

OTHER BUSINESS

International Polar Year (IPY) in 2007/08

20.1 The Commission noted the range of IPY activities involving CCAMLR Members identified by the Scientific Committee, as well as under-way analysis of information relevant to CCAMLR's work (SC-CAMLR-XXVII, paragraph 14.6).

20.2 Australia drew the Commission's attention to the noteworthy contribution made by the CAML program (paragraph 15.16; SC-CAMLR-XXVII, paragraph 14.7).

20.3 As the host of ATCM-XXXII in April 2009, the USA informed the Commission that a Ministerial segment of this meeting will celebrate the 50th Anniversary of the Antarctic Treaty and will also highlight the IPY's accomplishments in the context of the direction of polar science. Full participation by all Antarctic Treaty Parties is anticipated.

European Community Regulation on IUU fishing

20.4 The European Community presented Council Regulation (EC) No. 1005/2008 (CCAMLR-XXVII/BG/52) aimed at establishing a system to prevent, deter and eliminate IUU fishing.

20.5 Regarding the European Community fishing regulations to control IUU fishing as contained in CCAMLR-XXVII/BG/52 and the presentation thereof, Argentina expressed its reservation.

20.6 As a very preliminary comment and notwithstanding the possibility of, in the future, taking up the matter in other more appropriate fora, Argentina specifically stated it was unclear as to the reasons for which the referred regulations did not take up the exception contained in FAO-IPAO on IUU fishing which accounts for the fact that certain types of non-regulated fishing may take place without constituting a breach of international law. Furthermore, it pointed out the need for measures such as these to be compatible with international law in general and with WTO rules in particular.

20.7 Argentina also pointed out that the referred legislation assigns a central role to the RFMOs in the combat of IUU fishing, whilst it also pointed out that these types of organisations are only one of several means for conservation of fish resources in the high seas and are not an end in themselves. It further added that such organisations should duly bear in mind the limitations derived from its material scope of application, which limits them exclusively to fishing matters, and of its personal scope which prevents them from adopting measures and decisions which involve States that are not Parties in these types of entities.

20.8 Argentina made the following statement:

'The Argentine Republic once more recalls that it is not a Party to the 1995 New York Agreement on Straddling and Highly Migratory Fish stocks. None of its provisions nor any of the decisions, resolutions and recommendations adopted in the framework of that agreement has either a binding or an exhortatory effect regarding the Argentine Republic or upon any other State which is not a Party to that Agreement.'

20.9 The European Community indicated that its presentation was related to a European Community internal regulation which aims at ensuring compliance with internationally recognised and adopted conservation measures. It also noted that the European Community was in the process of notifying the WTO of the above Regulation, under a general notification procedure.

20.10 In reply to a query from Chile, the European Community confirmed that the CCAMLR IUU-Vessel Lists adopted under Conservation Measures 10-06 and 10-07 would be taken into account under the new European Community Regulation, as CCAMLR is recognised under international law as an organisation with competence to adopt conservation measures for living marine resources.

CCAMLR website

20.11 The USA noted that the Secretariat had indicated that it would be upgrading the CCAMLR website in the forthcoming intersessional period (paragraph 3.21). It indicated that it would be useful if a number of 'hot' links to key areas of the website could be placed on its opening page. Such links would provide priority access to information on the Commission's membership, conservation measures in force, IUU vessel lists, fishing area maps, the System of Inspection, the Scheme of International Scientific Observation, annual reports of meetings, a meetings calendar and the *Basic Documents*.

20.12 The Secretariat indicated that following some informal discussions with the US Delegation, it would provide links of this kind in the upgraded version of the website.

Other matters

20.13 The US Delegation noted that it was necessary to resolve the issue of how to refer to 'Taiwan' in Secretariat papers and Commission reports (see also CCAMLR-XXVI, paragraphs 10.71 to 10.74). In its view, it was not appropriate to use the term 'Taiwan (Province of China)' at any time. Also, in its view, now that the matter had been raised, the Secretariat cannot use the terminology 'Taiwan (Province of China)' in any Secretariat document or meeting report. Some other terminology, such as Chinese Taipei, would be more appropriate.

20.14 In response, the People's Republic of China stated that as Taiwan Province was an integral part of China, China requested continued reference to 'Taiwan, Province of China' as has been employed many times by the Secretariat in the past. China held that as CCAMLR is an independent organisation, it is not necessary to follow the practice of other fora, and there is no need to change current/existing practice.

20.15 The US position was supported by the European Community which noted that 'Chinese Taipei' is used in some RFMOs. Australia, France, Germany and the UK also supported the US position. Argentina recalled Taiwan as an integral part of China and that this should be consistently reflected. Namibia and South Africa were of the view that China's request should be respected.

20.16 Argentina made the following statement:

‘With regard to specific interventions made during the present meeting, as well as incorrect references to the territorial status of the Malvinas Islands (Falkland), South Georgias and South Sandwich Islands made in documents such as CCAMLR-XXVII/BG/27, Argentina rejects any reference to those islands as a separate entity of its national territory, thus giving them an international status that they do not have. In addition, Argentina recalls that actions carried out in the CCAMLR area by vessels based in or operating out of the Malvinas Islands (Falkland), South Georgias and the South Sandwich Islands, or flagged to the alleged authorities thereof which Argentina does not recognise, as well as port inspections, the issuance of documents, the imposition of fishing licences and scientific observer requirements imposed on other Member vessels operating in the CCAMLR area, as well as other unilateral actions taken by the alleged authorities of those territories which Argentina does not recognise, are all illegal and thus invalid.

The Malvinas Islands (Falkland), South Georgias and South Sandwich Islands and the surrounding maritime areas which are an integral part of the Argentine national territory, are subject to the illegal occupation of the UK.

Argentina recalls once again that only the multilateral scheme of the Convention is legally applicable in Statistical Subareas 48.2, 48.3 and 48.4.’

20.17 The UK made the following statement:

‘In response to Argentina’s statement and to various statements made during the meeting, the UK reiterates that it 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.

In that regard, the UK has no doubt about the right of the Government of the Falkland Islands to operate a shipping register for UK-flagged vessels. As we have stated on previous occasions, the port inspections undertaken by the Port authorities of the respective governments of the UK’s Overseas Territories of South Georgia and the South Sandwich Islands and the Falkland Islands were conducted pursuant to the UK’s obligations under CCAMLR Conservation Measure 10-03 and were reported to the Commission as such.

Furthermore the UK has the right to undertake inspections within those of its jurisdictional waters that lie within Subareas 48.2, 48.3 and 48.4 in the way that it sees fit. In addition, the UK remains committed to the implementation of the System of Observation and Inspection of CCAMLR and our record of doing so is clearly apparent in this Commission.

The UK firmly rejects Argentina’s characterisation of 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, the UK remains committed to the implementation of

the CCAMLR Scheme of International Scientific Observation and the System of 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.

The UK would reiterate its views expressed previously that we remain wholly committed to the principles and objectives of CCAMLR. We intend to ensure that the highest standards of fisheries management will be implemented in our jurisdictional waters – through licensing and inspections, and also through the imposition of tough measures that are in line with, and back up, the provisions of CCAMLR.’

20.18 Argentina rejected the UK’s intervention and reiterated its legal position which is well known to all Members.