

IMPLEMENTATION OF THE OBJECTIVES OF THE CONVENTION

17.1 The Chair opened this item which was first introduced at the 1996 meeting of the Commission, stating that Chile had continued to lead discussion on the matter each year.

17.2 The European Community introduced a joint proposal with the USA for a Performance Review of CCAMLR. The request for a review is consistent with considerations of COFI-27 and the First Meeting of Regional Fisheries Body Secretariats Network (RSN-1) and UNGA Resolution 61/105.

17.3 Many Members supported the proposal in principle. However, some Members requested revisions to the draft presented. Some Members emphasised that CCAMLR is not just an RFMO and that the proposal needed redrafting to fit the organisation.

17.4 Argentina pointed out that a Review Panel does not have a mandate to propose the text of a new Convention, but to assess the performance of CCAMLR. The assessment should consider if the Convention's conservation objectives have been met.

17.5 Argentina added that further consideration should be given to determining the criteria to be applied for reviewing the performance of CCAMLR, particularly when referred to cooperation with other international organisations with a different membership and different objectives from those of CCAMLR. It also pointed out that caution is required when considering criteria based on market-related measures and when direct and indirect reference is made to international instruments which are non-binding to all Members of CCAMLR, such as UNFSA.

17.6 Argentina also stated that all Review Panel members must be independent of any interest groups. This view was supported by other delegations.

17.7 A number of Members expressed the view that the Review Panel must reach conclusions by consensus, with opportunity given to individual members to provide personal views, and that the Review Report should be considered firstly by SCIC, SCAF and the Scientific Committee and then by the Commission for discussion and action, if needed.

17.8 Members discussed the composition of the Review Panel with a view to ensuring a geographic balance as well as the need for appropriate technical expertise. Some Members supported a suggestion from Brazil that Members could provide up to two nominees to the Review Panel, along with CVs, to the Commission.

17.9 Australia and Chile recalled the 2005 Symposium on CCAMLR held in Valdivia, Chile, and suggested the outcomes of that symposium be taken into account by the Review Panel. Argentina suggested that no formal outcomes arose out of the symposium and that the proposal could refer to discussions.

17.10 South Africa expressed concern that logistical support expected from the Secretariat would place an additional burden on the Secretariat. South Africa also suggested that the Review Panel may consider including additional criteria.

17.11 Norway requested that the proposal contain definite time lines and suggested that any requirement for a subsequent meeting is beyond the competency of the current meeting and that this should not be included in the proposal. A number of Members supported Norway's view.

17.12 The Executive Secretary suggested the Review Report would be required 60 days before CCAMLR-XXVII so that it could be circulated to Members with the Provisional Agenda 45 days before the meeting as required in Commission Rule of Procedure 17.

17.13 A number of Members spoke on the review criteria requesting reference to action in accordance with international law, reference to conservation measures in lieu of management measures and possible non-inclusion of criteria relating to market-related measures.

17.14 The Commission reviewed the final draft of the proposal noting the following amendments:

- paragraph 5: replace '31 December 2008' with '31 December 2007'
- paragraph 5: replace 'NGO observers' with 'NGO experts'.

17.15 Argentina stated that while joining consensus on the Performance Review, it reserved its position in reference to criteria to be used by the Panel regarding trade-related measures which should not be used by the Panel to guide its work. Furthermore, Argentina pointed out that the Review Panel should be aware that none of the provisions of the New York Agreement on Straddling and Highly Migratory Fish Stocks of 1995 may be deemed to be binding on the States that have not expressly manifested their consent to be bound by that Agreement. It recalled once more that Argentina did not ratify that Agreement.

17.16 Brazil supported the draft, but pointed out that the *modus operandi* of both SCIC and the Commission did not favour adequate opportunity for a thorough discussion of the proposal before moving into the drafting exercise.

17.17 The Commission noted that the full report of the Performance Review Panel will be placed on the public-access section of the CCAMLR website.

17.18 ASOC and COLTO indicated they were collaborating in identifying an appropriate NGO expert.

17.19 The Commission supported the inclusion of funding of A\$100 000 for the Performance Review of CCAMLR to be carried out in 2008, in the proposed budget for that year.

17.20 The Commission adopted the proposal to undertake a Performance Review of CCAMLR in 2008. The proposal, as amended, is attached as Annex 7 to this report.