

## COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

### Reports of Observers from International Organisations

#### Intergovernmental Organisations

##### CITES

14.1 The CITES Observer (Dr J. Armstrong) informed the Commission that, although not unprecedented, it is unusual for CITES to be required to interact with regional management bodies, particularly when the relevant species regulated by those bodies are not CITES listed, and therefore, not regulated by the CITES Convention. In November 2002, the CITES Conference of Parties (COP12) adopted Resolution 12.4 (see CCAMLR-XXII/BG/19 presented by Chile) and Decisions 12.57 to 12.59 (detailed in CCAMLR-XXII/9). The CITES Observer clarified that these 'soft laws', namely resolutions and decisions that are adopted through the Convention meetings, are not binding on CITES Parties, but they do bind the CITES Secretariat. Accordingly, the CITES Secretariat saw CCAMLR's invitation to attend the latter's Twenty-second Meeting as an opportunity to advance cooperation between CITES and CCAMLR.

14.2 Pursuant to the abovementioned resolution and decisions, CITES Parties involved in legally catching, and trading in, toothfish are requested to apply CCAMLR's CDS procedures. They are also required to report on application of such procedures to the CITES Secretariat so that information can be communicated to CCAMLR. Consequently, the CITES Observer reported briefly on progress in this regard.

14.3 Following the COP12 resolution and decisions, the CITES Secretariat had communicated with all CITES Parties concerning interaction with CCAMLR, specifically in regard to CITES Parties applying the CDS. The CDS documentation has been placed on the CITES website and input from the Parties has been sought on its use. At this time of the current meeting, no feedback had been received from CITES Parties. The CITES Observer noted that while this meant that there was nothing to report at this stage, the CITES Secretariat is still required to communicate any outcomes of this interaction to COP13 in October 2004.

14.4 The CITES observer continued that it may be helpful to explain how additional pressure could be applied to CITES Parties to strengthen their application of the COP12 resolution and decisions. In this context, any CITES Party may offer any species, about whose trade it has concern, for listing under Appendix III of CITES. If this were to happen, then it would not be necessary to attain a two-thirds majority decision on such a listing, as would be the case for a CITES Appendix I or Appendix II listing proposal. In effect, this means that listing under CITES Appendix III is at the discretion of the country concerned.

14.5 Listing under CITES Appendix III would then require all Parties participating in trade of the species listed to issue 'Certificates of Origin'. Unless such certificates were provided, CITES importing countries would be in a position to prohibit import of the listed species and/or its products. In relation to the species of interest to CCAMLR, toothfish in particular, the CITES Observer felt that it would be appropriate that the CDS documentation became the de facto Certificate of Origin. This would serve to meet CITES requirements as well as provide for more global application of the CDS.

14.6 The USA requested further elaboration of these views in respect of CITES Resolution 12.4.

14.7 In response, the CITES Observer noted that the question raised by the USA essentially referred to the requirement that CITES Parties utilise the CCAMLR CDS. He indicated that he was not suggesting in paragraphs 14.4 and 14.5 that the CITES Secretariat was urging CCAMLR to adopt an Appendix III approach. All he was attempting to do was outline possible mechanisms under the CITES Convention that CCAMLR Parties should be aware of and understand. He repeated that the COP12 resolution and decisions, while not binding on CITES Parties, are binding on the CITES Secretariat. Hence, and as instructed, the CITES Secretariat has attempted to collaborate with the CCAMLR Secretariat. However, it seems that CCAMLR has not yet given authority to the CCAMLR Secretariat to enter and engage in discussions with the CITES Secretariat. This should be resolved in some way through discussions at this meeting.

14.8 The CITES Observer continued that under Appendix III there could be a requirement to obligate the Parties of CITES to utilise the CCAMLR CDS. This was suggested to ensure there is no question of primacy over who is responsible for regulating these fisheries. The CITES Secretariat has no mandate at all to be involved in such regulation. However, CITES Parties who are concerned that illegal trade in toothfish is creating a conservation issue could move to have CITES assist CCAMLR through the Appendix III listing which would then bind (in the context of the Convention) the Parties to utilise this documentation. At present, CITES Parties are being asked to utilise the CDS but are under no obligation to do so. To date, no communication on the application of the CDS by CITES Parties has been provided to the CITES Secretariat which is therefore not in a position to report on the effectiveness of the COP12 resolution (paragraph 14.3). The CITES Observer added that this would not preclude any CITES Party with concerns on the illegal trade of toothfish from requesting a CITES Appendix III listing which would require CITES Parties to utilise the CDS as a substitute for a Certificate of Origin, as per paragraphs 14.4 and 14.5.

14.9 Chile referred to the Commission's decision at CCAMLR-XXI, subject to Article XXII of the Convention, on cooperation with CITES. Chile also believed that COP12 Resolution 12.4 had been adopted by CITES Parties without any objection and, therefore, CITES has a moral obligation to implement it. Although the two organisations are based on different concepts and have different mechanisms for implementing decisions, the necessary exchange of information could be established. Chile also advised that it is not in a position to consider any options for listing toothfish in any CITES appendices.

14.10 Sweden referred to CITES Decision 12.57 requiring that CITES Parties should report on their use of CDS, and their verification requirements for *Dissostichus* Catch Documents by the end of 2003. It enquired whether CITES Parties were reminded of this decision and what could be done to advance any responses in the remaining two months of 2003.

14.11 The CITES Observer responded that CITES Parties will be reminded of this decision and any information received will be provided to CCAMLR.

14.12 ASOC thanked the CITES Observer and reiterated its position that the best choice for cooperation between CCAMLR and CITES would be through a CITES Appendix II listing for toothfish. CITES Parties currently include all States involved in toothfish trade or

providing markets for toothfish. As a result, virtually all CITES Parties involved in toothfish harvest, landing or trade would be able to verify whether fish traded via their borders were caught in compliance with CCAMLR conservation measures.

14.13 The USA pointed out that the CDS was established as one measure in a suite of measures to combat IUU fishing for toothfish in the Convention Area. At the current meeting, Members had put forward two important proposals that would considerably enhance effectiveness of the current CDS. These measures were aimed at converting the existing paper-based CDS into an electronic web-based system and at adopting a C-VMS. Therefore Members should be encouraged to consider these proposals for possible adoption. Without actions on these proposals and progress by the Commission, the pressure to take action under CITES instead of CCAMLR will only grow.

14.14 The European Community reiterated the need to focus discussions on how to organise cooperation between the CCAMLR and CITES Secretariats. It advised that COP13 will be held from 2 to 14 October 2004 in Bangkok, Thailand, and suggested that CCAMLR Members should communicate intersessionally in order to elaborate a common position on different options for cooperation with CITES, including any possible CITES Appendix III listing of toothfish.

14.15 In response to European Community comments, the CITES Observer clarified that any proposals for listing toothfish should be submitted to CITES 150 days before COP13 (i.e. 5 May 2004). Any proposals received will be communicated accordingly to FAO, other RFMOs and CCAMLR for comment.

14.16 Norway indicated that, in its view, the proposed E-CDS and C-VMS would strengthen application of the CDS. Responding to the European Community comments, Norway pointed out that any proposals for cooperation with CITES should be discussed at CCAMLR meetings and not be subject to intersessional communications. In response to the US comment that any Member could be engaged unilaterally in cooperation with international organisations as a Party to the Convention, Norway responded that no Member should bring about any decision on toothfish without a decision taken by the Commission by consensus and subject to Article XXIII of the Convention.

14.17 The CCAMLR Executive Secretary drew the Commission's attention to CCAMLR-XXII/9 which provided information on the CCAMLR Secretariat's collaboration with CITES since COP12. This paper was invoked by responses to COMM CIRC's 03/32 and 03/39 concerning potential cooperation with CITES. In the paper, four discussion points had been raised for the Commission's consideration: identify procedures to govern cooperation between CCAMLR and CITES; the potential targeting of CITES Parties (particularly CCAMLR non-Contracting Parties) to improve their ability to apply the CDS; procedures for exchange of CCAMLR information with CITES; and any other consideration attached to possible formalisation of CCAMLR-CITES cooperation.

14.18 In conclusion, the Executive Secretary indicated that it was the Secretariat's understanding that, pending any formal cooperation with CITES on matters relating to Resolution 12.4, the exchange of information with the CITES Secretariat could be continued on:

- (i) various steps taken by CITES on implementing the CDS by CITES Parties;

- (ii) CCAMLR implementation of the CDS and other measures aimed at eliminating IUU fishing in the Convention Area;
- (iii) communication of any other matters of relevance to the two organisations in the context of improving their cooperation.

14.19 There were no objections to this course of action.

## FAO

14.20 The FAO Observer (Dr R. Shotton) noted the activities of his organisation in relation to current issues facing CCAMLR (CCAMLR-XXII/BG/30). These included negotiations with CITES over listing criteria and future collaboration; negotiations for the creation of a fisheries commission for the Southwest Indian Ocean; addressing the problem of fleet overcapacity; entry into effect of the FAO Compliance Agreement; post-COFI Regional Fishery Bodies (RFB) consultations; the expansion of use of VMS and the upcoming Deep Sea 2003 Conference in December 2003 in New Zealand.

## IUCN

14.21 The following statement was made by the IUCN Observer (Ms A. Willock):

‘IUCN welcomes the opportunity to attend and provide a verbal statement to the Twenty-second Meeting of the Commission. The work of IUCN encompasses a wide range of issues relating to conservation of the world’s resources and there are two areas in particular that I would like to draw to the attention of the Commission: the first relating to global developments in marine protected areas; and the second relating to efforts to prevent, deter and eliminate IUU fishing.

The value of marine protected areas as powerful tools for biodiversity conservation and sustainable fisheries has been highlighted in numerous international fora in recent times, including the Fifth World Parks Congress and the World Summit on Sustainable Development. A practical first step identified at the World Parks Congress, and elaborated in an agreed *Ten Year High Seas Marine Protected Areas Strategy*, is to identify marine areas for priority attention and develop criteria and guidelines for a representative system of marine protected areas. I would be pleased to provide copies of this strategy to delegates. In the past year, IUCN has also convened an *Experts Workshop on High Seas Marine Protected Areas*. Copies of the summary report and full proceedings of that workshop are available on the IUCN’s website.

IUCN commends the efforts by Members to date to establish marine protected areas and welcomes the recommendation from the Scientific Committee to take steps, through the Advisory Subgroup on Protected Areas, towards reviewing recent work in this area and receiving advice on the implementation of marine protected areas in the Convention Area. IUCN offers its assistance to CCAMLR and its Members in these endeavours.

Building on this recommendation, IUCN urges CCAMLR to consider, in conjunction with the Committee for Environmental Protection, SCAR, IUCN and other relevant stakeholders, convening a meeting to synthesize and evaluate relevant scientific information for the purposes of identifying priority sites for protection and defining an appropriate network of marine protected areas in the Southern Ocean. The meeting would also serve to identify future research needs and priorities for these purposes.

A further issue highlighted by marine experts at the World Parks Congress was the wealth of unique species inhabiting deep-sea features such as seamounts and cold-water corals and their particular vulnerability to disturbance from seabed bottom trawling. The 2002 UN General Assembly adopted a resolution calling on the UN system to “consider urgently” the “risks to the biodiversity of seamounts” and other areas. In June of this year, the UN Informal Consultations on Oceans and the Law of the Sea reiterated this call and expanded upon it. The issue was discussed again at the July meeting of the States Parties to the UN Fish Stocks Agreement.

IUCN calls on CCAMLR, as a global leader in conservation, to agree to a conservation measure placing a moratorium on bottom trawling over seamounts and cold water coral reefs in the Convention Area, until such time as specific measures are in place to protect such areas.

Efforts to develop a representative marine protected area network, protection of deep sea features and communities from the effects of fishing, and indeed those fish stocks targeted by legitimate industry, will be compromised while the threat posed by IUU fishing continues. CCAMLR must move quickly to strengthen its conservation and management measures to ensure that IUU fishing does not continue to undermine the Commission’s regime and directly threaten the long-term sustainability of toothfish stocks in the Convention Area as well as the survival of several seabird species.

IUCN therefore urges CCAMLR to adopt an approach of cooperation with CITES that will ensure the respective expertise of both organisations is used in a way that maximises the contribution of each to combating IUU fishing. Such cooperation should build on CITES Resolution Conf. 12.4 and Decisions 12.57 to 12.59.

IUCN also asks the Commission to consider the recommendations contained in CCAMLR-XXII/BG/26 and agree to ensure that the form in which Catch Documentation Scheme data is made publicly available enables analytical comparison with available international trade data.’

14.22 The UK recognised that several key points were highlighted in the IUCN oral presentation and emphasised the importance of observers providing their reports at the start of the meeting so that information may be appropriately considered. The UK drew Members’ attention to the issue of Marine Protected Areas, given the recent World Parks Congress in South Africa where the new IUCN 10-year strategy relating to the development of appropriate environmental protection for high seas areas was addressed. The UK believed that this is a very comprehensive strategy worthy of consideration by CCAMLR Members. It welcomed the news that the Scientific Committee’s Advisory Subgroup on Protected Areas would be reviewing this and related initiatives in order to summarise recent developments for the consideration of CCAMLR (SC-CAMLR-XXII, paragraph 3.67).

## IWC

14.23 The IWC Observer to CCAMLR (Prof. B. Fernholm) referred to CCAMLR-XXII/BG/3 and BG/9, and drew Members' attention to the substantial and interesting information in the Scientific Committee report on cooperation between CCAMLR and the IWC (SC-CAMLR-XXII, paragraph 9.6). Furthermore, he stated that in respect to the suggestion in SC-CAMLR-XXII/BG/9, CCAMLR may wish to establish more formal cooperation with IWC, although IWC has decided to establish a Conservation Committee, it is only expected to become operational at the next annual meeting of IWC. Therefore, at this time it is difficult to do more than indicate CCAMLR's willingness for continued close cooperation with IWC.

## Non-governmental Organisations

### ASOC

14.24 The following statement was made by the ASOC Observer (Mr M. Stevens):

'Just a few months ago, we all followed – with great interest – the dramatic hot pursuit and arrest of the Uruguayan-flagged fishing vessel, *Viarsa I*. This was preceded by an equally dramatic and expensive hot pursuit of the *South Tome* in 2002.

ASOC believes that there must be a more practical and less expensive method to reduce illegal, unreported and unregulated fishing for toothfish. CCAMLR-XXII/BG/27 contains a number of innovative and sensible proposals to reduce illegal, unreported and unregulated fishing and lead to precautionary management of the Antarctic marine ecosystem.

I'm sure you all have already read the document, so I will briefly remind you of our most important proposals.

- (i) C-VMS – CCAMLR Parties currently rely on Flag States to monitor and verify VMS data. This is not working. We urge the Commission to adopt a C-VMS that provides VMS data directly to the CCAMLR Secretariat in real time, and that strictly guards the confidentiality of the data.
- (ii) Black Vessel List – we urge the Commission to adopt a list of vessels that have fished in contravention of CCAMLR conservation measures, against which Parties may wish to impose sanctions. This list should include those vessels flagged to Contracting Parties as well as non-Contracting Parties.
- (iii) ASOC has compiled a red list of vessels that have undermined CCAMLR conservation measures, and COLTO – whom we welcome as a new observer – has compiled a similar rogues gallery. It is time for CCAMLR to do the same.

- (iv) Krill – the second generation krill fishery is expanding rapidly. At its current rate of growth the annual catch could reach the trigger level of 620 000 tonnes as soon as in five to six years. Parties participating in the fishery must provide not only detailed catch data, but also information to allow WG-EMM to predict trends in the fishery.
- (v) Finally, CITES – we are pleased to welcome the CITES representative to Hobart and look forward to a productive discussion of cooperation between CCAMLR and CITES. The CITES Conference of Parties adopted a resolution urging Parties to participate in the CCAMLR Catch Documentation Scheme and report such participation to the CITES Secretariat. It also directs the CITES Secretariat to share this data with CCAMLR. We urge the Commission to sign a memorandum of understanding with CITES to formalise this cooperation and collaboration.'

## COLTO

14.25 The Observer from COLTO introduced the document 'Rogues Gallery – the New Face of IUU Fishing for Toothfish' and explained to the Commission that COLTO is an industry organisation comprising 29 toothfish companies in 10 CCAMLR Member States. It has been in operation since May 2003. COLTO's objective was to work with CCAMLR Members and other authorities to eliminate IUU fishing for toothfish in order to sustain toothfish stocks, seabird populations and the livelihoods of legal fishermen. COLTO explained that the organisation was established as a result of delays by governments to take effective action against IUU fishing for toothfish.

14.26 COLTO noted that the organisation had already provided significant amounts of information on IUU fishing to relevant authorities and highlighted the issue of IUU via a 'Wanted' poster campaign and website and stressed that, as an industry group, COLTO was uniquely placed to provide details and information on IUU to governments that otherwise may not be available, or that would take too long for government agencies to collect.

14.27 COLTO stated that its organisation would continue to work with governments, industry, non-governmental organisations and any other parties in order to eliminate IUU fishing for toothfish and promote sustainable fishing in an environmentally responsible manner. COLTO pointed out the difficulty the fishing industry had experienced in the past with regard to non-governmental organisations making unsubstantiated claims and noted with regret that this sometimes prevents governments from taking the issues raised more seriously. COLTO, on the other hand, aimed to work constructively with many non-governmental organisations in order that all stakeholders were dealt with fairly and respectfully. COLTO noted that it is a significant stakeholder in the toothfish fishery and therefore was looking forward to working with CCAMLR, including participating at future CCAMLR meetings.

14.28 Uruguay made the following statement:

'The Delegation of Uruguay, invoking Rule 34(c) of the Commission Rules of Procedure, objects to the document submitted by COLTO being considered as a

Commission document. Even though it supports the intentions expressed by the representative of COLTO, Uruguay rejects the aforesaid document, for it contains accusations made in an extraordinarily rash and careless manner. It accuses official institutions and official persons of 12 States (most of them CCAMLR Members) of being accomplices to the activities of known illegal fishing operators. At a time when the international community is particularly mindful of the respect for internationally accepted legal principles, it is not acceptable that an organisation not bound by current international instruments in the same way that the aforesaid States are bound, should accuse the institutions and the officials of Uruguay and of the other 11 States (as mentioned earlier, most of them CCAMLR Members) of being involved in such activities with no valid evidence or obvious impartiality.

Furthermore, accusations cannot be made without valid evidence and without the obligation to withdraw them if unsupported by such evidence.'

14.29 The People's Republic of China made the following statement:

'My delegation is disappointed to see the COLTO document, namely "the Rogues Gallery", distributed by the Secretariat only yesterday.

China noted the concern caused by late submission of documents which would leave insufficient time for consideration, as requested by CCAMLR-XXII/5 Rev. 1, namely the draft rules for submission of CCAMLR meeting papers. China shares the same concern in this regard.

We understand that each observer has the right to submit documents to the Secretariat, but we believe that only true and trustful information might be helpful to the process of this meeting. Information that lacks a sound and solid basis can only be misleading and is unacceptable.

In the paper, China and other Contracting Parties are targeted as the support to IUU fishing activities. Such a paper shall be deemed as to undermine the credibility of the Commission as well as that of China, a responsible country that has voluntarily implemented the CDS since July 2001.

The Fishery Authority of China is trying its every effort possible and practicable to cooperate with the Commission in fighting IUU fishing activities. China issues each re-export document only after we receive confirmation from the Secretariat on the authenticity of the DCDs.

We assure our commitment to enhance cooperation with CCAMLR, but we also request appropriate actions by the Commission with regard to this paper. We support the interventions by Uruguay, Chile and Russia and other contracting parties that the Commission decide that no consideration should be given to this paper and this paper should not be tabled.

We reiterate that no further response should be given to this paper from respective governments.'

14.30 Chile expressed its appreciation for the efforts made by non-governmental organisations to cooperate with the Commission in the elimination of illegal, unreported and



unregulated fishing. Chile shared the views conveyed in the preceding statements of other delegations, and without prejudice towards the request not to consider the document presented by COLTO, made by the Uruguayan Delegate, expressed its concern in relation to a section of the COLTO document which mentions the Chilean fishing company PESCA CISNE S.A. Chile indicated that COLTO's document mentioned that the owners or operators of this fishing company, which is based in Chile, are parties to a Galician syndicate and that they participate in IUU activities. In this regard, Chile emphasised that it has strict regulations in force to ensure a genuine link between the Flag State and the vessels registered therein. Chile stated that PESCA CISNE S.A. is an enterprise supported almost entirely by Chilean capital, and therefore according to Chilean legislation, is a Chilean company. PESCA CISNE S.A. owns two registered vessels (*Cisne Blanco* and *Cisne Verde*), both licensed to fish inside the Chilean EEZ and in CCAMLR's Subarea 48.3. Chile stressed that neither vessel has been involved in IUU activities.

14.31 The Republic of Korea noted its recognition that COLTO has shown its effort to help CCAMLR in combating IUU fishing for toothfish. It also understood the urgency with which any form of IUU fishing, both inside and outside the Convention Area, should be eliminated. In this respect, it also noted that combating IUU fishing is one of Korea's national policies in both domestic and distant-water fisheries. However, Korea wished to clarify the information cited in COLTO's document. Firstly, the fishing vessel *Golden Sun* was not under Korea's jurisdiction and therefore the current information in COLTO's document was inaccurate. Secondly, the COLTO document did not provide any evidence regarding the other two Korean-flagged vessels which the document implicates in IUU fishing. Such irresponsible behaviour would result in destroying the credibility of COLTO. Korea stated that it is ready to cooperate in any CCAMLR activities to eliminate IUU fishing, however, it requires clear evidence for further investigation of any accusation.

14.32 Russia made the following statement:

'The Russian Delegation was awed to see the paper, presented by the non-governmental organisation observer delegation of COLTO.

That document was circulated inappropriately late. It also contains unchecked, groundless allegations against a number of CCAMLR Parties, including the Russian Federation, of alleged support of IUU activity.

We would like to support the proposal, expressed by a number of delegations, including Chile, China and others to dismiss the COLTO document from discussion by the Commission, as in our opinion and the opinions expressed by other delegations, that the above paper of COLTO undermines the credibility of CCAMLR and its Member States in curbing IUU activity and poses danger for the unity of CCAMLR.

The Government of the Russian Federation is committed to combat IUU fisheries and in order to achieve that is using VMS and CDS. We also support the idea of the C-VMS.

In the opinion of the Russian Delegation, COLTO is using doubtful methods of dishonest competition. We are disappointed with such methods as well as with the lack of legal basis for such accusations.

Along with the statements by other Contracting Parties and governmental observer delegations, the Delegation of the Russian Federation urges the Commission to dismiss the COLTO document.

We strongly believe that the paper, compiled so inadequately by COLTO, deserves no further response from respectful Contracting Parties and governmental observer delegations.'

14.33 Spain noted that the assistance of COLTO could help to enhance the objectives of the Commission and promote trust between the Commission and the fishing industry. However, Spain noted that this cannot be achieved via baseless accusations towards Members of the Commission. Spain also noted that the COLTO document referred unfavourably to a Galician syndicate, which was unfair on the Galician legal fishing industry which is firmly in favour of combating IUU fishing.

14.34 The USA welcomed COLTO as an observer organisation of legal fishing vessels and noted that IUU fishing efforts are harming the credibility of CCAMLR. The USA urged Parties that had vessels listed as possibly guilty of IUU fishing to describe their efforts to stop or remediate these activities. In this regard, the USA referred the meeting to its paper CCAMLR-XXII/BG/39.

14.35 Namibia made the following statement:

'Namibia took note of the submission by COLTO on its initiatives to address IUU fishing. Namibia also took note of COLTO's reference to Namibia to be among those States with open port traditions and weak institutions to deal with IUU issues. On the submission by COLTO, and Namibia being one of the victims of IUU fishing in the past, Namibia has ever since supported efforts made towards the elimination of IUU fishing the world over.

All toothfish vessels calling for offloading at Namibian ports have been inspected in accordance with the existing CCAMLR conservation measures. Those found non-compliant have been refused permission to offload. In accordance with the Namibian open policy and transparency, invitations were extended to concerned parties to observe the inspection of toothfish vessels by Namibia. Also, Member States are informed through the CCAMLR Secretariat of those toothfish vessels refused offloading by Namibia.

Therefore, the reference by COLTO to Namibia as a Port State with open-port traditions with weak institutions is based on misinformation, misrepresentation and is misleading.'

14.36 The European Community stated that transparency was important to CCAMLR and that the contribution of observers is always welcome at CCAMLR meetings. The European Community also noted that there was no doubt that IUU fishing is a significant problem and requires increased efforts to combat. Therefore, the European Community was of the view that any information which may assist to address IUU fishing is useful. However, the European Community noted that some allegations contained in the COLTO document had no sound basis and stressed the importance of validating such information and substantiating it with supporting documentation.

14.37 New Zealand supported the comments of the USA. New Zealand concluded that COLTO should provide clear evidence of its allegations and that those who disagree should submit a written rebuttal.

14.38 Argentina advised that the vessel *Arcos*, referred to in the COLTO document, had ceased to fly the Argentine flag from 1 March 2003.

14.39 Mauritius made the following statement:

‘The Mauritian Representative thanks the Chair for allowing him to address the Commission and the Commission for inviting Mauritius to the meeting as an observer.

Mauritius supports the statements made by the previous speakers on the COLTO document and strongly objects to the reference made to Mauritius as a “port of convenience”.

Mauritius as a non-Contracting and cooperating nation with CCAMLR is fulfilling its part and obligation to the best of its ability with regard to the monitoring and control of toothfish fishing vessels in its ports as outlined in documents CCAMLR-XXII/BG/28 and SCIC-03/12.

Mauritius points out that the remarks made in the COLTO document are unwarranted.’

14.40 France agreed with the statements made by the USA, European Community and New Zealand. France noted that the COLTO document contributed to the meeting in an interesting way and could do much to assist the fight against IUU fishing. France agreed that such information must be reliable and correct and noted that, whilst it believed that much information in the COLTO document was factually correct, other information was incongruous and unbelievable. France was in favour of COLTO contributing to the work of CCAMLR but requested it to ensure that all information submitted is substantiated. Australia agreed with these views.

14.41 The UK, in noting that Uruguay had invoked Rule 34(c) of the Commission’s Rules of Procedure, indicated that although legally such a procedure might be applicable, such a proposal presupposed that the Commission had in place a mechanism to evaluate and adjudicate reports submitted by observers. In reality, the Commission had no such procedure, nor had it been the practice to censor or block such reports. In the view of the UK, the invocation of Rule 34(c) against the document submitted by COLTO was regrettable.

14.42 The UK noted that, whilst the language in the COLTO document was at times overly frank, it clearly demonstrated not only the level of frustration being experienced by the legal industry, but also the commitment of COLTO to combat IUU fishing. In that respect the objective of COLTO was not dissimilar to that of the Commission itself.

14.43 COLTO made the following statement:

‘Subsequent to all the interventions, and to avoid an unfortunate precedent being created, COLTO will withdraw its paper, and suggests that all references in the draft Commission text to discussions be renamed “the COLTO document”, as a pragmatic solution and way forwards.

To avoid this situation occurring in future, COLTO will:

- (i) provide detailed, accurate and timely information to the Commission for consideration by Members in relation to the IUU black list and other IUU topics;
- (ii) provide our Articles of Association and Membership details to the Commission as soon as possible.'

#### Reports from CCAMLR Representatives at Meetings of International Organisations in 2002/03

##### Second International Fishers' Forum

14.44 The USA, CCAMLR Observer to IFF2, presented its report of the meeting held in Hawaii, USA, from 19 to 22 November 2002 (CCAMLR-XXII/BG/37). This forum gathered together participants from fishing industries, government agencies, non-governmental organisations and other interested parties to address the problems of by-catch and incidental mortality of seabirds and turtles in pelagic longline fisheries. The USA urged Members to read the report and noted that there would be another forum in two years.

14.45 The Executive Secretary advised that he and the Scientific Observer Data Analyst had also attended IFF2 at the organisers' invitation and expense. A report is given in CCAMLR-XXII/BG/6. The key points from this paper are contained in CCAMLR-XXII/14. It was heartening and encouraging that CCAMLR was seen as an example of an organisation that successfully develops and applies mitigating measures to reduce seabird by-catch.

##### International Conference against Illegal, Unreported and Unregulated Fishing

14.46 Spain reported on the Conference against IUU Fishing which took place in November 2002, in Santiago de Compostela, the capital of Galicia in Spain. The conference was attended by 43 States and, for the first time, non-governmental organisation and industry representatives were allowed an equal opportunity with other delegations, to make presentations.

14.47 The conference highlighted the harmful effects of IUU fishing on conservation and management of the marine ecosystem. In response to the growing trend towards globalisation of fishing activities and in the absence of existing legal constraints, the conference focused its work on two main issues:

- (i) the lack of effective Flag State control of fishing vessels, in particular those flying flags of convenience or flags of non-compliance;
- (ii) the lack of agreed, effective, compatible and stringent Port State measures.

14.48 Since the conference, some progress has been achieved internationally, with FAO having organised two Expert Consultations, one relating to Port State measures and the other on fishing vessels operating under open registries.

14.49 Dr Press advised that he represented Australia at the meeting in Santiago de Compostela. He congratulated Spain on its organisation of a very good meeting and for its report. It was a very important meeting internationally and Australia appreciated Spain's hosting of it and the products arising from it.

#### 20th Session of CWP on Fishery Statistics

14.50 The Executive Secretary advised that there had been substantial discussion of this meeting by the Scientific Committee (SC-CAMLR-XXII, paragraphs 9.10 to 9.14) and therefore did not require further elaboration. FIGIS-FIRMS was discussed by the Scientific Committee which repeated its advice from last year indicating that the proposed partnership was unlikely to be of major benefit to the Commission (SC-CAMLR-XXII, paragraphs 9.15 to 9.17). He indicated that the ongoing matter of FIGIS (Fisheries Global Information System), in particular FIRMS (Fishery Resources Monitoring System), was also of interest to the Commission as indicated in CCAMLR-XXII/45. He highlighted its perceived benefits to CCAMLR. It was concluded that there may be some benefit from setting up a watching brief on the development of FIRMS so that information may be brought back to the Scientific Committee and Commission regarding the possible benefit in the implementation of this initiative.

#### 25th Session of COFI

14.51 The Executive Secretary had attended the 25th Session of COFI and referred Members to CCAMLR-XXII/14 and BG/4. Highlights from the general discussion within COFI included:

- (i) reinforcement of the need for global action to combat IUU fishing;
- (ii) discussion on the implementation of the 1995 Fish Stocks Agreement;
- (iii) a progress report on the implementation of the Code of Conduct for Responsible Fisheries and the attached and related IPOAs, especially the IPOA in relation to IUU fishing;
- (iv) discussion of cooperation between COFI and CITES;
- (v) discussions of various issues including the ecosystem approach to fisheries management.

### Third Meeting of the FAO RFBs

14.52 The Executive Secretary also attended this meeting of the RFBs (CCAMLR-XXII/14 and BG/4). The highlights were:

- (i) the continued need to standardise and develop integrated regional plans of action in support of IPOAs; the two of most relevance to CCAMLR are IPOA-IUU and IPOA-Seabirds;
- (ii) recognition that the RFBs have a role in listing vessels which have been either carrying out illegal fishing (black list) or which have been operating in a manner compliant and complementary to regional fisheries regulations (white list);
- (iii) discussion of strengthening the RFBs implementation of the Compliance Agreement which is now in force;
- (iv) the urge for international cooperation to make VMS a more effective monitoring, control and surveillance tool;
- (v) the need for harmonisation of catch certification as applied by the various RFBs;
- (vi) cooperation with CITES;
- (vii) implications of the ecosystem approach to fisheries management;
- (viii) the need to put into effect IPOAs on IUU fishing by 2004 at a regional level.

14.53 The Executive Secretary advised that he was now the Chair of the RFBs for the next meeting in 2005.

14.54 The Commission noted the above information on COFI-25 and the RFB developments with interest.

### WTO Committee on Trade and Environment

14.55 New Zealand, as Observer to WTO CTE meetings, referred Members to its report in CCAMLR-XXII/BG/25.

### ICCAT

14.56 The European Community attended the 17th Regular Meeting of ICCAT held in Bilbao, Spain, from 28 October to 4 November 2002. Discussions at the meeting were reported in CCAMLR-XXII/BG/29.

## Deep Sea 2003 Conference

14.57 The Executive Secretary reported that this meeting is yet to be held. He reminded the Commission that, in accordance with CCAMLR-XXI, paragraph 14.19, CCAMLR serves on the Steering Committee and Organising Committee of that conference and is a co-sponsor.

## IATTC

14.58 The USA, as Observer to the Annual Meeting of IATTC, held in Antigua, Guatemala, from 17 to 28 June 2003, referred Members to its report in CCAMLR-XXII/BG/35 and noted that IATTC had completed its five-year renegotiation of the Convention. He also noted that IATTC had adopted a 'Positive List' for fishing vessels.

## IWC

14.59 Germany, CCAMLR Observer to the 55th Annual Meeting of the IWC held from 16 to 19 June 2003 in Berlin, Germany, presented its report (CCAMLR-XXII/BG/3). The dominant issue of the meeting was the 'Berlin initiative' to set up a conservation committee open to all Contracting Parties with the objective of dealing with threats of human origin to whales (e.g. pollution, climate change, by-catch in fisheries, sea traffic, underwater noise, offshore activities). The initiative was approved, however some opponents announced their intention not to take part in the work of that committee as they felt it would change the nature of the IWC. Other points of interest discussed at the meeting included the moratorium on commercial whaling, motions to establish sanctuaries in the South Pacific and the South Atlantic, discussions of the Revised Management System, whaling under special permits for scientific research and catch quotas for aboriginal subsistence whaling.

## Nomination of Representatives to Meetings of International Organisations in 2003/04

14.60 The following observers were nominated to represent CCAMLR at meetings of international organisations in 2003/04:

- Global Meeting of Regional Seas Conventions and Action Plans, 25 to 27 November 2003, Nairobi, Kenya – no nomination.
- Vessel Monitoring Systems Conference, Asia and Pacific 2003, 27 and 28 November 2003 – Australia.
- International Coalition of Fisheries Associations (ICFA) 2003 Annual Meeting, 26 to 28 November 2003, Auckland, New Zealand – no nomination.
- Ninth Session of the COFI Sub-Committee on Fish Trade, 10 to 14 February 2004, Rome, Italy – Italy.

- Workshop on Illegal, Unreported and Unregulated Fisheries (hosted by OECD Committee for Fisheries), two-day workshop between 19 and 23 April 2004 (venue to be advised) – France (if held in France).
- ATCM-XXVII, 24 May to 4 June 2004, Cape Town, South Africa – Executive Secretary.
- CEP-VII – Antarctic Treaty, 24 May to 4 June 2004, Cape Town, South Africa – Chair, Scientific Committee.
- FAO Technical Consultation to review progress and promote the full implementation of the International Plans of Action: to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) and on Management of Fishing Capacity (IPOA-Capacity), June 2004, Rome, Italy – Japan.
- 56th Annual Meeting of the IWC, 19 to 22 July 2004, Sorrento, Italy – Italy.
- FAO Technical Consultation to Address Substantive Issues relating to the Role of the Port State to Prevent, Deter and Eliminate IUU Fishing, 20 to 24 September 2004, Rome, Italy – Norway.
- 13th Meeting of the Conference of Parties of CITES, 2 to 14 October 2004, Bangkok, Thailand – USA.
- XXVIII SCAR Delegates Meeting, 3 to 9 October 2004, Bremerhaven, Germany – Brazil.
- CCSBT-XI Annual Commission Meeting, 19 to 22 October 2004, Korea – Republic of Korea.
- 18th Regular Meeting of ICCAT, 17 to 24 November 2003, Dublin, Ireland – European Community.
- 2004 Annual Meetings of IATTC (dates and venue not yet available) – no nomination.
- WTO Committee on Trade and Environment, Geneva, Switzerland (dates not yet available) – New Zealand.

#### Fourth World Fisheries Congress

14.61 The Fourth World Fisheries Congress will be held in May 2004 in Vancouver, Canada. The Executive Secretary drew Members' attention to SC-CAMLR-XXII, paragraph 15.8 and CCAMLR-XXII/BG/22. In accordance with the authority given to him by the Commission (CCAMLR-XXI, paragraph 3.14 and Annex 4, paragraphs 11 to 12), the Executive Secretary had responded to an invitation to attend this congress. The issue of principle is whether or not there should be Secretariat representation at this meeting, on behalf of the Commission, and the form that such representation may or may not take.



14.62 The USA responded that as the conveners of WG-FSA and WG-EMM would be attending this congress, they should, therefore, coordinate representation. It felt that it could be adequately covered by the two conveners or a representative of these bodies.