CCAMLR-XXVII

COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

REPORT OF THE TWENTY-SEVENTH MEETING OF THE COMMISSION

HOBART, AUSTRALIA
27 OCTOBER – 7 NOVEMBER 2008

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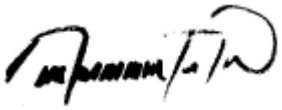

Chair of the Commission
November 2008

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Abstract

This document is the adopted record of the Twenty-seventh Meeting of the Commission for the Conservation of Antarctic Marine Living Resources held in Hobart, Australia from 27 October to 7 November 2008. Major topics discussed at this meeting include: review of the Report of the Scientific Committee; illegal, unreported and unregulated fishing in the Convention Area; vulnerable marine ecosystems and bottom fishing; assessment and avoidance of incidental mortality of Antarctic marine living resources; new and exploratory fisheries; current operation of the System of Inspection and the Scheme of International Scientific Observation; compliance with conservation measures in force; review of existing conservation measures and adoption of new conservation measures; management under conditions of uncertainty; and cooperation with other international organisations including the Antarctic Treaty System. The Reports of the Standing Committee on Administration and Finance and the Standing Committee on Implementation and Compliance are appended.

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CONTENTS

REPORT OF THE TWENTY-SEVENTH MEETING OF THE COMMISSION
(Hobart, Australia, 27 October to 7 November 2008)

OPENING OF THE MEETING

1.1 The Twenty-seventh Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources was held in Hobart, Tasmania, Australia, from 27 October to 7 November 2008, chaired by Mr P. Amutenya (Namibia).

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

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

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

1.5 It was agreed at last year's meeting to invite the following non-Contracting Parties to CCAMLR-XXVII as observers: Belize, Bolivia, Cambodia, Colombia, Democratic People's Republic of Korea, Equatorial Guinea, Indonesia, Kenya, Malaysia, Mexico, Mozambique, Panamá, Philippines, Sierra Leone, Seychelles, Singapore, Thailand, Togo and Vietnam (CCAMLR-XXVI, paragraph 19.1). An invitation had also been issued to American Samoa, Hong Kong Special Administrative Region (SAR), Marshall Islands, Morocco and the United Arab Emirates, which were known to have an interest in fishing for, or trade in, *Dissostichus* spp. The Marshall Islands was represented at the meeting.

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

1.7 The Chair welcomed all participants to the meeting. He said that it was once again a great privilege for Namibia to chair the Commission's annual meeting. He thanked the Government of Australia, the Depositary of the Convention and the State of Tasmania for their hospitality. The Commission looked forward to its annual meeting with eager anticipation.

1.8 The Chair asked participants to stand for a minute's silence in memory of CCAMLR's esteemed Scientific Committee Chair, the late Prof. Edith Fanta (Brazil), who passed way on 7 May 2008. Prof. Fanta was well respected in the Antarctic and CCAMLR as a whole has benefited from her dedication and commitment to all things Antarctic. But more than that, Edith was generous of spirit and truly gave of herself to all those with whom she came into contact. May her soul rest in eternal peace.

1.9 As a lasting memento of Prof. Fanta's contribution to CCAMLR, the Chair invited participants to write in the condolence book that would be forwarded to her family in Brazil.

1.10 The Chair introduced His Excellency the Honourable Peter Underwood AO, Governor of Tasmania, and said that CCAMLR had benefited enormously over many years from the close ties it shared with the Governor of Tasmania and Government House. CCAMLR again looked forward to building on and strengthening these ties.

1.11 His Excellency welcomed delegates to Hobart and Tasmania. He said that 2008 had been a momentous year for CCAMLR. Noteworthy initiatives included an independent review of the institution's performance, a joint workshop with the IWC on developing scientific inputs for coherent models of Antarctic marine ecosystems and continuing work on defining vulnerable marine ecosystems (VMEs), as well as initiatives on facing the management challenges arising from global climate change. The issues to be addressed have become more complex, the available resources increasingly limited and the need for effective outcomes has greater urgency than ever before.

1.12 CCAMLR had responded to such challenges and His Excellency said that it was gratifying that consideration of climate change was now on the Commission's agenda, along with the subdivision of the precautionary krill catch limits in Area 48 and the development of spatial management in general. It was also pleasing to see that the CCAMLR Scientific Committee and the Antarctic Treaty's Committee for Environmental Protection (CEP) are scheduled to hold a joint workshop immediately prior to the Antarctic Treaty Consultative Party meeting in Baltimore, USA, next April. This particular workshop requires little promotion amongst CCAMLR Members, given its important rôle in enhancing cooperation between the two most important elements of the Antarctic Treaty System – the Treaty and the Convention.

1.13 His Excellency believed that having the CCAMLR Headquarters located in Tasmania contributed much to the Commission's success over the past 27 years. Tasmania is globally recognised, and unique, for possessing a critical and significant mass of Antarctic expertise. Offering both scientific and logistical advantages, the Antarctic gateway city of Hobart provides an outstanding environment for fruitful, informed and focused debate on a wide range of Antarctic issues.

1.14 His Excellency felt that CCAMLR's achievements served to secure the Commission's standing in the local community as well as its global position as a leader in the conservation of marine living resources for the benefit of present and future generations.

1.15 It was with deep regret that His Excellency noted the passing in May this year of Prof. Edith Fanta of Brazil, the Chair of CCAMLR's Scientific Committee. Prof. Fanta made an enormous contribution to the Commission's work as well as to that of SCAR. She will be sorely missed. Together with Mrs J. Miller, His Excellency unveiled a painting by Mrs Miller in lasting memory of Prof. Fanta.

1.16 His Excellency concluded by wishing the Commission every success with its Twenty-seventh Meeting.

ORGANISATION OF THE MEETING

Adoption of the Agenda

2.1 The Provisional Agenda (CCAMLR-XXVII/1), had been distributed prior to the meeting and was adopted with the addition of subitem 20(ii) 'European Community IUU regulations'. The Agenda is given in Annex 3.

2.2 The Chair referred Agenda Item 3 to the Standing Committee on Administration and Finance (SCAF), and Agenda Items 8 to 10 to the Standing Committee on Implementation and Compliance (SCIC). The reports of SCAF and SCIC are given in Annexes 4 and 5 respectively.

Report of the Chair

2.3 Four Scientific Committee working group meetings, along with associated subgroup meetings and workshops, and a Joint CCAMLR-IWC Workshop, had been held during the intersessional period; details of these meetings are elaborated in SC-CAMLR-XXVII, paragraph 1.8.

2.4 For the 2007/08 season, 65 inspectors had been designated, in accordance with the CCAMLR System of Inspection, by Australia, Chile, France, New Zealand and the UK. A total of 12 at-sea inspections were reported: 11 conducted by UK-designated CCAMLR inspectors in Subarea 48.3 and one conducted by a French-designated CCAMLR inspector in Division 58.5.1.

2.5 CCAMLR-designated scientific observers were deployed on all vessels fishing for finfish and some vessels fishing for krill in the Convention Area in 2007/08 (see paragraph 11.1 for further details).

2.6 During the 2007/08 season, CCAMLR Members had actively participated in 12 fisheries in the Convention Area. In addition, three other managed fisheries were conducted in national Exclusive Economic Zones (EEZs) within the Convention Area.

Vessels fishing in fisheries managed under conservation measures in force in 2007/08 had reported, by 10 October 2008, a total of 125 063 tonnes of krill, 12 573 tonnes of toothfish and 1 524 tonnes of icefish. A number of other species were taken as by-catch.

2.7 The Catch Documentation Scheme for *Dissostichus* spp. (CDS) has been in operation since 2000, and now includes the participation of two non-Contracting Parties to CCAMLR: Seychelles and Singapore; along with three Acceding States: Canada, Mauritius and Peru. The total number of catch documents (i.e. landing/transhipment, export and re-export documents) received and processed by the Secretariat to date is well over 36 000.

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

2.9 The Centralised Vessel Monitoring System (C-VMS) continues to be implemented under Conservation Measure 10-04. Since its commencement, 96 vessels have been monitored in all subareas and divisions, as well as voluntarily outside the Convention Area.

2.10 During the year, the Commission and the Scientific Committee had been represented by observers at a number of international meetings (sections 15 and 16; SC-CAMLR-XXVII, section 9).

FINANCE AND ADMINISTRATION

3.1 The Vice-Chair of SCAF, Ms S. Jessep (New Zealand), presented the report of SCAF (Annex 4). Her report outlined the results of the Committee's discussions and recommendations for decisions by the Commission.

Examination of audited Financial Statements for 2007

3.2 Noting that a full audit had been carried out on the 2007 Financial Statements and that the auditor had identified no incidents of non-compliance with the Financial Regulations or International Accounting standards, the Commission accepted the audited Financial Statements for 2007 (Annex 4, paragraph 2).

Audit requirements for the 2008 Financial Statements

3.3 The Commission accepted the advice of SCAF that a full audit be performed on the 2008 and 2009 Financial Statements (Annex 4, paragraph 3).

Appointment of Auditor

3.4 The Commission endorsed the appointment of the Australian National Audit Office as its auditor for the 2008 and 2009 Financial Statements (Annex 4, paragraph 4).

Secretariat Strategic Plan

3.5 The Commission received SCAF's advice with respect to the Executive Secretary's report (CCAMLR-XXVII/6), which forms a key element of the annual assessment of his performance (Annex 4, paragraph 5).

3.6 The Commission noted the various issues highlighted by the report as listed in CCAMLR-XXVII/6.

3.7 Addressing the outcomes of the Executive Secretary's review of the Secretariat's data management and scientific functions (CCAMLR-XXVII/7), the Commission accepted SCAF's recommendations (Annex 4, paragraph 7) that:

- the initial ICSC grading of P-4 should be confirmed for both the Science Officer and Data Manager posts. This should be the entry-level grading for purposes of meeting the requirements of Staff Regulation 5.10;

- advancement through the increment gradings for each post shall proceed in accordance with Staff Regulation 5.9.

3.8 The Commission also noted (Annex 4, paragraph 8) that the above review had offered the suggestion that:

- subject to the Data Manager or Science Officer reaching the top of the P-4 grading, and/or exceptional assessment of performance under the *CCAMLR Performance Management and Appraisal Scheme* endorsed by the Commission, advancement from ICSC Grading P-4 to P-5 should be considered with the Commission's prior approval (Staff Regulation 5.5).

3.9 The Commission endorsed SCAF's recommendation (Annex 4, paragraph 9) that the grading of the Administration and Finance Officer's post should be reviewed in the 2008/09 intersessional period and that the grading of the three Secretariat professional posts should be reviewed at CCAMLR-XXVIII.

3.10 The Commission endorsed SCAF's recommendation (Annex 4, paragraph 10) that the Executive Secretary review the current grading of the Compliance Officer's post and present the results to the Committee's 2009 meeting.

3.11 The Commission noted the response from the Australian Department of Foreign Affairs and Trade to the letter of the Executive Secretary regarding negative gearing payments to CCAMLR employees. The Commission agreed that such staff continue to receive negative gearing payments (approximately A$4 000 per year) in the interests of equitability with other Australian tax payers and that the matter be monitored by the Executive Secretary (Annex 4, paragraph 11).

3.12 The Commission noted the possibility of securing additional space during SCIC meetings in the Wombat Room by developing and conjoining the space between the Wombat Room and the adjacent premises (Annex 4, paragraph 13). The Commission requested the Executive Secretary to continue dialogue with the developer and neighbouring tenants. The Secretariat will report back to the next SCAF meeting or earlier, depending on the rate of progress.

3.13 The Commission recognised the Secretariat's heavy and growing translation workload (Annex 4, paragraph 14). It noted that translation costs amount to approximately one-quarter of the budget and an overwhelming majority of documents are submitted in English. The Commission noted that SCAF had discussed the idea of no longer translating all documents submitted in English into the three other official languages. It was noted that such a change in practice would have the potential to streamline the Commission's work to ensure that Members' needs are met as well as offering a source of savings. This approach should be based on a very careful analysis of the overall translation requirements of Members and CCAMLR's multilingual system, as provided for in the Convention.

3.14 The Commission endorsed SCAF's recommendation (Annex 4, paragraph 20) that:

- the Secretariat should provide Members with a detailed breakdown and costing of the Commission's translation requirements as of the end of 2008;
- the Secretariat should then coordinate intersessional work in consultation with Members to analyse the various categories of documents to be translated;
- Members review the outcomes of this work to identify potential savings in translation costs at the 2009 meeting of SCAF.

3.15 The Commission shared SCAF's concerns at the current situation where a number of long-serving staff are approaching retirement age (Annex 4, paragraph 22). It requested the Executive Secretary to pursue development of a clear Secretariat succession strategy

Review of budget for 2008

3.16 The Commission approved the budget for 2008 as presented in Annex 4, Appendix II.

3.17 The Commission approved the creation of a new Enforcement Trust Fund into which a donation from the Ocean Trust will be credited. The Fund is to be used to assist compliance and enforcement in the toothfish fishery, and perhaps support an intersessional workshop on compliance evaluation (Annex 4, paragraph 26).

Recruitment of Executive Secretary

3.18 The Commission endorsed the procedures and position requirements for the recruitment of the Executive Secretary as amended (Annex 4, Appendix IV).

Contingency Fund

3.19 The Commission noted that no expenditure had been incurred from the Contingency Fund in 2008.

3.20 The Commission noted that the balance of the Contingency Fund in excess of A$110 000 following transfer of forfeited funds from new and exploratory fisheries applications, will be transferred to the General Fund at the end of the 2008 financial year (Annex 4, paragraph 31).

Performance Review

3.21 The Commission noted that the recommendation pertaining to updating the website included in the Review Panel Report (CCAMLR-XXVII/8, paragraph 6.1.2.4) was already listed on the Secretariat's task schedule for 2009.

3.22 The Commission agreed that the Review Panel Report should be placed on the CCAMLR website in conformity with the requirements of CCAMLR-XXVI, Annex 7, paragraph 10, as well as in the interests of openness and transparency. The Commission agreed that the Review Panel Report be accompanied by the following statement:

> 'At its Twenty-sixth Meeting (2007), CCAMLR decided to undertake a performance review of the organisation during 2008. CCAMLR's decision provided for the review to be carried out by a panel appointed by the Commission composed of nine persons as follows: four internationally recognised experts with CCAMLR experience; the Chair of the Antarctic Treaty Consultative Meeting's Committee for Environmental Protection; an expert nominated by CCAMLR non-governmental observers; and three external experts with experience in relevant areas of science, fisheries management and legal matters. Page 1 of the report provides the names of the Panel members.
>
> The purpose of the performance review was to evaluate the Commission's performance against comprehensive criteria provided by the Commission and more generally against the objectives and principles set out in Article II of the Convention. The review panel's terms of reference, report structure and approach are provided on pages 1 to 3 of the Panel's report.
>
> The Report of the CCAMLR Performance Review Panel is available here [link]. Responsibility for the content of the report rests exclusively with its authors.
>
> The views and recommendations contained in the report do not necessarily reflect the views of the organisation, the Commission or its Members.'

3.23 The hyperlink to the webpage containing the English version of the report is www.ccamlr.org/pu/E/revpanrep.htm. Hyperlinks to the French, Russian and Spanish versions will be provided on the English webpage when the translations become available.

Budget for 2009

3.24 The Commission noted that SCIC had requested funding of A$10 000 for an informal group to advance development of a Compliance Evaluation Procedure (DOCEP) (Annex 4, paragraph 39). It also noted that SCIC was considering the question of cost-recovery for processing krill fishery notifications.

3.25 The Commission endorsed the SCIC recommendation to amend Conservation Measure 10-05 to extend the use of the CDS Special Fund to include expenditure on programs aimed at enhancing cooperation with non-Contracting Parties (Annex 4, paragraph 39).

3.26 The Commission noted the various tasks outlined in the Scientific Committee's proposed budget (SC-CAMLR-XXVII, section 11). It endorsed SCAF's recommendation that A$44 000 for funding a VME Workshop and A$6 000 to produce a seabird poster should be included in the 2009 budget. It also noted that the costs of WG-IMAF would be separated from WG-FSA costs within the Scientific Committee budget (Annex 4, paragraph 41).

3.27 The Commission approved the Scientific Committee budget of A$393 400 for inclusion in the Commission's budget for 2009 (Annex 4, paragraph 42).

3.28 The Commission agreed that additional one-off funding of A$100 000 be included in the 2009 budget to improve Secretariat translation services (paragraphs 3.13 and 3.14).

3.29 The Commission adopted its budget for 2009, including expenditure of A$4 333 000, as presented in Annex 4, Appendix II.

3.30 The Commission noted that the overall increase to Members' contributions for 2009 is 1.25%, compared to an inflation increase of 4.5% (Annex 4, paragraph 43). This is well within the zero real growth budgetary target of the Commission.

Members' contributions

3.31 In accordance with Financial Regulation 5.6, the Commission granted Argentina, Belgium, Brazil, China, India, Japan, Republic of Korea, Namibia, Russia, South Africa, Spain, Ukraine, USA and Uruguay an extension of the due date for payment of their 2009 Member contributions.

3.32 The Commission noted that SCAF had discussed various options aimed at providing incentives for Members to pay their annual contributions by the due dates required in Financial Regulation 5.6 (Annex 4, paragraph 47). The Commission also noted that SCAF had requested Members to submit to its next meeting, proposals for distribution of the surplus (or part thereof) earned in any particular year back to Members who had paid their contribution by the due date (Annex 4, paragraph 47).

3.33 The Executive Secretary noted that more than half the Members had extended their due date for payment of their contributions to 31 May 2009. He requested that Members make every effort to pay their contributions as soon as possible given the current financial uncertainty and to facilitate stabilisation of the Commission's 2009 budget. Many Members indicated their support of this request.

3.34 Argentina informed the Commission that it had completed the payment of a small outstanding amount of its 2008 contribution which had remained unpaid due to currency exchange fluctuations. The Secretariat confirmed that such payment had been received, therefore Argentina's 2008 contribution had been paid in full.

Interpretation of Article XIX.6 of the Convention

3.35 The Commission noted SCAF's discussions held in response to the Commission's direction in 2007 to discuss interpretation of Article XIX.6 of the Convention (CCAMLR-XXVI, paragraph 3.32). Three options had been proposed by Members (Annex 4, paragraph 48). While some Members noted their preference for specific options, agreement could not be reached on any one option.

3.36 Argentina agreed with other delegations in that, insofar as there was no consensus with respect to the interpretation that should be given to Article XIX.6, it was convenient to preserve the flexible interpretation which its current wording allowed for. Argentina further stated that in SCAF some Members agreed that a lack of contribution payment was not as severe an issue as to merit grave concern of the Commission.

Forecast budget for 2010

3.37 The Commission noted the forecast budget for 2010 (Annex 4, Appendix II).

3.38 The Commission also noted that given the current international financial situation is very fluid, the figures are indicative only, and that care should be taken when they are used as a basis for financial budgeting by individual Members.

Special Funds

3.39 Belgium proposed the establishment of a SCAR-MarBIN Special Fund to allow Members to make voluntary financial contributions to SCAR-MarBIN. SCAR-MarBIN is currently managed by the Belgian Royal Institute for Natural Sciences, but its funding is only secured until the end of 2009. The database is extensively used by the Antarctic scientific community to access information on Antarctic species and their distribution.

Other

3.40 The Commission noted that it has some A$1.6 million invested in financial instruments which have some exposure to organisations which are experiencing difficulties in the current economic climate (Annex 4, paragraph 52). It also noted that to date no losses have been incurred and that international financial markets continue to remain volatile.

Vice-Chair of SCAF

3.41 The Commission noted South Africa's appointment as Vice-Chair of SCAF for the 2009 and 2010 meetings (Annex 4, paragraph 53).

3.42 The Commission expressed its deep appreciation to Mrs V. Ramachandran (India) for her work as Chair of SCAF.

SCIENTIFIC COMMITTEE

4.1 The Vice-Chair of the Scientific Committee, Dr K. Sullivan (New Zealand) presented the report of the Scientific Committee (SC-CAMLR-XXVII). The Commission thanked Dr Sullivan for his comprehensive report (CCAMLR-XXVII/BG/51).

4.2 The Commission noted the Scientific Committee's general recommendations, advice, research and data requirements. The Commission also discussed substantive matters arising from the Committee's deliberations under various parts of the Scientific Committee's agenda, including fisheries management and conservation under conditions of uncertainty (section 5); assessment and avoidance of incidental mortality (section 6); illegal, unreported and unregulated (IUU) fishing (section 10); Scheme of International Scientific Observation (section 11); new and exploratory fisheries (section 12); data access and security (section 14); cooperation with other international organisations (section 16); and CCAMLR-IPY activities (section 20).

Intersessional activities

4.3 The Commission noted the extensive activities of the Scientific Committee in 2008 (SC-CAMLR-XXVII, paragraphs 1.8 and 1.11). It joined the Scientific Committee in thanking the conveners of the working groups, subgroups and workshops for their contributions to the work of CCAMLR.

CCAMLR Scheme of International Scientific Observation

4.4 CCAMLR-designated scientific observers were deployed on all vessels fishing for finfish in the Convention Area in 2007/08. In addition, scientific observers were deployed on a number of krill fishing vessels under the CCAMLR Scheme of International Scientific Observation. The Scientific Committee's advice on scientific observation is considered in section 11.

Advances in statistics, assessments and modelling

4.5 The Commission noted progress by the Scientific Committee and the Working Group on Statistics, Assessments and Modelling (WG-SAM) on developing various methodologies for use in the Committee's assessment work (SC-CAMLR-XXVII, paragraphs 2.1 to 2.4). Future developments being pursued include:

(i) further development and implementation of methodologies to assess data quality (SC-CAMLR-XXVII, Annex 7, paragraph 9.9(i));

(ii) further development of models aimed at understanding ecosystem dynamics as well as the consequences of management approaches for Antarctic marine living resources (SC-CAMLR-XXVII, Annex 7, paragraph 9.9(ii));

(iii) revised (version) control systems to facilitate multiple revisions of programming code, documents and data files in the CCAMLR database as part of the Scientific Committee's work (SC-CAMLR-XXVII, Annex 7, paragraph 9.9(iii));

(iv) development by the Scientific Committee of common terminology, consistent with that of other international fora, for the evaluation of management procedures for use in the Committee's work (SC-CAMLR-XXVII, Annex 7, paragraph 9.9(iv)).

Advances in acoustic survey and analysis methods

4.6 The Commission noted that the fourth meeting of the Subgroup on Acoustic Survey and Analysis Methods (SG-ASAM) is to be held in Ancona, Italy, in May 2009. It endorsed the proposed terms of reference and work plan agreed by the Scientific Committee (SC-CAMLR-XXVII, paragraphs 2.5 to 2.9).

Joint CCAMLR-IWC Workshop

4.7 The Commission congratulated the Scientific Committee on the outcomes of the Joint CCAMLR-IWC Workshop. The workshop had considered the types of information needed for models on the Antarctic marine ecosystem that could be developed for providing management advice. The Commission noted the program for completion of the workshop's tasks and publication of expert review papers, once the format of such a publication has been decided (SC-CAMLR-XXVII, paragraphs 2.10 to 2.20).

Ecosystem monitoring and management

4.8 The Commission noted the progress made by the Scientific Committee and WG-EMM in relation to ecosystem monitoring and management (SC-CAMLR-XXVII, paragraphs 3.1 to 3.49 and Annex 4). This included:

(i) Stage 1 allocation of the precautionary krill catch limit among SSMUs in Subareas 48.1 to 4.83 (SC-CAMLR-XXVII, paragraphs 3.3 to 3.21);

(ii) validation and access to models advising on SSMU allocations (SC-CAMLR-XXVII, paragraphs 3.22 to 3.26);

(iii) allocation subsequent to Stage 1 (SC-CAMLR-XXVII, paragraph 3.27);

(iv) SSMUs in Subarea 48.4 (SC-CAMLR-XXVII, paragraphs 3.28 and 3.29).

4.9 Detailed advice had been received from WG-EMM by the Scientific Committee on analysis of risk attached to Stage 1 allocation of krill precautionary catch limits (SC-CAMLR-XXVII, paragraphs 3.3 to 3.9). Considerable progress has been made in assessing the relative risks of the different allocation options.

4.10 However, the Commission noted that the Scientific Committee had been unable to reach consensus over this advice (SC-CAMLR-XXVII, paragraphs 3.20 and 3.21) and further work is necessary before calculation of the SSMU allocations can be made (SC-CAMLR-XXVII, paragraphs 3.3 and 3.4). In this regard, the Scientific Committee continues to address the staged approach for subdividing the precautionary catch limit for krill in Area 48 (SC-CAMLR-XXVII, paragraph 3.2).

4.11 The Commission also noted that subdividing the precautionary catch limit for krill in Area 48 among SSMUs would affect the behaviour of the krill fishery under the various scenarios being examined by the Scientific Committee (SC-CAMLR-XXVII, paragraphs 3.6(i), 3.8 and 3.30). Such consequences would potentially become more pronounced as catches increased, thereby limiting the possibility that the fishery will take the total krill precautionary catch limit (Conservation Measures 51-01, 51-02 and 51-03) from the current fishing grounds.

4.12 Following similar remarks in the Scientific Committee, some Members again indicated that, in their view, it is not yet necessary to spatially apportion the precautionary krill catch limit. Therefore, the current catch trigger level of 620 000 tonnes in Conservation Measure 51-01 remains the only way to manage the developing krill fishery in terms of serving as a trigger for apportioning the krill precautionary catch limit (SC-CAMLR-XXVII, paragraph 3.31). However, most Members considered the current trigger level of 620 000 tonnes may not be as precautionary as previously assumed (SC-CAMLR-XXVII, paragraphs 3.32 and 3.33 and Annex 4, paragraph 2.90).

4.13 The Commission also noted various issues raised by the Scientific Committee that the latter considered to be beyond its competency (SC-CAMLR-XXVII, paragraphs 3.30 to 3.34).

4.14 Other items from the Scientific Committee noted by the Commission included:

(i) the report of WG-EMM-STAPP (Status and Trend Assessment of Predator Populations) (SC-CAMLR-XXVII, paragraphs 3.38 to 3.41);

(ii) advice on estimating krill B_0 (SC-CAMLR-XXVII, paragraphs 3.42 and 3.43);

(iii) the revised agenda and long-term work plan for WG-EMM (SC-CAMLR-XXVII, paragraphs 3.45 and 3.49).

4.15 The Commission endorsed the Scientific Committee's proposal to partition Subarea 48.4 into a single coastal and one pelagic SSMU (SC-CAMLR-XXVII, paragraphs 3.28 and 3.29).

4.16 The European Community thanked the Scientific Committee for its report. It expressed concern at the apparent lack of consistency between consensus advice provided by WG-EMM and subsequent discussion in the Scientific Committee, especially where the same delegations participated in both meetings. Noting the progress made by WG-EMM (as mandated by the Commission) on the complex issue of SSMU allocation, the European Community further noted that waiting for 100% certainty on such matters would result in inactivity that amounts to a lack of management action. Furthermore, it suggested that the Commission has a responsibility to act even when consensus advice is not available in order to maintain the CCAMLR tradition of taking pre-emptive management decisions. As one EC

Member State is a krill fishing nation, the European Community wished to ensure that there is clarity on the development of the fishery; a situation that includes a desire to see continued development of the best scientific advice available and the need for the Commission to take appropriate decisions in terms of the Convention's objectives.

4.17 Australia also thanked the Scientific Committee and expressed its disappointment at the lack of clear advice on SSMU allocations. Furthermore, Australia urged the Scientific Committee, through WG-EMM, to continue developing the science for Stage 1 allocation of the precautionary krill catch limit among SSMUs in Subareas 48.1 to 4.83. In Australia's view, such development should go beyond this initial step in order to progress development of a feedback management system for krill which takes into account potential responses to ecosystem changes, arising particularly from changes in sea-ice distribution and ocean acidification (paragraph 15.20). Australia reiterated that even if the Commission had not received specific advice from the Scientific Committee, this should not prevent the Commission acting in a precautionary manner.

4.18 The UK endorsed the European Community's and Australia's comments on the importance and extent of the work undertaken by both WG-EMM and the Scientific Committee. It expressed its concern that most Members recognised that the current krill catch trigger level (paragraph 4.12) might not be as precautionary as previously thought. The UK urged all Members to engage in WG-EMM's work and to develop submissions on the appropriateness of the current krill catch trigger level to WG-EMM's 2009 meeting.

4.19 The USA expressed concern about the Scientific Committee's deliberations this year, noting in particular the lack of consensus at the Committee on many issues where consensus had been reached in the working groups. One reason for this was that many Members did not send appropriate experts to working group meetings. This makes it difficult to complete the work of the Commission. In addition, at the Scientific Committee meeting, some Members who were not represented at the working group level did not accept the results from the working groups. Some Scientific Committee delegations took positions different from those taken by their delegation in the working groups. Thus, scientific advice based on the best available science was rejected, apparently in favour of positions based on instructions from capitals. This means that politics has been inserted into the Scientific Committee's work. This has had a tremendously negative impact on the Commission's efforts. In the USA's view, this development is not in the best interests of CCAMLR. The USA called on Members to send experts to the working groups which will ensure that sufficient scientific input is available to support the Commission's decision-making.

4.20 South Africa stated that it had also provided scientific input into the modelling work associated with the allocation of krill precautionary catch limits to SSMUs. It was therefore concerned that some of the Scientific Committee discussion on this issue was not scientifically based, but appeared to be influenced by political instructions. The consequent inability to provide unbiased scientific advice would erode the Commission's ability to take proactive, rather than reactive, decisions based on the best scientific evidence available, an essential consideration if CCAMLR is to be successful.

4.21 Chile echoed the above views and expressed its great concern that agreement on scientific advice for the krill fishery, taking account of the number of notified intentions to fish for krill and Chile's re-entry into the krill fishery, should be pursued or else the Commission's work will essentially be undermined should the Scientific Committee's advice

not be based solely on science. Furthermore, Chile expressed that the precautionary approach should prevail and under such circumstances political solutions may only then be provided in the absence of scientific advice.

4.22 Japan thanked the previous speakers for their comments. It recognised the concerns expressed and assured the Commission that Japan will continue discussion aimed at fully engaging in the Scientific Committee's scientific activities in the future. Japan also recognised that the ecosystem models being used to provide advice on SSMU krill catch allocation still contain inherent uncertainties and Japan would endeavour to provide scientific input on this subject in future. In response to the question of why Japan had changed its position on its WG-EMM agreement for 100% observer coverage in the krill fishery to its position in the Scientific Committee, Japan noted that it employs national scientific observers in the krill fishery to ensure the quality of scientific observer data, and limitations on the government's finances placed restrictions on the numbers of such observers available. Consequently, Japan could not agree to mandatory 100% observer coverage in the krill fishery. Indeed, Japan was unclear why its proposal for 50% observer coverage presented at WG-EMM had not been accepted by the members of that working group and it welcomed further discussion on this issue (paragraph 11.8).

4.23 The Republic of Korea indicated that it supported a more cautious approach to SSMU krill catch allocation which requires further model development. It noted various Commission comments encouraging Members to facilitate scientific involvement in the various Scientific Committee working groups and that it would convey this information to the Korean Government.

4.24 Ukraine expressed its sincere appreciation to the Scientific Committee for its work. It noted that in its paper (CCAMLR-XXVII/43) it had suggested that there was a need for further research in Area 48 and that the Commission should develop a mechanism to create funds for that research to be undertaken.

4.25 Norway indicated that it recognised that the Scientific Committee had experienced difficulties, but these might relate to the way in which questions were posed by the Commission. Therefore, Norway felt it might be helpful to examine some of the facts associated with the development of the krill fishery so far. In this regard, Norway noted the trigger level limit of 620 000 tonnes and that there had not been a significant increase in recent krill catch levels. It recognised that the SSMU allocation was a complex and novel approach which may take some time to reach fruition. However, Norway was fully supportive of the process, emphasising that there was no requirement for undue haste.

4.26 China also thanked the Scientific Committee for its work. While it had only been able to participate in the SSMU allocation work to a limited extent, China recognised that there were uncertainties remaining in the Stage 1 advice on SSMU allocation (paragraphs 4.9 and 4.10) and indicated that it would endeavour to participate in WG-EMM's work in future.

4.27 The Commission agreed that all Members should contribute to scientific research and deliberations to the greatest extent possible to promote cooperation in support of CCAMLR's work. It noted that all Members should share the burden of work necessary to ensure that the best science is available to CCAMLR.

Interactions between WG-EMM and WG-FSA

4.28 The Commission noted the terms of reference for the 2009 Workshop on Fisheries and Ecosystem Models in the Antarctic (FEMA2) (SC-CAMLR-XXVII, paragraph 3.60). It looked forward to receiving further advice from the Scientific Committee arising from this workshop.

Harvested species

Krill resources

4.29 The Commission noted that eight vessels from six Member countries targeted krill in 2007/08 in accordance with conservation measures in force. A total catch of 125 063 tonnes of krill was reported to the Secretariat by the beginning of October 2008 (SC-CAMLR-XXVII, Table 1). The total catch of krill reported in 2006/07 (to the end of November) was 104 586 tonnes (SC-CAMLR-XXVII, Table 2).

4.30 The Commission noted that the total catch of krill notified for 2008/09 was 629 000 tonnes, and this was expected to be caught by 18 vessels from eight Member countries and one Acceding State (SC-CAMLR-XXVII, Table 3). This was the second year running that the notified catch was in excess of the trigger level in Area 48 (620 000 tonnes).

4.31 The Commission endorsed the Scientific Committee's advice on the krill fisheries in 2007/08 (SC-CAMLR-XXVII, paragraphs 4.25 to 4.29). The Commission agreed:

(i) that fishing vessels should directly measure the green weight of krill caught in order to accurately determine and report the amount of krill caught;

(ii) to revise the pro forma for notification for krill fisheries (Conservation Measure 21-03) to include specific details of gear configuration including mesh size, aperture of the net and design of marine mammal exclusion devices;

(iii) to revise the deadline for the submission of notifications for exploratory fisheries for krill (Conservation Measure 21-03) so that these notifications may be considered at the annual meetings of WG-EMM.

4.32 The Commission noted the Scientific Committee's deliberation on the data collection plan for exploratory fisheries. This matter was discussed in paragraphs 12.25 to 12.36.

4.33 The Commission recalled that it had agreed that krill catches in Subareas 48.1, 48.2, 48.3 and 48.4 should not exceed the trigger level until a procedure for division of the overall catch limit into SSMUs had been established (CCAMLR-XIX, paragraph 10.11) (see also paragraph 4.12).

Toothfish

4.34 The Commission noted that Members had targeted *Dissostichus eleginoides* in 2007/08 in Subareas 48.3 and 48.4 and Division 58.5.2. *Dissostichus* spp. (*D. eleginoides* and/or *D. mawsoni*) in Subareas 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b had also been targeted. All fisheries had been carried out in accordance with conservation measures in force. Other fisheries for *D. eleginoides* occurred in the EEZs of South Africa (Subareas 58.6 and 58.7, and outside the Convention Area in Area 51) and France (Subarea 58.6 and Division 58.5.1). A total catch of 12 573 tonnes of *Dissostichus* spp. was reported in the Convention Area in 2007/08 (to 10 October 2008), compared with 16 329 tonnes in the previous season (SC-CAMLR-XXVII, Tables 1 and 2 respectively).

4.35 Reported CDS data indicated that 10 291 tonnes of *Dissostichus* spp. were taken outside the Convention Area in 2007/08 (to October 2008) compared with 12 682 tonnes in 2006/07 (SC-CAMLR-XXVII, Annex 5, Table 4). These catches were taken mostly in Areas 41 and 87.

4.36 Estimates of catches from IUU fishing for *Dissostichus* spp. inside the Convention Area were discussed in section 10.

4.37 The Commission noted that the Scientific Committee had reviewed the requirements of exploratory fisheries for *Dissostichus* spp., and this was considered in section 12.

4.38 The Commission considered matters related to by-catch in fisheries for *Dissostichus* spp. in paragraphs 4.52 to 4.57.

4.39 Under the current arrangement for multi-year management (SC-CAMLR-XXVII, paragraph 4.49, see also CCAMLR-XXVI, paragraphs 4.56 and 4.57), the Commission noted that no new assessments were required this year for the fisheries for *D. eleginoides* in Subarea 48.3, Division 58.5.2, and for *Dissostichus* spp. in the Ross Sea (Subarea 88.1 and SSRUs 882A–B).

4.40 The Commission confirmed that the limits agreed in 2007/08 for *D. eleginoides* fisheries in Subarea 48.3 and Division 58.5.2 (CCAMLR-XXVI, paragraph 4.59; SC-CAMLR-XXVII, paragraphs 4.53, 4.54 and 4.65) would also apply in 2008/09. The Commission also endorsed the management advice for the *Dissostichus* spp. fisheries assessed by the Scientific Committee (see section 12).

4.41 The Commission noted that the introduction of biennial assessments had been extremely successful in releasing time during the intersessional period and at meetings of WG-SAM and WG-FSA (SC-CAMLR-XXVII, paragraph 16.5).

4.42 The Commission noted the Scientific Committee's advice on the fisheries for *D. eleginoides* in the French EEZs in Division 58.5.1 (Kerguelen Islands) and Subarea 58.6 (Crozet Islands). The Commission encouraged France to continue developing assessments for the stocks concerned, to continue its tagging program in these fisheries, and to avoid fishing in zones of specific high rates of by-catch (SC-CAMLR-XXVII, paragraphs 4.58 to 4.61 and 4.69 to 4.72). The Commission noted that France had made significant progress in mitigating seabird by-catch (see paragraphs 6.7 to 6.11).

4.43 The Commission noted that the Scientific Committee was unable to provide management advice for the fishery for *D. eleginoides* in the South African EEZ in Subareas 58.6 and 58.7 (Prince Edward Islands). The Commission urged South Africa to adopt the CCAMLR decision rules for estimating yields for this fishery (SC-CAMLR-XXVII, paragraph 4.76).

4.44 The Commission agreed that prohibition of directed fishing should remain in force for *D. eleginoides* in Subareas 58.6 and 58.7, and Divisions 58.4.4 and 58.5.1 in areas outside national jurisdiction (SC-CAMLR-XXVII, paragraphs 4.60 and 4.71).

Icefish

4.45 The Commission noted that Members had targeted *Champsocephalus gunnari* in Subarea 48.3 and Division 58.5.2 in 2007/08 in accordance with conservation measures in force. A total of 2 565 tonnes of *C. gunnari* was taken in the Convention Area (to 23 October 2008), compared with 4 347 tonnes in 2006/07 (SC-CAMLR-XXVII, Tables 1 and 2 respectively).

4.46 The Commission endorsed the management advice for the two fisheries for *C. gunnari* which had been assessed by the Scientific Committee and agreed that:

(i) the catch limit for *C. gunnari* in Subarea 48.3 should be revised to 3 834 tonnes in 2008/09 (SC-CAMLR-XXVII, paragraph 4.82);

(ii) the catch limit for *C. gunnari* in Division 58.5.2 should be set at 102 tonnes in 2008/09, and the remaining provisions of Conservation Measure 42-02 should be carried forward (SC-CAMLR-XXVII, paragraphs 4.87 and 4.88).

Other finfish species

4.47 The Commission noted the results of the three-year mark–recapture experiment conducted in the Northern Area of Subarea 48.4 (Conservation Measure 41-03). It also noted the Scientific Committee's consideration of a proposal to continue the mark–recapture experiment in 2008/09 so as to allow for a full assessment of *D. eleginoides* in that area in 2009. In addition, the Scientific Committee had considered a new mark–recapture experiment in the Southern Area of Subarea 48.4 to assess the population structure, size, movement and growth of both *D. eleginoides* and *D. mawsoni* in that area (SC-CAMLR-XXVII, paragraphs 4.93 to 4.96).

4.48 The Commission endorsed the Scientific Committee's advice for extending the *D. eleginoides* fishery in the Northern Area of Subarea 48.4, and the implementation of a fishery for *D. eleginoides* and *D. mawsoni* in the Southern Area, as follows (SC-CAMLR-XXVII, paragraphs 4.97 and 4.98):

Northern Area –

(i) a catch limit of 75 tonnes for *D. eleginoides*;

(ii) the continued prohibition of the taking of *D. mawsoni* other than for scientific research purposes;

(iii) the introduction of catch limits for by-catch species, with a limit for *Macrourus* spp. of 12 tonnes (16% of the catch limit for *D. eleginoides*) and a limit for rajids of 4 tonnes (5% of the catch limit for *D. eleginoides*).

Southern Area –

(i) a catch limit of 75 tonnes for *Dissostichus* spp. (*D. eleginoides* and *D. mawsoni* combined) in the Southern Area;

(ii) the introduction of a move-on rule for by-catch species, with a *Macrourus* spp. trigger set at 16% of the catch of *Dissostichus* spp., and a trigger for rajids set at 5% of the catch of *Dissostichus* spp.

Crab resources

4.49 The Commission noted that there had been no fishery for crab in Subarea 48.3 in 2007/08, and that one Member had notified its intention to harvest crab in 2008/09. The Commission endorsed the Scientific Committee's management advice that the existing elements of Conservation Measures 52-01 and 52-02 on crabs be carried forward (SC-CAMLR-XXVII, paragraph 4.194). The Commission agreed to combine Conservation Measures 52-01 and 52-02 into a single measure (paragraph 13.60).

4.50 The Commission also considered two new fisheries for crab in Subareas 48.2 and 48.4. These new fisheries were considered in section 12.

Squid resources

4.51 The Commission noted that there had been no fishery for *Martialia hyadesi* in Subarea 48.3 in 2007/08 and that no notification to harvest this species had been received for 2008/09. The Commission endorsed the Scientific Committee's management advice that the existing elements of Conservation Measure 61-01 should be carried forward (SC-CAMLR-XXVII, paragraph 4.196).

By-catch species

4.52 The Commission noted that none of the limits on by-catch set in the conservation measures applying to the statistical areas managed by CCAMLR were exceeded during the 2007/08 season.

Macrourus move-on rules and by-catch limits in new and exploratory fisheries

4.53 The Commission noted that the Scientific Committee had reviewed the performance of the modified by catch move-on rule for *Macrourus* spp. in new and exploratory fisheries (Conservation Measure 33-03). As *Macrourus* spp. by-catch had not increased in 2007/08, the Scientific Committee recommended that the modified move-on rule be retained (SC-CAMLR-XXVII, paragraph 4.198). The Commission endorsed this advice.

4.54 The Commission endorsed the Scientific Committee's revision of the precautionary by-catch limits for *Macrourus* spp. in the Ross Sea, as a result of a trawl survey conducted by New Zealand as part of its IPY activities (SC-CAMLR-XXVII, paragraphs 4.199 and 4.200).

Year-of-the-Skate

4.55 The Commission endorsed the Scientific Committee's recommendations for the Year-of-the-Skate in 2008/09 (SC-CAMLR-XXVII, paragraphs 4.201 to 4.205). The Commission noted that these recommendations focused on exploratory fisheries. However, it encouraged Members engaged in all fisheries for toothfish to participate in the Year-of-the-Skate. The Commission agreed that during the Year-of-the-Skate:

(i) all skates should be brought on board or alongside the hauler to be correctly identified, scanned for tags and for their condition to be assessed;

(ii) all skates that are likely to survive if released (condition 3 or 4) should be released by cutting the snood as close to the hook as possible or cutting the snood and removing the hook from the skate, providing this does not further injure the skate;

(iii) all skates which are dead or with life-threatening injuries (condition 1 or 2 in the logbook) should be retained by the vessels;

(iv) skates released alive should be doubled-tagged (i.e. two tags per skate) at a rate of one skate in every five skates caught in exploratory fisheries, up to a maximum of 500 skates per vessel;

(v) tagged skates should be identified to species, measured before they are released and that, where possible, tagging experiments be undertaken to compare different tag types and estimate tag-shedding rates;

(vi) the tagging program will be coordinated by the Secretariat, which will be the repository for skate tagging kits;

(vii) when skates are caught on a line, they should be randomly sampled by observers at a rate of three skates per thousand hooks for the purpose of collecting biological measurements;

(viii) skates should not be sacrificed for biological sampling, and female maturity stage should only be recorded if the skate is dead or has sustained life-threatening injuries (conditions 1 and 2);

(ix) all live skates which are part of the biological sampling, which have not sustained life-threatening injuries, should be handled with care and released after biological information has been recorded, if they are still suitable for release (i.e. still in condition 3 or 4).

Benthic invertebrate identification guides

4.56 The Commission welcomed the production of new tools for identifying benthic invertebrate by-catch, including a field guide for the invertebrates in Division 58.5.2 developed by Australia and an identification poster for benthic taxa in the Ross Sea developed by New Zealand. The Commission noted that these tools could be used to improve data collection on potential VME encounters.

4.57 The Commission considered matters related to bottom fishing activities and VMEs in section 5.

By-catch of larval and juvenile fish

4.58 The Commission noted that that there was still uncertainty over the level of by-catch of juvenile and larval fish in the krill catch for all seasons and areas in which the krill fishery was operating as well as for different fishing gear.

4.59 The Commission noted that a guide to larval and juvenile fish published in Russian had been submitted to CCAMLR. This guide will be translated so that it can be used by scientific observers (SC-CAMLR-XXVII, paragraph 11.4(iv)).

4.60 The Commission agreed that collection of information on fish by-catch should remain a priority task for scientific observers on krill vessels.

Climate change

4.61 The Commission endorsed the three key areas of work proposed by the Scientific Committee (SC-CAMLR-XXVII, paragraphs 7.10 to 7.16) in relation to management responses arising from climate change. Taking account of the issues outlined in SC-CAMLR-XXVII, paragraph 7.13, the Commission agreed that examining the following would contribute to meeting the objectives of the Convention:

(i) the robustness of the Scientific Committee's advice provided and the stock assessments prepared by its working groups in the face of increasing uncertainty accompanying climate change, particularly in relation to predictions of future population responses and recruitment levels;

(ii) the need for, and implement as appropriate, improvements to current monitoring programs of harvested species and dependent and related species so as to provide robust and timely indicators of climate change impacts;

(iii) whether CCAMLR's management objectives and performance indicators require modification to remain appropriate in the face of climate change uncertainty.

4.62 The Commission agreed that climate change is a very important issue and that it looked forward to continuing to receive reports from the Scientific Committee and its working groups in terms of accessing further information on progress and on the presentation of relevant advice.

4.63 Australia referred the Commission to SC-CAMLR-XXVII, paragraph 7.16, and encouraged CCAMLR Members to facilitate the attendance of scientists at a workshop to be held in Hobart, Australia (20 to 24 April 2009 at CCAMLR Headquarters), which will address important issues associated with measuring, assessing and providing early-warning detection of climate change impacts on Southern Ocean ecosystems and biodiversity (www.aad.gov.au/default.asp?casid=35088).

Scientific research exemption

4.64 New Zealand proposed to conduct a winter research survey in Subarea 88.1 to investigate the early life history and reproduction of *D. mawsoni* in the Ross Sea (SC-CAMLR-XXVII, Annex 5, paragraphs 5.108 to 5.110; see also CCAMLR-XXVII/BG/15). New Zealand indicated that after consultations with another Member it had deferred its research proposal until the next Commission meeting.

4.65 Japan proposed to conduct a research survey in Divisions 58.4.4a and 58.4.4b to collect data to assess the stock in these closed divisions. The Commission endorsed the Scientific Committee recommendation that the following actions should be taken before additional research is conducted in Divisions 58.4.4a and 58.4.4b, arising from the Japanese proposal to continue research on the distribution and population structure of toothfish (started in 2007/08) (SC-CAMLR-XXVII, Annex 5, paragraphs 5.116 and 5.117; see also CCAMLR-XXVII/BG/15) that:

(i) the results of the recent longline survey be reported to WG-FSA at its next meeting;

(ii) the design of a future survey be discussed and agreed at WG-SAM;

(iii) in the next year, comparable fishing trials should be carried out in areas other than Division 58.4.4, to attempt the calibration of the trotline gear with the other longline gear.

CCAMLR-sponsored research

4.66 The Commission endorsed the general principles, requirements and planning process to be met for CCAMLR-sponsored research (SC-CAMLR-XXVII, paragraphs 8.9 and 8.10). It noted that the following Members would be conducting scientific research surveys in 2009 in accordance with Conservation Measure 24-01:

- Australia: demersal fish survey in Division 58.5.2 in May–June 2009
- UK: demersal fish survey in Subarea 48.3 in January–February 2009
- USA: demersal fish survey in Subarea 48.2.

Secretariat supported activities

4.67 The Commission noted the Secretariat's activities outlined in SC-CAMLR-XXVII (paragraphs 13.1 to 13.11) and endorsed the Secretariat approach to CCAMLR metadata as part of the Global Change Master Directory (GCMD) (paragraph 14.5).

4.68 The Commission noted the various documents that had been published in 2008 in support of its and the Scientific Committee's work (SC-CAMLR-XXVII, paragraph 13.12).

4.69 The Commission endorsed the various Scientific Committee decisions in relation to *CCAMLR Science* (SC-CAMLR-XXVII, paragraphs 13.18 to 13.23).

4.70 The Commission noted the Scientific Committee's continued consideration concerning the status of Members' Activities Reports (SC-CAMLR-XXVII, paragraph 16.11), and that in 2005 the Committee had advised that such reports were no longer required for its work or that of its working groups (SC-CAMLR-XXIV, paragraphs 15.1 to 15.5). It also noted that SCIC had been requested to recommend to the Commission that Members' Activities Reports are no longer required in that Committee's work (Annex 5, paragraph 9.1). The Commission therefore agreed that Members' Activities Reports will no longer need to be submitted.

Scientific Committee activities

4.71 The Commission noted that the Chair of the Scientific Committee had been tasked with developing a process to consider prioritisation of future Scientific Committee work and that of its working groups (SC-CAMLR-XXVI, paragraph 14.1).

4.72 It endorsed the Scientific Committee's grateful acceptance of the Norwegian invitation to host the 2009 meetings of WG-EMM, ad hoc Technical Group for At-Sea Operations (TASO), WG-SAM, and the FEMA2 Workshop in Bergen, Norway, in July 2009.

4.73 The Commission accepted the work plans for the Scientific Committee and its subsidiary working bodies in 2009 (SC-CAMLR-XXVI, paragraphs 14.3 and 14.4). This work included:

- Joint SC-CAMLR–CEP Workshop, Baltimore, USA, 3 and 4 April 2009;
- SG-ASAM in Ancona, Italy, 25 to 29 May 2009 (Co-conveners Drs J. Watkins (UK) and R. O'Driscoll (New Zealand));

- WG-SAM in Bergen, Norway, 29 June to 3 July 2009 (Convener Dr A. Constable (Australia));

- ad hoc TASO, Bergen, Norway, 4 and 5 July 2009 (Co-conveners Dr D. Welsford (Australia) and Mr C. Heinecken (South Africa));

- WG-EMM, Bergen, Norway, 6 to 17 July 2009 (Convener Dr G. Watters (USA)). The FEMA2 Workshop will be held as a Focus Topic during the first week of WG-EMM and will be co-convened by the Conveners of WG-EMM and WG-FSA;

- Workshop on VMEs, Washington DC, USA (Co-conveners Drs K. Martin-Smith (Australia) and C. Jones (USA), venue and timing of meeting to be announced by December 2008);

- WG-FSA at CCAMLR Headquarters, Hobart, Australia, 12 to 23 October 2009 (Convener Dr Jones);

- WG-IMAF at CCAMLR Headquarters, Hobart, Australia, 12 to 16 October 2009 (Co-conveners Ms K. Rivera (USA) and Mr N. Walker (New Zealand)).

4.74 The Commission noted the Scientific Committee's decision that all observers invited to SC-CAMLR-XXVII would be invited to participate in SC-CAMLR-XXVIII (SC-CAMLR-XXVII, paragraph 14.8).

4.75 The Commission noted that the Scientific Committee had unanimously elected Prof. C. Moreno (Chile) and Dr V. Bizikov (Russia) to the positions of Chair and Vice-Chair of the Scientific Committee respectively, both for a term of two regular meetings (2009 and 2010) (SC-CAMLR-XXVII, paragraphs 15.1 to 15.3). A very warm welcome was extended to both Prof. Moreno and Dr Bizikov.

4.76 The Commission note the Scientific Committee's concern that its workload and that of its working groups, has increased in recent years, while the number of participants and Members represented had decreased over the same period (SC-CAMLR-XXVII, paragraphs 16.5 to 16.8).

4.77 The Commission agreed that such a situation may delay timely advice on matters of importance to the Commission, particularly advice needed for achieving the objectives in Article II. It urged Members to consider ways of capacity building, including augmenting participation in the work the Scientific Committee and its working groups.

FISHERIES MANAGEMENT AND CONSERVATION UNDER CONDITIONS OF UNCERTAINTY

Catches of *Dissostichus* spp.

5.1 The Commission noted the Scientific Committee's discussion on information pertaining to fishing on *Dissostichus* spp. inside and outside the Convention Area

(SC-CAMLR-XXVII, paragraphs 4.30 to 4.32 and Annex 5, Table 4). Catches of *D. eleginoides* outside the Convention Area originated mostly from Areas 41 and 87 (paragraph 4.35).

5.2 The Commission also noted the Scientific Committee's discussion on information pertaining to IUU fishing in the Convention Area (SC-CAMLR-XXVII, paragraphs 7.1 to 7.5). This matter was discussed in section 10.

Fishery Management Plans

5.3 The Commission noted that the ad hoc group on the development of Fishery Management Plans had advised the Scientific Committee that the group had not developed the fisheries management checklist any further during the 2008/09 intersessional period because of the realisation that the Performance Review Panel would be considering similar, and in many cases identical, issues (SC-CAMLR-XXVII, paragraph 7.18). The group therefore decided to await consideration of the Review Panel Report along with any associated prioritisation of its recommendations by the Commission before continuing its work. The Commission endorsed this approach.

Bottom fishing in CCAMLR high-seas areas

5.4 The Commission noted the extensive work of the Scientific Committee and its working groups on developing approaches to avoid and mitigate significant adverse impacts on VMEs (SC-CAMLR-XXVII, paragraphs 4.207 to 4.284).

5.5 With respect to the development of guidelines on identifying VMEs and on actions to be taken by fishing vessels encountering VMEs (SC-CAMLR-XXVII, paragraph 4.274), the Commission:

(i) noted:

(a) that a suitable test of the guidelines would be whether significant adverse impacts on VMEs would be avoided while the scientific advice and management approaches were developed and refined;

(b) that although fishing gears are likely to be poor sampling devices of VME taxa, the presence of VME taxa or indicators of VMEs in catches from any of these methods would be evidence that VMEs could be present. Conversely, the absence of VME taxa or indicators of VMEs in the catches did not necessarily represent an absence of VMEs. The degree to which this could be concluded would be dependent on the selectivity and sampling efficiencies of the gears;

(c) the lack of empirical evidence of the vulnerability of benthic taxa to the different bottom fishing gears used in exploratory fisheries;

(ii) endorsed:

(a) an expert Workshop on VMEs with respect to CCAMLR Conservation Measures 22-06 and 22-07 (paragraph 4.72) to provide guidance on the questions necessary to reduce uncertainty on the potential for bottom fisheries for causing significant adverse impacts on VMEs.

5.6 The Commission thanked the USA for its offer to host a Workshop on VMEs, to be held in 2009 (SC-CAMLR-XXVII, paragraph 14.4).

5.7 The Commission agreed that the general distribution of VMEs in the Southern Ocean will need to be inferred using habitat models (SC-CAMLR-XXVII, paragraphs 4.213 to 4.220). These models can then be used to develop risk-assessment maps for predicting the level of risk attached to impacting VMEs in different fishing locations. In the first instance, the risk-assessment maps will therefore need to rely on expert opinion concerning the vulnerability and possible impacts of fishing gears on different habitat types and VMEs.

5.8 With respect to advice on Members' submissions of preliminary VME assessments and proposed mitigation measures (SC-CAMLR-XXVII, paragraph 4.276), the Commission noted:

(i) that of the 11 Members who submitted notifications for exploratory longline fisheries in 2008/09, only five Members had submitted preliminary assessments of the known and anticipated impacts of its bottom fishing activities on VMEs (Conservation Measure 22-06, paragraph 7(i));

(ii) that insufficient data were available in the CCAMLR database to assess and review the potential impacts on VMEs or possible mitigation requirements for exploratory fishery notifications that were not accompanied by preliminary assessments;

(iii) the large variation in substance of the preliminary assessments and that a common approach is needed for providing these assessments, similar to the requirements for notifying exploratory fisheries.

5.9 The Commission endorsed the pro forma (SC-CAMLR-XXVII, Annex 5, Table 20) for Members submitting preliminary assessments of the potential for their proposed bottom fishing activities to have significant adverse impacts on VMEs.

5.10 The Commission confirmed that all Members notifying bottom fisheries covered by Conservation Measure 22-06 must submit preliminary assessments of the potential for their proposed bottom fishing activities to exert significant adverse impacts on VMEs.

5.11 The Commission reiterated that uncertainty on the impact of bottom fishing on VMEs did not, in any way, alleviate its responsibility to protect VMEs. However, the Commission recognised that its work on VMEs will require some time to complete, and interim measures (such as Conservation Measure 22-07; see paragraphs 13.23 to 13.26) are required during this transition period.

5.12 With respect to the Scientific Committee's advice on procedures and standards for assessing potential effects of proposals and possible mitigation measures for VMEs (SC-CAMLR-XXVII, paragraph 4.277), the Commission:

(i) noted:

(a) discussion and analyses of the magnitude of the existing footprint of bottom fisheries covered by Conservation Measure 22-06 and the possible impacts that such a footprint may have had on VMEs;

(b) discussions on assessing risks of past and future bottom fishing activities contributing to significant adverse impacts on VMEs;

(c) discussions on the development of mitigation measures not related to advice on practices when evidence of VMEs is encountered;

(ii) endorsed:

(a) the development of a risk-assessment framework and risk-assessment maps for indicating the risks of significant adverse impacts from bottom fisheries in the CAMLR Convention Area covered by Conservation Measure 22-06, where the spatial resolution of such maps would be at a scale commensurate with the expected extent of VMEs rather than at the level of management areas.

5.13 The Commission noted that the spatial scale under consideration in risk assessments was smaller than the fine-scale rectangles used by the Scientific Committee to depict fishing footprints. Further, Australia noted that very small amounts of localised fishing had elsewhere resulted in extensive damage to VMEs, as demonstrated in some fishing operations targeting seamounts in areas outside the CAMLR Convention Area.

5.14 The Commission agreed that a prohibition on bottom fishing in depths shallower than 550 m, as is currently applied in Divisions 58.4.1 and 58.4.2, should be generally applied to bottom fisheries covered by Conservation Measure 22-06. It noted that specific provision will need to be given to the proposed new fishery (paragraphs 12.37 to 12.39 and 13.61) for crabs in Subarea 48.2 south of 60°S which will fish in depths shallower than 550 m.

5.15 The Commission requested that the Scientific Committee provide further advice on the magnitude of the existing footprint of bottom fisheries covered by Conservation Measure 22-06.

5.16 With respect to advice on the occurrence of VMEs (SC-CAMLR-XXVII, paragraph 4.278), the Commission noted that the requirements for protecting VMEs may change as more information becomes available, including data on the spatial extent of VMEs, and their vulnerability to fishing. The Commission endorsed the Scientific Committee's recommendation that Members submit notifications of VMEs to WG-EMM for review, prior to consideration by the Scientific Committee.

5.17 The Commission agreed that the areas notified in SC-CAMLR-XXVII/13 in Division 58.4.1 are VMEs with clear evidence of biodiversity-rich benthic communities.

5.18 With respect to advice on known and anticipated impacts of bottom fishing on VMEs (SC-CAMLR-XXVII, paragraph 4.279), the Commission requested that the Scientific Committee:

(i) conduct further work on assessing known and anticipated impacts of bottom fishing activities covered by Conservation Measure 22-06;

(ii) develop a report akin to the Fishery Reports on 'Bottom Fisheries and Vulnerable Marine Ecosystems' which contained the available knowledge on VMEs, the potential for significant adverse impacts, risk assessments and potential for impacts arising from bottom fisheries.

5.19 The Commission agreed that the Scientific Committee should continue developing a precautionary strategy that will avoid significant adverse impacts on VMEs until impact assessments are completed and long-term mitigation strategies are developed. The Commission endorsed the Scientific Committee's advice on issues which would need to be considered in formulating such a strategy (SC-CAMLR-XXVII, paragraph 4.280).

5.20 With respect to advice on practices when evidence of VMEs is encountered (SC-CAMLR-XXVII, paragraph 4.281), the Commission:

(i) noted:

(a) the conundrum between protecting VMEs from significant adverse impacts and obtaining the information on whether those impacts are arising, or have arisen, and that continuing to fish in areas for which by-catch evidence indicates a possibility of interactions with a VME is contradictory to trying to protect VMEs from significant adverse impacts and may be contrary to Conservation Measure 22-06, paragraph 8;

(b) the value of conducting simulations of different management approaches to evaluate which avoidance/research approaches may be most useful in avoiding significant adverse impacts to VMEs when there is no information on which to judge a suitable approach;

(c) management and mitigation approaches agreed in other fora could be considered (European Community, NAFO);

(ii) endorsed:

(a) the collection of benthos by-catch data by scientific observers to facilitate analyses on VMEs and the effects of bottom fishing next year, and requested the Secretariat to develop appropriate methods to be applied in the forthcoming season, to facilitate analyses on VMEs and the effects of bottom fishing (SC-CAMLR-XXVII, paragraphs 4.261 and 4.272);

(b) the definitions for VME-indicator-units, VME-evidence and Risk Areas for use in determining what actions fishing vessels might take when evidence of a possible encounter with a VME occurs.

5.21 The Commission endorsed the Scientific Committee's recommendations that Members submit simulations of different management approaches to WG-SAM for review and then to WG-FSA for consideration of the results.

5.22 The Commission requested that the Scientific Committee review the scientific observer data and vessel data at its next meeting and provide further advice on mitigation measures and practices when evidence of VMEs is encountered, taking account of the results of the workshop.

5.23 The Commission agreed:

(i) that a vessel (Flag State) will be responsible for recording and reporting benthos by-catch, monitoring for VME indicators recovered and for notifying CCAMLR of VME indicators, in accordance with Conservation Measure 22-07 (paragraphs 13.23 to 13.26);

(ii) to the method by which VME indicators would be monitored using segments of lines as monitoring units and that all segments should be monitored for benthos by-catch.

5.24 The Commission agreed that the operational steps in when VME indicators were encountered needed to be simple and easily implemented by vessels (paragraphs 13.23 to 13.26).

5.25 The Commission adopted Conservation Measure 22-07 to apply when VME indicators are collected in 2008/09 and agreed to review it in 2009 (paragraphs 13.23 to 13.26).

5.26 The Commission noted that the designation of Risk Areas according to accumulating VME indicators in a single line segment may not alone provide sufficient protection to VMEs. The Commission further considered the size of the buffer zone, noting the Scientific Committee's advice on a 1 n mile buffer, and the existing requirement in existing by-catch move-on rules (e.g. Conservation Measure 33-03) and standards agreed in other fora (e.g. European Community Regulation).

5.27 With respect to advice on fishery research and data collection plans (SC-CAMLR-XXVII, paragraph 4.283), the Commission requested that vessels and scientific observers collect as much benthos by-catch data as possible in 2008/09 for analysis next year.

5.28 The Commission also urged Members to provide educational material to the crews of vessels participating in exploratory bottom fisheries to help:

(i) increase awareness of the value of VMEs, in terms of their marine biodiversity and as habitat to fish assemblages, and the importance of developing mitigation measures to avoid impacts on them;

(ii) develop methods to reduce the frequency of gear loss that could impact on VMEs.

5.29 The Commission also revised Conservation Measure 22-05 on bottom trawling and Conservation Measure 22-06 on bottom fishing, and the new notification procedures in section 13.

5.30 It commended the Scientific Committee on providing such extensive and detailed guidance, and advice, on approaches to avoid and mitigate significant adverse impacts on VMEs. The work of the Scientific Committee and its working groups in 2008 had enabled the Commission to make significant progress on this issue. The Commission noted with appreciation Dr Constable's efforts in developing and rapporteuring the discussions on VMEs by the Scientific Committee and its working groups.

ASSESSMENT OF INCIDENTAL MORTALITY OF ANTARCTIC MARINE LIVING RESOURCES

Marine debris

6.1 The Commission noted the Scientific Committee's advice on the occurrence of marine debris in the Convention Area (SC-CAMLR-XXVII, paragraph 5.40). It further noted that WG-IMAF had amended its terms of reference to include the consideration of marine debris in the Convention Area (SC-CAMLR-XXVII, paragraph 5.39(i)).

6.2 The Commission noted with concern the general increase in the incidence of marine debris in the Convention Area (SC-CAMLR-XXVII, paragraph 5.39(ii)).

6.3 The Commission endorsed the Scientific Committee's recommendations concerning the CCAMLR marine debris program (SC-CAMLR-XXVII, paragraphs 5.40 and 5.41).

6.4 Chile thanked the Secretariat for the distribution of the hook discard posters produced after CCAMLR-XXVI (SC-CAMLR-XXVI, paragraphs 5.29 to 5.32). It informed the Commission that these posters were displayed not only in its Antarctic fishing fleet, but also on Chilean vessels fishing adjacent to the Convention Area.

Incidental mortality of seabirds and marine mammals during fishing operations

6.5 The Commission noted the Scientific Committee's general advice on incidental seabird and marine mammal mortality during fishing operations (SC-CAMLR-XXVII, paragraph 5.46).

6.6 In particular, the Commission noted that, for the second consecutive year, observations of incidental seabird mortality during longline fishing in the Convention Area in 2007/08 were confined to the French EEZ in Subarea 58.6 and Division 58.5.1.

6.7 The Commission further noted that it was the third consecutive year that there had been no reports of albatrosses observed captured during longline fishing in the Convention Area (SC-CAMLR-XXVII, paragraph 5.3(ii)).

6.8 The Commission acknowledged the success of the French action plan to reduce seabird mortality and was greatly encouraged by the observed reduction in incidental mortality of seabirds reported by France (SC-CAMLR-XXVII, paragraphs 5.6 and 5.7).

6.9 France thanked WG-IMAF and the Scientific Committee for the constructive and positive way in which the problem of incidental seabird mortality had been addressed. It advised the Commission that France was committed to its action plan aimed at reducing incidental seabird mortality and that this had resulted in a drastic reduction of 40% in the first year of implementation. France explained that addressing the problem was difficult, however, along with the help of scientists from other Members, the work will continue with France fulfilling all its obligations.

6.10 France further informed the Commission that it would transmit an English version of SC-CAMLR-XXVII/BG/8 to the Scientific Committee and WG-SAM. This paper dealt with the impact of incidental mortality arising from fisheries on the population of seabirds in the French EEZ (at Crozet and Kerguelen). France will also send a representative to the next meeting of WG-SAM. In addition, it noted that a report on the second year's implementation of the French plan of action for seabirds will be provided to WG-IMAF's 2009 meeting.

6.11 France noted that it would continue its seabird conservation efforts, especially in respect to impacts on seabirds breeding on Kerguelen and Crozet Islands. However, it commented that all these efforts may be undermined by incidental mortality that occurs outside the Convention Area.

6.12 The Commission expressed its thanks to France and noted that the observed reductions in seabird mortality indicated what could be achieved when CCAMLR best practice was initiated within the French EEZ as well as other areas inside or outside the Convention Area.

Incidental mortalities of seabirds during fishing
outside the Convention Area

6.13 The Commission noted the report from the Scientific Committee on the incidental mortality of seabirds during fishing outside the Convention Area (SC-CAMLR-XXVII, paragraphs 5.12 to 5.17).

6.14 Chile noted that the boundaries of the Convention Area are very fragile with respect to seabirds and that this created opportunities for cooperation across such boundaries in the conservation of seabirds, for example in the close collaboration between CCAMLR and ACAP.

6.15 Argentina, while stating that the Commission should not legislate for areas outside the Convention Area, expressed its understanding that at this stage ACAP has developed and has the competence to coordinate activities on the status of seabird populations.

6.16 Australia, New Zealand, UK and the USA disagreed with Argentina's statement concerning jurisdiction of the Convention.

6.17 Australia made the following statement:

> 'Australia does not agree with the interventions of Argentina. The only spatial limitation on the area of the application of the Convention is to the resources to which the Convention applies. The Convention applies to Antarctic marine living resources in the Convention Area that is defined in Article I. The spatial application of the

Convention is not restricted in any other way. The objective of the Convention as stated in Article II, is the conservation of Antarctic marine living resources, where conservation includes rational use. Measures to further this objective, that is, to conserve Antarctic marine living resources that are situated within the Convention Area, can apply outside the Convention Area.'

6.18 In reply to Australia, Argentina indicated that it does not share Australia's views and that the scope and the boundaries of the Convention are well defined in its text.

6.19 In the opinion of Russia, a definition of the limits of the CCAMLR competence should be guided by the provisions of the Convention on the Conservation of Antarctic Marine Living Resources *per se*, namely Articles I, II and IX. In these, it is specified that the objective of the Convention and CCAMLR is the conservation of Antarctic marine living resources.

6.20 The Commission supported continuing close collaboration between CCAMLR and ACAP. It noted that such collaboration already existed between WG-IMAF and the ACAP Seabird Bycatch Working Group (SBWG). This provided a mechanism whereby CCAMLR receives information on seabird mitigation from adjacent RFMOs.

6.21 In response, ACAP informed the Commission that data on seabird incidental mortality available from adjacent RFMOs was very limited and most of these RFMOs have very low levels of data collection.

Incidental mortality of seabirds during unregulated fishing in the Convention Area

6.22 The Commission noted the Scientific Committee's advice on incidental seabird mortality during unregulated fishing in the Convention Area (SC-CAMLR-XXVII, paragraphs 5.23 and 5.49(iii)).

6.23 The Commission endorsed the series of recommendations and proposals made by the Scientific Committee in relation to the reduction of incidental mortality of seabirds and marine mammals (SC-CAMLR-XXVII, paragraphs 5.47 and 5.49).

MARINE PROTECTED AREAS

7.1 The Commission noted the Scientific Committee's discussion on Marine Protected Areas (MPAs) (SC-CAMLR-XXVII, paragraph 3.55), especially on progressing implementation of spatial management measures to facilitate marine biodiversity conservation (SC-CAMLR-XXVII, Annex 4, paragraphs 3.1 to 3.78).

7.2 The Commission endorsed the Scientific Committee's conclusions that (SC-CAMLR-XXVII, paragraph 3.55):

(i) discussions by CCAMLR and the CEP have concluded that the issues of where and how to establish a system of marine areas for biodiversity conservation in the Southern Ocean should be addressed as a matter of priority (CCAMLR-XXIII, paragraph 4.13; CEP IX Final Report, paragraphs 94 to 101);

(ii) existing benthic and pelagic bioregionalisations developed by the 2007 Bioregionalisation Workshop were adequate for use in such work;

(iii) a number of methods could be used for designing a representative system of MPAs, including, *inter alia*, bioregionalisation;

(iv) the use of the spatial planning software package MARXAN should be endorsed as one feasible method for undertaking systematic conservation planning;

(v) the priority need agreed by the Commission (CCAMLR-XXVI, paragraph 7.18) for continuing the process of consolidating scientific views to maintain a common and objective basis for developing a representative network of MPAs;

(vi) the development of a representative system of MPAs should focus on, but not be limited to, the priority areas identified by WG-EMM in Figure 12 of SC-CAMLR-XXVII, Annex 4. Therefore, Members were encouraged to use appropriate methodologies to further this work.

7.3 The Commission thanked the Scientific Committee for its significant progress in implementing a representative system of MPAs. It endorsed the Scientific Committee's program of work in this regard (SC-CAMLR-XXVII, paragraph 3.55).

7.4 The Commission also noted that the issue of MPAs was seen as one of the Scientific Committee's priority items in its consideration of the Performance Review Panel Report (SC-CAMLR-XXVII, paragraph 10.10) (see also paragraphs 17.7 to 17.10).

7.5 The USA indicated that work on MPAs should be a priority for the Commission, and noted that progress could be made at the Joint SC-CAMLR–CEP Workshop in Baltimore, USA (paragraph 15.4).

7.6 The European Community and the UK noted that the Commission should consider the issue of MPAs in the general context of spatial management. They urged all Members to engage in implementing a representative system of MPAs in the Convention Area, especially those Members who have expressed concerns in the past.

7.7 Belgium noted that there is now a large body of science that enunciates the benefits of MPAs, a process exists to identify MPAs and that the latter is consistent with the high priority afforded to this issue globally. Belgium further noted that the Convention on Biological Diversity (CBD) has developed criteria to identify MPAs. Therefore, CCAMLR should consider applying all the tools available to ensure that it remains at the leading edge of Antarctic policy. Belgium welcomed the inclusion by WG-EMM of the Ross Sea in the list of priority MPA sites. Belgium reminded the Commission of the Special Fund established in 2005 by that Member for MPA work. It indicated that no new proposals have yet been made to allocate the A$29 968 available.

7.8 Russia was pleased with the significant progress made on the subject of MPAs by the Scientific Committee and its working groups. It recalled that Russia has always held science-based marine conservation in high regard, noting that designation of MPAs would require a high level of integrated scientific research of the relevant marine systems.

7.9 New Zealand welcomed the work that had been undertaken by the Scientific Committee on bioregionalisation and recalled that the Committee had deemed this work sufficient to progress the establishment of MPAs in the Convention Area. It also welcomed the recommendations set out in the Performance Review Report which urge CCAMLR to take steps toward the designation of MPAs as a matter of urgency, and that the Scientific Committee had placed the development of MPAs in its top three priorities in response to the Review Panel's recommendations. New Zealand joined other Members in urging the Commission to establish a representative network of MPAs in the Convention Area.

7.10 Australia endorsed this statement by New Zealand.

7.11 Argentina indicated its support of the Scientific Committee's work. It noted, however, that there is work on the matter that needs to be undertaken by the Commission, which needs to establish priorities on the subject and agree to the terms under which the CCAMLR system of protected areas should be developed. It further proposed that Members commence these tasks and reach the necessary agreements at the same time, if not sooner, as the Scientific Committee determines which are the areas to be protected. This is clearly an issue of a political nature which is intimately linked to the tasks of the Scientific Committee and needs urgent solution. Management of the system of protected areas should be undertaken with caution and in depth, whilst attempting to avoid adopting hasty decisions once the Scientific Committee has determined which areas to protect.

7.12 Japan recognised the progress made by the Scientific Committee on the subject of MPAs and looked forward to further progress. It recognised that there is a complex array of spatial designations available to the Commission (e.g. CEMP sites, ASMAs, ASPAs and VME Risk Areas) for implementing spatial management measures.

7.13 Japan also noted that the term 'MPA', for the Commission's purposes, required careful and clear definition. There is also a need to balance conservation with rational use in implementing MPAs in the Convention Area. Furthermore, Japan noted that the definition and purpose of MPAs are essentially scientific, and not political, issues. It therefore welcomed clarification of the definition and purposes of MPAs for the Commission to make progress.

7.14 ASOC made the following statement:

> 'ASOC has been encouraged by the progress made in the last year by WG-EMM towards establishing MPAs in the Southern Ocean.
>
> The mandate, tools and knowledge based on the broad-scale bioregionalisation now exist for CCAMLR to commit to a definitive process towards designating networks of comprehensive, adequate and representative marine protected areas, including marine reserves, to meet the 2012 commitments as highlighted in section 2.4 of the report of the CCAMLR Performance Review Panel.

As noted by Belgium, broad-scale bioregionalisation supported by systematic conservation planning and the criteria adopted by the CBD provide the suite of tools ready to be applied by CCAMLR to move forward without further delay.

ASOC believes the identification of areas of high heterogeneity by WG-EMM, including the Ross Sea, as priority areas to identify sites and introduce protective measures.

The forthcoming meeting with CEP provides an opportunity to identify further areas in order to create networks of representative MPAs that meet the objectives of both CCAMLR and the ATCM.'

7.15 IUCN made the following statement:

'IUCN would like to congratulate the Commission and its Scientific Committee on the progress made with regard to bioregionalisation of the Southern Ocean. We believe that the results of the work undertaken greatly contribute to achieving the objectives of CCAMLR as stated in Article II of the Convention.

At the 4th World Conservation Congress, IUCN members adopted a recommendation on Antarctica and the Southern Ocean where they reiterated their call to CCAMLR Members to develop a comprehensive and representative network of protected areas by 2012, including consideration of declaring the Ross Sea an Antarctic Specially Protected Area.

We are pleased by the statements of the various Members highlighting the importance and urgency of this issue.

CCAMLR has the potential to serve as the best model for other areas of the world's oceans and to contribute to achieving the World Summit on Sustainable Development (WSSD) target of establishing networks of MPAs including in areas beyond national jurisdiction by 2012, and we urge the Commission to continue on this path.'

7.16 The Commission recognised that the term MPA does not have a single definition and that a range of tools exist for implementing spatial management measures aimed at facilitating conservation of marine biodiversity. In addition, the Commission agreed that MPAs have a variety of forms and that the precise level of protection afforded to any specific area depends on the characteristics and qualities that require protection. Therefore, it agreed that it is important to develop a clear process for implementing MPAs concurrent with the ongoing scientific process which identifies where such areas should be located. This should allow the Commission to fully utilise all the tools at its disposal and so implement a representative system of MPAs.

IMPLEMENTATION AND COMPLIANCE

Report of SCIC

8.1 The meeting of the Standing Committee on Implementation and Compliance (SCIC) was held from 27 to 31 October 2008 and chaired by Ms V. Carvajal (Chile). All attending Members of the Commission and observers attended the meeting.

8.2 The Chair of SCIC presented the Committee's report (Annex 5) and drew the Commission's attention to information and recommendations forwarded by the Committee. The Commission's deliberations on SCIC's recommendations in respect of implementation and compliance matters are provided in paragraphs 8.3 to 8.22. The Commission's deliberations on SCIC's recommendations in respect of the CDS, IUU fishing and the Scheme of International Scientific Observation are included in sections 9, 10 and 11 respectively.

System of Inspection

8.3 The Commission reviewed the implementation of the System of Inspection during the 2007/08 intersessional period, noting that 65 designated CCAMLR inspectors had conducted 12 at-sea inspections within the Convention Area and that none of the inspections had reported an infringement of CCAMLR measures in force (Annex 5, paragraph 2.1).

Compliance with conservation measures

8.4 The Commission noted that a number of vessels were reported by international scientific observers not to have fully complied with the requirements of the tagging program in accordance with Conservation Measure 41-01, Annex 41-01/C, during the 2007/08 fishing season (Annex 5, paragraphs 2.4 to 2.7).

8.5 Several Members reiterated the importance of the *Dissostichus* spp. tagging program to the Commission and pointed out that continual failure to fully implement it was undermining confidence in future assessments undertaken by the Scientific Committee (Annex 5, paragraph 2.9). These Members urged all CCAMLR Members to fulfil their obligations as responsible Flag States and to ensure that all of their flag vessels fully complied with the requirements of the tagging program. Australia also expressed the view that failure to implement the tagging program penalised those vessels which did make an effort to comply with it.

8.6 New Zealand encouraged Members to impose sanctions consistent with their national regulations on those vessels which did not comply with the tagging program from season to season.

8.7 The Commission noted a further SCIC recommendation that the observer report should provide an indication of the non-availability of fish suitable for tag and release if this occurred.

8.8 The Commission noted reports of non-compliance by vessels with some of the requirements of Conservation Measures 25-02, 25-03 and 26-01 and comments received from some Flag States in respect of these vessels (Annex 5, paragraphs 2.21 to 2.30).

8.9 Uruguay advised the Commission of its understanding that its flag vessel named in the report of SCIC (Annex 5, paragraph 2.21(iv)) had made every effort to comply with Conservation Measure 25-02 but that the vessel had been forced to remove the streamer line whilst manoeuvring in bad weather conditions due to safety concerns. Uruguay therefore requested that the issue of crew safety during vessel manoeuvres should be taken into consideration during any discussion of compliance with mitigation measures.

8.10 Regarding the infractions of the vessel *Antartic III* (Annex 5, paragraphs 2.21(iii) and 2.29) as informed by the observer on board, Argentina indicated that it had requested the report and that the infractions consisted of the use of 6 m streamer lines instead of 6.5 m ones, and that the vessel only managed to complete two hauls due to technical problems. It further indicated that the observer's report would be sent to the competent national authorities for their intervention and eventual imposition of sanctions if appropriate.

8.11 The Commission noted the recommendation of SCIC that Members could extend the pre-fishing inspection of vessels in relation to plastic packaging bands on bait boxes to other flag vessels as well as own-flag vessels as set out in paragraph 9 of Conservation Measure 10-02.

8.12 The Commission agreed with SCIC's recommendation that Members should make every effort to improve the level of reporting of assessments for identified VMEs and investigate the reasons for the low level of reporting in the 2008/09 notifications (Annex 5, paragraphs 6.3 and 6.4).

Notifications of exploratory and krill fisheries

8.13 The Commission requested the Secretariat to prepare a summary table indicating the completeness of exploratory and krill notifications which would be circulated to all Members well in advance of the annual meetings in order that the matter could be properly considered by SCIC.

8.14 The Commission expressed concern in respect of information from SCIC that a large number of vessels had notified to participate in krill fisheries in recent years but had not subsequently fished (Annex 5, paragraph 2.12).

8.15 Some Members noted that this was resulting in over-estimations of intended krill catches for the following season and therefore an incorrect assumption that the trigger level would be reached (SC-CAMLR-XXVII, paragraph 4.8).

8.16 The Commission also recognised the burden imposed on the Secretariat in processing such notifications.

8.17 Several Members recommended that krill notifications be standardised in line with exploratory fishery notifications, particularly through the introduction of an administration fee which would demonstrate the genuine intent of the notification and also to recover the costs involved in processing krill notifications.

8.18 Norway supported improved reporting procedures in respect of krill notifications and expressed its willingness to work towards resolving the issue. It advised the Commission that it had notified four krill vessels for the 2008/09 season and was in a position to advise that one of the vessels would definitely not fish, two almost certainly would, and that participation in the krill fishery by the fourth vessel was yet to be confirmed.

8.19 Japan was of the view that the Commission should focus on the discrepancy between the estimated and actual catches rather than the introduction of a notification processing fee system. Japan advised the Commission that it had proposed that krill vessels which notified but did not fish should be penalised with licence restrictions and a fine. Japan believed that the cost of processing krill notifications was already included as part of the Members' contribution and that krill fishing Members would effectively pay twice if an additional administration fee were to be imposed. Japan pointed out that administration fees were not imposed in order to offset the Secretariat's workload in respect of the implementation of other conservation measures.

8.20 New Zealand reminded the Commission that many krill notifications had been submitted by non-Members which do not pay a Membership contribution. New Zealand recalled that, in 2007, 11 notifications had been received from non-Members.

8.21 Ukraine observed that it seemed illogical to penalise krill fishers for not fishing when they could alternatively be regarded as behaving in such a manner as to conserve krill stocks. Ukraine could therefore see no basis for imposing a fee on vessels which did not harvest krill.

Compliance evaluation procedure

8.22 The Commission endorsed the report of the informal intersessional group for the Development of a Compliance Evaluation Procedure (DOCEP) and agreed to convene a DOCEP workshop in 2009 in conjunction with the meeting of WG-EMM (Annex 5, paragraphs 2.40 and 2.41).

SCIC Chair

8.23 The Commission noted that the current term of office of the SCIC Chair, Ms Carvajal, ends at the conclusion of CCAMLR-XXVII and that Ms K. Dawson-Guynn (USA) has been elected as the new Chair (Annex 5, paragraphs 8.1 and 8.3). It also noted that Mr J.P. Groenhof (Norway) had been elected as the new Vice-Chair of SCIC (Annex 5, paragraph 8.4).

8.24 The Commission expressed its deep appreciation to Ms Carvajal for her work as SCIC Chair from 2005 to 2008.

CATCH DOCUMENTATION SCHEME FOR *DISSOSTICHUS* SPP.

9.1 The Chair of SCIC reported on the implementation and operation of the CDS during the 2007/08 intersessional period (Annex 5, paragraphs 4.1 to 4.7). The Commission noted that the CDS was implemented by all Members of CCAMLR, as well as on a voluntary basis by Seychelles and partially by Singapore.

9.2 The Commission noted intersessional work undertaken by the Secretariat in relation to cooperation with the CDS by non-Contracting Parties (Conservation Measure 10-05, Annex 10-05/B). The Commission requested that the Secretariat write again to those non-Contracting Parties which had failed to respond to previous correspondence and inform them that they may be regarded as non-cooperating Parties by CCAMLR should they fail to respond to future correspondence.

9.3 The Commission noted that the voluntary implementation of the CDS by Hong Kong SAR would be helpful to the implementation of the Convention and appreciated the willingness of China to consult with Hong Kong SAR (Annex 5, paragraph 4.7).

IUU FISHING IN THE CONVENTION AREA

Current level of IUU fishing

10.1 The Chair of the Scientific Committee advised the Commission that the Secretariat's current estimate of 1 169 tonnes of IUU-harvested toothfish for the 2007/08 season to 1 September 2008 had been endorsed by WG-FSA and the Scientific Committee (SC-CAMLR-XXVII, Annex 5, paragraph 3.12 and Table 2). The Commission noted that this was a reduction of 2 446 tonnes from the 2006/07 estimate of 3 615 tonnes.

10.2 Whilst encouraged to note that fewer sightings of IUU vessels had been reported and that IUU fishing in the Convention Area appeared to be declining, the Commission nevertheless expressed caution as it took into consideration advice from SCIC and the Scientific Committee that the majority of the IUU fleet was reported to be using gillnets (SC-CAMLR-XXVII, paragraph 7.2). SCIC and the Scientific Committee had also advised that there was little information as to the likely catch rates or incidental mortality associated with fishing by such vessels. This had introduced considerable uncertainty in the estimates of IUU removals of toothfish from the Convention Area and was consequently undermining confidence in the assessments conducted by the Scientific Committee.

10.3 The Commission noted that the Scientific Committee could not unequivocally conclude that the level of IUU fishing had significantly declined. The Commission also noted advice from the Chair of the Scientific Committee that IUU fishing had been reported in some areas in which it had not been observed for several years, particularly Subareas 58.6 and 88.1 (SC-CAMLR-XXVII, paragraph 7.3).

10.4 The Commission agreed that it was important to obtain more information on characteristics of gillnets and the catch and incidental mortality rates of gillnet vessels. It requested that SCIC and the Scientific Committee work intersessionally to seek this information.

10.5 France requested that the Chair of the Commission write to Mauritius to ask why the vessel *Sibley*, which had called at Port Louis in June 2008, had not been inspected at the time of the port call in accordance with Conservation Measure 10-07, paragraph 22(iii). France recommended that such inspections should be conducted on all occasions when a vessel included on the IUU Vessel List enters the port of a Member or Contracting Party. The European Community supported this action and also requested that the outcome be reported to the Commission.

10.6 The Commission agreed that the Chair write to Mauritius to seek information on the circumstances reported by France.

IUU Vessel Lists

10.7 The Commission agreed to adopt the Proposed NCP-IUU Vessel List for 2008 forwarded by SCIC (CCAMLR-XXVII, Annex 5, Appendix III). *Paloma V* was therefore included on the combined NCP-IUU Vessel List. The Combined IUU Vessel Lists adopted from 2003 to 2008 are available at www.ccamlr.org/pu/e/sc/fish-monit/iuu-list-08.pdf.

10.8 Namibia reminded the Commission of the content of the statement made during SCIC that was included in the SCIC report (Annex 5, paragraph 3.13). The statement provided information on the action taken by Namibian authorities regarding the vessel *Paloma V* and reiterated its appreciation to the Government of New Zealand on this matter.

10.9 The Commission also considered advice from SCIC regarding vessels included on the combined CP and NCP-IUU Vessel Lists for 2003–2007.

10.10 The Commission agreed that with respect to the four Chinese-flagged vessels, *North Ocean*, *East Ocean*, *South Ocean* and *West Ocean*, these vessels shall be deemed removed from the CP-IUU Vessel List once China informs the Commission via a Commission circular that the vessels have been sold to Insung Corp. of Korea and that the sales are final.

10.11 In relation to the removal of *North Ocean*, *East Ocean*, *South Ocean* and *West Ocean* from the CP-IUU Vessel List, a few Members acknowledged the exceptional circumstances leading to the decision to delist the four vessels and noted that the determination was made with the understanding that the requirements of Conservation Measure 10-06, paragraph 14(iii), would eventually be met. These Members, however, requested that the deletion of vessels from the IUU Vessel Lists should be done strictly in accordance with the criteria set out in Conservation Measure 10-06, paragraph 14, in future. Japan also stated that Conservation Measure 10-06 should be applied fairly and consistently to vessels of all flags in future.

10.12 The Commission agreed with SCIC's recommendation that the vessels *Maya V* and *Viarsa I* be deleted from the CP-IUU Vessel List as they had been deconstructed.

10.13 The Commission agreed with SCIC's recommendation that the vessel *Comet* be deleted from the NCP-IUU Vessel List as it had sunk.

10.14 The Commission also agreed with SCIC's recommendation that the Marshall Islands-flagged cargo vessel *Seed Leaf* be deleted from the NCP-IUU Vessel List as Marshall Islands

had demonstrated that the vessel had undergone a genuine change of ownership and had clarified previous concerns regarding a possible link between the previous and current owners (CCAMLR-XXVI, paragraph 10.55).

10.15 The Commission agreed with SCIC's recommendation to retain the Panamanian-flagged vessel *Sibley* on the NCP-IUU Vessel List.

10.16 The European Community recalled information it had provided to SCIC on diplomatic demarches to Equatorial Guinea and Sierra Leone which it had undertaken during 2007/08. In particular, the European Community informed the Commission that Equatorial Guinea had reported in correspondence to ICCAT in May 2007 that it had no industrial fishing vessels on its registry. The European Community also drew the Commission's attention to an ICCAT circular of 16 October 2008 in which Togo informed ICCAT, through an official communication dated 6 October 2008, that it only registered 10 vessels. This information did not correspond with the number of vessels reported flagged to Equatorial Guinea and Togo respectively in CCAMLR's adopted NCP-IUU Vessel List for 2008.

10.17 Several Members thanked the European Community for its efforts. The Commission agreed with the European Community's recommendation that the Chair of the Commission write to Equatorial Guinea, Togo and the ICAAT Chair in order to clarify which vessels, if any, were flagged by Equatorial Guinea and Togo. It was also suggested that Equatorial Guinea be requested to advise CCAMLR in the event that it flagged any new vessels or received any information with respect to their flagged vessels.

10.18 In thanking the European Community, Australia reminded Members that Conservation Measure 10-07, paragraph 25, requires Members to submit any new or updated information received in respect of vessels included on the IUU Vessel List.

10.19 The USA praised the diplomatic efforts of the European Community and proposed that the Commission request the Chair to communicate with the Government of Equatorial Guinea for two purposes: (i) to request the Government of Equatorial Guinea to confirm that it does not flag or register any fishing vessels and to confirm that it does not authorise any of its vessels to engage in fishing or fishing-related activities outside its waters; and (ii) assuming that the Government of Equatorial Guinea provides such confirmation, to request that the Government of Equatorial Guinea inform the Commission, through the Secretariat, that CCAMLR Members may regard any fishing vessel sighted flying the flag of Equatorial Guinea in the CAMLR Convention Area as having no genuine link with the Government of Equatorial Guinea, and may treat such vessels as without nationality, in accordance with international law. The Commission endorsed the proposal.

10.20 Argentina suggested that in the letter to be addressed to the Government of Equatorial Guinea, CCAMLR should request it be informed of the issuance of new vessel registrations as soon as they occur, so as to avoid mistakes being made.

10.21 New Zealand advised the Commission that it had conducted intersessional consultations with Sierra Leone which resulted in Sierra Leone deregistering the vessel *Triton-1* which is included on the NCP-IUU Vessel List and which had been sighted by a New Zealand patrol in SSRU 881A in January 2008.

10.22 The Commission thanked New Zealand for its efforts and also expressed its appreciation to Sierra Leone and commended it for its actions undertaken against IUU fishing.

10.23 On the deletion of the four Chinese-flagged vessels from the CP-IUU Vessel List, ASOC requested that any future proposals to delete vessels from the adopted CP-IUU Vessel Lists be accompanied by all the information required by Conservation Measure 10-06, paragraph 14(iii).

10.24 China stated that SCIC had made every effort on this issue and the Commission had endorsed the recommendation of SCIC by consensus. Therefore, China indicated that it is inappropriate for an observer to make such requirements to the Members of the Commission.

SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

11.1 In accordance with the CCAMLR Scheme of International Scientific Observation, scientific observers were deployed on all vessels in all finfish fisheries in the Convention Area. Information collected by scientific observers on board longline, finfish trawl, pot and krill trawl cruises were summarised in SC-CAMLR-XXVII/BG/2.

11.2 The Commission endorsed the terms of reference of ad hoc TASO and noted the recommendations from its first meeting (SC-CAMLR-XXVII, paragraphs 6.4 to 6.15). The Commission also noted the Scientific Committee's advice on improvements and updates to the CCAMLR Scheme of International Scientific Observation, as well as consequential updates required for the *Scientific Observers Manual*.

11.3 The Commission discussed and adopted comprehensive and substantive amendments to CCAMLR's Scheme of International Scientific Observation, as introduced by the USA (Annex 5, paragraph 2.56). The amendments provide for standards of conduct, reporting and confidentiality as they apply to CCAMLR-designated international scientific observers. Likewise, the amendments establish obligations that apply to the vessels on which such observers are deployed, addressing issues concerning observer safety and cooperation with observers while on board. The amendments also introduce principles to guide the formulation of bilateral arrangements between the Designating and Receiving Members to deploy and receive observers that can carry out the tasks described in the *Scientific Observers Manual*.

11.4 The Commission noted the Scientific Committee's discussion on the level of scientific observer coverage for the krill fishery, noting that this issue was also addressed in part in section 4.

11.5 China requested clarification on the requirements for 100% observer coverage for two years for new entrants into the krill fishery (SC-CAMLR-XXVII, paragraph 6.25). The Chair of the Scientific Committee indicated that, when there is a prevailing lack of information on which to base an informed comparison of the behaviour of new vessels compared to those already operating in the krill fishery, it may be important to collect relevant and key data from vessels when they first enter the fishery.

11.6 China noted that it also shares the views expressed by most Members on the importance and necessity of the work of scientific observers for achieving the objectives of the Convention, noting that although China joined CCAMLR at a late stage, its scientists had participated in a recent Norwegian IPY survey on krill.

11.7 China also clarified that it has no difficulties with scientific observer coverage in the krill fishery and increased coverage on vessels using new fishing methods. However, it wished to reserve its position on the level of observer coverage that might be required for any new entrants (Members or vessels). China has not seen enough scientific information on the necessity for more observer coverage by new entrants which is also not in accordance with relevant international laws and regulations.

11.8 Japan noted that it currently used government scientific observers in its krill fishery to ensure the quality of observer data and that there was an upper limit to the finance available to do so. Nevertheless, Japan would continue to submit data from its krill fishery in the future to assist the Scientific Committee. In this regard, it considered 50% observer coverage as adequate to provide scientific data required by the Scientific Committee across a range of time and space scales for krill fishery operations. Japan recognised that other delegations had indicated that 100% was required, but it was not in a position to make this mandatory.

11.9 Australia reiterated the clear need for 100% scientific observer coverage in the krill fishery. It again emphasised that the increased number of krill fishery notifications, changing economies and an inevitable increase in the overall krill fishery mean that the implementation of systematic observer coverage is essential to facilitate the orderly and precautionary development of the krill fishery. Australia also noted that it was not opposed to development of the krill fishery, but that it did wish to see robust management measures put into place before any such expansion became a reality.

11.10 The USA noted that 100% observer coverage in the krill fishery was simply making the observer requirement in that fishery consistent with all other CCAMLR fisheries. Hence, such a requirement for the krill fishery did not set any unique precedent in the Commission. Addressing the Japanese proposal for 50% observer coverage, the USA noted that, since observers cannot work continuously, this level of coverage would actually represent observations on only about 25% of hauls. Such coverage was insufficient to provide the data required. The USA again noted its concern that Japan had rescinded its agreement to the decision taken at WG-EMM-08 to support 100% observer coverage.

11.11 Chile observed that in the absence of progress on the issues of observer coverage or SSMU allocation, it was apparent that some form of political accommodation might be necessary. In particular, it noted that the Scientific Committee had indicated that, without any spatial management measures, a krill catch at the level of the 620 000 tonne trigger limit for Area 48 could see krill fishing concentrated in a small number of coastal zones. The Commission would therefore not be acting according to its own precautionary principles.

11.12 The European Community recorded its strong support for 100% observer coverage in the krill fishery and recalled the long debate on this subject. Based on the outcomes of WG-EMM's work, the European Community had been optimistic that there was a willingness to face the challenges of the future in a cooperative environment, but that this optimism had been dissipated following discussions in the Scientific Committee. It recognised that the Commission faced a serious challenge in respect of the krill fishery since it could not address

this challenge due to a lack of clear advice from the Scientific Committee. The European Community further noted that the issue was not one of cost, as the krill fishing fleet is very small. It urged all Members to consider their positions and to work for the full benefit of CCAMLR.

11.13 Russia noted that in situations where Members are not in a position to undertake research directly related to krill fishing, 100% scientific observer coverage in the fishery is the only viable alternative to such research. Scientific observation thus holds benefits for both CCAMLR and national fisheries management regimes. Therefore, Russia fully supported the need for 100% scientific observer coverage in CCAMLR krill fisheries.

11.14 Ukraine clarified that 100% observer coverage required one observer on each vessel for the duration of the period that a vessel fishes in the Convention Area. It saw this level of observer coverage as essential to provide the data required by the Scientific Committee.

11.15 The UK welcomed the comments of all Members, particularly Russia and Ukraine, who had spoken in favour of 100% scientific observer coverage in the krill fishery. It fully recognised the clear need for 100% observer coverage, noting that the definition of 100% coverage is provided in SC-CAMLR-XXVII, Annex 4, paragraph 4.58.

11.16 Norway reminded the Commission that it was the first Member to install 100% voluntary observer coverage on krill fishing vessels and believed that this should be mandatory to provide the data required to allow orderly development of the krill fishery.

11.17 New Zealand aligned itself with the comments of all Members who spoke in favour of 100% scientific observer coverage. It recalled previous discussions on this subject where financial constraints were cited as a reason for some Members to reject mandatory international observers. That the same financial reasons were now being given to reject mandatory national observers suggested that CCAMLR had actually gone backwards on this issue.

11.18 The Republic of Korea informed the Commission that while it agreed that there was a need for observer coverage in the krill fishery, it was not in a position to accommodate 100% coverage. However, it indicated that during the intersessional period it will consider the level of coverage that could be implemented by national observers.

11.19 Australia expressed its concern over the direction of the debate on observer coverage. It noted that the success of CCAMLR compared to a number of RFMOs is based on the former's ability to apply a precautionary approach. Such an approach allowed introduction of measures aimed at collecting the data required for management decisions before the necessity for such data becomes too great. This had been clearly exemplified by the management of the toothfish fishery. Australia reminded the Commission that the motives of most Commission and Scientific Committee Members were to ensure that essential data are available for managing an expanding krill fishery. The associated data requirements are not intended to be an impost on the fishery, but rather to provide the Scientific Committee with the information it needed to advise the Commission.

11.20 Argentina stated that this situation was an example in which the scientific activity is conditioned by political issues. In its opinion this is not negative in itself but rather indicates that the solution cannot be sought in the scientific field. In that respect, it called on Members to undertake an open discussion of the issues of substance that are involved.

11.21 Noting that while it was not a participant in the krill fishery, South Africa acknowledged the historical context provided by SC-CAMLR-XXVII, Annex 9. It therefore considered that the Commission would be failing the scientists that form the backbone of CCAMLR if it did not heed their call for 100% scientific observer coverage in the krill fishery.

NEW AND EXPLORATORY FISHERIES

New and exploratory fisheries in 2007/08

12.1 In 2007 the Commission agreed to seven exploratory longline fisheries for *Dissostichus* spp. (Conservation Measures 41-04, 41-05, 41-06, 41-07, 41-09, 41-10 and 41-11). These exploratory fisheries were conducted in 2007/08 in Subareas 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b; fishing did not occur in Subarea 48.6. The total reported catch of *Dissostichus* spp. in these exploratory fisheries was 3 455 tonnes (SC-CAMLR-XXVII, Annex 5, Table 6).

Notifications for new and exploratory fisheries in 2008/09

12.2 Twelve Members submitted paid notifications for exploratory longline fisheries for *Dissostichus* spp. in 2008/09 in Subareas 48.6, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b, for an exploratory trawl fishery for *Euphausia superba* in Subarea 48.6, and for new pot fisheries for crab in Subareas 48.2 and 48.4 (SC-CAMLR-XXVII, Annex 5, Table 7).

Exploratory fisheries for *Dissostichus* spp.

Progress towards assessments

12.3 The Commission noted that the Scientific Committee had made further progress towards developing methods to assess exploratory fisheries, with a focus on: (i) data requirements for assessing exploratory fisheries, and (ii) research designs in exploratory toothfish fisheries. The Commission also noted the importance of understanding stock structure, productivity and abundance, as well as the Scientific Committee's advice that estimation of stock abundance in many of the exploratory fisheries remains a key problem (SC-CAMLR-XXVII, paragraphs 4.107 to 4.162).

12.4 The Scientific Committee had made further progress on:

(i) revision of the requirements to conduct research hauls in the exploratory fisheries in Subareas 48.6 and 58.4 (SC-CAMLR-XXVII, paragraphs 4.110 to 4.114);

(ii) development of preliminary assessments of *Dissostichus* spp. for the open SSRUs in Divisions 58.4.1 and 58.4.2 and preliminary estimation of yields for those open SSRUs (SC-CAMLR-XXVII, paragraph 4.115);

(iii) revision of the precautionary catch limits for *Macrourus* spp. in Subarea 88.1 (SC-CAMLR-XXVII, paragraph 4.162);

(iv) review of the three-year fishing experiment in Subareas 88.1 and 88.2 (SC-CAMLR-XXVII, paragraph 4.155);

(v) consideration of new approaches to assessing and modelling the Ross Sea fishery being developed by New Zealand and Russia; these approaches had been referred to WG-SAM for review and evaluation (SC-CAMLR-XXVII, paragraph 4.159).

12.5 The Commission noted that most Scientific Committee Members agreed that considerable progress had been made on the stock assessment for *D. mawsoni* in Subareas 88.1 and 88.2 as a result of the three-year fishing experiment (SC-CAMLR-XXVII, paragraph 4.156).

12.6 The Commission also noted that some Members of the Scientific Committee had expressed the opinion that the three-year experiment of toothfish tagging in the Ross Sea had been unsuccessful, as it did not result in significant improvement of toothfish stock assessment in those subareas. They also pointed out several sources of substantial uncertainty in the stock assessments of toothfish in the Ross Sea based on tag-returns (SC-CAMLR-XXVII, paragraph 4.157).

12.7 The Commission noted that the Scientific Committee had outlined the relative merits of different views on harvest strategies and research programs for toothfish in the Ross Sea while agreeing that these should be evaluated using simulations. It recommended that such work be submitted to WG-SAM for review of the simulation and assessment methodologies before submitting the outcomes to WG-FSA for consideration.

12.8 The Commission urged all Members to contribute to this process, including the submission of papers addressing the alternative views outlined in paragraphs 12.5 and 12.6 to the 2009 meetings of WG-SAM and WG-FSA.

12.9 The Commission endorsed the Scientific Committee's advice to:

(i) revise the requirements for research hauls in the exploratory fisheries in Subareas 48.6 and 58.4 (paragraph 12.4(i));

(ii) increase the tagging rate of *Dissostichus* spp. to three fish per tonne of green weight caught in the exploratory fishery in Subarea 48.6 (SC-CAMLR-XXVII, paragraph 4.120);

(iii) maintain the current tagging rate of *Dissostichus* spp. of three fish per tonne of green weight caught in the exploratory fisheries in Subarea 58.4 (SC-CAMLR-XXVII, paragraphs 4.124, 4.131, 4.138 and 4.144).

12.10 The Commission noted that:

(i) in Subarea 48.6 – no fishing for *Dissostichus* spp. had occurred so far this season and the Scientific Committee had not provided any new advice on catch limits in this fishery (SC-CAMLR-XXVII, paragraphs 4.118 to 4.121);

(ii) in Division 58.4.1 – a preliminary assessment of *Dissostichus* spp. had been carried out, and the resulting median estimates of yield for open SSRUs provided the best scientific advice on yields for this fishery; however, the Scientific Committee was unable to provide consensus advice on catch limits for this division (SC-CAMLR-XXVII, paragraph 4.126);

(iii) in Division 58.4.2 – a preliminary assessment of *Dissostichus* spp. had been carried out, and the resulting median estimates of yield for open SSRUs provided the best scientific advice on yields for this fishery; however the Scientific Committee was unable to provide consensus advice on catch limits for this division (SC-CAMLR-XXVII, paragraph 4.133);

(iv) in Division 58.4.3a – a preliminary assessment of *Dissostichus* spp. had been carried out, and this had indicated that the current level of catch was not sustainable; the Scientific Committee advised that the catch level be reduced to 86 to 113 tonnes of *Dissostichus* spp. in this division (SC-CAMLR-XXVII, paragraph 4.140);

(v) in Division 58.4.3b – a random longline survey of BANZARE Bank had recorded very low catch rates of *Dissostichus* spp., consistent with toothfish being depleted in the surveyed area; however, the Scientific Committee was unable to provide consensus advice on the stock status of *Dissostichus* spp. across the entire division (SC-CAMLR-XXVII, paragraphs 4.145 and 4.148).

12.11 The Commission noted that the Scientific Committee had agreed that research conducted in Division 58.4.3b had indicated the following (SC-CAMLR-XXVII, paragraph 4.146):

(i) Based on fishing information until last year, the fisheries across BANZARE Bank show that the preferred fishing grounds were depleted in the Southern Area, and this had resulted in the closure of the Southern Area in 2007 (SSRU B; CCAMLR-XXVI, paragraph 13.62).

(ii) Based on the survey and fisheries across BANZARE Bank, there are very few fish apart from those in the preferred fishing grounds.

(iii) The fish found in the preferred fishing grounds are large and likely spawning, there are no small fish and fish are male dominated (79%).

(iv) In the survey, the fish are large and mostly male.

(v) Spawning fish in East Antarctica have only been found on BANZARE Bank.

12.12 The Commission also noted that only two of the three preferred fishing grounds in Division 58.4.3b were covered by the random survey conducted in 2008 (SC-CAMLR-XXVII, paragraph 4.147).

12.13 The Commission agreed to revise the research and tagging requirements in the exploratory fishery for *Dissostichus* spp. in Subarea 48.6 (paragraph 12.9).

12.14 The Commission noted that some Scientific Committee Members had expressed the opinion that, *inter alia* (SC-CAMLR-XXVII, paragraphs 4.116, 4.127 and 4.134):

(i) estimates of biomass in Divisions 58.4.1 and 58.4.2 related only to the open SSRUs and that the current network of open and closed SSRUs in these divisions made it difficult to assess the entire stock;

(ii) tagging of toothfish resulted in inadequately low tag-recaptures in Divisions 58.4.1 and 58.4.2;

(iii) the assumption that CPUE is proportional to toothfish density is incorrect for a longline fishery, and that this leads to increased uncertainty of the analysis;

(iv) catchability of longlines generally, and longlining of toothfish in particular, is unknown, and should not be used to estimate biomass;

(v) catches of 1–4-year-old fish in Division 58.4.2 taken in bottom trawls indicate that recruitment and biomass of fish in this division is higher than the estimates derived from longline catches.

12.15 The Commission noted that most Scientific Committee Members had agreed, *inter alia*, that (SC-CAMLR-XXVII, paragraphs 4.117, 4.126 and 4.133):

(i) toothfish in Divisions 58.4.1 and 58.4.2 may come from the same stock, including fish on BANZARE Bank, and that although the analyses do not suggest that the stock in Divisions 58.4.1 and 58.4.2 is depleted in open areas compared to closed areas, they do indicate that the region-wide population may be much less than in Subareas 88.1 and 88.2;

(ii) strategies to concentrate effort, such as networks of open and closed SSRUs, to collect data to assist with assessments remain the best strategies for developing these fisheries;

(iii) the preliminary assessments of *Dissostichus* spp. in Divisions 58.4.1, 58.4.2 and 58.4.3b provided the best scientific advice on yields for these fisheries.

12.16 The Commission noted that the Scientific Committee had referred the issue of potential bias caused by open and closed SSRUs to WG-SAM (SC-CAMLR-XXVII, paragraphs 4.127 and 4.134).

12.17 The Commission urged all Members to contribute to this process, including the submission of papers to the 2009 meeting of WG-SAM addressing the alternative views outlined in paragraphs 12.4 and 12.5.

12.18 Some Members reiterated the concerns expressed in the Scientific Committee (paragraphs 12.6 and 12.14), including the need for a consistent approach to fishing and the development of research fishing activities. Some Members also noted that extensive sea-ice cover in Subarea 58.4 in 2007/08 had limited the amount of fishing.

12.19 Most Members endorsed the Scientific Committee's advice (paragraphs 12.5 and 12.14).

12.20 In addition, some Members expressed concern at the state of the *Dissostichus* spp. stock in Division 58.4.3b, and recommended that the whole division be closed to fishing.

12.21 ASOC expressed its concern about this debate, and the questioning of the scientific advice provided to the Commission. It saw that the breakdown of trust between some Members of the Commission and the recommendations provided by the Scientific Committee has the serious potential of not only making it difficult for the Commission to fulfil its obligation for conservation and rational use of marine resources, but also to weakening the global reputation of CCAMLR as a body whose decisions are driven by the best scientific advice available.

12.22 Argentina recalled that the CCAMLR objectives do not contemplate the sustainable use of resources but rather their conservation including rational use. It also stated its concerns, indicating that to increase catch limits would not constitute rational use of the resource, in light of the risks it would represent for this fishery in relation to the economic benefits that could be obtained in just one fishing season.

12.23 The Commission thanked all Members involved in the development of assessment methods in Subarea 58.4. Catch limits in the forthcoming season are addressed in section 13.

12.24 The Commission endorsed the Scientific Committee's advice on the exploratory fisheries in Subareas 88.1 and 88.2 for 2008/09 (SC-CAMLR-XXVII, paragraph 4.160) and agreed to:

(i) establish a new SSRU in the region to the west of 170ºE in the western Ross Sea including Terra Nova Bay and McMurdo Sound (SSRU 881M; SC-CAMLR-XXVII, Figure 2);

(ii) close SSMU 881M to fishing because of its importance as a corridor for sub-adult toothfish moving between the shelf and the northern area to spawn;

(iii) retain the current amalgamation of SSRU catch limits, and in addition amalgamate the catch limits for SSRUs 881J (east of 170ºE) and 881L;

(iv) re-adjust proportional catch limits in these revised SSRUs based on revised seabed areas and new CPUE (SC-CAMLR-XXVII, paragraph 4.161);

(v) new catch limits for *Macrourus* spp. in Subarea 88.1 (SC-CAMLR-XXVII, paragraph 4.162).

(vi) continue with biennial assessments of *D. mawsoni* in the two subareas.

Exploratory fishery for *E. superba*

12.25 The Commission noted the extensive work of the Scientific Committee and WG-EMM in developing a hierarchical approach for research and data collection plans applicable to exploratory krill fisheries (SC-CAMLR-XXVII, paragraphs 4.163 to 4.185). It endorsed the Scientific Committee's advice on this matter.

12.26 The Commission agreed that data collection plans for case-specific selection by Members and their flagged vessels should include (SC-CAMLR-XXVII, paragraph 4.164 and Figure 3):

(i) 'standardised systematic/random research trawls by fishing vessels'
(ii) 'standardised systematic acoustic transects by fishing vessels'
(iii) 'predator monitoring'
(iv) 'research survey from scientific vessel'.

12.27 The Commission noted that the Scientific Committee had agreed that SG-ASAM should, as a matter of priority, advise on protocols for the collection and analysis of acoustic data from commercial fishing vessels (SC-CAMLR-XXVII, paragraph 4.166).

12.28 With respect to the plans in paragraphs 12.26(i) and (ii), the Commission agreed that, within a fishing season, vessels participating in exploratory krill fisheries should first conduct normal exploratory fishing operations and then conduct additional research requirements. Vessels would conduct normal exploratory fishing operations until they voluntarily decide to stop fishing for the season or until the catch limit for the exploratory fishery is reached. Vessels must then complete all required research operations within that fishing season (SC-CAMLR-XXVII, paragraph 4.168).

12.29 For the purpose of these plans, the Commission agreed that (SC-CAMLR-XXVII, paragraph 4.169):

(i) exploratory units are defined as areas of 1° latitude by 1° longitude size, and the vertices of these units shall occur at integer points of latitude and longitude;

(ii) 'fishing' is defined as any time that fishing gear, conventional trawls, pumped codends and continuous pumping gear are in the water;

(iii) a research haul is defined as a randomly located, oblique haul made with a research net to a depth of 200 m with a duration of 0.5 h. A set of research hauls is defined as three research hauls separated by a minimum of 10 n miles;

(iv) an acoustic transect is defined as a randomly located, continuous path travelled at constant speed of 10 knots or less and in a constant direction. The minimum distance between start and end points is 30 n miles, and a set of acoustic transects is defined as two transects separated by at least 10 n miles.

12.30 The Commission also agreed that, during normal exploratory fishing operations, vessels may choose to fish in any exploratory unit. Nevertheless, to facilitate future comparisons between data collected during normal exploratory fishing operations and

research operations, the Commission agreed that vessels would be required to conduct one set of acoustic transects or one set of research hauls in each exploratory unit visited during normal fishing operations (SC-CAMLR-XXVII, paragraphs 4.170 to 4.174).

12.31 With respect to the fishery-independent data collection plans (plans (iii) and (iv) in SC-CAMLR-XXVII, paragraph 4.164), the Commission agreed that (SC-CAMLR-XXVII, paragraph 4.175):

(i) predator monitoring efforts should, as far as possible, follow CEMP Standard Methods and be conducted for a period of time sufficient both to cover the entire breeding period of land-based predators and to cover the duration of any exploratory fishing that occurs during their breeding season;

(ii) the conduct of a survey from a research vessel should follow all data collection and analysis protocols specified for the CCAMLR-2000 Survey.

12.32 The Commission endorsed the Scientific Committee's advice on data collection and reporting during the course of exploratory krill fisheries, including normal and research fishing operations (SC-CAMLR-XXVII, paragraphs 4.176 to 4.183). In addition, the Commission recognised that in providing Members and their flagged vessels the flexibility to select among research and data collection plans under the four plans outlined above, vessels would be required to collect detailed information on the configuration of every commercial trawl used during a fishing trip.

12.33 The Commission endorsed the Scientific Committee's advice on precautionary catch limits for exploratory krill fisheries (SC-CAMLR-XXVII, paragraph 4.184) and agreed that:

(i) the annual catch limit for each exploratory krill fishery be set at 15 000 tonnes;
(ii) that no more than 75% of this catch limit should be taken from areas within 60 n miles of known breeding colonies of land-based krill-dependent predators.

12.34 The Commission also noted the advice of the Scientific Committee on the deployment of observers in exploratory krill fisheries. This matter was discussed further in sections 11 and 13.

12.35 The details of data collection plans, and the limits for the exploratory krill fishery in Subarea 48.6 during 2008/09 were considered further in section 13.

12.36 The Commission noted that research and data collection plans agreed for the 2008/09 fishing season are provisional and should be reviewed at the 2009 meetings of WG-EMM and the Scientific Committee.

New fisheries for crab[1]

12.37 The Commission noted that the Scientific Committee had used the approach taken by the experimental harvest regime for the fishery for crab in Subarea 48.3 to develop its advice

[1] The Commission agreed that the notifications for new fisheries for crab in 2008/09 should be considered as exploratory fisheries (paragraph 13.61).

for the notified new fisheries in Subareas 48.2 and 48.4 (SC-CAMLR-XXVII, paragraphs 4.101 to 4.103). The Scientific Committee had agreed to apply all elements of Conservation Measures 52-01 and 52-02 to the conservation measures developed for Subareas 48.2 and 48.4 with the exception of the following modifications:

(i) two scientific observers should be present, including at least one international scientific observer;

(ii) the 2008/09 season should be defined as the period from 1 December 2008 to 30 November 2009, or until the catch limit is reached, whichever is sooner.

12.38 The Commission endorsed this approach, and agreed to the following precautionary catch limits for crab:

(i) 250 tonnes in Subarea 48.2 (SC-CAMLR-XXVII, paragraph 4.105)
(ii) 10 tonnes in Subarea 48.4 (SC-CAMLR-XXVII, paragraph 4.106).

12.39 The Commission recalled that the taking of finfish, other than for scientific research purposes, is prohibited in Subarea 48.2 (Conservation Measure 32-03) (paragraphs 13.3 and 13.62).

Proposal to combine conservation measures for new and exploratory fisheries

12.40 The Commission noted the proposal to combine conservation measures for new and exploratory fisheries (CCAMLR-XXVII/33) as well as the Scientific Committee's discussion on this matter (SC-CAMLR-XXVII, paragraphs 4.186 and 4.192; see also paragraph 13.9).

CONSERVATION MEASURES

13.1 Conservation measures adopted at CCAMLR-XXVII will be published in the *Schedule of Conservation Measures in Force 2008/09*.

Review of existing conservation measures and resolutions

13.2 The Commission noted that the following conservation measures will lapse on 30 November 2008: 32-09 (2007), 33-02 (2007), 33-03 (2007), 41-01 (2007), 41-03 (2006), 41-04 (2007), 41-05 (2007), 41-06 (2007), 41-07 (2007), 41-09 (2007), 41-10 (2007), 41-11 (2007), 42-02 (2007), 52-01 (2007), 52-02 (2007) and 61-01 (2007). The Commission also noted that Conservation Measure 42-01 (2007) will lapse on 14 November 2008. All of these measures dealt with fishery-related matters for the 2007/08 season.

13.3 The Commission agreed that the following conservation measures[2] will remain in force in 2008/09:

Compliance

10-01 (1998), 10-04 (2007) and 10-08 (2006).

General fishery matters

21-02 (2006), 22-01 (1986), 22-02 (1984), 22-03 (1990), 22-04 (2006), 23-01 (2005), 23-02 (1993), 23-03 (1991), 23-04 (2000), 23-05 (2000), 23-06 (2007) and 25-03 (2003).

Fishery regulations

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

Protected areas

91-01 (2004) and 91-02 (2004).

13.4 The Commission agreed that Conservation Measure 52-02 (2007) be subsumed as Annex 52-01/C (see paragraph 13.60).

13.5 The Commission agreed that the following resolutions will remain in force in 2008/09: 7/IX, 10/XII, 14/XIX, 15/XXII, 16/XIX, 17/XX, 18/XXI, 19/XXI, 20/XXII, 21/XXIII, 22/XXV, 23/XXIII, 25/XXV and 26/XXVI.

Revised conservation measures

13.6 The Commission revised the following conservation measures[2]:

Compliance

10-02 (2007), 10-03 (2005), 10-05 (2006), 10-06 (2006) and 10-07 (2006).

General fishery matters

21-01 (2006), 21-03 (2007), 22-05 (2006), 22-06 (2007), 24-01 (2005), 24-02 (2005), 25-02 (2007) and 26-01 (2006).

Fishery regulations

41-02 (2007), 41-08 (2007), 51-01 (2007), 51-02 (2006) and 51-03 (2007).

[2] Reservations to these measures are given in the *Schedule of Conservation Measures in Force in 2008/09.*

Compliance

Catch Documentation Scheme

13.7 The Commission endorsed SCIC's recommendation to amend Conservation Measure 10-05 (Catch Documentation Scheme for *Dissostichus* spp.) so as to link the CDS Fund and the Policy to Enhance Cooperation between CCAMLR and non-Contracting Parties (Annex 5, paragraphs 2.43(i) and 2.46). The Commission hoped that this link would assist and encourage those Members wishing to help non-Contracting Parties, in particular developing States, to prevent, deter and eliminate IUU fishing in the Convention Area. The Commission also adopted a proposal to amend catch and export documents by splitting the original catch and export documents into two sections so that information regarding the total harvest is not made available to all buyers (Annex 5, paragraphs 2.43(i) and 2.46). The revised Conservation Measure 10-05 (2008) was adopted.

General improvements to conservation measures

13.8 The Commission endorsed SCIC's recommendations on general improvements to Conservation Measures 10-02 (Licensing and inspecting obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area), 10-03 (Port inspections of vessels carrying toothfish), 10-06 (Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures) and 10-07 (Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures) (Annex 5, paragraphs 2.43(ii) and 2.46(iv)). The amendment to Conservation Measure 10-02 required that high-quality colour vessel photographs be submitted as part of the licence notification. Conservation Measure 10-03 was amended to provide a definition of 'fishing vessel' which would include any vessel used for the commercial exploitation of marine living resources including mother ships and supply vessels. Conservation Measures 10-06 and 10-07 were amended in order that subsequently reported incidents of IUU activity be included on the published IUU Vessel List, in addition to the incident for which the vessel was listed. Accordingly, the revised Conservation Measures 10-02 (2008), 10-03 (2008), 10-06 (2008) and 10-07 (2008) were adopted.

General fishery matters

Notification of intent to participate in a new fishery

13.9 The Commission considered a proposal to combine the notification procedures for new and exploratory fisheries (paragraph 12.40). However, the Commission was unable to reach agreement on this proposal. During further discussion, the Commission agreed to add the requirements from Conservation Measure 21-02 for a Fishery Operations Plan and a Data Collection Plan in the notification procedure for new fisheries (Conservation Measure 21-01). With these additions, the revised Conservation Measure 21-01 (2008) was adopted.

Notification of intent to participate in a krill fishery

13.10 The Commission revised Conservation Measure 21-03 (Notification of intent to participate in a fishery for *Euphausia superba*) to confine the notification procedure to Members only, and to include more details in the notification form (Annexes 21-03/A and B) for WG-EMM to review and give further advice if necessary. The Commission also amended the deadline for notifications to fish for krill under exploratory fisheries to 1 June (see Conservation Measure 21-03, footnote 1). This would allow WG-EMM to consider all notifications for krill fisheries. The revised Conservation Measure 21-03 (2008) was adopted.

Bottom fishing in CCAMLR high-seas areas

13.11 The Commission revised and adopted Conservation Measure 22-05 (Restrictions on the use of bottom trawling gear in the high-seas areas of the Convention Area) in accordance with the advice of the Scientific Committee (SC-CAMLR-XXVII, paragraph 4.284).

13.12 The Commission revised Conservation Measure 22-06 (Bottom fishing in the Convention Area). The area of application of this measure was extended to the area of Division 58.4.1, north of 60°S. In addition, a pro forma was developed to assist Members in developing preliminary assessments of known and anticipated impacts of bottom fishing activities on VMEs, and a notification form was included. The revised Conservation Measure 22-06 (2008) was adopted.

Scientific research exemption

13.13 The Commission revised Conservation Measure 24-01 (Application of conservation measures to scientific research) to ensure that it is consistent with its intended purpose (CCAMLR-XXVII/34). The Commission agreed that all notifications which propose taking more than 5 tonnes of *Dissostichus* spp. should be required to forward the related research proposals to WG-FSA for review. The revised Conservation Measure 24-01 (2008) was adopted.

Mitigation measures

13.14 The Commission endorsed the Scientific Committee's recommendation to amend Conservation Measure 24-02 (Longline weighting for seabird conservation) in order to align the seabird by-catch mitigation requirements for Subarea 48.4 with the IMAF risk assessment. In addition, the longline sink rate protocols were revised to include the trotline method of longlining, and to include a provision to measure sink rate in the Convention Area, using unbaited hooks, before commencing fishing (SC-CAMLR-XXVII, paragraph 5.34). The revised Conservation Measure 24-02 (2008) was adopted.

13.15 In addition, the Commission revised Conservation Measure 25-02 (Minimisation of the incidental mortality of seabirds in the course of longline fishing) to include line-weighting specifications for vessels using the trotline method of longlining (SC-CAMLR-XXVII, paragraph 5.27). The revised Conservation Measure 25-02 (2008) was adopted.

General environmental protection

13.16 The Commission amended Conservation Measure 26-01 (General environmental protection during fishing) to ensure all plastic packaging bands are cut into small sections prior to incineration (SC-CAMLR-XXVII, paragraph 5.40). The revised Conservation Measure 26-01 (2008) was adopted.

Toothfish

13.17 The Commission noted that no new assessment was required for *D. eleginoides* in Subarea 48.3 in 2008 (paragraphs 4.39 and 4.41). As agreed in 2007, the Commission carried forward its advice on this fishery (CCAMLR-XXVI, paragraph 13.54). The Commission also endorsed the Scientific Committee's general advice to discontinue the allocation of a 10-tonne limit for research fishing in fisheries for *Dissostichus* spp. (e.g. SC-CAMLR-XXVII, Annex 5, paragraph 5.34). Accordingly, the research fishing provision was removed, and the revised Conservation Measure 41-02 (2008) was adopted.

13.18 The Commission also noted that no new assessment was required for *D. eleginoides* in Division 58.5.2 in 2008 (paragraphs 4.39 and 4.41). As agreed in 2007, the Commission carried forward its advice on this fishery (CCAMLR-XXVI, paragraph 13.63). In light of the revision to Conservation Measure 24-02 (paragraph 13.14), Conservation Measure 41-08 was revised to include the provision to measure sink rate in the Convention Area, using unbaited hooks, before commencing fishing. The revised Conservation Measure 41-08 (2008) was adopted.

Krill

13.19 The Commission agreed to apply the general mitigation measures contained in Conservation Measure 25-03 as well as introduce the mandatory use of marine mammal exclusion devices on trawls in the krill fisheries in Subareas 48.1, 48.2, 48.3 and 48.4 (Conservation Measure 51-01) and Divisions 58.4.1 (Conservation Measure 51-02) and 58.4.2 (Conservation Measure 51-03). The Commission also agreed to limit these fisheries to vessels using fishing techniques listed in Annex A of Conservation Measure 21-03. Accordingly, the revised Conservation Measures 51-01 (2008), 51-02 (2008) and 51-03 (2008) were adopted.

13.20 The Commission also considered requirements for scientific observers in these fisheries (section 11). While not being able to reach consensus on this matter, the Commission noted that many Members participating in the krill fishery in Subareas 48.1, 48.2, 48.3 and 48.4 will deploy either CCAMLR scientific observers or government-appointed scientific observers in 2008/09.

13.21 Japan advised that government-appointed scientific observers would provide approximately 30% coverage on its krill fishing vessels in 2008/09, and expected that the coverage would reach 50% in 2010.

New conservation measures

Compliance

Transhipments

13.22 The Commission adopted a new measure to require Members to notify the Secretariat of intended transhipments within the Convention Area at least 72 hours in advance. This new measure applies to new and exploratory fisheries, as well as the fisheries for *D. eleginoides* in Division 58.5.2 and Subarea 48.3, *Dissostichus* spp. in Subarea 48.4, *C. gunnari* in Division 58.5.2 and Subarea 48.3, and crab in Subarea 48.4. Notifications of transhipment will require information on carrier vessels and products transhipped and will be made available to Members via a password-protected section of the CCAMLR website (Annex 5, paragraph 2.43(iv)). The Commission adopted Conservation Measure 10-09 (2008) (Notification system for transhipments within the Convention Area).

Encounters with VMEs during the course of bottom fishing

13.23 The Commission endorsed a precautionary approach for managing bottom fisheries with respect to VMEs, and implemented an interim measure to acquire additional data from fishing vessels in 2008/09 to contribute to assessments and advice on a long-term precautionary approach to avoiding significant adverse impacts on VMEs during the course of fishing. Accordingly, the Commission adopted Conservation Measure 22-07 (2008) (Interim measure for bottom fishing activities subject to Conservation Measure 22-06 encountering potential Vulnerable Marine Ecosystems in the Convention Area).

13.24 The Commission noted that the requirements in this new conservation measure, and general requirement in Conservation Measure 22-06, applied to the exploratory fisheries for *Dissostichus* spp. (Conservation Measures 41-04, 41-05, 41-06, 41-07, 41-09, 41-10 and 41-11), as well as the exploratory fishery for crab in Subarea 48.2 (Conservation Measure 52-02). In addition to these requirements, the Commission agreed to extend its protection of benthic communities by extending the prohibition of longline fishing in depths shallower than 550 m across all exploratory fisheries.

13.25 In adopting Conservation Measure 22-07, the Commission tasked the Secretariat, prior to the start of the 2008/09 season, to:

(i) extend the fine-scale catch and effort data forms and related instructions in order to assist vessels in reporting data on VME encounters, in accordance with the advice of the Scientific Committee (SC-CAMLR-XXVII, paragraphs 4.254 to 4.260);

(ii) develop data forms and related instructions in order to assist scientific observers in acquiring data on VME-related taxa (SC-CAMLR-XXVII, paragraphs 4.261 and 4.272).

13.26 The Commission agreed that the benthic taxa represented in the New Zealand poster (WG-FSA-08/19) would form the basis for identifying VME-related taxa in 2008/09 (SC-CAMLR-XXVII, paragraph 4.254). The Commission requested that the Secretariat work with New Zealand scientists to finalise the poster, prior to the start of the 2008/09 season, and make this poster widely available, in electronic format, to Members and technical coordinators.

General fishery matters

Fishing seasons, closed areas and prohibition of fishing

13.27 The Commission agreed to renew the prohibition of directed fishing for *Dissostichus* spp. except in accordance with specific conservation measures. Accordingly, directed fishing for *Dissostichus* spp. in Subarea 48.5 was prohibited in the 2008/09 season. Conservation Measure 32-09 (2008) was adopted.

Year-of-the-Skate

13.28 In accordance with paragraph 4.55, the Commission agreed that vessels participating in the exploratory fisheries for *Dissostichus* spp. should tag skates at a rate of one skate per five skates caught, up to a maximum of 500 skates per vessel. This requirement was included in all conservation measures for exploratory fisheries on *Dissostichus* spp.

By-catch limits

13.29 The Commission agreed to apply the existing by-catch limits in Division 58.5.2 in the 2008/09 season. Accordingly, Conservation Measure 33-02 (2008) was adopted.

13.30 The Commission agreed to carry forward the by-catch limits for exploratory fisheries, taking account of the revised catch limit for *Dissostichus* spp. in Subarea 58.4 and the consequential changes to by-catch limits in those areas, and the decoupling of the macrourid by-catch limit from the toothfish catch limit in Subarea 88.1 (paragraph 12.24). Conservation Measure 33-03 (2008) was adopted.

Toothfish

13.31 The Commission established a new SSRU in Subarea 88.1 (paragraph 12.24) and new SSRUs in Division 58.4.3b (see Conservation Measure 41-01, Table 1 and Figure 1).

13.32 The Commission revised the requirements for research hauls in Subareas 48.6 and 58.4, and included guidelines for tagging skates during the Year-of-the-Skate (paragraphs 12.9 and 4.55 respectively). Conservation Measure 41-01 (2008) was adopted.

13.33 The Commission requested the Secretariat to generate a list of random stations for each vessel participating in exploratory fisheries, and forward this list to notifying Members prior to the start of the 2008/09 season (SC-CAMLR-XXVII, paragraphs 4.113 and 4.114).

13.34 The Commission endorsed the Scientific Committee's advice for extending the fishery for *D. eleginoides* in the Northern Area of Subarea 48.4 into 2008/09, and the implementation of a fishery for *Dissostichus* spp. in the Southern Area of that subarea (paragraph 4.48). Accordingly, Conservation Measure 41-03 (2008) was adopted.

13.35 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 48.6 in 2008/09 would be limited to Japanese and Korean flagged vessels using longlines only, and that no more than one vessel per country shall fish at any one time. The Commission agreed to increase the tagging rate for *Dissostichus* spp. to three fish per tonne of green weight caught (paragraph 12.9(ii)). Other elements regulating this fishery were carried forward and Conservation Measure 41-04 (2008) was adopted.

13.36 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.1 in 2008/09 would be limited to one (1) Japanese, five (5) Korean, four (4) New Zealand, one (1) South African, one (1) Spanish and one (1) Uruguayan flagged vessels using longlines only. The Commission recalled that the Scientific Committee had not been able to provide consensus advice on revised catch limits for this fishery (paragraph 12.10(ii)) and that WG-SAM had been tasked with providing in 2009 clear advice on the practicability of continuing the experiment with closed SSRUs in Divisions 58.4.1 and 58.4.2. Noting the best scientific advice provided by the Scientific Committee (paragraph 12.10), the Commission agreed to reduce the precautionary catch limit for *Dissostichus* spp. to 210 tonnes, applied as follows:

SSRUs A, B, D, F, H:	0 tonnes
SSRU C:	100 tonnes
SSRU E:	50 tonnes
SSRU G:	60 tonnes.

13.37 The Commission also removed the research fishing provision (see paragraph 13.13). Other elements regulating this fishery were carried forward and Conservation Measure 41-11 (2008) was adopted.

13.38 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.2 in 2008/09 would be limited to one (1) Japanese, four (4) Korean, one (1) Spanish and one (1) Uruguayan flagged vessels using longlines only[3]. As for the fishery in

[3] Australia and New Zealand withdrew their notifications at the time of adoption of the report.

Division 58.4.1, the Commission noted the best scientific advice provided by the Scientific Committee (paragraph 12.10(iii)), and agreed to reduce the precautionary catch limit for *Dissostichus* spp. to 70 tonnes, applied as follows:

SSRUs B, C, D:	0 tonnes
SSRU A:	30 tonnes
SSRU E:	40 tonnes.

13.39 Other elements regulating this fishery were carried forward and Conservation Measure 41-05 (2008) was adopted.

13.40 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3a in 2008/09 would be limited to one (1) Japanese flagged vessel using longlines only. The Commission also agreed to reduce the precautionary catch limit for *Dissostichus* spp. to 86 tonnes (paragraph 12.10(iv)). Other elements regulating this fishery were carried forward and Conservation Measure 41-06 (2008) was adopted.

13.41 Australia reiterated that the catch rates of *Dissostichus* spp. were very low during the survey conducted in 2008 on BANZARE Bank (Division 58.4.3b), consistent with toothfish being depleted in the surveyed area (SC-CAMLR-XXVII, paragraph 4.145). Furthermore, the fish caught during the survey were nearly all very large spawning fish (SC-CAMLR-XXVII, paragraph 4.146). As these fish constitute the only records of actively spawning *D. mawsoni* in the southern Indian Ocean sector of the Convention Area, protection of the population in this division was likely to be critical to ensuring the sustainability of *D. mawsoni* in this region. Australia further reminded the Commission that BANZARE Bank had been a focus for IUU activity in recent years, however, the numbers of IUU vessels sighted in the area in 2007/08 had declined dramatically, indicating that even IUU vessel operators considered the stock across this division is in a severely depleted state. Hence it is imperative that CCAMLR protect this stock by closing the entire area.

13.42 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Division 58.4.3b outside areas of national jurisdiction in 2008/09 would be limited to Japanese, Spanish and Uruguayan flagged vessels using longlines only, and that no more than one vessel per country would fish at any one time. The Commission noted that the Scientific Committee was unable to agree on management advice for this division (SC-CAMLR-XXVII, paragraphs 4.145 to 4.149). The Commission agreed that the catch limit in SSRU B should remain at zero. Further, and to ensure that data are collected in 2008/09 to assist with assessing this stock, and to avoid concentrated fishing that may lead to depletion, the Commission agreed that SSRU A should be further subdivided into four new SSRUs (see Conservation Measure 41-01, Table 1 and Figure 1). The Commission agreed to reduce the precautionary catch limit for *Dissostichus* spp. to 120 tonnes, applied as follows:

SSRU A:	30 tonnes
SSRU B:	0 tonnes
SSRU C:	30 tonnes
SSRU D:	30 tonnes
SSRU E:	30 tonnes.

13.43 Other elements regulating this fishery were carried forward and Conservation Measure 41-07 (2008) was adopted.

13.44 The Commission noted that no new assessment was required for *Dissostichus* spp. in Subareas 88.1 and 88.2 SSRUs in 2008 (paragraphs 4.39 and 4.41). As agreed in 2007, the Commission carried forward its advice on this fishery (CCAMLR-XXVI, paragraph 13.65). However, following new advice from the Scientific Committee (paragraph 12.24), the Commission agreed to revise the proportional allocation of catch limits in the SSRUs following the establishment of a new SSRU M, and the combining of catch limits in SSRUs J and L. In addition, the by-catch limits for *Macrourus* spp. were revised, and the research fishing provision was removed (see paragraph 13.17).

13.45 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.1 in 2008/09 would be limited to two (2) Argentine, one (1) Chilean, four (4) Korean, four (4) New Zealand, three (3) Russian, one (1) South African, one (1) Spanish, three (3) UK and two (2) Uruguayan flagged vessels using longlines only.

13.46 The Commission retained the catch limit for *Dissostichus* spp. in Subarea 88.1 (2 700 tonnes, CCAMLR-XXVI, paragraph 13.65), and re-allocated the catch limits in SSRUs as follows:

SSRU A:	0 tonnes
SSRUs B, C, G (northern):	total of 352 tonnes
SSRU D:	0 tonnes
SSRU E:	0 tonnes
SSRU F:	0 tonnes
SSRUs H, I, K (slope):	total of 1 994 tonnes
SSRUs J, L:	354 tonnes
SSRU M:	0 tonnes.

13.47 The Commission set a precautionary catch limit of 135 tonnes for skates and rays and 430 tonnes for *Macrourus* spp., and limits for other species, applied as follows:

SSRU A:	0 tonnes of any species
SSRUs B, C, G:	50 tonnes of skates and rays, 40 tonnes of *Macrourus* spp., 60 tonnes of other species
SSRU D:	0 tonnes of any species
SSRU E:	0 tonnes of any species
SSRU F:	0 tonnes of any species
SSRUs H, I, K:	99 tonnes of skates and rays, 320 tonnes of *Macrourus* spp., 60 tonnes of other species
SSRUs J, L:	50 tonnes of skates and rays, 70 tonnes of *Macrourus* spp., 40 tonnes of other species
SSRU M:	0 tonnes of any species.

13.48 Other elements regulating this fishery were carried forward and Conservation Measure 41-09 (2008) was adopted.

13.49 The Commission agreed that the exploratory fishery for *Dissostichus* spp. in Subarea 88.2 in 2008/09 would be limited to two (2) Argentine, one (1) Chilean, two (2) Korean, four (4) New Zealand, three (3) Russian, one (1) South African, one (1) Spanish, three (3) UK and two (2) Uruguayan flagged vessels using longlines only.

13.50 The Commission agreed to remove the research fishing provision (see paragraph 13.13), and carry forward the precautionary catch limit for *Dissostichus* spp. of 567 tonnes, applied as follows:

SSRU A:	0 tonnes
SSRU B:	0 tonnes
SSRUs C, D, F, G:	214 tonnes
SSRU E:	353 tonnes.

13.51 The Commission agreed to carry forward the precautionary catch limit of 50 tonnes for skates and rays and 90 tonnes for *Macrourus* spp., and limits for other species applied as follows:

SSRU A:	0 tonnes of any species
SSRU B:	0 tonnes of any species
SSRUs C, D, F, G:	50 tonnes of skates and rays, 34 tonnes of *Macrourus* spp., 80 tonnes of other species
SSRU E:	50 tonnes of skates and rays, 56 tonnes of *Macrourus* spp., 20 tonnes of other species.

13.52 Other elements regulating this fishery were carried forward and Conservation Measure 41-10 (2008) was adopted.

Icefish

13.53 The Commission revised the limits on the fishery for *C. gunnari* in Subarea 48.3 (paragraph 4.46). Other elements regulating this fishery were carried forward and Conservation Measure 42-01 (2008) was adopted.

13.54 The Commission revised the limits on the fishery for *C. gunnari* in Division 58.5.2 (paragraph 4.46). Other elements regulating this fishery were carried forward and Conservation Measure 42-02 (2008) was adopted.

Krill

13.55 The Commission established a new general measure for exploratory fisheries for krill. This measure was based on the advice of the Scientific Committee, and included, *inter alia* (paragraphs 12.25 to 12.36):

(i) four data collection plans for case-specific selection by Members and their flagged vessels;

(ii) at least one observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation and, where possible, one additional observer on board throughout all fishing activities within the season;

(iii) monthly reporting of fine-scale catch, effort and biological data on a haul-by-haul basis.

13.56 The Commission adopted Conservation Measure 51-04 (2008) (General measure for exploratory fisheries for *Euphausia superba* in the Convention Area in 2008/09).

13.57 The Commission agreed that the exploratory fishery for *E. superba* in Subarea 48.6 in 2008/09 would be limited to one Norwegian-flagged vessel using fishing techniques listed in Annex A of Conservation Measure 21-03. This was the first exploratory fishery for krill which the Commission has implemented.

13.58 The Commission set a precautionary catch limit for *E. superba* of 15 000 tonnes, of which no more than 11 250 tonnes may be taken from areas within 60 n miles of known breeding colonies of land-based krill-dependent predators (paragraph 12.33). Other requirements included:

(i) application of general mitigation measures contained in Conservation Measure 25-03, and the mandatory use of marine mammal exclusion devices on trawls;

(ii) at least one observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, and, where possible, one additional observer on board throughout all fishing activities within the season;

(iii) use of the 10-day catch and effort reporting system;

(iv) collection of haul-by-haul catch, effort and biological data;

(v) application of general environmental protection measures in Conservation Measure 26-01 and no offal discharge.

13.59 The Commission adopted Conservation Measure 51-05 (2008) (Limits on the exploratory fishery for *Euphausia superba* in Subarea 48.6 in 2008/09).

Crab

13.60 The Commission agreed to combine the requirements of Conservation Measures 52-01 (2007) and 52-02 (2007) into a single measure for the crab fishery in Subarea 48.3. The elements of these measures were carried forward to 2008/09 (paragraph 4.49). The Commission also introduced a requirement to carry at least one observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation on board each vessel during all fishing activities. Accordingly, Conservation Measure 52-01 (2008) was adopted.

13.61 The Commission also agreed that the notifications for new fisheries for crab in 2008/09 (paragraphs 12.2 and 12.37 to 12.39) should be considered as exploratory fisheries.

13.62 The Commission agreed that the exploratory fishery for crab in Subarea 48.2 in 2008/09 would be limited to one Russian-flagged vessel using pots only. The precautionary

catch limit for crab was set at 250 tonnes (paragraph 12.38). In accordance with Conservation Measure 32-03 (Prohibition of directed fishing for finfish in Subarea 48.2), the Commission required that all live finfish taken as by-catch in the exploratory fishery for crab be released with the least possible handling, and that all live *Dissostichus* spp. be tagged prior to release. A total by-catch limit of 0.5 tonnes was set for all dead finfish. Other requirements in this fishery included, *inter alia*, scientific observations, a data collection plan and an experimental harvest regime. The Commission adopted Conservation Measure 52-02 (2008) (Limits on the exploratory fishery for crab in Subarea 48.2 in 2008/09).

13.63 The Commission agreed that the exploratory fishery for crab in Subarea 48.4 in 2008/09 would be limited to one Russian-flagged vessel using pots only. The precautionary catch limits for crab was set at 10 tonnes (paragraph 12.38). The Commission agreed that all live finfish taken as by-catch be released with the least possible handling, and that all live *Dissostichus* spp. be tagged prior to release. A total by-catch limit of 0.5 tonnes was set for all dead finfish. Other requirements in this fishery included, *inter alia*, scientific observations, a data collection plan and an experimental harvest regime. The Commission adopted Conservation Measure 52-03 (2008) (Limits on the exploratory fishery for crab in Subarea 48.4 in 2008/09).

Squid

13.64 The Commission carried forward the limits for the exploratory jig fishery for *M. hyadesi* in Subarea 48.3 in 2008/09 (paragraph 4.51), noting that no notification had been submitted for this fishery in 2008/09 (paragraph 12.2). Conservation Measure 61-01 (2008) was adopted.

New resolutions

Tariff classification for krill

13.65 The Commission adopted a new resolution which urged Members to adopt and use a specific tariff code for any trade in krill in order to improve Members' knowledge of the trade of krill products (Annex 5, paragraph 2.43(iii)). Accordingly, the Commission adopted Resolution 27/XXVII (Use of a specific tariff classification for Antarctic krill).

Ballast water exchange in the Convention Area

13.66 The Commission noted that the Antarctic Treaty Parties adopted Resolution 3 (2006) Ballast Water Exchange in the Antarctic Treaty Area, which set out Practical Guidelines for Ballast Water Exchange in the Antarctic Treaty area. The aim of the guidelines was to support early implementation of the practical measures identified in the International Convention for the Control and Management of Ships' Ballast Waters and Sediments, 2004 (IMO Ballast Water Management Convention). The guidelines were subsequently forwarded to the Marine Environment Protection Committee of the International Maritime Organisation (IMO), which also adopted them in Resolution MEPC.163(56).

13.67 The Commission noted that all CCAMLR Members have endorsed the guidelines for use in the Antarctic Treaty Area, through the IMO Resolution. It agreed to implement the guidelines for application to vessels engaged in harvesting and associated activities, as set out in Article II.3 of the CAMLR Convention. In addition, although in practical terms any vessel transiting the Convention Area on route to the Antarctic Treaty Area should already be using the guidelines, the guidelines were extended to vessels operating only in the Convention Area north of 60°S. Accordingly, the Commission adopted Resolution 28/XXVII (Ballast water exchange in the Convention Area).

CCAMLR Scheme of International Scientific Observation

13.68 The Commission endorsed the recommendation from SCIC to strengthen the Scheme of International Scientific Observation (see paragraph 11.3). The revised 'CCAMLR Scheme of International Scientific Observation' was adopted.

CCAMLR System of Inspection

13.69 The Commission considered a proposal to review and strengthen the System of Inspection which had been brought forward from CCAMLR-XXVI (CCAMLR-XXVII/38 Rev. 1).

13.70 The Commission noted that the proposal had been discussed in detail by the Conservation Measure Drafting Groups of both SCIC and the Commission and that significant progress had been made. However, some Members were unable to agree to the revised text, and the Commission urged Members to develop this issue during the intersessional period.

13.71 Australia expressed its great disappointment that this proposal was not able to be adopted at this meeting.

Krill notifications

13.72 The Commission considered various proposals in respect of improved reporting and submission of notifications to participate in krill fisheries in accordance with Conservation Measure 21-03, including proposals from Japan and the USA (paragraphs 8.13 to 8.21). The Commission was unable to reach agreement on this matter, and urged Members to develop this issue during the intersessional period.

Market-related measures

13.73 The Commission considered a proposal for the adoption of market-related measures which had been brought forward from CCAMLR-XXVI by the European Community (CCAMLR-XXVII/39 Rev. 1). This matter was considered at length. However, the Commission was unable to reach consensus on this matter.

13.74 The European Community made the following intervention:

'This will not be a long discussion as it is not a new one. It is the third time I have to make this intervention. I would like to start from where we left this discussion last year.

I am referring to CCAMLR-XXVI – Commission's report 2007, precisely to paragraph 13.29, last line and paragraph 13.32, first line. Everyone can read the report and appreciate the situation and where we left off last year. The proposal, which was tabled in 2006, did at that time not have the support of some of the Members of the Commission, although the vast majority supported it. In 2007, we worked with those delegations throughout the annual meeting for two weeks and at the end of the session, we had support by all Members but one. This information can be found in CCAMLR-XXVI, paragraphs 13.29 and 13.32.

Everyone is aware of the background of the proposal. It is trying to address one of the main problems that we have here in CCAMLR as well as in other seas and oceans, illegal activities, so-called IUU fisheries. This organisation has already adopted a large number of measures to address IUU fishing activities, in particular Conservation Measures 10-06 and 10-07 consisting of Contracting Party and non-Contracting Party IUU Vessel Lists plus Conservation Measure 10-08, to promote compliance by nationals and lastly our Catch Documentation Scheme.

I would like to draw the attention of this organisation to the fact that some of these measures which I am referring to, such as the Catch Documentation Scheme and IUU Vessel Lists, have already important trade implications. A vessel on the IUU List cannot enter a port neither land catches, and thus trade them. The functioning of the Catch Documentation Scheme is self explanatory in terms of trade implications and effectiveness against IUU activities. This is why we have adopted a similar scheme for all marine fishery products in the EC IUU Regulation, as was demonstrated during the presentation yesterday. The EC Delegation sees these types of measures as vital when addressing IUU problems. However, despite this arsenal of measures, I have to refer to paragraph 7.3 of the Scientific Committee report:

> "The Scientific Committee agreed that, given the available evidence, it could not conclude that IUU fishing, and its effects, particularly its by-catch of fish, benthos and birds, had significantly declined in the Convention Area".

Moreover, I have to mention the intervention by Prof. Duhamel who noted that IUU fishing was still occurring in Divisions 58.4.1, 58.4.3b and 58.5.1 and had reoccurred in Subareas 58.6 and 88.1 after a number of years in which there had been no IUU fishing in those subareas, confirming that IUU fishing is a serious threat in the CAMLR Convention Area.

It is clear that we have a problem, and although we have some measures to address this issue, it is evident that they are not entirely effective. This is supported when looking at the list of IUU non-Contracting Party vessels where vessels which have been there since 2002 are repeatedly sighted, even this year, despite being listed. Consequently, we must develop a complementary measure for these types of situations.

We would like to remind that the European Community tabled this proposal in 2006 as a consequence of the adoption of Conservation Measures 10-06 and 10-07, where the Commission, in paragraphs 13.32 and 13.35 of CCAMLR-XXVI took a commitment to develop a market-related measure.

We would also like to stress the calls of international fora to adopt market-related measures. The last two relevant calls came from the UN General Assembly through Resolutions 61/105 (2006), paragraph 46, and 62/177 (2008), paragraph 55.

Moreover, another recent achievement was reached in the FAO in June 2008 in Bremen, Germany, where the Sub-Committee on Responsible Fish Trade of the FAO Committee on Fisheries (COFI) adopted draft guidelines for responsible fish trade, wherein trade measures are supported, and these draft guidelines have been forwarded for adoption at the next COFI meeting in March 2009. This guidance has been developed under the Chairmanship and Vice-Chairmanship of two Members of CCAMLR, one of which is objecting to the proposal here in CCAMLR, but not in that context.

Some might argue that this measure will only target developing countries which do not always have the resources to control their vessels. To that end, I would propose capacity building. This is something which we offer in our EC IUU Regulation as well. I also want to recall the Lisbon Declaration at Minister's level on IUU fishing, where several Ministers of developing countries adopted that declaration in October 2007.

Considering all this, the EC Delegation thinks that it would be unfortunate if we again miss the opportunity of adopting this proposal, which is the most effective measure to combat non-compliance.

I would also like to thank the NGOs for their presentation on IUU fishing and its disastrous consequences, and if we are going to object to this proposal again, the EC Delegation will consider the possibility of withdrawing the proposal. If the proposal is withdrawn, the EC will not be re-tabling it unless we have the 100% possibility of having it adopted.

Lastly, following our EC IUU Regulation, those vessels which are listed in the CCAMLR Contracting and non-Contracting Party IUU Lists after 1 January 2010 will be automatically listed in our EC IUU List, and will, as a result, not be able to trade with the EC, directly or indirectly. This applies to non-cooperating countries as well.'

13.75 Argentina made the following statement:

'Argentina is highly committed to the objective of conservation of the Antarctic marine living resources. Argentina also was in agreement with the trade-related conservation measures adopted until now in the context of CCAMLR[4]. However, we are deeply concerned about the European Community's proposal related to the

[4] 10-02 related to the 'Licensing and inspection obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area', 10-05 related to the 'Catch Documentation System for *Dissostichus* spp.', 10-06 and 10-7 that relate to 'Scheme to promote compliance by Contracting [non-Contracting] Party vessels with CCAMLR conservation measures'.

adoption of trade measures against CCAMLR Contracting and non-Contracting Parties[5]. We have also noted the background papers circulated by ASOC[6] and IUCN[7] in that respect. We therefore would like to make the following observations.

There are no valid legal precedents that justify the adoption of trade-related measures against States in CCAMLR.

The European Community's explanatory memorandum and the ASOC and IUCN contributions refer to certain precedents which, they state, are consistent with the conservation measure against States being proposed. This is not the case.

Firstly, FAO's International Plan of Action[8] is not a binding legal instrument for members of that organisation, but a "voluntary" one. Besides, nowhere in that Plan is there a specific reference to the application of trade measures against States as such. An example of this is the reference the Plan makes to the catch documentation and certification requirements schemes[9].

The European Community, ASOC and IUCN also refer to UNGA's Resolutions 61/105, 62/177 and 62/215. Although those Resolutions contain important statements from Members in relation to sustainable fisheries and the conservation of the marine resources and environment, contrary to what is implied in the European Community's explanatory memorandum, none of those resolutions specifically or explicitly deal with the issue of trade measures against States.

Finally, in its memorandum, the European Community refers to the "practice of States through international organisations with responsibilities in fisheries conservation and management"[10]. Argentina has difficulties in understanding what the European Community is referring to, given that it does not offer any evidence of this alleged practice. In any event, any practice that might exist in that respect is not general enough nor is followed by the sense of obligation required to become a source of international law, especially taking into account the strong differences that exist within the international community in respect of trade measures against States.

Argentina is not a Contracting Party in any RFMO that applies trade sanctions against States[11]. In any event, notwithstanding any precedents that may exist in other international organisations, Argentina has serious difficulties in accepting the imposition of sanctions to States not party to CCAMLR when those States have not given their consent to abide by the provisions of the Convention.

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5 CCAMLR- XXVII/BG/39, from now on 'EC proposal'
6 CCAMLR- XXVII/BG/28, from now on 'ASOC Background Document'
7 CCAMLR- XXVII/BG/37, from now on 'IUCN Background Document'
8 FAO's International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
9 See FAO's International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, paragraph 69.
10 EC proposal, page 2
11 IUCN Background Document, Table 1

We believe that, if such a measure were adopted, it would give rise to a serious breach of one of the most basic principles of international law contained in the Vienna Convention on the Law of Treaties, which states that "[a] treaty does not create either obligations or rights for a third State without its consent"[12].

The consistency of the proposed trade measures with WTO rules is doubtful.

The European Community maintains that certain "conservation measures that are agreed by competent international organisations fall within the exception of GATT Article XX(g)"[13] and thus are consistent with WTO rules. That is far from being established.

Article XX is a fundamental provision of the GATT which, if impaired, can have serious consequences for the multilateral trading system regulated by the WTO, of which most CCAMLR Contracting Parties are Members. In spite of what the European Community asserts, nothing in the text or the context of GATT Article XX supports the assertion that a conservation measure adopted by an international organisation complies, by that mere fact, with the standard required by that obligation.

The European Community statement implies an extremely risky interpretation of Article XX of GATT 1994. The adoption of this point of view would imply automatic consistency between measures derived from international conservation organisations and the WTO rules. That would result, for example, in that certain measures adopted within such organisations would be immune to revision by the WTO Members or its Dispute Settlement System, regardless of the particular or restrictive features of those measures. Such consequence is simply not acceptable.

Besides, the WTO Appellate Body has never made an interpretation of GATT Article XX 1994 as adventurous as the European Community's. Quite the contrary, the Appellate Body has said that for a measure to comply with the Article XX standard, a series of strict requirements must be met, which the European Community's proposal does not appear to fulfil.

By virtue of the European Community proposal, we face the very real prospect that while sanctioning a State, not only vessels and exporters engaged in IUU fishing would be penalised, but also vessels and exporters of that State that fully comply with CCAMLR regulations and are not involved at all in IUU fishing. That would result in an unfair restriction to international trade and an arbitrary and unjustifiable discrimination against WTO rules. This is also unacceptable.

Given the uncertainty regarding the type and extent of breach that could lead to the identification and subsequent sanctioning of a State, the scheme proposed by the European Community may allow the adoption of arbitrary measures contrary to multilateral trade rules. Yesterday's discussion highlighted the legal problems that may arise with such ambiguous terms as "appropriate" or "act[s] or omissions that may [diminish] the effectiveness" of a conservation measure (paragraph 2.c of the European Community's proposal).

[12] Articles 34 and 35
[13] EC proposal, page 2

Besides, it is worth mentioning that although there are a few controversies related to environmental or conservation matters that have been brought to the WTO (for example, the cases of *US – Shrimp*, *EC – Asbestos*, and more recently, *Brazil – Tyres*), in none of those controversies was the consistency of a measure adopted by virtue of the mandate of an environmental or conservation international organisation specifically addressed. Rather, those cases were about unilateral measures adopted by the respondent country.

Even measures aimed at legitimate objectives can be contrary to the WTO due to the way they are implemented. In particular in the *Shrimp* case, the WTO initially determined that, notwithstanding that the objective aimed at by the USA was desirable, the way the conservation measure was applied constituted an arbitrary and unjustifiable discrimination, contrary to WTO law.

In this context, some observer organisations in CCAMLR such as ASOC[14] and IUCN[15] have drawn attention to an alleged WTO declaration in the context of the Committee of Trade and Environment (CTE) in relation to the consistency of certain ICCAT and CCAMLR measures with WTO rules, stressing that both schemes are examples of appropriate trade measures consistent with multilateral rules. By virtue of that, ASOC and IUCN maintain that trade measures against States would be consistent with WTO rules.

Argentina wishes to clarify some errors in these arguments.

In reality, the declaration within the CTE which ASOC and IUCN refer to is simply a "note" from the WTO Secretariat related to the environmental benefits resulting from the withdrawal of commercial restrictions and distortions in the fishing sector[16].

Thus, those statements, as well as being made in a context unrelated to the trade measures issue, do not represent either the WTO opinion, nor that of the WTO Members, but only the Secretariat's, and therefore may not stand as a valid legal precedent for today's debate. In that sense, it is hard to imagine how the WTO Members could have made such a statement when they have not yet reached a definitive agreement among themselves regarding the relationship between trade and the environment.

Given that the WTO has not expressed a formal opinion regarding this specific issue, and in spite of the European Community and the IUCN[17] statements, any assertion that assumes the automatic consistency between the universe of measures adopted under international conservation organisations, among them measures such as the one proposed by the European Community, and WTO rules is, to say the least, entirely speculative.

The imposition of trade measures against States is beyond CCAMLR's competence.

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14 Idem, page 5
15 Idem, page 5
16 WT/CTE/W/167
17 IUCN Background Document, page 2

Argentina considers that the legal or quasi-legal determination of an infringement or violation by a State, be it Party or non-Party, made within an organisation that is not intended to make such determinations nor has jurisdictional competence to do so, carries high risks for the multilateral trading system, and for the international community in general.

In this respect, in spite of what has been stated by ASOC[18], in accordance with the text of the Convention as it currently stands, neither the Commission nor SCIC have powers to make a legal determination of a violation of CCAMLR obligations by a Contracting or non-Contracting Party State.

Secondly, contrary to other jurisdictional or quasi-judicial international systems, the European Community's proposed procedure does not provide all the necessary legal and procedural guarantees to the State identified and potentially sanctioned by CCAMLR, nor is there clarity on the basis upon which the determination of its non-compliance would be made.

As previously pointed out, given the lack of clarity in respect of the type and extent of the breach that could lead to identification and further sanction of a State, the scheme proposed by the European Community could allow for arbitrary measures inconsistent with a fair due process for the identified State.

Furthermore, and notwithstanding ASOC's statement[19], there are no precedents in CCAMLR regarding the possibility of applying trade measures against States. Conservation Measures 10-06 and 10-07 exclusively refer to sanctions against Party and non-Contracting Party VESSELS involved in IUU fishing, and not to States. Therefore, and once more contrary to ASOC's statement, the European Community's proposal is, in effect, different in essence and objectives to the CCAMLR conservation measures adopted to date.

Therefore, the proposal for market-related measures against States is not consistent with the CCAMLR regime.

The precedent that would be established by the adoption of the European Community proposal would mean that Argentina or other States could face sanctions in this, or other fora completely different to CCAMLR but under similar schemes of dubious legality as the one proposed by the European Community, generating unpredictable consequences for the international community.

For these reasons, although Argentina appreciates the European Community's efforts on this matter, it cannot, at this point, change its consistently maintained position and join consensus. Nevertheless, Argentina is fully willing to continue conversations with the European Community and other Members in order to find a mutually acceptable solution for the Commission.'

13.76 New Zealand expressed its deep regret that consensus was not obtained on the European Community's proposal for a conservation measure on market-related measures to promote compliance. New Zealand commented that the European Community's proposal

[18] ASOC Background Document, page 2
[19] Idem

would have provided an important weapon in CCAMLR's arsenal in the fight against IUU fishing. New Zealand noted that IUU fishing continued to constitute a serious challenge to the objectives of the Convention and that it was incumbent on all Members to join in efforts to combat IUU fishing. New Zealand urged that the proposal for CCAMLR to adopt market-related measures be retained on the Commission's agenda.

13.77 Russia made the following statement:

> 'The objective for establishing CCAMLR was the conservation of Antarctic marine biological resources. And now we are faced with this latest challenge, that of increasing the effectiveness of the measures that we are adopting for the conservation of biological resources in this region.
>
> The closure of markets to the fish products derived from illegal fishing is, in practice, one of the most effective measures for combating illegal fishing.
>
> However, we would like to highlight specifically the undisputed fact that CCAMLR is not a Regional Fisheries Management Organisation, therefore an automatic transfer of the current practices of such organisations is not acceptable in the context of CCAMLR. Therefore, the proposal to adopt market-related measures deserves to be carefully considered both within the Commission and on a national level, since such measures not only affect the fishing industry, but also have serious economic, legal and political consequences.
>
> This is particularly relevant for the Russian Federation, which, as you know, is not a member of WTO. Over a number of years we have been preparing to join this organisation and for this reason have been watching and analysing any international-level measures that fall within the competence of WTO. We have to admit that the procedures for internal coordination of the proposed project have not been finalised in our country to date, and at this session we are not in a position to support or oppose the EC's proposal which is under discussion.
>
> Nevertheless, we express our readiness and willingness to continue working together with interested delegations on the development of the document in order to reach a consensus and achieve the stated objective of closing the markets to the fish products derived from IUU fishing.

13.78 It was noted that most Members strongly supported the views of the European Community and had expressed their deep disappointment that the draft conservation measure had not been adopted. The proposal was developed in the context of a market-related measure which would be implemented only as a last resort and when other measures had proved unsuccessful in preventing, deterring and eliminating any action which diminished the objectives of conservation measures.

13.79 Several Members appreciated Argentina's efforts in providing a thorough and precise analysis of the issue which could be of use to Members for future discussions.

13.80 The European Community recalled that last year, all Members but one had agreed that the proposed market-related measure would strengthen the CCAMLR set of conservation measures aimed at preventing, deterring and eliminating IUU fishing in the Convention Area (CCAMLR-XXVI, paragraph 13.32).

13.81 China thanked the European Community for its effort, and joined those Members in thanking Argentina for its detailed statement. China hoped that Members could continue their creative work and reach consensus soon. China is willing to contribute to the consensus-building process.

13.82 The Commission urged Members to further develop this issue during the intersessional period.

13.83 Belgium thought that the European Community's presentation was very clear and a sort of demonstration. It was therefore unnecessary for Belgium to bring new arguments in favour of the rapid adoption of the proposed conservation measure. Belgium emphasised that without concrete results on this and related types of measures, it will become more and more difficult for Belgium to justify its active presence at CCAMLR.

13.84 France made the following statement:

> 'France supports the European Community's (EC) proposal wholeheartedly.
>
> France wishes to express its disappointment that after three years of discussions, CCAMLR has been unable to adopt this conservation measure, which is an essential element for an effective fight against IUU fishing. As the French scientist stated to the Scientific Committee, IUU fishing continues to wreak havoc in many parts of the CAMLR Convention Area.
>
> France has been able to fight IUU fishing effectively in its EEZs, but does not have the means to do the same in all parts of the Convention Area which are at risk. Other tools are necessary.
>
> France thanks Argentina for the long "indictment" which has just been made against the EC's proposal as, for the first time for three years, we are departing from general references to international law and finally have some specific points to reflect on. The French Delegation therefore wishes to obtain the full text of this statement. We intend to examine it in detail, but are confident that we will be able to contest all the points put forward by Argentina.'

13.85 The UK joined other Members in supporting the development of market-related measures, and hoped that further progress can be made during the intersessional period.

13.86 The USA also joined others in expressing strong regret that consensus could not be reached on the European Community's proposal concerning market-related measures. It praised the European Community for working hard over the past three years to advance this proposal, which has precedents in a number of RFMOs. It noted that it was necessary to take concrete steps to combat IUU fishing, and trade measures provide an important tool in that regard. Contrary to the views stated by the Delegation of Argentina, the USA did not

consider that the European Community's proposal in any way violated international law, including international trade law. Efforts to adopt a conservation measure on this topic should continue within CCAMLR.

13.87 Germany supported the development of market-related measures, and thanked Argentina for its detailed position statement. Germany hoped that further progress could be made during the intersessional period.

13.88 Sweden deeply regretted that the Commission was prevented from using efficient weapons against IUU fishing and supported statements by the European Community, New Zealand, France, UK, USA and Germany.

13.89 Spain supported the development of market-related measures, and thanked Argentina for its detailed position statement. Spain hoped that further progress could be made during the intersessional period.

13.90 South Africa thanked the European Community for its perseverance in trying to advance the measure, and expressed disappointed that the measure was not adopted. South Africa thanked Argentina for its detailed intervention and for indicating its willingness to cooperate with other Members. South Africa urged Argentina to work during the intersessional period so that CCAMLR could take such a measure forward in its combat against IUU fishing.

13.91 Australia made the following statement:

> 'Together with the many delegations that have already done so, Australia expresses deep regret with the fact that this proposed conservation measure cannot be brought forward.
>
> Contrary to the views of other delegations, we do not welcome the late statement from Argentina. These views ought to have been conveyed some time ago, and at the very least last year. Rather than spending three years developing a thesis on the topic, it would have been useful to put these issues on the table and allow substantive discussion of them. Further, we do not agree with several aspects of the substantive points asserted in Argentina's statement.
>
> This is my eleventh meeting, and I have seen CCAMLR develop over this time. When we began discussions on the CDS, we were breaking new ground. We encountered some difficulties, but with an enormous amount of goodwill and constructive engagement, we were able to move forward.
>
> We must remember our mandate in CCAMLR – to conserve Antarctic marine living resources, where conservation includes rational use. We know that IUU fishers have had a direct impact on the objective of our Convention. It causes great harm to ecosystems. IUU fishing also takes away valuable resources from each and every Member of the Commission.
>
> We used to be world leaders in combating IUU fishing and there has been such a strong will to move forward on this issue. However, we are very saddened that this goodwill has evaporated. We have gone from being innovative to "dumb and dumber".

We have only limited means in our arsenal to combat IUU fishing. IUU fishing continues. It may have diminished – in part because Vidal Armadores' vessels have been sunk or have been arrested. However, they will be back; IUU will continue, and will increase if we take our eye off the ball.

Several Members of the Commission – France, South Africa and Australia – have expended much effort and considerable money to combat IUU fishing. It would be good to have the support of all CCAMLR Members in these initiatives, especially through complementary measures. The market measures proposal would have been a tremendous help to the efforts of these countries.

We need to reduce the profitability of IUU activity – we need to send IUU fishers broke. It is only through this type of response that we can have any realistic hope of putting a serious dent in IUU fishing. To this end, the market measures proposal is a critical tool that Members will require to have at their disposal.

WTO consistency is not directly relevant to the proposed conservation measure. The proposed conservation measure merely provides for the Commission to recommend trade measures. It is up to each Member to decide whether to implement sanctions, and if so what type of sanctions. It is therefore up to each Member to consider the WTO compliance of the sanctions which that Member chooses to apply.

Further, Australia asserts that the imposition of sanctions is not beyond the competency of the Commission.

We have become hostage to the tyranny of consensus on this issue: while Australia agrees that consensus is fundamental to the Antarctic Treaty System and indeed one of its inherent strengths, repeating over and over the same argument without trying to find a way forward is against the spirit of consensus in the Antarctic Treaty System.

In failing to move forward on market related measures we have let ourselves down.'

13.92 Norway expressed general appreciation to the European Community for its very sincere efforts of combating IUU. The European Community's similar work in other fora had resulted in a dramatic decrease in IUU fishing in Norwegian waters. Norway noted Argentina's concerns, and hoped that these issues may be resolved through further intersessional consultation.

13.93 Italy totally supported the European Community's proposal, and thanked Argentina for its detailed intervention. Italy hoped that further progress can be achieved in the intersessional period.

13.94 Namibia thanked the European Community for tabling its market-related measures. Namibia also thanked Argentina for its detailed statement, and looked forward to fruitful discussion in the near future. Namibia encouraged all delegates to study Members' positions in order to reach consensus at the next meeting.

13.95 Brazil expressed its appreciation for the efforts made by the European Community to improve the text of its proposal for a conservation measure concerning the adoption of market-related measures to promote compliance. In line with other delegations, Brazil

expressed the belief that the Argentine statement constituted an important contribution to the debate on market-related measures and indicated that it should be taken into consideration by the European Community in the re-drafting of the proposal.

13.96 ASOC made the following statement:

> 'ASOC would like to thank the delegate from the European Community for his tireless efforts to achieve passage of the market-related measures conservation measure. We are deeply disappointed at the lack of openness by Members of this Commission to the sponsor's efforts to achieve consensus.
>
> ASOC has promoted this measure since its inception. Two years ago, eight Members of the Commission opposed this measure. In 2007, work by governments and NGOs in support of this measure reduced the opposition to one Member. Going into this year's meeting ASOC was hopeful that this measure could pass. That hope faded into disappointment as other Members who had supported the measure last year reversed their position.
>
> CCAMLR has prided itself on being a leader in the effort to end IUU fishing. However, with the utter failure to achieve consensus this year, it is becoming a follower. The use of market measures, as a cost-effective tool in the fight against IUU fishing, is becoming customary across the world.
>
> We support the request from France for the arguments and concerns put forward by Argentina to be officially submitted to CCAMLR Members so that they can be addressed. The UK's invitation for other Members to put further proposals forward is useful. We invite CCAMLR Member governments who opposed this measure to come together and to adopt a market measure and so re-establish CCAMLR's leadership role as a matter of urgency.'

13.97 China pointed out that it is not appropriate for an observer to accuse Members of a lack of openness. As consensus is the basic principle of decision-making in CCAMLR, nor is it appropriate to label Members as supporting or opposing a proposal when no consensus was reached. China wondered whether silence of a Member should be labelled as supporting or opposing a proposal, and holds that such labelling may impact the right of Members to participate in consultation while an agenda item is still open and such confrontational practice is not helpful to consensus-building. China suggested Members refuse such a labelling practice, and work together to reach consensus.

Resolution 22/XXV

13.98 The Commission noted that Argentina had proposed a revision to Resolution 22/XXV (International actions to reduce the incidental mortality of seabirds arising from fishing). Argentina advised that the main revisions related to references to Article IX of the Convention and the provisions of Resolution 22/XXV. The Commission was unable to reach agreement on the proposed revisions within the time available at the meeting.

General

13.99 Argentina recalled that the inclusion of the krill fisheries in order to reduce the number of notifications that are not acted on in the category of exploratory fisheries, would in fact imply their closure except for Members and that could constitute a means to control access, when in reality exploratory fisheries are determined on the basis of the conditions of the resource and the information available about them.

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

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

DATA ACCESS AND SECURITY

14.1 In considering this agenda item, the Commission noted various data-related issues discussed by the Scientific Committee (SC-CAMLR-XXVII, paragraphs 13.1 to 13.11).

14.2 In the absence of new Scientific Committee advice on the Rules of Access and Use of CCAMLR Data (SC-CAMLR-XXVII, paragraph 13.11), the Commission reiterated that access to CDS and C-VMS data is governed by the 'Rules of Access to CDS Data' and the relevant provisions of Conservation Measure 10-04 respectively.

14.3 In respect to general data matters, the Commission recognised the ongoing growth of CCAMLR's databases overall as well as their increasing complexity (SC-CAMLR-XXVII, paragraph 13.1).

14.4 It noted the general improvement in the quality of STATLANT data as well as the inclusion of IMAF data in the *Statistical Bulletin* (SC-CAMLR-XXVII, paragraphs 13.2 to 13.4).

14.5 The Commission further noted the Scientific Committee's endorsement of procedures to modify longline haul-by-haul catch and effort data reporting (SC-CAMLR-XXVII, paragraphs 13.5 and 13.6), and to establish CCAMLR metadata (SC-CAMLR-XXVII, paragraph 13.7). The potential importance of the D4Science Project was also noted in the context of developing standards for the exchange of ecosystem summary data (SC-CAMLR-XXVII, paragraphs 13.8 to 13.10).

14.6 Other issues relating to data matters may be found in paragraphs 16.30, 17.5, 17.6 and 17.10.

14.7 The Commission noted with appreciation the Secretariat's proposal to rationalise the password system on the CCAMLR website (CCAMLR-XXVII/27; SC-CAMLR-XXVII, paragraph 16.4). The rationalisation will involve:

(i) a single username and password combination be created to allow access for Members to all restricted sections of the Commission;

(ii) a single username and password combination be created to allow access for Members to all restricted sections of the Scientific Committee;

(iii) a single username and password combination be created to allow attendees (NGOs and observers) access limited to Commission and Scientific Committee meeting information, but only for the current meeting;

(iv) a single username and password combination be created to allow access for invited experts to the relevant meeting information, but only for the current meeting.

14.8 The Commission agreed that password rationalisation will minimise Secretariat time and effort in administering usernames and passwords, improve user-friendly access to the restricted sections of the website for Members, and reduce the administrative effort required on the part of the official Member contacts to disseminate password information.

14.9 The rationalisation will also facilitate greater integration of the Commission's work and will not decrease the overall level of security compared to the current system. The current arrangements for access to CDS data and by Acceding States and observers remains unchanged.

COOPERATION WITH OTHER ELEMENTS OF THE ANTARCTIC TREATY SYSTEM

Cooperation with Antarctic Treaty Consultative Parties

15.1 The Executive Secretary represented the Commission at the 31st Antarctic Treaty Consultative Meeting (ATCM XXXI) in Kyiv, Ukraine. In the absence of the Scientific Committee Chair, the Executive Secretary also observed the Eleventh Meeting of the Committee for Environmental Protection (CEP XI) supported by the Science Officer. For completeness and convenience, outcomes from ATCM XXXI and CEP XI of interest to CCAMLR were presented by the Executive Secretary in one report (CCAMLR-XXVII/BG/5).

15.2 The Commission noted that there were no decisions or resolutions of direct relevance to CCAMLR-XXVII arising from ATCM XXXI and CEP XI.

15.3 The Commission noted that a presentation on the work of CCAMLR given to the CEP was well received (CCAMLR-XXVII/BG/5, paragraph 32). There was also considerable interest from the CEP in the outcomes of the CCAMLR Performance Review (CCAMLR-XXVII/BG/5, paragraphs 46 and 47).

15.4 The Commission noted the Scientific Committee deliberations on a Joint SC-CAMLR–CEP Workshop. These included draft terms of reference (SC-CAMLR-XXVII, paragraphs 9.9 to 9.17) and a work plan for a Joint SC-CAMLR–CEP Workshop Steering Committee. The Commission agreed that the workshop will be held in early April 2009, immediately prior to CEP XII in Baltimore, USA (SC-CAMLR-XXVII, paragraph 9.18).

15.5 The UK welcomed such increased cooperation and dialogue between CCAMLR and the Antarctic Treaty System (ATS) and looked forward to the outcomes of the Joint SC-CAMLR–CEP Workshop.

15.6 Australia endorsed the comments of the UK and noted that the Joint SC-CAMLR–CEP Workshop represented a landmark in relations between CCAMLR and other elements of the ATS. Australia also noted that it was essential that the Commission does not forget that CCAMLR originated in, and is part of, the ATS.

15.7 New Zealand welcomed the proposed joint workshop, while expressing its appreciation for the Executive Secretary's report, and recalled ATCM Resolution 1 (2006) which encouraged increased cooperation between the ATCM and CCAMLR. New Zealand also noted that CCAMLR was an integral part of the ATS.

15.8 Argentina wondered about the real need for the Executive Secretary to attend the full ATCM meeting, noting that this was spread over a two-week period and that the costs of such extended participation should be reviewed in the light of other budgetary constraints. However, it noted that next year is the 50th Anniversary of the Treaty and it would be important for CCAMLR to be well represented at both CEP XII and ATCM XXXII.

15.9 The Commission agreed that CCAMLR should be represented at ATCM XXXII by the Executive Secretary. The Chair of the Scientific Committee and the Science Officer will also attend CEP XII and the Joint SC-CAMLR–CEP Workshop (CCAMLR-XXVI, paragraph 15.14).

Bioprospecting

15.10 IUCN introduced CCAMLR-XXVII/BG/36. It noted that 56% of the records in the current IUCN Antarctic Bioprospecting Database are from the marine environment and include marine species, such as krill, in which CCAMLR has an interest. IUCN noted the international discussions on regulation of bioprospecting are also evolving, particularly in ATCM and the UN Ad Hoc Open-Ended Informal Working Group to Study Issues relating to the Conservation and Sustainable Use of Marine Biological Diversity Beyond Areas of National Jurisdiction, and that these discussions may have implications for CCAMLR. IUCN encouraged CCAMLR to actively engage in these discussions.

15.11 Belgium strongly supported the IUCN proposal and noted that the issue of bioprospecting was an area of potential collaboration between CCAMLR and the Antarctic Treaty. It also offers an opportunity to reinforce links between CCAMLR and the Antarctic Treaty, as recommended at ATCM XXIX in 2006.

15.12 Belgium informed the Commission of an international meeting on bioprospecting to be held in the Netherlands from 3 to 5 February 2009, co-sponsored by Belgium, Finland and the Netherlands, and organised by the Netherlands in collaboration with the United Nations University Institute for Advanced Studies.

15.13 Sweden supported Belgium and noted that bioprospecting activity targets marine living resources, some of them indicator species for VMEs. In Sweden's view, bioprospecting represents rational use of marine resources and CCAMLR Members should report bioprospecting activity in the CAMLR Convention Area to the Commission.

Ballast water

15.14 The UK noted that ATCM Resolution 3 (2006) on Ballast Water Exchange in the Antarctic Treaty Area had now been adopted by the IMO as Resolution MEPC.163(56). It proposed that a CCAMLR resolution should extend application of this IMO resolution to the Convention Area north of 60°S (CCAMLR-XXVII/29).

15.15 The Commission welcomed the UK proposal for application of the IMO resolution to the entire Convention Area and adopted Resolution 28/XXVII (paragraphs 13.66 and 13.67).

Cooperation with SCAR

15.16 Dr G. Hosie (SCAR Observer) drew the Commission's attention to a message from the new SCAR President, Prof. M. 'Chuck' Kennicutt II (USA) (CCAMLR-XXVII/BG/42). Prof. Kennicutt was committed to working closer with CCAMLR during his four-year term as SCAR President to collectively address the growing demand for sound scientific advice relating to a broad spectrum of Antarctic issues. He plans to visit CCAMLR at the earliest opportunity in 2009 to discuss future collaboration, and will attempt to attend CCAMLR-XXVIII.

15.17 The Commission noted that SCAR's major marine programs (CAML, SCAR-MarBIN and SO-CPR Survey) have made significant contributions in the past year. In particular, data collected by CAML will be stored in SCAR-MarBIN (a facility that includes nearly 1 million georeferenced records, for 90 interlinked databases).

15.18 The Commission also noted that SCAR has created three new Action Groups (SC-CAMLR-XXVII, paragraph 9.25):

(i) Antarctic Fuel Spills – created in response to the sinking of the MS *Explorer* and is designed to respond quickly if a similar event occurs again.

(ii) Cold Seeps and Hydrothermal Vents in Antarctica – to identify and study areas likely to contain VMEs. Results will be provided to CCAMLR in reports and the Geographic Information System (GIS).

(iii) Prediction on Changes in the Physical and Biological Environment of the Antarctic – the terms of reference are listed in CCAMLR-XXVII/BG/42, paragraph 49. This Action Group will be useful to CCAMLR in understanding the effects of global warming, as well as ocean acidification.

15.19 Belgium indicated that SCAR-MarBIN has been funded to date by the Belgian Government, but that its financial future is only secure until the end of 2009. Belgium requested Members to give serious consideration to securing long-term funding for SCAR-MarBIN.

15.20 Australia welcomed the SCAR Observer's report and noted:

(i) CAML had been the biggest single internationally coordinated research project conducted in the Southern Ocean and the outputs were essential to the work of CCAMLR;

(ii) the body of IPY science had now established that the Southern Ocean is being impacted by increased levels of atmospheric CO_2 and that the resulting increased acidity will have impacts on the marine ecosystem including krill;

(iii) discussions among climate scientists working in the polar regions have consistently indicated that various scenarios predict climate impacts in the polar regions to be at the upper end of the range of scenarios provided in the fourth report of the Intergovernmental Panel on Climate Change (IPCC).

15.21 The UK recalled that it was an advocate of the Commission examining climate change as part of its agenda (CCAMLR-XXVI, paragraphs 15.16 and 15.17) and requested an update from SCAR on the Antarctic Climate Change and the Environment (ACCE) report (SC CIRC 08/41).

15.22 SCAR indicated that the first ACCE report on the physical environment (CCAMLR-XXVI/BG/42) had been published and that the second part, on the biological environment, was currently in an advanced draft that had been circulated for consultation. However, SCAR recognised that there has been a rather short period for such consultation and that this has impeded the ability for organisations like CCAMLR to provide a response.

15.23 Norway recalled that it was also an advocate of the Commission examining climate change as part of its agenda and suggested that CCAMLR might look at the benefits of cooperation with the Arctic Council on this issue, given the extensive areas of common interest, particularly in respect to climate change in the polar regions.

15.24 The Commission noted that collaboration between the Arctic Council and CCAMLR, possibly also involving the ATCM, may be useful.

Assessment of proposals for Antarctic Specially Protected Areas
and Specially Managed Areas, which include marine areas

15.25 The Commission noted that no proposals had been received during 2008 in relation to Antarctic Specially Protected Areas and Specially Managed Areas that include marine areas under ATCM Resolution 9 (2005).

COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

Reports of observers from international organisations
and Intergovernmental organisations

ACAP

16.1 The Executive Secretary of ACAP provided the Commission with a report on the substantial progress that had been made by ACAP during the past year. He welcomed the progress that CCAMLR continues to make on reducing and eliminating seabird by-catch, not only in the CAMLR Convention Area, but also through outreach to RFMOs whose fisheries may be having an impact on CAMLR Convention Area seabirds.

16.2 It was noted that there will soon be 13 Parties to the Agreement with Brazil attaining Party status on 1 December 2008 and Uruguay following shortly thereafter, on 1 January 2009. A number of other Range States are also actively examining the possibility of joining the Agreement.

16.3 The ACAP Executive Secretary reported that in December 2007 ACAP entered into a formal Arrangement with WCPFC. This Arrangement, which is non-legally binding, provides, *inter alia*, for the exchange of relevant data between ACAP and WCPFC and for attendance at each other's meetings. ACAP looked forward to discussing the possibility of entering into similar arrangements with CCAMLR and other fisheries management organisations during the year ahead.

16.4 The ACAP Executive Secretary also noted that the ACAP Advisory Committee had reviewed the work of its Seabird Bycatch Working Group on developing new seabird by-catch mitigation technologies. Progress has been made in the development of a range of mitigation measures and the requirements for seabird by-catch data to advance the Agreement's objectives. In this regard, the ACAP Observer noted his appreciation for the expert advice provided by the CCAMLR Secretariat on CCAMLR's IMAF data submission and management system.

16.5 Several Members noted that in respect of the statement made by ACAP, they saw the ratification of the Agreement by new States as very positive and the Commission encouraged all other eligible Members to do so.

16.6 South Africa advised the Commission that it had been an honour to host the fourth meeting of the ACAP Advisory Committee earlier this year and that South Africa had launched its own National Plan of Action for seabirds in longline and trawl fisheries during the opening session of the ACAP meeting.

16.7 The USA informed the Commission that its President had transmitted the ACAP Agreement to the US Senate and recommended early and favourable consideration.

ASOC

16.8 ASOC made the following statement to the Commission:

'ASOC appreciates the opportunity to be an observer at the Twenty-seventh Annual Meeting of the Commission and would like to bring the following points to the attention of Members related to the:

Antarctic krill fishery – ASOC is deeply concerned that the Scientific Committee was not able to endorse the recommendations of WG-EMM in respect of several krill-related issues. We consider the politicisation of the Scientific Committee process that was taking place last week a serious problem. ASOC is concerned that these actions resulted in the Scientific Committee being unable to provide advice to the Commission for consideration this week, and that it potentially threatens CCAMLR's credibility. CCAMLR is known around the world for the rigorous science that backs the Commission's decisions related to management of marine resources. Failure to address this new politicisation threatens this well-deserved reputation and we urge all Parties to address this problem directly. As the notifications for krill fishing for next year have exceeded the combined catch limit in Conservation Measure 51-01 for the second consecutive year, ASOC believes the conflicts of last week have to be resolved as a matter of urgency.

Scientific observers – we applaud all countries who spoke in support of the WG-EMM agreement for 100% observer coverage in order to collect the necessary scientific data for further development and hopeful agreement for Stage 1 SSMU allocations for the krill fishery. If the Commission is unable to reach agreement on a new conservation measure requiring 100% observer coverage for all boats, we would urge all fishing countries to implement 100% observer coverage on their boats voluntarily.

SSMU allocation – we are concerned that more progress was not made during the Scientific Committee and we would continue to urge increased efforts in this regard.

ASOC considers that a coordinated research plan for krill fisheries management in Area 48 should be developed as a matter of urgency in order to reduce key uncertainties. In the meantime, CCAMLR should consider taking precautionary measures to prevent excessive concentration of catch in coastal areas close to predator colonies. These measures must be accompanied by increased accountability and enforcement mechanisms to ensure adherence to these new provisions. Until such measures are in place, or a subdivision of the precautionary catch limit among SSMUs is established, ASOC urges CCAMLR Members not to increase krill fishing capacity.

In addition, CCAMLR needs to begin to develop feedback management procedures as soon as possible. Accordingly, the Scientific Committee needs to develop recommendations to adapt and expand the current CCAMLR Ecosystem Monitoring

Program (CEMP) to the needs of a feedback management system at the SSMU level. Concurrently, funding mechanisms should be adopted to support existing and expanded monitoring, such as a dedicated CEMP fund.

ASOC is appreciative of the efforts by the Scientific Committee to address the issue of uncertainty related to the reporting of current krill catches as recently stated by WG-EMM. As a matter of urgency, a standardised method for reporting green weight of krill catches and a requirement that all vessels utilise this method should be established.

Impacts of climate change on Antarctic marine ecosystems – climate change has emerged as an important topic in Antarctic research over the past decade, but little in the way of policy or operational change has resulted at CCAMLR thus far. Climate-related changes are accelerating, including regional alteration of sea-ice persistence and extent. Future reductions in sea-ice overall are likely to lead to major alterations in the distribution and abundance of Antarctic marine species. ASOC notes that, while recognition of the importance of climate change in the Commission was a substantial step forward on the issue, ASOC urges the Commission to take additional steps this year building on the Scientific Committee's discussion so that clear recommendations can be made by the Scientific Committee next year for adoption by the Commission.

The implementation of networks of MPAs in Antarctica and the Southern Ocean – ASOC welcomes the final advice that came from the Scientific Committee endorsing the recommendation from the working group and the prioritisation of the 11 areas in developing networks of representative MPAs.

Bottom fishing – ASOC appreciates the advice from the Scientific Committee involving maintenance of the bottom trawling prohibition in the Convention Area and the developments of protocols around identification and evaluation of VMEs and the agreement to host a workshop on the issue next year.

Seabird by-catch – as we noted before the Scientific Committee last week, ASOC commends CCAMLR on its achievements in reducing the incidental mortality of albatrosses and petrels in Southern Ocean fisheries. In addition, ASOC noted with pleasure that reported levels of seabird by-catch in French EEZs continue to decrease, and commended CCAMLR for reducing the level of IUU fishing. This result coupled with the shift to gillnetting by IUU fishers has resulted in a very substantial reduction in overall seabird by-catch.

On the Performance Review – ASOC thanks the members of the Panel and welcomes their report of CCAMLR's Performance Review which includes several useful recommendations on various substantive and institutional aspects of CCAMLR work. ASOC also appreciates Korea inviting an NGO onto their delegation. We call on Members of this Commission to establish adequate mechanisms to address these recommendations in a timely manner.'

16.9 Argentina noted its concern about ASOC's somewhat partial view contained in CCAMLR-XXVII/BG/25, in taking up certain issues of substance regarding the operation of

the Convention. ASOC's document is contained in a publication which oftentimes reproduces the doctrine of the authors that *de lege ferenda* align themselves with the positions of certain industrialised countries.

16.10 Argentina further noted that it is mistaken in pointing out that the territorial status of the islands located in the Convention Area to the North of 60°S parallel is a matter to be taken up bilaterally, when in fact the Convention and the Statement by the Chairman of the Conference of 1980 provide a multilateral regime of application, with the exception of national measures which can be adopted in relation to islands whose sovereignty is recognised by all Contracting Parties.

16.11 Argentina mentioned that throughout the document there is an underlying message contrary to the consensus principle, under different pretexts. It appears that the principle of legal equality of States has been ignored by attempting to encroach on the right of a Member of the Commission, one of whose vessels has conducted illegal fishing activities, from participating in the decision-making process. Thus, it prejudges without taking into account that there are precedents within the Commission that prove the opposite. In this context, having the authors present at the Commission meetings, Argentina considered that the paper could have shown a more accurate understanding of the matter.

16.12 Argentina also mentioned that, *inter alia*, the paper does not undertake a thorough analysis of the issue of the beneficial owner, and at the same time it hastily endorses the establishment of structures aimed at furthering oceanic strategies that have little or nothing to do with the conservation of Antarctic marine living resources. Notwithstanding this, there is certain merit in the fact that the paper accepts that political concerns need to be taken into account, when referring to marine protected areas.

COLTO

16.13 COLTO thanked the Commission for the opportunity to be represented at CCAMLR-XXVII and drew the attention of the Commission to three key issues where COLTO:

(i) will continue to apply pressure on IUU fishing, particularly on the high seas;

(ii) was pleased to have been able to join with ASOC in funding a member of the CCAMLR Performance Review Panel and hopes that the outcomes of the Panel's report will be considered at this meeting;

(iii) will consider to provide practical industry input into the development of conservation measures and future sustainable management of Antarctic fisheries.

IUCN

16.14 IUCN informed the Commission that it remained ready and willing to assist CCAMLR in all aspects of mutual interest, in particular it noted:

(i) MPAs – where IUCN encouraged continued work;

(ii) IUU fishing – especially since the trade-based assessment of IUU toothfish presented in CCAMLR-XXVII/BG/38 suggested that there may be a 50% underestimate of IUU fishing based on vessel sightings;

(iii) krill fisheries – where IUCN was troubled by the differences in the advice arising from WG-EMM and the Scientific Committee and felt that these differences could threaten the credibility and independence of the CCAMLR scientific process;

(iv) Performance Review Panel – noting that the coordination of outcomes of the Performance Review with CCAMLR observers would be essential to maintain transparency.

IWC

16.15 The 60th Annual Meeting of the IWC was held in Santiago, Chile, in June 2008 (CCAMLR-XXVII/BG/31). The IWC continues to attract new members and since last year there are three new Commission members, bringing the total to 81 member countries.

16.16 New information on Antarctic whales was provided in SC-CAMLR-XXVII/BG/9.

16.17 The IWC has developed an international database on collisions of whales with ships in order to help it assess its conservation importance by species and area and to assist in the development of mitigation measures.

16.18 The IWC has also embarked on further intersessional work by a working group that met in September and will meet again in December 2008. This group is seeking solutions to some of the problems that the IWC is currently facing. Another intersessional meeting is scheduled for March 2009 before the next annual IWC meeting in Madeira, Portugal, in June 2009.

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

Reports of CCAMLR representatives at meetings
of international organisations in 2007/08

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

- Report on an Expert Workshop to consider Flag State control – CCAMLR-XXVII/BG/6 submitted by the Executive Secretary;

- Report from The World Ocean in Globalization: Challenges for Marine Regions – CCAMLR-XXVII/BG/7 submitted by the Executive Secretary;

- 12th Session of the IOTC – CCAMLR-XXVII/BG/21 Rev. 1 submitted by Australia;

- Intersessional Meeting on the Future of the International Whaling Commission – CCAMLR-XXVII/BG/31 submitted by the UK;

- Second meeting of the Ad Hoc Open-Ended Informal Working Group to Study Issues relating to the Conservation and Sustainable Use of Marine Biological Diversity Beyond Areas of National Jurisdiction (Ad Hoc BBNJ Working Group) – CCAMLR-XXVII/BG/34 submitted by the USA;

- 11th Session of the COFI Sub-Committee on Fish Trade – CCAMLR-XXVII/BG/46 submitted by the European Community;

- NAFO extraordinary (May 2008) and regular (September 2008) sessions – CCAMLR-XXVII/BG/53 submitted by the European Community.

16.21 The European Community reported that NAFO recently held an extraordinary general meeting to agree VME measures and that these deliberations had been based on the CCAMLR example developed last year.

16.22 The European Community also indicated that the COFI Sub-Committee on Fish Trade (the Chair and Vice-Chairs of which are CCAMLR Members) had considered CDS, and Port State, as well as market-related measures, at its 2008 meeting in Bremen, Germany.

Cooperation with CCSBT

16.23 The Commission noted that CCSBT had agreed a VMS measure requiring any vessels fishing for southern bluefin tuna in the CAMLR Convention Area to comply with CCAMLR Conservation Measure 10-04.

16.24 The Commission also noted that CCSBT had agreed a recommendation on ecologically related species measures for southern bluefin tuna vessels while they engage in pelagic longlining in waters under the control of other tuna RFMOs. However, as VMS records indicate that southern bluefin tuna vessels have fished in the CAMLR Convention Area (CCAMLR-XXV, paragraphs 16.37 to 16.40), CCAMLR might wish to consider the appropriateness of introducing a conservation measure addressing pelagic longlining so that all CCAMLR mitigation measures would apply should CCSBT vessels fish in the CAMLR Convention Area.

16.25 The Executive Secretary advised that he was still awaiting a response to his letter of 4 November 2005 to CCSBT regarding cooperation with CCAMLR (CCAMLR-XXIV, paragraphs 15.20 to 15.23; CCAMLR-XXV, paragraph 16.37; CCAMLR-XXVI, paragraph 16.25). The Commission acknowledged that there had been a recent change of Executive Secretary at CCSBT and requested the CCAMLR Executive Secretary to enter into dialogue with the CCSBT Secretariat to determine when a response to the original letter could be expected. Such contact would also take note of CCSBT's introduction of non-binding measures with respect to seabird mitigation, noting that similar measures introduced by the IOTC had become binding.

16.26 The Commission noted with considerable concern the report from the Scientific Committee that in 2005 longline fisheries managed by CCSBT could have been taking

10 000 albatrosses per year, many of which are likely to be Convention Area seabirds (SC-CAMLR-XXVII, paragraph 5.16). The Commission agreed that its concern over this figure should be included in any correspondence from CCAMLR to CCSBT.

Cooperation with WCPFC

16.27 The Commission noted that the Secretariat had revised the Draft Memorandum of Understanding (MOU) between CCAMLR and WCPFC (CCAMLR-XXVII/BG/7 and CCAMLR-XXVI/BG/9) as instructed by the Commission (CCAMLR-XXVI, paragraph 16.39).

16.28 The Commission endorsed an updated version of the Arrangement (Annex 6) and requested the Secretariat to forward the update to WCPFC. With the agreement of the WCPFC, the CCAMLR Chair would then be authorised to sign the Arrangement and notify all Members through a Commission circular.

16.29 Argentina expressed the view that this Arrangement should not be considered as a departing point for building customary law.

Partnership in FIRMS

16.30 The Report of the Fifth Meeting of the FIRMS Steering Committee (CCAMLR-XXVII/BG/16) was noted.

Participation in CCAMLR meetings

16.31 The Secretariat advised Members that, as discussed last year (CCAMLR-XXVI, paragraph 16.41), this matter relates to approaches to the Secretariat by non-Contracting Parties invited to CCAMLR meetings, to facilitate access to the UN Trust Fund for monies to finance their attendance. No such requests had been received in 2008. The Executive Secretary was unaware of future developments with respect to this fund as an FAO representative was not present at CCAMLR-XXVII to advise on the matter. Equally, he was unaware of any potential requests for assistance to access the Fund in 2009.

Nomination of representatives to meetings
of international organisation in 2008/09

16.32 The following observers were nominated to represent CCAMLR at meetings of international organisations in 2008/09:

- 16th Special Meeting of the Commission of ICCAT, 17 to 24 November 2008, Marrakesh, Morocco – European Community.

- 10th Global Meeting of the Regional Seas Conventions and Action Plans (main topic – climate change and its relationship to the Regional Seas Programme), 25 to 27 November 2008, Guayaquil, Ecuador – no nomination.

- 9th Meeting of the Conference of Parties to the Convention on Migratory Species (CMS) (COP 9), 1 to 5 December 2008, Rome, Italy – no nomination.

- Fifth Regular Session of WCPFC, 8 to 12 December 2008, Busan, Republic of Korea – no nomination.

- Technical Consultation to draft a legally-binding instrument on Port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing, 26 to 30 January 2009, Rome, Italy – Spain.

- 28th Session of COFI, 2 to 6 March 2009, Rome, Italy – Executive Secretary.

- Second Meeting of Regional Fishery Body Secretariats Network (RSN-2), 9 and 10 March 2009, FAO Headquarters, Rome, Italy – chaired by the CCAMLR Executive Secretary.

- ATCM XXXII, 3 to 17 April 2009, Baltimore, USA – Executive Secretary.

- CEP XII, 3 to 11 April 2009, Baltimore, USA – Scientific Committee Chair and CCAMLR Science Officer.

- Third Meeting of Parties of ACAP (MOP3), 27 April to 1 May 2009, Bergen, Norway – no nomination.

- Seventh International Consultation on the Establishment of the South Pacific RFMO, 18 to 22 May 2009, Lima, Peru – Australia.

- 61st Annual Meeting of the IWC, 22 to 26 June 2009, Madeira, Portugal – USA.

- 16th Annual Meeting of CCSBT, 20 to 23 October 2009, Jeju Island, Korea – no nomination.

- 13th Session of IOTC (dates and venue to be confirmed) – Australia.

- 6th Annual Meeting of SEAFO (dates and venue to be confirmed) – European Community.

- 4th Session of SWIOFC (dates and venue to be confirmed) – no nomination.

IMPLEMENTATION OF CONVENTION OBJECTIVES

Performance Review

17.1 In accepting the Performance Review Panel Report (CCAMLR-XXVII/8), the Commission thanked the Panel and the Secretariat for their hard work in providing this

comprehensive report to the meeting. Following its agreed approach (CCAMLR-XXVI, Annex 7, paragraph 10) the Commission considered the report, taking into account comments from SCIC, SCAF and the Scientific Committee.

17.2 While also thanking the Panel for its hard work, Argentina noted that the important debate on the criteria which should be taken into account for the Panel's work had an important consequence on the efficiency of its work.

17.3 The Commission noted that it would base its discussion of the Performance Review Panel Report on the full body of the report. In noting that the report summary was useful, the Commission agreed that its contents were confusing in that there appeared to be eight items addressed while the actual report only comprised seven chapters. In that respect, it was agreed that issues relating to the Chairman's Statement, which appeared in Item 8 of the summary, were more appropriately covered in Chapter 3.5.5 of CCAMLR-XXVII/8.

Advice from SCIC

17.4 The Chair of SCIC informed the Commission that the Committee had focused on Chapter 4 of CCAMLR-XXVII/8 (Compliance and Enforcement) and had identified the following priority items (Annex 5, paragraphs 7.1 to 7.5):

(i) Flag State duties (CCAMLR-XXVII/8, Item 4.1), especially consideration of reciprocal and cooperative arrangements to enhance the effectiveness of Conservation Measure 10-08 (CCAMLR-XXVII/8, paragraph 4.1.1.1b);

(ii) Port State measures (CCAMLR-XXVII/8, Item 4.2), especially the requirement for minimum standards for the format, content and submission of inspection reports (CCAMLR-XXVII/8, paragraph 4.2.1.1), as well as defining fishing vessels to include reefer and support vessels (CCAMLR-XXVII/8, paragraph 4.2.1.2);

(iii) Monitoring control and surveillance (CCAMLR-XXVII/8, Item 4.3), especially formally linking the CDS with daily catch reports (CCAMLR-XXVII/8, paragraph 4.3.1.1) and real-time C-VMS reporting (CCAMLR-XXVII/8, paragraph 4.3.1.2).

17.5 The Commission also noted that the following recommendations from other chapters of the report were identified by SCIC Members as priority items (Annex 5, paragraph 7.6):

(i) trends in the status of marine living resources (CCAMLR-XXVII/8, Criterion 3.1.2) especially in relation to the introduction of mechanisms to ensure that all Contracting Parties comply with the provisions of all measures and the use of all legal avenues to ensure that non-Contracting Parties also comply with such measures, as well as the development of further mechanisms for enhanced surveillance and enforcement in order to control IUU fishing (CCAMLR-XXVII/8, paragraph 3.1.2.1);

(ii) addressing any gaps in the collection and sharing of data (CCAMLR-XXVII/8, Criterion 3.3.4);

(iii) application of uniform principles and practices to all species inside the Convention Area (CCAMLR-XXVII/8, Criterion 3.5.3);

(iv) market-related measures (CCAMLR-XXVII/8, Item 4.6);

(v) CCAMLR's relationships with non-cooperating non-Contracting Parties (CCAMLR-XXVII/8, Criterion 6.3.1);

(vi) cooperation with other international organisations (CCAMLR-XXVII/8, Item 6.4).

Advice from SCAF

17.6 The Vice-Chair of SCAF informed the Commission that SCAF considered the recommendations pertaining to Chapter 7 of the Report 'Financial and Administrative Issues' (Annex 4, paragraphs 33 to 37). She emphasised that:

(i) SCAF noted the Review Panel's recommendation to expand the Commission's financial base by identifying the full cost of services provided for all commercial fishing operations, particularly for krill fishing. This could require development of a cost-recovery process and charging accordingly for services, as well as setting up a process to develop a cost-recovery strategy for CCAMLR in general (CCAMLR-XXVII/8, paragraphs 7.2.1.1 and 7.2.1.2);

(ii) SCAF recommended that the Commission continue its current practice of authorising increases in Members' Contributions beyond zero real growth to allocate funds for specific priority tasks (e.g. the 2007 CCAMLR Performance Review and CCAMLR-IWC Workshop) as they arise (CCAMLR-XXVII/8, paragraphs 7.2.1.1 and 7.2.1.2);

(iii) SCAF had already implicitly supported the Review Panel recommendation that a Secretariat succession plan be developed to address loss of institutional knowledge and provide continuity of function when long-serving staff leave the organisation (Annex 4, paragraph 22). The outcomes of this activity will be reviewed by SCAF in 2009;

(iv) in relation to a Review Panel recommendation on institutional resources (CCAMLR-XXVII/8, paragraph 7.2.2.1), SCAF discussed the question of inadequate Secretariat capacity to translate working papers in particular, and other papers in general, to guarantee equality, transparency and widest participation in all the Commission's official languages (Annex 4, paragraphs 15 to 19 and 38).

Advice from the Scientific Committee

17.7 The Commission noted that the Scientific Committee had indicated that failure to read the entire Review Panel Report would result in the reader failing to become aware of the report's many positive appraisals of CCAMLR's performance (SC-CAMLR-XXVII, paragraph 10.5).

17.8 The Scientific Committee had noted that almost every aspect of the report had indicated a need for additional work (SC-CAMLR-XXVII, paragraph 10.6).

17.9 The Commission further noted that the Scientific Committee had considered the report's 10 general recommendations made by the Panel. The latter had agreed that recommendations relating to CCAMLR-XXVII/8, Items 2.4 (Protected Areas), 3.1 (Status of Living Resources) and 3.2 (Ecosystem Approach) should be reviewed during the coming intersessional period and that the additional recommendations should be taken up on a longer-term basis (SC-CAMLR-XXVII, paragraph 10.10).

17.10 The Commission appreciated that the Scientific Committee had requested its incoming Chair to form a Steering Committee to develop a 'road map' (plan of action) to tackle the Review Panel's recommendation during the forthcoming intersessional period. This would provide direction to various subsidiary bodies of the Scientific Committee on how the three highest-priority recommendations above can be addressed and how the remaining recommendation might be addressed in the future. The objective of this work is to ensure the Scientific Committee is able to provide advice to the Commission on these topics at its 2009 meeting (SC-CAMLR-XXVII, paragraph 10.11).

Consideration of the Commission

17.11 The Commission welcomed the comments from the SCIC, SCAF and Scientific Committee Chairs. It very much appreciated that the Review Panel and standing committees had met all the deadlines and requirements outlined in paragraph 10 of CCAMLR-XXVI, Annex 7. The fact that the Panel had completed a significant amount of work in the time available was greatly commended.

17.12 The Commission agreed that it was now the responsibility of the Commission to act on the Review Panel's recommendations. It appreciated that addressing some of the Panel's recommendations may be straightforward, whereas others are likely to be more difficult. However, the latter should not be seen to provide a reason for inaction.

17.13 The Commission noted that CCAMLR was the first organisation of its type to undertake and respond to such a Performance Review in the context of the Convention's objectives relating to both the conservation and rational utilisation of marine living resources. As a consequence, it was imperative to address the various priority items raised by SCIC, SCAF and the Scientific Committee during the intersessional period to advance discussion of the Review's outcomes at the next meeting of the Commission.

17.14 The Commission generally endorsed the Performance Review Panel's view (CCAMLR-XXVII/8, Item 2.1) on the relationship between CCAMLR and the Antarctic Treaty. It noted in particular the need to reinforce the obligation set out in Articles III and V

(and IV.1) of the Convention. The Commission also noted that implementing these recommendations into actual Commission decisions would require formal presentation of detailed proposals by Members.

17.15 In the latter regard, Australia as Depository, undertook to develop text to address the Panel recommendation given in CCAMLR-XXVII/8, paragraph 2.1.1.1a, and thereby bring to the attention of an Acceding State, or a State seeking accession, the particular Convention articles linking the Convention with the Antarctic Treaty. The Secretariat was also requested to prepare an information pack on CCAMLR and its links to the Antarctic Treaty to be made available to Acceding States, and other States indicating an interest in CCAMLR.

17.16 Japan noted that the Review had identified effectively combating IUU as a priority cross-cutting issue and this would include the rôle to be played by market-related and Port State measures. Furthermore, it noted that while the CCAMLR Performance Review had been conducted in accordance with the criteria agreed by CCAMLR, when these were compared with those of other RFMOs (i.e. ICCAT, IOTC and CCSBT) several elements were missing. For example, the CCAMLR criteria do not include compatibility of measures as reflected in Article 7 of the Code of Conduct for Responsible Fisheries or in Article 7 of the UN Fish Stocks Agreement. Therefore, CCAMLR should first examine the Performance Review Panel Report to identify missing elements, such as the compatibility of conservation measures, and then it should address these. Regarding the audit of the action taken against each recommendation in the Performance Review Panel Report, Japan drew attention to the suggestion included in the letter from the Panel Chair accompanying CCAMLR-XXVII/8 that the Performance Review should be conducted on a regular basis and that taking this into account, an audit of Commission actions should be conducted two or three years from now so as to fall midway between the current and the next review.

17.17 Some Members noted that unlike the organisations mentioned by Japan, CCAMLR is not an RFMO and recalled that it is a conservation organisation, where conservation includes rational use. It further noted that it is essential for any potential new entrants to CCAMLR to be fully aware of this distinction.

17.18 The Commission recognised that consideration of the Performance Review Panel Report at its meeting this year represented the first stage in a process to address the priority issues that had been identified. It further clarified that all relevant issues remained open for consideration at future meetings.

ELECTION OF COMMISSION CHAIR

18.1 The Commission elected New Zealand as Chair of the Commission from the end of this meeting until the conclusion of the 2010 meeting.

18.2 In accepting the position of Chair, New Zealand thanked the Members for their confidence and indicated that Ambassador D. Mackay, currently New Zealand's permanent representative to the United Nations in Geneva, would assume the role.

18.3 The Commission extended its thanks to New Zealand and recorded its pleasure that Ambassador Mackay will be the Commission's next Chair. It also noted that Ambassador Mackay is well known by many Commission Members and that he has made an enormous

contribution to the ATS over many years, not least in chairing the successful negotiations of a Liability Annex under the Protocol on Environmental Protection to the Antarctic Treaty (Madrid Protocol).

NEXT MEETING

Invitation of observers to the next meeting

19.1 The Commission will invite the following to attend the Twenty-eighth Meeting of the Commission as observers:

- non-Member Contracting Parties – Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, Netherlands, Peru and Vanuatu;
- non-Contracting Parties, participating in the CDS, that are involved in harvesting or landing and/or trade of toothfish – Seychelles and Singapore;
- non-Contracting Parties, not participating in the CDS, but possibly involved in harvesting or landing and/or trade of toothfish – American Samoa, Belize, Bolivia, Cambodia, Colombia, Democratic People's Republic of Korea, Equatorial Guinea, Indonesia, Kenya, Malaysia, Mexico, Mozambique, Panamá, Philippines, Sierra Leone, Thailand, Togo and Vietnam.

19.2 The Executive Secretary advised the Commission that a list of non-Contracting Parties to be invited to CCAMLR-XXVIII will be circulated to Members for comment prior to meeting invitations being issued in July 2009.

19.3 The following intergovernmental organisations will be invited: ACAP, CCSBT, CEP, CITES, CPPS, FAO, FFA, IATTC, ICCAT, IOC, IUCN, IWC, SCAR, SCOR, SEAFO, SPC and UNEP (for full designation of these acronyms please refer to paragraph 1.5).

19.4 The following non-governmental organisations will be invited: ASOC and COLTO.

Date and location of the next meeting

19.5 The Commission noted that the next meeting would be held at CCAMLR Headquarters in Hobart, Australia.

19.6 The Commission agreed that its Twenty-eighth Meeting would be held from 26 October to 6 November 2009. Heads of Delegation were requested to be in Hobart for a meeting on 25 October 2009.

19.7 The Commission noted that the Twenty-eighth Meeting of the Scientific Committee would be held at the same location, from 26 to 30 October 2009.

OTHER BUSINESS

International Polar Year (IPY) in 2007/08

20.1 The Commission noted the range of IPY activities involving CCAMLR Members identified by the Scientific Committee, as well as under-way analysis of information relevant to CCAMLR's work (SC-CAMLR-XXVII, paragraph 14.6).

20.2 Australia drew the Commission's attention to the noteworthy contribution made by the CAML program (paragraph 15.16; SC-CAMLR-XXVII, paragraph 14.7).

20.3 As the host of ATCM-XXXII in April 2009, the USA informed the Commission that a Ministerial segment of this meeting will celebrate the 50th Anniversary of the Antarctic Treaty and will also highlight the IPY's accomplishments in the context of the direction of polar science. Full participation by all Antarctic Treaty Parties is anticipated.

European Community Regulation on IUU fishing

20.4 The European Community presented Council Regulation (EC) No. 1005/2008 (CCAMLR-XXVII/BG/52) aimed at establishing a system to prevent, deter and eliminate IUU fishing.

20.5 Regarding the European Community fishing regulations to control IUU fishing as contained in CCAMLR-XXVII/BG/52 and the presentation thereof, Argentina expressed its reservation.

20.6 As a very preliminary comment and notwithstanding the possibility of, in the future, taking up the matter in other more appropriate fora, Argentina specifically stated it was unclear as to the reasons for which the referred regulations did not take up the exception contained in FAO-IPAO on IUU fishing which accounts for the fact that certain types of non-regulated fishing may take place without constituting a breach of international law. Furthermore, it pointed out the need for measures such as these to be compatible with international law in general and with WTO rules in particular.

20.7 Argentina also pointed out that the referred legislation assigns a central role to the RFMOs in the combat of IUU fishing, whilst it also pointed out that these types of organisations are only one of several means for conservation of fish resources in the high seas and are not an end in themselves. It further added that such organisations should duly bear in mind the limitations derived from its material scope of application, which limits them exclusively to fishing matters, and of its personal scope which prevents them from adopting measures and decisions which involve States that are not Parties in these types of entities.

20.8 Argentina made the following statement:

> 'The Argentine Republic once more recalls that it is not a Party to the 1995 New York Agreement on Straddling and Highly Migratory Fish stocks. None of its provisions nor any of the decisions, resolutions and recommendations adopted in the framework of that agreement has either a binding or an exhortatory effect regarding the Argentine Republic or upon any other State which is not a Party to that Agreement.'

20.9 The European Community indicated that its presentation was related to a European Community internal regulation which aims at ensuring compliance with internationally recognised and adopted conservation measures. It also noted that the European Community was in the process of notifying the WTO of the above Regulation, under a general notification procedure.

20.10 In reply to a query from Chile, the European Community confirmed that the CCAMLR IUU-Vessel Lists adopted under Conservation Measures 10-06 and 10-07 would be taken into account under the new European Community Regulation, as CCAMLR is recognised under international law as an organisation with competence to adopt conservation measures for living marine resources.

CCAMLR website

20.11 The USA noted that the Secretariat had indicated that it would be upgrading the CCAMLR website in the forthcoming intersessional period (paragraph 3.21). It indicated that it would be useful if a number of 'hot' links to key areas of the website could be placed on its opening page. Such links would provide priority access to information on the Commission's membership, conservation measures in force, IUU vessel lists, fishing area maps, the System of Inspection, the Scheme of International Scientific Observation, annual reports of meetings, a meetings calendar and the *Basic Documents*.

20.12 The Secretariat indicated that following some informal discussions with the US Delegation, it would provide links of this kind in the upgraded version of the website.

Other matters

20.13 The US Delegation noted that is was necessary to resolve the issue of how to refer to 'Taiwan' in Secretariat papers and Commission reports (see also CCAMLR-XXVI, paragraphs 10.71 to 10.74). In its view, it was not appropriate to use the term 'Taiwan (Province of China)' at any time. Also, in its view, now that the matter had been raised, the Secretariat cannot use the terminology 'Taiwan (Province of China)' in any Secretariat document or meeting report. Some other terminology, such as Chinese Taipei, would be more appropriate.

20.14 In response, the People's Republic of China stated that as Taiwan Province was an integral part of China, China requested continued reference to 'Taiwan, Province of China' as has been employed many times by the Secretariat in the past. China held that as CCAMLR is an independent organisation, it is not necessary to follow the practice of other fora, and there is no need to change current/existing practice.

20.15 The US position was supported by the European Community which noted that 'Chinese Taipei' is used in some RFMOs. Australia, France, Germany and the UK also supported the US position. Argentina recalled Taiwan as an integral part of China and that this should be consistently reflected. Namibia and South Africa were of the view that China's request should be respected.

20.16 Argentina made the following statement:

'With regard to specific interventions made during the present meeting, as well as incorrect references to the territorial status of the Malvinas Islands (Falkland), South Georgias and South Sandwich Islands made in documents such as CCAMLR-XXVII/BG/27, Argentina rejects any reference to those islands as a separate entity of its national territory, thus giving them an international status that they do not have. In addition, Argentina recalls that actions carried out in the CCAMLR area by vessels based in or operating out of the Malvinas Islands (Falkland), South Georgias and the South Sandwich Islands, or flagged to the alleged authorities thereof which Argentina does not recognise, as well as port inspections, the issuance of documents, the imposition of fishing licences and scientific observer requirements imposed on other Member vessels operating in the CCAMLR area, as well as other unilateral actions taken by the alleged authorities of those territories which Argentina does not recognise, are all illegal and thus invalid.

The Malvinas Islands (Falkland), South Georgias and South Sandwich Islands and the surrounding maritime areas which are an integral part of the Argentine national territory, are subject to the illegal occupation of the UK.

Argentina recalls once again that only the multilateral scheme of the Convention is legally applicable in Statistical Subareas 48.2, 48.3 and 48.4.'

20.17 The UK made the following statement:

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

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

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

The UK firmly rejects Argentina's characterisation of the Chairman's Statement. The text of the 1980 Chairman's Statement is, in its paragraph 5, unambiguous. It relates to unanimity in relation to the existence of State sovereignty, not unanimity as to which State is sovereign. The UK will continue to implement CCAMLR provisions in a constructive way, in due recognition of that interpretation of the 1980 statement. In particular, and as stated in SCIC, the UK remains committed to the implementation of

the CCAMLR Scheme of International Scientific Observation and the System of Inspection. The UK has at all times taken seriously its obligations as a Member of the CCAMLR Commission, and continues to do so. This includes taking a strong stance against IUU fishing and using all means legitimately available to do so.

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

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

ADOPTION OF THE REPORT

21.1 The Report of the Twenty-seventh Meeting of the Commission was adopted.

CLOSE OF THE MEETING

22.1 The Chair thanked all Members for their assistance and spirit of cooperation over the last two years. He stated that while Namibia was a young country, both in a global and a CCAMLR sense, it was very proud to have been able to chair the Commission. This had also been extremely effective in raising CCAMLR's profile in Namibia. The Chair particularly thanked the Executive Secretary for his help and advice and the Secretariat staff for their diligence and helpfulness. He also thanked the Chair of the Scientific Committee for his support and assistance, the Chairs of the standing committees, the translators and the interpreters. The Chair noted that the sound technicians and IT personnel had worked around the clock to ensure the smooth running of all the equipment.

22.2 The Executive Secretary thanked the Chair for his kind words and presented him with an engraved commemorative gavel. The Executive Secretary noted that the Secretariat's workload had been particularly heavy this year, in particular, most notably for translation staff. He expressed his sincere gratitude to all Secretariat staff and hoped that the Commission would join him in thanking them for their excellent work.

22.3 The Commission bid farewell to Drs Tony Press (Australia) and Rennie Holt (USA) as two long-serving Members of the Commission and Scientific Committee respectively. Dr Holt was presented with a montage of photographs spanning his time with CCAMLR (1989–2008) and Dr Press received a book on mathematics.

22.4 Dr Press replied that CCAMLR had a very important role to play in the conservation of one of the most precious areas on the planet and that the Commission had an awesome responsibility to act in the best interests of a region of the world dedicated to peace and science.

22.5 The Chair closed the Twenty-seventh Meeting of CCAMLR.

ANNEX 1

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Mr Marc Orlando
Mr Peter Peterson
Mr Philip Saffery
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Mr Philippe Tanguy
Ms Roslyn Wallace
Dr Emy Watt

ANNEX 2

LIST OF DOCUMENTS

LIST OF DOCUMENTS

CCAMLR-XXVII/1	Provisional Agenda for the Twenty-seventh Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XXVII/2	Provisional Annotated Agenda for the Twenty-seventh Meeting of the Commission for the Conservation of Antarctic Marine Living Resources
CCAMLR-XXVII/3	Examination of the audited financial statements for 2007 Executive Secretary
CCAMLR-XXVII/4 Rev. 2	Review of the 2008 budget, draft 2009 budget and forecast budget for 2010 Executive Secretary
CCAMLR-XXVII/5	Procedures for the appointment of the Executive Secretary to CCAMLR Secretariat
CCAMLR-XXVII/6	Executive Secretary's Report to SCAF 2008 Executive Secretary
CCAMLR-XXVII/7	Review of CCAMLR Secretariat's data management and scientific functions Secretariat
CCAMLR-XXVII/8	Report of the CCAMLR Performance Review Panel
CCAMLR-XXVII/9	Audit requirements for the 2008 Annual Financial Statements Secretariat
CCAMLR-XXVII/10	Implementation of Conservation Measures 10-06 and 10-07 Provisional Lists of IUU Vessels, 2008 Secretariat
CCAMLR-XXVII/11	Summary of notifications for krill fisheries in 2008/09 Secretariat
CCAMLR-XXVII/11 Corrigendum	Summary of notifications for krill fisheries in 2008/09 Secretariat Table 2

CCAMLR-XXVII/12	Summary of notifications for new and exploratory fisheries in 2008/09 Secretariat
CCAMLR-XXVII/12 Corrigendum	Summary of notifications for new and exploratory fisheries in 2008/09 Secretariat Table 5
CCAMLR-XXVII/13	Notification of Norway's intention to conduct an exploratory trawl fishery for *Euphausia superba* in the 2008/09 season Delegation of Norway
CCAMLR-XXVII/14	Notifications of Argentina's intention to conduct exploratory longline fisheries for *Dissostichus* spp. in the 2008/09 season Delegation of Argentina
CCAMLR-XXVII/15	Notification of Australia's intention to conduct an exploratory longline fishery for *Dissostichus* spp. in the 2008/09 season Delegation of Australia
CCAMLR-XXVII/16	Notifications of Chile's intention to conduct exploratory longline fisheries for *Dissostichus* spp. in the 2008/09 season Delegation of Chile
CCAMLR-XXVII/17	Notifications of Japan's intention to conduct exploratory longline fisheries for *Dissostichus* spp. in the 2008/09 season Delegation of Japan
CCAMLR-XXVII/18	Notifications of the Republic of Korea's intention to conduct exploratory longline fisheries for *Dissostichus* spp. in the 2008/09 season Delegation of the Republic of Korea
CCAMLR-XXVII/19	Notifications of New Zealand's intention to conduct exploratory longline fisheries for *Dissostichus* spp. in the 2008/09 season Delegation of New Zealand
CCAMLR-XXVII/20	Notifications of Russia's intention to initiate new pot fisheries for crab in the 2008/09 season Delegation of Russia
CCAMLR-XXVII/21 Rev. 1	Notifications of Russia's intention to conduct exploratory longline fisheries for *Dissostichus* spp. in the 2008/09 season Delegation of Russia

CCAMLR-XXVII/22	Notifications of South Africa's intention to conduct exploratory longline fisheries for *Dissostichus* spp. in the 2008/09 season Delegation of South Africa
CCAMLR-XXVII/23	Notifications of Spain's intention to conduct exploratory longline fisheries for *Dissostichus* spp. in the 2008/09 season Delegation of Spain
CCAMLR-XXVII/24	Notifications of the United Kingdom's intention to conduct exploratory longline fisheries for *Dissostichus* spp. in the 2008/09 season Delegation of the United Kingdom
CCAMLR-XXVII/25	Notifications of Uruguay's intention to conduct exploratory longline fisheries for *Dissostichus* spp. in the 2008/09 season Delegation of Uruguay
CCAMLR-XXVII/26	Preliminary assessments of known and anticipated impacts of proposed bottom fishing activities on vulnerable marine ecosystems Collated by the Secretariat
CCAMLR-XXVII/27	CCAMLR Website: password rationalisation Secretariat
CCAMLR-XXVII/28 Rev. 1	Proposed amendment to Conservation Measure 10-05 regarding the Catch Documentation Scheme Delegation of France
CCAMLR-XXVII/29	Practical guidelines for ballast water exchange in the Convention Area Delegation of the United Kingdom
CCAMLR-XXVII/30	The application and use of the CDS fund under Conservation Measure 10-05 (Catch Documentation Scheme for *Dissostichus* spp.) Delegation of the United Kingdom
CCAMLR-XXVII/31	A proposal to amend CCAMLR Conservation Measure 22-06 (2007) Bottom Fishing in the Convention Area Delegation of the USA
CCAMLR-XXVII/32	Proposed revisions to the CCAMLR Scheme of International Scientific Observation Delegation of the USA

CCAMLR-XXVII/33	A proposal to combine Conservation Measures 22-01 (new fisheries) and 22-02 (exploratory fisheries) Delegation of the USA
CCAMLR-XXVII/34	A proposal to amend Conservation Measure 24-01: the application of conservation measures to scientific research Delegation of Australia
CCAMLR-XXVII/35	General improvements to conservation measures Delegation of Australia
CCAMLR-XXVII/36	A proposal to amend Conservation Measure 21-03 with regards to the use of new fishing gear in the krill fisheries (and subsequent amendment to Conservation Measure 21-01) Delegation of Australia
CCAMLR-XXVII/37	The application of Conservation Measure 21-03 (notifications of intent to participate in a fishery for *Euphausia superba*) to contracting parties Delegation of Australia
CCAMLR-XXVII/38 Rev. 1	A proposal to strengthen the CCAMLR System of Inspection Delegation of Australia
CCAMLR-XXVII/39 Rev. 1	EC proposal for a conservation measure concerning the adoption of market-related measures to promote compliance Delegation of the European Community
CCAMLR-XXVII/40	EC proposal for a CCAMLR resolution on the use of specific tariff classification for krill Delegation of the European Community
CCAMLR-XXVII/41	EC proposal – adoption of a CCAMLR notification system for transhipments within the Convention Area Delegation of the European Community
CCAMLR-XXVII/42	Proposed amendments to conservation measures dealing with catch limits for the krill fishery Delegation of Ukraine
CCAMLR-XXVII/43	Current uncertainties in scientific data for risk assessments in the allocation of krill catch limits among SSMUs in Area 48 Delegation of Ukraine

CCAMLR-XXVII/44	Proposed work programme for the development of a Compliance Evaluation Procedure Working Group Report of the Co-conveners of the Working Group on the Development of a Compliance Evaluation Procedure
CCAMLR-XXVII/45	Report of the Standing Committee on Administration and Finance (SCAF)
CCAMLR-XXVII/45 Corrigendum	Report of the Standing Committee on Administration and Finance (SCAF) Appendix III
CCAMLR-XXVII/46	Report of the Standing Committee on Implementation and Compliance (SCIC)

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CCAMLR-XXVII/BG/1 Rev. 1	List of documents
CCAMLR-XXVII/BG/2	List of participants
CCAMLR-XXVII/BG/3	Interpreting services for the Standing Committee on Implementation and Compliance (SCIC) Secretariat
CCAMLR-XXVII/BG/4	Wireless computer network Secretariat
CCAMLR-XXVII/BG/5	Report of the CCAMLR Observer to ATCM XXXI and CEP XI (Kyiv, Ukraine, 2 to 13 June 2008) Executive Secretary
CCAMLR-XXVII/BG/6	Expert Workshop to consider Flag State Control Executive Secretary
CCAMLR-XXVII/BG/7	Report of attendance at the World Ocean in Globalization: Challenges in Marine Regions Conference (Nansen Institute, Oslo, Norway, 21 to 23 August 2008) Executive Secretary
CCAMLR-XXVII/BG/8	Implementation of the System of Inspection and other CCAMLR enforcement provisions in 2007/08 Secretariat
CCAMLR-XXVII/BG/9	Implementation and operation of the Catch Documentation Scheme in 2007/08 Secretariat

CCAMLR-XXVII/BG/10	Implementation and operation of the Centralised Vessel Monitoring System (C-VMS) in 2007/08 Secretariat
CCAMLR-XXVII/BG/11	Vacant
CCAMLR-XXVII/BG/12	New and revised conservation measures recommended by SCIC for adoption by the Commission
CCAMLR-XXVII/BG/12 Corrigendum	New and revised conservation measures recommended by SCIC for adoption by the Commission Conservation Measure 10-05 (2006)
CCAMLR-XXVII/BG/13	Proposals for new and revised conservation measures submitted by SCIC to the Commission for further consideration
CCAMLR-XXVII/BG/13 Addendum	Proposals for new and revised conservation measures submitted by SCIC to the Commission for further consideration Text of the CCAMLR System of Inspection
CCAMLR-XXVII/BG/14	Summary of current conservation measures and resolutions in force 2007/08 Secretariat
CCAMLR-XXVII/BG/15	Implementation of fishery conservation measures in 2007/08 Secretariat
CCAMLR-XXVII/BG/16	Report of the Fifth Meeting of the FIRMS Steering Committee Secretariat
CCAMLR-XXVII/BG/17	Draft Memorandum of Understanding between CCAMLR and the Western Central Pacific Fisheries Commission (WCPFC) Secretariat
CCAMLR-XXVII/BG/18	Informations sur la pêche illicite dans la zone statistique 58 Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen et Crozet Rapport des inspections CCAMLR Saison 2007/2008 (1er juillet 2007 – 30 juin 2008) Délégation française
CCAMLR-XXVII/BG/19 Rev. 1	Topic summary of CEP discussions on non-native species (NNS) in Antarctica CEP Observer to CCAMLR

CCAMLR-XXVII/BG/20	Report on CCAMLR Catch Documentation Scheme training conducted by Australia in Malaysia, June 2008 Delegation of Australia
CCAMLR-XXVII/BG/21 Rev. 1	Report to CCAMLR: outcomes of 12th session of the Indian Ocean Tuna Commission Meeting, 2008 Delegation of Australia
CCAMLR-XXVII/BG/22	The issue of non-compliance with CCAMLR tagging program Delegation of Australia
CCAMLR-XXVII/BG/23	Report of steps taken by New Zealand to implement the inspection, investigation and sanction provisions of Conservation Measure 10-02 during 2007/08 Delegation of New Zealand
CCAMLR-XXVII/BG/24	A time for action in the management of Antarctic krill fisheries Submitted by ASOC
CCAMLR-XXVII/BG/25	The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) and the ecosystem approach As published in the *International Journal of Marine and Coastal Law*, Vol. 23, No. 3, 2008 Submitted by ASOC
CCAMLR-XXVII/BG/26	Furthering implementation of networks of MPAs in Antarctica and the Southern Ocean Submitted by ASOC
CCAMLR-XXVII/BG/27	Impacts of climate change on Antarctic marine ecosystems: a call for action Submitted by ASOC
CCAMLR-XXVII/BG/28	The need for trade measures in CCAMLR Submitted by ASOC
CCAMLR-XXVII/BG/29	Protecting the Southern Ocean whale sanctuary: development of a management plan Submitted by ASOC
CCAMLR-XXVII/BG/30	The Ross Sea: a candidate for immediate inclusion in a network of marine protected areas Submitted by ASOC

CCAMLR-XXVII/BG/31	Report of the CCAMLR Observer to the intersessional meeting on the future of the International Whaling Commission (IWC) (6 to 8 March 2008, London, UK) CCAMLR Observer (United Kingdom)
CCAMLR-XXVII/BG/32	Report of main engine failure of FV *Argos Georgia* in the Ross Sea on 24 December 2007 Delegation of the United Kingdom
CCAMLR-XXVII/BG/33	Report of the CCAMLR Observer (United States) to the Seventh Informal Consultation of States Parties to the UNFSA (11 to 12 March, 2008, New York, USA) CCAMLR Observer (USA)
CCAMLR-XXVII/BG/34	Report of the CCAMLR Observer (United States) to the Ad Hoc Open-Ended Informal Working Group to Study Issues Relating to the Conservation And Sustainable Use of Marine Biological Diversity Beyond Areas of National Jurisdiction (28 April to 2 May 2008, New York, USA) CCAMLR Observer (USA)
CCAMLR-XXVII/BG/35	SCAR-Marine Biodiversity Information Network 2010 and beyond Delegation of Belgium
CCAMLR-XXVII/BG/36	Biological prospecting in the Southern Ocean, a role for CCAMLR Submitted by IUCN
CCAMLR-XXVII/BG/37	The use of trade-related measures in fisheries management Submitted by IUCN
CCAMLR-XXVII/BG/38	Continuing CCAMLR's fight against IUU fishing for toothfish Executive summary of the report by TRAFFIC International and WWF Australia Submitted by IUCN
CCAMLR-XXVII/BG/39	CCAMLR Performance Review Report: summary for discussion Secretariat
CCAMLR-XXVII/BG/40	International Maritime Organisation activities of potential interest to CCAMLR Secretariat

CCAMLR-XXVII/BG/41 Rev. 1	Calendar of meetings of relevance to the Commission in 2008/09 Secretariat
CCAMLR-XXVII/BG/42	Report on the activities of the Scientific Committee on Antarctic Research (SCAR) 2007/08 SCAR Observer to CCAMLR (G. Hosie, Australia)
CCAMLR-XXVII/BG/43	The Southern Ocean Observing System (SOOS) Meeting Report (St Petersburg, 5 to 7 July 2008) SCAR Observer to CCAMLR (G. Hosie, Australia)
CCAMLR-XXVII/BG/44	Report of IUCN – The International Union for the Conservation of Nature IUCN
CCAMLR-XXVII/BG/44 Addendum	Summary of the outcomes of the 4th IUCN World Conservation Congress, of relevance to CCAMLR IUCN
CCAMLR-XXVII/BG/45	Heard Island and McDonald Islands Exclusive Economic Zone 2007/08 IUU catch estimate for Patagonian toothfish Delegation of Australia
CCAMLR-XXVII/BG/46	Report of the CCAMLR Observer to the 11th Session of the COFI Subcommittee on Fish Trade (Bremen, Germany, 2 to 6 June 2008) CCAMLR Observer (EC)
CCAMLR-XXVII/BG/47	IUU vessel sightings on BANZARE Bank (Statistical Division 58.4.3b) Delegation of Australia
CCAMLR-XXVII/BG/48	Status of four Chinese fishing vessels Delegation of China
CCAMLR-XXVII/BG/49	Summary advice of SCIC to the Commission CCAMLR-XXVII
CCAMLR-XXVII/BG/49 Addendum	Report of the SCIC Chair to the Commission
CCAMLR-XXVII/BG/50	Consolidated reports from SCIC, SCAF and Scientific Committee concerning CCAMLR Performance Review
CCAMLR-XXVII/BG/51	Report of the Scientific Committee Chair to the Commission

CCAMLR-XXVII/BG/52	Council Regulation (EC) No. 1005/2008 of 29 September 2008 Delegation of the European Community
CCAMLR-XXVII/BG/53	Report of the CCAMLR Observer to the NAFO extraordinary (May 2008) and regular (September 2008) sessions CCAMLR Observer (EC)

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SC-CAMLR-XXVII/1	Provisional Agenda for the Twenty-seventh Meeting of the Scientific Committee for the Conservation of Antarctic Marine Living Resources
SC-CAMLR-XXVII/2	Provisional Annotated Agenda for the Twenty-seventh Meeting of the Scientific Committee for the Conservation of Antarctic Marine Living Resources
SC-CAMLR-XXVII/3	Report of the Working Group on Ecosystem Monitoring and Management (St Petersburg, Russia, 23 July to 1 August 2008)
SC-CAMLR-XXVII/3 Corrigendum	Report of the Working Group on Ecosystem Monitoring and Management (St Petersburg, Russia, 23 July to 1 August 2008) Figure 2
SC-CAMLR-XXVII/4	Report of the Working Group on Fish Stock Assessment (Hobart, Australia, 13 to 24 October 2008)
SC-CAMLR-XXVII/5	Report of the Working Group on Statistics, Assessments and Modelling (St Petersburg, Russia, 14 to 22 July 2008)
SC-CAMLR-XXVII/6	*CCAMLR Science*: editorial process and policy Secretariat
SC-CAMLR-XXVII/7 Rev. 1	The implications of climate change for CCAMLR fisheries and for the work of the Scientific Committee Delegation of the United Kingdom
SC-CAMLR-XXVII/8	Action plan aimed at reducing seabird by-catch in the French EEZs in Statistical Division 58.5.1 and Subarea 58.6 Delegation of France
SC-CAMLR-XXVII/9	See SC-CAMLR-XXVII/BG/11

SC-CAMLR-XXVII/10	Summary of French papers regarding recommendations made by the Scientific Committee with respect to the incidental mortality of seabirds Delegation of France
SC-CAMLR-XXVII/11	See SC-CAMLR-XXVII/BG/12
SC-CAMLR-XXVII/12	Environmental, spatial, temporal and operational effects on the incidental mortality of birds in the longline fishery in the Crozet and Kerguelen areas 2003–2006 Delegation of France
SC-CAMLR-XXVII/12 Corrigendum	Environmental, spatial, temporal and operational effects on the incidental mortality of birds in the longline fishery in the Crozet and Kerguelen areas 2003–2006 Delegation of France Table 14
SC-CAMLR-XXVII/13	Notification of vulnerable marine ecosystems in Statistical Division 58.4.1 Delegation of Australia
SC-CAMLR-XXVII/14	Executive summary – Joint CCAMLR-IWC Workshop (Hobart, Australia, 11 to 15 August 2008)
SC-CAMLR-XXVII/15	Report of the ad hoc Working Group on Incidental Mortality Associated with Fishing (Hobart, Australia, 13 to 17 October 2008)

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SC-CAMLR-XXVII/BG/1	Catches in the Convention Area in the 2006/07 and 2007/08 seasons Secretariat
SC-CAMLR-XXVII/BG/2	Summary of scientific observation programs undertaken during the 2007/08 season Secretariat
SC-CAMLR-XXVII/BG/3	Data Management report on activities in 2007/08 Secretariat
SC-CAMLR-XXVII/BG/4	Development of CCAMLR metadata Secretariat
SC-CAMLR-XXVII/BG/5	Report on the 2008 Intersessional Meeting of the Coordinating Working Party on Fisheries Statistics (CWP) Secretariat

SC-CAMLR-XXVII/BG/6	Report of the ad hoc Technical Group for at-sea Operations (St Petersburg, Russia, 19 and 20 July 2008)
SC-CAMLR-XXVII/BG/7	Attendance of Science Officer at the Second Meeting of the ACAP Seabird Bycatch Working Group (Hermanus**,** South Africa, 17 to 18 August 2008) Secretariat
SC-CAMLR-XXVII/BG/8	Etude d'évaluation de l'impact des pêcheries sur les populations de pétrels à menton blanc *Procellaria aequinoctialis* et de pétrels gris *Procellaria cinerea* aux îles Crozet et Kerguelen Délégation française
SC-CAMLR-XXVII/BG/9	Observer's Report from the 60th Meeting of the Scientific Committee of the International Whaling Commission (Santiago, Chile, 1 to 13 June 2008) CCAMLR Observer (K.-H. Kock, Germany)
SC-CAMLR-XXVII/BG/10	Seabird by-catch in the French toothfish fishery: report of a cooperative study in 2008 Delegation of France
SC-CAMLR-XXVII/BG/11	Instruments de réglementation en vigueur pour réduire la mortalité des oiseaux de mer directement ou indirectement Délégation française
SC-CAMLR-XXVII/BG/12	Mise en place d'un système d'effarouchement au poste de virage sur les palangriers exploitant la légine dans les ZEE françaises incluses dans les sous-zones statistiques 58.5.1 et 58.6 – Campagne de pêche 2007–2008 Délégation française
SC-CAMLR-XXVII/BG/13	The implications of climate change for CCAMLR fisheries and for the work of the Scientific Committee Delegation of the United Kingdom
SC-CAMLR-XXVII/BG/14	Report of the Convener of WG-EMM-08 to SC-CAMLR-XXVII
SC-CAMLR-XXVII/BG/15 Rev. 1	Calendar of meetings of relevance to the Scientific Committee in 2008/09 Secretariat
SC-CAMLR-XXVII/BG/16	Report of the Joint CCAMLR-IWC Workshop (Hobart, Australia, 11 to 15 August 2008)

SC-CAMLR-XXVII/BG/17	Report on the FAO-sponsored Workshop on Knowledge and Data on Deep-water Fisheries in the High Seas Secretariat
SC-CAMLR-XXVII/BG/18	Report of the Conveners of ad hoc WG-IMAF-08 to SC-CAMLR-XXVII
SC-CAMLR-XXVII/BG/19	Proposals for revised conservation measures submitted by ad hoc WG-IMAF to the Scientific Committee for further consideration
SC-CAMLR-XXVII/BG/20	Report of the Convener of WG-FSA to SC-CAMLR-XXVII, October 2008

ANNEX 3

AGENDA FOR THE TWENTY-SEVENTH MEETING OF THE COMMISSION

AGENDA FOR THE TWENTY-SEVENTH MEETING OF THE COMMISSION

1. Opening of meeting

2. Organisation of meeting
   (i) Adoption of agenda
   (ii) Chair's Report

3. Finance and administration
   (i) SCAF Report
   (ii) Audited Financial Statements for 2007
   (iii) Audit requirement for 2008 Financial Statements
   (iv) Secretariat matters
   (v) Contingency Fund
   (vi) Special funds
   (vii) Budgets for 2008, 2009 and 2010
   (viii) Members' contributions
   (ix) SCAF Vice-Chair
   (x) Recruitment of Executive Secretary

4. Scientific Committee
   (i) Climate change

5. Fisheries management and conservation under conditions of uncertainty
   (i) Fishery Management Plans
   (ii) Bottom fishing in CCAMLR high-seas areas

6. Assessment and avoidance of incidental mortality
   (i) Marine debris
   (ii) Incidental mortality of seabirds and marine mammals during fishing operations

7. Marine Protected Areas

8. Implementation and compliance
   (i) SCIC Report
   (ii) Compliance with conservation measures
   (iii) Compliance evaluation procedure

9. Catch Documentation Scheme for *Dissostichus* spp. (CDS)
   (i) SCIC Report
   (ii) CDS annual report

10. Illegal, unregulated and unreported (IUU) fishing in the Convention Area
    (i) SCIC Report
    (ii) Current level of IUU fishing
    (iii) Review of current measures aimed at eliminating IUU fishing

11. Scheme of International Scientific Observation

12. New and exploratory fisheries

13. Conservation measures
    (i) Review of existing measures
    (ii) Consideration of new measures and other conservation requirements

14. Data access and security

15. Cooperation with Antarctic Treaty System
    (i) Cooperation with Antarctic Treaty Consultative Parties
    (ii) Cooperation with SCAR
    (iii) Proposals for Antarctic Specially Protected Areas and Specially Managed Areas that include marine areas

16. Cooperation with international organisations
    (i) Reports of observers from international organisations
    (ii) Reports from CCAMLR representatives at meetings of international organisations in 2007/08
    (iii) Cooperation with CCSBT
    (iv) Cooperation with WCPFC
    (v) Partnership in FIRMS
    (vi) Participation in CCAMLR meetings
    (vii) Nomination of representatives to meetings of international organisations in 2008/09

17. Implementation of Convention objectives
    (i) Performance review

18. Election of Commission Chair

19. Next meeting
    (i) Invitation of observers
    (ii) Date and location

20. Other business
    (i) International Polar Year in 2007/08
    (ii) European Community IUU regulations

21. Report of Twenty-seventh Meeting of Commission

22. Close of meeting.

ANNEX 4

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

CONTENTS

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

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

EXAMINATION OF AUDITED FINANCIAL STATEMENTS FOR 2007

2. SCAF noted that a full audit had been carried out on the 2007 Financial Statements. The report had identified no incidents of non-compliance with Financial Regulations or International Accounting Standards. The Committee **recommended that the Commission accept the Financial Statements as presented in CCAMLR-XXVII/3**.

AUDIT REQUIREMENT FOR 2008 FINANCIAL STATEMENTS

3. SCAF accepted a proposal from the Australian National Audit Office (ANAO) (CCAMLR-XXVII/9) that full audits of the financial statements should be conducted each year rather than the current practice of a full audit every three years. This would be consistent with current Audit Standards and would also take into account the growing complexity of the Commission's Annual Financial Statements. The ANAO also indicated that annual audits would provide an unqualified assurance of the Commission's Financial Statements to improve fiscal accountability and transparency of CCAMLR's finances. The Committee **recommended that the Commission require a full audit to be performed on the 2008 and 2009 Financial Statements.**

APPOINTMENT OF AUDITOR

4. The ANAO has been the Commission's Auditor since the Commission was established. As the Office's latest two-year appointment expired on completion of the 2007 audit, the Committee **recommended that the Commission appoint the ANAO as its auditor for the 2008 and 2009 Financial Statements in accordance with Financial Regulation 11.1.**

SECRETARIAT STRATEGIC PLAN

5. The Executive Secretary presented his report (CCAMLR-XXVII/6). The Committee noted that this report forms a key element in annually assessing the Executive Secretary's performance. The report made specific reference to the Secretariat's Strategic Plan and Secretariat staff matters. The Executive Secretary advised that key Secretariat activities are executed under the Strategic Plan to address diverse, complex and extensive tasks identified by the Commission and the Scientific Committee.

6. SCAF noted the various key issues listed at the end of CCAMLR-XXVII/6.

7. Addressing the outcomes of the Executive Secretary's review of the Secretariat's data management and scientific functions (CCAMLR-XXVII/7) endorsed by the Commission in 2007 (CCAMLR-XXVI, paragraph 3.6), SCAF recommended that:

- **the initial ICSC grading of P-4 should be confirmed for both the Science Officer and Data Manager posts. This should be the entry-level grading for purposes of meeting the requirements of Staff Regulation 5.10;**

- **advancement through the increment gradings for each post shall proceed in accordance with Staff Regulation 5.9.**

8. It also noted the above review had offered the suggestion that:

- subject to the Data Manager or Science Officer reaching the top of the P-4 grading, and/or exceptional assessment of performance under the *CCAMLR Performance Management and Appraisal Scheme* endorsed by the Commission, advancement from ICSC Grading P-4 to P-5 should be considered with the Commission's prior approval (Staff Regulation 5.5).

9. SCAF **recommended that the grading of the Administration and Finance Officer's post should be reviewed in the 2008/09 intersessional period. While agreeing with the outcomes of the above review, SCAF further recommended that the grading of the three Secretariat professional posts should be reviewed at CCAMLR-XXVIII.**

10. Given the current duties of the Compliance Officer, SCAF **recommended that the Executive Secretary review the current grading of this post and present the results to the Committee's 2009 meeting.**

11. SCAF noted the response by the Australian Department of Foreign Affairs and Trade to the letter of the Executive Secretary regarding negative gearing payments to CCAMLR employees. It **recommended that such staff continue to receive negative gearing payments (approximately A$4 000 per year) in the interests of equitability with other Australian tax payers and that the matter be monitored by the Executive Secretary.**

12. SCAF noted progress made with the implementation of the electronic document management system and website archiving of meeting papers (CCAMLR-XXVII/6, paragraphs 17 and 18). It thanked the Secretariat for its efforts.

13. SCAF noted with appreciation the possibility of securing additional space during SCIC meetings in the Wombat Room. This could be achieved by developing and conjoining the space between the Wombat Room and the adjacent premises. The Committee **recommended that the Executive Secretary be authorised to continue dialogue with the developer and neighbouring tenants.** The Secretariat will report back to the next SCAF meeting, or earlier depending on the rate of progress.

14. SCAF noted the Secretariat's heavy workload (CCAMLR-XXVII/6, paragraphs 57 to 67, Figures 1 and 2) particularly in respect to providing support for intersessional activities

as well as an ever-growing document translation load (e.g. in 2008 approximately 390 Commission working paper pages were translated compared to 1 292 pages submitted, in 2007, 390 out of 670 were translated).

15. SCAF again indicated to the Commission that as the Secretariat's tasks continue to grow in complexity and extent, further consideration should be given to setting clear priorities in terms of Secretariat task allocations. SCAF noted that approximately one quarter of the Commission's budget is directed to translation costs.

16. The Executive Secretary raised several concerns relating to the Secretariat's translation workload. Such concerns are exacerbated significantly in the lead up to the annual Commission and Scientific Committee meetings.

17. The various translation issues raised included continuing growth in the number and size of working papers submitted to the abovementioned meetings. This has meant that fewer working papers have been translated in full since the necessary financial and personnel resources have not been available. Many Members felt that this disadvantaged certain Members in terms of accessing vital information in one or more of the Commission's four official languages.

18. It was suggested that earlier paper submission deadlines would provide more time for translation and more discipline could be applied to keeping papers within reasonable size limits. However, some Members felt that the quality of information being provided might be compromised if any size limit was imposed, or if papers above a certain size attracted some form of financial penalty. SCAF also noted the current practice of recovering translation costs for working papers submitted after the deadline.

19. SCAF noted that translation costs amount to approximately one quarter of the Commission's budget and an overwhelming majority of documents are submitted in English. SCAF discussed the idea of no longer translating all documents submitted in English into the three other official languages. It was noted that such a change in practice would have the potential to streamline the Commission's work to ensure that Members' needs are met as well as offering a source of savings. This approach should be based on a very careful analysis of the overall translation requirements of Members and CCAMLR's multilingual system, as provided for in the Convention.

20. SCAF recommended that:

- **the Secretariat should provide Members with a detailed breakdown and costing of the Commission's translation requirements as of the end of 2008;**
- **the Secretariat should then coordinate intersessional work in consultation with Members to analyse the various categories of documents to be translated;**
- **Members review the outcomes of this work to identify potential savings in translation costs at the 2009 meeting of SCAF.**

21. In noting the increased size of most CCAMLR (e.g. working group) reports over the past years (CCAMLR-XXVII/7, Figure 2), the Committee once again urged the Commission to encourage all its subsidiary bodies to produce brief and concise documents, especially when such documents need to be translated.

22. SCAF endorsed concern at the current situation where a number of longer-serving Secretariat staff are approaching retirement age (CCAMLR-XXVII/6, paragraph 65). This situation was seen as being likely to result in a consequent loss of institutional knowledge, continuity of function and accumulated skill. SCAF **recommended that the Commission authorise the Executive Secretary to pursue development of a clear Secretariat succession strategy** (see also paragraph 36).

REVIEW OF 2008 BUDGET

23. SCAF noted the expected 2008 budgetary outcomes presented in CCAMLR-XXVII/4 and SCAF Supplementary Paper #1.

24. SCAF received advice that additional income of A$45 000 was received in 2008 from forfeited funds for new and exploratory fisheries applications received in 2007. This was transferred through the Contingency Fund to the General Fund. Additional interest income of A$24 000 was also received in 2008, and a surplus of A$364 000 was brought forward from 2007.

25. SCAF noted the transfer of A$88 000 from the Sundry subitem to the Meeting Facilities subitem to cover the cost of introducing SCIC interpretation (approved in 2007, see CCAMLR-XXVI, paragraphs 3.11 to 3.13). It also noted savings in the Equipment, Insurance and Maintenance, Travel and Training subitems resulting in an overall forecast surplus of A$392 000 to be carried forward from the 2008 to the 2009 Budget (Appendix II).

26. SCAF recommended that the donation made to the Commission by Ocean Trust (COMM CIRC 08/87) be paid into a new Enforcement Trust Fund to assist compliance and enforcement in the toothfish fishery and perhaps support an intersessional workshop on compliance evaluation.

27. SCAF **recommended that the revised Budget for 2008 be adopted by the Commission.**

INTERPRETING SERVICES FOR SCIC

28. SCAF noted with appreciation that the refurbishment of Secretariat space to accommodate the SCIC interpreters had been completed (CCAMLR-XXVII/BG/3). SCIC interpretation is now being provided in accordance with the Commission's 2007 decision (CCAMLR-XXVI, paragraphs 3.11 to 3.13; see also paragraph 25).

RECRUITMENT OF EXECUTIVE SECRETARY

29. SCAF considered the procedures and position requirements for recruitment of the Executive Secretary outlined in CCAMLR-XXVII/5. It **recommended the amended procedures presented in Appendix IV**.

WIRELESS COMPUTER NETWORK

30. SCAF received a progress report on the wireless computer network (CCAMLR-XXVII/BG/4). It noted that internet usage during the annual meeting was being monitored to ensure costs were not excessive.

CONTINGENCY FUND

31. SCAF noted that no expenditure had been incurred from the Contingency Fund in 2008. In keeping with past practice, **SCAF recommended that the balance of the Fund in excess of A$110 000, following the transfer of forfeited funds from new and exploratory fisheries applications, should be transferred to the General Fund.**

PROFESSIONAL STAFF SALARIES

32. As in past years, no proposals on specific alternative salary structures for Professional Staff were tabled (e.g. CCAMLR-XXIV, paragraph 3.16 and CCAMLR-XXV, Annex 4, paragraph 21). SCAF agreed to delete this item from its agenda until required in the future.

PERFORMANCE REVIEW

33. SCAF noted the Report of the CCAMLR Performance Review Panel (CCAMLR-XXVII/8) and considered the recommendations pertaining to Chapter 7 'Financial and Administrative Issues'.

34. SCAF noted the Review Panel's recommendation to expand the Commission's financial base by identifying the full cost of services which are provided for all commercial fishing operations, particularly for krill fishing. This could require developing a cost-recovery process and charging accordingly, as well as setting up a process to develop a cost-recovery strategy for CCAMLR in general (CCAMLR-XXVII/8, paragraph 7.1.1.1).

35. Concerned with the ever-growing workload of the Secretariat and potential lack of resources to undertake major new initiatives, SCAF **recommended that the Commission continue its current practice of authorising increases in Members' Contributions beyond zero real growth to allocate funds for specific priority tasks (e.g. the 2008 CCAMLR Performance Review and CCAMLR-IWC Workshop) as they arise** (CCAMLR-XXVII/8, paragraphs 7.2.1.1 and 7.2.1.2).

36. SCAF noted that it had already implicitly supported the Review Panel recommendation (CCAMLR-XXVII/8, paragraph 7.2.1.4) that a succession plan be developed to address loss of institutional knowledge and provide continuity of function when long-serving Secretariat staff leave the organisation (paragraph 22). The outcomes of this activity will be reviewed by SCAF in 2009.

37. In relation to another Review Panel recommendation (CCAMLR-XXVII/8, paragraph 7.2.2.1), SCAF noted that it had already discussed the question of inadequate Secretariat capacity to translate working papers in particular, and other papers in general, to guarantee equality, transparency and widest participation in all the Commission's official languages (paragraphs 15 to 19 and 38).

BUDGET FOR 2009

38. SCAF **recommended that additional funding of A$100 000 be included in the 2009 draft budget to improve Secretariat translation services (paragraphs 15, 17 and 19).** This represents an approximate increase of 10% in the budget allocated for translation.

Advice from SCIC and the Scientific Committee

39. The Chair of SCIC advised that SCIC had requested funding (A$10 000) for an informal group to advance development of a Compliance Evaluation Procedure (DOCEP). SCIC had also advised that it would recommend that a proposal to amend Conservation Measure 10-05 be considered by the Commission. This would extend use of the CDS Special Fund to include expenditure on programs to enhance cooperation with non-Contracting Parties (CCAMLR-XXVII/30). SCAF concurred with SCIC's advice. SCAF also noted that SCIC was considering the question of cost-recovery for the processing of krill fishery notifications.

40. SCAF received advice from the Chair of the Scientific Committee on the Scientific Committee's budget for 2009 and on relevant items in the Commission's budget for Scientific Committee work. SCAF concurred with the Scientific Committee's advice.

41. SCAF noted the costs associated with holding the meeting of the Working Group on Incidental Mortality Associated with Fishing (WG-IMAF) were separated from the Working Group on Fish Stock Assessment (WG-FSA) meeting costs in the Scientific Committee budget. The Scientific Committee had also requested funding for a VME Workshop (A$44 000) and for a seabird poster (A$6 000). SCAF concurred with the Scientific Committee's advice.

42. SCAF noted that the overall funding requested by the Scientific Committee had been provided for in the 2009 draft budget (CCAMLR-XXVII/4). SCAF **recommended that the Commission approve the proposed 2009 Scientific Committee budget of A$393 400.**

Overall budget advice

43. SCAF noted that overall expenditure proposed for 2009 stands at A$4 333 000. The consequent increase to Members' contributions for 2009 is presented in Appendix II, and this constitutes a 1.25% increase over the 2008 budget contributions. Compared to an inflation increase of 4.5%, this is well within the zero real growth budgetary target of the Commission. SCAF **recommended that the Commission approve the proposed 2009 budget.**

MULTI-YEAR FUNDING OF SCIENTIFIC COMMITTEE TASKS

44. In presenting its budget for 2009, the Scientific Committee requested that the already deferred funds for the *Scientific Observers Manual*, and the balance of funds remaining from the CCAMLR-IWC Workshop, be carried forward to the Science Special Fund in 2009 according to procedures adopted in 2004 (CCAMLR-XXIII, Annex 4, paragraph 26). SCAF **recommended that the funds be carried forward to 2009.**

MEMBERS' CONTRIBUTIONS

45. SCAF highlighted that the CCAMLR Financial Year commences on 1 January. Under Financial Regulation 5.6 contributions are due for payment on that date and shall be paid no later than 60 days after that date. Under the same regulation, the Commission has the authority to permit extension of the due date for a period of up to 90 days for individual Members who are unable to comply with the regulation due to the timing of the financial years of their governments (i.e. until 31 May of the year in which the contribution falls due) (Financial Regulation 5.6 as amended in 1999, CCAMLR-XVIII, paragraph 3.5).

Timing of contributions

46. The Committee **recommended that, in accordance with Financial Regulation 5.6 and in accordance with past practice, the Commission grant extensions to 31 May 2009 for Argentina, Brazil, China, India, Republic of Korea, Namibia, Russia, South Africa, Spain, Ukraine, USA and Uruguay in respect of the due date for payment of their 2009 Members' contributions.**

Treatment of late payments

47. Following the Commission's decision in 2007 (CCAMLR-XXVI, paragraph 3.26), SCAF discussed various options aimed at providing incentives for Members to pay their contributions by the due dates attached to Financial Regulation 5.6. Such options included distributing (a proportion of) the previous year's surplus to those Members who paid by the due date. The Committee requested that Members submit proposals on the distribution of surplus monies to Members who pay by the due date for discussion at the next meeting. The overall situation of contribution payments has improved during the past few years but Members were encouraged to make their contribution payments by the due date (1 January) to facilitate the orderly financial planning and budgetary implementation of the organisation.

Interpretation of Article XIX.6 of the Convention

48. SCAF discussed the issue of default in the payment of Members' contributions as requested by the Commission in 2007 (CCAMLR-XXVI, paragraph 3.32). After considerable discussion the Committee noted the following options:

- Convention Article XIX.6 should remain open to interpretation by the Heads of Delegations on a case-by-case basis;

alternatively, Article XIX.6 could be interpreted to mean that:

- the period of default comes into effect when a Member fails to make full payment of its contribution in a particular year and this payment remains outstanding for 24 consecutive months from the date it was due. The Member remains in default until the outstanding contribution has been paid in full;

or

- (a) a Member does not have the right to participate in decisions of the Commission once it fails to pay its contribution for two consecutive years;

  and

  (b) the Member continues not to have that right for the entire time that the Member remains in 'default' of its obligation to pay contributions, i.e. for the entire period that any contributions remain in arrears.

FORECAST BUDGET FOR 2010

49. SCAF presented a forecast budget for 2010 to the Commission, noting that an increase in Members' contributions was anticipated following the increased costs and reduced income resulting from the 2008 international financial crisis. The Committee was also cognisant that the Salaries and Allowances item proposed for 2010 would be subject to the family status of the Executive Secretary.

50. However, SCAF recalled its advice of previous years that the figures are indicative only and that care should be taken when they are used as a basis for financial budgeting by individual Members. SCAF noted the importance of reducing expenditure wherever possible to maintain the budget within its customary target of zero real growth (i.e. within inflationary limits only).

CDS FUND

51. SCAF noted that no requests for expenditure in 2009 from the CDS Special Fund had been received from the CDS Fund Review Panel. SCIC had also advised that it would recommend that a proposal to amend Conservation Measure 10-05 be considered by the Commission (see paragraph 39). SCAF noted that there may be consequential changes to the administration of the Fund.

OTHER BUSINESS

52. SCAF noted SCAF Supplementary Paper #2 outlining CCAMLR's Investments Portfolio to highlight the Commission's position in the current international economic situation. The Committee noted that, although A$1.6 million has been invested in financial instruments with exposure to organisations which have experienced difficulties in the current economic climate, no losses had been incurred to date. The Members thanked the Secretariat for its transparency in bringing this matter to the attention of the Committee. SCAF agreed that this information should be conveyed to the Commission, and noted the considerable uncertainties in the context of the global financial situation.

ELECTION OF SCAF VICE-CHAIR FOR 2009 AND 2010

53. SCAF agreed that South Africa serve as SCAF Vice-Chair from the end of the 2008 meeting until the end of the 2010 meeting.

ADOPTION OF THE REPORT

54. The report of the meeting was adopted.

CLOSE OF MEETING

55. The Chair, Mrs V. Ramachandran (India) advised SCAF of her inability to attend the Commission meeting and requested the Vice-Chair (New Zealand) to present the SCAF report. The Committee thanked Mrs Ramachandran for her excellent chairmanship. The Chair closed the meeting.

APPENDIX I

AGENDA
Standing Committee on Administration and Finance (SCAF)
(Hobart, Australia, 27 to 31 October 2008)

1. Organisation of meeting

2. Examination audited Financial Statements for 2007

3. Audit requirement for 2008 Financial Statements

4. Secretariat Strategic Plan

5. Review of 2008 budget

6. Interpreter services for SCIC

7. Recruitment of Executive Secretary

8. Wireless computer network

9. Contingency Fund

10. Professional Staff salaries

11. Performance Review

12. Budget for 2009
    (i) Scientific Committee budget
    (ii) Advice from SCIC

13. Multi-year funding of Scientific Committee tasks

14. Members' contributions
    (i) Timing of Members' contributions
    (ii) Interpretation of Article XIX of the Convention – 'Period of Default'

15. Forecast budget for 2010

16. CDS Fund

17. Other business

18. Election of SCAF Vice-Chair

19. Adoption of report

20. Close of meeting.

REVIEW OF 2008 BUDGET, BUDGET FOR 2009 AND FORECAST FOR 2010

(all amounts in Australian dollars)

Budget for 2008					
Adopted in 2007	Revised	Variance		2009 Budget	*2010 Forecast*
			INCOME		
3 160 500	3 160 500	0	Members' Annual Contributions	3 200 000	*3 437 000*
0	0	0	New Members' Contributions	0	*0*
135 000	180 000	(45 000)	From (to) Special Funds	125 000	*135 000*
96 000	120 000	(24 000)	Interest	96 000	*92 000*
500 000	500 000	0	Staff Assessment Levy	520 000	*540 000*
194 000	364 000	(170 000)	Surplus from Prior Year	392 000	*0*
4 085 500	4 324 500	(239 000)		4 333 000	*4 204 000*
			EXPENDITURE		
643 100	6 37 100	6 000	Data Management	655 000	*683 000*
0	0	0	Science	583 000	*588 000*
779 900	702 900	77 000	Compliance	310 000	*268 000*
855 500	855 500	0	Communications	1 000 000	*947 000*
323 500	323 500	0	Information Services	325 000	*334 000*
386 300	386 300	0	Information Technology	396 000	*412 000*
1 097 200	1 027 200	70 000	Administration	1 064 000	*972 000*
4 085 500	3 932 500	153 000		4 333 000	*4 204 000*
			Expenditure allocated by subitem		
2 765 000	2 700 000	65 000	Salaries and Allowances	2 920 000	*2 940 000*
220 000	213 000	7 000	Equipment	225 000	*225 000*
117 000	100 000	17 000	Insurance and Maintenance	120 000	*125 000*
19 000	12 000	7 000	Training	19 000	*19 000*
230 000	318 000	(88 000)	Meeting Facilities	330 000	*340 000*
214 000	157 000	57 000	Travel	382 000	*290 000*
58 000	58 000	0	Printing and Copying	67 000	*62 000*
78 000	78 000	0	Communication	81 000	*83 000*
384 500	296 500	88 000	Sundry	189 000	*120 000*
4 085 500	3 932 500	153 000		4 333 000	*4 204 000*
Surplus for the year		(392 000)			

MEMBERS' CONTRIBUTIONS 2009

General Fund Contributions – Payable by 1 March 2009

(all amounts in Australian dollars)

Member	Basic	Fishing	Total
Argentina*	123 415	1 000	124 415
Australia	123 415	11 430	134 845
Belgium	123 415	-	123 415
Brazil*	123 415	-	123 415
Chile	123 415	3 265	126 680
China, People's Republic of*	123 415	-	123 415
European Community	123 415	-	123 415
France	123 415	24 704	148 119
Germany	123 415	-	123 415
India*	123 415	-	123 415
Italy	123 415	-	123 415
Japan	123 415	11 635	135 050
Korea, Republic of *	123 415	17 575	140 990
Namibia*	123 415	1 000	124 415
New Zealand	123 415	7 383	130 798
Norway	123 415	8 014	131 429
Poland	123 415	2 518	125 933
Russia*	123 415	2 733	126 148
South Africa*	123 415	2 173	125 588
Spain*	123 415	3 554	126 969
Sweden	123 415	-	123 415
Ukraine*	123 415	5 233	128 648
UK	123 415	9 025	132 440
USA*	123 415	1 000	124 415
Uruguay*	123 415	2 383	125 798
	3 085 375	114 625	3 200 000

* Extension of deadline approved by Commission.

APPENDIX IV

PROCEDURES FOR THE APPOINTMENT OF THE EXECUTIVE SECRETARY TO CCAMLR

Acting Executive Secretary

(i) Should the post of Executive Secretary fall vacant, the Science Officer will be designated Acting Executive Secretary pending the appointment of a new incumbent.

(ii) Any person designated Acting Executive Secretary will enjoy the salary, allowances and other privileges appropriate to the post of Executive Secretary for such time as the person occupies the post.

Advertisement

(iii) Members will agree on the text of an advertisement for the post of Executive Secretary. The advertisement will be placed on the CCAMLR website and highlighted on the homepage. The recruitment page on the website will include relevant supplementary information, including Member country contacts.

(iv) The approved advertisement will also be placed by the Secretariat at the direction of the Chair of the Commission in national and international publications and websites. Websites should be used as a preference whenever available and should be linked to the CCAMLR recruitment website page.

(v) Members should agree on the placements of the advertisement by the Chair. Before a Member additionally places the advertisement, it should notify the Secretariat of its plans and confirm that the placement has not already been made by another Member.

Eligible Applicants

(vi) Only citizens/nationals of a Member of the Commission may apply for the post of Executive Secretary.

Personal Applications

(vii) Applications may be made by eligible persons to the Chair of the Commission directly, or through the Member contact.

Submission of Applications

(viii) Applications must be submitted electronically to the Chair through the Secretariat and copied electronically to the Member contact designated on the CCAMLR recruitment website page. Applications submitted by mail will be returned.

Receipt of Applications

(ix) Each applicant will be notified by the Chair of receipt of his or her application.

Availability of Applications

(x) Each application received by the Chair will be translated by the Secretariat into each of the official languages and posted to a password-protected section of the CCAMLR website.

Member Nominations

(xi) Each Member of the Commission may nominate up to two candidates who have submitted applications by the due date for the vacant post. Members should not forward nominees, if any, until after the closing date for all persons to submit applications.

Ranking of Applicants

(xii) Each Member will notify the Secretariat of its 10 preferred candidates in order of preference. On receipt of all the Commission Members' preferences, the Chair will aggregate individual applicants' rankings, awarding 10 points for a first preference, 9 points for a second preference etc.

Short List

(xiii) The candidates with the five highest aggregate scores will be shortlisted for selection. Should the application of any candidate be withdrawn, the next ranking candidate will be substituted.

Interview Process

(xiv) The shortlisted candidates will be notified to Members of the Commission, and will be invited to the next meeting of the Commission where the Chair of the Commission will 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.

(xv) Travel and per diem expenses of candidates invited for final selection will be reimbursed by the Commission except where a Member of the Commission pays for these costs directly. Members are strongly urged to assume these costs. (Note: A line item in the amount of A$33 500 is included in the 2009 budget for these costs. If all Members of the Commission assume these costs for their citizens/nationals, there will be no draw against this line item.)

(xvi) The chosen candidate will be notified at the conclusion of the first week of the Commission meeting.

Start Date

(xvii) The chosen candidate will report to the Secretariat Headquarters two full weeks before the departure of the incumbent Executive Secretary at the end of February 2010 in order to allow for a transition.

Draft Advertisement

**EXECUTIVE SECRETARY OF THE
COMMISSION FOR THE CONSERVATION OF
ANTARCTIC MARINE LIVING RESOURCES (CCAMLR)**

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

CCAMLR is an international organisation, with Headquarters in Hobart, Australia, responsible for giving effect to the objectives and principles of the Convention on the Conservation of Antarctic Marine Living Resources which provides for the conservation and rational use of marine living resources in waters adjacent to Antarctica.

The Executive Secretary manages a small administrative, technical and scientific staff; presents and manages the Commission budget; and organises the meetings of the Commission and its ad hoc and standing committees.

Applicants must be citizens/nationals of a Member of the Commission {list}

Selection Criteria

- Experience or detailed knowledge of the operations of international, regional and/or intergovernmental organisations.
- Demonstration of a high level of managerial and leadership experience and proven competence, in such areas as:
  - the selection and management 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;
  - oversight and management of computer services and information technology.
- Familiarity with Antarctic affairs.
- Familiarity with fisheries and/or ecosystem management.
- Language skills.

Salary and Allowances

The appointment will be for a term of four years with the possibility of one additional four-year appointment. Present salary is in the range of US$129 304 to US$150 341 pa gross.

Allowances are based on the UN system and include post adjustment, removal costs, installation grant, repatriation allowances, home leave allowance every two years, social security and child education benefits.

Availability

The individual chosen for the post of Executive Secretary must be available starting 15 February 2010 for a two-week period of transition with the incumbent Executive Secretary and will assume the post on 1 March 2010.

Additional Information

Please consult the CCAMLR website at www.ccamlr.org for complete information on duties, selection criteria and the application process.

Equal Employment Opportunity

CCAMLR is an equal opportunity employer.

Closing Date

Applications must be received no later than 30 April 2009.

STANDARD SUMMARY FORM

Name:

Address:

Phone:

Fax:

Email address:

Citizenship:

University and Advance Degrees
(List degrees and years awarded)

Language Proficiency in English, French, Russian, Spanish
(Note level)
(Secretariat will insert check-off grid)

Professional and Management Experience
(Include additional information elaborating on this summary in resumé or narrative application)

1. In the management of staff, budget and organisations (note the organisation; the activity or business of the organisation; the size of the staff managed; and the level of budget expenditure).

2. In international, regional and/or intergovernmental organisations, including organisations addressing Antarctic and/or fisheries/ecosystem conservation and management (list organisations and dates of experience).

3. Demonstrated ability to direct processes of change at the substantive and management levels within large institutions of national or international scope.

Competencies
The incumbent should be able to demonstrate the following:

1. Lead and motivate a team of senior and mid-level managers in a multicultural setting;

2. Determine and communicate a clear strategic direction, including interdisciplinary dimensions, and set clear program priorities;

3. Translate strategy into sustainable action and effectively plan, mobilise and manage resources to deliver expected results.

RECRUITMENT WEBSITE PAGE

- The Advertisement
- Duties of the Executive Secretary

    1. Is responsible overall for ensuring the effective and efficient operation of the Secretariat.

    2. Creates an environment that promotes staff development and maximises their contribution to the organisation.

    3. Institutes systematic strategic/corporate planning for the Secretariat, in consultation with the Commission.

    4. Coordinates, supports and liaises with the Chairpersons of the Commission, Scientific Committee and its subsidiary bodies, the Standing Committee on Administration and Finance and the Standing Committee on Implementation and Compliance and any ad hoc groups established, in the management of their respective meetings and implementation of work programs for these meetings.

    5. Manages the necessary preparations and follow-up for all CCAMLR meetings including for the intersessional work of the Scientific Committee and its subsidiary bodies as well as for any ad hoc groups established.

    6. Cooperates and liaises with other international organisations on matters of relevance to CCAMLR.

    7. Appoints and manages all scientific, technical and administrative staff necessary for CCAMLR to achieve its objective, develops individual staff work programs and/or assists in this.

    8. Implements a performance assessment process for all staff members, including the Executive Secretary.

    9. Oversees the collection, collation and dissemination of information on harvesting, illegal, unreported and unregulated fishing, catch documentation and other data as required and in accordance with the conservation measures and CCAMLR objectives, and provides regular reports on the status of these databanks to the Commission and Scientific Committee.

    10. Is responsible for the preparation of the financial budgets for expenditure and forecast budgets for the Commission’s consideration, and ensures that expenditure is in accordance with the approved budgets.

- Allowances and Benefits
- Link to Staff and Financial Regulations

- List of Member Contacts
- Application Process

Applications must:

(i) include a completed standard summary form; and

(ii) be submitted electronically no later than 30 April 2009 to recruit@ccamlr.org with a copy to the contact for the applicant's Member country.

RECRUITMENT TIMELINE

Placement of advertisement by Secretariat	No later than 1 January 2009
Placement of advertisements by Members	No later than 1 February 2009
Deadline for submission of applications (including standard form)	No later than 30 April 2009
Applications posted to password-protected page of the CCAMLR website by Secretariat	Within one week of receipt
Nominations by Members	No sooner than 8 May 2009 No later than 15 May 2009
Notification by Members of 10 preferred applicants (in priority order)	No later than 30 June 2009
Shortlisted applicants notified	No later than 31 July 2009

FINANCIAL IMPLICATIONS OF RECRUITING THE EXECUTIVE SECRETARY

		A$
A.	**2009 BUDGET**	
1.	**International advertising in periodicals** In three periodicals, for example, *New Scientist* or *Economist*.	**27 000**
2.	**Travel and per diem expenses for short-listed applicants** Approximately A$6 700 per person, based on five people, including subsistence costs. (This item could be reduced to zero if each Member assumed the travel and per diem expenses for each of its citizens/nationals on the short list.)	**33 500**
	Total 2009 in General Fund Budget	**60 500**
B.	**2010 FORECAST BUDGET**	
1.	**Airfares for relocation of Executive Secretary** Approximate economy costs for a family of four.	**20 000**[1]
2.	**Installation grant** Based on 30 days Hobart per diem rate for one person.	**9 000**
3.	**Removal costs** Approximate cost based on up to one international shipping container.	**30 000**[1]
4.	**Sundry** Insurance and storage of goods, vehicle expenses.	**5 000**[1]
5.	**Changeover** Two-week handover period.	**8 500**
	Total 2010	**72 500**
	Total in General Fund Budget 2010	**17 500**

[1] These amounts are already provided in the Staff Termination Fund.

ANNEX 5

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

CONTENTS

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

I. OPENING OF THE MEETING

1.1 The meeting of the Standing Committee on Implementation and Compliance (SCIC) was held from 27 to 31 October 2008.

1.2 The Chair of SCIC, Ms V. Carvajal (Chile), opened the meeting and all Members of the Commission participated. No Members invoked a ruling in accordance with Rule 32(b) of the Commission Rules of Procedure. Therefore, all observers invited by the Commission to participate at CCAMLR-XXVII were welcomed and invited to participate in the meeting of SCIC as appropriate.

1.3 The Committee noted with appreciation that the meeting of SCIC was, for the first time, interpreted into all four languages of the Commission.

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

1.5 The Secretariat advised the Committee that papers submitted directly to SCIC had been made available to delegates electronically via the meeting server. No Members objected to this procedure.

II. REVIEW OF COMPLIANCE AND IMPLEMENTATION-RELATED MEASURES AND POLICIES

System of Inspection

2.1 During the 2007/08 intersessional period, a total of 65 inspectors were designated by Australia, Chile, France, New Zealand and the UK. A total of 12 at-sea inspections were conducted; 11 by UK-designated CCAMLR inspectors in Subarea 48.3 and one by a French CCAMLR inspector in Division 58.5.1. The reports submitted by inspectors contained no incidents of infractions with CCAMLR measures.

2.2 Argentina informed the Committee that it had initiated proceedings against one vessel which had been reported not to have met the requirements of the tagging program during the 2006/07 fishing season.

2.3 There were no other reports submitted by Members in respect of prosecutions or sanctions during the 2007/08 intersessional period.

Reports on compliance with conservation measures

Tagging

2.4 SCIC considered information from scientific observer reports on the tagging program during the 2007/08 season (CCAMLR-XXVII/BG/8) as well as advice from the Scientific Committee and noted, in particular, the variability in vessel-specific tagging rates contained in SC-CAMLR-XXVII, Annex 5, Figure 4.

2.5 The Committee noted that the Scientific Committee is increasingly reliant on tagging data for the development of the models and assessments used by the Commission and that this requires a high level of compliance with the requirements of the tagging program by all vessels in the Convention Area. Non-compliance with the tagging program compromises the Scientific Committee's capability to develop assessments for exploratory fisheries.

2.6 The Committee recalled that it is the responsibility of the Flag State to ensure compliance with Annex 41-01/B of Conservation Measure 41-01. The Committee also recalled that low tagging rates by some vessels had been identified last year and expressed its concern that the problem persisted (CCAMLR-XXVI, Annex 5, paragraphs 6.6 to 6.10).

2.7 The Committee noted that a number of vessels had failed to achieve required tagging rates during the 2007/08 season:

(i) *Insung No. 1* (Republic of Korea) in Division 58.4.1
(ii) *Insung No. 2* (Republic of Korea) in Division 58.4.1
(iii) *Antillas Reefer* (Namibia) in Divisions 58.4.1 and 58.4.3b
(iv) *Banzare* (Uruguay) in Division 58.4.1
(v) *Ross Star* (Uruguay) in Subarea 88.2
(vi) *Yantar* (Russia) in Subarea 88.2
(vii) *Antartic III* (Argentina) in Subarea 88.1.

2.8 Uruguay informed the Committee of difficulties it had experienced in implementing the tagging program in Division 58.4.1 as it had been unable to catch sufficient numbers of toothfish suitable for tag and release (WG-FSA-08/16). Uruguay nevertheless expressed its concern and advised SCIC of its intention to follow up the issue.

2.9 Several Members reiterated the importance of the tagging program and urged all Members to ensure full compliance with it. With reference to CCAMLR-XXVII/BG/22, Australia also recommended that SCIC should continue to consider this kind of information and make decisions and recommendations as appropriate with regard to non-compliance with the tagging program. The Committee agreed to draw to the attention of the Commission the continuing problem of lack of compliance with the tagging requirement. The Committee agreed that the non-availability of fish to be tagged should be recorded in the observer's report whenever it occurs. In the absence of such information the percentage of fish in good condition should be deemed adequate.

Notifications of exploratory and krill fisheries

2.10 The Committee considered notifications for krill and exploratory fisheries as provided in CCAMLR-XXVII/11 and 12 respectively.

2.11 The Committee noted an informal table set up by Australia identifying notifications which had been submitted with incomplete or missing data. The Committee recalled that the Commission had previously agreed that future notifications for exploratory fisheries would not be considered if they were incomplete (CCAMLR-XXIV, paragraph 6.7(iii)). The Secretariat was requested to set up such a table of vessel notifications, distinguishing between that information which was mandatory to provide and that which was to be provided as far as was practicable and note any missing data. The Secretariat should, in future, circulate this information well in advance of the annual meeting in order for Members to have the opportunity to rectify any omissions, properly review it and determine appropriate action at the next meeting.

2.12 The Committee noted the increasing number of notifications of intent to participate in krill fisheries and recognised the burden that processing these notifications placed on the Commission, the Scientific Committee and the Secretariat, particularly as many of the vessels concerned had not subsequently fished. The Committee noted that the high level of notifications which were subsequently withdrawn was resulting in an overestimate of future catches which created a misleading impression that the trigger level in the krill fishery would be reached in the following season.

2.13 The Committee agreed that it would be desirable if the requirements for notifying intent to participate in krill fisheries were improved. The Committee also considered whether an administration fee for processing the notifications should be required as part of the krill notification procedure, as is the case with new and exploratory fishery notifications.

2.14 Japan pointed out that SCIC could not decide on matters in relation to administration and finance. Japan also noted that Members' contributions are already linked to catch levels and therefore Members which catch krill are already contributing additional funds to the Commission. Japan believed that Parties which submitted a notification but did not harvest should be required to pay.

2.15 New Zealand pointed out that a large number of notifications which were subsequently withdrawn had been received from non-Members, which do not contribute by way of membership fees.

2.16 The USA noted that since the contribution formula for Member harvests was last revised by the Commission, the commercial value of krill and the impacts of the total krill catch on the Antarctic ecosystem have increased significantly. As a consequence, the USA suggested that the Commission direct SCAF to consider at its 2009 meeting a revision to the formula as it related to the krill catch.

2.17 With respect to the problem of overestimation of future krill catch, the USA expressed its support for a fee system which could serve as a disincentive to overestimation and urged Members to work closely with their fishers to assure more realistic estimates of catch in krill notifications.

2.18 The Committee agreed to refer the matter to the Commission for further consideration during its discussion on proposals from Australia and Japan in relation to krill notifications (paragraphs 2.64 and 2.65 below) and participation in the krill fishery.

Conservation Measures 25-02, 25-03 and 26-01

2.19 The Committee considered summaries of information provided by the Scientific Committee and the Secretariat regarding international scientific observer reports on vessels' conformity with Conservation Measures 25-02, 25-03 and 26-01.

2.20 The Committee noted that Scientific Committee and Secretariat reports indicated that a number of vessels had not complied with mitigation and environmental measures during the 2007/08 fishing season.

2.21 Vessels which were reported to have not complied with Conservation Measure 25-02 during the 2007/08 season were:

(i) *Viking Bay* (Spain) which had discharged hooks in offal;

(ii) *Koryo Maru 11* (South Africa) and *Hong Jin No. 707* (Republic of Korea) which exceeded the maximum spacing between weights on longlines;

(iii) *Insung No. 1* (Republic of Korea) and *Antartic III* (Argentina) which used streamers that did not meet the minimum length specified;

(iv) *Punta Ballena* (Uruguay) which did not use haul-scaring devices on all hauls.

2.22 Vessels which were reported to have not complied with Conservation Measure 25-03 during the 2007/08 season were:

(i) *Maksim Starostin* (Russia), which used a net monitor cable during one krill trawl;

(ii) *Dalmor II* (Poland) which discharged offal during net hauling while trawling for krill.

2.23 Vessels which were reported to have not complied with Conservation Measure 26-01 during the 2007/08 season were:

(i) *Antarctic Bay* (Chile), *Argos Froyanes* (UK), *Austral Leader II* (Australia), *Koryo Maru 11* (South Africa) and *Shinsei Maru No. 3* (Japan) which had plastic packaging bands to secure bait boxes on board during cruises in the Convention Area;

(ii) *Koryo Maru 11* (South Africa) and *Viking Bay* (Spain) which had generated gear debris and *Viking Bay* (Spain) which had discharged garbage.

2.24 The European Community noted that the observer on board the *Dalmor II* had reported that the vessel had discharged offal due to accidents and technical problems (SC-CAMLR-XXVII, Annex 6, paragraph 2.47).

2.25 Australia agreed that it was unacceptable to have bait box packaging bands on board but explained that the bait boxes on *Austral Leader II* were falling apart due to repeated loading and offloading. The vessel had commenced its trip from a New Zealand port and, with the prior knowledge of the observer, plastic bands were used to hold the bait boxes together. Australia advised SCIC that the bands had been kept inside the vessel at all times and were collected and subsequently incinerated.

2.26 The UK noted that one of its vessels had also been reported to have had bait box bands on board and explained that the circumstances were very similar to those reported by Australia. The UK observed that it was permissible to have plastic packaging bands on other kinds of boxes provided that the vessel had facilities to incinerate them. The UK was therefore of the view that the topic required further consideration as there may be logistical issues involved in banning plastic packaging bands completely.

2.27 South Africa indicated that it remained committed to implementation of conservation measures and that it would follow up on the non-compliance of the *Koryo Maru 11* and would provide the Committee with feedback on any actions taken in this regard.

2.28 Spain advised that in respect of the *Viking Bay* it would take the relevant measures in relation to the lack of compliance that had been reported and would report on the measures taken.

2.29 Argentina noted that it had asked for copies of the observer report in respect of the *Antartic III* in order to proceed.

2.30 At the time of the adoption of the report, Chile advised that it had information regarding the vessel *Antarctic Bay* which was inspected in a Chilean port prior to fishing. The information reported that Conservation Measure 26-01 had been complied with. Chile advised that it would collate all relevant information and provide it to the Commission as soon as possible.

2.31 Argentina observed that the problem may be a result of vessels departing foreign ports prior to fishing. Argentina recalled that Conservation Measure 10-02, paragraph 9, requires Flag States to inspect their flag vessels prior to fishing activities in the Convention Area to ensure compliance with relevant measures. However, this requirement did not include other-flagged vessels.

2.32 The Committee noted that the addition to Conservation Measure 10-02, paragraph 9, of a requirement to include reference to the presence of plastic packaging bands to secure bait boxes as part of a pre-departure inspection procedure may assist in deterring further non-compliance in this regard.

2.33 The Committee also noted a retrospective analysis of vessels' compliance with Conservation Measures 25-02, 25-03 and 26-01 prepared by the Secretariat (SCIC-08/3). The

Secretariat had been requested at CCAMLR-XXVI to prepare the analysis in order to identify recurring cases of non-compliance between vessels and seasons (CCAMLR-XXVI, paragraph 8.11).

2.34 The Committee recalled that, in accordance with Conservation Measure 41-02, vessels which had not demonstrated full compliance with Conservation Measure 25-02 would not be eligible to receive an extension to their licence period in Subarea 48.3 in the following season.

2.35 The European Community reminded SCIC that several areas adjacent to the Convention Area fell under the remit of RFMOs which did not implement mitigation measures similar to those adopted by CCAMLR. The European Community believed that this undermined the efforts of CCAMLR and urged greater cooperation and synergy between RFMOs to implement harmonised measures.

2.36 Some Members recalled that an approach had been made to CCSBT in 2005 (CCAMLR-XXIV, paragraphs 15.20 to 15.23) but that no response had been received.

Operation of the Centralised Vessel Monitoring System (C-VMS)

2.37 The Committee considered information on the implementation and operation of the C-VMS during 2007/08.

2.38 SCIC noted the implementation of a new regulation by the USA which requires vessels that catch toothfish to submit C-VMS data to the Secretariat, including for fishing outside the Convention Area when importing product into the USA. Some Members noted that this had created problems for some exporters.

2.39 The USA advised SCIC that its domestic regulation allowed for vessels to submit VMS data directly to US authorities and that it was offering this as an alternative. The Chair requested, and it was agreed, that Members discuss the issue bilaterally.

Compliance evaluation procedure

2.40 At CCAMLR-XXVI, the Commission agreed to continue work on the Development of a Compliance Evaluation Procedure (DOCEP) to evaluate compliance by vessels with conservation measures in force.

2.41 The Co-conveners of the informal DOCEP intersessional group, Ms T. Frantz (South Africa) and Ms K. Smith (Australia), submitted a report on intersessional work conducted during 2007/08 (CCAMLR-XXVII/44).

2.42 The Committee endorsed the report of DOCEP and agreed to recommend to SCAF and the Commission that a Compliance Evaluation Workshop be conducted in 2009 in conjunction with the meeting of WG-EMM.

Proposals for new and revised measures

2.43 A number of proposals for new and revised measures were submitted by Members and considered by the Committee. The Committee agreed to forward a number of proposals to the Commission together with a recommendation that they be adopted:

(i) an amendment to Conservation Measure 10-05 to extend the use of the CDS Fund to include proposals to enhance cooperation with non-Contracting Parties (UK; CCAMLR-XXVII/30);

(ii) general improvements to Conservation Measures 10-02, 10-06 and 10-07 (Australia; CCAMLR-XXVII/35);

(iii) a proposal for a new resolution on the use of a specific tariff classification for krill (European Community; CCAMLR-XXVII/40);

(iv) a proposal for the adoption of a notification procedure for transhipments within the Convention Area (European Community; CCAMLR-XXVII/41).

2.44 When adopting the CCAMLR notification system for transhipment within the Convention Area, Japan noted that preparing a report for 2008 in accordance with paragraph 5 of this conservation measure had some limitations because almost all transhipment activities in 2008 had been conducted before the adoption of this conservation measure. SCIC noted this statement.

2.45 The UK introduced its proposal to link the CDS Fund and the Policy to Enhance Cooperation between CCAMLR and non-Contracting Parties to assist and encourage Member States wishing to help non-Contracting Parties to prevent, deter and eliminate IUU fishing from the Convention Area. The UK explained its frustrations at the continuing persistence of IUU fishing. The UK informed the Committee that it wanted CCAMLR to get better use from the resources in the CDS Fund so as to undertake activities, including those similar to the CDS training Australia had conducted in Malaysia. As a consequence, the UK also hoped that a robust and effective mechanism could be agreed to promote Developing State involvement in the Commission's work aimed at meeting the objectives of the Convention.

2.46 The Committee referred a number of other proposals to the Commission for further consideration:

(i) an amendment to Conservation Measure 10-05 regarding the Catch Documentation Scheme (France; CCAMLR-XXVII/28);

(ii) a proposal to amend Conservation Measure 22-06 regarding bottom fishing in the Convention Area (USA; CCAMLR-XXVII/31);

(iii) revisions to the CCAMLR Scheme of International Scientific Observation (USA; CCAMLR-XXVII/32);

(iv) general improvements to Conservation Measure 10-03 (Australia; CCAMLR-XXVII/35);

(v) a proposal to review and strengthen the System of Inspection brought forward from CCAMLR-XXVI (Australia: CCAMLR-XXVII/38 Rev.1);

(vi) a proposal for market-related measures brought forward from CCAMLR-XXVI to promote compliance (European Community; CCAMLR-XXVII/39 Rev. 1);

(vii) a proposal to require krill vessels which had notified their intent to participate in a krill fishery but which had not subsequently fished for two consecutive seasons to be prevented from entering the fishery for the next season, as well as pay a A$16 000 fee (Japan; SCIC-08/4).

Observers on board krill vessels

2.47 The Committee had also considered a proposal submitted by Ukraine to require at least one international or national scientific observer on board krill vessels and two observers on board krill vessels using new fishing methods (Ukraine; CCAMLR-XXVII/42). In presenting its proposal Ukraine reminded SCIC that considerable uncertainty surrounds the krill fishery and that this was an increasing problem. Ukraine believed that its proposal would assist to collect more scientific information regarding the krill fishery and, furthermore, that the measure may only need to be in place until such time as more information could be collected.

2.48 Several Members fully supported the proposal, recalling that CCAMLR had, for several years, been concerned with the orderly development of the krill fishery. These Members believed that it was desirable for CCAMLR to take a proactive rather than a reactive approach to the krill fishery.

2.49 Other Members, whilst supporting greater collection of information and data in respect of krill fishing, expressed reservations as to the need for two observers on board some krill vessels. In this respect, Norway noted that the collection of data on board vessels using the continuous pumping method may be a more efficient process than on board vessels using traditional krill fishing methods.

2.50 The Committee was unable to reach agreement on the proposal and, noting that the matter was also to be discussed by the Scientific Committee, agreed to refer the matter to the Commission.

Bottom fishing

2.51 The USA submitted a proposal to amend Conservation Measure 22-06 regarding bottom fishing in the Convention Area in order to clarify that the conservation measure applies to all of Division 58.4.1.

2.52 SCIC agreed to defer discussion on the matter and forward the proposal to the Commission for further consideration.

Scheme of International Scientific Observation

2.53 The USA submitted a proposal to strengthen the Scheme of International Scientific Observation by clarifying the role, responsibilities and standards associated with CCAMLR international scientific observers and the vessels on which they serve in order to safeguard the quality of data and high integrity of the program. The USA advised the Committee that the revision would bring the scheme into line with international best practices and standards, and would enhance the integrity and independence of observer reports and improve safety conditions for observers deployed at sea.

2.54 Several Members were of the view that the Scheme of International Scientific Observation was an integral part of CCAMLR and that it would be timely to review the scheme, particularly in light of the increasing use of observer-related information in SCIC.

2.55 The USA emphasised that the proposed revision was intended to allow observers to perform the duties contained in the *Scientific Observers Manual* and not to grant any law enforcement authority.

2.56 SCIC decided to forward an amended proposal to the Commission for consideration.

System of Inspection

2.57 Australia re-submitted an updated proposal to review and strengthen the System of Inspection (CCAMLR-XXVI, paragraphs 13.79 to 13.82). Members discussed the proposed changes in detail, including its practical implications for inspectors, fishing vessels, Flag States and the Designating Member.

2.58 The proposal was amended to take the concerns of some Members into account and SCIC agreed to defer discussion on the matter and forward the proposal to the Commission for further consideration.

Market-related measures

2.59 The European Community briefly re-presented a proposal which it recalled last year at CCAMLR-XXVI was supported by all delegations but one (CCAMLR-XXVI, paragraphs 13.28 to 13.33), for the adoption of market-related measures to promote compliance. The European Community reminded SCIC that CCAMLR's IUU problem persisted because markets were available. The European Community drew SCIC's attention to the fact that these types of measures were already in place in other fora, for example, ICCAT and IOTC. The European Community expressed the view that Members should support the adoption of a trade measure in order to demonstrate their full cooperation with the objectives of the Convention.

2.60 Argentina indicated that it was not prepared at this time to discuss the issue and that it would discuss bilaterally with the European Community. Subsequently, it stated its recollection that more than one delegation had expressed reservations.

2.61 Several Members thanked the European Community for its proposal and expressed strong support for the proposed new measure. These Members were of the view that market-related measures were an invaluable addition to measures already adopted by CCAMLR to combat IUU fishing.

2.62 China noted compliance mechanisms of some Multilateral Environmental Agreements (MEAs) deserve further consideration and wondered whether it was appropriate to punish a party due to the actions of individual vessels. Argentina also expressed its concerns.

2.63 SCIC agreed to defer discussion on the matter and forwarded the proposal to the Commission for further consideration.

Krill notifications

2.64 The Committee considered a proposal submitted by Japan regarding vessels which had notified their intent to participate in a krill fishery but did not subsequently fish. Alternative proposals were offered by other Members, and the Committee decided to refer the issue to the Commission for further consideration.

2.65 Australia advised SCIC that it had submitted a proposal to limit the krill fishery to Members (CCAMLR-XXVII/37) and that this would be discussed by the Commission. In light of this and related discussions in paragraphs 2.12 to 2.18 above, the Committee decided to refer the proposal to the Commission for further consideration.

III. IUU FISHING IN THE CONVENTION AREA

Current level of IUU fishing

3.1 The Committee reviewed Scientific Committee and Secretariat reports on estimates of IUU catches in the Convention Area during the current season.

3.2 The Committee noted, in particular, the Scientific Committee's advice that the IUU fleet is increasingly dominated by gillnet vessels and that the Scientific Committee has no information to estimate the catch by these vessels, or the impact of gillnets on target and by-catch species, seabirds and marine mammals in the Convention Area.

3.3 The Committee expressed its deep concern that the majority of the active IUU fleet was reported to be deploying gillnets. The Committee noted, in particular, advice from WG-FSA (SC-CAMLR-XXVII, Annex 5, paragraph 3.13) that the application of longline catch rates to gillnet vessels may undermine the current methodology for estimating IUU catches and result in an overly conservative estimate of IUU removals.

3.4 Whilst remaining concerned about the levels of gillnet fishing in the Convention Area, the Committee generally agreed that the IUU fleet operating in the Convention Area appeared to have significantly decreased and welcomed this development.

3.5 Australia noted that this could be attributed to a number of factors including patrols in the Convention Area, the effectiveness of the CDS and related measures and the depletion of stocks in some areas.

3.6 Ukraine and South Africa reminded SCIC that gillnet vessels had also been reported to have targeted shark either in addition to, or instead of, toothfish in some areas.

3.7 The Committee agreed that an important task for both SCIC and the Scientific Committee was to seek more information on the characteristics of gillnets and gillnet catch rates for future estimates of IUU removals.

3.8 France reported that the Panamanian-flagged *Sibley*, which is included on the NCP-IUU Vessel List, had called at Port Louis, Mauritius, from 2 to 4 June 2008. France noted that there had been no report from Mauritius that the vessel had been inspected and recommended that this be referred to the Commission for further action and possible follow-up.

IUU Vessel Lists

3.9 The Committee reviewed the Provisional List of non-Contracting Party Vessels (CCAMLR-XXVII/10) together with a report provided by New Zealand.

3.10 The Committee noted that only one vessel, the *Paloma V*, was included on the Provisional NCP-IUU Vessel List during 2008.

3.11 New Zealand recommended that the *Paloma V* be included on the Proposed NCP-IUU Vessel List for having supported the activities of vessels identified by CCAMLR as carrying out IUU fishing activities, in particular the *Chilbo San 33* and *Ina Maka* (COMM CIRC 08/88 of 1 July 2008).

3.12 The Committee supported the recommendation and expressed its appreciation to New Zealand for the investigation it had carried out.

3.13 In relation to the *Paloma V*, Namibia made the following statement:

> 'MFV *Paloma V* was licensed by the Ministry of Fisheries and Marine Resources of the Republic of Namibia to participate in the CCAMLR exploratory fisheries on toothfish (*Dissostichus* spp.) in CCAMLR Divisions 58.4.1 and 58.4.2 for the 2007/08 fishing season. The fishing vessel started with its fishing operations or trips as from 1 January to 30 April 2008 and all exploratory fisheries activities were conducted in accordance with CCAMLR conservation measures currently in place. The vessel was accompanied by one CCAMLR international scientific observer, and one fisheries observer from Namibia was also deployed on board the *Paloma V*.
>
> The *Paloma V* departed the port of Walvis Bay, Namibia, on 16 November 2007 and arrived in the port of Cape Town, South Africa, on 19 November 2007 to collect fishing baits. FV *Paloma V* departed the port of Cape Town on 30 November 2007 to the fishing grounds. The vessel departed the fishing grounds after spending a total of eighty five (85) days in the CCAMLR fishing area.

The Namibian authorities received a report from the New Zealand authorities, dated 1 July 2008, following the arrival of the *Paloma V* in the Port of Auckland on 16 May 2008. According to the New Zealand report, permission for the *Paloma V* to offload its catches in the Port of Auckland was subsequently revoked due to past "fishing history" involvement in illegal, unreported and unregulated (IUU) fishing activities before she was registered with the Namibian Shipping Registry.

The New Zealand report was submitted to the Namibian authorities in accordance with CCAMLR Conservation Measure 10-06, paragraph 3. Namibia has pursued the report submitted by New Zealand and wishes to make its position categorically clear that, while the *Paloma V* was operating under Namibian flag, it did not contravene any CCAMLR conservation measure currently in place and this could be confirmed from the cruise report of the CCAMLR scientific observer who was deployed on board during its fishing activities.

The Namibian Government can also not refute the possible involvement of the *Paloma V* in IUU fishing activities prior to its registration with the Namibian authorities as we had no jurisdiction over the vessel. Based on the above, Namibia as a CCAMLR Member State, and Member to other Regional and International Fisheries Management Organisations (RFMOs), does not condone the IUU fishing activities in any form. Therefore, the past "fishing history" of the *Paloma V* which was communicated to Namibian authorities by the New Zealand authorities could not be ignored, hence, the Namibian authorities acted promptly by cancelling the *Paloma V* fishing licence and de-registered her from the Namibian Shipping Register.

The Namibian authorities took the above action recognising the harmful consequences of IUU fishing on the sustainability of fisheries, the conservation of living marine resources, marine biodiversity and the entire marine ecosystem.

In conclusion, Namibia would like to thank the Government of New Zealand for passing on the information on the past fishing history of the *Paloma V*. Namibia is committed to combat IUU fishing and, together, let us commit, communicate, cooperate and act with unity and veracity in order to cut the supply vein of IUU and stop illegal fishing.'

3.14 The Committee also reviewed the CP and NCP-IUU Vessel Lists adopted in previous years. In so doing, the Committee considered information from Australia and China in respect of vessels included on the CP-IUU Vessel List as well as information from France, Marshall Islands and Panamá in respect of vessels included on the NCP-IUU Vessel List.

3.15 China submitted a request to delete four of its Flag vessels, *North Ocean*, *East Ocean*, *South Ocean* and *West Ocean*, from the adopted CP-IUU Vessel List (CCAMLR-XXVII/BG/48).

3.16 China advised the Committee that a preliminary agreement of sale had been drawn up between the current owner of the vessels, China National Fisheries Corporation, and a prospective buyer and that it was a prior condition of sale that the vessels be removed from the CCAMLR IUU Vessel List.

3.17 China was not able to divulge any details in respect of the potential buyer of the vessels for reasons of commercial confidentiality, but assured SCIC that the prospective buyer was a large company with no reported history of having engaged in IUU activities and that the potential new Flag State was of good international standing amongst RFMOs.

3.18 Several Members considered that the relevant criteria for considering the vessels' removal from the IUU List was paragraph 14(ii) of Conservation Measure 10-06 (2006) whereby vessels could be deleted from the List if adequate sanctions had been applied.

3.19 China advised that the four vessels had not fished for a period of approximately two years and had therefore been deprived of approximately US$7 million in potential revenue, as well as incurring port costs. China also advised that it had withdrawn the licences of the four vessels and that they were not authorised by the Chinese Government for further fishing activities. Several Members believed that this was an adequate sanction.

3.20 Other Members were of the view that two years of inactivity did not constitute an adequate sanction and pointed out that, although the four vessels had been recalled to port by China in December 2006, some of the vessels had continued fishing and had not returned to port until April 2007.

3.21 Whilst agreeing that it was important to implement Conservation Measures 10-06 and 10-07 consistently and fairly, some Members also suggested that the definition of an adequate sanction would inevitably be subjective to individual Members. Some Members considered that there was a case for defining adequate sanctions within the context of individual Member frameworks and suggested that further consideration and future work on the texts of the relevant measures may be required.

3.22 The Committee considered the case of the Panamanian-flagged *Sibley* which had been reported by Panamá to have been sold to a new owner in October 2006. The Committee noted that the vessel had been sighted engaging in IUU fishing activities in the Convention Area in December 2006 and March 2007 after the transfer of ownership of the vessel.

3.23 The Marshall Islands presented the information it had submitted in SCIC-08/10 regarding the current status of the vessel *Seed Leaf*. The Committee agreed that the information had been thorough and that it demonstrated that there had been a clear change of ownership as required under Conservation Measure 10-07, paragraph 18(iii). The Committee therefore agreed that the vessel *Seed Leaf* should be removed from the NCP-IUU Vessel List.

3.24 The Committee agreed to recommend to the Commission that:

(i) the *Paloma V* be included on the Proposed NCP-IUU Vessel List (Appendix III) for adoption by the Commission;

(ii) the *Maya V* and *Viarsa I* be deleted from the CP-IUU Vessel List as they had been deconstructed;

(iii) with respect to the *North Ocean*, *East Ocean*, *South Ocean* and *West Ocean*, these vessels shall be deemed removed from the adopted CP-IUU Vessel List once China informs the Commission via a Commission Circular that the vessels have been sold to Insung Corp. of Korea and that the sales are final;

(iv) the Togolese-flagged *Comet* be deleted from the adopted NCP-IUU Vessel List as it had been reported to have sunk;

(v) the Marshall Islands-flagged cargo vessel *Seed Leaf* be deleted from the adopted NCP-IUU Vessel List as SCIC believed that Marshall Islands had demonstrated that the vessel had undergone a genuine change of ownership;

(vi) the Panamanian-flagged *Sibley* be retained on the adopted NCP-IUU Vessel List.

3.25 The European Community informed the Committee of diplomatic demarches it had extended to Equatorial Guinea, Sierra Leone and Togo during the 2007/08 intersessional period. The European Community drew SCIC's attention to correspondence of May 2007 between ICCAT and Equatorial Guinea in which Equatorial Guinea advised that it did not flag any fishing vessels, whereas CCAMLR's NCP-IUU Vessel List includes three vessels reported flagged to Equatorial Guinea. The European Community also advised that Togo had conveyed to ICCAT in October 2008 that its registry contained 10 Togolese-flagged fishing vessels. Only two of these vessels are included on CCAMLR's IUU Vessel List, whereas the List contains seven vessels reportedly flagged to Togo. The European Community recommended that this information be noted for further investigation and follow-up by the Commission.

IV. CATCH DOCUMENTATION SCHEME (CDS)

4.1 The Committee reviewed the implementation and operation of the CDS during the 2007/08 intersessional period.

4.2 The Secretariat reported that the electronic web-based format had been used by all Members since January 2008.

4.3 The Secretariat reported that the CDS was being implemented by all Contracting Parties as well as by the Republic of Singapore and Seychelles on a voluntary basis.

4.4 The Secretariat also reported on work it had undertaken during 2007/08 in accordance with enhancing cooperation with non-Contracting Parties in accordance with Conservation Measure 10-05, Annex 10-05/C.

4.5 The European Community noted that Annex 10-05/C is an important tool and should continue to be used. The European Community requested the Secretariat again write to those Parties identified in the Secretariat's report (CCAMLR-XXVII/BG/9, Table 2) which had not responded to previous approaches. These Parties should be advised that they would be regarded as non-cooperating States if they failed to respond in future.

4.6 The Committee noted that the voluntary implementation of the CDS by the Hong Kong Special Administrative Region (SAR) would be helpful to the implementation of the Convention. The Committee considered summaries of export data from the CDS database (SCIC-08/5) which reported the Hong Kong SAR as an importer of significant quantities of toothfish. China explained that import information that China had received from Hong Kong SAR was in conflict with this report.

4.7 China advised that it was willing to consult with the Hong Kong SAR if the Secretariat could provide more detailed information and report the results of these consultations back to CCAMLR.

V. SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

5.1 A summary of all scientific observation programs undertaken in 2007/08 was presented in SC-CAMLR-XXVII/BG/2.

5.2 The Committee noted that scientific observers appointed under the CCAMLR Scheme of International Scientific Observation were deployed on all vessels in all finfish fisheries in the Convention Area. A total of 60 observation programs were undertaken, including 52 for toothfish and icefish fisheries of which 40 were for longline fishing, nine were finfish trawl and three for pot fishing. Eight observation programs were undertaken on krill vessels. All programs were undertaken in accordance with the scheme.

VI. ADVICE FROM THE SCIENTIFIC COMMITTEE

6.1 The Chair of the Scientific Committee, Dr K. Sullivan (New Zealand), presented the Scientific Committee's preliminary advice of relevance to SCIC (SC-CAMLR-XXVII, paragraphs 12.2 to 12.13). SCIC considered this advice and made a number of comments as described in paragraphs 6.3 to 6.6 below.

6.2 Advice from the Scientific Committee in respect of mitigation measures and exploratory fisheries is included in paragraph 2.13. Advice from the Scientific Committee in respect of IUU fishing is provided in paragraphs 3.2 and 3.3.

Implementation of Conservation Measure 22-06

6.3 The Committee noted advice from the Scientific Committee that only five out of 12 proposals for exploratory fisheries contained preliminary assessments and proposed mitigation measures to avoid and mitigate significant adverse impacts on Vulnerable Marine Ecosystems (VMEs). It agreed that this lack of information impeded progress in the implementation of Conservation Measure 22-06.

6.4 It was noted that Parties shall submit information and a preliminary assessment where possible in accordance with Conservation Measure 22-06, paragraph 7. The Committee therefore agreed that it was important to establish the reasons why Members were not able to provide data in order to determine whether this was indeed a compliance issue. SCIC agreed that the pro forma prepared by the Scientific Committee should enable more complete submission of data in the future.

6.5 SCIC noted a request from the Scientific Committee to indicate the potential spatial scale of management action that would be required when a VME was encountered but did not offer any advice in this regard.

Data quality checking procedure

6.6 The Committee noted the work of the Scientific Committee in developing a methodology for assessing data quality (SC-CAMLR-XXVII, paragraph 12.13) and encouraged the Scientific Committee to continue the development of this very important work that would underwrite the assessment of compliance related data.

VII. PERFORMANCE REVIEW

7.1 The Committee considered the Report of the Performance Review Panel (CCAMLR-XXVI/8) as agreed at CCAMLR-XXVI (CCAMLR-XXVI, Annex 7, paragraph 10). SCIC recognised the importance of the Performance Review and expressed its appreciation to the Review Panel for its work.

7.2 The Committee acknowledged that the recommendations contained in the Performance Review Panel Report required careful consideration but that there was insufficient time to properly consider all recommendations in detail at the 2008 meeting of SCIC.

7.3 SCIC also recognised that recommendations contained in the report would require ongoing consideration and agreed that the Performance Review should remain on future SCIC agendas until such time as SCIC felt that the matter had been properly addressed. Furthermore, it was suggested that at its annual meetings it would conduct an audit of action taken against each recommendation in the Review Panel Report and asked the Secretariat to maintain a record of progress to facilitate future discussions.

7.4 As an initial step, SCIC agreed to identify those recommendations contained in the report which Members believed should be addressed as a matter of priority and refer them to the Commission. SCIC stressed that this approach should not imply that other items were of lesser importance and stated that it intended to address remaining items in future as time permitted.

7.5 All Members were invited to convey their preferences for priority items to SCIC. Members generally agreed to focus on the section of the Performance Review Panel Report dealing with Compliance (Chapter 4). Recommendations of Chapter 4 of the report which were identified by SCIC Members as priority items were:

(i) Flag State duties (Item 4.1), especially consideration to making reciprocal and cooperative arrangements to enhance the effectiveness of Conservation Measure 10-08 (paragraph 4.1.1.1b);

(ii) Port State measures (Item 4.2), especially the requirement for minimum standards for the format, content and submission of inspection reports (paragraph 4.2.1.1) and defining fishing vessels to include reefer and support vessels (paragraph 4.2.1.2);

(iii) Monitoring control and surveillance (Item 4.3), especially formally linking the CDS with daily catch reports (paragraph 4.3.1.1) and real-time C-VMS reporting (paragraph 4.3.1.2).

7.6 The Committee agreed that a number of items from other chapters of the Review Panel Report were also relevant to the work of SCIC. Recommendations from other chapters of the report which were identified by SCIC Members as priority which should be brought to the attention of the Commission were:

(i) trends in the status of marine living resources (Criterion 3.1.2) especially in relation to the introduction of mechanisms to ensure that all Contracting Parties comply with the provisions of all measures and the use of all legal avenues to ensure that non-Contracting Parties also comply with such measures, as well as the development of further mechanisms for enhanced surveillance and enforcement in order to control IUU fishing (paragraph 3.1.2.1);

(ii) addressing any gaps in the collection and sharing of data (Criterion 3.3.4);

(iii) application of uniform principles and practices to all species inside the Convention Area (Criterion 3.5.3);

(iv) market-related measures (Item 4.6);

(v) CCAMLR's relationships with non-cooperating non-Contracting Parties (Criterion 6.3.1);

(vi) cooperation with other international organisations (Item 6.4).

7.7 The UK also requested that, whilst the item in relation to CCAMLR's relationship with the Antarctic Treaty System (Item 2.1 of the Review Panel Report) may not fall under the remit of SCIC, it should nevertheless be brought to the attention of the Commission as an important item.

VIII. ELECTION OF THE SCIC CHAIR AND VICE-CHAIR

8.1 The Committee noted that the current Chair of the Committee, Ms Carvajal, would finish her term as Chair at the conclusion of CCAMLR-XXVII.

8.2 The Committee expressed its deep thanks and appreciation to Ms Carvajal for her work as SCIC Chair from 2005 to 2008, as she had played an integral role in the significant achievements which SCIC had made during those years. Ms Carvajal thanked the Committee and the Secretariat, in particular Dr E. Sabourenkov and Ms N. Slicer, for their hard work during this time and for the support provided to her..

8.3 The Committee elected Ms K. Dawson-Guynn (USA) as the new Chair of SCIC to serve from the close of CCAMLR-XXVII. Ms Dawson-Guynn was congratulated on her appointment.

8.4 As Ms Dawson-Guynn was currently serving as Vice-Chair of the Committee, the Committee elected Mr J.P. Groenhof (Norway) as the new Vice-Chair of SCIC to serve from the close of CCAMLR-XXVII. Mr Groenhof was congratulated on his appointment.

IX. OTHER BUSINESS

9.1 The USA noted that Reports of Members' Activities were of little utility. The USA therefore requested the Committee to consider making a recommendation to the Commission that it cease the requirement for Members to submit reports of their activities.

X. ADVICE TO THE COMMISSION

10.1 The Committee prepared a summary of advice to be considered by the Commission (CCAMLR-XXVII/BG/49). Proposals for new measures recommended by SCIC for adoption by the Commission were provided to the Commission in CCAMLR-XXVII/BG/12. Proposals for new and revised measures forwarded by SCIC for further consideration by the Commission were provided to the Commission in CCAMLR-XXVII/BG/13.

XI. ADVICE TO SCAF

11.1 The following matters considered by the Committee have financial implications:

(i) The Committee recommended to SCAF and the Commission that a Compliance Evaluation Workshop be convened in 2009 in conjunction with the meeting of WG-EMM. The Committee requested funding of A$10 000 in order to provide Secretariat support at this workshop.

(ii) The Committee agreed to recommend the adoption of a proposal to amend Conservation Measure 10-05 in order to extend the use of the CDS Fund to include programs to enhance cooperation with non-Contracting Parties.

XII. ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

12.1 The Chair thanked the Committee for its work and commended it for its achievements during the 2008 meeting of SCIC. The Chair and the Committee expressed their sincere appreciation to the Convener of the Conservation Measures Drafting Group, Ms G. Slocum (Australia), for her excellent work in guiding the often difficult and complex work of the group. The Chair and the Committee also thanked the interpreters. The Committee thanked the Chair for her work in chairing the 2008 meeting of SCIC.

12.2 The report of SCIC was adopted and the meeting was closed.

APPENDIX I

AGENDA

Standing Committee on Implementation and Compliance (SCIC)
(Hobart, Australia 27 to 31 October 2008)

1. Opening of meeting
   (i) Adoption of agenda
   (ii) Organisation of meeting
   (iii) Review of submitted papers, reports and other presentations

2. Review of compliance and implementation-related measures and policies
   (i) Compliance with conservation measures in force
   (ii) Compliance evaluation procedure
   (iii) Proposals for new and revised measures

3. IUU fishing in Convention Area
   (i) Current level of IUU fishing
   (ii) IUU Vessel Lists

4. Catch Documentation Scheme (CDS)

5. Scheme of International Scientific Observation

6. Advice from the Scientific Committee

7. Performance Review

8. Election of the SCIC Chair and Vice-Chair

9. Other business

10. Advice to the Commission

11. Advice to SCAF

12. Adoption of report

13. Close of meeting.

APPENDIX II

LIST OF DOCUMENTS

Standing Committee on Implementation and Compliance (SCIC)
(Hobart, Australia 27 to 31 October 2008)

SCIC-08/1	Provisional Agenda for the 2008 Meeting of the CCAMLR Standing Committee on Implementation and Compliance (SCIC)
SCIC-08/2 Rev. 1	List of Documents (includes List of Documents by agenda item)
SCIC-08/3	Retrospective analysis of scientific observer data relating to Conservation Measures 25-02, 25-03 and 26-01 Secretariat
SCIC-08/4	Proposal for revising Conservation Measure 21-03 (2007) notification of intent to participate in a fishery for *Euphausia superba* Delegation of Japan
SCIC-08/5	Catch Documentation Scheme (CDS) annual summary reports 2008 Secretariat
SCIC-08/6	Supplementary information for consideration under Conservation Measures 10-06 and 10-07 Secretariat
SCIC-08/7	Information from Chile and Panamá regarding the vessel *Rosa* Secretariat
SCIC-08/8	Extracts from the Report of the Working Group on Fish Stock Assessment (total removals of *Dissostichus* spp. including IUU catches in the Convention Area) Secretariat
SCIC-08/9	Vacant
SCIC-08/10	Information from Marshall Islands regarding the vessel *Seed Leaf* Secretariat

SCIC-08/11	Information from Panamá regarding the vessel *Sibley* Secretariat
SCIC-08/12	Administrative actions taken with respect to Spanish nationals Spain
SCIC-08/13	Implementation of Conservation Measure 10-08 (2006) Scheme to promote compliance by Contracting Party nationals with CCAMLR conservation measures Delegation of Chile

Other Documents

CCAMLR-XXVII/8	Report of the CCAMLR Performance Review Panel
CCAMLR-XXVII/10	Implementation of Conservation Measures 10-06 and 10-07 Provisional Lists of IUU Vessels, 2008 Secretariat
CCAMLR-XXVII/11	Summary of notifications for krill fisheries in 2008/09 Secretariat
CCAMLR-XXVII/11 Corrigendum to Table 2	Summary of notifications for krill fisheries in 2008/09 Secretariat
CCAMLR-XXVII/12	Summary of notifications for new and exploratory fisheries in 2008/09 Secretariat
CCAMLR-XXVII/12 Corrigendum to Table 5	Summary of notifications for new and exploratory fisheries in 2008/09 Secretariat
CCAMLR-XXVII/28	Proposed amendment to Conservation Measure 10-05 regarding the Catch Documentation Scheme Delegation of France
CCAMLR-XXVII/30	The application and use of the CDS fund under Conservation Measure 10-05 (Catch Documentation Scheme for *Dissostichus* spp.) Delegation of the United Kingdom
CCAMLR-XXVII/31	A proposal to amend CCAMLR Conservation Measure 22-06 (2007) Bottom fishing in the Convention Area Delegation of the USA

CCAMLR-XXVII/32	Proposed revisions to the CCAMLR Scheme of International Scientific Observation Delegation of the USA
CCAMLR-XXVII/35	General improvements to conservation measures Delegation of Australia
CCAMLR-XXVII/37	The application of Conservation Measure 21-03 (notifications of intent to participate in a fishery for *Euphausia superba*) to contracting parties Delegation of Australia
CCAMLR-XXVII/38 Rev. 1	A proposal to review and strengthen the CCAMLR System of Inspection Delegation of Australia
CCAMLR-XXVII/39 Rev. 1	EC proposal for a conservation measure concerning the adoption of market-related measures to promote compliance Delegation of the European Community
CCAMLR-XXVII/40	EC proposal for a CCAMLR resolution on the use of specific tariff classification for krill Delegation of the European Community
CCAMLR-XXVII/41	EC proposal – adoption of a CCAMLR notification system for transhipments within the Convention Area Delegation of the European Community
CCAMLR-XXVII/42	Proposed amendments to conservation measures dealing with catch limits for the krill fishery Delegation of Ukraine
CCAMLR-XXVII/44	Proposed work program for the development of a Compliance Evaluation Procedure Working Group Report of the Co-conveners of the Working Group on the Development of a Compliance Evaluation Procedure
CCAMLR-XXVII/BG/3	Interpreting services for the Standing Committee on Implementation and Compliance (SCIC) Secretariat
CCAMLR-XXVII/BG/8	Implementation of the System of Inspection and other CCAMLR enforcement provisions in 2007/08 Secretariat
CCAMLR-XXVII/BG/9	Implementation and operation of the Catch Documentation Scheme in 2007/08 Secretariat

CCAMLR-XXVII/BG/10	Implementation and operation of the Centralised Vessel Monitoring System (C-VMS) in 2007/08 Secretariat
CCAMLR-XXVII/BG/15	Implementation of fishery conservation measures in 2007/08 Secretariat
CCAMLR-XXVII/BG/18	Informations sur la pêche illicite dans la zone statistique 58 Évaluation de la pêche illicite dans les eaux françaises adjacentes aux îles Kerguelen et Crozet Rapport des inspections CCAMLR Saison 2007/2008 (1er juillet 2007 – 30 juin 2008) Délégation française
CCAMLR-XXVII/BG/20	Report on CCAMLR Catch Documentation Scheme training conducted by Australia in Malaysia, June 2008 Delegation of Australia
CCAMLR-XXVII/BG/22	The issue of non-compliance with CCAMLR tagging program Delegation of Australia
CCAMLR-XXVII/BG/23	Report of steps taken by New Zealand to implement the inspection, investigation and sanction provisions of Conservation Measure 10-02 during 2007/08 Delegation of New Zealand
CCAMLR-XXVII/BG/28	The need for trade measures in CCAMLR Submitted by ASOC
CCAMLR-XXVII/BG/37	The use of trade-related measures in fisheries management Submitted by IUCN
CCAMLR-XXVII/BG/38	Continuing CCAMLR's fight against IUU fishing for toothfish Executive summary of the report by TRAFFIC International and WWF Australia Submitted by IUCN
CCAMLR-XXVII/BG/39	CCAMLR Performance Review Report: summary for discussion Secretariat
CCAMLR-XXVII/BG/45	Heard Island and McDonald Islands Exclusive Economic Zone 2007/08 IUU catch estimate for Patagonian toothfish Delegation of Australia
CCAMLR-XXVII/BG/47	IUU vessel sightings on BANZARE Bank (Statistical Division 58.4.3b) Delegation of Australia

CCAMLR-XXVII/BG/48	Status of four Chinese fishing vessels Delegation of China
SC-CAMLR-XXVII/BG/2	Summary of scientific observation programs undertaken during the 2007/08 season Secretariat
WG-FSA-08/7 Rev. 2	A summary of scientific observations related to Conservation Measures 25-02, 25-03 and 26-01 Secretariat
WG-FSA-08/10 Rev. 2	Estimation of IUU catches of toothfish inside the Convention Area during the 2007/08 fishing season Secretariat
WG-FSA-08/16	Operational difficulties in implementing the CCAMLR tagging protocol in Division 58.4.1 in 2007/08 A.T. Lozano and O. Pin (Uruguay)

APPENDIX III

PROPOSED LIST OF NON-CONTRACTING PARTY IUU VESSELS 2008 (CONSERVATION MEASURE 10-07)

Current name	Current flag	Lloyds/IMO number	Current call sign	Nature of activity
Paloma V	Unknown	9319856	Unknown	Supporting the IUU activities of vessels included on the NCP-IUU Vessel List.

ANNEX 6

MEMORANDUM OF UNDERSTANDING BETWEEN CCAMLR AND WCPFC

ARRANGEMENT

between

THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN

and

THE COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter WCPFC) and the Commission for the Conservation of Antarctic Marine Living Resources (hereafter CCAMLR);

NOTING that the objective of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter WCPF Convention) is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific ocean;

NOTING FURTHER that the objective of the Convention on the Conservation of Antarctic Marine Living Resources (hereafter CAMLR Convention) is the conservation of Antarctic marine living resources, which includes rational use;

NOTING that Article 22.(2) of the WCPF Convention specifically calls upon the WCPFC to make suitable arrangements for consultation, cooperation and collaboration with CCAMLR in order to contribute to the attainment of the objective of the WCPF Convention.

NOTING FURTHER that the Preamble to the CAMLR Convention recognises that it is desirable for CCAMLR to establish suitable machinery for recommending, promoting, deciding on and co-ordinating the measures and scientific studies needed to ensure the conservation of Antarctic marine living organisms;

CONSIDERING that Article II of the CAMLR Convention requires that any harvesting and associated activities in the CAMLR Convention Area shall be conducted in accordance with that Convention's provisions and with the specified principles of conservation which include, *inter alia*, maintenance of the ecological relationship between harvested, dependent and related populations of Antarctic marine living resources;

NOTING that provisions of both the WCPF and the CAMLR Conventions address the conservation of non-target, associated or dependent species which belong to the same ecosystem as the target species;

NOTING further that both the WCPF and CAMLR Conventions recognise the precautionary approach;

RECOGNISING that the fulfilment of the objectives of the WCPF and CAMLR Conventions will benefit from appropriate cooperation, with a view to strengthening the conservation measures adopted in respect of stocks and species or stocks of associated species that occur in the areas of competence of both organisations;

DESIRING to put into place arrangements and procedures to promote cooperation in order to enhance the conservation and rational use of stocks and species which are within the competence of both organisations so as to avoid conflict with the activities of the two organisations;

NOW THEREFORE the WCPFC and CCAMLR record the following understandings:

1. OBJECTIVE OF THIS ARRANGEMENT

The objective of this Arrangement is to facilitate, where appropriate, cooperation between the WCPFC and CCAMLR ('the Commissions') with a view to enhancing the conservation and rational use of stocks and species which are within the competence of both Commissions.

2. AREAS OF COOPERATION

The Commissions will establish and maintain consultation and cooperation in respect of matters of common interest to the two organisations, in the following areas:

(i) Collecting, sharing and analysing data of common interest to both Commissions.

(ii) Exchanging data and information consistent with the information-sharing policies of each Commission.

(iii) Collaborating on research efforts relating to stocks and species of mutual interest, including stock assessments.

(iv) Cooperating, where appropriate, on conservation measures for stocks and species of mutual interest.

3. MANNER OF COOPERATION

3.1 Cooperation between the WCPFC and CCAMLR will consist of:

(i) Information sharing about stocks and species of mutual interest.

(ii) Developing mechanisms to promote, where appropriate, cooperation on conservation measures.

(iii) Exchange of relevant meeting reports, information, research data and results, project plans, documents, and publications regarding matters of mutual interest and where relevant, consistent with the information-sharing policies of each Commission.

(iv) Consistent with each Commission rules of procedure and financial rules, reciprocal participation of the respective Secretariats in relevant meetings of each Commission.

3.2 To facilitate effective development and implementation of cooperation, the WCPFC and CCAMLR may establish a consultative process between the two respective Secretariats, that includes, telephone, email and similar means of communications.

3.3 The consultative process may proceed in the margins of meetings at which both Commissions' Secretariats are represented by appropriate staff.

3.4 The purpose of the consultative process will be to review and enhance cooperation between the WCPFC and CCAMLR.

4. REVIEW, MODIFICATION AND AMENDMENT

This Arrangement may be amended at any time by the mutual written consent of both Commissions.

5. LEGAL STATUS

This Arrangement does not create legally binding obligations.

6. ENTRY INTO EFFECT AND TERMINATION

(i) This Arrangement will come into effect on signature.

(ii) Either Commission may terminate this Arrangement by giving six months prior written notice to the other Commission.

(iii) This Arrangement will remain in effect for three (3) years. At that stage the Commissions will review the operation of the Arrangement and decide whether it will be renewed.

7. SIGNATURE

Signed at ……..……. this …….day of ……..…….[Year]

…… **Chair WCPFC**

……. **Chair CCAMLR**