

COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

Reports of observers from international organisations and Intergovernmental organisations

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

ACAP

15.2 The ACAP Executive Secretary reported to the Commission on actions undertaken by the Agreement of specific relevance to the issues under discussion by the Commission.

15.3 The Third Session of ACAP's Meeting of the Parties (MoP3) was held in Norway in April 2009. All species of albatrosses are now listed under ACAP, giving the Agreement a global coverage. The number of CCAMLR Members that are considered Range States under the Agreement has also increased. ACAP invited all CCAMLR Members who are either ACAP Parties or Range States to attend the next meeting of its Advisory Committee (AC5), to be held in Mar del Plata, Argentina, during April 2010.

15.4 The ACAP Executive Secretary noted that although a great deal has been accomplished by ACAP, it is not possible to assess the extent to which the actions taken had been successful in improving the conservation status of albatrosses and petrels. This was attributable to the absence of relevant data on by-catch of these species in fisheries, both on the high seas and in domestic waters. To address this issue, ACAP Parties had agreed that MOUs should be negotiated with relevant high-seas fisheries management organisations, including CCAMLR and the tuna RFMOs, to facilitate access to such data.

15.5 The ACAP Executive Secretary outlined a proposed MOU between CCAMLR and the ACAP Secretariat (CCAMLR-XXVIII/BG/19). This non-legally binding instrument would seek to facilitate cooperation between CCAMLR and ACAP, in particular through the exchange of information relating to: systems for collecting and analysing data; conservation management approaches; education and awareness programs; and by-catch mitigation measures. It would also facilitate reciprocal participation, with observer status, at relevant meetings. Furthermore, the provision of by-catch data from domestic and high-seas fisheries adjacent to CCAMLR waters would aid the Commission to identify the potential impact of fisheries on species found in the CAMLR Convention Area.

15.6 The ACAP Executive Secretary also noted that although the MOU would not be legally binding, it would establish a formal relationship between the two organisations and clearly identify the areas in which cooperation was desired. This in turn, would provide a clear framework for the secretariats to operate within. Furthermore, it would facilitate development of data-sharing agreements for the exchange of information.

15.7 Many Members spoke in favour of the MOU citing the shared aims of ACAP and CCAMLR, especially in acquiring data on incidental mortality of Convention Area seabirds in fisheries outside the Convention Area.

15.8 While indicating that Argentina is fully supportive of cooperation between CCAMLR and ACAP and that cooperation should be strengthened, it recalled its view that CCAMLR is not entitled to legislate for areas outside the Convention Area.

15.9 Australia, New Zealand, UK and the USA disagreed with Argentina's statement concerning jurisdiction of the Convention.

15.10 Australia made the following statement:

'Australia does not agree with the interventions of Argentina. The only spatial limitation on the area of the application of the Convention is to the resources to which the Convention applies. The Convention applies to Antarctic marine living resources in the Convention Area that is defined in Article I. The spatial application of the Convention is not restricted in any other way. The objective of the Convention as stated in Article II, is the conservation of Antarctic marine living resources, where conservation includes rational use. Measures to further this objective, that is, to conserve Antarctic marine living resources that are situated within the Convention Area, can apply outside the Convention Area.'

15.11 In reply to Australia, Argentina indicated that the scope and the boundaries of the Convention are well defined in its text.

15.12 The Commission endorsed an amended version of the MOU and requested the Secretariat to forward the proposed text to ACAP (Annex 8). Once ACAP indicates that it agrees with this text, the CCAMLR Executive Secretary would then be authorised to sign the MOU and notify all Members through a Commission Circular.

ASOC

15.13 ASOC made the following statement to the Commission:

'ASOC is concerned for the discussion related to the management of the krill fishery, and particularly interim protective measures and the need to improve monitoring of krill predators.

The last risk assessment – undertaken in the context of WG-EMM – shows that the rules currently in place for krill fishing are not sufficiently precautionary to achieve the objectives of the Convention. The last WG-EMM meeting considered that an interim subdivision of the krill catch limit (trigger level) amongst subareas would be a pragmatic approach until SSMU allocations are in place.

ASOC calls on the Commission to support Option 4, as recommended by the Scientific Committee, and proposed by the Government of Ukraine, because it proposes subdividing the catch limit for krill in Area 48, among subareas, based on the best science available and would further subdivide the catch between coastal and pelagic SSMUs to prevent concentration of the krill fishery. In our view, this proposal has the greatest potential to reduce the risks for predators as a result of krill fishing.

Other priorities for further action include systematic scientific observer coverage, and addressing uncertainty over krill removals as a result of problems with data reporting and krill escape mortality.

ASOC fully supports the suggested milestones for progressing the work on identifying and establishing a comprehensive and representative network of marine protected areas and marine reserves in line with the 2012 targets. In addition, ASOC encourages Member States to be bold in putting forward multiple prospective sites that are of sufficient scale to fulfil the full range of agreed conservation objectives, including the urgent need to build the resilience necessary to buffer against the impacts of climate change. In this regard, ASOC urges Members to put forward a proposal to protect the Ross Sea shelf and slope that has emerged as a clear priority for protection as underscored by the fine-scale bioregionalisation overseen by New Zealand.

A new strategy and commitment is needed to end IUU fishing in the Southern Ocean as this problem continues to persist at high levels. Ideally, this would best be started by a decision at this year's CCAMLR meeting agreeing on a mission statement and a collaborative process aimed at adopting a package of more effective conservation measures. We urge all FAO Member States to work to ensure that the FAO conference endorses the recently completed Port State Agreement so that it can be open for signature and ratification by all countries as a matter of urgency.

ASOC would like to acknowledge the importance of the proposed MOU between CCAMLR and ACAP and commends CCAMLR for taking this important step to further cooperate with other relevant Agreements to enhance conservation of Antarctic living marine life. ASOC would also like to remind ACAP member countries present of their binding obligations under the Agreement to address issues of seabird conservation both within and outside areas of national jurisdiction. ASOC also implores CCAMLR Members who are not party to ACAP to join and to implement the Agreement as comprehensively as possible to enhance albatross and petrel conservation globally.

ASOC supports the need for a capacity-building fund and its potential to be a critical element in improving the overall effectiveness of capacity building. We would also urge CCAMLR to start to allow NGO observers at all working groups. Finally, ASOC wanted to note that it too felt that the Joint SC-CAMLR-CEP Workshop was an important joint meeting and would encourage further steps be taken to increase the integration of both committees' work.'

COLTO

15.14 COLTO thanked the Commission for the opportunity to be represented at CCAMLR-XXVIII and made the following statement:

'Although we in this room may recognise how positive CCAMLR has been at deterring IUU fishing, and managing toothfish, this view is not shared in the wider world. It is important to promote accurately what is happening with our fisheries.

Misleading or incorrect information on public websites is of concern to COLTO as it not only undermines our ability as commercial operators to sell legally, sustainably caught toothfish, but it greatly undermines the work of CCAMLR.

For example, Members may like to look at the WWF International *Seafood Guide* (www.panda.org) which lists Chilean sea bass as Red Label (Avoid) or the Monterey Bay Aquarium *Seafood Watch* site (www.montereybayaquarium.org) which states that “Chilean sea bass is severely overfished and is rated as ‘Avoid’”. In addition, most Chilean sea bass in the US market comes from boats that are fishing illegally and using unmodified longlines”. The Marine Conservation Society site *Fishonline* gives Chilean sea bass a score of 5 (the worst rating – meaning it is a “Fish to avoid” for all areas except the South Georgia fishery). This results in problems as we have had this year, with the international Fairmont Hotels and Resorts Group (with 23 000 hotel rooms and 26 000 employees) through their Green Partnership Program stating they “...will remove threatened species like Chilean sea bass...” from their menus.

It is critical that CCAMLR does not allow this level of misinformation and errors about its work to go unchallenged, and COLTO urges Members to work to ensure the good work of the Commission is publicised appropriately.

COLTO members support the concept of avoiding “Significant Adverse Impacts” on VMEs and a large number of our members participated in the procedures introduced by CCAMLR last year to provide data to identify areas of possible VMEs. The move-on provisions in Conservation Measure 22-07 resulted in a number of areas being temporarily closed in high-seas CCAMLR regions pending assessment by scientists. Information was gathered by our members, impacts were mitigated, and industry was cooperative with the program. This was done in the reasonable expectation that CCAMLR would assess and advise on those areas at this year’s meeting, and determine future requirements surrounding those areas.

For CCAMLR now to suggest that those areas should remain closed because there is a need for “further study” is unreasonable. COLTO members accept that the interim controls remain in place as set last year and that the measures for avoiding adverse impacts should remain as set last year. However, the areas that were closed last year as a result of the move-on provisions should reopen for this coming year while scientists complete their reviews.

CCAMLR work, and CCAMLR science, should be based on facts and not be swayed by misleading information, sensationalism, or other motivations that may be acting against Article II of its Convention, where it explicitly recognises that the term “Conservation” includes rational use.

Commercial fishing has an impact on the environment. This needs to remain mitigated and properly managed to ensure those impacts are not unsustainable. COLTO asks that CCAMLR Members should rebalance the debate between the “anti-fishing” lobby that would have us shut down vast areas of CCAMLR in a sometimes misguided approach to preserve vast areas for whatever reason, and the more appropriate aspects under Article II of our Convention which support sustainable conservation, including rational use.

From a legal operators' viewpoint, we recognise industry has had an impact. Indeed, sectors of industry have clearly fished illegally, unsustainably and in ways we all will work to eliminate. But for those of us working within the rigours of CCAMLR regulations, it is hard at times to see where recognition of our efforts as legal operators is made, and how the hype and sensationalism can be overcome.

COLTO believes that legal fishing can only effectively be managed sustainably if consideration is given to future allocations on high seas. CCAMLR began to consider some of those difficult issues several years ago, but appears to have been sidetracked by the more populist issues of the day. COLTO recognises how hard it will be to progress high-seas allocations, but as a legal industry we would like to encourage CCAMLR Parties to restart those discussions.'

IWC

15.15 Two papers from CCAMLR observers to IWC (SC-CAMLR-XXVIII/BG/4 and CCAMLR-XXVIII/BG/21) detailed IWC work of relevance to CCAMLR. The information in these papers was updated by Prof. B. Fernholm (IWC Observer) by mentioning that the IWC Chair's Support Group had met in October 2009. The Group was not able to finish its work but will meet again in early December to finalise its task. This also meant that the intersessional meeting of the Small Working Group on the Future of the IWC (CCAMLR-XXVIII/BG/21) has been postponed until March 2010.

Reports of CCAMLR representatives at meetings of international organisations in 2008/09

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

- 5th Annual Meeting of SEAFO, 6 to 9 October 2008, Windhoek, Namibia – CCAMLR-XXVIII/BG/17 (Norway);
- 16th ICCAT Annual Meeting, 17 to 24 November 2008, Marrakesh, Morocco – CCAMLR-XXVIII/BG/35 (European Community);
- 28th Session of the Committee on Fisheries (COFI), 2 to 6 March 2009, Rome, Italy – CCAMLR-XXVIII/BG/4 (Executive Secretary);
- Second Meeting of Regional Fishery Body Secretariats Network (RSN-2); 9 and 10 March 2009, FAO Headquarters, Rome, Italy – CCAMLR-XXVIII/BG/4 (Executive Secretary);
- 13th Annual Session of the Indian Ocean Tuna Commission (IOTC), 30 April to 3 May 2009, Bali, Indonesia – CCAMLR-XXVIII/BG/25 (Australia);
- Seventh International Consultation on the Establishment of the South Pacific RFMO, 18 to 22 May 2009, Lima, Peru – CCAMLR-XXVIII/BG/24 (Australia);

- 61st Annual Meeting of the IWC, 22 to 26 June 2009, Madeira, Portugal – CCAMLR-XXVIII/BG/21 (USA);
- FAO Expert Consultation on Flag State Performance, 23 to 26 June 2009, Rome, Italy – CCAMLR-XXVIII/BG/14 (Executive Secretary);
- Eighth Meeting of the CCSBT Ecologically Related Species Working Group (ERSWG), 1 to 3 September 2009, Busan, Republic of Korea – CCAMLR-XXVIII/BG/10 (Secretariat);
- 31st Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO), 21 to 25 September 2009, Bergen, Norway – CCAMLR-XXVIII/BG/43 (European Community);
- 6th SEAFO Annual Meeting, 5 to 9 October 2009, Swakopmund, Namibia – CCAMLR-XXVIII/BG/36 (European Community).

15.17 With regards to document CCAMLR-XXVIII/BG/4, Argentina expressed reservation about the section relating to the Second Meeting of the Regional Fisheries Bodies Secretariats Network, in particular, the terms of reference of that meeting which was held in Rome on 9 and 10 March 2009. In this respect, the following questions, *inter alia*, need to be considered:

- (i) Is the actual intention to establish an integrated structure (a ‘Network’), not by States, but by secretariats of international fisheries organisations?
- (ii) Beyond the exchange of information and other cooperation aspects, what would be the implications for CCAMLR of an institutional and collective involvement with organisations which differ from CCAMLR in their objectives and membership?

15.18 In this context, Argentina emphasised once again that it is not a Party to the New York Agreement of 1995 on Straddling Fish Stocks and Highly Migratory Fish Stocks and that none of its provisions nor its decisions, resolutions or recommendations adopted in its framework, or derived from the said Agreement, are binding or have an exhortatory effect for Argentina, nor for any other State that is not a Party to the said instrument. In addition, Argentina stated that the Agreement must not be considered customary law.

15.19 In relation to RFMOs in general, Argentina stated that the 1995 New York Agreement has, since then, regulated the establishment and functioning of such organisations, but only in respect to States that are Party to it. The establishment of RFMOs regulating high-seas areas is not an end in itself, nor do RFMOs constitute the only existing means for conservation of high-seas resources. Furthermore, RFMOs have the inherent limitation of being made up of a group of States that do not represent the international community as a whole, nor do they necessarily represent its interests. In fact, they do not have the power to prescribe regulations in relation to third-party States, nor can they assume representation of the rest of the international community nor aspire to establish measures to be applied *erga omnes*. RFMOs have a clearly defined mandate defined by their competence which is conservation and the harvesting of fishery resources. Therefore, high-seas ‘governance’ cannot be their objective.

15.20 Furthermore, Argentina recalled paragraph 3.4 of the FAO Plan of Action on IUU Fishing, according to which unregulated fishing is legal if it is conducted in accordance with international law.

15.21 The European Community stated it does not share the view of Argentina with respect to its interpretation of the competencies of different fisheries management organisations. While the European Community would not wish to undermine the specific characteristics of CCAMLR, there is recognition that the Commission operates in a global system and therefore there is a need for the CCAMLR Secretariat to cooperate with other secretariats that operate in that system.

15.22 Argentina clarified that this cooperation should not be based on the UN Fish Stocks Agreement but on the Law of the Sea. For example, CCAMLR and ACAP are conservation organisations and do not have purely economic objectives. Therefore, bodies should not be created to link organisations with two different objectives because if CCAMLR were to appear to be just another RFMO, this would undermine the objectives of the Commission.

15.23 In respect to the intervention by Argentina, the Executive Secretary noted that the FAO RSN had, in 2005, replaced the previous FAO Regional Fisheries Bodies (RFB) group established in 1999. Both these bodies have no decision-making powers and have provided a common forum for some 35 regional bodies dealing with fisheries matters⁴, ecosystem-related management⁵ and institutions such as ICES. The previous CCAMLR Executive Secretary was Vice-Chair of the RFB until 2003 when the incumbent Secretary took up the Chair until the end of RSN's Third Meeting in 2009. The RFB and RSN biennial meetings allow for cooperation between the various secretariats involved to be discussed subject to any decisions made by their authoritative bodies (e.g. the Commission). Full reports of these discussions have been provided to the Commission (CCAMLR-XXII, paragraph 14.52; CCAMLR-XXII/BG/4; CCAMLR-XXIV, paragraph 15.15; CCAMLR-XXIV/BG/10; CCAMLR-XXVI, paragraph 16.17; CCAMLR-XXVI/BG/4; CCAMLR-XXVIII/BG/4).

Cooperation with CCSBT

15.24 The Commission noted that the correspondence with the CCSBT since 2005 was provided in CCAMLR-XXVIII/9. It further noted that a draft arrangement between the CCSBT and CCAMLR had been discussed at the CCSBT Extended Commission Meeting in October 2009. The Commission noted with interest that the CCSBT had agreed that the draft arrangement required revision intersessionally prior to being forwarded to CCAMLR with a view to formalising this as soon as possible.

15.25 The Commission noted the attendance of the Science Officer at the CCSBT ERSWG (CCAMLR-XXVIII/BG/10) and agreed that such links between CCAMLR and the CCSBT ERSWG were essential with respect to the conservation of seabirds.

⁴ These include RFBs with no management mandate and RFMOs with such a mandate.

⁵ These include ACAP and CCAMLR.

Cooperation with WCPFC

15.26 The Commission noted that the Arrangement between CCAMLR and WCPFC (CCAMLR-XXVII/BG/17 and CCAMLR-XXVI/BG/9) came into force on 12 January 2009 as notified by COMM CIRC 09/11 of 30 January 2009. The Commission looked forward to receiving details of the next meeting of the WCPFC (7 to 11 December 2009).

Partnership in FIRMS

15.27 The Commission noted the recommendation in CCAMLR-XXVIII/BG/4 (paragraph 40) that suggested a review of future collaboration with FIRMS should be tabled for consideration at CCAMLR-XXIX.

Participation in CCAMLR meetings

15.28 The Secretariat advised Members that, as discussed last year (CCAMLR-XXVII, paragraph 16.31), 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 2009.

Nomination of representatives to meetings of international organisation in 2009/10

15.29 The following observers were nominated to represent CCAMLR at meetings of international organisations in 2009/10:

- 21st Regular Meeting of ICCAT, 6 to 15 November 2009, Porto Galinhas, Recife, Brazil – Brazil.
- Eighth Round of International Consultations on the establishment of the proposed South Pacific RFMO Organisation, 8 to 14 November 2009, Auckland, New Zealand – New Zealand (see COMM CIRC 09/114).
- Sixth Regular Session of WCPFC, 7 to 11 December 2009, Papeete, Tahiti – no nomination.
- 23rd Session of the Coordinating Working Party on Fishery Statistics (CWP), 22 to 26 February 2010, Hobart, Australia – CCAMLR Data Manager.
- 6th Meeting of the FIRMS Steering Committee, 22 to 26 February 2010, Hobart, Australia – CCAMLR Data Manager.
- 14th Session of IOTC, 1 to 5 March 2010, Busan, Republic of Korea – European Community.

- 15th Meeting of the Conference of the Parties of CITES, 13 to 25 March 2010, Doha, Qatar – no nomination.
- ATME on Climate Change, 6 to 9 April 2010, Oslo, Norway – Norway.
- Ninth Round of Informal Consultations of States Parties to the UN Fish Stocks Agreement, 15 to 19 March 2010, New York, USA – no nomination.
- 12th Session of the COFI Sub-Committee on Fish Trade, 26 to 30 April 2010, Buenos Aires, Argentina – Argentina.
- ATCM XXXIII, 3 to 14 May 2010, Punta del Este, Uruguay – Executive Secretary.
- CEP XIII, 3 to 14 May 2010, Punta del Este, Uruguay – Chair of the Scientific Committee and CCAMLR Science Officer.
- Resumed Review Conference on the UN Fish Stocks Agreement, 24 to 28 May 2010, New York, USA – no nomination.
- 62nd Annual Meeting of the IWC, 21 to 25 June 2010, Agadir, Morocco – Belgium.
- 17th Annual Meeting of CCSBT, 11 to 15 October 2010 (venue not yet known) – Australia.
- 7th Annual Meeting of SEAFO, 15 October 2010, Narita, Japan – Namibia.
- 10th Meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD) (COP 10), 18 to 29 October 2010, Nagoya, Japan – no nomination.
- 5th Session of SWIOFC (dates and venue not yet known) – South Africa.
- Annual Meeting of NAFO (dates and venue not yet known) – European Community.