

## IMPLEMENTATION OF THE OBJECTIVES OF THE CONVENTION

16.1 It was noted that implementation of the Convention's objectives has been an important item on the Commission's agenda since 1996.

### Performance Review

16.2 The Chair noted that the Commission had agreed to continue considering advice from the Scientific Committee, SCIC and SCAF on matters arising from the 2008 CCAMLR Performance Review Panel Report<sup>6</sup> (CCAMLR-XXVII, paragraphs 17.9, 17.10, 17.14 and 17.18). He invited the Chairs of these committees to report on their respective discussions of such matters.

16.3 The Chair of the Scientific Committee provided a summary of the Committee's discussion on how to address the highest-priority recommendations of the Performance Review Panel Report (SC-CAMLR-XXVIII, paragraphs 10.1 to 10.25). This included establishment of a Science Capacity Fund and an 'Ad hoc Correspondence Group to Develop Options to Build SC-CAMLR Capacity in Science to Support CCAMLR' (SC-CAMLR-XXVIII, paragraphs 10.22 and 10.23) (see also paragraphs 16.7 to 16.11 below).

16.4 The Chair of SCIC reported the Committee's deliberations on implementing various Performance Review Report recommendations (Annex 5, paragraphs 7.1 to 7.6). Issues discussed included monitoring, control and surveillance (Annex 5, paragraph 7.2(i)) and market-related measures (Annex 5, paragraph 7.2(ii)). SCIC will continue consideration of such matters, along with any other relevant recommendations arising from the above report that affect the Committee's work. Regular updates will be provided to the Commission.

16.5 The Acting Chair of SCAF advised the Commission that there were no issues relevant to the Performance Review arising from that Committee's deliberations.

16.6 The Commission thanked the Scientific Committee for identifying specific issues and deficiencies especially with respect to the constraints on resources available to provide the Commission with high-quality scientific advice on the conduct of CCAMLR fisheries consistent with Article II of the Convention. The Commission endorsed the need to develop the capacity to address the priority issues identified by the Scientific Committee as outlined in SC-CAMLR-XXVIII, paragraph 10.1.

16.7 Norway noted that there was a need for the Commission to make specific suggestions on, and commitments to, addressing the issue of scientific capacity. It welcomed the Scientific Committee proposal to establish a fund to address this issue and to develop the procedures to identify how such a fund should be used. Norway informed the Commission that it would seek to take a lead and that it wished to contribute A\$100 000 to the above fund. It encouraged other Members and the fishing industry to also make contributions.

16.8 Noting with appreciation, the generous offer by Norway to provide A\$100 000, the Commission established a 'General Science Capacity Special Fund' under Financial Regulation 6.2.

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<sup>6</sup> Available on the CCAMLR website – [www.ccamlr.org/pu/E/revpanrep.htm](http://www.ccamlr.org/pu/E/revpanrep.htm).

16.9 The Fund's primary purpose is to secure wider participation, not least from young scientists, in the work of the Scientific Committee, to promote burden sharing and build capacity within the Scientific Committee, assisting with the collection, study and exchange of information relating to the marine living resources to which the Convention applies. It will also serve to encourage and promote the conduct of cooperative and collaborative research in order to extend knowledge of the marine living resources of the Antarctic marine ecosystem and in the provision of the best scientific information available to the Commission.

16.10 Recalling the Scientific Committee's deliberation on the above, the Commission noted that the 'Ad Hoc Correspondence Group to Develop Options to Build SC-CAMLR Capacity in Science Support to CCAMLR' would address the objective, rules of operation and administrative mechanisms of the fund, and the criteria whereby funds should be allocated to tasks and projects (SC-CAMLR-XXVIII, paragraph 10.23). The outcomes from this work will be considered by the Scientific Committee and Commission at their 2010 meetings.

16.11 The Commission agreed that there is some urgency in providing for wider scientific capacity development during the 2009/10 intersessional period. Therefore, and as an interim arrangement, applications for financial support from the above Fund should be communicated to the Secretariat. Any requested monies will only be released after consultation with all Commission Members, including consideration of the deliberations of the Scientific Committee's Ad Hoc Correspondence Group. This interim procedure will be reconsidered at CCAMLR-XXIX along with the outcomes of the Scientific Committee's work on this subject.

16.12 COLTO commended Norway for its generous contribution to increasing CCAMLR's science capacity, stating that its membership is committed to collecting and providing CCAMLR with high-quality fisheries data, to ensure the sustainable management of Antarctic fisheries. COLTO further stated that as legal commercial fishers, it has a vested interest to ensure CCAMLR has the capacity to analyse those data and report results back to the Commission. COLTO members pledged to contribute A\$10 000 towards the General Science Capacity Special Fund.

16.13 The Commission thanked COLTO for its support of the fund.

16.14 New Zealand proposed that funds forfeited from the withdrawal of two New Zealand notifications from new and exploratory fisheries in Divisions 58.4.1 and 58.4.2 in 2009 be paid into the General Science Capacity Special Fund to give it further momentum. Several Members supported this approach.

16.15 The Commission noted that such forfeited funds create an annual surplus that forms part of the income in next year's CCAMLR budget and agreed that the financial implications of the diversion of any such funds would need to be considered. Some Members expressed concern and noted that any diversion of such funds from the CCAMLR budget income would need to be balanced by increases in Members' annual contributions. The Commission referred the matter to SCAF for discussion at its 2010 meeting. It requested the Secretariat to prepare a background paper on the matter.

16.16 The Commission noted that many organisations look to CCAMLR for a lead, not only in having undertaken a Performance Review but how to actively implement its recommendations. It recognised that this is an ongoing and evolving process.

16.17 The UK recalled that there was a minority of Members providing the majority of scientific advice (paragraphs 4.49 to 4.51). It noted the potential approaches to addressing this issue, outlined in CCAMLR-XXVIII/31 and that these should be considered by the Scientific Committee's Ad Hoc Correspondence Group (paragraph 16.3).

16.18 France noted its concern about the Performance Review Panel's discussion of the implementation of CCAMLR conservation measures in EEZs within the Convention Area. France recalled that the existence of an EEZ places numerous responsibilities on a coastal State and that there was no inconsistency in the measures implemented by France and CCAMLR conservation measures (CCAMLR-XXVIII/34). France further stated that the notion of an EEZ enables standards to be set more rigorously than in international waters, as exemplified by France's actions in respect of IUU fishing.

16.19 The European Community stated that it always looked to CCAMLR as an example of how to best address the challenges posed by marine living resources management and conservation, including rational use. It expressed concern at a lack of progress on certain key issues (CCAMLR-XXVIII/28). Therefore, the Community hoped that the response(s) stimulated by the Performance Review Report would engender action on priority issues. Such issues included adoption of a market-related measure in order to improve compliance with CCAMLR conservation measures, development of CEMP, capacity building and the orderly development of the krill fishery. The European Community noted that as part of the orderly development of the krill fishery, it was essential that the data reporting requirements and other measures related to the management of this fishery should be consistent with those of other CCAMLR fisheries.

16.20 Australia thanked Norway for its contribution and made the following statement:

'This agenda item is an important one for us to reflect on the objectives that bring us together. Like all Members, Australia has a great appreciation of the strength of the bonds in the Antarctic Treaty System, in science, operations and in the common objective of achieving the conservation, including rational utilisation, of the region. These bonds are a strength of our system.

Ten years ago, CCAMLR was set to embark on the greatest collaborative research effort in its history, the CCAMLR-2000 Survey of krill biomass in the southwest Atlantic, the  $B_0$  survey that was used to set catch limits in the area. This was a great initiative to further enhance its precautionary approach.

But, at the same time, CCAMLR was being brought to its knees by IUU fishing. CCAMLR and the Antarctic Treaty System more broadly, forged a path, together, to ensure that IUU fishing was not a destructive force in the region. CCAMLR is a barometer of the strength of the Treaty System. It has long been regarded that if CCAMLR fails to meet its objectives, then the Antarctic Treaty System as whole would be failing.

IUU fishing is changing its face, using gillnets and other strategies to avoid detection. We need to be vigilant to ensure that activities in the CCAMLR area do not erode the capacity of CCAMLR to achieve its objectives. We need to increasingly take steps to

remove IUU vessels and activities from the global seas and to penalise those activities. We need to control their activities at sea, in port and in the markets. CCAMLR has led the way in doing this. But the fight is not over.

Australia is committed to CCAMLR and to implementing the key recommendations of the Performance Review. We have invested millions of dollars in providing on-the-water patrols in CCAMLR waters beyond national jurisdiction. We have undertaken surveys and research efforts to support CCAMLR on BANZARE Bank and in eastern Antarctica. We are about to undertake two weeks of research in Subarea 58.4 using our research and resupply vessel, *Aurora Australis*, to provide data to underpin discussions on the management of bottom fisheries in CCAMLR.

Australia reminds all Members of CCAMLR's roots in the Antarctic Treaty System and that our primary objective is conservation including rationale use. It is in the best interest of all Members around the table to work productively together to achieve this.'

16.21 China recalled paragraph 16.1 of the report of the Scientific Committee (SC-CAMLR-XXVIII) noting that the mutual understanding and cooperation were of primary importance to the Commission. It was therefore essential to provide for equality of involvement and influence in all parts of the Commission, particularly from Members for which English was not their first language.

16.22 The Commission agreed that, given the importance of the issues being addressed by CCAMLR debates, these might at times be complex and difficult. However, the Convention's objectives should not be neglected and the equality of expression and involvement by all Members should be promoted and preserved.

16.23 The Commission noted the Secretariat-prepared information pack (CCAMLR-XXVIII/BG/16), and the covering note prepared by Australia (as Depositary) (CCAMLR-XXVIII/BG/38) in response to the Commission's request last year (CCAMLR-XXVII, paragraphs 17.14 and 17.15). These highlighted connections between the CAMLR Convention and the Antarctic Treaty. They also outlined obligations arising from such connections, along with other information, to be provided to States wishing to accede to the Convention, as well as to Acceding States wishing to become Members of the Commission. The Commission agreed that the Secretariat should liaise with Australia to ensure consistency and remove duplication in these documents.

16.24 The Commission requested the Secretariat to provide a progress report on the Performance Review Report. This should list papers and activities, as well as actions taken by the Commission, to address issues arising from the report and should be delivered sufficiently ahead of CCAMLR-XXIX to provide guidance to Members in developing future meeting documents.

16.25 ASOC presented CCAMLR-XXVIII/BG/29 urging the Commission to create an effective mechanism to ensure that the actions arising from the Performance Review Panel are maintained, noting the challenge of turning the Panel's recommendations into policy and monitoring their progress to determine whether actual changes are being achieved.