

IMPLEMENTATION OF THE OBJECTIVES OF THE CONVENTION

17.1 The Commission acknowledged its ongoing and extremely successful cooperation with non-Contracting Parties over the years. In particular, certain of these Parties have joined with the Commission in implementing the CDS. In recent years some have also acceded to the Convention and then joined the Commission to become a full participant in its work.

17.2 Some Parties considered, however, that it might be useful to adopt guidelines for non-Contracting Parties who wish to cooperate with CCAMLR with a view to giving guidance to those who might wish to join the CAMLR Commission. Reference was made with respect to guidelines already adopted in various RFMOs and to Article 8 of the UN Straddling Fish Stocks Agreement. Consensus was not reached as other Parties did not consider this necessary given the success of cooperation with non-Contracting Parties so far and that it was not appropriate, in their view, for States who are not Parties to the Convention, to fish in the Convention Area. In addition, it was recalled in this context that there are Parties to the Convention as well as other States who are not Party to the UN Straddling Fish Stocks Agreement. The Commission also noted comments from the Cook Islands in respect of its present situation.

17.3 Argentina recalled that a deeply entrenched principle is that the Flag State has jurisdiction over its vessels in the high seas. There are only few specific exceptions to this rule. Subject to the Law of the Sea, all States have the right to fish in the high seas, as well as the obligation to conserve its resources, cooperating to this end directly amongst them or by means of agreements or the pertinent regional or sub-regional organisations, in accordance with international law. Without prejudice that it embodies the ecosystem approach, CCAMLR lacks the competence required to legislate or to make recommendations with respect to areas outside the Convention Area. A revision considered to be necessary or convenient should only be dealt with in accordance with the established procedures. If CCAMLR moves away from its legality, its own legitimacy before third Parties would be eroded.

17.4 During the meeting, a majority of Parties questioned the Argentine delegate's interpretation of the Law of the Sea as applied to the competency of CCAMLR to make recommendations on activities outside the Convention Area which undermine the Convention.

17.5 The Commission agreed to maintain this item on its agenda next year.

ELECTION OF VICE-CHAIR OF THE COMMISSION

18.1 The Commission elected Namibia as Vice-Chair of the Commission from the end of this meeting to the conclusion of the 2007 meeting.

18.2 In acceptance, Namibia thanked the Commission for its trust and for the honour afforded to it. It also indicated that it would strive to work hard in its new role to facilitate the Commission's meeting of its objectives in accordance with the established rules for doing CCAMLR 'business'.