

## COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

### Reports of observers from international organisations

#### Intergovernmental organisations

##### CCSBT

14.1 The CCSBT Observer (the Republic of Korea) reported that Korea had hosted the Eleventh Annual Meeting of CCSBT, from 19 to 22 October 2004, in Busan. Topics included determination of total allowable catch and national allocation, membership, stock status and management procedures. Further details are contained in CCAMLR-XXIII/BG/40.

##### FAO

14.2 The FAO Observer reported on a number of issues of potential relevance to CCAMLR (CCAMLR-XXIII/BG/35). Such topics included: negotiations between FAO and CITES in relation to FAO's role in assessing proposals for listed species; FAO development of an Ecosystem Approach to Fisheries Management; FAO's relations with CCAMLR in the reporting of Southern Ocean fisheries statistics; the impending creation of an RFMO in the Southern Indian Ocean and its potential role in relation to the reporting of toothfish catches in Statistical Areas 51 and 57; global fleet capacity; the COFI-related biennial Regional Fishery Bodies (RFBs) consultative process; and outcomes of interest from the Deep Sea 2003 Conference, held in New Zealand in December 2003.

14.3 The European Community noted that the establishment of an RFMO in the Southern Indian Ocean Fisheries Agreement (SIOFA) was likely to be of high interest to CCAMLR. The European Community has participated actively in the negotiations of this agreement since its inception. Further negotiations will take place early next year and will be chaired by the European Community.

14.4 The Commission noted that SIOFA, as currently defined, will have competence over demersal species in most of FAO Statistical Areas 51 and 57, and will thus establish an area of application next to that of CCAMLR. Its mandate will therefore include, where occurring, toothfish resources in high-seas waters adjacent to the CCAMLR Convention Area. Therefore the establishment of the future SIOFA is likely to bind SIOFA Contracting Parties to notify catches and to cooperate in managing relevant stocks, as well as their assessment and evaluation in accordance with their own responsibilities.

14.5 The European Community further indicated that each SIOFA participant will have a role in collecting information and taking jurisdiction over the resources concerned. The necessary links to CCAMLR should be established so that the stocks can be assessed and evaluated in a cohesive way. As Chair of the SIOFA negotiations, the Delegate from the European Community was concerned that a number of countries operating in those areas and fishing for toothfish, are not participating in the negotiations. As the draft agreement is nearing completion and may be adopted next year, it is important that all Parties with fishing interests in demersal stocks in the Indian Ocean, north of CCAMLR, join in the negotiations.

14.6 The European Community reported that the intergovernmental consultation on SIOFA held last July in Mahe, Seychelles, adopted a resolution on data collection that is applicable on a voluntary basis, and the IOTC Secretariat is being solicited to receive any voluntarily transmitted reports on catches, on account of the coincidence of areas of application of both SIOFA and IOTC. CCAMLR Members were encouraged to collect data and communicate them to IOTC in accordance with the resolution.

14.7 Argentina thanked FAO for its comprehensive report. It regrets, however, that incorrect references to the territorial status of the Malvinas (Falkland) Islands were included in the report, thus attributing them a territorial status which they do not have. It recalled paragraphs 7.1 and 7.3 of the SCIC report (Annex 5) which are applicable in this case and to other documents, including, *inter alia*, conservation measures, resolutions, report language and bibliographies, submitted to the Commission and to the Scientific Committee and other bodies. Argentina recalled that it has always reserved its legal position regarding its sovereignty over the Malvinas (Falkland), South Georgia and the South Sandwich Islands and surrounding waters, in all relevant circumstances, and that it will do so in the future as appropriate.

14.8 In response, the UK reiterated its well-known position that it has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Shetland Islands and their surrounding maritime areas. The UK indicated that it would be helpful for the effective working of the Commission if, in relation to papers submitted by observers which might refer to certain of the UK's Overseas Territories, a means could be found to address such issues without the need for repeated protests from Argentina. Furthermore, the UK considered it regrettable that Argentina had objected to the generic term 'UK Overseas Territories', which was an unhelpful approach.

14.9 Argentina expressed that it does not share the UK's views, rejected the UK's statement and reiterated its position stated in paragraph 14.7.

14.10 The USA acknowledged the issues and noted that it is a bilateral problem between the UK and Argentina. It encouraged these Members to reach an understanding about language, for example, using a reference to the language of the negotiation of CCAMLR, allowing the Commission to move forward without an exchange whenever an organisation outside CCAMLR raised an issue that provokes this exchange. The USA noted the comment by the UK and encouraged all Members to work with Argentina and the UK to avoid the necessity for this exchange in the future.

14.11 In response, Argentina expressed that it shared the views of the USA regarding the need to find a satisfactory solution for all Parties involved. Certainly, if both direct and indirect references to the said disputed territories and surrounding waters were avoided, then there would be no need to revisit this matter within CCAMLR.

14.12 Russia supported the USA and called on the UK and Argentina to discuss the matter bilaterally to find a solution to the problem.

## IUCN

14.13 The following statement was made by the IUCN Observer:

'IUCN would like to thank the Chair for the opportunity to address the Commission at its Twenty-third Meeting.

In light of the new developments in the United Nations General Assembly, and the Convention on Biological Diversity, following the commitments of the world leaders at the World Summit on Sustainable Development (WSSD), IUCN would like to draw the Commission's attention to the global debate on Marine Protected Areas (MPAs).

There is a worldwide recognition that MPAs have been proven to contribute to protecting biodiversity, sustainable use of components of biodiversity, managing conflicts, enhancing economic well-being and improving quality of life.

The WSSD Plan of Implementation (POI) that was endorsed by the United Nations General Assembly, called for maintaining the productivity and biodiversity of important and vulnerable marine and coastal areas, including in areas within and beyond national jurisdiction. It sets out actions at all levels needed to achieve sustainable fisheries and promote ocean conservation and management, including to, and I quote:

“develop and facilitate the use of diverse approaches and tools, including the establishment of Marine Protected Areas consistent with international law and based on scientific information, including representative networks by 2012 (POI, paragraph 32(c)).”

At the IUCN World Parks Congress (held in Durban in September 2003), experts recognised the urgency of extending the coverage of MPAs, particularly in areas beyond national jurisdiction and encouraging the use of available mechanisms to make progress towards the 2012 target of a globally representative System of Marine Protected areas.

Representative high-seas MPAs on a regional biogeographic basis are essential to protect habitats or ecosystems that are unique, special, fragile or representative, including seamounts, cold water corals, hydrothermal vents and the open ocean. Similarly, ecologically coherent networks of MPAs are crucial for sustaining populations of many animals and plants, and particularly for commercially exploited and highly migratory species. The World Parks Congress highlighted the important role that MPAs play in ensuring sustainable fisheries and stressed the need to consider MPAs as a tool within the framework of an integrated oceans' management.

Achieving the goal of high-seas biodiversity conservation will also depend on an integrated approach under which all legal instruments and management tools work toward the same end. A framework to promote a high level of international cooperation and to coordinate and harmonise relevant international agreements would facilitate the creation of a global system of high-seas MPA networks and enhance the

capacity to address the range of urgent and potential threats to high-seas biodiversity and productivity. In this regard, CCAMLR has been identified as a potential key player.

IUCN welcomes the relevant decisions of the 7th Conference of the Parties to the Convention on Biological Diversity (CBD) that calls on the “urgent need for international cooperation and action to improve conservation and sustainable use of biodiversity in marine areas beyond the limits of national jurisdiction, including the establishment of further MPAs consistent with international law, and based on scientific information, including areas such as seamounts, hydrothermal vents, cold water corals and other vulnerable ecosystems”. We look forward to further initiatives to help meet the 2012 target set by the WSSD. Through our initiatives on high seas, MPAs and a special task force of our World Commission on Protected Areas, IUCN will continue to pursue strategies for applying MPAs to the conservation of deep-sea and high-seas biodiversity.

CCAMLR is indeed empowered to designate protected areas in the marine environment within its area of application and we believe it is timely for CCAMLR to develop, as a matter of urgency, a system of MPAs.

So far, CCAMLR has been a pioneer in applying an ecosystem approach for the conservation and sustainable use of marine resources, the Convention has an opportunity to continue leadership in this domain.

IUCN and its World Commission on Protected Areas have considerable expertise and experience on the science, policy and management of MPAs. IUCN and its network of experts would be pleased to offer their assistance on this issue.’

## IWC

14.14 The IWC Observer drew Members’ attention to CCAMLR-XXIII/BG/38 and paragraphs 9.27 to 9.32 of SC-CAMLR-XXIII containing information on the IWC. The 56th Annual Meeting of the IWC took place from 19 to 22 July 2004 in Italy. Although the IWC has accepted and endorsed the Revised Management Procedure for commercial whaling, it has noted that work on a number of issues, including specification of an inspection and observer system must be completed (the Revised Management Scheme) before the IWC will consider establishing catch limits other than zero. A resolution aimed at drafting text ready for consideration and possible adoption and/or to identify any outstanding policy and technical issues next year was passed by consensus.

14.15 Other topics discussed at the IWC’s annual meeting included sanctuaries and scientific permits, including the annual take of 400 whales in the Antarctic. A new Vice-Chair, Mr H. Kleinschmidt (South Africa) was elected and a newly-established body, the Conservation Committee, met for the first time.

14.16 The Republic of Korea announced that it would host the 57th Annual Meeting of the IWC in Ulsan during late May/early June, and invited Member countries to attend.

Non-governmental organisations

ASOC

14.17 The following statement was made by the ASOC Observer:

‘ASOC welcomes this opportunity to address the Twenty-third Meeting of the Commission. We would like to draw attention to the following papers tabled at this meeting: CCAMLR-XXIII/BG/27, BG/31, BG/32, BG/33 and SC-CAMLR-XXIII/BG/25.

ASOC remains concerned about the highly unsustainable levels of IUU fishing in the Convention Area. Current levels of IUU fishing seem to be an underestimate. Fewer sightings of illegal vessels does not necessarily mean that there is less illegal fishing, unless there is a corresponding decline in trade flows and market availability of toothfish, which we have not observed.

We therefore urge the Commission to take prompt effective action to close the loopholes of the system, which are currently enabling IUU operators to catch and sell illegally caught toothfish.

In this context, ASOC welcomes progress made in this meeting towards the implementation of a centralised vessel monitoring system. We strongly urge the Commission to adopt this decision.

In relation to VMS, ASOC also believes that an effective vessel tracking system should be capable of determining the position of a vessel throughout the entirety of the fishing trip, on a port-to-port basis. We hope that the Commission will support this concept for all vessels fishing in the Convention Area.

ASOC also welcomes discussions towards the implementation of an electronic *Dissostichus* Catch Document (E-DCD). After two years of successful trials, it is clear that the E-DCDs are easy to use, and that they do not entail increased administrative costs. The use of E-DCDs will close one of the major loopholes of the system which is enabling illegal catches to enter the markets in the same conditions as legal catches.

ASOC urges the Commission to adopt a mandatory E-DCD system as a matter of urgency, and all countries participating in the CDS to move quickly towards full implementation.

With regard to IUU vessels, ASOC is troubled that some vessels with IUU history are to be considered by the Commission this week to potentially engage in new and exploratory fisheries in the Convention Area. We believe that CCAMLR should establish rules that ensure that illegal operators are not allowed to enter CCAMLR fisheries through the renaming and reflagging of their vessels.

ASOC is also concerned about the increasing interest in the krill fishery, including the introduction of new and improved processing technologies, and the use of new flags to operate in the Convention Area. The information available on these harvesting operations is still insufficient for the Scientific Committee to provide adequate

management advice on this fishery. Therefore, we urge the Commission to establish the requirement of scientific observers on board krill vessels. Vessels fishing for krill in the Convention Area should also be required to maintain a VMS, and to report haul-by-haul data, as required in CCAMLR finfish fisheries. Finally, CCAMLR Parties should be required to report their detailed krill fishing plans to the Commission.

To ensure a precautionary management of the krill fishery that avoids impacts on krill-dependent predators, CCAMLR should consider the subdivision of precautionary catch limits amongst the 15 SSMUs established in 2002 as a matter of priority.

ASOC would also like to draw the attention of the Commission to the need to protect critical, vulnerable and high-biodiversity areas in the Southern Ocean, through the establishment of MPAs in the Convention Area. ASOC urges CCAMLR to support the establishment of MPAs and their integration into CCAMLR's management regime. In this context, we welcome the recommendations from the Scientific Committee, particularly the proposed intersessional work, which we urge the Commission to endorse.

ASOC also urges CCAMLR to endorse the calls from the Convention of Biological Diversity and the United Nations General Assembly to take urgent action to protect vulnerable deep-sea habitats, including seamounts, cold water corals and other vulnerable ecosystems. This should include the consideration of establishing an interim prohibition of bottom trawl fishing in the Convention Area, until the Scientific Committee has had the opportunity to assess the extent of such vulnerable biodiversity in the Convention Area. In light of all this, ASOC recommends that the Commission rejects any new proposal for initiating a bottom trawl fishery in the Convention Area.

With regard to the fish stock assessment for toothfish in Subarea 48.3, ASOC is concerned that the Scientific Committee could not provide advice on a total allowable catch. This clearly indicates that there is a high degree of uncertainty concerning this assessment. Therefore, we urge the Commission to apply the precautionary principle. Based on the reports from WG-FSA, ASOC believes that a total allowable catch exceeding 1 900 tonnes would not be precautionary.'

## COLTO

14.18 The COLTO Observer made the following statement:

'Thank you Chair, and CCAMLR delegates, for the opportunity to participate as an observer at your meeting this year.

It is a pleasure to be in a position, on behalf of the Coalition of Legal Toothfish Operators, to congratulate CCAMLR on its achievements towards eliminating IUU fishing since its last meeting.

The significant reduction in IUU reported catches, both within and outside CCAMLR waters, is something that COLTO is pleased to see. There is anecdotal information

from our marketing contacts of a very real drop in IUU catches and product available on the markets, which lends support to the belief that the measures being taken by CCAMLR are beginning to take effect.

Several high-profile captures of illegal vessels during the year have also highlighted the risks that face illegal operators, and this is helping to reduce IUU activity yet further. Port State controls have been noticeably tightened in a number of areas, and this has also contributed to the reductions in IUU catches being offloaded.

COLTO is an effective conduit for industry input to CCAMLR. Our membership represents 22 companies, from nine countries, catching around 80% of the total legal CCAMLR toothfish.

Since we began just 18 months ago, the COLTO website ([www.colto.org](http://www.colto.org)) has received in excess of 65 000 “hits”. That is, every day there are over 150 people looking at information on IUU fishing for toothfish on our website.

Our “wanted” campaign has continued to generate large numbers of photographs, details on vessel movements, and product information. Wherever relevant, that information has been passed to appropriate government authorities. Rewards have been paid out to more than 20 informants to date.

COLTO members have also continued to report directly to their Flag States where they have identified IUU vessels, as well as provided assistance with surveillance and compliance activities, hauling of illegal fishing gear and other collection of evidence and information.

We are receiving an increasing number of enquiries from academics, conservation NGOs and the general public on issues ranging from seabird mitigation measures used by legal operators, through to the administrative workings of an international industry coalition. This is a positive step, and demonstrates the public interest that exists in the workings of CCAMLR, the toothfish fisheries it is responsible for managing, and the legal industry viewpoints on those aspects.

The work from CCAMLR to eliminate IUU fishing is starting to pay dividends, and COLTO remains dedicated to providing input and assistance to the Commission where it can.’

#### Reports from CCAMLR representatives at meetings of international organisations in 2003/04

##### Attendance of Secretariat staff at various international meetings

14.19 The Executive Secretary reported that, at the Commission’s direction, members of the Secretariat had attended various international meetings during the intersessional period. Both he and the Science Officer had attended the Deep Sea 2003 Conference in Queenstown, New Zealand, in December 2003. The outcomes of the conference were highlighted in CCAMLR-XXIII/BG/4. The conference provided a unique opportunity to showcase CCAMLR in a globally important event. It also allowed the Executive Secretary and the Science Officer to

interact with a wide variety of scientists, fisheries enforcement personnel, international lawyers, industry representatives and politicians. Acknowledgement was given to CCAMLR's status and unique standing as one of the pre-eminent marine management organisations worldwide. Conference proceedings will be published by FAO in 2004.

14.20 The Executive Secretary advised that he had participated in the OECD Workshop on Illegal, Unreported and Unregulated Fishing, which he had reported on in CCAMLR-XXIII/BG/3. Also, some of the outcomes and activities relating to this workshop are outlined in CCAMLR-XXIII/BG/39 which is a multi-Member contribution outlining the activities of the ministerially led task force of the OECD dealing with IUU fishing.

14.21 Paragraphs 18 to 22 of CCAMLR-XXIII/BG/3 set out suggested actions arising from the workshop. In particular, paragraph 20 outlined the actions which might be instituted by RFMOs or RFBs. The workshop outlined in general the importance that has been recognised by CCAMLR that IUU fishing is a dynamic and many-faced complex problem and that it is fundamentally unsustainable and economically unfair. CCAMLR's role and recent efforts were given strong support by the workshop and were recognised as offering a useful model for future action.

14.22 Chile thanked the Executive Secretary for his attendance at the OECD Workshop and for the conclusions he had reported, and drew the attention of Members to CCAMLR-XXIII/BG/39 which outlined the work of the ministerially led task force of the OECD with regard to IUU fishing. This task force is led by the Minister for the Environment of the UK, joined by the Fisheries Ministers of Australia, Canada, Chile, Namibia and New Zealand. Other high-level membership includes chief executives, leading non-governmental organisations and responsible industry such as the Earth Institute, WWF International, IUCN, the Marine Stewardship Council and COLTO. A small Secretariat in Paris is headed by the Hon. S. Upton of New Zealand. Chile noted that the document (CCAMLR-XXIII/BG/39) is informative and may also be discussed under item 8 (IUU fishing in the Convention Area).

14.23 Australia referred to the Executive Secretary's discussion of CCAMLR-XXIII/BG/3 and drew Members' attention to paragraph 20 which notes some of the recommended actions that have previously been raised in this Commission, particularly 'that more RFMOs consider publishing lists of companies and vessels engaged in high seas IUU activities as well as lists of vessels authorised to fish'. This had been a subject of discussion in SCIC and Australia presumed that it would be raised again at the appropriate time on the agenda. Australia also endorsed the comments made by Chile.

14.24 Argentina asked the Executive Secretary to provide comprehensive information relating to the OECD Workshop attended by the Executive Secretary, which had led to the outcomes and conclusions contained in CCAMLR-XXIII/BG/3.

#### Cooperation with CITES

14.25 The Executive Secretary advised Members that although CITES had previously indicated that it would be represented at CCAMLR-XXIII, it had advised during the past few days that it would not be attending. The Secretariat had produced a paper on cooperation with CITES (CCAMLR-XXIII/BG/5) which had now been overtaken by events, particularly the



recent Conference of CITES Parties held in Bangkok, Thailand, between 2 and 14 October 2004. No formal outcomes have as yet been conveyed to the Secretariat regarding any decisions that may be of interest to CCAMLR. The Executive Secretary reiterated that, in his presentation, the FAO Observer outlined a number of issues in respect of CITES and FAO matters which are set out in CCAMLR-XXIII/BG/40.

#### Nomination of representatives to meetings of international organisations in 2004/05

14.26 The following observers were nominated to represent CCAMLR at meetings of international organisations in 2004/05:

- First Meeting of the Parties (MOP1) for ACAP, 8 to 12 November 2004, Hobart, Australia – Australia/Executive Secretary.
- 14th Annual Meeting of ICCAT, 15 to 21 November 2004, New Orleans, USA – USA.
- 3rd IUCN World Conservation Congress, 17 to 25 November 2004, Bangkok, Thailand – Australia.
- Southern African Development Community (SADC) Regional Symposium in Monitoring Control and Surveillance (MCS), 1 and 2 February 2005, Cape Town, South Africa – Executive Secretary.
- Meeting of FIRMS Steering Committee, 25 and 26 February 2005, Copenhagen, Denmark – Data Manager.
- Twenty-sixth Session of COFI, 7 to 11 March 2005, Rome, Italy – Executive Secretary.
- Interministerial Meeting on Fisheries, 12 March 2005, Rome, Italy – Executive Secretary.
- Fourth Meeting of the FAO Regional Fisheries Bodies, 14 and 15 March 2005, Rome, Italy – Executive Secretary.
- CCAMLR Symposium hosted by Chile and Australia, April 2005, Chile – Executive Secretary.
- ATCM-XXVIII, 6 to 17 June 2005, Stockholm, Sweden – Executive Secretary.
- CEP-VIII – Antarctic Treaty, 6 to 17 June 2005, Stockholm, Sweden – Chair, Scientific Committee.
- 73rd Annual Meeting of the IATTC, 13 to 24 June 2005, Spain – Spain.
- 57th Annual Meeting of the IWC, 20 to 24 June 2005, Ulsan, Republic of Korea – Republic of Korea.

- WTO Committee on Trade and Environment – Information session with representatives of Secretariats of Multilateral Environmental Agreements, June–July 2005, Geneva, Switzerland – New Zealand.
- 96th Session of the OECD Committee on Fisheries, 10 to 12 October 2005, Paris, France – France.
- Extended Commission of the Twelfth Annual Meeting of CCSBT, 11 to 14 October 2005, Taipei, Taiwan – Australia.
- Twelfth Annual Meeting of CCSBT, 15 October 2005, Narita, Japan – Australia.
- Sixth Intergovernmental Consultation on SIOFA (dates and venue not available) – European Community.

### Partnership in FIRMS

14.27 The Chair advised the meeting that CCAMLR had received an invitation to become a partner in the Fishery Resource Monitoring System (FIRMS) established by FAO. FIRMS is a partnership that will draw together international organisations, regional fisheries bodies, national scientific institutions and FAO, collaborating within a formal agreement to share information on the status and trends of fishery resources.

14.28 The Executive Secretary informed Members that this issue had been raised at last year's meeting (CCAMLR-XXII, paragraph 14.50) and, in accordance with the Commission's instructions, the Secretariat had maintained a watching brief on developments in this regard. The Steering Committee of the FIRMS founding partners sent a letter of invitation and encouragement to CCAMLR to join the partnership which was distributed to Members as COMM CIRC 04/29. Information regarding the FIRMS watching brief may be found in CCAMLR-XXIII/5.

14.29 In response to COMM CIRC 04/29, some Members encouraged consideration of this matter and indicated support for CCAMLR to work towards becoming a partner. The benefits to CCAMLR, as perceived in analyses undertaken by the Secretariat, are set out in paragraphs 12 and 13 of CCAMLR-XXIII/5. The context in which the involvement would take place is clear from these paragraphs. In particular, the issues that relate to being involved at the formative stage relate to the exchange of information between various bodies, the future contribution of information in a way that is appropriate to the workings of this Commission, and the maintenance of CCAMLR's standing as a leading intergovernmental agency. The Executive Secretary also stated that CCAMLR's experiences with IUU fishing, and the fact that such fishing is a global problem (CCAMLR-XXIII/5, Figure 1), highlights the importance of exchanging relevant information in this regard. An association with FIRMS in this context would be beneficial not only to global initiatives to counter IUU fishing, but would also be directly relevant to an important matter being addressed by the Commission.

14.30 The financial implications of joining the FIRMS partnership are set out in paragraph 17 of CCAMLR-XXIII/5 which provided a breakdown of annual costs for formatting of material contributed to FIRMS, development of XML methodology and participation of Secretariat staff in meetings of the Steering Committee.

14.31 Argentina, while supporting cooperation with appropriate RFMOs, underlined that the following elements are to be dealt with when a decision is to be made in that regard: asymmetries as to membership and overlapping of the areas regulated and of the matters involved. All this requires further study.

14.32 The European Community supported development of the initiative and hoped that CCAMLR would join the partnership. It expressed support for concluding the agreement with FIRMS and for starting formal collaboration as soon as possible.

14.33 Poland supported the intervention made by the representative of the European Community, stating that, despite the opinion that cooperation within FIRMS can be of little advantage, it can nevertheless be useful for the protection of the resources, exchange of information and fisheries inspection. Poland is interested in using the future database developed by FIRMS.

14.34 The Delegate from Poland also stressed that, while cooperating with FIRMS, greatest care must be applied to securing confidentiality of the transmitted data, so that no access be given to confidential data through the generally accessible FIRMS website. The scope of the data transmitted to FIRMS should not exceed the data made publicly available by CCAMLR.