

COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

Reports of observers from international organisations

Intergovernmental organisations

FAO

16.1 The FAO Observer's report (CCAMLR-XXV/BG/41) noted the status of the Compliance Agreement, the signing of a FAO-CITES Memorandum of Understanding and activities undertaken in relation to RFMOs, including the most recent meeting of the South West Indian Ocean Fisheries Commission (SWIOFC). Of particular interest was the signing of the Southern Indian Ocean Fisheries Agreement (SIOFA) at a Diplomatic Conference in July 2006 along with industry management initiatives, especially the declaration of 11 MPAs totalling over 300 000 km² in the Southern Indian Ocean just to the north of the CCAMLR boundary. Several FAO initiatives concerning management of deep-water fisheries and MPAs were also noted.

16.2 The European Community informed the Commission that it is one of the CCAMLR Members which has signed the Southern Indian Ocean Fisheries Agreement and is now launching its internal ratification process. In the European Community's perspective the adoption of this new instrument is a very important achievement.

16.3 The European Community noted that participants at the SIOFA Diplomatic Conference reached an agreement on interim arrangements to collect all current and future data on fisheries activities in the SIOFA area to facilitate scientific assessments of fisheries resources covered by the Agreement.

16.4 It also noted that particular consideration was given to ways in which destructive fishing practices in the SIOFA area of competence could be addressed. In order to support future actions which SIOFA may undertake, the European Community is exploring the possibility of hosting the first SIOFA meeting in the near future.

16.5 France advised Members that it had signed SWIOFC and was in the process of ratification. It encouraged other CCAMLR Members to sign this Convention to enable its entry into force. France noted that data collection in the SWIOFC area was very poor and envisaged that much future work on coherent measures and zone closures is still necessary. Long-term conservation measures complimentary to and coherent with those of CCAMLR also need to be defined.

16.6 In response to a question from Argentina with respect to the forthcoming Meeting on Management of Deepwater Fisheries in Bangkok, Thailand, the FAO Observer advised that participants are invited to FAO expert consultations in their personal capacity, thus their comments and contributions at the meeting are those of individuals and not their countries. Countries are, however, advised of the nationals who will be participating in these meetings and they have the opportunity to object or comment otherwise. The next less formal status of an FAO meeting is a workshop. At present it is not clear whether the Bangkok meeting will be a workshop or an expert consultation because of the time being taken in getting national responses to the proposed participation.

ACAP

16.7 The ACAP Observer made the following statement:

‘Thank you Mr Chair for the opportunity to address the Commission.

A key focus of the Agreement’s activities since I last reported to you has been to work with regional fisheries management organisations (RFMOs) to address seabird by-catch issues.

I am pleased to report that during this period a number of RFMOs have adopted resolutions to address this issue. Many elements of these resolutions have drawn on the work done by CCAMLR, with explicit reference being made by some to mitigation measures adopted by the Commission.

This is an acknowledgement by these RFMOs of the effectiveness with which CCAMLR has addressed this issue and of the leadership role that this organisation has achieved.

I would ask the Commission to continue in this role in order to assist the Agreement in achieving its objective of achieving and maintaining a favourable conservation status for albatrosses and petrels.

In June this year, the second meeting of ACAP’s Advisory Committee was held in Brazil and significant progress was made towards implementation of ACAP’s Action Plan. One outcome of specific relevance to CCAMLR was the establishment of a seabird by-catch working group to coordinate action to mitigate adverse seabird interactions with fisheries.

I note that a number of the participants at this meeting are members of this working group. ACAP looks forward to CCAMLR’s continued contribution to the work of the Agreement.

I am pleased to report that in the past year both Argentina and Chile have ratified the Agreement bringing to 10 the number of countries who are Party to the Agreement. Importantly, all breeding Range States are now Parties to the Agreement.

However, there are still many nations who are actively engaged in high-seas fisheries who are not signatories to the Agreement. The Agreement recognises that seabird by-catch can only be addressed by cooperative international action and ACAP would warmly welcome the participation of these countries in the work of the Agreement.

In this context, I would like to extend an invitation to these nations to attend the Second Meeting of the Parties in Christchurch, New Zealand, from 13 to 17 November this year and to attend the third Meeting of the Advisory Committee to be held in Valdivia, Chile, in June next year.’

IUCN

16.8 The following statement was made by the IUCN Observer:

‘The World Conservation Union (IUCN) appreciates this opportunity to address the Commission at its 25th meeting. IUCN has a long-standing interest in Antarctic and Southern Ocean conservation and welcomes the opportunity to assist Parties as they address the many important issues on this year’s agenda.

In particular, IUCN welcomes the progress made within this body to promote marine protected areas and stresses the importance of further work on the bioregionalisation of the Southern Ocean through a workshop in 2007 with a view towards developing a systematic basis for the protection of vulnerable, representative and scientific areas. With respect to illegal, unreported and unregulated (IUU) fisheries, IUCN welcomes the significant progress made within CCAMLR, but calls on all CCAMLR Parties to strengthen their work against IUU fishing, including by ensuring full Flag and Port State controls to eliminate this destructive practice. IUCN also stresses the importance of preventing destructive bottom trawling and encourages work on the development of a new conservation measure or amendment of an existing measure to require any proposal for a new fishery to indicate that the area to be fished is not a vulnerable marine ecosystem. IUCN’s written statement also contains information regarding seabird by-catch, the increasing threat of alien invasive species in Antarctica and the Southern Ocean, and further information about IUCN activities.’

Non-governmental organisations

ASOC

16.9 The ASOC Observer made the following statement:

‘Thank you for the opportunity to contribute to the work of the Commission for CCAMLR at its historic 25th anniversary. ASOC would like to briefly address three priority issues for this meeting.

In relation to krill, we are now witnessing a significant upsurge of interest in the krill fishery by a number of operators, including an additional five super-trawlers flagged to Vanuatu that plan to fish for krill in the Antarctic this coming season (see CCAMLR-XXV/BG/46). ASOC shares the concerns expressed by many delegations about this situation.

Most importantly, the Scientific Committee has indicated that the recent developments could result in the “trigger level” of krill catch of 620 000 tonnes in the South Atlantic being reached within a single year. This has completely changed the management situation for the Southern Ocean krill fishery, as the trigger level could be reached within the 2006/07 fishing year. There can be no doubt that the time has come to subject the krill fishery to the full suite of MCS measures that are currently applied to finfish fisheries regulated by CCAMLR.

ASOC applauds the Scientific Committee's call for systematic international observer coverage for the entire krill fishery, as the only way to enable comparison of the performance of the different methods used to fish and process krill in relation to the by-catch of larval fish and incidental mortality of seabirds and seals. It is crucial that the Commission accepts the advice of the Scientific Committee and requires mandatory international observers on all vessels targeting krill according to the CCAMLR scheme.

Another priority for CCAMLR is the subdivision of krill catch limits among SSMUs. An expansion of the krill fishery can result in localised depletion of krill which poses an acute risk for dependent predators. There is an urgent need for CCAMLR to ensure that the krill fishing effort is dispersed by implementing subdivisions of krill catches among SSMUs.

We would like to remind Members that CCAMLR is called the "krill Convention" for very good reasons. The wider international community expects CCAMLR to meet its obligation to protect the marine living resources of the Southern Ocean.

ASOC is deeply concerned by the unsustainable levels of IUU fishing in the Convention Area. While efforts by some Members to control IUU fishing in their EEZs have been successful, CCAMLR needs to act now collectively to address the problem of IUU catches in the high-seas areas of CCAMLR.

Specifically, ASOC strongly supports the proposal to establish a non-Contracting Party IUU State list. It is important that CCAMLR Members take decisive action against States that refuse to respond satisfactorily after repeated contact by CCAMLR and Member States. Actions should include denying port access to vessels flagged to non-compliant States.

ASOC is concerned that one Member is again blocking consensus on having one of its vessels listed on the Contracting Party IUU Vessel List. If a single Member can prevent CCAMLR from taking proper action against IUU fishers the whole system of management is undermined.

ASOC urges CCAMLR to strengthen Conservation Measures 10-06 and 10-07 by adopting trade-related measures and by denying port access to IUU vessels. These measures will help remove the economic incentive to engage in IUU fishing.

Finally, ASOC would like to congratulate CCAMLR on the progress that has been made during the intersessional period towards establishing a network of MPAs within high seas in the Convention Area.

- An ASOC member, WWF, was pleased to help support an experts' workshop for the bioregionalisation of the Southern Ocean, which established a "proof of concept" for the process.
- ASOC was pleased to see plans made for a CCAMLR Bioregionalisation Workshop in 2007 to provide advice to the Scientific Committee at CCAMLR-XXVI. ASOC congratulates Belgium for offering to host this workshop.

While ASOC recognises the progress made, we urge the Commission to identify sensitive and vulnerable species, habitats and ecosystems throughout the Convention Area where some form spatial management is warranted.’

16.10 Argentina made the following statement:

‘While commending ASOC’s interest and efforts towards conservation of the Antarctic marine living resources and supporting strengthening Port State control, Argentina noted that CCAMLR-XXV/BG/28 and BG/29 contain some important errors, deriving from the equivocal employment of legal terms and constructions.

Illegal fishing should, under no circumstance, be considered equivalent to “piracy”, this being a concept deeply entrenched in international law having very special status. In seeking a legal basis for Port State control on fisheries, ASOC also makes incorrect reference to UNCLOS Article 218(1). This provides only for proceedings in respect of discharges from vessels and is not deemed to be applicable to other environmental infringements. Port State control is not customary law. Argentina is unable to share ASOC’s conclusions, based on an intergovernmental initiative in which, as most States, it did not participate and on personal opinions which might not necessarily reflect the existing rules.

In conclusion, Argentina stressed its view that the very important objective of achieving better control of illegal fishing should be met in conformity with international law.’

16.11 Uruguay agreed with Argentina’s statement that the term ‘pirate’ should not be applied, as it has been done on several occasions, to IUU fishing activities, as piracy is specifically defined by UNCLOS as an act of special seriousness which directly violates human rights to life, freedom and property. The said Convention establishes provisions for its prevention, and for its sanction commensurate with the seriousness of such an offence, likened only to those relating to the slave trade. It is, therefore, unreasonable to equate such activities with violations of provisions established for the conservation of resources.

16.12 Furthermore, Uruguay concurred with Argentina on the importance of respecting the rule of consensus which applies to all decisions made by the Commission.

16.13 Finally, Uruguay also supported Argentina’s declaration with regard to the operations of the High Seas Task Force. It considered inescapable the requirement that any action taken against a vessel on the high seas must always be carried out with the participation and consent of the Flag State of the vessel to be visited or inspected, and responsibility be assumed for any errors in the procedure.

COLTO

16.14 The COLTO Observer made the following statement:

‘Thank you Mr Chair and congratulations to CCAMLR Members on the 25th anniversary.

COLTO's membership has increased this year, and now comprises 25 companies, from 10 CCAMLR Member countries, along with supporters from marketing and distribution networks. We continue to have significant interest from the public and other institutions in our activities to eliminate IUU fishing for toothfish.

COLTO members have noticed a significant decline in illegal fishing of toothfish within Exclusive Economic Zones over the past year, and a decline in IUU product in our markets. For this, we would like to congratulate CCAMLR Members, and encourage continued efforts to eliminate IUU fishing for toothfish in the Convention Area.

At the same time, COLTO remains concerned at the increased unregulated fishing for toothfish by a number of vessels, particularly in Divisions 58.4.3a and 58.4.3b, as well as Division 58.4.1. COLTO members have been reporting activities of these boats and we know that a number of patrol vessels have also located these unregulated operators. While these unregulated boats may be flying flags from nations not Party to CCAMLR, COLTO strongly suspect there are crew and officers on those vessels from CCAMLR Members.

In that regard, we hope that CCAMLR Members can follow up COLTO information on the nationalities of crews and officers, and prosecute those nationals shown to be acting illegally, with their boats using flags of non-compliance to avoid CCAMLR management measures. Continued unregulated fishing by operators on the high seas in CCAMLR waters is undermining conservation and management measures of the Commission and needs to be urgently controlled.

COLTO encourages CCAMLR to:

- tighten Port State controls against known IUU vessels, to prevent refuelling and provisioning of those vessels;
- tighten Market State controls, to prevent DCDs being issued and accepted from IUU operators and/or their vessels;
- use Flag State controls to prosecute nationals who are using flags of non-compliance to avoid CCAMLR rules;
- move towards requirements for any vessel catching toothfish in CCAMLR waters to be flagged to a Member country of CCAMLR. We note that while this may challenge some aspects of international law, there is a difference with CCAMLR management. That is, any country can join CCAMLR if it should choose to do so, so consider this would not necessarily be a discriminatory measure. We consider it is essential given the importance to conservation of not just toothfish stocks, but also by-catch implications on species like sharks, rays and grenadiers along with impacts on seabirds and marine mammals;
- recognise that controls on the use of any fishing method in CCAMLR waters are secondary to controlling unregulated fishing within high-seas waters of CCAMLR. While there is concern at the method of fishing by gillnets, regardless of how a fish is killed by whatever fishing method, a fish that is dead is dead. COLTO consider

that unregulated fishing is currently the greatest threat to CCAMLR conservation measures, toothfish and seabird populations.

COLTO members look forward to working with CCAMLR Members again in 2007, and appreciate the efforts and advances made by CCAMLR in 2006 to eliminate IUU fishing.'

Reports of CCAMLR representatives at meetings of international organisations in 2005/06

16.15 Spain reported on the Review Conference on the Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) which took place in New York, USA, from 22 to 26 May 2006.

16.16 The Conference achieved the revision of all the grounds for fishing policy, either from the perspective of States or RFMOs. The mandate of the Conference was twofold. First it was to assess the UNFSA's effectiveness in securing fish stocks covered by the Agreement through review and assessment of the adequacy of its provisions. Second, and if necessary, the review was to develop proposals to better address any persistent problems in relation to conservation and management of such fish stocks.

16.17 The discussion focussed on four separate clusters of issues:

1. Conservation and management of stocks.
2. Mechanisms for international cooperation and non-members.
3. Monitoring, control and surveillance, and compliance and enforcement.
4. Developing States and non-parties.

The review took place in two phases: (i) review and assessment, and (ii) proposed means of strengthening the UNFSA's application and implementation.

16.18 Important questions relevant to CCAMLR were raised, particularly in relation to cluster 2. Some proposals addressed: strengthening the mandates of RFMOs and their transparency, strengthening and enhancing cooperation among existing and developing RFMOs, the responsibilities of States fishing in the high seas, cooperation in examining and clarifying the role of the genuine link, and adoption of criteria for the review performance of RFMOs among others.

16.19 With regard to cluster 3, the proposals for improvement related mainly to fisheries-related activities aimed at combating IUU fishing: regulation of transshipment, prohibition of supply and refuelling IUU vessels Port States measures, and study of the possibility to agree on multilateral trade measures, among others.

16.20 New Zealand noted that the key recommendations from the Review Conference closely relate to the Commission's work. However, CCAMLR is more than an RFMO and has special characteristics associated with its status as an integral part of the Antarctic Treaty System. In New Zealand's view, key recommendations from the Conference relating to CCAMLR include the requirement to perform an assessment of the Commission's performance against UNFSA principles, particularly in respect of including the element of

independent review. New Zealand encouraged the Commission to embark on such an assessment, particularly given the significance of its 25th year. The results of such an assessment would permit the Commission to identify any weaknesses in its current approaches to the conservation of Antarctic marine living resources and would provide a very useful benchmark with which to measure its progress as an organisation in the future.

16.21 Australia reported on the seventh meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS) held at United Nations Headquarters from 12 to 16 June 2006. The area of focus for the meeting was 'ecosystem approaches and oceans'. At that meeting, CCAMLR was viewed as a successful international organisation in implementing the ecosystem approach in areas beyond national jurisdiction. One of its strengths is in the implementation of the precautionary approach, particularly in the management of new and exploratory fisheries. The attention of the Commission was directed to the agreed elements of the meeting, particularly to the potential for future discussions on the possible options, approaches and timely follow-up process discussed by the ad hoc open-ended informal working group to study issues relating to the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction. These discussions are likely to be of direct interest and relevance to CCAMLR.

IWC

16.22 The IWC Observer drew Members' attention to CCAMLR-XXIV/BG/37 and SC-CAMLR-XXV/BG/6 containing information on the IWC. The 58th Annual Meeting of the IWC took place at St Kitts and Nevis, Caribbean, in June 2006. It was attended by 67 of the 70 Contracting Governments. There is no agreed current estimate for the population size of Antarctic minke whales, which is the main exploited species. For humpback whales, blue whales and right whales of the southern hemisphere, increases in stock sizes are being observed but population levels remain well below pre-exploitation levels.

16.23 Plans were put into place with respect to the joint workshop with CCAMLR (proposed for 2008) to review the information required for ecosystem models being developed to provide management advice on krill predators in the Antarctic marine ecosystem.

16.24 The 59th Annual Meeting will be held in Anchorage, Alaska, USA, in May 2007.

16.25 The Commission elected, by consensus, Bill Hogarth (USA) and Minoru Morimoto (Japan) as Commission Chair and Vice-Chair respectively.

16.26 France provided a report (CCAMLR-XXV/BG/53) in its role as CCAMLR Observer to the OECD meeting.

16.27 Argentina made the following statement:

'While recalling that, as well as the vast majority of States, Argentina is not a Party to the United Nations Straddling Fish Stocks Agreement, it noted that CCAMLR substantially differs from an RFMO as defined in the UNFSA, in its objectives, its membership and its functions.

While membership in RFMOs is restricted to States having “real interest” in fishing, CCAMLR allows for non-fishing States to become Members of the Commission.

UNFSA promotes the establishment of agreements from a fishing point of view. On the contrary, CCAMLR’s conservation objective is the ecosystem as a whole.

While UNFSA aims at the long-term survival of exploited fish stocks, CCAMLR strives to prevent the introduction of irreversible changes in the ecosystem.

According to UNFSA, RFMOs should enter into an agreement on the apportioning of fishing rights and provide mechanisms to care for the fishing interests of new members. On the contrary, already at the start of negotiations conducting to this Convention, the ATCM (1977) decided not establish quota allocation as well as any other economical control of fisheries.

Thus, being a unique conservation organisation, CCAMLR could only be presented as an RFMO in the context of the United Nations System in order to prevent the Convention Area to be considered a vacant space demanding the creation of an RFMO under the framework of UNFSA.’

16.28 Namibia briefed the Commission on SEAFO’s Third Annual Meeting which took place from 2 to 5 October 2006, in Windhoek, Namibia. To effectively manage marine resources and ensure sustainable responsible fisheries in the South East Atlantic waters, SEAFO adopted five new conservation measures which include the establishment of a SEAFO record of authorised vessels, reducing the incidental mortality of seabirds, conservation of sharks, conservation and management of vulnerable deep-water habitats and ecosystems, and prohibition of transshipments at sea.

16.29 SEAFO also adopted a resolution relating to the reduction of sea turtle mortality through the removal of turtles entangled in fishing gear.

16.30 Since *D. eleginoides* features among the fish species managed by SEAFO, Namibia called for closer cooperation between CCAMLR and SEAFO with regard to sharing information on the management and conservation of this species.

16.31 Australia brought Members’ attention to paragraph 9 of the consensual elements agreed at the Seventh Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS) (CCAMLR-XXV/BG/24). This paragraph indicates the follow-up process likely to be undertaken over the next year of the ad hoc open-ended informal working group to study issues relating to the conservation and sustainable of marine biological diversity in areas beyond national jurisdiction.

16.32 The European Community reported on the Conference on Marine Biodiversity, Fisheries Management and Marine Protected Areas which was sponsored by the European Parliament. The aim of the conference was to have an exchange of views with the main stakeholders. Recommendations stressed that MPAs are a very important tool which, to be effective, need to be science-based and therefore more research is to be encouraged on this issue. The role of the multilateral fora has been underlined in standing and implementing MPAs. The European Community referred Members to CCAMLR-XXV/BG/6 for further information.

16.33 The Executive Secretary drew Members' attention to CCAMLR-XXV/BG/7 reporting on the first intergovernmental meeting on the establishment of a South Pacific RFMO, held in Wellington, New Zealand, in February 2006. He also drew attention to CCAMLR-XXV/BG/13 Rev. 1 dealing with various activities with relation to the VMS, in particular, the participation of the Compliance Administrator at a VMS meeting in China as well as the attendance of this officer and the Scientific Observer Data Analyst at a similar meeting in 2005 (CCAMLR-XXIV/BG/17). This participation was especially cost-effective as it had allowed the Secretariat to set up its own internal arrangements resulting in a savings on the current contract for implementation of the VMS in the order of A\$25 000 per annum which is of significant ongoing financial benefit to the Commission.

Cooperation with CITES

16.34 The Executive Secretary reported that CITES had approached the Secretariat (as notified to Members in COMM CIRC 06/95) requesting that one of its high-ranking officers visit the Secretariat to look at the procedures, but not the detail, associated with administration of the CDS. The Executive Secretary felt that such a visit by CITES to CCAMLR's Secretariat was a clear demonstration of cooperation between the two organisations. Discussion on the Executive Secretary's authority in respect of visits by officers from other international organisations is contained in paragraph 3.6.

16.35 The UK brought Members' attention to the information provided in the Secretariat paper CCAMLR-XXV/BG/12 with regard to the CITES Secretariat visit to the CCAMLR Secretariat. The UK noted that there was a clear proposal in paragraphs 24 and 25 of that paper in respect of providing information to CoP14 of CITES and it did not seem appropriate to move forward without deciding whether the proposal was supported. The UK also noted that the CITES Secretariat is engaging cooperatively with the CCAMLR Secretariat, however there has been little input from CITES and its Secretariat to CCAMLR meetings over the past two to three years.

16.36 The Executive Secretary advised that paragraph 25 of CCAMLR-XXV/BG/12 suggested that if the Commission agreed, the Secretariat would prepare a paper, as set out in paragraphs 21 to 23, for submission to CITES CoP14. In addition, and considering the nomination of a CCAMLR observer to that meeting, the Commission might wish to consider any additional items under CoP Resolution 12.4 which would need to be brought to the attention of CITES again. Members agreed that the Secretariat should prepare a paper for CITES CoP14 and circulate a draft to Members for comment. The UK also noted that it would be useful to request additional information from CITES on the matter.

Cooperation with CCSBT

16.37 Members were advised by the Executive Secretary that, following discussion last year (CCAMLR-XXIV, paragraphs 15.20 to 15.23), there was an exchange of letters between himself and the CCSBT Executive Secretary informing each other of the procedures regarding vessels licensed under CCSBT which have been fishing in the CCAMLR Convention Area and future cooperation between the two organisations. There has been little consideration of the matter by CCSBT at its meetings this year. Members were updated accordingly on these

developments in COMM CIRC 06/46 and CCAMLR-XXV/33. Recent informal correspondence with the CCSBT Executive Secretary had indicated that although little progress of substance has been made, future cooperation between the two organisations remains under consideration by CCSBT Members which are also Members of CCAMLR.

16.38 The Commission also noted that as the nominated CCAMLR Observer to CCSBT, Japan had tabled CCAMLR-XXV/BG/43 reporting on the recent CCSBT meeting. This confirmed the information provided in the previous paragraph.

16.39 In response to a question from the USA, the Executive Secretary advised Members that no information had been received regarding vessels under CCSBT jurisdiction intending to fish for tuna in the CCAMLR Convention Area.

16.40 Australia and New Zealand advised the Commission that, as members of CCSBT, they did not intend to fish for tuna in the CCAMLR area. In their view, any CCAMLR Member intending to fish for tuna in the CCAMLR area should apply CCAMLR conservation measures, especially those relating to seabird by-catch mitigation and providing prior notification to the Commission of new or exploratory fisheries.

16.41 The UK noted that progress on the CCSBT issue was disappointing. More generally, particularly with reference to Article XXIII of the Convention, it also noted that despite CCAMLR being in its 25th year, it had not yet forged formal links with any other organisations. Entering such arrangements with those RFMOs which neighbour CCAMLR's Convention Area would have considerable virtue and would be a very laudable aim.

16.42 The European Community and the USA concurred with the UK.

16.43 Argentina made the following statement:

‘With regard to cooperation with other international organisations, Argentina was of the view that entering into formal agreements with them requires a case-by-case cautious approach, bearing in mind differences in objectives and asymmetries deriving from different membership and overlapping of competences.

It also noted that the employment of the term “adjacent waters”, mentioned in UNCLOS, is not strictly adequate in relation to the Convention Area. CCAMLR is not a coastal state, thus entitled to an EEZ with borders with an adjacent area of the high seas. In this respect, it suggested the use of the expression “waters outside the Convention Area” or “waters close to the Convention Area”.’

16.44 As a Member of CCSBT, Japan apologised for the delay in CCSBT discussions regarding cooperation with CCAMLR. Due to lengthy discussions at its meetings this year on conservation measures for southern bluefin tuna, CCSBT had not had sufficient time to discuss cooperation between the two commissions. CCSBT recognised the issues and hoped discussions on the matter would be concluded at its next meeting.

Partnership in FIRMS

16.45 Following last year's Commission discussions (CCAMLR-XXIV, paragraphs 15.24 to 15.27), the Executive Secretary reported on FIRMS-related activities (CCAMLR-XXV/6). A report of the Data Manager's attendance at the FIRMS Steering Committee in December 2005 was also provided in CCAMLR-XXV/BG/19.

16.46 The production of the CCAMLR fact sheets for FIRMS as presented in CCAMLR-XXV/6, was endorsed by the Commission. It also endorsed the Data Manager's attendance at the 2007 FIRMS Steering Committee meeting to be held in conjunction with the CWP meeting.

Participation in CCAMLR meetings

16.47 The Executive Secretary outlined various developments associated with attempting to procure funds from a United Nations Trust Fund for Developing States to attend CCAMLR meetings as invited observers (CCAMLR-XXIV, paragraphs 15.28 and 15.29 and COMM CIRC 05/19). Three States had approached the CCAMLR Secretariat for such assistance. Of these, Georgia did not qualify under the UN Trust Fund as it has not signed UNFSA. Bolivia and the Cook Islands had been referred to the FAO. To date, no funds had been provided.

16.48 The FAO Observer informed the Commission that it was his understanding that the Trust Fund was to assist participation in Fish Stocks Agreement activities.

Nomination of representatives to meetings of international organisations in 2006/07

16.49 The following observers were nominated to represent CCAMLR at meetings of international organisations in 2006/07:

- Second Meeting on the Establishment of a South Pacific RFMO, 6 to 10 November 2006, Hobart, Australia – Executive Secretary.
- Second Meeting of Parties (MOP2) of ACAP, 13 to 17 November 2006, Christchurch, New Zealand – New Zealand.
- 15th Special Meeting of the Commission of ICCAT, 17 to 26 November 2006, Dubrovnik, Croatia – Brazil.
- FAO Expert Consultation on Deep Trawling on the High Seas, 21 to 23 November 2006, Bangkok, Thailand – Science/Compliance Officer.
- Workshop organised by Chatham House, late November, 2006, London, UK – Executive Secretary.
- Tuna RFMOs meeting, January 2007, in Kobe, Japan – USA.

- FIRMS Steering Committee meeting, 26 February to 2 March 2007, Rome, Italy – Data Manager.
- Twenty-seventh Session of COFI, 5 to 9 March 2007, Rome, Italy – Executive Secretary.
- Interministerial Meeting on Fisheries, 10 March 2007, Rome, Italy – Executive Secretary.
- Fifth Meeting of the FAO Regional Fisheries Bodies, 12 and 13 March 2007, Rome, Italy – Executive Secretary.
- ATCM-XXX, 30 April to 11 May 2007, New Delhi, India – Executive Secretary.
- CEP-X, 30 April to 4 May 2007, New Delhi, India – Chair, Scientific Committee.
- 11th Session of the IOTC, 14 to 18 May 2007, Seychelles – no nomination.
- 59th Annual Meeting of the IWC, 28 to 31 May 2007, Anchorage, Alaska, USA – USA.
- Fourteenth Meeting of the Conference of the Parties to CITES (CoP14), The Hague, Netherlands, 3 to 15 June 2007 – no nomination.
- 4th Annual Meeting of SEAFO, 8 to 11 October 2007 (venue to be confirmed) – Norway.
- CCSBT 14th Annual Meeting, October 2007, Canberra, Australia (dates to be confirmed) – Australia.
- WCPFC – Third Regular Session of the Technical and Compliance Committee, 27 September to 2 October 2007, Pohnpei, Federated States of Micronesia – USA.

16.50 In reply to Argentina's question as to whether it was necessary for the Executive Secretary to attend the full two weeks of the ATCM since in former times it was not the case, the Chair informed Members that, as is past practice, the Executive Secretary would attend the ATCM for its entire duration.

16.51 The UK advised that, under the rules of the ATCM, there are three formal observers to that meeting, one of which is CCAMLR. The actual formal observer is normally seen to be the Chair of the Commission, however in practice it has been the Executive Secretary for many years. Formal observers to the ATCM are required to be present for the whole two weeks of the meeting. This is an important status accorded to CCAMLR.

16.52 The Executive Secretary's attendance at the ATCM for two full weeks was endorsed.

16.53 Argentina asked about the issues to be considered by the workshop organised by Chatham House and if the event is an open meeting. It also asked about the Executive Secretary's capacity at that workshop since according to Chatham House rules, participants are required to act on their own behalf.

16.54 In reply, the Executive Secretary noted that it was not clear from the available information that the workshop would be held under Chatham House rules. The topics the workshop will address issues focussing on facilitating information interchange between RFMOs on IUU fishing and other matters associated with global efforts to combat IUU fishing. He indicated that information on the workshop would be provided to Members on request.

16.55 Chile advised that the third meeting on the establishment of a South Pacific RFMO would be held in Chile in March 2007. The Commission agreed that Chile would serve as the CCAMLR Observer to this meeting.

16.56 The European Community tabled its observer's report on the First International Meeting on the Establishment of a South Pacific Regional Fisheries Management Organisation (CCAMLR-XXV/BG/7). It advised that the second meeting would be held at CCAMLR Headquarters from 6 to 10 November 2006. The Executive Secretary offered to provide a report on that meeting.

16.57 The UK noted that although the list of meetings was fairly comprehensive, there were some omissions, such as for example, IOTC and SWIOFC. The UK suggested that when information becomes available to the Executive Secretary, he should canvass the host State to take on the role of observer or at least canvass a number of States whose attendance would be known to seek views as to who might represent CCAMLR at those meetings.

16.58 The Executive Secretary advised that considerable difficulties are experienced in obtaining meeting calendar information and requested Members who are also members of other organisations to provide the Secretariat with any information known to them on meetings of such organisations.

16.59 As requested by the Commission (CCAMLR-XXIV, paragraphs 16.16 and 16.17), the Secretariat reviewed priorities for cooperation with RFMOs and tabled CCAMLR-XXV/36 which outlined a proposal aimed at improving CCAMLR's involvement with long-standing RFMOs and other fisheries organisations which may have particular relevance to CCAMLR. It also provided a pro forma for a CCAMLR annual report to relevant RFMOs which included cross references to specific Commission agenda items as a source of briefing information on latest developments.

16.60 In general, the USA agreed with the list of priorities contained in the Secretariat paper, particularly issues associated with seabird incidental mortality. It noted that the Commission will continue to implement Resolution 22/XXIII which is being updated and revised. The Scientific Committee had asked the Commission to take specific action for Members to proactively engage with RFMOs. It had also noted that the development of effective pelagic mitigation measures in areas close to the Convention Area should remain a high priority for CCAMLR, particularly in such areas where Convention Area seabirds are caught. Given the priority of working with tuna RFMOs, the USA suggested that the table in CCAMLR-XXV/36 be modified to reflect this. In particular, under Items III(d) 'By-catch regulation/incidental mortality' and III(e) 'Data exchange/by-catch incidental mortality', IATTC should be noted as a general priority and ICCAT as a high priority. With respect to ICCAT, the UK proposal to ICCAT to conduct an assessment of the impact of incidental catch of seabirds resulting from vessels fishing in the ICCAT area, and CCAMLR's ad hoc

WG-IMAF development of a paper describing the CCAMLR risk assessment of fisheries to seabird by-catch, are examples of cooperating and sharing information between the two organisations.

16.61 Argentina and the European Community noted that there were inaccurate references to RFMOs in the map contained in Figure 1 of CCAMLR-XXV/36. The European Community suggested that Members contact the Secretariat directly to assist with correction of the map.

16.62 Australia recommended that in paragraph 15 of CCAMLR-XXV/36, in the list of priorities under I(i) 'Promotion of best practices...' the CCAMLR precautionary and ecosystem approach should be emphasised. It also recommended that III(i) 'Promotion of best high-seas fishing practices...' should include a new topic 'New and exploratory fisheries'.

16.63 The Executive Secretary informed Members that the paper would be modified in accordance with their comments. He advised Members that the map of RFMOs and FAO regional fisheries bodies had been taken directly from the FAO website and asked that the FAO Observer assist in its correction.

16.64 The UK felt that the Secretariat had not been given clear direction on what would be a considerable task. It felt that a more structured approach was required to at least engage with other RFMOs on, for example, key information exchange of science. The UK suggested that working group conveners and the Chair of the Scientific Committee decide on key elements of information and data exchange with other RFMOs.

16.65 The Executive Secretary explained that the intent of CCAMLR-XXV/36 was to provide information to CCAMLR-designated observers to outside meetings. He felt it was not a matter that could be taken further without it being an assigned task. Furthermore, he felt that although the Secretariat could assist in providing information, it was more an issue of policy which the Secretariat could not be productively engaged in.

16.66 The European Community felt the document contained worthy material which could be developed for further consideration.