

COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

Reports of observers from international organisations

Intergovernmental organisations

16.1 The ACAP Observer made the following statement:

‘It is pleasing to see the positive progress that CCAMLR continues to make with regard to the reduction and elimination of seabird by-catch in the CAMLR Convention Area. There is now widespread recognition that seabird by-catch is not restricted to longline fishing operations and the Agreement welcomes and encourages the work that CCAMLR is doing in addressing seabird by-catch in other fisheries.

There have been many significant achievements within the Agreement since I last reported to you. There are now eleven Parties to the Agreement with the accession of Norway early this year, and a number of other Range States are actively examining the possibility of also joining. Unfortunately, at this stage no Asian States managing distant water fleets have joined the Agreement. The participation of these States would be warmly welcomed in the work of the Agreement.

In November last year, the second Meeting of the Parties (MoP2) was held in Christchurch, with excellent support being provided by the host Government of New Zealand. This meeting adopted the Headquarters and staffing regulations for the ACAP Secretariat and following the implementation of the HQA by the Australian Government, the final steps will have been taken to allow the Secretariat to be formally established, here in Hobart.

MoP2 agreed also to the revision of the taxonomy of a number of species listed under the Agreement and reviewed progress made by Parties in implementing the Action Plan to the Agreement. The meeting also agreed to a recommendation from its Advisory Committee that a Seabird Bycatch Working Group be established.

In June this year, the third meeting of ACAP’s Advisory Committee was held in Valdivia, Chile. It was preceded by meetings of its Status and Trends, and Seabird Bycatch Working Groups. Again, thanks must go to Chile as the host Government for the excellent level of support provided to these meetings.

Key outcomes from these meetings included the decision to establish a relational database to bring together relevant data on species listed under the Agreement. The first product to be produced from this database will be individual species assessments that will for the first time provide a comprehensive, up-to-date assessment of the conservation status of each ACAP listed species. Importantly, these assessments will also identify where data is lacking so that priority can be given to obtaining this data.

As well, a comprehensive review of pelagic seabird mitigation measures was undertaken by the Seabird Bycatch Working Group. This identified many gaps in our knowledge of effective mitigation measures for use in pelagic fisheries and highlighted the need for further research to address these gaps. The review also

highlighted that individual States alone do not have the resources to undertake this research and that a collective approach involving Parties, Range States and fisheries management organisations is essential.

The meeting also reviewed the criteria for listing new species under the Agreement and noted that it appeared the three northern species of albatross were worthy candidates for inclusion. It was agreed that further assessment and consultation with relevant Range States was required before consideration was given to making a recommendation to the next Meeting of Parties on whether they should be listed.

Over the past year, the Agreement has engaged actively with regional fisheries management organisations and I am pleased to report that a number have adopted, or are considering adopting, binding measures requiring the use of a combination of seabird mitigation devices, following the effective example provided by CCAMLR conservation measures. The ecological risk assessment approach taken by CCAMLR in the management of its fishery is also being examined by some RFMOs and this development is strongly welcomed as a means of not only achieving a sustainable fishery but also in addressing the impacts on associated species caught as by-catch.

A key strength of the Agreement is the sharing of expertise and advice between Parties, and in June this year a tangible demonstration of this was given when the Agreement assisted Peru with the organisation and conduct of a workshop to address conservation issues affecting the waved albatross, which breeds in Ecuador but forages widely in Peruvian waters. Following the successful outcomes of this workshop a further workshop is planned to be held in Ecuador next year to address the conservation issues there.

Although a lot has been achieved over the past year there is still much to be done. In addition to the need for further research on mitigation measures, the lack of by-catch observer data is a serious limitation which prevents effective assessment and management of seabird by-catch. This limitation can only be addressed by action within the relevant fisheries management organisations and ACAP will continue to encourage and support the adoption of effective by-catch observer schemes by these organisations.'

16.2 Australia thanked the ACAP Observer for his report which highlighted important issues. It encouraged all Members and CCAMLR Contracting Parties to cooperate with, and if necessary ratify, ACAP as a matter of priority, especially fishing countries and/or those which are albatross and petrel Range States.

16.3 The following statement was made by the IUCN Observer:

'First of all, IUCN is very pleased that China is now a Contracting Party to CCAMLR and a Member of this Commission and looks forward to strengthen collaboration with China in advancing the objectives of the Convention.

Following your suggestion Mr Chair, I will focus my intervention on a few major issues addressed at this meeting and I kindly refer the distinguished delegates to the IUCN report submitted in CCAMLR-XXVI/BG/44.

IUCN would like to congratulate the Commission on the progress made with regard to bioregionalisation of the Southern Ocean. We believe that the results of the work undertaken by the Scientific Committee greatly contribute to achieving the objectives of CCAMLR as stated in Article II of the Convention. In addition, bioregionalisation will assist States that are also Parties to the Protocol on Environmental Protection to the Antarctic Treaty to fulfil their obligation under Annex V, Article 3 of the Protocol³.

With respect of marine ecosystems in Antarctica, IUCN is concerned that few are currently included within Antarctic Specially Protected Areas (ASPAs) or Antarctic Specially Managed Areas (ASMAs) and believes that Parties to CCAMLR have an important role to play in addressing this gap. The constructive input and support provided by the Scientific Committee to the management plan of the proposed ASMA No. X is a valuable example of the important cooperation between CCAMLR and CEP. IUCN encourages the Commission to continue its efforts to expedite the establishment of ASMAs and ASPAs with marine components. Such action will also contribute to achieving the commitments made at the World Summit for Sustainable Development to establish representative networks of marine protected areas before 2012.

IUCN is appreciative of the continued and exemplary efforts by CCAMLR to reduce and eliminate IUU practices. IUCN also believes that the management of marine ecosystems must address the needs of global market forces as well as the mitigation of the impacts on the ecosystems and resources. In this regard, IUCN urges the Commission to strengthen its use of trade-related measures as one of tools available to combat IUU fishing, as called for by several international agreements, including the 2006 UNGA Resolution 60/31 on sustainable fisheries that, and I quote, “Urges States, individually and through regional fisheries management organisations and arrangements, to adopt and implement internationally agreed market-related measures in accordance with international law, including principles rights and obligations established in the WTO agreements, as called for in the IPOA-IUU”. End of Quote

While the conservation and management measures of CCAMLR are not directly binding on non-Members of the Convention, most States are Parties to other instruments that contain obligations for cooperation, for example UNCLOS (Art. 117)⁴, and the Convention on Biological Diversity (Art. 5)⁵, that require their Parties to cooperate with the implementation of conservation and management measures of competent international organisations, regardless of whether they are a member of these organisations.

³ To ‘seek to identify, within a systematic environmental-geographical framework, and to include in a series of Antarctic Specially Protected Areas...representative examples of major terrestrial, including glacial and aquatic ecosystems and marine ecosystems.’

⁴ Article 117 specifies that: All States have the duty to take, or to cooperate with other States in taking, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

⁵ Article 5 provides that: Each Contracting Party shall, as far as possible and as appropriate, cooperate with other Contracting Parties, directly or, where appropriate, through competent international organisations, in respect of areas beyond national jurisdiction and on other matters of mutual interest, for the conservation and sustainable use of biological diversity.

Experience has shown that trade-related measures play an important role in improving catch estimates and combating IUU fishing and there is evidence that trade sanctions provide incentives for countries to join Regional Fisheries Bodies and/or to cooperate in the implementation of their conservation and management measures. Over the past decade, relevant WTO provisions have been successfully applied to trade measures relating to management of fisheries resources.

The trade-related measure proposal before the Commission today is not an economic means for regulating harvesting of the Antarctic resources as can be fees, resource excise taxes, and tradable quotas. Indeed, the regulation of harvesting within the Convention Area is based on robust science, and in that regard, the proposed measure does not go against the provisions of the Antarctic Treaty. CCAMLR has already introduced a series of trade-related measures to combat IUU and to encourage States not a party to CCAMLR and who fish in the CCAMLR area to cooperate and to accede to the Convention. However, there remains evidence that IUU activities continue in the Convention Area and undermine the work of the Commission. Trade sanctions remain one of the few tools that CCAMLR has not yet used to strengthen the implementation of its conservation measures and we urge the Commission to continue playing a leadership role in the fight against IUU fishing.

Another avenue to address IUU fishing is for States, as is their right, to regulate the activities of their nationals, including companies, through domestic legislation. IUCN urges all CCAMLR Parties to enact legislation that would allow for such regulation as a way to combat IUU activities. For example, States should make it illegal for their nationals to be involved in the import, export, or other trade or commerce of fish products that were caught in contravention of CCAMLR conservation measures.

IUCN is concerned by the significant increase of intent to fish for krill in the upcoming 2007/08 season, the introduction of new gear for this fishery and its appeal to non-CCAMLR Members. IUCN urges the Commission to immediately initiate a process for ensuring a comprehensive management plan for the krill fishery that has comparable standards to other CCAMLR fisheries and that ensures adequate reporting mechanisms for all krill fishing.

IUCN commends the Scientific Committee on its work addressing issues surrounding Conservation Measure 22-05 and advancing the scientific considerations for the implementation of the 2006 UNGA Resolution on sustainable fisheries (61/105) with regard to bottom fishing. Adoption of the procedure presented by the Scientific Committee would again confirm CCAMLR's leadership in applying an ecosystem approach to managing its fisheries. IUCN thus urges the Commission to endorse this work and to give timely effect to the UNGA resolution.

Climate change is undoubtedly one of the major drivers for change in marine ecosystems and IUCN believes that CCAMLR should take urgent actions to monitor the impacts of climate change on the Southern Ocean's ecosystems and resources and to incorporate that information into its decisions on the management of Antarctic living resources.

Lastly, IUCN believes that CCAMLR should undertake an evaluation of its performance in the context of global recognition of the institution's standing as a

recognised “leader” in responsible, precautionary and ecosystem-based management of the marine living resources in Antarctica. IUCN shares the views that the criteria used in other RFMO reviews should be regarded as a minimum standard to undertake the assessment. In addition, IUCN believes that the Review Panel should include a suitable mix of external and internal assessors, from governments and from non-governmental and intergovernmental bodies, to ensure a full range of experiences and to promote an outcome that will be received as fair and balanced. As transparency is of critical importance in this work, the Panel should receive information internally from Members of the Commission and externally from the interested public. Their proceedings should be open to all interested observers and their reports should be posted electronically.’

16.4 The IWC Observer advised the Commission that pertinent information concerning the IWC was contained in CCAMLR-XXVI/BG/20 and in the Scientific Committee Report (SC-CAMLR-XXVI, paragraphs 10.34 to 10.36). He noted that a point of interest to the Commission was that southern hemisphere right whale and blue whale populations are still a tiny fraction of their pre-exploitation sizes. However, encouraging figures from the IWC indicate an increase in the population size of these two species over the past 15 to 25 years (7.5 and 8% per year for right and blue whale populations respectively).

Non-governmental organisations

ASOC

16.5 The ASOC Observer made the following statement:

‘The Antarctic and Southern Ocean Coalition would like to express its appreciation for the opportunity to be an observer at this 26th annual meeting of the Commission.

In addition to the climate change paper that was introduced in an earlier intervention, ASOC would like to draw attention to its papers CCAMLR-XXVI/BG/25, BG/26 and BG/27.

ASOC welcomes China as new Member to CCAMLR and looks forward to China’s contribution to the fulfilment of CCAMLR’s objectives. ASOC regrets that China was not able to ratify CCAMLR on behalf of Hong Kong, which would be an important step towards better monitoring legal and illegal toothfish trade.

IUU fishing activities continue to be a matter of deep concern for CCAMLR, and further measures are needed in order to improve controls over fishing and trade of toothfish. ASOC is concerned about the evidence presented at SCIC on the increased IUU activity on high-seas areas of the Antarctic, such as the BANZARE Bank, and the wide-spread use of gillnets by IUU vessels in the Southern Ocean. CCAMLR Members need to intensify their collective efforts to reduce this IUU activity. French–Australian patrols reported 11 IUU vessels with gillnets between November 2006 and April 2007. South Africa also reported on the increased use of gillnets by IUU vessels as reported through the Scheme of International Scientific Observation, as well as the increased conversion of IUU longliners to gillnetters. ASOC strongly encourages the increase of cooperation by Contracting Parties on patrols in the Convention Area.

A series of sound proposals are under discussion by CCAMLR Members that would increase the effectiveness of the CCAMLR regime to combat IUU fishing, including enhanced cooperation between CCAMLR and other regional arrangements on the use of IUU Vessel Lists, the strengthening of CCAMLR's System of Inspection, and the establishment of a procedure to implement trade-related measures against Flag States that undermine CCAMLR's conservation measures. ASOC urges further discussion of these proposals so that the Commission adopts these measures.

With regards to krill, ASOC is concerned by the sharp increase in notifications of intent to fish for krill in the upcoming season, the introduction of new fishing methods and the interests of new states in this fishery, including non-Members of this Commission. ASOC believes that the Commission should amend conservation measures for krill taking on board the specific recommendations made by the Scientific Committee and SCIC last week. This would be an important step towards an appropriate management regime for krill. As an urgent priority, CCAMLR Members need to establish the necessary arrangements to obtain systematic scientific observation data as required by the Scientific Committee. The inability to gather such data would impede CCAMLR to achieve its fundamental objectives.

ASOC is deeply concerned about notified plans to catch krill in the Convention Area using pair trawling, a method that has never been used in the Antarctic before and that is known for causing high by-catch of marine mammals in other parts of the world. We believe that pair trawling is a destructive fishing practice and that it should not be authorised. Any new fishing method should be evaluated first by the Scientific Committee in order to fully assess the effects on the Antarctic ecosystem.

With regards to bioregionalisation of the Southern Ocean, ASOC particularly recommends that CCAMLR commit at CCAMLR-XXVI to establishing a comprehensive, adequate and fully representative series of marine protected areas by 2012. ASOC welcomed the Scientific Committee's endorsement of the outcomes of the CCAMLR Workshop on Bioregionalisation of the Southern Ocean held in Brussels in August 2007. ASOC congratulates CCAMLR on the impressive progress it has made to date regarding bioregionalisation of the Southern Ocean. However, ASOC is concerned that the final term of reference of the CCAMLR Bioregionalisation Workshop concerning the establishment of a procedure for identifying areas for protection to further the conservation objectives of CCAMLR has still not been addressed and has now been deferred to WG-EMM, a body with an already demanding workload. ASOC urges the Commission to now not lose momentum on this fundamental issue.

With regards to seabird by-catch, ASOC is delighted at the by-catch mitigation performance of licensed fishers and the French commitment to continued improvements in performance by the fishers they license within their EEZs. ASOC is concerned, however, at the lack of response from southern hemisphere RFMOs in response to CCAMLR requests for collaborative engagement and urges delegations to work within and between governments to ensure that relevant tuna RFMOs, in particular, cooperate appropriately on timely and effective mitigation of seabird incidental mortality.

With regards to bottom fishing, ASOC strongly urges that UNGA Resolution 61/105 relating to avoiding adverse impacts from destructive fishing practices in high-seas areas be fully implemented in all relevant fora by the due date of December 2008. Last year ASOC welcomed CCAMLR's measures on gillnetting (Conservation Measure 22-04) and bottom trawling (Conservation Measure 22-05) adopted in 2006.

ASOC is heartened by the comprehensive discussion in the Scientific Committee last week and looks forward to effective measures being approved by the Commission this week.

With regards to vessel safety, ASOC is delighted that CCAMLR is considering adopting a measure to mandate high standards for vessel safety, especially with respect to ice strengthening and urges the Commission to adopt such a measure at this meeting, including a port control provision allowing for detention of non-compliant vessels.

With regards to performance review, ASOC is delighted that CCAMLR is considering conducting a performance review pursuant to recent UNGA commitments based on the review of the UN Fish Stocks Agreement (UNFSA) and on discussions at the FAO Committee on Fisheries (COFI), and that consideration is being given to including someone from the conservation NGO sector on the Review Panel. ASOC urges the Commission to agree to conduct such a review as proposed.'

16.6 The European Community thanked ASOC for its exhaustive coverage of a wide range of issues relevant to the Commission's agenda. Although the European Community may not agree with all NGO views on RFMO issues, on this occasion the European Community indicated that it supported the issues raised in the ASOC papers, particularly concerning gillnetting in the BANZARE Bank area, illegal fishing activities, regulation of the krill fishery, cooperation with other organisations with a responsibility for managing fisheries (especially concerning by-catch issue), and the CCAMLR Performance Review which is a high priority.

16.7 New Zealand supported the European Community's comment and looked forward to addressing the issues raised.

16.8 Argentina thanked ASOC for its presentation. However, it noted that in relation to CCAMLR-XXVI/BG/26, it did not share ASOC's opinions. Argentina further indicated that in its view, seeking to impose commercial sanctions on Convention Parties, as well as on non-Parties, has serious legal implications particularly in respect to compatibility with WTO regulations. Therefore, for CCAMLR to legislate in respect of third-party States would represent a breach of international law. Argentina therefore believed that strengthening applicability of measures and non-compliance procedures offers the most adequate and appropriate manner to seek compliance with the Convention's objectives consistent with international law.

16.9 Brazil shared Argentina's concerns on the inclusion of trade measures into CCAMLR actions against third-party States.

COLTO

16.10 The COLTO Observer made the following statement:

‘Once again the Coalition of Legal Toothfish Operators’ (COLTO) membership has increased this year, and now comprises 29 companies, from nine CCAMLR Member countries, along with supporters from marketing and distribution networks. Together, COLTO members caught in excess of 75% of the legal toothfish in CCAMLR waters in 2007.

I refer to our background paper, CCAMLR-XXVI/BG/29, which outlines some of the details from our website. We continue to have significant interest from the public in our activities to help expose and eliminate IUU fishing for toothfish, and our website has had over 200 000 hits to date.

Our COLTO paper submitted also gives detail of a slight change of direction by COLTO where we intend to focus our efforts on promoting the legal and sustainable fisheries for toothfish, in which COLTO members play an important role. COLTO will still be vigilant and active with its many contacts globally, to make sure that IUU operators understand that there are people both at sea, and on land, who are watching and reporting IUU activity.

COLTO members have noticed a significant decline in illegal fishing of toothfish within Exclusive Economic Zones and some subareas over the past year. For this, we would like to congratulate CCAMLR, and encourage continued efforts to eliminate IUU fishing for toothfish. We also believe that the presence of COLTO member vessels in the Convention areas helps deter IUU activity.

COLTO members are present in all parts of the globe. South Africa’s presentation on the IUU gillnet activity in Division 58.4.3b, and the fact that a crew member supplied photographic evidence of this activity, is applauded, and encouraged by COLTO. We are well aware of the effect ghost fishing by gillnets has. That there are vessels using this method inside the Convention Area is a great concern to COLTO, as it will be to all CCAMLR Members.

At the same time, COLTO remains concerned at the increased fishing by vessels using Flags of Convenience, particularly in Division 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 operators. While these unregulated boats may be flying flags from nations not party to CCAMLR, COLTO knows that they usually carry both crew and officers who are nationals from CCAMLR member countries.

In that regard, we hope that CCAMLR Members can follow up information on the nationalities of crews and officers, and take action against their nationals, found to be working on these vessels.

COLTO again encourages CCAMLR to:

- tighten domestic Port State controls against IUU vessels on the CCAMLR IUU Vessel List, to prevent refuelling, unloading, and provisioning of those vessels;

- use Flag State controls to prosecute nationals who are using flags of non-compliance, to avoid CCAMLR rules;
- move towards requirements that any vessel catching toothfish in CCAMLR waters must first be flagged to a Member country of CCAMLR.

We look forward to working with CCAMLR Members again in 2008, and appreciate the efforts and advances made by CCAMLR in 2007 to eliminate IUU fishing. COLTO Members have significant expertise fishing in CCAMLR waters and will be pleased to participate and assist the Commission in any review committee it may choose to set up for CCAMLR.’

Reports of CCAMLR representatives at meetings of international organisations in 2006/07

16.11 The following reports from CCAMLR representatives were noted by the Commission:

- meetings on the establishment of a South Pacific RFMO – Second Meeting, CCAMLR-XXVI/BG/7 submitted by the Executive Secretary, and Third Meeting, CCAMLR-XXVI/BG/35 submitted by Chile;
- 2007 Joint Meeting of Tuna RFMOs – CCAMLR-XXVI/BG/12 submitted by the USA;
- 11th Session of the IOTC – CCAMLR-XXVI/BG/42 submitted by Australia;
- 4th Meeting of SEAFO – CCAMLR-XXVI/BG/43 submitted by Norway.

16.12 In CCAMLR-XXVI/BG/20, the CCAMLR Observer, the USA, reported on the 59th Annual Meeting of the IWC and highlighted the following issues arising from the meeting:

- approval of new five-year quotas for aboriginal subsistence whaling in the Russian Federation, the USA, Greenland, and St Vincent and the Grenadines;
- Japan’s proposal that four of its historic whaling towns be allowed to resume small-scale hunts for minke whales in Japan’s coastal waters;
- consideration of the question of lethal whale research conducted by Japan in the North Pacific and Southern Ocean;
- the passing of a resolution by consensus that: (i) condemns violent protests at sea; (ii) cites international rules on maritime safety; and (iii) calls on all Parties to protect the fragile Antarctic marine environment and investigate maritime incidents that pose a threat to it.

16.13 ASOC noted that the IWC resolution on safety at sea does not condemn protest actions; rather it condemns ‘any actions that are a risk to human life and property in relation to the activities of vessels at sea’. It also recognised the right to legitimate and peaceful forms

of protest and demonstration and urged governments to protect the fragile Antarctic environment. ASOC likewise condemned any actions that put lives at risk and also actions that might lead to the pollution of the Antarctic environment.

16.14 Brazil submitted its Observer's Report on the 15th Special Meeting of ICCAT (CCAMLR-XXVI/BG/45). The European Community noted that at this meeting, trade measures were adopted by consensus.

16.15 The Executive Secretary submitted a report on his attendance at the Chatham House IUU Workshop (CCAMLR-XXVI/BG/6). Argentina stated that last year it had undertaken consultations in relation to the nature of the attendance at that workshop which is usually done bearing in mind the so-called Chatham House Rules, which imply a certain level of confidentiality and that expressions are made on a personal basis.

16.16 With regard to CCAMLR-XXVI/BG/6 and BG/31, Argentina expressed reservations to both documents introduced by the Secretariat since, while it may share some of the recommendations contained therein, other views may reflect the matrix of an initiative carried out by a limited number of States, the conclusions and the further developments of which deviate from the Law of the Sea and international law. Some Members had noted this already at CCAMLR-XXV. Therefore, Argentina recommended caution in this context.

16.17 The outcomes of the 27th meeting of the FAO Committee on Fisheries (COFI-27) were brought to the Commission's attention in the Executive Secretary's report of that meeting (CCAMLR-XXVI/BG/4). The following issues were of particular importance to CCAMLR:

- the convening of an FAO Expert Consultation to further develop a comprehensive record of fishing vessels;
- further FAO consideration, subject to funds, of developing criteria for assessing Flag State performance and for possible actions when such criteria are not met;
- other items, *inter alia*, dealing with harmonisation of catch documentation, MPAs, the effects of global climate change, all of which were being discussed within the CCAMLR context;
- encouragement to join or cooperate with the International MCS Network which is a network of information relating to monitoring, control and surveillance, particularly as this relates to IUU fishing.

Cooperation with CITES

16.18 The European Community reported on its attendance at CoP14 as CCAMLR Observer. It reminded the Commission that, in CITES Resolution Conf. 12.4, CITES had requested CCAMLR to maintain a permanent flow of information to the Parties to CITES and to make available any information on illicit trade of *Dissostichus* spp. This task has been fulfilled through the exhaustive document submitted by the Secretariat and introduced by the European Community as CoP14 Doc. 61.

16.19 The European Community noted that CITES Parties' attention was drawn to CCAMLR's achievements in terms of management of toothfish as well as in tackling illegal fishing activities targeting this species. CCAMLR results have been remarkable since the adoption of the CDS and other measures such as those on the identification and listing of Contracting and non-Contracting Parties' IUU vessels. It was also stressed what CCAMLR Parties would still have to achieve in the future, in particular through increased international cooperation among its own Members, and among different international bodies, as is the case for CITES.

16.20 Some CITES Parties noted the positive results which had been obtained as a result of CCAMLR efforts in the overall reduction of IUU catches.

16.21 The European Community indicated that ongoing illegal fishing activities for toothfish in the CAMLR Convention Area were also noted at CoP14 and that CITES Parties were asked to implement the recommendations made in Resolution Conf. 12.4. However, some CITES Contracting Parties noted that toothfish was not a CITES-listed species and that requirements under Resolution Conf. 12.4 were therefore not binding to CITES Parties. Other CITES Parties commented that implementation of Resolution Conf. 12.4 was hampered by the species concerned not being included in CITES Appendix II.

16.22 The European Community also noted that CITES CoP12 had mentioned the need for an overall assessment of the toothfish stock. Nevertheless, the report from CCAMLR was noted with appreciation by Committee II, and CITES encouraged all its member countries to cooperate with CCAMLR. No draft proposals were introduced on toothfish.

16.23 Argentina made a further statement regarding sanctions and trade measures, bearing in mind a reference made by the European Community when it referred to CITES. Argentina wished to record that CCAMLR is part of the Antarctic Treaty System. Argentina believed that it is important to strengthen the impact that CCAMLR measures may have in relation to the Antarctic Treaty System. It wished to remind Members that the Convention was achieved through a number of diplomatic representations, the content of which drew on ATCM recommendations in the 1970s. Within that mandate, a ban on harvesting marine living resources was not sought. However, allocation of quotas and other economic considerations were not considered as essential for managing the utilisation of marine living resources within the Convention. Having to impose trade measures would possibly lead to CCAMLR not being able to attain its own objectives in respect of excluding non-Parties, as well as not optimising benefits from the fisheries. Therefore, all deliberations within CCAMLR ought not to focus on trade measures or CCAMLR would lose its legitimacy.

16.24 The European Community responded that it had only wished to provide Members with factual information on the outcomes of the CITES meeting and was not requesting any amendments to text.

Cooperation with CCSBT

16.25 Australia had submitted its observer's report on the outcomes of the recent 14th Meeting of CCSBT (CCAMLR-XXVI/BG/46). The Executive Secretary advised that he was still awaiting communication from CCSBT regarding its cooperation with CCAMLR. Once received, it would be circulated to Members.

Cooperation with WCPFC

16.26 The USA noted that the Draft Memorandum of Understanding (MOU) between CCAMLR and WCPFC contained in CCAMLR-XXVI/BG/9 had been the subject of a number of Commission circulars during the intersessional period and that it had submitted comments on the draft which had been prepared by the Secretariat. The USA indicated that it had an interest in ensuring that there is cooperation between organisations that manage adjacent waters, and in its view, it would be desirable to promote cooperation between these two bodies. The USA suggested that further consultations should continue to improve the Draft MOU with the goal of providing a mandate for offering it to WCPFC after this meeting.

16.27 China supported the USA's concern regarding cooperation between CCAMLR and WCPFC. As a member of both organisations, China welcomed this cooperation, however, it believed that CCAMLR is not a tuna RFMO, and the form of cooperation between CCAMLR and WCPFC should differ from that between WCPFC and IATTC.

16.28 Japan shared the comments made by the USA and China. In noting that the nature and work of the two organisations are different, Japan felt that further consideration regarding paragraph 2 of the Draft MOU 'Manner of cooperation' is necessary, particularly bearing in mind the cost implications of the identified activities versus the benefits to CCAMLR. Japan supported the USA's view that the matter be considered further.

16.29 Argentina did not agree with the proposal to have an MOU establishing a permanent relationship with WCPFC or with other organisations whose purposes and memberships differ substantially from those of CCAMLR.

16.30 Argentina understands that harmonisation of measures adopted in accordance with WCPFC criteria would not be possible without limiting the objectives, competence and functioning of CCAMLR in two ways:

- CCAMLR objectives would be thwarted by WCPFC criteria of 'optimal use' of resources;
- secondly, the fundamental differences of membership in both organisations in that CCAMLR admits any State with interest in the conservation, fishing or research referred to Antarctic marine living resources, whilst WCPFC limits its membership to States that exercise jurisdiction in its area or that carry out fishing activities. This group is also not open to any State other than through specific invitation by WCPFC as, *inter alia*, it distributes fishing quotas and therefore protects the fishing interests of its members.

16.31 The UK agreed with those Members who had spoken in support of the development of the draft MOU. The UK had also submitted comments to the Secretariat but these had not been included in CCAMLR-XXVI/BG/9. One of the points made was that CCAMLR has not yet forged any formal links with other organisations. It was the UK's view that having arrangements with RFMOs, particularly those which neighbour CCAMLR's Convention Area, would extend delivery of the CAMLR Convention's objectives and not compromise them. In particular, there would be virtue in cooperating with WCPFC in respect of IUU fishing activities where the UK saw great virtue in harmonisation of an approach. The UK supported further work being undertaken on drafting the MOU.

16.32 The European Community shared the comments made by the USA. As such, the Draft MOU was a very naïve interpretation relating mainly to information exchange with action being limited in relation to either forum and because the two organisations have bordering areas of competence. In the European Community's view, the same kind of understanding, for instance with IOTC, could also be promoted and this would not compromise CCAMLR's specificity. This would provide a way to access, and reflect on, new ideas. It would also allow CCAMLR to draw on relevant experiences already faced by other organisations as well as communicating lessons learned from CCAMLR's experiences. In the latter case, communicating what CCAMLR has achieved in seabird mortality mitigation would be very useful for other organisations and would not compromise their independence. In respect to WCPFC objectives, the European Community indicated that it would leave the floor to Australia and New Zealand as the promoters of that organisation, noting that neither of those Parties held views very far from promoting conservation as in that organisation. In the European Community's view, implementing principles and objectives is not the issue, rather it is that the WCPFC has an objective in common with CCAMLR to ensure conservation of the stocks for which it is responsible, as well as the sustainable and rational use of those stocks.

16.33 Australia indicated that it was important for CCAMLR to establish a framework for discussions with organisations such as WCPFC. The vast majority of seabirds that CCAMLR is responsible for are being killed in tuna fisheries adjacent to CCAMLR waters. Unless CCAMLR is engaged in exchanging information with neighbouring organisations and they are actively engaged with CCAMLR, this environmental tragedy will continue. In Australia's view, it is entirely consistent with the Convention's purpose that appropriate action is taken to engage with other regional bodies in furthering this purpose. Australia also noted the fact that on one recent occasion, some tuna vessels fished in the CAMLR Convention Area, which in Australia's view was contrary to the obligations of the Flag State as a Party to this Convention. One of the reasons for endeavouring to establish such dialogues was to ensure that this kind of confusion does not occur between adjacent regional bodies in the future. Australia endorsed the USA's view that CCAMLR should continue to look at the MOU.

16.34 Chile supported the idea that CCAMLR establish links and engage in cooperation with other RFMOs in general and WCPFC in particular. The fact that there are different objectives, goals or fundamental differences in relation to functioning between CCAMLR and other organisations should not be a reason to ignore or waive what is actually taking place in waters adjacent to the Convention Area. In that regard, Chile believed it to be appropriate to establish this type of MOU. Members were encouraged to work closely on the terms of the MOU, but Chile believed that CCAMLR should start considering this type of approach with other organisations at the same time. Chile stated it will support institutional arrangements between CCAMLR and the South Pacific RFMO once the latter organisation is established.

16.35 Argentina believed that cooperation should be undertaken in all cases when needed. However, cooperation with some organisations should be on a specific basis, that is a case-by-case basis. It should be reviewed on an ad hoc basis as to when it may be necessary to engage in such cooperation. As Argentina had indicated over many years, there is a real danger of possible overlapping of competence in many areas. In many instances therefore, the issue of different membership criteria should not have the consequential effect that CCAMLR directly endorses regulations adopted by another Commission. For example, to include within a particular list illegal vessels that other organisations have included in their respective lists, Argentina as a Member of this Commission, believed that the Commission should have no reason to incorporate such regulations or recommendations, particularly from certain organisations. In the case of tuna fisheries in the Convention Area, as mentioned by Australia, the subject matter is different since, if involved in fishing, Member States are bound by CCAMLR measures. Argentina therefore reiterated that cooperation should be decided on a case-by-case basis on specific matters.

16.36 Uruguay supported the Argentine view, particularly in relation to the need to engage in cooperation with various organisations working in the field of conservation. It also noted that it should be borne in mind that many such agreements should not be binding for other organisations.

16.37 The USA said it is mindful of Argentina's view that CCAMLR and WCPFC have different mandates. There can be no question of CCAMLR exercising its authority outside the Convention Area, but as some other Members have stated, the purpose of this MOU is to have an exchange of information. The MOU includes reciprocal participation in meetings, so that, *inter alia*, the Secretariat and others may inform themselves, information can be shared about stocks and species and meeting reports can be actively and regularly exchanged. In fact, the USA indicated that cooperation under the MOU would be very limited, but would allow CCAMLR to improve its work with respect to seabird by-catch in particular.

16.38 South Africa reiterated that there are many RFMOs with challenges similar to those faced by CCAMLR and that there is room for transparent exchange of information where organisations could complement and perhaps assist each other in achieving the Convention's objectives. South Africa urged all Members to treat this in a positive way, and it should not be seen as a barrier to cooperation.

16.39 It was agreed that the Secretariat should undertake further work intersessionally to finalise an MOU that would be presented to WCPFC once there is endorsement by the Commission, taking into account the views of all Members.

Partnership in FIRMS

16.40 The Report of the Fourth Meeting of the FIRMS Steering Committee, which was attended by the CCAMLR Data Manager (CCAMLR-XXVI/BG/19), was presented. The Executive Secretary also brought Members' attention to the issue of sharing information on toothfish with RFMOs in general, and with SEAFO in particular.

Participation in CCAMLR meetings

16.41 The Executive Secretary advised Members that, as discussed last year (CCAMLR-XXV, paragraphs 16.47 and 16.48), this matter relates to approaches to the Secretariat by non-Contracting Parties invited to the CCAMLR meeting this year, to facilitate access to the UN Trust Fund for monies to finance their attendance. No such requests had been received. The Executive Secretary was unaware of future developments with respect to this fund as an FAO representative was not present to advise on the matter and it had not been discussed at SCAF.

Nomination of representatives to meetings of international organisations in 2007/08

16.42 The following observers were nominated to represent CCAMLR at meetings of international organisations in 2007/08:

- FAO Technical Consultation on Guidelines for Responsible Fish Trade, 5 to 7 November, Rome, Italy – no nomination.
- FAO Workshop on Data and Knowledge on Deep-sea Fisheries, in the High Seas, 5 to 7 November, Rome, Italy – Data Manager (funded by FAO).
- 20th Regular Meeting of the Commission of ICCAT, 9 to 18 November 2007, Antalya, Turkey – European Community.
- Fourth Regular Session of WCPFC, 3 to 7 December 2007, Tumon, Guam, USA – USA.
- 3rd Session of SWIOFC, 18 to 21 December 2007, Seychelles – no nomination.
- FAO Technical Consultation on International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, 4 to 8 February 2008, Rome, Italy – no nomination.
- 5th International Meeting on the Establishment of a South Pacific RFMO, 4 to 15 March 2008, Guayaquil, Ecuador – Chile.
- Intersessional Meeting on the Future of the IWC, 6 to 8 March 2008, London, UK – UK.
- FIRMS Technical Working Group meeting, 31 March to 4 April, 2008, FAO, Rome, Italy – Data Manager.
- 12th Session of the IOTC, 26 to 30 May, Seychelles – Australia.
- ATCM XXXI, 2 to 13 June 2008, Kiev, Ukraine – Executive Secretary.
- CEP XI, 2 to 6 June 2008, Kiev, Ukraine – Chair, Scientific Committee and the CCAMLR Science Officer.

- 11th Session of the COFI Sub-Committee on Fish Trade, 2 to 6 June 2008, Bremen, Germany – European Community.
- Open-ended Informal Consultative Process on Ocean Affairs and the Law of the Sea, Ninth Meeting, 9 to 13 June 2008, New York, USA – no nomination.
- 60th Annual Meeting of the IWC, 23 to 27 June, 2008, Santiago, Chile – Chile.
- FAO Technical Consultation on Port State Measures, 23 to 27 June 2008, Rome, Italy – Spain.
- FIRMS Steering Committee meeting, June/July 2008, NAFO Secretariat, Dartmouth, Canada (dates to be confirmed) – Data Manager.
- Global IUU Fishing Conference (MCS Network), August, Trondheim, Norway (dates to be confirmed) – Norway.
- 5th Annual Meeting of SEAFO, 6 to 9 September 2008, Windhoek, Namibia – Norway.
- 2008 Annual Meeting of NAFO, 22 to 26 September 2008, Vigo, Spain – European Community.
- CCSBT 15th Annual Meeting, 14 to 17 October 2008, Auckland, New Zealand – New Zealand.
- 9th Meeting of the CMS Conference of Parties, 9 to 21 November 2008, Rome, Italy – no nomination.

16.43 The Executive Secretary reminded Members that the Secretariat provides a briefing document to CCAMLR observers attending various meetings. The document is prepared on the basis of outcomes from the Commission's report and any additional items that the Commission would wish to include. This practice would continue and Members were requested to advise the Secretariat of any particular items that they wished to be emphasised in the document.