

**TEXT OF THE CCAMLR SCHEME OF
INTERNATIONAL SCIENTIFIC OBSERVATION**

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

- (a) The Commission will specify activities of scientific observers on board vessels. These activities are described in Annex I and may be modified taking into account advice from the Scientific Committee. Additional scientific activities may be agreed between the Receiving and Designating Member States provided these do not conflict with, or detract from, the activities specified by the Commission.
- (b) The Member wishing to place scientific observers on board a vessel of another Member shall be referred to as the 'Designating Member' and the Member who accepts a scientific observer on board its vessel shall be referred to as the 'Receiving Member'. Scientific observers in this scheme shall be nationals of the Designating Member and shall conduct themselves in accordance with the customs and order existing on the vessel on which they are operating.
- (c) Members shall designate adequately qualified 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 educated and 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, not later than one month after the completion of the observer trip or

¹ As adopted at CCAMLR-XI (paragraph 6.11) and amended at CCAMLR-XVI (paragraph 8.21) and CCAMLR-XXVII (paragraph 13.68).

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after the return of the observer to his/her home country, all observer logbooks and reports of each observation assignment undertaken, using the observation formats approved by the Scientific Committee as they appear in the *Scientific Observers Manual*. The Secretariat shall send a copy of the scientific observer's report to the Receiving Member within 14 days of receipt. The language of the scientific observer's report shall be in one of the Commission's official languages, as agreed upon in the bilateral agreement between the Designating and Receiving Members.

- (g) The Designating Member, in consultation with the scientific observer, shall be responsible for providing clarification about data collected, observations made, and incidents that may have occurred during deployment.
- (h) Upon review of the observer's report, the Receiving Member shall advise the Secretariat and the Designating Member of any discrepancies as soon as they are identified. In the event of such notification, the Designating and Receiving Members will make every effort to resolve the issue. If the Designating and Receiving Members notify the Secretariat that they are unable to resolve such issues, the Secretariat will note any unresolved discrepancy.

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.

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 allowing scientific observers access to data, equipment and those operations of the vessel necessary to fulfil their duties as required by the Commission.
- (c) Receiving Members shall ensure that their vessel operators cooperate fully with scientific observers to enable the observers to carry out their data collection duties as specified in the *Scientific Observers Manual* without impediment or influence. Arrangements shall be made for messages to be sent and received on

behalf of scientific observers using the vessel's communication equipment and operator. Reasonable costs of such communications shall normally be borne by the Designating Member. After notifying the Master, scientific observers shall be allowed such access as is necessary to undertake observation duties, including the vessel's navigation equipment and personnel to determine the vessel's position, course and speed.

- (d) Receiving Members shall take appropriate action with respect to their vessels to ensure safe working conditions, the protection, security and welfare of scientific observers in the performance of their duties, and to provide them with medical care and safeguard their freedom and dignity in adherence to all pertinent international maritime regulations.
- (e) For transfers at sea, Members shall: (i) ensure that their vessel operators conduct transfers of observers under safe conditions and with the agreement of the observers (ii) conduct the transfer in a manner which maximises the safety of observers and crew during the procedure, and (iii) provide experienced crew members to assist observers during any transfer which is made.
- (f) Arrangements involving the transportation and boarding of scientific observers shall be organised so as to minimise interference with harvesting and research operations.
- (g) Scientific observers shall provide to the relevant masters copies of such records, prepared by the scientific observers, as the masters may wish to retain.
- (h) Designating Members shall ensure that their scientific observers carry insurance satisfactory to the Parties concerned.
- (i) Transportation of scientific observers to and from boarding points shall be the responsibility of the Designating Member.
- (j) 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.
- (k) The bilateral arrangement shall address such other matters as deemed appropriate by both the Designating and Receiving Members, such as liability and confidentiality.

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C. For each observer deployed, the Designating Members shall provide the following information to the Secretariat prior to the deployment of the observer:

- (a) date of signing the arrangement;
- (b) name and flag of the vessel receiving the observer;
- (c) Member designating the observer;
- (d) area of fishing (CCAMLR statistical area, subarea, division);
- (e) type of data to be collected by the observer and submitted to the Secretariat (e.g. by-catch, target species, biological data);
- (f) expected dates of the start and end of the observation program;
- (g) expected date of returning the observer to his/her home country.

D. In order to maintain the objectivity and scientific integrity of the data, Designating Members, Receiving Members, the vessels on which scientific observers are deployed and the scientific observers themselves, shall uphold and promote the following provisions:

- (a) A scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation shall not:
 - (i) contravene the requirements established in the laws and regulations of the Receiving Member or violate general rules of behaviour and safety that apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this Scheme, as stipulated in the bilateral arrangement between the Designating and the Receiving Members;
 - (ii) inhibit the proper functioning and fishing activities of the vessel;
 - (iii) solicit or accept, directly or indirectly, any gratuity, gift, favour, loan, or anything of monetary value from anyone who conducts fishing or fish processing activities that are regulated by CCAMLR, or who has interests that may be substantially affected by the performance or non-performance of the official duties of scientific observers, with the exception of meals, accommodations, or salary when provided by the vessel;

- (iv) have been convicted of a serious criminal offense for five years prior to appointment as an observer;
 - (v) engage in any illegal actions or any other activities that would reflect negatively on his/her image as a professional scientist, on other scientific observers, on the integrity of data collection, or on CCAMLR as a whole;
 - (vi) have any financial interest in, or relationship with, any vessel or business harvesting or processing products from a CCAMLR fishery.
- (b) The owner, Master, agent, and crew of a vessel on which a scientific observer is deployed shall not:
- (i) offer a scientific observer, either directly or indirectly, any gratuity, gift, favour, loan, or anything of monetary value, except for meals, accommodations or salary when provided by the vessel;
 - (ii) intimidate, or interfere with the duties of a scientific observer;
 - (iii) interfere with or bias the sampling procedure employed by a scientific observer;
 - (iv) tamper with, destroy, or discard a scientific observer's collected samples, equipment, records, photographic film, papers, or effects without the express consent of the observer;
 - (v) prohibit, impede, threaten, or coerce, an observer from/into collecting samples, making observations, or otherwise performing the observer's duties; or
 - (vi) harass a scientific observer.
- (c) Deployment limitations. Designating Members shall seek, to the extent possible, to avoid having a scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation undertake multiple consecutive trips on the same vessel.

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- (d) Confidentiality. Designating Members shall require that a scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation shall not:
 - (i) disclose verbal, written, or other evidence or observations made on-board a vessel, or observations made in a processing facility, including data or commercially sensitive vessel-specific fishing, processing, and marketing information, to any person except to the Secretariat and as provided for in the bilateral arrangement;
 - (ii) take data or observer logbooks from one vessel onto another, except that if an observer is unable to submit data before being redeployed on another vessel, the scientific observer shall take reasonable steps to safeguard the data and observer logbooks.
- E.
 - (a) When the Designating Member receives information regarding actions of the scientific observer that may contravene the provisions of this Scheme, the Designating Member shall take prompt and appropriate action, in accordance with its domestic law. The Designating Member will notify the Receiving Member and the Commission of any appropriate action taken.
 - (b) When the Receiving Member receives information regarding actions of the vessel owner, Master, agent, or crew that may contravene the provisions of this Scheme, the Receiving Member shall take prompt and appropriate action, in accordance with its domestic law. The Receiving Member will notify the Designating Member and the Commission of any appropriate action taken.
- F. Members who have designated scientific observers will take the initiative in implementing assignments identified by the Commission.
- G. 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.

**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 the Designating Member;

 - (viii) assist, if requested, the captain of the vessel in the catch recording and reporting procedures;

 - (ix) undertake other tasks as may be decided by mutual agreement of the parties involved;

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- (x)¹ collect and report factual data on sightings of fishing vessels in the Convention Area, including vessel type identification, position and activity;
- (xi)² collect information on fishing gear loss and garbage disposal by fishing vessels at sea.

¹ Added in accordance with CCAMLR-XVII (paragraph 8.16). The Commission decided to review the effectiveness and the need to continue this activity after a two-year trial period (CCAMLR-XVII, paragraph 8.17).

² Added in accordance with CCAMLR-XVIII (paragraph 8.21).