

**CCAMLR DECISION TO UNDERTAKE A PERFORMANCE REVIEW
OF THE ORGANISATION**

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The Commission for the Conservation of the Antarctic Living Marine Resources (CCAMLR),

Recalling Article II of the CAMLR Convention which states that the objective of the Convention is the conservation of the Antarctic marine living resources and that, for the purpose of the Convention, the term 'conservation' includes rational use,

Also recalling Article V of the CAMLR Convention, which highlights the special obligations and responsibilities of Antarctic Treaty Consultative Parties for the protection and preservation of the environment of the Antarctic Treaty Area,

Further recalling that any harvesting and associated activities in the CAMLR Convention Area are to be conducted in accordance with the provisions of the Convention and with principles of conservation as set forth in the Convention,

Noting the discussions held at the CCAMLR Symposium in Valdivia, Chile, from 5 to 8 April 2005,

Considering the recent calls of the international community to organisations with management and conservation responsibilities with respect to fisheries and marine living resources to strengthen their efforts to attain their objectives and to implement adequate approaches to fisheries management,

Further considering the 2006 UN General Assembly Resolution 61/105 calling for Regional Fisheries Management Organisations and arrangements with management and conservation responsibilities on fisheries and marine living resources, to undertake urgently a Performance Review,

Deciding that it would be appropriate to undertake for itself such a Performance Review,

decides, in accordance with Article IX, paragraph 1:

1. That a Performance Review of CCAMLR shall be conducted during the 2007/08 intersessional period and a final report shall be submitted to the Contracting Parties at the 2008 annual meeting.
2. The Review shall be carried out on the basis of the attached list of criteria.

The Review Panel may consider adding criteria, if needed. The Panel may take into consideration the discussions held at the Valdivia Symposium referred to above.

3. The Review Panel will be composed of nine persons, as follows:
 - (i) four internationally recognised persons who have experience in the CCAMLR context and a thorough understanding of the CAMLR Convention, and who shall reflect the composition of the Members of CCAMLR;

- (ii) the Chair of the Committee for Environmental Protection (CEP);
- (iii) an expert from a CCAMLR non-governmental organisation (NGO) observer;
- (iv) three external experts, among whom there is experience in relevant areas of science, fisheries management and legal matters (including compliance and enforcement issues).

The Review Panel shall be appointed by the Commission.

The external experts shall be internationally recognised in their field, but shall have no involvement or direct experience with CCAMLR.

The Panel members shall be independent and participate in their personal capacity.

The Review Panel Chair shall be a Panel member selected by the Panel.

4. CCAMLR Members may provide in writing two names, each accompanied by a one-paragraph curriculum vitae (CV), for each category ((i) internal members, (ii) external expert in science, (iii) external expert in fisheries management, (iv) external expert in legal matters related to international law) to the Chair of the Commission, through the Secretariat, by 31 December 2007.

The Chair of the Commission shall provide to Members, by 15 January 2008, four lists, containing the names proposed by the Members for the appointment of:

- (i) the four persons who have experience in the CCAMLR context; and
- (ii) the three external experts to the Review Panel.

The Members shall immediately acknowledge receipt of the communication. Members may respond in writing to the Chair of the Commission within 30 days indicating preferences for two persons from each list.

The Chair of the Commission, at the end of the 30-day period shall, through the Secretariat, inform Members of the names of the persons for whom preference has been expressed through the selection process described above.

Once these persons have been identified, the Secretariat shall write to each person selected by the Members for appointment to the Review Panel, indicating CCAMLR's desire to appoint him or her and seeking their positive response.

5. The NGO expert will be recommended to the Commission by the NGOs accredited as official observers to CCAMLR by 31 December 2007. The name of the NGO expert selected will be communicated to the Chair of the Commission through the Secretariat.

The Chair of the Commission will provide the name of the NGO expert to the Members of the Commission together with the four lists of candidates mentioned above.

6. The Review Panel will meet at the CCAMLR Headquarters during May/June 2008.

7. The CCAMLR Secretariat shall provide logistical support and information to the Review Panel and shall not form part of this Panel.
8. The Review Panel shall decide by consensus. In the event consensus cannot be reached, individual members of the Panel may include their views in the Panel's report.
9. Travel and accommodation costs for the participants in the Review Panel meeting shall be borne by the CCAMLR budget, except for the NGO representative.
10. The report and the conclusions (including recommendations) of the Performance Review shall be communicated by the Panel Chair to CCAMLR Members, the Chair of the Commission and the Executive Secretary 45 days in advance of the 2008 annual meeting at which they will be considered firstly by SCIC, SCAF and the Scientific Committee and then by the Commission for discussion and action, if needed.

SCIC, SCAF and the Scientific Committee shall report to the Commission the results of their discussions on this issue.

The Report and the conclusions shall also be distributed to Contracting Parties and observers at the 2008 annual meeting, and shall be placed on the CCAMLR website.

11. Following the first review, subsequent reviews may be conducted if deemed appropriate by the Commission.

Criteria for Reviewing the Performance of CCAMLR

Area	General criteria	Detailed criteria
1. <i>Role of CCAMLR within the Antarctic Treaty System</i>	Relationship with the Antarctic Treaty System	<ul style="list-style-type: none"> • Extent to which CCAMLR effectively implements its obligations under Articles III and V of the Convention.
	Environmental protection	<ul style="list-style-type: none"> • Extent to which CCAMLR has effectively observed measures, resolutions and decisions of the Antarctic Treaty Consultative meetings related to the protection of Antarctic marine living resources.
	Conservation	<ul style="list-style-type: none"> • Extent to which CCAMLR has taken into account the effects of harvesting, research, conservation and associated activities on the marine ecosystem, the known or potential effects of environmental changes in its management of Antarctic marine living resources, and the risks and effects of the introduction of alien species.
	Protected areas	<ul style="list-style-type: none"> • Effectiveness of CCAMLR's relationship with the ATCM in considering proposals for ASPAs and ASMAs with marine components and providing advice to the ATCM. • What management and administrative tools are available to build up a system of protected areas. • Extent to which CCAMLR has made progress to respond to the WSSD target to establish a representative network of marine protected areas by 2012.
	Marine pollution	<ul style="list-style-type: none"> • Effectiveness of CCAMLR to implement measures to provide for protection of the Southern Ocean and Antarctic environment from the impacts of vessels engaged in harvesting, research, conservation and associated activities, including measures relating to marine pollution and vessel safety.
2. <i>Conservation and management</i>	Status of living marine resources	<ul style="list-style-type: none"> • Status of Antarctic marine living resources under the purview of CCAMLR. • Trends in the status of those resources. • Status of species that belong to the same ecosystems as, or are associated with or dependent upon, targeted Antarctic marine living resources. • Trends in the status of those species.
	Ecosystem approach	<ul style="list-style-type: none"> • Extent to which CCAMLR decisions take account of and incorporate an ecosystem approach to management.
	Data collection and sharing	<ul style="list-style-type: none"> • Extent to which CCAMLR has agreed formats, specifications and timeframes for data submissions. • Extent to which CCAMLR Members and Contracting Parties, individually or through CCAMLR, collect and share complete and accurate data concerning Antarctic marine living resources and other relevant data in a timely manner. • Extent to which fishing and research data and fishing vessel and research vessel data are gathered by CCAMLR and shared among Members. • Extent to which CCAMLR is addressing any gaps in the collection and sharing of data as required.

Area	General criteria	Detailed criteria
2. <i>Conservation and management</i> (continued)	Quality and provision of scientific advice	<ul style="list-style-type: none"> • Extent to which CCAMLR receives and acts on the basis of the best scientific advice relevant to the Antarctic marine living resources under its purview, as well as to the effects of harvesting, research, conservation and associated activities, on the marine ecosystem.
	Adoption of conservation and management measures	<ul style="list-style-type: none"> • Extent to which CCAMLR has adopted conservation and management measures for Antarctic marine living resources that ensure the conservation, including rational use, of those resources and are based on the best scientific evidence available. • Extent to which CCAMLR has applied a precautionary approach as set forth in the Code of Conduct for Responsible Fisheries Article 7.5, including the application of precautionary reference points. • Extent to which CCAMLR is applying uniform principles and procedures to all species in the Antarctic ecosystem. • Extent to which CCAMLR has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries. • Extent to which CCAMLR has taken due account of the need to conserve marine biological diversity and minimise harmful impacts of harvesting, research, conservation and associated activities on marine living resources and marine ecosystems. • Extent to which CCAMLR has adopted measures to minimise pollution, waste, discards, catch by lost or abandoned gear, catch of non-target Antarctic marine living resources, and impacts on associated or dependent species through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.
	Capacity management	<ul style="list-style-type: none"> • Extent to which CCAMLR has identified fishing capacity levels commensurate with the conservation, including rational use, of Antarctic marine living resources. • Extent to which CCAMLR has taken actions to prevent or eliminate excess fishing capacity and effort. • Extent to which CCAMLR monitors the levels of fishing effort, including taking into account annual notifications for participation by Contracting Parties.
3. <i>Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> • Extent to which CCAMLR Members are fulfilling their duties as Flag States under the treaty establishing CCAMLR, pursuant to measures adopted by CCAMLR, and under other international instruments, including, <i>inter alia</i>, the 1982 Law of the Sea Convention and the 1993 FAO Compliance Agreement, as applicable.
	Port State measures	<ul style="list-style-type: none"> • Extent to which CCAMLR has adopted measures relating to the exercise of the rights and duties of its Members and Contracting Parties as Port States, as reflected in the Code of Conduct for Responsible Fisheries Article 8.3. • Extent to which these measures are effectively implemented.
	Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> • Extent to which CCAMLR has adopted integrated MCS measures (e.g. required use of VMS, observers, catch documentation and trade tracking schemes, restrictions on transshipment, boarding and inspection schemes). • Extent to which these measures are effectively implemented.

Area	General criteria	Detailed criteria
3. <i>Compliance and enforcement</i> (continued)	Follow-up on infringements	<ul style="list-style-type: none"> • Extent to which CCAMLR, its Members and Contracting Parties follow up on infringements to management measures.
	Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> • Extent to which CCAMLR has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g. compliance committees, vessel lists, sharing of information about non-compliance). • Extent to which these mechanisms are being effectively utilised.
	Market-related measures	<ul style="list-style-type: none"> • Extent to which CCAMLR has adopted measures relating to the exercise of the rights and duties of its Members and Contracting Parties as Market States for Antarctic marine living resources.
4. <i>Decision-making and dispute settlement</i>	Decision-making	<ul style="list-style-type: none"> • Efficiency of Commission meetings and working groups in addressing critical issues in a timely and effective manner. • Extent to which CCAMLR has transparent and consistent decision-making procedures that facilitate the adoption of conservation measures in a timely and effective manner. • Existence of an informal mechanism of cooperation between Members based on reciprocities.
	Dispute settlement	<ul style="list-style-type: none"> • Extent to which CCAMLR has established adequate mechanisms for resolving disputes.
5. <i>International cooperation</i>	Transparency	<ul style="list-style-type: none"> • Extent to which CCAMLR is operating in a transparent manner, taking into account the Code of Conduct for Responsible Fisheries Article 7.1.9. • Extent to which CCAMLR decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.
	Relationship to non-Contracting Parties cooperating with various CCAMLR measures	<ul style="list-style-type: none"> • Extent to which CCAMLR facilitates cooperation between Members and non-Members, including through encouraging non-Contracting Parties to become Contracting Parties and Members of the Commission or to implement voluntarily CCAMLR conservation measures.
	Relationship to non-cooperating non-Contracting Parties	<ul style="list-style-type: none"> • Extent to which CCAMLR provides for action in accordance with international law against non-Contracting Parties undermining the objective of the Convention, as well as measures to deter such activities, as well as encouraging them to become Contracting Parties and Members of the Commission or to implement voluntarily CCAMLR conservation measures.
	Cooperation with other international organisations	<ul style="list-style-type: none"> • Extent to which CCAMLR cooperates with other international organisations.
	Special requirements of Developing States	<ul style="list-style-type: none"> • Extent to which CCAMLR recognises the special needs of Developing States and pursues forms of cooperation with Developing States, taking into account the Code of Conduct for Responsible Fisheries Article 5. • Extent to which CCAMLR Members, individually or through the Commission, provide relevant assistance to Developing States.
6. <i>Financial and administrative issues</i>	Availability of resources for activities	<ul style="list-style-type: none"> • Extent to which financial and other resources are made available to achieve the aims of CCAMLR and to implement CCAMLR's decisions.

Area	General criteria	Detailed criteria
6. <i>Financial and administrative issue</i> (continued)	Efficiency and cost-effectiveness	<ul style="list-style-type: none"> • Extent to which CCAML R is efficiently and effectively managing its human and financial resources, including those of the Secretariat. • Extent to which the schedule and organisation of the meetings could be improved.