAMLR-XXXVII/BG/37). The paper considered that PR2 identified a 'significant gap' in relation to transhipments within CCAMLR's compliance regime. ASOC welcomed the proposal submitted by the USA on strengthening CCAMLR's monitoring and control of transhipments (CCAMLR-XXXVII/18). ASOC considered that CCAMLR had fallen behind other international organisations in relation to its ability to monitor transhipments. ASOC referred to findings by the FAO Global Study on Transhipments which reported seven out of 10 existing RFMOs that require reefers to either be equipped with VMS or to have observers on board. ASOC recommended that CCAMLR take action on this issue to maintain its reputation as a leader among RFMOs in efforts to combat IUU fishing activities.

145. SCIC thanked ASOC for the information it provided and noted the willingness of Members to work together on progressing this issue further to improve the effectiveness of CCAMLR's monitoring, control and surveillance (MCS) regime.

### **Close of the meeting**

146. SCIC thanked Ms Kim for her efforts in guiding SCIC over the last two years.

147. SCIC noted that Ms Kim will continue to serve for another term as SCIC Chair and that SCIC elected a new Vice-Chair, Ms M. Engelke-Ros (USA). Members offered their best wishes for their upcoming term.

### **Terms of reference for the Trade Data Analyst position**

1. Refine and implement an annual process to reconcile trade data with Catch Documentation Scheme for *Dissostichus* spp. (CDS) data. This will include consideration of the management of trade data in line with CCAMLR's data management systems redevelopment work.
2. Implement a process to evaluate the effectiveness of the CDS utilising, in part, the reconciliation of trade data and CDS data.
3. Support the implementation and possible expansion of the non-Contracting Party (NCP) Engagement Strategy, including the 2019 review with a special focus on non-Contracting Parties that accounted for more than 10% of the global trade in *Dissostichus* spp. in 2017 (CCAMLR-XXXVII/BG/03).
4. Provide reports of discrepancies identified between CDS data and trade data to the relevant Contracting Parties and non-Contracting Parties and to support their follow up on these issues as required.
5. Apply strategies to promote the consistent application of harmonised system (HS) codes, including through targeted cooperation and capacity building, to improve the analysis of trade data, including through cooperation with customs authorities.
6. To progress in the analysis of the supply chains for *Dissostichus* spp., notably in relation to the trade of illegal, unreported and unregulated (IUU) products.
7. Manage the collaborative arrangement with GLOBEFISH.
8. Provide an annual report on trade data analysis to CCAMLR-XXXVIII.

**Budget to support the Trade Data Analyst position**

1. Salary A\$140 000  
(1.0 full-time equivalent (FTE) at GS Pay Grade 5, PayPoint 17)
  
2. GLOBEFISH (A\$14 000)  
(Yearly access to GLOBEFISH trade data and expert advice services)

**Total** **A\$154 000**

## CCAMLR Compliance Evaluation Report 2017/18

| Party                      | Vessel                | Implementation summary – Secretariat   | Response – Contracting Party  | Status                        | SCIC response   |
|----------------------------|-----------------------|--|---|-------------------------------|---|
| Conservation Measure 10-03 |                       |  |   |                               |   |
| Chile                      | <i>Puerto Toro</i>    | <p>This vessel was reported through the Catch Documentation Scheme (CDS) to have landed <i>Dissostichus</i> spp. caught in Subarea 48.2 in Punta Arenas on 22 February 2018. No inspection report was received by the Secretariat in respect of this landing as required by paragraph 8.</p> <p>The Secretariat requested the port inspection on 5 June 2018.</p>                  | <p>That the inspection at disembarking was not possible due to problems in reaching the disembarking location. The cargo, however, was inspected afterwards at the storage premises.</p> <p>It should be noted that from October 2017 to August 2018, the ships that operated in the CCAMLR Area and that disembarked in Chile, 11 were inspected at the disembarking location and only one at the storage premises.</p> <p>Notwithstanding the aforementioned, measures to minimise the occurrence of similar situations have been adopted.</p> <p>Further Action: Adoption of measures to minimise the occurrence of similar events.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p> | Minor non-compliant (Level 1) | No further action required.   |
| United Kingdom             | <i>Argos Froyanes</i> | <p>This vessel was reported through the Catch Documentation Scheme (CDS) to have landed <i>Dissostichus mawsoni</i> caught in Subareas 88.1 and 88.2 in a port of a UK OT on 6 February 2018. No inspection report was received by the Secretariat in respect of this landing as required by paragraph 8.</p> <p>The Secretariat requested the port inspection on 5 June 2018.</p> | <p>The UK investigated this potential infringement. The inspection had been undertaken within 48 hours of port entry but submission of this report to the CCAMLR Secretariat was delayed due to staff shortages and administrative oversight. This report was subsequently sent to the Secretariat on 20 August 2018. The UK apologises for this oversight and minor non-compliance with CM 10-03. The current procedures for the submission of inspection reports to the Secretariat have been reviewed and modified to ensure compliance with the deadlines established in CM 10-03.</p> <p>Further Action: None</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p>                     | Minor non-compliant (Level 1) | No further action required. SCIC agreed on the importance of the Contracting Parties to provide to the Secretariat relevant inspection reports in time compliant with CM 10-03. |

(continued)

| Party                              | Vessel                | Implementation summary – Secretariat   | Response – Contracting Party   | Status                        | SCIC response  |
|------------------------------------|-----------------------|--|--|-------------------------------|--|
| Conservation Measure 10-03 (cont.) |                       |  |  |                               |  |
| United Kingdom                     | <i>Argos Georgia</i>  | <p>This vessel was reported through the Catch Documentation Scheme (CDS) to have landed <i>Dissostichus mawsoni</i> caught in Subareas 88.1 and 88.2 in a port of a UK OT on 8 February 2018. No inspection report was received by the Secretariat in respect of this landing as required by paragraph 8.</p> <p>The Secretariat requested the port inspection on 5 June 2018.</p>   | <p>The UK investigated this potential infringement. The inspection had been undertaken within 48 hours of port entry but submission of this report to the CCAMLR Secretariat was delayed due to staff shortages and administrative oversight. This report was subsequently sent to the Secretariat on 20 August 2018. The UK apologises for this oversight and minor non-compliance with CM 10-03. The current procedures for the submission of inspection reports to the Secretariat have been reviewed and modified to ensure compliance with the deadlines established in CM 10-03.</p> <p>Further Action: None<br/>Preliminary Status: Minor non-compliant (Level 1)</p> | Minor non-compliant (Level 1) | <p>No further action required.</p> <p>SCIC agreed on the importance of the Contracting Parties to provide to the Secretariat relevant inspection reports in time compliant with CM 10-03.</p>  |
| Conservation Measure 24-01         |                       |  |  |                               |  |
| Chile                              | <i>Cabo de Hornos</i> | <p>No observer was appointed in accordance with the Scheme of International Scientific Observation onboard the vessel throughout all fishing activities within the fishing period of the Chilean survey in Subareas 48.1 and 48.2. The vessel was authorised to fish from 6 January to 15 March 2018.</p> <p>Paragraph 3(c) requires each fishing vessel conducting fishing for research purposes to have at least two scientific observers, one of whom shall be an observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, onboard throughout all fishing activities within the fishing period.</p> | <p>The absence of an international observer appointed in accordance with the SISO scheme onboard the vessel during the activities carried out in the mentioned period was due to a misinterpretation of the Conservation Measurement 24-01. The problem arises as a misinterpretation of the catch limit specified by the commission, of 50 tonnes for <i>C. gunnari</i> instead of ‘finfish’, hence producing confusion about the requirements.</p>   | Non-compliant (Level 2)       | <p>SCIC took note of the explanations presented by Chile. Members concluded Chile had incurred a mistaken interpretation of CM 24-01, on the extent of the obligation to carry observers on board of this specific scientific survey fishery by the <i>Cabo de Hornos</i>. SCIC recognised that Chile acted in good faith and that there were several international scientists on board the vessel. However, SCIC agreed that it would not be appropriate to set the precedent that the lack of observers on board under CCAMLR SISO should be categorised as a minor infringement. SCIC decided no additional measures were needed.</p> |

(continued)

| Party                              | Vessel                           | Implementation summary – Secretariat  | Response – Contracting Party   | Status                        | SCIC response   |
|------------------------------------|----------------------------------|---|--|-------------------------------|---|
| Conservation Measure 24-01 (cont.) |                                  |   |  |                               |   |
| Chile<br>(cont.)                   | <i>Cabo de Hornos</i><br>(cont.) |   | <p>Although we acknowledged the involuntary mistake, it is also worth mentioning that the research cruise had onboard several international researchers including Dr Christopher D. Jones (Antarctic Ecosystem Research Division, NOAA, USA); Dr Alex Dornburg (North Carolina Museum of Natural Sciences, USA); Elyse Parker (Department of Ecology and Evolutionary Biology, Yale University, USA) and Roberto Sarralde (Spanish Institute of Oceanography). The results of the survey have been submitted and discussed during the recent WG-SAM meeting, and further documents will be presented at WG-FSA to provide relevant information collected by the research cruise. A national observer was also onboard.</p> <p>Further Action: Design protocols to ensure that research activities are in accordance with all Conservation measures and that all requirements are fulfilled.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p> |                               |   |
| Conservation Measure 26-01         |                                  |   |  |                               |   |
| Australia                          | <i>Antarctic Discovery</i>       | <p>This vessel was inspected by New Zealand on 04 December 2017 in Subarea 88.2.</p> <p>The <a href="#">CCAMLR-SI/E1536</a> Report of Inspection, 7.3 Inspector’s Statement notes ‘...<i>Inspection of bait boxes found only one plastic strap around a box of 25 ton (sic) of squid. Plastic strap will be removed, cut and placed in incinerator...</i>’</p> <p>The results of the inspection were also reported by the observer.</p> <p>Paragraph 1 prohibits the use of plastic packaging bands to secure bait boxes.</p> | <p>Australia implements its CCAMLR obligations (including CM 26-01) via legislative instrument, licence conditions and management arrangements. Licence conditions require vessel operators to comply with CCAMLR Conservation Measures. Penalties can apply for a breach of licence conditions.</p> <p>New Zealand authorities shared the results of an at-sea inspection of an Australian flagged vessel soon after the inspection was conducted. The inspection report noted the presence of one plastic strap from one 25 tonne box of squid bait (although we note this should read 25 kg).</p> <p>The vessel was carrying 2 325 bait boxes. The plastic strap was removed and immediately destroyed.</p>   | Minor non-compliant (Level 1) | SCIC noted that, in responding to its Draft CCAMLR Compliance Report, Australia had not suggested a preliminary compliance status for this infringement. Some Members were of the view that subparagraph 1(iv) of CM 10-10 requires Contracting Parties to suggest a preliminary compliance status. |

(continued)

| Party                              | Vessel                                    | Implementation summary – Secretariat   | Response – Contracting Party  | Status    | SCIC response   |
|------------------------------------|---|--|---|-----------|---|
| Conservation Measure 26-01 (cont.) |   |  |   |           |   |
| Australia                          | <i>Antarctic<br/>Discovery</i><br>(cont.) |  | Upon receipt of information from New Zealand, Australia undertook an investigation of the incident. The investigation found that a breach of licence conditions had occurred and an official caution was issued to the operator. The operator was also reminded of their obligations. The vessel did not have a history of non-compliance. The incident was an isolated event and the risk was promptly managed (that is the plastic band was removed and destroyed). |           | Other Members considered that the subparagraph was not clear in this regard; these Members noted that the ambiguity was increased by the fact that, in the English version of CM 10-10, subparagraph 1(iii) makes provision of a suggested preliminary compliance status voluntary. SCIC also noted that subparagraph 1(iii) had been inconsistently translated into CCAMLR's other official languages. SCIC considered that the efficiency of its implementation of the CCEP is enhanced by the provision of suggested preliminary compliance statuses by Contracting Parties and agreed to amend CM 10-10 paragraph 1(iii) to make such provision obligatory, to address the ambiguity of the application of the provision. |
| Russian Federation                 | <i>Mys<br/>Velikan</i>                    | This vessel was inspected by New Zealand on 03 December 2017.<br><br><a href="#">CCAMLR-SI/E1480</a> Report of Inspection, 7.3 Inspector's Statement notes ' <i>...Both Port and Starboard scuppers only had 20mm mesh grating evidence of small offal discharge. Spoke to chief mate regarding offense and rectification. Agreement that scuppers will be sealed with smaller mesh before next set of gear...</i> ' | Russia has conducted comprehensive and detailed investigation based on the findings of the <i>Mys Velikan</i> inspection that took place on 3 December 2017.<br><br>According to the results of the investigation, the size of openings in the screens installed on board the <i>Mys Velikan</i> is 20 mm, as it is prescribed in CM 26-01 (2015) 'General environmental protection during fishing'.  | Compliant | No action required.   |

(continued)

| Party                              | Vessel                     | Implementation summary – Secretariat   | Response – Contracting Party  | Status | SCIC response |
|------------------------------------|----------------------------|--|---|--------|---------------|
| Conservation Measure 26-01 (cont.) |                            |  |   |        |               |
| Russian Federation                 | <i>Mys Velikan</i> (cont.) | <p>The Report of Inspection did not note any observation of active discharge or dumping of offal.</p> <p>CM 26-01, paragraph 6 prohibits the dumping or discharging of offal and discards.</p> | <p>In paragraph 5(iii) of CM 26-01 (2015) ‘General environmental protection during fishing’, it is specified that vessels fishing south of 60°S are prohibited from dumping or discharging food wastes not capable of passing through a screen with openings no greater than 25 mm.</p> <p>Both during the inspection, and the study of additional materials, there was no evidence found of dumping or discharging any waste from the <i>Mys Velikan</i> into the sea while fishing south of 60°S.</p> <p>Nevertheless, because it is mentioned in the inspection act that some small residues which fall under the definition of ‘offal’ were discovered on a screen, the issue of compliance with CM 26-01 (2015) ‘General environmental protection during fishing’ by Russia was included and considered at the ad-hoc workshop that took place in August 2018 in Kaliningrad (Russian Federation), in order to instruct vessel owners.</p> <p>In particular, special attention at the workshop was paid to the process of separate collection, handling and storing different kinds of food wastes, offal and discards, as it is outlined in CM 26-01 (2015) ‘General environmental protection during fishing’.</p> <p>Preliminary Status: Compliant</p> <p>Further action: Not required</p> |        |               |

(continued)

| Party                      | Vessel                  | Implementation summary – Secretariat  | Response – Contracting Party  | Status  | SCIC response   |
|----------------------------|-------------------------|---|---|---|---|
| Conservation Measure 31-02 |                         |   |   |   |   |
| Korea, Republic of         | <i>Hong Jin No. 701</i> | <p>A fishery closure notification for the area north of 70°S in Subarea 88.1, SSRUs A and B in Subarea 88.2 outside the Ross Sea region MPA was issued on 02 December 2017 (2359 UTC).</p> <p>The vessel set lines within 24 hours of the closure notification (COMM CIRC 17/105).</p> <p>Paragraph 2 requires that upon receipt of a fishery closure notification no longlines may be set within 24 hours of the notified closure date and time.</p> | <p>Korea provided the information on the <i>Hong Jin No. 701</i>'s setting lines within 24 hours of the closure notification, the measures taken to the vessel immediately and additional detailed information on the incident through 2 circulars (COMM CIRCs 17/105, 18/08).</p> <p>After that, the police investigated the case and concluded that the incident of the <i>Hong Jin No. 701</i> was unintentional, and the case was terminated without charge. This is because the violation of the Distant Water Fisheries Development Act of Korea results in criminal charges, and the intention to violate was critical for the Police's determination on referring the case to the Prosecution Office. Considering that, the Ministry of Oceans and Fisheries did not take additional administrative actions other than the measures that have already taken, which Korea believes to be deterrent enough to prevent any such violation from happening again. Also, Korean Fisheries Monitoring Center, which conducts 24/7 monitoring, control and surveillance on Korean vessels was included in Korea's contact points for fishery notification right after the incident to ensure that Korean authorities can always reach Korean vessels even on holidays and non-working days.</p> <p>Korea will update on this matter if further details are available before SCIC. As a belt-and-suspenders approach, MOF has submitted a proposal to amend CM 31-02 to introduce a 'reception alarm' system, whereby vessels are required to immediately acknowledge the receipt of fishery closure notifications and the Secretariat alerts the flag state if such acknowledgment of receipt is not provided within a certain time frame to be agreed by the Commission.</p> <p>Further Action: No further action is required</p> <p>Preliminary Status: Non-compliant (Level 2)</p> | Seriously, Frequently or Persistently non-compliant (Level 3) | SCIC requested that Republic of Korea report back on the progress and outcome of efforts to review and strengthen its internal legal framework in terms of administrative action. |

(continued)

| Party                              | Vessel                | Implementation summary – Secretariat  | Response – Contracting Party   | Status  | SCIC response   |
|------------------------------------|-----------------------|---|--|---|---|
| Conservation Measure 31-02 (cont.) |                       |   |  |   |   |
| Korea, Republic of                 | <i>Southern Ocean</i> | <p>A fishery closure notification for the area north of 70°S in Subarea 88.1, SSRUs A and B in Subarea 88.2 outside the Ross Sea region MPA was issued on 02 December 2017 (2359 UTC).</p> <p>The vessel set lines within 24 hours of the closure notification (COMM CIRC 17/105).</p> <p>Paragraph 2 requires that upon receipt of a fishery closure notification no longlines may be set within 24 hours of the notified closure date and time.</p> | <p>Korea provided the information on <i>Southern Ocean</i>'s setting lines within 24 hours of the closure notification, the measures taken to the vessel immediately and additional detailed information on the incident through 2 circulars (COMM CIRCs 17/105, 18/08).</p> <p>After that, the police investigated the case and referred the case to the Prosecution Office, recommending those involved in the incident be charged for the violation of the Distant Water Fisheries Development Act. Based on the results of the police investigation, the Ministry of Oceans and Fisheries took an administrative action, which is 60-day suspension of business, in addition to the measures that have already taken, which Korea believes to be deterrent enough to prevent any such violation from happening again. Also, Korean Fisheries Monitoring Center, which conducts 24/7 monitoring, control and surveillance on Korean vessels was included in Korea's contact points for fishery notification right after the incident to ensure that Korean authorities can always reach Korean vessels even on holidays and non-working days.</p> <p>As this case is still on-going, Korea will update on this matter as further details are available before SCIC. As a belt-and-suspenders approach, MOF has submitted a proposal to amend CM 31-02 to introduce a 'reception alarm' system, whereby vessels are required to immediately acknowledge the receipt of fishery closure notifications and the Secretariat alerts the flag state if such acknowledgment of receipt is not provided within a certain time frame to be agreed by the Commission.</p> <p>Further Action: No further action is required.<br/>Preliminary Status: Non-compliant (Level 2)</p> | Seriously, Frequently or Persistently non-compliant (Level 3) | SCIC requested that Korea report back on the progress and outcome of the pending prosecution and efforts to review and strengthen its internal legal framework in terms of administrative action. |

(continued)

| Party                      | Vessel       | Implementation summary – Secretariat   | Response – Contracting Party   | Status    | SCIC response       |
|----------------------------|--------------|--|--|-----------|---------------------|
| Conservation Measure 41-09 |              |  |  |           |                     |
| New Zealand                | <i>Janas</i> | <p>Following the request from the Scientific Committee (SC-CAMLR-XXXVI, paragraph 3.146) the Secretariat has undertaken a review of the implementation of the by-catch move-on rules specified in CM 33-03, paragraph 5 and CM 41-09, paragraph 6.</p> <p>CM 41-09, paragraph 6 provides that if the by-catch of any one species is equal to, or greater than, 1 tonne in any one haul or set, then the fishing vessel shall move to another location at least 5 n miles distant. The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch exceeded 1 tonne for a period of at least five days.</p> <p>On 26/12/2017 fishing in SSRU 881H the <i>Janas</i> caught 1 155.2 kg of Macrourids (species code GRV) on haul number 11; hauling was completed at 1950 UTC. The <i>Janas</i> then commenced setting haul number 14 at 23.48 UTC on 26 December 2017 at a distance of 4.6 n miles from the path followed by the vessel on haul number 11.</p> | <p>Ministry for Primary Industries – CM 41-09 Investigation Report</p> <p>New Zealand as a Contracting Party to the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) is responsible for addressing instances of non-compliance with conservation measures that are in force. CM 10-10 (2017) CCAMLR Compliance Evaluation Procedure provides for the CCAMLR Secretariat to compile a Draft CCAMLR Compliance Report for each Contracting Party.</p> <p>Background<br/>In accordance with CM 10-10 paragraph 1 the Secretariat released the New Zealand CCAMLR Draft Compliance Report on 9 August 2018. Based on the request from the Scientific Committee (SC-CAMLR-XXXVI, paragraph 3.146) the Secretariat has undertaken a review of the implementation of the by-catch move-on rules specified in CM 33-03, paragraph 5 and CM 41-09, paragraph 6.</p> <p>The Secretariat identified a potential breach by a New Zealand flagged fishing vessel <i>Janas</i> of CM 33-03 Limitation of by-catch in new and exploratory fisheries in the 2017/18 season and CM 41-09 Limits on the exploratory fishery for <i>Dissostichus mawsoni</i> in Statistical Subarea 88.1 in the 2017/18 season.</p> <p>CM 41-09, paragraph 6 provides that if the by-catch of any one species is equal to, or greater than, 1 tonne in any one haul or set, then the fishing vessel shall move to another location at least 5nm distant. The fishing vessel shall not return to any point within 5nm of the location where the by-catch exceeded 1 tonne for a period of at least 5 days.</p> <p>New Zealand has determined that CM 33-03, paragraph 5 was not relevant to this alleged breach and concluded that only CM 41-09, paragraph 6 was applicable and would be assessed against.</p> | Compliant | No action required. |

(continued)

| Party                              | Vessel               | Implementation summary – Secretariat | Response – Contracting Party   | Status | SCIC response |
|------------------------------------|----------------------|--------------------------------------|--|--------|---------------|
| Conservation Measure 41-09 (cont.) |                      |                                      |  |        |               |
| New Zealand                        | <i>Janas</i> (cont.) |                                      | <p>Situation</p> <p>In 26 December 2017 while fishing in SSRU 881H the New Zealand flagged fishing vessel <i>Janas</i> (ZMTW) caught 1155.2 kg of Macrourids (species code GRV) on haul number 11; hauling was completed at 1950 UTC. The <i>Janas</i> is then alleged to have commenced setting haul number 14 at 2348 UTC on 26 December 2017 at a distance of 4.6nm from the path followed by the <i>Janas</i> on haul number 11.</p> <p>Investigation</p> <p>New Zealand conducted an investigation to verify the information supplied by the Secretariat in assessing if the vessel had breached the provision in CM 41-09 paragraph 6.</p> <p>The New Zealand investigation consisted of:</p> <ul style="list-style-type: none"> <li>• The analysis of the C2 data submitted by the <i>Janas</i> to the Secretariat,</li> <li>• Interview of the New Zealand Observer on board the vessel during the Ross Sea season (at the time the alleged compliance breach occurred),</li> <li>• Analysis of the Scientific Observer Logbook (also called the e-longline log book) submitted by the CCAMLR International Observer and New Zealand Observer to the Secretariat,</li> <li>• Analysis of the Vessel Monitoring System (VMS) tracks of the <i>Janas</i> in relation to the C2 data. The vessel reports its CCAMLR VMS to the Secretariat and New Zealand’s Ministry for Primary Industries (flag state) simultaneously,</li> <li>• Questioning the vessel owner/operator,</li> <li>• Analysis of the vessel plotter data, and</li> <li>• Obtaining a statement from the Vessel Master of the <i>Janas</i>.</li> </ul> <p>Data</p> <p>1. Scientific Observer Logbook<br/>Observer data collected for Line 11 and Line 14 (source: Scientific Observers Logbook for the <i>Janas</i> 2017/18 Ross Sea trip)</p> |        |               |

(continued)

| Party                              | Vessel               | Implementation summary – Secretariat | Response – Contracting Party  | Status | SCIC response |
|------------------------------------|----------------------|--------------------------------------|---|--------|---------------|
| Conservation Measure 41-09 (cont.) |                      |                                      |   |        |               |
| New Zealand                        | <i>Janas</i> (cont.) |                                      | <p>Description: The Scientific Observer Logbook. The observers reported the latitude and longitude coordinates for Line 11 and Line 14 during: setting start, setting end, hauling start and hauling end.</p> <p>2. Vessel Plotter<br/>Vessel plotter data collected for Line 11 and Line 14 sets (source: the <i>Janas</i> vessel plotter)<br/>Line 11: Start set coordinates -72°42.9, 176 17.3. End set coordinates -72°41.6, 176 33.2<br/>Line 14: Start set coordinates -72°47.5, 176°48.8. End set coordinates -72°47.2, 176°36.3</p> <p>Description: The positions were extracted from the vessel's plotter. The data includes the positions for vessel start and end positions. A range circle drawn around Line 11 shows that point it intersects with Line 13 (as the nearest fishing line) is 5.09 nautical miles. Line 14 is further away from Line 11 than Line 13. Based on analysis of the vessel plotter coordinates – the <i>Janas</i> is compliant with CM 41-09, paragraph 6.</p> <p>3. Vessel Monitoring System (VMS) data (Source: Ministry for Primary Industries)<br/>The VMS position was analysed against CCAMLR Scientific Observer data collected for Line 11, Line 13 and Line 14.</p> <p>Description: Vessel Monitoring System data was cross referenced against the CCAMLR Scientific Observer data. The analysis of the two data sets (VMS and CCAMLR Scientific Observer data) allows us to validate the data. The distance from Line 11 to Line 13 is 5.06 nautical miles. Line 14 was set at a distance further away from Line 11 than Line 13. Based on the analysis of the VMS data the <i>Janas</i> is compliant with CM 41-09, paragraph 6.</p> |        |               |

(continued)

| Party                              | Vessel                  | Implementation summary – Secretariat | Response – Contracting Party  | Status | SCIC response |
|------------------------------------|-------------------------|--------------------------------------|---|--------|---------------|
| Conservation Measure 41-09 (cont.) |                         |                                      |   |        |               |
| New Zealand                        | <i>Janas</i><br>(cont.) |                                      | <p>4. VMS position analysis with amended C2 data<br/>Description: The C2 data submitted by the <i>Janas</i> reported the incorrect coordinates for Line 14. Subsequently, the C2 data was amended to reflect the correct coordinates for Line 14 (coordinates which were verified by the CCAMLR Scientific Observer data). Vessel Monitoring System (VMS) data was cross referenced against amended C2 data based on the CCAMLR Scientific data provided for Line 11, Line 13 and Line 14. The distance between Line 11 and Line 14 at the closest point is in excess of 5.67nm. Based on the analysis of the VMS and amended C2 data the <i>Janas</i> is compliant with CM 41-09, paragraph 6.</p> <p>Findings<br/>The results of the investigation concluded that the <i>Janas</i>:<br/>I. complied with all requirements under CM 41-09, paragraph 6;<br/>II. had submitted its C2 data with incorrect latitude for the start haul position of Line 14;<br/>III. that the Line 14 start of haul position that was submitted on the C2 data of -72°42.5S, should have been recorded as - 72°47.5S;<br/>IV. that the actual position -72°47.5S is consistent with latitude and longitude positions reported by the VMS, the vessel plotter and the CCAMLR Scientific Observer Logbook; and<br/>V. that the updated positions for Line 14 when plotted against the positions of Line 11, confirms the <i>Janas</i> moved outside of and did not return to within 5 nautical miles of any point, of the location of Line 11, for a period of at least 5 days.</p> <p>As a result of the investigation and subsequent findings, the C2 data was resubmitted and an informal warning was issued to the owner and Master of the <i>Janas</i>. This informal warning was to ensure that positional information is recorded accurately in the C2 data and submitted to the Secretariat.</p> <p>Preliminary Status: Compliant<br/>Further action: No further action is required<br/>Additional Documentation: Attachment A</p> |        |               |

(continued)

| Party                      | Vessel        | Implementation summary – Secretariat  | Response – Contracting Party  | Status                        | SCIC response               |
|----------------------------|---------------|---|---|-------------------------------|-----------------------------|
| Conservation Measure 41-10 |               |   |   |                               |                             |
| Uruguay                    | <i>Badaro</i> | <p>Following the request of the Scientific Committee (SC-CAMLR-XXXVI, paragraph 3.146) the Secretariat has undertaken a review of the implementation of the by-catch rules in CM 33-03, paragraph 6, and CM 41-10, paragraph 5.</p> <p>CM 33-03 paragraph 6 provides : If the catch of <i>Macrourus</i> spp. taken by a single vessel in any two 10-day periods (see footnote 8) in any SSRU, group of SSRUs or research block for which a specific catch limit (including a zero catch limit) is in place exceeds 1 500 kg in each 10-day period and exceeds 16% of the catch of <i>Dissostichus</i> spp. by that vessel in that SSRU, group of SSRUs or research block for which a specific catch limit (including a zero catch limit) is in place in those periods, the vessel shall cease fishing in that SSRU, group of SSRUs or research block for which a specific catch limit (including a zero catch limit) is in place for the remainder of the season.</p> <p>Data from the first two 10-day periods the <i>Badaro</i> had a catch of <i>Macrourus</i> spp. exceeding 1 500 kg and exceeding 16% of the catch of <i>Dissostichus</i> spp. The vessel continued to fish in the research block after the second trigger event, where it should have ceased fishing in that research block for the remainder of the season.</p> | <p>Uruguay considers that there was a case of non-compliance with CM 33-03 (paragraph 6) and CM 41-10 (paragraph 5) involving <i>Badaro</i>. This case of non-compliance has been noted in the shipping company’s records, and relevant procedures are being undertaken by the appropriate body. This case will be a major consideration to be taken into account in the assessment of future applications by the vessel to take part in fisheries in the Convention Area. <i>Badaro</i> will not take part in the exploratory fishery in the 2018/19 season.</p> <p>Further Action:<br/>This case of non-compliance will be a major consideration to be taken into account in the assessment of future applications by the vessel to take part in fisheries in the Convention Area.</p> <p>Preliminary Status: Minor non-compliant (Level 1)</p> | Minor non-compliant (Level 1) | No further action required. |

## Non-Contracting Party IUU Vessel List 2018/19

| Vessel name          | Flag                             | IMO Number | Call sign | Nature and date of activity(ies)   | Year listed | Ownership history  |
|----------------------|----------------------------------|------------|-----------|--|-------------|--|
| <i>Amorinn</i>       |                                  | 7036345    | 5VAN9     | <ul style="list-style-type: none"> <li>• Sighted 58.5.1 (11 Oct 2003)</li> <li>• Sighted 58.4.2 (23 Jan 2004)</li> </ul>   | 2003        | <ul style="list-style-type: none"> <li>• Infitco Ltd (Ocean Star Maritime Co.)</li> <li>• Seric Business S.A.</li> </ul>   |
| <i>Antony</i>        |                                  | 7236634    | PQMG      | <ul style="list-style-type: none"> <li>• Supporting IUU-listed vessels</li> </ul>  | 2016        | <ul style="list-style-type: none"> <li>• Atlanti Pez</li> <li>• Urgora S de RL</li> <li>• World Oceans Fishing SL</li> </ul>   |
| <i>Asian Warrior</i> | Saint Vincent and the Grenadines | 7322897    | J8B5336   | <ul style="list-style-type: none"> <li>• Sighted 58.5.2 (31 Jan 2004)</li> <li>• Sighted 58.5.1 (10 May 2006)</li> <li>• Sighted 58.4.1 (21 Jan 2010)</li> <li>• Sighted 58.4.1 (13 Feb 2011)</li> <li>• Towing <i>Baiyangdian 57</i> (01 Apr 2012)</li> <li>• Sighted 58.6 (01 Jul 2012)</li> <li>• Sighted 58.4.2 (28 Jan 2013)</li> <li>• Sighted 57 (10 Mar 2013)</li> <li>• Fishing 58.5.1 (13 May 2013)</li> <li>• Sighted 57 (07 Sep 2013)</li> <li>• Sighted 58.4.1 (30 Mar 2014)</li> <li>• Sighted 57 (14 Apr 2014)</li> <li>• Sighted 57 (14 Dec 2014)</li> <li>• Hauling 5841H (07 Jan 2015)</li> <li>• Sighted 58.4.1 (11 Jan 2015)</li> <li>• Sighting 57 (26 Feb 2015)</li> </ul> | 2003        | <ul style="list-style-type: none"> <li>• Navalmar S.A.</li> <li>• Meteora Development Inc</li> <li>• Vidal Armadores S.A.</li> <li>• Rajan Corporation</li> <li>• Rep Line Ventures S.A.</li> <li>• Stanley Management Inc</li> <li>• High Mountain Overseas S.A.</li> </ul> |

(continued)

| Vessel name          | Flag                         | IMO Number | Call sign | Nature and date of activity(ies)  | Year listed | Ownership history  |
|----------------------|------------------------------|------------|-----------|---|-------------|--|
| <i>Atlantic Wind</i> |                              | 9042001    | 5IM813    | <ul style="list-style-type: none"> <li>• Undocumented landing Malaysia (01 Aug 2004)</li> <li>• Fishing 58.4.3a (22 Feb 2005)</li> <li>• Fishing 58.4.3a (28 Apr 2005)</li> <li>• Fishing 58.4.3b (16 Dec 2005)</li> <li>• Fishing 58.4.3b (01 Jul 2009)</li> <li>• Fishing 58.4.2 (27 Jan 2010)</li> <li>• Fishing 58.4.3b (04 Apr 2010)</li> <li>• Fishing 58.4.1 (13 Feb 2011)</li> <li>• Sighted 57 (16 May 2012)</li> <li>• Sighted 57 (20 Oct 2012)</li> <li>• Sighted 57 (28 May 2013)</li> <li>• Sighted 57 (01 Jul 2013)</li> <li>• Sighted 57 (13 May 2014)</li> <li>• Sighted 57 (14 Dec 2014)</li> <li>• Fishing 5841H (12 Jan 2015)</li> </ul> | 2004        | <ul style="list-style-type: none"> <li>• Viarsa Fishing Company/Navalmar S.A.</li> <li>• Global Intercontinental Services</li> <li>• Rajan Corporation</li> <li>• Redlines Ventures S.A.</li> <li>• High Mountain Overseas S.A.</li> </ul> |
| <i>Baroon</i>        | Tanzania, United Republic of | 9037537    | 5IM376    | <ul style="list-style-type: none"> <li>• Fishing 58.4.1 (19 Mar 2007)</li> <li>• Sighted 88.1 (15 Jan 2008)</li> <li>• Sighted 57 (19 Dec 2010)</li> <li>• Sighted 57 (05 Oct 2012)</li> <li>• Sighted 57 (24 Mar 2013)</li> <li>• Sighted 57 (03 Sep 2013)</li> <li>• Sighted 57 (19 Nov 2013)</li> <li>• Sighted 57 (14 Feb 2014)</li> </ul>  | 2007        | <ul style="list-style-type: none"> <li>• Punta Brava Fishing S.A.</li> <li>• Vero Shipping Corporation</li> </ul>  |
| <i>Challenge</i>     |                              | 6622642    | HO5381    | <ul style="list-style-type: none"> <li>• Sighted 58.4.3b (14 Feb 2006)</li> <li>• Sighted 58.4.3b (22 May 2006)</li> <li>• Sighted 58.4.3b (10 Dec 2006)</li> <li>• Sighted 58.4.3b (08 Feb 2008)</li> </ul>  | 2006        | <ul style="list-style-type: none"> <li>• Prion Ltd</li> <li>• Vidal Armadores S.A.</li> <li>• Mar de Neptuno S.A.</li> <li>• Advantage Company S.A.</li> <li>• Argibay Perez J.A.</li> </ul>   |
| <i>Good Hope</i>     | Nigeria                      | 7020126    | 5NMU      | <ul style="list-style-type: none"> <li>• Resupplying IUU vessels 51 (09 Feb 2007)</li> </ul>  | 2007        | <ul style="list-style-type: none"> <li>• Sharks Investments AVV</li> <li>• Port Plus Ltd</li> </ul>  |

(continued)

| Vessel name             | Flag                      | IMO Number | Call sign | Nature and date of activity(ies)  | Year listed | Ownership history  |
|-------------------------|---------------------------|------------|-----------|---|-------------|--|
| <i>Hai Lung</i>         |                           | 6607666    | PQBT      | <ul style="list-style-type: none"> <li>• Fishing 58.4.3b (23 May 2006)</li> <li>• Fishing 58.4.2 (18 Feb 2007)</li> <li>• Fishing 58.4.3b (24 Mar 2007)</li> <li>• Fishing 58.4.3b (12 Jan 2008)</li> <li>• Fishing 58.4.3b (09 Jan 2009)</li> <li>• Fishing 58.4.3b (20 Jan 2009)</li> </ul> | 2006        | <ul style="list-style-type: none"> <li>• Arniston Fish Processors Pty Ltd</li> <li>• Nalanza S.A.</li> <li>• Vidal Armadores S.A.</li> <li>• Argibay Perez J.A.</li> <li>• Belfast Global S.A.</li> <li>• Eterna Ship Management</li> </ul>  |
| <i>Heavy Sea</i>        |                           | 7322926    | 3ENF8     | <ul style="list-style-type: none"> <li>• Sighted 58.5.1 (03 Feb 2004)</li> <li>• Fishing 57 (29 Jul 2005)</li> </ul>  | 2004        | <ul style="list-style-type: none"> <li>• C &amp; S Fisheries S.A.</li> <li>• Muner S.A.</li> <li>• Meteroros Shipping</li> <li>• Meteora Shipping Inc.</li> <li>• Barroso Fish S.A.</li> </ul>   |
| <i>Koosha 4</i>         | Iran, Islamic Republic of | 7905443    | 9BQK      | <ul style="list-style-type: none"> <li>• Sighted 58.4.1 (20 Jan 2011)</li> <li>• Sighted 58.4.1 (15 Feb 2011)</li> </ul>  | 2011        | <ul style="list-style-type: none"> <li>• Pars Paya Seyd Industrial Fish</li> </ul>   |
| <i>Limpopo</i>          |                           | 7388267    |           | <ul style="list-style-type: none"> <li>• Fishing 58.5.2 (21 Sep 2003)</li> <li>• Sighted 58.5.1 (03 Dec 2003)</li> <li>• Fishing 58.4.3b (23 Feb 2005)</li> <li>• Fishing 58.4.3b (14 Dec 2005)</li> <li>• Sighted 58.4.3b (25 Jan 2007)</li> </ul>   | 2003        | <ul style="list-style-type: none"> <li>• Grupo Oya Perez (Kang Brothers)</li> <li>• Lena Enterprises Ltd</li> <li>• Alos Company Ghana Ltd</li> </ul>  |
| <i>Northern Warrior</i> | Angola                    | 8808903    | PJSA      | <ul style="list-style-type: none"> <li>• Supporting IUU-listed vessels</li> </ul>   | 2016        | <ul style="list-style-type: none"> <li>• SIP</li> <li>• Areapesca SA</li> <li>• Snoek Wholesalers</li> <li>• Southern Trading Group</li> <li>• South Atlantic Fishing NV</li> <li>• World Ocean Fishing SL</li> <li>• Orkiz Agro-Pecuaria, Pescas, Transportes E Comercio Geral, Ltda</li> </ul> |

(continued)

| Vessel name                           | Flag   | IMO Number | Call sign | Nature and date of activity(ies)   | Year listed | Ownership history  |
|---------------------------------------|--------|------------|-----------|--|-------------|--|
| <i>Perlon</i>                         |        | 5062479    | 5NTV21    | <ul style="list-style-type: none"> <li>• Sighted 58.5.1 (03 Dec 2002)</li> <li>• Sighted 58.5.1 (04 Jun 2003)</li> <li>• Sighted 58.4.2 (22 Jan 2004)</li> <li>• Sighted 58.4.3b (11 Dec 2005)</li> <li>• Fishing 58.4.1 (26 Jan 2006)</li> <li>• Sighted 58.4.3b (07 Dec 2006)</li> <li>• Sighted 58.4.1 (30 Dec 2006)</li> <li>• Sighted 58.4.1 (16 Dec 2008)</li> <li>• Gear sighted (10 Feb 2009)</li> <li>• Fishing 58.5.1 (08 Jun 2010)</li> <li>• Sighted 51 (10 Feb 2012)</li> <li>• Sighted 57 (20 Jul 2014)</li> <li>• Sighted, boarded 57 (22 Apr 2015)</li> </ul>  | 2003        | <ul style="list-style-type: none"> <li>• Vakin S.A.</li> <li>• Jose Lorenzo SL</li> <li>• Americagalaica S.A.</li> </ul>   |
| <i>Pescacisne 1,<br/>Pescacisne 2</i> |        | 9319856    | 9LU2119   | <ul style="list-style-type: none"> <li>• Supporting activities of IUU vessels 51 (16 May 2008)</li> <li>• Sighted 58.4.3b (22 Apr 2009)</li> <li>• Sighted 57 (07 Dec 2009)</li> <li>• Fishing 58.4.1 (07 Apr 2010)</li> <li>• Sighted 58.4.1 (29 Jan 2012)</li> <li>• Sighted 58.4.1 (30 Jan 2012)</li> <li>• Sighted 58.4.1 (31 Jan 2012)</li> <li>• Sighted 57 (24 Apr 2012)</li> <li>• Fishing 58.6 (03 Jul 2012)</li> <li>• Sighted 57 (28 May 2013)</li> <li>• Sighted 57 (04 Jul 2013)</li> <li>• Sighted 58.4.1 (20 Jan 2014)</li> <li>• Sighted 57 (13 May 2014)</li> <li>• Sighting 57 (08 Dec 2014)</li> <li>• Hauling 5841H (06 Jan 2015)</li> </ul> | 2008        | <ul style="list-style-type: none"> <li>• Mabenal S.A.</li> <li>• Vidal Armadores S.A.</li> <li>• Omunkete Fishing Pty Ltd</li> <li>• Gongola Fishing JV (Pty) Ltd</li> <li>• Eastern Holdings</li> </ul> |
| <i>Sea Urchin</i>                     | Gambia | 7424891    |           | <ul style="list-style-type: none"> <li>• Fishing 58.4.4b (10 Nov 2006)</li> </ul>  | 2007        | <ul style="list-style-type: none"> <li>• Cecibell Securities</li> <li>• Farway Shipping</li> </ul>   |

(continued)

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| Vessel name            | Flag | IMO Number | Call sign | Nature and date of activity(ies)   | Year listed | Ownership history  |
|------------------------|------|------------|-----------|--|-------------|--|
| <a href="#">STS-50</a> | Togo | 8514772    | 5VDR2     | <ul style="list-style-type: none"><li>• Landing IUU catch (25 May 2016)</li><li>• Sighted 57 (06 Apr 2017)</li></ul> | 2016        | <ul style="list-style-type: none"><li>• Maruha Corporation</li><li>• Taiyo Namibia</li><li>• Taiyo Susan</li><li>• Sun Tai International Fishing Corp</li><li>• STD Fisheries Co. Ltd</li><li>• Red Star Co. Ltd</li><li>• Poseidon Co. Ltd</li><li>• Marine Fisheries Corp. Co. Ltd</li></ul> |

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

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

### **Opening of the meeting**

1. Mr K. Timokhin (Russia), serving as Chair of the Standing Committee on Administration and Finance (SCAF) for its 2018 meeting, facilitated discussions on Item 4 of the Commission's agenda.

### **Annual Financial Statements**

#### Examination of Audited Financial Statements for 2017

2. Consistent with Financial Regulation 11.1, a full audit of the 2017 Financial Statements was completed in early 2018 (see COMM CIRC 18/40). The audit had identified no incidents of non-compliance with Financial Regulations or International Accounting Standards. SCAF accepted the Financial Statements as presented in CCAMLR-XXXVII/03 and recommended these be accepted by the Commission.

#### Appointment of auditor

3. SCAF recommended the appointment of the Australian National Audit Office (ANAO) as auditor for the 2019 and 2020 financial statements.

### **Report of the Secretariat**

#### Executive Secretary's Report

4. The Chair informed the Committee that two Members had asked that Observers be excluded from the discussion concerning the Secretariat's Staffing and Salary Strategy under Rule 33(b) of the Rules of Procedure of the Commission. It was not clear from the request whether this exclusion should apply to other agenda items.

5. Many Members, whilst respecting the right of Members to invoke Rule 33(b) by notification at the start of specific agenda items, expressed their disappointment that these Members had seen the need to do so. They pointed out that all the background documents were available to Observers and stated that their preference would be for Observers to be present during open discussion of these items. They further noted their concern that the Members had made their request to invoke Rule 33(b) anonymously through the Chair. Many Members agreed that the current situation should not set a precedent for its future work and does not change in any way Rule 33 or its application.

6. The Executive Secretary introduced CCAMLR-XXXVII/05, noting that his report included a summary of Secretariat activities during the year across all departments, the fourth

and final implementation report for the Secretariat's Strategic Plan (2015–2018) and a basis for the assessment of the Executive Secretary's performance (CCAMLR-XXI, paragraph 3.13).

7. The Executive Secretary expressed his appreciation for the excellent foundations laid by previous Executive Secretaries and the supportive and constructive contributions made by staff. SCAF noted that the Executive Secretary's report and companion documents provided a valuable resource for Members to keep apprised of the work of the Secretariat since the last annual meeting. SCAF welcomed the new Executive Secretary and complimented the Secretariat on the work undertaken during the last intersessional period in support of the Commission and Scientific Committee.

#### Strategic Plan and Staffing and Salary Strategy, 2019–2022

8. The Executive Secretary presented the Secretariat's proposed Strategic Plan 2019–2022 (CCAMLR-XXXVII/06). In his report to SCAF, he noted that there were a number of key external and internal drivers for the strategic plan. These included:

- (i) increasing demands on data management and for a warehouse
- (ii) increasing demands on science, particularly marine protected areas (MPAs) and exploratory fisheries
- (iii) increasing requirement for integrated fisheries management
- (iv) demands for increased transparency, engagement and capacity building initiatives
- (v) increasing pressure on meeting support and communications, particularly requests for a new website
- (vi) updated human resources and finance systems were required.

9. In preparing this strategic plan, the Secretariat felt strongly that a thematic approach, with the support of departmental tasks, would best meet the priorities identified above. There are four main themes:

- (i) support the delivery of scientific advice on the application of Article II to the Scientific Committee and Commission
- (ii) support the implementation of CCAMLR conservation measures
- (iii) facilitate the work and meetings of CCAMLR Members and the engagement of other stakeholders in that work
- (iv) foster the organisational resilience of CCAMLR and its Secretariat.

10. These themes are supported by a set of key tasks for the Secretariat. These include:

- (i) strengthening Secretariat analytical capacity, particularly in fisheries and spatial management

- (ii) strengthening and continuous improvement of CCAMLR data management processes
- (iii) revising operating procedures for catch reporting and closure notices
- (iv) facilitating user engagement with the Catch Documentation Scheme (CDS), non-Contracting Party (NCP) engagement and trade analysis
- (v) consulting and developing the website
- (vi) implementing capacity building initiatives
- (vii) fostering the international nature and culture of the Secretariat
- (viii) strengthening Secretariat internal record keeping and human resources systems.

11. SCAF noted and thanked the Executive Secretary and Secretariat for the large amount of hard work that had gone into the preparation of the Strategic Plan 2019–2022, considering it an excellent basis to guide the Secretariat’s work over the next four years.

12. The Executive Secretary presented the Staffing and Salary Strategy for 2019–2022 (CCAMLR-XXXVII/21 Rev. 1) and supporting reviews (CCAMLR-XXXVII/BG/02 Rev. 1). This was developed by the Secretariat to enable delivery of the Strategic Plan 2019–2022 and address the requests of SCAF in 2017 to review the overall balance of international and local positions, the terms and conditions of General Services staff and the implications of recent revisions to the United Nations (UN) common system of salaries, allowances and benefits (CCAMLR-XXXVI, Annex 7, paragraphs 10 to 12).

13. The Staffing and Salary Strategy has five key elements:

- (i) foster the international nature of the Secretariat, increasing the proportion of international staff from 12% in 2018 to 35% (9 staff) in 2022, with a possible further increase to 50% in 2026
- (ii) strengthen data management across the organisation in order to improve transparency, documentation, data quality and integrity checks
- (iii) strengthen the ability to deliver necessary support to the Scientific Committee’s research and monitoring programs, including support for MPA research
- (iv) strengthen CCAMLR’s ability to deliver reliable fisheries monitoring services
- (v) improve administrative support for human resources.

14. The staff changes proposed under the Strategy are detailed in CCAMLR-XXXVII/21 Rev. 1.

15. Members thanked the Executive Secretary and Secretariat for the work and thought that had been put into the preparation of these papers. Members presented a number of questions which permitted the Secretariat to offer the following clarifications:

- (i) increasing international posts within the Secretariat will only increase the budget very minimally, since UN pay scales have experienced a lower rate of growth compared to wages in Australia over the last 10 years. Relocation and repatriation expenses of this proposal will be funded through the Staff Replacement Fund, part of which will be funded from a transfer from the Asset Replacement Fund
- (ii) the Executive Secretary proposes to review the situation with respect to the appointment of new international staff over the period 2019–2022, in particular the impact on the budget, prior to proposing to the Commission in 2022 whether further international staff should be appointed in the 2023–2026 strategic planning period. In this review, other sections of the Secretariat (for example, the Communications section) would be considered as candidates for internationalisation
- (iii) the Secretariat considers the likelihood of attracting high-quality international staff to CCAMLR to be high, as it is strongly believed that the Secretariat is a very desirable place to work and, additionally, Hobart has a positive international reputation as a very liveable city
- (iv) in response to a question about cost efficiencies, the Executive Secretary assured SCAF that Secretariat internal procedures include a review of cost-effective and cost-efficient procurement and other expenses. The Secretariat always aims to keep the cost of travel to a minimum, keeping in mind the health and wellbeing of staff, particularly on long trips, and the travel policy follows the entitlements under the UN Daily Subsistence Allowance
- (v) the proposed change to the Education Allowance is projected to achieve a saving for the Secretariat on the basis that the proposal to no longer fund pre-tertiary private education will result in less access to the allowance. In addition, as it is envisaged that the new international posts will largely be filled by early career applications, the university provision will be infrequently accessed.

16. SCAF noted and approved the Strategic Plan 2019–2022 and the Staffing and Salary Strategy 2019–2022 and recommended that the Commission adopts them as written (CCAMLR-XXXVII/06 and XXXVII/21 Rev. 1).

#### Changes to the Staff Regulations

17. The Executive Secretary presented the proposed changes to the Staff Regulations (CCAMLR-XXXVII/BG/13). He explained that the changes had been kept to a minimum and that a further, more comprehensive review, would be undertaken in the intersessional period with the expectation of further changes to be recommended.

18. SCAF thanked the Executive Secretary and the Secretariat for the comprehensive set of reviews and documentation supporting the proposed changes and looked forward to receiving a further review of the Staff Regulations in 2019.

19. The following updated clauses were adopted by SCAF:

#### Regulation 1.1 – Definitions

‘Dependant’ means:

- (a) any unsalaried child, who is born of, or adopted by, a staff member, their spouse, or their children, who is below the age of eighteen years and who is dependent on a staff member or their spouse for main and continuing support
- (b) any child fulfilling the conditions laid down in Clause (a) above, but who is between eighteen and twenty-five years of age and is receiving school or university education or vocational training
- (c) any child with a disability who is dependent on a staff member or their spouse for main and continuing support
- (d) any other child who is given a home by, and is dependent on, a staff member or their spouse for main and continuing support
- (e) any person related by blood or marriage for whose main and continuing support a staff member or their spouse is legally responsible

‘Economy class’ means, in respect of air travel, economy class or, for flights longer than 9 hours, cost-efficient premium economy class as authorised by the Executive Secretary and in accordance with Secretariat travel policy.

#### Regulation 1.5 – Salaries and other remuneration

1.5.1 (b) To achieve this, General Services category employees shall receive an annual increment that maintains comparability of total remuneration (salary, superannuation, annual leave and service payment) against a relevant local comparator and takes into account the annual consumer price index for Hobart, published by the Australian Bureau of Statistics.

1.5.3 (b) During the continuation of the employee’s employment by the Commission, subject to a satisfactory performance rating, the employee will advance by one pay step at each anniversary of their commencement date up to a maximum of the top pay step of the applicable classification in accordance with the conditions laid out in CCAMLR’s Staffing and Salary Strategy.

1.10.3 In the event of separation of service with the Secretariat, a staff member shall receive one month’s gross pay, less staff assessment levy, for each full year of continuous service including, but paid after completion of, the first year of service. For a part year of continuous service an employee will be paid a pro-rata part of one month’s gross pay proportionate to that partial year of service. If the appointment of a staff member is terminated for reasons of gross dereliction of duties or serious misconduct they will not receive a separation from service payment.

## Consideration of the Financial Regulations

20. SCAF recognised that Regulation 9.4 is out of date with regard to the financial limits imposed on purchases and agreed to amend it as shown below.

Rule 9.4 Tenders in writing for equipment, supplies and other requirements shall be invited by advertisement, or by direct requests from at least three persons or firms able to supply the equipment, supplies, or other requirements, if such exist, in connection with all purchases or contracts, the amounts of which exceed A\$50 000. For amounts exceeding A\$10 000 and less than A\$50 000, written quotations will be sought from at least three persons or firms able to supply the equipment, supplies, or other requirements. For amounts exceeding A\$2 000 and less than A\$10 000 quotes shall be obtained either by the above means or by telephone, internet or personal enquiry. The foregoing rules, shall, however, not apply in the following cases:

- (a) where it has been ascertained that only a single supplier exists, and that fact is so certified by the Executive Secretary;
- (b) in case of emergency, or where, for any other reason, these rules would not be in the best financial interests of the Commission, and that fact is so certified by the Executive Secretary.

## Working Capital Fund (WCF)

21. The ICG proposed that a Working Capital Fund (WCF) be set up with the objective of building and maintaining an adequate level of funds to support the organisation's day-to-day operations in the event of cash flow shortfalls.

22. SCAF agreed that the WCF should be established with the objective of maintaining a balance of at least three (3) month's average recurring operating costs, adjusted annually in line with the General Fund budget. The WCF will be established and maintained through drawdown on the balance of the General Fund.

23. A proposal from Germany to decrease the prescribed size of the fund was not supported by other Members and was subsequently withdrawn.

24. SCAF adopted the Rules of Procedure for the WCF (Appendix I) and recommended that they be appended to the Financial Regulations. SCAF also adopted a change to Rule 6.1(c) of the Financial Regulations to recognise the drawdown as shown below.

Rule 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 transferred to the Working Capital Fund (WCF) until the WCF reaches the cap of 3 months of annual budgeted expenditure. After transfers to the WCF, a balance above A\$100 000 in the General Fund at year end shall, if decided by the Commission, 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 Member's contributions for the ensuing financial year.

25. SCAF agreed that with the establishment of the WCF, the Contingency Fund should be closed and any remaining balances transferred to the WCF.

26. SCAF recognised that interest on the WCF would be an important source of income for the Commission and agreed to amend Financial Regulation 8.2 as shown below.

Rule 8.3 Income derived from investments shall be credited to the Fund from which the investment was made with the exception of the WCF where interest earned on this fund will be credited to the General Fund.

### **Report of the CCAMLR Intersessional Correspondence Group on Sustainable Financing (ICG-SF)**

27. The Secretariat, as Convener of an open-ended informal correspondence group established by the Commission (CCAMLR-XXXI, Annex 7, paragraph 13), presented a progress report (CCAMLR-XXXVII/17) on intersessional consultations to further evaluate income-generating and cost-saving options (CCAMLR-XXXIII, Annex 7, paragraphs 14 and 15).

#### Tasks advanced during 2017/18

28. In the 2017/18 intersessional period, utilising the e-group facility, the following tasks in relation to the work endorsed at CCAMLR-XXXVI (CCAMLR-XXXVI, paragraph 4.7) were advanced:

- (i) issues associated with the purpose and operations of a WCF, noting SCAF had endorsed, in principle, its establishment
- (ii) funding of conveners to working group meetings
- (iii) options to reduce costs and evaluate alternative revenue generation options
- (iv) another review of the Special Funds, particularly those that have been dormant for a significant period
- (v) the assessed contribution formula as a matter for future work (noting some Members' view that changes to the assessed contributions formula should be a last resort, particularly in light of the current financial situation).

29. Other issues relevant to the work of the Intersessional Correspondence Group on Sustainable Financing (ICG-SF) were raised at CCAMLR-XXXVI:

- (i) Argentina's suggestion to consider options for supporting conveners of SCAF and the Standing Committee on Implementation and Compliance (SCIC) (CCAMLR-XXXVI, Annex 7, paragraph 4.8)
- (ii) the UK's request to consider sustainable financing options for the scholarship scheme, including as a fixed proportion of the overall budget (CCAMLR-XXXVI, paragraph 5.92)

- (iii) the US proposal to include consideration of a dedicated Secretariat position to work on MPA issues (CCAMLR-XXXVI, paragraph 4.9).

30. The Executive Secretary reported that the ICG-SF had progressed its work by consideration of two working papers developed by the Secretariat, taking into account feedback and suggestions made by ICG-SF members. The report of the ICG-SF (CCAMLR-XXXVII/17) proposed specific actions to develop a WCF, to develop a sustainable income source through raising notification fees with a consumer price index (CPI) (inflation) and to establish a General Capacity Building Fund (GCBF). SCAF thanked the Executive Secretary, the Secretariat and those Members who participated in the intersessional period for the excellent work in progressing these issues.

#### Notification fees

31. SCAF reviewed the recommendation of the ICG-SF that fishery notification fees should be increased with inflation (CPI applicable in Hobart) in order to deliver sustainable income into the future. SCAF noted that since they were last reviewed in 2016 they had not been increased with CPI.

32. SCAF further noted the advice of the ICG-SF and agreed that the current structure of dividing the notification fee into a refundable and non-refundable part was administratively very burdensome, while at the same time it did not seem to be providing a deterrent to unfished notifications given that the proportion of notifications that were unfished, and in which the refundable part of the notification fee was forfeit, had remained at over 40% since the inception of the fee in 2005/06.

33. SCAF agreed that any new notification fee should include only a single, non-refundable, part.

34. The Executive Secretary introduced CCAMLR-XXXVII/08 Rev. 1 which proposed to deal with both these issues. From 2019 onwards, the notification fee would comprise a single, non-refundable element, calculated to be equal to the current non-refundable (administrative) element, increased with CPI from the 2016 level, plus an amount equal to the forfeits of the current refundable portion, also increased with CPI from the 2016 level; and in future years this new 2019 fee would be increased annually in line with CPI. He showed that this mechanism would correct current and future budget deficits.

35. Many Members agreed that the proposal in CCAMLR-XXXVII/08 Rev. 1 should be adopted and implemented in 2019. China and Russia expressed the opinion that the formula should be revisited, particularly regarding the relative fees of toothfish and krill vessels; the inclusion or exclusion of vessels fishing under Conservation Measure (CM) 24-01, paragraph 3; and in respect of the assumption of annual CPI increases. China stated that the proposal could be agreed only for 2019 and should not be taken as a precedent for future discussion, with future fee arrangements dependent on discussions by the ICG-SF and a decision of SCAF in 2019.

36. SCAF did not agree to a change in notification fees. It agreed that the current notification fee arrangement will stay in place until replaced.

37. SCAF agreed that it would prioritise discussions in 2019 that would allow it to agree a revision of the fee in 2019. SCAF requested the ICG-SF to consider the formula for notification fees during 2019 with the following terms of reference:

- (i) propose a revised formula that removes the refundable portion of the notification fee and generates at least the same income to the General Fund as the 2019 formula as presented in CCAMLR-XXXVII/08 Rev. 1 and described in paragraph 34, considering, inter alia:
  - (a) whether notifications for research fishing under CM 24-01, paragraph 3, should require a notification fee
  - (b) the relative costs of administering and managing krill and new and exploratory toothfish fisheries, including consideration of fees per subarea where appropriate
  - (c) whether to harmonise the notification fees between the krill and new and exploratory toothfish fisheries
- (ii) consider the frequency at which notification fees should be revised in relation to inflationary CPI changes.

38. Many Members expressed disappointment that agreement on notification fees could not be reached. They emphasised that the proposal in CCAMLR-XXXVII/08 Rev. 1 delivered on the direction that SCAF gave to the ICG-SF. They further noted that the notification fees were only a small proportion of the revenues of the industry and the operating costs of vessels. In particular, they could not accept any possibility that notification fees would cease to be required, and the risk that this would generate to the Commission's income and individual Member contributions.

39. SCAF recognised, however, that it was important to arrive at a notification fee formula that was acceptable to all parties and delivered a predictable income for the Secretariat that was consistent with the requirements of the budget.

40. SCAF recalled that it had previously agreed on the principle of CPI increases in income and expenditure (CCAMLR-XXXV, Annex 7, paragraph 30).

41. The UK and Australia recalled previous agreements regarding notification fees applying to individual conservation measures rather than subdivisions within conservation measures. This agreement specifically related to krill fishing notifications following advice from the Scientific Committee that the krill catch in Area 48 should be distributed across the whole area.

42. China welcomed the decision, stating that it was important to have time to arrive at an agreement, considering that krill and toothfish fisheries were quite different, and that notification fees should also apply to fisheries notified under CM 24-01. The notification fee for krill fisheries in Area 48 should be in no way different from others.

43. Some Members noted the question of notification fees for research fishing under CM 24-01, paragraph 3, in areas that are closed or have a zero catch limit is not merely a financial one; there is also a policy question regarding how research is being conducted under

CM 24-01. Fishing under CM 24-01 should not be on a commercial basis. It was recognised that the notification requirements under CM 24-01, paragraph 3, create a higher administrative burden for the Secretariat than for notifications under CM 24-01, paragraph 2.

44. SCAF suggested the ICG-SF consult with industry during its deliberations.

#### Capacity building

45. The ICG-SF report (CCAMLR-XXXVII/17) recommended the establishment of a GCBF, and the retention of the Science Capacity Fund as a separate fund to support capacity building activities in the Scientific Committee.

46. Australia presented CCAMLR-XXXVII/02 Rev. 1 on behalf of the delegations of Australia, New Zealand, Norway, the Republic of Korea (Korea) and the UK. The paper recommended the creation of a GCBF and an ICG specifically for discussing aspects of the GCBF, including a list of possible activities or needs, priority areas of work and criteria against which capacity building proposals should be assessed. It also recommended that the Commission include capacity building as a permanent agenda item.

47. Members generally welcomed the proposals outlined. However, the opinion was expressed that the establishment of a GCBF and an ICG as envisioned in CCAMLR-XXXVII/17 and XXXVII/02 Rev. 1 was premature as there was not yet a common understanding of what was meant by the term 'capacity building'.

48. The EU noted that there should be clarity about the potential beneficiaries and suggested that specific target groups be identified on a needs basis.

49. Following further discussions, the following was adopted by SCAF:

- (i) the ICG will be established and its main task will be gaining a common understanding of the concept of capacity building
- (ii) terms of reference for the ICG will be completed before the end of CCAMLR-XXXVII with an opportunity for Members to provide feedback
- (iii) terms of reference for a workshop will be completed before the end of CCAMLR-XXXVII with an opportunity for Members to provide feedback. The primary aim of the workshop will be to conduct a capacity needs analysis.

50. The Chair acknowledged the voluntary contributions of New Zealand, the UK and USA to support capacity building initiatives. The Chair also acknowledged the voluntary contribution of Korea to support capacity building initiatives and the Korean Contribution Fund.

51. SCAF noted that in the absence of a GCBF the voluntary contributions from New Zealand, the UK and USA will remain in the General Science Capacity Fund and will not be expended unless approved by the donating Member. Korea asked for its contribution to be placed in the Korean Contribution Fund.

52. Korea generously agreed that the workshop could be supported by the Korean Contribution Fund.

53. The ICG-SF also suggested a mechanism for reviewing the continuing need for Special Funds that were unused for a number of years. SCAF recommended that the Commission adopt the following procedure to review the continued need for dormant Special Funds:

If a Special Fund remains inactive in expenditure for two consecutive years, and in any case every 5 years, the Commission shall undertake a review to see if a Special Fund is still meeting its intended need, and, if appropriate, the Commission shall terminate the fund and transfer the balance to an alternative, active, Special Fund.

#### Funding of conveners to working groups

54. SCAF recognised that for a number of years the Scientific Committee has requested financial support for conveners of working group meetings, noting that providing a convener is often a significant financial burden, especially for small delegations. SCAF noted its previous discussions and general support for the proposal (CCAMLR-XXXVI, Annex 7, paragraph 25), and also the potentially high cost of this approach.

55. SCAF noted that in setting up the General Science Capacity Fund the Commission recognised that the activities that contribute towards science capacity may include increasing participation and awareness of CCAMLR science, mechanisms to resource and deliver scientific activities, and improving information flow within the CCAMLR scientific community (CCAMLR-XXIX/09). SCAF considered that in addition to the Scientific Scholarship Scheme, which is supported by the Fund, the funding of conveners could contribute to this objective.

56. SCAF agreed to a limited pilot project which would fund one convener for two (2) years. The cost would be approximately A\$25 000 per year (A\$50 000 over the two years). The funding of the pilot project would be through the voluntary contributions made to the General Science Capacity Fund by New Zealand, the UK and USA.

57. SCAF agreed that the objective of funding conveners should be to support the work of the Scientific Committee by encouraging a greater diversity of working group conveners in terms of the Member providing them, their gender and their geographical origin. Terms of Reference for the project were completed (Appendix II) and the proposal was adopted by SCAF.

58. SCAF agreed that Members should be required to opt in to any funding scheme for working group conveners.

#### **Consideration of the Second Performance Review**

59. The Executive Secretary introduced CCAMLR-XXXVII/11. The progress report provides a summary of the discussions undertaken during CCAMLR-XXXVI. SCAF noted the activities undertaken to date and in particular those activities relating to Chapter 8,

Recommendations 28 and 29. SCAF approved the public release of information relating to the Second Performance Review, except where such information is of a confidential nature to either CCAMLR or Members.

## **Review of 2018 Budget, 2019 Draft Budget and 2020 Forecast Budget**

### Review of 2018 Budget

60. SCAF endorsed the 2018 budget as revised (Appendix III). It noted that, although there was a positive impact resulting from the introduction of fees for all fisheries notifications (CCAMLR-XXXIV, Annex 7, paragraphs 19 to 26), a deficit of A\$179 770 was forecast which, if realised, will reduce the anticipated balance of the General Fund at 31 December 2018 to A\$1 996 699.

61. The Secretariat reported that, since the circulation of the financial papers to Members on 28 August 2018 (see COMM CIRC 18/69), 60 days in advance of CCAMLR-XXXVII as required under the Financial Regulations, Namibia have paid their 2017 and 2018 assessed contributions. In addition, China has paid their 2018 assessed contribution.

62. Argentina informed SCAF that due to financial complications during 2018, foreign currency payments by its Foreign Ministry had suffered some delays. Nonetheless, its CCAMLR contribution administrative process had seen progress in recent weeks and was in its final stages, whereby the Argentine pending contribution would be cancelled shortly, hopefully before the end of CCAMLR-XXXVII.

63. SCAF noted the payment by Namibia and that from the date of the payment, Namibia was no longer in default according to Article 5.3 of the Financial Regulations. SCAF noted the three (3) years of outstanding contributions from Brazil and requested that the Commission ask the Executive Secretary to discuss with Brazil their intentions regarding these contributions.

### Advice from SCIC

#### Proposal regarding satellite monitoring

64. France presented a proposal for a project on satellite monitoring that had previously been presented to SCIC (CCAMLR-XXXVII/25).

65. Since the system is already operating in the French exclusive economic zone (EEZ) with good results in terms of reducing illegal, unregulated and unreported (IUU) fishing to almost zero, it has been well tested. France was willing to share this expertise and it would benefit CCAMLR to take up this offer. No new contract would need to be negotiated by the Secretariat.

66. France reported that an Italian agency, Telespazio, which was put through a tender process and was deemed the most cost-effective with the best technical capacity, is being used to analyse satellite images. Approximately 500 images annually would be pre-processed by France and sent to the Secretariat for cross-checking against vessel monitoring system (VMS) data. The results will be reported to SCIC.

67. In 2019 the cost would be in the order of €100 000. The project will be reviewed at next year's meeting and renewed if the Commission so agrees. In that case, subsequent years would cost €75 000. The additional €25 000 for the first year would allow for historical data analysis to provide for more accurate future images.

68. The EU advised that it fully supported funding of this project by contributing the full amount of €100 000 and there would consequently be no financial impact on the Commission's budget.

69. Input from CCAMLR would be 'in-kind' support in terms of Secretariat staffing to analyse the data received. The Executive Secretary confirmed that the cost of this would be low and fully supported by the new Staffing and Salary Strategy.

70. SCAF thanked France and the EU for its generous offer and recommended that the Commission accept this proposal.

#### Advice from the Scientific Committee

71. The Scientific Committee once again asked for funding for conveners of working groups. SCAF noted its decision in this regard (paragraph 57).

72. SCAF considered a request from the Scientific Committee for funding for krill specialist scientists to attend the SCAR Krill Action Group meeting. The working group was established to engage a broader range of scientists in the work of CCAMLR. The funds requested were A\$13 000 which would be funded from the General Fund. SCAF accepted this proposal and recommended that the Commission endorse this decision.

#### Draft Budget for 2019

73. The draft budget for 2019 (Appendix IV) is based upon the continued application of the Commission's policy of zero-real growth for the calculation of the equal share of Members' contributions (CCAMLR-XXXV, Annex 7, paragraph 30).

74. The draft budget for 2019 was revised to take into account a change in the General Fund budget to Member contributions as a result of a calculation error; the decision of SCAF to retain notification fees at existing levels; funding of the SCAR Krill Action Group meeting; the voluntary contribution of Korea to the Korean Contribution Fund; and provision to fund a convener of a working group from the General Science Capacity Fund.

75. SCAF agreed that the Contingency Fund should be closed, and its balance transferred to the WCF (paragraph 25).

76. SCAF noted the revised draft budget for 2019 and associated schedule of assessed contributions (Appendix V) and recommended its adoption by the Commission.

## Forecast Budget for 2020

77. SCAF noted the revised forecast budget for 2020 as presented in Appendix VI. The 2020 budget is indicative only.

78. The budgets for 2019 and 2020 show a forecast budget deficit. While recognising that this was not of immediate concern given the positive balance of the General Fund, SCAF emphasised that this was not a long-term sustainable approach, and in this context noted its commitment to revise notification fees in 2019 (paragraph 37).

## Other business

79. The new budget layout was presented in CCAMLR-XXXVII/09 and was proposed for use in 2019. Notes to the budget would be condensed and incorporated into the new layout. Some notes would be removed entirely for some Special Funds where there was no movement during the year other than application of annual interest earned. More comprehensive notes will be included in the budget paper as required. SCAF accepted this new layout and recommended that it be accepted by the Commission.

80. The Chair noted that there was a vacancy for Vice-Chair.

## Report adoption

81. The report of SCAF, including its recommendations and advice to the Commission, was adopted.

## Close of the meeting

82. SCAF thanked the Chair for his excellent management of the meeting.

83. The Chair declared the meeting closed.

## **Rules of Procedure for the Working Capital Fund**

### **Working Capital Fund Terms of Reference**

1. These Terms of Reference will be implemented in conjunction with the other financial regulations and policies of the Commission and are intended to support the goals and strategies contained in those related regulations and policies and in strategic and operational plans. These Working Capital Fund (WCF) Terms of Reference will be reviewed regularly every four years and adjusted in response to internal and external changes.

2. The purpose of the WCF is to build and maintain an adequate level of funds to support the organisation's day-to-day operations in the event of cash flow shortfalls. Its functions are to:

- (i) accommodate normal operating expenditures prior to the receipt of contributions from Members of the Commission and, in particular, late payment of contributions by Members
- (ii) replace the previously held Contingency Fund which provided funds for extraordinary or unforeseen expenditure.

The WCF is not intended to replace a permanent loss of funds or eliminate an ongoing budget gap.

### **Establishment and use**

3. The WCF will be recorded in the Commission's books of account and financial statements as the 'Working Capital Fund'. The WCF will be funded and available in cash. The WCF will be invested in accordance with the Financial Regulations.

4. The minimum amount to be held in the WCF will be established in an amount sufficient to maintain ongoing operations and programs for a set period, measured in months. The target minimum for the WCF is equal to three (3) months of average recurring operating costs. This calculation will be based on yearly total budgeted expenditure in the General Fund as approved by the Commission at its annual meeting. The WCF target minimum will be calculated each year after the approval of the annual budget. These reserves will be reported to the Commission and included in the annual financial reports. Each year, after the approval of the operating budget, the WCF will be adjusted to maintain the three months' balance.

5. The WCF will be established with a transfer from the General Fund. The Commission may, from time to time, direct that a specific source of revenue be set aside for the WCF, for example, the Member contribution from a new Member. Voluntary contributions may also be directed to the WCF.

6. The Executive Secretary will identify the need for access to the WCF and confirm that the use is consistent with the purpose of the reserves as described herein. Any use of the WCF will be reported to the Commission at its yearly meeting and include the use of any funds drawn down and plans for replenishment of the WCF.

7. The interest earned on the WCF will remain in the General Fund accounts.

### **Cash flow management**

8. In line with its primary function, funds from the WCF will be available to the General Fund for cash flow management, in particular when there are late payments of Member contributions. The Executive Secretary may incur obligations against the WCF, without prior approval of the Commission, when such obligations are necessary for the continued effective functioning of the Commission. These withdrawals will be confined to approved budgetary expenditure and will be reimbursed from the General Fund as soon as possible.

### **Unforeseen and extraordinary expenditure**

9. The WCF may also be used for necessary expenditure which has not yet been specifically authorised by the Commission. The following definitions are agreed by the Commission for unforeseen and extraordinary expenditure:

- (i) 'Unforeseen expenditure' is expenditure of which the Commission had been unaware at the time of its previous meeting, but which is necessary for the fulfilment of tasks required by the Commission to be performed, with the extra amount not being possible to subsume into the annual budget without inordinate disruption of the Commission's work.
- (ii) 'Extraordinary expenditure' is expenditure the nature of which was known by the Commission at its previous meeting, but the extent of which is far greater than had been anticipated at that time, with the extra amount not being possible to subsume into the annual budget without inordinate disruption of the Commission's work.

10. The following procedures should be applied in the event of unforeseen and extraordinary expenditure:

- (i) As soon as the Executive Secretary believes that there is a reasonable expectation of unforeseen or extraordinary expenditure, he/she will consult with the Chair of the Commission to confirm that:
  - (a) the nature of the expenditure complies with the above definitions
  - (b) the WCF has sufficient capacity to cover the expenditure
  - (c) it is not possible to defer the decision on the use of the Fund until the next meeting of the Commission.

- (ii) Should the total of proposed expenditure be less than 10% of the balance of the WCF, the Chair may approve its payment.
- (iii) If the expenditure is greater than 10% of the balance of the WCF, the following procedures will apply:
  - (a) The Executive Secretary will advise all Members of any intended use of the Fund.
  - (b) Any Member that considers such expenditure from the Fund to be inappropriate shall advise the Chair accordingly, including any proposal for alternative action.
  - (c) The Commission Chair shall consult with the SCAF Chair and the Executive Secretary. If the three parties agree with the Member's advice, then this shall be acted upon and Members will be advised accordingly. If the parties fail to come to agreement on the Member's advice, and if time permits, then Members will be asked to decide on the issue in accordance with Rule 7. If there is insufficient time for such a decision, or if Members are unable to reach consensus, then the Executive Secretary, in consultation with the Commission Chair and the SCAF Chair and Vice-Chair, shall determine to what extent to use the Fund.
  - (d) Any actual unforeseen and extraordinary expenditure from the Fund will be advised to Members immediately.

**Terms of Reference for funding of conveners to working groups**

1. The Commission will make funding available for one convener of a scientific working group for their activities in 2019 and 2020. The funding shall cover travel and subsistence costs for attendance at their working group meeting and attendance at the Scientific Committee.
2. The objective of funding conveners should be to support the work of the Scientific Committee by encouraging a greater diversity of working group conveners in terms of the Member providing them, their gender and their geographical origin.
3. The Scientific Committee shall nominate a working group which may receive this funding and elect a working group convener to serve for at least two years starting 2019. The selection of convener shall follow the criteria in the objective together with relevant scientific qualifications.

**Commission for the Conservation of Antarctic Marine Living Resources**  
**Revised Budget for the Year Ended 31 December 2018**

|                                | General Fund adopted 2017 | General Fund Revised | Equity Funds      |                         |                   |                     | Special Funds |              |            |                  |            |              |                       |             |                          |                  | Total    |                  |
|--------------------------------|---------------------------|----------------------|-------------------|-------------------------|-------------------|---------------------|---------------|--------------|------------|------------------|------------|--------------|-----------------------|-------------|--------------------------|------------------|----------|------------------|
|                                |                           |                      | Asset Replacement | Fisheries Notifications | Staff Replacement | Korean Contribution | Contingency   | Observer     | VMS        | CDS              | Compliance | MPA          | Scientific Multi Year | Enforcement | General Science Capacity | CEMP             |          |                  |
|                                | A\$                       | A\$                  | A\$               | A\$                     | A\$               | A\$                 | A\$           | A\$          | A\$        | A\$              | A\$        | A\$          | A\$                   | A\$         | A\$                      | A\$              | A\$      |                  |
| <b>Income</b>                  |                           |                      |                   |                         |                   |                     |               |              |            |                  |            |              |                       |             |                          |                  |          |                  |
| Core Members' Contributions    | 3 349 500                 | 3 349 500            | 0                 | 0                       | 0                 | 0                   | 0             | 0            | 0          | 0                | 0          | 0            | 0                     | 0           | 0                        | 0                | 0        | 3 349 500        |
| Members' Special Contributions | 0                         | 0                    | 0                 | 0                       | 0                 | 0                   | 0             | 0            | 0          | 0                | 0          | 0            | 0                     | 0           | 72 691                   | 0                | 0        | 72 691           |
| Interest                       | 160 000                   | 160 000              | 0                 | 0                       | 0                 | 0                   | 0             | 2 750        | 345        | 32 560           | 642        | 1 380        | 0                     | 294         | 2 607                    | 10 529           | 0        | 211 108          |
| Staff Assessment Levy          | 530 000                   | 500 000              | 0                 | 0                       | 0                 | 0                   | 0             | 0            | 0          | 0                | 0          | 0            | 0                     | 0           | 0                        | 0                | 0        | 500 000          |
| Fund transfers                 | 240 219                   | 240 730              | 0                 | 0                       | 0                 | 0                   | (215 000)     | 0            | 0          | 0                | 0          | 0            | (25 730)              | 0           | 0                        | 0                | 0        | 0                |
| Sales (Tagging)                | 30 000                    | 30 000               | 0                 | 0                       | 0                 | 0                   | 0             | 0            | 0          | 0                | 0          | 0            | 0                     | 0           | 0                        | 0                | 0        | 30 000           |
| Miscellaneous Income           | 405 000                   | 405 000              | 35 000            | 414 000                 | 0                 | 0                   | 220 000       | 0            | 0          | 0                | 0          | 0            | 0                     | 0           | 0                        | 0                | 0        | 1 074 000        |
| <b>Total Income</b>            | <b>4 714 719</b>          | <b>4 685 230</b>     | <b>35 000</b>     | <b>414 000</b>          | <b>0</b>          | <b>0</b>            | <b>5 000</b>  | <b>2 750</b> | <b>345</b> | <b>32 560</b>    | <b>642</b> | <b>1 380</b> | <b>(25 730)</b>       | <b>294</b>  | <b>75 298</b>            | <b>10 529</b>    | <b>0</b> | <b>5 237 299</b> |
| <b>Expenditure</b>             |                           |                      |                   |                         |                   |                     |               |              |            |                  |            |              |                       |             |                          |                  |          |                  |
| Salaries and Allowances        | 3 303 500                 | 3 213 500            | 0                 | 414 000                 | 0                 | 0                   | 0             | 0            | 0          | 0                | 0          | 0            | 0                     | 0           | 0                        | 0                | 0        | 3 627 500        |
| Equipment                      | 210 000                   | 210 000              | 0                 | 0                       | 0                 | 0                   | 0             | 0            | 0          | 0                | 0          | 0            | 0                     | 0           | 0                        | 0                | 0        | 210 000          |
| Insurance and Maintenance      | 240 000                   | 240 000              | 0                 | 0                       | 0                 | 0                   | 0             | 0            | 0          | 0                | 0          | 0            | 0                     | 0           | 0                        | 0                | 0        | 240 000          |
| Training                       | 17 000                    | 25 000               | 0                 | 0                       | 0                 | 0                   | 0             | 0            | 0          | 0                | 0          | 0            | 0                     | 0           | 0                        | 0                | 0        | 25 000           |
| Meeting Facilities             | 350 000                   | 360 000              | 4 444             | 0                       | 0                 | 0                   | 0             | 0            | 0          | 0                | 0          | 0            | 0                     | 0           | 0                        | 0                | 0        | 364 444          |
| Travel                         | 180 000                   | 180 000              | 0                 | 0                       | 0                 | 0                   | 0             | 0            | 0          | 0                | 0          | 0            | 0                     | 0           | 50 000                   | 0                | 0        | 230 000          |
| Printing and Copying           | 15 000                    | 15 000               | 0                 | 0                       | 0                 | 0                   | 0             | 0            | 0          | 0                | 0          | 0            | 0                     | 0           | 0                        | 0                | 0        | 15 000           |
| Communications                 | 45 000                    | 45 000               | 0                 | 0                       | 0                 | 0                   | 0             | 0            | 0          | 0                | 0          | 0            | 0                     | 0           | 0                        | 0                | 0        | 45 000           |
| Sundry                         | 143 000                   | 143 000              | 0                 | 0                       | 51 000            | 100 000             | 0             | 0            | 0          | 158 500          | 0          | 0            | 0                     | 0           | 0                        | 0                | 180 000  | 632 500          |
| Rent/COGS                      | 433 500                   | 433 500              | 0                 | 0                       | 0                 | 0                   | 0             | 0            | 0          | 0                | 0          | 0            | 0                     | 0           | 0                        | 0                | 0        | 433 500          |
| <b>Total Expenditure</b>       | <b>4 937 000</b>          | <b>4 865 000</b>     | <b>4 444</b>      | <b>414 000</b>          | <b>(51 000)</b>   | <b>(100 000)</b>    | <b>0</b>      | <b>0</b>     | <b>0</b>   | <b>158 500</b>   | <b>0</b>   | <b>0</b>     | <b>0</b>              | <b>0</b>    | <b>50 000</b>            | <b>180 000</b>   | <b>0</b> | <b>5 822 944</b> |
| <b>Surplus/(Deficit)</b>       | <b>(222 281)</b>          | <b>(179 770)</b>     | <b>30 556</b>     | <b>0</b>                | <b>(51 000)</b>   | <b>(100 000)</b>    | <b>5 000</b>  | <b>2 750</b> | <b>345</b> | <b>(125 940)</b> | <b>642</b> | <b>1 380</b> | <b>(25 730)</b>       | <b>294</b>  | <b>25 298</b>            | <b>(169 471)</b> | <b>0</b> | <b>(585 645)</b> |
| Balance at 1 January 2018      | 1 886 709                 | 2 176 469            | 364 266           | 363 920                 | 135 846           | 336 786             | 260 000       | 136 929      | 17 204     | 1 687 504        | 31 941     | 101 536      | 25 730                | 14 569      | 190 424                  | 730 112          | 0        | 6 573 236        |
| Balance at 31 December 2018    | 1 664 428                 | 1 996 699            | 394 822           | 363 920                 | 84 846            | 236 786             | 265 000       | 139 679      | 17 549     | 1 561 564        | 32 583     | 102 916      | 0                     | 14 863      | 215 722                  | 560 641          | 0        | 5 987 591        |

**Commission for the Conservation of Antarctic Marine Living Resources**  
**Draft Budget for the Year Ended 31 December 2019**

| General Fund                               | Equity Funds      |                         |                   |                 |                     | Special Funds  |                  |              |            |                 |            |              |                          |                 | Total        |                  |
|--|-------------------|-------------------------|-------------------|-----------------|---------------------|----------------|------------------|--------------|------------|-----------------|------------|--------------|--------------------------|-----------------|--------------|------------------|
|  | Asset Replacement | Fisheries Notifications | Staff Replacement | Working Capital | Korean Contribution | Contingency    | Observer         | VMS          | CDS        | Compliance      | MPA        | Enforcement  | General Science Capacity | CEMP            |              |                  |
| A\$  | A\$               | A\$                     | A\$               | A\$             | A\$                 | A\$            | A\$              | A\$          | A\$        | A\$             | A\$        | A\$          | A\$                      | A\$             | A\$          |                  |
| <b>Income</b>                              |                   |                         |                   |                 |                     |                |                  |              |            |                 |            |              |                          |                 |              |                  |
| Core Members' Contributions                | 3 433 238         | 0                       | 0                 | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 3 433 238        |
| Members' Special Contributions             | 0                 | 0                       | 0                 | 0               | 0                   | 300 000        | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 300 000          |
| Interest                                   | 180 000           | 0                       | 0                 | 0               | 0                   | 0              | 0                | 2 800        | 370        | 27 000          | 680        | 2 200        | 300                      | 3 500           | 6 000        | 222 850          |
| Staff Assessment Levy                      | 500 000           | (200 000)               | 0                 | 200 000         | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 500 000          |
| Fund transfers                             | 155 000           | 0                       | 0                 | 0               | 1 321 851           | 0              | (155 000)        | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 1 321 851        |
| Sales (Tagging)                            | 30 000            | 0                       | 0                 | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 30 000           |
| Misc. Income – Fisheries Notifications     | 479 000           | 0                       | 0                 | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 479 000          |
| Miscellaneous Income                       | 415 000           | 25 000                  | 220 000           | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 660 000          |
| <b>Total Income</b>                        | <b>5 192 238</b>  | <b>(175 000)</b>        | <b>220 000</b>    | <b>200 000</b>  | <b>1 321 851</b>    | <b>300 000</b> | <b>(155 000)</b> | <b>2 800</b> | <b>370</b> | <b>27 000</b>   | <b>680</b> | <b>2 200</b> | <b>300</b>               | <b>3 500</b>    | <b>6 000</b> | <b>6 946 939</b> |
| <b>Expenditure</b>                         |                   |                         |                   |                 |                     |                |                  |              |            |                 |            |              |                          |                 |              |                  |
| Salaries and Allowances – Revised          | 3 646 902         | 0                       | 0                 | 30 000          | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 3 676 902        |
| Equipment                                  | 215 200           | 0                       | 0                 | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 215 200          |
| Insurance and Maintenance                  | 246 000           | 0                       | 0                 | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 246 000          |
| Training                                   | 30 000            | 0                       | 0                 | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 30 000           |
| Meeting Facilities                         | 365 000           | 4 444                   | 0                 | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 369 444          |
| Travel                                     | 185 000           | 0                       | 0                 | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 75 000          | 0            | 260 000          |
| Printing and Copying                       | 18 000            | 0                       | 0                 | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 18 000           |
| Communications                             | 47 000            | 0                       | 0                 | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 47 000           |
| Sundry                                     | 90 000            | 0                       | 0                 | 0               | 0                   | 140 000        | 0                | 0            | 0          | 104 000         | 0          | 0            | 0                        | 0               | 0            | 334 000          |
| Rent/COGS                                  | 444 300           | 0                       | 0                 | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | 444 300          |
| <b>Total Expenditure</b>                   | <b>5 287 402</b>  | <b>4 444</b>            | <b>0</b>          | <b>30 000</b>   | <b>0</b>            | <b>140 000</b> | <b>0</b>         | <b>0</b>     | <b>0</b>   | <b>104 000</b>  | <b>0</b>   | <b>0</b>     | <b>0</b>                 | <b>75 000</b>   | <b>0</b>     | <b>5 640 846</b> |
| <b>Surplus/(Deficit)</b>                   | <b>(95 164)</b>   | <b>(179 444)</b>        | <b>220 000</b>    | <b>170 000</b>  | <b>1 321 851</b>    | <b>160 000</b> | <b>(155 000)</b> | <b>2 800</b> | <b>370</b> | <b>(77 000)</b> | <b>680</b> | <b>2 200</b> | <b>300</b>               | <b>(71 500)</b> | <b>6 000</b> | <b>1 306 092</b> |
| Transfer to WCF                            | (1 321 851)       | 0                       | 0                 | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            | (1 321 851)      |
| Transfer from Fisheries Notifications Fund | 363 920           | 0                       | 0                 | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            |                  |
| Transfer from Contingency Fund             | 110 000           | 0                       | 0                 | 0               | 0                   | 0              | 0                | 0            | 0          | 0               | 0          | 0            | 0                        | 0               | 0            |                  |
| <b>Total Transfers to/from Funds</b>       | <b>(847 931)</b>  | <b>0</b>                | <b>(363 920)</b>  | <b>0</b>        | <b>0</b>            | <b>0</b>       | <b>(110 000)</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>     |                  |
| Balance at 1 January 2019                  | 1 996 699         | 394 822                 | 363 920           | 84 846          | 0                   | 236 786        | 265 000          | 139 679      | 17 549     | 1 561 564       | 32 583     | 102 916      | 14 863                   | 215 722         | 560 641      | 5 987 591        |
| Balance at 31 December 2019                | 1 053 604         | 215 378                 | 220 000           | 254 846         | 1 321 851           | 396 786        | 0                | 142 479      | 17 919     | 1 484 564       | 33 263     | 105 116      | 15 163                   | 144 222         | 566 641      | 5 971 832        |

**Members' Contributions 2018, 2019, 2020**  
(all amounts in Australian dollars)

| Member             | Contributions<br>2018 | Draft/Adopted<br>Contributions<br>2019 | Forecast<br>Contributions<br>2020 |
|--------------------|-----------------------|--|-----------------------------------|
| Argentina          | 126 628               | 129 794                                | 133 039                           |
| Australia          | 141 923               | 145 471                                | 149 108                           |
| Belgium            | 126 628               | 129 794                                | 133 039                           |
| Brazil             | 126 628               | 129 794                                | 133 039                           |
| Chile              | 131 110               | 134 388                                | 137 747                           |
| China              | 149 091               | 152 818                                | 156 639                           |
| European Union     | 126 628               | 129 794                                | 133 039                           |
| France             | 154 088               | 157 940                                | 161 889                           |
| Germany            | 126 628               | 129 794                                | 133 039                           |
| India              | 126 628               | 129 794                                | 133 039                           |
| Italy              | 126 628               | 129 794                                | 133 039                           |
| Japan              | 127 628               | 130 819                                | 134 089                           |
| Korea, Republic of | 145 106               | 148 734                                | 152 452                           |
| Namibia            | 126 628               | 129 794                                | 133 039                           |
| New Zealand        | 131 626               | 134 917                                | 138 290                           |
| Norway             | 196 361               | 201 270                                | 206 302                           |
| Poland             | 126 628               | 129 794                                | 133 039                           |
| Russia             | 129 486               | 132 723                                | 136 041                           |
| South Africa       | 128 081               | 131 283                                | 134 565                           |
| Spain              | 128 209               | 131 414                                | 134 700                           |
| Sweden             | 126 628               | 129 794                                | 133 039                           |
| Ukraine            | 131 843               | 135 139                                | 138 518                           |
| UK                 | 134 315               | 137 673                                | 141 115                           |
| USA                | 126 628               | 129 794                                | 133 039                           |
| Uruguay            | 127 725               | 130 918                                | 134 191                           |
| <b>Total</b>       | <b>3 349 500</b>      | <b>3 433 238</b>                       | <b>3 519 068</b>                  |

**Commission for the Conservation of Antarctic Marine Living Resources**  
**Forward Estimate for the Year Ended 31 December 2020**

|  | General Fund     | Equity Funds       |                          |                    |                 |                      | Special Funds |            |               |             |              |               |                          | Total        |                  |
|--|------------------|--------------------|--------------------------|--------------------|-----------------|----------------------|---------------|------------|---------------|-------------|--------------|---------------|--------------------------|--------------|------------------|
|  |                  | Asset Replace-ment | Fisheries Notifica-tions | Staff Replace-ment | Working Capital | Korean Contri-bution | Ob-server     | VMS        | CDS           | Com-pliance | MPA          | En-force-ment | General Science Capacity |              | CEMP             |
|  | A\$              | A\$                | A\$                      | A\$                | A\$             | A\$                  | A\$           | A\$        | A\$           | A\$         | A\$          | A\$           | A\$                      | A\$          | A\$              |
| <b>Income</b>                          |                  |                    |                          |                    |                 |                      |               |            |               |             |              |               |                          |              |                  |
| Core Members' Contributions            | 3 519 068        | 0                  | 0                        | 0                  | 0               | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 3 519 068        |
| Members' Special Contributions         | 0                | 0                  | 0                        | 0                  | 0               | 300 000              | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 300 000          |
| Interest                               | 180 000          | 0                  | 0                        | 0                  | 0               | 0                    | 2 800         | 370        | 20 000        | 680         | 2 200        | 300           | 3 400                    | 5 500        | 215 250          |
| Staff Assessment Levy                  | 480 000          | 0                  | 0                        | 0                  | 0               | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 480 000          |
| Fund transfers                         | 0                | 0                  | 0                        | 0                  | 43 403          | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 43 403           |
| Sales (Tagging)                        | 30 000           | 0                  | 0                        | 0                  | 0               | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 30 000           |
| Misc. Income – Fisheries Notifications | 634 000          | 0                  | (220 000)                |                    |                 |                      |               |            |               |             |              |               |                          |              | 414 000          |
| Miscellaneous Income                   | 425 375          | 25 000             | 220 000                  | 0                  | 0               | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 670 375          |
| <b>Total Income</b>                    | <b>5 268 443</b> | <b>25 000</b>      | <b>0</b>                 | <b>0</b>           | <b>43 403</b>   | <b>300 000</b>       | <b>2 800</b>  | <b>370</b> | <b>20 000</b> | <b>680</b>  | <b>2 200</b> | <b>300</b>    | <b>3 400</b>             | <b>5 500</b> | <b>5 672 096</b> |
| <b>Expenditure</b>                     |                  |                    |                          |                    |                 |                      |               |            |               |             |              |               |                          |              |                  |
| Salaries and Allowances                | 3 790 014        | 0                  | 0                        | 30 000             | 0               | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 3 820 014        |
| Equipment                              | 220 600          | 0                  | 0                        | 0                  | 0               | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 220 600          |
| Insurance and Maintenance              | 250 000          | 0                  | 0                        | 0                  | 0               | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 250 000          |
| Training                               | 35 000           | 0                  | 0                        | 0                  | 0               | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 35 000           |
| Meeting Facilities                     | 370 000          | 4 444              | 0                        | 0                  | 0               | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 374 444          |
| Travel                                 | 185 000          | 0                  | 0                        | 0                  | 0               | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 75 000                   | 0            | 260 000          |
| Printing and Copying                   | 18 000           | 0                  | 0                        | 0                  | 0               | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 18 000           |
| Communications                         | 47 000           | 0                  | 0                        | 0                  | 0               | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 47 000           |
| Sundry                                 | 90 000           | 0                  | 0                        | 0                  | 0               | 50 000               | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 140 000          |
| Rent/COGS                              | 455 400          | 0                  | 0                        | 0                  | 0               | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | 455 400          |
| <b>Total Expenditure</b>               | <b>5 461 014</b> | <b>4 444</b>       | <b>0</b>                 | <b>30 000</b>      | <b>0</b>        | <b>50 000</b>        | <b>0</b>      | <b>0</b>   | <b>0</b>      | <b>0</b>    | <b>0</b>     | <b>0</b>      | <b>75 000</b>            | <b>0</b>     | <b>5 620 458</b> |
| <b>Surplus/(Deficit)</b>               | <b>(192 571)</b> | <b>20 556</b>      | <b>0</b>                 | <b>(30 000)</b>    | <b>43 403</b>   | <b>250 000</b>       | <b>2 800</b>  | <b>370</b> | <b>20 000</b> | <b>680</b>  | <b>2 200</b> | <b>300</b>    | <b>(71 600)</b>          | <b>5 500</b> | <b>51 638</b>    |
| Transfers to/from Funds                | (43 403)         | 0                  | 0                        | 0                  | 0               | 0                    | 0             | 0          | 0             | 0           | 0            | 0             | 0                        | 0            | (43 403)         |
| Balance at 1 January 2020              | 1 053 604        | 215 378            | 220 000                  | 254 846            | 1 321 851       | 396 786              | 142 479       | 17 919     | 1 484 564     | 33 263      | 105 116      | 15 163        | 144 222                  | 566 641      | 5 971 832        |
| Balance at 31 December 2020            | 817 631          | 235 934            | 220 000                  | 224 846            | 1 365 253       | 646 786              | 145 279       | 18 289     | 1 504 564     | 33 943      | 107 316      | 15 463        | 72 622                   | 572 141      | 5 980 068        |

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



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

### **Purpose**

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

### **Composition**

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

### **Functions of the ICG-CB**

The ICG-CB's functions shall be to:

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

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