

No. 45781

**South Africa
and
United Kingdom of Great Britain and Northern Ireland**

Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the Convention on the conservation of Antarctic marine living resources. Cape Town, 27 October 1997

Entry into force: *27 October 1997 by signature, in accordance with article VI*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *South Africa, 2 February 2009*

**Afrique du Sud
et
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord**

Mémorandum d'accord entre le Gouvernement de la République sud-africaine et le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord concernant la Convention sur la conservation de la faune et la flore marines de l'Antarctique. Le Cap, 27 octobre 1997

Entrée en vigueur : *27 octobre 1997 par signature, conformément à l'article VI*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 2 février 2009*

[ENGLISH TEXT – TEXTE ANGLAIS]

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE
GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND CONCERNING THE
CONVENTION ON THE CONSERVATION OF ANTARCTIC
MARINE LIVING RESOURCES**

PREAMBLE

The Government of the Republic of South Africa and the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the "Receiving Member" and the "Designating Member" respectively), being signatories to the Convention on the Conservation of Antarctic Marine Living Resources (hereinafter referred to as the "CCAMLR"); and

IN ORDER to promote the objectives and ensure observance of the provisions of the CCAMLR;

Have reached the following understanding:

ARTICLE I

The Receiving Member will take appropriate measures within its competence to ensure that a Scientific Observer, designated by the Designating Member, will be taken on board of a vessel, to be agreed before the beginning of each fishing season by the Receiving and Designating Member, to observe and report on the activities of said vessel as contemplated in Article XXIV. (2) of the CCAMLR and subject to any CCAMLR Conservation Measure in force for a targeted species.

ARTICLE II

- (1) This programme will operate subject to the terms and conditions established by the Scheme of International Scientific Observation adopted by the CCAMLR Commission (hereinafter referred to as "the Commission") at its XIth meeting in 1992, pursuant to Article XXIV of CCAMLR, which will include the following provisions:
- (2) The Scientific Observer will be accommodated aboard the vessel specified under Article I and in accordance with the following arrangements:
 - (a) The Scientific Observer will be accorded the status of a ship's officer. Accommodations and meals for the Scientific Observer on board will be of a standard commensurate with this status.
 - (b) The Receiving Member will ensure that the vessel operator co-operates fully with the Scientific

Observer to enable the Scientific Observer to carry out the tasks assigned by the Commission. This will include access to data and to those operations of the vessel necessary to fulfil the duties of a Scientific Observer as required by the Commission.

- (c) The Receiving Member will take appropriate action on board the vessel to ensure the security and welfare of the Scientific Observer in the performance of his/her duties, to provide him/her with medical care and to safeguard his/her freedom and dignity.
 - (d) Arrangements will be made by the Receiving Member for messages to be sent and received on behalf of the Scientific Observer through the vessel's communications system. Reasonable costs of such communications will be borne by the Designating Member.
 - (e) Arrangements involving the transportation and boarding of the Scientific Observer will be organized so as to minimize interference with harvesting and research operations.
 - (f) The Scientific Observer will provide to the master of the vessel copies of such records, prepared by the Scientific Observer, as the master may request.
 - (g) The Designating Member will ensure that the Scientific Observer carries insurance adequate to cover accidents and/or illness while the Scientific Observer is aboard the vessel. Such insurance will be to the satisfaction of both the Receiving and Designating Member.
 - (h) Transportation costs of the Scientific Observer to and from the boarding points will be borne by the Receiving Member.
 - (i) Unless otherwise agreed, the equipment, protective clothing, salary and any related allowances of the Scientific Observer will be borne by the Receiving Member. The vessel operator of the Receiving Member will bear the costs of the accommodation and meals of the scientific observer whilst he/she is on board the vessel.
- (3) A copy of this Memorandum of Understanding will be forwarded to the Commission by the Designating Member.

- (4) The primary mission of the Scientific Observer will be to collect information in accordance with the instruction of the Commission's Scientific Committee, Conservation Measures adopted by the Commission and such information as may be requested by the Secretariat of the Commission during the fishing season. The instructions of the Commission's Scientific Committee will constitute the schedule of activities which is hereby agreed to. The Scientific Observer will undertake the following tasks, using the observation formats approved by the Commission's Scientific Committee:
- (a) Record details of the vessel's operation (e.g. partition of time between searching, fishing transit etc., and details of hauls, which should include basic data on the method, timing and duration ["soak time"] of setting and hauling lines [including number and type of hooks, their spacing, type of bait etc.]);
 - (b) Take samples of catches to determine biological characteristics including a statistically adequate sample of otoliths and scales from the targeted species of subsequent analysis;
 - (c) Record biological data by species caught, including length frequency and weight;
 - (d) Record all by-catches, their quantity and other biological data, including invertebrate (e.g. crab) species;
 - (e) Record the interaction and incidental mortality of seabirds and mammals during as many sets and hauls of the lines as possible (preferably a minimum of 20 sets and hauls), specifically recording -
 - (i) the number of species of seabirds at risk from longlining operations and seabirds in close proximity to the line;
 - (ii) the number of baits removed, or attempt to be removed by seabirds, and
 - (iii) the number of seabirds taken on board, definitely hooked, probably hooked, possibly hooked and not hooked, and
 - (iv) the species, sex, and age of seabirds taken on board, plus ring number if applicable.

- (f) Record the procedure by which declared catch weight is measured and collect data relating to the conversion factors between green weight and final product in the event that catch is recorded on the basis of weight or processed product;
 - (g) Submit copies of reports to the master of the vessel;
 - (h) Assist, if requested, the master of the vessel in the catch recording and reporting procedures, and
 - (i) Validate scientific information essential for the assessment of the status of populations of Antarctic marine living resources, and for the assessment of the impact of fishing on those populations.
- (5) All requests to the Scientific Observer for information, data and/or specimens, other than that set out in subarticle (3) above, made by either of the parties will receive a lesser priority in the scientific observer's schedule and will be confirmed by both the Designating and Receiving Members.
 - (6) The Scientific Observer will be a national of the Designating Member and will conduct himself/herself in accordance with the customs and orders existing aboard the vessel of assignment.
 - (7) The Scientific Observer will be familiar with the activities to be observed and the provisions of CCAMLR and the Conservation Measures adopted under it. The Scientific Observer will be adequately trained to competently carry out the duties of scientific observation. The scientific observer will be able to communicate in the language of the Receiving Member. For the purpose of this Memorandum, the official language of the Receiving Member will be deemed to be English.
 - (8) The Scientific Observer will carry a document issued by the Designating Member which identifies the individual as a scientific observer in accordance with Article XXIV of the CCAMLR. The Scientific Observer will, on boarding the vessel, hand the master of the vessel a copy of an agreed schedule of activities (as specified in subarticle (3) above) and hand the master a copy of this Memorandum of Understanding, and
 - (9) Within one month of the Observer's return to the United Kingdom, the Scientific Observer will submit to the CCAMLR Secretariat, through the respective authorities, a report on his/her observations, information gathered,