

## CONSIDERATION OF THE IMPLEMENTATION OF THE OBJECTIVE OF THE CONVENTION

12.1 The Delegation of Chile presented its paper ‘Consideration of the Implementation of the Objective of the Convention: Problems and Alternative Solutions. Brief Report’ (CCAMLR-XV/27). Chile’s purpose in having this item put on the agenda was to invite Members to reflect on the true aims of CCAMLR, to consolidate the collective mechanism created for the conservation of marine living resources in the Convention Area, and to highlight the common interests underlying these aims.

12.2 Chile believed the objectives of CCAMLR did not in any way undermine or diminish the capacity of States with islands in the Convention Area to exercise their sovereign rights. Chile is mindful of its own sovereignty and emphasised that it respects other Members’ concerns for their sovereignty. The intention of its initiative was not to undermine or reduce in any way the exercise of sovereignty.

12.3 Chile was not making any specific proposals but, rather, raising a number of issues for consideration by Members in the intersessional period and at future meetings of the Commission.

12.4 Chile emphasised that CCAMLR, as a relevant component of the Antarctic Treaty System, was created to jointly carry out the conservation of Antarctic marine living resources. As in the Antarctic Treaty, the essential element of the Convention is its multilateral approach to the achievement of the aims of the Convention. Nonetheless this spirit of cooperation is no longer evident, as the national interest appears to dominate, thus obstructing the work of the Commission. Chile is concerned that in the future this could be exacerbated and the competitive element take precedence over cooperation among CCAMLR Members.

12.5 Chile highlighted the need to reconcile, as far as possible, national legislation with CCAMLR regulations. It noted that a large part of the Convention Area was subject to the legislation of individual States, which may not necessarily be compatible with each other or with CCAMLR regulations.

12.6 Circumstances have changed since the Convention was signed and it is appropriate to review certain issues to ensure the success of the Commission in achieving its aims with respect to the entire ecological chain in the Convention Area. This is a common interest of all Members and needs to be addressed jointly.

12.7 Some of the issues to be considered include: the avoidance of inspections covering both CCAMLR and national regulations at the same time; the need to coordinate national VMS operating in the Convention Area; the costs to coastal States for preventing illegal fishing; and the requirement for uniformity in sanctions relating to infringements by fishing vessels. These were examples which indicated the need to establish a harmonious situation, taking into account the importance of the multilateral aspect of the CCAMLR system.

12.8 Chile believed that it was not alone in its concerns and hoped that its introduction of these matters might lead to intersessional discussions between Members, resulting in concrete proposals being brought forward to the next meeting of the Commission. It encouraged all other Members to actively participate in a joint approach to these issues through the CCAMLR system.

12.9 Many Members expressed appreciation and support for Chile's initiative in raising this matter, which was both pertinent and timely, with the Commission.

12.10 The European Community, in welcoming the initiative, stressed that the international legal order in fisheries had evolved considerably over recent years. This new situation required CCAMLR to address urgently complex issues, *inter alia*, the possible harmonisation of approach on straddling stocks, be they within or overlapping the Convention Area.

12.11 The Delegation of New Zealand pointed out that the success of CCAMLR to date has been due mainly to the innovation and far-sightedness of its founders. Forward planning and preparedness is vital for its continued success in the forthcoming decades. At the same time, the collective principle has been, and will be, a major factor in the work of the Convention.

12.12 The Delegation of South Africa suggested that in accepting this agenda item for further discussion at next year's meeting, it would be useful for the Commission to have the various proposals routed through its appropriate Standing Committees in order to also benefit from their comments.

12.13 The Delegation of Norway believes that illegal and unreported fishing is currently the greatest threat to CCAMLR. Norway therefore agreed with the Chilean paper on the need for improving the existing inspection mechanisms, *inter alia*, through VMS. Norway also agreed on the need to harmonise CCAMLR's conservation measures with regulations of sovereign States. Norway has so far declared neither an EEZ nor a fishery zone around Bouvet Island. National regulations apply to the whole CCAMLR area and ensure compliance with CCAMLR's conservation measures by fishing vessels under the Norwegian flag.

12.14 The Delegation of the USA reminded Members that CCAMLR was, and still is, one of the more innovative and effective international organisations in dealing with marine living resources using an ecosystem approach. It is a model for other organisations in their efforts to reduce depletion of fishing resources in other areas of the world. CCAMLR is currently dealing with issues not anticipated when the Convention was negotiated. At that time, the main concern was in respect of the role of krill. Of more importance now are the fish populations, particularly the commercial interest in new fisheries around sub-Antarctic islands. Harmonisation between CCAMLR measures and measures applicable in areas of national jurisdiction around such islands will be essential to the successful application of the objectives of CCAMLR to these new fisheries.

12.15 The Delegation of Japan also welcomed the initiative of Chile to address challenging issues which had not been envisaged when CCAMLR was established. It supported the strengthening of the function and operation of CCAMLR and the need for compatibility between conservation measures within the EEZ and CCAMLR conservation measures. While making some reservations about certain points in Chile's paper, Japan noted that some of the individual issues mentioned by Chile raise further questions which will need to be addressed in the course of the proposed discussions.

12.16 The Delegation of Australia considered Australia's exercise of national measures to be complementary to and fully consistent with CCAMLR and recalled the statement it had made at the Fourteenth Meeting in this regard. Australia fully supported efforts to strengthen multilateral measures, such as the use of a VMS, and to achieve harmonisation, although recognising that the latter might not always be possible.

12.17 The Delegation of France reminded Members that, in respect of the islands in the Convention Area over which France has jurisdiction, relevant legislation has been based on the need to make this complementary to and consistent with CCAMLR regulations and there is, in principle, no contradiction between the two systems of regulations.

12.18 The Delegation of Russia drew Members' attention to the fact that CCAMLR is an important component of the Antarctic Treaty System and the world ocean fisheries. Recent developments in the Convention Area have underlined the need for harmonisation of regulatory measures in EEZs and the Convention Area, and Russia urged Members not to take steps which might undermine the effectiveness of the Antarctic Treaty and the 1980 CCAMLR Convention.

12.19 The Delegation of the UK supported the concept presented by Chile but believed that the effective enforcement of conservation measures to prevent illegal fishing is particularly vital, and felt that this can best be achieved through national and multilateral measures.

12.20 The Delegations of Argentina, Brazil, the Republic of Korea, Poland and Uruguay also expressed support for Chile's initiative in bringing this matter before the Commission and for its constructive approach to the issues involved.

12.21 Members agreed that the broad range of issues raised by Chile in its presentation warranted considered discussion to an extent that was not possible within the constraints of an annual meeting. The need for intersessional dialogue on this matter was recognised, partly through the use of correspondence via the Secretariat. An opportunity for some Members to meet informally would occur at the next ATCM in Christchurch in May. It was hoped that, as a result of the intersessional discussions, specific proposals could be brought to the next Commission meeting.