

COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

Reports of observers from international organisations
and Intergovernmental organisations

ACAP

16.1 The Executive Secretary of ACAP provided the Commission with a report on the substantial progress that had been made by ACAP during the past year. He welcomed the progress that CCAMLR continues to make on reducing and eliminating seabird by-catch, not only in the CAMLR Convention Area, but also through outreach to RFMOs whose fisheries may be having an impact on CAMLR Convention Area seabirds.

16.2 It was noted that there will soon be 13 Parties to the Agreement with Brazil attaining Party status on 1 December 2008 and Uruguay following shortly thereafter, on 1 January 2009. A number of other Range States are also actively examining the possibility of joining the Agreement.

16.3 The ACAP Executive Secretary reported that in December 2007 ACAP entered into a formal Arrangement with WCPFC. This Arrangement, which is non-legally binding, provides, *inter alia*, for the exchange of relevant data between ACAP and WCPFC and for attendance at each other's meetings. ACAP looked forward to discussing the possibility of entering into similar arrangements with CCAMLR and other fisheries management organisations during the year ahead.

16.4 The ACAP Executive Secretary also noted that the ACAP Advisory Committee had reviewed the work of its Seabird Bycatch Working Group on developing new seabird by-catch mitigation technologies. Progress has been made in the development of a range of mitigation measures and the requirements for seabird by-catch data to advance the Agreement's objectives. In this regard, the ACAP Observer noted his appreciation for the expert advice provided by the CCAMLR Secretariat on CCAMLR's IMAF data submission and management system.

16.5 Several Members noted that in respect of the statement made by ACAP, they saw the ratification of the Agreement by new States as very positive and the Commission encouraged all other eligible Members to do so.

16.6 South Africa advised the Commission that it had been an honour to host the fourth meeting of the ACAP Advisory Committee earlier this year and that South Africa had launched its own National Plan of Action for seabirds in longline and trawl fisheries during the opening session of the ACAP meeting.

16.7 The USA informed the Commission that its President had transmitted the ACAP Agreement to the US Senate and recommended early and favourable consideration.

ASOC

16.8 ASOC made the following statement to the Commission:

‘ASOC appreciates the opportunity to be an observer at the Twenty-seventh Annual Meeting of the Commission and would like to bring the following points to the attention of Members related to the:

Antarctic krill fishery – ASOC is deeply concerned that the Scientific Committee was not able to endorse the recommendations of WG-EMM in respect of several krill-related issues. We consider the politicisation of the Scientific Committee process that was taking place last week a serious problem. ASOC is concerned that these actions resulted in the Scientific Committee being unable to provide advice to the Commission for consideration this week, and that it potentially threatens CCAMLR’s credibility. CCAMLR is known around the world for the rigorous science that backs the Commission’s decisions related to management of marine resources. Failure to address this new politicisation threatens this well-deserved reputation and we urge all Parties to address this problem directly. As the notifications for krill fishing for next year have exceeded the combined catch limit in Conservation Measure 51-01 for the second consecutive year, ASOC believes the conflicts of last week have to be resolved as a matter of urgency.

Scientific observers – we applaud all countries who spoke in support of the WG-EMM agreement for 100% observer coverage in order to collect the necessary scientific data for further development and hopeful agreement for Stage 1 SSMU allocations for the krill fishery. If the Commission is unable to reach agreement on a new conservation measure requiring 100% observer coverage for all boats, we would urge all fishing countries to implement 100% observer coverage on their boats voluntarily.

SSMU allocation – we are concerned that more progress was not made during the Scientific Committee and we would continue to urge increased efforts in this regard.

ASOC considers that a coordinated research plan for krill fisheries management in Area 48 should be developed as a matter of urgency in order to reduce key uncertainties. In the meantime, CCAMLR should consider taking precautionary measures to prevent excessive concentration of catch in coastal areas close to predator colonies. These measures must be accompanied by increased accountability and enforcement mechanisms to ensure adherence to these new provisions. Until such measures are in place, or a subdivision of the precautionary catch limit among SSMUs is established, ASOC urges CCAMLR Members not to increase krill fishing capacity.

In addition, CCAMLR needs to begin to develop feedback management procedures as soon as possible. Accordingly, the Scientific Committee needs to develop recommendations to adapt and expand the current CCAMLR Ecosystem Monitoring Program (CEMP) to the needs of a feedback management system at the SSMU level. Concurrently, funding mechanisms should be adopted to support existing and expanded monitoring, such as a dedicated CEMP fund.

ASOC is appreciative of the efforts by the Scientific Committee to address the issue of uncertainty related to the reporting of current krill catches as recently stated by

WG-EMM. As a matter of urgency, a standardised method for reporting green weight of krill catches and a requirement that all vessels utilise this method should be established.

Impacts of climate change on Antarctic marine ecosystems – climate change has emerged as an important topic in Antarctic research over the past decade, but little in the way of policy or operational change has resulted at CCAMLR thus far. Climate-related changes are accelerating, including regional alteration of sea-ice persistence and extent. Future reductions in sea-ice overall are likely to lead to major alterations in the distribution and abundance of Antarctic marine species. ASOC notes that, while recognition of the importance of climate change in the Commission was a substantial step forward on the issue, ASOC urges the Commission to take additional steps this year building on the Scientific Committee’s discussion so that clear recommendations can be made by the Scientific Committee next year for adoption by the Commission.

The implementation of networks of MPAs in Antarctica and the Southern Ocean – ASOC welcomes the final advice that came from the Scientific Committee endorsing the recommendation from the working group and the prioritisation of the 11 areas in developing networks of representative MPAs.

Bottom fishing – ASOC appreciates the advice from the Scientific Committee involving maintenance of the bottom trawling prohibition in the Convention Area and the developments of protocols around identification and evaluation of VMEs and the agreement to host a workshop on the issue next year.

Seabird by-catch – as we noted before the Scientific Committee last week, ASOC commends CCAMLR on its achievements in reducing the incidental mortality of albatrosses and petrels in Southern Ocean fisheries. In addition, ASOC noted with pleasure that reported levels of seabird by-catch in French EEZs continue to decrease, and commended CCAMLR for reducing the level of IUU fishing. This result coupled with the shift to gillnetting by IUU fishers has resulted in a very substantial reduction in overall seabird by-catch.

On the Performance Review – ASOC thanks the members of the Panel and welcomes their report of CCAMLR’s Performance Review which includes several useful recommendations on various substantive and institutional aspects of CCAMLR work. ASOC also appreciates Korea inviting an NGO onto their delegation. We call on Members of this Commission to establish adequate mechanisms to address these recommendations in a timely manner.’

16.9 Argentina noted its concern about ASOC’s somewhat partial view contained in CCAMLR-XXVII/BG/25, in taking up certain issues of substance regarding the operation of the Convention. ASOC’s document is contained in a publication which oftentimes reproduces the doctrine of the authors that *de lege ferenda* align themselves with the positions of certain industrialised countries.

16.10 Argentina further noted that it is mistaken in pointing out that the territorial status of the islands located in the Convention Area to the North of 60°S parallel is a matter to be taken up bilaterally, when in fact the Convention and the Statement by the Chairman of the

Conference of 1980 provide a multilateral regime of application, with the exception of national measures which can be adopted in relation to islands whose sovereignty is recognised by all Contracting Parties.

16.11 Argentina mentioned that throughout the document there is an underlying message contrary to the consensus principle, under different pretexts. It appears that the principle of legal equality of States has been ignored by attempting to encroach on the right of a Member of the Commission, one of whose vessels has conducted illegal fishing activities, from participating in the decision-making process. Thus, it prejudices without taking into account that there are precedents within the Commission that prove the opposite. In this context, having the authors present at the Commission meetings, Argentina considered that the paper could have shown a more accurate understanding of the matter.

16.12 Argentina also mentioned that, *inter alia*, the paper does not undertake a thorough analysis of the issue of the beneficial owner, and at the same time it hastily endorses the establishment of structures aimed at furthering oceanic strategies that have little or nothing to do with the conservation of Antarctic marine living resources. Notwithstanding this, there is certain merit in the fact that the paper accepts that political concerns need to be taken into account, when referring to marine protected areas.

COLTO

16.13 COLTO thanked the Commission for the opportunity to be represented at CCAMLR-XXVII and drew the attention of the Commission to three key issues where COLTO:

- (i) will continue to apply pressure on IUU fishing, particularly on the high seas;
- (ii) was pleased to have been able to join with ASOC in funding a member of the CCAMLR Performance Review Panel and hopes that the outcomes of the Panel's report will be considered at this meeting;
- (iii) will consider to provide practical industry input into the development of conservation measures and future sustainable management of Antarctic fisheries.

IUCN

16.14 IUCN informed the Commission that it remained ready and willing to assist CCAMLR in all aspects of mutual interest, in particular it noted:

- (i) MPAs – where IUCN encouraged continued work;
- (ii) IUU fishing – especially since the trade-based assessment of IUU toothfish presented in CCAMLR-XXVII/BG/38 suggested that there may be a 50% underestimate of IUU fishing based on vessel sightings;

- (iii) krill fisheries – where IUCN was troubled by the differences in the advice arising from WG-EMM and the Scientific Committee and felt that these differences could threaten the credibility and independence of the CCAMLR scientific process;
- (iv) Performance Review Panel – noting that the coordination of outcomes of the Performance Review with CCAMLR observers would be essential to maintain transparency.

IWC

16.15 The 60th Annual Meeting of the IWC was held in Santiago, Chile, in June 2008 (CCAMLR-XXVII/BG/31). The IWC continues to attract new members and since last year there are three new Commission members, bringing the total to 81 member countries.

16.16 New information on Antarctic whales was provided in SC-CAMLR-XXVII/BG/9.

16.17 The IWC has developed an international database on collisions of whales with ships in order to help it assess its conservation importance by species and area and to assist in the development of mitigation measures.

16.18 The IWC has also embarked on further intersessional work by a working group that met in September and will meet again in December 2008. This group is seeking solutions to some of the problems that the IWC is currently facing. Another intersessional meeting is scheduled for March 2009 before the next annual IWC meeting in Madeira, Portugal, in June 2009.

16.19 The Commission commended the reports from observers and acknowledged the important role that their participation plays in CCAMLR's work.

Reports of CCAMLR representatives at meetings of international organisations in 2007/08

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

- Report on an Expert Workshop to consider Flag State control – CCAMLR-XXVII/BG/6 submitted by the Executive Secretary;
- Report from The World Ocean in Globalization: Challenges for Marine Regions – CCAMLR-XXVII/BG/7 submitted by the Executive Secretary;
- 12th Session of the IOTC – CCAMLR-XXVII/BG/21 Rev. 1 submitted by Australia;
- Intersessional Meeting on the Future of the International Whaling Commission – CCAMLR-XXVII/BG/31 submitted by the UK;

- Second meeting of the Ad Hoc Open-Ended Informal Working Group to Study Issues relating to the Conservation and Sustainable Use of Marine Biological Diversity Beyond Areas of National Jurisdiction (Ad Hoc BBNJ Working Group) – CCAMLR-XXVII/BG/34 submitted by the USA;
- 11th Session of the COFI Sub-Committee on Fish Trade – CCAMLR-XXVII/BG/46 submitted by the European Community;
- NAFO extraordinary (May 2008) and regular (September 2008) sessions – CCAMLR-XXVII/BG/53 submitted by the European Community.

16.21 The European Community reported that NAFO recently held an extraordinary general meeting to agree VME measures and that these deliberations had been based on the CCAMLR example developed last year.

16.22 The European Community also indicated that the COFI Sub-Committee on Fish Trade (the Chair and Vice-Chairs of which are CCAMLR Members) had considered CDS, and Port State, as well as market-related measures, at its 2008 meeting in Bremen, Germany.

Cooperation with CCSBT

16.23 The Commission noted that CCSBT had agreed a VMS measure requiring any vessels fishing for southern bluefin tuna in the CAMLR Convention Area to comply with CCAMLR Conservation Measure 10-04.

16.24 The Commission also noted that CCSBT had agreed a recommendation on ecologically related species measures for southern bluefin tuna vessels while they engage in pelagic longlining in waters under the control of other tuna RFMOs. However, as VMS records indicate that southern bluefin tuna vessels have fished in the CAMLR Convention Area (CCAMLR-XXV, paragraphs 16.37 to 16.40), CCAMLR might wish to consider the appropriateness of introducing a conservation measure addressing pelagic longlining so that all CCAMLR mitigation measures would apply should CCSBT vessels fish in the CAMLR Convention Area.

16.25 The Executive Secretary advised that he was still awaiting a response to his letter of 4 November 2005 to CCSBT regarding cooperation with CCAMLR (CCAMLR-XXIV, paragraphs 15.20 to 15.23; CCAMLR-XXV, paragraph 16.37; CCAMLR-XXVI, paragraph 16.25). The Commission acknowledged that there had been a recent change of Executive Secretary at CCSBT and requested the CCAMLR Executive Secretary to enter into dialogue with the CCSBT Secretariat to determine when a response to the original letter could be expected. Such contact would also take note of CCSBT's introduction of non-binding measures with respect to seabird mitigation, noting that similar measures introduced by the IOTC had become binding.

16.26 The Commission noted with considerable concern the report from the Scientific Committee that in 2005 longline fisheries managed by CCSBT could have been taking 10 000 albatrosses per year, many of which are likely to be Convention Area seabirds (SC-CAMLR-XXVII, paragraph 5.16). The Commission agreed that its concern over this figure should be included in any correspondence from CCAMLR to CCSBT.

Cooperation with WCPFC

16.27 The Commission noted that the Secretariat had revised the Draft Memorandum of Understanding (MOU) between CCAMLR and WCPFC (CCAMLR-XXVII/BG/7 and CCAMLR-XXVI/BG/9) as instructed by the Commission (CCAMLR-XXVI, paragraph 16.39).

16.28 The Commission endorsed an updated version of the Arrangement (Annex 6) and requested the Secretariat to forward the update to WCPFC. With the agreement of the WCPFC, the CCAMLR Chair would then be authorised to sign the Arrangement and notify all Members through a Commission circular.

16.29 Argentina expressed the view that this Arrangement should not be considered as a departing point for building customary law.

Partnership in FIRMS

16.30 The Report of the Fifth Meeting of the FIRMS Steering Committee (CCAMLR-XXVII/BG/16) was noted.

Participation in CCAMLR meetings

16.31 The Secretariat advised Members that, as discussed last year (CCAMLR-XXVI, paragraph 16.41), this matter relates to approaches to the Secretariat by non-Contracting Parties invited to CCAMLR meetings, to facilitate access to the UN Trust Fund for monies to finance their attendance. No such requests had been received in 2008. The Executive Secretary was unaware of future developments with respect to this fund as an FAO representative was not present at CCAMLR-XXVII to advise on the matter. Equally, he was unaware of any potential requests for assistance to access the Fund in 2009.

Nomination of representatives to meetings of international organisation in 2008/09

16.32 The following observers were nominated to represent CCAMLR at meetings of international organisations in 2008/09:

- 16th Special Meeting of the Commission of ICCAT, 17 to 24 November 2008, Marrakesh, Morocco – European Community.
- 10th Global Meeting of the Regional Seas Conventions and Action Plans (main topic – climate change and its relationship to the Regional Seas Programme), 25 to 27 November 2008, Guayaquil, Ecuador – no nomination.
- 9th Meeting of the Conference of Parties to the Convention on Migratory Species (CMS) (COP 9), 1 to 5 December 2008, Rome, Italy – no nomination.

- Fifth Regular Session of WCPFC, 8 to 12 December 2008, Busan, Republic of Korea – no nomination.
- Technical Consultation to draft a legally-binding instrument on Port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing, 26 to 30 January 2009, Rome, Italy – Spain.
- 28th Session of COFI, 2 to 6 March 2009, Rome, Italy – Executive Secretary.
- Second Meeting of Regional Fishery Body Secretariats Network (RSN-2), 9 and 10 March 2009, FAO Headquarters, Rome, Italy – chaired by the CCAMLR Executive Secretary.
- ATCM XXXII, 3 to 17 April 2009, Baltimore, USA – Executive Secretary.
- CEP XII, 3 to 11 April 2009, Baltimore, USA – Scientific Committee Chair and CCAMLR Science Officer.
- Third Meeting of Parties of ACAP (MOP3), 27 April to 1 May 2009, Bergen, Norway – no nomination.
- Seventh International Consultation on the Establishment of the South Pacific RFMO, 18 to 22 May 2009, Lima, Peru – Australia.
- 61st Annual Meeting of the IWC, 22 to 26 June 2009, Madeira, Portugal – USA.
- 16th Annual Meeting of CCSBT, 20 to 23 October 2009, Jeju Island, Korea – no nomination.
- 13th Session of IOTC (dates and venue to be confirmed) – Australia.
- 6th Annual Meeting of SEAFO (dates and venue to be confirmed) – European Community.
- 4th Session of SWIOFC (dates and venue to be confirmed) – no nomination.