



CCAMLR

COMM CIRC 09/103
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CCAMLR Performance Review

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**TO ALL MEMBERS OF THE COMMISSION
AND THE SCIENTIFIC COMMITTEE**

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The European Community has requested that the attached paper be distributed to all Members. The paper will also be available to Members as a Commission Working Paper (CCAMLR-XXVIII/28) during the forthcoming Commission meetings.

Dr D.G.M. Miller
Executive Secretary

Attch.



CCAMLR-XXVIII/28

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COMMISSION

**CONCERNS OF THE EUROPEAN COMMUNITY REGARDING
THE RECENT PERFORMANCE OF CCAMLR**

Delegation of the European Community

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Concerns of the European Community regarding the recent performance of CCAMLR

1. INTRODUCTION

The European Community is concerned with the recent performance of CCAMLR and fears that this organisation may be losing its proactive attitude towards developing management tools for conservation of marine living resources in the area of its competence. The aim of this paper is to reflect upon recent developments and stimulate a debate amongst CCAMLR Members in order to redress the current situation.

The overarching objective of the CCAMLR Convention is the conservation of marine living resources and their rational use. CCAMLR enjoys an international reputation as an organisation with robust conservation credentials that have enabled it to take the lead in developing management tools with a strong emphasis on conservation and sustainability. CCAMLR's position is unique compared to RFMOs due to its integral position within the Antarctic Treaty System (ATS) and strong legal linkages to the Antarctic Treaty and its Protocol on Environmental Protection.

At the same time, however, CCAMLR features characteristics similar to those of RFMOs and the distinction between CCAMLR and *stricto sensu* RFMOs is said to have lessened in recent years. This is partly due to the changing emphasis within CCAMLR of the ratio of fishing to non-fishing Members of the Commission and the increasing numbers of Contracting Parties that have no traditional linkage with the ATS.

2. CCAMLR'S RECENT PERFORMANCE

It is of great concern to the European Community that in the course of the past few years the progressive nature of CCAMLR has been weakened. CCAMLR seems to have lost its drive to promote solutions aiming at protection of stocks and ecosystems that can be, and have been in the past, replicated by RFMOs and therefore demonstrate its international leadership in ocean management with a strong emphasis on conservation.

While many causes for this decline may be identified, as outlined in the CCAMLR Performance Review (such as lack of connection between the broader ecosystem monitoring of biodiversity and dependent predators with management decision-making or loopholes in control of fishing and fishing capacity), the recent inability of the Commission to achieve progress on some crucial issues risks damaging the reputation of CCAMLR. For example, there has been little progress in the past few years on a range of proposals, such as those relating to the enhancement of tools at CCAMLR's disposal to improve the management of the Antarctic living marine resources, and the consolidation of CCAMLR action against IUU fishing.

One example is the CCAMLR Commission's failure to adopt trade measures to improve compliance with CCAMLR conservation measures, despite three years of discussion on the matter. Such a situation is of particular concern given the importance of such a measure in combating IUU fishing, which is an issue of immense importance to

CCAMLR, underlined repeatedly by the Commission itself. Moreover, the adoption of trade related measures has been advocated by the Performance Review Panel.

Discussions to adopt a proposal to review and strengthen the System of Inspection have also stalled, resulting in a failure to adopt some crucial updates to enhance the effectiveness of the inspection system in addressing the problem of IUU fishing. This is despite the Performance Review Panel's recommendation that the Scheme be reviewed, and that an "enhanced port inspection reporting would provide a further means of verification of the CDS in an enhanced catch reconciliation system".

Additionally, despite consistent recommendations of the CCAMLR Scientific Committee over the course of past few years relating to observer coverage on krill vessels, the CCAMLR Commission has been unable to make progress on a krill observer scheme. The fundamental role of krill in the Antarctic ecosystem is widely recognised amongst the CCAMLR Members while the Performance Review panel concluded that "there is need for particular attention to be directed towards the adequacy of monitoring and management of the krill fishery to ensure that its expected development is consistent with Article II [of the CCAMLR Convention]". The repeated failure to adopt such a measure prevents the collection of adequate scientific information on this species of crucial importance which is bound to have negative implications for the entire Antarctic ecosystem. This is particularly significant as the increased development of krill fishery appears very likely in the future.

The European Community is deeply concerned with the abovementioned developments and the fact that proposed conservation measures, in line with CCAMLR objectives, have not been adopted. While CCAMLR is still far from losing its influence, its track record points to a relative weakening of its effectiveness.

This is further exacerbated by the increasing economic importance of fisheries in the CCAMLR area of competence which renders the motivation for adoption of measures underpinned by the precautionary principle harder, and weakens the spirit of this organisation. It is therefore imperative that action is taken in order to prevent further decline and allow CCAMLR to claim back its leadership position in global fisheries conservation and oceans management.

3. A WAY FORWARD

The European Community calls upon all CCAMLR Members to assume their full responsibilities towards the CCAMLR and the Antarctic ecosystem. CCAMLR must revitalise itself to ensure that its philosophy and objectives are not lost and that it acts to protect the Antarctic marine living resources.

In connection with the follow up of the recommendations of the Performance Review Panel, the EC calls for an urgent discussion on, inter alia, following issues at the forthcoming CCAMLR Plenary:

- the establishment of Marine Protected Areas (MPAs), following advice by the CCAMLR Scientific Committee. This would be in line with CCAMLR's objectives of conservation of marine living resources and reverse the abovementioned trend of weakening of the CCAMLR's conservationist credentials. The Performance Review panel stated that "taking a proactive approach towards the design and establishment of

new MPAs would be consistent with CCAMLR's *unique* position as a conservation-based organisation and provide CCAMLR with the opportunity to provide leadership amongst RFMOs";

- measures requiring biological data reporting; krill is a species of fundamental importance to the Antarctic ecosystem and more attention need to be directed towards the adequacy of monitoring and management of this fishery to ensure that its expected development is consistent with the Article II of the Convention. Current major data gaps severely limit CCAMLR's ability to monitor and manage this resource;
 - a mandatory observer program for krill fisheries;
 - minimum standards for the format, content and submission of inspection reports in order to strengthen the System of Inspection and close loopholes existing in certain Port States, and in line with the conclusions of the FAO Agreement on port State control;
 - the enhancement of CCAMLR's ability to keep on fighting and irrevocably address the grave concern represented by IUU fishing.
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