

## IMPLEMENTATION OF THE OBJECTIVES OF THE CONVENTION

17.1 Argentina thanked Chile for having first proposed this item in 1996 for inclusion in the Commission's agenda. Argentina then made the following statement:

'The Convention is the result of a long history of unregulated exploitation of Antarctic living marine resources. It emerged from an initiative of the Consultative Parties, who in 1977 recognised the need to complete the Antarctic Treaty with an agreement on the conservation of living resources.

The simplest option at the time would have been to impose a total prohibition on harvesting. However food requirements led to the inclusion in the Convention's preamble of the idea that rational exploitation of resources is a legitimate activity in the Antarctic, for the benefit of mankind through the peaceful utilisation of these resources as a source of protein.

This is to say that conservation includes utilisation that is "rational", not "optimal". As defined by the Convention, utilisation of Antarctic resources is justified by their contribution towards food security.

Included in the report of the ATCM meeting in 1977 and in Resolution IX-II are the principles that were subsequently developed in the Convention:

- an expansion of the Antarctic Treaty area to cover the ecosystem as a whole;
- Consultative Parties retain the primary responsibility for conservation;
- the concept of conservation includes rational utilisation;
- the system must allow access to those who are not Parties of the Antarctic Treaty, but are interested in research or exploitation of resources;
- no systems are established for the distribution of quotas or to include any other type of economic consideration;
- the concept of resource is not limited to commercially exploitable species.

The Convention requires that Commission Members be confident that exploitation will not only be sustainable (regarding the exploited species) but also that the impact on the ecosystem will be reversible in two or three decades. Thus, a conservation measure may also be considered to be an authorisation for an activity that will only have a transient effect, an authorisation granted after evaluation of the impact of exploitation.

The Commission's operation is based on scientific cooperation (already established by the ATCM's Resolutions) and cooperation with Flag States in order to control the operations of their vessels.

The analysis of fishing strategies assumes that resources are either owned or are freely accessible. CCAMLR is a counter example that shows that this dilemma is false.

CCAMLR is considered to be the most advanced and successful of any other international organisation which, unlike fisheries management organisations, does not utilise the instruments derived from the existence of rights of access to resources, assumed to be exclusive, as its objective is conservation.

This cooperation should be achieved by recognising that a contravention by a vessel is not a contravention by the Flag State and that national interests should not be considered to be more important than the collective interest and responsibility for conservation that extends not just to species of current commercial value. Cooperation should prevail over increasing tendencies towards confrontation and the application of sanctions.

In this context we cannot avoid highlighting the asymmetry that exists between the efforts we dedicate to combat IUU fishing and the limited attention we have given to the establishment of programs for the recovery of populations depleted by over-fishing, as is the case in the South Shetland Islands region. We can draw a parallel between this situation and what happens in WG-FSA, where the urgency in getting evaluations done in the limited time available precludes the dedication of efforts to more vital subjects.

Finally, we believe that it is appropriate to remember the suggestion made by the UK that it would be desirable that the delegations to the meetings of ATCM and CCAMLR were comprised of the same persons, of course with the support of appropriate experts. Thus, we would be able to reinforce cooperation not only amongst scientists, as we have already done in relation to marine protected areas, but also at a political level.'

17.2 Australia noted that following the CCAMLR Symposium held in Valdivia, Chile, in 2005, the Commission had considered a number of issues that it, and its subsidiary bodies, should address in furthering CCAMLR's work (CCAMLR-XXIV, paragraphs 16.1 to 16.18). In Australia's view, it was gratifying to note that there had been a number of significant developments on some important issues. In particular, such developments included the Scientific Committee's work on bioregionalisation with a view to developing the basis for identifying areas requiring various levels of protection. The Commission was also taking some action on destructive fishing practices and looking to improve cooperation with other relevant RFMOs. In the latter regard, CCAMLR Members should continue to cooperate in other RFMOs in addressing mitigation of incidental seabird mortality on bird species breeding in the Convention Area. Other notable advances included growing cooperation between CCAMLR and the ATCM and the Scientific Committee's development of a robust management framework for fisheries in the Convention Area. Discussion had also commenced on improving monitoring, control and surveillance, particularly through multi-lateral cooperation and efforts to enhance compliance by third-party States and non-Contracting Parties fishing in the Convention Area.

17.3 Australia continued by highlighting the need to address climate change effects and in monitoring such effects in relation to future potential changes in, and influences on, the species and area for which CCAMLR is responsible. It suggested that Members may wish to reflect on such advances and needs with a view to tabling ideas for further consideration at CCAMLR-XXVI.

17.4 Finally, Australia indicated that it wished to thank Cambodia for its assistance with the arrest of the IUU vessel *Taruman*. In Australia's view, this was a very good example of bilateral cooperation which had greatly assisted attainment of CCAMLR objectives.

17.5 The Commission noted the statements of Argentina and Australia and agreed to carry over this item to its next meeting.