

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

**REPORT OF THE TENTH MEETING
OF THE COMMISSION**

HOBART, AUSTRALIA
21 OCTOBER - 1 NOVEMBER, 1991

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Abstract

This document presents the adopted record of the Tenth Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 21 October to 1 November 1991. Major topics discussed at this meeting include: review of the Report of the Scientific Committee, assessment and avoidance of incidental mortality of Antarctic marine living resources, development of approaches to conservation of Antarctic marine living resources, current operation of the System of Inspection and elaboration of the CCAMLR Scheme of International Scientific Observation, compliance with Conservation Measures in force, review of existing Conservation Measures and adoption of new Conservation Measures including precautionary catch limitations on krill, and cooperation with other international organisations including the Antarctic Treaty System. The Reports of the Standing Committee on Administration and Finance and the Standing Committee on Observation and Inspection are appended.

TABLE OF CONTENTS

	Page
OPENING OF THE MEETING	1
ORGANISATION OF THE MEETING	2
FINANCE AND ADMINISTRATION	2
Resignation of Executive Secretary	2
Report of SCAF	3
Examination of the Audited Financial Statements for 1990	3
Review of Budget for 1991	3
Draft Budget for 1992 and Forecast Budget for 1993	4
Termination Entitlements and Replacement Costs	4
Payment of Members' Contributions	6
Commemoration of CCAMLR-X	6
REPORT OF THE SCIENTIFIC COMMITTEE	6
Rules of Procedures for the Participation of Observers	7
Krill Resources	8
Fish Resources	9
Ecosystem Monitoring	10
Protection of CEMP Sites	10
RESOLUTION 8/X	11
Protection of the Seal Islands CEMP Site	11
Development of Approaches to Conservation	11
ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY	11
Incidental Mortality in Longline Fisheries	12
Prohibition of Net Monitor Cables	13
DEVELOPMENT OF APPROACHES TO CONSERVATION	14
New Fisheries	14
Potential New Fishery for Antarctic Crabs	15
Consideration of Possible Limits on Krill Catches	16
Working Group on the Development of Approaches to Conservation of Antarctic Marine Living Resources (WG-DAC)	17
OBSERVATION AND INSPECTION	18
Reports of Inspections	18
CCAMLR Scheme of International Scientific Observation	18
COMPLIANCE WITH CONSERVATION MEASURES IN FORCE	19
CONSERVATION MEASURES	20
Subarea 48.3	20

<i>Champscephalus gunnari</i> in Subarea 48.3	20
<i>Notothenia gibberifrons</i> , <i>Notothenia squamifrons</i> , <i>Chaenocephalus aceratus</i> <i>Pseudochaenichthys georgianus</i> and <i>Patagonotothen guntheri</i> in Subarea 48.3	21
<i>Dissostichus eleginoides</i> in Subarea 48.3	21
<i>Electrona carlsbergi</i> in Subarea 48.3	22
Subareas 48.1 and 48.2	23
Subarea 58.4	24
CONSERVATION MEASURES ADOPTED IN 1991	24
CONSERVATION MEASURE 29/X	24
CONSERVATION MEASURE 30/X	26
CONSERVATION MEASURE 31/X	26
CONSERVATION MEASURE 32/X	28
CONSERVATION MEASURE 33/X	28
CONSERVATION MEASURE 34/X	29
CONSERVATION MEASURE 35/X	29
CONSERVATION MEASURE 36/X	30
CONSERVATION MEASURE 37/X	31
CONSERVATION MEASURE 38/X	32
CONSERVATION MEASURE 39/X	33
CONSERVATION MEASURE 40/X	33
CONSERVATION MEASURE 41/X	34
CONSERVATION MEASURE 42/X	34
CONSERVATION MEASURE 43/X	34
ACQUISITION OF FISHERIES DATA FROM NON-MEMBER COUNTRIES	34
COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM	35
COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS	36

CCAMLR CONTRIBUTION TO THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT.....	37
ELECTION OF VICE-CHAIRMAN OF THE COMMISSION.....	38
NEXT MEETING.....	38
OTHER BUSINESS.....	38
Rules of Procedure - Intersessional Decision Making	38
Chairman of the Standing Committee on Observation and Inspection (SCOI)	38
ADOPTION OF THE REPORT	38
CLOSE OF THE MEETING	39
ANNEX 1 LIST OF MEETING PARTICIPANTS	41
ANNEX 2 LIST OF MEETING DOCUMENTS.....	55
ANNEX 3 AGENDA FOR THE TENTH MEETING OF THE COMMISSION	65
ANNEX 4 APPOINTMENT OF EXECUTIVE SECRETARY TO CCAMLR	69
ANNEX 5 THE EXECUTIVE SECRETARY'S REPORT ON THE MEETING OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE (SCAF)	75
ANNEX 6 APPROVED DEPLOYMENT OF NET MONITOR CABLE LEADING FROM STERN OF TRAWLER.....	87
ANNEX 7 REPORT OF THE MEETING OF THE STANDING COMMITTEE ON OBSERVATION AND INSPECTION (SCOI)	91
ANNEX 8 AMENDMENTS TO THE COMMISSION RULES OF PROCEDURE	99

REPORT OF THE TENTH MEETING OF THE COMMISSION

(Hobart, Australia 21 October to 1 November, 1991)

OPENING OF THE MEETING

1.1 The Tenth Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources was held in Hobart, Tasmania, Australia from 21 October to 1 November 1991 under the Chairmanship of Ambassador Jorge Berguño (Chile).

1.2 All Members of the Commission were represented: Argentina, Australia, Belgium, Brazil, Chile, European Economic Community, France, Germany, India, Italy, Japan, Republic of Korea, New Zealand, Norway, Poland, South Africa, Spain, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

1.3 Following established practice, acceding states were invited to attend as observers, and the Netherlands and Uruguay attended in this capacity.

1.4 The Food and Agricultural Organisation of the United Nations (FAO), the Intergovernmental Oceanographic Commission (IOC), the International Union for the Conservation of Nature and Natural Resources (IUCN), the International Whaling Commission (IWC), the Scientific Committee on Antarctic Research (SCAR), the Scientific Committee on Oceanic Research (SCOR) and the Antarctic and Southern Ocean Coalition (ASOC) were invited to attend the meeting as observers. IOC, IWC, SCAR and ASOC attended.

1.5 A List of Participants is at Annex 1. A List of Documents presented to the meeting is at Annex 2.

1.6 The meeting was opened by His Excellency General Sir Phillip Bennett, AC, KBE, DSO, Governor of Tasmania.

1.7 In his address, the Governor commended the Commission for its achievements over the ten years since the Convention was signed. He referred to the successful development of the scientific program of CCAMLR in which most Members were actively involved, to the adoption of conservation measures that were now starting to result in the recovery of previously depleted populations of some finfish species and to the successful implementation of a system of

international inspection of Antarctic fishing operations. The Governor also referred to the important international cooperation in Antarctic affairs to which CCAMLR had made a significant contribution since its establishment.

ORGANISATION OF THE MEETING

2.1 The Agenda adopted for the Tenth Meeting of the Commission is attached to this report as Annex 3.

2.2 The Chairman welcomed participants and observers and reported on intersessional activities. The Commission had been represented as an observer at the 43rd Meeting of the IWC, at the 11th Special Antarctic Treaty Consultative Meeting and at the XVIth Regular Antarctic Treaty Consultative Meeting. Reports on these meetings are discussed in the relevant sections of this report.

FINANCE AND ADMINISTRATION

3.1 The following items of the Commission's agenda were referred to the Standing Committee on Administration and Finance (SCAF) for consideration:

- (i) Examination of Audited Financial Statements for 1990;
- (ii) Review of Budget for 1991;
- (iii) Budget for 1992 and Forecast Budget for 1993;
- (iv) Payment of Members' Contributions; and
- (v) Commemoration of CCAMLR-X.

Resignation of Executive Secretary

3.2 During the course of the meeting, the Chairman advised Members that he had received formal notification from the Executive Secretary of his intended resignation after the 1992 Meeting of the Commission. The Chairman noted that although the Executive Secretary had been required to give only three months notice, he had given in excess of twelve months notice to enable the Commission to initiate the replacement procedure (CCAMLR-VI, paragraph 29) and for the relevant costs to be incorporated in the budget. This factor was taken into consideration by SCAF.

3.3 The Chairman advised the Commission that he intended to commence the process of selection as soon as practicable after this meeting. The text of the procedure to be followed, as agreed at the Sixth Meeting (CCAMLR-VI, paragraph 29), is attached at Annex 4, together with the form of the advertisement (CCAMLR-VII, Annex E, paragraph 26) to be placed by Members if they wish to advertise the post. The deadline for submission of applications would be 31 March 1992; Members would be required to notify their preferences for the applicants by 30 June and the leading five applicants would be notified by 31 July. This schedule would ensure there was sufficient time for Members to assess thoroughly the applications of the five final candidates before the 1992 Meeting of the Commission.

Report of SCAF

3.4 The Executive Secretary presented his report of the meeting of SCAF (Annex 5).

3.5 The Chairman of SCAF advised the Commission that the matters raised at the meeting of SCAF, and outlined in the Executive Secretary's report, had been extensively discussed and drew to the attention of the Commission a number of issues arising from the SCAF meeting.

Examination of the Audited Financial Statements for 1990

3.6 The Commission accepted the Financial Statements for 1990.

Review of Budget for 1991

3.7 The Commission noted the forecast results of income and expenditure for 1991. Chile and Argentina respectively apologised for the delay in payment of contributions and advised that action has been taken to ensure that payment would be made as soon as possible.

3.8 The Delegation of Australia proposed an amendment to the Financial Regulations providing for interest to be accrued on contributions received later than 150 days after the due date. This interest would be due on all late payments by Members, including supplementary contributions. Some delegations indicated they would need to seek the views of their responsible authorities regarding such an amendment to the Financial Regulations.

Draft Budget for 1992 and Forecast Budget for 1993

3.9 The Chairman of SCAF noted that the budget presented by the SCAF meeting varies from the draft budget in document CCAMLR-X/4. The sub-item 'Commemorative Sculpture' (A\$25 000) had been removed and A\$10 000 had been allocated in the budget to the sub-item 'Allowances' as a contribution towards staff termination entitlements and replacement costs, enabling the Scientific Committee to increase its budget by A\$15 700. Paragraph 26 of the SCAF report suggests that, for future budgets, the Commission may wish to provide the Scientific Committee with some guidance in terms of budgetary limitation and the priorities of work requirements.

3.10 The Commission approved the Budget for 1992 as contained in the Executive Secretary's report of the SCAF meeting (Annex 5).

3.11 The Commission noted the 1993 Forecast Budget.

Termination Entitlements and Replacement Costs

3.12 The Commission noted that it has a contractual obligation to pay the termination entitlements of Secretariat staff when they fall due. The costs of recruiting and installing replacement staff are necessarily incurred and have to be funded. The arrears of termination entitlements contractually accrued as at 31 December 1991 are estimated at A\$375 000. The current cost of on-going obligations in respect of terminations and replacements is estimated at A\$90 700 per year. As an alternative to funding these items on an *ad hoc* basis the three options identified by SCAF (Annex 5, paragraph 20) were presented to the Commission for consideration.

3.13 The Australian Delegate pointed out that the existing procedure of addressing each staff change as it arises was established at the Third Meeting. The text of the relevant paragraphs (CCAMLR-III, Annex E, paragraphs 20 and 21) is as follows:

- '20. The draft budget contained in CCAMLR-III/5 had included an allocation to cover all of the costs of the Commission associated with the termination of employment of staff. These would include termination allowance and the return of families and shipment of household effects back to the former place of residence. Termination allowance accrues each year for each staff member and the Auditor had drawn attention to the desirability of clearly identifying this obligation of the Commission.

21. The Committee felt that it was unnecessary to include this accruing amount in the budget each year. Rather, the Executive Secretary should normally be in a position to predict if a staff member may resign in the coming year. In those cases where resignations were not foreseen the Executive Secretary should obtain the approval of the Commission by correspondence to allocate funds from the Interest, Staff Assessment Levy or New Members' Contributions.'

3.14 The Australian Delegate stated that the funding method agreed at the Third Meeting was no longer relevant, due to the changes in circumstances since that meeting. In particular, it was recognised that the Executive Secretary would not normally be aware of the staff changes for the following year at the time when the budget was approved. Also, it is no longer possible to anticipate that New Members' Contributions will be available to meet these costs each time they arise.

3.15 None of the resignations of the three members of the professional staff who have left to date had been anticipated at the time of the approval of the relevant budget. The costs for each were set against New Members' Contributions. The Commission has not been advised of any Acceding State wishing to become a Member and thereby being required to pay a New Members' Contribution.

3.16 In response to a question from the French Delegate as to whether the funding could be achieved through reductions in the 1992 Budget, a number of Members advised that the current level of work was important for the achievement of the Commission's objectives. Significant reductions to provide this funding would impede the work of the Commission.

3.17 Several Members expressed concern that they would have difficulty in paying additional contributions due to their respective national budgetary constraints.

3.18 The United Kingdom expressed its preference to meet the obligations in respect of staff changes on an *ad hoc* basis.

3.19 It was determined that an amount of approximately A\$11 400 would be required from each Member to meet the contractual obligations of the Commission with regard to the termination entitlements of the retiring Executive Secretary and replacement costs at the end of 1992. The Commission agreed that delegates should consult urgently with their respective Governments and provide an indication by 1 January 1992 of their ability or otherwise to meet this obligation; the Commission further agreed that Members unable to meet their obligation during 1992 should provide an indication of their proposed date of payment by 1 January 1992. The Commission agreed that

Members should receive a written notice before the end of November 1991, in order to facilitate approaches to the Governments concerned.

3.20 The Executive Secretary was directed to include provision for funding staff termination and replacement costs in the 1993 Budget, in accordance with Option 3 in his report on the SCAF meeting (Annex 5, paragraph 20). The Commission, at its next meeting, will address the question of future funding of termination costs with a view to taking a decision on the matter.

Payment of Members' Contributions

3.21 The Commission agreed on the following interpretation of Article XIX (6): if by 1 June of any year, a Member has not paid the whole of its contributions for two consecutive years, then, until the whole of the first year's contribution has been paid, that Member will not have the right to vote upon items voted upon by the Commission or to register an objection when a consensus decision is required.

Commemoration of CCAMLR-X

3.22 It was decided, with regret, that budgetary limitations prevented the Commission from approving expenditure on a sculpture to commemorate the Tenth Anniversary of its establishment in Hobart. The Commission nevertheless, acknowledged its appreciation of the close association with the city of Hobart over the past ten years.

REPORT OF THE SCIENTIFIC COMMITTEE

4.1 The Chairman of the Scientific Committee, Mr O. Østvedt (Norway), introduced the report of the Committee. A large part of the work of the Scientific Committee and its three Working Groups had been directed at answering questions posed by the Commission in 1990 regarding the Scientific Committee's best estimate of a precautionary limit for krill in the various statistical areas (CCAMLR-IX, paragraph 8.5), and a management advice concerning finfish stocks in the Convention Area. In addition, questions pertaining to the integrated management of krill and finfish stocks in regard to potential yield, by-catch, incidental mortality and competition between fisheries and dependent parts of the ecosystem had been addressed by the Scientific Committee and its Working Groups.

4.2 M. Østvedt told the Commission that the availability of data to the Working Groups, reported by Dr I. Everson (UK) last year (CCAMLR-IX, paragraph 4.3) had not improved in 1990/91 and continued to hamper the work of the Scientific Committee. He noted that biological and haul-by data from the krill fishery was not being fully submitted despite requests from the Commission that this be done in some circumstances (CCAMLR-IX, paragraph 4.41; SC-CAMLR-X, paragraphs 3.89 to 3.91), although Poland and Chile had submitted some of the relevant data. For finfish, much data from the commercial fisheries was not submitted in time for consideration by the Working Groups. The most serious lack of data was that from the *Dissostichus eleginoides* longline fishery in Subarea 48.3, which indicated a partial non-compliance with Conservation Measure 26/IX.

4.3 The attention for the Commission was drawn to the fact that the catch of *Electrona carlsbergi* in Subarea 48.3 had increased by over 300% to 78 488 tonnes and was now the largest finfish fishery in the Convention Area. Catches of *D. eleginoides* in Subarea 48.3 (3 834 tonnes) were within the limit allowed by Conservation Measure 24/IX, although the fishery for *Champscephalus gunnari* in Subarea 48.3 had been unable to meet its catch limit of 26 000 tonnes, taking a total of only 93 tonnes. The total catch of krill in the Convention Area was 357 538 tonnes, 6% lower than in 1989/90.

4.4 In considering the report of the Scientific Committee, the Commission noted that there were many items concerning management, future work and data requirements that it might endorse without further discussion. These items are reported only briefly in the following paragraphs.

4.5 Other items were discussed in full by the Commission and are reported either here or under the appropriate agenda item of the report.

Rules of Procedures for the Participation of Observers

4.6 The Commission approved the Scientific Committee's agreed amendments to its Rules of Procedure regarding the attendance and participation of observers in the meetings of the Scientific Committee (SC-CAMLR-X, paragraph 2.2 and Annex 4).

Krill Resources

4.7 The Commission noted the agreement within the Scientific Committee that, if the impact of the krill fishery is ever to be fully assessed, there is a critical need for work on the mortality of krill not retained in the trawls that arises as a result of the fishing process (SC-CAMLR-X, paragraph

3.23). The Japanese Delegation stated that information from their observers suggested that this mortality was not a large problem with respect to Japanese fishing operations.

4.8 All Members agreed, however, that there was a need for studies of krill mortality in the fishery and accordingly Members were urged to submit any available information on this subject as a matter of priority. The Working Group on Krill (WG-Krill) was asked to consider methods by which the collection of such data could be improved.

4.9 Paragraphs 3.56 and 3.57 of SC-CAMLR-X concerning approaches to management of krill were endorsed.

4.10 The Commission endorsed paragraphs 3.38 and 3.89 of SC-CAMLR-X and reiterated its endorsement of the Scientific Committee recommendation that:

- (i) length frequency data from the commercial fishery by fine-scale reporting areas should be submitted to the Secretariat; and
- (ii) haul-by-haul data from the commercial fishery should be collected and submitted to the Secretariat. As a priority these data should be submitted for areas within 100 km of land-based predator colonies and CEMP sites (CCAMLR-IX, paragraph 4.4 (i)).

The Commission noted the view of the Scientific Committee that the data referred to in (i) might best be collected by specially trained personnel (SC-CAMLR-X, paragraph 3.21).

4.11 Some Members expressed the view that they have legal and technical difficulties in submitting the data referred to in paragraph (ii) above (SC-CAMLR-X, paragraphs 3.90 and 3.91).

4.12 In view of the need to consider the provision and analysis of data for parts of statistical areas and subareas, the Commission requested the Scientific Committee to consider whether the further definition of statistical divisions might be appropriate.

Fish Resources

4.13 The Commission noted that many data requested by the Scientific Committee and specifically noted in CCAMLR-IX, paragraph 4.41 had not been submitted to the Secretariat. Omissions in data reporting were outlined in Appendix E, Annex 6, SC-CAMLR-X. The Commission most strongly urges Members to submit the data requested in this annex in an accurate and timely fashion, and endorses SC-CAMLR-X, paragraphs 4.14 and 4.104.

4.14 The Soviet Union informed the Commission that it would submit haul-by-haul data from the longline fishery on *D. eleginoides* in the 1990/91 season as well as haul-by-haul data from previous seasons to the 1992 meeting of the Working Group on Fish Stock Assessment (WG-FSA).

4.15 The UK Delegation reminded the Commission that serious concerns had been expressed at last year's meeting regarding data submissions to the Commission (CCAMLR-IX, paragraphs 4.3 to 4.5). The situation this year was no better and once again the Scientific Committee has requested the Commission to take urgent steps to ensure complete and timely data submissions. Lack of data and the consequent uncertainty in the scientific advice leaves the Commission with no alternative but to act conservatively in adopting conservation measures (CCAMLR-IX, paragraph 4.6). It was the opinion of the UK that when data submissions fell short of the requests by the Scientific Committee there was no alternative but to close fisheries and only consider re-opening them when the necessary data had been made available.

4.16 The Commission endorsed paragraphs 4.11 and 4.27 of SC-CAMLR-X. Accordingly, all conservation measures that were in force in 1990/91 for *Notothenia rossii*, *Notothenia squamifrons*, *Patagonotothen guntheri*, *Pseudochaenichthys georgianus*, *Chaenocephalus aceratus* were extended to the 1991/92 season (paragraph 9.2).

4.17 The Commission endorsed the advice of the Scientific Committee (SC-CAMLR-X, paragraphs 4.95, 4.97 and 4.99) concerning Division 58.5.1, that there should be a prohibition of directed fishing on *N. rossii* and that the catches of *D. eleginoides* and *C. gunnari* should not exceed 1 100 tonnes and 17 000 tonnes respectively.

4.18 The requirement for a workshop on survey design (SC-CAMLR-X, paragraph 4.109) was endorsed by the Commission.

Ecosystem Monitoring

4.19 The Commission endorsed SC-CAMLR-X, paragraph 6.74, and encourages Members with active programs of research directly and indirectly contributing to CEMP to participate in the meetings of the Working Group of the CCAMLR Ecosystem Monitoring Program (WG-CEMP).

4.20 The Commission noted the progress made by WG-CEMP in responding to the Commission's request that Members synthesise relevant data to provide estimates of krill requirements of predators in the CEMP Integrated Study Regions (SC-CAMLR-X, paragraph 6.78).

4.21 The Commission endorsed the recommendation of the Scientific Committee that an intersessional meeting of WG-CEMP should be held in 1992 and accepted an offer from the Chilean Delegation to host the meeting in Chile in August.

Protection of CEMP Sites

4.22 At its 1990 Meeting, the Commission adopted Conservation Measure 18/IX, which specified the procedure for CCAMLR to accord protection to CEMP sites (CCAMLR-IX, paragraph 6.5). It was agreed that proposals for site protection should be drafted as specified and brought forward for consideration in turn by WG-CEMP, the Scientific Committee, and the Commission.

4.23 A draft management plan for protection of the Seal Islands CEMP Site (SC-CAMLR-X/11) was reviewed by WG-CEMP and the Scientific Committee, which recommended that the Commission should adopt the management plan and take appropriate action to implement its observance (SC-CAMLR-X, paragraphs 6.72 and 6.80).

4.24 The Commission endorsed paragraph 6.72 of SC-CAMLR-X, and agreed that it was appropriate to accord protection to the Seal Island CEMP Site.

4.25 The Commission adopted Resolution 8/X.

RESOLUTION 8/X

Protection of the Seal Islands CEMP Site

1. The Commission noted that a program of long-term studies is being undertaken at the Seal Islands, South Shetland Islands, as part of the CCAMLR Ecosystem Monitoring Program (CEMP). Recognising that these studies may be vulnerable to accidental or wilful interference, the Commission expressed its concern that this CEMP site, the scientific investigations, and the Antarctic marine living resources therein be protected.
2. Therefore, the Commission considers it appropriate to accord protection to the Seal Islands CEMP Site.
3. Members are requested to comply, on a voluntary basis, with the provisions of the draft management plan for the Seal Islands CEMP Site pending the conclusion of consultations with SCAR, the Antarctic Treaty Consultative Parties and, if

appropriate, the Contracting Parties to other components of the Antarctic Treaty System.

4. It was agreed that, in accordance with Article X, the Commission would draw this Resolution to the attention of any State that is not a Party to the Convention and whose nationals or vessels are present in the Convention Area.

Development of Approaches to Conservation

4.26 The Commission noted that the Scientific Committee had considered definitions of New and Developing Fisheries and the CCAMLR Scheme of International Scientific Observation. The Scientific Committee's report on these matters is further discussed under Agenda Items 6 and 7.

ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY

5.1 The Commission noted that Reports of Assessment and Avoidance of Incidental Mortality had been received from Australia, Brazil, Japan, Korea, UK and USA describing steps that had been taken to minimise the impact on Antarctic marine living resources caused by entanglement in and ingestion of persistent marine debris of human origin.

5.2 Three additional reports were available to the Commission. The US submitted a paper (SC-CAMLR-X/BG/18) on the incidence of the ingestion of plastic material by Antarctic seabirds. It concluded that there was not a large accumulation of plastic in seabirds.

5.3 Australia submitted a paper (SC-CAMLR-X/BG/19) which highlighted the impacts of bottom trawling on benthic communities in heavily fished areas.

5.4 The UK submitted a paper (CCAMLR-X/BG/5) which reported that for the second successive year there was a decrease in fur seal entanglement in marine debris at Bird Island, South Georgia.

5.5 The Commission continued to encourage Members to survey beaches to assess levels and the nature of marine debris and to report the results to the Commission. It endorsed the suggestion of the Scientific Committee (SC-CAMLR-X, paragraph 8.45) that Members should consider whether the survey and reporting formats and approaches described in SC-CAMLR-X/BG/16 would be of general utility.

5.6 The Commission noted the Scientific Committee's suggestion that a practical division of work in this item would have the Scientific Committee consider primarily evidence of impacts on biota, with the Commission considering general issues concerning the incidence of debris, dumping, pollution, etc. (SC-CAMLR-X, paragraph 8.52).

Incidental Mortality in Longline Fisheries

5.7 Recalling the discussions concerning incidental mortality of seabirds in longline fisheries which led to the adoption of Resolution 5/VIII and to the creation of the draft conservation measure in Annex 6 of CCAMLR-IX, noting the papers SC-CAMLR-X/BG/14 and CCAMLR-X/BG/18, and noting particularly the advice of the Scientific Committee (SC-CAMLR-X, paragraphs 8.25 to 8.26), the Commission adopted Conservation Measure 29/X (paragraph 10.1) which requires specific action in the conduct of the longline fisheries aimed at minimising such incidental mortality.

5.8 The Chilean Delegation, supported by other Members including the USSR, drew the attention of the Commission to the fact that the effectiveness of the methods outlined in Conservation Measure 29/X had yet to be established for vessels fishing in the Convention Area. They noted that the Conservation Measure may need to be reviewed in the future, should further information on the performance of these methods or other techniques become available.

5.9 The Commission noted that the adoption of Conservation Measure 29/X was only one of two possible options identified by the Scientific Committee that could be effective in minimising incidental mortality in the longline fishery (SC-CAMLR-X, paragraph 8.26). The Commission requested that the Scientific Committee investigate further the other option of restricting the operation of the fishery through some combination of catch and/or effort limitation.

Prohibition of Net Monitor Cables

5.10 The Scientific Committee (SC-CAMLR-X, paragraphs 8.27 to 8.34) had considered the problem of the mortality of seabirds as a result of encounters with net monitor cables in trawl fisheries. Three papers had addressed this problem (SC-CAMLR-X/BG/4, 14 and 18). The Commission, having considered the views of the Scientific Committee, agreed that the use of net monitor cables in trawl fisheries would be prohibited from the 1994/95 season.

5.11 Conservation Measure 30/X was adopted (see paragraph 10.2). Until the start of the 1994/95 fishing season, the Commission agreed that net monitor cables still in use would be

deployed from the 1992/93 fishing season in accordance with the illustration shown in Annex 6 of this report, or in accordance with any other method reviewed by the Scientific Committee designed to reduce the incidental mortality of seabirds. Contracting Parties whose harvesting vessels continued to deploy net monitor cables until the start of the 1994/95 fishing season undertook to report annually to the Commission on progress achieved towards phasing out the use of such cable.

5.12 As authorised in the statement by the Chairman of the Conference on the Conservation of Antarctic Marine Living Resources, 19 May 1980, the Delegate of France indicated that the provisions of Conservation Measures 29/X and 30/X regarding incidental mortality due to fisheries activities will not apply to the Exclusive Economic Zone around Kerguelen and Crozet Islands if they prove to be less strict or less appropriate than the measures adopted or considered by French authorities in these two areas.

5.13 The Chairman invited the observer from ASOC to address the Commission. ASOC welcomed the institution of conservation measures to prevent incidental mortality resulting from longline and trawling activities in the Convention Area (Conservation Measures 29/X and 30/X). It was stressed that independent scientific observation is essential for solving problems such as these and will be important for refining measures aimed at reducing incidental mortality in the future.

DEVELOPMENT OF APPROACHES TO CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

New Fisheries

6.1 At its 1990 Meeting, the Commission considered appropriate measures to ensure that Members intending to develop new fisheries in the Convention Area notify the Commission in advance of commencing such fisheries (CCAMLR-IX, paragraphs 9.1 to 9.10). On the basis of a paper prepared by the Secretariat and discussions by its Working Groups, the Scientific Committee agreed a definition for a new fishery on any marine living resource in the Convention Area (SC-CAMLR-X, paragraph 9.3).

6.2 The Swedish Delegation put forward a proposal for a conservation measure concerning new fisheries in the Convention Area. In considering this proposal, the Commission noted that the primary purpose of Conservation Measure 31/X is to require any Member considering initiating a new fishery to notify other Members of such plans or possibilities and that this conservation measure does not apply to research vessels.

6.3 As authorised in the Statement by the Chairman of the Conference on the Conservation of Antarctic Marine Living Resources, 19 May 1980, the Delegate of France indicated that Conservation Measure 31/X regarding notification of commencement of a fishery does not apply to the Exclusive Economic Zones around Crozet and Kerguelen Islands insofar as his country has never failed to provide CCAMLR with all information concerning its fisheries in the two areas concerned and therefore fully satisfies the objectives aimed at by that conservation measure.

6.4 In regard to the reservations expressed by the French Delegation, the Commission noted the US Delegation's intervention that although the conservation measure does not formally apply to Division 58.5.1, the Commission would welcome the voluntary compliance with the spirit of the conservation measure, so that Members could be aware of any new fisheries that may be initiated in that division. In response, the French Delegate stated that his country would, as it has never failed to date, continue to provide CCAMLR with all information concerning the activities carried out in the Exclusive Economic Zones around the Crozet and Kerguelen Islands.

6.5 The Chairman invited the observer from ASOC to address the Commission. ASOC sees it as a matter of urgency that the impacts of any new fisheries are assessed prior to the occurrence of those fisheries. ASOC does not envisage that the advice of intention to develop a new fishery will necessarily always lead to instant regulations being placed on that fishery. What it will do is allow scientists to raise any concern they might have about the fishery and for those concerns to be addressed during the development of that fishery.

6.6 Conservation Measure 31/X was adopted (paragraph 10.3).

Potential New Fishery for Antarctic Crabs

6.7 In 1990, the Commission was informed that the US was considering an exploratory fishery for king and stone crabs in Statistical Area 48 during the 1990/91 season. This fishery did not occur prior to the permit's expiry in June 1991.

6.8 An application for a new permit was received by the US in July 1991. This application was reviewed in light of the 1990 discussions of the Scientific Committee (SC-CAMLR-IX, paragraphs 15.7 to 15.10) and Commission (CCAMLR-IX, paragraphs 9.1 to 9.10) pertaining to new and developing fisheries. As part of this review, the applicant was required to develop and submit a plan for research and data collection, including an environmental impact assessment of the proposed exploratory crab fishery. A short-term fishing permit was issued, the details of which were reviewed by the Scientific Committee (SC-CAMLR-X, paragraph 5.7).

6.9 Logistical complications precluded the exercising of the permit prior to its expiry in September 1991. Although the US fisherman maintains an interest in the possibility of undertaking an Antarctic exploratory crab fishery at some time in the future, he has not submitted an application for a new permit nor indicated his specific future plans.

6.10 In conformity with the Commission's request concerning advance notification during 1991 (CCAMLR-IX, paragraph 9.8) the US notified Members of its potential new crab fishery, and presented the research and data collection plan and environmental impact assessment to the Scientific Committee for review (SC-CAMLR-X/BG/20).

6.11 It was noted that the process undertaken by the US in developing a plan and assessment for this potential new fishery may provide a useful example of appropriate steps needed to help meet the request for information as specified in paragraph 3 of Conservation Measure 31/X.

6.12 In regard to the potential exploratory crab fishery being considered, the Commission noted that prior to the adoption of Conservation Measure 31/X, the US had complied with the spirit of advance notification and had provided information to assist deliberations in the Scientific Committee. The Commission welcomed the US Delegation's advice that they would continue to provide further information on this exploratory fishery if and when it proceeds.

Consideration of Possible Limits on Krill Catches

6.13 The Commission noted the advice of the Scientific Committee on the status of krill stocks given in the report of the Scientific Committee (SC-CAMLR-X, paragraphs 3.103 to 3.109). The Commission endorsed the advice of the Scientific Committee that reactive management - the practice of taking management action when the need for it has become apparent - is not a viable long-term strategy for the krill fishery. Some form of feedback management, which involves the continuous adjustment of management measures in response to information, is to be preferred as a long-term strategy. In the interim, a precautionary approach is desirable and in particular, a precautionary limit on annual catches should be considered.

6.14 The Commission took note of the fact that all Members presently fishing for krill intend that their fishing will stay at current levels in the coming season and expect that the disposition of the fishing will generally follow historical patterns.

6.15 With regard to the possibility of new fisheries starting in future years, the Commission also noted that an application from an Australian company to harvest up to 80 000 tonnes of krill annually is currently under consideration by the Australian Government.

6.16 The Scientific Committee advised the Commission that, for Statistical Area 48, an annual catch limit of 1.5 million tonnes based on estimates of potential yield, was the best available scientific advice on a precautionary catch limit. It also advised:

- this limit needs to be divided into subareas to allow for the possible interaction between krill populations in these subareas;
- this limit may need to be supplemented by other management measures to ensure that the catch is not entirely concentrated in the foraging range of vulnerable land-breeding predators. Currently much of the krill catch in Statistical Area 48 is taken in such areas (SC-CAMLR-X/BG/7 and WG-Krill-91/39);
- this limit has not involved an allowance for possible unreported mortality of krill associated with fishing operations (although there was very limited information on the matter).

6.17 Accordingly, the Commission adopted Conservation Measure 32/X (see paragraph 10.4). The Commission requested the Scientific Committee, as a matter of priority, to advise the Commission on precautionary catch limits by subarea and, where it considers appropriate, on finer spatial scales.

6.18 The Delegate from Korea, supported by Spain, expressed his concern with the procedure employed by the Commission in arriving at the text of the Conservation Measure. They wished to place on record their request that in future all delegations be given the full opportunity to participate in discussions of recommendations for the Commission.

6.19 The Commission noted that the future work of WG-Krill outlined in paragraphs 3.92 to 3.94 of SC-CAMLR-X was in accordance with the Commission's priority in this matter. The Commission endorsed the holding of a meeting of WG-Krill in 1992, and welcomed the offer of Chile to host the meeting.

Working Group on the Development of Approaches to
Conservation of Antarctic Marine Living Resources (WG-DAC)

6.20 The Working Group on the Development of Approaches to Conservation of Antarctic Marine Living Resources (WG-DAC) was established at the Fifth Meeting of the Commission in 1986 'to carry forward the development of possible conservation approaches for achieving the objectives of the Convention, as set out in Article II, by the application of the conservation measures specified in Article IX'.

6.21 The Commission acknowledged that the Working Group had made a considerable contribution towards developing approaches for implementing Article II of the Convention. These approaches are now an integral part of the work of the Scientific Committee and the Commission.

6.22 It was agreed that the Working Group could now be disbanded.

6.23 The Commission thanked Australia for its efforts as Convener of WG-DAC since its inception.

OBSERVATION AND INSPECTION

7.1 The Chairman of the Standing Committee on Observation and Inspection (SCOI) Mr A. Fernandez Aguirre (Spain) introduced the report of the Committee. A copy is included with this report as Annex 7.

Reports of Inspections

7.2 The Commission noted that USSR inspectors had carried out 150 inspections of USSR vessels during 1990/91, but that reports of these inspections had unfortunately not, as had been agreed at the last meeting (CCAMLR-IX, paragraph 11.3), been submitted using the agreed CCAMLR reporting forms.

7.3 It was emphasised that while the CCAMLR System is an international system providing for the inspection of vessel operating under the flag of one Member State by inspectors nominated by another Member State this did not preclude national inspections.

7.4 The USSR Delegation said that it was their intention in the future to conduct all inspections in accordance with the provisions of the CCAMLR System and to report them on the CCAMLR forms.

CCAMLR Scheme of International Scientific Observation

7.5 At its last meeting, the Commission commenced discussion on a scheme of international scientific observation in conformity with Article XXIV of the Convention. The Commission has interpreted the Convention as requiring the implementation of a system of international inspection to ensure compliance with conservation measures in force and a scheme of international scientific observation as part of the data gathering machinery necessary to achieve the objectives of the Convention.

7.6 The Standing Committee on Observation and Inspection presented a set of provisions for a scheme based on a draft prepared by the Secretariat in response to a request by the Commission at its last meeting. Some delegations had difficulty in accepting that only nationals of Members could be engaged as observers. Most of the provisions were agreed.

7.7 The Scientific Committee had reviewed the scientific objectives and priorities of a scheme of observation and had reported to the Commission. The report recommended that as a matter of priority, the scheme should focus on commercial vessels, identified priorities for the allocation of activities for observers, recommended formats for the reports of observers and recommended that tasks for observers on research vessels not be specified in the scheme.

7.8 Consensus on the scheme was not reached and the Commission agreed to continue discussions at the next meeting.

7.9 Several Members expressed disappointment that the Commission had not succeeded fully in establishing a scheme of international scientific observation at this meeting. But in view of the large measure of agreement that did exist on the provisions and operation of a scheme Members were encouraged bilaterally to arrange for observers to be placed on board vessels operating in the fisheries listed by the Scientific Committee using the draft provisions developed at this meeting as a basis for their arrangements. The draft provisions are set out in paragraph 6 of the SCOI report (Annex 7).

COMPLIANCE WITH CONSERVATION MEASURES IN FORCE

8.1 This item was referred to the Standing Committee on Observation and Inspection. The report of the Committee's discussion is contained in Annex 7.

8.2 There were three infractions reported to the Commission this year. All involved USSR fishing vessels and all involved 'improper maintenance of documentation'. Fines had been imposed by the USSR Ministry of Fisheries.

8.3 The Commission endorsed the view of the Standing Committee that, in the future, reports of actions taken by Flag States as a result of infractions should contain reasonable detail of the nature of the infraction and of the sanctions imposed.

8.4 The Commission noted the actions reported by some Members to implement conservation measures adopted at the last meeting. It also noted that the USSR had not complied with Conservation Measure 26/IX requiring the submission of data from the longline fishery for *D. eleginoides*. It was agreed that measures to ensure compliance with catch reporting would be incorporated in relevant conservation measures for the coming season.

CONSERVATION MEASURES

9.1 It was noted that the Scientific Committee has recommended a TAC for the Shag Rocks area without defining it. An interim definition was adopted in Conservation Measure 38/X and the Scientific Committee was requested to provide definitions for statistical divisions as needed.

9.2 The Commission agreed that Conservation Measures 2/III (as amended by 19/IX, which comes into force on 1 November 1991 except for waters adjacent to Kerguelen and Crozet Islands (CCAMLR-IX, paragraph 13.10)), 3/IV, 4/V, 7/V, and 18/IX should remain in force.

9.3 Conservation Measures 20/IX to 28/IX inclusive were restricted to the 1990/91 season and have therefore lapsed.

9.4 Members reviewed the advice of the Scientific Committee, concerning matters where conservation measures were envisaged, on a stock-by-stock basis.

Subarea 48.3

Champscephalus gunnari in Subarea 48.3

9.5 The Commission noted the range of possible TACs for *C. gunnari* (8 400 to 61 900 tonnes) in the advice of the Scientific Committee (SC-CAMLR-X, paragraph 4.46). It noted that all Members except the USSR felt that given all the uncertainties involved, a conservative TAC was the most that could be contemplated.

9.6 The United Kingdom noted that the USSR survey data from 1990, which, if correct, implied a 1991 stock size of over 1 million tonnes. This was not credible in the light of the minute commercial catch (less than 100 tonnes) in 1991. The high TACs proposed for 1992 depend on a 1991 survey by the USSR for which inadequate detail for critical review had been provided.

9.7 The Commission noted that whichever survey data were correct there had been a massive decline (by 77 to 80%) in the *C. gunnari* stock in the absence of fishing (SC-CAMLR-X, paragraph 4.36).

9.8 Given this situation, the failure of the USSR to provide the complete detailed catch data vital to stock assessments (CCAMLR-IX, paragraph 13.16) and the decision of the Commission that in the absence of essential data conservative catch limits should be set (CCAMLR-IX, paragraph 7.7), the Commission agreed to adopt a suggestion of some Members of the Scientific Committee (SC-CAMLR-X, paragraph 4.48) that the fishery be closed for the 1991/92 season, pending the results of further surveys.

9.9 Accordingly Conservation Measure 33/X was adopted (see paragraph 10.5 below).

Notothenia gibberifrons, *Notothenia squamifrons*, *Chaenocephalus aceratus* *Pseudochaenichthys georgianus* and *Patagonotothen guntheri* in Subarea 48.3

9.10 The Commission reviewed the advice of the Scientific Committee concerning these stocks (SC-CAMLR-X, paragraphs 4.26 and 4.27, 4.69 to 4.71).

9.11 Accordingly Conservation Measure 34/X was adopted (see paragraph 10.6 below).

Dissostichus eleginoides in Subarea 48.3

9.12 The Commission noted with regret that despite its concern over the failure to improve on the limited data available for the management of the fishery (CCAMLR-IX, paragraph 13.27) and the adoption of Conservation Measure 26/IX specifying the effort and biological data to be provided, most data required under this conservation measure had not been provided.

9.13 The advice of the Scientific Committee, with a range of estimates of possible TACs of between 794 and 8 819 tonnes, reflected the limited data available and consequent uncertainties in assessing the stock.

9.14 The Commission also recollected its strong concern over incidental mortality of seabirds, especially albatrosses, associated with this fishery (CCAMLR-IX, paragraphs 5.3 to 5.6).

9.15 It noted the advice of the Scientific Committee on this topic:

- (i) that last year's draft conservation measure (CCAMLR-IX, Annex 6), on ways to minimise incidental mortality of seabirds associated with this fishery, should be adopted;
- (ii) that the Commission should take further steps to protect seabirds from incidental mortality associated with this fishery and that the only realistic ways of doing this were:
 - (a) improved modifications of gear or fishing methods;
 - (b) restricting the operation of the fishery, through some combination of catch and/or effort limitation.

9.16 Some Members drew attention to the poor record of the Soviet Union in providing data and conforming to recommendations of the Commissions (CCAMLR-IX, paragraphs 5.4 to 5.6, 13.27 to 13.33, SC-CAMLR-X, paragraphs 8.14 (i) and 8.23) concerning its longline fishery in Subarea 48.3 and in particular, failure to observe part of Conservation Measure 26/IX (SC-CAMLR-X, paragraph 4.56). These Members felt that it was therefore necessary to close the longline fishery in Subarea 48.3.

9.17 Other Members felt that it was possible to set a TAC at the lower end of the range of those proposed by the Scientific Committee.

9.18 Accordingly, Conservation Measure 35/X was adopted. This conservation measure was adopted in conjunction with a catch reporting system (Conservation Measure 36/X) and a system for reporting of biological and effort data (Conservation Measure 37/X), failure to comply with which would lead to the closure of the fishery (see paragraphs 10.8 to 10.10 below).

Electrona carlsbergi in Subarea 48.3

9.19 The Commission endorsed the advice of the Scientific Committee (SC-CAMLR-X, paragraphs 4.80 and 9.8) that an $F_{0.1}$ policy is not applicable in this type of fishery.

9.20 The Commission noted the advice of the Scientific Committee (SC-CAMLR-X, paragraph 4.81) that a conservation measure should be adopted because of the very rapid expansion in this fishery.

9.21 Furthermore, the Scientific Committee had advised (SC-CAMLR-X, paragraph 4.83) that TACs might be set firstly for the whole of Subarea 48.3 (with a suggested range of 245 000 to 398 000 tonnes) and secondly for the Shag Rocks area (with a suggested range of 32 700 to 53 000 tonnes), where most fishing had taken place in the seasons for which fine-scale data were available.

9.22 Accordingly, Conservation Measure 38/X was adopted in conjunction with a catch reporting system (Conservation Measure 40/X) and a reporting system for biological data (Conservation Measure 39/X) (see paragraphs 10.10 to 10.12 below).

9.23 In view of the need to report data for specified subdivisions for Subarea 48.3, the Commission requested the Scientific Committee to consider the description of statistical divisions within Statistical Subarea 48.3 with respect to providing management advice.

Subareas 48.1 and 48.2

9.24 Directed fisheries on finfish in both these subareas had been closed in the 1990/91 season.

9.25 In respect of Subarea 48.1, the Commission noted the advice of the Scientific Committee (SC-CAMLR-X, paragraph 4.92) that, because of the limited new data available, the closure should be extended to the 1991/92 season.

9.26 Accordingly, Conservation Measure 41/X was adopted (see paragraph 10.13 below).

9.27 In respect of Subarea 48.2, the Commission noted that since closing the subarea to fishing, surveys showed that all assessed stocks had increased in size (SC-CAMLR-X, Annex 6, paragraph 7.218).

9.28 Furthermore, it noted the advice of most Members (SC-CAMLR-X, paragraphs 4.88 and 4.90; and Annex 6, paragraph 7.219) that:

- (i) re-opening the fishery would result in maximum potential yields of 1 000 to 3 000 tonnes;
- (ii) an allocation of a TAC for *C. gunnari* according to the maximum MSY of 3 010 tonnes would produce catches of other species (*N. gibberifrons*, *N. kempfi* and *C. aceratus*) of 1.4 to 1.7 times their MSY;
- (iii) past data provisions had been extremely poor and even a limited fishery was inappropriate; and
- (iv) closure of the subarea should be extended to the 1991/92 season.

9.29 The Commission also noted that the USSR was advocating a limited fishery in accordance with the calculated MSY.

9.30 Conservation Measure 42/X was adopted (see paragraph 10.14 below).

Subarea 58.4

9.31 The Commission noted the advice of the Scientific Committee (SC-CAMLR-X, paragraphs 4.102 and 4.103). Accordingly, it was agreed that directed fishing on *N. squamifrons* in Division 58.4.4 (Ob and Lena Banks) should be prohibited until such time as a re-evaluation of the fishery on these stocks is satisfactorily completed to avoid the danger of allowing overfishing on the basis of inadequate information (SC-CAMLR-X, Annex 6, paragraph 7.255).

9.32 Accordingly, Conservation Measure 43/X was adopted (see paragraph 10.15 below).

CONSERVATION MEASURES ADOPTED IN 1991

CONSERVATION MEASURE 29/X

Minimising of the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research in the Convention Area

10.1 The Commission,

Noting the need to reduce the incidental mortality of seabirds during longline fishing by minimising their attraction to the fishing vessels and by preventing them from attempting to seize baited hooks, particularly during the period when the lines are set,

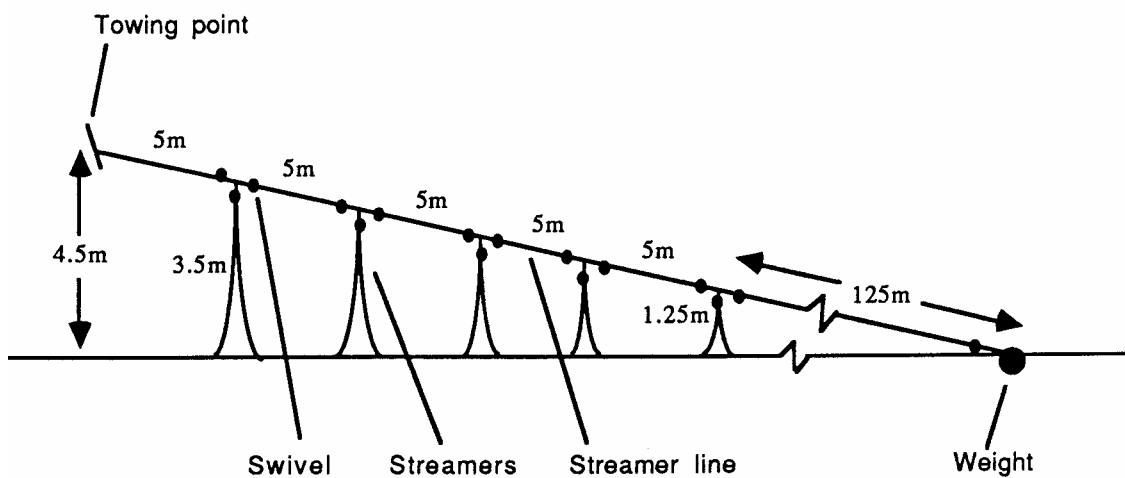
Recognising that successful techniques for reducing the mortality of albatrosses have been employed in the longline fishery for tuna immediately to the north of the Convention Area,

Agrees to the following measures to reduce the possibility of incidental mortality of seabirds during longline fishing.

1. Fishing operations shall be conducted in such a way that the baited hooks sink as soon as possible after they are put in the water.
2. During the setting of longlines at night only, the minimum ship's lights necessary for safety shall be used.
3. Trash and offal are not to be dumped while longline operations are in progress.
4. A streamer line designed to discourage birds from settling on baits during deployment of longlines shall be towed during daylight operations. The specification of the streamer line and its method of deployment is given in the Appendix to this Measure.
5. This Measure shall not apply to designated research vessels investigating better methods for reducing incidental mortality of seabirds.

APPENDIX TO CONSERVATION MEASURE 29/X

1. The streamer line is to be suspended at the stern from a point approximately 4.5 m above the water and such that the line is directly above the point where the baits hit the water.
2. The streamer line is to be approximately 3 mm diameter, have a minimum length of 150 m and be weighted at the end so that it streams directly behind the ship even in cross winds.
3. At 5 m intervals commencing from the point of attachment to the ship five branch streamers each comprising two strands of approximately 3 mm diameter cord should be attached. The length of the streamer should range between approximately 3.5 m nearest the ship to approximately 1.25 m for the fifth streamer. When the streamer line is deployed the branch streamers should reach the sea surface and periodically dip into it as the ship heaves. Swivels should be placed in the streamer line at the towing point, before and after the point of attachment of each branch streamer and immediately before any weight placed on the end of the streamer line. Each branch streamer should also have a swivel at its attachment to the streamer line.



CONSERVATION MEASURE 30/X
Net Monitor Cables

10.2 The use of net monitor cables on harvesting vessels in the CCAMLR Convention Area is prohibited from the 1994/95 fishing season.

CONSERVATION MEASURE 31/X
Notification that Members are Considering
Initiating a New Fishery

10.3 The Commission,

Recognising that in the past, Antarctic fisheries have been initiated in the Convention Area before sufficient information was available upon which to base management advice,

Noting that in recent years new fisheries have started without adequate information being available to evaluate either the fishery potential or the possible impacts on the target stocks or species dependent on them,

Believing that without prior notification of a new fishery, the Commission is unable to fulfil its function under Article IX,

herby adopts the following Conservation Measure in accordance with Article IX of the Convention:

1. A new fishery, for the purpose of this Conservation Measure, is a fishery on a species using a particular fishing method in a statistical subarea for which:
 - (i) information on distribution, abundance, demography, potential yield and stock identity from comprehensive research/surveys or exploratory fishing have not been submitted to CCAMLR;
or
 - (ii) catch and effort data have never been submitted to CCAMLR;
or
 - (iii) catch and effort data from the two most recent seasons in which fishing occurred have not been submitted to CCAMLR.

2. A Member intending to develop a new fishery shall notify the Commission not less than three months in advance of the next regular meeting of the Commission, where the matter shall be considered. The Member shall not initiate a new fishery pending the process specified in paragraphs 4 and 5 below;
3. The notification shall be accompanied by as much of the following information as the Member is able to provide:
 - (i) the nature of the proposed fishery including target species, methods of fishing, proposed region and any minimum level of catches that would be required to develop a viable fishery;
 - (ii) biological information from comprehensive research/survey cruises, such as distribution, abundance, demographic data and information on stock identity;
 - (iii) details of dependent and associated species and the likelihood of them being affected by the proposed fishery; and
 - (iv) information from other fisheries in the region or similar fisheries elsewhere that may assist in the valuation of potential yield;
4. The information provided in accordance with paragraph 3, together with any other relevant information, shall be considered by the Scientific Committee, which shall then advise the Commission;
5. After its review of the information on the proposed new fishery, taking full account of the recommendations and the advice of the Scientific Committee, the Commission may then take such action as it deems necessary.

CONSERVATION MEASURE 32/X

Precautionary Catch Limitations on *Euphausia superba* in Statistical Area 48

- 10.4 The total catch of *Euphausia superba* in Statistical Area 48 shall be limited to 1.5 million tonnes in any fishing season. A fishing season begins on 1 July and finishes on 30 June of the following year.

This limit shall be kept under review by the Commission, taking into account the advice of the Scientific Committee.

Precautionary limits to be agreed by the Commission on the basis of advice of the Scientific Committee shall be applied to subareas, or on such other basis as the Scientific Committee may advise, if the total catch in Statistical Subareas 48.1, 48.2 and 48.3 in any fishing season exceeds 620 000 tonnes.

For the purpose of implementing this Conservation Measure the catches shall be reported to the Commission on a monthly basis.

CONSERVATION MEASURE 33/X

Prohibition of Directed Fishery on *Champscephalus gunnari*
in Statistical Subarea 48.3 for the 1991/92 Season

10.5 This Conservation Measure is adopted in accordance with Conservation Measure 7/V:

Directed fishing on *Champscephalus gunnari* in Statistical Subarea 48.3 is prohibited in the 1991/92 season, defined as the period from 2 November 1991 to the end of the Commission meeting in 1992.

CONSERVATION MEASURE 34/X

Prohibition of Directed Fishery on *Notothenia gibberifrons*, *Chaenocephalus aceratus*,
Pseudochaenichthys georgianus, *Notothenia squamifrons* and *Patagonotothen guntheri*,
in Statistical Subarea 48.3 for the 1991/92 Season

10.6 This Conservation Measure is adopted in accordance with Conservation Measure 7/V:

Directed fishing on *Notothenia gibberifrons*, *Chaenocephalus aceratus*,
Pseudochaenichthys georgianus, *Notothenia squamifrons* and *Patagonotothen guntheri* in Statistical Subarea 48.3 is prohibited in the 1991/92 season, defined as the period from 2 November 1991 to the end of the Commission meeting in 1992.

CONSERVATION MEASURE 35/X
Catch Limit on *Dissostichus eleginoides* in
Statistical Subarea 48.3 for the 1991/92 Season

10.7 This Conservation Measure is adopted in accordance with Conservation Measure 7/V:

1. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.3 caught in the 1991/92 season shall be limited to 3 500 tonnes.
2. For the purpose of the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3, the 1991/92 fishing season is defined as the period from 2 November 1991 to the end of the Commission meeting in 1992.
3. For the purpose of implementing this Conservation Measure:
 - (i) the Catch Reporting System set out in Conservation Measure 36/X shall apply in the 1991/92 season, commencing on 2 November 1991.
 - (ii) the Data Reporting System set out in Conservation Measure 37/X shall apply in the 1991/92 season, commencing on 2 November 1991.

CONSERVATION MEASURE 36/X
Five-day Catch and Effort Reporting System
in Statistical Subarea 48.3 for the 1991/92 Season

10.8 This Conservation Measure is adopted in accordance with Conservation Measure 7/V where appropriate:

1. For the purposes of this Catch and Effort Reporting System the calendar month shall be divided into six reporting periods, viz.: day 1 to day 5, day 6 to day 10, day 11 to day 15, day 16 to day 20, day 21 to day 25 and day 26 to the last day of the month. These reporting periods are hereinafter referred to as periods A, B, C, D, E and F.
2. At the end of each reporting period, each Contracting Party shall obtain from each of its vessels its total catch and total days and hours fished for that period and shall, by cable or telex, transmit the aggregated catch and days and hours fished for its vessels so as to reach the Executive Secretary not later than the end of the next reporting period.

3. Such reports shall specify the month and reporting period (A, B, C, D, E or F) to which each report refers.
4. Immediately after the deadline has passed for receipt of the reports for each period, the Executive Secretary shall notify all Contracting Parties engaged in fishing activities in the area, of the total catch taken during the reporting period, the total aggregate catch for the season to date together with an estimate of the date upon which the total allowable catch is likely to be reached for that season. The estimate shall be based on a projection forward of the trend in daily catch rates, obtained using linear regression techniques from a number of the most recent catch reports.
5. At the end of every five reporting periods, the Executive Secretary shall inform all Contracting Parties of the total catch taken during the five most recent reporting periods, the total aggregate catch for the season to date together with an estimate of the date upon which the total allowable catch is likely to be reached for that season.
6. If the estimated date of completion of the TAC is within five days of the date on which the Secretariat received the report of the catches, the Executive Secretary shall inform all Contracting Parties that the fishery will close on that estimated day or on the day on which the report was received, whichever is the later.

CONSERVATION MEASURE 37/X

Effort and Biological Data Reporting System for *Dissostichus eleginoides*
in Statistical Subarea 48.3 for the 1991/92 Season

10.9 This Conservation Measure is adopted in accordance with Conservation Measure 7/V:

1. At the end of each reporting period, as defined in Conservation Measure 36/X, each Contracting Party shall obtain from each of its vessels the haul-by-haul data required to complete the CCAMLR fine-scale catch and effort data form for longline fisheries (Form C2, Ver. 2). It shall transmit those data to the Executive Secretary not later than the end of the following reporting period.
2. At the end of each month, each Contracting Party shall obtain from each of its vessels a representative sample of length composition measurements from the fishery (Form B2, Ver. 4). It shall transmit those data to the Executive Secretary not later than the end of the following month.

3. Failure by a Contracting Party to provide the haul-by-haul data for three consecutive reporting periods shall result in the closure of the fishery to vessels of that Contracting Party. If the Executive Secretary has not received haul-by-haul data for two consecutive reporting periods he shall notify the Contracting Party that the fishery will be closed to that Contracting Party unless those data (including arrears of data) are provided by the end of the next reporting period. If at the end of the next reporting period those data have still not been provided, the Executive Secretary shall notify all Contracting Parties of the closure of the fishery to vessels of the Contracting Party which has failed to supply the data as required.

4. Failure by a Contracting Party to provide the length composition data for three consecutive months shall result in the closure of the fishery to vessels of that Contracting Party. If the Executive Secretary has not received length composition data for two consecutive months he shall notify the Contracting Party that the fishery will be closed to that Contracting Party unless those data (including arrears of data) are provided by the end of the next month. If at the end of the next month those data have still not been provided, the Executive Secretary shall notify all Contracting Parties of the closure of the fishery to vessels of the Contracting Party which has failed to supply the data as required.

CONSERVATION MEASURE 38/X

Limitation of the Total Catch of *Electrona carlsbergi*
in Statistical Subarea 48.3 for the 1991/92 Season

10.10 This Conservation Measure is adopted in accordance with Conservation Measure 7/V:

1. For the purpose of this Conservation Measure the fishing season is defined as the period from 2 November 1991 to the end of the Commission meeting in 1992.
2. The total catch of *Electrona carlsbergi* in the 1991/92 season shall not exceed 245 000 tonnes in Statistical Subarea 48.3
3. In addition, the total catch of *Electrona carlsbergi* in the 1991/92 season shall not exceed 53 000 tonnes in the Shag Rocks region, defined as the area bounded by 52°30'S, 40°W; 52°30'S, 44°W; 54°30'S, 40°W and 54°30'S, 44°W.
4. In Statistical Subarea 48.3, the by-catch of *Notothenia gibberifrons* shall not exceed 500 tonnes and the by-catch of any of the following species: *Notothenia rossii*,

Notothenia squamifrons, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus* and *Champscephalus gunnari* shall not exceed 300 tonnes.

5. The fishery in Statistical Subarea 48.3 shall close if the by-catch of any of the species named in paragraph 4 above reaches their by-catch limit or if the total catch of *Electrona carlsbergi* reaches 245 000 tonnes, whichever comes first.
6. The fishery in the Shag Rocks region shall close if the by-catch of any of the species named in paragraph 4 above reaches their by-catch limit or if the total catch of *Electrona carlsbergi* reaches 53 000 tonnes, whichever comes first.
7. If, in the course of the directed fishery for *Electrona carlsbergi*, the by-catch of any one haul of any of the species named in paragraph 4 above exceeds 5%, the fishing vessel shall move to another fishing ground within the subarea.
8. For the purpose of implementing this Conservation Measure:
 - (i) the Catch Reporting System set out in Conservation Measure 40/X shall apply in the 1991/92 season; and
 - (ii) the Data Reporting System set out in Conservation Measure 39/X shall apply in the 1991/92 season.

CONSERVATION MEASURE 39/X
Biological Data Reporting System for *Electrona carlsbergi*
in Statistical Subarea 48.3 for the 1991/92 Season

10.11 This Conservation Measure is adopted in accordance with Conservation Measure 7/V.

Each month the length composition of a minimum of 500 fish, randomly collected from the commercial fishery, will be measured and the information passed to the Executive Secretary not later than the end of the month following.

CONSERVATION MEASURE 40/X
Monthly Catch and Effort Reporting System

10.12 This Conservation Measure is adopted in accordance with Conservation Measure 7/V where appropriate:

1. For the purposes of this Catch and Effort Reporting System the reporting period shall be defined as one calendar month.
2. At the end of each reporting period, each Contracting Party shall obtain from each of its vessels its total catch and total days and hours fished for that period and shall, by cable or telex, transmit the aggregated catch and days and hours fished for its vessels so as to reach the Executive Secretary not later than the end of the next reporting period.
3. Such reports shall specify the month to which each report refers.
4. Immediately after the deadline has passed for receipt of the reports for each period, the Executive Secretary shall notify all Contracting Parties of the total catch taken during the reporting period, the total aggregate catch for the season to date together with an estimate of the date upon which the total allowable catch is likely to be reached for that season. The estimate shall be based on a projection forward of the trend in daily catch rates, obtained using linear regression techniques from a number of the most recent catch reports.
5. In the case of finfish, if the estimated date of completion on the TAC is within one reporting period of the date on which the Secretariat received the report of the catches, the Executive Secretary shall inform all Contracting Parties that the fishery will close on that estimated day or on the day on which the report was received, whichever is the later.

CONSERVATION MEASURE 41/X
Prohibition of Directed Fishing for Finfish in
Statistical Subarea 48.1 for the 1991/92 Season

10.13 Taking of finfish, other than for scientific research purposes, in Statistical Subarea 48.1 is prohibited in the 1991/92 season, defined as the period from 2 November 1991 to the end of the Commission meeting in 1992.

CONSERVATION MEASURE 42/X
Prohibition of Directed Fishing for Finfish in
Statistical Subarea 48.2 for the 1991/92 Season

10.14 Taking of finfish, other than for scientific research purposes, in Statistical Subarea 48.2 is prohibited in the 1991/92 season, defined as the period from 2 November 1991 to the end of the Commission meeting in 1992.

CONSERVATION MEASURE 43/X
Prohibition of Directed Fishing for *Notothenia squamifrons*
Statistical Division 58.4.4 (Ob and Lena Banks) for the 1991/92 Season

10.15 Taking of *Notothenia squamifrons*, other than for scientific research purposes, in Statistical Division 58.4.4 (Ob and Lena Banks) is prohibited in the 1991/92 season, defined as the period from 2 November 1991 to the end of the Commission meeting in 1992.

ACQUISITION OF FISHERIES DATA FROM NON-MEMBER COUNTRIES

11.1 Acting on advice from the Scientific Committee concerning the necessity of obtaining information on fishing operations from non-member countries that might fish in the Convention Area, the Commission in 1990 asked the Executive Secretary to draw the attention of these countries to the objectives of the Convention and to attempt to have them submit data on their activities to the Commission (CCAMLR-IX, paragraph 10.1 to 10.3).

11.2 The Executive Secretary, with assistance from the US Delegation, contacted fisheries authorities in Taiwan and was assured that at present Taiwanese fishing vessels do not operate in the CCAMLR Convention Area. The Executive Secretary provided the Taiwanese authorities with

information on CCAMLR and they undertook to keep the Secretariat informed of any move by their fishermen into CCAMLR Convention Area.

COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM

12.1 The Chairman of the Commission presented a report on his participation as observer on behalf of CCAMLR at the XIth Special Consultative Meeting held in Viña del Mar (Chile) in November-December 1990 and Madrid (Spain) in April, June and October 1991, and at the XVIth Antarctic Treaty Consultative Meeting (ATCM) held in Bonn in October 1991 (CCAMLR-X/BG/22). A copy of the CCAMLR observer statement at the XVIth ATCM was submitted in document CCAMLR-X/BG/3.

12.2 A major development related to the protection of the Antarctic environment is the adoption at the XIth Special ATCM of the Protocol to the Antarctic Treaty on Environmental Protection and four annexes. The Protocol establishes a Committee for Environmental Protection (CEP) and specifies that the Chairman of the CCAMLR Scientific Committee will be invited to participate in the work of this Committee as an observer.

12.3 Further annexes to the Protocol are envisaged to deal with particular aspects of environmental protection. The preparation of one such additional annex establishing a protected area system was completed at the XVIth ATCM and contains provision for consultation with CCAMLR, including the prior agreement by CCAMLR to the designation of any marine area as an Antarctic Specially Protected Area or an Antarctic Specially Managed Area.

12.4 The Commission noted that the Protocol required decisions to be taken on the basis of the best scientific information available and in matters affecting the marine living resources of the Antarctic, CCAMLR would be the best source of this information.

12.5 The Commission recalled that Article XXIII of the Convention required the Commission to cooperate with the Antarctic Treaty Parties in matters falling within their competence. The Protocol introduces a new element in this cooperation and the Commission agreed to authorise the Chairman of the Scientific Committee to accept the invitation of the Consultative Parties to participate in the work of CEP. It was agreed that on occasions when special expertise is required or because of unavailability, the Chairman should be able to nominate an alternate representative, a suggestion that could be considered by CEP when adopting its Rules of Procedure.

12.6 The Commission acknowledged that as far as the CEP is concerned the participation of the Chairman of the Scientific Committee of CCAMLR would be governed by its rules of procedure, but in repressing CCAMLR the Chairman would have the full confidence of the Commission. In addition, the Commission would continue to attend the consultative meetings as an observer by invitation of the Antarctic Treaty Parties.

12.7 In his report the observer from SCAR, Dr J. Croxall (UK), drew the attention of the Commission to initiatives undertaken within SCAR during the last year, of relevance to the Commission. In accordance with established practice this report had already been presented to and discussed by the Scientific Committee. Accordingly, the SCAR observer reported briefly on the Workshop on Southern Elephant Seals sponsored jointly by SCAR and CCAMLR, on the involvement of SCAR in the sponsorship of major research programs in the Southern Ocean and on the BIOMASS Colloquium. Full details of the discussions of these topics can be found in paragraphs 7.4 to 7.9 and 11.4 to 11.10 of the Scientific Committee report. (SC-CAMLR-X).

12.8 It was noted that SCAR, through the BIOMASS Executive, had offered to provide CCAMLR, free of charge, with a copy of the data held in the BIOMASS Data Centre. This was welcomed by the Commission. It was recalled that the BIOMASS Program had been a most successful example of international cooperation in science that had yielded a valuable set of primary data on the Antarctic marine ecosystem. The UK Delegation pointed out that such an offer should be seen as an expression of confidence in the ability of CCAMLR to use this data in the conservation of Antarctic marine living resources.

12.9 The Commission noted with satisfaction the productive co-operation that has been developed between SCAR and CCAMLR and looked forward to the further development of this relationship.

COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

13.1 At the 43rd Annual Meeting of the International Whaling Commission (IWC) which took place in May 1991 (Reykjavik, Iceland), CCAMLR was represented as an observer by the USA. In presenting his report, the Delegate of the USA briefly described results of the meeting in relation to the following subjects: assessment of whale stocks, management procedures, scientific permits and the International Decade of Cetacean Research.

13.2 The IWC has adopted by majority vote a core management procedure for whale stocks which might be further developed for use in managing Southern Hemisphere minke whales. The Commission took note of this development.

13.3 In connection with the proposed joint CCAMLR/IWC Workshop on the Feeding Ecology of Southern Baleen Whales (CCAMLR-IX, paragraph 4.42) it was reported that the IWC Scientific Committee reaffirmed its position that the terms of reference of the workshop should be expanded to include consideration of all major predators of krill. Although an informal IWC steering group had been formed to consult with Members of the CCAMLR Scientific Committee to develop a detailed proposal for a joint workshop, the CCAMLR Scientific Committee had agreed that it would be inappropriate for CCAMLR to continue as a co-sponsor of such a workshop (SC-CAMLR-X, paragraph 6.61).

13.4 The Commission welcomed the offer of the Delegation of the USA to represent CCAMLR at the 44th Annual IWC Meeting to be held in 1992 in the UK.

CCAMLR CONTRIBUTION TO THE UNITED NATIONS CONFERENCE OF ENVIRONMENT AND DEVELOPMENT

14.1 The Chairman of the Commission presented a paper on CCAMLR's contribution to the 1992 United Nations Conference on Environment and Development (UNCED). In this paper he suggested some appropriate ways of responding to the recently received request of 1 October 1991 from the UNCED Secretariat as well as any other requests concerning the role of CCAMLR in conserving Antarctic marine living resources. The current request concerns evaluation of the effectiveness of existing international agreements, including CCAMLR.

14.2 Australia informed the Commission that in June 1991 it responded to the UNCED Secretariat's first set of questions and provided it with copies of the CCAMLR Basic Documents and information brochures. Some delegations were of the view that a more detailed reply would now be in order.

14.3 During the meeting, a response was prepared which would be sent to the UNCED Secretariat by Australia as the Depositary Government of the Convention.

ELECTION OF VICE-CHAIRMAN OF THE COMMISSION

15.1 It was noted that Poland would complete its term as Vice-Chairman of the Commission at the conclusion of the Tenth Meeting. The USSR was elected to serve in this position from the end of the 1991 Meeting until the end of the meeting in 1993. The USSR Delegate informed the Commission that Mr Vladimir Ikriannikov, the USSR Fisheries Representative in Australia would fulfil the role of Vice-Chairman during this term.

NEXT MEETING

16.1 The 1992 Meetings of the Commission and Scientific Committee will be held in Hobart during the period 26 October to 6 November.

OTHER BUSINESS

Rules of Procedure - Intersessional Decision Making

17.1 During the meeting the Chairman concluded informal consultations commenced by the previous Chairman on amendments and additions to the Rules of Procedure applying to decision making in the intersessional period.

17.2 The changes to the Rules of Procedure were agreed and adopted by the Commission and are given in Annex 8.

Chairman of the Standing Committee on Observation and Inspection (SCOI)

17.3 The Commission noted that Spain had completed its term as Chairman of SCOI. The Chairman thanked Antonio Fernandez Aguirre for presiding over the work at this meeting. Ambassador Jan Arvesen representing Norway was unanimously elected as Chairman of SCOI.

ADOPTION OF THE REPORT

18.1 The Report of the Tenth Meeting of the Commission was adopted.

CLOSE OF THE MEETING

19.1 In closing the meeting, the Chairman thanked the Secretariat for its support and assistance, the Observers for their participation and the Delegations for their cooperation and constructive efforts in making the meeting a success.

LIST OF MEETING PARTICIPANTS

LIST OF MEETING PARTICIPANTS

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LIST OF MEETING DOCUMENTS

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CCAMLR-X/1	PROVISIONAL AGENDA FOR THE TENTH MEETING OF THE COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES
CCAMLR-X/2	ANNOTATED PROVISIONAL AGENDA FOR THE TENTH MEETING OF THE COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES
CCAMLR-X/3	EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS FOR 1990 Executive Secretary
CCAMLR-X/4	REVIEW OF THE 1991 BUDGET, DRAFT 1992 BUDGET AND FORECAST 1993 BUDGET Executive Secretary
CCAMLR-X/5	LATE PAYMENT OF CONTRIBUTIONS Executive Secretary
CCAMLR-X/6	NEW AND DEVELOPING FISHERIES Executive Secretary
CCAMLR-X/7	CCAMLR SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION Executive Secretary
CCAMLR-X/8	COMMEMORATIVE SCULPTURE Secretariat
CCAMLR-X/9	IMPLEMENTATION OF CONSERVATION MEASURES IN 1990/91 Executive Secretary
CCAMLR-X/10	PROTOCOL ON ENVIRONMENTAL PROTECTION TO THE ANTARCTIC TREATY Executive Secretary
CCAMLR-X/11	VACANT
CCAMLR-X/12	REPORT OF THE ACTIVITIES CARRIED OUT FROM THE ICEBREAKER <i>ALMIRANTE IRIZAR</i> IN ACCORDANCE WITH THE SYSTEM OF INSPECTION Delegation of Argentina

- CCAMLR-X/13 REPORT OF INSPECTION IN THE CCAMLR CONVENTION
AREA, 1990/91
USSR
- CCAMLR-X/14 PROPOSAL FOR THE ELIMINATION OF INCIDENTAL
SEABIRD MORTALITY CAUSED BY NET MONITOR CABLES
Delegation of New Zealand
- CCAMLR-X/15 REPORT OF THE MEETING OF THE STANDING COMMITTEE
ON OBSERVATION AND INSPECTION
- CCAMLR-X/16 EXTRACTS FROM THE DOCUMENT CCAMLR-X/BG/23
'CCAMLR'S CONTRIBUTION TO THE WORLD CONFERENCE
ON ENVIRONMENT AND DEVELOPMENT'
Chairman of the Commission
- CCAMLR-X/17 THE EXECUTIVE SECRETARY'S REPORT ON THE MEETING
OF THE STANDING COMMITTEE ON ADMINISTRATION
AND FINANCE (SCAF)
- *****
- CCAMLR-X/BG/1 Rev.1 LIST OF DOCUMENTS
- CCAMLR-X/BG/2 Rev.2 LIST OF PARTICIPANTS
- CCAMLR-X/BG/3 STATEMENT BY THE CCAMLR OBSERVER AT THE XVITH
ANTARCTIC TREATY CONSULTATIVE MEETING
Chairman of the Commission
- CCAMLR-X/BG/4 EXTRACTS FROM A PACIFIC FISHERY AGREEMENT -
OBSERVER PROGRAM
Delegation of New Zealand
- CCAMLR-X/BG/5 ENTANGLEMENT IN MAN-MADE DEBRIS OF ANTARCTIC
FUR SEALS AT BIRD ISLAND, SOUTH GEORGIA
Delegation of UK
- CCAMLR-X/BG/6 OUTLINE OF THE ORDINANCE ON SCIENTIFIC OBSERVERS
IN THE KERGUELEN ISLAND FISHERY
Delegation of France
- CCAMLR-X/BG/7 REPORT ON ASSESSMENT AND AVOIDANCE OF
INCIDENTAL MORTALITY IN THE CONVENTION AREA
1990/91
United States of America

CCAMLR-X/BG/8	REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA 1990/91 Australia
CCAMLR-X/BG/9	CHOICE OF A PROCEDURE FOR DECIDING CLOSURE OF CCAMLR FISHERIES: A SIMULATION MODEL Secretariat
CCAMLR-X/BG/10	CONSERVATION MEASURES - CURRENT STATUS Secretariat
CCAMLR-X/BG/11	INVITATION TO CCAMLR TO SEND AN OBSERVER TO THE 1992 MEETING OF THE INTERNATIONAL COALITION OF FISHERIES ASSOCIATIONS (ICFA) Secretariat
CCAMLR-X/BG/12	UNCED - EVALUATION OF THE EFFECTIVENESS OF EXISTING INTERNATIONAL AGREEMENTS Secretariat
CCAMLR-X/BG/13	REPORT ON THE ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY Delegation of Brazil
CCAMLR-X/BG/14	BIOMASS - CCAMLR RELATIONS: PAST, PRESENT AND FUTURE Delegation of United Kingdom
CCAMLR-X/BG/15	REPORT OF THE SCAR OBSERVER TO CCAMLR Observer (J.P. Croxall, United Kingdom)
CCAMLR-X/BG/16	BEACH LITTER SURVEY SIGNY ISLAND, SOUTH ORKNEY ISLANDS, 1990/91 Delegations of United Kingdom
CCAMLR-X/BG/17	REPORT OF THE 79TH STATUTORY MEETING OF ICES CCAMLR Observer (O.J. Østvedt, Chairman, Scientific Committee)
CCAMLR-X/BG/18	INFORMATION OF INTEREST TO CCAMLR COLLECTED BY MV <i>GONDWANA</i> ON GREENPEACE'S 1990/91 EXPEDITION ASOC Observer
CCAMLR-X/BG/19	REPORT ON ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY IN THE CONVENTION AREA IN 1990/91 Korea

- CCAMLR-X/BG/20 CONSERVATION MEASURE 19/IX - CONCERNS OF THE
FRENCH DELEGATION
Executive Secretary
- CCAMLR-X/BG/21 REPORT OF THE 43RD ANNUAL MEETING OF THE IWC
CCAMLR Observer (USA)
- CCAMLR-X/BG/22 REPORT OF THE CCAMLR OBSERVER AT THE XI SPECIAL
CONSULTATIVE MEETING AND THE XVI ANTARCTIC
TREATY CONSULTATIVE MEETING
Chairman of the Commission
- CCAMLR-X/BG/23 CCAMLR'S CONTRIBUTION TO THE WORLD CONFERENCE
ON ENVIRONMENT AND DEVELOPMENT
Chairman of the Commission
- CCAMLR-X/BG/24 REPORT ON ASSESSMENT AND AVOIDANCE OF
INCIDENTAL MORTALITY IN THE CONVENTION AREA
1990/91
Japan
- CCAMLR-X/BG/25 CONSERVATION AND MANAGEMENT OF LIVING
RESOURCES OF THE HIGH SEAS
Delegations of Argentina, Chile and New Zealand
- CCAMLR-X/BG/26 STATEMENT OF CONSERVATION MEASURE 32/X
Head of Delegation of the Republic of Korea
- CCAMLR-X/BG/27 STATEMENT ON THE COMMEMORATION OF THE TENTH
MEETING OF CCAMLR
Head of Delegation of the Republic of Korea

- CCAMLR-X/MA/1 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION
AREA 1990/91
South Africa
- CCAMLR-X/MA/2 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION
AREA 1990/91
United Kingdom
- CCAMLR-X/MA/3 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION
AREA 1990/91
Australia

CCAMLR-X/MA/4	REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1990/91 Sweden
CCAMLR-X/MA/5	REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1990/91 Poland
CCAMLR-X/MA/6	REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1990/91 Spain
CCAMLR-X/MA/7	REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1990/91 USA
CCAMLR-X/MA/8	REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1990/91 USSR
CCAMLR-X/MA/9	REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1990/91 Norway
CCAMLR-X/MA/10	REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1990/91 France
CCAMLR-X/MA/11	REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1990/91 Italy
CCAMLR-X/MA/12	REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1990/91 Germany
CCAMLR-X/MA/13	REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1990/91 New Zealand
CCAMLR-X/MA/14	REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1990/91 Brazil
CCAMLR-X/MA/15	REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION AREA 1990/91 Japan

CCAMLR-X/MA/16 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION
AREA 1990/91
Republic of Korea

CCAMLR-X/MA/17 REPORT OF MEMBER'S ACTIVITIES IN THE CONVENTION
AREA 1990/91
Argentina

SC-CAMLR-X/1 PROVISIONAL AGENDA FOR THE TENTH MEETING OF THE
SCIENTIFIC COMMITTEE FOR THE CONSERVATION OF
ANTARCTIC MARINE LIVING RESOURCES

SC-CAMLR-X/2 ANNOTATED PROVISIONAL AGENDA FOR THE TENTH
MEETING OF THE SCIENTIFIC COMMITTEE FOR THE
CONSERVATION OF ANTARCTIC MARINE LIVING
RESOURCES

SC-CAMLR-X/3 PROPOSED AMENDMENT TO PART X OF THE SCIENTIFIC
COMMITTEE RULES OF PROCEDURE
Executive Secretary

SC-CAMLR-X/4 REPORT OF THE THIRD MEETING OF THE WORKING
GROUP ON KRILL
(Yalta, USSR, 22 to 30 July 1991)

SC-CAMLR-X/5 REPORT OF THE WORKING GROUP ON FISH STOCK
ASSESSMENT
(Hobart, Australia, 8 to 17 October 1991)

SC-CAMLR-X/6 REPORT OF THE WORKING GROUP FOR THE CCAMLR
ECOSYSTEM MONITORING PROGRAM
(Santa Cruz de Tenerife, Spain, 5 to 13 August 1991)

SC-CAMLR-X/7 PROPOSAL FOR THE DEVELOPMENT OF A SYSTEM FOR
PRODUCING DATA ON SEA ICE DISTRIBUTION FROM
SATELLITE IMAGERY AS PART OF THE ECOSYSTEM
MONITORING PROGRAM
Secretariat

SC-CAMLR-X/8 A PROPOSAL FOR THE FORMATS FOR OBSERVATIONS BY
OBSERVERS ON COMMERCIAL FISHING VESSELS IN THE
CCAMLR AREA
Secretariat

SC-CAMLR-X/9 PROPOSALS ON KRILL AGGREGATION MODEL PROJECT
(KRAM PROJECT)
Delegation of USSR

SC-CAMLR-X/10 PRECAUTIONARY CATCH LIMITS FOR KRILL
Delegation of United Kingdom

SC-CAMLR-X/11 DRAFT MANAGEMENT PLAN FOR THE PROTECTION OF
SEAL ISLANDS, SOUTH SHETLAND ISLANDS, AS A SITE
INCLUDED IN THE CCAMLR ECOSYSTEM MONITORING
PROGRAM
(Submitted by the Working Group for the CCAMLR Ecosystem
Monitoring Program)

SC-CAMLR-X/BG/1 SUMMARY OF FISHERY STATISTICS FOR 1991
Secretariat

SC-CAMLR-X/BG/2 CCAMLR DATABASES AND DATA AVAILABILITY
Secretariat

SC-CAMLR-X/BG/3 ELEPHANT SEAL WORKSHOP
Secretariat

SC-CAMLR-X/BG/4 INCIDENTAL CATCH OF SEABIRDS IN TRAWL FISHERIES
Delegation of New Zealand

SC-CAMLR-X/BG/5 VACANT

SC-CAMLR-X/BG/6 MYCTOPHIDS IN THE DIET OF ANTARCTIC PREDATORS
Secretariat

SC-CAMLR-X/BG/7 KRILL CATCHES AND CONSUMPTION BY LAND-BASED
PREDATORS IN RELATION TO DISTANCE FROM COLONIES
OF PENGUINS AND SEALS IN THE SOUTH SHETLANDS AND
SOUTH ORKNEYS
Secretariat

SC-CAMLR-X/BG/8 REPRODUCTIVE PERFORMANCE, RECRUITMENT AND
SURVIVAL OF WANDERING ALBATROSSES *DIOMEDEA*
EXULANS AT BIRD ISLAND, SOUTH GEORGIA
Delegation of UK

- SC-CAMLR-X/BG/9 CONTRIBUTIONS TO THE BIOLOGY OF CEPHALOPODS IN PRYDZ BAY, ANTARCTICA - A PRELIMINARY REPORT
Delegation of Australia
- SC-CAMLR-X/BG/10 CPUES AND BODY LENGTH OF ANTARCTIC KRILL DURING 1989/90 SEASON IN THE FISHING GROUND NORTH OF LIVINGSTON ISLAND AND NORTHWEST OF ELEPHANT ISLAND
Delegation of Japan
- SC-CAMLR-X/BG/11 DATA ON KRILL, *EUPHAUSIA SUPERBA* DANA, CONSUMPTION BY COASTAL FISHES IN DIVISION 58.4.2 (KOSMONAVTOV AND SODRUZHSTVA SEAS)\
Delegation of USSR
- SC-CAMLR-X/BG/12 REPRODUCTION IN ANTARCTIC NOTOTHENIOID FISH - A REVIEW
Delegation of Germany
- SC-CAMLR-X/BG/13 THE STATE OF EXPLOITED FISH STOCKS IN THE SOUTHERN OCEAN - A REVIEW
Delegation of Germany
- SC-CAMLR-X/BG/14 INCIDENTAL MORTALITY ARISING FROM FISHERIES ACTIVITIES AROUND KERGUELEN ISLAND (DIVISION 58.5.1)
Delegation of France
- SC-CAMLR-X/BG/15 OBSERVERS REPORT FROM THE 1991 MEETING OF THE SCIENTIFIC COMMITTEE OF THE INTERNATIONAL WHALING COMMISSION
Observer (W.K. de la Mare, Australia)
- SC-CAMLR-X/BG/16 REPORT ON CEPHALOPOD FISHING AND RESEARCH ACTIVITIES IN THE CCAMLR AREA 1990/91
Delegation of United Kingdom
- SC-CAMLR-X/BG/17 ANTARCTICA DIGITAL DATABASE PROJECT
Delegation of United Kingdom
- SC-CAMLR-X/BG/18 THE INCIDENCE OF PLASTIC IN THE DIETS OF ANTARCTIC SEABIRDS
Delegation of USA
- SC-CAMLR-X/BG/19 POTENTIAL IMPACTS OF BOTTOM TRAWLING ON BENTHIC COMMUNITIES IN PRYDZ BAY, ANTARCTICA
Delegation of Australia

SC-CAMLR-X/BG/20

NEW AND DEVELOPING FISHERIES: A REVIEW OF US
ACTIVITIES IN PERMITTING AN EXPLORATORY CRAB
FISHERY IN STATISTICAL AREA 48

Delegation of USA

AGENDA FOR THE TENTH MEETING OF THE COMMISSION

AGENDA FOR THE TENTH MEETING OF THE COMMISSION

1. Opening of the Meeting
2. Organisation of the Meeting
 - (i) Adoption of the Agenda
 - (ii) Report of the Chairman
3. Finance and Administration
 - (i) Examination of Audited Financial Statements for 1990
 - (ii) Review of Budget for 1991
 - (iii) Budget for 1992 and Forecast Budget for 1993
 - (iv) Payment of Members' Contributions
 - (v) Commemoration of CCAMLR-X
4. Report of the Scientific Committee
5. Assessment and Avoidance of Incidental Mortality of Antarctic Marine Living Resources
 - (i) Reports of Members
 - (ii) Longline Fishery
6. Development of Approaches to Conservation of Antarctic Marine Living Resources
 - (i) New and Developing Fisheries
 - (ii) Consideration of Possible Limits on Krill Catches
 - (iii) Report of the Working Group on the Development of Approaches to the Conservation of Antarctic Marine Living Resources
7. Observation and Inspection
 - (i) Reports of Inspections Carried Out in 1990/91
 - (ii) Development of a Scheme of International Scientific Observations
8. Compliance with Conservation Measures in Force
9. Conservation Measures
 - (i) Review of Existing Measures
 - (ii) Consideration of Additional Requirements

10. Acquisition of Fisheries Data from Non-Member Countries
11. Cooperation with Other Elements of the Antarctic Treaty System
12. Cooperation with Other International Organisations
13. CCAMLR's Contribution to the World Conference on Environment and Development
14. Election of Vice-Chairman of the Commission
15. Next Meeting
16. Other Business
17. Report of the Tenth Meeting of the Commission
18. Close of the Meeting.

APPOINTMENT OF EXECUTIVE SECRETARY TO CCAMLR

APPOINTMENT OF EXECUTIVE SECRETARY TO CCAMLRL

Extract from CCAMLRL-VI:

‘Procedures for the Appointment of Executive Secretary to CCAMLRL

29. the Commission agreed on the following procedures:

- (i) Should the post of Executive Secretary fall vacant, the most senior member of the professional staff of the Secretariat shall be designated Acting Executive Secretary pending the appointment of a new incumbent.
- (ii) Any person designated Acting Executive Secretary shall enjoy the salary, allowances and other privileges appropriate to the post of Executive Secretary for such time as the person occupies the post.
- (iii) Advertisements shall be placed, or other recommended actions taken, in each Member country with the purpose of attracting applications for the post of Executive Secretary. Any advertisement placed shall be identical in form detailing the selection criteria and shall be a charged to the Commission Member in whose country they are placed.
- (iv) Each member of the Commission may nominate up to two candidates for the vacant post. Persons other than those so nominated shall be entitled to enter an application on their own behalf.
- (v) Only nationals of Commission Members may apply for the post of Executive Secretary.
- (vi) The Chairman of the Commission shall, in consideration of the time available, determine the deadline for applications and other processes leading to the shortlisting of candidates.
- (vii) After the deadline set for applications all curricula vitae, references and other documents submitted by applicants shall be circulated to Members of the Commission.

- (viii) Each Member of the Commission shall rank the ten candidates they most favour in order of preference, and submit this list to the Chairman of the Commission.
- (ix) Upon receipt of all the Commission Members' preferences the Chairman shall aggregate individual applicants' ranking awarding 10 points for a first preference, 9 points for a second preference, etc.
- (x) The candidates with the five highest aggregate scores shall be shortlisted for selection. Should the application of any candidate be withdrawn the next ranking candidate shall be substituted.
- (xi) The candidates selected will be notified to Members of the Commission, and shall be invited to the next meeting of the Commission where the Chairman of the Commission shall make such arrangements for the final selection process as agreed after consultation with Heads of all Delegations in accordance with Article XII, paragraph 1 of the Convention.
- (xii) The travel expenses and per diem incurred by candidates invited for final selection shall be reimbursed by the Commission except where a candidate is a nominee of a Member of the Commission.
- (xiii) The chosen candidate shall be notified at the earliest opportunity and not later than the close of the Commission meeting.

Selection Criteria for the Appointment of the Executive Secretary to CCAMLR

30. The Committee agreed that the Commission be guided by the following criteria:
- (i) familiarity with Antarctic affairs;
 - (ii) experience or detailed knowledge of the operations of international, intergovernmental organisations;
 - (iii) demonstration of a high level of managerial experience and proven competence, in such areas as:
 - (a) the selection and supervision of administrative, technical and scientific staff;

- (b) the preparation of financial budgets and the management of expenditures;
- (c) the organisation of meetings and provision of secretariat support for high level committees;
- (iv) tertiary qualifications;
- (v) language qualifications.'

Extract from CCAMLR-VII:

Advertisement for Post

‘ EXECUTIVE SECRETARY OF CCAMLR

The Commission for the Conservation of Antarctic Marine Living Resources invites applications for the position of Executive Secretary (CCAMLR).

CCAMLR is an international organisation with headquarters in Hobart, Australia, responsible for giving effect to the objectives and principles of a convention which provides for the conservation, including rational use, of marine living resources in waters adjacent to Antarctica.

The Executive Secretary, assisted by a small secretariat, is responsible for providing scientific and administrative support to the Commission and Scientific Committee.

Applicants must be citizens of Member States of CCAMLR [list].

The Commission, in its selection process, shall be guided by the following criteria:

- (a) familiarity with Antarctic affairs;
- (b) experience or detailed knowledge of the operations of international, intergovernmental organisations;
- (c) demonstration of a high level of managerial experience and proven competence, in such areas as:

- the selection and supervision of administrative, technical and scientific staff;
- the preparation of financial budgets and the management of expenditures;
- the organisation of meetings and provision of secretariat support for high level committees;

(d) tertiary qualifications;

(e) language qualifications.

The appointment shall be for a term of four years with the possibility of renewal. The post is graded at D1 on the UN scale. (Present salary is in the range of US\$00000 to US\$00000 pa net.) Allowances are based on the UN system and include removal costs, installation grant, repatriation allowances, home leave allowance every two years, social security and children education benefits.

Applications marked personal and confidential, should be sent to reach the following address by [date]:

The Chairman of the Commission
CCAMLR
25 Old Wharf
Hobart
Tasmania 7000 Australia

A copy of the staff regulations and further particulars can be obtained by writing to the CCAMLR Secretariat at the above address.’

**THE EXECUTIVE SECRETARY'S REPORT ON THE
MEETING OF THE STANDING COMMITTEE ON
ADMINISTRATION AND FINANCE (SCAF)**

**THE EXECUTIVE SECRETARY'S REPORT ON THE
MEETING OF THE STANDING COMMITTEE ON
ADMINISTRATION AND FINANCE (SCAF)**

The Standing Committee on Administration and Finance met on 22 and 25 October 1991 under the Chairmanship of Ms Robin Tuttle (USA) and considered the following items:

- (i) Examination of Audited Financial Statements for 1990;
- (ii) Review of Budget for 1991;
- (iii) Budget for 1992 and Forecast Budget for 1993;
- (iv) Payment of Members' Contributions; and
- (v) Commemoration of CCAMLR-X.

2. The appointment of Jim Rossiter to replace Terry Grundy as Administration/Finance Officer was recorded by the Committee. The Committee placed on record its appreciation to Terry for his services during his time with the Commission.

EXAMINATION OF AUDITED FINANCIAL STATEMENTS FOR 1990

3. The Committee had before it document CCAMLR-X/3 'Examination of the Audited Financial Statements for 1990'.

4. The Committee noted the Auditor's report that 'The statements, which are in the form approved by the Commission pursuant to Financial Regulation 10.2, have been prepared in accordance with the policies outlined in Note 1 to the Accounts and conform with International Accounting Standards' and that 'The statements are based on proper accounts and records; the income, expenditure and investment of moneys and the acquisition and disposal of assets by the Commission during the year ending 31 December 1990 haven been in accordance with the Regulations'.

5. The Committee noted that there were no qualifications to the Financial Statements by the Auditor and agreed that in accordance with Financial Regulation 12.1, the Commission should signify its acceptance of the Audited Financial Statements.

REVIEW OF BUDGET FOR 1991

6. The Administration/Finance Officer introduced document CCAMLR-X/4, explained the likely outcome of the 1991 Budget and informed the Committee that no expenditures were expected to exceed the approved appropriations; savings have been made in the areas of salaries, as a result of the position of Administration/Finance Officer being vacant for several months, and in home leave, where the Secretariat had been able to take advantage of competitive air fares.

7. The Committee noted that contributions to the 1991 Budget from two Members were outstanding.

BUDGET FOR 1992

8. The Committee reviewed the Budget for 1992 as presented in CCAMLR-X/4 and noted that, except for the Scientific Committee Budget and the commemorative sculpture, there were no significant increases or any new large items included. Although the total expenditure was expected to increase at a rate less than inflation, the Members' Contributions would rise at a rate equal to inflation due to reductions in Interest and New Members' Contributions.

9. The Administration/Finance Officer advised that the reduction in interest was the result of a significant reduction in the rate of interest currently received in Australia and an increasing delay in the receipt of some Members' Contributions. To the date of the meeting, the interest foregone as a result of contributions not received by 31 May 1991 was A\$11 000.

10. The item 'New Members' Contributions' included an amount of A\$53 500 from Italy which had been reduced in the budget by A\$48 200, being the costs relating to the departure and replacement of the Administration/Finance Officer in 1991. No Acceding State has advised that it intends to apply for membership during 1992 so no further New Members' Contributions are anticipated in the 1992 Budget.

11. The delegate from Australia expressed concern that the costs relating to the resignation and replacement of members of the Secretariat staff are budgeted for only in those cases where resignations have been advised at the time of the preparation of the budget. The delegate also suggested that consideration be given to annually accruing funds to meet biennial home leave entitlements.

12. It was noted that the ability of the budget to absorb the relatively large items of unexpected expenditure depended on the income items. In the case of the departure of the Administration/Finance Officer in 1991 it was fortunate that there was available a New Member's Contribution. It was agreed that the availability of such income items in the future cannot be relied upon to be available to absorb these costs which will almost certainly involve Members in having to make supplementary contributions in order to meet these financial obligations of the Commission.

13. It was felt by the Committee that the Commission should consider the establishment of a fund in order that future resignations would not lead to large variances in the annual budgets. It was noted that such a suggestion was also made at previous meetings and had been rejected (CCAMLR-II, paragraphs 21 and 22; CCAMLR-III, Appendix E, paragraphs 20 and 21).

14. The amount which would be required to fund the contractual termination entitlements of the Executive Secretary and other relevant staff as at 31 December 1991 is A\$375 000 (A\$17 900 per Member). If it is assumed that staff remain in the posts for an average of five years, then the annual cost of funding the termination entitlements, and recruiting and installing replacements, will be A\$90 700 (A\$4 300 per Member). The amounts per Member are indicative only, as they do not account for the larger share of contributions currently borne by fishing Members.

15. While the Committee recognised that the introduction of this new item into the budget would result in an increase in the budget, most delegates considered that this is preferable to having to deal with funding each staff change as it occurs, which could require supplementary contributions. A number of delegates noted that their governments would have difficulty in providing supplementary contributions.

16. The need to address this matter now was highlighted by the Executive Secretary's announcement that he had decided to retire from his position at some time around the end of 1992. The Administration/Finance Officer advised that the cost of this departure and the recruitment and installation of a replacement is likely to be in the region of A\$240 000 (A\$11 400 per Member). This estimate is dependant on such factors as the US dollar/Australian dollar exchange rate at the time, and the actual costs incurred in obtaining a replacement in accordance with paragraph 29 of CCAMLR-VI.

17. It was the opinion of the Committee that the matter of termination entitlements and replacement costs should be addressed separately from other budgetary issues. A number of delegates advised that matters of contribution increases significantly in excess of inflation, or of special contributions, would have to be referred back to their governments.

18. Three separate areas were identified for funding requirements:

- (i) expenses relating to the Executive Secretary's position one year hence;
- (ii) other existing contractual responsibilities; and
- (iii) the on-going costs of termination and recruitment.

It was recognised that to fund existing contractual responsibilities equally over a period exceeding two years would yield insufficient funds to pay for the Executive Secretary's entitlements and replacement in 1992.

19. Three alternatives to the existing system of funding the costs as they arise were identified for consideration by the Commission:

Option 1: Establish a Fund to cover the existing entitlements by way of an immediate Special Contribution, and thereafter incorporate the ongoing expense into the annual budget.

Option 2: Establish the initial Fund over a period of two years. The ongoing expense to be incorporated into the annual budget.

Option 3: Fund the Executive Secretary's entitlements and replacement in 1992, possibly by way of a Special Contribution. Thereafter proceed with Option 2.

It was noted that if funding was by way of Special Contribution, then this Special Contribution would not be required by 31 May.

20. Indicative costs, to individual members, of the three options are set out in the table below. These Australian dollar amounts would be subject to inflation.

	Option 1 A\$	Option 2 A\$	Option 3 A\$
1992	22 200	13 300	11 400
1993	4 300	13 200	9 700
1994	4 300	4 300	9 700
1995	4 300	4 300	4 300

21. While the Committee restated its suggestion above that the issue of funding termination and replacement costs should be addressed separately from other budgetary issues, it suggested that A\$

10 000 could be allocated from the 1992 Budget to the sub-item 'Allowances' as a contribution towards staff entitlements and replacement costs.

22. The Chairman of the Scientific Committee presented the Scientific Committee Budget for 1992. This showed an increase of 38% over that of 1991. This increase was the result of a reduction in the amount to be drawn from the Norwegian Contribution Special Fund and a 23% increase in proposed expenditure, mainly in specifically identified projects.

23. The Committee requested that the Scientific Committee consider the priority of items within its program in case it should be required to reduce its budget by 10%, 20% or 30%. The Scientific Committee advised that it strongly opposed any cut in its budget, which was conservative in terms of the amount of work to be performed.

24. The Scientific Committee also advised that the work planned for 1992 was in response to directions from the Commission and that any cut in excess of 10% would inhibit the Scientific Committee's ability to fulfil these directions. In case a cut was required, the Scientific Committee presented a budget incorporating a reduction of nearly 10% which reflected the imposition of priorities on the work to be performed.

25. In incorporating this reduced Scientific Committee budget in the 1992 Budget presented to the Commission, the Standing Committee noted that there is at least one new item this year, the Pilot Study on Sea-Ice Distribution, which could also lead to significant expenditure in future years.

26. The Committee suggested that the Commission may wish to advise the Scientific Committee of limits to its budget in future years, possibly by way of an annual growth limit. The Committee noted that to impose such limits, the Commission may need to establish priorities of the work which it requires of the Scientific Committee.

27. The Draft Budget for 1992 indicates that the total Members' Contributions will be A\$1 131 658. The contributions calculated according to the agreed formula (CCAMLR-VI, paragraph 28) are estimated as follows:

Japan	A\$57 193
USSR	A\$88 431
19 other Member	A\$51 896

The above amounts and the attached draft budget do not include any provision for the termination entitlements and replacements costs discussed in paragraphs 11 to 20 except for the amount of A\$10 000 referred to in paragraph 21.

PAYMENT OF MEMBERS' CONTRIBUTIONS

28. The Committee discussed the interpretation of Article XIX (6) of the Convention:

‘A Member of the Commission that fails to pay its contributions for two consecutive years shall not, during the period of its default, have the right to participate in the taking of decisions in the Commission.’

In addressing the interpretation, three phrases were separately reviewed:

- ‘fails to pay its contribution for two consecutive years’;
- ‘during the period of its default’; and
- ‘the right to participate in the taking of decisions in the Commission’.

29. ‘Fails to pay its contribution for two consecutive years’ was interpreted as referring to a Member who by 1 June has not paid its contribution for the current year and has any part of its contribution from the previous year still outstanding.

30. In arriving at the interpretation of the phrase ‘during the period of its default’, the Committee noted that the period of default should commence on 1 June in a year if the contribution for that year has not been paid and the whole or any part of the previous year’s contribution is outstanding.

31. The question was raised as to whether default ended when the contribution of one year only was paid or whether a Member would remain in default until all of its contributions were paid, including that of the current year. It was noted that the Spanish version of Article XIX (6) translates, verbatim, the English text, whereas the French and Russian versions prohibit participation in the decision making until the amounts due are paid. While the possibility of ambiguity was recognised, it was pointed out by the delegate from Norway that the first interpretation followed that adopted by the United Nations. Others felt that while this was an example of international practice, there were large differences between the two organisations and CCAMLR should not necessarily follow United Nations procedure.

32. It was concluded that the period of default ends when one of the two years contributions has been paid in full.

33. It was agreed that the loss of 'the right to participate in the taking of decisions in the Commission' during the period of default would be interpreted as precluding a Member who is in default from voting on items voted upon by the Commission and from registering an objection when a consensus decision is required. This relates both to voting at the meetings of the Commission and to postal voting by the Commission during the intersessional period.

34. The Delegate of Brazil suggested that the continuing situation of Members paying contributions late could be addressed by providing restitution by way of interest depending on the date of payment. The Australian Delegation discussed informally with a number of other Member delegates an option of accruing interest on each Member's contribution, commencing the accrual on the due date (1 January). The interest would be payable only if the contribution is paid later than 150 days after the due date. Australia has drafted an appropriate amendment to the Finance Regulations to reflect this suggestion.

COMMEMORATION OF CCAMLR-X

35. The Committee discussed document CCAMLR-X/8 'Commemorative Sculpture'. The document presented a proposal by the Executive Secretary that, at an estimated cost of A\$25 000, the Commission should present to the City of Hobart a sculpture to commemorate the Tenth Anniversary of CCAMLR.

36. The idea received in-principle support from delegates but the Committee considered that the amount could not be justified in the context of other budgetary requirements and constraints.

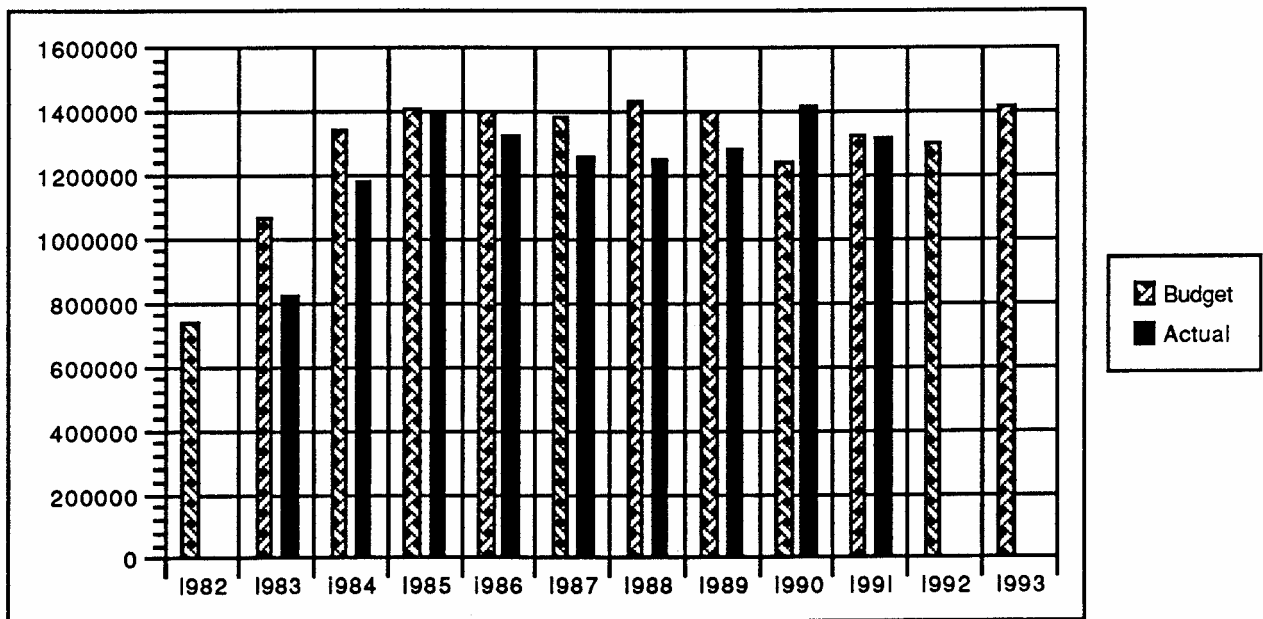
FORECAST 1993 BUDGET

37. Most items in the Forecast Budget for 1993 are calculated on the basis of the 1992 figures, allowing 4.5% for inflation.

ANNUAL EXPENDITURE SUMMARY

38. At the request of the Commission (CCAMLR-IX, paragraph 3.8) the relative amounts of expenditure in real terms (i.e., after accounting for inflation) are set out in the graph below:

CCAMLR expenditure in 1991 Australian dollar values
(adjusted using annual inflation rates)

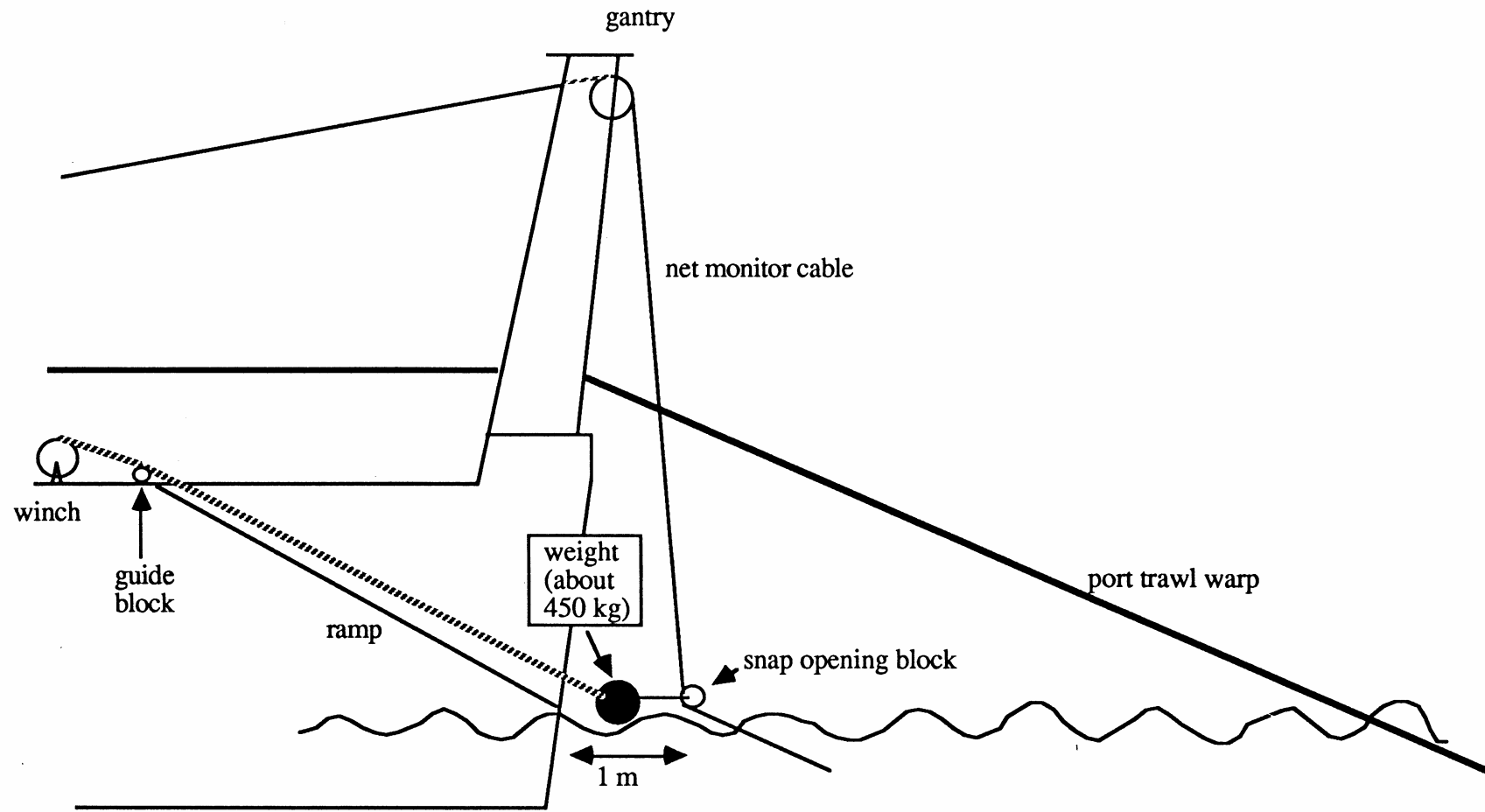


**PROJECTED INCOME AND EXPENDITURE 1991, BUDGET 1992
AND FORECAST BUDGET 1993
(Australian Dollars)**

Budget for 1991			Budget for 1992 and Forecast Budget for 1993			
(1)	(2)	(3)	Item	Subitem	(4)	(5)
Budget Adopted in 1990	Estimates Projected to 31/12/91	Variance from Budget			Budget 1992	Forecast Budget 1993
INCOME						
1 086 834	1 086 196	-638		Members' Contributions	1 131 658	1 248 700
				Items from previous year		
0	0	0		• Arrears of Contributions	0	0
60 000	67 662	7 662		• Interest	31 000	30 000
0	0	0		• Members' Contributions	0	0
83 166	29 624	-53 542		• New Members' Contributions	5 342	0
94 400	129 899	35 499		• Staff Assessment Levy	167 000	178 000
0	11 019	11 019		• Surplus	19 000	0
<u>1 324 400</u>	<u>1 324 400</u>	<u>0</u>	Total Income		<u>1 354 000</u>	<u>1 456 700</u>
EXPENDITURE						
DATA MANAGEMENT						
0	0	0		Capital Equipment	6 000	6 400
3 400	3 400	0		Consumables	3 500	3 600
36 900	36 900	0		Contract Labour	38 700	40 500
10 300	10 300	0		Maintenance	10 700	11 200
4 900	4 900	0		Time Share Usage	5 100	5 200
<u>55 500</u>	<u>55 500</u>	<u>0</u>	Total Data Management		<u>64 000</u>	<u>66 900</u>
MEETINGS						
349 500	349 500	0	Total Meetings		364 700	381 200
PUBLICATIONS						
126 000	126 000	0	Total Publications		110 200	118 300
SCIENTIFIC COMMITTEE						
93 900	93 900	0	Total Scientific Committee		117 700	136 800
SECRETARIAT COSTS						
16 500	16 500	0	Administration		17 200	18 000
107 200	97 800	9 400	Allowances		84 500	113 100
4 600	4 600	0	Automobile		4 800	5 000
26 500	26 500	0	Communication		27 600	28 800
3 500	3 500	0	Incidentals		3 600	3 700
3 500	3 500	0	Library		3 600	3 800
26 300	26 300	0	Office Requisites		27 400	28 600
8 100	8 100	0	Premises		8 400	8 800
479 000	469 400	9 600	Salaries		495 000	517 300
24 300	24 300	0	Travel		25 300	26 400
<u>699 500</u>	<u>680 500</u>	<u>19 000</u>	Total Secretariat Costs		<u>697 400</u>	<u>753 500</u>
1 324 400	1 305 400	19 000	Total Expenditure		1 354 000	1 456 700

Note: In addition to the Scientific Committee 1992 amount, a sum of A\$8 100 is to be drawn from the Norwegian Contribution Special Fund to meet the total Scientific Committee Program of A\$125 800.

**APPROVED DEPLOYMENT OF NET MONITOR CABLE
LEADING FROM STERN OF TRAWLER**



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

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

The Standing Committee chaired by Spain (Sr Antonio Fernandez Aguirre), met on 23, 24 and 25 October 1991 and considered Agenda Items 7 (Observation and Inspection) and 8 (Compliance with Conservation Measures in Force).

REPORTS OF INSPECTIONS CARRIED OUT IN 1990/91

2. The Committee noted that there were no inspections of harvesting or research vessels reported in accordance with the provisions of the CCAMLR System of Inspection during 1990/91. However, in a paper tabled at the meeting, the Soviet Union reported that its inspectors had carried out 150 inspections of its own vessels over a period of 616 vessel days.

3. The Paper tabled by the Soviet Union was a summary of the reports of inspection required under the USSR national inspection scheme. The USSR representative informed the Committee that every effort would be made to ensure that future inspections by Soviet inspectors under the CCAMLR System would be reported on the CCAMLR reporting forms.

4. The Committee noted a paper submitted by the Delegation of Argentina (CCAMLR-X/12) which reported that an Argentine Inspector on board the icebreaker *Almirante Irizar* had attempted to carry out an inspection in 1990/91 of a Soviet fishing vessel, but was unable to transfer to the vessel because of the weather conditions.

DEVELOPMENT OF A SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

5. The Committee recalled that at the Ninth Meeting, the Commission had requested the Executive Secretary to produce a draft paper on scientific observation for circulation to Members for comment in the intersessional period. The Committee also recalled the view of the Commission (CCAMLR-IX, paragraph 11.9), that:

- (i) the essential purpose of the observation system would be the gathering and validation of scientific data, and

- (ii) the elaboration of a multilateral system should take account of the fact that extensive bilateral cooperation would be required in arranging placements of observers.

6. The Committee discussed the paper by the Executive Secretary on a 'CCAMLR Scheme of International Scientific Observation' (CCAMLR-X/7) and recommends the adoption of the following provisions:

A. Each Member of the Commission may designate observers referred to in Article XXIV of the Convention.

- (a) The observation activities of scientific observers on board vessels will be specified by the Commission, taking into account advice from the Scientific Committee.
- (b) Observers shall be nationals [of the Member who designates them] and shall conduct themselves in accordance with the customs and order existing on the vessel on which they are operating.
- (c) Members shall designate observers who shall be familiar with the harvesting and scientific research activities to be observed, the provisions of the Convention and the measures adopted under it and who are adequately trained to carry out competently the duties of scientific observers as required by the Commission.
- (d) Observers shall be able to communicate in the language of the Flag State of the vessels on which they carry out their activities.
- (e) Designated observers shall each carry a document issued by the designating Member in a form approved by the Commission identifying them as CCAMLR observers.
- (f) Observers shall submit to the Commission through the designating Member a written report of each observation assignment undertaken. A copy shall be sent to the Flag State of the vessel involved.

B. In order to promote the objectives of the Convention, Members agree to take on board their vessels engaged in scientific research or harvesting of marine living resources designated observers, in accordance with a bilateral arrangement between an initiating member and the Flag State of the vessel concerned. Such a bilateral arrangement shall incorporate, inter alia the following principles:

- (a) Observers shall be given the status of ship's officers. Accommodation and meals for observers on board shall be of a standard commensurate with this status.
 - (b) Members shall ensure that their vessel operators cooperate fully with observers to enable them to carry out the tasks assigned to them by the Commission. This will include access to data and to those operations of the vessel necessary to fulfil the duties of an observer as required by the Commission.
 - (c) Members shall take appropriate action on board their vessels to ensure the security and welfare of observers in the performance of their duties, provide them with medical care and safeguard their freedom and dignity.
 - (d) Arrangements shall be made for messages to be sent and received on behalf of the observer using the vessel's communications equipment and operator. Reasonable costs of such communications shall normally be borne by the designating Member.
 - (e) Arrangements involving the transportation and boarding of observers shall be organised so as not to interfere with harvesting and research operations.
 - (f) Observers shall provide to the relevant masters copies of such records, prepared by the observers, as the masters may wish to retain.
 - (g) Members shall ensure that observers carry insurance satisfactory to the parties concerned.
 - (h) Transportation of observers to and from boarding points shall be the responsibility of the designating Member.
 - (i) Unless otherwise agreed the equipment, clothing and salary and any related allowances of an observer shall normally be borne by the designating Member and the Flag State of the vessel shall normally bear the cost of on board accommodation and meals of the observer.
- C. Members shall provide a copy of each bilateral arrangement to the Commission as soon as it is concluded.

D. Members who have designated observers will take the initiative in arranging assignments for their observers and will take into account the priorities for observer assignments identified by the Commission.

7. The Committee noted that the Scientific Committee was considering data and information which should be collected by scientific observers and would be reporting to the Commission on priority requirements for data to be collected by such observers.

8. The Committee emphasised that while its task was to develop a scheme of international scientific observation, there was no intention to replace or preclude national observer schemes. Data collected by observers operating under national schemes would be valuable to the Commission particularly if they were collected using standards adopted by the Scientific Committee so as to ensure comparability.

COMPLIANCE WITH CONSERVATION MEASURES IN FORCE

9. The Committee considered the Secretariat's paper, CCAMLR-X/9 - 'Implementation of Conservation Measures in Force'. It noted that, with respect to the implementation of Conservation Measure 18/IX, two Members had informed the Secretariat of their actions. South Africa had advised that it had ratified the Measure. Australia had advised that legislative procedures required to give effect to the Measure were not expected to be completed until mid-1992 and that in the meantime it would comply with the Measure on an administrative basis. The United States reported that domestic regulations giving effect to the conservation and management measures adopted by CCAMLR contained within them a section for providing in the future for a system permitting activities within CEMP designated sites.

10. The UK Delegate drew the Committee's attention to work being carried out by the Antarctic Treaty Consultative Parties on protected areas in connection with the Protocol on Environmental Protection. This work had implications for the implementation of Conservation Measure 18/IX. The UK was waiting until this work was completed before enacting the legislation necessary to give effect to Conservation Measure 18/IX and in the meantime would apply the Measure through administrative action.

11. The EEC informed the Committee that the European Community had enacted into its legislation, according to its obligations under CCAMLR, the conservation measure adopted at the Ninth Meeting of the Commission other than Conservation Measure 18/IX. It confirmed that, in view of the transfer of competence of Member States to the Community in regard to fisheries, these

legislative dispositions fulfilled the obligations of those Member States which are members of CCAMLR in regard to compliance with conservation measures.

12. The Committee noted that in the inspections carried out by Soviet Inspectors during 1990/91 three vessels were found to be operating in breach of Conservation Measures. All three cases involved 'improper maintenance of documentation'. Fines were imposed under administrative procedures by the USSR Ministry of Fisheries.

13. The Committee agreed that in order adequately to report to the Commission on this agenda item, in the future reports of action taken by Flag States as a result of an infraction should contain reasonable detail of the nature of the infraction and the sanctions imposed.

AMENDMENTS TO THE COMMISSION RULES OF PROCEDURE

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PART II TAKING OF DECISIONS

RULE 4

The Chairman shall put to all Members of the Commission questions and proposals requiring decisions. Decisions shall be taken according to the following provisions:

- (a) Decisions of the Commission on matters of substance shall be taken by consensus. The question of whether a matter is one of substance shall be treated as a matter of substance.
- (b) Decisions on matters other than those referred to in paragraph (a) above shall be taken by a simple majority of the Members of the Commission present and voting.
- (c) In Commission consideration of any item requiring a decision, it shall be made clear whether a regional economic integration organisation will participate in the taking of the decision and, if so, whether any of its member States will also participate. The number of Contracting Parties so participating shall not exceed the number of member States of the regional economic integration organisation which are Members of the Commission.
- (d) In the taking of decisions pursuant to this Rule, a regional economic integration organisation shall have only one vote.

RULE 5

At a meeting of the Commission, votes shall be taken by a show of hands. However, a roll call or a secret ballot vote shall be taken at the request of a Member of the Commission. In the case of conflicting requests as between a roll call or a secret ballot vote, a secret ballot vote shall be used. A roll call vote shall be taken by calling the names of the members of the Commission entitled to vote in alphabetical order of the language of the country in which the meeting is held, beginning with the Member which has been chosen by lot.

RULE 6

At a meeting of the Commission, unless **it** decides otherwise, the Commission shall not discuss or take a decision on any item which has not been included in the provisional agenda for the meeting in accordance with Part IV of these Rules.

RULE 7

When necessary, the taking of decisions and votes **on any proposal made** during the period between meetings may be carried out by post or by other means of textual communication.

- (a) The Chairman or a Member which requests the application of the procedure laid down by this Rule shall convey with the proposal a recommendation as to whether the decision should be taken in accordance with Rule 4 (a) or Rule 4 (b). Any disagreement of this matter shall be resolved in accordance with the provisions of Rule 4, and the following provisions.**
- (b) The Executive Secretary shall distribute copies of the proposal to all Members.**
- (c) The Executive Secretary shall enquire of a regional economic integration organisation whether it will participate in the taking of the decision. If such organisation intends to participate in the taking of the decision, in view of Rule 4 (c), it and the member or members of that organisation not so participating shall inform the Executive Secretary accordingly.**
- (d) If the decision is to be taken in accordance with Rule 4 (a):**
 - (i) Members shall immediately acknowledge receipt of the Executive Secretary's communication and respond within 45 days of the date of acknowledgement of the proposal, indicating whether they wish to support it, reject it, abstain on it, refrain from participating in the taking of the decision, or whether they require additional time to consider it, or whether they consider that it is not necessary for the decision to be taken during the period between meetings. In the latter case the Chairman shall direct the Executive Secretary to inform all Members accordingly and the decision shall be remitted to the next meeting.**

- (ii) If there are no rejections and if no Member either seeks additional time or objects to the decision being taken between meetings, the Chairman shall direct the Executive Secretary to inform all Members that the proposal has been adopted.
 - (iii) If the responses include a rejection of the proposal, the Chairman shall direct the Executive Secretary to inform all Members that the proposal has been rejected, and provide them with a brief description of all individual responses.
 - (iv) If the initial responses do not include a rejection of the proposal or an objection to the decision being taken between meetings, but a Member requests additional time to consider it, a further 30 days shall be allowed. The Executive Secretary shall inform all Members of the final date by which responses must be lodged. Members who have not responded by that date shall be deemed to be in support of the proposal. After the final date, the Chairman shall direct the Executive Secretary to proceed in accordance with subparagraphs (ii) or (iii), as the case may be.
- (e) If the decision is to be taken in accordance with Rule 4 (b):
- (i) Members shall immediately acknowledge receipt of the Executive Secretary's communication and respond within 45 days of the date of acknowledgement of the proposal, indicating whether they wish to support it, reject it, abstain on it or refrain from participating in the taking of the decision.
 - (ii) At the end of the 45-day period, the Chairman shall count the votes and direct the Executive Secretary to inform all Members of the result.
- (f) A proposal which has been rejected may not be reconsidered by way of postal voting until after the following meeting of the Commission, but may be considered at that meeting.

RULE 18

The Executive Secretary shall:

- (a) make all necessary arrangements for meetings of the Commission and its subsidiary bodies;
- (b) issue invitations to all such meetings to Members of the Commission and to such states and organisations as are to be invited in accordance with Rule 30;
- (c) **take all the necessary steps to carry out the instructions and directions given to him by the Chairman.**

PART V CONDUCT OF BUSINESS AT MEETINGS

RULE 31

- (a) The Executive Secretary may, when preparing with the Chairman the preliminary agenda for a meeting of the Commission, draw to the attention of Members of the Commission his view that the work of the Commission would be facilitated by the attendance at its next meeting of an observer referred to in Rule 30, an invitation to which was not considered at the previous meeting. The Executive Secretary shall so inform members of the Commission when transmitting to them the preliminary agenda under Rule 15;
- (b) **The Chairman shall request** the Commission **to** take a decision on the Executive Secretary's suggestion in accordance with Rule 7 and **the Executive Secretary** shall so inform Members of the Commission when transmitting to them the provisional agenda under Rule 17.