

COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

Reports of Observers from International Organisations

ASOC

14.1 ASOC introduced CCAMLR-XXI/BG/27 and BG/28.

14.2 ASOC noted that CCAMLR has yet to implement effective measures to halt IUU fishing, that the Scientific Committee has advised the Commission that unless effective action is taken against IUU fishing, it can expect toothfish fisheries to collapse by about 2010–2012 and that the current meeting has heard evidence of non-compliance by a number of CCAMLR Commission Members. This suggests that the true overall state of the fishery is even grimmer than the one drawn from consideration of IUU fishing alone.

14.3 ASOC argued that it is now up to this Commission, during this week, to agree responses commensurate with the seriousness of the situation. Delegates emphasised last week that CCAMLR's credibility is at stake. ASOC agreed, but added that the credibility of the wider Antarctic Treaty System was also at issue.

14.4 ASOC believed that the Commission needed to:

- agree to a centralised VMS that feeds data directly to the Secretariat – to address the proven problem of fraudulent VMS data that was shown so graphically in SCOI;
- draw up a blacklist of vessels (wherever flagged) known and suspected of involvement in IUU activity – against which Members can then direct severe measures; and
- draw up a blacklist of Flag States implicated in IUU activity – sadly this will include a number of Commission Members – against which Members can then direct severe measure.

14.5 In both cases, ASOC suggested, there was a need for severe and effective measures if the Commission was serious about ending IUU fishing and its attendant problems.

14.6 ASOC hoped that CCAMLR will endorse and support a CITES Appendix II listing of Patagonian toothfish as a key means of underpinning and expanding CCAMLR's CDS.

14.7 ASOC reiterated that Article II of CCAMLR establishes the objective of the Convention as the conservation of Antarctic marine living resources, and requires that any harvesting and associated activities were conducted in accordance with specified principles of conservation. These included:

- prevention of decrease in the size of any harvested population to levels below those which ensure its stable recruitment;
- maintenance of the ecological relationships between harvested, dependent and related populations of Antarctic marine living resources and the restoration of depleted populations; and

- prevention of changes – or minimisation of the risk of changes – in the marine ecosystem not potentially reversible over two or three decades, taking into account the state of available knowledge of the direct and indirect impact of harvesting – with the aim of making possible the sustained conservation of Antarctic marine living resources.

14.8 ASOC concluded by questioning whether anybody in the Commission could sincerely assert that it was currently meeting the obligations of Article II.

14.9 Argentina expressed its appreciation to ASOC for CCAMLR-XXI/BG/27, and stated that it shared many of the views contained therein. With regard to paragraph 11 of this document, relating to ASOC's concerns about the certification of the sustainability of the South Georgia Patagonian toothfish fishery in Subarea 48.3, Argentina made the following statement:

'The British Government approached the "Maritime Stewardship Council" (MSC) in London, to seek certification of the sustainability of the Patagonian toothfish fishery in the CCAMLR area around South Georgia. The certification process was carried out by the British entity "Moody Marine Ltd", based on assessment criteria established by the MSC.

The Government of Argentina protested at the appropriate time to the British Government, objecting to this unilateral action, since after all the administration of the fishery around South Georgia is linked to the controversial nature of that territory. Moreover, the Government of Argentina made several representations stressing the controversial nature of the fishery to the certifying body. These arguments were disregarded and the certifying body continued with the certification process.

The Government of Argentina reaffirms that the Malvinas (Falkland) Islands, South Georgia and South Sandwich Islands are an integral part of its national territory and that these islands and surrounding waters are the subject of a sovereignty dispute with the United Kingdom.

The Government of Argentina hereby reiterates that it rejects the above action by the British Government, the process carried out by the abovementioned entity and its results.'

14.10 The UK thanked ASOC for presenting its paper, and in response to Argentina, made the following statement:

'It is unfortunate that Argentina has felt compelled to raise this matter within the Commission. Certification under the MSC is not a matter which appears on our agenda. Nevertheless, since the issue has been raised it allows the UK to comment on the South Georgia fishery and the MSC scheme.

It was not so long ago that we were facing in Subarea 48.3 the sort of problems that have since become evident elsewhere in the Convention's waters. Seven years ago IUU fishing in the waters around South Georgia was rife. It gave the UK, and the Commission generally, very grave concern. Up to and through 1995 IUU fishing was certainly a significant problem.

But from early 1996 we began to curb that problem by means of tough enforcement measures on the ground, through fisheries patrolling and aerial surveillance. Those who infringed were rapidly dealt with – at times with massive fines. Since then, through various rigorous management actions, the UK has managed to convert what was a fishery possibly leading towards difficulties to now a fishery which, in respect of toothfish, is perhaps the model within the Convention Area.

We have now what we believe is a sustainable regime. It is tightly managed and regulated though it must be emphasised that such regulation is wholly in accord with CCAMLR and its conservation measures.

Over the past three fishing seasons we have seen the results of our work demonstrated in the approach of this Commission towards toothfish in Subarea 48.3. The TAC was 4 500 tonnes two years ago; last year it was elevated to 5 800 tonnes based on the consensus advice of the Scientific Committee. Now, this year we see a consensus recommendation from the Scientific Committee that would see the TAC increase yet again. This is recognition of a stock under sustainable management.

As an initiative entirely separate from CCAMLR, the UK submitted the toothfish fishery around South Georgia to the MSC scheme for certification. We see no need to go into the details of the MSC approach since it is probably well known to many in this Commission.

In brief, following extensive consultations through the independent mechanism of the MSC, we have now arrived at a situation whereby a formal recommendation has now been put to the MSC indeed recommending the South Georgia fishery for certification under the scheme.

This certification process has taken a great deal of time and effort on our part including tighter management of the fishery. The UK is hopeful that we will see this procedure through to a successful end, with certification endorsed.

If this occurs, we will have for the first time a fishery in the Southern Ocean subject to the MSC. This we think is a significant achievement – and one which others may wish to consider in respect of the fisheries under their control. We hope that before we meet next year the UK will be in a position to announce that achievement.

Now, turning to the matter of sovereignty raised by Argentina. The UK has no doubt about its sovereignty over South Georgia and the South Sandwich Islands and their surrounding maritime areas. It is a point that the UK has made on a number of occasions in this Commission. It is however a matter that we raise with some reluctance simply because this Commission cannot solve our bilateral problems, nor we suspect does it wish to be subjected to these matters. With that comment we hope this matter can now be closed.’

14.11 Argentina pointed out that it rejected the views expressed by the UK, that it reiterated the position expressed previously and that it reserved its right to expand further on it at a later stage after the conclusion of CCAMLR-XXI.

14.12 With respect to CCAMLR-XXI/BG/27, Chile appreciated ASOC's contributions, and stated that this presentation demonstrated the great effort invested by this organisation in fighting IUU fishing activities. However, item 12 of the aforesaid document mentions that APRODEBA, the Chilean Artisanal Association of Toothfish Producers (Asociación Artesanal de Productores de Bacalao), has been involved in an intense collaboration with ASOC in order to convince the Government of Chile to support Australia's proposal for the inclusion of *D. eleginoides* in CITES Appendix II. The Delegation of Chile informed that APRODEBA is a member of the National Confederation of Artisanal Fishers of Chile (CONAPACH, or Confederación Nacional de Pescadores Artesanales de Chile), and that the President of this organisation has made it official that the organisation does not agree with the Australian proposal. Moreover, the Chilean Delegation indicated that last week the Chilean Minister for Agriculture had a meeting with NGOs, and that both CONAPACH and APRODEBA were represented therein. At this meeting, APRODEBA accepted CONAPACH's view that it is not appropriate to include *D. eleginoides* in CITES Appendix II.

CEP

14.13 The CEP Observer (Dr Press) noted that the reports of the Executive Secretary, as Observer to the ATCM, and the Chair of the Scientific Committee, as Observer to CEP-V, were relevant to this discussion. He reinforced the statements made previously about the excellent level of cooperation.

FAO

14.14 The FAO Observer (Dr R. Shotton), in his report (CCAMLR-XXI/BG/36), noted that FAO has held a technical consultation on the suitability of the CITES criteria for listing commercial species, which will be considered at COP-12 in Chile this year. The FAO's Committee on Fish Trade has made related recommendations, which will be considered by the Fisheries Department. FAO has solicited regional fisheries bodies for their input and is negotiating a Memorandum of Understanding with CITES to clarify inter-institutional arrangements.

14.15 Negotiations continue for establishing a fisheries commission in the southern Indian Ocean adjacent to the CCAMLR region. A second ad hoc Technical Committee Meeting was held in May 2002 to review available information and management requirements for demersal species in this region. The report of this meeting will be available in December 2002. A review of Soviet/Ukraine research and exploratory fishing for the southern Indian Ocean has been completed and will be printed this year.

14.16 FAO continues its program of IPOAs. Little progress has been made with seabird and shark issues, although funds are available to develop national assistance programs in the case of management of elasmobranchs fisheries.

14.17 FAO continues to collaborate with RFMOs as appropriate and a third meeting of these bodies will be held at FAO in March 2003 to consider (i) external factors affecting the

management of fisheries, and (ii) indicators to assess the performance of regional fisheries bodies.

14.18 National ratification of the FAO Compliance Agreement remains a priority. Global developments in IUU fishing are monitored and the first report on achievements in the implementation of the IPOA-IUU will be presented at the 25th Session of COFI.

14.19 The Commission agreed to co-sponsor the 'Deep Sea 2003' Conference to be held in New Zealand in December 2003. This would further promote CCAMLR to a wider audience. The Commission also agreed that the Executive Secretary and Science Officer should participate in the conference.

IUCN

14.20 IUCN's report (CCAMLR-XXI/BG/34) summarised pertinent resolutions and recommendations from the 2000 World Conservation Congress and highlighted relevant IUCN publications and activities, including the upcoming World Parks Congress in September 2003 where the contribution of marine protected areas to sustainable development will be featured.

14.21 IUCN noted that the commitment of governments at the WSSD (Johannesburg, South Africa, 26 August to 4 September 2002) to protection of biodiversity also called for the development of representative systems of MPAs by 2012. IUCN further noted that the coming into force of Annex V on Area Protection and Management to the Antarctic Environmental Protocol provided a basis for Parties to the Antarctic Treaty and CCAMLR to promote a system of representative marine protected areas. IUCN encouraged CCAMLR Members to consider several actions to progress such a system for the Southern Ocean. These are described in SC-CAMLR-XXI, paragraph 9.5.

14.22 In regard to pirate fishing and seabird mortality from longlining in the Southern Ocean and adjacent waters, IUCN again encouraged Members to consider whether CITES may bring some added value to the existing CCAMLR measures for toothfish through its more comprehensive membership and global coverage of international trade. IUCN referred Members to a *Briefing Paper on Marine Fish and CITES* prepared by IUCN, TRAFFIC and the World Wide Fund for Nature (WWF) (CCAMLR-XXI/BG/39) for a discussion of some of the broader issues relating to the application of CITES provisions to marine fish species.

14.23 IUCN also introduced CCAMLR-XXI/BG/38 regarding *Fishery Activities and Trade of Patagonian Toothfish in South America: a Regional Perspective*, prepared by TRAFFIC South America. This is a summary of a document that is being prepared for publication in Spanish in December. IUCN, on behalf of TRAFFIC South America, thanked the government agencies, industry associations and individuals that assisted in its research, including some individuals present at the meeting. IUCN requested that any comments or suggestions be brought to the attention of TRAFFIC South America.

14.24 With regard to CCAMLR-XXI/BG/38 Rev. 1 submitted by the IUCN, which had been just distributed, Argentina reserved its right to consider the issue at a later stage, after the conclusion of CCAMLR-XXI. However, Argentina wished to point out, on a preliminary basis, that some aspects of the document fall outside the competence of this Commission.

14.25 Brazil expressed concern about the lack of accuracy of the text in the document in regard to fisheries and trade of *D. eleginoides* by Brazil. There were no fisheries for this species off the Brazilian coast and no notification was sent to CCAMLR of Brazil's intention to fish in the Convention Area. Many actions are under way to guarantee full compliance with all CCAMLR conservation measures when Brazil enters this fishery in the future (CCAMLR-XXI/BG/44).

14.26 Uruguay also expressed concern about elements relating to them in the paper which were incorrect and they offered to provide corrections to IUCN prior to the paper's publication.

14.27 Chile advised it was grateful for the reports, however it felt that there were elements in the papers which required updating and reflected subjective interpretation. Chile advised it would communicate with IUCN, maintaining the good relationship which had been established.

14.28 IUCN stated it welcomed comments from the countries concerned. It looked forward to further consultations and would make any necessary corrections in the final publication.

IWC

14.29 The IWC Observer (Prof. B. Fernholm, Chair of IWC) reported that the 54th Annual Meeting of IWC took place from 20 to 24 May 2002 in Shimonoseki, Japan, under his Chairmanship (CCAMLR-XXI/BG/42). He noted the following points of interest:

- (i) There was a difference of views as to whether the Commission should accept Iceland's new instrument of adherence with a reservation. Last year's decision that Iceland should attend the meeting as an observer was upheld at the annual meeting, but at a Special Meeting of the Commission in October, Iceland was admitted.
- (ii) Proposals for whale sanctuaries in the South Pacific and South Atlantic failed to gain the necessary majority for adoption. A proposal to change the provision for the Southern Ocean Sanctuary was not adopted and it remains.
- (iii) Although the IWC had accepted and endorsed the Revised Management Procedure (RMP) for commercial whaling, it noted that work on a number of issues, including specification of an inspection and observer system must be completed (Revised Management Scheme) before the IWC could consider establishing catch limits other than zero. This work is ongoing and an intersessional Commissioners' meeting was held in October 2002 to advance this work.
- (iv) Two permits by Japan for scientific whaling were considered: (i) an extension of its continuing program in the southern hemisphere, and (ii) for a long-term research program in the western North Pacific. Different views on the value of this research were expressed in the SC-IWC and the IWC.

- (v) The next Annual Meeting of the IWC will take place in Berlin, Germany, from 16 to 19 June 2003. The 2004 meeting will be held in Italy in May.

Reports of CCAMLR Observers at Meetings of Other International Organisations

ICCAT

14.30 The European Community, CCAMLR Observer to the Annual Meeting of ICCAT held in Murcia, Spain, in November 2001, briefly presented its report (CCAMLR-XXI/BG/4). Two main issues of relevance to CCAMLR were discussed at the meeting, the first being the matter of IUU fisheries. Discussions along the lines of those being held in CCAMLR are being held within ICCAT and proposals similar to those proposed at CCAMLR-XXI were also discussed by ICCAT.

14.31 The second issue of interest to CCAMLR was the question of seabird by-catch. There were a number of papers tabled in relation to this matter, but there was insufficient time for addressing this issue due to the long discussions on management measures of the quotas in question. This issue will be raised again at this year's annual meeting which is currently taking place in Bilbao, Spain. The European Community will report back to CCAMLR-XXII on the outcomes of this year's ICCAT meeting.

Expert Consultation of Regional Fisheries Management Bodies on the Harmonisation of Catch Certification

14.32 CCAMLR was represented at the IUU Consultation, in La Jolla, USA, from 9 to 11 January 2002, by the Science Officer and the Compliance Administrator. The Science Officer advised that the Secretariat's report of the meeting (CCAMLR-XXI/BG/10) had been considered in full by SCOI as part of the work of the CDS Informal Group. He drew the Commission's attention to the conclusions in the report:

- (i) Participation of the CCAMLR Secretariat at the consultation gave the opportunity to all participating RFMOs to jointly consider details of existing catch certification and documentation programs and plans for future programs globally. CCAMLR's experience in the development, implementation and operation of the CDS was extensively used at the consultation. It was noted that the CCAMLR scheme includes all the basic elements and procedures recommended by the consultation for harmonised catch certification and documentation programs.
- (ii) Recommendations made by the consultation could be viewed as a first step in the development of harmonised catch certification and documentation programs. Further work is required to elaborate such important procedural requirements as the responsibilities of Flag, Port, Export and Import States. The question of the consistency of the CDS with trade-related provisions of the World Trade Organization (WTO) remains unresolved and would also require further work.

COFI

14.33 Germany acted as CCAMLR Observer at the Eighth Session of the COFI Sub-Committee on Fish Trade held in Bremen, Germany, from 12 to 16 February 2002. Germany reported in CCAMLR-XXI/BG/3 that deliberations at the meeting focused on problems with fish trade worldwide.

14.34 One of two topics of interest to CCAMLR was the CITES listing criteria. It was agreed that the report from the FAO second technical consultation on the suitability of the CITES criteria for listing commercially exploited aquatic species should be conveyed to the CITES Secretariat.

14.35 Several countries reiterated their reservations about the role of CITES in relation to resources exploited by fisheries. The view was expressed that CITES should be seen as a complementary instrument in the protection of such resources, for example, in cases where management regimes are not in place, and that the CITES listing should be limited to exceptional cases only and when all relevant bodies associated with the management of the species in question agreed that a listing would be advantageous.

14.36 The COFI Sub-committee further requested the secretariats of FAO and CITES to coordinate in the drafting of a Memorandum of Understanding, as previously referred to by the FAO Observer, to facilitate dialogue and exchange of views. This Memorandum should be considered and possibly approved at the 2003 meetings of COFI and the CITES standing committee.

14.37 There was general agreement that many of the implications of a CITES listing had not been explored in detail and that there was a need for FAO to investigate the matter for exploited fish species.

14.38 The second topic of interest was the feasibility and practicability of harmonising catch documentation used by regional fishery bodies in relation to trade. The COFI Sub-committee was informed about the existing documentation programs that have been adopted by RFMOs, namely ICCAT, CCSBT, IOTC and CCAMLR. It was also informed about the outcome of the Expert Consultation referred to in paragraph 14.32.

14.39 Many delegations felt that the outcome of the consultation was a step in the right direction for the harmonisation of catch documentation for trade purposes, but there was a need for further work. Several delegations expressed concern over the participation in the consultation of regional fishery bodies on harmonisation of catch certification and the view was expressed that there should have been more participation from developing, major fishing and importing countries, and from persons who handle catch and/or trade documents. Some delegations cautioned against subjecting commercially exploited species to both the CITES listing and trade documentation schemes and expressed preference for the latter as a regulating mechanism.

IWC

14.40 The Commission noted the report submitted by the Observer to the 54th Meeting of the IWC (Japan) (CCAMLR-XXI/BG/46) and the comments made by the Chair of the IWC (paragraph 14.29).

Committee on Trade and Environment Special Session

14.41 As CCAMLR Observer to the two meetings of the CTE Special Session held in March and June 2002, New Zealand referred Members to its self-explanatory report in CCAMLR-XXI/BG/21. The report provided information on the informal consultations of organisation of work, planning of the Multilateral Environmental Agreements (MEA) Information Session, WTO Rules and Specific Trade Obligations in MEAs, observer status and environmental goods and services.

IATTC

14.42 The CCAMLR Observer (USA) to the 69th Meeting of ICCAT (26 to 28 June 2002, Mexico) submitted its report to the meeting (CCAMLR-XXI/BG/32). Issues reported on covered conservation and management of yellowfin and bigeye tuna, limitations on fishing capacity, by-catch, compliance and renegotiation of the IATTC Convention.

World Summit on Sustainable Development

14.43 South Africa, CCAMLR's Observer to the WSSD held in Johannesburg, South Africa, from 26 August to 4 September 2002, referred Members to its report (CCAMLR-XXI/BG/35). It urged all the Members present whose governments had shown commitment through attending the WSSD and concluding the Plan of Implementation, to view the observer's report and draw the Commission's attention to paragraph 2 which outlined that sustainable development has three components – economic development, social development and environmental protection – as interdependent and mutually reinforcing pillars. Poverty eradication, changing unsustainable patterns of production and consumption, and protecting and managing the natural resource base of economic and social development are overarching objectives essential for sustainable development.

CCSBT

14.44 Australia tabled the report of its observer at the fourth meeting of the CCSBT Ecologically Related Species Working Group (CCSBT-ERSWG) (held in Tokyo, Japan, from 26 to 28 November 2001); this report had only just been approved by CCSBT.

14.45 Prof. Croxall, Convener of ad hoc WG-IMAF, welcomed this report. It contained important new information which would be considered during the intersessional work of WG-IMAF.

Procedures for Submission of Observers' Reports

14.46 The UK observed that the Commission was facing a similar problem to that of the Scientific Committee under the same agenda item, in that valuable material was unable to be appropriately presented by observers, or adequately discussed by the Commission, due partly to the lateness of submission of some reports and partly to the structure of the meeting. The UK suggested that the Commission might consider adopting a similar procedure of deadlines for documents to that agreed by the Scientific Committee (SC-CAMLR-XXI, paragraph 9.34). Observers were, therefore, urged to ensure that their reports were submitted to the Secretariat in sufficient time to allow appropriate consideration by the Commission.

14.47 Chile associated itself with the UK's remarks regarding the limited opportunity for consideration of the valuable content of observers' reports within the present structure of the Commission's agenda. Within the scope of Agenda Item 15, Chile would endeavour to highlight the importance of these contributions to the objective of the Convention, while awaiting a change of policy towards participation of competent non-governmental organisations in the Scientific Committee's working groups that could also contribute to expanding these exchanges.

14.48 In this regard, the USA noted that observer reports require careful consideration, but are often presented late to the Commission. The USA proposed that these should be submitted well before the meeting for distribution, but no longer need be formally presented. Rather, the observer need only address specific pertinent points and answer questions raised on the contents of the paper.

Cooperation with Committee on Trade and Environment of the WTO

14.49 The Commission considered the paper submitted by the Secretariat (CCAMLR-XXI/20) and noted that the procedures for dealing with intersessional invitations to the Secretariat, as set out in Annex 4, paragraphs 11 and 12, would apply to all invitations received from other organisations. However, it asked the Secretariat to prepare draft guidelines, to be considered by the Commission at its next meeting, for dealing specifically with future invitations from the WTO.

Nomination of Observers to 2002/03 Meetings of International Organisations

14.50 The following observers were nominated to represent CCAMLR at meetings of international organisations in 2002/03:

- 12th Meeting of the Conference of Parties of CITES, 3 to 15 November 2002, Santiago, Chile – Chile (CCAMLR-XX, paragraph 12.50).
- Fourth Global Meeting of Regional Seas Conventions and Action Plans, 21 to 23 November 2002, Montreal, Canada – Canada or the USA (see paragraph 14.51).

- Second International Fishers' Forum, 19 to 22 November 2002, Hawaii, USA – USA.
- International Conference against Illegal, Unreported and Unregulated Fishing (in collaboration with FAO and the European Community), 25 to 26 November 2002, Santiago de Compostela, Spain – Spain.
- 20th Session of the CWP on Fishery Statistics (including discussions on FIGIS), 21 to 24 January 2003, Victoria, Seychelles – Data Manager.
- 25th Session of COFI, 24 to 28 February 2003, Rome, Italy – Executive Secretary.
- Third Meeting of the FAO Regional Fisheries Bodies, 3 to 4 March 2003, Rome Italy – Executive Secretary.
- SCAR's GIWA Action Group, April 2003, Curitiba, Brazil – Brazil.
- 55th Annual Meeting of the IWC, 16 to 19 June 2003, Berlin, Germany – Germany.
- Committee on Trade and Environment (CTE) of the WTO, June–July 2003 (dates to be confirmed), Geneva, Switzerland – Secretariat or New Zealand (see paragraph 14.52).
- ATCM-XXVI, 9 to 20 June 2003, Madrid, Spain – Executive Secretary.
- CEP-VI – Antarctic Treaty, 9 to 20 June 2003, Madrid, Spain – Chair, Scientific Committee.
- 18th Regular Meeting of ICCAT, 17 to 24 November 2003, Dublin, Ireland – European Community.
- Deep Sea 2003 Conference (an international conference on the governance and management of deep sea fisheries), 1 to 4 December 2003, Queenstown, New Zealand – Executive Secretary and Science Officer (paragraph 14.19).
- CCSBT10 Annual Commission Meeting, 7 to 10 October 2003, Christchurch, New Zealand – New Zealand.
- 2003 Annual Meetings of IATTC, 17 to 28 June 2003, Antigua, Guatemala – USA.

14.51 The Commission requested the Executive Secretary to write to the Government of Canada requesting it to represent CCAMLR as an observer at the Fourth Global Meeting of Regional Seas Conventions and Action Plans to be held in Montreal in November this year. The USA will act as observer should Canada decline the invitation.

14.52 The Commission agreed that it would be beneficial for a member of the Secretariat to represent CCAMLR at the CTE WTO meetings to be held in 2003 should sufficient funds be available from the budget. Otherwise New Zealand will serve as the CCAMLR observer.