

IMPLEMENTATION OF THE OBJECTIVE OF THE CONVENTION

15.1 The Commission considered two papers submitted by Australia (CCAMLR-XXI/BG/13) and Chile (CCAMLR-XXI/BG/44) addressing some current issues relating to the objective of the Convention.

15.2 The Commission agreed that its role as a conservation organisation with responsibility for managing fisheries in the Southern Ocean gives it the attributes of an RFMO within the context of the UN and its subsidiary bodies. This management role is clearly envisaged in the formulation of the Convention, and CCAMLR's competence as an RFMO is particularly evident in relation to management of *Dissostichus* spp.

15.3 The Commission noted with appreciation the endorsement by the WSSD of the ecosystem approach and other proposals which contribute to the achievement of CCAMLR's objectives as set out in Article II of the Convention.

15.4 Chile noted that cooperation with respect to the Convention Area and areas adjacent was important because of CCAMLR's need for information from these areas and EEZs where fish species on which CCAMLR is focusing are being harvested. Papers submitted to this year's meeting by Chile, Brazil and the IUCN had expressed the necessity for a regional approach to be developed.

15.5 In this respect, Chile noted that the Scientific Committee and WG-FSA are addressing such issues as migration, distribution and breeding of toothfish stocks. The existing achievements of the CDS are expected to be even greater with the development of a fully electronic system, and amongst a number of organisations seeking to harmonise such certification processes, CCAMLR is a recognised leader.

15.6 The new terms of reference developed for SCIC will allow the Committee to establish subsidiary working groups to consider specific priority issues. Chile suggested that these might include the investigation into how issues similar to those faced by SCOI are addressed by other organisations and how information provided in papers by observers to the Commission's meeting can be collected and used.

15.7 Norway expressed appreciation for the papers presented on this agenda item, noting that the continued existence of this item on the agenda permitted the Commission to ensure that it was able to address, in a consistent, analytical manner, issues which may otherwise be hurried in discussions on other matters. Of the three priority issues identified in last year's report for consideration under this item, Norway noted that the restructuring of SCOI had now been dealt with, but that approaches for cooperation with other elements of the Antarctic Treaty System and with other regional fishery bodies remain outstanding.

15.8 Norway was pleased to note the proposed international symposium to be organised by Australia and Chile, as this would provide the opportunity for further consideration of such issues, but pointed out that further information on the proposed symposium would need to be provided, and that care should be taken to ensure that its timing would be convenient for all intended participants.

15.9 Several Members at this point in the debate commented further on the implications of the matter raised by the proposal to list toothfish under CITES. At the time of adoption of the report, it was agreed that the record of these interventions were more appropriately held under Agenda Item 10.

15.10 Argentina thanked Chile for its paper and recalled that it had requested at previous meetings that, given its importance, the subject should remain on the agenda. Argentina shared several concepts presented by Chile in the paper. In respect of the application of criteria for harmonisation between different legal contexts, Argentina agreed with the benefits outlined by Chile, although also it should be emphasised that in certain cases, as it was experienced in previous meetings, it is necessary to approach with caution, in particular when the proposals based on harmonisation criteria conflict with principles of international law. Such a situation may well appear in the matter of allocation of competences.

15.11 The European Community saw it as fitting that this item on the agenda should be addressed towards the end of the meeting, as the Commission has had very intense discussions during this meeting on matters that are truly at the heart of this organisation's life and purpose. The European Community believed that the Commission had, during these days, reaffirmed its role and reinforced its commitment to continue to work and cooperate to ensure the attainment of the objectives of the Convention.

15.12 The European Community noted the strengthening of CCAMLR's institutional framework, particularly with the new SCIC terms of reference and the intensification of cooperation with regional fishery and environmental organisations. There are many developments occurring simultaneously, and these echo through the work of the Commission. There was a need for timely and effective communication of CCAMLR's work and, noting the participation of many Commission delegates in other forums, the European Community stressed the need for individuals to further these cooperative efforts.

15.13 The European Community noted that discussions on the proposal to list toothfish in CITES Appendix II touched on the key issue of CCAMLR's commitment towards conservation through decisive measures and effective implementation of those measures by Members. In the view of the European Community, it is important that the Commission convinces the world that it is doing its own job before it needs to appeal to others for assistance. The Commission should invite and appeal to others to use the CCAMLR system. The European Community requested Australia to reconsider its proposal and reaffirmed the necessity to work through cooperation with CITES.

15.14 Brazil thanked Australia and Chile for the papers they had presented and noted, in particular, Chile's comments with regard to the harmonisation of efforts with regard to fisheries and conservation. Brazil was looking forward to the proposed symposium where these issues could be more extensively addressed including careful consideration of such matters as Australia's proposal for CITES listing of toothfish sometime in the future.

15.15 Australia welcomed the discussions presented by Chile, which provided the opportunity for the Commission to ponder its significant role in world affairs; a role which should not be underestimated. The comments of delegates in response to Chile's paper were encouraging, and Australia would continue to work with Chile to ensure the maximum possible representation at the proposed symposium.

15.16 Chile expressed appreciation for the positive comments on its paper and presentation, and confirmed Australia's advice that the symposium proposed for the end of August 2003 in Valdivia, Chile, would be developed with the aim of participation by all Members.

15.17 Chile noted wide acceptance of Australia's paper on the role of CCAMLR as an RFMO and the competent organisation in respect of toothfish in the Convention Area. As a recognised RFMO, CCAMLR should participate in the Review Conference of the UN Fish Stocks Agreement (UNFSA) which would provide a unique occasion for a global assessment of the stocks and the status of various initiatives designed to curb IUU fishing. Among those, the IPOA-IUU and other FAO initiatives to probe the linkages between industry subsidies, fishing capacity and IUU fishing; the operation of the MCS web, based in Chile; the International Conference on the Governance and Management of Deep Sea Fisheries; and the Santiago de Compostela International Conference are all important steps in the same direction.