

ORGANISATION OF THE MEETING

Adoption of the Agenda

2.1 The Provisional Agenda (CCAMLR-XVII/1) had been distributed prior to the meeting and was adopted without amendment (Annex 3).

Changes to the Rules of Procedure

2.2 Last year, the Commission agreed to invite Namibia and Mauritius as observers to the Seventeenth Meeting of CCAMLR (CCAMLR-XVI, paragraph 5.36). Both accepted the invitation to attend.

2.3 The Commission discussed the necessary changes to its Rules of Procedure so as to allow invited observers from States of non-Parties to CCAMLR, such as Mauritius and Namibia, to participate in the work of the Commission's subsidiary bodies.

2.4 In accordance with the procedure described in Rules 6 and 22, it was proposed that Rule 32(b) be amended as follows (see further amendments in paragraph 16.2):

Rule 32(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), Rule 30(b) and in **Rule 30(c)**.

2.5 Members discussed the procedure for inviting observers, and the amendments to Rule 32(b) in particular, in the context of the invitation to Mauritius and Namibia, and more broadly in relation to the participation of observers from States, intergovernmental and non-governmental organisations at Standing Committees of the Commission.

2.6 The European Community noted that the invitations to Mauritius and Namibia to participate at the meeting of the Standing Committee on Observation and Inspection (SCOI) was a logical development of last year's political decision of the Commission to invite Mauritius and Namibia to participate as observers at the 1998 meeting of the Commission.

2.7 There was general agreement that invited observers had made a significant contribution to the meetings of CCAMLR, and that their participation enhanced the transparency of CCAMLR's decision-making process.

2.8 Several Members outlined their position regarding the proposed changes to Rule 32(b), and the status of observers at the meetings.

2.9 Australia stated that it was mindful of the Commission's decision at CCAMLR-XVI to invite a wide range of observers to CCAMLR-XVII. Those observers included intergovernmental organisations, other regional fisheries management organisations, and non-governmental organisations, as well as States not party to the Convention, who have special expertise and interests in the management of Antarctic marine living resources.

2.10 This decision was built on the approach of previous meetings and sought to strengthen the links between the Commission, non-Party States and organisations relevant to the Commission's business.

2.11 Australia considered that any erosion of the openness and transparency of the Commission would diminish the strength of the Commission and its close relations with a wide

range of observers.

2.12 Australia was deeply concerned by the proposal that the Commission rescind from the invitations issued at CCAMLR-XVI. While Australia would not block the consensus of other Members, it wished the report to clearly reflect these concerns.

2.13 New Zealand stated that it would not accept any discrimination between observers with respect to participation at meetings, and wished to defer this matter for further consideration.

2.14 The USA proposed that further informal discussions should take place at this meeting within the bounds of the Rules of the Commission.

2.15 The Commission endorsed the amendment to Rule 32(b) with respect to participation by observers at the public sessions of CCAMLR. However, some Members wished to consider this amendment further with respect to participation by observers at the closed sessions of subsidiary bodies of CCAMLR.

2.16 Some Members felt that observers invited to the meetings of the Commission and the Scientific Committee should be invited to the meetings of SCAF and SCOI. Japan explained its understanding that the proposed amendment is aimed at allowing observers from non-Contracting Parties, such as Mauritius and Namibia, to participate at meetings of subsidiary bodies of the Commission, especially SCOI. Therefore if this modification should lead to invitations to other observers, Japan would have to make some reservations to the proposal.

2.17 Other Members supported a broader participation of observers at meetings of the Commission's subsidiary bodies, including observers from international organisations. With regard to the participation of intergovernmental and non-governmental international organisations in the meeting of SCOI, the European Community pointed out the need for CCAMLR to develop means for ensuring a continued dialogue with these organisations.

2.18 Members decided to discuss further amendments to Rule 32(b), as proposed by Japan, under Agenda Item 16, 'Other Business'.

2.19 All Members welcomed the observers from Mauritius and Namibia to the meeting.

2.20 The observer from Namibia conveyed to the Commission personal regards from the Minister of Fisheries and Marine Resources. In his statement he also drew to the Commission's attention that at the time of gaining Independence in 1990, Namibia had experienced massive problems with illegal fishing by foreign fleets in its EEZ. Namibia is aware that unregulated and unreported fishing for toothfish (*Dissostichus* spp.) in Antarctic waters seriously undermines the effectiveness of CCAMLR management measures. The Government of Namibia strongly opposes such actions. When it became obvious that Namibia's ports were being used to land *Dissostichus* spp. caught in the CCAMLR Convention Area, the Government realised that the existing legal system does not provide adequate mechanisms to deal with the problem. At present the Government is working on amendments to its Sea Fisheries Act. These amendments, when adopted, will ensure that the Act conforms with the principles of the UN Straddling and Highly Migratory Stocks Agreement and the FAO Compliance Agreement. Namibia further voiced its serious concerns about some companies and nationals from CCAMLR Member States which controlled and directed illegal and unregulated catches of *Dissostichus* spp. using Namibian vessels and nationals. The Government of Namibia is at an advanced stage in preparation for joining CCAMLR and any progress in this regard will be advised to CCAMLR in due course.

2.21 The Commission thanked Namibia for its statement and for the encouraging steps taken to assist in combating illegal and unregulated fishing in the Convention Area. The hope was expressed that Mauritius, too, would be able to announce similar action in the near future.

Report of the Chairman

2.22 The Chairman reported on intersessional activities. He informed the meeting that there have been no changes to the CCAMLR membership during the past year. Thirteen reports had been received from Members detailing their activities in the Convention Area in 1997/98. Further reports are expected to be presented during the meeting.

2.23 The Commission recalled the tragic sinking of the South African-registered vessel *Sudur Havid* which sank on 6 June while fishing in Subarea 48.3. Of the 38 crew on board there were only 21 survivors, including a scientific observer from the UK. The Commission paid tribute to the 17 people who lost their lives in the accident with one minute of silence.

2.24 There had been a number of CCAMLR intersessional meetings. The Scientific Committee's Working Group on Ecosystem Monitoring and Management (WG-EMM) met in Kochi, India, and the Working Group on Fish Stock Assessment (WG-FSA) met in Hobart, Australia. A Workshop on Area 48, associated with WG-EMM, met in La Jolla, USA prior to the WG-EMM meeting.

2.25 Members continued to participate actively in the System of Inspection and in the International Scheme of Scientific Observation. A number of fisheries had been open in 1997/98 and most of the reported catches were from fisheries for krill (*Euphausiasuperba*) in Area 48, mackerel icefish (*Champscephalusgunnari*) and *D. eleginoides* in Subarea 48.3 and Division 58.5.2 and *D. eleginoides* and Antarctic toothfish (*Dissostichus mawsoni*) in Subarea 88.1 (see also paragraphs 4.3 and 4.6). There were no fisheries for squid or crabs during the past season. Several notifications for new and exploratory fisheries had been received from Members for the 1998/99 season.

2.26 During the year, the Commission and the Scientific Committee had been represented by observers at a number of international meetings as listed in paragraphs 12.30 to 12.46 and also in paragraph 1.16 of SC-CAMLR-XVII.