

**ELABORATION OF THE CCAMLR SYSTEM OF OBSERVATION AND  
INSPECTION**

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(CCAMLR-V/17 REV. 1, submitted by the Delegation  
of the United States for discussion under item 10)**

Article XXIV of the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) requires the Commission to establish the system of observation and inspection of vessels engaged in scientific research on or harvesting of marine living resources in the Convention Area. The system is to promote the objective and ensure observance of the provisions of the Convention.

2. During the first five years of the existence of the Commission and other bodies established by CCAMLR, attention has of necessity been devoted to rendering those institutions operational, initiating the process of data collection and population assessment, and developing preliminary conservation measures. In light of the increasing number of conservation measures being elaborated by the Commission, and given the identified need for scientific observations, the delegation of the United States believes that the time has arrived for the Commission to elaborate the system of observation and inspection called for by Article XXIV of CCAMLR. Therefore, we propose that the Commission proceed to establish a system of observation and inspection incorporating the following elements:

- (a) Inspectors would be nominated by members of the Commission:
  - (i) Nominated inspectors would need to be familiar with the fishing operations to be observed, be qualified to make related scientific observations, and be trained in the provisions of the Convention and conservation measures in force.
  - (ii) Members would certify the qualifications of each inspector they nominated.
- (b) Nominated inspectors would form a pool to carry out specified observation and inspection missions, identified by the Commission.
- (c) The Commission would develop a program of inspection designed to ensure representative coverage in the Convention Area of:
  - species and any species being caught in significant quantities incidental to commercial fishing operations;

- harvesting and research activities in each of the CCAMLR statistical areas where fisheries occur; and
  - harvesting and research activities by the fleets of each of the principal fishing nations.
- (d) Provision would be made for inspectors, where relevant, to observe the operations of mother ships, processing vessels and/or scout/search vessels. Where harvesting and associated activities involve different types of vessels, inspectors would be transferred to different vessels within the same fleet, as necessary, to optimise data collection.
- (e) Inspectors carrying out observation and inspection duties would act as representatives of the Commission. However, they would be subject solely to the jurisdiction of their country of nationality and accorded the status of ship's officer while engaged in such duties.
- (f) On board vessels, inspectors would have direct access to observe catch, nets and other equipment, as well as records of catch, research or other fishing activities. Inspectors would act so as to not interfere with the activities of the vessel and would need to be language qualified.
- (g) Inspectors would be responsible to the Commission through their nominating state. They would make reports to their nominating state. The nominating state would transmit such reports to the Secretariat. Such reports would in turn be transmitted by the Secretariat to the flag state of the vessel or vessel's state for comment. Both the reports and any comments thereon would then be circulated to all Commission Members prior to the next meeting of the Commission.
- (h) The Commission would constitute a standing committee to review inspection reports and steps taken by members to enforce compliance. The Committee would recommend any steps judged necessary to meet the provisions of the Convention and compliance with conservation measures and other measures adopted by the Commission.
- (i) The flag state would be obligated to take steps to impose sanctions for any violations of the provisions of CCAMLR resulting from consideration of an inspection report and for reporting to the Commission thereon in accordance with Article XXI.

- (j) There are several options for funding of inspection and observation activities – e.g. the travel expenses of the inspectors to points of embarkation and from points of debarkation, per diem and other expenses. These range from full funding by the nominating state to full funding by the Commission. One possibility would be for costs to be apportioned according to a mixed formula, such as the following:

1/3 from the nominating state

1/3 from the Commission's regular budget

1/3 from the fishing state

- (k) The Commission would develop standard operational procedures and reporting forms for use by observers and inspectors.