

IMPLEMENTATION OF CONVENTION OBJECTIVES

Performance Review

17.1 In accepting the Performance Review Panel Report (CCAMLR-XXVII/8), the Commission thanked the Panel and the Secretariat for their hard work in providing this comprehensive report to the meeting. Following its agreed approach (CCAMLR-XXVI, Annex 7, paragraph 10) the Commission considered the report, taking into account comments from SCIC, SCAF and the Scientific Committee.

17.2 While also thanking the Panel for its hard work, Argentina noted that the important debate on the criteria which should be taken into account for the Panel's work had an important consequence on the efficiency of its work.

17.3 The Commission noted that it would base its discussion of the Performance Review Panel Report on the full body of the report. In noting that the report summary was useful, the Commission agreed that its contents were confusing in that there appeared to be eight items addressed while the actual report only comprised seven chapters. In that respect, it was agreed that issues relating to the Chairman's Statement, which appeared in Item 8 of the summary, were more appropriately covered in Chapter 3.5.5 of CCAMLR-XXVII/8.

Advice from SCIC

17.4 The Chair of SCIC informed the Commission that the Committee had focused on Chapter 4 of CCAMLR-XXVII/8 (Compliance and Enforcement) and had identified the following priority items (Annex 5, paragraphs 7.1 to 7.5):

- (i) Flag State duties (CCAMLR-XXVII/8, Item 4.1), especially consideration of reciprocal and cooperative arrangements to enhance the effectiveness of Conservation Measure 10-08 (CCAMLR-XXVII/8, paragraph 4.1.1.1b);
- (ii) Port State measures (CCAMLR-XXVII/8, Item 4.2), especially the requirement for minimum standards for the format, content and submission of inspection reports (CCAMLR-XXVII/8, paragraph 4.2.1.1), as well as defining fishing vessels to include reefer and support vessels (CCAMLR-XXVII/8, paragraph 4.2.1.2);
- (iii) Monitoring control and surveillance (CCAMLR-XXVII/8, Item 4.3), especially formally linking the CDS with daily catch reports (CCAMLR-XXVII/8, paragraph 4.3.1.1) and real-time C-VMS reporting (CCAMLR-XXVII/8, paragraph 4.3.1.2).

17.5 The Commission also noted that the following recommendations from other chapters of the report were identified by SCIC Members as priority items (Annex 5, paragraph 7.6):

- (i) trends in the status of marine living resources (CCAMLR-XXVII/8, Criterion 3.1.2) especially in relation to the introduction of mechanisms to ensure that all Contracting Parties comply with the provisions of all measures and the use of all legal avenues to ensure that non-Contracting Parties also

comply with such measures, as well as the development of further mechanisms for enhanced surveillance and enforcement in order to control IUU fishing (CCAMLR-XXVII/8, paragraph 3.1.2.1);

- (ii) addressing any gaps in the collection and sharing of data (CCAMLR-XXVII/8, Criterion 3.3.4);
- (iii) application of uniform principles and practices to all species inside the Convention Area (CCAMLR-XXVII/8, Criterion 3.5.3);
- (iv) market-related measures (CCAMLR-XXVII/8, Item 4.6);
- (v) CCAMLR's relationships with non-cooperating non-Contracting Parties (CCAMLR-XXVII/8, Criterion 6.3.1);
- (vi) cooperation with other international organisations (CCAMLR-XXVII/8, Item 6.4).

Advice from SCAF

17.6 The Vice-Chair of SCAF informed the Commission that SCAF considered the recommendations pertaining to Chapter 7 of the Report 'Financial and Administrative Issues' (Annex 4, paragraphs 33 to 37). She emphasised that:

- (i) SCAF noted the Review Panel's recommendation to expand the Commission's financial base by identifying the full cost of services provided for all commercial fishing operations, particularly for krill fishing. This could require development of a cost-recovery process and charging accordingly for services, as well as setting up a process to develop a cost-recovery strategy for CCAMLR in general (CCAMLR-XXVII/8, paragraphs 7.2.1.1 and 7.2.1.2);
- (ii) SCAF recommended that the Commission continue its current practice of authorising increases in Members' Contributions beyond zero real growth to allocate funds for specific priority tasks (e.g. the 2007 CCAMLR Performance Review and CCAMLR-IWC Workshop) as they arise (CCAMLR-XXVII/8, paragraphs 7.2.1.1 and 7.2.1.2);
- (iii) SCAF had already implicitly supported the Review Panel recommendation that a Secretariat succession plan be developed to address loss of institutional knowledge and provide continuity of function when long-serving staff leave the organisation (Annex 4, paragraph 22). The outcomes of this activity will be reviewed by SCAF in 2009;
- (iv) in relation to a Review Panel recommendation on institutional resources (CCAMLR-XXVII/8, paragraph 7.2.2.1), SCAF discussed the question of inadequate Secretariat capacity to translate working papers in particular, and other papers in general, to guarantee equality, transparency and widest participation in all the Commission's official languages (Annex 4, paragraphs 15 to 19 and 38).

Advice from the Scientific Committee

17.7 The Commission noted that the Scientific Committee had indicated that failure to read the entire Review Panel Report would result in the reader failing to become aware of the report's many positive appraisals of CCAMLR's performance (SC-CAMLR-XXVII, paragraph 10.5).

17.8 The Scientific Committee had noted that almost every aspect of the report had indicated a need for additional work (SC-CAMLR-XXVII, paragraph 10.6).

17.9 The Commission further noted that the Scientific Committee had considered the report's 10 general recommendations made by the Panel. The latter had agreed that recommendations relating to CCAMLR-XXVII/8, Items 2.4 (Protected Areas), 3.1 (Status of Living Resources) and 3.2 (Ecosystem Approach) should be reviewed during the coming intersessional period and that the additional recommendations should be taken up on a longer-term basis (SC-CAMLR-XXVII, paragraph 10.10).

17.10 The Commission appreciated that the Scientific Committee had requested its incoming Chair to form a Steering Committee to develop a 'road map' (plan of action) to tackle the Review Panel's recommendation during the forthcoming intersessional period. This would provide direction to various subsidiary bodies of the Scientific Committee on how the three highest-priority recommendations above can be addressed and how the remaining recommendation might be addressed in the future. The objective of this work is to ensure the Scientific Committee is able to provide advice to the Commission on these topics at its 2009 meeting (SC-CAMLR-XXVII, paragraph 10.11).

Consideration of the Commission

17.11 The Commission welcomed the comments from the SCIC, SCAF and Scientific Committee Chairs. It very much appreciated that the Review Panel and standing committees had met all the deadlines and requirements outlined in paragraph 10 of CCAMLR-XXVI, Annex 7. The fact that the Panel had completed a significant amount of work in the time available was greatly commended.

17.12 The Commission agreed that it was now the responsibility of the Commission to act on the Review Panel's recommendations. It appreciated that addressing some of the Panel's recommendations may be straightforward, whereas others are likely to be more difficult. However, the latter should not be seen to provide a reason for inaction.

17.13 The Commission noted that CCAMLR was the first organisation of its type to undertake and respond to such a Performance Review in the context of the Convention's objectives relating to both the conservation and rational utilisation of marine living resources. As a consequence, it was imperative to address the various priority items raised by SCIC, SCAF and the Scientific Committee during the intersessional period to advance discussion of the Review's outcomes at the next meeting of the Commission.

17.14 The Commission generally endorsed the Performance Review Panel's view (CCAMLR-XXVII/8, Item 2.1) on the relationship between CCAMLR and the Antarctic Treaty. It noted in particular the need to reinforce the obligation set out in Articles III and V

(and IV.1) of the Convention. The Commission also noted that implementing these recommendations into actual Commission decisions would require formal presentation of detailed proposals by Members.

17.15 In the latter regard, Australia as Depository, undertook to develop text to address the Panel recommendation given in CCAMLR-XXVII/8, paragraph 2.1.1.1a, and thereby bring to the attention of an Acceding State, or a State seeking accession, the particular Convention articles linking the Convention with the Antarctic Treaty. The Secretariat was also requested to prepare an information pack on CCAMLR and its links to the Antarctic Treaty to be made available to Acceding States, and other States indicating an interest in CCAMLR.

17.16 Japan noted that the Review had identified effectively combating IUU as a priority cross-cutting issue and this would include the rôle to be played by market-related and Port State measures. Furthermore, it noted that while the CCAMLR Performance Review had been conducted in accordance with the criteria agreed by CCAMLR, when these were compared with those of other RFMOs (i.e. ICCAT, IOTC and CCSBT) several elements were missing. For example, the CCAMLR criteria do not include compatibility of measures as reflected in Article 7 of the Code of Conduct for Responsible Fisheries or in Article 7 of the UN Fish Stocks Agreement. Therefore, CCAMLR should first examine the Performance Review Panel Report to identify missing elements, such as the compatibility of conservation measures, and then it should address these. Regarding the audit of the action taken against each recommendation in the Performance Review Panel Report, Japan drew attention to the suggestion included in the letter from the Panel Chair accompanying CCAMLR-XXVII/8 that the Performance Review should be conducted on a regular basis and that taking this into account, an audit of Commission actions should be conducted two or three years from now so as to fall midway between the current and the next review.

17.17 Some Members noted that unlike the organisations mentioned by Japan, CCAMLR is not an RFMO and recalled that it is a conservation organisation, where conservation includes rational use. It further noted that it is essential for any potential new entrants to CCAMLR to be fully aware of this distinction.

17.18 The Commission recognised that consideration of the Performance Review Panel Report at its meeting this year represented the first stage in a process to address the priority issues that had been identified. It further clarified that all relevant issues remained open for consideration at future meetings.