

REVIEW OF CURRENT ARRANGEMENTS FOR
INVITING OBSERVERS TO CCAMLR MEETINGS

13.1 Norway, supported by Japan, requested that attendance at discussions of this item be restricted to Members only. This request was made in accordance with Rule 32 of the Commission's Rules of Procedure.

13.2 The observer from Ukraine explained Ukraine's current position in relation to CCAMLR. On 23 February 1994 Ukraine had sent a note to Australia, as Depositary, advising that the Ukraine parliament had passed legislation confirming the participation of Ukraine in international agreements directly related to Antarctica, including the Convention on the Conservation of Antarctic Marine Living Resources. Krill is an important food source for Ukrainians and Ukraine has carried out, and intends to continue to carry out, scientific research and rational use of Antarctic marine living resources.

13.3 Ukraine hoped for a favourable decision in relation to its formal application for full membership of the Commission.

13.4 All observers left the meeting room during discussion of this item of the agenda.

13.5 Australia presented a paper on the subject of inviting observers to CCAMLR meetings (CCAMLR-XIII/15) and explained its reasons for requesting this item to be placed on the agenda. Under the present Rules of Procedure, the Commission may invite specific observers to attend its meetings. This can be done either at the preceding meeting of the Commission or, if necessary, intersessionally. Australia suggested that the subject of inviting specific observers to the succeeding meeting should be a standing item on the Commission's agenda; this would provide advance notice to Members and observers of observers' participation and would be administratively easier than the use of an intersessional procedure. No changes to the Rules of Procedure are necessary to implement this proposal.

13.6 The proposal was generally welcomed though several Members expressed concern that taking decisions at formal plenary meetings could force some Members to take a rigid position and inhibit the taking of acceptable decisions on the attendance of observers. To mitigate this possibility, it was suggested that in future the subject could be discussed at the Heads of Delegation meeting before the start of the Commission meeting. However, the Chairman noted that the Heads of Delegation meeting is an informal meeting only, and any decisions could only be taken at the full plenary session of the Commission.

13.7 In the light of these discussions the Commission considered that it would be appropriate for the invitation of observers to attend meetings of the Commission to be discussed during the meetings of the Commission, rather than intersessionally, and decided that the invitation of observers to the following meeting of the Commission would become a permanent agenda item. It was noted that prior to formal consideration by the Commission, this matter should, if necessary, be the subject of preliminary discussion at Heads of Delegation meetings. Henceforth, consideration of the invitation of observers will normally occur at the preceding annual meeting of the Commission.

13.8 Members noted that the range of organisations that might be appropriately invited is small and, thus, use of the intersessional mechanism for additional invitations would only rarely occur. In the unlikely event that it is necessary to raise the invitation of a particular observer intersessionally, Members should seek as far as possible to reach consensus on the question of the invitation pursuant to Rules 7 and 31 of the Rules of Procedure. If consensus did not emerge intersessionally, the matter would be considered further at the following meeting of the Commission. Accordingly, in such cases it would not be possible to issue an invitation to a particular observer until the matter is addressed at the next meeting of the Commission.

13.9 Norway advised the meeting of a deficiency in Rule 32(b) of the Commission's Rules of Procedure: that there is no distinction between States party to the Convention and other observers in this rule relating to attendance of observers at discussions of particular agenda items. Norway suggested that Rule 32(b) should be amended to permit observers from Acceding States to attend discussion on items where other observers are excluded.

13.10 It was agreed that part (b) of Rule 32 should be amended to read as follows:

- '(b) If a Member of the Commission so requests, sessions of the Commission at which a particular agenda item is under consideration shall be restricted to its Members and observers referred to in Rule 30(a) and in Rule 30(b).'

13.11 Concern was expressed that under this amendment Acceding States which are eligible for membership of the Commission would still be excluded from discussions if Rule 32(b) was invoked. It was decided that part (b) of Rule 30 should be revised to include all States party to the Convention which are not Members of the Commission. The Commission adopted the amended part of Rule 30 which reads:

‘(b) extend an invitation to any State party to the Convention which is not a Member of the Commission to attend, in accordance with Rules 32, 33 and 34 below, as observers in meetings of the Commission.’

13.12 Australia advised the meeting of the current status of Ukraine. Ukraine submitted an instrument of succession for the Convention to Australia, as Depositary, and Australia had circulated copies of that instrument to other Parties to the Convention. As at the beginning of this meeting, Ukraine had not sought membership of the Commission. Australia expressed its strong desire to see Ukraine become a full Member at the earliest possible opportunity.

13.13 The Commission decided that the following states: Canada, Finland, Greece, the Netherlands, Peru and Uruguay; and the following intergovernmental and non-governmental organisations: FAO, SCAR, SCOR, IWC, IOC, Forum Fisheries Agency, International Commission for the Conservation of Atlantic Tunas, Indian Ocean Fisheries Commission, the South Pacific Commission, Commission for the Conservation of the Southern Bluefin Tuna, Inter-American Tropical Tuna Commission, ASOC and IUCN, would be invited to attend CCAMLR-XIV as observers. It is expected that Ukraine and hopefully Bulgaria will attend CCAMLR-XIV as Members of the Commission.

13.14 The Commission also considered the question of participation of observers at plenary sessions of the Commission and at standing committees and working groups as well as other related issues. It was agreed, in accordance with existing practice, that observers can attend plenary sessions of the Commission. The question of extending this practice to allow observers other than States to attend subsidiary bodies, which has not been agreed so far, as well as other related issues concerning participation of such observers, should if necessary, and prior to formal consideration by the Commission, be considered in a preliminary way at the Heads of Delegation meeting for CCAMLR-XIV. In this connection, the Commission understands that any further decisions would be taken by consensus.