

**MARINE MAMMAL MANAGEMENT IN THE NORTH ATLANTIC:
CHALLENGES AND OPPORTUNITIES FOR NAMMCO**

Dr Richard Coddie

Institute of International Shipping and

Trade Law, Swansea University, Swansea, United Kingdom

NAMMCO is a unique institution; there is no other regional equivalent for comparison. However, a considerable number of organisations address some of the species covered by NAMMCO. The main global body for large cetaceans is the International Whaling Commission (IWC), although a number of other treaties have an application to marine mammal management and conservation: The Bonn Convention on Migratory Species (CMS), Convention on Biodiversity (CBD), Convention on International Trade of Endangered Species (CITES).

Commitments towards marine mammals were established in the UN Convention on the Law of the Sea (1982), and particularly relevant are Articles 64 and 65. Both provisions are rather vague and unclear, and seemingly require states to develop management procedures through multilateral bodies and international cooperation. However, the precise legal obligations within these provisions are subject to considerable debate and controversy.

The Article 64 states:

"The coastal State and other States whose nationals fish in the region for the highly migratory species listed in Annex 1 shall cooperate directly or through appropriate international organizations with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the exclusive economic zone. In regions for which no appropriate international organization exists, the coastal State and other States whose nationals harvest these species in the region shall cooperate to establish such an organization and participate in it as well."

Broadly speaking, obligations arise for a relatively limited set of species, primarily fish, but also apply to an extensive range of cetaceans, including those species that are harvested or prospectively harvested in the NAMMCO area. However, the Article does not apply to pinnipeds.

The Article 65 states:

"Nothing in this Part restricts the right of a coastal State or the competence of an international organization, as appropriate, to prohibit, limit or regulate the exploitation of marine mammals more strictly than provided for in this Part. States shall cooperate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organizations for their conservation, management and study."