



CCAMLR

Commission for the Conservation of Antarctic Marine Living Resources
Commission pour la conservation de la faune et la flore marines de l'Antarctique
Комиссия по сохранению морских живых ресурсов Антарктики
Comisión para la Conservación de los Recursos Vivos Marinos Antárticos

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Second Performance Review of CCAMLR – Final Report of the Panel

Performance Review Panel



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Second Performance Review of CCAML

Final Report of the Panel

23 August 2017

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Acronyms

ACAP	Agreement on the Conservation of Albatrosses and Petrels
ARK	Association of Responsible Krill harvesting companies
ASMA	Antarctic specially managed area
ASOC	Antarctic and Southern Ocean Coalition
ASPA	Antarctic specially protected area
ATCM	Antarctic Treaty Consultative Meeting
ATS	Antarctic Treaty System
BBNJ	Biodiversity beyond national jurisdiction
CBD	Convention on Biodiversity
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCEP	CCAMLR Compliance Evaluation Procedure
CCRWP	CCAMLR climate change response work program
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CDS	Catch Documentation Scheme for <i>Dissostichus</i> spp.
CEMP	CCAMLR Ecosystem Monitoring Program
CEP	Committee for Environmental Protection
CITES	Convention on International Trade in Endangered Species
CM	Conservation Measure
COLTO	Coalition of Legal Toothfish Operators
COMM CIRC	Commission Circular (CCAMLR)
C-VMS	Centralised vessel monitoring system
e-CDS	Electronic web-based Catch Documentation Scheme for <i>Dissostichus</i> spp.
FAO	Food and Agriculture Organization of the United Nations
IATTC	Inter-American Tropical Tuna Commission

ICCAT	International Commission for the Conservation of Atlantic Tunas
ICED	Integrating Climate and Ecosystem Dynamics in the Southern Ocean
IMO	International Maritime Organization
IOTC	Indian Ocean Tuna Commission
IUU	Illegal, unreported and unregulated
IWC	International Whaling Commission
MCS	Monitoring control and surveillance
MPA	Marine protected area
MRCC	Maritime rescue coordination centre
NEAFC	North East Atlantic Fisheries Commission
NCP	Non-Contracting Party
NGO	Non-Governmental Organisation
PR1	First Performance Review of CCAMLR
PR2	Second Performance Review of CCAMLR
RFMO	Regional fishery management organisation
SCAF	Standing Committee on Administration and Finance (CCAMLR)
SCAR	Scientific Committee on Antarctic Research
SC-CAMLR	Scientific Committee for the Conservation of Antarctic Marine Living Resources
SC CIRC	Scientific Committee Circular (CCAMLR)
SCIC	Standing Committee on Implementation and Compliance (CCAMLR)
SISO	Scheme of International Scientific Observation (CCAMLR)
SOLAS	International Convention for the Safety of Life at Sea
SOOS	Southern Ocean Observing System
SPRFMO	South Pacific Regional Fisheries Management Organisation
UN	United Nations
UNCLOS	UN Convention on the Law of the Sea

VME	Vulnerable marine ecosystem
VMS	Vessel monitoring system
WCPFC	Western and Central Pacific Fisheries Convention
WG-EMM	Working Group on Ecosystem Monitoring and Management (CCAMLR)
WG-EMM-STAPP	Subgroup on Status and Trend Assessment of Predator Populations
WG-FSA	Working Group on Fish Stock Assessment (CCAMLR)

Introduction

1. The Review Panel

1. At its Thirty-fifth Meeting (17 to 28 October 2016), the Commission adopted a proposal to undertake a Second Performance Review of CCAMLR (PR2) during 2017. In accordance with Article IX.1 of the Convention (CCAMLR-XXXV, paragraph 9.10), the proposal was adopted as a decision by the Commission in CCAMLR-XXXV, Annex 8 (Appendix 1).

2. CCAMLR-XXXV, Annex 8, provides for PR2 to be carried out by a Review Panel (the Panel) appointed by the Commission following procedures outlined in CCAMLR-XXXV, Annex 8, paragraphs 6 to 17. The selection of the Panel was finalised in January 2017 (COMM CIRC 17/25–SC CIRC 17/19) and comprised the following:

- (i) four experts from CCAMLR Members: selected among internationally recognised experts who have experience in the CCAMLR context and a thorough understanding of the CAMLR Convention: **Andrew Constable (Australia), Jane Rumble (UK), Osvaldo Urrutia (Chile) and Xianyong Zhao (China)**
- (ii) two external experts: internationally recognised experts whose expertise covers the relevant areas of environmental management, fisheries science and legal matters, including compliance and enforcement issues and the fight against illegal, unreported and unregulated (IUU) fishing: **Holly Koehler and Giuseppe Notarbartolo di Sciara**
- (iii) one representative from the Committee for Environmental Protection (CEP): **Ewan McIvor**
- (iv) one non-governmental organisation (NGO) representative: **Rosemary Rayfuse.**

2. Terms of reference for the Second Performance Review of CCAMLR

3. In keeping with Article IX.1 of the Convention, the Review's purpose was to evaluate the Commission's progress in implementing the recommendations from the First Performance Review (PR1) conducted in 2008 and to provide recommendations on further work relevant to the objective of the CAMLR Convention. To that end, the Panel was tasked with:

- (i) evaluating progress in implementing the recommendations from PR1, including providing advice on options for moving forward on PR1 recommendations that are under consideration or are work-in progress
- (ii) considering afresh whether issues which have yet to be taken up by the Commission remain of concern and, if so, providing revised recommendations
- (iii) considering whether any further work would be desirable on issues covered by PR1 recommendations

- (iv) considering any other matters relevant to the objective of the CAMLR Convention.

3. Approach/methodology and report structure

4. The Panel had a range of information available to it, including the PR1 Report from 2008; annual and other reports of the Commission, its committees and their working groups; the report of the 2015 CCAMLR Symposium (CCAMLR-XXXIV/28 Rev. 2); the Report of the Chair of the Scientific Committee (SC-CAMLR) on the 2016 CCAMLR Scientific Symposium (SC-CAMLR-XXXV/12); the matrix on implementation of PR1 recommendations maintained by the Secretariat (available on the Commission website); and the responses to a questionnaire sent to Members, other Contracting Parties and Observers during the intersessional period in 2017. The CCAMLR Secretariat also provided general background material and responded to factual requests from the Panel when specific information was requested. In addition, an informal consultation, which was attended by interested CCAMLR participants and several representatives of the Panel, was arranged by the Secretariat in the margins of the 40th Antarctic Treaty Consultative Meeting (ATCM XL) and 20th meeting of the Committee for Environmental Protection (CEP XX), held in Beijing, China, in May 2017.

5. The Panel met in person at CCAMLR Headquarters in Hobart, Australia, from 25 to 30 June 2017 and elected Holly Koehler and Osvaldo Urrutia as Co-chairs. The Panel worked extensively on its report electronically prior to the meeting and afterwards. In advance of its meeting in Hobart, the Panel requested CCAMLR Members, other Contracting Parties and Observers to provide their views related to PR2 through the questionnaire. Responses to the questionnaire were received from Argentina, Australia, Chile, Italy, Ukraine, UK, USA and Uruguay. Submissions were also received from the following Observers: Association of Responsible Krill Harvesting Companies (ARK), Antarctic and Southern Ocean Coalition (ASOC), Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES), Coalition of Legal Toothfish Operators (COLTO) and the Scientific Committee on Antarctic Research (SCAR).

6. The Panel conducted a detailed examination of the PR1 Report, its recommendations, and the actions taken by the Commission to date in responding to those recommendations. The Panel recognised that there were different views among CCAMLR Members on the degree of implementation of the PR1 recommendations, as was evident from discussions during annual meetings and the questionnaire responses. It also noted that the PR1 recommendations were developed to address issues identified at a particular point in time, and it was important to consider the performance of CCAMLR in light of current circumstances. The Panel further recognised that the PR1 recommendations would remain available for reference and action by CCAMLR and/or Members, as appropriate. As a result, rather than providing detailed assessments of the degree of implementation of each of the PR1 recommendations, the Panel decided that it would be of greatest benefit to CCAMLR to build on the whole of PR1 by identifying priority recommendations related to those matters it considered were most relevant to CCAMLR's current work and strengthening future performance in meeting its objective.

7. This PR2 Report is structured into eight chapters: The first chapter presents the general conclusions of the Panel's review of implementation of the PR1 recommendations and progress in CCAMLR's performance since PR1. The other chapters cover the seven priority thematic

areas identified by the Panel. In each of the seven thematic chapters, the Panel has provided recommendations accompanied by a short narrative describing its rationale and observations. In some cases, the Panel has also presented suggested options for the consideration of the Commission in giving effect to the overarching recommendation.

8. The Panel's recommendations are provided below along with paragraph references to the body of the Report, where additional information and context regarding the individual recommendations can be found.

Panel recommendations

Chapter 1: Progress since PR1

No recommendations.

Chapter 2: Delivering CCAMLR's Conservation Objective/General Context

Recommendation 1: *A strategic approach be taken by the Commission to achieving its objective throughout the whole of the Convention Area as well as at regional scales by developing and implementing proactive practical steps for spatial management, fishery management and structured ecosystem monitoring and management. (paragraphs 16 to 23)*

Recommendation 2: *The Commission include on its agenda and discuss at regular intervals, for example every 5 years, the extent to which the conservation measures in place, together with their implementation, are delivering the Convention objective, as well as adjustments to the strategic approach articulated under the previous recommendation. (paragraphs 16 to 23)*

Chapter 3: Role of CCAMLR within the Antarctic Treaty System

Recommendation 3: *Work be undertaken with the ATCM to identify priority matters of shared interest and/or responsibility with the Commission, and to enhance collaboration on those matters. (paragraphs 24 to 29)*

Recommendation 4: *Further steps be taken to ensure Contracting Parties to CCAMLR are made aware of and are supported to ensure, where relevant, compliance with obligations arising from the Antarctic Treaty, including relevant measures and regulations established or recommended by the ATCM. (paragraphs 24 to 29)*

Chapter 4: Science

Recommendation 5: *On the basis of currently available data, the Scientific Committee, in consultation with SCAR, external experts and other organisations, deliver an initial assessment of the status, trends and possible future trajectories of Antarctic marine living resources, and the interactions of fisheries with them. (paragraphs 30 to 32)*

Recommendation 6: *The Scientific Committee evaluate options for ecosystem-based management of all CCAMLR fisheries, taking into account ecosystem and climate change and the types of data that can be reliably obtained. (paragraphs 33 to 35)*

Recommendation 7: *CCAMLR should maintain its work and give priority to identifying and designating a representative system of MPAs, with the aim of conserving marine biodiversity in the Convention Area, within the general framework established in CM 91-04. (paragraph 36)*

Recommendation 8: *CCAMLR implements practical mechanisms to coordinate and deliver research activities among Members to deliver the long-term research required by the Commission to achieve its objective, including better targeted fish stock research to ascertain productivity and yield of stocks across their ranges, and analyses of status and trends of those stocks and Antarctic marine living resources more generally. (paragraphs 37 and 38)*

Chapter 5: Managing Fishing Activities

Recommendation 9: *CCAMLR's current regulatory framework for fishing would be improved by having sufficient details in all fisheries-related conservation measures (category numbers 40s, 50s, 60s) on precautionary catch limits, spatial and temporal harvest strategies, plans for mandatory collection of data needed for assessing status of Antarctic marine living resources, biological data required to assess the composition of the catch, and reporting of activities. Approved fisheries research plans should be incorporated into these conservation measures. (paragraphs 39 to 42)*

Recommendation 10: *Action is needed to address issues regarding the safety of 'non-SOLAS vessels' operating in Polar waters. (paragraphs 43 and 44)*

Recommendation 11: *The CCAMLR Compliance Evaluation Procedure be strengthened by requiring enhanced reporting on the actions taken to address infringements, including whether a Contracting Party fails to report by the next subsequent meeting of SCIC on their follow-up investigations and rectification of non-compliance, and that such failures be identified in the annual Final CCAMLR Compliance Report as 'serious, frequent or persistent non-compliance'. (paragraphs 45 to 50)*

Recommendation 12: *To ensure chain of custody, all transshipments of catch from the Convention Area, whether occurring in the Convention Area or in port, be: (i) independently verified; (ii) permitted from Contracting Party vessels only to vessels which report to the C-VMS while operating in the Convention Area; (iii) permitted to NCP receiving vessels only when they are registered with CCAMLR; and (iv) for transshipments of catch from the Convention Area that occur outside of the Convention Area, detailed information should be reported to CCAMLR, including the names and IMO numbers of the vessels involved, quantities of catch or products by species transhipped and the date and time of transhipment. (paragraphs 51 to 55).*

Recommendation 13: *CCAMLR strengthen its IUU vessel listing procedures to provide for listing of stateless fishing vessels and for the possibility of listing vessels with the same owner as other IUU listed vessels. (paragraphs 56 to 60)*

Chapter 6: External factors impacting on the Convention objective and engagement, including non-Contracting/non-Cooperating Party activities

Recommendation 14: *Agreements with adjacent regional fisheries bodies be further developed and operationalised to ensure the useful exchange of meaningful information and relevant data necessary to establish effective conservation and management measures applicable in the CCAMLR area. (paragraphs 62 to 66)*

Recommendation 15: *More pro-active communication be undertaken by the Commission and its Members, particularly with respect to engaging with other international organisations, regional bodies and international processes, with a view to ensuring that CCAMLR is recognised as, and maintains its position as, the pre-eminent forum for the conservation of Antarctic marine living resources in the region. (paragraphs 67 and 68)*

Recommendation 16: *CCAMLR encourage its Members to exercise, within their capacities and jurisdiction, all possible bilateral and sub-regional actions to achieve effective cooperation by non-Members with CCAMLR conservation measures. (paragraphs 69 to 71)*

Recommendation 17: *CCAMLR encourage its Members to exercise, within their capacities and jurisdiction, all possible actions to discourage non-Members from acting in a manner that undermines, or impinges upon, conservation measures adopted by CCAMLR, including by strengthening port and market-related measures, as well as measures against their nationals – both natural and legal persons – who engage in IUU fishing in the Convention Area. (paragraphs 69 to 71)*

Recommendation 18: *The Commission maintain a record of the actions taken by Members to request and encourage cooperation by non-Members with CCAMLR conservation measures, and of those actions taken in response to a lack of implementation of CCAMLR conservation measures, or actions that undermine CCAMLR conservation measures, involving non-Members. (paragraphs 69 to 71)*

Chapter 7: Organisation and business practices of CCAMLR

Recommendation 19: *The current practice of managing the business of the Scientific Committee through an informal executive group be institutionalised as a Scientific Committee Bureau, in order to formalise good practices to improve the efficiency and conduct of business in the Scientific Committee and its working groups. (paragraphs 72 to 75)*

Recommendation 20: *A Commission Bureau be established involving the Scientific Committee Chair, the chairs of the standing committees and the Chair and Vice-Chair of the Commission, which, along with the newly established Scientific Committee Bureau, can help coordinate the annual work plan for the Commission and the Scientific Committee and facilitate the determination and, when needed, delivery of priority requirements for the Secretariat. It is proposed that the Commission Bureau should meet on every morning of the two-week annual Commission meeting. (paragraphs 76 and 77)*

Recommendation 21: *The annual work program of the Scientific Committee and its subsidiary bodies focus on delivering the requirements of Article XV.2 (provision of specific scientific advice to assist the Commission), whereas a strategy for meeting the requirements of*

Article XV.1 (general science on Antarctic marine living resources) should be primarily developed through mechanisms other than the annual work program of the Scientific Committee. (paragraph 78)

Recommendation 22: *Meeting documents of the Commission and the Scientific Committee be made available to the public, unless a Member requests a paper to have restricted access, or data/information within the document is held by the Secretariat and has not been made available by the Commission. (paragraph 79)*

Recommendation 23: *The background of key issues and the history of their consideration in the Commission and the Scientific Committee be better documented and included in new induction materials to be developed for Members. (paragraph 79)*

Recommendation 24: *Mechanisms be considered and implemented for the participation of experts and observers in the work of the subsidiary bodies of the Commission and the Scientific Committee. (paragraph 79)*

Recommendation 25: *A management–science forum across the Commission and the Scientific Committee be established to facilitate open communication and dialogue between scientists and policy makers involved in CCAMLR on key topics and issues and their respective expectations for science and policy. (paragraph 79)*

Recommendation 26: *The terms of reference of the working groups of the Scientific Committee be revised to take account of the priorities and emphases of the work plan being developed by the Scientific Committee since its symposium in 2016. (paragraphs 80 to 82)*

Recommendation 27: *Steps be taken to maximise the accessibility and utility of meeting reports, and to reduce their length and associated translations costs. (paragraphs 83 and 84)*

Chapter 8: Secretariat operations and financing

Recommendation 28: *The Secretariat ensure that capacity building and associated outreach support is strengthened in the next review of the Secretariat’s Strategic Plan. (paragraphs 85 to 88)*

Recommendation 29: *Further cost reduction options be considered, including through a review of Secretariat structures and priorities. In addition, revenue-generating opportunities be encouraged, including through a review of cost recovery, consideration of research administration fees, or other user-pay initiatives. (paragraphs 89 to 91)*

Chapter 1

Progress since PR1

9. Overall, the Commission and Scientific Committee have made significant progress in implementing many, though not all, of the PR1 recommendations. Thus, in line with the terms of reference, this chapter provides a high-level summary review of progress since PR1.

10. PR1 addressed several matters directly relevant to assessing CCAMLR's role in the Antarctic Treaty System (ATS). The recommendations have largely been addressed, although some relate to actions that are ongoing in nature and with associated actions that would appropriately form part of CCAMLR's ongoing practices (e.g. reminding all Contracting Parties of their obligations under the Antarctic Treaty). CCAMLR's response to these recommendations, and other initiatives since 2008, has resulted in an overall improvement in CCAMLR's performance. For example:

- (i) To reinforce the linkages between the CAMLR Convention and the Antarctic Treaty, the Commission developed and disseminated information relating to the general obligations of Contracting Parties with respect to the Antarctic Treaty (e.g. the 'Background Information on CCAMLR and the Antarctic Treaty' prepared by Australia and the Secretariat, as presented via the CCAMLR website).
- (ii) The Commission adopted Conservation Measure (CM) 91-02 'Protection of the values of Antarctic Specially Managed and Protected Areas' (ASMAs and ASPAs), with a view to ensuring that fishing vessels are aware of the location and relevant management plans of all ASPAs and ASMAs which include marine areas.
- (iii) The Scientific Committee and the CEP have developed increasingly effective communication and collaboration on matters of mutual interest (i.e. climate change; environmental monitoring; species protection; non-native species; marine spatial protection and management). In particular, two Joint CEP-SC-CAMLR Workshops were valuable in enhancing the working relationship between the two bodies and in identifying opportunities for cooperation.

11. PR1 had made extensive recommendations on the conservation and management of Antarctic marine living resources. Since that time, considerable effort has been given to spatial management. Interest in fisheries for Antarctic krill (*Euphausia superba*) and Antarctic toothfish (*Dissostichus mawsoni*) have increased, with some enhancements to their spatial management and to the CCAMLR Scheme of International Scientific Observation (SISO) to help meet the data requirements of these fisheries. Specific activities of note included:

- (i) sustained reduction in seabird mortality in longline fisheries in the Convention Area
- (ii) progress in the spatial management of Antarctic marine living resources, particularly with respect to the conservation of biodiversity:
 - (a) establishment of measures to conserve vulnerable marine ecosystems (VMEs)

- (b) establishment of the South Orkney Islands southern shelf marine protected area (MPA) (2009)
- (c) establishment of the general framework for the establishment of CCAMLR MPAs (2011)
- (d) establishment of Ross Sea region MPA (2016)
- (iii) improved clarity in the management of the krill fishery in its early phases through notifications and the spatial management of the trigger level in Area 48
- (iv) consolidation of available data on Antarctic marine living resources through the Joint CCAMLR–International Whaling Commission (IWC) Workshop in 2007, the WG-EMM Subgroup on Status and Trend Assessment of Predator Populations (WG-EMM-STAPP), and subsequent SCAR activities of the Census of Antarctic Marine Life
- (v) improvements to SISO, including establishment of mechanisms to accredit national programs supporting SISO
- (vi) clarity in what constitutes CCAMLR-sponsored research important for the provision of advice (2008)
- (vii) establishment of agenda items in the Scientific Committee and Commission on climate change, in addition to:
 - (a) Resolution 30/XXVIII on climate change
 - (b) initiation of an Intersessional Correspondence Group on Climate change
- (viii) reinforcement on what constitutes the best scientific evidence available identified in Article IX through Resolution 31/XXVIII on best available science.

12. On the specific issue of MPAs, in designating its first MPA in the South Orkney Islands southern shelf in 2009, CCAMLR reiterated its 2002 commitment to adopting a network of Southern Ocean MPAs. In 2011, CCAMLR held its second MPA workshop and later that same year adopted CM 91-04 which provided a framework for establishing CCAMLR MPAs. In 2013, CCAMLR held a special intersessional meeting of the Commission and Scientific Committee to discuss MPAs in the Ross Sea and East Antarctic specifically. Then in 2016, CCAMLR adopted an MPA in the Ross Sea region. These efforts by CCAMLR towards MPAs have been internationally applauded, particularly adopting the Ross Sea region MPA, which is now the world's largest MPA.

13. In the area of compliance and enforcement, overall, CCAMLR has adopted an impressive array of monitoring, control and surveillance (MCS) measures and cooperative mechanisms to monitor compliance and detect non-compliance and IUU fishing activities. A number of these measures – such as the Contracting Party and Non-Contracting Party (NCP) IUU Vessel Lists, centralised vessel monitoring system (C-VMS), Catch Documentation Scheme for *Dissostichus* spp. (CDS), licensing and inspection obligations and transshipment notification conservation measures – have been amended and strengthened since PR1. Discussions in the Standing Committee on Implementation and Compliance (SCIC) are robust

with respect to cases of non-compliance and sharing of information regarding IUU vessel activities and sightings, enforcement patrols, international cooperation, satellite imagery projects, progress in prosecutions and imposition of domestic legal remedies.

14. Further, the adoption of the CCAMLR Compliance Evaluation Procedure (CCEP) (CM 10-10), and the enhanced role of SCIC in assessing the compliance of Contracting Parties in implementing CCAMLR conservation measures, demonstrates notable progress in addressing the PR1 recommendations organisationally. The Panel observed that improvements to the CCEP, taking into account the lessons learned thus far, could further strengthen promoting Contracting Party compliance.

15. In terms of finance and administration, PR1 made recommendations for improved resourcing of CCAMLR-related activities as well as for making efficiencies in the use of existing resources. Since that time, the number of voluntary contributions have increased to support specific areas of work, and the Secretariat is now operating to a strategic plan. Other points to note include:

- (i) increased voluntary contributions by a number of Members to the CCAMLR Ecosystem Monitoring Program (CEMP)
- (ii) improvement of scientific capacity in the Scientific Committee through Members introducing early career scientists to the working groups and in establishing the CCAMLR Scientific Scholarship Scheme
- (iii) review of current and emerging issues and future priorities in Symposia of the Commission (2015) and the Scientific Committee (2016)
- (iv) current review of work of the Scientific Committee to better meet priorities.

Chapter 2

Delivering CCAMLR's conservation objective/general context

16. Noting that CCAMLR is an integral part of the ATS, and that all Contracting Parties are obliged to contribute to the protection and preservation of the environment of the Antarctic Treaty Area, the Panel considered the extent to which CCAMLR had a clear pathway for delivering on its conservation objective into the future.

17. In this regard, the Panel first noted the current spatial treatment of the Convention Area for conservation and management purposes, which is divided into a range of subareas and divisions, including open and closed areas, research blocks and MPAs. The Panel observed that the Commission had not developed a clearly defined strategy for how different regions of the Convention Area should be managed to achieve the objective of the Convention over any specific timeframe. The Panel considered that without a defined Convention-wide or regional strategy for how to ensure effective conservation of Antarctic marine living resources, the Commission was tending towards a reactive approach to conservation and management. Consequently, the Panel observed that other important aspects, such as environmental and climate change impacts, were not being systematically considered in the context of the activities undertaken in the Convention Area.

18. The Panel also considered whether activities undertaken under the Convention were being managed in a way that was comparable or consistent with the management of activities under the Antarctic Treaty and its Protocol on Environmental Protection. In this context, consideration was given to whether everyone involved in the work of CCAMLR, whether policy-makers, scientists, fishing operators, or others, felt fully engaged in the wider ATS. For example, whilst noting the distinct objectives and provisions of the two regulatory frameworks, the Panel observed that there were common understandings and approaches that could be met. For instance, CCAMLR might benefit from considering how personnel operating on vessels licensed under the Convention could have a similar understanding of the principles and purposes of the Antarctic Treaty, and adhere to similar environmental standards, as tourism and national program vessels operating in the Antarctic Treaty Area. The Panel recognised that this was partly related to education and information accessibility; however, it also had manifest and wider consequences within the Southern Ocean.

19. The Panel also observed that there were other potential consequences, which could impinge on the delivery of the objective of the Convention, arising from the differences in standards required from science, tourism or fishing operators in Antarctica. For example, in the absence of clearly agreed safety and operational standards for fishing vessels operating in the Southern Ocean, different Members had set their own policies about which vessels could be licensed, and on which vessels scientific observers would be able to operate. This had implications for the consistent implementation of SISO and the extent to which fishing vessels could be used as international research platforms.

20. With respect to Article II of the Convention, the Panel considered how the Commission was currently receiving advice from the Scientific Committee, including through its subsidiary bodies, on the principles of conservation set out in Article II.3(a)–(c). Article II.3(a) and (b) are addressed by the existing Scientific Committee working groups on Fish Stock Assessment

(WG-FSA) and Ecosystem Monitoring and Management (WG-EMM), respectively. However, the Panel observed that there was little evidence to date of how the Commission was addressing Article II.3(c), in particular how the Commission was requesting and receiving advice on alien species, associated activities and environmental changes. Building on the agreement that the CEP would take the lead on non-native species, and noting that the CEP work plan prioritised work on risks associated with marine non-native species in coming years, further strengthening the engagement with the CEP and SCAR may underpin delivery of this part of the conservation objective of the Convention.

21. In general, the Panel noted that CCAMLR was rightly still widely recognised internationally as the pre-eminent regional conservation management organisation that also manages harvesting activities. However, because many of the pioneering conservation measures originally developed by CCAMLR had now been adopted by several regional fisheries management organisations (RFMOs), this distinction was becoming less clear. The Panel noted that there was a sense that CCAMLR had become less focused on proactive precautionary ecosystem-based management measures, and more focused on responding to fisheries and fisheries research proposals submitted by its Members. The Panel observed that for CCAMLR to maintain its international reputation as a leading conservation-focused organisation, it needed to regain its proactivity on all aspects of its work.

22. As it will be noted in the following chapters of this Report, many of the recommendations by the Panel pertain to the discussions outlined above.

23. The Panel recommends the following overarching recommendations regarding enhancing the delivery by the Commission of CCAMLR's conservation objective:

Recommendation 1: *A strategic approach be taken by the Commission to achieving its objective throughout the whole of the Convention Area as well as at regional scales by developing and implementing proactive practical steps for spatial management, fishery management and structured ecosystem monitoring and management.*

Recommendation 2: *The Commission include on its agenda and discuss at regular intervals, for example every 5 years, the extent to which the conservation measures in place, together with their implementation, are delivering the Convention objective, as well as adjustments to the strategic approach articulated under the previous recommendation.*

Chapter 3

Role of CCAMLR within the Antarctic Treaty System

24. The PR1 Report noted that the CAMLR Convention has its origins in discussions among the Antarctic Treaty Consultative Parties, and remains an integral part of the ATS. It also highlighted the provisions of the Convention (Articles III, IV, V), which establish formal linkages with the Antarctic Treaty. This general context for considering CCAMLR's performance under the theme 'Role of CCAMLR within the Antarctic Treaty System' is unchanged.

25. Consistent with the general conclusions and recommendations from PR1, the Panel noted that there are two overall aims against which CCAMLR's performance under the theme 'Role of CCAMLR within the Antarctic Treaty System' can be considered:

- (i) The Commission and Scientific Committee should have in place effective mechanisms for interacting and cooperating, as appropriate, with other components of the ATS to ensure a harmonised approach to matters of shared interest and/or responsibility.
- (ii) The Commission should have in place effective mechanisms to ensure Contracting Parties of CCAMLR are aware of, and are supported to ensure, where relevant, compliance with, obligations arising from the Antarctic Treaty, including relevant measures and regulations established or recommended by the ATCM.

26. The Panel observed that due to the overlapping areas of application, objectives and provisions of the Antarctic Treaty and CAMLR Convention, effective communication and cooperation between the responsible bodies is necessary for achieving the effective governance and management of the Antarctic region. The Scientific Committee and CEP have developed an increasingly close and effective working relationship in recent years. Further such efforts by the Scientific Committee to enhance collaboration with the CEP are to be encouraged, including maintaining the exchange of observers and reports on actions taken on matters of mutual interest, and support for planned initiatives such as: regular joint meetings (i.e. five-yearly or more often as required) and frequent communication in the intervening periods; and proposals to develop a work plan for the Scientific Committee and a CCAMLR Climate Change Response Work Program (CCRWP), each of which could identify and facilitate links with the work of the CEP.

27. The Panel further observed that enhanced communication and collaboration at the level of the Commission and ATCM would also be beneficial, and that matters of mutual interest for these bodies may include: climate change implications for governance and management of the Antarctic region; maritime safety in the Antarctic region;¹ protection/conservation of the Antarctic region, including the management of overlapping activities; and discussion of

¹ Recognising that CCAMLR has agreed to release VMS data to maritime rescue coordination centre (MRCCs) in the event of a maritime incident to support search and rescue efforts in the CAMLR Convention Area.

Antarctic issues in non-ATS forums. A closer working relationship between these two primary ATS institutions would support a harmonised, and ultimately more effective, approach to achieving the respective Parties' shared objectives for the Antarctic region.

28. Finally, as noted in the PR1 Report, the Panel observed that it is the Contracting Parties that are formally responsible for observing obligations arising from the Antarctic Treaty, including relevant measures and regulations established or recommended by the ATCM. However, the Panel also noted that Article IX.5 makes it clear that the Commission also plays an important role in ensuring that Contracting Parties are aware of, and are supported in order to ensure, where relevant, compliance with, such obligations. The annual exchange of information between the ATCM and CCAMLR, in the form of reports presented by respective Secretariat representatives attending as observers was not designed, nor is it likely to be sufficient, to ensure that relevant obligations arising from the ATCM are considered and acted upon as appropriate by CCAMLR and Contracting Parties. The adoption of CM 91-02 is notable as an example of practical steps that can be taken by the Commission to promote compliance with relevant ATCM regulations and measures. However, the Panel noted that CM 91-02 was developed 'after the fact', following instances of fishing within ASMAs and ASPAs designated by the ATCM, which highlights a need for a more systematic approach.

29. The Panel recommends the following for the consideration of the Commission regarding enhancing the role of CCAMLR in the ATS:

Recommendation 3: Work be undertaken with the ATCM to identify priority matters of shared interest and/or responsibility with the Commission, and to enhance collaboration on those matters.

Recommendation 4: Further steps be taken to ensure Contracting Parties to CCAMLR are made aware of and are supported to ensure, where relevant, compliance with obligations arising from the Antarctic Treaty, including relevant measures and regulations established or recommended by the ATCM.

In giving effect to these recommendations, the Panel offered the following ideas for the consideration of the Commission:

- (i) establishing a practice of the CCAMLR Chair attending the ATCM and submitting a working paper to the following CCAMLR meeting to identify issues and actions the Commission may need to consider in relation to: (i) relevant measures or regulations established or recommended by the ATCM; and (ii) matters of shared interest and/or responsibility*
- (ii) better utilising the standing Commission agenda item of 'Cooperation with the ATS' to consider these matters, initiate appropriate actions, and develop a report back to the ATCM as appropriate*
- (iii) holding periodic joint meetings of CCAMLR and ATCM delegates – at a working level – to identify opportunities for coordination and cooperation on matters of mutual interest.*

Chapter 4

Science

30. The Panel noted that the best available science needs to be assembled and communicated to the Commission for its deliberations on conservation measures. Conservation measures need to be established for managing the Convention Area in a way that provides the Commission with a high likelihood of meeting the objective of the Convention, taking account of:

- (i) the ecology of Antarctic marine living resources, including environmental and climate change
- (ii) the timeliness of new data in the future
- (iii) the scale of the activities being managed, relative to the ecology of Antarctic marine living resources
- (iv) the MCS measures available.

31. With respect to Antarctic marine living resources, the Panel observed:

- (i) SCAR has published a Biogeographic Atlas for the Southern Ocean, which is a valuable compendium of information on Antarctic marine living resources. This remains to be assessed by the Scientific Committee as to what information might be needed on the different types of species, in order to take account of the requirements for conservation of these species, when advising the Commission. The assembly of science to underpin the MPA processes is a very important step to consolidating this type of information.
- (ii) Assessments of some fished species are well established. A consolidation of available and relevant science on Antarctic marine living resources more generally would be useful for many aspects of the work of the Scientific Committee, including on the ecological state of Antarctic marine living resources, the scales of populations (stocks) of the different species and how those populations relate to both the biogeography of the Convention Area and the management regions used by the Commission.
- (iii) The Scientific Committees of CCAMLR and the IWC have recognised that the status of depleted species (finfish, seals, whales) may have improved for some species but not for all. However, there is currently no consolidated assessments in CCAMLR of:
 - (a) the status of depleted species and their likely trajectories
 - (b) the potential for current fisheries to impede the recovery of depleted species directly or indirectly
 - (c) the changes to the ecosystem that may arise as a result of the recovery of depleted species.

- (iv) An initial assessment of the status, trends and possible future trajectories of Antarctic marine living resources, and the interactions of fisheries with them, would facilitate an appraisal of the best scientific evidence available to support the Commission's work.

32. With respect to Antarctic marine living resources, the Panel recommends:

Recommendation 5: On the basis of currently available data, the Scientific Committee, in consultation with SCAR, external experts and other organisations deliver an initial assessment of the status, trends and possible future trajectories of Antarctic marine living resources, and the interactions of fisheries with them.

33. With respect to conservation and the ecosystem approach, the Panel observed:

- (i) At present, considerations of the spatial requirements for achieving conservation of Antarctic marine living resources are separated into topics on krill fisheries, toothfish fisheries and spatial management. Spatial management is further divided into VMEs and MPAs. Better integration of these issues is needed in order to understand the interactions of fisheries with Antarctic marine living resources and how the approaches being taken within individual conservation measures will contribute to the successful achievement of the conservation objective of the Convention. A regional approach to conservation would help the integration.
- (ii) Strategies for utilising marine protected areas to achieve broad conservation outcomes for Antarctic marine living resources are specified in CM 91-04, independent of other definitions and requirements for MPAs elsewhere in the world. This was an important step in clarifying how MPAs could be used to achieve the objective and implementation of the Convention. A regional approach to conservation (Recommendation 1) would help achieve the objectives in CM 91-04. The spatial and temporal scales of MPAs established for these purposes will need to be consistent with the respective scales of the ecologies of Antarctic marine living resources and the temporal scale of processes required to achieve these purposes. CCAMLR has established a number of conservation measures to implement an ecosystem approach to fisheries derived from Article II of the Convention, including measuring by-catch in the finfish and krill fisheries. Monitoring of land-based predators has been established in many areas. The relationship between krill and whales may need greater attention. Ecosystem interactions for finfish fisheries, notably toothfish, also need consideration.
- (iii) While its efforts to establish a network of MPAs have been commendable, and further work, for example for the East Antarctic, Weddell Sea and Antarctic Peninsula regions is ongoing, CCAMLR has come under some criticism for the rate at which it is able to complete work on MPA designations, and the extent to which the most recent MPA designation, for the Ross Sea region, is sufficiently enduring and conservation focused². Set against a broad range of studies, which show that for MPAs to be effective, they need to be of long duration and have significant no-take zones, the fact that the Ross Sea region MPA expires after

² Brooks C.M., L.B. Crowder, L.M. Curran, R.B. Dunbar, D.G. Ainley, K.J. Dodds, K.M. Gjerde and U.R. Sumaila. 2016. Science-based management in decline in the Southern Ocean. *Science*, 354 (6309): 185–187, doi: 10.1126/science.aah4119.

35 years (which is shorter than the life histories of many birds, mammals and fish that the MPA sets out to protect) raises the question as to the extent to which CCAMLR is in line with MPA best-practices. Current and future CCAMLR MPAs would benefit from having durations at least in alignment with the species and ecosystem processes the MPA sets out to protect and in having meaningful no-take zones.

- (iv) The Southern Ocean ecosystem may be experiencing long-term directional changes (compared to random variations) due to climate change, resulting in changes to both habitat suitability and the ecologies of species. A strategy for the collection of information on, but not limited to, prey–predator interactions, habitat variables and population biology is needed to improve ecosystem-based fishery management under conditions of change.
- (v) Harvest strategies and accompanying advice for all fisheries need to clearly indicate how they are taking an ecosystem approach in a precautionary manner to decide on catches and their spatial and seasonal distributions, including taking account of potential direct and indirect effects of concentrated fishing.

34. With respect to fisheries and precaution, the Panel observed:

- (i) Harvest strategies for krill and toothfish currently use decision rules that imply no change to the ecosystem other than due to natural variability. Strategies need to be developed that will achieve the objective of the Convention and be robust to ecosystem changes arising from the other causes, including from regional climate changes, fishing and/or tourism, and the uncertainties that may arise as a result of the absence of data or knowledge.
- (ii) Attributing changes in Antarctic marine living resources to the causes of that change, including natural change, climate change, recovery of depleted populations, fishing, and tourism, is very difficult at present because of insufficient measurements of Antarctic marine living resources in time and space.
- (iii) A concern about future ecosystem change is that it may not just be a change in productivity of Antarctic marine living resources but could also be a change in ecosystem structure and function, with the possibility of tipping points being crossed, i.e. movement of the system from one stable state, say one based on krill, to another stable state, say one based on fish or salps. These different outcomes may require different kinds of rules for deciding management actions, e.g. catch limits, than the ones being used at present. Research capacity to detect when changes to ecosystem productivity, structure and function will be needed.
- (iv) Harvest strategies will need also to be sufficiently robust to these uncertainties in order to not impede the recovery of depleted species, and to not cause the ecosystem to change to an alternative stable state.

35. With respect to conservation and the ecosystem approach, the Panel recommends:

Recommendation 6: *The Scientific Committee evaluate options for ecosystem-based management of all CCAMLR fisheries, taking into account ecosystem and climate change and the types of data that can be reliably obtained.*

These evaluations could include the following approaches:

- (i) *evaluate the spatial extent of stocks, along with the implications of fishing in each CCAMLR area, subarea and division for the management of other areas*
- (ii) *assess the risk of each fishery impacting on Antarctic marine living resources broadly to determine the degree to which attention may need to be given to managing direct and indirect effects in the harvest strategies*
- (iii) *identify the type of data needed to achieve precautionary ecosystem-based fishery management, including with a changing environment, and to develop a strategic plan to collect such data*
- (iv) *develop approaches to identify whether the productivity, structure and/or function of the ecosystem is changing, in order to inform how to achieve the conservation objective of the Convention*
- (v) *evaluate harvest strategies for their robustness to achieve the objective of the Convention given plausible scenarios for ecosystem change and the need to not impede the recovery of depleted populations.*

36. With respect to marine protected areas, the Panel recommends:

Recommendation 7: *CCAMLR should maintain its work and give priority to identifying and designating a representative system of MPAs, with the aim of conserving marine biodiversity in the Convention Area, within the general framework established in CM 91-04.*

37. The Panel observed, with respect to assuring the timely delivery of essential research for assisting the Commission, that:

- (i) Science that informs the setting of conservation measures involves field observations and research, laboratory processing and research, statistical analyses and numerical modelling. At present, only field work that relates to research undertaken by commercial fishing vessels is specified in conservation measures. Ecosystem measurements, including remote sensing, fishery-independent surveys and monitoring, most laboratory work, and all other scientific work, are not included in the mandatory requirements of conservation measures.
- (ii) Science considered important to the development and maintenance of conservation measures, unless written as mandatory requirements in conservation measures, is undertaken voluntarily by Members. Decision-making processes need to be assured that sufficient data will always be available. In some cases, essential science for the Commission is vulnerable to not being undertaken should a Member or funding body withdraw from, or not be available to do, the non-mandatory work.

- (iii) Procedures for setting catch limits for fisheries (otherwise known as management procedures, which include data collection and subsequent analyses, rules for deciding on harvest controls based on the analyses, and implementation) need to be evaluated for how well they work under current and future ecosystem scenarios. This evaluation (often termed Management Strategy Evaluation in other forums) is necessary for the Commission to be confident that those procedures will enable the Commission to meet the objective of the Convention, despite incomplete data. Adopted procedures are vulnerable to failure if the science required to underpin them (data and analyses) is not assured.
- (iv) Due to the remoteness, harshness and vastness of the Southern Ocean, research surveys are expensive and only few areas have regular surveys, with many activities undertaken by only one or a few Members at a time. There is great benefit of having coordinated research such as was achieved in the BIOMASS experiments and the CCAMLR 2000 Krill Synoptic Survey of Area 48.
- (v) A working mechanism is needed to better coordinate the research activities among Members in terms of both the focus of research and the temporal–spatial scales to maximise the delivery of such collaborative efforts to support the work of the Commission.

38. With respect to research activities, the Panel recommends:

Recommendation 8: CCAMLR implements practical mechanisms to coordinate and deliver research activities among Members to deliver the long-term research required by the Commission to achieve its objective, including better targeted fish stock research to ascertain productivity and yield of stocks across their ranges, and analyses of status and trends of those stocks and Antarctic marine living resources more generally.

Mechanisms and approaches for co-ordinating research could include the following:

- (i) ***better target fish stock research in exploratory fisheries at stock distribution and productivity and co-ordinate such research across related multiple management areas, rather than fragmented within each management area***
- (ii) ***seek mechanisms to assure resources for collecting and analysing data needed to support advising the Commission***
- (iii) ***focus on research needed to assist the Commission in meeting the objective of the Convention and determine how general research may be undertaken (see Chapter 7)***
- (iv) ***establish a working mechanism to coordinate research activities among Members to deliver data needed to support the work of the Commission***
- (v) ***establish research plans in conservation measures for mandatory fishery-independent data collection where data are essential for advising the Commission (see Chapter 5.1)***

- (vi) *in cooperation with SCAR, the Southern Ocean Observing System (SOOS) and other international bodies, establish mechanisms for accessing data useful to the work of the Commission, but which are not part of CEMP.*

Chapter 5

Managing fishing activities and ecosystem impacts

5.1 The regulatory framework for fishing

39. The Panel emphasised that CCAMLR fisheries are expected to operate in a manner that will not undermine the objective of the Convention.

40. The Panel observed that the Commission has established a regulatory framework for fisheries and that a number of comments from PR1 pertain to this. The framework identifies a number of stages in the development of a fishery. It also recognises that each fishery needs to be supported by data to inform the setting of catch limits and spatial and temporal requirements for limiting the catch. These data requirements were identified as a data collection plan, which may include measurements and fishery-independent activities not just on target species. The framework also indicates the need for each fishery to have a strategy for fishery operations, including vessel requirements and limits to effort, that will support conservation requirements. This was termed a fishery operations plan. The Panel also noted that measures may be needed to avoid the fishing fleet inadvertently undermining the objective and implementation of the Convention. The aim of the framework is for adopted conservation measures to include data collection plans and fishery operation plans that help ensure that the development of the fishery occurs in a precautionary manner in order to achieve the objective of the Convention.

41. The Panel further observed that some fisheries or fisheries-based research have continued in some areas for many years without an assessment of stock status or a direct assessment of its yield. CCAMLR-sponsored research, provided for in conservation measures or as exemptions for catch of Antarctic marine living resources from existing conservation measures, needs to make a clear contribution to assessing stock status and precautionary yield.

42. With respect to the CCAMLR regulatory framework for fisheries, the Panel recommends that:

Recommendation 9: CCAMLR's current regulatory framework for fishing would be improved by having sufficient details in all fisheries-related conservation measures (category numbers 40s, 50s, 60s) on precautionary catch limits, spatial and temporal harvest strategies, plans for mandatory collection of data needed for assessing status of Antarctic marine living resources, biological data required to assess the composition of the catch, and reporting of activities. Approved fisheries research plans should be incorporated into these conservation measures.

5.2 Safety of vessels

43. The Panel also noted that there are important issues being discussed in other international fora whose outcomes may impact on the application of the ecosystem and precautionary approaches to conservation and the conservation measures adopted by CCAMLR. In this respect, the Panel considered that enhanced engagement in these processes should be encouraged. In particular, the Panel noted that further engagement may be welcome

in relation to the work of the International Maritime Organization (IMO) on vessel safety, given the relationship between possible vessel incidents and negative environmental impacts in the Convention Area. The Panel observed that nothing prevents CCAMLR from taking actions to regulate, if it deems appropriate, the relevant aspects of maritime safety for vessels undertaking activities regulated by CCAMLR, considering the environmental impact that a safety incident may pose to the Antarctic ecosystem.

44. With respect to vessel safety in Polar waters, the Panel recommends that:

Recommendation 10: *Action is needed to address issues regarding the safety of ‘non-SOLAS (International Convention for the Safety of Life at Sea) vessels’ operating in Polar waters.*

The Panel identified three options that the Commission may consider for implementing this recommendation:

- (i) if the IMO adopts globally binding measures relating to the safety of ‘non-SOLAS’ fishing vessels, CCAMLR should ensure their application to such vessels operating in Polar waters; or*
- (ii) if the IMO adopts non-mandatory measures relating to the safety of ‘non-SOLAS’ fishing vessels, CCAMLR should ensure they are made mandatory in the Convention Area, as far as is practicable and appropriate, through their incorporation into relevant conservation measures; or*
- (iii) in the absence of measures (either non-mandatory or globally binding) adopted through the IMO in the near future (e.g. within the next two-years) relating to the safety of ‘non-SOLAS’ fishing vessels, CCAMLR should take steps to adopt its own set of mandatory measures and standards for such vessels operating in Polar waters.*

5.3 Monitoring, compliance and enforcement

45. The Panel observed that the introduction of the CCEP is a significant step forward in developing a transparent and clear process for identifying and assessing Contracting Party compliance with CCAMLR conservation measures. However, recalling that PR1 had noted that it was unable to undertake a quantifiable assessment as to the proportion of infringements that resulted in sanctions that are then reported to CCAMLR, the Panel noted that this continues to be the case. In particular, while some Contracting Parties report the actions they have taken under their domestic legislation regarding infringements identified in the draft CCAMLR Compliance Report prepared pursuant to CM 10-10 before or during the SCIC (e.g. investigations and, where determined necessary, imposition of penalties or issuance of warnings, etc.), this reporting is not always the norm. CM 10-10 does not require Contracting Parties to report to the Commission through SCIC in the subsequent year on the actions they have taken to investigate infringements and rectify areas of non-compliance identified in the annual Final CCAMLR Compliance Report.

46. The Panel observed that, to ensure the integrity of CCAMLR’s conservation measures, it is important that Contracting Parties are consistently and effectively following up on identified infringements, or areas of non-compliance regarding implementation. Contracting

Parties, civil society and the market must have confidence that the Antarctic marine living resources and their environment are being effectively conserved and managed, that all Contracting Parties are abiding by the rules, and that actions are taken where Contracting Parties are non-compliant.

47. The Panel observed that it is the responsibility of a Flag State not to licence vessels to operate in the CAMLR Convention Area unless that Flag State is confident that the vessel can comply with the full range of CCAMLR conservation measures. The Panel also observed that the function of the CCEP is to provide a mechanism by which SCIC can review the performance of all Contracting Parties.

48. The Panel considered that a regimented process for receiving follow-up information from Contracting Parties regarding their efforts to address areas of non-compliance identified through the CCEP, together with the availability of methods for the Commission to respond to identified instances of non-compliance, would further enhance the CCEP. To achieve these two elements, the Panel observed that the provision of information regarding actions taken by Contracting Parties to issues of previously identified non-compliance should be required and individually reviewed annually by SCIC. In addition, the Panel observed that failure to report on actions taken, or successive and repeated non-compliance with the same obligation, should be considered as a serious case of non-compliance.

49. The Panel also noted that SCIC has yet to develop a fair, consistent and transparent pre-agreed scheme of responses to non-compliance. Such a scheme should contain both positive (such as financial or technical assistance and capacity-building to developing Contracting Parties) and negative (such as loss of fishing opportunities, enhanced monitoring, non-discriminatory market-related measures) responses, and should consider the history, circumstances, extent and gravity of the act or omission. Examples of schemes that the Panel encouraged CCAMLR to consider include the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) Compliance Action Plan, its minimum performance requirements to meet CCSBT obligations, and its Corrective Actions Policy.

50. To further strengthen compliance and monitoring to ensure effective implementation of CCAMLR conservation measures, the Panel recommends:

Recommendation 11: The CCAMLR Compliance Evaluation Procedure be strengthened by requiring enhanced reporting on the actions taken to address infringements, including whether a Contracting Party fails to report by the next subsequent meeting of SCIC on their follow-up investigations and rectification of non-compliance, and that such failures be identified in the annual Final CCAMLR Compliance Report as ‘serious, frequent or persistent non-compliance’.

In giving effect to this recommendation, the Panel offered the following ideas for the consideration of the Commission:

- (i) SCIC developing a complementary scheme of response to non-compliance – to give full effect to CM 10-10, paragraph 3(iii)(d), that may be applied by the Commission through the implementation of the CCEP***

- (ii) *SCIC prioritising, on an annual basis, the conservation measures that will be the focus of its evaluation for which non-compliance could significantly undermine the effectiveness of CCAMLR conservation measures and the objective of the Convention.*

5.4 Chain of custody

51. The Panel noted that ensuring the integrity of fisheries management arrangements consistent with the terms of the Convention and conservation measures requires a comprehensive suite of MCS arrangements effectively governing the entire ‘chain of custody’ of catch all the way from the hook to the plate. The Panel did recognise, however, that CCAMLR’s capacity to follow the chain of custody finishes at the point of import. The Panel recalled that PR1 noted the progressive introduction by CCAMLR of a range of such measures aimed at improving compliance by Contracting Parties and ensuring that the activities of NCPs do not undermine the objective of the Convention. The Panel observed that continuous improvements and refinements have been made by the Commission, including the adoption or strengthening of measures to enhance compliance by Flag, Port and market States, and by the nationals of Contracting Parties.

52. Despite these improvements, however, the Panel considered there was an ongoing need for the Commission to continue to strengthen its actions against both Contracting Party and NCP nationals engaged in IUU fishing in the Convention Area through the adoption of stronger port state and market-related measures. To alleviate the concerns of some Contracting Parties as to the burden of port inspections, consideration could be given to the promotion of cross-endorsement of port inspectors as between Contracting Parties. In addition, the Panel considered that the investigations carried out by Interpol and 15 countries from 2015 to 2017 demonstrated the potential for the Commission and its Contracting Parties to be more proactive in cooperating in the coordination of complex multi- and trans-national law enforcement actions against beneficial owners and crew members who are nationals of Contracting Parties which are not the Flag State of a vessel.

53. The Panel noted that the CCAMLR CDS has also been progressively strengthened, most recently with the adoption, in 2015, of the NCP Engagement Strategy following the recommendations from the CDS Review Panel and that some Contracting Parties have made extra efforts to provide technical and other assistance to NCPs to assist them in its implementation. However, the Panel observed that currently only two NCPs cooperate in the CDS, with 23 NCPs having been identified as possibly involved in the harvest and/or trade of *Dissostichus* spp. while not cooperating with CCAMLR. Therefore, it was clear to the Panel that there remain significant gaps in the coverage of the CDS, which undermine its efficacy. The Panel encourages the Commission to continue its efforts to engage NCPs identified by trade analyses as potentially involved in the harvest and/or trade of *Dissostichus* spp. to cooperate through the effective implementation of the CDS. However, should these efforts be unsuccessful, the Panel observed that the Commission could consider alternative means of addressing this lack of cooperation, such as raising awareness in market States and with the trade itself (retailers/buyers and importers) to highlight the risk of sourcing toothfish products from such non-cooperative NCPs, as this harvest and/or trade undermines the effectiveness of CCAMLR conservation measures.

54. The Panel identified that a significant gap in the chain of custody, yet to be addressed by the Commission, relates to transshipment. While CM 10-09 requires Contracting Party Flag States to provide 72 hours' notification of any intention to tranship within the Convention Area, receiving vessels are not subject to vessel monitoring system (VMS), observer, or inspection requirements and transshipments are not covered by the electronic web-based CDS (e-CDS). Further, there are no restrictions on transshipping marine living resources harvested in the Convention Area to NCP receiving vessels. The Panel noted that harvesting vessels from which marine living resources are being transhipped may carry observers designated under SISO; however, their role is related only to scientific observation and the reporting of vessel sightings, and not to the verification of transshipment details. Moreover, the Panel noted that CM 10-09 does not apply to transshipment in port. The Panel observed that the risk of undocumented IUU catch entering the market in this manner is evident from trade statistics, and this could have a significant impact on the effectiveness of traceability regimes, such as the CDS.

55. To fill gaps in the chain of custody through improved regulation of transshipment, the Panel recommends that:

Recommendation 12: *To ensure chain of custody, all transshipments of catch from the Convention Area, whether occurring in the Convention Area or in port, be: (i) independently verified; (ii) permitted from Contracting Party vessels only to vessels which report to the C-VMS while operating in the Convention Area; (iii) permitted to NCP receiving vessels only when they are registered with CCAMLR; and (iv) for transshipments of catch from the Convention Area that occur outside of the Convention Area, detailed information should be reported to CCAMLR, including the names and IMO numbers of the vessels involved, quantities of catch or products by species transhipped, and the date and time of transshipment.*

In giving effect to this recommendation the Panel offered the following ideas for the consideration of the Commission:

- (i) establishing a transshipment observer program, possibly, but not necessarily, utilising existing at-sea observer and in-port inspection capacities, with appropriate provisions for observer safety*
- (ii) developing a CCAMLR NCP register of receiving vessels*
- (iii) revising the e-CDS to accommodate the recording and tracing of transhipped catches*
- (iv) ensuring all Contracting Party transshipment vessels are included on the CCAMLR List of Authorised Vessels.*

5.4 IUU fishing and NCPs

56. The Panel noted that CCAMLR has taken numerous steps to combat IUU fishing through the adoption and implementation of conservation measures, engaging in cooperative mechanisms to detect and investigate IUU fishing by NCPs, the trial of innovative satellite technologies and international investigative institutions like Interpol. This has resulted in a number of IUU vessels either being sunk or detained by authorities. Nevertheless, the Panel noted that IUU fishing activity within the CAMLR Convention Area continues to be a

significant concern as it undermines the effectiveness of CCAMLR conservation measures and the legitimate and legal operations of Contracting Party fishing vessels. The Panel observed that ongoing vigilance and strengthened efforts are needed to combat IUU fishing activities by NCPs, and those that engage in, or support, fishing operations with such vessels.

57. In considering the role of the NCP-IUU Vessel Lists, the Panel noted that one of their primary purposes is to give effect to recommendations from the Food and Agriculture Organization of the United Nations (FAO) International Plan of Action on IUU Fishing by collecting information on vessels engaged in IUU fishing (FAO IPA, paragraph 80.4), developing and maintaining a record of vessels engaged in or supporting IUU fishing activities (FAO IPA, paragraph 80.5) and sanctioning such activities. The Panel's review of listing measures adopted in RFMOs responsible for highly migratory species and straddling or discrete high-seas stocks³, identified a range of options available to the Commission for enhancing its IUU vessel listing procedures to more effectively combat IUU fishing activities. For example, the Panel observed that CCAMLR has separate measures for IUU vessels and for vessels without nationality, or stateless vessels. According to Resolution 35/XXXIV stateless vessels are presumed to be engaging in IUU activities. However, CM 10-07 does not explicitly reference stateless vessels, although the Panel observed that the CCAMLR NCP-IUU Vessel List does include a number of vessels that do not have a Flag State identified. The Panel considered that it would be beneficial for a link to be established between the Resolution and CM 10-07 so that these vessels without nationality sighted engaged in, or otherwise shown to be engaging in, fishing activities in the Convention Area are explicitly able to be included in the NCP-IUU Vessel List. The Panel also observed that several vessels included on the NCP-IUU Vessel List have operated or have been operating in the CCAMLR area under different and constantly changing NCP flags, with evident absence of a genuine link. The Panel recalled that, in general, vessels must not change flag during a voyage or while in a port of call, and that those sailing under more than one flag are to be considered as vessels without nationality.

58. The Panel further observed that no criterion for common ownership is included as a basis for IUU vessel listings. The common ownership element provides that where an owner of an IUU listed vessel owns additional vessels, these additional vessels can also be listed, in accordance with specific procedures that consider evidence and circumstances, as a result of their common ownership. Two highly migratory species RFMOs (IATTC and WCPFC) include this criterion in their measures for IUU vessel lists. This is designed to address one of the more difficult aspects of combatting IUU fishing – beneficial ownership – as well as to broaden the economic impact of an IUU listing to other vessels under the same ownership as an IUU-listed vessel.

59. The Panel also noted that CMs 10-06 or 10-07 do not enable CCAMLR to cross-list vessels on the IUU lists of other RFMOs, including those whose management areas abut the CAMLR Convention Area. The Panel considered that, given the highly mobile nature of global fishing, carrier, reefer and support/supply vessels, it would be beneficial to address differences in the listing criteria between these regional bodies to close this lacuna, such that vessels duly listed by RFMOs are also listed by CCAMLR on the appropriate IUU Vessel List.

³ CCSBT, the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC), the North East Atlantic Fisheries Commission (NEAFC), the South Pacific Regional Fisheries Management Organisation (SPRFMO) and the Western and Central Pacific Fisheries Commission (WCPFC).

60. To further strengthen CCAMLR conservation measures to combat IUU fishing, the Panel recommends:

Recommendation 13: CCAMLR strengthen its IUU vessel listing procedures to provide for listing of stateless fishing vessels and for the possibility of listing vessels with the same owner as other IUU listed vessels.

In order to give effect to this recommendation, the Commission could consider the following actions:

- (i) amending CM 10-07 so that fishing vessels that are determined to be without nationality sighted engaged in fishing activities or otherwise shown to be engaging fishing activities in the CAMLR Convention Area are explicitly referenced in CM 10-07, paragraph 9*
- (ii) CCAMLR conduct a review of the activities of natural or legal persons that constitute and/or contribute to, or support, IUU fishing activities to identify all avenues and measures available to Contracting Parties to deter such activities*
- (iii) amending CMs 10-07 and 10-08 to establish a procedure by which a vessel or vessels may be listed based on common ownership with vessels already listed on the CCAMLR IUU Vessel Lists*
- (iv) establish intersessional listing and de-listing procedures and consider harmonising CCAMLR's listing criteria to allow cross-listing procedures with RFMO IUU vessel lists.*

61. IUU fishing activities by NCPs have serious implications for the management of Antarctic marine living resources and the work of CCAMLR in general. The Panel noted with concern the limited success that cooperation with NCPs had achieved in avoiding IUU activities in the Convention Area due to the lack of some NCP Flag State's exercising responsible jurisdiction over their flagged vessels. The Panel also considered whether CCAMLR Members might take, within their capacities and jurisdiction, direct measures to combat IUU fishing activities and to ensure non-Members do not undermine CCAMLR conservation measures, such as by strengthening Port State and market-related measures, as well as measures against their own nationals – both natural and legal persons – who engage in IUU fishing activities in the Convention Area. Recommendations regarding possible approaches to tackle IUU fishing by NCPs are presented in Chapter 6.

Chapter 6

External factors impacting on the Convention objective and engagement, including non-Contracting/non-Cooperating Party activities

62. The Panel considered several factors external to the actions taken by CCAMLR in the Convention Area that affect or impact the Antarctic marine ecosystem and CCAMLR's management of Antarctic marine living resources, including the scope of cooperation with international bodies.

63. Whilst being extremely careful to recognise the unique status of the ATS, in the area of international cooperation, the Panel noted that there are a variety of institutions outside the Antarctic community, including the United Nations (UN), Convention on Biological Diversity (CBD), IWC, RFMOs and CITES, with which CCAMLR could benefit from more effective communication. The Panel also recognised that given the ongoing UN process to develop a new binding instrument under the UN Convention on the Law of the Sea (UNCLOS) regarding biodiversity beyond national jurisdiction (BBNJ), which includes discussions over multilateral MPAs, CCAMLR stands to both offer guidance based on its success with multilateral MPAs and to learn from the BBNJ process. The Panel noted, however, the importance of ensuring the primacy of CCAMLR as the competent regional body for the conservation and sustainable use of marine biodiversity within the Convention Area. The Panel further noted that CBD is the leading organisation working on biodiversity issues in other regions of the world, yet there is no clear or cooperative relationship with CCAMLR. Sensitive and careful coordination between the CBD and CCAMLR could provide a variety of reciprocal benefits, e.g. CCAMLR drawing on relevant CBD resources and frameworks for assessing Southern Ocean biodiversity status, conservation and management; CCAMLR providing information and outreach to the CBD about its work and progress in Southern Ocean ecosystem management, including issues of biodiversity; and better outreach globally about CCAMLR's progress towards Southern Ocean biodiversity conservation. The Panel observed that cooperation with the IWC would facilitate joint assessments of the recovery of whale species feeding on krill or finfishes in waters under CCAMLR jurisdiction, within trajectories that one would expect with or without krill or finfish fishing, in accordance with the Convention's Article II.3(b).

64. The Panel discussed the relationship between CCAMLR and other relevant international organisations and bodies, with a particular focus on the need for CCAMLR to be clear about the purpose of such relationships. In this regard, the Panel questioned whether CCAMLR had appropriate cooperative agreements in place and whether the agreements that are in place were being implemented effectively. The Panel noted that in some cases these agreements do not provide for the adequate exchange of relevant information needed by CCAMLR to discuss and adopt better conservation and management measures in the Convention Area. The Panel, therefore, examined whether CCAMLR should consider setting out different clearer ways to operationalise existing agreements and to identify where new agreements could be helpful.

65. In the same context, the Panel examined the appropriateness and efficacy of the relationships between CCAMLR and the regional fisheries bodies whose jurisdictional management areas are adjacent to the Convention Area. The Panel observed that more active cooperation with these bodies (e.g. through sharing of data needed to address changes in stock structure, by-catch and environmental and climate change impacts), as well as with

organisations like the Agreement on the Conservation of Albatrosses and Petrels (ACAP) and CITES which also govern overlapping species of interest, would enhance the ability of CCAMLR to meet its objective.

66. To strengthen international cooperation, the Panel recommends:

Recommendation 14: Agreements with adjacent regional fisheries bodies be further developed and operationalised to ensure the useful exchange of meaningful information and relevant data necessary to establish effective conservation and management measures applicable in the CCAMLR area.

67. The Panel also noted the need for CCAMLR to proactively and accurately communicate the content of its work to other international organisations, regional bodies and international processes. It was observed that the Secretariat reports annually on the work of the Commission in various other international fora and that this provided opportunities for CCAMLR to definitively assert itself as the preeminent forum for the conservation of marine living resources in the Convention Area. However, the Panel also noted that even when most of the international and regional bodies relevant to the work of CCAMLR were in general terms aware of the Convention and the work of the Commission, there were instances where they were not fully updated or conscious of important processes and decisions. The Panel also considered that bilateral approaches by Members of the Commission could potentially be an additional vehicle to improve these situations.

68. To strengthen external communication with other international organisations, regional bodies and processes, the Panel recommends that:

Recommendation 15: More pro-active communication be undertaken by the Commission and its Members, particularly with respect to engaging with other international organisations, regional bodies and international processes, with a view to ensuring that CCAMLR is recognised as, and maintains its position as, the pre-eminent forum for the conservation of Antarctic marine living resources in the region.

69. The Panel considered whether the cooperative approach taken by CCAMLR regarding NCPs has had the expected results in terms of the CCAMLR CMs achieving their objectives. While recognising that some good progress had been achieved in specific areas (such as the responses to cooperate in the implementation of the e-CDS), the Panel noted that this was not the case overall. The Panel also noted with concern the limited success that cooperation with NCPs had achieved in implementing some important CCAMLR conservation measures, and in avoiding IUU activities in the Convention Area.

70. In this context, in addition to the measures adopted by CCAMLR as an international organisation, the Panel considered whether CCAMLR Members, acting individually and within their capacities and jurisdiction, could be encouraged to engage in more proactive bilateral or sub-regional cooperative approaches to ensure that CCAMLR conservation measures are more effectively implemented and observed (e.g. in achieving the success of the e-CDS program) and for deterring IUU fishing by NCPs.

71. In order to strengthen cooperation with, and the subsequent observation and implementation of CCAMLR conservation measures by NCPs, the Panel recommends that:

Recommendation 16: *CCAMLR encourage its Members to exercise, within their capacities and jurisdiction, all possible bilateral and sub-regional actions to achieve effective cooperation by non-Members with CCAMLR conservation measures.*

Recommendation 17: *CCAMLR encourage its Members to exercise, within their capacities and jurisdiction, all possible actions to discourage non-Members from acting in a manner that undermines, or impinges upon, conservation measures adopted by CCAMLR, including by strengthening port and market-related measures, as well as measures against their nationals – both natural and legal persons – who engage in IUU fishing in the Convention Area.*

Recommendation 18: *The Commission maintain a record of the actions taken by Members to request and encourage cooperation by non-Members with CCAMLR conservation measures, and of those actions taken in response to a lack of implementation of CCAMLR conservation measures, or actions that undermine CCAMLR conservation measures, involving non-Members.*

Chapter 7

Organisation and business practices of CCAMLR

72. The Panel noted that the structure and work practices of CCAMLR, the Scientific Committee and the support provided by the Secretariat, need to facilitate efficient conduct of all supporting bodies and meetings in order to deliver timely outcomes (via conservation measures) to support the objective and implementation of the Convention. The Panel observed that such conduct requires suitable archiving of information to easily support the participation of Members in the long-term and the clear communication of: (i) advice from the Scientific Committee; and (ii) the outcomes of the Commission.

73. The Panel observed that the following could remain as issues for the Scientific Committee in the development of timely advice for the Commission:

- (i) the Scientific Committee working groups each have activities that are not well aligned with the terms of reference of the group, resulting in repetition of discussions on topics between groups and then in the Scientific Committee
- (ii) the current timing and sequencing of working groups with different expertise in each retains an expectation that the Scientific Committee will have sufficient experts present at its own meeting to synthesise the advice from across the working groups on issues for which advice is obtained from multiple sources. At present, there is insufficient time for all issues reported on by the working groups to be considered in the meeting of the Scientific Committee
- (iii) the ability to communicate advice and its justification to the Commission is hampered by fragmented reporting of issues across reports of the working groups.

74. The Panel observed that the Commission has insufficient time to consider all the substantive topics arising from the Committees' (including SCIC and the Standing Committee on Administration and Finance (SCAF)) and Members' submissions. The Panel considered that mechanisms for facilitating the work of the Commission, including the provision of support from the Secretariat, are needed for:

- (i) streamlining the interaction of the committees between each other and with the Commission
- (ii) facilitating conclusion of issues during the annual meeting
- (iii) clearly separating issues in order to avoid an individual issue unnecessarily interfering with others.

75. The Panel noted that participation by Members and their experts, and a better external understanding of the competency and performance of CCAMLR, would benefit from clearer and better delivery of information on: (i) the structure and annual processes of CCAMLR and its supporting bodies, along with the responsibilities of chair and convener positions; and

(ii) background, history, approaches and outcomes on issues and the approaches being taken to achieve the objective and implementation of the Convention. As a result, the Panel recommends that:

Recommendation 19: *The current practice of managing the business of the Scientific Committee through an informal executive group be institutionalised as a Scientific Committee Bureau, in order to formalise good practices to improve the efficiency and conduct of business in the Scientific Committee and its working groups.*

76. With the expanding work of CCAMLR, well-coordinated and efficient working mechanisms are essential to guarantee the fulfilment of its task. For example, a number of important new issues, including MPA designation in the Convention Area and feedback management for the krill fishery, have emerged in recent years for the consideration of the Scientific Committee. To cope with the increasing workload, an informal executive group comprised of Scientific Committee Chairs and working group conveners and facilitated by the Science Manager at the Secretariat was established to work during the Scientific Committee annual meeting, as well as intersessionally, to coordinate and streamline the work of working groups and the Scientific Committee.

77. To institutionalise such proven good practices in CCAMLR so that they will pass on regardless of changes of personnel, the Panel recommends that:

Recommendation 20: *A Commission Bureau be established involving the Scientific Committee Chair, the chairs of the standing committees and the Chair and Vice-Chair of the Commission, which, along with the newly established Scientific Committee Bureau, can help coordinate the annual work plan for the Commission and the Scientific Committee and facilitate the determination and, when needed, delivery of priority requirements for the Secretariat. It is proposed that the Commission Bureau should meet on every morning of the two-week annual Commission meeting.*

78. With respect to the work of the Scientific Committee, the Panel recommends:

Recommendation 21: *The annual work program of the Scientific Committee and its subsidiary bodies focus on delivering the requirements of Article XV.2 (provision of specific scientific advice to assist the Commission), whereas a strategy for meeting the requirements of Article XV.1 (general science on Antarctic marine living resources) should be primarily developed through mechanisms other than the annual work program of the Scientific Committee.*

Mechanisms for delivering general science on Antarctic marine living resources could include:

- (i) triennial development of key scientific questions that would support the long-term development of advice to the Commission, coupled with a review of progress against previous or outstanding questions*
- (ii) engagement with SCAR, SOOS and the Integrating Climate and Ecosystem Dynamics in the Southern Ocean (ICED) and other relevant bodies to encourage them to address those questions in a manner consistent with the requirements of the Scientific Committee.*

79. In order to assist communication and understanding of the work of CCAMLR, the Panel recommends that:

Recommendation 22: Meeting documents of the Commission and the Scientific Committee be made available to the public, unless a Member requests a paper to have restricted access or data/information within the document is held by the Secretariat and has not been made available by the Commission.

Recommendation 23: The background of key issues and the history of their consideration in the Commission and the Scientific Committee be better documented and included in new induction materials to be developed for Members.

Recommendation 24: Mechanisms be considered and implemented for the participation of experts and observers in the work of the subsidiary bodies of the Commission and the Scientific Committee.

Recommendation 25: A management–science forum across the Commission and the Scientific Committee be established to facilitate open communication and dialogue between scientists and policy makers involved in CCAMLR on key topics and issues and their respective expectations for science and policy.

80. The Panel recognised that the working groups are the main forums to carry out the obligatory and fundamental work of the Scientific Committee. A clear and appropriate definition of terms of reference is essential for any working group to fulfil its presumed tasks. The Panel noted that the general terms of reference of each working group of the Scientific Committee were defined at the time when the specific working group was established, while the specific questions to be addressed by each working group were determined at the annual meeting in the previous year and/or modified intersessionally prior to the meeting according to its general terms of reference and the priority work of the Scientific Committee, which in turn may be requested by the Commission on a case-by-case basis.

81. The Panel observed that as time goes by and the work of the Scientific Committee expands, the general terms of reference of each working group, as specified in its current form on the CCAMLR website, may no longer adequately describe their work or the expectations of them. This inadequacy has introduced some confusion as to which issue or parts of a larger issue should or should not be considered by a particular working group, thus causing duplication of some work while leaving some newly emerging issues unattended. In addition, the terms of reference are only found on the fourth layer of the CCAMLR website causing further difficulties for new participants to be aware of their existence.

82. So that the work of the Scientific Committee can be carried out more efficiently and seamlessly, the Panel recommends that:

Recommendation 26: The terms of reference of the working groups of the Scientific Committee be revised to take account of the priorities and emphases of the work plan being developed by the Scientific Committee since its symposium in 2016.

83. The Panel noted that the reports of Commission, Scientific Committee and Working Group meetings are regularly very lengthy, with many internal cross-references and references to other reports, and in some instances with many statements that reflect the views of individual

participants rather than a summary of the discussion on a subject. This approach limits the utility of the reports both as a record and guide for CCAMLR's own work, making it challenging for meeting participants to understand the outcomes of a discussion or to follow the progress of an issue between bodies and over time, and as a mechanism for communication with an external audience. The length of the Commission and, in particular, the Scientific Committee report also has implications for translation costs. The Panel noted that this matter had been raised in PR1 (which had highlighted the virtue of agreeing a more 'streamlined' structure for reports) but little progress was evident.

84. To ensure the work of the Scientific Committee and working groups are more usable to Members and to support the decisions of CCAMLR, the Panel recommends that:

Recommendation 27: Steps be taken to maximise the accessibility and utility of meeting reports, and to reduce their length and associated translations costs.

In giving effect to this recommendation, the Panel offered the following ideas for the consideration of the Commission:

- (i) for the Commission report, establish a practice of including a consolidated list of decisions regarding new or amended Conservation Measures at the front of the report***
- (ii) establish procedures and disseminate guidance for preparing meeting reports that emphasises the importance of ensuring a clear, succinct and accurate record of meeting discussions, with a focus on the outcomes of deliberations***
- (iii) to avoid or minimise the inclusion of attributed statements, establish a practice that such statements are not to be provided by delegations until after the draft report language has been circulated, and only then if essential to reflect an important view not already reflected in the report.***

Chapter 8

Secretariat operations and financing

8.1 Capacity building

85. The Panel recalled that PR1 encouraged CCAMLR to give additional consideration to capacity building. It suggested that cooperative programs could support the information needs of Article II and the ecosystem approach to fisheries management to strengthen the engagement of all Members in the work of CCAMLR and reduce the reliance on a small number of Members.

86. PR2 noted several positive developments in relation to outreach and capacity building since PR1. This included the establishment, through voluntary contributions, of the General Science Capacity Fund in 2012 and the associated support for the CCAMLR Scientific Scholarship Scheme. Eight early career scientists, from six CCAMLR Members, have been awarded scholarships since its establishment. In addition, since 2014, the Secretariat has hosted 28 entirely self-funded interns from 10 CCAMLR Members across a variety of disciplines ranging from language services, science, policy, institutional studies and fishery management. Interns have included students completing their tertiary studies and early career professionals who have spent between four weeks and one year at the Secretariat. The Panel observed that the long-term benefits to CCAMLR, with minimal cost implications for the organisation, is potentially significant.

87. The Panel observed that the potential capacity building project for five CCAMLR Members that has been approved by the Global Environment Facility is encouraging and the Secretariat's intern program demonstrates that there is a demand for early career capacity building in a broad range of areas of interest to CCAMLR, including science, fisheries compliance, management and policy.

88. To strengthen capacity building opportunities, the Panel recommends:

Recommendation 28: The Secretariat ensure that capacity building and associated outreach support is strengthened in the next review of the Secretariat's Strategic Plan.

8.2 Financial sustainability

89. The Panel noted that financial sustainability of the organisation received considerable attention by PR1. The Panel observed that in their PR2 questionnaire responses, some Members noted that a significant amount of work had been undertaken in the last four years to examine options for cost reduction and revenue generation to secure a sustainable financial position for CCAMLR. The Panel noted that although the concerns associated with a zero-real growth budget that were raised by PR1 remain unresolved, the organisation is generally in a sound financial position. However, the Panel also noted that, as of June 2017, the combination of unpaid contributions that have been accumulating for several Members over at least three years, means the organisation is currently carrying A\$1 406 263 in arrears.

90. The Panel further noted that there is currently no institutional mechanism to support research or scientific study directly related to the work of CCAMLRL. At present, the Panel observed that all research that is reported through working groups to the Scientific Committee to support decision-making in the Commission is generated by the national programs of individual CCAMLRL Members often through collaborative efforts with the fishing industry.

91. To support the development of options to ensure the long-term financial sustainability of CCAMLRL and essential research programs, the Panel recommends:

Recommendation 29: *Further cost reduction options be considered, including through a review of Secretariat structures and priorities. In addition, revenue-generating opportunities be encouraged, including through a review of cost recovery, consideration of research administration fees, or other user-pay initiatives.*

**CCAMLR decision on the Undertaking of a
Second Performance Review in CCAMLR**

CCAMLR decision on the Undertaking of a Second Performance Review in CCAMLR

1. The Commission for the Conservation of the Antarctic Living Marine Resources (CCAMLR) undertook a Performance Review in 2008 which resulted in wide-ranging recommendations benefitting the Commission.
2. CCAMLR decided against this background, in accordance with Article IX.1, to undertake a second Performance Review.
3. The Second Performance Review (PR2) of CCAMLR that builds on the results of the First Performance Review shall be conducted during the 2016/17 intersessional period. A final report shall be submitted to Contracting Parties at the latest at the 2017 CCAMLR annual meeting.
4. PR2 shall evaluate the following:
 - (i) Progress in implementing the recommendations from the First Performance Review (PR1). This will also include advice on options for moving forward on PR1 recommendations that are under consideration or are work-in-progress. This assessment would be based on the full suite of recommendations from PR1, guided by, but not limited to, the Secretariat matrix on the status of recommendations maintained on the website.
 - (ii) Special attention will be devoted to issues on which PR1 recommendations have yet to be taken up by the Commission or the Scientific Committee (CCAMLR-XXXIII/10, Appendix I). For those issues, PR2 should consider afresh whether such issues remain of concern, and if so, provide revised recommendations.
 - (iii) PR2 will also consider whether any further work would be desirable on issues covered by PR1 recommendations. This could include, for example, revisions to those recommendations to accommodate ongoing matters including marine protected areas, the fight against illegal, unreported and unregulated (IUU) fishing and supporting measures to accompany compliance and implementation matters.
5. PR2 could consider any other matters relevant to the objectives of the CAMLR Convention, including the discussions of the 2015 CCAMLR Symposium held in Santiago, Chile.

Composition

6. The Review Panel will be composed of eight members, as follows:
 - (i) four experts from CCAMLR Members: selected among internationally recognised experts who have experience in the CCAMLR context and a thorough understanding of the CAMLR Convention

- (ii) two external experts: internationally recognised experts in the fields specified below, but with no involvement or direct experience with CCAMLR
- (iii) one representative from the Committee for Environmental Protection (CEP)
- (iv) one non-Governmental organisation (NGO) representative.

7. The Review Panel shall be appointed by the Commission. Panel members shall be independent and participate in their personal capacity. Their expertise should cover the relevant areas of environmental management, fisheries science and legal matters, including compliance and enforcement issues and the fight against IUU fishing.

8. The Panel membership should aim at reflecting the CCAMLR Membership in terms of regions, fishing and non-fishing nations and developing and developed countries.

Selection

9. CCAMLR Members may provide in writing two names, each accompanied by a one-paragraph curriculum vitae (CV), for categories (i) and (ii) ((i) four experts from CCAMLR Members and (ii) two external experts) to the Chair of the Commission, through the Secretariat, by 31 December 2016.

10. The Chair of the Commission, through the Secretariat, shall provide to Members, by 15 January 2017, two lists containing the names proposed by the Members for the appointment of the four experts who have experience in the CCAMLR context and the two external experts to the Review Panel.

11. The Members shall immediately acknowledge receipt of the communication. Members may respond in writing to the Chair of the Commission, through the Secretariat, within 30 days, indicating their vote for two experts from each list.

12. In case of a tie between two candidates, a run-off vote will be run in which case additional time will be required to finalise the selection.

13. The Chair of the Commission, immediately after the end of the 30-day period shall, through the Secretariat, inform Members of the names of the experts from each category receiving the most votes.

14. Once these individuals have been identified, the Secretariat shall write to each person selected by the Members for appointment to the Review Panel, indicating CCAMLR's desire to appoint them and seeking their positive response.

15. The NGO expert will be recommended to the Commission by the NGOs accredited as official observers to CCAMLR. The name of the NGO expert selected will be communicated in writing to the Chair of the Commission, through the Secretariat, by 31 December 2016.

16. The representative from the CEP will be recommended to the Commission by this body. The name of the selected individual will be communicated in writing to the Chair of the Commission, through the Secretariat, by 31 December 2016.

17. The Chair of the Commission will provide the name of the NGO expert to the Members of the Commission together with the two lists of candidates mentioned above.

Meetings of the Review Panel

18. The Review Panel will appoint a Chair. The Review Panel will meet in Hobart, Australia, unless a more cost-effective location is identified at a date convenient to all panel members. Economy-class travel and subsistence costs will be available to Panel members, if requested, to support their participation. Costs will be borne preferably through voluntary contributions. In the event that there are outstanding costs, these will be borne by the CCAMLR budget.

19. The review will include a desktop study with questionnaires and interviews, carried out in support of this work, addressed to all CCAMLR Members and observers.

20. The CCAMLR Secretariat shall provide logistical support and information to the Review Panel and shall not form part of this Panel.

21. The Review Panel shall decide by consensus. In the event consensus cannot be reached, individual members of the Panel may include their views in the Panel's report.

Timeline

22. The final report and the conclusions (including recommendations) of PR2 shall be communicated by the Panel Chair through the Executive Secretary to CCAMLR Contracting Parties, observers and the Chair of the Commission at the latest 45 days in advance of the 2017 annual meeting at which they will be considered firstly by SCIC, SCAF and the Scientific Committee and then by the Commission for discussion and action, if needed.

23. SCIC, SCAF and the Scientific Committee shall report to the Commission the results of their discussions on this issue, including their plans for addressing any of the recommendations made by PR2 and tracking progress in that regard.

24. The final report shall be placed on the CCAMLR website after the discussion at CCAMLR-XXXVI.