

CONSIDERATION OF THE OBJECTIVES OF THE CONVENTION

15.1 Chile, supported by Australia, formally confirmed the advice received at last year's meeting (CCAMLR-XXII, paragraph 15.1) that a symposium will be held in Valdivia, Chile, probably from 4 to 8 April 2005. It is intended that there will be a high level of participation and that discussions will be extensive and fruitful.

15.2 The timing of this symposium is appropriate as it will coincide with the 25th year of the existence of the Convention. This will be an opportunity to take stock of the achievements of the Commission. It will also be possible not only to reflect on the work that has previously been done, but also to find ways of creating greater efficiency and improving methods for responding to the requirements of the objectives of the Convention.

15.3 The Republic of Korea presented the following statement:

‘The “conservation” of the Antarctic marine living resources is the objective of the Convention, but this objective is closely linked to the concept of “rational use”. The concept of rational use means that fishing should be carried out in a sustainable manner. In this sense, CCAMLR is a Regional Fisheries Management Organisation (RFMO) of a very special nature.

The Convention also provides three principles in paragraph 3 of Article II: firstly, the prevention of population decrease below the level of its stable recruitment; secondly, the maintenance of the ecological relations and restoration of depleted populations; and lastly, the prevention or minimisation of changes in the marine ecosystem.

For the implementation of the objective, the Convention entrusts the Commission with the necessary function. Although the terms “conservation” and “conservation measures” have a very broad and flexible interpretation, the managerial powers of the Commission are not arbitrary as they are subject to the objective of the Convention. The objective and the principles should go side by side. Both the objective and the principles have to be translated into conservation measures in accordance with Article IX.

As the Scientific Committee is subordinate to the Commission, the former also must take into account the objective of “conservation” along with the interests of its Members in terms of rational use of resources.

The Contracting Parties are also bound by the objective of the Convention. They are certainly contributing to the attainment of the objective of the Convention by complying with the conservation measures and discharging other obligations. However, we should be thoughtful and conscious of our capabilities as well as our limitations when we pursue the objective.

In this sense, CCAMLR can be beneficial for its Members, provided the following conditions are met:

- (i) first we all together have a sincere concern for the wise use of the resources of the Southern Ocean;

- (ii) second we must take practicable and realistic steps to maintain the ecological balance of the fish populations;
- (iii) third we intend to combat IUU fishing and degradation of the resources;
- (iv) lastly measures thus adopted must reflect profound consensus and be based on a solid experience.

It is hoped that the objective of the Convention will be interpreted in a harmonious way so that it will bring us together and will not divide or disperse our attention.'

15.4 In response to Germany's advice that it is important to ensure that non-fishing States be involved in the matters under discussion, Australia confirmed that the maximum participation by all Members would be important to ensure a successful outcome. Australia welcomed the constructive participation of the Republic of Korea in the work of the Commission and the Scientific Committee. Chile confirmed the importance of non-fishing States to the work of CCAMLR, noting that the participation by such Members in the proposed symposium (paragraph 15.1) is important and has been especially relevant to CCAMLR's scientific work.

15.5 Australia recalled the agreed interpretation by the Commission at an earlier meeting (CCAMLR-XXI, paragraph 15.2), where it was recognised that CCAMLR is a conservation organisation with the attributes of an RFMO within the context of the UN and its subsidiary bodies, and that its competence as an RFMO is particularly evident in relation to the management of *Dissostichus* spp. In this respect, science plays an important part in CCAMLR's work, including the collection of necessary data and developing the best methods for analysing the status of stocks and the sustainability of harvesting. The Commission has always insisted that any development be carefully managed to ensure compliance with the Convention's requirements for conservation and rational use.

15.6 Chile thanked the Republic of Korea for its considered comments, and Australia for its recollection of the Commission's managerial prerogatives. Chile also recalled that the Commission had previously provided an interpretation of its responsibilities with respect to the function of the ecosystem approach, with the result that the Scientific Committee and Commission would work not only to prevent the fall of targeted stocks below recruitment levels, but also to ensure that never again will the population of any resource fall so far that it cannot recover.

15.7 Argentina expressed gratitude to Chile and Australia for their initiative in respect of the symposium and recognised its value in reviewing the past to maintain perspective on the future. It also thanked the Republic of Korea for its interesting presentation, which will certainly be the basis of a better understanding of CCAMLR's objectives and principles.

15.8 In presenting CCAMLR-XXIII/BG/43, which outlined the historical background to the Commission's objectives, Argentina noted that Dr J.L. Suárez had advised the League of Nations in 1925 that the international regulation of fisheries was vital to avoid the extinction of useful and dependent marine species. Many aspects of Dr Suárez's advice are now reflected in the objectives of the Convention.

15.9 Noting that the delay between the recognition of the necessity of such regulation and its implementation has had a severe impact on marine resources around the world, Argentina recognised that the delays are related, among the many factors involved, to the undue pre-eminence that political and commercial interests may have taken.

15.10 Argentina stressed that conservation cannot be measured simply by using a scientific or an economic model, and that when taking management decisions, the Commission should ensure that undue influence is not accorded to circumstantial elements and that the authority and respect enjoyed by CCAMLR is based both on each Member's participation in the work of the Commission and on their full responsibility as a Flag State.

15.11 Russia expressed gratitude to Australia and Chile for their initiative in arranging the symposium, and to the Republic of Korea and Argentina for their current contributions to this agenda item.

15.12 While regretting that there had been insufficient time to give adequate consideration to CCAMLR-XXIII/BG/43, Chile was grateful to Argentina for recalling the work of Dr Suárez, which is not well recorded as he worked alone. The influence of the work has been felt in the protection of resources beyond the area in which he operated, into all ecosystems.

15.13 Spain congratulated Chile and Australia on their initiative and noted that the Convention continues to be particularly relevant in the world today. Spain stressed that the issue of marine management needed to be an integration between fisheries regulation and environmental considerations, taking fully into account the issue of biodiversity. This is an important challenge and CCAMLR, in the framework of the Antarctic system, is in a position to play a key role.