

OTHER BUSINESS

International Polar Year

20.1 The Commission noted the Scientific Committee's deliberations on CCAMLR-IPY projects (SC-CAMLR-XXV, paragraphs 13.24 to 13.39).

20.2 It also noted the Scientific Committee's conclusion that limited available resources of participating research vessels would not allow CCAMLR's full participation in the CCAMLR-IPY-2008 Survey as originally planned and that this would preclude a revised estimate of krill biomass in Area 48 in 2008 (SC-CAMLR-XXV, paragraph 13.30).

20.3 As a consequence, the Commission agreed that the Scientific Committee should continue with a modified acoustic research project on krill and other species. It also agreed that best use should be made of available CCAMLR research resources by CCAMLR Parties during the IPY (SC-CAMLR-XXV, paragraph 13.33).

20.4 The Commission urged all Members to contribute to CCAMLR-IPY projects and to advise the reconstituted CCAMLR-IPY Steering Committee as soon as possible of any new developments regarding such matters as the availability of ship-time.

20.5 Norway noted that it should be feasible to involve fishing vessels in CCAMLR-IPY work and that the steering committee referred to above (paragraph 20.4) should consider how this could be achieved.

20.6 In reflecting on the above, Australia noted that it had committed to the IPY CAML program and that it anticipated that involvement of other CCAMLR Parties in such programs would serve to emphasise CCAMLR's involvement in the IPY.

20.7 Australia further noted that issues such as CCAMLR involvement in the IPY highlighted that the Scientific Committee's important functions are heavily reliant on the energetic involvement of a relatively small number of scientists. It therefore felt that international activities such as the IPY offered CCAMLR a unique opportunity to attract new scientific involvement. Consequently, Members should be urged to facilitate the participation of younger scientists in CCAMLR's work as a way to recruit expertise for the future.

20.8 In Australia's view, SC-CAMLR-XXV, paragraph 15.9 also highlighted the need to review how to maintain scientific research programs necessary for the work of CCAMLR. The Commission requested the Scientific Committee to provide advice in this regard and what the consequences might be for CCAMLR if long-term monitoring programs are discontinued.

20.9 The Scientific Committee Chair noted the importance of research like the US AMLR program to the work of the Scientific Committee (SC-CAMLR-XXV, paragraph 15.8).

20.10 The UK also noted the Scientific Committee's deliberations on CCAMLR involvement in the IPY. It also moved that the Commission should endorse the Edinburgh Antarctic Declaration on the IPY from ATCM-XXIX.

20.11 The Commission subsequently endorsed the Declaration.

20.12 The UK also noted that the IPY has a large educational and outreach profile to which the CCAMLR Education Package could contribute. It was therefore important that the package be kept as up-to-date as possible. In this respect, the Scientific Committee Chair undertook to communicate information on the CCAMLR Education Package to the international IPY project committee on which she serves.

CCAMLR Twenty-fifth Anniversary Celebration

20.13 Following discussion at CCAMLR-XXIV (CCAMLR-XXIV, paragraph 20.5) and consultation amongst Members, the Commission issued the CCAMLR Twenty-fifth Year Celebratory Statement (Annex 10).

20.14 The Statement will be circulated to various news networks and will provide a basis for Members to issue similar statements in their home countries.

Other

20.15 Argentina made the following statement:

‘In relation to incorrect references to the territorial status of the Malvinas Islands, South Georgia and the South Sandwich Islands and surrounding waters, made in documents such as CCAMLR-XXV/BG/28 and SC-CAMLR-XXV/BG/26, the Argentine Republic rejects those references and reaffirms its sovereignty over these three archipelagos and the surrounding waters.

Argentina further recalled that, in conformity with the Convention and the Statement by the Chairman 1980, only the multilateral regime of the Convention is legally applicable in those waters. Therefore, all Members enjoy the application of this regime.

Consequently, Argentina reiterates its rejection of the illegitimate imposition of fishing licenses by the UK upon other Members’ vessels operating in the statistical subareas corresponding to South Georgia and the South Sandwich Islands. It also rejects other unilateral measures imposed by the UK in those subareas.

Mr Chairman, the Argentine Delegation requests the consistent application of double nomenclature when reference is made to the Malvinas Islands within CCAMLR. This request goes along with already existing practices in the United Nations, its specialised agencies, as well as in other international organisations. Double nomenclature for the Malvinas Islands has also been used within CCAMLR in the past.

There is a dispute between the Argentine Republic and the UK concerning sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding waters, which has been recognised by the United Nations.’

20.16 The UK made the following statement:

‘The UK notes the various statements of Argentina in SCIC and the Commission. The UK has no doubts about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas, as is well known to all delegates.

The UK firmly rejects Argentina’s characterisation of the UK’s interpretation of the Convention and the Chairman’s Statement. The text of the 1980 Chairman’s Statement is, in its paragraph 5, unambiguous. It relates to unanimity in relation to the existence of state sovereignty, not unanimity as to which state is sovereign. The UK will continue to implement CCAMLR provisions in a constructive way, in due recognition of that interpretation of the 1980 statement. In particular, and as stated in SCIC, we remain committed to the implementation of the CCAMLR System of Observation and Inspection. The UK has at all times taken seriously its obligations as a Member of the CCAMLR Commission, and continues to do so. This includes taking a strong stance against IUU fishing and using all means legitimately available to do so.

On the issue of nomenclature, the UK need not remind the Commission that the Antarctic Treaty System is independent of the United Nations. That independence also extends to CCAMLR as an Institution. We therefore see no virtue, or relevance, in following the UN Secretariat practice in relation to nomenclature for the Falkland Islands. The development of any new practice involving the use of synonyms in CCAMLR documentation is not warranted. The existing practice of using the accepted English language toponym of the ‘Falkland Islands’ in English language texts of the Commission should be maintained. The UK Delegation recognises however that in other language texts, the toponym in normal usage in that language may be used.’

20.17 Argentina made the following statement:

‘In reply, Argentina rejected the statement by the UK and reaffirmed its position. Argentina does not share the views of the UK on the interpretation of the Chairman’s Statement.

Therefore, Argentina recognises that in conformity with the Chairman’s Statement, France, Australia, Norway and South Africa are entitled to apply their own national legislations in the areas over which they have state sovereignty. Since the alleged British sovereignty over South Georgia and South Sandwich Islands is not recognised by all Contracting Parties, Argentina rejects any claim by the UK to apply unilateral legislation in Subareas 48.2, 48.3 and 48.4.

Argentina rejects the interpretation by the UK that the islands to which the Chairman’s Statement applies also include islands over which sovereignty is disputed, *inter alia*, because such interpretation would lead to the paradox that no island in the Convention Area, north of parallel 60°, would be excluded. Under such interpretation only islands *res nullius* would not be subject to national measures; since in the Convention Area, north of parallel 60° there is actually no *res nullius*, the Chairman’s Statement would have had no object (principle of the *effet utile*).

Argentina regrets the UK's refusal to use the double nomenclature for the Malvinas (Falkland) Islands.

Argentina requested that the statements above be duly reflected in the report.'