

Information on CCAMLR and its links to the Antarctic Treaty



THE CAMLR CONVENTION AND THE ANTARCTIC TREATY

1. The Convention on the Conservation of Antarctic Marine Living Resources (the CAMLR Convention) has its origins in the Antarctic Treaty, and forms an integral part of the Antarctic Treaty system. Following a series of discussions that began in 1975 between the Antarctic Treaty Consultative Parties, the CAMLR Convention came into force on 7 April 1982. The Convention includes provisions that bind Contracting Parties to a range of obligations that derive from the Antarctic Treaty and associated agreements. The objective of the CAMLR Convention is the conservation of Antarctic marine living resources where conservation includes rational use.
2. The relationship between the CAMLR Convention, the Antarctic Treaty and the Treaty's Protocol on Environmental Protection, as well as the conservation principles embedded in the Convention itself, distinguish the CAMLR Convention from Regional Fisheries Management Organisations, and reflect the CAMLR Convention's status as an integral part of the Antarctic Treaty system. Firm linkages exist between the Antarctic Treaty and the CAMLR Convention, which originated from concern regarding the conservation of Antarctic marine living resources.
3. Under Article III of the CAMLR Convention, Contracting Parties, whether or not they are Parties to the Antarctic Treaty, "agree that they will not engage in any activities in the Antarctic Treaty area contrary to the principles and purposes of that Treaty and that, in their relations with each other, they are bound by the obligations contained in Article I and V of the Antarctic Treaty". Article I of the Antarctic Treaty provides, inter alia, that Antarctica shall be used for peaceful purposes only. Article V of the Antarctic Treaty prohibits, inter alia, any, nuclear explosions in Antarctica and disposal of radioactive waste material.

4. Article IV.1 of the CAMLR Convention binds its Contracting Parties to Articles IV and VI of the Antarctic Treaty in their relations with each other. The Antarctic Treaty and the CAMLR Convention (through Article IV of both) explicitly provide for all States' positions with regard to Antarctic territorial claims. Article IV.2 of the CAMLR Convention reflects Article IV.1 of the Antarctic Treaty, which safeguards all parties' positions regarding claims to territorial sovereignty. Article IV.1 of the Antarctic Treaty reads as follows:
 1. Nothing contained in the present Treaty shall be interpreted as:
 - (a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;
 - (b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;
 - (c) the position of any Contracting Party as regards its recognition or non-recognition of any other State's rights of or claim or basis of claim to territorial sovereignty in Antarctica.
5. Pursuant to Article V of the CAMLR Convention, Contracting Parties which are not Parties to the Antarctic Treaty acknowledge the special obligations and responsibilities of the Antarctic Treaty Consultative Parties for the protection and preservation of the environment of the Antarctic Treaty area. Additionally, those Contracting Parties agree to observe ATCM conservation measures for the protection of the Antarctic environment. Therefore, Contracting Parties, as and when appropriate, must abide by the Protocol on Environmental Protection to the Antarctic Treaty and its annexes and other measures adopted by the Antarctic Treaty Consultative Parties relating to the protection of the Antarctic environment.
6. Given the integral relationship between the CAMLR Convention, the Antarctic Treaty and its Protocol on Environmental Protection, the Contracting Parties to the CAMLR Convention urge States acceding to the CAMLR Convention to also consider acceding to the Antarctic Treaty.
7. The attached document provides background information concerning the CAMLR Convention and outlines the linkages between the CAMLR Convention and the Antarctic Treaty and key obligations for the information of prospective and existing parties to the Convention.

ANNEX 2

BACKGROUND INFORMATION CONCERNING THE CONVENTION ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

HISTORY AND ORIGIN OF THE CAMLR CONVENTION

Date and Place of Signature: 20 May 1980, Canberra, Australia

Date of Entry into Force: 7 April 1982

1. In the early 19th century, fur seals (*Arctocephalus gazella*) and elephant seals (*Mirounga leonina*) were the first Antarctic marine living resources to be exploited commercially. Subsequently, great whales (predominantly Baleen Whales – *Balaenoptera* spp.) were hunted in the Southern Ocean¹ almost to extinction during the 20th century. Antarctic finfish and krill (*Euphausia superba*), a staple food of many Antarctic whales, seals and birds, have been exploited since about the mid-1960s.

2. Under Article IX.1(f) of the 1959 Antarctic Treaty, two instruments were initially adopted to deal with ‘*the preservation and conservation of living resources in Antarctica*’. Confined to the Antarctic Treaty Area (south of 60°S), the first of these took the form of the 1964 Agreed Measures for the Conservation of Antarctic Fauna and Flora which entered into force in 1982. The Agreed Measures were followed by the 1972 Convention for the Conservation of Antarctic Seals (CCAS), which aimed to ‘*promote and achieve the objectives of protection, scientific study and rational use of Antarctic seals, and to maintain a satisfactory balance within the ecological system*’. CCAS was also limited to the Antarctic Treaty Area and entered into force on 11 March 1978.

3. Extensive harvesting of fish in the Sub-Antarctic during the late 1960s and mid-1970s, along with the emergence of interest in the large-scale exploitation of Antarctic krill, raised serious concerns about the sustainability of such fisheries.

4. At the Eighth Antarctic Treaty Consultative Meeting (ATCM-VIII) in 1975, the Antarctic Treaty Consultative Parties (ATCPs) adopted Recommendation VIII-10 which noted the need to ‘*promote and achieve within the framework of the Antarctic Treaty, the objectives of protection, scientific study and rational use of [Antarctic] marine living resources*’. The Recommendation went on to focus attention on scientific study as an essential basis for protection and rational use of Antarctic marine living resources.

5. Following Recommendation VIII-10, a number of questions were submitted to the Scientific Committee on Antarctic Research (SCAR) for consideration and advice. SCAR responded in form of the *Biological Investigation of Marine Antarctic Systems and Stocks* (BIOMASS) program in 1977. The primary objective of BIOMASS was to ‘*gain a deeper understanding of the structure and dynamic functioning of the Antarctic marine ecosystem as*

¹ For the purposes of this paper the Southern Ocean is considered to be the area defined in Article I of the CAMLR Convention as the area south of the Antarctic Convergence which is detailed in Article II.4. The Convention also applies in the area south of 60°S to which the 1959 Antarctic Treaty applies. For further information on both agreements the reader is referred to www.ats.aq and www.ccamlr.org.

a basis for the future management of potential living resources'. Together with three UN Food and Agriculture Organisation (FAO) reports in 1977, BIOMASS also highlighted the importance of krill a key species in the Antarctic marine ecosystem².

6. These initiatives highlighted prevailing concerns that unsustainable, large-scale exploitation of krill could have severe repercussions on Antarctic bird, seal and whale species that depend on krill as food.

7. Over the next eight years, the BIOMASS program sponsored substantial research, including the first large-scale acoustic assessment of krill in 1981 – the First International BIOMASS Experiment (FIBEX).

8. Meanwhile, ATCM Recommendation IX-2 (London, 1977) called on the Antarctic Treaty Parties to contribute to scientific research on Antarctic marine living resources, observe interim guidelines on their conservation, and hold a Special Antarctic Consultative Meeting to set up a definitive conservation regime for such resources. This led to the Second Special Antarctic Consultative Meeting which began in 1978 and concluded with the signing of the Convention on the Conservation of Antarctic Marine Living Resources (CAMLR Convention) in Canberra on 20 May 1980. The CAMLR Convention entered into force on 7 April 1982. To implement the Convention, the parties established the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), comprising the original signatories and acceding parties (see Table 1).

CCAMLR LINKS TO THE ANTARCTIC TREATY

9. Although developed under the patronage of the Antarctic Treaty, the CAMLR Convention stands alone and its area of application is larger than that of the Antarctic Treaty. Article I of the Convention sets the northern boundary of the Antarctic marine ecosystem as the Antarctic Convergence now known as the 'Antarctic Polar Front'. The Convergence constitutes a major circum-Antarctic, biogeographic boundary where cold, northerly-flowing Antarctic waters sink beneath warmer southerly-moving subtropical waters. South of the Convergence, krill is a keystone species in the Antarctic food chain. Article I, also applies the CAMLR Convention to the Antarctic Treaty area south of 60°S latitude to the Continent and identifies Antarctic marine living resources as '*populations of fin fish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic Convergence*'. The Antarctic marine ecosystem is viewed as the '*complex of relationships of Antarctic marine living resources with each other and the physical environment*'.

10. The CAMLR Convention Articles III, IV and V set out the relationship between the Convention and the Antarctic Treaty. Parties to the CAMLR Convention, whether they are Party to the Antarctic Treaty or not, undertake not to '*engage in any activities in the Antarctic*

² Everson, I 1977 Southern Ocean fisheries survey programme. The living resources of the Southern Ocean
FAO, Rome (Italy) 160 p.

Eddie, G.O 1977 Southern Ocean fisheries survey programme. The harvesting of krill. FAO, Rome (Italy) ,
1977, 82 p.

Grantham, G.J 1977 Southern Ocean fisheries survey programme. The utilization of krill FAO, Rome (Italy)
67p..

El-Sayed S. Z. (ed) 1994 *Southern Ocean ecology : the BIOMASS perspective*.
Cambridge University Press, Cambridge

Treaty area contrary to the principles and purposes of that Treaty and *'are bound by the obligations contained in Article I and V of the Antarctic Treaty'* (Article III).

11. More specifically, Article IV.1 of the CAMLR Convention binds its Contracting Parties to Articles IV and VI of the Antarctic Treaty in their relations with each other. Article IV.2 of the CAMLR Convention is similar to Article IV.1 of the Antarctic Treaty, safeguarding all Parties' positions regarding territorial claims.

12. Article V.1 of the CAMLR Convention requires its Contracting Parties that are not Parties to the Antarctic Treaty to *acknowledge the special obligations and responsibilities of the Antarctic Treaty Consultative Parties for the protection and preservation of the environment in the Antarctic Treaty Area*'. Similarly, CAMLR Convention Article V.2 requires agreement by its Parties that are not Parties to the Antarctic Treaty to observe ATCM measures such as the Agreed Measures on Fauna and Flora as well as such other environmental measures to be agreed by the ATCPs *'in fulfilment of their responsibility for the protection of the Antarctic environment from all forms of harmful human interference'*.

13. Article XI states that the *Commission shall seek to co-operate with Contracting Parties which may exercise jurisdiction in marine areas adjacent to the area to which this Convention applies in respect of the conservation of any stock or stocks of associated species which occur both within those areas and the area to which this Convention applies, with a view to harmonising the conservation measures adopted in respect of such stocks*. The Chairman's Statement attached to the CAMLR Convention (http://www.ccamlr.org/pu/e/e_pubs/bd/pt1.pdf) outlines the *'application of the Convention to the waters adjacent to Kerguelen and Crozet over which France has jurisdiction and to waters adjacent to other areas to which the Convention applies over which the existence of State sovereignty is recognised by all Contracting Parties'*. Along with Article XI, the Chairman's Statement strives to ensure harmony and complementarity between measures adopted by CCAMLR and those being applied in areas adjacent to (or inside) the Convention Area to transboundary CCAMLR stocks or species.

14. The linkages outlined in paragraphs 10 to 12 above have been explicitly recognised in a number of ATCM resolutions and decisions directly dealing with CCAMLR's role in conserving Antarctic marine living resources and protecting the Antarctic environment (<https://www.ats.aq/devAS/ToolsAndResources/AntarcticTreatyDatabase?lang=e> (search topic='CCAMLR')).

15. Antarctic Treaty Article VI expressly recognises that *'nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of rights, of any State under international law with regard to the high seas within the area'*. Article 4 of the 1991 Protocol on Environmental Protection to the Antarctic Treaty (Madrid Protocol) also provides that nothing in the Protocol *'shall derogate from the rights and obligations of the Parties to the Protocol under other international instruments in force within the Antarctic Treaty system'*. Article 6.1 of Annex V (Area Protection and Management) and amendments to Annex II (Conservation of Antarctic Fauna and Flora), which were adopted by the ATCM in 2009 but are not yet in force, provide for consultation with CCAMLR.

16. The 1991 Protocol on Environmental Protection designated the Antarctic Treaty Area as *'a natural reserve, devoted to peace and science'*, and provides for *'comprehensive protection of the Antarctic environment and dependent and associated ecosystems'*. The Protocol has six annexes (Annex VI on liability has not yet entered into force).

17. CCAMLR participates as an Observer to the annual ATCM and other relevant inter-sessional meetings; and the Antarctic Treaty based Committee on Environmental Protection (CEP) and the CCAMLR Scientific Committee (SC-CAMLR) send reciprocal observers to each other's annual meetings. In addition, in April 2009, the CEP and SC-CAMLR held a joint workshop in Baltimore, USA, that further developed collaboration and cooperation.

OBJECTIVES OF THE CAMLR CONVENTION

18. Article II.1 of the CAMLR Convention, sets out the objective of the Convention as '*the conservation of Antarctic marine living resources*'. Article II.2 states that conservation, includes '*rational use*'. Article II.3 states that any harvesting and associated activities in the Convention Area should be conducted in accordance with the Convention and with three specific principles of conservation (outlined in paragraphs 3(a) to 3(c) of Article II). Such principles include '*prevention of decrease in the size of any harvested population to levels below those which ensure its stable recruitment. For this purpose its size should not be allowed to fall below a level close to that which ensures the greatest increment*', '*maintenance of the ecological relationships between harvested, dependent and related populations of Antarctic marine living resources and the restoration of depleted population to the levels defined in sub-paragraph (a) above*', and '*prevention of changes or minimisation of the risk of changes in the marine ecosystem which are not potentially reversible over two or three decades, taking into account the state of available knowledge of the direct and indirect impact of harvesting the effect of the introduction of alien species, the effects of associated activities on the marine ecosystem and of the effects of environmental changes, with the aim of making possible the sustained conservation of Antarctic marine living resources.*' The potential changes identified include direct and indirect impacts of harvesting, the effect of alien (i.e. introduced) species and the effects of environmental change(s).

19. The management approach taken by CCAMLR is therefore, as a general matter, characterised by:

- a 'precautionary' approach. This means that CCAMLR collects data as it can, then weighs up the extent and effect of uncertainties and gaps (i.e. 'deficiencies') in such data before taking a management decision;
- an 'ecosystem' approach. This takes into account the delicate and complex relationships between organisms (of all sizes) and physical processes (marine, terrestrial, and atmospheric) that constitute the Antarctic marine ecosystem.

20. CCAMLR's ecosystem approach not only focuses on regulating fishing for certain species, but it also aims to ensure that fishing does not adversely impact other species that are related to, or dependent on, the target species. This has led to CCAMLR measures³ to reduce incidental seabird mortality caused by longline fishing, prohibitions of bottom trawling, measures to reduce entanglement of seals and other animals in marine debris, etc⁴.

21. An important aspect of CCAMLR's work has been the struggle against Illegal, Unreported and Unregulated (IUU) fishing of toothfish (historically this has been *Dissostichus eleginoides* (Patagonian toothfish)). To keep track of, and deter, IUU fishing, a Catch

³ CCAMLR management measures are termed conservation measures as outlined in Article IX.1 and IX.2. Their adoption is by consensus (Article XII) following procedures outlined in Article IX.3.

⁴ See CCAMLR *Schedule of Conservation Measures in Force*: http://www.ccamlr.org/pe/e_pubs/cm/drt.htm.

Documentation Scheme (CDS) was set up in 2000 to track toothfish (*Dissostichus* spp.) landings and the trade from catches taken in the Convention Area and, where possible, adjacent waters. The CDS enables the Commission to identify the origin of toothfish entering the markets of all Parties to the Scheme, and thereby help determine whether toothfish taken in the Convention Area are caught in a manner consistent with CCAMLR's conservation measures as well to monitor 'total removals' of toothfish by the fishery.

THE COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES (CCAMLR)

22. To support the effective implementation of its provisions, the CAMLR Convention established the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). This institution comprises Members which are analogous to the precedent set by the Antarctic Treaty – the original signatories and those acceding Parties which meet certain criteria, namely that they are '*engaged in research or harvesting activities in relation to the marine living resources to which this Convention applies*' (Article VII). In the same article, special provision is made for the membership of *regional economic integration organisations*, such as the European Community, which have assumed competence, in whole or in part, for matters covered by the Convention. Only members of the Commission contribute to CCAMLR's annual budget (Article XIX). There are currently 25 Members of the Commission (see Table 1).

23. Commission Members meeting the criteria outlined in paragraph 20 alone are eligible to take decisions. Like the ATCM, CCAMLR decisions on '*matters of substance*' are taken by consensus (Article XII). Article XXIX allows for States or relevant regional economic organisations to accede to the Convention if '*interested in research or harvesting activities in relation to the marine living resources to which this Convention applies*'. This allows for additional parties to support the Convention's objectives.

24. CCAMLR's various functions are listed in Article IX and include, *inter alia*: (a) identification of conservation needs; (b) formulation, adoption and revision of conservation measures; and (c) ensuring acquisition of catch and effort statistics for harvested populations. The formulation, adoption and revision of conservation measures shall be based on the best scientific evidence available (Article IX.1(f)). Such measures include the setting of catch quotas, designating areas for harvesting, designating the size, age and sex of harvested species, designating open and closed seasons for harvesting, and designating protected species etc. (Article IX.2). To promote the CAMLR Convention's objectives and ensure observance of its provisions, CCAMLR has also established a System of Inspection http://www.ccamlr.org/pu/e/e_pubs/bd/pt9.pdf and a Scheme of International Scientific Observation (http://www.ccamlr.org/pu/e/e_pubs/bd/pt10.pdf) under Article XXIV of the Convention.

25. In addition, the CAMLR Convention established a Scientific Committee (SC-CAMLR) to '*provide a forum for consultation and co-operation concerning the collection, study and exchange of information with respect to the marine living resources to which this Convention applies*' (Article XV). In carrying out its designated functions (as per Article XV.2), SC-CAMLR is bound to '*have regard to the work of other relevant technical and scientific organisations and to the scientific activities conducted within the framework of the Antarctic Treaty*'. It is largely for this reason that the SC-CAMLR Chair participates as an observer in sessions of the CEP established under Article 11 of the Madrid Protocol.

CCAMLR is also required to '*co-operate with the Antarctic Treaty Consultative Parties on matters falling within the competence of the latter*' (Article XXIII.1).

26. The CCAMLR Headquarters, and its attached Secretariat, are permanently located in Hobart, Tasmania, Australia (Article XIII.1). The CCAMLR Executive Secretary position and Secretariat (Article XVII) have been established to perform various functions entrusted to them by the Commission. Such functions include staff administration, general administration, scientific research facilitation, data compilation/archiving (including fisheries catch and effort statistics) and meeting support.

27. Further information on all of the above can be found on the CCAMLR website at: <http://www.ccamlr.org/pu/e/gen-intro.htm>.

TABLE 1 Contracting Parties to the Convention on the Conservation of Antarctic Marine Living Resources (CAMLR Convention)

Participant	Signature	Ratification Accession Acceptance Succession	(a) (A) (s)	Entry into force	Date of becoming a Member
Australia	11 Sep 1980	6 May 1981		7 Apr 1982	7 Apr 1982
Argentina	11 Sep 1980	28 May 1982		27 Jun 1982	27 Jun 1982
Belgium	11 Sep 1980	22 Feb 1984		23 Mar 1984	23 Mar 1984
Brazil		28 Jan 1986 (A)		27 Feb 1986	8 Sep 1986
Bulgaria		1 Sep 1992 (a)		1 Oct 1992	
Canada		1 Jul 1988 (a)		31 Jul 1988	
Chile	11 Sep 1980	22 Jul 1981		7 Apr 1982	7 Apr 1982
China, People's Republic of		19 Sep 2006 (a)		19 Oct 2006	2 Oct 2007
Cook Islands		2 Sep 2007 (A)		2 Oct 2007	
European Community		20 Oct 2005 (a)		19 Nov 2005	
Finland		21 Apr 1982 (a)		21 May 1982	21 May 1982
France	16 Sep 1980	6 Sep 1989 (a)		6 Oct 1989	
Germany	11 Sep 1980	16 Sep 1982		16 Oct 1982	16 Oct 1982
Greece		23 Apr 1982		23 May 1982	23 May 1982
India		12 Feb 1987 (a)		14 Mar 1987	
Italy		17 Jun 1985 (A)		17 Jul 1985	29 Jun 1986
Japan	12 Sep 1980	29 Mar 1989 (a)		28 Apr 1989	30 Jun 1990
Korea, Republic of		26 May 1981 (A)		7 Apr 1982	7 Apr 1982
Mauritius		29 Mar 1985 (a)		28 Apr 1985	19 Nov 1985
Namibia		2 Sep 2004 (a)		2 Oct 2004	
Netherlands		29 Jun 2000 (a)		29 Jul 2000	5 Feb 2001
New Zealand	11 Sep 1980	23 Feb 1990 (a)		25 Mar 1990	
Norway	11 Sep 1980	8 Mar 1982		7 Apr 1982	7 Apr 1982
Peru		6 Dec 1983		5 Jan 1984	5 Jan 1984
Poland	11 Sep 1980	23 Jun 1989 (a)		23 Jul 1989	
Russia	11 Sep 1980	28 Mar 1984		27 Apr 1984	27 Apr 1984
South Africa	11 Sep 1980	26 May 1981		7 Apr 1982	7 Apr 1982
Spain		23 Jul 1981		7 Apr 1982	7 Apr 1982
Sweden		9 Apr 1984 (a)		9 May 1984	21 Oct 1987
Ukraine		6 Jun 1984 (a)		6 Jul 1984	30 Dec 1989
United Kingdom	11 Sep 1980	22 Apr 1994 (s)		22 May 1994	14 Dec 1994
United States of America	11 Sep 1980	31 Aug 1981		7 Apr 1982	7 Apr 1982
Uruguay	11 Sep 1980	18 Feb 1982		7 Apr 1982	7 Apr 1982
Vanuatu		22 Mar 1985 (a)		21 Apr 1985	26 Aug 1996
		20 Jul 2001 (a)		19 Aug 2001	

Members are indicated in bold font.

**GUIDELINES FOR NON-CONTRACTING PARTY STATES SEEKING
TO ACCEDE TO THE CONVENTION ON THE CONSERVATION
OF ANTARCTIC MARINE LIVING RESOURCES**

1. The formal requirement for acceding to the CAMLR Convention is that a State, or regional economic integration organisation (REIO), meets the conditions set out in paragraph 1 of CAMLR Convention Article XXIX, namely that the State, or REIO, is: '*...interested in research or harvesting activities in relation to the marine living resources to which this Convention applies*'.

2. A *note verbale* should be forwarded by the State/REIO concerned to Australia, as the CAMLR Convention Depository, indicating the former's accession to the Convention. The *note* should be submitted to the Australian High Commission, or Embassy, with responsibility for the State/REIO concerned with a copy to:

International Organisations and Legal Division
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
Barton, ACT 0221
Australia

3. The Convention enters into force thirty days after deposit of an instrument of accession (as outlined above) (Article XXVIII.2).

GUIDELINES FOR ACCEDING STATES SEEKING TO BECOME MEMBERS OF THE COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

BACKGROUND

1. Article VII.2(b) of the CAMLR Convention states that:

'Each State Party which has acceded to this Convention pursuant to Article XXIX shall be entitled to be a Member of the Commission during such time as that acceding party is engaged in research or harvesting activities in relation to the marine living resources to which this convention applies.'

2. Article VII.2(c) states that;

'Each regional economic integration organisation [REIO] which has acceded to this Convention pursuant to Article XXIX shall be entitled to be a Member of the Commission during such time as its States members are so entitled.'

3. Article VII.2(d) further states that:

'A Contracting Party seeking to participate in the work of the Commission pursuant to sub-paragraphs (b) and (c) above shall notify the Depositary of the basis upon which it seeks to become a Member of the Commission and of its willingness to accept the conservation measures in force. The Depositary shall communicate to each Member of the Commission such notification and accompanying information. Within two months of receipt of such communication from the Depositary, any Member of the Commission may request that a special meeting of the Commission be held to consider the matter. Upon receipt of such request, the Depositary shall call such a meeting. If there is no request for a meeting, the Contracting Party submitting the notification shall be deemed to have satisfied the requirements for Commission Membership.'

4. Article XXI states that:

1. *'Each Contracting Party shall take appropriate measures within its competence to ensure compliance with the provisions of this Convention and with conservation measures adopted by the Commission to which the Party is bound in accordance with Article IX of this Convention.'*
2. *'Each Contracting Party shall transmit to the Commission information on measures taken pursuant to paragraph 1 above, including the imposition of sanctions for any violation.'*

GUIDELINES

5. The Guidelines set out below are intended to facilitate consideration by an Acceding State/REIO seeking membership of the Commission of what is meant by *‘the basis upon which it seeks to become a Member of the Commission’* in relation to the requirement that such a state shall be *‘engaged in research or harvesting of, or harvesting activities in relation to, the marine living resources to which this Convention applies’*.

Harvesting of Marine Living Resources to which the Convention Applies

6. In respect to the requirement outlined in paragraphs 2 to 4 above, the State/REIO concerned should, to the extent possible, provide the following information in its notification of intention to become a Member of the Commission:

- (a) the names and types of vessels under its Flag which have engaged in harvesting activity in the area to which the Convention applies;
- (b) the seasons during which its vessels have been in the Convention Area;
- (c) the tonnage of catches by species taken in each season and CCAMLR statistical area and subarea together with the relevant data on fishing effort;
- (d) future intentions with regard to harvesting in respect of projected continuity of activity;
- (e) information on governmental institutions and non-governmental concerns directly dealing with harvesting activities.

Scientific Research on Marine Living Resources to which the Convention Applies

7. In its notification the State/REIO should outline:

- (a) the scientific research it has carried out on the marine living resources to which the Convention applies together with a bibliography of where the results of such programs have been published and a copy of each paper so published;
- (b) the scientific research it is currently undertaking on the marine living resources to which the Convention applies;
- (c) its future scientific research plans;
- (d) information on governmental and non-governmental institutions directly responsible for the research.

Conservation Measures in Force

8. Copies of these may be obtained from the Executive Secretary of CCAMLR, or may be found at http://www.ccamlr.org/pu/e/e_pubs/cm/drt.htm for the year in question.

Other Information

9. As far as possible, it would help existing Members of the Commission if an Acceding State/REIO seeking membership of the Commission could provide information on:

- (a) the names and addresses of repositories of such statistical, biological and fisheries data relevant to the States research and/or harvesting activities;
- (b) the names and addresses of research institutions that have concluded relevant scientific research or that are currently engaged in such research.

10. Members of the Commission are obliged to report annually data and information as the Commission and Scientific Committee may require in the exercise of their functions (Article XX). For an Acceding State wishing to become a Member of the Commission, this obligation essentially relates to the activity-dependent element of Article VII.2(b) and (d) as a means of verifying harvesting and/or research activity.

ACTION

11. An Acceding State/REIO wishing to become a Member of CCAMLR should transmit a *note verbale*, specifying, in accordance with Article VII(2)(d), the basis on which it seeks to become a Member of the Commission and of its willingness to accept the Conservation Measures in force, along with the documentation specified above, to the Depositary (Australia) *via* the Australian High Commission or Embassy with responsibility for the State concerned. A copy of this submission should also be sent to:

International Organisations and Legal Division
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
Barton, ACT 0221
Australia

ENTRY INTO FORCE

12. Following the Contracting Party's notification having fulfilled the conditions outlined in paragraph 4 above, and in the absence of a special meeting of the Commission having been called within two months, then the Party concerned '*shall be deemed to have satisfied the requirements of Commission Membership*' (Article VII(2)(d)).
