

COOPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

Reports of observers from international organisations
and intergovernmental organisations

ACAP

14.1 The ACAP Observer made the following statement to the Commission:

‘ACAP noted that it is very pleasing to see that issues associated with incidental mortality have been addressed so effectively by CCAMLR that it is now possible to have WG-IMAF meet on an irregular basis. ACAP also noted that a watching brief needs to be maintained and that some issues will still need to be addressed on an annual basis.

ACAP noted that a great deal of work still needs to be done to address the by-catch of Convention Area seabirds in waters adjacent to CCAMLR. ACAP intends to take this work forward, using the achievements of CCAMLR as a model for the managers of the adjacent fisheries. However, it is vital that ACAP has the support of CCAMLR Members, who are also Members of these other Commissions. In particular, individuals who have participated in the work of CCAMLR and understand how these successes have been achieved must use this knowledge to encourage the adoption of appropriate methodologies and practices in these adjacent Commissions, if we are to be successful in addressing the by-catch of seabirds in these waters.

ACAP thanked the Chairman, the people participating in the meeting and their predecessors, for their innovation, persistence and hard work that have enabled seabird by-catch to be addressed so effectively by CCAMLR. CCAMLR has undoubtedly been responsible for preventing the loss from the Southern Ocean of some of the most majestic species found there and have demonstrated to the international community that it is indeed possible to manage high-seas resources effectively. This is a remarkable achievement.’

ASOC

14.2 ASOC made the following statement to the Commission:

‘ASOC thanked the Commission for the opportunity to observe the 30th annual meeting of the Commission, and submitted five papers (CCAMLR-XXX/BG/19, BG/20, BG/21, BG/22 and BG/23) to the meeting that are relevant to the work of the Commission.

ASOC encouraged all countries that have not ratified the Port State Measures Agreement to do so expeditiously in order to enhance the battle against IUU fishing, and urged the CAMLR Commission to strengthen its own system of Port State Measures. ASOC thanked the Commission for the progress made on krill at this meeting, specifically noting the extension of Conservation Measure 51-07, the establishment of a dedicated CEMP fund, the further refinement of data collection from observers, and new notification of requirements for transshipment of krill.’

COLTO

14.3 COLTO made the following statement:

‘The Coalition of Legal Toothfish Operators (COLTO) would like to record our pleasure at some very positive results from this past year.

COLTO has become formally incorporated as an organisation, and we have improved our website to reflect our more positive approach to supporting legal and sustainable fishing for toothfish, and particularly our focus to promote accuracy in reporting on toothfish fisheries. Our website can be found at www.colto.org. There are still many websites giving inaccurate or outdated details on our fisheries, and COLTO will be working to help explain some of those errors to the hosts of those sites over the next 12 months.

This refocus for COLTO members has been made possible through the achievements of CCAMLR at ensuring IUU fishing for Patagonian toothfish remains at an all-time low. For Antarctic toothfish, IUU catches remain at near-zero levels except for the high seas in Subarea 58.4, where CCAMLR have no established fisheries, and limited control over non-Party vessel operations. This continues to represent a problem for all of us.

That said, the reduction by over 95% of estimated toothfish IUU catches from their peak in 1996 is astounding. That was outlined last year in SC-CAMLR-XXIX, Annex 8, Table 6. Within those figures, there is a reduction of 99.9% of IUU catches of Patagonian toothfish.

COLTO will continue to work with CCAMLR Members to eliminate the remaining IUU activity on Antarctic toothfish in the high-seas areas of Subarea 58.4, and applauds the substantial progress to date of us all.

The collaboration between COLTO member vessels and science is evident in so many of CCAMLR’s programs. It is off the back of our vessels that much of the science has been gathered and introduced to CCAMLR. Some examples include the literally tens of thousands of toothfish tagged and released by COLTO members, support from COLTO members for scientific observers and research programs to improve understanding of our fisheries and ecosystems, as well as acoustic data provision, along with climate and weather data collection programs. Members will continue their keen interest in, support of, and provision of data for, scientific purposes.

It is also a significant achievement for CCAMLR when we hear the Chair of the Scientific Committee state this week that “...levels of seabird mortality are negligible in most areas...”. In the one region yet to achieve these near-zero results, it is still incredible they have reduced interactions by over 98% from their peak levels, and are continuing to improve each year. The congratulations on our achievements from the Executive Secretary of ACAP, and recognition of the value and applicability of our approaches to reduce seabird by-catch for other conservation bodies and RFMOs, again is a success story for industry and CCAMLR alike.

It is clear that claims from anti-fishing groups toothfish fishing in CCAMLR may be decimating seabird populations are patently incorrect. Along with other false statements that mislead the public, COLTO will focus on promoting the good work of CCAMLR and its many Members, to tell the true story that we can all rightfully be proud of.

On other environmental aspects, COLTO members have a clear interest, and significant expertise, that can be valuable regarding proposals for MPAs in CCAMLR, including East Antarctica as well as the Ross Sea. Whenever Members are considering development of management plans or proposals, COLTO members remain keen and willing to provide inputs and expert advice to any working groups or discussions.

We look forward to continued collaboration and positive involvement within CCAMLR, and appreciate being afforded the opportunity to participate as an observer. On that note, we also acknowledge the new approach for electronic access to papers by the Secretariat as beneficial, environmentally friendly, and an improvement over the huge impost of paperwork we all used to struggle with.'

IWC

14.4 The IWC Observer drew attention to CCAMLR-XXX/BG/33 – Report of the IWC Observer from the 63rd Annual Meeting of the IWC, 3–14 July 2011, St Helier, Jersey, UK, noting that Mr de Lichtervelde was appointed Vice-Chair of the Conservation Committee. Additional information on IWC was also provided in the Scientific Committee report (SC-CAMLR-XXX, paragraph 10.8).

Reports of CCAMLR representatives at meetings of international organisations in 2010/11

14.5 The Commission noted, with appreciation, the numerous reports summarising the main outcomes of meetings of other organisations of interest to CCAMLR tabled as background papers by numerous delegations:

CCAMLR-XXX/BG/28 – Report from the CCAMLR Observer (European Union) to the 17th Special Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT), CCAMLR Observer (European Union)

CCAMLR-XXX/BG/29 – Report from the CCAMLR Observer (European Union) to the FAO Technical Consultation on Flag State Performance, 2–6 May 2011, CCAMLR Observer (European Union)

CCAMLR-XXX/BG/30 – Report from the CCAMLR Observer (European Union) to the 15th Session of the Indian Ocean Tuna Commission (IOTC) held in Colombo, Sri Lanka, from 18 to 22 March 2011, CCAMLR Observer (European Union)

CCAMLR-XXX/BG/31 – Report from the CCAMLR Observer (European Union) to the 82nd Meeting of the Interamerican Tropical Tuna Commission (IATTC) CCAMLR Observer (European Union)

CCAMLR-XXX/BG/32 – Report from the CCAMLR Observer (European Union) to the 33rd NAFO Annual Meeting, 19–23 September 2011, Halifax, Canada, CCAMLR Observer (European Union)

CCAMLR-XXX/BG/33 – Report of the IWC Observer from the 63rd Annual Meeting of the IWC, 3–14 July 2011, St Helier, Jersey, UK, IWC Observer (Sweden)

CCAMLR-XXX/BG/39 – Report from the CCAMLR Observer to the Meeting of the Extended Commission for the 18th Annual Session of the Commission for the Conservation of Southern Bluefin Tuna (10–13 October 2011, Bali, Indonesia), CCAMLR Observer (Australia)

CCAMLR-XXX/BG/41 – Observer's report from the Second Preparatory Conference of the South Pacific Regional Fisheries Management Organisation, CCAMLR Observer (New Zealand)

CCAMLR-XXX/BG/42 – Observer's Report from the Seventh Session of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, CCAMLR Observer (New Zealand).

14.6 New Zealand, in its capacity as CCAMLR Observer for the South Pacific Regional Fisheries Management Organisation (SPRFMO), drew attention to CCAMLR-XXX/BG/41 and informed the Commission that eight ratifications or accessions were required for the Convention to enter into force and that currently there are six ratifications; the next SPRFMO meeting is scheduled for 30 January to 3 February 2012 in Santiago, Chile.

14.7 The Chair introduced CCAMLR-XXX/BG/16 (Calendar of meetings of relevance to the Commission in 2011/12) and invited nominations for the CCAMLR observers to other meetings; the nominations are presented in Table 3.

14.8 Argentina made the following statement:

‘Argentina once again emphasised 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 which has not expressly given its consent to be bound by it. In addition, Argentina stated that the Agreement must not be considered customary law.

In relation to regional fisheries management organisations (RFMOs) in general, 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 are not entitled to prescribe regulations in relation to third-party States, nor can they assume representation of the rest of the international community nor pretend to establish measures to be applied *erga omnes*. RFMOs have a clearly precise mandate defined by their competence which is conservation and the exploitation of fish resources by maximising benefits. Therefore, high-seas 'governance' cannot be their objective.

Argentina clarified that cooperation should not be based on the UN Fish Stocks Agreement but on the Law of the Sea. CCAMLR and ACAP are both conservation organisations; they do not have economic objectives. Therefore, cooperation between them is highly desirable. However, when attempting to establish links between CCAMLR and an RFMO, since they have different objectives, a careful analysis should be carried out in order to regulate the instruments of that cooperation and to determine the consequences deriving from it. Otherwise, if CCAMLR was to appear to be just another RFMO, this could undermine the objectives of the Convention.

Furthermore, Argentina considers that in those documents related to international meetings in which the Executive Secretary is involved, CCAMLR should not be reflected as being an RFMO.'