

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.