

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

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The Standing Committee on Observation and Inspection (SCOI) met from 26 to 29 October 1992 under the chairmanship of Ambassador Jan Arvesen (Norway). The meeting considered:

Item 6 - Observation and Inspection

- (i) Reports of Inspection Carried out in 1991/92;
- (ii) Development of a Scheme of International Scientific Observation; and

Item 7 - Compliance with Conservation Measures in Force.

REPORTS OF INSPECTION CARRIED OUT IN 1991/92

2. Before the meeting, the Secretariat received and distributed to Members reports of inspections carried out by CCAMLR inspectors designated by the UK on board the Chilean longliner *Mar del Sur III* and by CCAMLR inspectors designated by the USA on board the Russian krill trawler *Pyotr Sgybnev* in the Convention Area in 1991/92. These reports were available at the meeting as documents (CCAMLR-XI/BG/3 and BG/4). The UK also submitted a report of an attempted inspection of the Ukrainian longliner *Pantikopei*. The team of inspectors was not able to board this vessel because of bad weather and sea conditions. This document was available at the meeting as CCAMLR-XI/BG/5. A short video film of activities on board *Mar del Sur III* and the conducted inspection was viewed by the Committee.

3. At the meeting the Delegation of Russia presented six reports of inspections carried out by CCAMLR inspectors designated by the Russian Federation on Russian vessels. These were reported on standard CCAMLR forms. In total, the team of two Russian inspectors conducted 16 inspections in December 1991 and in May 1992. Unfortunately, they had not received sufficient copies of CCAMLR reporting forms and the remaining 10 inspections were reported using national forms. The Secretariat was requested to supply Russian inspectors with sufficient copies of Inspection Report forms so that in the future all reports of inspection were submitted on standard CCAMLR forms.

4. The UK team found that *Mar del Sur III* did not appear to comply fully with the terms of Conservation Measure 29/X "Minimisation of the Incidental Mortality of Seabirds in the

Course of Longline Fishing of Longline Fishing Research in the Convention Area". It was also reported that no CCAMLR placards on the need for correct disposal procedures were seen on the vessel.

5. The Delegation of Chile explained that, in their interpretation, Conservation Measure 29/X requires the use of streamer lines only during daylight operations. Most of the time the Chilean vessels set longlines after midnight, thus making the deployment of the streamer line unnecessary. Therefore, in accordance with this interpretation, the Chilean vessel did not violate the conservation measure. The Committee felt that the text of the conservation measure should be clarified in order to avoid any ambiguity in its interpretation.

6. The Delegation of the USA presented a report of inspection of the Russian krill trawler *Pyotr Sgibnev*. It was noted that the captain of the Russian vessel was familiar with the CCAMLR inspection procedure and conservation measures in force. The same situation was observed during the attempted inspection of the Ukrainian longliner *Pantikopei*. No infractions were reported as a result of these inspections.

7. A question was raised about the degree of awareness of Chilean fishermen of CCAMLR and its current regulations. The Delegation of Chile explained that the involvement of Chilean vessels in longline fishing in the CCAMLR Convention Area has developed rather unexpectedly, but during the season considerable effort had been applied towards educating fishing companies and fishermen about the Antarctic ecosystem and the role of CCAMLR. This effort will be continued during the following seasons.

8. The System of Inspection has been in operation for three seasons. Several inspections have been conducted during that period providing valuable experience to Members of the Commission and the Secretariat in the conduct of inspections and handling of inspection reports. The UK Delegate noted that the text of the System does not mention specifically a procedure for handling reports of inspection. For example, it is not clear to whom the Flag State should send comments on inspection reports.

9. The Committee reviewed decisions taken by the Commission with regard to processing reports of inspection (CCAMLR-VIII, Annex G, paragraph 10 and CCAMLR-IX, Annex 8, paragraphs 8 and 9). Several amendments were suggested by Members. It was also suggested that the Procedure be annexed to the text of the System of Inspection (Appendix I to this report).

10. The Committee confirmed that the Procedure refers only to processing reports submitted in the standard CCAMLR format. At the present stage of implementation of the System it is, however, very useful to receive from Members additional comments describing the manner of conducting inspections, details of communication with the ship's master, specific problems encountered in filling in report forms, etc. As the implementation of the System becomes a routine function in CCAMLR and the number of inspections increases it was thought that detailed comments on inspections would probably only be submitted by Members in cases where there were alleged infractions.

11. The Committee asked the Secretariat to prepare annually a summary of all inspections conducted and infractions reported during the past season. This document, submitted as a Commission Working Paper, would provide a general overview of the year's activity and alert the Committee to matters requiring detailed attention. Original reports of inspection already distributed to Members will be available at the meetings for examination by the Committee as necessary, but they will not be distributed as meeting documents.

12. The existing Inspection Report form was designed in 1989 having in mind the necessity to inspect vessels engaged in the trawl fishery, the only type of fishery in the Convention Area at the time of the introduction of the System of Inspection. Since that time the longline fishery for *Dissostichus eleginoides* has come into operation necessitating an update of the reporting forms to meet these relatively new requirements. The inspection of a longline vessel conducted by the UK in the 1991/92 season clearly identified this deficiency.

13. During the intersessional period the Secretariat prepared a new form for reporting inspections of longline fishing operations. The draft form was circulated to Members for comments. Comments were received from Chile, EEC, Norway and USA and were included in a revised draft presented to SCOI. The Committee approved the form with some minor amendments. It will be included in the Inspectors Manual to complement the existing reporting form for the trawl fishery.

14. Last year it was agreed that a new version of the Inspectors Manual should be published in a ring-bound format. A model of the Manual was available for review. After the first publication, the Manual will be annually updated by issuing replacement pages.

15. In preparing the new version the Secretariat reviewed the information included in the earlier version of the Manual and suggested a number of changes. These changes were accepted by SCOI.

DEVELOPMENT OF A SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

16. The EEC submitted a revised draft of a Scheme of International Scientific Observation (CCAMLR-XI/6). Introducing the document, the EEC Delegate stated that modifications to the draft considered by SCOI in 1991 were made in order to ensure that the objectives and procedures of the Scheme of International Inspection and that of the proposed Scheme of International Observation are differentiated.

17. The Scheme as drafted has to operate on the basis of bilateral arrangements.

18. The Committee decided that the Annex to the Draft Scheme describing the functions and tasks of observers is an integral part of the Scheme.

19. After considerable and detailed discussion, the Committee agreed to recommend that the Commission adopt the agreed text of the Scheme which is attached in Appendix II.

20. While fully supporting the principles of the Scheme and the recommendation to adopt them, France and South Africa reserved their position with respect to its application in the Exclusive Economic Zones around Kerguelen and Crozet Islands and around Prince Edward Islands. The Committee noted that paragraphs 4 and 5 of the Statement by the Chairman of the Conference on the Conservation of Antarctic Marine Living Resources on 19 May, 1980, apply to the proposed Scheme of International Observation.

21. The Committee noted that provision A(d) of the Scheme, requiring observers to be able to communicate in the language of the Flag State on vessels on which they carry out their activities, should be interpreted broadly since it was likely to be difficult to find qualified scientists for observer positions who were competent in the languages of the countries involved in the CCAMLR Convention Area.

22. The list of tasks and functions of scientific observers described in the Annex to the Draft Scheme was originally developed by the Scientific Committee to cover observations on board harvesting vessels. The Committee noted that, while acknowledging that the Scheme applied equally to harvesting and research vessels, it was likely that in the early stages of its implementation, observations would primarily be carried out on board harvesting vessels. The Delegation of Japan stated that priority should not be established between commercial or research vessels for the purposes of placing the observers.

23. The Committee noted that the Scheme as agreed should provide a sound initial basis for the placement of observers on board vessels in order to promote the objectives of the Convention. Nevertheless, it was recognised that there would be need for review as experience was gained in its operation.

COMPLIANCE WITH CONSERVATION MEASURES IN FORCE

24. No issues under this item were available to the Committee for discussion. An apparent non-compliance of the Chilean longliner *Mar del Sur III* with the Conservation Measure 29/X was considered above (see paragraph 6).

25. At the meeting the following statement was made by the Delegate from Chile:

“I regret to inform that the possibility of a violation of Conservation Measure 35/X regarding the fishery for *Dissostichus eleginoides* in Subarea 48.3 has recently come to our attention. This situation involves four Chilean vessels, on which there appear to be some evidence that they may have entered Subarea 48.3 in July 1992.

The Chilean authorities have started procedures and the respective cases are being heard by the courts at Punta Arenas. While the precise details concerning the suspected transgressions shall be made known after the courts’ decisions, the licences of the accused ships have been suspended and their cargoes are embargoed. They are not only confronting penalties concerning eventual CCAMLR transgressions but also violations of the Chilean fisheries law. In one specific case, the Chilean maritime authorities were assisted by the maritime authorities in Port Stanley and would like to thank them for their cooperation.”

ADOPTION OF THE REPORT

26. The Report of the Meeting was adopted on 29 October, 1992.

PROCESSING REPORTS OF INSPECTION

1. At the completion of the inspection, a copy of the Report signed by both the Inspector and the Master of the vessel is to be given to the Master.
2. The Inspector will provide a copy of the Report to the designating Government.
3. The designating Government should send a copy of the Report and any additional remarks related to the inspection to the Flag State of the inspected vessel as soon as possible after the inspection but no later than 1 July.
4. If there is an alleged infraction, a copy of the Report and any additional remarks related to the inspection will be sent immediately to both the CCAMLR Executive Secretary and the Flag State of the inspection vessel.
5. Comments, if any, from the Flag State of the inspected vessel should be sent to the CCAMLR Secretariat as soon as possible after the inspection but not later than 1 September.
6. Copies of all Reports of Inspection should be sent to the CCAMLR Secretariat as soon as possible after the inspection, but not later than 1 July, for circulation to all Members. Reports of Inspection should be made available only to the nominated contact of Contracting Parties, in accordance with the provisions of principles VIII and IX of the System of Observation and Inspection.
7. The Secretariat will prepare, annually, for the Commission a summary of all reports of inspection and any additional remarks and comments related to inspections. All reports of inspection and any additional remarks and comments related to the inspections shall be available in full for consideration by the Standing Committee on Observation and Inspection (SCOI). The report of SCOI to the Commission should provide a summary in general terms of the past year's inspection activities.

CCAMLR SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

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

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

B. In order to promote the objectives of the Convention, Members agree to take on board their vessels engaged in scientific research or harvesting of marine living resources designated scientific observers, who shall operate in accordance with bilateral arrangements concluded.

In such a bilateral arrangement, the Member wishing to place scientific observers on board a vessel of another Member shall be referred to as the “Designating Member” whilst the Member who accepts on board its vessel shall be referred to as the “Receiving Member”.

Such a bilateral arrangement shall include the following principles:

- (a) The scientific observers shall be given the status of ship’s officers. Accommodation and meals for scientific observers on board shall be of a standard commensurate with this status.
- (b) Receiving Members shall ensure that their vessel operators cooperate fully with the scientific observers to enable them to carry out the tasks assigned to them by the Commission. This will include access to data and to those operations of the vessel necessary to fulfil the duties of a scientific observer as required by the Commission.
- (c) Receiving Members shall take appropriate action on board their vessels to ensure the security and welfare of scientific observers in the performance of their duties, provide them with medical care and safeguard their freedom and dignity.
- (d) Arrangements shall be made for messages to be sent and received on behalf of scientific observers using the vessel’s communications equipment and operator. Reasonable costs of such communications shall normally be borne by the Designating Member.
- (e) Arrangements involving the transportation and boarding of scientific observers shall be organised so as to minimise interference with harvesting and research operations.
- (f) Scientific observers shall provide to the relevant masters copies of such records, prepared by the scientific observers, as the masters may wish to retain.
- (g) Designating Members shall ensure that their scientific observers carry insurance satisfactory to the Parties concerned.
- (h) Transportation of scientific observers to and from boarding points shall be the responsibility of the Designating Member.

- (i) Unless otherwise agreed the equipment, clothing and salary and any related allowances of a scientific observer shall normally be borne by the Designating Member. The vessel of the Receiving Member shall bear the cost of on board accommodation and meals of the scientific observer.

C. Members shall provide a copy of each bilateral arrangement to the Commission as soon as it is concluded.

D. Members who have designated scientific observers will take the initiative in implementing assignments identified by the Commission.

E. The scope of functions and tasks described in Annex I should not be interpreted to suggest in any way the number of required observers which will be accepted on board a vessel.

CCAMLR SCHEME OF INTERNATIONAL SCIENTIFIC OBSERVATION

Functions and Tasks of International Scientific Observers on Board Vessels Engaged in Scientific Research or Harvesting of Marine Living Resources

1. The function of scientific observers on board vessels engaged in scientific research or harvesting of marine living resources is to observe and report on the operation of fishing activities in the Convention Area with the objectives and principles of the Convention for the Conservation of Antarctic Marine Living Resources in mind.

2. In fulfilling this function, scientific observers will undertake the following tasks, using the observation formats approved by the Scientific Committee:
 - (i) record details of the vessel's operation (e.g., partition of time between searching, fishing, transit etc., and details of hauls);

 - (ii) take samples of catches to determine biological characteristics;

 - (iii) record biological data by species caught;

 - (iv) record by-catches, their quantity and other biological data;

 - (v) record entanglement and incidental mortality of birds and mammals;

 - (vi) record the procedure by which declared catch weight is measured and collect data relating to the conversion factor between green weight and final product in the event that catch is recorded on the basis of weight of processed product;

 - (vii) prepare reports of their observations using the observation formats approved by the Scientific Committee and submit them to CCAMLR through their respective authorities;

 - (viii) submit copies of reports to captains of vessels;

- (ix) assist, if requested, the captain of the vessel in the catch recording and reporting procedures, and;
- (x) undertake other tasks as may be decided by mutual agreement of the parties involved.